

SB

562



# Committee Log Book - 1980

Tape Number XXV

SENATE C/RA

Side Number 1

Committee \_\_\_\_\_

Dates 4/29/80 to --

PRESENT: Chairman Sturgulewski, Senators Kelly, Stimson, Mulcahy and Rodey.

Bill Numbers Discussed

SCR 66	CSSB 562	CSHB 192 am						
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Date & Time	Tape Meter Number	Bill	Significant Information (Witness, Action)
1:40	005	SCR 66	Chairman Sturgulewski reviews SCR 66
	(063)		Recorder started to work better....
	124		Senator Rodey
	140		Senator Rodey moved to "do pass"
	154	CSSB 562	Chairman reviews SB 562
	193		Senator Mulcahy
	228		Representative Osterback
	288		Dep. Commissioner Marie Matsumo/ Dept. C/RA
	399		Chairman Sturgulewski and Murray Walsh/ Coastal mgmt.
	446		Sen. Rodey - REAA's
			Chairman Sturgulewski, Veronica Clark - Dept. C/RA
			Sen. Stimson
	558		Senator Mulcahy moves to pass CSSB 562
	580	CSHB 192	Chairman Sturgulewski, and Representative Gardiner
	753		Representative Gardiner suggests amendment
	138		Chairman Sturgulewski referred action to next date
			Discussion re Jack Krienharter/ amendments devised by Rep. Rogers, etc.
	456		Larry Crawford/ Gene Husick of Anch. Municipality
	760		Chairman Sturgulewski re scheduling for more work..

Side 2

REAA 8,9,10,

(18 19 21)  
maybe

Introduced: 4/15/80  
Referred: Community &  
Regional Affairs

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 SENATE BILL NO. 562

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the formation of coastal resource  
7 service areas; and providing for an effective date."

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

9 \* Section 1. AS 46.40.120(b) is amended to read:

10 (b) The commissioner of the Department of Community and Regional  
11 Affairs may, after public hearings held in the area affected, consoli-  
12 date two or more regional educational attendance areas as a single  
13 coastal resource service area or may divide an existing regional educa-  
14 tional attendance area into two or more coastal resource service areas  
15 according to geographic, cultural or other features relevant to coastal  
16 management planning

17 (1) if a substantial portion of the coastal area contains  
18 land and water area owned by the federal government over which it  
19 exercises exclusive jurisdiction or land held in trust by the federal  
20 government for Alaska Natives over which the state would not exercise  
21 control as to use, or

22 (2) if, after giving due consideration to the standards  
23 applicable to incorporation of borough governments and the likelihood  
24 that a borough will be incorporated within the area, the commissioner  
25 determines that the functions to be performed under this chapter could  
26 be undertaken more efficiently through the combination of two or more  
27 regional educational attendance areas as a single coastal resource  
28 service area or through the division of a regional educational attendance  
29 area into two or more coastal resource service areas.

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

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Official Business

# Alaska State Legislature

## House of Representatives

Committee on

Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

4/28/80

TO: Tam Cook  
FROM: Marjorie Gorsuch  
RE: CS HB992/ CSSB 562

Please modify the CSHB992 (CSSB562) in a new CS to include the following:

- p. 1 line 12 "hearings held in the regional educational attendance area affected..."
- p. 1 line 13 "into no more than three coastal resource ..."
- p. 1 line 14 "according to geographic, cultural, economic, environmental or other features..."
- p. 1 line 16 Change word "district" to "area"
- p. 1 line 19 Add a new (2) which would provide:  
  
Cities within the coastal resource service areas formed under this section are part of the coastal resource service area and may not exclude themselves.
- p. 1 line 19 Renumber as (3) Change "district" to "area"
- p. 2 line 2,3 Change "district" to "area"
- p. 2 line 8 Change "is excluded" to "excludes itself"
- p. 2 line 9 Change "must" to "shall"

Tam,

The Senate side would like the final version of the CS ready with these changes for its meeting Tuesday, April 29 at 1:30 P.M. The House would like theirs ready for Wed., April 30 at 8:30 A.M.

CS SB 562/HB 992

SUGGESTED AMENDMENTS TO SB 562/ HB 992

1.

46.410 120 is amended

ADD (c) For purposes of coastal zone management only, REAA the commissioner of the DCRA may, after public hearings held in the area affected, divide an existing REAA into two or more coastal resource service areas, according to geographic, cultural or other features relevant to coastal management planning.

(1) Other factors not withstanding, <sup>each</sup> ~~xxxx~~ coastal resource service district formed as a subdivision of an REAA, must contain at least one first class or home rule city.

(2) No coastal resource service ~~xxxx~~ district formed prior to the effective date of this act may ~~subdivide~~ be subdivided for coastal planning purposes.

~~(3) A subdivision of an REAA formed for the purposes of coastal management planning may join cooperatively with another coastal resource service area for coastal zone management purposes, upon approval of the Commissioner.~~

Sec. 2. AS 46.<sup>35</sup>190 is amended to read:

46.35.190 COOPERATIVE ADMINISTRATION. ~~AND~~ (a) A city within the coastal ~~xxxxxxx~~ area which is not part of an adjacent coastal resource service area may ~~xxxx~~ exclude (INCLUDE) itself for purposes of this chapter ...

(1) ~~The 46.35.190~~ The provisions of 46.35.190 (a) do not apply to coastal resource service districts formed under 46.40.120 (c).

(b) Nothing in this chapter restricts or prohibits cooperative or joint administration of functions between a municipality, ~~and~~ a coastal resource service district formed under 46.40.120 (c) and a coastal resource service area organized under the provisions of this chapter upon initiation of a mutual agreement for the purpose.

(1) A mutual agreement for cooperative or joint administration is required when a city selects to exclude itself from an adjacent coastal resource service area under the provisions of 46.35.190 (a).

Suggested changes to minimize potential adverse effects of this legislation.

1. For each subdivision of an REAA, specify a minimum percentane of the REAA's coastline that must be in each subdivision (this would work toward minimizing potential super fragmentation by establishing a standard for CRA to use).

1124  
#  
4

2. For each subdivision of an REAA, specify that it must contain at least one ~~first or second class~~ cities. This would also serve the purpose of minimizing numbers of subdivision and insuring a "lead" community which could administer the program, as Regional Corporations will be less likely to serve that role under the draft legislation. If this is adopted #1 above may not be essential.

(22)

3. Add language that states that 46.40.190 does not apply to subdivisions of an REAA. This further insures #2 above, i.e., that first class city cannot opt out of a subdivided REAA coastal resource service district. If opting out is allowed, then you could have small districts without any population to speak of.

4. Change 46.40.190 to provide for opting out rather than opting in. This would apply to all REAAs.

5. Change 46.40.190 (b) so that when a first class city opts out of a coastal resource service district, a cooperative agreement is mandatory.

Add language to require that in this case of an opted out first class city, a city representative sit on the coastal resource service district board and vice versa as ex officio members.

6. Regarding crsd boards, change the language to provide for board numbers from 5-11 (as is the REAA board) instead of the inflexible seven member board.

7. Insure that either by mentioning the REAAs which can subdivide or ~~no~~ otherwise, provide that the ability to subdivide is not retroactive. We want to avoid situations in which a crsd that has completed a czm plan won't go back, subdivide, and get funded agin for another czm plan.

incorporation

8. Eliminate all references to boro/standards being used for subdivisions. It would set a poor precedent to in any way imply that these small subdivisions are potential regional governments. Suggested language might be : "For purposes of coastal zone management planning only, coastal resource service districts may be formed from a part of an REAA" or other words that would state that boro incorporation standards are not being used.

opt out  
to plan  
district  
standards

# STATE OF ALASKA

## COASTAL POLICY COUNCIL

April 17, 1980

### LOCAL MEMBERS:

Donald Gilman,  
Lower Cook Inlet,  
Co-Chairman  
Stanley Anderson,  
Bering Straits  
Jon Halliwell,  
Northern Southeast  
Eben Hobson,  
Northwest  
Malcolm "Pete" Isleib,  
Prince William Sound  
John Nelson,  
Southwest  
Robert Sanderson,  
Southern Southeast  
Lidia Selkregg,  
Upper Cook Inlet  
Betty Wallin,  
Kodiak-Aleutians

The Honorable Arliss Sturgulewski, Chairman  
Senate Community and Regional Affairs Committee  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Dear Senator Sturgulewski:

The Alaska Coastal Policy Council, at its last meeting on March 18 and 19, 1980, took action on four items related to coastal management that will be of interest to the Legislature and in particular to the two Community and Regional Affairs Committees.

