

ALASKA  
COASTAL  
MANAGEMENT  
POLICY —  
CHANGES

Rec'd 11-6-81



# KAWERAK, INC.



P.O. BOX 948 • NOME, ALASKA 99762



(907) 443-5231

November 2, 1981

Senator Bettye Fahrenkamp  
Chairman  
Senate Resources Committee  
4016 Evergreen  
Fairbanks, AK 99701

Dear Senator Fahrenkamp.

I have received the proposed amendments to the Alaska Coastal Management Act and submit the following comment.

AS 46.40.030(4) Key word here seems to be "implementing". What is the intent of including the word implementing! Are there some land and water use regulations or potential for developing of such regulations which are not "implementing"?

AS 46.40.170(b) Six(6) lines down - "prepare" is probably not the proper word but should use "develop" instead.

Seven(7) lines down - approvable - as long as your amending the act, might as well delete the word approvable from the act.

Eight(8) lines down - "the time limitations approved by the Council" should read, the time limitations required for completion and submission of the district program under AS46.40.50

New uses of State concern:

I don't see this amendment as being necessary. It is already covered under AS46 40.010 (c) (2).

It could also open up a loop hole for state agencies to create a new use of state concern other than those currently in the definition of uses of state concern.

Senator Fahrenkamp  
November 2, 1981  
Page 2

AS44.19.161(2)

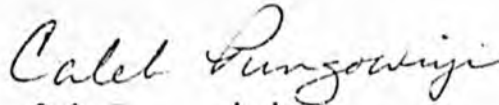
I looked all over the Alaska Coastal Management Act of 1977, as amended and cannot find the above section. The only thing I find is AS44.19.893. There may be a new act as amended that I don't have.

AS46.40.140(a) This is good!

AS46.40.140(b) What about the CRSAB's who have already been established and elected. Is there provision that their numbers can change?

While there has been no call to comment on these proposed changes, I hope that our comments may be of some help to the legislature.

Sincerely,



Caleb Pungowiyi,  
Executive Vice President

cc: Jack Fuller  
Diane Hemnes - B.S. Coastal Resource Board  
Murray Welsh, Coordinator, OCM

# MEMORANDUM

State of Alaska

TO: Senator Bettye Fahrenkamp  
Senator Don Gilman  
Senator Arliss Sturgulewski  
Representative Tony Vaska  
Representative Ken Fanning  
Representative Eric Sutcliffe

DATE: October 20, 1981

FILE NO: 465-3540

TELEPHONE NO:

SUBJECT: Legislative Changes to the  
Alaska Coastal Management  
Act

From: *Murray R. Walsh*  
Murray R. Walsh, Coordinator  
Office of Coastal Management

Attached for your information is a copy of draft legislative changes to the Alaska Coastal Management Act which will be discussed at the Coastal Policy Council's October 26, 1981 meeting in Anchorage. Please don't hesitate to call upon me if you have any questions regarding the changes.

## Attachments

cc: Reesa King  
Bob Berry  
Margo Waring  
Linda Wild  
John Manly  
Gail Nordling

MW/KF/ema

District Coastal Management Program Regulatory Provisions

AS 46.40.030(4) is repealed and reenacted to read: ..

specific implementing land and water use regulations,  
and additions or amendments to existing zoning and other  
controls over the use of resources within the coastal area  
which will be applied to manage the land and water uses  
subject to the district program;

Conditional Approval of District Coastal Management Programs

AS 46.40.060(a) is amended to read:

If, upon submission of a district coastal management program for approval, the council finds that the program is substantially consistent with the provisions of this chapter and the guidelines and standards adopted by the council and does not arbitrarily or unreasonably restrict or exclude uses of state concern, the council may grant summary approval of the district coastal management program, or may approve portions of the district program which are consistent. If the council finds that there are deficiencies in a district coastal management program as submitted, it may nevertheless approve the district program subject to modifications and conditions of approval specified by the council at the time of program approval. Modifications and conditions of approval specified by the council take effect as part of the approved district program unless they are rejected by the governing body of the coastal resource district within 90 days after the council's action. if a coastal resource district rejects any council modifications of the district program or conditions of approval, the deficiencies in the program shall be mediated and adjudicated in accordance with (b), (c) and (d) of this section.

## Flexible District Program Completion Deadlines

AS 46.40.050 is repealed and reenacted to read:

Each coastal resource district shall, within six months of the effective date of this section, or within six months of certification of the results of the district's organization elections, whichever is later, submit to the council for its consideration and approval a schedule including dates for the completion and submission of the district coastal management program to the council. During the development of its coastal management program, each district shall submit progress reports concerning program development to the council annually, or more frequently, as determined by the council.

AS 46.40.170(b) and (c) are amended to read:

(b) At the request of the council, the Department of Community and Regional Affairs shall complete the district coastal management program in accordance with this chapter and the guidelines and standards adopted by the council for a coastal resource service area which has been organized but which has failed to prepare [MAKE SUBSTANTIAL PROGRESS IN THE PREPARATION OF], an approvable district coastal management program within the time limitations approved by the council for completion and submission of the district program under AS 46.40.050.

