

Chron. File

Letters by

C/R A

#A

January 17, 1977

Mayor George Sullivan
Municipality of Anchorage
Pouch 6-650
Anchorage, Alaska 99502

Dear Mayor Sullivan:

This letter is to inform you of my selection as Chairman of the Senate Community and Regional Affairs Committee. In this regard I would like to extend to you an invitation to submit to this office any suggestions you might have pertaining to issues concerning local government. This invitation is being extended because I wish to ascertain your sentiments regarding local government matters, and I hope that by receiving your comments we will arrive at solutions to municipal problems which are most beneficial to all concerned.

In addition, if I can render any assistance to you, please feel free to contact me by phone (465-3712) or by letter (Pouch V, Juneau, Ak., 99811).

Very truly yours,

Senator Joe Orsini
Chairman
Community and Regional
Affairs Committee

JO/PC/js

*Copies sent to all
municipalities &
local towns*



Official Business

Alaska State Legislature

Senate
Committee on
Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

January 23, 1978

Mr. David A. Black, Mayor
Haines Borough
Box H
Haines, AK 99827

Dear Mr. Black:

On January 18, the Local Boundary Commission of the State of Alaska submitted recommendations to the Legislature concerning the annexation of land by your Borough.

The Senate Community and Regional Affairs Committee will shortly be reviewing these recommendations before they are taken up for possible action by the Legislature as a whole.

As you are aware, if the Legislature does not act to disapprove the regulations, they automatically take effect within forty-five days of their submittal. Accordingly, I would appreciate receiving as soon as possible your comments on the Boundary Commission's recommendation so that the Committee will have the benefit of your views when it considers these measures.

Sincerely,

A handwritten signature in cursive script that reads "Joe Orsini".

Joe Orsini
Chairman
Community & Regional
Affairs Committee

JO/tb



Official Business

Alaska State Legislature

Senate Committee on Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

January 27, 1978

Mr. Sigvald Strandberg
Chairman
Local Boundary Commission
7235 Blackberry
Anchorage, AK 99502

Dear Mr. Strandberg *Sig*

Further to your telephone conversation this morning with my Administrative Assistant, I would like to invite you and any other members of the Local Boundary Commission to attend the hearings which the Senate Community and Regional Affairs Committee will be holding in regard to your recommendations on the proposed annexations by the Cities of Skagway and Petersburg and the Haines Borough.

The committee meeting is scheduled for 3:00 P.M. in Room 100 of the Assembly Building Tuesday, February 7, 1978.

I look forward to seeing you and any other Commission members who wish to attend at that time.

Sincerely,

Joe Orsini

Joe Orsini
Chairman
Community and Regional
Affairs Committee

JO/tb



Official Business

Alaska State Legislature

Senate
Committee on
Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

February 7, 1978

Rep. Clark Gruening
Chairman
House Interim Committee
On The Permanent Fund
Pouch V
Juneau, Alaska 99811

Dear Rep. Gruening:

I have enclosed a copy of Senate Bill no. 375 ("An act relating to the investment of permanent fund money in community capital facilities") for your information and comment.

SB no. 375 has been referred to the Senate Community and Regional Affairs Committee for action, and I would appreciate your committee's assessment of the concept of using permanent fund monies to finance community capital facilities. I would also be interested in your views regarding the effect that the enactment of such legislation would have on the projected operations of the permanent fund, and whether this possibility was considered as a desirable use for fund monies during the extensive hearings which your committee held on the organization of the fund.

Sincerely,

A handwritten signature in cursive script that reads "Joe Orsini".

Joe Orsini
Chairman
Community and Regional
Affairs Committee

JO/tb

Enclosure: SB 375



Official Business

Alaska State Legislature

Senate
Committee on
Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

February 7, 1978

Sterling Gallagher
Commissioner
Department of Revenue
Pouch S
Juneau, Alaska 99811

Dear Commissioner Gallagher:

Senate Bill 375 ("An Act relating to the investment of permanent fund money in community capital facilities") and Senate Bill 430 ("An Act extending the authority of the Alaska Municipal Bond Bank") have been referred to the Senate Community and Regional Affairs Committee for review.

I would appreciate your comments and assessment of these proposed bills, particularly in regard to any impact SB 375 might have on your Department's planning for permanent fund monies. The Committee would also be interested in any effect which, in your view, the enactment of these measures could have on other areas of your Department's operations.

Sincerely,

A handwritten signature in cursive script that reads "Joe Orsini".

JOE ORSINI
Chairman, Senate
Community & Regional
Affairs Committee

JO:gd

Enclosure(s): SB 375, SB 430



Official Business

Alaska State Legislature

Senate

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

February 15, 1978

*Copy of this
letter sent to
all School Board
Pres.'s 2-16-78
[Signature]*

I have enclosed for your review a copy of Senate Bill no. 501 ("An Act relating to municipal labor relations"), which concerns procedures for binding arbitration in matters involving local public employees, both municipal and school district.

I would very much appreciate your comments and assessment of this proposed legislation so that the Senate Community and Regional Affairs Committee will be able to benefit from your views when it takes up the measure later during the session.

I would like to point out that SB 501 is designed to allow local government or the appropriate administrative body the option adopting either or neither of these means of settling local public collective bargaining disputes. It is not my intent for the legislation in any way to mandate these forms of arbitration to the local governing body, but to permit it to select the most flexible course of action possible and locally desirable.

In this respect, I would also appreciate any suggestions you may have on ways in which SB 501 might be refined or made more responsive to local requirements.

Sincerely,

Joe Orsini

Joe Orsini
Chairman
Community and Regional
Affairs Committee

JO/tb

Enclosure: SB 501



Official Business

Alaska State Legislature

Senate Committee on Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

February 21, 1978

John Pugh, President
5017 Seton Circle
Anchorage, Alaska 99504

Dear Mr. Pugh:

I have enclosed for your review a copy of Senate Bill no. 501 ("An Act relating to municipal labor relations"), which concerns procedures for binding arbitration in matters involving local public employees, both municipal and school district.

I would very much appreciate your comments and assessment of this proposed legislation so that the Senate Community and Regional Affairs Committee will be able to benefit from your views when it takes up the measure later during the session.

I would like to point out that SB 501 is designed to allow local government or the appropriate administrative body the option adopting either or neither of these means of settling local public collective bargaining disputes. It is not my intent for the legislation in any way to mandate these forms of arbitration to the local governing body, but to permit it to select the most flexible course of action possible and locally desirable.

In this respect, I would also appreciate any suggestions you may have on ways in which SB 501 might be refined or made more responsive to local requirements.

Sincerely,

A handwritten signature in cursive script that reads "Joe Orsini".

Joe Orsini
Chairman
Community and Regional
Affairs Committee

JO/tb

Enclosure: SB 501



Official Business

Alaska State Legislature

Senate
Committee on
Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

February 23, 1978

Lee McAnerney
Commissioner
Department of Community
and Regional Affairs
Pouch B
Juneau, Alaska 99811

Dear Commissioner McAnerney:

Senate Bill 502 ("An Act providing for equalization of the tax resources of municipalities and continuing a portion of the program of state aid for municipal purposes") has been referred to this Committee for review and action.

Because of the scope and magnitude of the proposed legislation, I would appreciate receiving your comments and assessment of the measure. I would be particularly interested in your analysis of the formula devised to determine municipal equalization entitlements and how the application of this formula would specifically affect such different Alaskan communities as Anchorage, Bethel and Cordova.

The Committee would also appreciate your assessment of the fiscal impact of the bill on the State and in what ways it would significantly alter present State activities in the areas of revenue sharing, State aid to municipalities and tax equalization.

Sincerely,

A handwritten signature in cursive script that reads "Joe".

JOE ORSINI
Chairman, Senate
Community & Regional
Affairs Committee

JO:gd

Enclosure: (1)



Official Business

Alaska State Legislature

Senate Committee on Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

February 24, 1978

Ernst W. Mueller
Commissioner
Department of Environmental Conservation
Pouch O
Juneau, Alaska 99811

Dear Commissioner Mueller:

Mr. John Davis, the Chairman of the Cook Inlet Air Resource Management District (CIARMD), has presented to the Senate Community and Regional Affairs Committee a revision of CSHB 190 ("An Act relating to municipal air pollution control programs") for consideration by the Committee. A copy of this proposal is attached for your review.

