

**SENATE BILL NO. 161**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY SENATOR OLSON

Introduced: 4/25/07

Referred: Community and Regional Affairs, Resources, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the Alaska coastal management program."**

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

3 \* **Section 1.** AS 46.40.020 is amended to read:

4 **Sec. 46.40.020. Objectives.** The Alaska coastal management program shall be  
5 consistent with the following objectives:

6 (1) the use, management, restoration, and enhancement of the overall  
7 quality of the coastal environment;

8 (2) the development of industrial or commercial enterprises that are  
9 consistent with the social, cultural, historic, economic, and environmental interests of  
10 the people of the state;

11 (3) the orderly, balanced utilization and protection of the resources of  
12 the coastal area consistent with sound conservation and sustained yield principles;

13 (4) the management of coastal land and water uses in such a manner  
14 that, generally, those uses **that** [WHICH] are economically or physically dependent on  
15 a coastal location are given higher priority when compared to uses **that** [WHICH] do

1 not economically or physically require a coastal location;

2 (5) the protection and management of significant historic, cultural,  
3 natural, subsistence, and aesthetic values and natural systems or processes within the  
4 coastal area;

5 (6) the prevention of damage to or degradation of land and water  
6 reserved for their natural and subsistence values as a result of inconsistent land or  
7 water usages adjacent to that land;

8 (7) the recognition of the need for a continuing supply of energy to  
9 meet the requirements of the state and the contribution of a share of the state's  
10 resources to meet national energy needs; and

11 (8) the full and fair evaluation of all demands on the land and water in  
12 the coastal area.

13 \* **Sec. 2.** AS 46.40.040(b) is amended to read:

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

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

21 (2) for a consistency review of an activity that does not require a  
22 Department of Environmental Conservation permit, certification, approval, or  
23 authorization because the activity is a federal activity or the activity is located on  
24 federal land or the federal outer continental shelf, consistency with AS 46.03,  
25 AS 46.04, AS 46.09, and AS 46.14 and the regulations adopted under those statutes  
26 shall be established on the basis of whether the Department of Environmental  
27 Conservation finds that the activity satisfies the requirements of those statutes and  
28 regulations; **before making a finding under this paragraph, the Department of**  
29 **Environmental Conservation shall provide notice and an opportunity for public**  
30 **comment.**