### STATE MEMBERS:

Frances Ulmer,  
Director of Policy  
Development &  
Planning  
Co-chairman  
Robert Ward  
Commissioner of  
Transportation &  
Public Facilities  
Charles Webber,  
Commissioner of  
Commerce &  
Economic  
Development  
Robert LeResche,  
Commissioner of  
Natural Resources  
Lee McAnerney,  
Commissioner of  
Community &  
Regional Affairs  
Ernst Mueller,  
Commissioner of  
Environmental  
Conservation  
Ronald Skogg,  
Commissioner of  
Fish & Game

Resolution 79-2 of the Rural Alaska Coastal Management Conference, requesting Continuation of Coastal Resource Service Area (CRSA) boards, was endorsed by the council with a request for implementation powers deleted. Resolution 79-6 of the Rural Alaska Coastal Management Conference requesting the creation of interior resource districts, was endorsed in its entirety by the council. Copies of the resolutions, as the council endorsed them, are attached for your information.

The council supports CSSB 348, CSSB 349, and CSHB 581, as described by Ms. Margo Waring, which deal with local governments and make provisions for unorganized boroughs, including the division of rural education attendance areas.

Finally, the council voted to request amendment of section 46.40.120 (b) of the Alaska Coastal Management Act as follows:

The Commissioner of the Department of Community and Regional Affairs may, after public hearings held in the area affected, consolidate two or more regional education attendance areas as a single coastal resource service area or may subdivide an existing regional education attendance area, according to geographic, cultural, or other features relevant to coastal management planning.

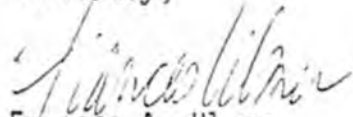
This proposed amendment is now before the House of Representatives as HB 992, currently pending in the House Community and Regional Affairs Committee.



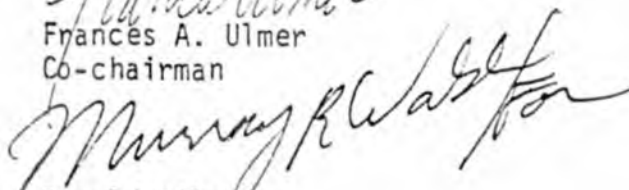
The Honorable Arliss Sturgulewski -2- April 17, 1980

If further information is required, please contact Murry Walsh,  
Coordinator of the Office of Coastal Management (465-3540).

Sincerely,



Frances A. Ulmer  
Co-chairman



Donald Gilman  
Co-chairman

Attachments

RESOLUTION 79-2 OF THE RURAL ALASKA COASTAL MANAGEMENT CONFERENCE

AS ENDORSED BY THE ALASKA COASTAL POLICY COUNCIL

ENTITLED: REQUESTING CONTINUATION OF COASTAL RESOURCE SERVICE AREA  
BOARDS.

WHEREAS, the Alaska Coastal Management Act of 1977 allows for the formation of coastal resource service areas in the unorganized borough for the purpose of developing coastal management programs, and

WHEREAS, the Department of Community and Regional Affairs provides funding and technical assistance so that coastal management plans may be developed and approved; and

WHEREAS, the coastal resource service area is formed after an election by the communities in the affected region; and

WHEREAS, the coastal resource service area boards are comprised of members from those various communities; and

WHEREAS, there is currently no provision for funding of coastal resource service area boards after the approval of their plans; and

WHEREAS, there is no mechanism for coastal resource service areas to monitor the implementation of their plans; and

WHEREAS, there is no mechanism for coastal resource service areas to monitor consistency determinations made by state agencies;

NOW THEREFORE BE IT RESOLVED that the Alaska State Legislature amend the Alaska Coastal Management Act of 1977 in order that the coastal resource service boards maintain their identity and be funded after approval by the Coastal Policy Council and the legislature of their coastal management plans.

RESOLUTION 79-6 OF THE RURAL ALASKA COASTAL MANAGEMENT CONFERENCE

AS ENDORSED BY THE ALASKA COASTAL POLICY COUNCIL

ENTITLED: REQUEST FOR CREATION OF INTERIOR RESOURCE DISTRICTS.

WHEREAS, the State of Alaska and the federal government have released oil and gas lease schedules for the next five years; and

WHEREAS, the State of Alaska and the federal government have enacted legislation providing for the formation of coastal resource districts; and

WHEREAS, the federal government and the State of Alaska provide funds for implementation of coastal zone management plans to the coastal districts; and

WHEREAS, the State of Alaska's five year schedule includes oil and gas lease sales in the interior of Alaska; and

WHEREAS, oil and gas development and pipeline construction in the Interior has the same impact as offshore development; and

WHEREAS, these interior areas have no legislative basis for creating district plans and no source of funding districts in the event of oil and gas lease sales and pipeline construction; and

WHEREAS, the Department of Community and Regional Affairs is allocated funds for the development of coastal districts,

Now, therefore, be it

RESOLVED, that the Department of Community and Regional Affairs search for a method of funding resource districts in the areas of the Interior which will be impacted by state oil and gas lease sales and pipeline construction, and

BE IT FURTHER RESOLVED that the Alaska State Legislature fund interim planning districts.

April 10, 1980

Don Gilman, Co-chair  
Alaska Coastal Policy Council  
Soldotna, Alaska  
and  
John Haltermann, Co-chair  
Alaska Coastal Policy Council  
Juneau, Alaska

Dear Messrs. Gilman and Haltermann:

Recently Representative Osterback sponsored, through the house Resources Committee, HB 992, An Act relating to the formation of coastal resource service areas; and providing for an effective date. This bill, as I understand it, seeks to solve problems encountered in the Alaska Peninsula/Aleutian chain in establishing viable coastal resource service districts.

A similar bill may be introduced on the Senate side, by Senator Mulcahy. As Chair of the Senate Community and Regional Affairs Committee, I would appreciate hearing from you regarding this bill--your and the Council's view both of the problem and of this particular solution to that problem.

Thank you for your cooperation.

Sincerely,

Arliss Sturgulewski  
Senator, District 10-H

CITY OF UNALASKA

PO. BOX 89  
UNALASKA ALASKA 99685  
581-1251

"Capital of the Aleutians"



March 17, 1980

Mr. Lawrence H. Kimball, Jr.  
Director, Division of Community Planning  
Alaska Department of Community and Regional Affairs  
225 Cordova, Building B, Suite 104  
Anchorage, Alaska 99501

*copy*  
Dear Mr. Kimball:

The City Council, by motion, has instructed me to contact your office to determine the feasibility of amending AS 46.40.120 to permit the Commissioner discretionary authority to establish coastal resource service areas which encompass areas smaller than REAA's. It is the view of the City Council that participation in a properly drawn service area could be a more effective mechanism for Unalaska's taking part in coastal management under the Act than either as its own district or as part of a district taking in most of the Chain.

Any assistance which your office could render in drafting a candidate amendment would aid us greatly in approaching our legislators on the question and would be greatly appreciated.

Sincerely yours,

CITY OF UNALASKA PLANNING DEPARTMENT

*Rich*  
Richard Careaga, AICP  
Director of Planning

RECEIVED  
DEPT. OF COMM & REG. AFFAIRS  
COMM. PLANNING  
Date 3/19

CITY OF UNALASKA

PO BOX 89  
UNALASKA ALASKA 99685  
581-1251

"Capital of the Aleutians"



UNALASKA, ALASKA

March 24, 1980

Mr. Lawrence H. Kimball, Jr.  
Director  
Division of Community Planning  
Department of Regional and Community Affairs  
225 Cordova, Building B.  
Anchorage, AK 99501

Dear Mr. <sup>Garry</sup> Kimball

In response to your letter of March 21, 1980 concerning the language of a possible amendment to AS 46.40.120(b), I can state the amendment accomplishes precisely the purpose which the City Council hopes for. I have discussed the language of the amendment with City Manager Burton; it has the support of the City administration. At the next regular City Council meeting (April 10, 1980), we shall report on the swift response which we have had from the Division to our request for assistance and inform the Council of the proposed amendment.

Thank you, again, for the attention which you have given this matter.

Sincerely,

CITY OF UNALASKA PLANNING DEPARTMENT

  
Richard Careaga, AICP  
Director of Planning

RECEIVED  
DEPT. OF COMM & REG AFFAIRS  
COMM. PLANNING

Date 3/26

Application of ACMP to the  
Aleutian/Pribilof Island Region

Problem:

Options provided under the Alaska Coastal Management Act for formation of "coastal resource districts" are not applicable to the Aleutian/Pribilof Island Region.

