

HOUSE BILL NO. 325

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES AUSTERMAN, Seaton, Foster, Peggy Wilson, Herron, Edgmon, Joule, Kerttula

Introduced: 2/17/12

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing an Alaska coastal management program."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** AS 46.40 is amended by adding new sections to read:

4 **Article 1. Development of Alaska Coastal Management Program.**

5 **Sec. 46.40.310. Alaska Coastal Policy Board.** (a) The Alaska Coastal Policy
6 Board is created in the Department of Commerce, Community, and Economic
7 Development. The board consists of the following:

8 (1) nine public members and nine alternate public members appointed
9 by the governor from a list composed of at least three names from each region,
10 nominated and submitted by the coastal districts of each region; one public member
11 and one alternate public member shall be appointed from each of the following
12 regions:

13 (A) northwest Alaska, including, generally, the area of the
14 North Slope Borough and the Northwest Arctic Borough;

15 (B) Bering Strait, including, generally, the area of the Bering

1 Strait regional educational attendance area and the City of Nome;

2 (C) southwest Alaska, including, generally, the area within the
3 Lower Yukon, Lower Kuskokwim, and Southwest regional educational
4 attendance areas, the City of Bethel, the City of Dillingham, the Lake and
5 Peninsula Borough, and the Bristol Bay Borough;

6 (D) Kodiak-Aleutians, including the area of the Kodiak Island
7 Borough, the Aleutian East Borough, and the Aleutian, Adak, and Pribilof
8 regional educational attendance areas;

9 (E) Upper Cook Inlet, including the Municipality of Anchorage
10 and the Matanuska-Susitna Borough;

11 (F) Lower Cook Inlet, including, generally, the area within the
12 Kenai Peninsula Borough;

13 (G) Prince William Sound, including, generally, the area east of
14 the Kenai Peninsula Borough to 141 West longitude;

15 (H) northern Southeast Alaska, including the area southeast of
16 141 West longitude and north of 57 North latitude, including the entirety of the
17 City and Borough of Sitka; and

18 (I) southern Southeast Alaska, including that portion of
19 Southeast Alaska not contained within the area described in (H) of this
20 paragraph;

21 (2) each of the following designated members:

22 (A) the commissioner of environmental conservation;

23 (B) the commissioner of fish and game;

24 (C) the commissioner of natural resources; and

25 (D) the commissioner of commerce, community, and economic
26 development.

27 (b) Public members and alternate public members serve staggered terms of
28 three years. The public member and the alternate public member of each region shall
29 be appointed to the same term. Except as provided by (f) of this section, each member
30 serves until a successor is appointed. A public member and an alternate public
31 member may be reappointed.

1 (c) If a public member serving under (a)(1) of this section is unable to attend a
2 meeting of the board, the alternate may attend.

3 (d) If a member serving under (a)(2) of this section is unable to attend a
4 meeting of the board, a deputy commissioner, or the director of a division, in the same
5 department may attend and act in place of the member. The names of deputies or
6 directors serving as alternates for members serving under (a)(2) of this section shall be
7 filed with the board.

8 (e) The board shall designate co-chairs, one of whom shall be selected from
9 among the public members appointed under (a)(1) of this section and one from among
10 the members designated in (a)(2) of this section.

11 (f) The board may recommend that the governor remove a public member for
12 cause.

13 (g) Five public members and two designated members of the board constitute
14 a quorum, but action may not be taken without the affirmative votes of at least six
15 members. The board may delegate to one or more of its members the power to hold
16 hearings. All decisions of the board shall be by a majority vote of the members present
17 and voting.

18 (h) The board shall meet at least four times a year and as often as necessary to
19 fulfill its duties under this chapter. Meetings may be held and members may vote
20 telephonically, except one board meeting a year shall be held in person.

21 (i) Public members and alternate public members, attending in the place of
22 public members, of the board are entitled to per diem and travel expenses authorized
23 by law for members of boards and commissions under AS 39.20.180.

24 (j) Administrative support for the board shall be provided by staff of the
25 department, who shall be in the classified service. The department, under the direction
26 of the board, shall contract with or employ personnel or consultants the department
27 considers necessary to assist the board in carrying out the board's duties and
28 responsibilities.

