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

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SEVENTH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:  
Referred:**

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

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the Alaska coastal management program; establishing the Alaska**  
2 **Coastal Policy and Appeals Board; providing for an effective date by changing the**  
3 **effective date of secs. 1 - 13 and 18, ch. 31, SLA 2005; and providing for an effective**  
4 **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.** AS 46.39 is amended by adding new sections to article 1 to read:

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

10 (1) five public members appointed by the governor, including one at-  
11 large member from any coastal resource district and four members from a list  
12 composed of at least three names from each region, nominated and submitted by the  
13 coastal resource districts of each region; one public member shall be appointed from  
14 each of the following regions:

15 (A) northwest Alaska, including, generally, the area of the  
16 North Slope Borough and the Northwest Arctic Borough; and the Bering Strait  
17 area, including, generally, the area of the Bering Strait regional educational  
18 attendance area;

19 (B) southwest Alaska, including, generally, the area within the  
20 Lower Yukon, Lower Kuskokwim, and Southwest regional educational  
21 attendance areas and the Lake and Peninsula and Bristol Bay Boroughs; and  
22 the Kodiak-Aleutians area, including the Kodiak Island and area of the  
23 Aleutians East Boroughs and the area of the Aleutian, Adak, and Pribilof  
24 regional educational attendance areas;

25 (C) Upper Cook Inlet area, including the Municipality of  
26 Anchorage and the Matanuska-Susitna Borough; the Lower Cook Inlet area,  
27 including, generally, the Kenai Peninsula Borough; and the Prince William  
28 Sound area, including, generally, the area east of the Kenai Peninsula Borough  
29 to 141 West longitude; and

30 (D) Southeast Alaska, generally the area east of 141 West  
31 longitude;

1 (2) each of the following designated members:

2 (A) the commissioner of environmental conservation;

3 (B) the commissioner of fish and game;

4 (C) the commissioner of natural resources; and

5 (D) the commissioner of commerce, community, and economic  
6 development.

7 (b) Each public member appointed by the governor under (a)(1) of this section  
8 serves a term of three years and until a successor is appointed and qualified. A public  
9 member may be reappointed.

10 (c) The board shall designate cochair, one of whom shall be selected from  
11 among the public members appointed under (a)(1) of this section and one from among  
12 the members designated in (a)(2) of this section.

13 (d) Each member of the board shall select one person to serve as a permanent  
14 alternate at meetings of the board. If a member of the board is unable to attend, the  
15 member shall advise the alternate, who may attend and act in the place of the member.  
16 The alternate for each public member appointed under (a)(1) of this section shall be  
17 approved by the coastal resource districts in the region from which the public member  
18 was appointed. The alternate for a commissioner serving under (a)(2) of this section  
19 shall be a deputy commissioner or the director of a division in the commissioner's  
20 department. The names of alternates shall be filed with the board.

21 (e) Three public members and two designated members of the board constitute  
22 a quorum, but the board may delegate to one or more of its members the power to hold  
23 hearings. All decisions of the board shall be by a majority vote of the members present  
24 and voting.

25 (f) Members of the board or their alternates are entitled to per diem and travel  
26 expenses authorized by law for members of boards and commissions.

27 (g) Administrative support for the board shall be provided by the division in  
28 the department responsible for coastal and ocean management. The director of the  
29 division in the department responsible for coastal and ocean management, under  
30 direction of the cochair designated by the board from the individuals listed in (a)(2) of  
31 this section, may contract with or employ persons as necessary to assist the board in

1 carrying out the board's duties and responsibilities.

2 **Sec. 46.39.008. Duties of the Alaska Coastal Policy and Appeals Board.**

3 The board shall

4 (1) resolve differences between the department and a coastal resource  
5 district relating to a district coastal management plan under AS 46.40.060;

6 (2) review proposed consistency determinations under  
7 AS 46.40.096(d);

8 (3) with the department, jointly adopt regulations under this chapter  
9 and AS 46.40.

10 \* **Sec. 3.** AS 46.39.010(a) is amended to read:

11 (a) **Except as provided under AS 46.40.096(d), the department** [THE  
12 DEPARTMENT OF NATURAL RESOURCES] shall render, on behalf of the state,  
13 all federal consistency determinations and certifications authorized by 16 U.S.C. 1456  
14 (Sec. 307, Coastal Zone Management Act of 1972), and each conclusive state  
15 consistency determination when a project requires a permit, lease, or authorization  
16 from two or more state resource agencies.

