

Introduced: 3/18/76
Referred: Resources

1 IN THE SENATE

BY THE RESOURCES COMMITTEE
BY REQUEST

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SENATE BILL NO. 711

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

NINTH LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act relating to the management of the coastal
resources of the state; and providing for an effective
date."

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

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

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CHAPTER 27. COASTAL RESOURCES MANAGEMENT.

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ARTICLE 1. ESTABLISHMENT OF ALASKA COASTAL RESOURCES

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MANAGEMENT PROGRAM.

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Sec. 46.27.010. LEGISLATIVE FINDINGS. The legislature finds that

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

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

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

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

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(5) effective management of the coastal resources of the
state will be enhanced by shared decision-making by regional, state,
and federal government officials with the full understanding and parti-

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1 cipation of the public.

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

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

7 (2) to encourage coordinated decision-making in the coastal
8 area of the state and to foster cooperation and consultation between
9 the state and federal governments and regional coastal planning boards
10 and citizens engaging in activities affecting the coastal resources of
11 the state;

12 (3) to develop as expeditiously as possible a coastal manage-
13 ment program which sets forth guidelines and standards for uses of land
14 and water in regional coastal areas;

15 (4) to allow maximum participation and control of regional
16 planning authorities;

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

19 Sec. 46.27.030. DUTIES OF GOVERNOR UNDER PROGRAM. (a) The
20 governor shall

21 (1) develop a coastal resources management program consistent
22 with this chapter to provide for the long-term guidance and coordination
23 of regional coastal planning boards and provision of services in
24 coastal regions of the state;

25 (2) within 10 days after the convening of the First Session
26 of the Tenth Legislature, submit to the legislature a comprehensive
27 report regarding the program, including recommendations for legislation
28 if necessary to carry out the coastal resources program and the
29 recommendations of the Coastal Area Board under sec. 110 of this chapter.

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

4 Sec. 46.27.040. PUBLIC AND GOVERNMENTAL PARTICIPATION. The
5 governor shall ensure that the coastal resources management program is
6 developed:

7 (1) with an opportunity for full participation by federal and
8 state agencies, local governments, regional coastal planning boards, and
9 interested individuals;

10 (2) in coordination with local, area wide, and other state
11 and federal plans and programs; and

12 (3) with the advice and full participation of the Coastal
13 Area Board.

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

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

21 (2) describe the land and water resource management tools
22 available to state, local, and federal governments and regional coastal
23 planning boards for managing coastal areas and the uses of coastal
24 resources;

25 (3) identify mechanisms for ensuring coordination and con-
26 sistency of federal land and water management programs with the efforts
27 of the state and regional coastal planning boards in the coastal area
28 of the state;

29 (4) identify means by which the state can best assist regional

1 coastal planning boards to carry out their coastal management responsi-
2 bilities;

3 (5) establish an interdisciplinary information base for use
4 in coastal resource management decision-making by the state and local
5 governments, regional coastal planning boards and for coordination with
6 federal programs to assist in 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 signi-
11 ficant influence on coastal lands and waters; and

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

16 (D) the designation of priority uses within a specific
17 coastal geographic area.

18 (6) describe the relationship between the coastal resources
19 management program and statewide resource planning and management,
20 including federal land management activities; and

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

23 ARTICLE 2. COORDINATION IN COASTAL RESOURCES

24 PROGRAM DEVELOPMENT.

25 Sec. 46.27.100. COASTAL AREA BOARD. (a) In order to establish an
26 effective mechanism for continuing consultation and coordination between
27 the state government and regional coastal planning boards which assures
28 full participation in decisions affecting land and water uses in the
29 coastal area, and to provide the opportunity for full participation by

1 regional coastal planning boards and the people of the state in the
2 process of establishing the coastal management program, the governor
3 shall establish and consult with the Coastal Area Board.

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

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

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

15 Sec. 46.27.110. DUTIES OF THE COASTAL AREA BOARD. (a) The
16 Coastal Area Board shall study and make recommendations to the governor
17 and the legislature on

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

21 (2) the most effective mechanism for assuring that local land
22 and water use regulations and ordinances are not unreasonably or arbi-
23 trarily restrictive as to uses of significant statewide or regional
24 benefit;

25 (3) the most effective mechanism for assuring that state land
26 and water use decisions and regulations are not unreasonably or arbi-
27 trarily restrictive as to uses of regional or local benefit;

28 (4) the best mechanisms for using state and federal technical
29 and financial assistance;

1 (5) specific coastal area problems needing expeditious deter-
2 minations;

3 (6) proposals for legislation affecting coastal resources
4 management; and

5 (7) any other action the governor determines is of signifi-
6 cant interest to the Coastal Area Board.

