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Referred: Community & Regional  
Affairs

BY THE RULES COMMITTEE BY REQUEST  
OF THE JOINT ADMINISTRATION  
LEGISLATIVE COMMITTEE ON COASTAL  
MANAGEMENT

1 IN THE HOUSE

2 *CCSSCS*

HOUSE BILL NO. 342 *AM*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST 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 effective  
8 date."

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

10 \* Section 1. LEGISLATIVE FINDINGS. The legislature finds that

11 (1) the coastal area of the state is a distinct and valuable  
12 natural resource of concern to all the people of the state;

13 (2) the demands upon the resources of the coastal area are signi-  
14 ficant, and will increase in the future;

15 (3) the protection of the natural and scenic resources and the  
16 fostering of wise development of the coastal area are of concern to present  
17 and future citizens of the state;

18 (4) the capacity of the coastal area to withstand the demands upon  
19 it is limited;

20 (5) the degree of planning and resource allocation which has  
21 occurred in the coastal area has often been motivated by short-term consider-  
22 ations, unrelated to sound planning principles; and

23 (6) in order to promote the public health and welfare, there is a  
24 critical need to engage in comprehensive land and water use planning in  
25 coastal areas and to establish the means by which a planning process and  
26 management program involving the several governments and areas of the unor-  
27 ganized borough having an interest in the coastal area may be effectively  
28 implemented.

29 \* Sec. 2. LEGISLATIVE POLICY. It is the policy of the state to

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1 (1) preserve, protect, develop, use, and, where necessary, restore  
2 or enhance the coastal resources of the state for this and succeeding genera-  
3 tions;

4 (2) encourage coordinated planning and decision making in the  
5 coastal area among levels of government and citizens engaging in or affected  
6 by activities involving the coastal resources of the state;

7 (3) develop a management program which sets out policies, objec-  
8 tives, standards and procedures to guide and resolve conflicts among public  
9 and private activities involving the use of resources which have a direct and  
10 significant impact upon the coastal waters of the state;

11 (4) assure the participation of the public, local governments, and  
12 agencies of the state and federal governments in the development and imple-  
13 mentation of a coastal management program;

14 (5) utilize existing governmental structures and authorities, to  
15 the maximum extent feasible, to achieve the policies set out in this section;  
16 and

17 (6) authorize and require state agencies to carry out their plan-  
18 ning duties, powers and responsibilities and take actions authorized by law  
19 with respect to programs affecting the use of the resources of the coastal  
20 area in accordance with the policies set out in this section and the guide-  
21 lines and standards adopted by the Alaska Coastal Policy Council under AS  
22 46.35.

23 \* Sec. 3. AS 44.19 is amended by adding new sections to read:

24 ARTICLE 11A. ALASKA COASTAL POLICY COUNCIL.

25 Sec. 44.19.891. ALASKA COASTAL POLICY COUNCIL. (a) There is  
26 created in the Office of the Governor the Alaska Coastal Policy Council.  
27 The council consists of the following:

28 (1) eight public members appointed by the governor, who shall  
29 be the mayor or member of the assembly or council of a municipality; one

1 public member shall be appointed from each of the following general  
2 regions:

3 (A) northwest Alaska, including, generally, the area  
4 of the North Slope Borough and the Northwest Arctic and Bering  
5 Straits regional educational attendance areas;

6 (B) southwest Alaska, including, generally, the area  
7 within the Lower Yukon, Lower Kuskokwim, Southwest, and Lake-  
8 Peninsula regional educational attendance areas and the Bristol Bay  
9 Borough;

10 (C) Kodiak-Aleutians, including the area of the Kodiak  
11 Island Borough and the Aleutian, Adak and Pribilof regional educa-  
12 tional attendance areas;

13 (D) Upper Cook Inlet, including the Municipality of  
14 Anchorage and the Matanuska-Susitna Borough;

15 (E) Lower Cook Inlet, including, generally, the area  
16 within the Kenai Peninsula Borough;

17 (F) Prince William Sound, including, generally, the area  
18 east of the Kenai Peninsula Borough to 141° W. longitude;

19 (G) northern Southeast Alaska, including the area south-  
20 east of 141° W. longitude and north of 57° N. latitude, including  
21 the entirety of the City and Borough of Sitka; and

22 (H) southern Southeast Alaska, including that portion of  
23 southeastern Alaska not contained within the area described in (G)  
24 of this paragraph.

25 (2) each of the following:

26 (A) the director of the division of policy development  
27 and planning;

28 (B) the commissioner of the Department of Commerce and  
29 Economic Development;

1 (C) the commissioner of the Department of Community and  
2 Regional Affairs;

3 (D) the commissioner of the Department of Environmental  
4 Conservation;

5 (E) the commissioner of the Department of Fish and Game;

6 (F) the commissioner of the Department of Natural Re-  
7 sources; and

8 (G) the commissioner of the Department of Public Works.

