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the Joint Administration Legislative Committee
on coastal management

Offered: 4/21/77
Referred: Rules

1 IN THE HOUSE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

2

CS FOR HOUSE BILL NO. 342

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

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resources of the state; and providing for an effective

8

date."

9

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

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* Section 1. LEGISLATIVE FINDINGS. The legislature finds that

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(1) the coastal area of the state is a distinct and valuable

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natural resource of concern to all the people of the state;

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(2) the demands upon the resources of the coastal area are signi-

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ficant, and will increase in the future;

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(3) the protection of the natural and scenic resources and the

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fostering of wise development of the coastal area are of concern to present

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and future citizens of the state;

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(4) the capacity of the coastal area to withstand the demands upon

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it is limited;

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(5) the degree of planning and resource allocation which has

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occurred in the coastal area has often been motivated by short-term consider-

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ations, unrelated to sound planning principles; and

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(6) in order to promote the public health and welfare, there is a

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critical need to engage in comprehensive land and water use planning in

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coastal areas and to establish the means by which a planning process and

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management program involving the several governments and areas of the unor-

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ganized borough having an interest in the coastal area may be effectively

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implemented.

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

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 land and water 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 from a list
29 comprised of at least three names from each region, nominated by the

1 municipalities of each region; the nominees shall be the mayor or member
2 of the assembly or council of a municipality; one public member shall be
3 appointed from each of the following general regions:

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

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

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

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

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

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

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

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

26 (2) three public members appointed at large by the governor
27 from interest groups or the general public;

28 (3) each of the following:

29 (A) the director of the division of policy development

1 and planning;

2 (B) the commissioner of the Department of Commerce and
3 Economic Development;

4 (C) the commissioner of the Department of Community and
5 Regional Affairs; and

6 (D) the commissioner of the Department of Natural Re-
7 sources.

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

14 (c) The council shall designate co-chairmen, one of whom shall be
15 selected from among the public members appointed under (a)(1) and (a)(2)
16 of this section and one from among the members designated in (a)(3) of
17 this section.

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

22 (e) Four members appointed under (a)(1), one member appointed
23 under (a)(2), and two members appointed under (a)(3) of this section
24 constitute a quorum, but one or more of the members designated by the
25 council may hold hearings. All decisions of the council shall be by a
26 majority vote of the members present and voting.

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

1 (g) If there is a vacancy among the public members appointed under
2 (a)(1) and (a)(2) of this section, the governor shall make an appoint-
3 ment to become immediately effective for the unexpired portion of the
4 term.

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

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

9 (2) contract for necessary services;

10 (3) consult and cooperate with

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

14 (B) agents and officials of the coastal resource
15 districts of the state, and federal and state agencies concerned
16 with or having jurisdiction over coastal planning and management;

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

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

22 (1) through the public hearing process and the recording of
23 the minutes of the hearings, develop guidelines and standards for the
24 preparation of, and approve, in accordance with AS 46.35, the Alaska
25 coastal management program;

26 (2) establish continuing coordination among state agencies to
27 facilitate the development and implementation of the Alaska coastal
28 management program; in carrying out its duties under this paragraph, the
29 council shall initiate an interagency program of comprehensive coastal

1 resource planning for each geographic region described in sec. 891(a)(1)
2 of this chapter;

3 (3) assure continued provision of data and information to
4 coastal resource districts to carry out their planning and management
5 functions under the program;

6 (4) submit annually to the legislature, not later than the
7 10th day of each regular session, the portion of the coastal manage-
8 ment program approved or amended by the council during the preceding
9 year.

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

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

17 CHAPTER 35. THE ALASKA COASTAL MANAGEMENT PROGRAM.

18 ARTICLE 1. DEVELOPMENT OF ALASKA COASTAL MANAGEMENT PROGRAM.

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

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

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

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

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

3 (2) integrate newly approved district coastal management
4 programs, or revisions and amendments of district coastal management
5 programs, with existing approved programs and with plans developed by
6 state agencies;

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

9 (4) review the effectiveness of implementation of district
10 coastal management programs; and

11 (5) consider new information acquired by the state and
12 coastal resource districts.