29 **Sec. 46.40.320. Powers and duties of the board.** (a) The board shall

30 (1) review and approve regulations necessary to implement the Alaska
31 coastal management program in conformity with this chapter and 16 U.S.C. 1451 -

1 1466 (Coastal Zone Management Act of 1972);

2 (2) direct the department to seek approval of the Alaska coastal
3 management program by the National Oceanic and Atmospheric Administration,
4 Office of Ocean and Coastal Resource Management, in conformity with this chapter
5 and 16 U.S.C. 1451 - 1466 (Coastal Zone Management Act of 1972);

6 (3) initiate an interagency program of strategic coastal and ocean
7 planning for each geographic region of the state;

8 (4) after receiving the department's recommendations, review and
9 approve coastal district management plans, including the local enforceable policies of
10 the plans, that meet the provisions of this chapter and the district plan criteria;

11 (5) establish continuing coordination among state agencies to facilitate
12 the development and implementation of the Alaska coastal management program;

13 (6) evaluate the effectiveness of district coastal management plans; and

14 (7) direct the department to apply for and accept grants, contributions,
15 and appropriations, including federal funds that may become available for coastal
16 planning and management.

17 (b) The board may

18 (1) contract for necessary services;

19 (2) take any reasonable action necessary to carry out the provisions of
20 this chapter.

21 **Sec. 46.40.330. Division of ocean and coastal management.** The division of
22 ocean and coastal management is created in the department. The division shall

23 (1) render, on behalf of the state, all federal consistency determinations
24 and certifications authorized by 16 U.S.C. 1456 (sec. 307, Coastal Zone Management
25 Act of 1972) and each conclusive state consistency determination when a project
26 requires a permit or lease from two or more state resource agencies;

27 (2) develop and, after approval by the board under AS 46.40.320(a)(1),
28 adopt regulations necessary to implement this chapter under AS 44.62 (Administrative
29 Procedure Act);

30 (3) ensure the continued provision of data and information to coastal
31 districts to carry out their planning and management functions under the program; and

(4) develop and maintain a program of financial assistance to aid coastal districts in the development and implementation of district coastal management plans.

Sec. 46.40.340. Alaska coastal management program regulations. The department shall develop regulations that include

(1) statewide standards for the Alaska coastal management program, and criteria for the preparation and approval of district coastal management plans; and

(2) consistency review procedures in accordance with this chapter, including provisions for

(A) review of activities proposed or permitted by a state or federal agency;

(B) the types of activities that will trigger a consistency review;

(C) review of phased activities and uses;

(D) public notice and opportunities for public comment;

(E) elevation of determinations to the commissioners of the resource agencies;

(F) establishment of review timelines;

(G) exclusion from a consistency review for a project of

(i) aspects of activities that are covered by a general permit previously found consistent with the Alaska coastal management program; and

(ii) routine activities with insignificant effects to coastal uses or resources.

Sec. 46.40.350. Objectives. The Alaska coastal management program must be consistent with the following objectives:

(1) the use, management, restoration, and enhancement of the overall quality of the coastal environment for this generation and succeeding generations;

(2) the development of industrial or commercial enterprises that are consistent with the social, cultural, historic, economic, and environmental interests of the people of the state;

(3) the orderly, balanced use and protection of the resources of the

1 coastal area consistent with sound conservation and sustained yield principles;

2 (4) the management of coastal land and water uses in such a manner
3 that, generally, those uses that are economically or physically dependent on a coastal
4 location are given higher priority when compared to uses that do not economically or
5 physically require a coastal location;

6 (5) the protection and management of significant historic, cultural,
7 natural, and aesthetic resources and natural systems or processes within the coastal
8 area;

9 (6) the prevention of damage to or degradation of land and water
10 reserved for their natural values as a result of inconsistent land or water uses adjacent
11 to that land or water;

12 (7) the recognition of the need for a continuing supply of energy to
13 meet the requirements of the state and the contribution of a share of the state's
14 resources to meet national energy needs;

15 (8) the full and fair evaluation of all demands on and uses of the land
16 and water in the coastal area;

17 (9) the coordination of planning and decision making in the coastal
18 area among levels of government and individuals engaging in, or affected by,
19 activities that involve the coastal resources of the state;

20 (10) the participation of the public, local governments, and agencies of
21 the state and federal governments in the development and implementation of a coastal
22 management program;

23 (11) the requirement that state resource agencies carry out their duties,
24 powers, and responsibilities that affect the use of coastal area resources in accordance
25 with the coastal management program established by this chapter.

