

Introduced: 2/18/75
Referred: Resources

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 *CS SS* SENATE BILL NO. 175 *(Res)*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to coastal zone management; and
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 46 is amended by adding a new chapter to read:

10 CHAPTER 27. COASTAL ZONE MANAGEMENT.

11 ARTICLE 1. ESTABLISHMENT OF ALASKA COASTAL ZONE

12 MANAGEMENT PLANNING COUNCIL

13 Sec. 46.27.010. LEGISLATIVE FINDINGS. The legislature finds
14 that: (1) the coastal zone of the state is a distinct and valuable
15 natural resource belonging to all the people and exists as a delicately
16 balanced ecosystem; (2) the demands upon the resources of the coastal
17 zone are immense, and will increase dramatically in the future; (3)
18 the permanent protection of the natural and scenic resources of the
19 coastal zone is of paramount concern to present and future citizens
20 of the state and the nation; (4) the capacity of the coastal zone to
21 withstand the demands upon it are uniquely limited; (5) the degree
22 of planning and resource allocation which has occurred in the coastal
23 zone has all too often been motivated by short-term parochial considera-
24 tions and expediency, unrelated or contradictory to sound ecological
25 and economic planning principles; and (6) in order to promote the
26 public health and welfare, there exists a critical need to engage in
27 comprehensive land and water use planning in the coastal zone and to
28 establish the means by which the planning process may be effectively
29 and uniformly implemented.

CS SS SB 175 *(Res)*

1 Sec. 46.27.020. ALASKA COASTAL ZONE MANAGEMENT PLANNING COUNCIL.

2 There is created the Alaska Coastal Zone Management Planning Council.

3 The council shall consist of the following:

4 (1) commissioner of the Department of Environmental Conser-
5 vation;

6 (2) commissioner of the Department of Natural Resources;

7 (3) commissioner of the Department of Fish and Game;

8 (4) commissioner of the Department of Highways;

9 (5) commissioner of the Department of Community and Regional
10 Affairs;

11 (6) commissioner of the Department of Public Works;

12 (7) director of the division of policy development and
13 planning, who shall act as chairman of the council;

14 (8) three public appointees selected under sec. 30 of this
15 chapter.

16 Sec. 46.27.030. PUBLIC APPOINTEES. (a) The governor shall
17 appoint three public members to the council who may not be full time
18 employees of the state immediately prior to their appointment. The
19 term of office of the public members of the council is four years.

20 (b) Members of the council selected under this section serve
21 at the pleasure of the governor.

22 (c) Public members of the council shall be selected, unless
23 precluded by (a) of this section, from the state members of the Joint
24 Federal-State Land Use Planning Commission, except the governor or
25 his designee, selected under AS 41.40.030.

26 Sec. 46.27.040. COMPENSATION AND PER DIEM. (a) Public members
27 of the council receive compensation at the rate of \$100 per day for
28 each day they are engaged in the performance of their duties as members
29 of the council.

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

3 Sec. 46.27.050. QUORUM. Six members of the council constitute
4 a quorum for the transaction of business. A member of the council,
5 except a public member, may designate a representative within his
6 department or division to represent him at any council meeting, and
7 the representative shall have all the privileges and powers conferred
8 upon the member himself.

9 Sec. 46.27.060. COUNCIL STAFF. The council shall utilize the
10 staff of the division of policy development and planning in discharging
11 the powers and duties conferred by this chapter. The director of the
12 division, upon the concurrence of the council, may employ personnel
13 he considers necessary to carry out the powers and duties conferred
14 on the council by this chapter.

