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Governor Sean Parnell  
STATE OF ALASKA

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January 14, 2011

The Honorable Mike Chenault  
Speaker of the House  
Alaska State Legislature  
State Capitol, Room 208  
Juneau, AK 99801-1182

Dear Speaker Chenault,

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill extending the termination date of the Alaska coastal management program by six years and relating to the extension; relating to the review of activities of the Alaska coastal management program; and providing for an effective date by amending the effective date of Sec. 22, Ch. 31, SLA 2005.

The Alaska coastal management program is currently set to automatically terminate on July 1, 2011. I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean Parnell".

Sean Parnell  
Governor

Enclosure

**HOUSE BILL NO. 106**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

**BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**Introduced: 1/18/11**

**Referred: Resources, Finance**

**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 of the Alaska coastal**  
3 **management program; providing for an effective date by amending the effective date of**  
4 **sec. 22, ch. 31, SLA 2005; and providing for an effective date."**

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

6 **\* Section 1.** AS 44.66.020(a) is amended to read:

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

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

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

14 (3) programs in the budget categories of health and social services -

1 January, 1982;

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

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

6 \* **Sec. 2.** The uncodified law of the State of Alaska enacted in sec. 22, ch. 31, SLA 2005, is  
7 amended to read:

8 **Sec. 22.** Sections 1 - 13 and 18 of this Act take effect July 1, 2017 [2011],  
9 unless the state's revised coastal management program has not been approved by the  
10 National Oceanic and Atmospheric Administration, Office of Ocean and Coastal  
11 Resource Management, United States Department of Commerce, under 16 U.S.C.  
12 1455 and 1457 (Coastal Zone Management Act of 1972) before January 1, 2006. If the  
13 state's revised coastal management program is not approved before January 1, 2006,  
14 by the National Oceanic and Atmospheric Administration, Office of Ocean and  
15 Coastal Resource Management, United States Department of Commerce, then secs. 1 -  
16 13 and 18 of this Act take effect May 10, 2006. The commissioner of natural resources  
17 shall notify the revisor of statutes on February 1, 2006, whether the revised coastal  
18 management program has been approved as described in this section.

19 \* **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).

# FISCAL NOTE

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

Fiscal Note Number 1  
 Bill Version HB 106  
 (H) Publish Date 1/18/11

Identifier (file name) 1965-DNR-DCOM-1-7-2011 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  
 Requester Governor 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		3,150.2	3,150.2	3,150.2	3,150.2	3,150.2	3,150.2
Travel		95.9	95.9	95.9	95.9	95.9	95.9
Contractual		1,404.4	1,404.4	1,404.4	1,404.4	1,404.4	1,404.4
Supplies		41.2	41.2	41.2	41.2	41.2	41.2
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>4,691.7</b>	<b>4,691.7</b>	<b>4,691.7</b>	<b>4,691.7</b>	<b>4,691.7</b>	<b>4,691.7</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		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							
1005 GF/Program Receipts							
1061 CIP Receipts		244.6	244.6	244.6	244.6	244.6	244.6
1007 IA Receipts		95.5	95.5	95.5	95.5	95.5	95.5
<b>TOTAL</b>	<b>0.0</b>	<b>4,691.7</b>	<b>4,691.7</b>	<b>4,691.7</b>	<b>4,691.7</b>	<b>4,691.7</b>	<b>4,691.7</b>

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

**POSITIONS**

Full-time		33	33	33	33	33	33
Part-time							
Temporary							

**Why this fiscal note differs from previous version**

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

Phone 465-8797  
 Date/Time 1/6/11 12:00 AM  
 Date 1/6/2011

FISCAL NOTE #1

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

BILL NO. HB 106

**Analysis**

The Alaska Coastal Management Program will automatically terminate on July 1, 2011 (SLA2005/Ch31/Sec22). This bill would extend that termination date to July 1, 2017.

This fiscal note reflects the operating budget if the termination date is extended.

