

SCR

12

COMMITTEE REPORT
SENATE

FURTHER: None

2/13/79

Date: _____

Mr. President:

The Committee on COMMUNITY AND REGIONAL AFFAIRS has ad SCR 12
Approving regulations adopted by Alaska Policy Council

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Bob McEnty
Cedric Stanger

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Tim Kelly - ~~to~~
DO NOT PASS

with letter of intent
Cedric Stanger

CHAIRMAN

Do Pass



Official Business

Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

LETTER OF INTENT

SCR 12

Pouch V
State Capitol
Juneau, Alaska 99811

The concept of local control in coastal zone management has been basic to the development of the state's coastal zone management program. A predominant concern of the committee is the functioning of this local control in the unorganized borough.

This letter is intended to condition legislative approval of these regulations on a requirement that the Department of Community and Regional Affairs submit an adequate development plan for the organization of effective, locally-controlled coastal resource districts. Appropriations for the coastal management program will be allocated accordingly. The committee suggests that the Department of Community and Regional Affairs work with the Legislative Council to satisfy this requirement.

While rural communities may not initially want to involve themselves in coastal zone management, it is doubtful they will want to entrust it to others when fully understood. Considering the implications district coastal zone management has for subsistence habitat protection and rehabilitation, one can probably expect strong local participation in district coastal zone management policy making.

The Legislative Council will establish an interim program to monitor the state's coastal resource districts' community organization. Important to this organization is fair local-level understanding of the phrase "land and water uses of state concern". The energy siting regulations are designed to guide local coastal resource districts to properly regulate such land and water uses of state concern.

In addition, the committee is aware that the proposed standard 6 AAC 80.160 (a) introduces a new element in the coastal management program. Existing public participation regulations (6 AAC 80.020 and 6 AAC 85.130) apply specifically to adoption of district programs and amendments to district programs. In districts which develop district programs containing areas which merit special attention, the public involvement provisions of 6 AAC 85.130 apply. It is the intent of this committee that regulations for public involvement be developed for areas not in districts which are designated as meriting special attention by the Council. Council designation should include evidence of effective and significant opportunity for public participation in the specified "concurrence" and such public involvement process should be specified in the Alaska Coastal Management Plan Guidelines.

Further, it is the intent of the committee that the letter of intent of the Senate Community and Regional Affairs Committee which appears on page 463 of the Senate Journal be approved.

SENATE LETTER OF INTENTSENATE CONCURRENT RESOLUTION NO. 12

Testimony received by the Community and Regional Affairs Committee indicated the need for a change in the Alaska Coastal Policy Council's regulations. Specifically:

(1) 6 AAC 80.100 (a)(3) timber harvest and timber management activities must be planned so as to protect streambanks and shorelines, prevent adverse impacts on fish resources and habitats, and minimize adverse impacts on wildlife resources and habitats.

The testimony indicated the need:

following words "streambanks and shorelines," delete "prevent" insert "minimize"

A representative from the Alaska Coastal Policy Council and a representative from the Office of Coastal Management concurred with the need for this change.

It is the intent of this committee that the words "minimize adverse impacts" should apply to both fish resources and habitats and wildlife resources and habitats.

The Committee urges the Alaska Coastal Policy Council to consider and adopt this change at its earliest convenience.

Adopted as a Senate Letter of Intent March 13, 1979
by unanimous consent



Official Business

Alaska State Legislature

Senate

Committee on
Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

TO: Senator Bob Mulcahy
Vice-Chairman
Senator Terry Stimson
Senator Tim Kelly
Senator Patrick Rodey
All Interested Parties

FROM: Arliss Sturgulewski *AS*
Chairman

SUBJECT: COMMITTEE MEETING - BELTZ ROOM, 209 Capitol Building

Friday, March 2, 1979

1:30 p.m.

SB 145 - An Act relating to implementation of the Alaska Coastal Management Program.

SCR 12 - Approving regulations adopted by the Alaska Coastal Policy Council.

2/21/79

Notified

Sen. Secretary

Sen. Casetta

CRT Operator

+ Dept C/RA

AML

Don Berry

Murray Walsh (Dist Zone Mgmt)

All Mayors

Gov's Office



Official Business

Alaska State Legislature

Senate

Office of the Secretary

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Community & Regional Affairs Committee
FROM: Senate Secretary's Office
DATE: January 15, 1980

The following resolution is in your committee and expired at the end of the first session. Please pull it from your files and return to the Senate Secretary's Office.