Background:

The Aleutian/Pribilof Island Region presents a unique situation relative to the establishment of coastal resource service areas. Within the Region are three first-class cities (Sand Point, King Cove and Unalaska) as well as regional educational attendance areas 8, 9 and 10 (Aleutian Chain, Pribilof and Adak).

Under present law the first-class cities have the option of becoming single coastal resource service areas, thus establishing their own coastal management planning programs within their respective political boundaries, or of joining forces with the REAA's to develop a regional planning effort.

In addition, the three REAA's may become separate coastal resource service areas or, under authority granted in AS 46.40.120(b) the Commissioner of the Department of Community and Regional Affairs, may consolidate REAA's 8, 9 and 10 into one or two service areas for coastal management purposes.

Given these conditions there exists the possibility of one or six, or any combination within these numbers, coastal resource service areas being created within the Aleutian/Pribilof Island Region.

The population of the Region is approximately 3600 with 2274 (63%) residing in the three first-class cities (Sand Point 773, King Cove 733 and Unalaska 768). The second-class communities of Akutan and St. Paul contain 652 residents, 85 and 567 respectively. Total Regional population residing in incorporated municipalities totals 2926 or 81%. Clearly, if the first-class communities elect to establish their own programs within their jurisdictions, the remaining area (REAA's 8, 9, & 10) will be substantially diluted of human resources with which to develop and implement a coastal management program.

Land interests in the region are geographically complex. Village corporations were unable to select ANCSA entitlements within the core townships of Native villages due to the configuration of islands and Federal reserves. As such, village corporations selected deficiency lands under the Act this resulted in the ownership of land many miles from their respective villages. An example is the Tanadquisix Corporation at St. Paul (Pribilof Islands). Tanadquisix Corporation has substantial land holdings approximately 200 miles away on Unalaska Island. This is the case for a majority of the Aleutian's village corporations thus creating an extremely fragmented pattern of land ownership and land interests throughout the chain.

Several Aleutian villages are vacant of population, yet represent vast land holdings and thus development interests for shareholders residing elsewhere. Unga and Sanak are two cases in point. Village Corporation members from Unga and Sanak reside in Sand Point yet hold major land interests outside of Sand Point's City boundaries. They fear that should Sand Point elect to become a coastal resource service area they, as residents of Sand Point, will be precluded from having a voice in a coastal management program which encompasses their corporate land holdings.

The communities, on the other hand, would prefer to work with the respective corporations in a coastal management program but do not care to be involved or necessarily influenced by actions a thousand miles away.

The Aleutian/Pribilof Island Region situation strongly indicates the need to provide a third option for creating coastal resource service areas. This option would address the need to create service districts which emphasize common interests and geographic proximity in areas where land mass, economic interests and population are not contiguous.

Proposed Legislative Amendment

Section 3 AS 46.40.120(b) is amended to read:

*geographic features*

(b) The Commissioner of the Department of Community and Regional Affairs may, after public hearings held in the area affected, consolidate two or more regional educational attendance areas as a single coastal resource service area or may subdivide an existing regional education attendance area according to geographic, cultural or other features relevant to coastal management planning.

Sharing Program.

9

PRIBILOF ISLANDS

Saint Paul ▲

St. George ▲

10

ANDREANOF

Adak Island ●

8

Nelson Lagoon

Herend

Pavloff Harbor ●

Squaw

Butkots ▲

King Cove

Senak ●

Unimak Island

False Pass ▲

Cold Bay ●

768

Dutch Harbor ●

Unalaska

Unimak Island

Ft Gienn ●

Nikolski ▲

FOX

ALEUTIANS

ISLANDS

RAT ISLANDS

ANDREANOF

ISLANDS

ALEUT CORP.

B R

178°

176°

174°

172°

170°

168°

166°

164°

162°

Amchitka Pass

Unimak Pass

Atka Island

Atka

Sequiam Pass

Amakhta Pass

768

85

133

CITY OF UNALASKA

PO BOX 89  
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Under present law the first-class cities have the option of becoming single coastal resource service areas, thus establishing their own coastal management planning programs within their respective political boundaries, or of joining forces with the REAA's to develop a regional planning effort.

In addition, the three REAA's may become separate coastal resource service areas or, under authority granted in AS 46.40.120(b) the Commissioner of the Department of Community and Regional Affairs, may consolidate REAA's 8, 9 and 10 into one or two service areas for coastal management purposes.

Given these conditions there exists the possibility of one or six, or any combination within these numbers, coastal resource service areas being created within the Aleutian/Pribilof Island Region.

The population of the Region is approximately 3600 with 2274 (63%) residing in the three first-class cities (Sand Point 773, King Cove 733 and Unalaska 768). The second-class communities of Akutan and St. Paul contain 652 residents, 85 and 567 respectively. Total Regional population residing in incorporated municipalities totals 2926 or 81%. Clearly, if the first-class communities elect to establish their own programs within their jurisdictions, the remaining area (REAA's 8, 9, & 10) will be substantially diluted of human resources with which to develop and implement a coastal management program.

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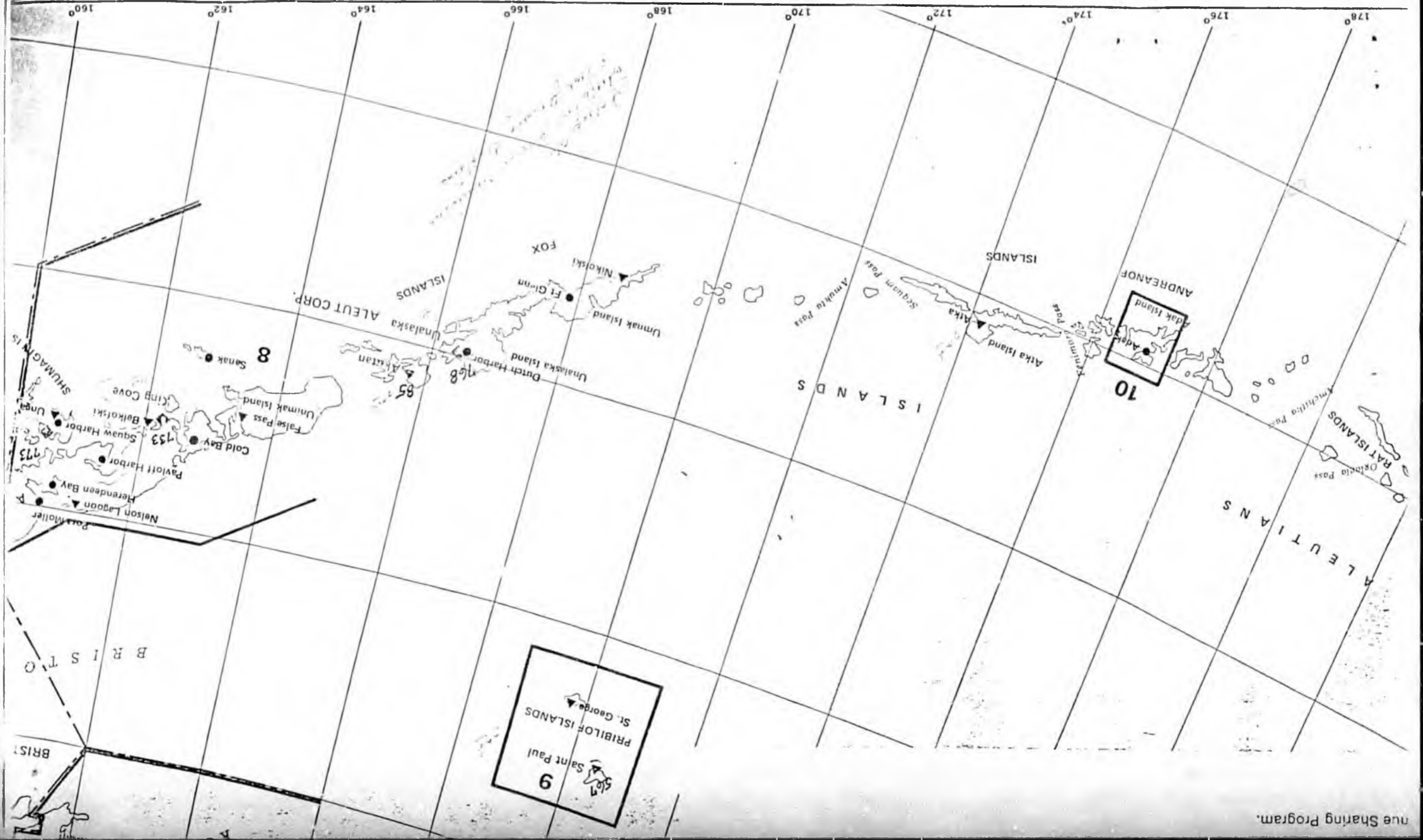
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Given these conditions there exists the possibility of one or six, or any combination within these numbers, coastal resource service areas being created within the Aleutian/Pribilof Island Region.

