

Motion Sheet #1

Senate additions are in blue and underlined; Senate deletions are in red.

Page 3, line 4 **In describing the appointment criteria for public members, adds that alternate members will also be appointed one from each of four geographic regions**

(B) four members from a list composed of at least three names from each region, and four alternate members from a list composed of at least three names from each region, nominated and submitted by the coastal resource districts of each region; the governor may reject a list submitted under this subparagraph and request that subsequent lists with different names be submitted; one public member and one alternate member shall be appointed from each of the following regions:

Page 3, lines 13-14 **Clarifies the boundaries of the southwest Alaska region from which a public member and an alternate will be appointed**

(ii) southwest Alaska, including, generally, the area within the Lower Yukon, Lower Kuskokwim, and Southwest regional educational attendance areas and the Lake and Peninsula and Bristol Bay Boroughs; and the Kodiak-Aleutians area, including the area of the Kodiak Island and ~~area of~~ Aleutians East Boroughs and the ~~area of~~ Aleutian, Adak, and Pribilof regional educational attendance areas;

Page 4, line 19 **Specifies that alternates for designated members are deputy commissioners**

~~(e)~~ (f) If a member serving under (a)(2) of this section is unable to attend, a deputy commissioner in the same department may attend and act in place of the member. The names of deputy commissioner serving as alternates for members serving under (a)(2) of this section shall be filed with the board.

Page 12, lines 18-19 **Changes “commissioner’s designee” to “deputy commissioner”**

(1) the commissioner or deputy commissioner ~~the commissioner's designee~~ of a state agency; or

Page 13, lines 6-7 Changes “deputies” to “deputy commissioner” of a resource agency

(A) shall be conducted [IS LIMITED TO A REVIEW] by the commissioners or deputy commissioners of the resource agencies ~~of the resource agencies or their deputies~~ [DEPARTMENT];

Page 13, lines 13-14 Changes “or their deputies” to “deputy commissioners” of a resource agency

(C) shall be completed with the issuance of a written order signed by at least two of the commissioners or deputy commissioners of the resource agencies ~~or their deputies~~ [BY THE DEPARTMENT]

Page 14, lines 8-9 Changes “their deputies” to “deputy commissioners of the resource agencies”

(B) commissioners or deputy commissioners of the resource agencies ~~their deputies~~ for an elevated review;

Page 14, line 31 Changes “their deputies” to “deputy commissioners”

(15) "elevated review" means a review of a proposed consistency determination by the commissioners, ~~or their deputies,~~ or deputy commissioners of the resource agencies.

Page 15, line 24, to Page 16, line 9

More specifically states the composition of the lists the regions will forward to the Governor to serve on the policy board

* **Sec. ~~22.~~ 23.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: MEMBERS OF THE ALASKA COASTAL POLICY BOARD; STAGGERED TERMS. (a) Notwithstanding AS

46.39.005(a), added by sec. 3 of this Act, within 30 days after the effective date of this section, the municipalities of each region identified in AS 46.39.005(a)(1)(B) shall submit to the governor the names of three persons to be considered for appointment as public members, and the names of three persons to be considered for appointment as alternate members, from the region qualified under AS 46.39.005(a), added by sec. 3 of this Act. Notwithstanding AS 46.39.005, added by sec. 3 of this Act, within 60 days after the effective date of this section, the governor shall appoint, from the lists of names submitted under AS 46.39.005(a)(1)(B), one member and one alternate member from each region, or request subsequent lists of names in accordance with AS 46.39.005(a)(1)(B), and shall appoint one at-large member and one alternate member to serve on the Alaska Coastal Policy Board established by AS 46.39.005, added by sec. 3 of this Act. The governor shall appoint the public members to three-year staggered terms. The alternate member for each public member shall serve the same term as the public member. The governor shall specify the term of each public member appointed subject to this section.

Page 16, line 13

Clarifies that alternates are alternate members

(b) Notwithstanding the requirements of AS 46.40.060(b), as amended by sec. 12 of this Act, a review by the Alaska Coastal Policy Board relating to a district coastal management plan, or a portion of a district coastal management plan, shall be delayed until all the public members and ~~alternates~~ alternate members of the board are appointed under (a) section.

