

Relating to coastal zone management

REFERRED TO FINANCE COMMITTEE IN 2ND READING - TO BE RETURNED FOR  
PLACEMENT ON FRIDAY'S CALENDAR (April 30)

### COMMITTEE REPORT

#### HOUSE

Mr. Speaker:

Date April 29

The Committee on FINANCE has had HCR 123

under consideration. A Majority of the members of the Committee

( ) recommends it DO PASS

( ) recommends it DO NOT PASS

( ) recommends it DO PASS WITH ATTACHED AMENDMENT(S)

(X) recommends it BE REPLACED WITH CS FOR HCR 123 <sup>(FINANCE)</sup> AND THAT

CS FOR HCR 123 DO PASS

( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

( ) reports it back WITHOUT RECOMMENDATION

( ) "other"

Members signing the Majority report:

<u>[Signature]</u>	<u>[Signature]</u>	_____
<u>[Signature]</u>	<u>[Signature]</u>	_____
<u>[Signature]</u>	<u>[Signature]</u>	_____
<u>[Signature]</u>	<u>[Signature]</u>	_____

Members NOT concurring in the Majority report:

[Signature] recommends: none

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

[Signature] Chairman

Original Sponsor: Finance Committee

1 IN THE HOUSE BY THE FINANCE COMMITTEE  
2 CS FOR HOUSE CONCURRENT RESOLUTION NO. 123 (Finance)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 NINTH LEGISLATURE - SECOND SESSION  
5 Relating to a coastal zone management and  
6 policy and guideline study.  
7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
8 WHEREAS the coastal area of the state is rich in natural and aesthetic  
9 resources; and  
10 WHEREAS past and present public and private demands on coastal zone re-  
11 sources endanger the natural and aesthetic resources; and  
12 WHEREAS the protection, preservation, and restoration of coastal re-  
13 sources is of paramount concern to present and future generations of citizens  
14 of the state; and  
15 WHEREAS, in order to protect coastal resources of the state, comprehen-  
16 sive legislation is necessary;  
17 BE IT RESOLVED by the Alaska State Legislature that the Legislative  
18 Council is directed to conduct a comprehensive coastal zone management policy  
19 and guideline study; and be it  
20 FURTHER RESOLVED that the coastal zone management policy and guideline  
21 study address the basic issue of the use of coastal areas including but not  
22 limited to shoreline use, public access, economic development, renewable and  
23 nonrenewable resource utilization, and recreational, historical, cultural,  
24 scientific, and conservation considerations; and be it  
25 FURTHER RESOLVED that the Legislative Council is directed to work with  
26 local planning commissions, boards, committees, or other state entities  
27 established by executive order or legislative action, in conducting a Coastal  
28 Zone Management policy and guideline study; and be it  
29 FURTHER RESOLVED that the study explore the feasibility of establishing

1 (1) regional coastal advisory boards with a determination of board functions  
2 and board membership reflecting the diverse interests within the regional  
3 coastal areas, and (2) a statewide coastal area board: and be it

4 FURTHER RESOLVED that the study be submitted to the Legislature for its  
5 review by the 10th day of the First Session of the Tenth Legislature and that  
6 the final report with proposed legislation be submitted to the Legislature by  
7 the 10th day of the Second Session of the Tenth Legislature for its considera-  
8 tion.

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Original Sponsor: Finance Committee

Offered: 4/21/76  
Referred: Rules

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE CONCURRENT RESOLUTION NO. 123

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 Relating to a coastal zone management and  
6 policy and guideline study.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS the coastal area of the state is rich in natural and aesthetic  
9 resources; and

10 WHEREAS past and present public and private demands on coastal zone re-  
11 sources endanger the natural and aesthetic resources; and

12 WHEREAS the protection, preservation, and restoration of coastal re-  
13 sources is of paramount concern to present and future generations of citizens  
14 of the state; and

15 WHEREAS, in order to protect coastal resources of the state, comprehen-  
16 sive land and water use planning in the coastal zone is necessary;

17 BE IT RESOLVED by the Alaska State Legislature that the Legislative  
18 Council is directed to develop a comprehensive coastal zone management policy  
19 and guideline study for state-owned tidelands and uplands, which shall in-  
20 clude voluntary guidelines for the use of private lands found to be in the  
21 coastal zone as it is defined in the study; and be it