[18 MONTHS OF CERTIFICATION OF THE RESULTS OF AN ORGANIZATION ELECTION OR WHICH HAS NOT SUBMITTED FOR APPROVAL OF THE COUNCIL A PROGRAM WITHIN 30 MONTHS OF CERTIFICATION OF THE RESULTS OF ITS ORGANIZATION ELECTION.] Preparation of the program shall be conducted in consultation with the coastal resource service

area and shall, to the maximum extent consistent with this chapter, reflect the expressed concerns of the residents of the service area.

(c) Before requesting the department to complete the district coastal management program under (b) of this section, the council shall meet with the members of the coastal resource service area board to determine whether the board is able to complete a district coastal management program within the time limitations established by the council [THIS SECTION].

Issue-specific district coastal management programs.

AS 46.40 is amended by adding a new section to read:

AS 46.40.035. ISSUE-SPECIFIC DISTRICT COASTAL MANAGEMENT PROGRAMS. A coastal resource district may, with prior council approval, develop a district coastal management program which is less than comprehensive in its geographic coverage or which addresses only certain specific land and water uses and activities within the district. The council shall, by regulation, adopt standards for the development of issue-specific district coastal management programs. To initiate an issue-specific district coastal management program, the coastal resource district shall present a detailed program proposal to the council for its approval. The council shall, if it approves the coastal resource district's proposal, establish a schedule including dates for the completion and submission to the council of an approvable issue-specific district coastal management program. During the development of its program the district shall submit progress reports concerning program development to the council annually, or more frequently, as determined by the council.

New Uses of State Concern:

AS 46.40 is amended by adding a new section to read:

AS 46.40.075. NEW USES OF STATE CONCERN. If the council is informed by a state or federal agency or a coastal resource district of a new use of state concern within a coastal resource district with an approved district coastal management program, and the council finds that the new use of state concern is (1) not addressed in the district coastal management program and (2) restricted or excluded by the district program, it shall approve a schedule for the district to address the new use of state concern in its district program. If the coastal resource district does not approve and submit to the council for its consideration, within the time limitations approved by the council, amendments to the district program which accommodate the new use of state concern in a manner consistent with the provisions of this chapter and the standards and guidelines adopted by the council, or the council does not approve the district's treatment of the new use of state concern in its district program, the council shall direct that the deficiency be mediated and adjudicated in accordance with AS 46.40.060(b), (c) and (d).

## State Agency Participation

AS 46.40 is amended by adding a new section to read:

AS 46.40.037. STATE AGENCIES. Each state agency shall provide available technical resource information to coastal resource districts developing district coastal management programs and shall coordinate its planning efforts under other statutory authorities for resources within the coastal area with the development of district coastal management programs by affected coastal resource districts. State agencies shall identify at the earliest practicable time uses of state concern which must be addressed by each coastal resource district in its district coastal management program and shall participate through comments and technical resource information, where appropriate, in the development of each district coastal management program.

AS 44.19.161(2) is amended to read:

(2) establish continuing coordination among state agencies to facilitate the development and implementation of the Alaska coastal management program; [IN CARRYING OUT ITS DUTIES UNDER THIS PARAGRAPH, THE COUNCIL SHALL INITIATE AN INTERAGENCY PROGRAM OF COMPREHENSIVE COASTAL RESOURCE PLANNING FOR EACH GEOGRAPHIC REGION DESCRIBED IN AS 44.19.155(a)(1);]

## Coastal Resource Service Area Boards

AS 46.40.140(a) is amended to read:

(a) Each coastal resource service area, upon organization, shall have an elected board representing the population of the service area. The board shall have the powers and duties and perform the functions prescribed for or required of coastal resource districts. Once the district coastal management program for a coastal resource service area is approved by the council and in effect, the board shall be given notice of and may provide comments and recommendations on the interpretation of the district program as it applies to specific land and water uses and activities subject to approval by a state agency implementing the district program in accordance with AS 46.40.090(a). If the coastal resource service area, or a portion of the area, included in a district coastal management program developed and adopted by a coastal resource service area board organizes to assume planning powers as a unified municipality, borough, or home rule or first class city, as set out in AS 46.40.210(2) (A)-(C), or as a second class city which meets the requirements of AS 46.40.210(2)(D), the district program continues in effect as the district program of the new local government, subject to amendments adopted by the governing body in accordance with this chapter.

AS 46.40.140(b) is repealed and reenacted to read:

(b) Board members shall be elected at large by the qualified voters of the coastal resource service area. The board shall consist of five, seven, nine, or eleven members. The number of board members shall be determined by the commissioner of the Department of Community and Regional Affairs, in consultation with the local communities in the coastal resource service area.

