

Original sponsor: The Rules Committee by request
of the Governor

Offered: 5/7/75
Referred: Finance

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 175

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 that
14 (1) the degree of planning and resource allocation which has occurred in
15 the coastal zone has all too often been motivated by short-term parochial
16 considerations and expediency, unrelated or contradictory to sound
17 ecological and economic planning principles; and (2) in order to promote
18 the public health and welfare, there exists a critical need to engage in
19 comprehensive land and water use planning in the coastal zone and to
20 establish the means by which the planning process may be effectively and
21 uniformly implemented.

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

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

24 This council consists of the following:

25 (1) five public members selected under sec. 30 of this chapter,
26 one of whom shall be elected chairman of the council by the public
27 members; and

28 (2) all commissioners of the state departments as ex officio
29 members.

1 Sec. 46.27.030. PUBLIC APPOINTEES. The governor shall appoint five
2 public members to the council who may not be full-time employees of the
3 state immediately before their appointment. The term of office of the
4 public members of the council is four years. Members of the council
5 shall be confirmed by the legislature as provided in AS 39.05.020 and may
6 be removed only for cause.

7 Sec. 46.27.040. COMPENSATION AND PER DIEM. Public members of the
8 council shall receive \$100 compensation per day while in council session
9 and are also entitled to per diem and travel expenses authorized by law
10 for boards and commissions.

11 Sec. 46.27.050. QUORUM. Three members of the council constitute
12 a quorum for the transaction of business. An ex officio member of the
13 council may designate a representative within his department or division
14 to represent him at any council meeting, and the representative shall
15 have all the privileges and powers conferred upon the member himself.

16 Sec. 46.27.060. COUNCIL STAFF. The council shall utilize the staff
17 of the division of policy development and planning in discharging the
18 powers and duties conferred by this chapter. The director of the
19 division, upon the concurrence of the council, may employ personnel he
20 considers necessary to carry out the powers and duties conferred on the
21 council by this chapter.

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

23 (1) apply for and accept grants, contributions and appropria-
24 tions, including application and acceptance of federal funds which may
25 become available for coastal zone management;

26 (2) contract for any 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 zone manage-

1 ment; and

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

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

7 (5) propose the acquisition on behalf of a state agency of
8 any interest in land the council considers necessary to effectuate the
9 purposes of this chapter;

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

12 ARTICLE 2. ALASKA COASTAL ZONE PLAN.

13 Sec. 46.27.100. ALASKA COASTAL ZONE PLAN. (a) Before January 1,
14 1979, the council shall prepare and submit to the legislature for its
15 approval or disapproval, in whole or in part, in conformity with secs.
16 110 - 170 of this chapter, the Alaska coastal zone plan.

17 (b) The council may prepare and submit a portion of the Alaska
18 coastal zone plan for a particular region or regions of the coastal zone
19 before preparation and adoption of the full plan under (a) of this
20 section. Portions of this plan prepared and adopted under this subsec-
21 tion shall be incorporated, with changes the council considers necessary,
22 into the Alaska coastal zone plan prepared and presented under (a) of
23 this section.

24 (c) Within 10 days of the convening of each session of the legisla-
25 ture before January 1, 1979, the council shall submit to the legislature
26 for its review and approval or disapproval in whole or in part, a draft
27 of the Alaska coastal zone plan prepared during the preceding interim.

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

1 (1) the maintenance of the overall quality of the coastal zone
2 environment;

3 (2) the development of industrial and commercial enterprises
4 which are, economically and otherwise dependent upon the coastal zone for
5 siting and which are consistent with the social, economic and environ-
6 mental interests of the state;

7 (3) the orderly, balanced utilization of all living and non-
8 living coastal resources consistent with sound conservation and sustained
9 yield principles;

10 (4) to assist in planning desirable residential development
11 within the coastal zone;

12 (5) the protection of significant historic, cultural, natural
13 and aesthetic values, and natural systems or processes within the
14 coastal zone;

15 (6) the prevention of damage to or degradation of state or
16 federal lands, as a result of inconsistent land or water usages adjacent
17 to those lands;

18 (7) the recognition of the need for a continuing supply of
19 direct and indirect energy sources to fill the needs of the state and to
20 contribute the state's just and equitable share in meeting the national
21 energy needs; and

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

24 Sec. 46.27.120. DATA DEVELOPMENT. The council shall, when possible,
25 use existing state agencies in the accumulation of land and water data.
26 The council shall establish mechanisms to provide for:

27 (1) data coordination between existing federal, state and
28 local agencies, the Joint Federal-State Land Use Planning Commission and
29 the council;

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

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

6 Sec. 46.27.130. PUBLIC PARTICIPATION. (a) The council shall hold
7 at least 12 public hearings throughout the state before preparation of
8 the full Alaska coastal zone plan under sec. 100(a) of this chapter. The
9 time and location for these hearings shall be established to provide
10 maximum public participation from all regions of the state. Upon com-
11 pletion of the full Alaska coastal zone plan, but before its submission
12 under sec. 100(a) of this chapter, the council shall hold at least six
13 public hearings throughout the state for review of the plan. These
14 hearings are in addition to the 12 public hearings required before pre-
15 paration of the full plan under this subsection. The council may amend
16 or supplement the plan upon completion of the hearings.