SJR 12

*out of C & RA
is in Rules now - so
you can just toss this -
S.*



Official Business

Alaska State Legislature

Senate Committee on Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

TO: Senator Bob Mulcahy
Vice-Chairman
Senator Terry Stimson
Senator Tim Kelly
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3-2-79

Committee Log Book -

1979
~~1980~~

SENATE C/RA Chairman Sturgulewski

Tape Number 1

Side Number 1

Committee

Others Present: Senators Mulcahy and Kelly

Dates 3/2/79 to _____

" Absent: Senators

Bill Numbers Discussed

SB 137	SB 145	SCR 12	SB? 129						
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Date & Time	Tape Meter Number	Bill	Significant Information (Witness, Action)
1:33			Chairman Sturgulewski called the meeting to order.
		SB 137	
	48		Tom Bearup, Mayor, City Soldotna for Mayors Conf.
	153		Sen. Kelly
	161		Chairman Sturgulewski
	167		Sen. Kelly
	169		Chairman Sturgulewski
	214		Mr. Nordale
	279		Chairman Sturgulewski
	295		Palmer McCarter, Director, Dept. C/RA
	388		Chairman Sturgulewski
	391		Sen. Kelly
	398		Mr. Nordale
	418		Sen. Kelly
	429		Chairman Sturgulewski
	433		Palmer McCarter, Dept. C/RA
	462		Sen. Kelly
	464		Palmer McCarter, Dept. C/RA
	471		Jack Chenoweth, Legal Services Division
	474		Sen. Kelly
	484		Chairman Sturgulewski
	488		Palmer McCarter, Dept. C/RA
	494		Sen. Kelly
	508		Chairman Sturgulewski
	526		Sen. Kelly, Motion to adopt amendment/Hold Bill
			HOLD BILL UNTIL TUESDAY
	543	SCR 12	Chairman Sturgulewski
	562		Don Gilman/ Mayor/ Mayors Conference Speaker
	590		Roger Allington/Co-Chair. AK. Cstl Policy Cncl.
			Murray Walsh, Staff, and Fran Almer
	578		Mr. Walsh
	689		Ken Showalter, Sohio Petroleum Co.
	713		Jim Clark, Ak. Logger's Assoc.

778
804
840
843

- Let. of Intent

Mr. Allington
Sen. Kelly
Sen. Mulcahy Mtn to move SCR 12

mlk

855 - SB 145
876 - Mayor Gilman
961 Sen. Kelly
1025 Mr. Allington
1160 Sen. Kelly
1172 Mr. Chenoweth/ Legal Services
Murray Walsh
1211 Mr. Allington
1244 Mr. Chenoweth
1249 Mr. Allington
1290 Murray Walsh/Sen. Sturgulewski
1365 Mr. Allington
1425 Sen. Kelly
1461 Sen. Sturgulewski
1468 Sen. Kelly
1478 Mr. Allington
1494 Mr. Walsh
1511 Sen. Kelly
1511 Mr. Allington
1602 Sen. Kelly
1610 Mr. Allington
1625 Sen. Kelly
1627 Mr. Allington
1641 Mr. Walsh
1646 Chairman Sturgulewski
1650 Mr. Chenoweth
1658 Mr. Walsh
1661 Ken Showalter, Sohio
1708 Sen. Kelly
1710 Mr. Showalter

FIRST READING AND REFERENCE OF SENATE BILLS

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 22 (Rules)
amended, by the Rules Committee, entitled:

CSSB
22
(Rls)
am

"An Act extending the benefits of group insurance to certain temporary employees of the state and its governmental units; and providing for an effective date."

was read the first time and referred to the State Affairs and Finance Committees.

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 68 by the Rules Committee, entitled:

CSSB
68

"An Act relating to the use of waste heat produced by certain pipeline facilities; and providing for an effective date."

was read the first time and referred to the Judiciary Committee.

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 130 amended by the Health, Education and Social Services Committee, entitled:

CSSB
130am

"An Act relating to the student loan program; and providing for an effective date."

was read the first time and referred to the Health, Education and Social Services and Finance Committees.