AS 44.19.155(a)(1) is amended to read:

(1) nine public members appointed by the governor from a list comprised of at least three names from each region, nominated by the municipalities of each region; the nominees shall be the mayor or member of the assembly or council of a municipality, or member of a coastal resource service area board in the region; one public member shall be appointed from each of the following general regions:

AS 44.19.155(d) is amended to read:

(d) Each member of the council shall select one person to serve as a permanent alternate at meetings of the council. If a member of the council is unable to attend, he shall advise the alternate who may attend and act in place of the member. The alternate for a public member appointed after July 9, 1978, under (a)(1) of this section shall, at the time of his designation and throughout the period of his service as a permanent alternate,

or member of a coastal resource service area board, within  
the region from which the permanent member is appointed. The  
alternate for a designated member serving under (a)(2) of this  
section shall be a deputy commissioner of the department, [OR]  
the director of a division in the department or, in the case of  
the division of policy development and planning, the deputy  
director of the division. The names of alternates shall be filed  
with the council.

AS 46.40.190(b) is amended to read:

(b) Nothing in this chapter restricts or prohibits  
cooperation or joint administration of functions between a  
municipality and a coastal resource service area organized  
under the provision of this chapter upon initiation of a mutual  
agreement for the purpose. A city which elects to be excluded  
from an adjacent coastal resource service area under (a) of this  
section shall establish informal procedures, as appropriate,  
for the mutual exchange of information concerning the development  
and implementation of the district program [ENTER INTO A MUTUAL AGREEMENT  
FOR COOPERATIVE OR JOINT ADMINISTRATION OF FUNCTIONS] with the  
coastal resource service area board from the adjacent coastal  
resource service area.

# MEMORANDUM

State of Alaska

TO: Murray Walsh, Coordinator  
Office of Coastal Management

DATE: October 12, 1981

FILE NO:

TELEPHONE NO: 465-3600 ex 53

FROM: WILSON L. CONDON  
ATTORNEY GENERAL

SUBJECT: Amendments to the ACMP

By: *Lauri J. Adams*  
Lauri J. Adams  
Assistant Attorney General

Attached are draft amendments to the Coastal Management Act which you requested me to prepare for the Coastal Policy Council's consideration.

If I can be of any further assistance please let me know.

LJA/jb

Attachments

District Coastal Management Program Regulatory Provisions

AS 46.40.030(4) is repealed and reenacted to read:

specific implementing land and water use regulations, and additions or amendments to existing zoning and other controls over the use of resources within the coastal area which will be applied to manage the land and water uses subject to the district program;

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AS 46.40.060(a) is amended to read:

If, upon submission of a district coastal management program for approval, the council finds that the program is substantially consistent with the provisions of this chapter and the guidelines and standards adopted by the council and does not arbitrarily or unreasonably restrict uses of state concern, the council may grant summary approval of the district coastal management program, or may approve portions of the district program which are consistent. If the council finds that there are deficiencies in the district coastal management program as submitted, it may nevertheless approve the district program subject to modifications and conditions of approval which are specified by the council. Modifications and conditions of approval determined by the council take effect as part of the approved district program unless the coastal resource district rejects them by ordinance of the governing body within 90 days after the council's action. If the district rejects any council modifications of the district program or conditions of approval, those deficiencies in the program shall be mediated and adjudicated in accordance with (b), (c) and (d) of this section.

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area and shall, to the maximum extent consistent with this chapter, reflect the expressed concerns of the residents of the service area.

(c) Before requesting the department to complete the district coastal management program under (b) of this section, the council shall meet with the members of the coastal resource service area board to determine whether the board is able to complete a district coastal management program within the time limitations established by the council [THIS SECTION].

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or member of a coastal resource service area board, within the region from which the permanent member is appointed. The alternate for a designated member serving under (a)(2) of this section shall be a deputy commissioner of the department, [OR] the director of a division in the department or, in the case of the division of policy development and planning, the deputy director of the division. The names of alternates shall be filed with the council.

AS 46.40.190(b) is amended to read:

(b) Nothing in this chapter restricts or prohibits cooperation or joint administration of functions between a municipality and a coastal resource service area organized under the provision of this chapter upon initiation of a mutual agreement for the purpose. A city which elects to be excluded from an adjacent coastal resource service area under (a) of this section shall establish informal procedures, as appropriate, for the mutual exchange of information or cooperative administration of district programs in agreement [ENTER INTO A MUTUAL AGREEMENT FOR COOPERATIVE OR JOINT ADMINISTRATION OF FUNCTIONS] with the coastal resource service area board from the adjacent coastal resource service area.

## "ACMP IMPROVEMENTS PACKAGE"

This paper is a list of improvements to the ACMP that have arisen from three sources: The CPC Subcommittee which worked over the summer of 1981; the joint efforts of Senators Fahrenkamp and Gilman during the same period; and some outstanding proposals that were discussed by the CPC during the 1981 session of the legislature. The changes would take the form of new legislation or amendments to the ACMP regulations, depending on the nature of the problem to be addressed.

