

CS FOR SENATE BILL NO. 45(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered: 4/7/11

Referred: Resources, Finance

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act extending the termination date of the Alaska coastal management program and**
2 **relating to the extension; relating to the review of activities and regulations of the Alaska**
3 **coastal management program; establishing the Alaska Coastal Policy Board; relating to**
4 **the development, review, and approval of district coastal management plans; relating to**
5 **the duties of the Department of Natural Resources relating to the Alaska coastal**
6 **management program; relating to funds provided to coastal resource districts; relating**
7 **to special management areas; relating to regulations adopted by the department**
8 **regarding persons authorized to participate in and to receive materials relating to a**
9 **consistency review; relating to the review of certain consistency determinations; relating**
10 **to notices given under the Alaska coastal management program; providing for an**
11 **effective date by amending the effective date of secs. 1 - 13 and 18, ch. 31, SLA 2005; and**
12 **providing for an effective date."**

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

2 * **Section 1.** AS 44.66.020(a) is amended to read:

3 (a) Agency programs and activities listed in this subsection that are
4 specifically designated as provided in AS 44.66.030 are subject to termination during
5 the regular legislative session convening in the month and year set out after each:

6 (1) programs in the budget categories of general government, public
7 protection, and administration of justice - January, 1980;

8 (2) programs in the budget categories of education and the University
9 of Alaska - January, 1981;

10 (3) programs in the budget categories of health and social services -
11 January, 1982;

12 (4) programs in the budget categories of natural resources
13 management, development, and transportation - January, 1983;

14 (5) the Alaska coastal management program (AS 46.40) - January,
15 2017 [2011].

16 * **Sec. 2.** AS 46.39 is amended by adding a new section to article 1 to read:

17 **Sec. 46.39.005. Alaska Coastal Policy Board.** (a) The Alaska Coastal Policy
18 Board is created in the Department of Natural Resources. The board consists of the
19 following:

20 (1) five public members appointed by the governor; the public
21 members shall include, one at-large member from any coastal resource district and
22 four members from a list composed of at least three names from each region,
23 nominated and submitted by the coastal resource districts of each region; one public
24 member shall be appointed from each of the following regions:

25 (A) northwest Alaska, including, generally, the area of the
26 North Slope Borough and the Northwest Arctic Borough; and the Bering Strait
27 area, including, generally, the area of the Bering Strait regional educational
28 attendance area;

29 (B) southwest Alaska, including, generally, the area within the
30 Lower Yukon, Lower Kuskokwim, and Southwest regional educational
31 attendance areas and the Lake and Peninsula and Bristol Bay Boroughs; and

1 the Kodiak-Aleutians area, including the Kodiak Island and area of the
2 Aleutians East Boroughs and the area of the Aleutian, Adak, and Pribilof
3 regional educational attendance areas;

4 (C) Upper Cook Inlet area, including the Municipality of
5 Anchorage and the Matanuska-Susitna Borough; the Lower Cook Inlet area,
6 including, generally, the Kenai Peninsula Borough; and the Prince William
7 Sound area, including, generally, the area east of the Kenai Peninsula Borough
8 to 141 West longitude; and

9 (D) Southeast Alaska, generally the area east of 141 West
10 longitude;

11 (2) each of the following designated members:

12 (A) the commissioner of environmental conservation;

13 (B) the commissioner of fish and game;

14 (C) the commissioner of natural resources;

15 (D) the commissioner of transportation and public facilities.

16 (b) Public members serve staggered terms of three years. Except as provided
17 in AS 39.05.080(4), each member serves until a successor is appointed and qualified.
18 A public member may be reappointed. A public member may be removed for cause.

19 (c) The board shall designate cochairs, one of whom shall be selected from
20 among the public members appointed under (a)(1) of this section and one from among
21 the members designated in (a)(2) of this section.

22 (d) If a member serving under (a)(2) of this section is unable to attend, a
23 deputy commissioner in the same department may attend and act in place of the
24 member. The names of alternates serving under (a)(2) of this section shall be filed
25 with the board.

26 (e) Three public members and three designated members of the board
27 constitute a quorum. However, action may be taken only upon the affirmative vote of
28 a majority of the full membership of the board.