26 **Sec. 46.40.360. Development of district coastal management plans.** (a)
27 Coastal districts shall develop and adopt district coastal management plans in
28 accordance with the provisions of this chapter. The plan developed and adopted by a
29 coastal district shall be based on a municipality's existing comprehensive plan or a
30 new comprehensive resource use plan or comprehensive statement of needs, policies,
31 objectives, and standards governing the use and conservation of resources within the

1 coastal area of the district. The plan must meet the district plan criteria adopted under
2 AS 46.40.340 and must include

3 (1) a delineation within the district of the boundaries of the coastal area
4 subject to the district coastal management plan;

5 (2) a statement, list, or definition of the land and water uses and
6 activities subject to the district coastal management plan;

7 (3) a statement of enforceable policies to be applied to all the land and
8 water uses subject to the district coastal management plan;

9 (4) a designation of any special management areas;

10 (5) a statement of the enforceable policies that will be applied to the
11 use of special management areas.

12 (b) The board shall approve an initial or amended district coastal management
13 plan if the

14 (1) plan meets the requirements of this chapter and the district plan
15 criteria adopted by the department in regulation; and

16 (2) enforceable policies of the plan

17 (A) do not duplicate, restate, or incorporate by reference state
18 or federal statutes or regulations;

19 (B) are not preempted by federal or state law;

20 (C) do not arbitrarily or unreasonably restrict a use of state
21 concern;

22 (D) are clear and concise as to the activities and persons
23 affected by the policies and the requirements of the policies;

24 (E) use prescriptive or performance-based standards that are
25 written in precise and enforceable language; and

26 (F) address a coastal use or resource of concern to the residents
27 of the coastal district as demonstrated by local knowledge or supported by
28 scientific evidence.

29 **Sec. 46.40.370. Implementation of district coastal management plans.** (a) A
30 district coastal management plan approved under AS 46.40.360 for a coastal district
31 that does not have and exercise zoning or other controls on the use of resources within

1 the coastal area shall be implemented by appropriate state agencies. Implementation
 2 shall be in accordance with the comprehensive use plan or the statement of needs,
 3 policies, objectives, and standards adopted by the district.

4 (b) A coastal district that has and exercises zoning or other controls on the use
 5 of resources within the coastal area shall implement its district coastal management
 6 plan. Implementation shall be in accordance with the comprehensive use plan or the
 7 statement of needs, policies, objectives, and standards adopted by the district.

8 **Sec. 46.40.380. Compliance and enforcement.** (a) Municipalities and state
 9 resource agencies shall administer land and water use regulations or controls in
 10 conformity with district coastal management plans approved and adopted under this
 11 chapter.

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

14 **Article 2. Coastal Management Plans in the Unorganized Borough.**

15 **Sec. 46.40.390. Coastal management plans in the unorganized borough.** A
 16 coastal resource service area organized under AS 46.40.400 - 46.40.450 shall exercise
 17 those authorities and perform those duties required under this chapter.

18 **Sec. 46.40.400. Coastal resource service areas.** (a) Except as provided in (b)
 19 and (d) of this section, each regional educational attendance area established under
 20 AS 14.08.031 that contains a portion of the coastal area of the state may be organized
 21 as a coastal resource service area.

22 (b) The commissioner may, after public hearings held in the affected area,
 23 consolidate two or more regional educational attendance areas as a single coastal
 24 resource service area, if

25 (1) the federal government exercises exclusive jurisdiction over a
 26 substantial portion of the coastal area;

27 (2) a substantial portion of the coastal area is held in trust for Alaska
 28 Natives by the federal government and the state does not exercise control as to use of
 29 that area; or

30 (3) after giving due consideration to the standards applicable to
 31 incorporation of borough governments and the likelihood that a borough may be

1 incorporated within the area, the commissioner determines that the functions
 2 performed by a resource service area under this chapter will be undertaken more
 3 efficiently through consolidating two or more regional educational attendance areas as
 4 a single coastal resource service area.

5 (c) A determination by the commissioner under (b) of this section may be
 6 made only before a coastal resource service area is organized under (a) of this section.

7 (d) For purposes of coastal management only, the commissioner of the
 8 department may, after public hearings held in the affected regional educational
 9 attendance area, divide an existing regional educational attendance area into three or
 10 fewer coastal resource service areas according to geographic, cultural, economic,
 11 environmental, or other features relevant to coastal management planning. Each
 12 coastal resource service area formed by dividing an existing regional educational
 13 attendance area under this subsection must contain at least one first class or home rule
 14 city.

15 (e) A city within a coastal resource service area that has been formed by the
 16 division of a regional educational attendance area under (d) of this section may not
 17 elect to exclude itself from that coastal resource service area.