15 Sec. 46.27.070. POWERS OF THE COUNCIL. The council may

16 (1) apply for and accept grants, contributions and appro-
17 priations, including application for and acceptance of federal funds
18 which may become available for coastal zone planning or management;

19 (2) contract for any necessary services;

20 (3) consult and cooperate with

21 (A) persons, organizations and groups, public or
22 private, interested in, affected by, or concerned with coastal
23 zone management; and

24 (B) agents and officials of state and federal agencies
25 concerned with or having jurisdiction over coastal zone management;

26 (4) appear and participate in proceedings before a state
27 or federal agency or legislative body involving or affecting the purposes
28 of the council;

29 (5) acquire on behalf of a state agency by any means, in-

1 cluding the exercise of eminent domain, any interest in land the
2 council considers necessary to effectuate the purposes of this
3 chapter;

4 (6) adopt regulations under the Administrative Procedure
5 Act (AS 44.62);

6 (7) take any action it considers necessary to carry out
7 the provisions of this chapter.

8 ARTICLE 2. ALASKA COASTAL ZONE PLAN.

9 Sec. 46.27.100. ALASKA COASTAL ZONE PLAN. (a) On or before
10 December 31, 1978, the council shall prepare and adopt, in conformity
11 with secs. 110 - 170 of this chapter, the Alaska coastal zone plan.

12 (b) The council may prepare and adopt the Alaska coastal zone
13 plan for a particular region or regions of the coastal zone, prior
14 to preparation and adoption of the full plan under (a) of this
15 section. Portions of the plan prepared and adopted under this sub-
16 section shall be incorporated, with changes the council considers
17 necessary, into the Alaska coastal zone plan prepared and adopted
18 under (a) of this section.

19 Sec. 46.27.110. PURPOSES. The Alaska coastal zone plan shall
20 be consistent with the following objectives and goals:

21 (1) the maintenance, restoration and enhancement of the
22 overall quality of the coastal zone environment;

23 (2) the development of industrial and commercial
24 enterprises dependent upon the coastal zone for siting and which are
25 consistent with the social, economic and environmental interests of
26 the state;

27 (3) the orderly, balanced utilization and preservation of
28 all living and non-living coastal resources consistent with sound
29 conservation and sustained yield principles;

1 (4) the consideration of optimum desirable population
2 densities within the coastal zone;

3 (5) the protection and enhancement of significant
4 historic, cultural, natural and aesthetic values, and natural systems
5 or processes within the coastal zone;

6 (6) the prevention of damage to or degradation of state
7 or federal lands, reserved for recreation, wilderness, scenic or
8 species protection purposes, as a result of inconsistent land or
9 water usages adjacent to those lands;

10 (7) the recognition of the need for a continuing supply
11 of direct and indirect energy sources to fill the needs of the state
12 and to contribute the state's just and equitable share in meeting
13 national energy needs; and

14 (8) the full and fair evaluation of all demands on the
15 land, including environmental, economic and social demands.

16 Sec. 46.27.120. DATA DEVELOPMENT. The council shall, whenever
17 possible, use existing state agencies in the accumulation of land and
18 water data. The council shall establish mechanisms to provide for:

19 (1) data coordination between existing federal, state and
20 local agencies, the Joint Federal-State Land Use Planning Commission,
21 the Alaska Coastal Zone Regulatory Commission and the council;

22 (2) the identification by the council of the needs, goals
23 and objectives of existing state agencies; and

24 (3) the efficient accumulation of data necessary to
25 effectuate the coastal zone planning process in a manner which
26 minimizes duplication of data accumulation efforts.

27 Sec. 46.27.130. PUBLIC PARTICIPATION. (a) The council shall
28 hold at least twelve public hearings throughout the state before
29 preparation of the Alaska coastal zone plan under sec. 100(a) of this

1 chapter. The times and locations for these hearings shall be
2 established to provide maximum public participation from all regions
3 of the state. Upon completion of the Alaska coastal zone plan, but
4 before its adoption under sec. 100(a) of this chapter, the council
5 shall hold at least six public hearings throughout the state for
6 review of the plan. The council may amend or supplement the plan
7 upon completion of the hearings.

