

HOUSE BILL NO. 28

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES THERRIAULT, Kelly

Introduced: 1/13/97

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act repealing the Alaska Coastal Management Program and the Alaska
2 Coastal Policy Council, and making conforming amendments because of those
3 repeals."

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

5 * **Section 1.** AS 38.05.037(b) is amended to read:

6 (b) The division of lands may exercise its zoning power

7 [(1)] within federal land in the unorganized borough only at the times
8 and in the areas it is requested to do so by the Secretary of the Interior to facilitate
9 sales of federal land within the unorganized borough under P.L. 88-608, 78 Stat. 988
10 [;

11 (2) WITHIN ANY PORTION OF A THIRD CLASS BOROUGH
12 COVERED BY THE ALASKA COASTAL MANAGEMENT PROGRAM ADOPTED
13 IN ACCORDANCE WITH THE PROVISIONS OF AS 46.40 IF THE
14 MUNICIPALITY HAS NOT DONE SO].

1 * **Sec. 2.** AS 38.05.177(c) is amended to read:

2 (c) Within 20 days of receipt of a lease application, the director shall give
3 notice under AS 38.05.945 of receipt of the lease application and call for comments
4 from the public. The director's call for public comments must provide opportunity for
5 public comment for a period of 60 days. If, after review of information received
6 during the public comment period, the director determines that the discovery of a local
7 source of natural gas would benefit the residents of an area, the director shall execute
8 a lease for the area described in (b) of this section. The director shall execute the
9 lease within 90 days after the close of the public comment period [OR, IF REVIEW
10 IS REQUIRED UNDER AS 46.40, WITHIN 30 DAYS AFTER THE FINAL
11 CONSISTENCY DETERMINATION IS MADE UNDER AS 46.40, WHICHEVER
12 IS LATER]. A lease entered into under this subsection gives the lessee the exclusive
13 right to explore for, develop, and produce, for a term of three years, natural gas on the
14 state land described in the lease; the right to explore for, develop, and produce is
15 limited to gas derived from natural gas within 3,000 feet of the surface.

16 * **Sec. 3.** AS 38.05.825(a) is amended to read:

17 (a) Unless the commissioner finds that the public interest in retaining state
18 ownership of the land clearly outweighs the municipality's interest in obtaining the
19 land, the commissioner shall convey to a municipality tide or submerged land
20 requested by the municipality that is occupied or suitable for occupation and
21 development if the

22 (1) land is within or contiguous to the boundaries of the municipality;

23 (2) use of the land would not unreasonably interfere with navigation
24 or public access;

25 (3) municipality has applied to the commissioner for conveyance of the
26 land under this section;

27 (4) land is not subject to a shore fisheries lease under AS 38.05.082,
28 or, if the land is subject to a shore fisheries lease, the commissioner determines it is
29 in the best interests of the state to convey the land;

30 (5) land is classified for waterfront development or for another use that
31 is consistent or compatible with the use proposed by the municipality, or the proposed

1 use of the land is consistent or compatible with a land use plan adopted by the
 2 municipality or [,] the department [, OR THE ALASKA COASTAL POLICY
 3 COUNCIL]; and

4 (6) land

5 (A) is required for the accomplishment of a public or private
 6 development approved by the municipality;

7 (B) is the subject of a lease from the state to the municipality;

8 or

9 (C) has been approved for lease to the municipality.

10 * **Sec. 4.** AS 38.05.945(d) is amended to read:

11 (d) Notice at least 30 days before action under (a)(5) or (6) of this section
 12 shall be given to appropriate

13 [(1)] regional fish and game councils established under AS 16.05.260

14 [; AND

15 (2) COASTAL RESOURCE SERVICE AREAS ORGANIZED UNDER
 16 AS 46.40.110 - 46.40.210].