17 \* **Sec. 4.** AS 46.39.030 is amended to read:

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

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

22 (2) contract for necessary services;

23 (3) consult and cooperate with

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

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

31 (4) take any reasonable action necessary to carry out the provisions of

1 this chapter or AS 46.40.

2 \* **Sec. 5.** AS 46.39.040 is amended to read:

3 **Sec. 46.39.040. Duties of the department.** In conformity with 16 U.S.C. 1451  
4 - 1464 (Coastal Zone Management Act of 1972), as amended, the department shall

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

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

13 (3) assure continued provision of data and information to coastal  
14 resource districts to carry out their planning and management functions under the  
15 program; in providing data and information to a coastal resource district under  
16 this section, the department shall provide the data and information to the person  
17 or persons designated by the district.

18 \* **Sec. 6.** AS 46.39.040 is amended by adding a new subsection to read:

19 (b) If the department provides funds to a coastal resource district to implement  
20 or amend a coastal resource district's district coastal management plan, the department  
21 shall permit the coastal resource district to use the funds to employ or retain  
22 consultants that, in the judgment of the coastal resource district, are necessary.

23 \* **Sec. 7.** AS 46.39.900 is amended to read:

24 **Sec. 46.39.900. Definitions [DEFINITION].** In this chapter, unless the  
25 context requires otherwise,

26 (1) "board" means the Alaska Coastal Policy and Appeals Board  
27 established in AS 46.39.005;

28 (2) "department" means the Department of Natural Resources.

29 \* **Sec. 8.** AS 46.40.030 is amended to read:

30 **Sec. 46.40.030. Development of district coastal management plans.** (a)  
31 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 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 policies to be applied to all [THE] land and water uses subject to the district coastal management plan as well as policies that apply only to special management areas; 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 special management [, AND THE POLICIES THAT WILL BE APPLIED TO THE USE OF,] areas under [WITHIN] the district coastal management plan and enforceable policies that will be applicable within those special management areas [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 ensure that the enforceable policies are

(1) clear and concise as to the activities and persons affected by the policies and the requirements of the policies, whether the policies are prescriptive or performance-based;

(2) necessary given local conditions; and

(3) supported by evidence, including scientific or local knowledge, if the policies are more specific than state or federal statutes or regulations

1 [MEET THE REQUIREMENTS OF AS 46.40.070 AND MAY NOT DUPLICATE,  
2 RESTATE, OR INCORPORATE BY REFERENCE STATUTES AND  
3 ADMINISTRATIVE REGULATIONS ADOPTED BY STATE OR FEDERAL  
4 AGENCIES].

5 \* **Sec. 9.** AS 46.40.040(a) is amended to read:

6 (a) Except as provided in [(b) OF THIS SECTION AND] AS 41.17, the  
7 department shall

8 (1) by regulation, adopt, under the provisions of AS 44.62  
9 (Administrative Procedure Act) for the use of and application by coastal resource  
10 districts and state agencies for carrying out their responsibilities under this chapter,  
11 statewide standards and district coastal management plan criteria for

12 (A) identifying the boundaries of the coastal area subject to the  
13 Alaska coastal management program;

14 (B) determining the land and water uses and activities subject  
15 to the Alaska coastal management program;

16 (C) developing policies applicable to the land and water uses  
17 subject to the Alaska coastal management program;

18 (D) developing regulations applicable to the land and water  
19 uses subject to the Alaska coastal management program;

20 (E) developing policies and procedures to determine whether  
21 specific proposals for the land and water uses or activities subject to the Alaska  
22 coastal management program shall be allowed;

23 (F) designating and developing policies for **special**  
24 **management areas** [THE USE OF AREAS OF THE COAST THAT MERIT  
25 SPECIAL ATTENTION]; and

26 (G) measuring the progress of a coastal resource district in  
27 meeting its responsibilities under this chapter;

28 (2) develop and maintain a program of technical and financial  
29 assistance to aid coastal resource districts in the development and implementation of  
30 district coastal management plans;

31 (3) undertake review and approval of district coastal management

plans in accordance with this chapter;

(4) initiate a process for identifying and managing uses of state concern within specific areas of the coast;

(5) develop procedures or guidelines for consultation and coordination with federal agencies managing land or conducting activities potentially affecting the coastal area of the state;

(6) by regulation, establish a consistency review and determination or certification process that conforms to the requirements of AS 46.40.096.