29 (f) The board shall meet at least four times a year and as often as necessary to
30 fulfill its duties under this chapter and AS 46.40. Meetings may be held and members
31 may vote telephonically, except one board meeting a year shall be held in person.

1 (g) Public members of the board are entitled to per diem and travel expenses
2 authorized by law for members of boards and commissions.

3 (h) Administrative support for the board shall be provided by the division in
4 the department responsible for coastal and ocean management. The director of the
5 division in the department responsible for coastal and ocean management, under
6 direction of the cochair designated by the board from the individuals listed in (a)(2) of
7 this section, may contract with or employ persons as necessary to assist the board in
8 carrying out the board's duties and responsibilities.

9 (i) The board shall

10 (1) make recommendations to the department relating to the approval
11 or modification of a district coastal management plan under AS 46.40.060(b); and

12 (2) in accordance with AS 46.39.040(4), provide a forum for
13 representatives of affected interests to discuss and attempt to resolve issues related to
14 this chapter, AS 46.40, and the coastal uses and resources of the state.

15 * **Sec. 3.** AS 46.39.010 is amended by adding a new subsection to read:

16 (d) Not later than January 20 each year, the department shall prepare an annual
17 report summarizing the department's efforts to draft and adopt regulations under this
18 chapter and AS 46.40 during the prior calendar year. The department shall notify the
19 legislature that the report is available and shall also post the report on the department's
20 Internet website.

21 * **Sec. 4.** AS 46.39.030 is amended to read:

22 **Sec. 46.39.030. Powers of the department.** The department may

23 (1) apply for and accept grants, contributions, and appropriations,
24 including application for and acceptance of federal funds that may become available
25 for coastal planning and management;

26 (2) contract for necessary services;

27 (3) consult and cooperate with

28 (A) persons, organizations, and groups, public or private,
29 interested in, affected by, or concerned with coastal area planning and
30 management;

31 (B) agents and officials of the coastal resource districts of the

1 state, **the Alaska Coastal Policy Board established in AS 46.39.005**, and
 2 federal and state agencies concerned with or having jurisdiction over coastal
 3 planning and management;

4 (4) take any reasonable action necessary to carry out the provisions of
 5 this chapter or AS 46.40.

6 * **Sec. 5.** AS 46.39.040 is amended to read:

7 **Sec. 46.39.040. Duties of the department.** In conformity with 16 U.S.C. 1451
 8 - 1464 (Coastal Zone Management Act of 1972), as amended, the department shall

9 (1) develop statewide standards for the Alaska coastal management
 10 program, and criteria for the preparation and approval of district coastal management
 11 plans in accordance with AS 46.40;

12 (2) establish continuing coordination among state agencies to facilitate
 13 the development and implementation of the Alaska coastal management program; in
 14 carrying out its duties under this paragraph, the department shall initiate an
 15 interagency program of comprehensive coastal resource planning for each geographic
 16 region of the state;

17 (3) assure continued provision of data and information to coastal
 18 resource districts **and coastal resource service areas** to carry out their planning and
 19 management functions under the program; **in providing data and information to a**
 20 **coastal resource district or area under this paragraph, the department shall**
 21 **provide the data and information by electronic transmission, or by mail if the**
 22 **addressee does not have an electronic mail address, to each member of the**
 23 **governing body of the coastal resource district or the board of the coastal**
 24 **resource service area and to other persons as may be designated by the district or**
 25 **area;**

26 (4) **annually solicit issues for discussion by the Alaska Coastal**
 27 **Policy Board, summarize the minutes of the board's discussion of those issues,**
 28 **and, based on the board's discussions, make recommendations to the**
 29 **commissioner.**

30 * **Sec. 6.** AS 46.39.040 is amended by adding a new subsection to read:

31 (b) If the department provides funds to a coastal resource district or area to

1 implement or amend a coastal resource district's or area's coastal management plan
 2 and the department provides a restriction on how the funds may be used by the district
 3 or area, the department shall specify the state statute or federal statute or regulation
 4 that authorizes the restriction.

