

AMENDMENT #1

OFFERED IN THE HOUSE
TO: HB 106

BY REPRESENTATIVE SEATON

1 Page 1, line 2, following "extension;":

2 Insert "relating to the development, review, and approval of district coastal
3 management plans;"
4

5 Page 2, following line 5:

6 Insert new bill sections to read:

7 "* Sec. 2. AS 46.40.030 is amended to read:

8 **Sec. 46.40.030. Development of district coastal management plans. (a)**

9 Coastal resource districts shall develop and adopt district coastal management plans in
10 accordance with the provisions of this chapter. The plan adopted by a coastal resource
11 district shall be based upon a municipality's existing comprehensive plan or a new
12 comprehensive resource use plan or comprehensive statement of needs, policies,
13 objectives, and standards governing the use of resources within the coastal area of the
14 district. The plan must meet the [STATEWIDE STANDARDS AND] district plan
15 criteria adopted under AS 46.40.040 and must include

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

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

20 (3) a statement of policies to be applied to all [THE] land and water
21 uses subject to the district coastal management plan as well as policies that apply
22 only to special management areas; and

23 (4) [A DESCRIPTION OF THE USES AND ACTIVITIES THAT

1 WILL BE CONSIDERED PROPER AND THE USES AND ACTIVITIES THAT
 2 WILL BE CONSIDERED IMPROPER WITH RESPECT TO THE LAND AND
 3 WATER WITHIN THE COASTAL AREA; AND

4 (5)] a designation of any special management [, AND THE
 5 POLICIES THAT WILL BE APPLIED TO THE USE OF,] areas under [WITHIN]
 6 the district coastal management plan and enforceable policies that will be
 7 applicable within those special management areas [RESOURCE DISTRICT THAT
 8 MERIT SPECIAL ATTENTION].

9 (b) In developing enforceable policies in its coastal management plan under
 10 (a) of this section, a coastal resource district shall ensure that the enforceable
 11 policies are

12 (1) clear and concise as to the activities and persons affected by the
 13 policies and the requirements of the policies, whether the policies are prescriptive
 14 or performance-based;

15 (2) necessary given local conditions; and

16 (3) supported by evidence, including scientific or local knowledge,
 17 if the policies are more specific than state or federal statutes or regulations
 18 [MEET THE REQUIREMENTS OF AS 46.40.070 AND MAY NOT DUPLICATE,
 19 RESTATE, OR INCORPORATE BY REFERENCE STATUTES AND
 20 ADMINISTRATIVE REGULATIONS ADOPTED BY STATE OR FEDERAL
 21 AGENCIES].

22 * Sec. 3. AS 46.40.040(a) is amended to read:

23 (a) Except as provided in (b) of this section and AS 41.17, the department
 24 shall

25 (1) by regulation, adopt, under the provisions of AS 44.62
 26 (Administrative Procedure Act) for the use of and application by coastal resource
 27 districts and state agencies for carrying out their responsibilities under this chapter,
 28 statewide standards and district coastal management plan criteria for

29 (A) identifying the boundaries of the coastal area subject to the
 30 Alaska coastal management program;

31 (B) determining the land and water uses and activities subject

1 to the Alaska coastal management program;

2 (C) developing policies applicable to the land and water uses
3 subject to the Alaska coastal management program;

4 (D) developing regulations applicable to the land and water
5 uses subject to the Alaska coastal management program;

6 (E) developing policies and procedures to determine whether
7 specific proposals for the land and water uses or activities subject to the Alaska
8 coastal management program shall be allowed;

9 (F) designating and developing policies for special
10 management areas [THE USE OF AREAS OF THE COAST THAT MERIT
11 SPECIAL ATTENTION]; and

12 (G) measuring the progress of a coastal resource district in
13 meeting its responsibilities under this chapter;

14 (2) develop and maintain a program of technical and financial
15 assistance to aid coastal resource districts in the development and implementation of
16 district coastal management plans;

17 (3) undertake review and approval of district coastal management
18 plans in accordance with this chapter;

19 (4) initiate a process for identifying and managing uses of state
20 concern within specific areas of the coast;

21 (5) develop procedures or guidelines for consultation and coordination
22 with federal agencies managing land or conducting activities potentially affecting the
23 coastal area of the state;

24 (6) by regulation, establish a consistency review and determination or
25 certification process that conforms to the requirements of AS 46.40.096.

26 * Sec. 4. AS 46.40.070 is amended by adding a new subsection to read:

27 (c) In reviewing and approving a district coastal management plan under (a) of
28 this section, the department may not require a district to designate areas for the
29 purpose of developing an enforceable policy.

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

31 (13) "special management area" means a delineated geographic area

1 within the coastal area that is sensitive to change or alteration and that, because of
2 plans or commitments or because a claim on the resources within the area delineated
3 would preclude subsequent use of the resources to a conflicting or incompatible use,
4 warrants special management attention, or that, because of its value to the general
5 public, should be identified for current or future planning, protection, or acquisition;
6 these areas, subject to the board's definition of criteria for their identification, include:

7 (A) areas of unique, scarce, fragile or vulnerable natural
8 habitat, cultural value, historical significance, or scenic importance;

9 (B) areas of high natural productivity or essential habitat for
10 living resources;

11 (C) areas of substantial recreational value or opportunity;

12 (D) areas where development of facilities is dependent upon
13 the utilization of, or access to, coastal water;

14 (E) areas of unique geologic or topographic significance that
15 are susceptible to industrial or commercial development;

16 (F) areas of significant hazard due to storms, slides, flooding,
17 earthquakes, active faults, tsunamis, volcanoes, liquefaction, ice movement or
18 snow avalanches, or erosion; and

19 (G) areas needed to protect, maintain, or replenish coastal land
20 or resources, including coastal flood plains, aquifer recharge areas, beaches,
21 and offshore sand deposits."

22
23 Renumber the following bill sections accordingly.