17 * **Sec. 5.** AS 41.17.090(d) is amended to read:

18 (d) Within five days after receipt of a detailed plan of operations under (c) of
 19 this section, the state forester shall distribute the information received under (c) of this
 20 section to affected state agencies and **municipalities** [COASTAL DISTRICTS], and
 21 shall distribute the information received under (c)(1) of this section to each member
 22 of the public who has asked to receive copies of notifications for the affected area.

23 * **Sec. 6.** AS 41.17.098(a) is amended to read:

24 (a) In administering this chapter, the commissioner shall coordinate with other
 25 agencies and affected **municipalities** [COASTAL DISTRICTS] that have jurisdiction
 26 over activities subject to regulation under this chapter.

27 * **Sec. 7.** AS 41.17.098(b) is amended to read:

28 (b) In a review or implementation of a detailed plan of operations under
 29 AS 41.17.090 and in a decision on a proposed variation from requirements under
 30 AS 41.17.087, the commissioner shall consider the comments of each affected state
 31 agency and, where applicable, **each affected municipality** [COASTAL DISTRICTS].

1 * **Sec. 8.** AS 41.17.900(b) is amended to read:

2 (b) For federal land,

3 [(1)] the degree of resource protection may not be less than that
4 established by this chapter for state land except that AS 41.17.119 establishes the
5 minimum riparian standard [;

6 (2) A TIMBER HARVEST ACTIVITY SUBJECT TO THIS
7 CHAPTER SHALL SATISFY THE REQUIREMENT TO BE CONSISTENT TO THE
8 MAXIMUM EXTENT PRACTICABLE WITH THE ALASKA COASTAL ZONE
9 MANAGEMENT PROGRAM IF THE FEDERAL LAND MANAGEMENT PLANS,
10 GUIDELINES, AND STANDARDS APPLICABLE TO THAT TIMBER HARVEST
11 ACTIVITY PROVIDE NO LESS RESOURCE PROTECTION THAN THE
12 STANDARDS THAT ARE ESTABLISHED IN THIS CHAPTER PROVIDE FOR
13 STATE LAND EXCEPT THAT

14 (A) AS 41.17.119 ESTABLISHES THE MINIMUM RIPARIAN
15 STANDARDS; AND

16 (B) THIS PARAGRAPH DOES NOT APPLY TO A TIMBER
17 HARVEST ACTIVITY THAT REQUIRES A STATE OR FEDERAL
18 AUTHORIZATION UNDER A PROVISION OF LAW OTHER THAN THIS
19 CHAPTER].

20 * **Sec. 9.** AS 41.17.900(d) is amended to read:

21 (d) Notwithstanding any other provision of this chapter, the commissioner may
22 not employ the authority vested by this chapter so as to duplicate or preempt the
23 statutory authority of other state agencies to adopt regulations or undertake other
24 administrative actions governing resources, values, or activities on forest land, except
25 for

26 [(1) REGULATIONS UNDER THE COASTAL MANAGEMENT
27 ACT; AND

28 (2)] regulations, if authorized by the commissioner of environmental
29 conservation, relating to control of nonpoint source pollution.

30 * **Sec. 10.** AS 41.21.492(b) is amended to read:

31 (b) Nothing in AS 41.21.491 - 41.21.495 affects the responsibilities of

1 (1) the Department of Fish and Game, the Board of Fisheries, or the
2 Board of Game under AS 16 and AS 41.99.010; or

3 (2) the Department of Environmental Conservation under AS 46.03 [;
4 OR

5 (3) STATE AGENCIES AND MUNICIPALITIES UNDER
6 AS 44.19.145(a)(11) AND AS 46.40.100].

7 * **Sec. 11.** 41.21.504(b) is amended to read:

8 (b) Nothing in AS 41.21.500 -41.21.514 affects the applicability of

9 (1) AS 41.99.010 and AS 16 regarding the responsibilities of the
10 Department of Fish and Game or the Board of Fisheries or the Board of Game; or

11 (2) AS 46.03 regarding the responsibilities of the Department of
12 Environmental Conservation [; OR

13 (3) AS 44.19.145(a)(11) AND AS 46.40.100 REGARDING THE
14 RESPONSIBILITIES OF STATE AGENCIES AND MUNICIPALITIES].

