

ALASKA COASTAL MANAGEMENT PROGRAM (ACMP)

COASTAL DISTRICT PLANNING AND ENFORCEABLE POLICIES



FEDERAL STRUCTURE FOR COASTAL PROGRAMS AND LOCAL PARTICIPATION

- The CZMA allows states to develop their own coastal programs.
- The ACMP is a state program that manages coastal uses and resources with local input.
- Coastal district participation is important and voluntary.
- Rules for participation set out in statutes and regulations.

COASTAL DISTRICT PLAN ELEMENTS

11 AAC 114.200

- Issues, goals, and objectives
- Organization
- Coastal zone boundaries
- Resource inventory
- Resource analysis
- Subject uses, activities, and designations
- Proper and improper uses and activities
- District enforceable policies
- Implementation
- Public participation

11 AAC 114 300-360: Significant Amendment Process



COASTAL DISTRICT PLAN APPROVAL

- Enforceable components of the plan amendment include:
 - Enforceable policies
 - Designated areas
 - Maps
- The ACMP District Enforceable Policy Decision Tree was created to be used by both the coastal districts and DCOM planning staff in evaluating proposed district enforceable policies.

HB 191 INTENTIONS

- HB 191 was passed by the Legislature in May 2003.
- Intent of bill was to:
 - Reduce delays and avoid regulatory confusion, costly litigation, and uncertainty to allow new investment in Alaska
 - Update and reform the ACMP statewide standards to be clear and concise
 - Update and reform the coastal district plans so that district enforceable policies are clear, concise, more uniform, related to local concerns, and non-duplicative of state and federal laws

STATUTORY REQUIREMENTS

AS 46.40.030(B) AND AS 46.40.070(A)(2)

- Shall not duplicate, restate, or incorporate by reference statutes or regulations adopted by state or federal agencies
- Are clear and concise as to the activities and persons affected by the policies
- Use precise, prescriptive, and enforceable language
- Do not address a matter regulated or authorized by state or federal law unless the enforceable policy relates specifically to a matter of local concern.

MATTER OF LOCAL CONCERN

AS 46.40.070(A)(2)(C)

- Demonstrated as sensitive to development
- Not adequately addressed by state or federal law
- Of unique concern to the coastal resource district as demonstrated by local usage or scientific evidence

OTHER IMPORTANT CRITERIA

- Adequately addressed – AS 46.40.070
- Flow from – AS 46.40.030, AS 46.40.040

DESIGNATED AREAS

- Certain subject uses require designated areas
- Each subject use for a designated area has its own requirements (11 AAC 114.250)
- Must be included in enforceable section of the coastal management plan
- Must be described or mapped at a scale sufficient to determine whether a use or activity is located within the area (11 AAC 114.270(g))

