

Original sponsor: Rules Committee by request of  
the Joint Administration Legislative Committee  
on coastal management

Offered: 5/18/77

1 IN THE HOUSE

BY THE CONFERENCE COMMITTEE

2 CONFERENCE CS FOR SENATE CS FOR 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  
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

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) nine 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 of  
5 the North Slope Borough and the Northwest Arctic regional edu-  
6 cational attendance area;

7 (B) Bering Straits, including, generally, the area of  
8 the Bering Straits regional educational attendance area;

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

13 (D) Kodiak-Aleutians, including the area of the Kodiak  
14 Island Borough and the Aleutian, Adak and Pribilof regional educa-  
15 tional attendance areas;

16 (E) Upper Cook Inlet, including the Municipality of  
17 Anchorage and the Matanuska-Susitna Borough;

18 (F) Lower Cook Inlet, including, generally, the area  
19 within the Kenai Peninsula Borough;

20 (G) Prince William Sound, including, generally, the area  
21 east of the Kenai Peninsula Borough to 141° W. longitude;

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

25 (I) southern Southeast Alaska, including that portion of  
26 southeastern Alaska not contained within the area described in (H)  
27 of this paragraph.

28 (2) 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;

6 (D) the commissioner of the Department of Environmental  
7 Conservation;

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

9 (F) the commissioner of the Department of Natural Re-  
10 sources; and

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

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

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

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

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

29 (f) Members of the council or their alternates are entitled to per

1 diem and travel expenses authorized by law for members of boards and  
2 commissions.

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

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

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

10 (2) contract for necessary services;

11 (3) consult and cooperate with

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

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

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

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

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

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

1 council shall initiate an interagency program of comprehensive coastal  
2 resource planning for each geographic region described in sec. 891(a)(1)  
3 of this chapter;

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

7 (4) submit annually to the legislature, not later than the  
8 10th day of each regular session, the portion of the coastal management  
9 program approved or amended by the council during the preceding 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 al-  
8 lowed; 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 water  
25 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 activi-

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

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

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

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

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

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

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

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

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

1 district coastal management program, or may approve portions of the  
2 district program which are consistent.

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

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

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

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

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

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

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

1 (b) Notwithstanding an inconsistency of a district coastal  
2 management program submitted for review and approval with the guidelines  
3 and standards adopted, the council shall approve the program if it finds  
4 that

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

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

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

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

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

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

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

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

25 Sec. 46.35.080. EFFECTIVE DATE OF ALASKA COASTAL MANAGEMENT PRO-  
26 GRAM. The Alaska coastal management program adopted by the council, and  
27 any additions, revisions, or amendments of the program, take effect upon  
28 adoption of a concurrent resolution by a majority of the members of each  
29 house of the legislature or by a vote of the majority of the members of

1 each house at the time the houses are convened in joint session to  
2 confirm executive appointments submitted by the governor.

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

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

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

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

29 (c) In determining whether an approved district coastal management

1 program is being implemented, enforced or complied with by a coastal  
2 resource district which exercises zoning authority or controls on the  
3 use of resources within the coastal area, the council shall find in  
4 favor of the district if

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

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

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

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

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

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

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

27 ARTICLE 2. COASTAL MANAGEMENT PROGRAMS

28 IN THE UNORGANIZED BOROUGH.

29 Sec. 46.35.110. AUTHORITY IN THE UNORGANIZED BOROUGH. Under

1 AS 29.03.020 and secs. 110 - 180 of this chapter, the legislature  
2 authorizes organization of coastal resource service areas in the un-  
3 organized borough and grants authority to the service areas which may be  
4 organized to perform the duties required under this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 dance with the provisions of AS 14.08.051(a). Division may be proposed  
2 in the petition submitted under sec. 130(a)(1) of this chapter, in the  
3 resolution submitted under sec. 130(a)(2) of this chapter, at the direc-  
4 tion of the council under sec. 130(a)(3) of this chapter, or may be  
5 proposed at any time by the members of the coastal resource service area  
6 board. If proposed by the board, the division of the service area into  
7 sections is subject to approval of a majority of the qualified voters  
8 voting on the question in the coastal resource service area at the next  
9 regular election or at a special election called for that purpose and,  
10 if approved, takes effect at the next regular election of members of the  
11 coastal resource service area board.

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

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

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

1 (g) A vacancy on a coastal resource service area board shall  
2 be filled by appointment as provided in AS 14.08.041(a) for vacan-  
3 cies in the membership of regional educational attendance area  
4 boards.

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

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

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

27 (b) For purposes of this section, "major economic development  
28 activity" includes a call for nomination by the secretary of the United  
29 States Department of the Interior for leasing of tracts within petroleum

1 basins in waters of the outer continental shelf adjacent to the coastal  
2 resource service area or any other significant industrial or commercial  
3 activity which, in the opinion of the council, would commit the re-  
4 sources of the coastal area to a use of direct and significant impact  
5 upon the coastal waters of the state.

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

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

28 (c) Before requesting the department to complete the district  
29 coastal management program under (b) of this section, the council shall

1 meet with the members of the coastal resource service area board to  
2 determine whether the board is able to complete a district coastal  
3 management program within the time limitations established in this  
4 section.

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

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

29 (c) Objection by a city council under (b) of this section is

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

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

9 ARTICLE 3. GENERAL PROVISIONS.

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

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

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

1 program, including preparation and submission of recommendations to the  
2 council for additional or amended legislation.

3 Sec. 46.35.210. DEFINITIONS. In this chapter, unless the context  
4 otherwise requires,

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

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

17 (B) areas of high natural productivity or essential  
18 habitat for living resources;

19 (C) areas of substantial recreational value or oppor-  
20 tunity;

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

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

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

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

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

3 (A) unified municipalities established under AS 29.68.-  
4 240 - 29.68.440;

5 (B) organized boroughs of any class which exercise  
6 planning and zoning authority;

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

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

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

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

20 (4) "department" means the Department of Community and  
21 Regional Affairs;

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

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

29 (B) the use, or activity associated with it, would limit

1 the range of alternative uses of the resources of the coastal area;  
2 or

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

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

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

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

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

25 (D) facilities serving statewide or interregional trans-  
26 portation and communication needs; and

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

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

2       Sec. 44.47.095. PLANNING ASSISTANCE FOR DEVELOPMENT AND MAINTEN-  
3       NANCE OF DISTRICT COASTAL MANAGEMENT PROGRAMS. The department shall  
4       conduct a program of research, training, and technical assistance to  
5       coastal resource districts necessary for the development and implemen-  
6       tation of district coastal management programs under AS 46.35. The  
7       technical assistance shall include the direct granting to the coastal  
8       resource districts a portion of any funds received by the state from the  
9       federal coastal zone management program, in amounts to be individually  
10      determined for each coastal resource district by the commissioner.  
11      State agencies shall assist the department in carrying out the purposes  
12      of this section.

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

23 \* Sec. 7. This Act takes effect immediately in accordance with AS 01.10.-  
24 070(c).

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