9 (b) Each public member appointed by the governor under (a)(1) of  
10 this section serves a term of two years and until his successor is  
11 appointed and qualified, except that the term of office of a public  
12 member first appointed under (a)(1)(A), (a)(1)(C), (a)(1)(E) and (a)(1)-  
13 (G) of this section shall be one year. A public member may be re-  
14 appointed.

15 (c) The council shall designate co-chairmen, one of whom shall be  
16 selected from among the public members appointed under (a)(1) of this  
17 section and one from among the members designated in (a)(2) of this  
18 section.

19 (d) Members appointed under (a) of this section may select one per-  
20 son to serve as a permanent alternate at meetings of the council. If  
21 the member appointed is unable to attend, the alternate may act in his  
22 place.

23 (e) Four public members and three designated members of the  
24 council constitute a quorum, but one or more of the members designated  
25 by the council may hold hearings. All decisions of the council shall be  
26 by a majority vote of the members present and voting.

27 (f) Members of the council are entitled to per diem and travel  
28 expenses authorized by law for members of boards and commissions.

29 (g) If there is a vacancy among the public members appointed under

1 (a)(1) of this section, the governor shall make an appointment to  
2 become immediately effective for the unexpired portion of the term.

3 Sec. 44.19.892. POWERS OF THE COUNCIL. The council may

4 (1) apply for and accept grants, contributions, and appropri-  
5 ations, including application for and acceptance of federal funds which  
6 may become available for coastal planning and management;

7 (2) contract for necessary services;

8 (3) consult and cooperate with

9 (A) persons, organizations, and groups, public or  
10 private, interested in, affected by, or concerned with coastal area  
11 planning and management;

12 (B) agents and officials of the coastal resource dis-  
13 tricts of the state, and federal and state agencies concerned with  
14 or having jurisdiction over coastal area planning and management;

15 (4) take any reasonable action necessary to carry out the  
16 provisions of secs. 891 - 894 of this chapter.

17 Sec. 44.19.893. DUTIES OF THE COUNCIL. In conformity with the  
18 Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et  
19 seq.), the council shall

20 (1) develop guidelines and standards for the preparation of,  
21 and approve, in accordance with AS 46.35, the Alaska coastal management  
22 program;

23 (2) establish continuing coordination among state agencies to  
24 facilitate the development and implementation of the Alaska coastal  
25 management program; in carrying out its duties under this paragraph, the  
26 council shall initiate an interagency program of comprehensive coastal  
27 resource planning for each geographic region described in sec. 891(a)(1)  
28 of this chapter;

29 (3) assure continued provision of data and information to

1 coastal resource districts to carry out their planning and management  
2 functions under the program;

3 (4) submit annually to the legislature, not later than the  
4 10th day of each regular session, the portion of the coastal management  
5 program approved or amended by the council during the preceding year.

6 Sec. 44.19.894. COUNCIL STAFF. The council shall utilize the  
7 staff of the office of coastal management within the division of policy  
8 development and planning in discharging its powers and duties. The  
9 coordinator of the office, with the concurrence of the council, may  
10 contract with or employ personnel or consultants he considers necessary  
11 to carry out the powers and duties of the council.

12 \* Sec. 4. AS 46 is amended by adding a new chapter to read:

13 CHAPTER 35. COASTAL MANAGEMENT PROGRAM.

14 ARTICLE 1. DEVELOPMENT OF ALASKA COASTAL MANAGEMENT PROGRAM.

15 Sec. 46.35.010. DEVELOPMENT OF ALASKA COASTAL MANAGEMENT PROGRAM.

16 (a) The Alaska Coastal Policy Council established in AS 44.19.891 shall  
17 approve, in accordance with secs. 10 - 210 of this chapter, the Alaska  
18 coastal management program.

19 (b) The council may approve the Alaska coastal management program  
20 for a portion or portions of the coastal area before approving the  
21 complete program under (a) of this section. Portions of the program  
22 approved under this subsection shall be incorporated into the Alaska  
23 coastal management program.

24 (c) The Alaska coastal management program shall be reviewed by the  
25 council and, when appropriate, revised to

26 (1) add newly approved district coastal management programs,  
27 or revisions and amendments to the Alaska coastal management program;

28 (2) integrate newly approved district coastal management  
29 programs, or revisions and amendments of district coastal management

1 programs, with existing approved programs and with plans developed by  
2 state agencies;

3 (3) add new or revised state statutes, policies, regulations  
4 or other appropriate material;

5 (4) review the effectiveness of implementation of district  
6 coastal management programs; and

7 (5) consider new information acquired by the state and  
8 coastal resource districts.