### A. Results of CPC Subcommittee Discussions:

One of the persistent areas of confusion in the ACMP is the appearance or perception that district coastal management programs are surrogate form of comprehensive planning which the municipal districts already have the right to undertake. The Subcommittee felt that the ACMP should be viewed as a on resource management and allocation program, rather than the traditional form of comprehensive planning.

1. Specificity: The Subcommittee thought there was a need to increase specificity and clarity in the district programs. This is important to ensure clear understanding as to just what the binding provisions of the district program are. To address this concern, some amendments to the Alaska Coastal Management Act ("Act" hereafter) are suggested:

- (a) Amend AS 46.40.030 to specifically require the "binding" provisions of the district program to be separately and clearly identified in the district program document; and further that the binding provisions be specifically "adopted" by the CPC as part of the ACMP regulations, while the remainder of the district program submitted would be "approved" by the CPC as evidence of the adequacy of the district's attention to the Guidelines and Standards.

- (b) Provide, in AS 46.40.070, the opportunity for the CPC to conditionally approve district programs so that deficiencies can be directed for remedy by the CPC without otherwise impairing the district program's approval.

- (c) Add, in the ACMP regulations, a procedure by which districts can approach the CPC on an issue-specific basis and declare their intention to resolve the issue through the ACMP process by amending the district program.

2. Uses of State Concern. The Subcommittee also felt the need to provide better focus for identification and attention to uses of state concern. Some suggestions to do this are as follows:

- (a) Amend the Act to provide for the possibility of an "unanticipated use of state concern." The CPC should be empowered to determine, on the basis of testimony by a state or federal agency, that a new use of state concern has been

identified in a district, and to direct the district to consider the matter within a set period of time.

(b) Revise the Act and the ACMP regulations regarding state agency responsibilities and "regional planning". The revisions could require coordination of state planning under other authorities with district coastal planning efforts, and to require identification of uses of state concern by the state agencies at strategic points in the district program development or amendment process.

B. Results of the Senate Effort During the Intersession:

1. Provide for Legislative oversight of ACMP.
2. Consider providing for a reliable funding vehicle for continued development and implementation of district coastal management programs.
3. Address the issues raised by the consistency process. Many of these issues will be dealt with in Senate Bill 84, but some sentiment was expressed for a more direct approach to the matter in amendments to AS 46.40 (the Coastal Act) rather than relying on just what SB 84 will do in AS 44.62 (The Alaska Administrative Procedures Act.)

C. Pre-Existing Proposals for ACMP Improvements:

1. Eliminate the districts program completion deadline. This deadline has been extended on an individual basis, and is unenforceable in any event. History has shown general desire on the part of districts to develop programs, but history has shown as well, that coastal management is a complex business and that good programs often take time. Leaving the deadline in place could cast a cloud of the "legality" of a local program that is late.
2. Change the provisions for Coastal Resource Service Areas to allow a more flexible number of service area board members and clarify that the CRSA planning boards are to remain in existence after their programs are approved in order to oversee implementation of the plans. Eliminate the requirement for cooperative agreements between CRSA boards and first class cities.

clarity

Notes on 10/5/81 meeting on changes to ACMP:

Governor is planning to issue an Executive Order to move the Coastal Mgmt. Program to Community & Regional Affairs

Rep. Martin has been holding hearings on SB 84; is he interested in CZM, or more interested in permit reform?

"great weight" is a compromise. State still holds the veto. There has been confusion between local coastal planning and local comprehensive planning; local plans need to be more specific

Executive Order #54 put a coastal management coordinator in each state department

When the Coastal Policy Council is reviewing local plans, the binding provisions need to be clearly identified - "the rules" Clarification of the binding rules would be beneficial; be able to separate them clearly from policy, etc. Then, for example, AOGA would know who to go to with its concerns

Negotiated deadlines would be better than saying all plans had a certain amount of time to be completed; gear deadlines to individual circumstances

Soliciting now for a new member for the CPC; governor needs three names. Each person has to be nominated by the governing body of a second or first class city. Next CPC meeting is October 26.

Teleconference at 1:00 (Juneau time) on Oct. 12 to discuss changes to coastal zone management.

November 6 - Municipal League - Anchorage - workshop on the proposed changes to coastal zone management

Some discussion of the larger issue of local government; organizing the unorganized borough; statewide planning

Caleb Pungowiwi's comments re Coastal Management:

Provides local control; planning for resources and development problems; wants control in the hands of locals rather than DNR

Problems he sees:

1. act limits a municipality from objecting to a plan outside of its 3-mile radius; should be able to comment on a broader area
2. plan is subject to ACMP and legislative approval; this limits the CRSA's; makes it subject to legislative whim
3. CRSA's don't have zoning control or implementing authority; would like them to have authority for implementation of the plan
4. 20% match too hard
5. Council itself only has 4 out of 16 from rural areas, but CRSA's are primarily rural. More village representation on Council

March 12, 1981

Notes from PC conversation with Bill Ross:

1. Gov's amendment re CZM: originally, the BRC took out the amendment eliminating/reducing the match, but it was resubmitted; that amendment is now before the Finance committees.
2. Consistency: have locals make the consistency decision. Now, the state agencies make consistency determination, and if the locals don't like it, then they have to appeal. Could change it so that state has to answer to what the locals say.
3. Plans approved: Cordova, Anchorage, Haines, Skagway, [Annette] A.L.I.V.E. took the legislature out of it.
4. When a local plan is adopted, it is elevated to the level of state law. Title 46 binds the state closer than Title 29. Also, outside the 3-mile limit where the state has no authority, a CZM program keeps a check on the feds.
5. Most local plans don't have state and federal involvement; plans cover compatibility of different uses of the land, rather than suitability of development
6. "Significant amendment" when should local changes come back through the Council. Don't want the state to have onerous oversight; only things that threaten the plan.