5 * **Sec. 7.** AS 46.40.010(d) is amended to read:

6 (d) All reviews and revisions shall be in accordance with [THE STATEWIDE
 7 STANDARDS AND] district plan criteria adopted under AS 46.40.040. **Changes to a**
 8 **district coastal management plan may not conflict with statewide standards.**

9 * **Sec. 8.** AS 46.40.030 is amended to read:

10 **Sec. 46.40.030. Development of district coastal management plans.** (a)
 11 Coastal resource districts shall develop and adopt district coastal management plans in
 12 accordance with the provisions of this chapter. The plan adopted by a coastal resource
 13 district shall be based upon a municipality's existing comprehensive plan or a new
 14 comprehensive resource use plan or comprehensive statement of needs, policies,
 15 objectives, and standards governing the use of resources within the coastal area of the
 16 district. The plan must meet the [STATEWIDE STANDARDS AND] district plan
 17 criteria adopted under AS 46.40.040, **must not conflict with the statewide standards**
 18 **adopted under AS 46.40.040,** and must include

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

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

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

26 (4) [A DESCRIPTION OF THE USES AND ACTIVITIES THAT
 27 WILL BE CONSIDERED PROPER AND THE USES AND ACTIVITIES THAT
 28 WILL BE CONSIDERED IMPROPER WITH RESPECT TO THE LAND AND
 29 WATER WITHIN THE COASTAL AREA; AND

30 (5)] a designation of **any special management** [, AND THE
 31 POLICIES THAT WILL BE APPLIED TO THE USE OF,] areas **under** [WITHIN]

1 the district coastal management plan and enforceable policies that will be
 2 applicable within those special management areas [RESOURCE DISTRICT THAT
 3 MERIT SPECIAL ATTENTION].

4 (b) In developing enforceable policies in its coastal management plan under
 5 (a) of this section, a coastal resource district shall ensure that the enforceable
 6 policies

7 (1) are clear and concise as to the activities and persons affected by
 8 the policies;

9 (2) use prescriptive or performance-based standards that are
 10 written in precise and enforceable language; and

11 (3) address a coastal use or resource of concern to the residents of
 12 the coastal resource district as demonstrated by local knowledge or supported by
 13 scientific evidence [MEET THE REQUIREMENTS OF AS 46.40.070 AND MAY
 14 NOT DUPLICATE, RESTATE, OR INCORPORATE BY REFERENCE STATUTES
 15 AND ADMINISTRATIVE REGULATIONS ADOPTED BY STATE OR FEDERAL
 16 AGENCIES].

17 * **Sec. 9.** AS 46.40.040(a) is amended to read:

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

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

24 (A) identifying the boundaries of the coastal area subject to the
 25 Alaska coastal management program;

26 (B) determining the land and water uses and activities subject
 27 to the Alaska coastal management program;

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

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

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

4 (F) designating and developing policies for **special**
 5 **management areas** [THE USE OF AREAS OF THE COAST THAT MERIT
 6 SPECIAL ATTENTION]; and

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

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

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

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

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

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

21 * **Sec. 10.** AS 46.40.060 is amended to read:

22 **Sec. 46.40.060. Review and approval by the department.** (a) If, upon
 23 submission of a district coastal management plan for approval, the department finds
 24 that the plan meets the provisions of this chapter [AND THE STATEWIDE
 25 STANDARDS AND DISTRICT PLAN CRITERIA ADOPTED BY THE
 26 DEPARTMENT AND DOES NOT ARBITRARILY OR UNREASONABLY
 27 RESTRICT OR EXCLUDE USES OF STATE CONCERN], the department may
 28 approve the district coastal management plan, or may approve portions of the district
 29 plan that meet those requirements.

30 (b) If the department finds that a district coastal management plan is not
 31 approvable or is approvable only in part under (a) of this section, it shall **submit the**

1 plan to the board for review. The board shall review the plan and make
 2 recommendations relating to whether the department shall approve or modify
 3 the district coastal management plan in whole or in part [DIRECT THAT
 4 DEFICIENCIES IN THE PLAN SUBMITTED BY THE COASTAL RESOURCE
 5 DISTRICT BE MEDIATED. IN MEDIATING THE DEFICIENCIES, THE
 6 DEPARTMENT MAY CALL FOR ONE OR MORE PUBLIC HEARINGS IN THE
 7 DISTRICT. THE DEPARTMENT SHALL MEET WITH OFFICIALS OF THE
 8 COASTAL RESOURCE DISTRICT IN ORDER TO RESOLVE DIFFERENCES].