9 (d) All reviews and revisions shall be in accordance with the  
10 guidelines and standards adopted by the council under sec. 40 of this  
11 chapter.

12 Sec. 46.35.020. OBJECTIVES. The Alaska coastal management program  
13 shall be consistent with the following objectives:

14 (1) the use, management, restoration and enhancement of the  
15 overall quality of the coastal environment;

16 (2) the development of industrial or commercial enterprises  
17 which are consistent with the social, cultural, historical, economic and  
18 environmental interests of the people of the state;

19 (3) the orderly, balanced utilization and protection of the  
20 resources of the coastal area consistent with sound conservation and  
21 sustained yield principles;

22 (4) the management of coastal land and water uses in such a  
23 manner that, generally, those uses which are economically or physically  
24 dependent on a coastal location are given higher priority when compared  
25 to uses which do not economically or physically require a coastal  
26 location;

27 (5) the protection and management of significant historic,  
28 cultural, natural and aesthetic values and natural systems or processes  
29 within the coastal area;

1 (6) the prevention of damage to or degradation of land and  
2 water reserved for their natural values as a result of inconsistent land  
3 or water usages adjacent to that land;

4 (7) the recognition of the need for a continuing supply of  
5 energy to meet the requirements of the state and the contribution of a  
6 share of the state's resources in meeting national energy needs; and

7 (8) the full and fair evaluation of all demands on the land  
8 and water in the coastal area.

9 Sec. 46.35.030. DEVELOPMENT OF DISTRICT COASTAL MANAGEMENT PRO-  
10 GRAMS. Coastal resource districts shall develop and adopt district  
11 coastal management programs in accordance with the provisions of this  
12 chapter. The program adopted by a coastal resource district shall be  
13 based upon a comprehensive resource use plan or a comprehensive state-  
14 ment of needs, policies, objectives and standards governing the use of  
15 resources within the coastal area of the district. The program shall be  
16 consistent with the guidelines and standards adopted by the council  
17 under sec. 40 of this chapter and shall include:

18 (1) a delineation within the district of the boundaries of  
19 the coastal area subject to the district coastal management program;

20 (2) a statement, list, or definition of the land and water  
21 uses and activities subject to the district coastal management program;

22 (3) a statement of policies to be applied to the land and  
23 water uses subject to the district coastal management program;

24 (4) regulations, as appropriate, to be applied to the land  
25 and water uses subject to the district coastal management program;

26 (5) a description of the uses and activities which will be  
27 considered proper and the uses and activities which will be considered  
28 improper with respect to the land and water within the coastal area;

29 (6) a summary or statement of the policies which will be

1 applied and the procedures which will be used to determine whether  
2 specific proposals for land or water uses or activities shall be allowed  
3 and

4 (7) a designation of, and the policies which will be applied  
5 to the use of, areas within the coastal resource district which merit  
6 special attention.

7 Sec. 46.35.040. DUTIES OF THE ALASKA COASTAL POLICY COUNCIL. The  
8 Alaska Coastal Policy Council shall

9 (1) by regulation adopted under the provisions of the  
10 Administrative Procedure Act (AS 44.62), identify and define, within  
11 six months of the effective date of this Act, for the use of and  
12 application by coastal resource districts and state agencies for carry-  
13 ing out their responsibilities under this chapter, guidelines and  
14 standards for

15 (A) identifying the boundaries of the coastal area  
16 subject to the district coastal management program;

17 (B) determining the land and water uses and activities  
18 subject to the district coastal management program;

19 (C) developing policies applicable to the land and  
20 water uses subject to the district coastal management program;

21 (D) developing regulations applicable to the land and  
22 water uses subject to the district coastal management program;

23 (E) developing policies and procedures to determine  
24 whether specific proposals for the land and water uses or activities  
25 subject to the district coastal management program shall be allowed;

26 (F) designating and developing policies for the use of  
27 areas of the coast which merit special attention; and

28 (G) measuring the progress of a coastal resource dis-  
29 trict in meeting its responsibilities under this chapter;

1 (2) develop and maintain a program of technical and financial  
2 assistance to aid coastal resource districts in the development and  
3 implementation of district coastal management programs;

4 (3) undertake review and approval of district coastal manage-  
5 ment programs in accordance with this chapter;

6 (4) initiate a process for identifying and managing uses of  
7 state, regional and district concern within specific areas of the coast;

8 (5) develop procedures or guidelines for consultation and  
9 coordination with federal agencies managing land or conducting activi-  
10 ties potentially affecting the coastal area of the state.