15 * **Sec. 12.** AS 41.23.420(d) is amended to read:

16 (d) The provisions of AS 41.23.400 - 41.23.510 do not affect the authority of

17 (1) the Department of Fish and Game, the Board of Fisheries, the Board
18 of Game, or the Department of Commerce and Economic Development under AS 08.54,
19 AS 16, or AS 41.99.010; or

20 (2) the Department of Environmental Conservation under AS 46.03 [; OR

21 (3) STATE AGENCIES AND MUNICIPALITIES UNDER
22 AS 44.19.145(a)(11) AND AS 46.40.100].

23 * **Sec. 13.** AS 44.47.720 is amended to read:

24 **Sec. 44.47.720. Boundaries.** The boundaries of an area studied shall conform
25 to the boundaries indicated in the request for the study under AS 44.47.710 unless the
26 commissioner, after a public hearing held in the area of the proposed study, determines
27 that the boundaries should be altered. In determining the boundaries of an area to be
28 studied, the commissioner shall consider

29 (1) the standards applicable to the incorporation of boroughs under
30 AS 29.05.031;

31 (2) boundaries of regional corporations established under 43 U.S.C.
32 1606;

- 1 (3) census divisions of the state used for the 1980 census;
 2 (4) boundaries of the regional educational attendance areas established
 3 under AS 14.08.031; and
 4 (5) boundaries of the coastal resource service areas that were
 5 organized under former AS 46.40.110 - 46.40.210.

6 * **Sec. 14.** AS 44.47.730(b) is amended to read:

7 (b) A study under this section must include

- 8 (1) a recommendation for or against incorporation of a borough
 9 containing all or part of the area studied;
 10 (2) an evaluation of the economic development potential of the area
 11 studied;
 12 (3) an evaluation of capital facility needs of the area studied;
 13 (4) an evaluation of demographic, social, and environmental factors
 14 affecting the area studied;
 15 (5) an evaluation of the relationships among regional educational
 16 attendance areas [, COASTAL RESOURCE SERVICE AREAS,] and other regional
 17 entities responsible for providing services in the area studied;
 18 (6) an evaluation of the relationships between the existing cities within
 19 the area studied and regional entities responsible for providing services in the area; and
 20 (7) specific recommendations for
 21 (A) organization of a home rule or general law borough
 22 government if one is recommended;
 23 (B) changes in organization of cities in the area studied; or
 24 (C) the improvement of the delivery of services to the public
 25 by the state in the area studied.

26 * **Sec. 15.** AS 46.06.041(b) is amended to read:

- 27 (b) The department may issue matching grants from money in the account to
 28 a municipality, to an unincorporated community, to an organization representing two
 29 or more municipalities or unincorporated communities within a region, to a nonprofit
 30 organization, [COASTAL RESOURCES SERVICE AREA,] or to a regional health
 31 corporation for the purpose of a community solid waste management plan.

1 * **Sec. 16.** AS 39.50.200(b)(38); AS 41.17.900(e); AS 44.19.145(a)(11), 44.19.155,
2 44.19.160, 44.19.161, 44.19.162; AS 44.47.095; AS 46.40.010, 46.40.020, 46.40.030,
3 46.40.040, 46.40.050, 46.40.060, 46.40.070, 46.40.080, 46.40.090, 46.40.094, 46.40.096,
4 46.40.100, 46.40.110, 46.40.120, 46.40.130, 46.40.140, 46.40.150, 46.40.160, 46.40.170,
5 46.40.180, 46.40.190, 46.40.200, 46.40.210; and secs. 1 and 2, ch. 84, SLA 1977, are repealed.