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 182 (Finance) by the Finance Committee, entitled:

CSSB
182
(Fin)

"An Act abolishing the Alaska Salary Commission and providing for compensation of public officers and employees; and providing for an effective date."

was read the first time and referred to the State Affairs and Finance Committees.

REPORTS OF STANDING COMMITTEES

SCR 2 The State Affairs Committee has had SENATE CONCURRENT RESOLUTION NO. 2 (relating to the employment of persons in permanent part-time positions in state government) under consideration and a majority of the committee recommends it do pass. Concurring: Miller (Chairman), Eliason, Fuller, Gardiner and Martin.

SCR 2 was referred to the Rules Committee for placement on the calendar.

CS
SCR 11am The State Affairs Committee has had COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 11 amended (relating to the hazardous condition of the Muldoon and Fort Richardson cloverleafs on the Glenn Highway due to lack of adequate guardrails) under consideration and a majority of the committee recommends it do pass. Concurring: Miller (Chairman), Eliason, Fuller, Gardiner and Martin.

CSSCR 11am was referred to the Rules Committee for placement on the calendar.

SCR 12 The Community and Regional Affairs Committee has had SENATE CONCURRENT RESOLUTION NO. 12 (approving regulations adopted by the Alaska Coastal Policy Council) under consideration and a majority of the committee reports it back with individual recommendations and attaches a letter of intent. Parker (Chairman), Braaten and Parr recommend do pass. Carney and Zharoff have no recommendation.

SCR 12 was referred to the Rules Committee for placement on the calendar.

The Community and Regional Affairs Committee's letter of intent on SCR 12 appears as follows:

LETTER OF INTENT
SCR 12

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SCR
17

While rural communities may not initially want to involve themselves in coastal zone management, it is doubtful they will want to entrust it to others when fully understood. Considering the implications district coastal zone management has for subsistence habitat protection and rehabilitation, one can probably expect strong local participation in district coastal zone management policy making.

The Legislative Council will establish an interim program to monitor the state's coastal resource districts' community organization. Important to this organization is fair local-level understanding of the phrase "land and water uses of state concern". The energy siting regulations are designed to guide local coastal resource districts to properly regulate such land and water uses of state concern.

In addition, the committee is aware that the proposed standard 6 AAC 80.160 (a) introduces a new element in the coastal management program. Existing public participation regulations (6 AAC 80.020 and 6 AAC 85.130) apply specifically to adoption of district programs and amendments to district programs. In districts which develop district programs containing areas which merit special attention, the public involvement provisions of 6 AAC 85.130 apply. It is the intent of this committee that regulations for public involvement be developed for areas not in districts which are designated as meriting special attention by the Council. Council designation should include evidence of effective and significant opportunity for public participation in the specified "concurrence" and such public involvement process should be specified in the Alaska Coastal Management Plan Guidelines.

Further, it is the intent of the committee that the letter of intent of the Senate Community and Regional Affairs Committee which appears on page 463 of the Senate Journal be approved.

The Commerce Committee has had SENATE BILL NO. 125 (making a special appropriation for operating expenses of radio station KYUK, Bethel, and lapsing a portion of an appropriation for a capital expenditure for that station; effective date) under consideration and a majority of the committee reports it back with individual recommendations. Brown (Chairman), Hanson and Bettisworth recommend do pass. Malone has no recommendation. Randolph recommends do not pass.

SB
125

SB 125 was referred to the Finance Committee.

The Community and Regional Affairs Committee has had COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 134 (making a special appropriation to the Department of Community and Regional Affairs for grants to municipalities and other recipients in place of entitlements under the program of state aid to local governments; effective date) under consideration and a majority of the committee recommends it do pass. Concurring: Parker (Chairman), Branson, Carney, Parr and Zharoff.

CSSB
134

CSSB 134 was referred to the Finance Committee.

SB 202 The State Affairs Committee has had SENATE BILL NO. 202 (making a special appropriation from the International Airports Construction Fund to the Fairbanks International Airport; effective date) under consideration and a majority of the committee recommends it do pass. Concurring: Miller (Chairman), Eliason, Fuller, Gardiner and Martin.