11 Sec. 46.35.050. ACTION AND SUBMISSION BY COASTAL RESOURCE DIS-  
12 TRICTS. Each coastal resource district shall make substantial progress,  
13 in the opinion of the council, toward completion of an approvable dis-  
14 trict coastal management program and shall complete and submit to the  
15 council for approval its program within 30 months of the effective date  
16 of this Act or within 30 months of certification of the results of the  
17 district's organization, whichever is later.

18 Sec. 46.35.060. REVIEW AND APPROVAL BY COUNCIL. (a) If, upon  
19 submission of a district coastal management program for approval, the  
20 council finds that the program is substantially consistent with the  
21 provisions of this chapter and the guidelines and standards adopted by  
22 the council and does not arbitrarily or unreasonably restrict or exclude  
23 uses of state concern, the council may grant summary approval of the  
24 district coastal management program, or may approve portions of the  
25 district program which are consistent.

26 (b) If the council finds that a district coastal management pro-  
27 gram is not approvable or is approvable only in part under (a) of this  
28 section, it shall direct that deficiencies in the program submitted by  
29 the coastal resource district be mediated. In mediating the deficien-

1           cies, the council may call for one or more public hearings in the dis-  
2           trict. The council shall meet with officials of the coastal resource  
3           district in order to resolve differences.

4           (c) If, after mediation, the differences have not been resolved to  
5           the mutual agreement of the coastal resource district and the council,  
6           the council shall call for a public hearing and shall resolve the dif-  
7           ferences in accordance with the Administrative Procedure Act (AS 44.62).  
8           After a public hearing held under this subsection, the council shall  
9           enter findings and, by order, may require

10                   (1) that the district coastal management program be amended  
11                   to make it consistent with the provisions of this chapter or the guide-  
12                   lines and standards adopted by the council;

13                   (2) that the district coastal management program be revised  
14                   to accommodate a use of state concern; or

15                   (3) any other action be taken by the coastal resource dis-  
16                   trict as appropriate.

17           (d) The superior courts of the state have jurisdiction to enforce  
18           orders of the council entered under (c) of this section.

19           Sec. 46.35.070. STANDARDS FOR COUNCIL REVIEW AND APPROVAL. (a)  
20           The council shall approve a district coastal management program sub-  
21           mitted for review and approval if the program is consistent with the  
22           provisions of this chapter and the guidelines and standards adopted by  
23           the council.

24           (b) Notwithstanding an inconsistency of a district coastal manage-  
25           ment program submitted for review and approval with the guidelines and  
26           standards adopted, the council shall approve the program if it finds  
27           that

28                   (1) strict adherence to the guidelines and standards adopted  
29                   would result in a violation of another state law or policy;

1 (2) strict adherence to the guidelines and standards adopted  
2 would cause or probably cause substantial irreparable harm to another  
3 interest or value in the coastal area of the district; or

4 (3) the inconsistency is of a technical nature and no sub-  
5 stantial harm would result to the policies and objectives of this  
6 chapter or the Alaska coastal management program.

7 (c) In determining whether a restriction or exclusion of a use of  
8 state concern is arbitrary or unreasonable, the council shall approve  
9 the restriction or exclusion if it finds that

10 (1) the coastal resource district has consulted with and  
11 considered the views of appropriate federal, state or regional agencies;

12 (2) the district has based its restriction or exclusion on  
13 the availability of reasonable alternative sites; and

14 (3) the district has based its restriction or exclusion on an  
15 analysis showing that the proposed use is incompatible with the proposed  
16 site.

17 (d) A decision by the council under this section shall be given  
18 within 90 days.

19 Sec. 46.35.080. EFFECTIVE DATE OF ALASKA COASTAL MANAGEMENT  
20 PROGRAM. The Alaska coastal management program adopted by the council,  
21 and any additions, revisions, or amendments of the program, take effect  
22 upon adoption of a concurrent resolution by a majority of the members of  
23 each house of the legislature or by a vote of the majority of the mem-  
24 bers of each house at the time the houses are convened in joint session  
25 to confirm executive appointments submitted by the governor.

26 Sec. 46.35.090. IMPLEMENTATION OF DISTRICT COASTAL MANAGEMENT  
27 PROGRAMS. (a) A district coastal management program approved by the  
28 council and the legislature for a coastal resource district which does  
29 not have and exercise zoning or other controls on the use of resources

1 within the coastal area shall be implemented by appropriate state  
2 agencies. Implementation shall be in accordance with the comprehensive  
3 use plan or the statement of needs, policies, objectives and standards  
4 adopted by the district.

5 (b) A coastal resource district which has and exercises zoning or  
6 other controls on the use of resources within the coastal area shall  
7 implement its district coastal management program. Implementation shall  
8 be in accordance with the comprehensive use plan or the statement of  
9 needs, policies, objectives and standards adopted by the district.