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

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

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

20 (2) the development of industrial or commercial enterprises
21 which are consistent with the social, cultural, historic, economic and
22 environmental interests of the people of the state;

23 (3) the orderly, balanced utilization and protection of the
24 resources of the coastal area consistent with sound conservation and
25 sustained yield principles;

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

1 location;

2 (5) the protection and management of significant historic,
3 cultural, natural and aesthetic values and natural systems or processes
4 within the coastal area;

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

8 (7) the recognition of the need for a continuing supply of
9 energy to meet the requirements of the state and the contribution of a
10 share of the state's resources to meet national energy needs; and

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

13 Sec. 46.35.030. DEVELOPMENT OF DISTRICT COASTAL MANAGEMENT PRO-
14 GRAMS. Coastal resource districts shall develop and adopt district
15 coastal management programs in accordance with the provisions of this
16 chapter. The program adopted by a coastal resource district shall be
17 based upon a municipality's existing comprehensive plan or a new com-
18 prehensive resource use plan or comprehensive statement of needs,
19 policies, objectives and standards governing the use of resources within
20 the coastal area of the district. The program shall be consistent with
21 the guidelines and standards adopted by the council under sec. 40 of
22 this chapter and shall include:

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

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

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

29 (4) regulations, as appropriate, to be applied to the land

1 and water uses subject to the district coastal management program;

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

5 (6) a summary or statement of the policies which will be
6 applied and the procedures which will be used to determine whether
7 specific proposals for land or water uses or activities shall be allowed;
8 and

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

12 Sec. 46.35.040. DUTIES OF THE ALASKA COASTAL POLICY COUNCIL.
13 Through the public hearing process and the recording of the minutes of
14 the hearings, the Alaska Coastal Policy Council shall

15 (1) by regulation, adopt under the provisions of the Adminis-
16 trative Procedure Act (AS 44.62), within six months of the effective
17 date of this Act, for the use of and application by coastal resource
18 districts and state agencies for carrying out their responsibilities
19 under this chapter, guidelines and standards for

20 (A) identifying the boundaries of the coastal area
21 subject to the district coastal management program;

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

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

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

28 (E) developing policies and procedures to determine
29 whether specific proposals for the land and water uses or activities

1 subject to the district coastal management program shall be allowed;

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

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

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

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

11 (4) initiate a process for identifying and managing uses of
12 state concern within specific areas of the coast;

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

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

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

1 district program which are consistent.

2 (b) If the council finds that a district coastal management pro-
3 gram is not approvable or is approvable only in part under (a) of this
4 section, it shall direct that deficiencies in the program submitted by
5 the coastal resource district be mediated. In mediating the deficien-
6 cies, the council may call for one or more public hearings in the dis-
7 trict. The council shall meet with officials of the coastal resource
8 district in order to resolve differences.

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

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

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

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

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

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

29 (b) Notwithstanding an inconsistency of a district coastal

1 management program submitted for review and approval with the guidelines
2 and standards adopted, the council shall approve the program if it finds
3 that

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

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

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

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

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

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

19 (3) the district has based its restriction or exclusion on an
20 analysis showing that the proposed use is incompatible with the proposed
21 site.

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

24 Sec. 46.35.080. EFFECTIVE DATE OF ALASKA COASTAL MANAGEMENT
25 PROGRAM. The Alaska coastal management program adopted by the council,
26 and any additions, revisions, or amendments of the program, take effect
27 upon adoption of a concurrent resolution by a majority of the members of
28 each house of the legislature or by a vote of the majority of the mem-
29 bers of each house at the time the houses are convened in joint session

1 to confirm executive appointments submitted by the governor.

2 Sec. 46.35.090. IMPLEMENTATION OF DISTRICT COASTAL MANAGEMENT
3 PROGRAMS. (a) A district coastal management program approved by the
4 council and the legislature for a coastal resource district which does
5 not have and exercise zoning or other controls on the use of resources
6 within the coastal area shall be implemented by appropriate state
7 agencies. Implementation shall be in accordance with the comprehensive
8 use plan or the statement of needs, policies, objectives and standards
9 adopted by the district.