SB 202 was referred to the Finance Committee.

SB 203 The State Affairs Committee has had SENATE BILL NO. 203 (authorizing the issuance and sale of an additional \$8,500,000 in revenue bonds for international airports; effective date) under consideration and a majority of the committee recommends it do pass. Concurring: Miller (Chairman), Eliason, Fuller, Gardiner and Martin.

SB 203 was referred to the Finance Committee.

HB 76 The Judiciary Committee has had HOUSE BILL NO. 76 (relating to powdered alcohol) under consideration and a majority of the committee recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 76 (same title) and reports it back with individual recommendations. Farr (Chairman), Phillips, Malone and Buchholdt recommend do pass. Brown, Martin and Anderson have no recommendation.

HB 76 was referred to the Rules Committee for placement on the calendar.

INTRODUCTION, FIRST READING AND REFERENCE
OF HOUSE BILLS

HB 435 HOUSE BILL NO. 435 by Hayes, Barnes, Bettisworth and Martin, entitled:

"An Act relating to appropriation bills."

was read the first time and referred to the Finance Committee.

CRA

STATE OF ALASKA

COASTAL POLICY COUNCIL

January 25, 1979

LOCAL MEMBERS:

Roger Allington,
Northern Southeast,
Co-Chairman
Roger Fagerstrom,
Bering Straits
Donald Gilman,
Lower Cook Inlet
Eben Hopson,
Northwest
Malcolm "Pete" Isleb,
Prince William Sound
Stan Paukan,
Southwest
Robert Sanderson,
Southern Southeast
Lidia Seikregg,
Upper Cook Inlet
Betty Wallin,
Kodiak-Aleutians

The Honorable Clem Tillion
President of the Senate
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Tillion:

On behalf of the Alaska Coastal Policy Council, and as required by law, we respectfully submit that portion of the Alaska Coastal Management Program adopted during 1978. We also request that you initiate legislative review and approval of this portion of the program.

STATE MEMBERS:

Frances Ulmer,
Director of Policy
Development &
Planning,
Co-chairwoman
Donald Harris,
Commissioner of
Transportation &
Public Facilities
Phillip Hubbard,
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

Section 44.19.893(4) of the Alaska Coastal Management Act requires the Council to "...submit annually to the legislature, not later than the 10th day of each regular session, the portion of the coastal management program approved or amended by the council during the preceding year..."

As you also know, Section 46.40.080. of the Act provides that:

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.

In a legal opinion issued last spring, the Attorney General defined the "coastal management program" as that phrase is used in the foregoing citations, to include all regulations adopted by the Council, and all local government coastal programs mandated by Section 46.40.030. of the Act.



ALASKA
COASTAL MANAGEMENT PROGRAM

The Honorable Clem Tillion
January 25, 1979
Page 2

The attached portion of the program consists of a set of amendments to the ACMP Guidelines and Standards adopted by the Council in December of 1978.

The original Guidelines and Standards were prepared during late 1977 and early 1978 and submitted to the Legislature in April of 1978. (This late submittal was authorized by SB 388 which amended the Act to allow a one-time special submittal date for the original Guidelines and Standards.) In June of 1978 the original Guidelines and Standards were approved by the Legislature and went into effect.

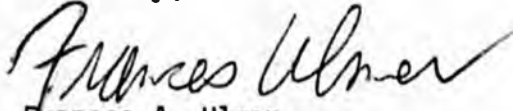
Since the last session, however, a number of requests were made to amend the Guidelines and Standards including some requests by the Legislature itself through letters of intent. In Section 80.010(c) of the original Guidelines and Standards, the Council bound itself to review these regulations periodically, and so, in the fall of 1978, the Council re-examined the regulations in light of various requests and suggestions and adopted the attached amendments.

We have followed the requirements of the Administrative Procedures Act in adopting these regulations and the Attorney General has reviewed and approved these amendments.

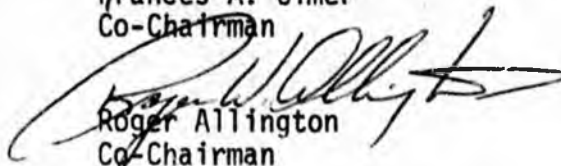
In a few days you will also receive the Council's Annual Report which describes the activities of the Council and ACMP as a whole. That report will repeat this submission and request for approval of these amendments. Further, the Annual Report will contain a number of reference items, such as the Alaska Coastal Management Act of 1977, and the original Guidelines and Standards, and will be a convenient reference source for the Legislature as it considers the requests of the Council.