\* **Sec. 10.** AS 46.40.060(c) is amended to read:

(c) If, after mediation, the differences have not been resolved, the department shall **submit the district coastal management plan, or those portions of the plan over which the coastal resource district and the department differ, to the board.**

**The board shall** enter findings and, by order, may require

(1) that the district coastal management plan be amended to satisfy the provisions of this chapter or meet the statewide standards and district plan criteria adopted by the department;

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

(3) any other action be taken by the coastal resource district as appropriate.

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

(d) **An order of the board shall be given within 45 days after the plan, or a portion of the plan, is submitted to the board for decision by the department under (c) of this section.** The superior courts of the state have jurisdiction to enforce orders of the **board** [DEPARTMENT] entered under (c) of this section.

\* **Sec. 12.** AS 46.40.070 is repealed and reenacted to read:

**Sec. 46.40.070. Requirements for department review and approval.** (a) The department

(1) shall approve a district coastal management plan submitted for review and approval if the

(A) district coastal management plan meets the requirements of



1 this chapter and the district plan criteria adopted by the department; and

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

3 (i) do not duplicate, restate, or incorporate by reference  
4 state or federal statutes or regulations;

5 (ii) are not preempted by federal or state law; and

6 (iii) do not arbitrarily or unreasonably restrict a use of  
7 state concern;

8 (2) may not require a district to designate areas for the purpose of  
9 developing an enforceable policy.

10 (b) In (a)(1)(B)(ii) of this section, an enforceable policy of the district coastal  
11 management plan is preempted

12 (1) by federal statutes or regulations if the United States Congress  
13 expressly declares that local law or regulation is preempted, if the United States  
14 Congress demonstrates the intent to occupy the field exclusively, or if there is an  
15 actual conflict between federal and local law or regulation;

16 (2) by state law if it is prohibited, either by express legislative  
17 direction or direct conflict with a state statute or regulation, or where the management  
18 plan substantially interferes with the effective functioning of a state statute or  
19 regulation or the underlying purposes of a state statute or regulation.

20 \* **Sec. 13.** AS 46.40.096(c) is amended to read:

21 (c) The regulations adopted by the department under this section must **permit**  
22 **a coastal resource district that has requested to participate in a consistency**  
23 **review to designate the person or persons who will represent the district and to**  
24 **whom the department or reviewing entity shall provide materials relating to the**  
25 **consistency review. The regulations must also** include provisions for public notice  
26 and provide the opportunity for public comment. **Regulations relating to public**  
27 **notice and public comment** [THE REGULATIONS] adopted under this subsection  
28 may make distinctions relating to notice based upon differences in project type,  
29 anticipated effect of the project on coastal resources and uses, other state or federal  
30 notice requirements, and time constraints. However, a notice given under this  
31 subsection must contain sufficient information, expressed in commonly understood

terms, to inform the public of the nature of the proposed project for which a consistency determination is sought, and must explain how the public may comment on the proposed project. **Notices described in this subsection shall be published on the department's Internet website.**

\* Sec. 14. 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) coordinate **elevations** [SUBSEQUENT REVIEWS] of proposed consistency determinations prepared under (2) of this subsection; a subsequent review of a proposed consistency determination under this paragraph

(A) is limited to a review by the **board** [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 by the **board** [DEPARTMENT] within 45 days after the initial request for subsequent review under this paragraph;

(4) render the final consistency determination and certification.

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

(g) The reviewing entity shall exclude from the consistency review and determination process for a project

(1) **an aspect of** an activity that

[(A)] is **specifically** authorized under a general or nationwide permit that has previously been determined to be consistent with the Alaska coastal management program; [OR

(B) IS SUBJECT TO AUTHORIZATION BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION UNDER THE

1 REQUIREMENTS DESCRIBED IN AS 46.40.040(b);]

2 (2) activities excluded from a consistency review under AS 41.17;

3 [AND]

4 (3) the issuance of an authorization or permit issued by the Alaska Oil  
5 and Gas Conservation Commission; and

6 (4) the necessity of a completed prevention of significant  
7 deterioration of air quality permit application.

