

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 60
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATOR GUESS

Introduced: 3/17/03

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to adoption and use of a unified permit application form by the natural**
2 **resource agencies; and repealing the Environmental Procedures Coordination Act."**

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

4 *** Section 1.** AS 44.37 is amended by adding new sections to read:

5 **Article 2. Unified Permit Applications.**

6 **Sec. 44.37.200. Unified permit application clearinghouse.** The unified
7 permit application clearinghouse is established in the department.

8 **Sec. 44.37.210. Unified permit application form.** (a) The resource agencies
9 shall adopt a unified permit application form. The application form must require the
10 applicant to provide the following information and any other information necessary to
11 meet the statutory and regulatory permit requirements of a resource agency:

12 (1) the applicant's name;

13 (2) the applicant's contact information, including the applicant's

14 (A) address;

1 (B) telephone number;

2 (C) electronic mail address, if any;

3 (D) facsimile number, if any;

4 (3) a description of the project, including

5 (A) a complete and detailed description of the proposed project,
6 with sufficient specificity for the reviewing agencies to determine the purpose
7 of the proposed project; and

8 (B) maps, diagrams, technical data, and other relevant material
9 that precisely describe the site location, topographical information, township,
10 range, section, meridian, and other site-specific information of the project; and

11 (4) the proposed start and end dates for the project.

12 (b) Following adoption of the unified permit application form by the resource
13 agencies, the unified permit application shall be the only application required for any
14 permitting action, including a consistency review under the Alaska coastal
15 management program, by the resource agencies when a project requires permits from
16 two or more resource agencies.

17 (c) Through a collaborative process, the resource agencies may, from time to
18 time, revise the unified permit application form as necessary to conform to changes in
19 applicable statutes and regulations.

20 **Sec. 44.37.220. Unified permit application.** (a) An applicant for a permit
21 from a resource agency shall complete a unified permit application on a form provided
22 by the clearinghouse and submit the application to the unified permit application
23 clearinghouse. Notwithstanding any other provision of law, on and after the date of
24 adoption of the unified permit application form under AS 44.37.210, the unified
25 permit application is the only application required for a permitting action, including a
26 consistency review under AS 46.40 (Alaska coastal management program), by a
27 resource agency when a project requires permits from two or more resource agencies.

28 (b) Within 14 days after receipt of a unified permit application, the
29 clearinghouse shall determine whether the application is complete.

30 (c) An application is complete if the application

31 (1) contains the information described in AS 44.37.210(a); and

1 (2) is sufficient to begin a review under each applicable resource
2 agency's statutory and regulatory requirements.

3 (d) If the clearinghouse determines that the application is incomplete, the
4 clearinghouse shall notify the applicant and identify the information necessary to
5 complete the application. Once the clearinghouse has determined that an application
6 is complete, it shall immediately submit a copy of the application to each applicable
7 resource agency for review.

8 **Sec. 44.37.230. Unified permit application review.** (a) Within 14 days after
9 receipt of a complete unified permit application, a resource agency shall request from
10 the clearinghouse any additional information necessary to conduct the agency's review
11 of the application. The clearinghouse shall submit requests for additional information
12 to the applicant. The clearinghouse shall supply any additional information provided
13 by the applicant to each resource agency reviewing the application.

14 (b) Within seven days after receiving additional information provided by the
15 applicant from the clearinghouse, the requesting agency shall notify the clearinghouse
16 whether the information is adequate. If the information is not adequate, the requesting
17 agency shall

18 (1) explain how the information submitted is inadequate; and

19 (2) identify

20 (A) the information needed to satisfy the original request; and

21 (B) any further information needed to analyze issues raised by
22 the response to the original request for additional information.

23 (c) Each resource agency reviewing an application shall review the unified
24 permit application in accordance with applicable statutes and regulations. Each
25 resource agency shall initiate public involvement in the application review process in
26 accordance with applicable statutes and regulations. Resource agencies shall
27 coordinate public involvement and conduct unified public hearings to the extent
28 possible.

29 (d) A resource agency shall issue permit decisions on the application within 60
30 days after the agency's receipt of an application, or within 60 days after the agency's
31 receipt of any additional information, unless the commissioner of that agency finds

1 that additional time is necessary to fulfill statutory responsibilities.

2 **Sec. 44.37.299. Definitions.** In AS 44.37.200 - 44.37.299,

3 (1) "clearinghouse" means the unified permit application clearinghouse
4 established in AS 44.37.200;

5 (2) "department" means the Department of Natural Resources;

6 (3) "permit" means a permit, lease, authorization, license, or other
7 determination necessary for completion of a project;

8 (4) "resource agency" means

9 (A) the Department of Environmental Conservation;

10 (B) the Department of Fish and Game; or

11 (C) the Department of Natural Resources.

12 * **Sec. 2.** AS 41.17.085(a); AS 46.03.020(11); AS 46.35.010, 46.35.020, 46.35.030,
13 46.35.040, 46.35.050, 46.35.060, 46.35.070, 46.35.080, 46.35.090, 46.35.100, 46.35.110,
14 46.35.120, 46.35.130, 46.35.140, 46.35.150, 46.35.160, 46.35.170, 46.35.200, and 46.35.210
15 are repealed.

16 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 **EFFECT ON OTHER STATUTES.** To the extent a provision of this Act conflicts
19 with a provision of any statute, the provision of this Act shall prevail.

20 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

22 **ADOPTION OF INITIAL UNIFIED PERMIT APPLICATION FORM.** Under
23 AS 44.37.210, added by sec. 1 of this Act, the Department of Environmental Conservation,
24 the Department of Fish and Game, and the Department of Natural Resources shall adopt the
25 initial unified permit application form within six months after the effective date of this Act.