The population of the Region is approximately 3600 with 2274 (63%) residing in the three first-class cities (Sand Point 773, King Cove 733 and Unalaska 768). The second-class communities of Akutan and St. Paul contain 652 residents, 85 and 567 respectively. Total Regional population residing in incorporated municipalities totals 2926 or 81%. Clearly, if the first-class communities elect to establish their own programs within their jurisdictions, the remaining area (REAA's 8, 9, & 10) will be substantially diluted of human resources with which to develop and implement a coastal management program.

Land interests in the region are geographically complex. Village corporations were unable to select ANCSA entitlements within the core townships of Native villages due to the configuration of islands and Federal reserves. As such, village corporations selected deficiency lands under the Act this resulted in the ownership of land many miles from their respective villages. An example is the Tanadqusix Corporation at St. Paul (Pribilof Islands). Tanadqusix Corporation has substantial land holdings approximately 200 miles away on Unalaska Island. This is the case for a majority of the Aleutian's village corporations thus creating an extremely fragmented pattern of land ownership and land interests throughout the chain.

Several Aleutian villages are vacant of population, yet represent vast land holdings and thus development interests for shareholders residing elsewhere. Unga and Sanak are two cases in point. Village Corporation members from Unga and Sanak reside in Sand Point yet hold major land interests outside of Sand Point's City boundaries. They fear that should Sand Point elect to become a coastal resource service area they, as residents of Sand Point, will be precluded from having a voice in a coastal management program which encompasses their corporate land holdings.

The communities, on the other hand, would prefer to work with the respective corporations in a coastal management program but do not care to be involved or necessarily influenced by actions a thousand miles away.

The Aleutian/Pribilof Island Region situation strongly indicates the need to provide a third option for creating coastal resource service areas. This option would address the need to create service districts which emphasize common interests and geographic proximity in areas where land mass, economic interests and population are not contiguous.

#### Proposed Legislative Amendment

Section 3 AS 46.40.120(b) is amended to read:

(b) The Commissioner of the Department of Community and Regional Affairs may, after public hearings held in the area affected, consolidate two or more regional educational attendance areas as a single coastal resource service area or may subdivide an existing regional education attendance area according to geographic, cultural or other features relevant to coastal management planning.

# STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

DIVISION OF COMMUNITY PLANNING

*Veronica*  
JAY S. HAMMOND, GOVERNOR

225 CORDOVA, BUILDING B  
ANCHORAGE, ALASKA 99501

March 21, 1980

Mr. Richard Careaga  
Director of Planning  
P.O. Box 89  
Unalaska, Alaska 99685

Dear Mr. *Richard* Careaga:

In response to your letter of March 17 requesting our assistance in drafting an amendment to AS 46.40.120(b), I would like to relay the following information.

The City Councils of Sand Point and King Cove have made identical requests. In order to accommodate these requests in a timely manner I drafted a proposed amendment and presented same to the Alaska Coastal Policy Council on Wednesday, March 19.

Following my presentation and brief discussion the Council voted 11-0 in favor of a resolution supporting the proposed amendment. This support will accompany the proposed amendment to Juneau where we will request it be introduced via committee. We will meet with Sand Point officials and legislators for the affected area next week in Juneau to discuss the matter.

I have enclosed a copy of the proposed amendment for your City Council's review. Should the Council support it as written, I would appreciate a letter to that effect. Should there be a need to amend the language please contact me immediately as time is of the essence.

Thank you for your assistance in this matter and please assure the City Council and Mayor Holmes that we will keep them informed as things progress.

Thank you also for the courtesies extended during our recent visit. I enjoyed our stay.

Best regards,

*Larry*  
Lawrence H. Kimball, Jr.  
Director

Attachment

The Honorable Bill Parker  
Chairman  
Community and Regional Affairs  
Committee

Alaska State House of Representatives  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Chairman:

SUBJECT: HB 992

At your request, the Department of Community and Regional Affairs has prepared background information on HB 992 and explored alternatives to the bill.

BACKGROUND

The Alaska Coastal Management Act of 1977, as amended, allows residents of the unorganized borough to organize coastal resource districts encompassing one or more regional educational attendance areas (REAs). Each district prepares a coastal management program to be submitted to the Coastal Policy Council and State Legislature. The Commissioner of Community and Regional Affairs presently has authority to combine two or more REAs into a single coastal resource service area. All municipalities which exercise planning powers are also districts. This system seems to

districts the regional center has chosen not to join the adjacent service area. Consequently, in the Bering Straits region there are two coastal resource districts, the City of Nome and the Bering Straits Coastal Resource Service Area; in the ~~Lower~~ Yukon/~~Lower~~ Kuskokwim region, there are also two coastal resource districts, the City of Bethel and the ~~Lower~~ Yukon/~~Lower~~ Kuskokwim Coastal Resource Service Area.

In addition to the regions discussed in the foregoing paragraphs, there are six coastal REAAs which have <sup>not yet</sup> ~~been notified to~~ organize coastal resource districts. *They are the following characteristics:*

1. Four of them--the Aleutian Islands (REAA 8), Northern Panhandle (REAA 18), Southern Panhandle (REAA 19) and Prince William Sound (REAA 21)--have several first class or home rule cities each and no clearly defined regional center. Therefore, each region has several school districts, several coastal resource districts, and no established central gathering place or service center (except Anchorage or Juneau <sup>or Seward</sup>).

2. Federal landholdings consume much of the land within each region. Federally owned land is not part of the State's coastal zone. Settled area and non-federal land often occur as isolated pockets separated by thousands of acres of federally owned land.

HB 992 resulted from concern that none of the organizational options offered by the Alaska Coastal Management Act may be well suited to situations of the second set of REAAs discussed above (REAAs 8, 9, 10,

18, 19, 21). Attachment 2 describes advantages and disadvantages of the status quo [AS 46.40120(b)], HB 992, three legislative alternatives and one administrative alternative.

Sincerely,

Lee McAnerney  
Commissioner

cc: The Honorable Arliss Sturgulewski  
Alaska State Senate

bcc: Lawrence H. Kimball, Jr., DCRA  
Murray Walsh, OCM  
Mark Stephens, DCRA  
Veronica Clark, DCRA  
Mary Jo Waits, DCRA

file code?

Region

Coastal Resource Districts

(Including cities and boroughs within regions defined by REAAs)

AA 1	Northwest Alaska	* Northwest-Alaska Coastal Resource Service Area
REAA 2	Bering Straits	* Nome * Bering Straits Coastal Resource Service Area
REAA 3&4	Lower Yukon/ Lower Kuskokwim	Bethel * Lower Yukon/Lower Kuskokwim Coastal Resource Service Area
REAA 647	Nushagak-Bristol Bay	<del>Dillingham Bristol Bay Coastal Resource Service Area (potential)</del>
<del>REAA 7</del>	lake/Peninsula-Bristol Bay	* Bristol Bay Borough * Bristol Bay Coastal Resource Service Area (potential)
REAA 8	Aleutian Islands	Unalaska King Cove Sand Point Aleutian Chain Coastal Resource Service Area (potential)
REAA 9	Pribilof Islands	Pribilof Islands Coastal Resource Service Area (potential)
REAA 10	Adak	Adak Coastal Resource Service Area (potential)
REAA 18	Northern Panhandle	* Yakutat — * Haines (City) * Skagway * Juneau — <i>Felice</i> Hoonah * Sitka * Kake Northern Panhandle Coastal Resource Service Area (potential)
REAA 19	Southern Panhandle	* Petersburg * Wrangell * Klawock * Craig * Hydaburg * Ketchikan Gateway Borough Southern Panhandle Coastal Resource Service Area (potential)
REAA 20	Metlakatla/Annette	* Annette Islands Indian Reserve
REAA 21	Chugach	* Cordova * Valdez Prince William Sound Coastal Resource Service Area (potential)

\* Program under way or completed

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Status: no

AS 46.40.120(b) allows the Commissioner of Community and Regional Affairs to consolidate two or more REAAs into one coastal resource service area after considering standards applicable to incorporation of borough governments or the likelihood that a borough would be incorporated within the area.