7 (b) In conformity with the Coastal Zone Management Act of 1972,
8 (P.L. 92-583) the Coastal Area Board shall set guidelines and develop
9 criteria for definition by a regional coastal planning board under secs.
10 130 - 210 of this chapter, of

11 (1) the landward extent of the coastal zone;

12 (2) acceptable land and water uses within the coastal zone;

13 (3) the priority of uses within a coastal zone.

14 (c) The Coastal Area Board shall establish procedures assuring
15 public involvement in development of regional coastal plans.

16 Sec. 46.27.120. LOCAL ASSISTANCE. The governor shall, to the
17 extent practicable, ensure that regional coastal planning boards are
18 provided with state technical and financial assistance so as to more
19 effectively exercise their coastal management authority.

20 ARTICLE 3. REGIONAL COASTAL PLANNING.

21 Sec. 46.27.130. REGIONAL COASTAL PLANNING AREA. (a) The follow-
22 ing regional coastal planning areas are established for the state:

23 (1) Southeast regional coastal planning area, consisting of
24 the mainland and islands of the state north and west of Dixon Entrance
25 to Icy Bay;

26 (2) Gulf of Alaska regional coastal planning area, consisting
27 of the mainland and islands of the state westward of Icy Bay to Cape
28 Elizabeth on the Kenai Peninsula;

29 (3) Cook Inlet regional coastal planning area, consisting of

1 the mainland and islands of the state bordering or in Cook Inlet north
2 of Cape Elizabeth on the Kenai Peninsula and Cape Douglas on the Alaska
3 Peninsula;

4 (4) Kodiak-Shelikof regional coastal planning area, consist-
5 ing of the mainland of the Alaska Peninsula westward of Cape Douglas to
6 160° W and Kodiak Island, Afognak Island, The Barren Islands, and other
7 offshore islands;

8 (5) Aleutian regional coastal planning area, consisting of
9 the south coast of the Alaska Peninsula west of 160° W, the north coast
10 of the Alaska Peninsula south of 56° N the Aleutian Islands, Shumagin
11 Islands, and Pribilof Islands;

12 (6) Bristol Bay regional coastal planning area, consisting
13 of the mainland and islands north of 56° N on the Alaska Peninsula
14 surrounding or in Bristol Bay to Cape Newenham;

15 (7) Yukon-Kuskokwim regional coastal planning area, consist-
16 ing of the mainland north of Cape Newenham to the south shore of Norton
17 Sound at 162° W Nunivak Island and St. Matthew Island;

18 (8) Bering Sea regional coastal planning area, consisting of
19 the mainland from 162° W on the south shore of Norton Sound northward to
20 Cape Lisburne, St. Lawrence Island, and Little Diomedede Island;

21 (9) Arctic Regional coastal planning area, consisting of
22 the mainland and islands north and east of Cape Lisburne to the
23 United States-Canadian border.

24 (b) Planning for land and water use in each regional coastal
25 planning area shall be done by the following regional coastal planning
26 boards:

27 (1) Southeast Regional Coastal Planning Board, composed of

28 (A) four members appointed by the Alaska Municipal
29 League, one member from a unified city-borough, two members from

1 a first class or home rule municipality, and one member from a
2 second class city;

3 (B) one member appointed by the United States Forest
4 Service;

5 (C) one member representing the state appointed by the
6 governor;

7 (D) one member appointed by the Board of Directors of
8 Sealaska Corporation; and

9 (E) four members from the public at large, with two
10 members appointed by the governor, one member appointed by the
11 president of the senate, and one member appointed by the speaker
12 of the house.

13 (2) Gulf of Alaska Regional Coastal Planning Board, com-
14 posed of

15 (A) three members appointed by the Alaska Municipal
16 League, at least one of whom shall be from a second class city;

17 (B) one member appointed by the United States Forest
18 Service;

19 (C) one member representing the state appointed by
20 the governor;

21 (D) one member appointed by the Board of Directors of
22 Chugach Native Association; and

23 (E) three members from the public at large, with one
24 member appointed by the governor, one member appointed by the
25 president of the senate, and one member appointed by the speaker
26 of the house.

27 (3) Cook Inlet Regional Coastal Planning Board, composed of

28 (A) one member appointed by the Unified Municipality
29 of Anchorage;

- 1 (B) one member appointed by the Kenai Peninsula Bor-
2 ough;
- 3 (C) one member appointed by the Matanuska-Susitna
4 Borough;
- 5 (D) one member appointed by the Alaska Municipal League
6 from a first class, second class, or home rule municipality;
- 7 (E) one member appointed by the United States Forest
8 Service;
- 9 (F) one member representing the state appointed by the
10 governor;
- 11 (G) one member appointed by the Board of Directors of
12 the Cook Inlet Native Association; and
- 13 (H) four members from the public at large, with two
14 members appointed by the governor, one member appointed by the
15 president of the senate, and one member appointed by the speaker
16 of the house.