9 (c) After the board has reviewed the district coastal management plan
 10 and submitted recommendations under (b) of this section [IF, AFTER
 11 MEDIATION, THE DIFFERENCES HAVE NOT BEEN RESOLVED], the
 12 department shall enter findings and, by order, may require

13 (1) that the district coastal management plan be amended to satisfy the
 14 provisions of this chapter [OR MEET THE STATEWIDE STANDARDS AND
 15 DISTRICT PLAN CRITERIA ADOPTED BY THE DEPARTMENT];

16 (2) that the district coastal management plan be revised to
 17 accommodate a use of state concern; or

18 (3) any other action be taken by the coastal resource district as
 19 appropriate.

20 (d) The superior courts of the state have jurisdiction to enforce orders of the
 21 department or commissioner of natural resources entered under (c) or (e) of this
 22 section.

23 * **Sec. 11.** AS 46.40.060 is amended by adding a new subsection to read:

24 (e) A person affected by a decision of the department under this section may
 25 request reconsideration of the decision within 15 days after the issuance of a decision
 26 made by the department under (c) of this section. The request must be in writing and
 27 must include a statement of the specific changes desired. The commissioner of natural
 28 resources may review the department's decision on the basis of the request and
 29 determine whether the decision should be changed. The commissioner may issue a
 30 determination in writing within 20 days after the issuance of the decision. If the
 31 commissioner takes no action, the request for reconsideration shall be considered as

1 denied. Denial of a request for reconsideration shall be considered a final
2 administrative order and decision of the department.

3 * **Sec. 12.** AS 46.40.070 is repealed and reenacted to read:

4 **Sec. 46.40.070. Requirements for department review and approval.** (a) The
5 department shall approve a district coastal management plan submitted for review and
6 approval if the

7 (1) district coastal management plan

8 (A) meets the requirements of this chapter and the district plan
9 criteria adopted by the department; and

10 (B) does not conflict with the statewide standards adopted by
11 the department; and

12 (2) enforceable policies of the district coastal management plan

13 (A) do not duplicate, restate, incorporate by reference,
14 rephrase, or otherwise modify or adopt state or federal statutes or regulations;

15 (B) are not preempted by state or federal law; and

16 (C) do not arbitrarily or unreasonably restrict uses of state
17 concern.

18 (b) The enforceable policies in a district coastal management plan submitted
19 for review under this section may establish new standards or requirements that are
20 within the authority of a state or federal agency unless the state or federal agency
21 specifically objects.

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

25 (d) In this section, "specifically objects" means that a written objection to the
26 enforceable policy that establishes the new standards or requirements is filed with the
27 department by

28 (1) the commissioner of a state agency;

29 (2) the head of a federal agency operating in the state;

30 (3) the official responsible for a federal agency's operations in the

31 state; or

1 (4) legal counsel for a federal agency operating in the state.

2 * **Sec. 13.** AS 46.40.096(c) is amended to read:

3 (c) The regulations adopted by the department under this section must, **in an**
 4 **affected coastal resource district, permit the members of the governing body of**
 5 **the coastal resource district, the district's coastal management plan coordinator,**
 6 **and the district's community planner to participate in the consistency review, and**
 7 **the regulations must require the department or reviewing entity to provide the**
 8 **persons described in AS 46.39.030(3) materials relating to the consistency review.**
 9 **The regulations must also** include provisions for public notice and provide the
 10 opportunity for public comment. **Regulations relating to public notice and public**
 11 **comment** [THE REGULATIONS] adopted under this subsection may make
 12 distinctions relating to notice based upon differences in project type, anticipated effect
 13 of the project on coastal resources and uses, other state or federal notice requirements,
 14 and time constraints. However, a notice given under this subsection must contain
 15 sufficient information, expressed in commonly understood terms, to inform the public
 16 of the nature of the proposed project for which a consistency determination is sought,
 17 and must explain how the public may comment on the proposed project. **Notices**
 18 **described in this subsection shall be made available through the department's**
 19 **Internet website. In this subsection,**

20 (1) **"coastal management plan coordinator" means the person**
 21 **designated, by a coastal resource district, with development, maintenance, and**
 22 **implementation of the district's coastal management plan;**