22 FURTHER RESOLVED that the coastal zone management policy and guideline  
23 study address the basic aspects of the use of coastal areas including shore-  
24 line use, public access, economic development, resource utilization, and  
25 recreational, historical, cultural, scientific, and conservation considera-  
26 tions; and be it

27 FURTHER RESOLVED that the coastal zone management policy and guideline  
28 study reflect consideration of all possible uses of coastal land and water  
29 (including energy production and transmission, fish and wildlife habitat,

1 industry, housing, recreation, open space, transportation and navigation,  
2 mineral development and agriculture), as well as establish standards for  
3 renewable and nonrenewable resource production practices, shoreline modifica-  
4 tion practices and commercial, residential, industrial and public utility  
5 development practices; and be it

6 FURTHER RESOLVED that the Legislative Council is directed to work with  
7 local planning commissions, boards, committees, or other state entities  
8 established by executive order or legislative action, in developing a Coastal  
9 Zone Management policy and guideline study; and be it

10 FURTHER RESOLVED that the study explore the feasibility of establishing

11 (1) regional coastal advisory boards with a determination of board  
12 functions, for the following main coastal geographical areas of the state:

- 13 (A) Southeastern Alaska Area
- 14 (B) Prince William Sound Area
- 15 (C) Cook Inlet Area
- 16 (D) Kodiak-Alaska Peninsula Area
- 17 (E) Aleutian Chain Area
- 18 (F) Bristol Bay Area
- 19 (G) Yukon-Kuskowim Area
- 20 (H) Arctic Area

21 (2) board membership reflecting the diverse interests within those  
22 areas, and

23 (3) a statewide coastal area board consisting of representatives from  
24 the regional coastal advisory boards, members from the public with repre-  
25 sentation to include at least one member from each of the following special  
26 interests: mining, marine transportation, timber, oil and gas, fishing, and  
27 environmental, and appointees by the President of the Senate, the Speaker of  
28 the House, and the Governor; and be it

29 FURTHER RESOLVED that the study be submitted to the Legislature for its

1 review by the 10th day of the First Session of the Tenth Legislature and  
2 that the final report be submitted to the Legislature for its approval by the  
3 10th day of the Second Session of the Tenth Legislature.

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Introduced: 4/2/76  
Referred: Resources

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 HOUSE CONCURRENT RESOLUTION NO. 123

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 Relating to coastal zone management.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

7 WHEREAS the coastal area of the state is rich in natural and aesthetic  
8 resources; and

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10 resources endanger the natural and aesthetic resources; and

11 WHEREAS the protection, preservation, and restoration of coastal re-  
12 sources is of paramount concern to present and future generations of citizens  
13 of the state; and

14 WHEREAS, in order to protect coastal resources of the state, comprehen-  
15 sive land and water use planning in the coastal zone is necessary;

16 BE IT RESOLVED by the Alaska State Legislature that the Legislative  
17 Council is directed to develop a comprehensive coastal zone management policy  
18 for state-owned tidelands and uplands and voluntary guidelines for the use of  
19 private lands found to be in the coastal zone as it is defined by the council  
20 and be it

21 FURTHER RESOLVED that the coastal zone management policy and guidelines  
22 address the basic aspects of the use of coastal areas including shoreline  
23 use, public access, economic development, resource utilization, and recrea-  
24 tional, historical, cultural, scientific, and conservation considerations;  
25 and be it

26 FURTHER RESOLVED that the coastal zone management policy and guidelines  
27 reflect consideration of all possible uses of coastal land and water (includ-  
28 ing energy production and transmission, fish and wildlife habitat, industry,  
29 housing, recreation, open space, transportation and navigation, mineral

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1 development and agriculture), as well as establish standards for renewable  
2 and nonrenewable resource production practices, shoreline modification prac-  
3 tices and commercial, residential, industrial and public utility development  
4 practices; and be it

5       FURTHER RESOLVED that the coastal zone management policy and guidelines  
6 as developed in the study be submitted to the legislature for its approval by  
7 the tenth day of the First Session of the Tenth Legislature.