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

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

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

28 (c) In determining whether an approved district coastal management
29 program is being implemented, enforced or complied with by a coastal

1 resource district which exercises zoning authority or controls on the
2 use of resources within the coastal area, the council shall find in
3 favor of the district if

4 (1) zoning or other regulations have been adopted and are
5 being enforced;

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

9 (3) procedures and standards adopted by the coastal resource
10 district as required by this chapter or by the guidelines and standards
11 adopted by the council and subsequently approved by the legislature have
12 been followed and considered.

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

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

20 (2) the use or activity for which the permit, license or
21 approval is granted is consistent with requirements imposed by state
22 statute, regulation, or local ordinance applicable to the use or acti-
23 vity.

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

26 ARTICLE 2. COASTAL MANAGEMENT PROGRAMS

27 IN THE UNORGANIZED BOROUGH.

28 Sec. 46.35.110. AUTHORITY IN THE UNORGANIZED BOROUGH. Under
29 AS 29.03.020 and secs. 110 - 180 of this chapter, the legislature

1 authorizes organization of coastal resource service areas in the un-
2 organized borough and grants authority to the service areas which may be
3 organized to perform the duties required under this chapter.

4 Sec. 46.35.120. COASTAL RESOURCE SERVICE AREAS. (a) Except as
5 provided in (b) of this section, each regional educational attendance
6 area established under AS 14.08.031 containing a part of the coastal
7 area may be organized as a coastal resource service area.

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

12 (1) if a substantial portion of the coastal area contains
13 land and water area owned by the federal government over which it exer-
14 cises exclusive jurisdiction or land held in trust by the federal
15 government for Alaska Natives over which the state would not exercise
16 control as to use; or

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

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

27 Sec. 46.35.130. ORGANIZATION OF COASTAL RESOURCE SERVICE AREA.

28 (a) Organization of a coastal resource service area may be initiated by

29 (1) submission to the council of a petition signed by a

1 number of registered voters equal to 15 per cent of the number of votes
2 cast within the coastal resource service area at the last state general
3 election;

4 (2) submission to the council of a resolution approved by the
5 city council or traditional village council of not less than 25 per cent
6 of the number of cities and villages within the coastal resource service
7 area; or

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

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

16 Sec. 46.35.140. COASTAL RESOURCE SERVICE AREA BOARDS. (a) Each
17 coastal resource service area, upon organization, shall have an elected
18 board representing the population of the service area. The board shall
19 have the powers and duties and perform the functions prescribed for or
20 required of coastal resource districts.

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

24 (c) The commissioner of the Department of Community and Regional
25 Affairs, after consultation with residents of a coastal resource service
26 area, may divide a service area into sections only for the purpose of
27 nominating and electing board members. Division of a service area into
28 sections for the purpose of nomination and election shall be in accor-
29 dance with the provisions of AS 14.08.051(a). Division may be proposed

1 in the petition submitted under sec. 130(a)(1) of this chapter, in the
2 resolution submitted under sec. 130(a)(2) of this chapter, at the direc-
3 tion of the council under sec. 130(a)(3) of this chapter, or may be
4 proposed at any time by the members of the coastal resource service
5 area board. If proposed by the board, the division of the service area
6 into sections is subject to approval of a majority of the qualified
7 voters voting on the question in the coastal resource service area at
8 the next regular election or at a special election called for that
9 purpose and, if approved, takes effect at the next regular election of
10 members of the coastal resource service area board.

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

19 (e) The lieutenant governor shall provide for the election of the
20 members of coastal resource service area boards. The first election of
21 board members shall occur not less than 60 nor more than 90 days after
22 certification of the results of an organization election under sec.
23 130(b) of this chapter in which a majority of votes cast favors organi-
24 zation of the coastal resource service area.

25 (f) Except for the first election of members of coastal resource
26 service area boards, elections shall be held annually on the date of
27 election of members of regional educational attendance area boards under
28 AS 14.08.071(b).

29 (g) A vacancy on a coastal resource service area board shall be

1 filled by appointment as provided in AS 14.08.041(a) for vacancies in
2 the membership of regional educational attendance area boards.