8 (b) The council shall hold at least three public hearings within
9 the affected region before preparation of a portion of the Alaska
10 coastal zone plan under sec. 100(b) of this chapter. In addition,
11 the council shall, upon completion of any portion of the Alaska
12 coastal zone plan, but before its adoption under sec. 100(b) of this
13 chapter, hold at least one public hearing within the affected region
14 for review of that portion of the plan. The council may amend or
15 supplement that portion of the plan upon completion of the hearing.

16 (c) Hearings under this section shall be conducted according
17 to regulations adopted by the council, and shall be held at locations
18 within or adjacent to the coastal zone.

19 Sec. 46.27.140. MUNICIPALITIES. The council shall obtain copies
20 of all master plans, zoning and subdivision ordinances, and other
21 ordinances affecting land or water use adopted by municipalities in
22 whole or in part within the coastal zone. In addition, the council
23 shall adopt mechanisms which will provide for a full understanding
24 of the needs, goals and objectives of each municipality as they pertain
25 to land and water use within the coastal zone.

26 Sec. 46.27.150. BASIS FOR ALASKA COASTAL ZONE PLAN. The Alaska
27 coastal zone plan shall be based on the following:

28 (1) information received from existing state agencies under
29 sec. 120 of this chapter;

1 (2) information, opinions and data received at public
2 hearings held under sec. 130 of this chapter;

3 (3) submissions of municipalities received under sec. 140
4 of this chapter;

5 (4) the purposes and objectives specified in this chapter;

6 (5) data that the council may solicit or receive from other
7 sources.

8 Sec. 46.27.160. GENERAL COMPONENTS. The Alaska coastal zone
9 plan shall consist of those maps, texts and statements of policies
10 and objectives that the council considers necessary to implement this
11 chapter.

12 Sec. 46.27.170. SPECIFIC COMPONENTS. The Alaska coastal zone
13 plan shall contain at least the following components:

14 (1) a definition of the landward boundary of the coastal
15 zone;

16 (2) a statement of planning principles and assumptions used
17 in developing the plan;

18 (3) a component which includes the following elements;

19 (A) a land use element;

20 (B) a transportation element;

21 (C) a conservation element for the preservation and
22 management of the scenic and other natural resources of the
23 coastal zone;

24 (D) a public access element for maximum visual and
25 physical use and enjoyment of the coastal zone by the public;

26 (E) a recreation element;

27 (F) a public services and key facilities element for
28 the general location, scale, and provision for the siting of
29 those facilities in the least environmentally destructive manner;

1 this element shall include a siting study for major power
2 plants;

3 (G) an ocean mineral and living resources element;

4 (H) a population element;

5 (I) an educational or scientific use element;

6 (J) an energy production, transportation and
7 conversion element;

8 (4) reservations of land or water in the coastal zone for
9 certain uses, or the prohibition of certain uses in specific areas;

10 (5) an identification of uses of regional benefit, and a
11 provision for the siting of those uses within the coastal zone;

12 (6) exemptions from the permit requirement imposed by sec.
13 320 of this chapter; however, an exemption may only be granted upon
14 a finding by the council that the exempted development will not cause,
15 individually or cumulatively, adverse environmental impact, and will
16 not otherwise frustrate the purposes and objectives specified in this
17 chapter, or the coastal zone plan;

18 (7) a precise ranking of priorities of uses within the
19 coastal zone, which ranking shall be based on the need to limit the
20 siting of facilities within the coastal zone to those uses which are
21 dependent upon the coastal zone for successful siting, and which are
22 minimally disruptive of the natural features and values of the coastal
23 zone.

24 Sec. 46.27.180. ANNUAL REVIEW. The council shall annually
25 review the Alaska coastal zone plan to determine its conformity with
26 the purposes of this chapter and make revisions necessary to ensure
27 conformity. The council shall adopt regulations establishing
28 procedures, including procedures for public participation, for the
29 annual review.