10 Sec. 46.35.100. COMPLIANCE AND ENFORCEMENT. (a) Municipalities  
11 and state agencies shall administer land and water use regulations or  
12 controls in conformity with district coastal management programs approv-  
13 ed by the council and the legislature and in effect.

14 (b) On petition of a coastal resource district, a citizen of the  
15 district, or a state agency, showing that a district coastal management  
16 program is not being enforced or implemented, the council shall convene  
17 a public hearing to consider the matter. A hearing called under this  
18 subsection shall be held in accordance with the Administrative Procedure  
19 Act (AS 44.62). After hearing, the council may order that the coastal  
20 resource district or state agency take any action which the council  
21 considers necessary to enforce, implement or comply with the district  
22 coastal management program.

23 (c) In determining whether an approved district coastal management  
24 program is being implemented, enforced or complied with by a coastal  
25 resource district which exercises planning authority or controls on the  
26 use of resources within the coastal area, the council shall find in  
27 favor of the district if

28 (1) zoning or other regulations have been adopted and are  
29 being enforced;

1 (2) variances are being granted according to procedures and  
2 criteria which are elements of the district coastal management program,  
3 or the variance is otherwise approved by the council; and

4 (3) procedures and standards adopted by the coastal resource  
5 district as required by this chapter or by the guidelines and standards  
6 adopted by the council and subsequently approved by the legislature have  
7 been followed and considered.

8 (d) In determining whether a state agency is complying with a  
9 district coastal management program with respect to its exercise of  
10 regulation or control of the resources within the coastal area, the  
11 council shall find in favor of the agency if

12 (1) the use or activity for which the permit, license or  
13 approval is granted is consistent with the district coastal management  
14 program and regulations adopted under it; and

15 (2) the use or activity for which the permit, license or  
16 approval is granted is consistent with requirements imposed by state  
17 statute, regulation, or local ordinance applicable to the use or activity.

18 (e) The superior courts of the state have jurisdiction to enforce  
19 lawful orders of the council.

20 ARTICLE 2. COASTAL MANAGEMENT PROGRAMS

21 IN THE UNORGANIZED BOROUGH.

22 Sec. 46.35.110. AUTHORITY IN THE UNORGANIZED BOROUGH. Under  
23 AS 29.03.020 and secs. 110 - 180 of this chapter, the legislature autho-  
24 rizes organization of coastal resource service areas in the unorganized  
25 borough and grants authority to the service areas which may be organized  
26 to perform the duties required under this chapter.

27 Sec. 46.35.120. COASTAL RESOURCE SERVICE AREAS. (a) Except as  
28 provided in (b) of this section, each regional educational attendance  
29 area established under AS 14.08.031 containing a part of the coastal

1 area may be organized as a coastal resource service area.

2 (b) The commissioner of the Department of Community and Regional  
3 Affairs may, after public hearings held in the area affected, consoli-  
4 date two or more regional educational attendance areas as a single  
5 coastal resource service area

6 (1) if a substantial portion of the coastal area contains  
7 land and water area owned by the federal government over which it exer-  
8 cises exclusive jurisdiction or land held in trust by the federal govern-  
9 ment for Alaska Natives over which the state would not exercise control  
10 as to use; or

11 (2) if, after giving due consideration to the standards  
12 applicable to incorporation of borough governments and the likelihood  
13 that a borough will be incorporated within the area, the commissioner  
14 determines that the functions to be performed under this chapter could  
15 be undertaken more efficiently through the combination of two or more  
16 regional educational attendance areas as a single coastal resource ser-  
17 vice area.

18 (c) A determination under (b) of this section shall be made before  
19 organization of the coastal resource service area and no later than six  
20 months from the effective date of this Act.

21 Sec. 46.35.130. ORGANIZATION OF SERVICE AREA. (a) Organization  
22 of a coastal resource service area may be initiated by

23 (1) submission to the council of a petition signed by a  
24 number of registered voters equal to 15 per cent of the number of votes  
25 cast within the coastal resource service area at the last state general  
26 election;

27 (2) submission to the council of a resolution approved by the  
28 city council or traditional governing body of not less than 25 per cent  
29 of the number of cities and villages within the coastal resource service

1 area; or

2 (3) at the direction of a majority of the members of the  
3 council in the manner set out in sec. 160 of this chapter.

4 (b) Acting at the request of the council, the lieutenant governor,  
5 not less than 60 nor more than 90 days after receipt of a proper peti-  
6 tion under (a)(1) of this section, a proper resolution under (a)(2) of  
7 this section, or at the direction of the council under (a)(3) of this  
8 section, shall conduct an election on the question of organization of a  
9 coastal resource service area.