Page 16, Lines 17-22

Technical difference to change “act” to “section” and “as” to “in”

TRANSITION: PENDING DISTRICT COASTAL MANAGEMENT PLANS. If a plan of a coastal resource district was submitted to the Department of Natural Resources before the effective date of this section ~~Act~~, but is pending approval in its entirety before the

effective date of this section ~~Act~~, the coastal resource district shall resubmit the entire plan to the Department of Natural Resources for approval using the standards set out ~~(as)~~ in AS 46.39 and AS 46.40, as modified by this Act.

Page 17, lines 8-13

Technical difference to change “sections” to “provisions”

(b) If, under AS 01.10.070(c), sec. ~~27~~ 28 of this Act takes effect on or after July 1, 2011, sec. ~~27~~ 28 of this Act is retroactive to July 2, 2011, and ~~sections~~ provisions repealed by sec. 18, ch.31, SLA 2005, are revived. If a revived ~~section~~ provision is amended by secs. 1, 2, 4 – 20, or 22 of this Act, it is revived as amended by secs. 1, 2, 4 – 20, and 22 of this Act. The revived provisions are subject to repeal under sec. 22, ch. 31, SLA 2005, as amended by sec. ~~27~~ 28 of this Act.

Page 17, line 24, to Page 18, line 17

Technical change to delete a section of the existing statute conditioning the effective date on a 2006 event

Sec. 22. Sections 1 – 13 and 18, ~~ch. 31, SLA 2005,~~ [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 ADMTNISTRATION, OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT, 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].

~~}, 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, Department of Commerce, then secs. 1—13 and 18, ch. 31, SLA 2005, [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].~~

Motion #2 – Alaska Coastal Policy Board, Member Removal

Senate additions are in blue and underlined; Senate deletions are in red.

Page 3, line 28 to Page 4, line 10

Section 3

The House version establishes that members of the new Alaska Coastal Policy Board may be removed at the pleasure of the Governor, in which case the alternate member would serve the remainder of the term and a new alternate appointed.

The Senate language deletes that members serve at the pleasure of the Governor, and inserts that members may be removed from cause. The Senate adds (c), allowing the board to recommend that a member be removed; setting out the procedure for removal, including written notice of the charges and an opportunity for a hearing; and defines “for cause.”

(b) Public members serve staggered terms of three years. Except as provided by (c) of this section, each ~~Each~~ member serves until a successor is appointed and qualified. A public member may be reappointed. ~~A public member may be removed at the pleasure of the governor, in which event the alternate member shall serve the remainder of the term and a new alternate shall be appointed under (a)(1) of this section~~

(c) The board may recommend that the governor remove a public member for cause. With or without a recommendation from the board, the governor may remove a public member for cause after giving the public member written notice of the charges and an opportunity to be heard upon not less than 10 days’ notice. If a public member is removed, the alternate member shall serve the remainder of the term, and a new alternate shall be appointed under (a)(1) of this section. In this subsection, “for cause” includes a lack of contribution to the board’s work, neglect of duty, incompetence, inability to serve, poor attendance, and misconduct in office.

Motion #3 – Development of District Coastal Management Plans,

Least Restrictive Means

Senate additions are in blue and underlined; Senate deletions are in red.

Page 8, lines 7-17

Section 8

The House version adds a new subsection to Section 8, development of district management plans, directing that six new factors be considered when determining whether a policy uses the least restrictive means to achieve its objectives. The six factors in the House version are alternate methods; local knowledge or scientific evidence; effects on other uses; economic effects; technological feasibility; and any other relevant factors.

The Senate version breaks the six factors into two subsections of three factors each, and adds that the latter three factors may be required in considering whether an enforceable policy uses the least restrictive means to achieve its purpose.

* **Sec. 8.** AS 46.40.030 is amended by adding ~~a new subsection~~ new subsections to read:

(c) In determining whether an enforceable policy employs the least restrictive means to achieve its objective, the following factors shall be considered:

(1) alternative methods of achieving the objective of the policy;

(2) local knowledge or scientific evidence supporting each alternative method; and

(3) how the alternative methods may affect other existing or potential uses.