# FISCAL NOTE

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

Fiscal Note Number 2  
 Bill Version HB 106  
 (H) Publish Date 1/18/11

Identifier (file name) LL1965-DEC-CO-01-07-11 Dept. Affected Environmental Conservat  
 Title Extending the sunset of the Alaska Coastal Management Appropriation Administration  
 Allocation Office of the Commissioner  
 Sponsor \_\_\_\_\_  
 Requester \_\_\_\_\_ 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	FY 2017
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</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								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

**POSITIONS**

Full-time								
Part-time								
Temporary								

**Why this fiscal note differs from previous version**

Prepared by Marit Carlson-Van Dort  
 Division Office of the Commissioner  
 Approved by Dan Easton  
Deputy Commissioner

Phone 465-5871  
 Date/Time 1/7/11 10:00 AM  
 Date 1/7/2011

**FISCAL NOTE #2**

**STATE OF ALASKA  
2011 LEGISLATIVE SESSION**

**BILL NO. HB 106**

**Analysis**

This bill continues an existing program and, for that reason, does not have a fiscal impact to the Department of Environmental Conservation.

# FISCAL NOTE

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

Fiscal Note Number \_\_\_\_\_  
Bill Version 27-GHI19651A  
( ) Publish Date \_\_\_\_\_

Identifier (file name) HB106-DEC-WQ-03-03-11 Dept. Affected Environmental Conserv  
Title Coastal Management Program Appropriation Water  
Sponsor House Rules Committee by Request of the Governor Allocation Water Quality  
Requester House Resources Committee 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	FY 2017
<b>OPERATING EXPENDITURES</b>								
Personal Services	0.0	62.6	62.6	62.6	62.6	62.6	62.6	62.6
Travel	0.0	4.8	4.8	4.8	4.8	4.8	4.8	4.8
Services	0.0	7.6	7.6	7.6	7.6	7.6	7.6	7.6
Commodities	0.0	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	0.0
Grants	0.0	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	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>75.0</b>	<b>75.0</b>	<b>75.0</b>	<b>75.0</b>	<b>75.0</b>	<b>75.0</b>	<b>75.0</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	0.0	37.5	37.5	37.5	37.5	37.5	37.5
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	37.5	37.5	37.5	37.5	37.5	37.5
<b>TOTAL</b>	<b>0.0</b>	<b>75.0</b>	<b>75.0</b>	<b>75.0</b>	<b>75.0</b>	<b>75.0</b>	<b>75.0</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 continuing current Alaska Coastal Management Program operating budget which would remain unchanged by the extension of the program.

Prepared by Mary Siroky, Director  
Division Administrative Services  
Approved by Dan Easton  
Deputy Commissioner

Phone 465-5256  
Date/Time 3/3/11, 1:35 PM  
Date 3/4/2011



FISCAL NOTE

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

BILL NO. HB 106

**Analysis**

The Alaska Coastal Management Program will automatically terminate on July 1, 2011 (SLA2005/Ch31/Sec22). This bill would extend that termination date to July 1, 2017.

The Department of Environmental Conservation Alaska Coastal Management Program operating budget is 75.0 with 37.5 provided via a reimbursable service agreement from the Department of Natural Resources.

This fiscal note reflects continuation of the current Department of Environmental Conservation Alaska Coastal Management Program operating budget if the termination date is extended.

**ALEUTIANS WEST**  
COASTAL RESOURCE SERVICE AREA

RESOLUTION NO. 2010-02

A RESOLUTION OF THE ALEUTIANS WEST COASTAL RESOURCE SERVICE AREA (AWCRSA) BOARD OF DIRECTORS RECOGNIZING THE SIGNIFICANCE OF COASTAL PLANNING AND SUPPORTING LEGISLATION THAT WILL CONTINUE THE ALASKA COASTAL MANAGEMENT PROGRAM (ACMP).

