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**

Issues Meeting with DCOM

11 AAC 114.300(a)

2 Public Hearings

11 AAC 114.305(a)

Submit Public Hearing Draft (PHD) to DCOM

11 AAC 114.305(d)

DCOM has 15 days to verify completeness

11 AAC 114.305(d)

Public Review & Comment Period *60 days if Borough or CRSA *45 day if City or Unified

> Municipality 11 AAC 114.310(a)-(d)

federal & state agencies 11 AAC 114.310(e)

District meeting with

Public Hearing Draft Commenting & Meetings

District holds public hearing(s)

11 AAC 114.305(e)&(f)

DCOM summarizes state agency comments

Preliminary Steps

11 AAC 114.320(c)(1)

District consolidates public

comments

11 AAC 114.320(b) Public Hearing Draft Commenting & Meetings (contd.) Prepare revisions to PHD creating proposed Concept Approved Draft (CAD)

11 AAC 114.320(c)(3)

District statement of comment consideration and copy of comments distributed to commenters and interested parties by district.

11 AAC 114.320(c)(4)

*for CRSAs only 60 day review & comment of proposed CAD by affected villages & cities (unless waived per 114.325(b)) Comments to be submitted as resolutions.

11 AAC 114.325

Concept Approved Draft Development & Initial Commenting

Obtain resolution creating CAD

11 AAC 114.330(a)

Submit CAD with comments and district response to DCOM & state agencies

11 AAC 114.330(b) Concept Approved Draft Development & Initial Commenting (contd.)

State agencies have 21 day CAD comment period

11 AAC 114.330(c)

DCOM has 15 days to compile state comments & Proposed findings & conclusions. DCOM provides to district.

11 AAC 114.330(d)

District distributes CAD. Proposed findings & conclusions and comments to all commenters and persons with interest

11 AAC 114.330(f)

21 Day CAD Public Comment Period *specific to changes since PHD Public Review

11 AAC 114.330(g)

Concept Approved Draft Responses

DCOM has 15 days to release final findings & conclusions *district can submit their own recommendation in response which is

weighed by commissioner

11 AAC 114.330(h)

Commissioner Approves or Disapproves Amendment *Ruling within 15 days of receiving review material

> 11 AAC 114.335(e) **Final Approvals**

Federal Review & Approval

11 AAC 114.355

Final District Approval by Ordinance within 90 days of Commissioner ruling *CRSAs obtain board resolution at public hearing

11 AAC 114.360(a)-(b)

DCOM Files Amendment with Lt. Gov.

11 AAC 114.360(c)

Done

30 DAYS after filing, the amended plan IS IN EFFECT

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
- \circ Flow from AS 46.40.030, AS 46.40.040

DESIGNATED AREAS

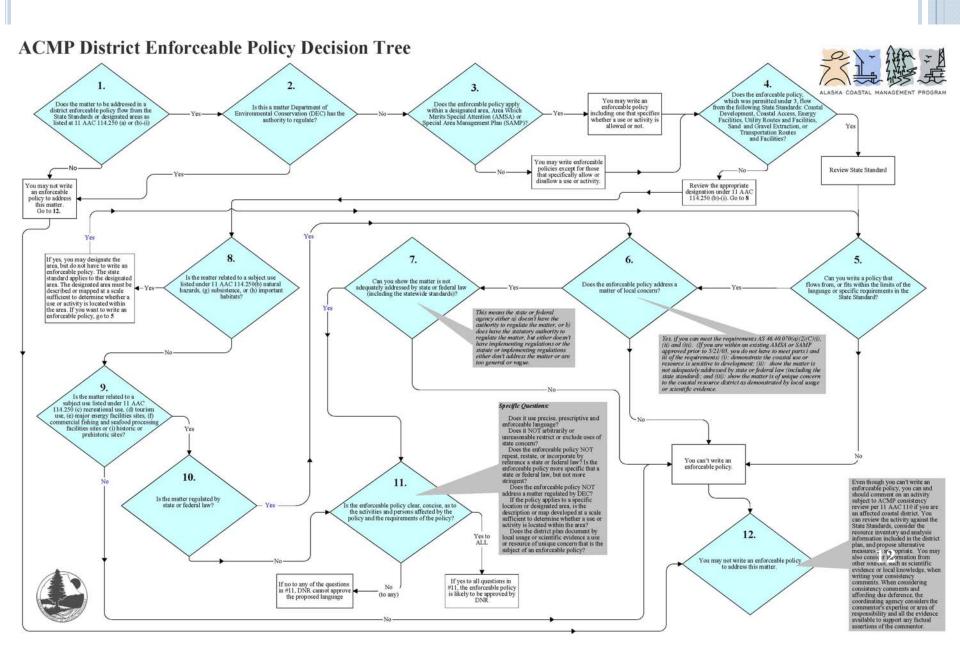
- Certain subject uses require designated areas
- Each subject use for a designated area has its own requirements (11 AAC 114.250)
- Must be included in enforceable section of the coastal management plan
- Must be described or mapped at a scale sufficient to determine whether a use or activity is located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



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

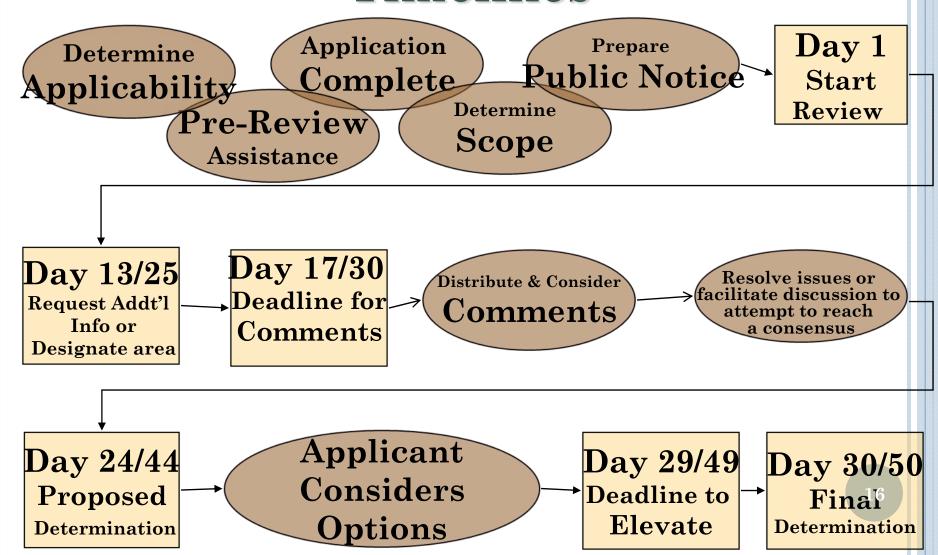
Examples of Enforceable Policies

- 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

www.alaskacoast.state.ak.us