We thank you for your consideration of these requests. We are at your disposal for presentations and discussions on these amendments to the Guidelines and Standards and any other matters related to ACMP. Please call Murray Walsh at the Office of Coastal Management (465-3540) to arrange for our participation if you or other members of the Legislature would so desire.

Sincerely,



Frances A. Ulmer
Co-Chairman



Roger Allington
Co-Chairman

Enclosures

Register

1979

GOVERNOR'S
OFFICE

6 AAC 80.040

6 AAC 80.040(b), COASTAL DEVELOPMENT, is amended to read:

(b) The placement of structures and the discharge of dredged or fill material into coastal water must, at a minimum, comply with the standards contained in Parts 320-323, Title 33, Code of Federal Regulations, (Vol. 42 of the Federal Register, pp. 37133--47 (July 19, 1977)). (Eff. 7/18/78, Reg. 67; am. / /, Reg.)

Authority: AS 44.19.893
AS 46.40.040

6 AAC 80.060, RECREATION, is amended by adding a new subsection to read:

(b) Districts and state agencies shall give high priority to maintaining and, where appropriate, increasing public access to coastal water. (Eff. 7/18/78, Reg. 67; am / / , Reg.)

Authority: AS 44.19.893
AS 46.40.040

6 AAC 80.070, ENERGY FACILITIES, is amended to read:

(a) Sites suitable for the development of major energy facilities must be identified by districts and the state in cooperation with districts.

(b) The siting and approval of major energy facilities by districts and state agencies must be based, to the extent feasible and prudent, on the following standards:

(1) site facilities so as to minimize adverse environmental and social effects while satisfying industrial requirements;

(2) site facilities so as to be compatible with existing and subsequent adjacent uses and projected community needs;

(3) consolidate facilities;

(4) consider the concurrent use of facilities for public or economic reasons;

(5) cooperate with landowners, developers, and federal agencies in the development of facilities;

(6) select sites with sufficient acreage to allow for reasonable expansion of facilities;

(7) site facilities where existing infrastructure, including roads, docks, and airstrips, is capable of satisfying industrial requirements;

(8) select harbors and shipping routes with least exposure to

reefs, shoals, drift ice, and other obstructions;

(9) encourage the use of vessel traffic control and collision avoidance systems;

(10) select sites where development will require minimal site clearing, dredging and construction in productive habitats;

(11) site facilities so as to minimize the probability, along shipping routes, of spills or other forms of contamination which would affect fishing grounds, spawning grounds, and other biologically productive or vulnerable habitats, including marine mammal rookeries and hauling out grounds and waterfowl nesting areas;

(12) site facilities so that the design and construction of those facilities and support infrastructures in coastal areas of Alaska will allow for the free passage and movement of fish and wildlife with due consideration for historic migratory patterns and so that areas of particular scenic, recreational, environmental, or cultural value will be protected;

(13) site facilities in areas of least biological productivity, diversity, and vulnerability and where effluents and spills can be controlled or contained;

(14) site facilities where winds and air currents disperse airborne emissions which cannot be captured before escape into the atmosphere;

(15) select sites in areas which are designated for industrial purposes and where industrial traffic is minimized through population centers; and

(16) select sites where vessel movements will not result in overcrowded harbors or interfere with fishing operations and equipment.

(c) Districts shall consider that the uses authorized by the issuance of state and federal leases for mineral and petroleum resource extraction are uses of state concern. (Eff. 7/18/78, Reg. 67; am / / , Reg.)

Authority: AS 44.19.893
AS 46.40.040

6 AAC 80.080(a), TRANSPORTATION AND UTILITIES, is amended to read:

(a) Transportation and utility routes and facilities in the coastal area must be sited, designed, and constructed so as to be compatible with district programs. (Eff. 7/18/78, Reg. 67; am / / , Reg.)