# STATE OF ALASKA

JAY S. HAMMOND, Governor

## OFFICE OF THE GOVERNOR

DIVISION OF POLICY DEVELOPMENT AND PLANNING

POUCH AP

JUNEAU, ALASKA 99811

(907) 465-3541 OR 465-3574

March 27, 1981

The Honorable Bettye Fahrenkamp  
Chairman, Senate Resources Committee  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

MAR 26 1981

Dear Senator Fahrenkamp:

The Coastal Policy Council has considered with great interest the testimony on the Alaska Coastal Management Program (ACMP) presented to the Senate Resources Committee. The Council is concerned about the issues raised before the Committee and would like to pursue improvements to the ACMP that would increase its effectiveness and utility, particularly to local governments.

At its meeting on March 19, the Council discussed several ways in which the ACMP might be improved. Six general topics were considered by the Council -- ability of local programs to influence State decisions, the interim management system, legislative oversight, provisions for organization and functioning of Coastal Resource Service Areas (CRSA's) in the unorganized borough, per diem rate for Council members, and the administrative location of the Office of Coastal Management. We would like to present to you a brief statement of these ideas, and the direction the Council would like to take on them.

1. Ability of district coastal management programs to influence state decisions:

Perhaps the most important and difficult question about the Alaska Coastal Management Program (ACMP) is how much it increases the ability of local governments to influence decisions made by the state and the federal government both under Title 46 and under legal authorities in addition to Title 46. Much of the testimony presented to the committee has centered around this issue.

The key concern is to ensure that the coastal districts are able to address important resource allocation questions during the planning process and that the State is accountable both to fully participate in



ALASKA  
COASTAL MANAGEMENT PROGRAM

01-A17LH

the process and to carry out the results as expressed in the approved district program.

During the planning phase, the Council thinks that a district should be explicitly authorized to identify each specific State legal authority that it seeks to substantively influence through the district program. The district, along with the pertinent State agency, would identify specifically the types of information needed to make decisions under the identified legal authority, as well as the specific criteria or standards by which the State is required to act. The district, in consultation with the State agency, would then complete the required analysis and depict the outcome in its plan. Barring a substantial showing by the State agency that provisions of the district program were contrary to law or regulation, the district's plan would govern the pertinent part of the agency's decision on that specific issue.

It might be helpful to consider an example. If a district sought to identify a site for a solid waste disposal facility, it would identify 18 AAC 60 as one of the state legal authorities it sought to substantively influence in its program. The Department of Environmental Conservation would then be required to work with the district to identify any information needed to make a decision about siting a facility and the substantive legal requirements by which a decision on a site could be made, and then to analyze any sites proposed by the district. After the Council approved the program, ADEC would be required to make a decision under 18 AAC 60 that was affirmatively consistent with the district program and to issue a permit called for in the plan when requested to do so by the facility operator.

Clearer and stronger requirements for the State to fully implement district programs are also thought to be advisable by the Council. The Council expressed approval of two changes to increase the responsiveness of State decisions to district coastal programs.

The Council thought that the State should base its consistency determinations on projects in the coast exclusively on approved district programs, instead of on the ACMP Standards and the district programs, for all issues that are addressed in district programs. This could be accomplished by changes in the regulations, but should be reflected in any statutory language adopted, as necessary.

The Council also thought that a stronger role and greater flexibility should be made available to districts in making consistency decisions and endorsed two suggestions:

a) Coastal districts should be given the option of making consistency determinations themselves, under timeframes similar to those outlined in the Uniform Procedures for Permits, Consistency Determinations and Appeals.

b) Any district that does not want to set up its own consistency review process should be given the option of reviewing draft decisions prepared by the State. The district would retain the right to present comments on any consistency determination. The extent to which the district comments are binding on State agencies could also be determined by statute.

## 2. Interim management system.

Interim management refers to the application of the ACMP Standards to development projects in those areas of the State which do not yet have approved local programs. The application of the Standards, and resulting consistency determination, is coordinated by DPDP for projects having federal government involvement, and is done by the individual State agencies for their own activities or regulatory authorizations. The Administration's Permit Reform project will change the decision-makers somewhat on these types of consistency determinations, but assumes that interim management will continue.