1 ARTICLE 3. ALASKA COASTAL ZONE REGULATORY COMMISSION.

2 Sec. 46.37.210. ALASKA COASTAL ZONE REGULATORY COMMISSION. There
3 is created the Alaska Coastal Zone Regulatory Commission. The
4 commission shall consist of five members who are appointed by the
5 governor and confirmed by a majority of the members of the
6 legislature in joint session. Upon appointment by the governor, a
7 member of the commission may exercise the powers conferred upon him
8 by this chapter until his name has been submitted to and rejected by
9 the legislature.

10 Sec. 46.27.220. TERM OF OFFICE AND VACANCY. (a) The term of
11 office of each commission member is six years. A person may not be
12 reappointed to the commission for a second consecutive six-year term.

13 (b) Two initial appointees shall serve terms of two years. Two
14 initial appointees shall serve terms of four years. The remaining
15 initial appointee shall serve a six-year term. Notwithstanding (a)
16 of this section, initial appointees serving two and four year terms
17 may be reappointed to a subsequent six-year term. At the time of the
18 initial appointment the governor shall designate whether the appointee
19 is serving a two, four, or six year term.

20 (c) A vacancy on the commission shall be filled by appointment
21 by the governor, and the appointment shall be confirmed by a majority
22 of the members of the legislature in joint session. An appointee
23 selected to fill a vacancy shall hold office for the balance of the
24 full term for which his predecessor on the commission was appointed
25 and, notwithstanding (a) of this section, he may be reappointed to
26 one subsequent six year term.

27 (d) A vacancy in the commission does not impair the authority
28 of a quorum of commissioners to exercise the powers and perform the
29 duties of the commission.

1 Sec. 46.27.230. QUALIFICATIONS. (a) Members of the commission
2 and the executive director must be persons who, as a result of
3 training, experience and attainments, have a general interest in and
4 knowledge of environmental, social and economic trends and
5 information.

6 (b) A member of the commission or the executive director may
7 not be an officer, director, trustee, partner or joint venturer, or
8 otherwise have a substantial pecuniary interest in an industry or
9 business primarily engaged in the extraction or processing of
10 natural resources or land development or land acquisition.

11 (c) In order for a person to serve on the commission, he must
12 have been a continuous bona fide resident of the state for the 12
13 months immediately before his appointment.

14 Sec. 46.27.240. QUORUM. Three members of the commission
15 constitute a quorum for the transaction of business.

16 Sec. 46.27.250. OATH OF OFFICE. Before entering office, each
17 commissioner and the executive director of the commission shall take
18 and subscribe to the oath prescribed for principal officers of the
19 state.

20 Sec. 46.27.260. COMPENSATION OF MEMBERS OF COMMISSION. Members
21 of the commission are in the exempt service under AS 39.25.110 and
22 are entitled to receive an annual salary equal to the pay of a
23 superior court judge.

24 Sec. 46.27.270. EMPLOYMENT OF COMMISSION PERSONNEL. The
25 commission may employ an executive director and other personnel,
26 including hearing officers, it considers necessary to carry out the
27 duties of the commission.

28 Sec. 46.27.280. REMOVAL OF COMMISSIONERS. Members of the
29 commission may be removed by the governor for cause.

1 Sec. 46.27.290. POWERS OF THE COMMISSION. The commission may

2 (1) contract for any necessary services, including legal
3 services;

4 (2) consult and cooperate with

5 (A) persons, organizations and groups, public or
6 private, interested in, affected by, or concerned with coastal
7 zone management; and

8 (B) agents and officials of state and federal agencies
9 concerned with or having jurisdiction over coastal zone manage-
10 ment;

11 (3) sue to obtain any remedy to restrain violations of this
12 chapter and be sued;

13 (4) conduct investigations, hold hearings and compel the
14 attendance of witnesses and the production of accounts, books and
15 documents by the issuance of a subpoena;

16 (5) upon request of a concerned party, intervene or mediate
17 coastal zone management disputes between the federal government and
18 political subdivisions of the state;

19 (6) adopt regulations under the Administrative Procedure
20 Act (AS 44.62); or

21 (7) take any action it considers necessary to carry out
22 the provisions of this chapter.