WHEREAS, the AWCRSA was established in 1987 by a vote of the people of the unorganized western Aleutian area and provides representation of local interest in state and federal permitting decisions; and

WHEREAS, the AWCRSA has a recognized coastal management plan with procedures and policies to guide development activities in the coastal zone boundary; and

WHEREAS, the people of the western Aleutians want to provide for a voice in state and federal permitting decisions within their area; and


WHEREAS, the AWCRSA Coastal Management Plan receives it's authority as part of the networked Alaska Coastal Management Program; and

WHEREAS, the ACMP will sunset on July 1, 2011 unless the Alaska State legislature extends the program; and


NOW, THEREFORE BE IT RESOLVED THAT the AWCRSA Board recognizes the significance of coastal planning and supports legislation that will continue the Alaska Coastal Management Program.

PASSED AND APPROVED BY THE AWCRSA Board of Directors on this 15th day of December, 2010.

IN WITNESS THERETO:

  
Frank Kelty, Board Chair

ATTEST:

  
Harold Gray, Secretary

# ALEUTIANS WEST

COASTAL RESOURCE SERVICE AREA

August 14, 2008

Department of Natural Resources  
Division of Coastal and Ocean Management  
Mr. Randy Bates  
302 Gold Street, Suite 202  
P.O. Box 11030  
Juneau, AK 99811-1030

Re: Re-evaluation of ACMP (your letter July 1, 2008)

Dear Mr. Bates,

This letter is written to provide a formal response to comments requested in your above referenced letter. The letter discussed the "ongoing challenges" and "the need to address certain implementation problems" as the catalyst for the re-evaluation of the ACMP laws. Your letter specifically called out four particular needs for the reassessment:

- The DEC carveout
- Coastal district's authority and ability to write enforceable policies, revisit the requirement for designated areas to address certain coastal uses and resources
- Certain consistency review issues including the scope of the project subject to review, requirement of coastal project questionnaire, etc.
- Other clarifying and technical edits to the regulations

Your office has held several informative public teleconferences and hosted weekly district teleconferences for discussion purposes. Additionally, the AWCRSA program director has served as the ACMP Working Group Representative for the Southwest coastal districts and has participated in the June ACMP Workshop and three region specific teleconferences. We have come to understand that in addition to the needs identified above it is your desire to receive comments in any area that might improve the program and that comments should not be limited. As a political subdivision of the state and the state's representative in the unorganized area of the western Aleutian Islands, we appreciate the opportunity to participate in the re-crafting of the Alaska Coastal Management Program. Please consider the following comments.

### The DEC carveout.

The DEC carveout has confused the consistency review process especially where the scope of the project requires permits from more than one agency. The removal of the DEC has been interpreted as the removal of any matter relating to air, land, or water quality through the program implementing regulations. The ACMP is a networked program and it is difficult to extricate air, land and water quality issues from the review process and still have a meaningful review. The AWCRSA recognizes that some DEC permits require a long time to process so perhaps some single agency type permits should be excluded but we do not believe that this should apply to all matters relating to the areas regulated by the DEC. We had many policies that addressed air, land, and water quality standards that are no longer allowed. For example, some concerned storage and transportation of hazardous materials. The AWCRSA would like to work with the DCOM and the DEC to enable consideration of local concerns in the coastal review process. Specifically, the AWCRSA wants due deference and respect for local expertise in the consistency review process unlike the current practice of commenting as a "public member" in a DEC review. To restore the DEC's role in the consistency review process it will be necessary to amend AS 46.40.040(b)(1), AS 46.40.096(g)(i), and (k) and repeal or rework the implementing regulations relating to the carveout. Similarly, coastal districts should be allowed to develop local air and water quality policies that do not duplicate the state standard or DEC statutes or regulations. To do so it will be necessary to amend 11 AAC 114.270(f) to clarify that districts can establish policies that do not duplicate DEC statutes and regulations.

### Coastal district's authority and ability to write enforceable policies, revisit the requirement for designated areas to address certain coastal uses and resources.