The Council would like to see a definitive statement regarding interim management from the Legislature. Our discussion on this matter at the March 19 meeting acknowledged the need for and effectiveness of the existing interim management system, but also recognized the political sensitivity of the issue, particularly given some of its implications for greater local control in the ACMP. The Council did not reach a consensus on the matter, but rather considered two options:

a) Retention of the interim management system, with the understanding that it may be altered by the proposed Uniform Permit Procedures project.

b) Elimination of the interim management in those areas of the State which elect to do so. This could be accomplished by either having the local district suspend management implementation until the local program was approved, or by allowing the local district to opt out of coastal management completely, no longer even mandating that it develop a coastal program.

A majority of the Council favored option a, retention of the existing system. However, the Council also thought further discussion on both of these options is warranted.

### 3. Legislative oversight.

The Council would like to restore some form of legislative oversight, since the existing provisions were invalidated by the court decision on the A.L.I.V.E. Voluntary case. The Council would like to amend the Act to provide that the actions of the Council remain in effect unless the Legislature overturns them. This would enable timely implementation of approved local programs, and would still allow the Legislature to retain comprehensive oversight of the ACMP.

### 4. Organization and functions of Coastal Resource Service Areas (CRSA).

The Council endorsed several changes to the statute to increase the effectiveness and flexibility available to CRSAs.

a) Clarify role of CRSA Boards after program approval. The Act does not currently provide a role for CRSA boards after programs are approved. The Council seeks a change in the Act to allow the CRSA boards to remain in existence after approval of district programs. The Council also believes that CRSA boards should also be able to make consistency decisions with respect to their approved programs with the same authority granted to organized governments. As discussed in issue #1 above, this would mean that CRSA boards could choose to actually make the consistency determinations, or could choose to participate in the State's review process.

b) Increase flexibility in number of members on CRSA boards. The Act now requires that each CRSA board have 7 members. The Council believes that CRSA boards should be allowed to organize with 7, 9 or 11 members. This would allow each region to select a number of representatives to provide appropriate geographic representation, and would be similar to the provisions for electing REAA board members.

c) Clarify relationships between cities within CRSAs. During the 1980 Legislature, Senate Bill 562 amended the Act to allow the subdivision of an REAA into no more than three CRSAs. Accompanying this provision, however, were two requirements: (1) each subdivided CRSA must contain at least one first-class or home rule city, and (2) the city does not have the option to exclude itself from the subdivided CRSA in order to prepare its own district program, as was the case previously. Substantive public comment indicated that first-class or home rule cities believed their planning authorities were limited by these requirements. As a result the Council requests that the two requirements be repealed. In addition, another provision of SB 562 required that a city which elected to exclude itself from a CRSA must enter into a "mutual agreement for cooperative or joint administration of functions" with an adjacent CRSA board. Again, public comment has indicated that this provision is overly bureaucratic. Consequently, the Council also requests repeal of this requirement.

5. Increased per diem reimbursement to public Council members.

At present, the members of the Council that represent local regions throughout the State receive payment of regular State per diem rates and travel expenses in compensation for their service. Often the public members of the Council incur expenses, such as paying someone to replace them at their place of work, when conducting Council business. The Council requests that the Legislature authorize payment of triple the regular per diem rate to the local government representatives on the Council (and their alternates) for those days during which they actually serve as Council members. This would help defray the costs of being on the Council for the public members.

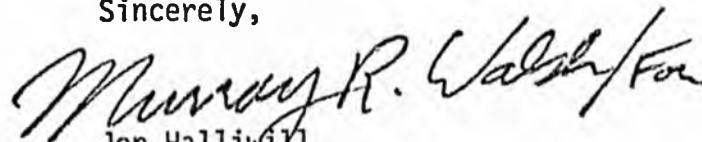
6. Relocation of the Office of Coastal Management.

The Council has often considered the desirability of an independent staff that is directly responsive to its needs. The Council believes that the Office of Coastal Management would best serve the Council as a free-standing office within the Office of the Governor, thus removing OCM from the Division of Policy Development and Planning.

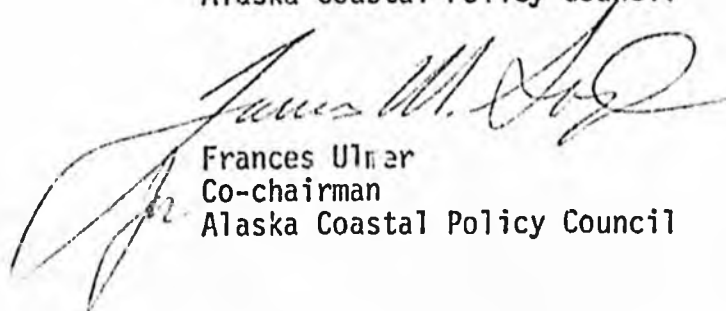
The Council will consider these ideas, and perhaps others, more fully at its meeting on April 8. Specific statutory language needed to implement these changes will be considered during that meeting. We encourage you or your staff to attend this meeting if you so desire. Any thoughts you have on these issues would, of course, be greatly appreciated.