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

9 (k) Except as provided in (g) of this section, AS 41.17, [AS 46.40.040(b),] and  
10 AS 46.40.094, the scope of a consistency review of a project, once triggered under (j)  
11 of this section, is limited to activities that are located within the areas described in (l)  
12 of this section and that either are subject to a state resource agency permit, lease,  
13 authorization, approval, or certification or are the subject of a coastal resource district  
14 enforceable policy approved by the department under this chapter. The scope of a  
15 consistency review subject to 16 U.S.C. 1456 is determined under 16 U.S.C. 1456 and  
16 15 C.F.R. Part 930.

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

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

19 (1) do not apply to a consistency review involving

20 (A) the disposal of an interest in state land or resources; or

21 (B) activity requiring an environmental impact statement;

22 (2) are suspended

23 (A) from the time a review schedule is modified in response  
24 to [THE REVIEWING ENTITY DETERMINES THAT THE APPLICANT  
25 HAS NOT ADEQUATELY RESPONDED IN WRITING WITHIN 14 DAYS  
26 AFTER THE RECEIPT OF] a written request from the reviewing entity for  
27 additional information, until the time the reviewing entity determines that the  
28 applicant has provided an adequate written response;

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

30 (C) during the period of time a consistency review is  
31 undergoing a subsequent review under (d)(3) of this section;

(D) for 30 days if requested by an affected coastal resource district exercising authority under AS 29 to accommodate the adjudication process of an authorization issued by a coastal resource district pending the results of the adjudication.

\* 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) board, for the subsequent review of a proposed consistency determination under (d) of this section;

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

\* Sec. 19. AS 46.40.100(e) is amended to read:

(e) The superior courts of the state have jurisdiction to enforce lawful orders of the board and the department under this chapter.

\* Sec. 20. 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 meets the [STATEWIDE STANDARDS AND] district plan criteria adopted under this chapter may [SHALL] be accepted by the coastal resource service area board 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 resource service area board may adopt the district coastal management plan as initially offered.

\* Sec. 21. AS 46.40.190(b) is amended to read:

(b) This chapter does not restrict or prohibit cooperative or joint administration of functions between a municipality and a coastal resource service area organized under the provisions of this chapter upon initiation of a mutual agreement

1 for the purpose. [A CITY THAT ELECTS TO BE EXCLUDED FROM AN  
2 ADJACENT COASTAL RESOURCE SERVICE AREA UNDER (a) OF THIS  
3 SECTION SHALL ENTER INTO A MUTUAL AGREEMENT FOR  
4 COOPERATIVE OR JOINT ADMINISTRATION OF FUNCTIONS WITH THE  
5 COASTAL RESOURCE SERVICE AREA BOARD FROM THE ADJACENT  
6 COASTAL RESOURCE SERVICE AREA.]

7 \* **Sec. 22.** AS 46.40.210(9) is repealed and reenacted to read:

8 (9) "project" means all activities described in AS 46.40.096(l) and all  
9 activities in the list of permits, certifications, leases, approvals, and authorizations that  
10 trigger a consistency review developed under AS 46.40.096(m), including a federal  
11 agency activity as defined in 15 C.F.R. 930.31;

12 \* **Sec. 23.** AS 46.40.210 is amended by adding new paragraphs to read:

13 (13) "approved plan" means a plan approved under AS 46.40.060(a) by  
14 the department or a plan approved under AS 46.40.060(c) by the board;

15 (14) "board" has the meaning given in AS 46.39.900;

16 (15) "special management area" means a delineated geographic area  
17 within the coastal area that is sensitive to change or alteration and that, because of  
18 plans or commitments or because a claim on the resources within the area delineated  
19 would preclude subsequent use of the resources to a conflicting or incompatible use,  
20 warrants special management attention, or that, because of its value to the general  
21 public, should be identified for current or future planning, protection, or acquisition;  
22 these areas, subject to the board's definition of criteria for their identification, include:

23 (A) areas of unique, scarce, fragile or vulnerable natural  
24 habitat, cultural value, historical significance, or scenic importance;

25 (B) areas of high natural productivity or essential habitat for  
26 living resources;

27 (C) areas of substantial recreational value or opportunity;

28 (D) areas where development of facilities is dependent upon  
29 the utilization of, or access to, coastal water;

30 (E) areas of unique geologic or topographic significance that  
31 are susceptible to industrial or commercial development;

(F) areas of significant hazard due to storms, slides, flooding, earthquakes, active faults, tsunamis, volcanoes, liquefaction, ice movement or snow avalanches, or erosion; and

(G) areas needed to protect, maintain, or replenish coastal land or resources, including coastal flood plains, aquifer recharge areas, beaches, and offshore sand deposits.

