

# ALASKA STATE LEGISLATURE

## LEGISLATIVE BUDGET AND AUDIT COMMITTEE



Division of Legislative Audit

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### MEMORANDUM

**TO:** Representative Feige  
Representative Seaton  
Co-Chairs of House Resources

**FROM:** Pat Davidson *PatD*  
Legislative Auditor

**DATE:** March 16, 2011

**RE:** Testimony Regarding the Audits of the  
Alaska Coastal Management Program

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During my testimony to the House Resource Committee on Friday, March 11, 2011, I indicated that a consistency review determination could be made prior to the completion of a Departmental of Environmental Conservation air, land, or water quality permit. This is not accurate.

Prior to the statutory changes in 2003, which removed DEC air, land, and water quality permits from the consistency review process, all permits had to be issued before the consistency review process began. However, since the 2003 changes, the DEC air, land, and water quality permits must be issued prior to the *final* consistency determination being made. The 2003 changes allow the DEC permitting process to run concurrently with the consistency review process, and, therefore, shorten the overall process for an individual project from anywhere between 30 to 50 days, depending on the type of project being proposed.

I apologize for any inconvenience or confusion caused by my earlier testimony. If you have any questions regarding this matter or any other issues related to the audits of the Alaska Coastal Management Program, please contact me at 465-3814.

## Louie Flora

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**Subject:** FW: legislative Audit Memorandum

-----Original Message-----

From: Glenn Gray [<mailto:glenn@glenngray.net>]  
Sent: Wednesday, March 16, 2011 11:15 AM  
To: Louie Flora  
Subject: RE: legislative Audit Memorandum

Unfortunately, this memo is not correct. Prior to 2003, no listed permits could be issued before the final consistency determination (state or federal). After 2003, DEC permits can be issued at any time (except for OCS activities where the DEC finding is issued at the same time as DNR's finding).

-----Original Message-----

From: Louie Flora [[mailto:Louie\\_Flora@legis.state.ak.us](mailto:Louie_Flora@legis.state.ak.us)]  
Sent: Wednesday, March 16, 2011 10:54 AM  
To: Glenn Gray  
Subject: legislative Audit Memorandum

The attached memo from Pat Davidson Legislative Audit discusses the timeline for Consistency Reviews with the DEC Carveout and without. Rep. Seaton asked for your analysis of the memo.

Louie