10 Sec. 46.35.140. COASTAL AREA BOARDS. (a) Each coastal resource  
11 service area, upon organization, shall have an elected board represent-  
12 ing the population of the service area. The board shall have the powers  
13 and duties and perform the functions prescribed for or required of  
14 coastal resource districts.

15 (b) A coastal area board shall contain seven members. Board  
16 members shall be elected at large by the qualified voters of the coastal  
17 resource service area.

18 (c) The commissioner of the Department of Community and Regional  
19 Affairs, after consultation with residents of a coastal resource service  
20 area, may divide a service area into sections only for the purpose of  
21 nominating and electing board members. Division of a service area into  
22 sections for the purpose of nomination and election shall be in accor-  
23 dance with the provisions of AS 14.08.051(a). Division may be proposed  
24 in the petition submitted under sec. 130(a)(1) of this chapter, in the  
25 resolution submitted under sec. 130(a)(2) of this chapter, at the direc-  
26 tion of the council under sec. 130(a)(3) of this chapter, or may be  
27 proposed at any time by the members of the coastal area board. If  
28 proposed by the board, the division of the service area into sections is  
29 subject to approval of a majority of the qualified voters voting on the

1 question in the coastal resource service area at the next regular elec-  
2 tion or at a special election called for that purpose and, if approved,  
3 takes effect at the next regular election of members of the coastal area  
4 board.

5 (d) The term of office of a member of a coastal area board is  
6 three years, except that the terms of the members of the first board  
7 elected after organization of a coastal resource service area shall be  
8 determined by lot, with two members serving one-year terms, two members  
9 serving two-year terms, and three members serving three-year terms.  
10 Members serve until their successors are elected and have qualified.  
11 Nothing in this section prohibits the reelection of a board member.

12 (e) The lieutenant governor shall provide for the election of the  
13 members of coastal area boards. The first election of board members  
14 shall occur not less than 60 nor more than 90 days after certification  
15 of the results of an organization election under sec. 130(b) of this  
16 chapter in which a majority of votes cast favors organization of the  
17 service area.

18 (f) Except for the first election of members of coastal area  
19 boards, elections shall be held annually on the date of election of  
20 members of regional educational attendance area boards under AS 14.08.-  
21 071(b).

22 (g) A vacancy on a coastal area board shall be filled by appoint-  
23 ment as provided in AS 14.08.041(a) for vacancies in the membership of  
24 regional educational attendance area boards.

25 (h) Members of coastal area boards are subject to recall on the  
26 same grounds and in the same manner as provided for recall of municipal  
27 officials in AS 29.28.130 - 29.28.250. The lieutenant governor functions  
28 in place of the assembly or council and municipal clerk for receipt and  
29 review of recall petitions and the conduct of recall elections.

1           Sec. 46.35.150. ELECTIONS IN SERVICE AREAS. Organization elec-  
2 tions under sec. 130 of this chapter and other elections, including  
3 recall elections conducted under sec. 140 of this chapter, shall be  
4 administered by the lieutenant governor in the general manner provided  
5 in the Alaska Election Code (AS 15.05 - 15.60). In addition, the  
6 lieutenant governor may adopt regulations necessary to the conduct of  
7 coastal area board elections. The state shall pay all election costs.

8           Sec. 46.35.160. ORGANIZATION AT THE DIRECTION OF THE COUNCIL. (a)  
9 Whenever it appears that major economic development activity will occur  
10 in a coastal resource service area or in waters adjacent to a coastal  
11 resource service area which has not been organized, the council may  
12 direct the lieutenant governor to submit to the voters of the service  
13 area the question of organization. The council may require an election  
14 on the question only after holding at least one public hearing within  
15 the area proposed for organization.

16           (b) For purposes of this section, "major economic development  
17 activity" includes a call for nomination by the secretary of the United  
18 States Department of the Interior for leasing of tracts within petroleum  
19 basins in waters of the outer continental shelf adjacent to the coastal  
20 resource service area or any other significant industrial or commercial  
21 activity which, in the opinion of the council, would commit the re-  
22 sources of the coastal area to a use of direct and significant impact  
23 upon the coastal waters of the state.

24           Sec. 46.35.170. PREPARATION OF DISTRICT COASTAL MANAGEMENT PROGRAM  
25 BY THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS. (a) If residents  
26 of a coastal resource service area reject organization of the service  
27 area at an election called for the purpose and the council finds, after  
28 public hearing, that major economic development activity has occurred or  
29 will occur within the service area, the council may direct the Department

1 of Community and Regional Affairs to prepare and recommend for consid-  
2 eration by the council and for submission to the legislature a district  
3 coastal management program for the service area.