\* **Sec. 24.** AS 46.40.040(b), 46.40.040(c), 46.40.096(i), and 46.40.210(1) are repealed.

\* **Sec. 25.** AS 46.39.005 and 46.39.008 are repealed.

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

TRANSITION: MEMBERS OF THE ALASKA COASTAL POLICY AND APPEALS BOARD; STAGGERED TERMS. (a) Notwithstanding AS 44.39.005(a), added by sec. 2 of this Act, within 30 days after the effective date of this section, the municipalities of each region identified in AS 44.39.005(a)(1) shall submit to the governor the names of three persons from the region qualified under AS 44.39.005(a), added by sec. 2 of this Act. Notwithstanding AS 44.39.005, added by sec. 2 of this Act, within 60 days after the effective date of this section, the governor shall appoint one member from each region to serve on the Alaska Coastal Policy and Appeals Board established by AS 46.39.005, added by sec. 2 of this Act. The governor shall appoint five public members to three-year staggered terms and four administration members to a one-year term. The governor shall specify the term of each member appointed subject to this section.

(b) Notwithstanding the requirements of AS 46.40.060(d), as amended by sec. 11 of this Act, or AS 46.40.096(d), as amended by sec. 14 of this Act, a review or decision required of the Alaska Coastal Policy and Appeals Board relating to a district coastal management plan, or a portion of a district coastal management plan, submitted to the Alaska Coastal Policy and Appeals Board under AS 46.40.060(c), or to a proposed consistency determination submitted to the board for review under AS 46.40.096(d), shall be delayed until all the public members of the board are appointed under (a) of this section.

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

RETROACTIVITY AND REVIVAL. (a) The amendment to AS 44.66.020(a)(5)

made by sec. 1 of this Act is retroactive to January 1, 2011.

(b) If, under AS 01.10.070(c), sec. 29 of this Act takes effect on or after July 1, 2011, sec. 29 of this Act is retroactive to July 1, 2011, and sections repealed by sec. 18, ch. 31, SLA 2005, are revived. If the revived sections are amended by this Act, they are revived as amended by this Act. The revived sections are subject to repeal under sec. 22, ch. 31, SLA 2005, as amended by sec. 29 of this Act.

(c) If, under AS 01.10.070(c), this Act takes effect on or after July 1, 2011, AS 46.39.005 and 46.39.008, added by sec. 2 of this Act, and repealed by sec. 25 of this Act, are revived. AS 46.39.005 and 46.39.008, as revived, are subject to repeal under secs. 25 and 28 of this Act and sec. 22, ch. 31, SLA 2005, as amended by sec. 29 of this Act.

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

CONDITIONAL EFFECT. Section 25 of this Act takes effect only if secs. 1 - 13 and 18, ch. 31, SLA 2005, take effect.

\* **Sec. 29.** Section 22, ch. 31, SLA 2005, is amended to read:

Sec. 22. Sections 1 - 13 and 18 of this Act take effect July 1, 2017 [2011, UNLESS THE STATE'S REVISED COASTAL MANAGEMENT PROGRAM HAS NOT BEEN APPROVED BY THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT, UNITED STATES DEPARTMENT OF COMMERCE, UNDER 16 U.S.C. 1455 AND 1457 (COASTAL ZONE MANAGEMENT ACT OF 1972) BEFORE JANUARY 1, 2006. IF THE STATE'S REVISED COASTAL MANAGEMENT PROGRAM IS NOT APPROVED BEFORE JANUARY 1, 2006, BY THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT, UNITED STATES DEPARTMENT OF COMMERCE, THEN SECS. 1 - 13 AND 18 OF THIS ACT TAKE EFFECT MAY 10, 2006. THE COMMISSIONER OF NATURAL RESOURCES SHALL NOTIFY THE REVISOR OF STATUTES ON FEBRUARY 1, 2006, WHETHER THE REVISED COASTAL MANAGEMENT PROGRAM HAS BEEN APPROVED AS DESCRIBED IN THIS SECTION].

\* **Sec. 30.** If sec. 25 of this Act takes effect, it takes effect on the date that secs. 1 - 13 and

- 1 18, ch. 31, SLA 2005, take effect.
- 2 \* **Sec. 31.** Except as provided in sec. 30 of this Act, this Act takes effect immediately under
- 3 AS 01.10.070(c).