3 (h) Members of coastal resource service area boards are subject to
4 recall on the same grounds and in the same manner as provided for recall
5 of municipal officials in AS 29.28.130 - 29.28.250. The lieutenant
6 governor functions in place of the assembly or council and municipal
7 clerk for receipt and review of recall petitions and the conduct of
8 recall elections.

9 Sec. 46.35.150. ELECTIONS IN COASTAL RESOURCE SERVICE AREAS.
10 Organization elections under sec. 130 of this chapter and other elections,
11 including recall elections conducted under sec. 140 of this chapter,
12 shall be administered by the lieutenant governor in the general manner
13 provided in the Alaska Election Code (AS 15.05 - 15.60). In addition,
14 the lieutenant governor may adopt regulations necessary to the conduct
15 of coastal resource service area board elections. The state shall pay
16 all election costs.

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

25 (b) For purposes of this section, "major economic development
26 activity" includes a call for nomination by the secretary of the United
27 States Department of the Interior for leasing of tracts within petroleum
28 basins in waters of the outer continental shelf adjacent to the coastal
29 resource service area or any other significant industrial or commercial

1 activity which, in the opinion of the council, would commit the re-
2 sources of the coastal area to a use of direct and significant impact
3 upon the coastal waters of the state.

4 Sec. 46.35.170. PREPARATION OF DISTRICT COASTAL MANAGEMENT PROGRAM
5 BY THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS. (a) If residents
6 of a coastal resource service area reject organization of the service
7 area at an election called for the purpose and the council finds, after
8 public hearing, that major economic development activity has occurred or
9 will occur within the service area, the council may direct the Department
10 of Community and Regional Affairs to prepare and recommend for consid-
11 eration by the council and for submission to the legislature a district
12 coastal management program for the service area.

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

26 (c) Before requesting the department to complete the district
27 coastal management program under (b) of this section, the council shall
28 meet with the members of the coastal resource service area board to
29 determine whether the board is able to complete a district coastal

1 management program within the time limitations established in this
2 section.

3 Sec. 46.35.180. APPROVAL OF PROGRAMS IN COASTAL RESOURCE SERVICE
4 AREAS. (a) Before adoption by a coastal resource service area board,
5 or by the Department of Community and Regional Affairs under sec. 170 of
6 this chapter, a district coastal management program shall be submitted
7 for review to each city or village within the coastal resource service
8 area. The council of a city or traditional village council shall
9 consider the program submitted for review. Within 60 days of submis-
10 sion, the council of a city or traditional village council shall either
11 approve the program or enter objections to all or any portion of the
12 program.

13 (b) If a city or village within a coastal resource service area
14 fails to approve a portion of the coastal district management program
15 prepared and submitted for approval under (a) of this section, the
16 governing body shall advise the coastal resource service area board or
17 the department, as applicable, of its objections to the proposed program
18 and suggest alternative elements or components for inclusion in the
19 district coastal management program. New matter submitted by a city or
20 village which is substantially consistent with the guidelines and
21 standards adopted by the council shall be accepted and the district
22 coastal management program modified accordingly. If a city or village
23 fails to provide objections and suggested alternatives within the time
24 limits established in this section, the coastal resource service area
25 board or the department, as applicable, may adopt the district coastal
26 management program as initially offered.

27 (c) Objection by a city council under (b) of this section is
28 limited to objection to elements of the program affecting resources or
29 the use of resources within the corporate limits of the city. Objection

1 by a traditional village council under (b) of this section is limited to
2 objection to elements of the program affecting resources or the use of
3 resources within the village or within two miles of the village.

4 (d) For purposes of this section, "village" means an unincorporated
5 community where at least 25 persons reside as a social unit as
6 determined by the Department of Community and Regional Affairs.

7 ARTICLE 3. GENERAL PROVISIONS.

8 Sec. 46.35.190. COOPERATIVE ADMINISTRATION. (a) A city within
9 the coastal area which is not part of an adjacent coastal resource
10 service area may include itself for purposes of this chapter within an
11 adjacent coastal resource service area if its governing body, by resolution
12 adopted by a majority of its membership, consents to the inclusion
13 of the city and a copy of the resolution is filed with the commissioner
14 of the Department of Community and Regional Affairs.