17 (b) The council shall hold at least three public hearings within
18 the affected region before preparation of a portion of the Alaska coastal
19 zone plan under sec. 100(b) of this chapter. In addition, the council
20 shall, upon completion of any portion of the Alaska coastal zone plan,
21 but before its submission under sec. 100(b) of this chapter, hold at
22 least one public hearing within the affected region for review of that
23 portion of the plan. The council may amend or supplement that portion
24 upon completion of the hearing.

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

28 Sec. 46.27.140. MUNICIPALITIES. The council shall obtain copies
29 of all master plans, zoning and subdivision ordinances, and other

1 ordinances affecting land or water use adopted by municipalities in whole
2 or in part within the coastal zone. In addition, the council shall adopt
3 mechanisms which will provide for a full understanding of the needs,
4 goals and objectives of each municipality as they pertain to land and
5 water use within the coastal zone.

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

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

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

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

14 (4) data that the council may solicit or receive from other
15 sources.

16 Sec. 46.27.160. GENERAL COMPONENTS. The Alaska coastal zone plan
17 shall consist of those maps, texts and statements of policies and ob-
18 jectives that the council considers necessary to implement this chapter.

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

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

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

24 (3) a suggested ranking of priorities of uses within the
25 coastal zone.

26 Sec. 46.27.180. ANNUAL REVIEW. The council shall annually review
27 the Alaska coastal zone plan to determine its conformity with the
28 purposes of this chapter and make revisions necessary to ensure con-
29 formity. The council shall submit to the legislature for approval

1 regulations establishing procedures, including procedures for public and
2 local government participation, in the annual review.

3 Sec. 46.27.190. DEFINITIONS. In this chapter, unless the context
4 otherwise requires

5 (1) "coastal zone" means the coastal waters, including the
6 lands within and under the waters and the adjacent shorelands, strongly
7 influenced by the coastal waters and in proximity to the shoreline,
8 including the waters within and under the adjacent shorelands. The zone
9 extends inland from the shoreline only to the extent necessary to con-
10 trol shorelands, the uses of which have a direct and significant impact
11 on the coastal waters;

12 (2) "coastal waters" means those waters adjacent to the
13 shoreline which contain a measurable quantity or percentage of salt
14 water;

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

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

18 (A) the affixing or erection of any solid material or
19 structure;

20 (B) the grading, removing, mining or extraction of any
21 materials;

22 (C) dredging or filling operations;

23 (D) a change in the density of use of land, including the
24 subdivision of land, whether or not the subdivider intends to erect
25 any improvements on the land;

26 (E) the material alteration of the size of a structure;

27 or

28 (F) the removal of logging of major vegetation;

29 (5) "municipality" includes both home rule and general law

1 cities, boroughs, and municipalities unified under the provisions of
2 AS 29.68.240 - 29.68.440;

3 (6) "person" includes an individual, public or private corpo-
4 ration partnership, association, industry, firm, trust, estate, agency
5 of federal, state and local government, and any other entity;

6 (7) "structure" includes but is not limited to a building,
7 road, railroad, pipe, flume, conveyor conduit, siphon, aqueduct, dam,
8 bridge, dock, platform, telephone line, and electrical power trans-
9 mission and distribution line; and

10 (8) "uses of regional benefit" means those land or water uses
11 which confer significant environmental, social or economic benefits
12 beyond the municipality or immediate geographical area in which they are
13 located, and include, but are not limited to

14 (A) parks and recreational facilities;

15 (B) cultural and historical areas of regional or state-
16 wide significance;

17 (C) energy production, transmission, conversion, and
18 transportation facilities;

19 (D) airports and other transportation facilities; and

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

22 Sec. 46.27.200. STATE AGENCIES. All agencies of the state, upon
23 the adoption of the Alaska coastal zone plan, or a portion of the plan,
24 shall review their present statutory authority, administrative regula-
25 tions, and current policies and procedures as they pertain to land and
26 water use, for the purpose of determining whether there are any defi-
27 ciencies or inconsistencies which prohibit or frustrate full compliance
28 with the Alaska coastal zone plan, and shall, within one year of the
29 effective date of the plan or portion of the plan, take whatever action

1 is necessary, including recommendations to the legislature for additional
2 or amended legislation, in order to facilitate full compliance with and
3 implementation of the Alaska coastal zone plan.

4 Sec. 46.27.210. SHORT TITLE. This chapter may be cited as the
5 Alaska Coastal Zone Planning Act.

6 * Sec. 2. AS 39.25.110 is amended by adding a new paragraph to read:
7 (16) members of the Alaska Coastal Zone Management Planning
8 Council.

9 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
10 070(c).

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