

SENATE BILL NO. 46

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY SENATOR OLSON

Introduced: 1/16/07

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Alaska coastal management program; providing for an effective**
2 **date by amending the effective date of sec. 45, ch. 24, SLA 2003, as amended by sec. 21,**
3 **ch. 31, SLA 2005; and providing for an effective date."**

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

5 *** Section 1.** AS 46.40.040(b) is amended to read:

6 (b) AS 46.03, AS 46.04, AS 46.09, AS 46.14, and the regulations adopted
7 under those statutes constitute the exclusive enforceable policies of the Alaska coastal
8 management program for those purposes. For those purposes only,

9 (1) the issuance of permits, certifications, approvals, and
10 authorizations by the Department of Environmental Conservation establishes
11 consistency with the Alaska coastal management program for those activities of a
12 proposed project subject to those permits, certifications, approvals, and authorizations;

13 (2) for a consistency review of an activity that does not require a
14 Department of Environmental Conservation permit, certification, approval, or

1 authorization because the activity is a federal activity or the activity is located on
 2 federal land or the federal outer continental shelf, consistency with AS 46.03,
 3 AS 46.04, AS 46.09, and AS 46.14 and the regulations adopted under those statutes
 4 shall be established on the basis of whether the Department of Environmental
 5 Conservation finds that the activity satisfies the requirements of those statutes and
 6 regulations; **before making a finding under this paragraph, the Department of**
 7 **Environmental Conservation shall provide notice and an opportunity for public**
 8 **comment.**

9 * **Sec. 2.** The uncodified law of the State of Alaska enacted in sec. 46(c), ch. 24, SLA 2003,
 10 as amended by sec. 16, ch. 31, SLA 2005, is amended to read:

11 (c) Notwithstanding any contrary provision of ch. 24, SLA 2003, **as amended**
 12 **by ch. 31, SLA 2005,** the repeal of the Alaska Coastal Policy Council enacted by sec.
 13 44, ch. 24, SLA 2003, and the repeal of the Alaska Coastal Policy Council's duties in
 14 AS 46.40.040, as amended by sec. 10, ch. 24, SLA 2003, a district coastal
 15 management program, including its enforceable policies, approved by the former
 16 Alaska Coastal Policy Council remains in effect for purposes of AS 46.39 and
 17 AS 46.40 until **September 1** [MARCH 1], 2007, unless the Department of Natural
 18 Resources disapproves or modifies all or part of the program before **September 1**
 19 [MARCH 1], 2007.

20 * **Sec. 3.** The uncodified law of the State of Alaska enacted in sec. 19(b), ch. 31, SLA 2005,
 21 is amended to read:

22 (b) Within **30 calendar months** [TWO YEARS] after the approval of the
 23 state's revised coastal management program developed under ch. 24, SLA 2003, **as**
 24 **amended by ch. 31, SLA 2005,** by the National Oceanic and Atmospheric
 25 Administration, Office of Ocean and Coastal Resource Management, United States
 26 Department of Commerce under 16 U.S.C. 1455 and 1457 (Coastal Zone Management
 27 Act of 1972), the Department of Natural Resources shall complete a review and
 28 update of categorically and generally consistent determinations. The Department of
 29 Natural Resources shall complete a review and update of categorically and generally
 30 consistent determinations at least every four years thereafter and shall conform to the
 31 requirements of AS 46.40.096(m) as that subsection read on **May 27, 2005** [THE

1 EFFECTIVE DATE OF THIS SECTION].

2 * **Sec. 4.** Section 49, ch. 24, SLA 2003, as amended by sec. 21, ch. 31, SLA 2005, is
3 amended to read:

4 Sec. 49. Section 45, ch. 24, SLA 2003, takes effect **September 1** [MARCH 1],
5 2007.

6 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).