

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE SEATON

TO: HB 106

1 Page 1, line 3, following "**program**";:

2 Insert "**relating to the duty of the Department of Natural Resources to provide**
3 **data and information to a coastal resource district or area; relating to funds provided to**
4 **coastal resource districts; relating to regulations adopted by the department regarding**
5 **persons authorized to participate in and to receive materials relating to a consistency**
6 **review**";

7

8 Page 2, following line 5:

9 Insert new bill sections to read:

10 "* **Sec. 2.** AS 46.39.040 is amended to read:

11 **Sec. 46.39.040. Duties of the department.** In conformity with 16 U.S.C. 1451
12 - 1464 (Coastal Zone Management Act of 1972), as amended, the department shall

13 (1) develop statewide standards for the Alaska coastal management
14 program, and criteria for the preparation and approval of district coastal management
15 plans in accordance with AS 46.40;

16 (2) establish continuing coordination among state agencies to facilitate
17 the development and implementation of the Alaska coastal management program; in
18 carrying out its duties under this paragraph, the department shall initiate an
19 interagency program of comprehensive coastal resource planning for each geographic
20 region of the state;

21 (3) assure continued provision of data and information to coastal
22 resource districts **and coastal resource service areas** to carry out their planning and
23 management functions under the program; **in providing data and information to a**

coastal resource district or area under this paragraph, the department shall provide the data and information to each member of the governing body of the coastal resource district or the board of the coastal resource service area and to other persons as may be designated by the district or area.

* Sec. 3. AS 46.39.040 is amended by adding a new subsection to read:

(b) If the department provides funds to a coastal resource district or area to implement or amend a coastal resource district's or area's coastal management plan and the department provides a restriction on how the funds may be used by the district or area, the department shall specify the state statute or federal statute or regulation that authorizes the restriction.

* Sec. 4. AS 46.40.096(c) is amended to read:

(c) The regulations adopted by the department under this section must, in an affected coastal resource district, permit the members of the governing body of the coastal resource district, the district's coastal management plan coordinator, and the district's community planner to participate in the consistency review, and the regulations must require the department or reviewing entity to provide the persons described in AS 46.39.030(3) materials relating to the consistency review. The regulations must also include provisions for public notice and provide the opportunity for public comment. Regulations relating to public notice and public comment [THE REGULATIONS] adopted under this subsection may make distinctions relating to notice based upon differences in project type, anticipated effect of the project on coastal resources and uses, other state or federal notice requirements, and time constraints. However, a notice given under this subsection must contain sufficient information, expressed in commonly understood terms, to inform the public of the nature of the proposed project for which a consistency determination is sought, and must explain how the public may comment on the proposed project. Notices described in this subsection shall be published on the department's Internet website. In this subsection,

(1) "coastal management plan coordinator" means the person designated, by a coastal resource district, with development, maintenance, and implementation of the district's coastal management plan;

1 **(2) "community planner" means the person designated, by a**
2 **coastal resource district, with helping to formulate plans and making decisions**
3 **relating to the development of the district's natural resources and community**
4 **assets and the protection of the district's water, land, and air."**
5

6 Renumber the following bill sections accordingly.

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE SEATON

TO: HB 106

1 Page 1, line 3, following "**program**";

2 Insert "**relating to the review of certain consistency determinations for a project in**
3 **an Alaska coastal resource district**";

4

5 Page 2, following line 5:

6 Insert new bill sections to read:

7 "* **Sec. 2.** AS 46.40.096(d) is amended to read:

8 (d) In preparing a consistency review and determination for a proposed
9 project, the reviewing entity shall

10 (1) request consistency review comments for the proposed project
11 from state resource agencies, affected coastal resource districts, and other interested
12 parties as determined by regulation adopted by the department;

13 (2) prepare proposed consistency determinations;

14 (3) **conduct elevations** [COORDINATE SUBSEQUENT REVIEWS]
15 of proposed consistency determinations prepared under (2) of this subsection; **an**
16 **elevation** [A SUBSEQUENT REVIEW] of a proposed consistency determination
17 under this paragraph

18 (A) **may only be conducted** [IS LIMITED TO A REVIEW]
19 by the **commissioners of the resource agencies** [DEPARTMENT];

20 (B) may occur only if requested by

21 (i) the project applicant;

22 (ii) a state resource agency; or

23 (iii) an affected coastal resource district; and

(C) shall be completed with the issuance of a written order signed by at least two of the commissioners of the resource agencies [DEPARTMENT] within 45 days after the initial request for an elevation [SUBSEQUENT REVIEW] under this paragraph;

(4) render the final consistency determination and certification.

* **Sec. 3.** AS 46.40.096(o) is amended to read:

(o) The time limitations in (n) of this section

(1) do not apply to a consistency review involving the disposal of an interest in state land or resources;

(2) are suspended

(A) from the time the reviewing entity determines that the applicant has not adequately responded in writing within 14 days after the receipt of a written request from the reviewing entity for additional information, until the time the reviewing entity determines that the applicant has provided an adequate written response;

(B) during a period of time requested by the applicant;

(C) during the period of time a consistency review is undergoing an elevation [A SUBSEQUENT REVIEW] under (d)(3) of this section.

* **Sec. 4.** AS 46.40.096(q)(2) is amended to read:

(2) "reviewing entity" means the

(A) Department of Natural Resources, for a consistency review subject to AS 46.39.010;

(B) the commissioners of the resource agencies, for the elevation of a proposed consistency determination under (d) of this section;

(C) state agency identified in (b) of this section, for a consistency review not subject to AS 46.39.010.

* **Sec. 5.** AS 46.40.210 is amended by adding a new paragraph to read:

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

1

2 Renumber the following bill sections accordingly.