Authority: AS 44.19.893
AS 46.40.040

6 AAC 80.100, TIMBER HARVEST AND PROCESSING, is amended to read:

(a) Commercial timber harvest activities in the coastal area must be conducted so as to meet the following standards:

(1) the location of facilities and the layout of logging systems must be sited so as to minimize adverse environmental impacts;

(2) free passage and movement of fish in coastal water must be assured; and

(3) timber harvest and timber management activities must be planned so as to protect streambanks and shorelines, prevent adverse impacts on fish resources and habitats, and minimize adverse impacts on wildlife resources and habitats.

(b) Commercial timber transport, storage, and processing in the coastal area must be conducted so as to meet the following standards:

(1) onshore storage of logs must be encouraged where compatible with the objectives of the Alaska Coastal Management Program;

(2) sites for in-water dumping and storage of logs must be selected and these activities conducted so as to minimize adverse effects

on the marine ecosystem, minimize conflicts with recreational uses and activities, be safe from storms, and not constitute a hazard to navigation;

(3) roads for log transport and harvest area access must be planned, designed, and constructed so as to minimize mass wasting, erosion, sedimentation, and interference with drainage, and must be adequately maintained until they are returned to their pre-road natural drainage patterns (put-to-bed); and

(4) stream crossings, including bridges and culverts, must be kept to a minimum number, designed to withstand seasonal high water and flooding, and must provide for free passage and movement of fish.

(Eff. 7/18/78, Reg. 67; am / / , Reg.)

Authority: AS 44.19.893
AS 46.40.040

6 AAC 80.110(a), MINING AND MINERAL PROCESSING, is amended to read:

(a) Mining and mineral processing in the coastal area must be regulated, designed, and conducted so as to be compatible with the standards contained in this chapter, adjacent uses and activities, statewide and national needs, and district programs. (Eff. 7/18/78, Reg. 67; am / / , Reg.)

Authority: AS 44.19.893
AS 46.40.040

6 AAC 80.160(a), AREAS WHICH MERIT SPECIAL ATTENTION, is amended to read:

(a) Any person may recommend to a district or to the council areas to be designated as areas which merit special attention. Districts shall designate in district programs areas which merit special attention. Areas which are not in districts and which merit special attention shall be designated by the council with the concurrence of appropriate state agencies, municipalities, and villages affected by the designation. Designations must include the following information:

(1) the basis or bases for designation under AS 46.40.210(1) or (b) of this section:

(2) a map showing the geographical location, surface area and, where appropriate, bathymetry of the area;

(3) a description of the area which includes dominant physical and biological features;

(4) the existing ownership, jurisdiction, and management status of the area, including existing uses and activities;

(5) the existing ownership, jurisdiction, and management status of adjacent shoreland and sea areas, including existing uses and activities;

(6) present and anticipated conflicts among uses and activities within or adjacent to the area, if any; and

(7) a proposed management scheme, consisting of the following:

(A) a description of the uses and activities which will be considered proper and the uses and activities which will be considered improper with respect to land and water within the area;

(B) a summary or statement of the policies which will be applied in managing the area; and

(C) an identification of the authority which will be used to implement the proposed management scheme. (Eff. 7/18/78, Reg. 67; am / / , Reg.)

Authority: AS 44.19.893
AS 46.40.040

6 AAC 80.900, DEFINITIONS, is amended by adding new paragraphs to read:

6 AAC 80.900, DEFINITIONS. Unless the context indicates otherwise, in this chapter

(20) "feasible and prudent" means consistent with sound engineering practice and not causing environmental, social, or economic problems that outweigh the public benefit to be derived from compliance with the standard which is modified by the term "feasible and prudent;

(21) "including" means including but not limited to;

(22) "major energy facility" includes marine service bases and storage depots, pipelines and rights-of-way, drilling rigs and platforms, petroleum or coal separation, treatment, or storage facilities, liquid natural gas plants and terminals, oil terminals and other port development for the transfer of energy products, petrochemical plants, refineries and associated facilities, hydroelectric projects, other electric generating plants, transmission lines, uranium enrichment or nuclear fuel processing facilities, and geothermal facilities; "major energy facility" means a development of more than local concern carried out in, or in close proximity to, the coastal area, which meets one or more of the following criteria:

(1) a facility required to support energy operations for exploration or production purposes;

(2) a facility used to produce, convert, process, or store energy resources or marketable products;