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# STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

## LEGISLATIVE AFFAIRS AGENCY

### MEMORANDUM

April 28, 1976

SUBJECT: Fiscal Impact of HCR 123

TO: The Honorable Hugh Malone  
Chairman of House Finance

FROM: James Owers  
Research Analyst

In evaluating the fiscal impact of HCR 123, the main variable that must be assessed is the possibility that Alaska would lose its share of funds under the Federal Coastal Zone Management Act. In FY 77 the state is eligible to receive slightly in excess of \$900,000 in Federal funds, which is the maximum allowed to a single state under the grant formula used in the act.

There are two reasons why Alaska stands a good chance of loosing this money should HCR 123 pass in its present form.

The first is that the plan prepared under HCR 123 calls only for voluntary guidelines on private lands.

The intent of the Coastal Zone Mangement Act is to "encourage the states to exercise their full authority over the lands and waters in the coastal zone" and to develop "unified policies, criteria, standards, methods and processes for dealing with land and water use decisions." In the act "coastal zone" is defined as "the waters and adjacent shorelands strongly influenced by each other." It is therefore reasonably clear that shorelands were not to be treated differently under the provisions of a management plan simply by virtue of their ownership. This conclusion is further supported by the fact that the act provides a specific exemption for federal lands in the coastal zone, which by implication means private lands were not to be excluded or they would also have been specifically exempted. Therefore, a management plan which calls for only voluntary guidelines on private lands would not constitute an acceptable plan under the Federal Coastal Zone Act.

By not having an approvable plan the state: (1) would not be eligible to receive any further planning grants, since in order to receive these funds the state must demonstrate that it is making progress towards a plan that will meet federal approval; (2) the state would not receive funds from the federal government to implement a management plan; (3) federal agencies involved in activities in the coastal zone, such as the Forest Service and Bureau of Land Management, would be under no obligation

to comply with the state plan.

Even should the word "voluntary" be removed, HCR 123 presents a further difficulty in that the lead agency in the state would be taken from the Governor's office of Policy Development and Planning and placed in the Legislative Council.

It is the intent of the Federal office of Coastal Zone Management that a single agency have overall responsibility for the program. In all other states, with the exception of New York, the governor has designated the lead agency. In New York, the legislature designated an executive branch agency.

If transfer of the lead agency role should be disputed, the director of the coastal zone management program in Washington, D.C. has indicated that their office would be reluctant to fund the program until the issue is resolved. Even if the transfer could be accomplished smoothly, a substantial amount of time would be lost, which will again cost the state funds since management development grants will expire at the end of FY 77.

It will therefore be assumed in the fiscal note that federal funds will be withheld, and the cost of developing a coastal zone management program will come entirely from general funds. It is also assumed that work under the program will continue with the same level of funding as appears in the FY 77 budget document less those funds specifically allocated for the outer continental shelf leasing program.

J0:cw

THE LEGISLATURE OF THE STATE OF ALASKA  
FISCAL NOTE  
 Second Session - Ninth Legislature

*REVISED*

*21 May 1976*

I. REQUEST

Bill No. HCR 123  
 Title: "Relating to a Coastal Zone Management Policy and Guideline Study"  
 Requested by: House Finance Date: May 21, 1976  
 Return Date Requested: \_\_\_\_\_  
 Agency: Legislative Affairs Program: Research and Legal

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Legislative Affairs Agency

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES		0	0			
200 TRAVEL		3.7	11.0			
300 CONTRACTUAL		0	0			
400 COMMODITIES		0	0			
500 EQUIPMENT		0	0			
600 LAND & STRUCTURES		0	0			
700 GRANTS, CLAIMS, ETC.		0	0			
<b>TOTAL</b>		<b>3.7</b>	<b>11.0</b>			

B. FUNDING: (Thousands of dollars)

GENERAL FUND		3.7	11.0			
FEDERAL FUNDS		0	0			
OTHER		0	0			

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This project will require a significant commitment of staff resources, for which funds were requested in the FY 77 budget. See attached analysis.