18 **Sec. 46.40.410. Establishment of coastal resource service areas.** (a) A
 19 coastal resource service area may be established by a vote held under AS 46.40.430 if

20 (1) a petition, signed by a number of registered voters equal to at least
 21 15 percent of the number of votes cast in the proposed coastal resource service area at
 22 the last state general election, is submitted to the board; or

23 (2) a resolution, approved by the city council or traditional village
 24 council of at least 25 percent of the number of cities and villages in the proposed
 25 coastal resource service area, is submitted to the board.

26 (b) If the board receives a petition submitted under (a)(1) of this section or a
 27 resolution submitted under (a)(2) of this section, the board shall request that the
 28 lieutenant governor hold a vote under AS 46.40.430 as to whether the proposed coastal
 29 resource service area should be established. The lieutenant governor, not less than 60
 30 nor more than 90 days after receiving the board's request that an election be held, shall
 31 administer an election on the question in the proposed coastal resource service area.

1 **Sec. 46.40.420. Coastal resource service area boards.** (a) Each coastal
 2 resource service area shall have an elected service area board representing the
 3 population of the service area. The service area board shall have the powers and duties
 4 of and perform the functions prescribed for or required of a coastal district.

5 (b) A coastal resource service area board shall contain seven members. Board
 6 members shall be elected at large by the qualified voters of the coastal resource
 7 service area.

8 (c) The term of office of a member of a coastal resource service area board is
 9 three years. Members serve until their successors are elected and have qualified. This
 10 section does not prohibit the reelection of a member of a service area board.

11 (d) The lieutenant governor shall provide for the election of the members of
 12 coastal resource service area boards.

13 (e) Election of members of coastal resource service area boards shall be held
 14 annually on the date of election of members of regional educational attendance area
 15 boards under AS 14.08.071(b). If no candidate files for election to a seat on the coastal
 16 resource service area board, the seat is considered vacant at the time a newly elected
 17 member would have taken office.

18 (f) A seat on a coastal resource service area board shall be declared vacant by
 19 the board if the criteria under AS 14.08.045(a) apply to the person elected. A vacancy
 20 on a coastal resource service area board shall be filled by appointment as provided in
 21 AS 14.12.070 for vacancies in the membership of regional educational attendance area
 22 boards.

23 (g) Members of coastal resource service area boards are subject to recall on
 24 the same grounds and in the same manner as provided for recall of municipal officials
 25 in AS 29.26.240 - 29.26.350. The lieutenant governor functions in place of the
 26 assembly or council and municipal clerk for receipt and review of recall petitions and
 27 the conduct of recall elections.

28 (h) Members of a coastal resource service area board are entitled to per diem
 29 and travel expenses authorized by law for members of boards and commissions under
 30 AS 39.20.180 and honorariums for coastal resource service area board meetings
 31 attended in person.

1 **Sec. 46.40.430. Elections in coastal resource service areas.** Elections under
 2 AS 46.40.390 - 46.40.450 shall be administered by the lieutenant governor in the
 3 general manner provided in AS 15 (Alaska Election Code). In addition, the lieutenant
 4 governor may adopt regulations necessary to the conduct of coastal resource service
 5 area board elections. The state shall pay all election costs.

6 **Sec. 46.40.440. Preparation of district coastal management plan by the**
 7 **Department of Commerce, Community, and Economic Development.** (a) If
 8 residents of a proposed coastal resource service area reject organization of the service
 9 area at an election called for the purpose under AS 46.40.410 and the Alaska Coastal
 10 Policy Board finds, after public hearing, that major economic development activity has
 11 occurred or will occur within the service area, the board may direct the Department of
 12 Commerce, Community, and Economic Development to prepare and recommend for
 13 consideration by the board a district coastal management plan for the proposed service
 14 area.

15 (b) At the request of the board, the Department of Commerce, Community,
 16 and Economic Development shall complete the district coastal management plan for a
 17 coastal resource service area that has been organized but that has failed to make
 18 substantial progress in the preparation of an approvable district coastal management
 19 program within 18 months after certification of the results of an organization election
 20 or that has not submitted for approval to the board a program within 30 months after
 21 certification of the results of its organization election. The department shall complete
 22 the plan in accordance with this chapter and the guidelines and standards adopted by
 23 the board. Preparation of the plan shall be conducted in consultation with the coastal
 24 resource service area and shall, to the maximum extent consistent with this chapter,
 25 reflect the expressed concerns of the residents of the service area.

