

Original sponsor: Rules Committee by
request of the Governor

Offered: 5/15/75
Referred: Finance

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 175 (Resources)

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 paro-
16 chial 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) seven members selected under sec. 30 of this chapter, one
26 of whom shall be elected chairman of the council by the members; and

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

29 Sec. 46.27.030. COUNCIL APPOINTEES. (a) The governor shall

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

7 (b) Two members of the council shall be members of the legislature
8 and shall serve two-year terms. One shall be appointed by the speaker
9 of the house and the other shall be appointed by the president of the
10 senate.

11 Sec. 46.27.040. COMPENSATION AND PER DIEM. Members of the council
12 are entitled to per diem and travel expenses authorized by law for
13 boards and commissions.

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

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

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

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

29 (2) contract for any necessary services;

1 (3) consult and cooperate with

2 (A) persons, organizations and groups, public or private
3 interested in, affected by, or concerned with coastal zone manage-
4 ment; and

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

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

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

13 (6) take any reasonable action it considers necessary to
14 carry out the provisions of this chapter, including the proposal of
15 regulations as a part of the plan.

16 ARTICLE 2. ALASKA COASTAL ZONE PLAN.

17 Sec. 46.27.100. ALASKA COASTAL ZONE PLAN. (a) Before January 1,
18 1979, the council shall prepare and submit to the legislature for its
19 approval or disapproval, in whole or in part, in conformity with secs.
20 110 - 170 of this chapter, the Alaska coastal zone plan.

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

28 (c) Within 10 days of the convening of each session of the legis-
29 lature before January 1, 1979, the council shall submit to the legis-

1 lature for its review and approval or disapproval in whole or in part, a
2 draft of the Alaska coastal zone plan prepared during the preceding
3 interim.

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

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

8 (2) the development of industrial and commercial enterprises
9 which are, economically and otherwise dependent upon the coastal zone
10 for siting and which are consistent with the social, economic and
11 environmental interests of the state;

12 (3) the orderly, balanced utilization of all living and non-
13 living coastal resources consistent with sound conservation and sus-
14 tained yield principles;

15 (4) to assist in planning desirable residential development
16 within the coastal zone;

17 (5) the protection of significant historic, cultural, natural
18 and aesthetic values, and natural systems or processes within the
19 coastal zone;

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

23 (7) the recognition of the need for a continuing supply of
24 direct and indirect energy sources to fill the needs of the state and to
25 contribute the state's just and equitable share in meeting the national
26 energy needs; and

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

29 Sec. 46.27.120. DATA DEVELOPMENT. The council shall, when pos-

1 sible, use existing state agencies in the accumulation of land and water
2 data. The council shall establish mechanisms to provide for:

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

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

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

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

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

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

4 Sec. 46.27.140. MUNICIPALITIES. The council shall obtain copies
5 of all master plans, zoning and subdivision ordinances, and other
6 ordinances affecting land or water use adopted by municipalities in
7 whole or in part within the coastal zone. In addition, the council
8 shall adopt mechanisms which will provide for a full understanding of
9 the needs, goals and objectives of each municipality as they pertain to
10 land and water use within the coastal zone.

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

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

15 (2) information, opinions and data received at public hear-
16 ings held under sec. 130 of this chapter;

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

19 (4) data that the council may solicit or receive from other
20 sources.

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

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

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

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

1 (3) a suggested ranking of priorities of uses within the
2 coastal zone.

3 Sec. 46.27.180. ANNUAL REVIEW. The council shall annually review
4 the Alaska coastal zone plan to determine its conformity with the
5 purposes of this chapter and make revisions necessary to ensure con-
6 formity. The council shall submit to the legislature for approval
7 regulations establishing procedures, including procedures for public and
8 local government participation, in the annual review.

9 Sec. 46.27.190. DEFINITIONS. In this chapter, unless the context
10 otherwise requires

11 (1) "coastal zone" means the coastal waters, including the
12 lands within and under the waters and the adjacent shorelands, strongly
13 influenced by the coastal waters and in proximity to the shoreline,
14 including the waters within and under the adjacent shorelands. The zone
15 extends inland from the shoreline only to the extent necessary to con-
16 trol shorelands, the uses of which have a direct and significant impact
17 on the coastal waters;

18 (2) "coastal waters" means those waters adjacent to the
19 shoreline which contain a measurable quantity or percentage of salt
20 water;

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

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

24 (A) the affixing or erection of any solid material or
25 structure;

26 (B) the grading, removing, mining or extraction of any
27 materials;

28 (C) dredging or filling operations;

29 (D) a change in the density of use of land, including

1 the subdivision of land, whether or not the subdivider intends to
2 erect any improvements on the land;

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

4 or

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

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

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

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

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

20 (A) parks and recreational facilities;

21 (B) cultural and historical areas of regional or state-
22 wide significance;

23 (C) energy production, transmission, conversion, and
24 transportation facilities;

25 (D) airports and other transportation facilities;

26 (E) schools, hospitals, sewerage treatment facilities,
27 libraries and other critical public services; and

28 (F) commercial and industrial employment.

29 Sec. 46.27.200. STATE AGENCIES. All agencies of the state, upon

1 the adoption of the Alaska coastal zone plan, or a portion of the plan,
2 shall review their present statutory authority, administrative regula-
3 tions, and current policies and procedures as they pertain to land and
4 water use, for the purpose of determining whether there are any defi-
5 ciencies or inconsistencies which prohibit or frustrate full compliance
6 with the Alaska coastal zone plan, and shall, within one year of the
7 effective date of the plan or portion of the plan, take whatever action
8 is necessary through the legislature for additional or amended legis-
9 lation, in order to facilitate full compliance with and implementation
10 of the Alaska coastal zone plan.

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

13 * Sec. 2. AS 39.25.110 is amended by adding a new paragraph to read:

14 (16) members of the Alaska Coastal Zone Management Planning
15 Council.

16 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
17 070(c).