23 ARTICLE 4. IMPLEMENTATION.

24 Sec. 46.27.310. INTERIM REGULATIONS. Within 120 days of the
25 effective date of this chapter, the council shall adopt interim regu-
26 lations defining the landward extent of the coastal zone in conformity
27 with this chapter. The landward definition may be statewide, regional
28 or site specific. The definition of the landward extent of the
29 coastal zone established under this section may be revised in the

1 Alaska coastal zone plan, or portion of the plan.

2 Sec. 46.27.320. PERMIT REQUIREMENT. Upon the effective date
3 of the regulations required by sec. 310 of this chapter, no person
4 may undertake any development within the coastal zone, as defined
5 under sec. 310 of this chapter, or in the Alaska coastal zone plan,
6 or portion of the plan, without a permit from the commission.

7 Sec. 46.27.330. EXEMPTIONS. Notwithstanding sec. 320 of this
8 chapter, the commission may adopt regulations exempting from the
9 permit requirement in particular areas of the coastal zone certain
10 types of development which will not, individually or cumulatively,
11 result in adverse environmental impacts, and which will not result
12 in coastal zone usages inconsistent with the developing Alaska coastal
13 zone plan. No regulation under this section is effective unless
14 approved by the Alaska Coastal Zone Planning Council, and shall
15 continue in effect only until adoption of the Alaska coastal zone
16 plan, or portion of the plan.

17 Sec. 46.27.335. CONDITIONS. The commission may require stipu-
18 lations or conditions to a permit it considers necessary to carry out
19 the purposes of this chapter.

20 Sec. 46.27.340. INTERIM CRITERIA. Upon the final adoption of
21 the regulations required by sec. 310 of this chapter, and until the
22 adoption of the Alaska coastal zone plan under sec. 100(a) of this
23 chapter, or a portion of the plan under sec. 100(b) of this chapter,
24 the commission may grant a development permit only upon finding all
25 of the following:

26 (1) that the proposed development will not cause adverse
27 impacts upon the natural systems or processes of the coastal zone;

28 (2) that the proposed development will not significantly
29 detract from the scenic qualities of the coastal zone;

1 (3) that the proposed development will not significantly
2 preclude land or water use options on surrounding land or water areas;

3 (4) that the proposed development is not otherwise incon-
4 sistent with the objectives specified in sec. 110 of this chapter,
5 and that the proposed development is dependent on the coastal zone
6 for successful siting;

7 (5) that the proposed development is not inconsistent with
8 the Alaska coastal zone plan, or portion of the plan, to the extent
9 the plan or portion of it is identifiable.

10 (b) The applicant shall have the burden of proof on all issues.

11 Sec. 46.27.350. PERMIT PROCEDURES. (a) The commission may,
12 upon request or on its own motion, assign for public hearing, to a
13 hearing officer employed by the commission under sec. 270 of this
14 chapter, applications for development permits under sec. 320 of this
15 chapter. At the close of a hearing, the hearing officer shall promptly
16 prepare a recommendation for commission action upon the matter and
17 submit a copy of his recommendation to the commission and to each
18 party to the proceeding.

19 (b) Public hearings held under (a) of this section shall be held
20 in the coastal municipality closest to the proposed development, sub-
21 ject to schedules and times as the commission may establish.

22 (c) Hearings held under (a) of this section shall be held within
23 30 days of receipt of the permit application. However, the
24 commission may, upon notice to the applicant, postpone for a period,
25 not in excess of 30 days, the time requirements imposed by this sub-
26 section for the purposes of combining several public hearings in one
27 municipality or one region.