26 (c) Before requesting the department to complete a district coastal
 27 management plan under (b) of this section, the Alaska Coastal Policy Board shall meet
 28 with the members of the coastal resource service area board to determine whether the
 29 coastal resource service area board is able to complete a district coastal management
 30 plan within the time limitations established in this section.

31 **Sec. 46.40.450. Approval of plans in coastal resource service areas.** (a)

1 Before adoption by a coastal resource service area board, a district coastal
 2 management plan must be submitted for review to each city or village within the
 3 coastal resource service area. The council of a city or traditional village council shall
 4 consider the plan submitted for review. Within 60 days after submission, the council
 5 of a city or traditional village council shall either approve the plan or enter objections
 6 to all or any portion of the plan.

7 (b) If a city or village within a coastal resource service area fails to approve a
 8 portion of the district coastal management plan prepared and submitted for approval
 9 under (a) of this section, the governing body shall advise the coastal resource service
 10 area board of its objections to the proposed plan and suggest alternative elements or
 11 components for inclusion in the district coastal management plan. New matter
 12 submitted by a city or village that meets the district plan criteria adopted under this
 13 chapter may be accepted by the district, and the district coastal management plan
 14 modified accordingly. If a city or village fails to provide objections and suggested
 15 alternatives within the time limits established in this section, the coastal resource
 16 service area board may adopt the district coastal management plan as initially offered.

17 (c) Objection by a city council under (b) of this section is limited to objection
 18 to elements of the plan affecting resources or the use of resources within the corporate
 19 limits of the city. Objection by a traditional village council under (b) of this section is
 20 limited to objection to elements of the plan affecting resources or the use of resources
 21 within the village or within two miles of the village.

22 **Article 3. General Provisions.**

23 **Sec. 46.40.460. Cooperative administration.** (a) A city within the coastal area
 24 that is not part of a coastal resource service area shall be included for purposes of this
 25 chapter within an adjacent coastal resource service area unless its governing body, by
 26 resolution adopted by a majority of its membership, chooses to exclude the city from
 27 an adjacent coastal resource service area and a copy of the resolution is filed with the
 28 commissioner of commerce, community, and economic development.

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

1 **Sec. 46.40.470. Construction with other laws.** Nothing in this chapter shall
2 be construed to

3 (1) diminish state jurisdiction, responsibility, or rights in the field of
4 planning, development, or control of land or water resources, submerged land, or
5 navigable water;

6 (2) affect in any way any state requirement imposed under a federal
7 authorization or federal waiver of sovereign immunity; or

8 (3) diminish the zoning or planning authority of municipalities under
9 AS 29.

10 **Sec. 46.40.500. Definitions.** In this chapter, unless the context otherwise
11 requires,

12 (1) "affected coastal district" means a coastal district with a publicly
13 reviewed draft or approved plan in which a project is proposed to be located or that
14 may experience a direct and significant impact from a proposed project;

15 (2) "board" means the Alaska Coastal Policy Board established in
16 AS 46.40.310;

17 (3) "coastal district" means each of the following that contains a
18 portion of the coastal area of the state:

19 (A) unified municipalities;

20 (B) organized boroughs of any class that exercise planning and
21 zoning authority;

22 (C) home rule and first class cities of the unorganized borough
23 or within boroughs that do not exercise planning and zoning authority;

24 (D) second class cities of the unorganized borough, or within
25 boroughs that do not exercise planning and zoning authority, that have
26 established a planning commission and that, in the opinion of the
27 commissioner of commerce, community, and economic development, have the
28 capability of preparing and implementing a district coastal management plan
29 under AS 46.40.360;

30 (E) coastal resource service areas established and organized
31 under AS 29.03.020 and AS 46.40.400 - 46.40.450;

(4) "coastal use or resource" means a land or water use or natural resource of the coastal zone; in this paragraph, "use or resource" includes public access, recreation, fishing, historic or cultural preservation, development, hazards management, marinas, floodplain management, scenic and aesthetic enjoyment, resource creation or restoration projects, air, tidal and nontidal wetlands, ocean waters, estuaries, rivers, streams, lakes, aquifers, submerged aquatic vegetation, land, plants, trees, minerals, fish, shellfish, invertebrates, amphibians, birds, mammals, reptiles, and other biological and physical resources found in the coastal zone on a regular or cyclical basis;