HB 992

Under HB 992, AS 46.40.120(b) would be amended to allow the Commissioner of Community and Regional Affairs to not only consolidate two or more REAAs into one coastal resource service area, but also subdivide REAAs into separate coastal resource service areas according to geographic, cultural, or other features relevant to coastal management planning. Borough incorporation standards would also be considered.

Legislative alternative #1

Retain the language of HB 992, but restrict application of the subdivision provision to the Aleutian Chain (REAA 1), Northern Panhandle (REAA 18), Southern Panhandle (REAA 19), and Prince of Wales Sound (REAA 21).

Answer  
By using the REAA as the basic unit for planning in the unorganized borough, the present law does not create any new boundaries for delivery of government services.

oHB 992 still uses REAAs as the basic unit of reference for coastal resource service areas.

oFirst-class or home-rule cities of the unorganized borough might be more inclined to join coastal resource service areas smaller than the entire REAA in which they are located.

oHB 992 would allow residents to plan for those areas which affect them most directly and with which they are most intimately familiar.

This provision would restrict application of the subdivision section to areas most likely to express interest in them.

Look  
The present law allows first-class and home rule cities (and second-class cities under certain circumstances) to develop coastal management programs separate from the region and a number of cities do not see it in their interest to join forces with another REAA. Consequently, coastal resource service areas are not being organized in several REAAs and yet many cities have legitimate interest in influence development outside their corporate limits.

Indiscriminate subdivision of an REAA could produce fragmented coastal management programs.

oThe restriction may be unnecessary since coastal resource service areas have organized districts in most of other coastal REAAs.

oThere may be constitutional question about treating regions differently.

Legislative alternative #2

Retain the language of HB 992, but add the following provision:

If an REAA is divided and an organization election is called in one subdivision, an election will automatically be called in all other subdivisions of the REAA. If any one of the subdivisions elects to organize a district, all other subdivisions are automatically organized. The coastal management program from all subdivisions of an REAA must be coordinated from the outset and submitted simultaneously to enable the Coastal Policy Council and State Legislature to reach a reasonable conclusion about the compatibility of the plans. Although each subdivision would have its own board, there would be a seven-member regional oversight board with representation from the entire REAA (or combination of REAAs on a one-man, one-vote basis.

Y6611/

Administrative alternative

No legislative change, but a coastal resource service area could voluntarily organize itself in such a way that board members from one area would meet routinely with local people in that area and use the full board meetings as a means to combine sectional ideas and make compromises if necessary.

Advantages

- °All of the advantages of HB 992
- °Greater coordination among plans than would be afforded under HB 992.

Local involvement in regional coastal management planning with as few new formal structures as possible

Disadvantages

- °Certain areas may be prematurely coerced into preparing a coastal management program by virtue of actions taken by neighboring areas.
- °Any section could delay approval of the programs of other sections.
- °Creation of another layer of government thereby making the process more cumbersome and costly. X0/8Y8Y888//11X01X88//

The representation and consequent voting strength of any given area on the seven member service area board would be less than an entire REAA than in a subdivision of

4/25/80

TO: Margo  
FROM: Marjorie

Re HB 992 SB562

Change #2 to require that for each subdivision of an REAA must contain at least one first class, or home rule city (Valdez and Cordova are both home rule as are Petersburg and Wrangell). Also, we need to be aware that in REAA 7 there is no first class or home rule city, only the second class city of Port Heiden)

#9 for consideration should be:

An REAA subdivided for the purpose of coastal management planning may ~~be~~ combined with another coastal resource service area for coastal zone management purposes.

*jointly cooperatively*



# STATE OF ALASKA

*Margo - than  
Aut 80*  
JAY S. HAMMOND, GOVERNOR

## DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B - JUNEAU 99811

April 21, 1980

The Honorable Bill Parker  
Chairman  
Community and Regional Affairs  
Committee  
Alaska State House of Representatives  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Chairman:

At your request, the Department of Community and Regional Affairs has prepared background information on HB 992 and explored alternatives to the bill.

### BACKGROUND

The Alaska Coastal Management Act of 1977, as amended, allows residents of the unorganized borough to organize coastal resource districts encompassing one or more regional educational attendance areas (REAs). The Commissioner of Community and Regional Affairs has authority to combine two or more REAs into a single coastal resource service area prior to organizational elections. Municipalities which exercise planning powers are also districts; they may join an adjacent coastal resource service area but are not required to do so. Each district prepares a coastal management program to be submitted to the Coastal Policy Council and State Legislature. This system seems to work well in certain areas, but has been received with reservation in others. Attachment 1 lists each coastal REA and coastal resource districts within each REA and indicates whether the district's coastal management program is under way or completed. REAs which have not yet conducted coastal management elections but could do so under the present law are described as "potential" districts.

Coastal resource districts have been organized in three regions of the unorganized borough; another region is seriously considering following suit. Districts have formed in the Northwest Alaska region (REA 1), the Bering Straits region (REA 2), and the Yukon/Kuskokwim region (REAs 3 and 4); district formation is under consideration in the Bristol Bay region (REAs 6 and 7). These four regions have the following traits in common:

The Honorable Bill Parker  
April 21, 1980  
Page 2

1. Each region has one dominant regional center: Kotzebue in the Northwest Alaska region; Nome in the Bering Straits region; Bethel in the Yukon/Kuskokwim region and Dillingham in the Bristol Bay region.
2. All of the communities in the Northwest Alaska region and all but one in each of the other regions are second class cities or unincorporated and therefore obtain educational services from an REAA. (First class and home rule cities operate their own school districts.)
3. In two of the three regions which have organized coastal resource districts the regional center has chosen not to join the adjacent service area. Consequently, in the Bering Straits region there are two coastal resource districts, the City of Nome and the Bering Straits Coastal Resource Service Area; in the Yukon/Kuskokwim region, there are also two coastal resource districts, the City of Bethel and the Yukon/Kuskokwim Coastal Resource Service Area.

In addition to the regions discussed in the foregoing paragraphs, there are six coastal REAAs which have not yet organized coastal resource districts. They have the following characteristics:

1. Four of them--the Aleutian Islands (REAA 8), Northern Panhandle (REAA 18), Southern Panhandle (REAA 19) and Prince William Sound (REAA 21)--have several first class or home rule cities each and no dominant regional center. Therefore, each region has several school districts, several coastal resource districts, and no established central gathering place or service center (except Anchorage, Juneau, or Seattle).
2. Federal landholdings consume much of the land within each region. Federally owned land is not part of the State's coastal zone. Settled areas and non-federal land often occur as isolated pockets separated by thousands of acres of federally owned land.

HB 992 resulted from concern that options offered by the Alaska Coastal Management Act may not be well suited to the second set of REAAs discussed above (REAAs 8, 9, 10, 18, 19, 21). Attachment 2 describes advantages and disadvantages of the status quo [AS 46.40120(b)], HB 992, two legislative alternatives and one administrative alternative.

Sincerely,

*Marie Matsumoto-Pignatelli*  
for Lee McAnerney  
Commissioner

Attachments

The Honorable Bill Parker  
April 21, 1980  
Page 3

cc: ✓ The Honorable Arliss Sturgulewski  
Alaska State Senate

The Honorable Bob Mulcahy  
Alaska State Senate

The Honorable Al Osterback  
Alaska State House of Representatives

Keith Specking  
Office of the Governor

<u>Region</u>	<u>Coastal Resource Districts</u> (Including cities and boroughs within regions generally defined by REAAs)
REAA 1 Northwest Alaska	* NANA Coastal Resource Service Area
REAA 2 Bering Straits	* Nome * Bering Straits Coastal Resource Service Area
REAA 3&4 Lower Yukon/ Lower Kuskokwim	Bethel * Yukon/Kuskokwim Coastal Resource Service Area
REAA 6&7 Nushagak-Bristol Bay Lake/Peninsula-Bristol Bay	Dillingham * Bristol Bay Borough * Bristol Bay Coastal Resource Service Area (potential)
REAA 8 Aleutian Islands	Unalaska King Cove Sand Point Aleutian Chain Coastal Resource Service Area (potential)
REAA 9 Pribilof Islands	Pribilof Islands Coastal Resource Service Area (potential)
REAA 10 Adak	Adak Coastal Resource Service Area (potential)
REAA 18 Northern Panhandle	* Yakutat * Haines (City) * Skagway * Juneau Pelican Hoonah * Sitka * Kake Northern Panhandle Coastal Resource Service Area (potential)
REAA 19 Southern Panhandle	* Petersburg * Wrangell * Klawock * Craig * Hydaburg * Ketchikan Gateway Borough Southern Panhandle Coastal Resource Service Area (potential)
REAA 20 Metlakatla/Annette	* Annette Islands Indian Reserve
REAA 21 Chugach	* Cordova * Valdez Prince William Sound Coastal Resource Service Area (potential)

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\* Program under way or completed

### Status quo

AS 46.40.120(b) allows the Commissioner of Community and Regional Affairs to consolidate two or more REAAs into one coastal resource service area after considering standards applicable to incorporation of borough governments, the likelihood that a borough would be incorporated within the area, or the extent of federally owned land and water within the area.