17 (4) Kodiak-Shelikof Regional Coastal Planning Board, com-
18 posed of

- 19 (A) one member appointed by the Kodiak Island Borough;
- 20 (B) two members appointed by the Alaska Municipal League
21 at least one of whom must be from a second class city;
- 22 (C) one member appointed by the United States Fish and
23 Wildlife Service;
- 24 (D) one member representing the state appointed by the
25 governor;
- 26 (E) one member appointed by the Board of Directors of
27 the Koniag Native Corporation; and
- 28 (F) three members from the public at large, with one
29 member appointed by the governor, one member appointed by the

1 president of the senate, and one member appointed by the speaker
2 of the house.

3 (5) Aleutian Regional Coastal Planning Board, composed of

4 (A) two members chosen from nominations submitted by
5 city councils, village councils, legislators elected from the dis-
6 trict, and residents, one of whom shall be appointed by the gover-
7 nor and one of whom shall be appointed by the president of the
8 senate;

9 (B) one member appointed by the United States Fish and
10 Wildlife Service;

11 (C) one member representing the state appointed by the
12 governor;

13 (D) one member appointed by the Board of Directors of
14 the Aleut League; and

15 (E) two members from the public at large, with one
16 member appointed by the governor and one member appointed by the
17 speaker of the house.

18 (6) Bristol Bay Regional Coastal Planning Board, composed of

19 (A) three members appointed by the Alaska Municipal
20 League, no more than one of whom shall be from a borough, no more
21 than one of whom shall be from a first class city, and at least
22 one of whom shall be from a second class city;

23 (B) one member appointed by the United States Fish
24 and Wildlife Service;

25 (C) one member representing the state appointed by the
26 governor;

27 (D) one member appointed by the Bristol Bay Native
28 Corporation; and

29 (E) three members from the public at large, with one

1 member appointed by the governor, one member appointed by the
2 president of the senate, and one member appointed by the speaker
3 of the house.

4 (7) Yukon-Kuskokwim Regional Coastal Planning Board, com-
5 posed of

6 (A) three members appointed by the Alaska Village
7 Council Presidents Organization;

8 (B) one member appointed by the United States Fish and
9 Wildlife Service;

10 (C) one member representing the state appointed by the
11 governor;

12 (D) one member appointed by the Board of Directors of
13 the Calista Corporation; and

14 (E) three members appointed from the public at large,
15 with one member appointed by the governor, one member appointed
16 by the president of the senate, and one member appointed by the
17 speaker of the house.

18 (8) Bering Sea Regional Coastal Planning Board, composed of

19 (A) two members appointed by the Alaska Municipal
20 League;

21 (B) two members appointed by the Alaska Village Council
22 Presidents Organization;

23 (C) one member appointed by the United States Fish and
24 Wildlife Service;

25 (D) one member representing the state appointed by the
26 governor;

27 (E) one member appointed by the Board of Directors of
28 the Bering Straits Native Association;

29 (F) one member appointed by the Board of Directors of

1 the Nana Corporation; and

2 (G) three members appointed from the public at large,
3 with one member appointed by the governor, one member appointed
4 by the president of the senate, and one member appointed by the
5 speaker of the house.

6 (9) Arctic Regional Coastal Planning Board, composed of

7 (A) one member appointed by the North Slope Borough;

8 (B) two members appointed by the Alaska Village
9 Council Presidents Organization;

10 (C) one member appointed by the United States Fish
11 and Wildlife Service;

12 (D) one member representing the state appointed by the
13 governor;

14 (E) one member appointed by the Board of Directors of
15 the North Slope Native Association; and

16 (F) three members appointed from the public at large,
17 with one member appointed by the governor, one member appointed
18 by the president of the senate, and one member appointed by the
19 speaker of the house.

20 Sec. 46.27.140. TERM OF OFFICE. (a) Each person appointed to
21 a regional coastal planning board shall serve until the regional
22 coastal plan has been approved by the Coastal Planning Coordination
23 Board or for 36 months, whichever comes sooner.

24 (b) Following the acceptance of the regional coastal plan by the
25 Coastal Planning Coordination Board, the membership of the regional
26 coastal planning boards shall be assigned staggered three-year terms
27 determined by the drawing of lots.

28 Sec. 46.27.150. VACANCIES. Vacancies which occur on the regional
29 coastal planning boards shall be filled by appointment in the original

1 manner.

2 Sec. 46.27.160. REGIONAL COASTAL PLANS. (a) Within 30 months
3 from the effective date of this Act, each regional coastal planning
4 board shall prepare a coastal management plan and submit it to the
5 Coastal Planning Coordination Board for approval.