This Committee has taken no position on the CIARMD's proposal at this time. It would, however, be highly useful for the Committee to receive your assessment of the CIARMD draft. I would also appreciate your assessment of the possible impact of recently enacted federal clean air regulations on state statutes incorporating these proposals as well as how the revision of existing state law in this area could affect your Department's air pollution programs.

Sincerely,

A handwritten signature in cursive script that reads "Joe Orsini".

JOE ORSINI
Chairman, Senate
Community and Regional
Affairs Committee

JO:gd

Enclosure: (1)



Alaska State Legislature

Senate

Memorandum

JUNEAU, ALASKA

TO: John W. Katz
Counsel
Federal-State Land Use
Planning Commission for Alaska

DATE: February 25, 1978

RE: Telephone Conversation

FROM: Ben Harding *BH*
Administrative Assistant
Senator Joe Orsini
Pouch V
Juneau, Alaska 99811

I am enclosing a copy of a letter from Murray Walsh to the Office of Coastal Zone Management, NOAA/U.S. Department of Commerce.

Appreciated comments of telephone conversation and look forward to receiving information that you are working on.

BH:gd

Enclosure: (1)



Official Business

Alaska State Legislature

Senate

Committee on
Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

February 25, 1978

Lynn Chrystal, Mayor
City of Valdez
P. O. Box 307
Valdez, Alaska 99686

Dear Mayor Chrystal:

Mr. John Davis, the Chairman of the Cook Inlet Air Resource Management District (CIARMD), has presented to the Senate Community and Regional Affairs Committee a revision of CSHB 190 ("An Act relating to municipal air pollution control programs") for consideration by the Committee. A copy of this proposal is attached for your review.

This Committee has taken no position on the CIARMD's proposal at this time. It would, however, be highly useful for the Committee to receive your assessment of the CIARMD draft. The potential impact which the enactment of legislation along these lines may have on your own air pollution control activities, either presently underway or being planned, could be significant.

Sincerely,

Joe Orsini
JOE ORSINI
Chairman, Senate
Community and Regional
Affairs Committee

JO:gd

Enclosure: (1)

*Also sent to Matanuska-Susitna Borough
Municipality of Anchorage
Kenai Peninsula Borough
Fairbanks North Star Borough*



Official Business

Alaska State Legislature

Senate

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

March 7, 1978

*see Alaska Coastal Management file
for all addresses sent to*

Jack Wick, President
Koniag, Incorporated
P. C. Box 746
Kodiak, Alaska 99615

Dear Mr. Wick:

The Senate Community and Regional Affairs Committee is planning an extensive review of the regulatory Guidelines and Standards being drafted to implement the Alaska Coastal Management Act of 1976.

As you are aware and have indicated by your participation in Coastal Management Program hearings, the impact of coastal management will profoundly affect almost every aspect of life in Alaska. The Legislature will want to insure, when the Coastal Management Program is submitted for its approval, that all segments of Alaskan society have been able to participate in the preparation of the program and that, to the maximum extent possible, it incorporates their views. The Legislature will also wish to examine the program in order to insure that it adequately carries out the legislative intent of the Alaska Coastal Management Act and fully embodies the specific objectives set forth in the Act.

I would therefore appreciate receiving your assessment of the work accomplished to date on the Guidelines and Standards. It would also be useful for the Committee to have the benefit of your views of the adequacy of these regulations in achieving the goals you support. Additionally, I would hope that you will feel free to make any suggestions which, in your judgement, could result in a more effective coastal management program.

Sincerely,

A handwritten signature in cursive script that reads "Joe Orsini".

JOE ORSINI
Chairman, Senate
Community and Regional
Affairs Committee

JO:gd



JUNEAU, ALASKA

Alaska State Legislature

Senate

Memorandum

TO: Representative Hugh Malone
Speaker of the House

DATE: March 8, 1978

RE: CSHB 190

FROM: Joe Orsini

Regarding your inquiry of March 7 on CSHB 190, committee letters were sent out February 24 to the Commissioner of Environmental Conservation and to the Kenai Peninsula Borough, the Municipality of Anchorage, the Matanuska-Susitna Borough and the Fairbanks North Star Borough for their assessment of the revision of CSHB 190 proposed by Mr. John Davis of the Cook Inlet Air Resource Management District. Since no comments have yet been received, no date has been scheduled for a committee hearing at this time.

Similarly, for HB 214 (SB 179), municipal officers from Fairbanks and Anchorage have commented verbally on the proposed legislation and have indicated that they would provide statements in writing. We have not yet received their statements, or statements from any other municipality on the issue.

I would appreciate, however, any background material you could supply me from your own files regarding HB 214 which could be used for the Committee's information.

Joe-

Letters enclosing the new CIARMD draft for CSHB 190 went to Kenai, Matsu, Fairbanks, Anchorage and DEC Feb. 24. To date (3-7-78) there have been no responses. I also talked to Ernie Mueller regarding DEC's position on the bill and he indicated they might have some differences of opinion.

Ben

re- HB 214 (forgiveness of municipal judicial debts, would you like a municipal letter to go out since neither Fairbanks nor Anchorage has commented in writing to us even though they've raised it verbally?



Official Business

Alaska State Legislature

House of Representatives

Office of the Speaker

Pouch V
State Capitol
Juneau, Alaska 99811

M E M O

TO: Senator *Joe* Joseph Orsini, Chairman
Senate Community and Regional Affairs

FROM: Hugh Malone *H. Malone*

DATE: March 7, 1978

I would appreciate any help you could give in scheduling the following bills.

HB 214 Forgiving Amounts Owed for Judicial Services

HB 190 Municipal Air Pollution Control Prgms

Please let me know if you have any problems with the legislation, also, when a convenient time would be.

*Thanks
H. Malone*

Also
Sent to.

Fran Ulmer and Council
Members.



Official Business

Alaska State Legislature

Senate

Committee on
Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

March 8, 1978

Roger W. Allington
Co-Chairman
Alaska Coastal Policy Council
One Sealaska Plaza, Suite 400
Juneau, Alaska 99801

Dear Mr. Allington: *Roger*

The Senate Community and Regional Affairs Committee is continuing its review of the draft Guidelines and Standards prepared by the Alaska Coastal Policy Council. As a result of that review, I have attached a list of questions and concerns on which the Committee would appreciate your response before it resumes consideration of the draft regulations.

The Committee is also interested in receiving as early as possible copies of conveniently sized maps outlining boundaries of the interim local coastal management districts. In particular, Representative Phillip Guy has drawn our attention to the desire of the Association of Village Council Presidents in the lower Yukon region to create a coastal management district with boundaries co-terminous with those of the Calista Regional Corporation. Representative Guy's concern, which is shared by the Committee, is to insure that the boundaries of coastal management districts be determined, to the greatest extent possible, at the local level by the people most directly affected by the program.

In reading the draft regulations, Committee members have noticed 6AAC 80.010(d) which provides for adequate translation of coastal management hearings into the appropriate language of the locality. It is the Committee's view that the issue of language translation should not be addressed as one of the number of coastal management regulations. The Committee believes instead that it should be addressed and resolved by a standard, statewide policy covering all such governmental activities throughout Alaska. If standard procedures are not already provided by state statute, it is the Committee's belief that specific legislation should be drawn up separately.

March 8, 1978

I would like also to convey the Committee's strongly held view that the regulations of the Coastal Management Program should not serve as a vehicle to stifle the development of new economic activity along Alaska's coasts. It was the intent of the Legislature when it passed the Coastal Management Act last year that coastal resources not only be protected but used and developed as well to meet the present and future needs of Alaskans. Any proposed coastal program whose regulations did not clearly carry out this legislative policy would find its passage by the Legislature seriously jeopardized.

On behalf of the Committee, I would like to reiterate our deep interest in reviewing the final draft of the Guidelines and Standards before they are adopted by the Council. I would also like to express our appreciation for the Council's hard work to date on the Coastal Management Program and our best wishes for the task lying ahead.

Sincerely,



JOE ORSINI
Chairman, Senate
Community and Regional
Affairs Committee

JO:gd

cc: Senator Kay Poland
Representative Phillip Guy

Enclosure(s)

SENATE C&RA QUESTIONS ON
DRAFT GUIDELINE AND STANDARDS

6AAC 80.020(a) (1) - what are the staffing requirements?