IV. ATTACHMENTS See attached.

V. DATE: May 21, 1976 PREPARED BY: James Owers, Research Analyst  
 Legislative Affairs Agency

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

FISCAL YEAR 1977

Total cost for FY 77 is based on salary of one research analyst for 6 months, one attorney for 3 months, and travel and per diem. This part of the study will include a review of existing testimony and public comments, and a review of present agency programs and travel to coastal communities to meet with local officials and planning commissions. Work product will be a policy and guideline study and proposed draft(s) of needed coastal zone legislation. Salaries will be absorbed in the present Legislative Affairs Agency budget; travel and per diem will involve an additional general fund expense of \$3,659.22

100 PERSONAL SERVICES

One Research Analyst	
Salary and benefits for 6 months	\$15,964.74

One Attorney	
Salary and benefits for 3 months	9,949.83

200 TRAVEL

Travel and Per Diem for 2 persons (See attached chart for locations and cost per person)	3,659.22
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Total Cost for FY 77	\$29,573.79
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FISCAL YEAR 1978

Total cost for FY 78 is based on salary of one research analyst and one attorney for 3 months and travel and per diem for 5 legislators and one staff member to conduct hearings on coastal zone legislation. Work product will be legislation to be introduced by the Legislative Council during the second session of the Tenth Legislature. Salaries can be paid from the operating budget of the Legislative Affairs Agency. Travel will involve an additional general fund outlay of \$10,977.66

100 PERSONAL SERVICES

One Attorney	
Salary and benefits for 3 months	\$ 9,949.83
One Research Analyst	
Salary and benefits for 3 months	7,982.37

200 TRAVEL

Travel and Per Diem for 6 persons (See attached chart for locations and cost per person)	10,977.66
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Total Cost for FY 78	\$28,909.86
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COST PER PERSON TO CONDUCT COASTAL  
ZONE MANAGEMENT STUDY

Sites	Travel Schedule	Cost of Transportation	No. of Days	Per Diem		Total Cost
				Rate	Total	
Petersburg	Juneau to Petersburg	\$ 35.86	1	\$41.00	\$ 41.00	\$ 76.86
Wrangell	Petersburg to Wrangell	20.86	1	41.00	41.00	61.86
Ketchikan	Wrangell to Ketchikan	32.86	1	40.00	40.00	72.86
Sitka	Ketchikan to Sitka	41.86	1	41.00	41.00	82.86
Yakutat	Sitka to Yakutat	58.86	1	41.00	41.00	99.86
Cordova	Yakutat to Cordova	36.86	3	45.00	135.00	171.86
Anchorage	Cordova to Anchorage	28.87	1	45.00	45.00	73.87
Kenai	Anchorage to Kenai	30.00	1	43.00	43.00	73.00
Homer	Kenai to Homer	14.41	1	43.00	43.00	57.41
Kodiak	Homer to Kodiak	24.86	1	43.00	43.00	67.86
Sand Point	Kodiak to Sand Point via Anchorage and King Salmon	138.73	3	49.00	147.00	285.73
Dillingham	Sand Point to Dillingham via King Salmon	115.42	1	49.00	49.00	164.42
Bethel	Dillingham to Bethel via Anchorage	125.72	1	51.00	51.00	176.72
Nome	Bethel to Nome via Anchorage and return to Juneau	315.44	1	49.00	49.00	364.44
TOTAL		<u>\$1,020.61</u>	<u>18</u>	<u>\$44.00</u>	<u>\$ 809.00</u>	<u>\$ 1,829.61</u>

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8 resources; and

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10 resources endanger the natural and aesthetic resources; and

11 WHEREAS the protection, preservation, and restoration of coastal re-  
12 sources is of paramount concern to present and future generations of citizens  
13 of the state; and

BE IT RESOLVED by the Alaska State Legislature that the Governor is directed to submit to the First Session of the Tenth Legislature a proposed program for coastal management which meets the requirements of the federal Coastal Zone Management Act of 1972 [P.L. 92-583], or a status report thereon; and be it

FURTHER RESOLVED that the Governor is directed to establish a Coastal Area Board to provide opportunity for full participation by local and regional interests in the development of a coastal management program, and that the Coastal Area Board shall consist of 18 members representing regional diversity and a broad spectrum of concerns and interests; and be it

FURTHER RESOLVED that the Coastal Area Board shall make recommendations to the Governor to assist in the development of a coastal management program; and in so doing the Coastal Area Board may use staff designated by the Governor; and be it

FURTHER RESOLVED that the Coastal Area Board shall report to the First Session of the Tenth Legislature; such report to include, at least, an assessment of the Governor's progress in developing a coastal management program and responding to public concerns; and be it

FURTHER RESOLVED that the Legislative Council or its designee shall monitor the Governor's progress in developing a coastal management program and shall report its findings to the First Session of the Tenth Legislature.