

**CITY OF CORDOVA, ALASKA
RESOLUTION 03-11-14**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA,
SUPPORTING LEGISLATION THAT WILL PROVIDE FOR LOCAL GOVERNMENT
PARTICIPATION IN ACMP PLANNING AND AN EXTENSION OF THE ACMP
BEYOND JULY 2011.**

WHEREAS, the City of Cordova 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, 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 of municipalities to organize as coastal districts to develop enforceable policies that address local circumstances and concerns; and

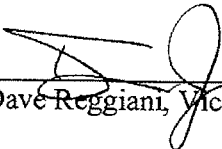
WHEREAS, the ACMP will sunset on July 1, 2011, unless the Alaska State Legislature extends the program.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Cordova, Alaska, hereby supports legislation that will provide for:

1. local government participation in ACMP planning
2. an extension of the ACMP beyond July 2011.

PASSED AND APPROVED THIS 10th DAY OF MARCH, 2011





Dave Reggiani, Vice Mayor

ATTEST:



Susan Bourgeois, City Clerk

Linda Hay

From: Linda Hay
Sent: Wednesday, March 23, 2011 11:52 AM
To: 'Tobish, Thede G.'
Subject: RE: House Resources Committee HB 106 work draft

Will do sir. Thank you again for taking the time to comment.

*Linda Hay
House Resources Committee Aide
Representative Eric Feige
House Resources Co-Chair
State Capitol Room 126
907-465-3715
907-321-1249*

From: Tobish, Thede G. [mailto:TobishTG@ci.anchorage.ak.us]
Sent: Wednesday, March 23, 2011 11:52 AM
To: Linda Hay
Subject: RE: House Resources Committee HB 106 work draft

OK thanks for the clarification. If you get the chance, please clarify, if needed, for me to the Committee. Thanks.

Thede Tobish, Senior Planner
Municipality of Anchorage-Planning Dept.
P.O. Box 196650
Anchorage, AK 99519-6650
907.343.7918
907.343.7927 FAX
tobishtg@muni.org
Web: www.muni.org/Planning

From: Linda Hay [mailto:Linda_Hay@legis.state.ak.us]
Sent: Wednesday, March 23, 2011 11:50 AM
To: Tobish, Thede G.; Louie Flora
Subject: RE: House Resources Committee HB 106 work draft

Mr. Thede - Thank you for your comments and I will share them with Rep. Feige. I would like to clarify that the "committee work draft" you refer to was not put forth by the committee. It is a draft CS put forth by Rep. Seaton, it has been objected to by Rep. Wilson for purposes of discussion and to date, there has been no follow up discussion or adoption by the committee. The bill before the committee at this time is still the original version as put forth by the governor. I will be happy to add your comments to the public record for this bill. If you have any further questions, please feel free to contact me.

lh

Linda Hay
House Resources Committee Aide
Representative Eric Feige
House Resources Co-Chair
State Capitol Room 126
907-465-3715
907-321-1249

From: Tobish, Thede G. [mailto:TobishTG@ci.anchorage.ak.us]
Sent: Wednesday, March 23, 2011 11:44 AM
To: Louie Flora; Linda Hay
Subject: House Resources Committee HB 106 work draft

March 23, 2011

Representative Seaton and Representative Feige.

I am unable to testify at this evening's hearing on **HB 106** but I wanted to convey some thoughts on the work-up and your efforts. First, I support your efforts to obtain the details and understand the essential issues concerning the current shortcomings in the State's CZM program. As you have seen, this is not a simple issue with a simple fix. But, your Committee's work-up provides a very reasonable and achievable redress to the problems in the system. The Anchorage District supports the proposed modifications to the statutes outlined in the Committee work-up and I urge you to pass the work-up and pass the bill out of the Resources Committee.