There remains a legal question of whether a CRSA has the authority to designate areas for particular uses since they do not have Title 29 authority. The AWCRSA was reluctant to designate areas in the first place out of this concern but found it necessary to do so in order to have any policies that spoke to the matter. Also, the areas designated are important but there are many other significant resource areas within the CRSA as indicated on the Resource Inventory maps. The requirement to designate areas in order to have any policies related to that particular resource fails to consider these other significant areas within the CRSA. It is the viewpoint that the idea of designated areas limits the intent of wise policy making decisions and subsequently limit the effectiveness of any such policy derived with the inclusion of "designated areas". Please consider a subsistence designated area around Adak and the idea of federal permitting within or adjacent to a designated zone. The resource considered around Adak was frequently found outside the boundaries of the designated area and thus diminished the concept and purpose to designate an area for a specific use. Likewise, a resource that migrates into a federal permit zone also experiences diminished purpose when considering ideas of protection, use, and responsibility.

In the case of nationwide or general ABC List type permits it is necessary to identify the designated areas to inform the applicant of their location whereas in the past this was not required as only an applicable policy needed to be considered.

The AWCRSA sees two approaches for resolution of this issue with one being to remove designated areas all together and the other to retain designated areas to highlight areas of particular local interest or resource concerns while removing the requirement for designated areas to write policies.

There are two significant issues with respect to our ability to write meaningful policies. One is the structure of the current program (the statutes and regulations) and the other is the *interpretation* of the regulations.

Structure issues include definitions of terms such as "coastal water" which removed waters that do not have a measurable amount of salt water and the limitation of some standards to coastal waters. This in turn affects our ability to write policies and greatly narrows the coastal zone as the only policies that were allowed are those that "flow from" a specific matter addressed in a state standard.

Interpretation issues include topics such as "adequately addressed" (AS 46.40.070) where DNR has not allowed any policies where an agency has authority to regulate even if they have no specific regulations and "duplication" which has also been related to the authority rather than specific regulations.

Some past regulatory interpretations included the following quote: "The criterion for determining adequacy is whether the matter is already addressed by state or federal law ... even if there is no regulation on a given matter, that the resource agency has the authority to regulate that matter makes the matter one that is "regulated or authorized by state or federal law." The same analysis is true with respect to whether the matter is "adequately addressed."

The AWCRSA recommends strengthening the regulations in several areas to eliminate vagueness and to revisit definitions that have narrowed the scope of the program.

Certain consistency review issues including the scope of the project subject to review, requirement of coastal project questionnaire, etc.

The AWCRSA feels that it is not necessary for the applicant to provide a lengthy CPQ for projects subject to certain permits such as A and B-1 listed projects. However, the new CPQ format works well for AWCRSA as a reviewer as it has the applicant evaluate our policies and detail why the project is consistent with them similar to the federal review process. This has helped to streamline our

reviews and has virtually eliminated the need to request additional information and stop the review clock.

#### Sand and Gravel Standard.

The 2004 revision removed mining from the ACMP standard and, while there has not been a carveout of mining activities, the removal of uplands from the Habitat Standard and mining from the Sand and Gravel standard has combined to deny the ability of the AWCRSA to write policies relating to these activities. The AWCRSA feels that mining is an activity that should be included within the state standards and about which policies can be developed.

#### Subsistence Standard.

This standard is the only one that does not include mitigate in the “avoid, minimize, mitigate” sequence. This lack of a mitigation option can force the district to deny a project when it cannot be minimized and create a “go or no go” situation where it is not in the district’s or applicants best interest to do so. AWCRSA recommends that mitigation be included within this standard.

#### Habitat Standard.

Uplands were removed from the standard as part of the 2004 regulatory revisions. Uplands are still within the coastal zone and activities within upland areas can have a direct and significant impact within the coastal area. The AWCRSA had policies directed at some of these potential impacts such as the placement of materials that could erode and natural runoff patterns that are no longer allowed. The federal approval of the program found that all areas within the coastal zone, including uplands, have a direct and significant impact on coastal waters. The AWCRSA recommends the inclusion of uplands in the Habitat Standard.