We look forward to working closely with you on possible improvements to the ACMP. The Council is concerned with many of the same issues you have raised and addressed in your committee.

Sincerely,



Jon Halliwell  
Co-chairman  
Alaska Coastal Policy Council



Frances Ulmer  
Co-chairman  
Alaska Coastal Policy Council

BR/1fm

cc: Senate Resources Committee

DRAFT  
BR

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the management of the coastal resources of the state; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA

\* Section 1. AS 44.19.155(f) is amended to read:

(f) Members of the council or their alternates are entitled to [PER DIEM AND] travel expenses at the rate authorized by law for members of boards and commissions and to per diem at triple the authorized rate.

\* Sec. 2. AS 44.19.162 is amended to read:

Sec. 44.19.162. COUNCIL STAFF. The council shall utilize the staff of the office of coastal management within the office of the governor [DIVISION OF POLICY DEVELOPMENT AND PLANNING] in discharging its powers and duties. The coordinator of the office is selected by the council and serves at the pleasure of the council. With [WITH] the concurrence of the council, the coordinator may contract with or employ personnel or consultants he considers necessary to carry out the powers and duties of the council.

\* Sec. 3. AS 46.40.030 is amended by adding a new paragraph to read:

(8) a list of land and water use regulatory and proprietary authorities of the state agencies, the exercise of which the coastal

resource district, in consultation with the state, proposes to influence substantively, through the development and implementation of its district coastal management program; the list may include the following: AS 16.05.251(a)(7); 16.05.255(a)(7); 16.05.260; 16.05.870; 19.30.010-.050; 38.04.050; 38.04.055; 38.05.020; 38.05.035; 38.05.070; 38.05.082; 38.05.110-.120; 38.05.127; 38.05.330; AS 46.03.020(9), and (10)(A), (D), and (E); 46.03.050; 46.03.070; 46.03.080; 46.03.100; 46.03.140; 46.03.150; 46.03.710; and 46.03.720.

\* Sec. 4. AS 46.40.030 is amended by adding a new subsection to read:

(b) A coastal resource district which proposes listing state agency land and water use regulatory and proprietary authorities in its district coastal management program, or in an amendment to the district program, under (a)(8) of this section, must notify the council and the affected state agencies of the specific authorities it intends to include at least six months prior to submittal of the district coastal management program, or amendment to the district program, to the council for its review. The council will, in its description, on its own initiative or upon the request of a state agency within 30 days of the agency's receipt of notice from the district under this section, review the list of land use authorities submitted by the coastal resource district. After a public hearing under this section, which must be held within 90 days after the date the council received notice from the coastal resource district, the council shall enter findings and, by order, accept, reject, or condition the inclusion in the district coastal management program of any of the state agency land<sup>and water</sup> use authorities proposed for inclusion by the district. The council shall adopt regulations under the administrative procedure act (AS 44.62) establishing procedures and criteria consistent with this section and AS 46.40.070(a) for review of

coastal resource district lists of land<sup>and water</sup> use authorities submitted under this section.

\* Sec. 5. AS 46.40.070(a) is amended to read:

(a) The council shall approve a district coastal management program submitted for review and approval if the program is consistent with the provisions of this chapter and the guidelines and standards adopted by the council, adequately addresses state agency regulatory and proprietary authorities included in the program under AS 46.40.030(a)(8) and (b), and is in compliance with any orders of the council under AS 46.030(b). A district has adequately addressed the authorities identified under AS 46.40.030 if the council finds that:

(1) the district has provided a meaningful opportunity for consultation with and full involvement of the affected state agency in the development of the district program;

(2) the state agency has not shown that the district coastal management program would violate an existing statute or regulation of the agency otherwise limiting its discretionary authority; and

(3) the state agency has not shown that the district coastal management program's information requirements and the substantive analysis of the agency's criteria used in exercising regulatory and proprietary authorities is materially deficient.

\* Sec. 6. AS 46.40.080 is repealed and reenacted to read:

Sec. 46.40.080. EFFECTIVE DATE OF DISTRICT COASTAL MANAGEMENT PROGRAMS. District coastal management programs and designations by the council of areas meriting special attention under AS 46.40.040(1)(F) of this chapter, and additions, revisions and amendments to district programs and designations of areas meriting special attention, take

effect upon approval by the Coastal Policy Council, subject to disapproval by law during the first 60 days of the next regular session of the legislature.

\* Sec. 7. AS 46.40.090(a) is amended to read:

(a) A district coastal management program which is in effect [APPROVED BY THE COUNCIL AND THE LEGISLATURE] for a coastal resource district which does not have and exercise zoning or other controls on the use of resources within the coastal area shall be implemented by appropriate state agencies, except that a coastal resource service area board may elect to make consistency determinations under (c) of this section. Implementation shall be in accordance with the comprehensive use plan or the statement of needs, policies, objectives, and standards adopted by the district.