### HB 992

Under HB 992, AS 46.40.120(b) would be amended to allow the Commissioner of Community and Regional Affairs to not only consolidate two or more REAAs into one coastal resource service area, but also subdivide REAAs into separate coastal resource service areas according to geographic, cultural, or other features relevant to coastal management planning. Borough incorporation standards would also be considered, as would federal ownership of coastal land and water.

### Legislative alternative #1

Retain the language of HB 992, but restrict application of the subdivision provision to the Aleutian Chain (REAA 8), Northern Panhandle (REAA 18), Southern Panhandle (REAA 19), and Prince William Sound (REAA 21). Allow the Commissioner of Community and Regional Affairs to combine REAAs with subdivisions of other REAAs if such combinations satisfy standards mentioned in HB 992.

### Advantages

By using the REAA as the basic unit for planning in the unorganized borough, the present law does not create any new boundaries for delivery of government services.

HB 992 also uses REAAs as the basic unit of reference for coastal resource service areas.

First-class or home-rule cities of the unorganized borough might be more inclined to join coastal resource service areas smaller than the entire REAA in which they are located.

HB 992 would allow residents to plan for those areas which affect them most directly and with which they are most intimately familiar.

This provision would restrict application of the subdivision section to areas most likely to express interest in them.

### Disadvantages

The present law allows first-class and home rule cities (and second-class cities under certain circumstances) to develop coastal management programs separate from the region. Many cities do not see it in their best interest to join forces with an entire REAA. Consequently, coastal resource service areas are not being organized in several REAAs, yet many cities have legitimate interest in influencing development outside their corporate limits.

Indiscriminate subdivision of an REAA could produce fragmented coastal management programs.

The restriction may be unnecessary since coastal resource service areas have organized districts in most of the other coastal REAAs.

There may be constitutional questions about treating regions differently by specifying the geographic area rather than by specifying standards which must be met.

Legislative alternative #2

Retain the language of HB 992, but add the following provision:

If an REAA is divided and an organization election is called in one subdivision, an election will automatically be called in all other subdivisions of the REAA. If any one of the subdivisions elects to organize a district, all other subdivisions are automatically organized. The coastal management program from all subdivisions of an REAA must be coordinated from the outset and submitted simultaneously to enable the Coastal Policy Council and State Legislature to reach a reasonable conclusion about the compatibility of the plans. Although each subdivision would have its own board, there would be a seven-member regional oversight board with representation from the entire REAA (or combination of REAAs) on a one-man, one-vote basis.

Administrative alternative

A coastal resource service area encompassing one or more REAAs could voluntarily organize itself in such a way that board members from one area would meet routinely with local people in that area and use full board meetings as a means to combine sectional ideas and make compromises if necessary.

*Such regions  
like USB did  
for planning purposes*

Advantages

All of the advantages of HB 992.

Greater coordination among plans than would be afforded under HB 922.

Local involvement in regional coastal management planning with as few new formal structures as possible.

No legislative change would be needed.

Disadvantages

Certain areas may be prematurely coerced into preparing a coastal management program by virtue of actions taken by neighboring areas.

Any section could delay approval of the programs of other sections.

Creation of another layer of government would make the process more cumbersome and costly.

The representation and consequent voting strength of any given area on the seven-member service area board would be less in an entire REAA than in a subdivision of it.

# STATE OF ALASKA

58562

## COASTAL POLICY COUNCIL

April 17, 1980

### LOCAL MEMBERS:

Donald Gilman,  
Lower Cook Inlet,  
Co-Chairman  
Stanley Anderson,  
Bering Straits  
Jon Halliwell,  
Northern Southeast  
Eben Hopson,  
Northwest  
Malcolm "Pete" Isleb,  
Prince William Sound  
John Nicori,  
Southwest  
Robert Sanderson,  
Southern Southeast  
Lidia Selkregg,  
Upper Cook Inlet  
Betty Wallin,  
Kodiak-Aleutians

The Honorable Arliss Sturgulewski, Chairman  
Senate Community and Regional Affairs Committee  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Dear Senator *Sturgulewski*:

The Alaska Coastal Policy Council, at its last meeting on March 18 and 19, 1980, took action on four items related to coastal management that will be of interest to the Legislature and in particular to the two Community and Regional Affairs Committees.

### STATE MEMBERS:

Frances Ulmer,  
Director of Policy  
Development &  
Planning,  
Co-chairman  
Robert Ward,  
Commissioner of  
Transportation &  
Public Facilities  
Charles Webber,  
Commissioner of  
Commerce &  
Economic  
Development  
Robert LeResche,  
Commissioner of  
Natural Resources  
Lee McAnerney,  
Commissioner of  
Community &  
Regional Affairs  
Ernst Mueller,  
Commissioner of  
Environmental  
Conservation  
Ronald Skoog,  
Commissioner of  
Fish & Game

Resolution 79-2 of the Rural Alaska Coastal Management Conference, requesting Continuation of Coastal Resource Service Area (CRSA) boards, was endorsed by the council with a request for implementation powers deleted. Resolution 79-6 of the Rural Alaska Coastal Management Conference requesting the creation of interior resource districts, was endorsed in its entirety by the council. Copies of the resolutions, as the council endorsed them, are attached for your information.

The council supports CSSB 348, CSSB 349, and CSHB 581, as described by Ms. Margo Waring, which deal with local governments and make provisions for unorganized boroughs, including the division of rural education attendance areas.

Finally, the council voted to request amendment of section 46.40.120 (b) of the Alaska Coastal Management Act as follows:

The Commissioner of the Department of Community and Regional Affairs may, after public hearings held in the area affected, consolidate two or more regional education attendance areas as a single coastal resource service area or may subdivide an existing regional education attendance area, according to geographic, cultural, or other features relevant to coastal management planning.

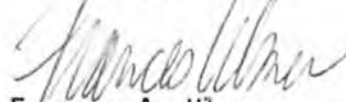
This proposed amendment is now before the House of Representatives as HB 992, currently pending in the House Community and Regional Affairs Committee.



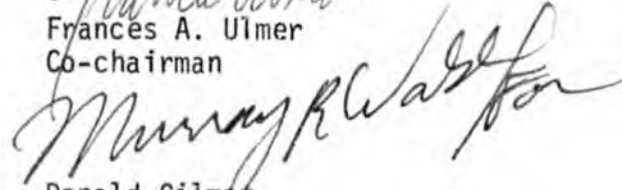
The Honorable Arliss Sturgulewski -2- April 17, 1980

If further information is required, please contact Murry Walsh,  
Coordinator of the Office of Coastal Management (465-3540).

Sincerely,



Frances A. Ulmer  
Co-chairman



Donald Gilman  
Co-chairman

Attachments

RESOLUTION 79-2 OF THE RURAL ALASKA COASTAL MANAGEMENT CONFERENCE

AS ENDORSED BY THE ALASKA COASTAL POLICY COUNCIL

ENTITLED: REQUESTING CONTINUATION OF COASTAL RESOURCE SERVICE AREA  
BOARDS.

WHEREAS, the Alaska Coastal Management Act of 1977 allows for the formation of coastal resource service areas in the unorganized borough for the purpose of developing coastal management programs, and

WHEREAS, the Department of Community and Regional Affairs provides funding and technical assistance so that coastal management plans may be developed and approved; and

WHEREAS, the coastal resource service area is formed after an election by the communities in the affected region; and

WHEREAS, the coastal resource service area boards are comprised of members from those various communities; and

WHEREAS, there is currently no provision for funding of coastal resource service area boards after the approval of their plans; and

WHEREAS, there is no mechanism for coastal resource service areas to monitor the implementation of their plans; and

WHEREAS, there is no mechanism for coastal resource service areas to monitor consistency determinations made by state agencies;

NOW THEREFORE BE IT RESOLVED that the Alaska State Legislature amend the Alaska Coastal Management Act of 1977 in order that the coastal resource service boards maintain their identity and be funded after approval by the Coastal Policy Council and the legislature of their coastal management plans.