#### Mitigation.

The sequencing process to avoid, minimize, or mitigate was changed to rely primarily on economic considerations through the use of the term “practicable” and any AWCRSA policies that spoke to mitigation were no longer allowed under the revised program. Subsequent projects which have had a mitigation component within the AWCRSA have seen either on site projects that had debatable value or off site projects that benefited from loss within the AWCRSA. The elimination of monetary compensation as a mitigation tool should be revisited (11 AAC 112.900 (e)(2)) as this approach can have merit in some circumstances. The AWCRSA is in the process of completing a project “*Evaluation of Mitigation Opportunities in Unalaska*” in hopes of restoring a meaningful role in the mitigation development process.

### Policy Council.

The AWCRSA recommends a Policy Council that incorporates the positive aspects of the former Coastal Policy Council. The Council should have representation from the coastal districts, the resource agencies and the DCCED Division of Community and Regional Affairs. The mission should include the ability to approve district plans, program related funding, and program changes. The Council would serve as a public forum that can result in more involvement and a more equitable decision making process. It would provide an outreach component that is sorely lacking in the amended program.

### Transfer of ACMP out of DNR and Into Another Division.

Taking the ACMP out of the Governor's office and into DNR has caused the potential for a conflict of interest because it could find itself coordinating a review for the agency within which it works. The location also contributes to the estrangement of the state agency from the coastal districts since the DNR does not have a local government focus. While it does not seem likely or practical to suggest that the Division be returned from whence it came, moving the ACMP to DCCED, Division of Community and Regional Affairs makes sense. Such a move would resolve the permitting conflict since DCCED does not issue any permits. DCRA has a statutory mandate to provide planning assistance to coastal resource districts for coastal management plans, as described in AS 44.33.781, and manages the ACMP grants. The current grant process is more cumbersome than it needs to be with the involvement of two separate divisions.

In the NOAA/OCRM June 2008 ACMP Evaluation, OCRM listed a program suggestion as follows:

OCRM encourages the ACMP to improve communication with coastal districts to rebuild relationships and support their participation in the Program. This will likely need to include a focused outreach strategy and coordination with a number of program partners.

A move to DCCED-DCRA would accomplish the above suggestion by bringing balance and a new team building approach to the program.

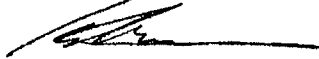
### An Expedited Approval Process and Additional Funding for Local Plan Changes and Program Administration.

The AWCRSA expects that the ACMP Re-evaluation process will result in revised legislation and regulations which will allow us a more meaningful role in the networked ACMP. However, having just completed the arduous and expensive revision process resulting from the 2003 legislation and having just prior completed four years of revision work in the previous years, we request that any new legislation establish an expedited approval process and that additional funding be provided to districts to complete any necessary revisions. We understand that the CIAP grant has risen from the predicted \$1.5 million to \$17-

25 million which is a huge increase. The AWCRSA requests that a portion of these funds are made available to districts through grants to fund district plan revisions and general program administration as well as DCOM personnel costs to review those revisions.

The ACMP Re-evaluation is a huge task and we appreciate your commitment to a thorough re-evaluation that will result in positive changes for the program. We have no desire to return to our twenty year old program but we do desire a meaningful role in the management and development of the many resources of the Aleutians West. We appreciate the opportunity to comment and look forward to continued involvement through the re-evaluation process.

Sincerely,



Karol Kolehmainen  
Program Director

Cc: AWCRSA Board members



# NORTHWEST ARCTIC BOROUGH

P.O. Box 1110

Kotzebue, Alaska 99752

(907) 442.2500 or (800) 478.1110

Fax: (907) 442.3740 or 2930

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Honorable Senator Donny Olson

State Capitol, Room 508

Juneau, AK 99801

Honorable Representative Paul Seaton

State Capitol, Room 102

Juneau, AK 99801

RE: Reauthorization of the Alaska Coastal Zone Management Program (ACMP)

Dear Senator Olson and Representative Seaton;

The Northwest Arctic Borough (Borough) is glad to respond to your February 11, 2011, letter to Coastal Coordinators to address changes to the ACMP for making it a more meaningful process for the borough and coastal resource service areas. On behalf of the Borough, I appreciate the opportunity to address the issues of the current program and what specific program changes can be made so that coastal communities can benefit from local enforceable policies.