(3) a facility used to transfer, transport, import, or export energy resources or marketable products;

(4) a facility used for in state energy use; or

(5) a facility used primarily for the manufacture, production, or assembly of equipment, machinery, products, or devices which are involved in any activity described in (1) - (4) of this paragraph;

6 AAC 80.900(9), is amended to read:

(9) "geophysical hazard areas" means those areas which present a threat to life or property from geophysical or geological hazards, including flooding, tsunami run-up, storm surge run-up, landslides, snowslides, faults, ice hazards, erosion, and littoral beach process; (Eff. 7/18/78, Reg. 67; am / / , Reg.)

Authority: AS 44.19.893
AS 46.40.040

6 AAC 85.040(a), BOUNDARIES, is amended to read:

(a) Each district must include a map of the boundaries of the coastal area within the district subject to the district program. Boundaries must enclose those lands which would reasonably be included in the coastal area subject to the district program if they were not subject to the exclusive jurisdiction of the federal government. (Eff. 7/18/78, Reg. 67; am / / , Reg.)

Authority: AS 44.19.893
AS 46.40.040

6 AAC 85.130(b), PUBLIC INVOLVEMENT, is amended to read:

(b) At least 60 days before giving conceptual approval to the district program or significant amendment to the district program, the district shall give written notice to the council and any person who has requested notice in writing, as well as public notice of the proposed action by conspicuous advertisement in a newspaper of general circulation within the district. In addition, notice must be given by radio and by posting in villages and municipalities within the district. The notice must specify the time and place of a public hearing on the proposed action and the availability for review of the proposed district program document or significant amendment to the district program. The public hearing under this subsection may be held not sooner than 30 days after notice is given. At the public hearing, each person must be given

the opportunity to present statements, arguments, or contentions, orally or in writing. Districts shall insure that, where appropriate, translation into the appropriate Native language(s) is provided. The district shall consider all relevant matter presented to it. A written transcript or electronic recording of the public hearing must be submitted to the council. (Eff. 7/18/78, Reg. 67; am / / , Reg.)

Authority: AS 44.19.893
AS 46.40.040

6 AAC 85.150, COUNCIL REVIEW, is amended to read:

(a) (((No changes.)))

(b) Within 30 days after submission of the district program or amendment under (a) of this section, the Office of Coastal Management shall issue its recommendation. The recommendation may be based, in whole or in part, on matters not submitted by the district under (a) of this section. Any matters so used must be identified in the recommendation and placed in the record file under (c) of this section. The recommendation must contain findings and conclusions based on this chapter, the standards contained in ch. 80 of this title, AS 46.40.060, and AS 46.40.070. The recommendation must be served on the district, the council, all persons who testified or submitted timely written statements at the public hearing held under sec. 130(b) of this chapter, and all persons who have requested the recommendation in writing. Broad public notice of the recommendation must be given.

(c) (((No changes.)))

(d) Within 30 days after service of the recommendation, any person served with the recommendation may serve on the council comments on the recommendation. Within 30 days after public notice of the recommendation, any other person may serve on the council comments on the recommendation. Within 10 days after the deadline for serving comments on the council under this subsection, the Office of Coastal Management may submit additional matter to the council in response to the comments. All comments served and all additional matter submitted under this subsection will be placed in the record file. The Office of Coastal Management shall respond to all comments within 30 days of receipt.

(e) (((No changes.)))

(f) If the council's decision under (e) of this section disapproves, in whole or in part, the district program, the decision will specify the date and location for the initial mediation session under AS 46.40.-060(b). Mediation sessions will be held with due regard for the convenience of the participants. Any person may attend mediation sessions. (Eff. 7/18/78, Reg. 67; am / / , Reg.)

Authority: AS 44.19.893
AS 46.40.040

6 AAC 85.900, DEFINITIONS, is amended by adding new subsections to read:

6 AAC 85.900, DEFINITIONS. Unless the context indicates otherwise, in this chapter

(9) "feasible and prudent" has the same meaning as
in 6 AAC 80.900;

(10) "including" has the same meaning as in 6 AAC 80.900.
(Eff. 7/18/78, Reg. 67; am / / , Reg.)

Authority: AS 44.19.893
AS 46.40.040