4 (b) At the request of the council, the Department of Community and  
5 Regional Affairs shall complete the district coastal management program  
6 in accordance with this chapter and the guidelines and standards adopted  
7 by the council for a coastal resource service area which has been organ-  
8 ized but which has failed to make substantial progress in the preparation  
9 of an approvable district coastal management program within 18 months of  
10 certification of the results of an organization election or which has  
11 not submitted for approval to the council a program within 30 months of  
12 certification of the results of its organization election. Preparation  
13 of the program shall be conducted in consultation with the coastal  
14 resource service area and shall, to the maximum extent consistent with  
15 this chapter, reflect the expressed concerns of the residents of the  
16 service area.

17 (c) Before requesting the department to complete the district  
18 coastal management program under (b) of this section, the council shall  
19 meet with the members of the coastal area board to determine whether the  
20 coastal area board is able to complete a district coastal management  
21 program within the time limitations established in this section.

22 Sec. 46.35.180. APPROVAL OF PROGRAMS IN COASTAL RESOURCE SERVICE  
23 AREAS. (a) Before adoption by a coastal area board, or by the Depart-  
24 ment of Community and Regional Affairs under sec. 170 of this chapter, a  
25 district coastal management program shall be submitted for review to  
26 each city or village within the coastal resource service area. The  
27 council of a city and residents of a village shall consider the program  
28 submitted for review. Within 60 days of submission, the council of a  
29 city or residents of a village shall either approve the program or enter

1 objections to all or any portion of the program.

2 (b) If a city or village within a coastal resource service area  
3 fails to approve a portion of the coastal district management program  
4 prepared and submitted for approval under (a) of this section, the  
5 governing body shall advise the coastal area board or the department, as  
6 applicable, of its objections to the proposed program and suggest  
7 alternative elements or components for inclusion in the district coastal  
8 management program. New matter submitted by a city or village which is  
9 substantially consistent with the guidelines and standards adopted by  
10 the council shall be accepted and the district coastal management program  
11 modified accordingly. If a city or village fails to provide objections  
12 and suggested alternatives within the time limits established in this  
13 section, the coastal area board or the department, as applicable, may  
14 adopt the district coastal management program as initially offered.

15 (c) Objection by a city council under (b) of this section is  
16 limited to objection to elements of the program affecting resources or  
17 the use of resources within the corporate limits of the city. Objection  
18 by a village under (b) of this section is limited to objection to  
19 elements of the program affecting resources or the use of resources  
20 within the village or within two miles of the village.

21 (d) For purposes of this section, "village" means an unincorpor-  
22 ated community where at least 25 persons reside as a social unit as  
23 determined by the Department of Community and Regional Affairs.

24 ARTICLE 3. GENERAL PROVISIONS.

25 Sec. 46.35.190. COOPERATIVE ADMINISTRATION. (a) A city within  
26 the coastal area which is not part of an adjacent coastal resource  
27 service area may include itself for purposes of this chapter within an  
28 adjacent coastal resource service area if its governing body, by resolu-  
29 tion adopted by a majority of its membership, consents to the inclusion

1 of the city and a copy of the resolution is filed with the commissioner  
2 of the Department of Community and Regional Affairs.

3 (b) Nothing in this chapter restricts or prohibits cooperative or  
4 joint administration of functions between a municipality and a coastal  
5 resource service area organized under the provisions of this chapter  
6 upon initiation of a mutual agreement for the purpose.

7 Sec. 46.35.200. STATE AGENCIES. Upon the adoption of the Alaska  
8 coastal management program, state departments, boards and commissions  
9 shall review their statutory authority, administrative regulations, and  
10 applicable procedures pertaining to land and water uses within the  
11 coastal area for the purpose of determining whether there are any defi-  
12 ciencies or inconsistencies which prohibit compliance with the program  
13 adopted. State agencies shall, within six months of the effective date  
14 of the Alaska coastal management program, take whatever action is  
15 necessary to facilitate full compliance with an implementation of the  
16 program, including preparation and submission of recommendations to the  
17 council for additional or amended legislation.