(4) - this is unclear. Does the staff action become subject to the Coastal Policy Council only if requested by a Council member?

.020(c) (3) - should add "among coastal resource districts and..."

.030(a) - use of phrase "to greatest extent practicable" sounds like an open invitation to appeal to the courts for an interpretation; this section has conflicting subsections:

(a) (3) - in essence restricts waterfront development to only those activities that must be located on the shoreline, e.g. a dock.

.030(b) - this gives the Fish and Game a complete veto power over all coastal management, since it subordinates all other uses to Fish and Game priorities and review. It thus violates the whole concept of planning and the intent of the coastal management act.

(c) - how is "minimizes" defined and what is the determination of cost?

.040(b) - by use of language "shall be prohibited", this could give rise to the interpretation that no development in hazardous areas could take place if potential loss of life and property would be minimal, not necessarily minimized. This would rule out significant activity that, for example, has already occurred in Valdez, without other factors being taken into account.

.050(a) (2) - what constitutes "significant use" or "major"?

(3) - are there any large or significant parts of Alaska that do not fall into this category? i.e., this definition could well encompass the whole state.

(6) - same as for (3). Also who make the determination?

(7) - what about locally important historic places?

The essence of this section seems to be that a number of entities could prevent use of development of coastal area by means of the language "shall have...". The section makes tourism and recreation the predominant use and value for coastal resources.

.050(b) - however this says that "natural and cultural values are more important than tourism and recreation.

.070(a) - Language "greatest extent practicable" is an invitation to a lawsuit. Paragraph (5) is particularly open-ended.

.070(b)(c)(d) - These are also open invitations to lawsuits ("no feasible...alternative" and "minimize")

.080(a) - "maintain and enhance...fishery" - this reserves for fishing the priority for water use--what happens to other uses such as energy development, recreation, scenic, etc?

(b)(4) - if proposed use is not compatible with "adjacent use", does that adjacent use always prohibit development?

.090 - This section was at one time specifically written in such a way as to prohibit virtually all timber harvesting from most of Alaska's coastal areas. Are you satisfied now that the revised language avoids such violations of the Coastal Management Act?)

.090(b) - "not adversely impact" could easily be interpreted as banning all timber harvest.

(b)(4)&(5) - what does "put to bed" mean? Prohibited? And/or dismantled?

.100 - This section on mining is essentially negative and prohibitory in concept. It puts mining into light of least desirable resource use.

.100(a)(1) - "avoid adverse impacts..." What if impacts are unavoidable, or there are valid needs elsewhere to be met?

(2) - are all these "compatibilities" required? Is it reasonable to expect that an activity will readily be compatible with all of these interests?

.100(c)(1) - what is the definition of "feasible"? Again this invites an appeal to courts.

(2) - "extraction takes place only...when...least harmful" - how is "least harmful" defined? Who determines the length of time when "least harmful"? What if the length of time is too short, say, one week or one day a year? Are other factors also considered?

(3) - How is "significant" defined? Who defines it?

.120 - "shall recognize and assure subsistence" - Does this assign priority of subsistence over any other uses? Does it in any way restrict local districts from setting their own priorities, either subsistence or other? Is it possible, for example, for Anchorage to assure subsistence in the upper Cook Inlet district?

.130 - In this section, no definition is given of coastal resources, although biological habitats are extensively described. Does this mean that coastal resources are defined only in terms of their use for biological resources?

.130(b) - this says that fish and game must be maintained at current levels. Would this (paragraph 8) have ever allowed the creation of Anchorage or Juneau if it had been in effect at the time?

.140(d) - by this definition, do "special attention" areas become single use areas?

§5.010(4) - how is "adjacent to" defined? .

(5)(b) - this should be more fully defined, or it could be taken for an EIS. Or is it meant to be an EIS?

(8) - is this the official and formal definition of allowability of various uses?

.020(c) - can the Council review an amendment once the staff has allowed it and put it into effect?



Official Business

Alaska State Legislature

Senate

Committee on
Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

March 9, 1978

James A. Poor, Mayor
City of Cordova
P. O. Box 1210
Cordova, Alaska 99574

Dear Mayor Poor:

Senate Bill 507 ("An Act authorizing state aid to municipalities for the construction and development of cultural facilities") and Senate Bill 508 ("An Act providing for the issuance of general obligation bonds...for the purpose of paying the cost of cultural facilities") have been referred to this Committee for review and action.

In order to provide the background needed by Committee members for their consideration of this legislation, I would appreciate it if you could make the following information available on the projects proposed for your community:

- 1) What specifically would be the use of the facility and what kinds of functions would be undertaken there which could not be accommodated by existing facilities?
- 2) What is the total cost of the facility? How much would be locally funded?
- 3) What do you anticipate the annual operation costs of the facility (maintenance, lights, heat, etc.) to be? How will funds be obtained to meet these costs?
- 4) Do you have a specific site located for this facility? What is the land value of this site? Who currently owns the site? If not municipally owned, how will the site be obtained?
- 5) Is this facility included in the community development plan adopted by your community? Is this facility included in your community's adopted capital improvements program?

Mayor James Poor

-2-

March 9, 1978

- 6) What additional infrastructure support will be required (roads, sewers, power, etc.) for the site? How much will this additional infrastructure cost for construction be? How will funds be obtained for these costs?

I would also hope that you can inform me of any additional needs and projections which you believe may develop in your community for cultural facilities over the next decade.

Sincerely,

JOE ORSINI
Chairman, Senate
Community and Regional
Affairs Committee

JO:gd

Enclosure(s): (2)

✓ Peter Jack Sr., Mayor
City of Ancon
P.O. Box 189

99890

✓ George M. Sullivan, Mayor
Municipality of Anchorage
Pouch 6-650

99502

✓ James A. Poor, Mayor
City of Cordova
P.O. Box 1510

99574

✓ Freeman A. Roberts, Mayor
City of Billingsham
P.O. Box 191

99576

✓ Gail J. Wallace
City of Skins
P.O. Box 576

99557

✓ William A. Moran
City of Ketchikan
P.O. Box 7200

99901

✓ A. D. Oon...
135 S. ...
...
... 99501

✓ ...
City of ...
P.O. Box ...

✓ Gary Bradford, Mayor
Bristol Bay Borough
Box 159

Malonek 99633

✓ ...
City of Petersburg
P.O. Box 339

99833

✓ Ben F. Grussendorf
City & Borough of Sitka
P.O. Box 79

99825

✓ Robert Messer
City of Skagway
P.O. Box 415

99840



Official Business

Alaska State Legislature

Senate Committee on Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

March 10, 1978

The Honorable Billy Akers
State House of Representatives
Pouch V
Juneau, Alaska 99311

Dear Billy:

The Senate Community and Regional Affairs Committee will be holding hearings on Senate Bill 501 ("An Act relating to municipal labor relations") which explores new concepts and approaches in the field of collective bargaining at the municipal level. These hearings will be video-broadcast from Juneau to the communities of Ketchikan, Anchorage, Bethel, Fairbanks and Nome on March 30th.

For your background information, I have enclosed a copy of the letter sent by the Committee to mayors and interested parties in those communities notifying them of the video-hearings and providing details of the arrangements.

If you are interested in following the public testimony on new directions in resolving public collective bargaining impasse disputes, I would like to invite you or members of your staff to attend these hearings.

Sincerely,

A handwritten signature in cursive script that reads "Joe".

JOE ORSINI
Chairman, Senate
Community and Regional
Affairs Committee

JO:gd

Enclosure(s): 2



Official Business

Alaska State Legislature

Senate

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

March 10, 1978

Leo Rasmussen, Mayor
City of Nome
P. O. Box 281
Nome, Alaska 99762

Dear Mayor Rasmussen:

The Senate Community and Regional Affairs Committee has scheduled a video-conference hearing on March 30th for Senate Bill 501 ("An Act relating to municipal labor relations") which is intended to explore new concepts and approaches in the field of collective bargaining at the municipal level.

SB 501 was drawn up to allow local government or the appropriate administrative body the option of adopting either, or neither, of the procedures outlined in the attached legislation as a means of resolving local public collective bargaining impasses. It was not my intent to mandate any of these forms of arbitration to local government bodies, but to permit them to select the most flexible and most responsive approach to the needs of the local situation.