(d) Additional factors that the department may require be addressed in determining whether an enforceable policy employs the least restrictive means to achieve its objective are as follows:

~~(4)~~ (1) the economic effects of alternative methods;

~~(5)~~ (2) the technological feasibility of the alternative methods; and

~~(6)~~ (3) any other relevant factors.

Motion #4 – Submission of District Plans by Coastal Resource Districts, **Additional Action by Districts**

Senate additions are in blue and underlined; Senate deletions are in red.

Page 10, lines 12-16

Section 13

The House version allows the department to require additional action by the districts related to submitting and reviewing plans. The House version allows the department to require districts to take any other action as appropriate.

The Senate version eliminates the department's ability to require any other action be taken by the districts after plan review. The Senate version instead allows the department to require additional information from the districts if the department believes that information is necessary for approval of all or part of the plan.

(4) require the coastal resource district to submit additional information if, in the judgment of the department, additional information is necessary for the department to approve the plan or portions of the plan
[(3) ANY OTHER ACTION BE TAKEN BY THE COASTAL
RESOURCE DISTRICT AS APPROPRIATE] ~~that [(3)] any other action
be taken by the coastal resource district [AS APPROPRIATE].~~

Motion #5 – Requirements for Department Review and Approval,

Designated Areas

Senate additions are in blue and underlined; Senate deletions are in red.

Page 12, lines 10-13

Section 15

The Senate version adds a new subsection to the section on requirements for department review and approval of district plans. The subsection prohibits the department from requiring that districts designate areas for the purpose of developing enforceable policies.

(d) Notwithstanding AS 46.40.030(a)(4), in reviewing and approving a district coastal management plan under (a) of this section, the department may not require a district to designate areas for the purpose of developing an enforceable policy.

Motion #6 – Definitions

Senate additions are in blue and underlined; Senate deletions are in red.

Page 15, lines 2-21

Section 20

The House version defines “local knowledge” and “scientific evidence.”

The Senate CS deletes the definitions of “local knowledge” and “scientific evidence.”

~~(16) "local knowledge" means a body of knowledge or information about the coastal environment or the human use of that environment, including information passed down through generations, if that information is~~

~~(A) derived from experience and observations;~~

~~(B) generally accepted by the local community; and~~

~~(C) not contradicted by scientific evidence;~~

~~(17) "scientific evidence" means facts or data that are~~

~~(A) premised upon established chemical, physical, biological, or ecosystem management principles as obtained through scientific method and submitted to the division in the department responsible for ocean and coastal management to furnish proof of a matter required under this chapter;~~

~~(B) in a form that would allow resource agency review for scientific merit; and~~

~~(C) supported by one or more of the following:~~

~~(i) written analysis based on field observation and professional judgment along with photographic documentation;~~

~~(ii) written analysis from a professional scientist with expertise in the specific discipline; or~~

~~(iii) site specific scientific research that may include 29 peer review level research or literature.~~

Motion #7 – Review and Reports

Senate additions are in blue and underlined; Senate deletions are in red.

Page 16, line 31 to page 17, line 3

Section 24 (House)/25 (Senate)

The House version includes one review requirement in Section 15, directing the board to review by Feb. 1, 2013, specific sections of the ACMP statutes, regulations, and related federal and state statutes and regulations. The review is on AS 46.40.040(c), Statewide standards and district plan criteria/DEC consultation in consistency reviews, and AS 46.40.096(i), Consistency reviews and determinations/DEC.

The Senate version adds a new subsection requiring a second level of reporting. The subsection requires the policy board to report by Jan. 1, 2015, on the effectiveness of the ACMP statutes, regulations adopted, and recommendations for changes, if any. The review is on AS 46.39, Coastal Management Administration, and AS 46.40, The Alaska Coastal Management Program.

(b) On or before January 1, 2015, the Alaska Coastal Policy Board shall report to the governor and legislature on the effectiveness of AS 46.39 and AS 46.40 and regulations adopted under those chapters, with its recommendations for any proposed changes to any provision of AS 46.39 or AS 46.40.