28 (d) The commission shall prescribe by regulation the procedures
29 for permit applications and hearings and may require a reasonable

1 filing fee.

2 (e) The commission shall review the recommendation of the
3 hearing officer and the record of the proceeding and issue its order
4 with respect to the application within 15 days of receipt of the
5 recommendation of the hearing officer. The commission may adopt, reject
6 or amend the recommendation of the hearing officer in any matter.

7 Sec. 46.27.360. VESTED RIGHTS: EXEMPTIONS. (a) If before the
8 effective date of this chapter a municipality has issued a building
9 permit, a person who has obtained a vested right under the permit is
10 not required to secure a permit from the commission; however, no
11 substantial changes may be made in the development except in
12 accordance with this chapter. A person is considered to have vested
13 rights if, before the effective date of this chapter, he has in good
14 faith and in reliance upon the building permit diligently commenced
15 and performed substantial work on the development and incurred
16 substantial liabilities for work and materials necessary for the
17 development. Expenses incurred in obtaining the enactment of an
18 ordinance in relation to the development or issuance of a permit are
19 not considered liabilities for work or material. The acquisition of
20 vested rights in one unit of a subdivision does not confer vested
21 rights in other units of the subdivision.

22 (b) A permit is not required for:

23 (1) repair or maintenance activities of any sort; however,
24 the activities may not result in an addition to, or enlargement or
25 expansion of, the object of the repair or maintenance activities;

26 (2) repairs and improvements not in excess of \$10,000 to
27 existing structures; however, the commission shall specify by
28 regulations those classes of development which involve a risk of
29 adverse environmental effect and may require that a permit be obtained;

1 (3) a development exempted by the council under sec. 170(6)
2 of this chapter, or by the commission under sec. 330 of this chapter.

3 Sec. 46.27.370. OTHER PERMITS. A permit issued by the commission
4 does not excuse the applicant from obtaining any other permit which
5 may be required by law.

6 Sec. 46.27.380. REPORT OF MUNICIPAL PLANS; USES OF REGIONAL
7 BENEFIT. One year from the effective date of the Alaska coastal zone
8 plan or portion of the plan, and annually thereafter, each municipality
9 which is in whole or in part within the coastal zone and which
10 exercises the zoning and platting power shall report to the commission
11 on the status of its comprehensive plan. The report shall include:

12 (1) a copy of the comprehensive plan reviewed by the
13 governing body, and a copy of all zoning and subdivision ordinances
14 and regulations; and

15 (2) a statement of progress made during the preceding year
16 toward inclusion within the municipal planning process of uses of
17 regional benefit identified in the Alaska coastal zone plan, or portion
18 of the plan, for the coastal region in which the municipality is
19 located.

20 Sec. 46.27.390. COMMISSION GUIDELINES. The commission shall
21 adopt regulations establishing standards for its review of local
22 reports submitted under sec. 380 of this chapter. These regulations
23 shall reflect the need to prevent arbitrary or unreasonable
24 exclusion of uses of regional benefit by the municipality, and shall
25 require that the municipality give full and fair consideration to
26 regional, state and national interests, as well as those of the
27 municipality itself, in the siting of these usages.

28 Sec. 46.27.400. COMMISSION ACTION. (a) Upon a initial deter-
29 mination by the commission that a municipality has unreasonably or

1 arbitrarily excluded uses of regional benefit identified for the
2 region in the Alaska coastal zone plan, or applicable portion of the
3 plan, it shall schedule, upon 90 days notice to the municipality, a
4 public hearing to be held within the municipality. If the commission
5 finds, based on the report of the municipality submitted under sec.
6 380 of this chapter, evidence adduced at the public hearing, and
7 other evidence which the commission may consider, that the municipality
8 has unreasonably or arbitrarily excluded a use of regional benefit
9 identified for the region in the Alaska coastal zone plan, or
10 applicable portion of the plan, it shall issue an order directing
11 the municipality to adopt, amend or supplement any comprehensive plan
12 or any zoning, subdivision or other land use ordinance, or to take
13 any other action the commission finds necessary to correct the
14 arbitrary or unreasonable exclusion.