RESOLUTION 79-6 OF THE RURAL ALASKA COASTAL MANAGEMENT CONFERENCE

AS ENDORSED BY THE ALASKA COASTAL POLICY COUNCIL

ENTITLED: REQUEST FOR CREATION OF INTERIOR RESOURCE DISTRICTS.

WHEREAS, the State of Alaska and the federal government have released oil and gas lease schedules for the next five years; and

WHEREAS, the State of Alaska and the federal government have enacted legislation providing for the formation of coastal resource districts; and

WHEREAS, the federal government and the State of Alaska provide funds for implementation of coastal zone management plans to the coastal districts; and

WHEREAS, the State of Alaska's five year schedule includes oil and gas lease sales in the interior of Alaska; and

WHEREAS, oil and gas development and pipeline construction in the Interior has the same impact as offshore development; and

WHEREAS, these interior areas have no legislative basis for creating district plans and no source of funding districts in the event of oil and gas lease sales and pipeline construction; and

WHEREAS, the Department of Community and Regional Affairs is allocated funds for the development of coastal districts,

Now, therefore, be it

RESOLVED, that the Department of Community and Regional Affairs search for a method of funding resource districts in the areas of the Interior which will be impacted by state oil and gas lease sales and pipeline construction, and

BE IT FURTHER RESOLVED that the Alaska State Legislature fund interim planning districts.

Application of ACMP to the  
Aleutian/Pribilof Island Region

Problem:

Options provided under the Alaska Coastal Management Act for formation of "coastal resource districts" are not applicable to the Aleutian/Pribilof Island Region.

Background:

The Aleutian/Pribilof Island Region presents a unique situation relative to the establishment of coastal resource service areas. Within the Region are three first-class cities (Sand Point, King Cove and Unalaska) as well as regional educational attendance areas 8, 9 and 10 (Aleutian Chain, Pribilof and Adak).

Under present law the first-class cities have the option of becoming single coastal resource service areas, thus establishing their own coastal management planning programs within their respective political boundaries, or of joining forces with the REAA's to develop a regional planning effort.

In addition, the three REAA's may become separate coastal resource service areas or, under authority granted in AS 46.40.120(b) the Commissioner of the Department of Community and Regional Affairs, may consolidate REAA's 8, 9 and 10 into one or two service areas for coastal management purposes.

Given these conditions there exists the possibility of one or six, or any combination within these numbers, coastal resource service areas being created within the Aleutian/Pribilof Island Region.

The population of the Region is approximately 3000 with 2200 residing in the three first-class cities (Sand Point 773, King Cove 733 and Unalaska 768). The second-class communities of Akutan and St. Paul contain 652 residents, 85 and 567 respectively. Total Regional population residing in incorporated municipalities totals 2926 or 81%. Clearly, if the first-class communities elect to establish their own programs within their jurisdictions, the remaining area (REAA's 8, 9, & 10) will be substantially diluted of human resources with which to develop and implement a coastal management program.

Land interests in the region are geographically complex. Village corporations were unable to select ANCSA entitlements within the core townships of Native villages due to the configuration of islands and Federal reserves. As such, village corporations selected deficiency lands under the Act this resulted in the ownership of land many miles from their respective villages. An example is the Tanadqusix Corporation at St. Paul (Pribilof Islands). Tanadqusix Corporation has substantial land holdings approximately 200 miles away on Unalaska Island. This is the case for a majority of the Aleutian's village corporations thus creating an extremely fragmented pattern of land ownership and land interests throughout the chain.

Several Aleutian villages are vacant of population, yet represent vast land holdings and thus development interests for shareholders residing elsewhere. Unga and Sanak are two cases in point. Village Corporation members from Unga and Sanak reside in Sand Point yet hold major land interests outside of Sand Point's City boundaries. They fear that should Sand Point elect to become a coastal resource service area they, as residents of Sand Point, will be precluded from having a voice in a coastal management program which encompasses their corporate land holdings.

The communities, on the other hand, would prefer to work with the respective corporations in a coastal management program but do not care to be involved or necessarily influenced by actions a thousand miles away.

The Aleutian/Pribilof Island Region situation strongly indicates the need to provide a third option for creating coastal resource service areas. This option would address the need to create service districts which emphasize common interests and geographic proximity in areas where land mass, economic interests and population are not contiguous.

#### Proposed Legislative Amendment

Section 3 AS 46.40.120(b) is amended to read:

(b) The Commissioner of the Department of Community and Regional Affairs may, after public hearings held in the area affected, consolidate two or more regional educational attendance areas as a single coastal resource service area or may subdivide an existing regional education attendance area according to geographic, cultural or other features relevant to coastal management planning.

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPT. OF COMMUNITY & REGIONAL AFFAIRS

### DIVISION OF COMMUNITY PLANNING

225 CORDOVA, BUILDING B  
ANCHORAGE, ALASKA 99501

March 21, 1980

Mr. Richard Careaga  
Director of Planning  
P.O. Box 89  
Unalaska, Alaska 99685

Dear Mr. <sup>Richard</sup> Careaga:

In response to your letter of March 17 requesting our assistance in drafting an amendment to AS 46.40.120(b), I would like to relay the following information.

The City Councils of Sand Point and King Cove have made identical requests. In order to accommodate these requests in a timely manner I drafted a proposed amendment and presented same to the Alaska Coastal Policy Council on Wednesday, March 19.

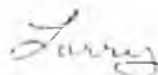
Following my presentation and brief discussion the Council voted 11-0 in favor of a resolution supporting the proposed amendment. This support will accompany the proposed amendment to Juneau where we will request it be introduced via committee. We will meet with Sand Point officials and legislators for the affected area next week in Juneau to discuss the matter.

I have enclosed a copy of the proposed amendment for your City Council's review. Should the Council support it as written, I would appreciate a letter to that effect. Should there be a need to amend the language please contact me immediately as time is of the essence.

Thank you for your assistance in this matter and please assure the City Council and Mayor Holmes that we will keep them informed as things progress.

Thank you also for the courtesies extended during our recent visit. I enjoyed our stay.

Best regards,



Lawrence H. Kimball, Jr.  
Director

Attachment

Introduced: 4/3/80  
Referred: Community & Regional  
Affairs

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 HOUSE BILL NO. 992

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the formation of coastal resource  
7 service areas; and providing for an effective date."

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

9 \* Section 1. AS 46.40.120(b) is amended to read:

10 (b) The commissioner of the Department of Community and Regional  
11 Affairs may, after public hearings held in the area affected, consoli-  
12 date two or more regional educational attendance areas as a single  
13 coastal resource service area or may divide an existing regional educa-  
14 tional attendance area into two or more coastal resource service areas  
15 according to geographic, cultural or other features relevant to coastal  
16 management planning

17 (1) if a substantial portion of the coastal area contains  
18 land and water area owned by the federal government over which it  
19 exercises exclusive jurisdiction or land held in trust by the federal  
20 government for Alaska Natives over which the state would not exercise  
21 control as to use; or

22 (2) if, after giving due consideration to the standards  
23 applicable to incorporation of borough governments and the likelihood  
24 that a borough will be incorporated within the area, the commissioner  
25 determines that the functions to be performed under this chapter could  
26 be undertaken more efficiently through the combination of two or more  
27 regional educational attendance areas as a single coastal resource  
28 service area or through the division of a regional educational attendance  
29 area into two or more coastal resource service areas.

CALL 2nd Meeting

The Honorable Bill Parker  
Chairman  
Community and Regional Affairs  
Committee  
Alaska State House of Representatives  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Chairman:

SUBJECT: HB 992

At your request, the Department of Community and Regional Affairs has prepared background information on HB 992 and explored alternatives to the bill.

BACKGROUND

The Alaska Coastal Management Act of 1977, as amended, allows residents of the unorganized borough to organize coastal resource districts encompassing one or more regional educational attendance areas (REAs). Each district prepares a coastal management program to be submitted to the Coastal Policy Council and State Legislature. The Commissioner of Community and Regional Affairs presently has authority to combine two or more REAs into a single coastal resource service area. All municipalities which exercise planning powers are also districts. This system seems to

1.5

districts the regional center has chosen not to join the adjacent service area. Consequently, in the Bering Straits region there are two coastal resource districts, the City of Nome and the Bering Straits Coastal Resource Service Area; in the Lower Yukon/Lower Kuskokwim region, there are also two coastal resource districts, the City of Bethel and the Lower Yukon/Lower Kuskokwim Coastal Resource Service Area.