(5) "coastal zone" means the coastal water, including land within and under that water, and adjacent shoreland, including the water within and under that shoreland, within the boundaries approved by the former Alaska Coastal Policy Council and by the United States Secretary of Commerce under 16 U.S.C. 1451 - 1466 (Coastal Zone Management Act of 1972) and areas added as a result of any boundary changes approved by the board and by the United States Secretary of Commerce under 16 U.S.C. 1451 - 1466 (Coastal Zone Management Act of 1972); "coastal zone" does not include

(A) those lands excluded under 16 U.S.C. 1453(1); or

(B) areas deleted as a result of any boundary changes by the board in conformity with 16 U.S.C. 1451 - 1466 (Coastal Zone Management Act of 1972);

(6) "consistency review" means the evaluation of a proposed project against the statewide standards and the approved enforceable policies of an affected coastal district under the process developed by the department and approved by the board;

(7) "department" means the Department of Commerce, Community, and Economic Development;

(8) "direct and significant impact" means an activity that proximately contributes to a material change or alteration in the natural or social characteristics of a part of the state's coastal area and that

(A) would have a net adverse effect on the quality of the

resources of the coastal area;

(B) would limit the range of alternative uses of the resources of the coastal area; or

(C) would, of itself, constitute a tolerable change or alteration of the resources within the coastal area but that, cumulatively, would have an adverse effect;

(9) "district coastal management plan" means a plan, including the enforceable policies of that plan, that sets out policies and standards to guide public and private uses of land and water within that district and approved by the board as meeting the requirements of this chapter and the regulations adopted under this chapter;

(10) "elevation" means a review of a proposed consistency determination by the commissioners of the resource agencies;

(11) "enforceable policy" means a policy established by this chapter or approved by the board as a legally binding policy of the Alaska coastal management program applicable to public and private activities;

(12) "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; and

(B) generally accepted by the local community;

(13) "project" means all activities affecting a coastal use or resource;

(14) "resource agency" means

(A) the Department of Environmental Conservation;

(B) the Department of Fish and Game; or

(C) the Department of Natural Resources;

(15) "scientific evidence" means facts or data that are

(A) premised on established chemical, physical, biological, or ecosystem management principles as obtained through scientific method and submitted to the department to furnish proof of a matter required under this chapter;

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

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

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

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

8 (iii) site-specific scientific research that may include
 9 peer-review level research or literature;

10 (16) "special management area" means a delineated geographic area
 11 within the coastal area that is sensitive to change or alteration and that, because of
 12 plans or commitments or because a claim on the resources within the area delineated
 13 would preclude subsequent use of the resources to a conflicting or incompatible use,
 14 warrants special management attention, or that, because of its value to the general
 15 public, should be identified for current or future planning, protection, or acquisition;

16 (17) "use of state concern" means a land and water use that would
 17 significantly affect the long-term public interest and

18 (A) uses of national interest, including the use of resources for
 19 the siting of ports and major facilities that contribute to meeting national
 20 energy needs, construction and maintenance of navigational facilities and
 21 systems, resource development of federal land, and national defense and
 22 related security facilities that are dependent on coastal locations;

23 (B) uses of more than local concern, including those land and
 24 water uses that confer significant environmental, social, cultural, or economic
 25 benefits or burdens beyond a single coastal district;

26 (C) the siting of major energy facilities, activities under a state
 27 oil and gas lease, a state gas only lease, or a federal oil and gas lease, or large-
 28 scale industrial or commercial development activities that are dependent on a
 29 coastal location and that, because of their magnitude or the magnitude of their
 30 effect on the economy of the state or the surrounding area, are reasonably
 31 likely to present issues of more than local significance;

(D) facilities serving statewide or interregional transportation and communication needs; and

(E) uses in areas established as state parks or recreational areas under AS 41.21, or as state refuges, game sanctuaries, or critical habitat areas under AS 16.20;

(18) "village" means an unincorporated community where at least 25 persons reside as a social unit as determined by the department.

* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION. (a) Notwithstanding the provisions of this Act, coastal districts, coastal resource service areas, coastal district boundaries, and coastal management plans that were in effect on June 30, 2011, are revived on the effective date of this Act and, until modified under the provisions of this Act, are incorporated into the Alaska coastal management program established under this Act.

(b) Within one year of the effective date of the regulations implementing sec. 1 of this Act, each coastal district shall review its coastal management plan. If, in the judgment of the coastal district, changes to the district's coastal management plan are necessary to meet the requirements of this Act, the district shall submit a revised coastal management plan to the department.

(c) In this section, "coastal district" has the meaning given in AS 46.40.500, enacted by sec. 1 of this Act.