Because of the increasing public interest in collective bargaining in the public sector, I would like to invite representatives from your organization to present your views on the proposed legislation at the hearing. The video-conference will be broadcast from Juneau to the communities of Ketchikan, Anchorage, Fairbanks, Bethel and Nome at 12:30 p.m. (Juneau time) on March 30th. Persons are welcome to attend the meeting in Juneau, but I would ask that only participants in the other communities testify. If time permits and all the participants outside Juneau who wish have testified, Juneau participants may present testimony. If there is inadequate time to hear all those desiring to testify, further hearings may be scheduled.

Mr. Peter Fromuth of the Legislative Affairs Agency in Juneau will be handling the technical and organizational arrangements for the video-conference. Either he or video-conference moderators in communities outside Juneau may be contacted for details involving these matters. (names attached)

Mayor Leo Rasmussen

-2-

March 10, 1978

In order to provide the Committee with a better idea of the extent of possible testimony, I would appreciate your informing me if you or your representatives wish to speak at the March 30th hearing.

Sincerely,

Joe Orsini

JOE ORSINI
Chairman, Senate
Community and Regional
Affairs Committee

JO:gd

Enclosure(s): SB 501

LETTERS SENT TO THE EXECUTIVE DIRECTORS OF: APEA, NEA-Alaska, Alaska Association of School Boards, League of Women Voters, Alaska Chamber of Commerce

AND TO THE MAYORS OF: Ketchikan (city and borough), Anchorage Bethel, Fairbanks (city and borough) and Nome.

VIDEO-CONFERENCE MODERATORS

Anchorage - Charity Kadow	278-3668
Bethel - Peter Twitchill	543-3131
Fairbanks - April Moore	452-4449
Ketchikan - Sandy Wendte	225-9675
Nome - Myrtle Johnson	443-2770



Official Business

Alaska State Legislature

Senate

Committee on
Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

March 10, 1978

Leo Rasmussen, Mayor
City of Nome
P. O. Box 281
Nome, Alaska 99762

Dear Mayor Rasmussen:

The Senate Community and Regional Affairs Committee has scheduled a video-conference hearing on March 30th for Senate Bill 501 ("An Act relating to municipal labor relations") which is intended to explore new concepts and approaches in the field of collective bargaining at the municipal level.

SB 501 was drawn up to allow local government or the appropriate administrative body the option of adopting either, or neither, of the procedures outlined in the attached legislation as a means of resolving local public collective bargaining impasses. It was not my intent to mandate any of these forms of arbitration to local government bodies, but to permit them to select the most flexible and most responsive approach to the needs of the local situation.

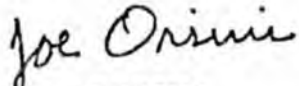
Because of the increasing public interest in collective bargaining in the public sector, I would like to invite representatives from your organization to present your views on the proposed legislation at the hearing. The video-conference will be broadcast from Juneau to the communities of Ketchikan, Anchorage, Fairbanks, Bethel and Nome at 12:30 p.m. (Juneau time) on March 30th. Persons are welcome to attend the meeting in Juneau, but I would ask that only participants in the other communities testify. If time permits and all the participants outside Juneau who wish have testified, Juneau participants may present testimony. If there is inadequate time to hear all those desiring to testify, further hearings may be scheduled.

Mr. Peter Fromuth of the Legislative Affairs Agency in Juneau will be handling the technical and organizational arrangements for the video-conference. Either he or video-conference moderators in communities outside Juneau may be contacted for details involving these matters. (names attached)

March 10, 1978

In order to provide the Committee with a better idea of the extent of possible testimony, I would appreciate your informing me if you or your representatives wish to speak at the March 30th hearing.

Sincerely,



JOE ORSINI
Chairman, Senate
Community and Regional
Affairs Committee

JO:gd

Enclosure(s): SB 501

LETTERS SENT TO THE EXECUTIVE DIRECTORS OF: APEA, NEA-Alaska, Alaska Association of School Boards, League of Women Voters, Alaska Chamber of Commerce

AND TO THE MAYORS OF: Ketchikan (city and borough), Anchorage Bethel, Fairbanks (city and borough) and Nome.

VIDEC-CONFERENCE MODERATORS

Anchorage - Charity Kadow	278-3668
Bethel - Peter Twitchill	543-3131
Fairbanks - April Moore	452-4449
Ketchikan - Sandy Wendte	225-9675
Nome - Myrtle Johnson	443-2770



Official Business

Alaska State Legislature

Senate Committee on Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

March 14, 1978

Jonathan Solomon, Mayor
City of Fort Yukon
P. O. Box 269
Fort Yukon, Alaska 99740

Dear Mayor Solomon:

Senate Bills 507 and 508 authorizing state aid to municipalities for the construction and development of cultural facilities have been referred to this Committee for review and consideration. (Copies of the bills are attached for your information).

At this time, the Committee is aware of twelve Alaskan communities which have proposed slightly over \$72 million in cultural projects under the provisions of this legislation introduced by Senator Pat Rodey. They include Dillingham (\$9 million), Cordova (\$3.4 million), and Petersburg (\$3.5 million). Since your community was not one of those listing plans for cultural facilities, I would appreciate your reviewing the attached bills and notifying the Committee if your community would wish to participate in the cultural facilities program, assuming it is approved by the Legislature.

I would also appreciate any other comments or suggestions you might have on the proposed legislation.

Sincerely,

A handwritten signature in cursive script that reads "Joe Orsini".

JOE ORSINI
Chairman, Senate
Community and Regional
Affairs Committee

JO:gd

Enclosure(s): SB 507 and 508

LETTERS SENT TO THE MAYORS OF: Fairbanks, Fairbanks North Star Borough, North Slope Borough, Bethel, Nome, Seward, Kenai, Yakutat, Kotzebue, Delta Junction, Nenana, Palmer, Mat-Su Borough, Kenai Peninsula Borough, Fort Yukon, Unalaska, North Pole, Galena, Wrangell, Soldotna, Wasilla and Homer.

Sent to:

all Home Rule Cities.

all Boroughs

all First Class Cities

Bethel & Kotzebue



Official Business

Alaska State Legislature

Senate Committee on Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

March 16, 1978

Frank Benson, Mayor
City of Galena
Box 149
Galena, Alaska 99741

Dear Mayor Benson:

I am writing further to my letter of February 15, 1978, in which I asked your assessment of Senate Bill 501 regarding collective bargaining for municipal employees.

A number of local government bodies have expressed their concern to me that SB 501 could force binding arbitration on municipal governments and school districts. As such, they stated that they opposed this kind of legislation which, in a case of school boards in particular, would remove a significant portion of the authority of legally constituted governing bodies to carry out their responsibilities.

It was not my intent or that of the legislation to create such a situation. I am concerned, however, that local governments may find themselves compelled in the future to accept binding arbitration from an outside arbitrator. The purpose of SB 501 was to allow local governments the option of selecting other forms of collective bargaining. Such options included taking the last best offer from both sides of a deadlocked negotiation process to a vote of the people, the election of local arbitrators who would be part of the community and, at election time, answerable to it, as well as a suggestion made recently from Anchorage that the municipal assembly sit as final arbitrator.

I believe conditions in the Legislature and elsewhere are such that major efforts will soon be made to extend binding arbitration throughout local government in Alaska. I would hope that SB 501 could serve as a conceptual framework to develop new approaches and new ideas so that the initiative, direction and accountability in collective bargaining can be maintained and enhanced at the local level.

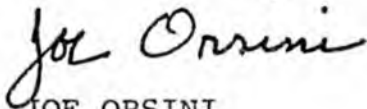
Mayor Frank Benson

-2-

March 16, 1978

In this respect, it is my hope that you will be able to use SB 501 as a vehicle to work out new concepts, and that you will feel free to provide me with your thinking on how it can be shaped to meet local needs.

Sincerely,

A handwritten signature in cursive script that reads "Joe Orsini".

JOE ORSINI
Chairman, Senate
Community and Regional
Affairs Committee

JO:gd



Official Business

March 27, 1978

Alaska State Legislature

Senate
Committee on
Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

Bill Berrier, Director
Division of Legal Services
Pouch Y
Juneau, Alaska 99811

Dear Mr. Berrier *Bill*

In early April the Alaska Coastal Policy Council plans to submit for legislative approval the Council's proposed Guidelines and Standards to implement the Alaska Coastal Management Act of 1976.