23 (2) **"community planner" means the person designated, by a**
 24 **coastal resource district, with helping to formulate plans and making decisions**
 25 **relating to the development of the district's natural resources and community**
 26 **assets and the protection of the district's water, land, and air.**

27 * **Sec. 14.** AS 46.40.096(d) is amended to read:

28 (d) In preparing a consistency review and determination for a proposed
 29 project, the reviewing entity shall

30 (1) request consistency review comments for the proposed project
 31 from state resource agencies, affected coastal resource districts, and other interested

1 parties as determined by regulation adopted by the department;

2 (2) prepare proposed consistency determinations;

3 (3) **conduct elevations** [COORDINATE SUBSEQUENT REVIEWS]
4 of proposed consistency determinations prepared under (2) of this subsection; **an**
5 **elevation** [A SUBSEQUENT REVIEW] of a proposed consistency determination
6 under this paragraph

7 (A) **may only be conducted** [IS LIMITED TO A REVIEW]
8 by the **commissioners of the resource agencies, or, if a commissioner of a**
9 **resource agency is not available, a deputy commissioner in the same**
10 **department may serve in the commissioner's place** [DEPARTMENT];

11 (B) may occur only if requested by

12 (i) the project applicant;

13 (ii) a state resource agency; or

14 (iii) an affected coastal resource district; and

15 (C) shall be completed **with the issuance of a written order**
16 **signed** by **at least two of** the **commissioners of the resource agencies**
17 [DEPARTMENT] within 45 days after the initial request for **an elevation**
18 [SUBSEQUENT REVIEW] under this paragraph;

19 (4) render the final consistency determination and certification.

20 * **Sec. 15.** AS 46.40.096(o) is amended to read:

21 (o) The time limitations in (n) of this section

22 (1) do not apply to a consistency review involving the disposal of an
23 interest in state land or resources;

24 (2) are suspended

25 (A) from the time the reviewing entity determines that the
26 applicant has not adequately responded in writing within 14 days after the
27 receipt of a written request from the reviewing entity for additional
28 information, until the time the reviewing entity determines that the applicant
29 has provided an adequate written response;

30 (B) during a period of time requested by the applicant;

31 (C) during the period of time a consistency review is

1 undergoing **an elevation** [A SUBSEQUENT REVIEW] under (d)(3) of this
2 section.

3 * **Sec. 16.** AS 46.40.096(q)(2) is amended to read:

4 (2) "reviewing entity" means the

5 (A) Department of Natural Resources, for a consistency review
6 subject to AS 46.39.010;

7 (B) **the commissioners, or certain deputy commissioners, as**
8 **provided under (d)(3)(A) of this section, of the resource agencies, for the**
9 **elevation of a proposed consistency determination under (d) of this**
10 **section;**

11 (C) state agency identified in (b) of this section, for a
12 consistency review not subject to AS 46.39.010.

13 * **Sec. 17.** AS 46.40.180(b) is amended to read:

14 (b) If a city or village within a coastal resource service area fails to approve a
15 portion of the district coastal management plan prepared and submitted for approval
16 under (a) of this section, the governing body shall advise the coastal resource service
17 area board of its objections to the proposed plan and suggest alternative elements or
18 components for inclusion in the district coastal management plan. New matter
19 submitted by a city or village that meets the [STATEWIDE STANDARDS AND]
20 district plan criteria, **and is not inconsistent with the statewide standards,** adopted
21 under this chapter shall be accepted and the district coastal management plan modified
22 accordingly. If a city or village fails to provide objections and suggested alternatives
23 within the time limits established in this section, the coastal resource service area
24 board may adopt the district coastal management plan as initially offered.

25 * **Sec. 18.** AS 46.40.210 is amended by adding new paragraphs to read:

26 (13) "elevation" means a review of a proposed consistency
27 determination by the commissioners, or certain deputy commissioners, of the resource
28 agencies;

29 (14) "special management area" means a delineated geographic area
30 within the coastal area that is sensitive to change or alteration and that, because of
31 plans or commitments or because a claim on the resources within the area delineated

1 would preclude subsequent use of the resources to a conflicting or incompatible use,
 2 warrants special management attention, or that, because of its value to the general
 3 public, should be identified for current or future planning, protection, or acquisition;
 4 these areas, subject to the department's definition of criteria for their identification,
 5 include:

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

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

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

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

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

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

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

21 * **Sec. 19.** AS 46.39.005 is repealed.