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

19 Sec. 46.35.200. STATE AGENCIES. Upon the adoption of the Alaska
20 coastal management program, state departments, boards and commissions
21 shall review their statutory authority, administrative regulations, and
22 applicable procedures pertaining to land and water uses within the
23 coastal area for the purpose of determining whether there are any deficiencies
24 or inconsistencies which prohibit compliance with the program
25 adopted. State agencies shall, within six months of the effective date
26 of the Alaska coastal management program, take whatever action is
27 necessary to facilitate full compliance with an implementation of the
28 program, including preparation and submission of recommendations to the
29 council for additional or amended legislation.

1 Sec. 46.35.210. DEFINITIONS. In this chapter, unless the context
2 otherwise requires,

3 (1) "area which merits special attention" means a delineated
4 geographic area within the coastal area which is sensitive to change or
5 alteration and which, because of plans or commitments or because a claim
6 on the resources within the area delineated would preclude subsequent
7 use of the resources to a conflicting or incompatible use, warrants
8 special management attention, or which, because of its value to the
9 general public, should be identified for current or future planning,
10 protection, or acquisition; these areas, subject to council definition
11 of criteria for their identification, include:

12 (A) areas of unique, scarce, fragile or vulnerable
13 natural habitat, cultural value, historical significance, or scenic
14 importance;

15 (B) areas of high natural productivity or essential
16 habitat for living resources;

17 (C) areas of substantial recreational value or oppor-
18 tunity;

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

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

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

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

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

1 (A) unified municipalities established under AS 29.68.-
2 240 - 29.68.440;

3 (B) organized boroughs of any class which exercise
4 planning and zoning authority;

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

8 (D) second class cities of the unorganized borough, or
9 within boroughs which do not exercise planning and zoning author-
10 ity, which have established a planning commission, and which, in
11 the opinion of the commissioner of the Department of Community and
12 Regional Affairs, have the capability of preparing and implementing
13 a comprehensive district coastal management program under sec. 30
14 of this chapter;

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

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

18 (4) "department" means the Department of Community and
19 Regional Affairs;

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

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

27 (B) the use, or activity associated with it, would limit
28 the range of alternative uses of the resources of the coastal area;
29 or

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

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

7 (A) uses of national interest, including the use of
8 resources for the siting of ports and major facilities which con-
9 tribute to meeting national energy needs, construction and mainte-
10 nance of navigational facilities and systems, resource development
11 of federal land, and national defense and related security facili-
12 ties that are dependent upon coastal locations;

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

17 (C) the siting of major energy facilities or large-scale
18 industrial or commercial development activities which are dependent
19 on a coastal location and which, because of their magnitude or the
20 magnitude of their effect on the economy of the state or the sur-
21 rounding area, are reasonably likely to present issues of more than
22 local significance;

23 (D) facilities serving statewide or interregional trans-
24 portation and communication needs; and

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

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

29 Sec. 44.47.095. PLANNING ASSISTANCE FOR DEVELOPMENT AND MAINTENANCE

1 OF DISTRICT COASTAL MANAGEMENT PROGRAMS. The department shall conduct a
2 program of research, training, and technical assistance to coastal
3 resource districts necessary for the development and implementation of
4 district coastal management programs under AS 46.35. State agencies
5 shall assist the department in carrying out the purposes of this section.

6 * Sec. 6. The Administrative Regulation Review Committee established in
7 AS 24.20.400 - 24.20.460 shall review the administrative regulations adopted
8 by the executive departments of the state government which affect the re-
9 sources and use of the resources of the state's coastal area. The committee
10 shall, not later than January 20, 1979, make formal recommendation with
11 respect to annulment of regulations adopted which in the opinion of the
12 committee, fail to implement, interpret or carry out the policies, objectives
13 and standards of the Alaska coastal management program. The recommendations
14 of the committee shall be transmitted to the first regular Session of the
15 Eleventh Alaska Legislature.

16 * Sec. 7. This Act takes effect immediately in accordance with AS 01.10.-
17 070(c).

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