I would appreciate your assessment of the extent of the Legislature's legal authority to approve these regulations. For example, it has been my understanding that the Legislature would be required either to accept or reject the proposed Guidelines and Standards as a package. The questions has been raised, however, if the Legislature could not in fact approve or reject the Council's submission section by section.

In your review of this issue, it would also be useful to have your comments on the authority of the Legislature to amend or rewrite portions of the proposed Guidelines and Standards during the legislative review process. Additionally, I would like your opinion if legislative approval of the Council's submission would preclude later administrative review by the Legislature of the promulgated regulations.

The Coastal Policy Council will meet in Juneau on March 30 to begin its final drafting of the Guidelines and Standards before their transmittal to the Legislature. I would appreciate your replies to the questions I have raised before that date so that the issue may be discussed in Committee before the Council adjourns.

Sincerely,

Joe

JOE ORSINI
Chairman, Senate
Community and Regional
Affairs Committee

JO:gd

cc: Senator Rader
Senator Poland

All borough mayors, all first class city mayors, plus the mayors of Bethel, Kotzebue, Fort Yukon, Delta Junction, and info copy to AK Municipal League.



Official Business

Alaska State Legislature

Senate Committee on Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

March 29, 1978

Dear Mayor:

The Senate Community and Regional Affairs Committee has so far this session attempted to keep you informed of all pending legislation that would affect your municipality and to solicit your views on the adequacy of legislative proposals before this Committee.

The Legislature has now reached, presumably, the latter part of the session, and the growing press of legislation will make it increasingly difficult for this Committee to request your comments on legislation before scheduling and holding hearings on bills. I would urge that you use the time remaining before the legislative pace intensifies to review your legislative priorities and to contact this and other committees regarding your requirements.

I will take all possible steps to notify you of pending legislation, but personnel of your municipality should follow legislative activity in Juneau as closely as possible. Larger municipalities with more extensive staffs and access to legislative information offices will find this considerably easier to do than smaller, more isolated communities, but I hope that all municipalities will make every effort to keep themselves abreast of legislation having potential impact in their areas.

Sincerely,

A handwritten signature in cursive script that reads "Joe Orsini".

JOE ORSINI
Chairman, Senate
Community and Regional
Affairs Committee

JO:gd



Official Business

Alaska State Legislature

Senate

Committee on
Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

April 3, 1978

John C. Davis
Chairman
Cook Inlet Air Resources
Management District
821 L Street
Anchorage, Alaska 99501

Dear Mr. Davis:

The Senate Community and Regional Affairs Committee has discussed at some length with Commissioner of Environmental Conservation Ernst Mueller and his Deputy Jerry Reinwand the provisions of the proposed committee substitute you have submitted for House Bill 190.

The Department of Environmental Conservation has informed us that it supports in principle the concept of delegating state air pollution control responsibilities to local bodies. It has noted, however, that the State itself is legally responsible to the federal government for meeting many of the provisions of the Federal Clean Air Act and numerous EPA regulations. An inadvertent action by a local air control body could jeopardize a number of federally funded programs throughout the State of Alaska.

Mr. Reinwand did point out that under current state statutes the Department of Environmental Conservation may delegate most, if not all, the responsibilities which the Cook Inlet Air Management District is seeking under CSHB 190. We would encourage you to pursue this possibility with the Department.

In the meantime, the Committee has asked the Department to submit in writing its proposed amendments to CSHB 190. We expect to receive them this week and will contact you regarding your comments to them.

Sincerely,

Joe Orsini

JOE ORSINI
Chairman, Senate
Community and Regional
Affairs Committee

JO:gd

cc: Tom Hanna, Department of Environmental Conservation



Official Business

Alaska State Legislature

Senate Committee on Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM:

April 3, 1978

TO: Jack Chenoweth
Legal Services
Legislative Affairs Agency

FROM: Joe Orsini *JO*
Chairman,
Senate Community and Regional Affairs Committee

RE: Municipal Jurisdiction Over Tide Lands

In regard to Senate Bill 374 relating to the transfer of tide lands to the City of Skagway, I would appreciate your opinion of the legal jurisdiction which a municipality would exercise, through its planning and zoning or other authority, in the following circumstances:

- 1) For a private individual operating on privately-owned tide land.
- 2) For a state agency operating on state tide land
- 3) For a private individual operating on state tide land with a state permit or a state lease.

JO:tb



Official Business

Alaska State Legislature

Senate
Committee on
Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

April 4, 1978

Theodore G. Smith
Director
Division of Land and Water
Management, DNR
323 East 4th Avenue
Anchorage, Alaska 99501

Dear Ted:

As we discussed today by telephone, I would appreciate your comments regarding some additional aspects of Senate Bill 374 relating to the transfer of tide lands to the City of Skagway.

Since this bill was introduced, a number of other municipalities have also expressed an interest in obtaining title to tide lands in their area if the Legislature approves the transfer of the lands designated in SB 374 to Skagway.

In this regard, it would be useful for the Committee to know whether the Department of Natural Resources would object to: (1) legislation allowing other municipalities in Alaska to select tide land adjacent to recreational and park areas at the Federal, state and local level; and (2) if you would object to legislation conveying to interested municipalities all tide lands lying within municipal boundaries.

Your response to these points will be helpful to the Committee in clarifying some of the constitutional and technical questions raised by the bill.

Sincerely,

A handwritten signature in cursive script that reads "Joe Orsini".

JOE ORSINI
Chairman
Community and Regional
Affairs Committee

JO:tb

LETTER TO: CITY OF KETCHIKAN, KETCHIKAN GATEWAY BOROUGH, CITY AND
BOROUGH OF SITKA, MUNICIPALITY OF ANCHORAGE, NORTH SLOPE BOROUGH,
CITY OF KOTZEBUE, BRISTOL BAY BOROUGH, CITY OF DILLINGHAM,
KENAI PENINSULA BOROUGH, CITY OF KENAI, MATANUSKA-SUSITNA BOROUGH,
CITY OF PALMER, CITY OF NOME, CITY OF BETHEL, FAIRBANKS NORTH
STAR BOROUGH, CITY OF FAIRBANKS, KODIAK ISLAND BOROUGH, CITY OF
VALDEZ



Official Business

Alaska State Legislature

Senate

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

May 3, 1978

Mayor George M. Sullivan
Municipality of Anchorage
Pouch 6-650
Anchorage, Alaska 99502

Dear Mayor Sullivan:

The Senate Community and Regional Affairs Committee passed out of Committee CSSB 599 ("An Act relating to regulation of the sale of alcoholic beverages by municipalities") on May 2. This bill would allow a municipality, if it chose to exercise the option, to disapprove liquor license applications before the applications could be considered by the Alcoholic Beverage Control Board.

If a municipality did not wish to become involved in the regulation of liquor licensing, the present situation of direct licensing by the Alcoholic Beverage Control Board would continue.

A second section of CSSB 599 provides for communities, if they desire, to exercise a third option regarding the sale of alcohol in their areas. CSSB 599's provision would allow residents of a community to vote on an intermediate option of prohibiting the sale of distilled (i.e. "hard") liquor but allowing the sale of low alcoholic, non-distilled beverages (i.e. beer and wine).

CSSB 599 has no further committees of referral, except for review by the Rules Committee, before it goes to the Senate floor for a full vote.

Members of the Senate welcome at all times your comments on this legislation and your views on how these options could strengthen the effectiveness of local government. I would like to draw your attention to the fact, however, that CSSB 599 is likely to be scheduled for Senate floor action shortly and that your comments will be most useful if they can be submitted as soon as possible to the Legislature.

Sincerely,

A handwritten signature in cursive script that reads "Joe Orsini".

JOE ORSINI
Chairman, Senate
Community and Regional
Affairs Committee

JO:gd

Enclosure: CSSB 599

Alaska State Legislature

SENATOR
JOE ORSINI
2912 ALDER DRIVE
ANCHORAGE, ALASKA 99504



WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA
99811

Senate

May 3, 1978

MEMORANDUM

To: Mr. Larry Vavra

From: JOE ORSINI, Chairman, Senate Community and
Regional Affairs Committee

RE: COASTAL MANAGEMENT REGULATIONS

On April 7, 1978, the Alaska Coastal Policy Council submitted to the Legislature the final draft of the Guidelines and Standards for the state's Coastal Management Program. These regulations had been revised by the Council during its meeting in Juneau at the end of March.

