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1 IN THE HOUSE

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 212

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the issuance of permits and
7 consistency determinations."

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

9 * Section 1. FINDINGS. The legislature finds that

10 (1) the orderly development of state resources is being unneces-
11 sarily delayed by the number of agencies involved in the permitting pro-
12 cess;

13 (2) the uncertainties created by the proliferation of agency
14 reviews, the number of agencies involved in the permit process, and unjusti-
15 fied agency requirements on the processing of permit applications have
16 cost residents of the state millions of dollars in lost employment and
17 higher prices;

18 (3) the public interest has not been advanced by the protracted
19 delay in the processing of permit applications by state agencies;

20 (4) the social, economic, and environmental health and well-
21 being of the residents of the state will be promoted by reducing the number
22 of agencies and agency reviews involved in the permit process; and

23 (5) the efficiency of state permitting procedures will be en-
24 hanced by using state resource agencies as lead agencies on coastal zone
25 consistency determinations.

26 * Sec. 2. AS 44.19.145(a) is amended to read:

27 (a) The office shall

28 (1) provide technical assistance to the governor and the
29 legislature in identifying long range goals and objectives for the

1 state and its political subdivisions;

2 (2) prepare and maintain a state comprehensive development
3 plan;

4 (3) provide information and assistance to state agencies to
5 aid in governmental coordination and unity in the preparation of
6 agency plans and programs;

7 (4) review planning within state government as may be
8 necessary for receipt of federal, state, or other funds;

9 (5) participate with other countries, provinces, states, or
10 subdivisions of them in international or interstate planning, and
11 assist Alaska's local governments, governmental conferences, and
12 councils, in planning and coordinating their activities;

13 (6) encourage educational and research programs that fur-
14 ther state planning and development, and provide administrative and
15 technical services for them;

16 (7) publish such statistical information or other documen-
17 tary material as will further the provisions and intent of AS 44.19.-
18 141 - 44.19.152;

19 (8) assist the governor and the Department of Community and
20 Regional Affairs in coordinating the activities of state agencies that
21 [WHICH] have an impact on the solution of local and regional develop-
22 ment problems;

23 (9) serve as a clearinghouse for information, data, and
24 other materials that [WHICH] may be helpful or necessary to federal,
25 state, or local governmental agencies in discharging their respective
26 responsibilities or in obtaining federal or state financial or techni-
27 cal assistance;

28 (10) review all proposals for the location of capital im-
29 provements by any state agency and advise and make recommendations

1 concerning location of these capital improvements;

2 (11) designate a lead agency to render, on behalf of the
3 state

4 (A) each [, ALL] federal consistency determination
5 [DETERMINATIONS] and certification [CERTIFICATIONS] authorized by
6 16 U.S.C. 1456 (Sec. 307, Coastal Zone Management Act of 1972);
7 [,] and

8 (B) each [A] conclusive state consistency determina-
9 tion when a project requires two or more state or federal per-
10 mits, leases, or authorizations.

11 * Sec. 3. AS 44.19.145 is amended by adding new subsections to read:

12 (e) The Department of Natural Resources is designated as the
13 lead agency for consistency determinations that involve resource
14 development activities on state land, water and submerged lands, and
15 federal land, water, and the Outer Continental Shelf.

16 (f) In performing its functions, the lead agency shall consult
17 with other resource agencies and with coastal resource districts
18 established under AS 46.40. The lead agency shall consider documented
19 facts, data, opinions, or recommendations submitted by another agency
20 of the state or by a coastal resource district with an approved dis-
21 trict coastal management program within its area of expertise. The
22 lead agency shall balance competing factors in reaching its final
23 decision and may make a recommendation contrary to a recommendation
24 received from another agency.

25 (g) Except when required by federal law, a state agency other
26 than the state agency designated under (a)(11) of this section may not
27 make a recommendation to a federal permitting agency.

28 (h) In making a consistency determination under this section for
29 an activity that is occurring outside the boundaries of a coastal

1 resource district with an approved district plan, the lead agency and
2 each resource agency shall apply statewide standards and guidelines
3 adopted by the Alaska Coastal Policy Council under AS 46.40.040(1).

4 (i) The director of management and budget shall make the desig-
5 nations of lead agencies under (a)(11) of this section by administra-
6 tive order published in the Alaska Administrative Journal. The direc-
7 tor of management and budget may revise a designation by administra-
8 tive order published in the Alaska Administrative Journal.

9 * Sec. 4. AS 44.37.020 is amended by adding new subsections to read:

10 (c) The Department of Natural Resources shall administer each
11 permit relating to the development of natural resources identified in
12 (a) of this section. In performing its functions under this sub-
13 section, the department shall consult with other resource agencies.
14 The department shall consider documented facts, data, opinions, con-
15 clusions, or recommendations submitted by other resource agencies but
16 may reach a contrary opinion, conclusion, or recommendation. The
17 department shall balance competing factors in reaching its final
18 decision.

19 (d) The Department of Natural Resources shall render, on behalf
20 of the state, each federal consistency determination required by
21 AS 44.19.145(e) to be performed by that department.

22 * Sec. 5. The director of management and budget shall make the initial
23 designations under AS 44.19.145(a), as enacted in sec. 2 of this Act, not
24 later than October 1, 1987.