In addition to the regions discussed in the foregoing paragraphs, there are six coastal REAAs which have <sup>not yet</sup> ~~been reticent to~~ organize coastal resource districts. *They have the following characteristics:*

1. Four of them--the Aleutian Islands (REAA 8), Northern Panhandle (REAA 18), Southern Panhandle (REAA 19) and Prince William Sound (REAA 21)--have several first class or home rule cities each and no clearly defined regional center. Therefore, each region has several school districts, several coastal resource districts, and no established central gathering place or service center (except Anchorage, <sup>or Juneau,</sup> <sup>or Sitka</sup>).

?  
2. Federal landholdings consume much of the land within each region. Federally owned land is not part of the State's coastal zone. Settled areas and non-federal land often occur as isolated pockets separated by thousands of acres of federally owned land. *Yonkers*

HB 992 resulted from concern that ~~none~~ of the organizational options offered by the Alaska Coastal Management Act may be well suited to situations of the second set of REAAs discussed above (REAAs 8, 9, 10,

18, 19, 21). Attachment 2 describes advantages and disadvantages of the status quo [AS 46.40120(b)]<sup>7</sup>, HB 992, three legislative alternatives and one administrative alternative.

Sincerely,

Lee McAnerney  
Commissioner

cc: The Honorable Arliss Sturgulewski  
Alaska State Senate

bcc: Lawrence H. Kimball, Jr., DCRA  
Murray Walsh, OCM  
Mark Stephens, DCRA  
Veronica Clark, DCRA  
Mary Jo Waits, DCRA

file code?

Region

Coastal Resource Districts

(Including cities and boroughs within regions defined by REAAs)

REAA 1	Northwest Alaska	* Northwest-Alaska Coastal Resource Service Area
REAA 2	Bering Straits	* Nome * Bering Straits Coastal Resource Service Area
REAA 3&4	Lower Yukon/ Lower Kuskokwim	Bethel * Lower Yukon/Lower Kuskokwim Coastal Resource Service Area
REAA 6/7	Nushagak-Bristol Bay	<del>Dillingham Bristol Bay Coastal Resource Service Area (potential)</del>
<del>REAA 7</del>	Lake/Peninsula-Bristol Bay	* Bristol Bay Borough * Bristol Bay Coastal Resource Service Area (potential)
REAA 8	Aleutian Islands	Unalaska King Cove Sand Point Aleutian Chain Coastal Resource Service Area (potential)
REAA 9	Pribilof Islands	Pribilof Islands Coastal Resource Service Area (potential)
REAA 10	Adak	Adak Coastal Resource Service Area (potential)
REAA 18	Northern Panhandle	* Yakutat * Haines (City) * Skagway * Juneau — Pelican Hoonah * Sitka * Kake Northern Panhandle Coastal Resource Service Area (potential)
REAA 19	Southern Panhandle	* Petersburg * Wrangell * Klawock * Craig * Hydaburg * Ketchikan Gateway Borough Southern Panhandle Coastal Resource Service Area (potential)
REAA 20	Metlakatla/Annette	* Annette Islands Indian Reserve
REAA 21	Chugach	* Cordova * Valdez Prince William Sound Coastal Resource Service Area (potential)

7/20/87

\* Program under way or completed

*Handwritten notes:*  
Juneau  
Pelican  
Ketchikan  
Wrangell  
Hydaburg  
Cordova  
Valdez

Status quo

AS 46.40.120(b) allows the Commissioner of Community and Regional Affairs to consolidate two or more REAAs into one coastal resource service area after considering standards applicable to incorporation of borough governments or the likelihood that a borough would be incorporated within the area.

Consolidation  
By using the REAA as the basic unit for planning in the unorganized borough, the present law does not create any new boundaries for delivery of government services.

Disadvantages  
The present law allows first-class and home rule cities (and second-class cities under certain circumstances) to develop coastal management programs separate from the region and a number of cities do not see it in their best interest to join forces with an entire REAA. Consequently, coastal resource service areas are not being organized in several REAAs and yet many cities have legitimate interest in influencing development outside their corporate limits.

*Special low priority for the state to take jurisdiction over the unorganized boroughs to allow them to be more efficient.*

HB 992

Under HB 992, AS 46.40.120(b) would be amended to allow the Commissioner of Community and Regional Affairs to not only consolidate two or more REAAs into one coastal resource service area, but also subdivide REAAs into separate coastal resource service areas according to geographic, cultural, or other features relevant to coastal management planning. Borough incorporation standards would also be considered.

oHB 992 still uses REAAs as the basic unit of reference for coastal resource service areas.

Indiscriminate subdivision of an REAA could produce fragmented coastal management programs.

oFirst-class or home-rule cities of the unorganized borough might be more inclined to join coastal resource service areas smaller than the entire REAA in which they are located.

oHB 992 would allow residents to plan for those areas which affect them most directly and with which they are most intimately familiar.

Legislative alternative #1

Retain the language of HB 992, but restrict application of the subdivision provision to the Aleutian Chain (REAA 1), Northern Panhandle (REAA 18), Southern Panhandle (REAA 19), and Prince William Sound (REAA 21).

This provision would restrict application of the subdivision section to areas most likely to express interest in them.

oThe restriction may be unnecessary since coastal resource service areas have organized districts in most of the other coastal REAAs.

oThere may be constitutional questions about treating regions differently.



ALASKA COASTAL MANAGEMENT PROGRAM  
GRANT RECIPIENTS

Recipients	1978-1979		1979-1980		Comments
	Amount	Term.Date	Amount	Term.Date	
Aleutian-Pribilof Islands Association	-	-	-	-	Application pending for information program
Bering Straits Coastal Service Area	-	-	-	-	Organizational work conducted by Kawerak, Inc.
Bristol Bay Borough	-	-	-	-	Application pending
City and Borough of Sitka	\$ 20,840	6/30/79	\$ 40,000	6/30/80	-
City and Borough of Juneau	52,061	6/30/79	-	-	Application pending
City of Bethel	-	-	-	-	Preparing comprehensive plan
City of Cordova	20,824	6/30/79	67,232	6/30/81	-
Cities of Craig and Klawock	16,000	6/30/79	-	-	-
City of Dillingham	-	-	-	-	Application pending
City of Haines	24,000	7/08/79	4,960	1/31/80	Submitted to Legislature
City of Hydaburg	-	-	-	-	Information meeting 3/80
City of Kake	-	-	-	-	Application pending (\$16,000)
City of King Cove	-	-	-	-	Information meeting 3/80
City of Nome	-	-	-	-	Application pending (\$100,000)
City of Petersburg	30,000	7/08/79	-	-	Application pending (\$68,000)
City of Sand Point	-	-	-	-	Information meeting 3/80
City of Skagway	-	-	-	-	Program funding under CEIP
City of Unalaska	-	-	-	-	Information meeting 3/80
City of Valdez	15,200	6/30/79	90,840	6/30/81	-
City of Wrangell	-	-	-	-	Application pending
City of Yakutat	12,500	7/08/79	46,280	6/30/80	-
Kawerak, Inc.	-	-	15,552	4/18/80	Organizational work for Bering Straits Coastal Resource Service Area
Kenai Peninsula Borough	60,000	5/31/79	200,000	4/30/81	-
Ketchikan Gateway Borough	56,000	7/08/79	16,000	6/30/80	Application pending (\$30,000)
Kodiak Island Borough	-	-	228,000	6/30/81	-
Matanuska-Susitna Borough	49,500	6/30/79	-	-	Application pending
Mauneluk Association	-	-	13,500	5/31/80	Organizational work for Northwest Alaska Coastal Resource Service Area
Metlakatla Indian Community	39,000	7/08/79	41,600	6/30/80	Submitted to Legislature; application pending (\$32,800)
Municipality of Anchorage	51,166	6/30/79	360,650	10/31/80	Submitted to Legislature
North Slope Borough	34,400	6/30/79	12,850	11/16/79	Application pending (\$300,000)
Northwest Alaska Coastal Resource Service Area	-	-	-	-	Organizational work conducted by Mauneluk Association
Protectors of the Land, Inc.	20,800	5/31/79	29,600	3/31/80	Organizational work for the Yukon/Kuskokwim Coastal Resource Service Area
Yukon/Kuskokwim Coastal Resource Service Area	-	-	-	-	Organizational work conducted by Protectors of the Land, Inc.; application expected (\$150,000)
TOTAL OBLIGATED	<u>\$502,291</u>		<u>\$1,167,064</u>		
AUTHORIZED	\$520,000		\$1,720,000		Additional FY 80 applications: \$606,800