The Senate Community and Regional Affairs Committee will be reviewing these regulations, as adopted by the Council, in the near future. Unless persons and organizations affected by the regulations indicate specific problem areas in the Guidelines and Standards, the general feeling within the Legislature will be to approve them, thereby giving them the effect of law.

I would urge you to review the attached regulations, if you have not already done so, and present any comments or suggestions you may have directly to this Committee. The Community and Regional Affairs Committees in the House and Senate are the only committees to which the Guidelines and Standards have been referred for hearings, and the press of legislative business requires that action be taken on them as soon as possible.



Official Business

Alaska State Legislature

Senate Committee on Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

May 4, 1978

Avrum M. Gross
Attorney General
Pouch K
Juneau, Alaska 99811

Dear Mr. Gross:

Since the introduction by this Committee of Senate Concurrent Resolution 103 approving the regulations adopted by the Alaska Coastal Policy Council, a number of questions have been raised regarding the Legislature's approval of the Coastal Management Program's Guidelines and Standards.

Recently, legal testimony was given to the Committee that there was no need for the Legislature to approve the Coastal Management Program regulations. The argument was made that these regulations were, in fact, no different from other administrative regulations and need no action by the Legislature to put them into effect.

A second question was also raised. It has been the Committee's understanding that legislative approval of the Guidelines and Standards, by means of SCR 103 or its House counterpart, would not preclude later review of the regulations by the Legislature if the need arose. This procedural flexibility, as well as the responsiveness shown by the Coastal Policy Council, has done much to dispel concern in the Legislature that the regulations of the Coastal Management Program could impose unchangeable and authoritarian zoning restrictions on Alaska's coastline.

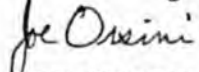
In this regard, a legal view was presented to the Committee that the Legislature's approval, through these concurrent resolutions, could possibly preclude the Legislature from repealing the regulations through the regulation review process at a later date. The opinion reasoned that, once the Legislature gave approval by resolution, it could not later repeal the coastal management regulations unless the statutes on which they were based had themselves been changed.

Avrum M. Gross
Attorney General

May 4, 1978
Page Two

In view of the importance of the Coastal Management Program, I would appreciate your assessment of these legal views and your comments regarding the Legislature's legal authority to act.

Sincerely,



JOE ORSINI
Chairman, Senate
Community and Regional
Affairs Committee

JO:gd

Enclosure: (1)

STATE OF ALASKA
THE LEGISLATURE

POLICY - STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

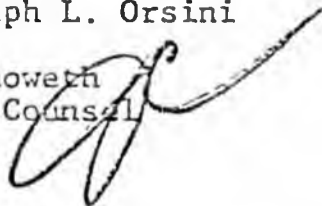
LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 28, 1978

SUBJECT: Opinion request: Review and approval of
coastal management regulations

TO: Senator Joseph L. Orsini

FROM: John B. Chenoweth
Legislative Counsel 

Your March 27th request of Bill Berrier with respect to the scope of legislative review of pending coastal management regulations has been referred to me for reply.

The scope of legislative review of regulations embodying guidelines and standards applicable to the adoption and implementation of coastal management programs by municipalities and service areas does not appear to me to differ from the scope of review authorized for other agency regulations under AS 44.62.320: the Legislature may, by concurrent resolution, annul an agency-adopted regulation. Nothing requires the Legislature to act on this body of regulations as a single unit, though that is, of course, one means by which the Legislature may proceed.

I am aware of the contention that the regulations required to be adopted by the Coastal Policy Council are ineffective until approved by adoption of a concurrent resolution or by vote of the members at a joint session of the Legislature. The argument presumably rests on AS 46.40.080.

The Alaska coastal management program adopted by the council, and any additions, revisions, or amendments of the program, take effect upon adoption of a concurrent resolution by a majority of the members of each house of the legislature or by a vote of the majority of the members of each house at the time the houses are convened in joint session to confirm executive appointments submitted by the governor.

Senator Joseph L. Orsini
Page 2
March 28, 1978

I cannot say that the section cited requires prior affirmative action of the council's regulations. Prior approval is mandated for "the coastal management program" and for "additions, revisions, and amendments of the [coastal management] program," which, in the context of the legislation (absent a definition of the term "program"), appears to include only the individual planning elements prepared by the municipalities and service areas. As AS 46.40 now reads, it is not certain that approval by the Legislature is a requisite to having the regulations take effect.

The Legislature may not directly rewrite or repromulgate administrative regulations. It may amend or repeal the underlying statutory authority, thereby necessitating review and repeal or revision of affected regulations.

Because prior legislative approval of the council submission is not required under the interpretation offered herein, your question regarding the propriety of approval followed by later legislative review (presumably for purposes of annulment of the regulation) is moot.

JBC:jpd



Official Business

Alaska State Legislature

Senate
Committee on
Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

May 8, 1978

Robert E. LeResche
Commissioner
Department of Natural Resources
Pouch M
Juneau, Alaska 99811

Dear Commissioner LeResche:

I am writing further in regard to SB 374 which would transfer tide lands currently owned by the State into the ownership of the City of Skagway.

Representative Mike Miller has recently suggested that SB 374/BB 657 might be redrafted to avoid raising the constitutional questions which the Attorney General believes are contained in the legislation.

I have enclosed a copy of his suggested committee substitute and I would appreciate your comments regarding the effects of this legislation on your Department.

Sincerely,

A handwritten signature in cursive script that reads "Joe Orsini".

JOE ORSINI
Chairman, Senate
Community and Regional
Affairs Committee

JO:gd

Enclosure(s): (2)



Official Business

Alaska State Legislature

House of Representatives

Office of the Majority Leader

Pouch V
State Capitol
Juneau, Alaska 99811

May 5, 1978

M E M O R A N D U M

TO: Senator Joe Orsini
FROM: Mike Milden

Joe--

You will recall that you've been hesitant to bring up House Bill 657--relating to tidelands near Skagway--because of adverse ruling from the Attorney General. I've taken the liberty of having the bill redrafted as a suggested committee substitute. The Attorney General himself assures me that the redrafted legislation no longer has Constitutional problems. Your consideration of this legislation would be greatly appreciated.

CC: Senator Bill Ray
Representative Jim Duncan
Attorney General Avrum Gross

Original sponsors: Miller and Duncan

1 IN THE HOUSE

2 SENATE CS FOR HOUSE BILL NO. 657

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to transferral of tide and submerged
7 lands; and providing for an effective date."

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

9 * Section 1. A home rule city or city of the first class may apply for a
10 conveyance of all tide and submerged land contiguous to land owned by the
11 city if the land owned by the city is used as a public park and it was
12 granted to the city by the United States for the purpose of use as a public
13 park. Applications made within one year after the effective date of this Act
14 shall be processed by the director of the division of lands of the Department
15 of Natural Resources or his designee. The director shall convey the tide and
16 submerged land to the city. The city shall use the land in a manner which is
17 compatible with the use of the contiguous land as a public park. The direc-
18 tor shall prescribe the manner for filing applications and may promulgate
19 regulations to implement this Act.

20 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
21 070(c).

22

23

24

25



Official Business

Alaska State Legislature

Senate

Committee on
Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

May 10, 1978

The Honorable Ted Stevens
United States Senate
260 Russell Building
Washington, D. C. 20510

Dear Senator Stevens: *Ted*

I have enclosed for your information and background use a copy of a letter recently submitted to this Committee by the U.S. Coast Guard regarding the implementation of the Alaska Coastal Management Act.

My reason for bringing this letter to your attention involves its implicit questioning of the concept underlining the Coastal Management Act passed by the Alaska Legislature in 1976. Specifically, Rear Admiral J.B. Hayes believes that when the Alaska Legislature authorized the creation of local management districts it violated the intent of the federal Coastal Zone Management Act:

"b. Section 923.12(a) requires the State to 'develop policies and procedures by which uses determine to be subject to the management program will be permitted conditioned, modified and/or prohibited. These policies and procedures regarding management of uses and/or their impacts must be capable of effective implementation at the time of program approval'. Alaska's section 6 AAC 85.070 and 6 AAC 85.080 delegates these functions to the districts. This creates a situation where each district's uses and policies may differ and is therefore not authorized under the federal regulations."