15 (b) If a municipality has under consideration a comprehensive
16 plan or zoning, subdivision or other ordinance or regulation
17 pertaining to the siting of uses of regional benefit identified for
18 the region in the Alaska coastal zone plan, or portion of the plan,
19 and shows satisfactory progress toward the adoption of the
20 comprehensive plan or the ordinance or regulation, the commission may
21 grant a reasonable extension of time after the date set in this section
22 for municipal review and revision of the plan or the ordinances or
23 regulations.

24 (c) The commission may enforce orders issued under this section
25 through injunction or other appropriate proceedings.

26 (d) As used in this section, "exclusion" includes the failure
27 to make adequate provision for the siting of uses of regional benefit
28 in the municipality's comprehensive plan or land use ordinances or
29 regulations.

1 Sec. 46.27.410. STATE LANDS. (a) Upon the effective date of
2 this chapter, and until the adoption of the Alaska coastal zone plan
3 under sec. 100(a) of this chapter, or until the adoption of a portion
4 of the plan under sec. 100(b) of this chapter, no state land within
5 the coastal zone may be sold, leased or otherwise alienated or encum-
6 bered.

7 (b) Notwithstanding (a) of this section, the commission may,
8 upon a petition of the commissioner of the Department of Natural
9 Resources and after public hearing, exempt lands specified in the
10 petition from the moratorium imposed by (a) of this section if the
11 commission finds all of the following:

12 (1) the proposed sale or lease is essential to the
13 maintenance of a necessary flow of revenue to the state;

14 (2) the proposed usage for the land or water area will not
15 cause significant adverse environmental impacts;

16 (3) the proposed usage will not significantly reduce land
17 or water use alternatives in the surrounding area;

18 (4) the proposed usage is not in conflict with the Alaska
19 coastal zone plan, to the extent that the plan, or portion of the
20 plan, is identifiable at the time of the proposed conveyance; and

21 (5) all documents of conveyance will contain restrictions
22 or covenants adequate to insure that the actual usage of the land or
23 water area will not be inconsistent with the use classification of
24 the land or water area.

25 (c) Upon the adoption of the Alaska coastal zone plan under sec.
26 100(a) of this chapter, or upon adoption of a portion of the plan
27 under sec. 100(b) of this chapter, state land may be sold, leased and
28 otherwise alienated and encumbered for only those uses for which the
29 land has been classified in the plan or portion of the plan.

1 ARTICLE 5. PROHIBITED ACTS AND PENALTIES.

2 Sec. 46.27.900. CIVIL PENALTY FOR VIOLATIONS. A person who
3 violates a provision of this chapter, or a regulation, permit or
4 lawful order of the commission, is subject, in a civil action brought
5 by the attorney general, to a fine not to exceed \$100,000.

6 Sec. 46.27.910. WILFUL VIOLATIONS. A person who wilfully
7 violates a provision of this chapter, or a regulation, permit or
8 lawful order of the commission, is guilty of a misdemeanor and, upon
9 conviction, is punishable by a fine of not more than \$100,000, or by
10 imprisonment for not more than one year, or by both.

11 ARTICLE 6. GENERAL PROVISIONS.

12 Sec. 46.27.920. INJUNCTIONS. The superior courts of this state
13 have jurisdiction to restrain violations of this chapter and to en-
14 force lawful orders of the commission. In actions brought under this
15 section, the commission may obtain interlocutory relief without a
16 showing of irreparable harm or a favorable balance of the equities.

17 Sec. 46.27.930. JUDICIAL REVIEW. Any person aggrieved by an
18 action or decision of the commission, taken under this chapter, has
19 a right of judicial review in the superior court in the judicial
20 district affected by the action or decision within 30 days after the
21 action or decision is final.