18 Sec. 46.35.210. DEFINITIONS. In this chapter, unless the context  
19 otherwise requires,

20 (1) "area which merits special attention" means a delineated  
21 geographic area within the coastal area which is sensitive to change or  
22 alteration and which, because of plans or commitments or because a claim  
23 on the resources within the area delineated would preclude subsequent  
24 use of the resources to a conflicting or incompatible use, warrants  
25 special management attention, or which, because of its value to the  
26 general public, should be identified for current or future planning,  
27 protection, or acquisition; these areas, subject to council definition  
28 of criteria for their identification, include:

29 (A) areas of unique, scarce, fragile or vulnerable

1 natural habitat, cultural value, historical significance, or scenic  
2 importance;

3 (B) areas of high natural productivity or essential  
4 habitat for living resources;

5 (C) areas of substantial recreational value or oppor-  
6 tunity;

7 (D) areas where development of facilities is dependent  
8 upon the utilization of, or access to, coastal waters;

9 (E) areas of unique geologic or topographic significance  
10 which are susceptible to industrial or commercial development;

11 (F) areas of significant hazard due to storms, slides,  
12 floods, erosion or settlement; and

13 (G) areas needed to protect, maintain, or replenish  
14 coastal land or resources, including coastal flood plains, aquifer  
15 recharge areas, beaches and offshore sand deposits;

16 (2) "coastal resource district" means each of the following  
17 which contains a portion of the coastal area of the state:

18 (A) unified municipalities established under AS 29.68.-  
19 240 - 29.68.440;

20 (B) organized boroughs of any class which exercise  
21 planning and zoning authority;

22 (C) home rule and first class cities of the unorganized  
23 borough or within boroughs which do not exercise planning and  
24 zoning authority;

25 (D) second class cities of the unorganized borough, or  
26 within boroughs which do not exercise planning and zoning author-  
27 ity, which have established a planning commission, and which, in  
28 the opinion of the commissioner of the Department of Community and  
29 Regional Affairs, have the capability of preparing and implementing

1 a comprehensive district coastal management program under sec. 30  
2 of this chapter;

3 (E) coastal resource service areas established and  
4 organized under AS 29.03.020 and secs. 110 - 180 of this chapter;

5 (3) "council" means the Alaska Coastal Policy Council;

6 (4) "department" means the Department of Community and  
7 Regional Affairs;

8 (5) "use of direct and significant impact" means a use, or an  
9 activity associated with the use, which proximately contributes to a  
10 material change or alteration in the natural or social characteristics  
11 of a part of the state's coastal area and in which

12 (A) the use, or activity associated with it, would have  
13 a net adverse effect on the quality of the resources of the coastal  
14 area;

15 (B) the use, or activity associated with it, would limit  
16 the range of alternative uses of the resources of the coastal area;  
17 or

18 (C) the use would, of itself, constitute a tolerable  
19 change or alteration of the resources within the coastal area but  
20 which, cumulatively, would have an adverse effect;

21 (6) "uses of state concern" means those land and water uses  
22 which would significantly affect the long-term public interest; these  
23 uses, subject to council definition of their extent, include:

24 (A) uses of national interest, including the use of  
25 resources for the siting of ports and major facilities which con-  
26 tribute to meeting national energy needs, construction and mainte-  
27 nance of navigational facilities and systems, resource development  
28 of federal land, and national defense and related security facili-  
29 ties that are dependent upon coastal locations;

1 (B) uses of more than local concern, including those  
2 land and water uses which confer significant environmental, social,  
3 cultural, or economic benefits or burdens beyond a single coastal  
4 resource district;

5 (C) the siting of major energy facilities or large-scale  
6 industrial or commercial development activities which are dependent  
7 on a coastal location and which, because of their magnitude or the  
8 magnitude of their effect on the economy of the state or the sur-  
9 rounding area, are reasonably likely to present issues of more than  
10 local significance;

11 (D) facilities serving statewide or interregional trans-  
12 portation and communication needs; and

13 (E) uses in areas established as state parks or recrea-  
14 tional areas under AS 41.20 or as state game refuges, game sanctu-  
15 aries or critical habitat areas under AS 16.20.

16 \* Sec. 5. AS 44.47 is amended by adding a new section to read:

17 Sec. 44.47.095. PLANNING ASSISTANCE FOR DEVELOPMENT AND MAINTENANCE  
18 OF DISTRICT COASTAL MANAGEMENT PROGRAMS. The department shall conduct a  
19 program of research, training, and technical assistance to coastal  
20 resource districts necessary for the development and implementation of  
21 district coastal management programs under AS 46.35. State agencies  
22 shall assist the department in carrying out the purposes of this section.

23 \* Sec. 6. The Administrative Regulation Review Committee established in  
24 AS 24.20.400 - 24.20.460 shall review the administrative regulations adopted  
25 by the executive departments of the state government which affect the re-  
26 sources and use of the resources of the state's coastal area. The committee  
27 shall, not later than January 20, 1979, make formal recommendation with  
28 respect to annulment of regulations adopted which in the opinion of the  
29 committee, fail to implement, interpret or carry out the policies, objectives

1 and standards of the Alaska coastal management program. The recommendations  
2 of the committee shall be transmitted to the first regular Session of the  
3 Eleventh Alaska Legislature.

4 \* Sec. 7. This Act takes effect immediately in accordance with AS 01.10.-  
5 070(c).

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