I believe that Admiral Hayes' concerns overlook two underlying elements. First, local district programs must be consistent with the statewide Guidelines and Standards adopted by the Alaska Coastal Policy Council and these regulations, in turn, guarantee priority of action to matters of national concern. Secondly, regulations to be effective and equitable, must accurately reflect local circumstances. The differences in topography, climate, biota and human activity between such areas as southeast Alaska, upper Cook Inlet or the Bering Sea coast are more fundamental than those separating Washington State from Oregon, or New Jersey from North Carolina. Yet these states all have individual, essentially uncoordinated coastal programs for the Coast Guard to deal with.

The Honorable Ted Stevens
Page Two

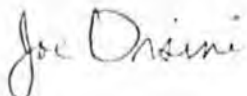
May 10, 1978

These regional disparities were the basis for the Alaska Legislature's decision to authorize local management districts. I seriously doubt that a monolithic set of regulations would well serve coastal management in this state or treat equitably the diversity of Alaska's peoples and regions.

I hope that the concerns expressed by Admiral Hayes can be satisfactorily settled here in Alaska. While I can sympathize with the Coast Guard's irritation at being asked to comment on six separate drafts of the proposed regulations within a six month period, these requests should also be seen as evidence of the State's good faith efforts to involve federal agencies in each step of the preparation of the regulations.

If, however, the differences with the Coast Guard escalate beyond the state level and the legality of Alaska's Coastal Management Act is challenged or jeopardized in Washington, D.C., I would hope that you would be able to explain to the federal government the compelling reasons for the structure of Alaska's Coastal Management Act, and to work towards preventing its dilution at the federal level. I have a great deal of personal apprehension that failure to have Alaska's Act adopted by the federal government would lead to an increase in Federal control in Alaska's coastal area. I hope this apprehension is not justified.

Sincerely,



JOE ORSINI
Chairman, Senate
Community and Regional
Affairs Committee

JO:gd

cc: Senator Poland
Senator Rader, President
Rep. Rudd
Rep. Cowper



DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

MAILING ADDRESS
Commander (dpl)
17th Coast Guard District
P. O. Box 3-5000
Juneau, Ak 99802
(907) 586-7355

16000

1 MAY 1978

Honorable Joseph L. Orsini
State of Alaska Senate
Pouch V
Juneau, AK 99811

Dear Mr. Orsini:

The Coast Guard appreciates the opportunity to correspond with your committee concerning the 13 April 1978 Standards and Guidelines for Alaska's Coastal Management Program (ACMP). These Standards and Guidelines represent a considerable departure from the previous drafts on which the Coast Guard was allowed to comment. The Coast Guard feels that this version of the Standards and Guidelines is severely deficient in the areas of participation, specificity, and priority of uses.

Participation. The Office of Coastal Zone Management in Alaska has attempted to provide federal agencies with the opportunity to participate in the development of Alaska's program. Section 923.51 of the federal regulations requires, however, that the State "provide for federal agency input on a timely basis." The Coast Guard feels that the State has been deficient in this regard due to the shortness of time allowed for agency comments between successive drafts of the Standards and Guidelines. This is the sixth occasion in the last six months that the Coast Guard has commented on a different draft of this document. This rapidity of drafts has not allowed sufficient time for coordination between the various agencies of the Department of Transportation, nor the opportunity to carefully evaluate the content of the Program. Furthermore, this "final" version of the Standards and Guidelines was approved by the Council and submitted to the legislature without an opportunity for federal review, even though it differed substantially from previous drafts. Written comments have yet to be received by the Coast Guard addressing our stated concerns. The Coast Guard feels therefore that this past history of short lead times for response combined with the lack of formal feedback from the State does not meet the federal requirements for participation.

Section 306(c)(1) of the Coastal Zone Management Act requires federal agency participation in the development of the Program at an early stage in the process. The Coast Guard recommends that a provision for this participation be included in section 6 AAC 80.020 of the Standards.

The Coast Guard has commented on several occasions that a mechanism is needed for government participation at the district level in the development of the local plans. The Coast Guard is concerned that each district may develop its own mechanism for government participation and then cite compliance or non-compliance with this mechanism as evidence of government participation. Because the actual decision concerning adequacy of participation will be made at the State level by the Council, the Coast Guard feels that it is very important that a well developed State mechanism for participation be defined as part of the ACMP. If this accomplished, the process will not vary from district to district and all parties will have a clear understanding of their responsibilities and opportunities. It is therefore recommended that Section 85.100 be expanded to detail exactly when, where, and how government agencies will be allowed to participate in the development process.

Priority of Uses.

Section 923.13 of the federal regulations requires that the State must: "(1) Identify what constitute uses of regional benefit; and (2) identify those methods that shall be used to assure that unreasonable restrictions or exclusions of such uses by local land and water use regulations shall not occur." The Coast Guard finds no mention of regional benefit, national interest, or defense considerations in the Guidelines and Standards. National Defense, including Coast Guard functions and responsibilities such as search and rescue and fisheries enforcement, should be identified in Chapter 80, Article 2 of the Standards as an important priority use of the Coastal Zone. This priority provides the basis for regulating future land and water use, provides a common reference point for resolving potential conflicts, and is important for future acquisition of areas not presently controlled by the Coast Guard.

Section 6 AAC 80.080 of the Standards addresses water based transportation routes. Under the Ports and Waterways Safety Act of 1972, the Coast Guard is authorized to establish vessel traffic services in ports, harbors, and other waters subject to congested vessel traffic. Any district plans dealing with the management and control of vessel traffic should be coordinated with the Coast Guard to insure such plans are compatible with Coast Guard traffic control responsibilities. There is also considerable regional and national interest connected with transportation and these considerations should be mentioned in this section.

Specificity. The present Standards and Guidelines are lacking in specificity and substance and, as a result, the plans developed and implemented by the Alaska Coastal Resource Districts may vary so widely that the Coast Guard may be compelled to operate under as many as 50 different

plans within Alaska rather than under one plan which is implemented by various local government units. This situation would present an unacceptable burden on the Coast Guard and other federal agencies and is therefore considered a serious defect which must be remedied.

The Coast Guard feels that the Standards and Guidelines are deficient in the following areas concerning specificity:

a. The standards and criteria upon which decisions pursuant to the program will be based are not sufficiently specific to provide "(i) a clear understanding of the content of the program, especially in identifying who will be affected by the program and how, and (ii) a clear sense of direction and predictability for decision makers who must take actions pursuant to or consistent with the management program." These provisions are required by section 923.3(a)(2) of the Federal Coastal Zone Management Approval Regulations.

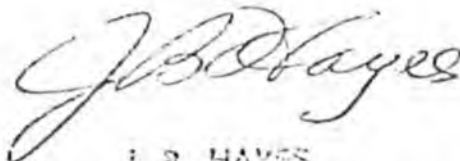
b. Section 923.12(a) requires the States to "develop policies and procedures by which uses determined to be subject to the management program will be permitted, conditioned, modified, and/or prohibited. These policies and procedures regarding management of uses and/or their impacts must be capable of effective implementation at the time of program approval." Alaska's section 6 AAC 85.070 and 6 AAC 85.080 delegates these functions to the districts. This creates a situation where each district's uses and policies may differ and is therefore not authorized under the federal regulations.

The effective implementation required under this section can not occur under Alaska's present Standards and Guidelines. If the State delegates the responsibilities of establishing uses and policies to the individual districts (85.070 and 85.080), and the district policies and uses are not submitted to NOAA with the ACMP (district plans will be developed later), it is impossible to implement meaningful management procedures regarding unknown uses and policies. It is therefore not clear what status the Program will have before the district plans are in place.

c. Section 923.12(e) of the Federal regulations states that "to the extent a state's government program policies are generalized, performance standards that will be used to enforce these policies will need to be sufficiently explicit and specific that persons affected by the management program will have a reasonable understanding of what uses would be permitted in which locations of the Coastal Zone and under what condition." The Coast Guard feels that the Standards are neither explicit nor specific and do not provide the required clear understanding as to what uses are permitted in any location.