Overall, the changes we recommend are to update and modernize the program including methods to increase public involvement for effective democracy in the process, update statutes regarding the subsistence policy to reflect life-long Alaskans way of life, facilitate the ability of coastal districts to establish enforceable policies for addressing local needs in responsible resource development, and remove the designated area requirement to reduce unneeded bureaucracy. All these recommendations reflect the importance of the way of life of life-long Alaskans and promote modernizing the program to better reflect the uniqueness of Alaska as the end product of these changes.

## **PUBLIC INVOLVEMENT**

Since the elimination of the Coastal Policy Board in 2003, there are no current checks and balances in the ACMP to provide for effective democracy. Appeals to coastal management plans are now decided by the state staff and Commissioner for the Department of Natural Resources

# NORTHWEST ARCTIC BOROUGH

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(DNR), which gives DNR all decision-making authority to address matters. The establishment of a Coastal Policy Board would provide for public involvement through representatives from coastal districts and state agencies to decide elevations and the approval of coastal district plans. This Board would also oversee amendments to ACMP regulations and ACMP grant programs. A Coastal Policy Board would increase public involvement in administrative and program decisions in the ACMP; therefore promoting modern democracy and good governance.

## **SUBSISTENCE**

As you know, subsistence, which includes the acquisition of subsistence resources, is key to the survival and sustainability of our borough residents. Changes over the years have made the ACMP regulations extremely difficult, if not impossible, to address impacts to subsistence, which have and continue to sustain the economies and culture of life-long Alaskan residents and communities. Subsistence issues need be considered during a project review – it is a reality and important to maintain the uniqueness of the great state of Alaska. The current statewide standard is very general and does not address specific subsistence-related issues; for example, the people of Southeast Alaska have very different subsistence uses than those on the Northwest Arctic, for instance.

A solution to this would be to eliminate the designated area requirement, which has resulted in over bureaucratic administration, and change the program to allow coastal district to design enforceable policies on subsistence for matters to ensure responsible resource development that honors regional knowledge and uses.

## **FACILITATE ENFORCEABLE POLICIES**

Currently, DNR has authorianly limited policies to the specific matters in certain statewide standards; at the same time, the agency has denied policies on the basis that the statewide standards already address the issue. DNR's interpretation of the regulations and statutes (often seen as arbitrary) makes it practically impossible for coastal districts to have meaningful enforceable policies. To make policies effective and meaningful, statutory changes need to clarify that districts may establish enforceable policies that fill-in gaps in state of federal law.

# NORTHWEST ARCTIC BOROUGH

P.O. Box 1110

Kotzebue, Alaska 99752

(907) 442.2500 or (800) 478.1110

Fax: (907) 442.3740 or 2930

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## **DESIGNATED AREAS**

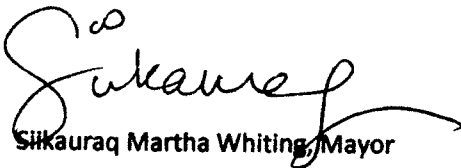
There are currently rigorous administrative requirements by DNR that mandate designation of areas before impacts can be considered for subsistence, upland habitat and natural hazards. This requirement has resulted in costly mapping that has not been funded by DNR and many proposed designated areas have been denied by DNR through administrative reviews. A quick and efficient solution to the designated area issue would be to simply eliminate the requirement as overly bureaucratic and unnecessary according to federal coastal management program.

## **CONCLUSION**

This concludes important list of changes that would dramatically increase the effectiveness and relevance of the ACMP to the Borough communities and our many life-long Alaskan residents. We appreciate your valuable time and efforts in understanding some of the challenges faced by the Northwest Arctic Borough. The challenges we face with the current ACMP is shared with many coastal districts and we look forward to any Legislative changes to increase its effectiveness.

If you have any specific questions about the Borough's recommendations with the ACMP, please feel free to contact Planning Director, Ukallaysaaq at 907.442.2500, extension 109 or at email [tokleasik@nwabor.org](mailto:tokleasik@nwabor.org).

