

Original sponsor(s): Resources Committee

1 IN THE SENATE BY THE C&RA COMMITTEE

2 CS FOR SENATE BILL NO. 500 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska coastal management  
7 program."

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

9 \* Section 1. AS 46.40.100(b) is repealed and reenacted to read:

10 (b) On petition of an applicant for a project or an affected  
11 coastal resource district, stating that a district coastal management  
12 program is not being implemented by a state coordinating agency during  
13 a state consistency review for a particular project, the council may  
14 convene a public meeting held to consider the matter. The petition  
15 may be filed only within the five days following receipt of a proposed  
16 determination by the commissioners of the state resource agencies  
17 during a project consistency review. A public meeting must be held  
18 within 30 days after the filing of the petition. The council shall  
19 fully consider the matter and render a decision within 15 days of the  
20 public meeting. At a meeting held under this subsection, the council  
21 shall make a written finding on whether the state coordinating agency  
22 has followed the project consistency review procedures, has properly  
23 considered enforceable policies and standards during the project  
24 consistency review, or if the use or activity authorized by the per-  
25 mit, license, or approval is consistent with the district coastal  
26 management program and the regulations adopted under it. After a  
27 meeting held under this subsection, the council may

28 (1) dismiss the petition for failure to prove that the  
29 state coordinating agency was acting improperly;

1           (2) direct the resource agency commissioners or the state  
2 coordinating agency to correct the deficiencies identified in the  
3 written findings; or

4           (3) revise the Alaska coastal management program under  
5 AS 46.40.010(c).

6 \* Sec. 2. AS 46.40.100(c) is repealed and reenacted to read:

7           (c) On the petition of a resident of the district, an affected  
8 coastal resource district, or a state agency stating that an approved  
9 district coastal management program is not being properly implemented  
10 by a coastal resource district or state agency in its general imple-  
11 mentation of law and regulations of the Alaska coastal management  
12 program, the council may convene a public meeting to consider the  
13 matter. A petition may be filed at any time and shall demonstrate  
14 that the petitioner sought to resolve the matter with the coastal  
15 resource district or the state agency before filing the petition. If  
16 the council holds the public meeting, it shall make a written finding  
17 on whether

18           (1) a coastal resource district or a state agency has

19                   (A) properly considered enforceable policies and  
20 standards of its coastal management program approved by the  
21 council; and

22                   (B) followed the procedures approved by the council  
23 for implementation of the coastal management program of the  
24 district or of the state agency; and

25           (2) a state agency has satisfactorily performed coastal  
26 management responsibilities required by law, regulations, or a reim-  
27 bursable services agreement.

28 \* Sec. 3. AS 46.40.100(d) is repealed and reenacted to read:

29           (d) After a meeting held under (c) of this section, the council

1       may

2                   (1) dismiss the petition for a failure to prove that the  
3 coastal resource district was acting improperly;

4                   (2) direct the coastal resource district or the state  
5 agency to correct the deficiencies identified in the written finding  
6 prepared under (c) of this section; and

7                   (3) revise the Alaska coastal management program under  
8 AS 46.40.010(c).

9 \* Sec. 4. AS 46.40.100(e) is amended to read:

10                   (e) Notwithstanding the powers conferred on the council under  
11 (b) - (d) of this section, the council may not review a case under (b)  
12 of this section if action by a state agency has been challenged in  
13 court as inconsistent with the Alaska coastal management program. The  
14 superior courts of the state have exclusive appellate jurisdiction  
15 over that action [TO ENFORCE LAWFUL ORDERS OF THE COUNCIL].

16 \* Sec. 5. AS 46.40.100 is amended by adding a new subsection to read:

17                   (f) In this section,

18                   (1) "affected coastal resource district" means a coastal  
19 district in which a project is proposed to be located, or that may  
20 experience a direct and significant effect from a proposed project or  
21 the implementation of a district coastal management program;

22                   (2) "coordinating agency" means the agency responsible for  
23 coordination and facilitation of the review and the rendering of the  
24 consistency determination;

25                   (3) the "resource agency commissioners" are

26                               (A) the commissioner of natural resources;

27                               (B) the commissioner of fish and game; and

28                               (C) the commissioner of environmental conservation.