The Coast Guard is very interested in coastal zone management and desires to work closely with the State of Alaska in implementing the ACMP. However, the mere opportunity to comment on the various stages of combined plan development when with the lack of response received concerning these comments, can not be considered real participation. The continued failure of the State to react to the concerns expressed herein is viewed as a matter of concern and is considered a serious continuing deficiency under the federal regulations. I am hopeful that these defects can be corrected before the ACMP is sent to NOAA, and am looking forward to continuing interaction with the State in coastal zone matters.

Sincerely,



J. B. HAYES

Rear Admiral, U. S. Coast Guard
Commander Seventeenth Coast Guard District



Official Business

Alaska State Legislature

Senate

Committee on
Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: BILL BERRIER DATE: May 10, 1978
 Legal Services

FROM: JOE ORSINI RE: SCS CSHB 133
 Chairman

I would appreciate your opinion of the Legislature's authority to mandate the transfer of school, university and mental health trust lands from their present ownership to municipalities, provided the trusts are reimbursed with state lands of equal assessed value.

Currently under SCS CSHB 133, the concurrence of the trust boards would first have to be obtained before a municipality could select trust land. Some concern has been expressed that trustees would be reluctant to approve the transfer of land whose value is known and steadily appreciating for land more remotely situated in the state. Since the provision for the transfer of centrally-located trust lands is a key element in enabling land-short municipalities to obtain their land entitlement under SCS CSHB 133, any indication that these transfers might be blocked or held up for extensive periods of time would have serious consequences for the legislation.

In that regard, we have noted with interest a March 28, 1978, memorandum by Mr. Kenneth Rosenstein, Legislative Affairs Agency, which concludes that as long as the State maintains the purpose for which the trust lands were created in may authorize the sale of these lands. Given Mr. Rosenstein's conclusion, it would be useful for the Committee's consideration of SCS CSHB 133 whether you believe the Legislature could authorize the transfer of these lands on the basis of compensation of land of equal value elsewhere in the state.

JO:gd



Official Business

Alaska State Legislature

Senate Committee on Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

June 5, 1978

James A. Poor, Mayor
City of Cordova
P. O. Box 1210
Cordova, Alaska 99574

Dear Mayor Poor:

House Bill 781 ("An Act authorizing state aid to municipalities for the construction and development of cultural facilities") has been referred to this Committee for review and action. A copy of the bill is attached for your information and review.

House Bill 781 is the House version of Senate Bill 507, in which we have had previous correspondence with your office. HB 781 has been amended by the House Finance Committee, with additions not previously included in the other proposed legislation.

In the Committee Substitute version, two additions have drawn our attention:

- (1) Page 6, lines 10 and 11: "for purposes of this section, a cultural facility may be considered an educational facility"
This inclusion of educational facilities appears to greatly broaden the scope of the legislation. Your input and proposals concerning educational facilities to be included would be appreciated.
- (2) Page 6, lines 22 through 29; and page 7, lines 1 through 20: establishing an Advisory Commission on Cultural Facilities, membership as recommended by the State Council on the Arts.
This new commission would assume design and financing responsibility and authority. Because of the range of responsibilities of the proposed commission, this Committee would very much appreciate your comments.

Due to this late date in which the legislation has been referred to this Committee, it is very necessary that we receive your input and comments quickly. There is great interest in passing the legislation out of Committee, but we are also concerned that your community's needs are met.

Mayor James A. Poor
Page Two
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We would also appreciate any other comments or suggestions you might have on the proposed legislation.

Sincerely,

A handwritten signature in cursive script that reads "Joe Orsini".

JOE ORSINI
Chairman, Senate
Community and Regional
Affairs Committee

JO:gd

Enclosure: HB 781

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Official Business

Alaska State Legislature

Senate

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Pouch V
State Capitol
Juneau, Alaska 99811

June 6, 1978

Edward J. Hoffman, Manager
U. S. Department of the Interior
Alaska Outer Continental Shelf Office
P. O. Box 1159
Anchorage, Alaska 99510

Dear Mr. Hoffman:

I appreciate your response to my letter of April 27, 1978, requesting your comments on the Guidelines and Standards as adopted by the Alaska Coastal Policy Council on April 7, 1978.

I can understand the concerns which you and other federal agency representatives have expressed. These concerns appear chiefly to be that the Guidelines and Standards are too vague and general, that they provide for a non-uniform development of local district programs, and that they provide little or no formal mechanism for federal participation or consideration of national interests, at the state or local level.

Please bear in mind that the Guidelines and Standards were drawn up to implement the provisions of the Alaska Coastal Management Act of 1977, and that the regulations must be read in the context of that Act. Members of the State Legislature were very conscious, at the time of the passage of the Act, that Alaska's coastline is longer than the rest of the nation's coast combined and that the geographic, cultural, and climatic diversity of Alaska's coastal areas equalled or surpassed divergences in the US as a whole. These realities required that as flexible an approach as possible be taken and that rigid or simplistic classifications be avoided.

Since the lives and livelihood of the eighty percent of Alaska's population living in coastal areas would be significantly affected by the coastal management program, the legislators also wished to insure that the problems which Alaskans have previously experienced from inflexible attempts to apply uniform regulations, throughout the state regardless of local conditions or circumstances, would not be repeated.

In regard to federal participation in the Alaska Coastal Management Program, it was never the intention of either the Legislature or, to the best of my knowledge the Office of Coastal Management, to exclude

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federal agencies from areas of national concern. The reason why the state Act and the Guidelines and Standards did not address in detail issues of national defense, navigable waters, and other issues of national concern is the fact that they are areas of national interest over which neither the state nor local districts can claim jurisdiction.

The state Act does in fact recognize the overriding importance of national concerns by providing in Section 46.35.210(6) of the Act for "uses of state concern" which supercede local programs. These "uses of state concern" include "uses of national interest" which are further defined as national energy needs, resource development of federal land, navigation, and national defense. By including this provision in the Act, the Legislature wished to make clear that the State did not intend to become involved in areas of national concern nor attempt to place legal or procedural restrictions in the path of federal agencies carrying out their regular functions.

I also appreciate the concerns you have expressed regarding a number of technical points in the drafting of the Guidelines and Standards. Frankly, it had been our hope that such questions could have been resolved before the regulations reached the Legislature for approval. The Tenth Legislature is now in its last days of session before adjournment and new elections. If we do not act on the regulations now, and state law allows us only to approve or delete regulations but not amend them, we will have made it impossible for NOAA to approve the Alaska program this year. The Legislature will be reluctant to create this situation unless major structural problems are found in the Guidelines and Standards or unless NOAA is willing to extend its support program to Alaska for another year.

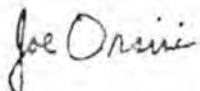
Since we have no indication that either of these situations are likely, we feel constrained to take action this year on the state regulations. I would hope that the questions you have raised with this Committee could be taken before the Alaska Coastal Policy Council when it meets later this year to begin the implementation of the coastal management program. We believe that, as the Council and the local districts gain experience, numerous changes will be required at the working level of the program to reflect accurately the vast disparities of conditions in Alaska. It may also be that a number of the technical or procedural questions you have raised will turn out not to be significant but that the implementation of the program will reveal more serious problems in other areas where no difficulties had been foreseen.

It has been the State's intention to cooperate fully at all levels with federal agencies in carrying out the Alaska Coastal Management Program. We hope, in turn, that you will continue the same coopera-

Edward J. Hoffman
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June 6, 1978

tion with us at the state and local areas. I firmly believe that without this kind of cooperation between federal agencies and the State it will not be possible to implement successfully a program for the unprecedentedly complex conditions of Alaska's coastal areas.

Sincerely,



JOE ORSINI
Chairman, Senate
Community and Regional
Affairs Committee

JO:gd

cc: Sen. Rader
Sen. Poland
Rep. Rudd
Fran Ulmer
Roger Allington

Saivatore DeLeonardis, Chief
Planning & Program Coordinator
U.S. Department of the Interior

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U.S. Department of the Interior

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Assistant-Area Director - Environment
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J.B. Hayes
Rear Admiral, U.S. Coast Guard
Commander 17th Coast Guard District

Gene Hanna, Chairman
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Acting Manager
Alaska Outer Continental Shelf Office
U.S. Department of the Interior