Taikuu,



Siikauraq Martha Whiting, Mayor

Cc: Ukallaysaaq Tom Okleasik, Planning Director  
Alagiaq Grant Hildreth, Deputy Planning Director  
Kill'aq John Chase, Community Planner & Coastal Area Specialist

## Bristol Bay Coastal Resource Service Area

### Resolution #2011-01

A resolution of the Board of Directors of the Bristol Bay Resource Service Area in support of legislation that will continue the Alaska Coastal Management Program (ACMP) without further sunset provisions and restore local participation to allow meaningful and effective coastal community participation.

**WHEREAS**, the Bristol Bay Coastal Resource Service Area has participated in the Alaska Coastal Management Program (ACMP) since 1982; and

**WHEREAS**, the ACMP provided the Bristol Bay region the ability to develop enforceable policies that address local circumstances and concerns; and

**WHEREAS**, HB 191 in 2003 revised all ACMP coastal management plans, including removal of air and water quality policies from local reviews and greatly diminishing the "local voice" that was originally intended; and

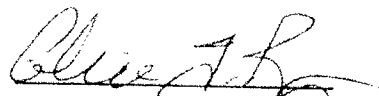
**WHEREAS**, the ACMP as currently written minimizes the effectiveness of allowing regional economic development and resource protection efforts and input; and

**WHEREAS**, if the program were to be eliminated the loss of local voice would be significant to the economy and residents of the region and have a detrimental effect on the economy; and

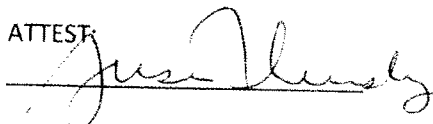
**WHEREAS**, the ACMP will sunset on July 1, 2011 unless the Alaska State Legislature extends the program or removes the termination language from existing legislation.

**NOW, THEREFORE BE IT RESOLVED** that the Bristol Bay Coastal Resource Service Area Board of Directors supports legislation to extend the ACMP without a future termination date, eliminate the DEC carve-out of 2003, bring back water and air quality issues on the local level to the review process, allowing more meaningful enforceable policies and appropriate local voice in the permitting process and re-establishes a coastal policy board.

**PASSED AND APPROVED** by the Bristol Bay Coastal Resource Service Area Board of Directors, on this second day of March, 2011.

  
Alice Ruby, Chair, BBCRSA

ATTEST:



Susan Flensburg, Secretary/Treasurer

Presented by: The Manager  
Introduced: 02/28/2011  
Drafted by: J.W. Hartle

## RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2562

### **A Resolution Expressing Assembly Support for the Extension of, and Amendments to, the Alaska Coastal Management Program.**

WHEREAS, the City and Borough supports the preservation of a local government's ability to be responsive to unique circumstances, thereby following the mandate established in the Alaska Constitution "to provide for maximum local self government"; and

WHEREAS, since its inception in 1977, the Alaska Coastal Management Program (ACMP) has provided Alaska's coastal municipalities with a powerful tool to promote responsible development while protecting coastal resources; and

WHEREAS, a cornerstone of the ACMP has been the ability for municipalities organized as coastal districts to develop enforceable policies that address local circumstances and concerns; and

WHEREAS, changes to the ACMP statutes in 2003 and changes to the ACMP regulations in 2005, reduced the effectiveness of the ACMP, and diminished the role of coastal districts, including the inability to establish meaningful local enforceable policies, the removal of air and water quality from coordinated ACMP project reviews, and elimination of the Coastal Policy Council that facilitated public engagement in administrative and program decisions; and

WHEREAS, the ACMP will sunset on July 1, 2011, unless the Alaska State Legislature extends the program.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

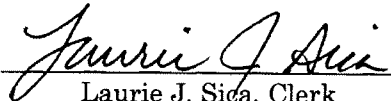
**Section 1.** That the City and Borough of Juneau supports legislation that extends the ACMP sunset date beyond July 1, 2011, establishes a coastal policy board, returns air and water quality issues to the ACMP consistency reviews, eliminates requirements for designation of subsistence use areas, and allows meaningful enforceable policies.

