



# ALASKA MINERS ASSOCIATION, INC.

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April 13, 2010

Honorable Gary Stevens  
Honorable Mike Chenault  
Capitol Building  
Juneau, AK 99801

Re: SB-4, Alaska Coastal Zone Management

Dear President Stevens and Speaker Chenault,

We have reviewed Work Draft S for CSSB-4, Alaska Coastal Zone Management and have the following comments. Work Draft S makes four beneficial changes to SB-4 that improve the bill. However, the bill still contains other concerns that must be addressed before we can support it.

The beneficial changes in Work Draft S: 1) Allows the Governor to select the public members of the board without being limited to those persons on a list provided. 2) Removes the Board's independent ability to apply for money and make contracts. The Board must approve DNR's grants and contracts but cannot make such contracts itself. 3) Eliminates the language that says coastal districts can go inland. 4) Eliminates the definition of "special management area." 5) A new item expands the definition of "Project" to include agency rules and this is not beneficial.

However, other fundamental concerns remain and these include - The bill still gives the Coastal Policy Board (CPB) power to reject state law as found in statute and regulation by not approving its application to the coastal zone. The basic question is whether the state or the CPB interprets state laws and regulations. Do DEC and DNR interpret their regulations or does each coastal district do it? For example, does the entire state have one set of air and water quality standards, or does each district have the authority to write their own standards (by not approving any standards but the one written by the district)? The basic question is whether districts can include requirements not in state law. Such requirements were known as "homeless stipulations" prior to 2003 and were one of the major problems with ACMP at that time.

Although Work Draft S removes reference to how far the coastal districts can extend inland, it does not answer the fundamental question of just how far inland the boundaries can go. In other states the distance inland is limited to the area affected by salt water or tidal action or to a specific elevation above mean high tide. Work Draft S does not clarify this inland extent.

Equally important is the new addition to the definition of the word "project" in Section 35 to include "proposed rules that alter uses of the coastal zone". Agency regulations are rules specifically intended to alter uses, including those in the coastal zone. This new definition would subject all regulations of DNR, DF&G, and DEC to a veto by each coastal district in the

state with respect to that area. Subjecting every regulation to approval by each coastal district would essentially end the concept of a state-wide government.

These issues are a sample of the various unworkable problems with the program, and with Draft S. Thank you for your consideration of our concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Borell", with a stylized, cursive script.

Steven C. Borell, P.E.  
Executive Director

CC: Senator Lyman Hoffman  
Senator Bert Stedman  
Senator Lesil McGuire  
Senator Bill Wielechowski  
Representative Bill Stoltz  
Representative Mike Hawker  
Representative Craig Johnson  
Representative Mark Neuman