6 (b) If a regional coastal planning board determines that it
7 cannot foreseeably meet the time limitation imposed by this section
8 for submission of its plan, the regional coastal planning board may
9 request special assistance in completing the plan. This assistance
10 shall be provided upon request by the Department of Community and
11 Regional Affairs.

12 (c) If a regional coastal planning board has not completed an
13 approved plan within 30 months from the effective date of this Act
14 and has not requested special assistance, the Department of Community
15 and Regional Affairs, in cooperation with the regional coastal planning
16 board, shall develop an acceptable plan.

17 (d) The Department of Community and Regional Affairs shall pro-
18 vide staff assistance reasonably within its capabilities upon request
19 of a coastal regional planning board.

20 (e) Other state departments shall cooperate with regional coastal
21 planning boards to the fullest extent possible.

22 Sec. 46.27.170. INTERIM PLANNING AUTHORITY. (a) Upon the re-
23 quest of a regional coastal planning board and documentation of the
24 need for interim coastal management authority, the governor may grant
25 to a regional coastal planning board interim planning authority until
26 the final coastal management plan is approved under sec. 160 of this
27 chapter.

28 (b) A regional coastal planning board may not receive interim
29 planning authority until the regional coastal planning board has

- 1 (1) defined the landward extent of the coastal region;
- 2 (2) defined acceptable land and water uses;
- 3 (3) established a priority of uses within the coastal region.

4 Sec. 46.27.180. REGULATIONS ADOPTED UNDER REGIONAL COASTAL PLANS.

5 When a regional coastal plan is approved by the Coastal Planning
6 Coordination Board, the regional coastal planning board has authority
7 to adopt and enforce regulations under the plan if the regulations are
8 authorized under, and conform to, the plan and meet the guidelines and
9 criteria established in sec. 110 of this chapter. The Coastal Planning
10 Coordination Board shall review all regional coastal board regulations
11 to assure that they are authorized and conform to the plan.

12 Sec. 46.27.190. ACTIVITIES WITHIN A COASTAL REGION. (a) Unless
13 exempted under (b) of this section, all activities conducted by a person
14 the state, or a local governing body, shall be conducted in conformity
15 with the regional coastal plan for that region and the regulations
16 adopted under that plan.

17 (b) A regional coastal planning board, if the circumstances
18 require and irreparable damage will not result from the specific
19 activity, may grant exemptions to persons or governmental agencies to
20 conduct activities where undue hardship would occur if the exemption
21 were not granted. Exemptions shall be held to a minimum and granted
22 for a limited period of time only.

23 (c) Nothing in this chapter prevents a municipality from adopting
24 ordinances or other municipal enactments more stringent in application
25 or effect than those adopted by regional coastal planning boards, as
26 long as they are in conformity with the overall regional coastal manage-
27 ment plan for the region in which the municipality is located.

28 ARTICLE 4. STATEWIDE PLANNING COORDINATION.

29 Sec. 46.27.200. COASTAL PLANNING COORDINATION BOARD. (a) After

1 the expiration of the Coastal Area Board as provided in sec. 100(c)
2 of this chapter, there is established the Coastal Planning Coordination
3 Board.

4 (b) The Coastal Planning Coordination Board consists of the
5 following 15 members:

6 (1) one member appointed by each regional coastal planning
7 board from among its members;

8 (2) six members appointed from the public at large, with
9 two members appointed by the governor, two members appointed by the
10 president of the senate, and two members appointed by the speaker of
11 the house.

12 (c) The term of office for those appointed from the public at
13 large shall be three years. Initial appointments shall be two persons
14 for one-year terms, two for two-year terms, and two for three-year
15 terms.

16 (d) The Coastal Planning Coordination Board may utilize staff
17 assistance from among the appropriate state departments.

18 (e) Members of the board serve at the pleasure of the appointing
19 body and are entitled to per diem and travel expenses authorized by
20 law for other boards and commissions.

21 Sec. 46.27.210. DUTIES OF THE COASTAL PLANNING COORDINATION BOARD.
22 The Coastal Planning Coordination Board shall

23 (1) coordinate the planning activities of the regional
24 coastal planning boards;

25 (2) mediate conflicts between two or more regional coastal
26 planning boards;

27 (3) approve regional coastal plans or their amendments in
28 conformity with the criteria and guidelines established for plan approv-
29 al by the Coastal Area Board under sec. 110 of this chapter;

1 (4) assemble the regional coastal plans to comprise a compre-
2 hensive plan for the entire coastal region of the state;

3 (5) assist the regional coastal planning boards in the
4 development and implementation of their regional coastal plans;

5 (6) review the findings and, as appropriate, implement the
6 recommendations of the Coastal Area Board.

7 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
8 070(c).