**Section 2. Effective Date.** This resolution shall be effective immediately upon adoption.

Adopted this 28<sup>th</sup> day of February, 2011.

  
Bruce Botelho, Mayor

Attest:

  
Laurie J. Sica, Clerk

## Linda Hay

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**From:** Louie Flora  
**Sent:** Tuesday, March 01, 2011 2:37 PM  
**To:** tanderson@aeboro.org; aknavi311@yahoo.com; awcrsa@gci.net; tedmeyer@bristolbayboroughak.us; bbcrsant@nushtel.com; cjandrew2003@yahoo.com; teri\_camery@ci.juneau.ak.us; campbell@cityofsitka.com; yakutat\_salmon\_board@yahoo.com; dshea@cityofbethel.net; planning@cityofcordova.net; planner@aptalaska.net; planner@aptalaska.net; jdory@nomealaska.org; carol@pelicancity.org; administrator@thornebay-ak.gov; lrobertson@valdez.ak.us; citymanager@whittieralaska.gov; sritzinger@haines.ak.us; gwilliams@borough.kenai.ak.us; markj@kgbak.us; jordankeeler@lakeandpen.com; slee@matsugov.us; TobishTG@ci.anchorage.ak.us; e.deach@skagway.org; Dan.Forster@north-slope.org; jchase@nwabor.org; tokleasik@nwabor.org; mlydick@kodiakak.us  
**Cc:** Linda Hay  
**Subject:** HB 106 COASTAL MANAGEMENT PROGRAM - District Coordinator Response Request  
**Attachments:** Letter to Coastal District Coordinators from House Resources Co-Chairs.pdf

ACMP Coordinators:

On Monday, March 7<sup>th</sup> the House Resources Committee will begin to hear HB 106, the Governor's bill to extend the Alaska Coastal Management Program for six years. Per the attached letter, the Co-chairs of House Resources are requesting that Coastal District coordinators submit correspondence on those specific items that would allow the ACMP program to be more meaningful to the District participants.

Please send response letters via e-mail to Linda Hay, Committee Aide for Co-Chairman Representative Eric Feige at [linda\\_hay@legis.state.ak.us](mailto:linda_hay@legis.state.ak.us)

And myself, Committee Aide for Co-Chairman Representative Paul Seaton at [louie\\_flora@legis.state.ak.us](mailto:louie_flora@legis.state.ak.us)

Thank you,

Louie Flora  
House Resources Committee Aide,  
Representative Paul Seaton, Co-Chair  
House Resources Committee  
(907) 465-3923

ALASKA STATE LEGISLATURE  
House Resources Committee

**Rep. Paul Seaton, Co-Chair**

State Capitol Building, Room 102

Juneau, AK 99801 – 1182

Phone (907) 465-2689

Fax (907) 465-3472

[Rep.Paul.Seaton@legis.state.ak.us](mailto:Rep.Paul.Seaton@legis.state.ak.us)



**Rep. Eric Feige, Co-Chair**

State Capitol Building, Room 126

Juneau, AK 99801-1182

Phone (907) 465-4859

Fax (907) 465-3799

[Rep.Eric.Feige@legis.state.ak.us](mailto:Rep.Eric.Feige@legis.state.ak.us)

Dear Coastal District Coordinators,

The legislature is in the process of addressing the reauthorization of Alaska Coastal Zone Management Program (ACMP). People have expressed frustration with the current plan and its applicability to borough & coastal resource service area needs. Can you identify for us what changes to enforceable policies or regulations would be beneficial to the borough to make ACMP a more meaningful process for the borough & coastal resource service areas?

The House Resources Committee will be looking at ACMP on Monday, March 7th; therefore the timeliness of your response is important.

Thank you for your input.

A handwritten signature in cursive script that reads "Paul Seaton".

Representative Paul Seaton

A handwritten signature in cursive script that reads "Eric Feige".

Representative Eric Feige