The past statute changes and ADNR's subsequent interpretations created a void where districts ended up with restrictions and limited ability to provide meaningful local controls over management of coastal resources. The statute changes and ADNR's interpretation of the regulations compromised the district role in coastal management and provided a state of regulatory ambiguity that needs to be addressed. Coastal districts are and should be recognized as expert in all coastal matters. Districts must have the capability to craft meaningful enforceable policies to address impacts anywhere within a district coastal boundary. A district must have the capability to define its coastal boundary and how policies are applied, i.e. the State should not limit the definition of coastal to some arbitrary salinity level or distance from the shoreline. Districts understand best how and when State or federal laws and regulations fall short of local concerns (do not "adequately address") for coastal resources. Your Committee work-up provides the catalyst that promotes an optimal approach to coastal management in the spirit of the program's original intent. It will better meet the needs of the local district.

The new Alaska Coastal Policy and Appeals Board will provide an essential tool to the State's program. As originally intended, this board will check and balance the various processes in the State's program. The work-up changes that address enforceable policies are well conceived and succinct and will serve to return local control, local expertise, and due deference to each district. This was and should remain the backbone of the State's coordinated approach to managing coastal resources.

I have been working with the Alaska Coastal Management Program both in the private sector and with the Municipality of Anchorage's local program since the early 1980's. I cannot recall an instance where the Anchorage District vetoed a coastal project. In circumstances where a project was losing support or could not obtain a State or federal permit, the activity could not be authorized because it did not meet a specific federal or State law or regulation, or it was simply poorly engineered or ill-conceived. The State's coastal management system and our local plan provided an effective venue for compromise and assistance where applicants nearly always achieved an acceptable project that also accounted for important coastal resources. I think the Committee's mark-up adds the necessary elements back into the statutes that will recreate this approach for districts. This is the essence of coastal management in Alaska.

Thank you for your support and for the opportunity to comment.

Thede Tobish

Thede Tobish, Senior Planner
Municipality of Anchorage-Planning Dept.
P.O. Box 196650



217 Second Street, Suite 200 • Juneau, Alaska 99801
Tel (907) 586-1325 • Fax (907) 463-5480 • www.akml.org

**ALASKA MUNICIPAL LEAGUE
RESOLUTION #2011-22**

**A RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE REGARDING SUPPORT
FOR AND AMENDMENTS TO THE ALASKA COASTAL MANAGEMENT PROGRAM**

WHEREAS, one of the goals of the Alaska Municipal League is to preserve local government options to ensure municipal government can be highly responsive to unique circumstances and to meet the mandate of 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 a powerful tool to promote responsible development while protecting coastal resources and uses; 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, including a diminished role for 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 that the Alaska Municipal League supports legislation that will extend the ACMP, establish a coastal policy board, bring back air and water quality issues into the ACMP consistency reviews, eliminate requirements for designation of subsistence use areas, and allow meaningful enforceable policies.

PASSED AND APPROVED by the Alaska Municipal League on this 19th day of November, 2010.

Signed: Hal Smalley
Hal Smalley, President, Alaska Municipal League

Attest: Kathie Wasserman
Kathie Wasserman, Executive Director, Alaska Municipal League

Introduced by: Mayor
Date: 02/15/11
Action: Adopted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2011-005**

**A RESOLUTION SUPPORTING AN EXTENSION OF THE
ALASKA COASTAL MANAGEMENT PROGRAM**

WHEREAS, the Alaska Coastal Management Program (“ACMP”) has effectively promoted a balance between economic development and protection of coastal resources since 1979; and

WHEREAS, the Kenai Peninsula Borough has been an active participant in the ACMP since 1990; and

WHEREAS, the ACMP provides boroughs and municipalities with a unique tool through which 28 coastal governments have an opportunity to bring local knowledge to development projects planned in their localities that require state and federal permits; and

WHEREAS, the ACMP will sunset on July 1, 2011, in accordance with law adopted in 2003 by the Alaska State Legislature unless the legislature extends the program; and

WHEREAS, the Parnell administration supports the continuation of the ACMP in Senate Bill 45 and House Bill 106 for an additional six years;

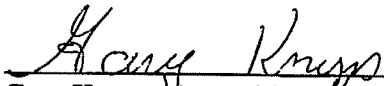
NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the Kenai Peninsula Borough Assembly supports Senate Bill 45 and House Bill 106 extending the Alaska Coastal Management Program.

SECTION 2. That copies of this resolution be forwarded to Governor Sean Parnell and all members of the Alaska State Legislature.

SECTION 3. That this resolution takes effect immediately upon its adoption.