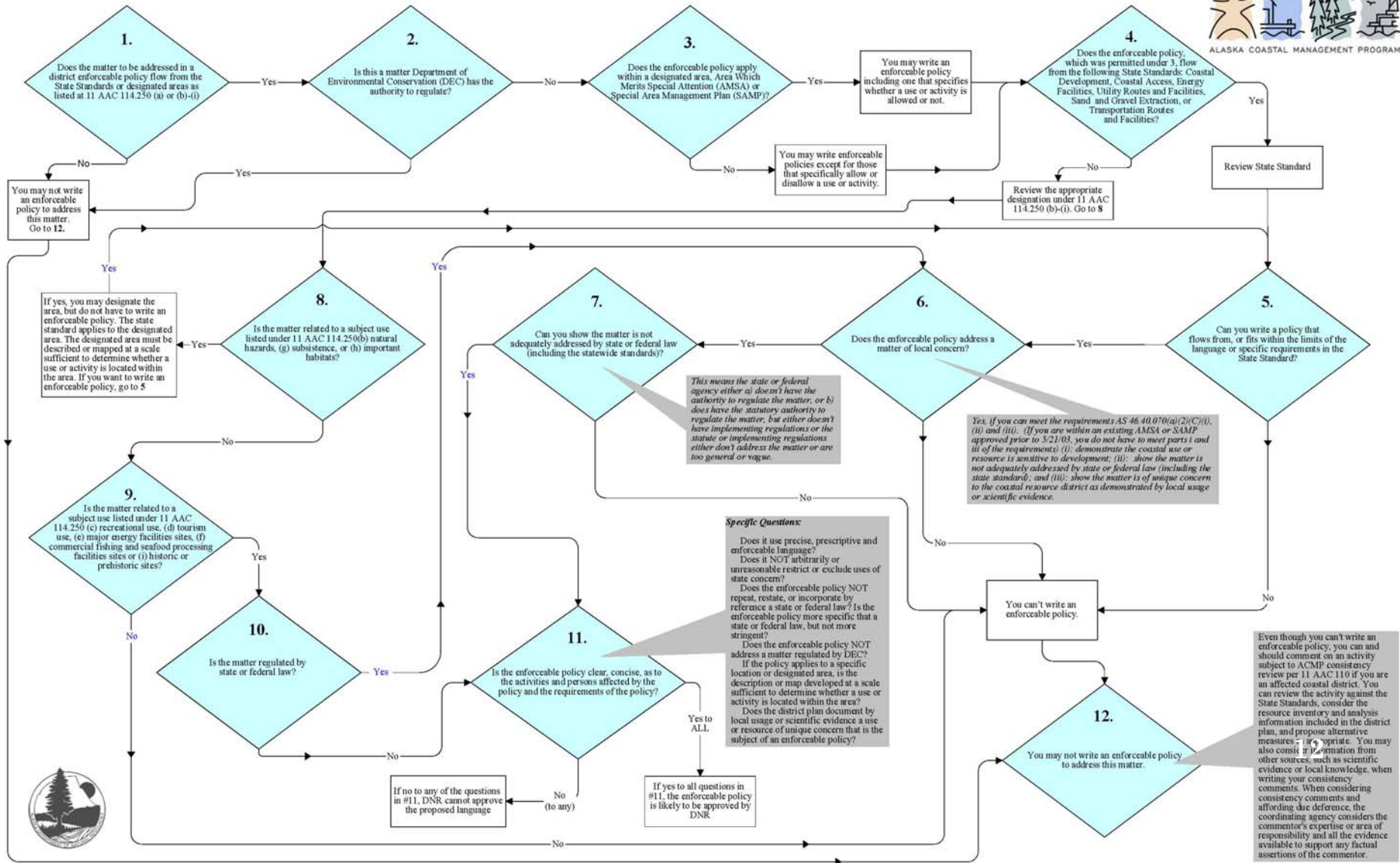
DESIGNATED AREAS EXAMPLES

Each subject use designated area has own requirements (11 AAC 114.250)

- Subsistence use
 - Consult with appropriate agencies
 - Document subsistence use is an important use of coastal resources
 - Can use “local usage” for documentation
- Important habitat
 - Show direct & significant impact
 - Show by written scientific evidence to be biologically & significantly productive

ENFORCEABLE POLICY APPROVAL

ACMP District Enforceable Policy Decision Tree



EXAMPLES OF ENFORCEABLE POLICIES

- Legislature purposefully limited enforceable policies to:
 - Reduce duplication with existing authorities
 - Focus ACMP on coast and coastal interactions
- Districts would like greater authority and opportunity for enforceable policies, regardless of whether a state or federal agency already manages the issue.
 - Example: Marine Mammals
 - Example: Habitat

