

Introduced: 1/15/76
Referred: Resources

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 519

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the management of the coastal
7 resources of the state; and providing for an effec-
8 tive date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA;

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

11 CHAPTER 27. COASTAL RESOURCES MANAGEMENT.

12 ARTICLE 1. ESTABLISHMENT OF ALASKA COASTAL RESOURCES
13 MANAGEMENT PROGRAM.

14 Sec. 46.27.010. LEGISLATIVE FINDINGS. The legislature finds
15 that

16 (1) the coastal area of the state is rich in natural, com-
17 mercial, recreational, industrial, cultural, and esthetic resources of
18 local, state, and national significance;

19 (2) there is a lack of information concerning the inter-
20 relationships of coastal resources and their uses which hampers wise
21 decision-making by private citizens and public officials;

22 (3) the wise use of the coastal resources of the state is
23 essential for the present and future well-being of the people of this
24 state and the nation;

25 (4) there is a state interest in the effective management,
26 beneficial use, protection, development and enhancement of the coastal
27 resources of the state; and

28 (5) effective management of the coastal resources of the
29 state will be enhanced by shared decision-making by local, state, and

1 federal government officials with the full understanding and partici-
2 pation of the public.

3 Sec. 46.27.020. DECLARATION OF POLICY. The legislature declares
4 that it is the state policy

5 (1) to preserve, protect, develop, and where possible, to
6 restore or enhance the coastal resources of the state for this and
7 succeeding generations;

8 (2) to encourage coordinated decision-making in the coastal
9 area of the state and to foster cooperation and consultation between
10 state, federal and local government and citizens engaging in activities
11 affecting the coastal resources of the state;

12 (3) to develop as expeditiously as possible a coastal
13 management program which sets forth objectives, policies, standards
14 and methods to guide public and private uses of land and water in
15 coastal areas;

16 (4) to insure the participation of the public, local
17 governments, and the state and federal governments in the development
18 of a coastal management program; and

19 (5) to better utilize existing governmental structures and
20 statutory authorities to achieve the policies set forth in this chapter.

21 Sec. 46.27.030. DUTIES OF GOVERNOR UNDER PROGRAM. (a) The
22 governor shall

23 (1) develop a coastal resources management program consis-
24 tent with this chapter to provide for the long-term coordination of
25 state planning, management, regulation, and provision of services in
26 coastal areas of the state;

27 (2) report periodically to the legislature on the progress
28 of the coastal resources management program and, within 10 days of the
29 convening of the First Session of the Tenth Legislature, submit to the

1 legislature a comprehensive report regarding the program, including
2 recommendations for legislation if necessary to carry out the coastal
3 resources program and the recommendations of the Coastal Area Board
4 under sec. 110 of this chapter.

5 (b) The governor shall fully utilize existing statutory and
6 regulatory authority whenever possible, seeking to the maximum extent
7 to avoid the creation of new laws and administrative structures.

8 Sec. 46.27.040. PUBLIC AND GOVERNMENTAL PARTICIPATION. The
9 governor shall ensure that the coastal resources management program is
10 developed: (1) with an opportunity for full participation by federal
11 and state agencies, local governments, regional organizations, and
12 interested individuals; (2) in coordination with local, area-wide,
13 and other state and federal plans and programs; and (3) with the
14 advice and full participation of the Coastal Area Board.

15 Sec. 46.27.050. ELEMENTS OF THE COASTAL RESOURCES MANAGEMENT
16 PROGRAM. As a minimum, the coastal resources management program shall

17 (1) identify the role of and interrelationships between the
18 state and federal governments, local governments, and private and
19 corporate landowners in the effective management of the coastal
20 resources of the state;

21 (2) describe the land and water resource management tools
22 available to state, local, and federal governments for managing coastal
23 areas and the uses of coastal resources; resource management tools
24 which provide for the use of local authority in matters of local
25 concern; and the cooperative use of state and local authority in
26 matters of more than local concern;

27 (3) identify mechanisms for ensuring coordination and con-
28 sistency of federal land and water management programs with the efforts
29 of the state and local governments in the coastal areas of the state;

1 (4) identify means by which the state can best assist local
2 governments to carry out their coastal management responsibilities;

3 (5) establish an interdisciplinary information base for use
4 in coastal resource management decision-making by the state and local
5 governments, and for coordination with federal programs to assist in
6 the determination of:

7 (A) suitable boundaries within which the management
8 program is to be carried out,

9 (B) procedures and criteria for making management
10 decisions about land and water uses which have a direct and
11 significant influence on coastal lands and waters, and

12 (C) areas of particular concern to the state and
13 nation, as already identified under existing local, state, and
14 federal actions and programs, and those areas which should be
15 designated for special management consideration in the future;

16 (6) describe the relationship between the coastal resources
17 management program and state-wide resource planning and management,
18 including federal land management activities; and

19 (7) contain other information and recommendations necessary
20 to assure a sound coastal resources management program for the state.

21 ARTICLE 2. LOCAL AND STATE COORDINATION IN
22 PROGRAM DEVELOPMENT.

23 Sec. 46.27.100. COASTAL AREA BOARD. (a) In order to establish
24 an effective mechanism for continuing consultation and coordination
25 between the state government and local governments and the people of
26 the state which assures full participation in decisions affecting land
27 and water uses in the coastal area, and to provide the opportunity for
28 full participation by local governments and the people of the state in
29 the process of establishing the coastal management program, the governor

1 shall establish and consult with a Coastal Area Board.

2 (b) The governor shall appoint to the Coastal Area Board no less
3 than 15 members who reflect the variety of local and regional interests
4 affected by the coastal resources management program. Members of the
5 board serve at the pleasure of the governor and are entitled to per
6 diem and travel expenses authorized by law for boards and commissions.

7 (c) The life of the Coastal Area Board terminates at the expira-
8 tion of the session of the legislature in which the comprehensive
9 report is submitted under sec. 30(a) of this chapter, unless extended
10 by the legislature.

11 (d) The Coastal Area Board may use the staff designated by the
12 governor to carry out its responsibilities.

13 Sec. 46.27.110. DUTIES OF THE COASTAL AREA BOARD. The Coastal
14 Area Board shall study and make recommendations to the governor and
15 the legislature on

16 (1) the best methods for assuring full participation by
17 local governments and the people of the state in coastal management
18 program development and administration;

19 (2) the most effective mechanism for assuring that local
20 land and water use regulations and ordinances are not unreasonably or
21 arbitrarily restrictive as to uses of significant regional benefit;

22 (3) the most effective mechanism for assuring that state
23 land and water use decisions and regulations are not unreasonably or
24 arbitrarily restrictive as to uses of local benefit;

25 (4) the best mechanisms for using state and federal technical
26 and financial assistance;

27 (5) the coastal area problems needing expeditious state or
28 local decisions;

29 (6) proposals for legislation affecting coastal resources

1 management; and

2 (7) any other action the governor determines is of signifi-
3 cant interest to the board.

4 Sec. 46.27.120. LOCAL ASSISTANCE. The governor shall, to the
5 extent practicable, ensure that local governments are provided with
6 state technical and financial assistance so as to more effectively
7 exercise their coastal management authority.

8 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
9 10.070(c).