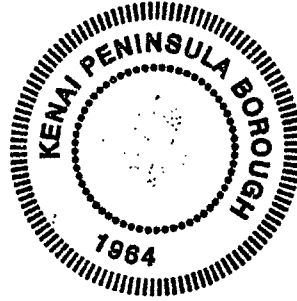
**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS
15TH DAY OF FEBRUARY, 2011.**



Gary Knopp, Assembly President

ATTEST:


Johni Blankenship, Borough Clerk



Yes: Haggerty, Johnson, McClure, Murphy, Pierce, Smalley, Smith, Tauriainen, Knopp
No: None
Absent: None



Yakutat Salmon Board
City & Borough of Yakutat
PO Box 160 Yakutat, AK 99689

Phone: (907) 784-3329
Fax (907) 784 3401
yakutat_salmon_board@yahoo.com

May 22, 2011

Re: Testimony on HB 106

My name is Bill Lucey I am the coastal district coordinator for the City and Borough of Yakutat

For the record the City and borough would like to support the reinstatement of a streamlined Coastal Policy Council, bring back coordinated DEC reviews and expand local enforceable policies without area restrictions.

I would also like to point out for the record that we are not asking for "veto" power over projects. What we are asking for is strong local input regarding coastal development. There is difference between simply providing comments then sitting at the negotiating table. Regardless of the claim that we are given due deference and allowed to call "balls and strikes", my experience is that we are generally ignored if an agency person disagrees with us. Furthermore we have a handful of very narrow policies requiring us to comment on state standards that have also been whittled down after the program change in 2003.

All municipalities want economic growth. We also want a strong position from which to champion the kind of economic growth our citizens prefer. Sometimes this can cause conflicts between user groups which is exactly why the ACMP exists. It provides a platform to negotiate these conflicts outside the courtroom. That is why all the mayors at the AML convention, excepting one, voted to restore the ACMP to its former structure. That seems to be a clear mandate for this committee and the legislature to act now on amending the ACMP.

If development is pursued irresponsibly we end up using tax payer dollars to clean up after the fact. The majority of my job involves fish habitat restoration; fixing blocked culverts, decommissioning poorly constructed logging and gas exploration roads, wetland restoration and endless tree thinning. Again, all on the backs of taxpayers. These are avoidable expenses. We have the experience locally to know what impacts are likely to occur from proposed projects because we have spent years hunting and



Yakutat Salmon Board
City & Borough of Yakutat
PO Box 160 Yakutat, AK 99689

Phone: (907) 784-3329
Fax: (907) 784-3481
yakutat_salmon_board@yahoo.com

**fishing in our borough and cleaning up after poor management decisions
overseen by various agencies and industry.**

Federal and state agencies don't always have the local knowledge to make good calls. Enforcement is sporadic and there is a constant turnover of personnel producing a wide range of expertise. That is why we want to form customized local enforceable policies specific to our area to *compliment*, not replace, state and federal management.

There has been a lot of talk about predictability. As far as that is concerned I don't recommend getting into commercial fishing. However, a recent report from Northern Economics of Anchorage put the industry at \$5.8 billion dollars annually, producing the largest number of private sector jobs in the state. The vast majority of our past enforceable policies dealt with fish habitat as commercial fishing relies on good habitat and clean water. When you throw the economics of sport fishing tourism into the mix Yakutat gets another \$2-3 million dollars of annual benefit. Our town has an extremely high per capita of commercial permit holders. Though abundance varies the fish come back every year. Long after the gas and minerals are extracted people will still be able to make a living fishing and it is our responsibility to maintain that opportunity for our citizens.

In closing, there are people working hard at DCOM attempting to function within the existing ACMP limitations and I would like to recognize them for their efforts. I frequently work with state, corporate, tribal and federal managers on a wide variety of research and development projects. We are exporting gravel, beginning second growth logging and discussing cruise ship tourism. We *can* work together effectively. We are not going to bring a halt to resource development we wish to move it forward responsibly, protecting our established industries and with maximum benefit for communities, the land, the water and the state as a whole.

Thank You,

Bill Lucey
Biologist/ Coastal Planner
City & Borough of Yakutat