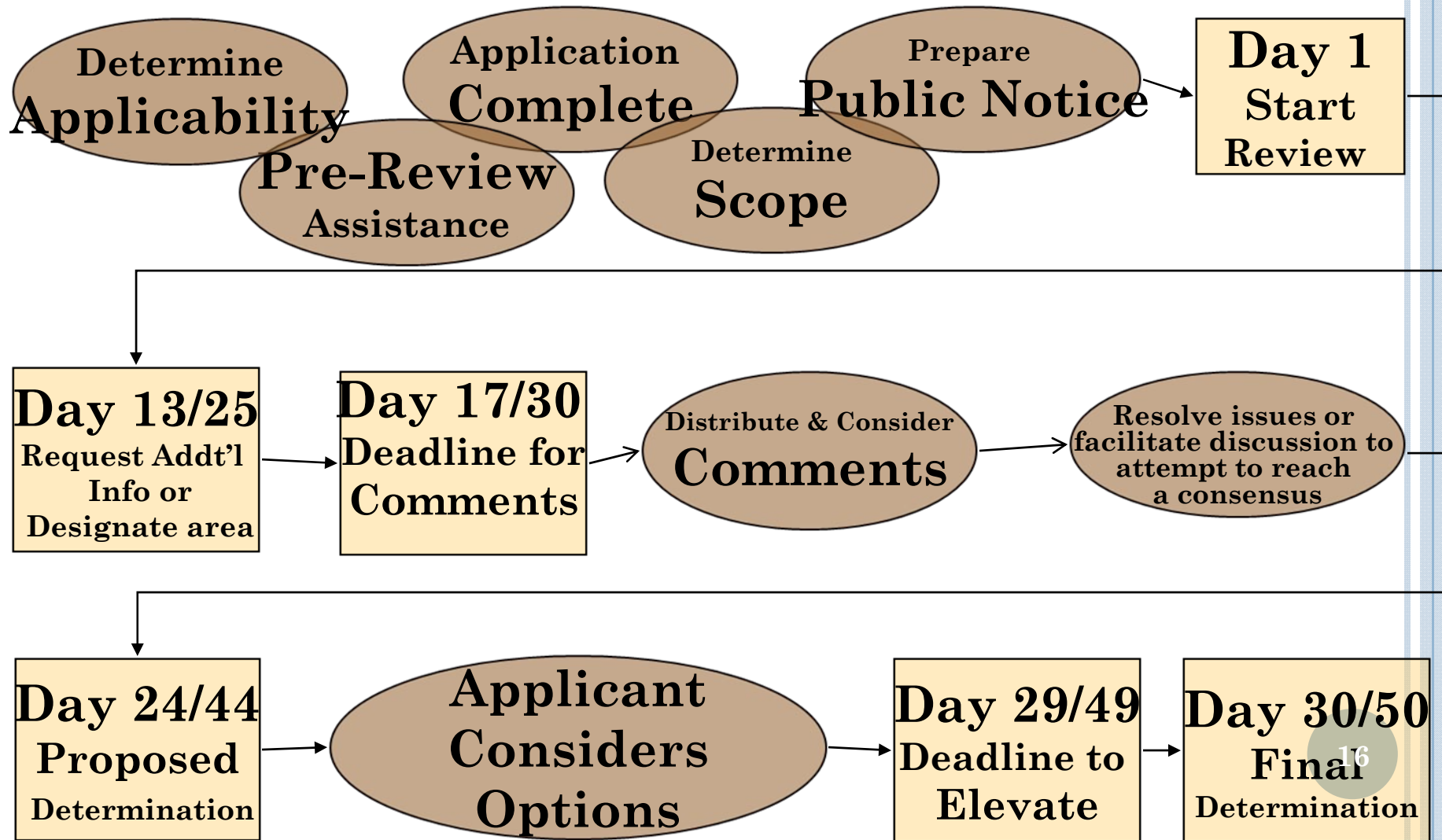
EXAMPLES OF ENFORCEABLE POLICIES

- Planning
 - CBJ's Wetlands Management Plan
- Consistency reviews
 - Bristol Bay Borough
 - Kenai Peninsula Borough
 - Bristol Bay CRSA

APPLICATION AND IMPLEMENTATION OF COASTAL DISTRICT ENFORCEABLE POLICIES

- Application of coastal district enforceable policies occur only during a consistency review
- Coastal districts receive implementation funding to do consistency reviews
- Coastal districts are considered to have expertise in the interpretation of their plan
- Coastal districts can comment on a proposed project using both their enforceable policies and the state standards

ACMP Consistency Review Process Timelines



QUESTIONS?

Thank You

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