22 Sec. 46.27.940. DEFINITIONS. As used in this chapter, unless
23 the context otherwise requires:

24 (1) "coastal zone" means the land and water area of the
25 state extending seaward to the outer boundaries of the territorial
26 jurisdiction of the state. Landward, it includes all lands inland
27 from the natural mean high tide line to the extent necessary to
28 control shorelands, and to reach land usage which has a significant
29 impact on the coastal ecology;

1 (2) "commission" means the Alaska Coastal Zone Regulatory
2 Commission;

3 (3) "council" means the Alaska Coastal Zone Management
4 Planning Council;

5 (4) "development" means, on land or in or under water:

6 (A) the affixing or erection of any solid material
7 or structure;

8 (B) the grading, removing, mining or extraction of
9 any materials;

10 (C) dredging or filling operations;

11 (D) a change in the density or intensity of use of
12 land, including the subdivision of land, whether or not the sub-
13 divider intends to erect any improvements on the land;

14 (E) the material alteration of the size of a
15 structure; or

16 (F) the removal or logging of major vegetation;

17 (5) "municipality" includes both home rule and general law
18 cities, boroughs, and municipalities unified under the provisions of
19 AS 29.68.240 - 29.68.440;

20 (6) "person" includes any individual, public or private
21 corporation, partnership, association, industry, firm, trust, estate,
22 agency of federal, state and local government, and any other entity;

23 (7) "structure" includes a building, road, railroad, pipe,
24 flume, conveyor, conduit, siphon, aqueduct, dam, bridge, dock,
25 platform, telephone line, and electrical power transmission and
26 distribution line; and

27 (8) "uses of regional benefit" means those land or water
28 uses which confer significant environmental, social or economic
29 benefits beyond the municipality or immediate geographical area in

1 which they are located, and include, but are not limited to:

2 (A) parks and recreational facilities;

3 (B) cultural and historical areas of regional or
4 statewide significance;

5 (C) energy production, transmission, conversion and
6 transportation facilities;

7 (D) airports and other transportation facilities; and

8 (E) schools, hospitals, sewerage treatment facilities,
9 libraries and other critical public services.

10 Sec. 46.27.950. STATE AGENCIES. (a) All agencies of the state,
11 upon the adoption of the Alaska coastal zone plan, or a portion of
12 the plan, shall review their present statutory authority, administrative
13 regulations, and current policies and procedures as they pertain to
14 land and water use, for the purpose of determining whether there are
15 any deficiencies or inconsistencies which prohibit or frustrate full
16 compliance with the Alaska coastal zone plan, and shall, within one
17 year of the effective date of the plan, or portion of the plan, take
18 whatever action is necessary, including recommendations to the
19 legislature for additional or amended legislation, in order to
20 facilitate full compliance with and implementation of the Alaska
21 coastal zone plan.

22 (b) Notwithstanding any other provision of this chapter,
23 developments undertaken by state agencies which have been specifically
24 approved or provided for in the Alaska coastal zone plan, or portion
25 of the plan, are not subject to the permit requirements of sec. 320
26 of this chapter. However, before undertaking any development
27 approved in the plan, or portion of the plan, the responsible state
28 agency shall submit detailed plans of the development to the
29 commission for review. Upon review of the plans, the commission may

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attach stipulations or conditions to the project it considers necessary to minimize the adverse environmental impacts of the development, and to otherwise bring the development into conformity with the plan, or portion of the plan. The commission shall adopt regulations governing review of approved developments under this subsection.

Sec. 46.27.960. SHORT TITLE. This chapter may be cited as the Alaska Coastal Zone Planning Act.

* Sec. 2. AS 39.25.110 is amended by adding a new paragraph to read:
(16) members of the Alaska Coastal Zone Regulatory Commission.

* Sec. 3. This Act takes effect immediately in accordance with AS 01.-10.070(c).