22 * **Sec. 20.** AS 46.40.210(1) is repealed.

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

25 TRANSITION: MEMBERS OF THE ALASKA COASTAL POLICY BOARD;
 26 STAGGERED TERMS. (a) Notwithstanding AS 44.39.005(a), added by sec. 2 of this Act,
 27 within 30 days after the effective date of this section, the municipalities of each region
 28 identified in AS 44.39.005(a)(1) shall submit to the governor the names of three persons from
 29 the region qualified under AS 44.39.005(a), added by sec. 2 of this Act. Notwithstanding
 30 AS 44.39.005, added by sec. 2 of this Act, within 60 days after the effective date of this
 31 section, the governor shall appoint, from the lists of names submitted under

1 AS 46.39.005(a)(1), one member from each region and one at-large member to serve on the
 2 Alaska Coastal Policy Board established by AS 46.39.005, added by sec. 2 of this Act. The
 3 governor shall appoint the public members to three-year staggered terms. The governor shall
 4 specify the term of each member appointed subject to this section.

5 (b) Notwithstanding the requirements of AS 46.40.060(b), as amended by sec. 10 of
 6 this Act, a review by the Alaska Coastal Policy Board relating to a district coastal
 7 management plan, or a portion of a district coastal management plan, shall be delayed until all
 8 the public members of the board are appointed under (a) of this section.

9 * **Sec. 22.** The uncodified law of the State of Alaska is amended by adding a new section to
 10 read:

11 **RETROACTIVITY AND REVIVAL.** (a) The amendment to AS 44.66.020(a)(5)
 12 made by sec. 1 of this Act is retroactive to January 1, 2011.

13 (b) If, under AS 01.10.070(c), sec. 24 of this Act takes effect on or after July 1, 2011,
 14 sec. 24 of this Act is retroactive to July 1, 2011, and sections repealed by sec. 18, ch. 31, SLA
 15 2005, are revived. If a revived section is amended by this Act, it is revived as amended by this
 16 Act. The revived sections are subject to repeal under sec. 22, ch. 31, SLA 2005, as amended
 17 by sec. 24 of this Act.

18 (c) If, under AS 01.10.070(c), this section takes effect on or after July 1, 2011,
 19 AS 46.39.005, added by sec. 2 of this Act and repealed by sec. 19 of this Act, is revived.
 20 AS 46.39.005, as revived, is subject to repeal under secs. 19 and 25 of this Act and sec. 22,
 21 ch. 31, SLA 2005, as amended by sec. 24 of this Act.

22 * **Sec. 23.** The uncodified law of the State of Alaska is amended by adding a new section to
 23 read:

24 **CONDITIONAL EFFECT.** Section 19 of this Act takes effect only if secs. 1 - 13 and
 25 18, ch. 31, SLA 2005, take effect.

26 * **Sec. 24.** The uncodified law of the State of Alaska enacted in sec. 22, ch. 31, SLA 2005, is
 27 amended to read:

28 Sec. 22. Sections 1 - 13 and 18, **ch. 31, SLA 2005**, [OF THIS ACT] take effect
 29 July 1, **2017** [2011], unless the state's revised coastal management program has not
 30 been approved by the National Oceanic and Atmospheric Administration, Office of
 31 Ocean and Coastal Resource Management, United States Department of Commerce,

1 under 16 U.S.C. 1455 and 1457 (Coastal Zone Management Act of 1972) before
2 January 1, 2006. If the state's revised coastal management program is not approved
3 before January 1, 2006, by the National Oceanic and Atmospheric Administration,
4 Office of Ocean and Coastal Resource Management, United States Department of
5 Commerce, then secs. 1 - 13 and 18, ch. 31, SLA 2005, [OF THIS ACT] take effect
6 May 10, 2006. The commissioner of natural resources shall notify the revisor of
7 statutes on February 1, 2006, whether the revised coastal management program has
8 been approved as described in this section.

9 * **Sec. 25.** If sec. 19 of this Act takes effect, it takes effect on the date that secs. 1 - 13 and
10 18, ch. 31, SLA 2005, take effect.

11 * **Sec. 26.** Except as provided in sec. 25 of this Act, this Act takes effect immediately under
12 AS 01.10.070(c).