\* Sec. 8. AS 46.40.090 is amended by adding a new subsection to read:

(c) Subject to council review, under procedures to be adopted by regulations of the council, a coastal resource district with a coastal management program approved by the council and in effect may elect to determine the consistency with the approved district program or proposed uses and activities affecting resources of the coastal area. The district must identify, in the district coastal management program, specific proposed uses and activities and specific coastal areas for which the district has elected to make consistency determinations. A consistency determination made by a coastal resource district under this section may be conditioned on modification of the proposed use or activity. Before the district makes a consistency determination, adequate public notice of the use or activity must be given at least equivalent in distribution to the notice provided by the state agency

4

which would otherwise make the consistency determination on the use or activity. The district shall develop procedures and time frames for its consistency determinations which comply with the deadlines in applicable statutes and regulations of the state or federal agency concurrently reviewing the proposed activity, and which do not materially delay the issuance of a state or federal permit due to the absence of a consistency determination by the district.

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

(a) Municipalities and state agencies shall administer land and water use regulations or controls in accordance with district coastal management programs which are approved by the council [AND THE LEGISLATURE] and in effect.

\* Sec. 10. AS 46.40.140(a) is amended to read:

(a) Each coastal resource service area, upon organization, shall have an elected board representing the population of the service area. The board shall have the powers and duties and perform the functions prescribed for or required of coastal resource districts. If the coastal resource service area, or a portion of the area, included in a district coastal management program developed and adopted by a coastal resource service area board, organizes to assume planning powers as a unified municipality, borough of any class, or home rule or first class city, as defined in AS 46.40.210(2)(A)-(C), or as a second class city which meets the requirements of AS 46.40.210(2)(D), <sup>the district</sup> program continues in effect as the program for the district, subject to additions, revisions and amendments adopted by the newly organized district in accordance with this chapter.

\* Sec. 11. AS 46.40.140(b) is repealed and reenacted to read:

(b) Board member shall be elected at large by the qualified voters of the coastal resource service area. The board shall consist of seven, nine, or eleven members. The initial number of board members shall be determined by the commissioner of the Department of Community and Regional Affairs in consultation with the local communities in the coastal resource service area. However, the qualified voters in a coastal resource service area may increase or decrease the number of board members established under this section by placing the question on the ballot at a regular coastal resource service area board election in the manner prescribed by law. A change in the number of board members shall not be effective until the next regular board election.

\* Sec. 12. AS 46.40.190(b) is amended to read:

(b) Nothing in this chapter restricts or prohibits cooperation or joint administration of functions between a municipality and a coastal resource service area organized under the provisions of this chapter upon initiation of a mutual agreement for the purpose. [A CITY WHICH ELECTS TO BE EXCLUDED FROM AN ADJACENT COASTAL RESOURCE SERVICE AREA UNDER (a) OF THIS SECTION SHALL ENTER INTO A MUTUAL AGREEMENT FOR COOPERATION OR JOINT ADMINISTRATION OF FUNCTIONS WITH THE COASTAL RESOURCE SERVICE AREA BOARD FROM THE ADJACENT COASTAL RESOURCE SERVICE AREA.]

\* Sec. 13. AS 46.40.120(d)(1) and (2) are repealed.

\* Sec. 14. This Act takes effect immediately in accordance with AS 01.10.-

070(c).

\* Sec. 15. AS 46.40.060(a) is amended to read:

(a) If, upon submission of a district coastal management program for approval, the council finds that the program is substantially consistent with the provisions of this chapter and the guidelines and standards adopted by the council and does not arbitrarily or unreasonably restrict or exclude uses of state concern, the council may grant summary approval of the district coastal management program, or approve portions of the district program which are consistent. If the council finds that there are only minor deficiencies in the district coastal management program as submitted, it may approve the program subject to the compliance by the district with conditions of approval specified by the council. The coastal resource district may reject the conditions of approval within 90 days after the council's action, in which case the deficiencies shall be mediated and adjudicated under (b), (c) and (d) of this section.

\* Sec. 16. AS 46.40.090 is amended by adding a new subsection to read:

(d) A coastal resource district with an approved district coastal management program which does not elect to make the consistency determination under (c) of this section must be given notice of and reasonable opportunity to comment on consistency determinations made by state agencies for proposed uses and activities in the coastal area within the applicable district coastal management program. The state agency making the consistency determination shall give great weight to the comments of the district interpreting and applying its district program to the proposed use or activity. In this subsection "great weight" means shifting the burden of going forward to the state agency to reach a conclusion which is contrary to the comments of the coastal resource district.

\* Sec. 17. AS 46.40.180(c) is amended to read:

(c) Objection by a city council under (b) of this section is limited to objection to elements of the program affecting resources or the use of resources within the corporate limits of the city. Objection by a traditional village council under (b) of this section is limited to objection to elements of the program affecting resources or the use of resources within the village and within each area actually utilized by the residents of the village on a regular and necessary basis. The coastal resource service area board shall determine the area for objection by each village within the district under this section.

\* Sec. 18. AS 46.40.050 is amended to read:

ACTION AND SUBMISSION BY COASTAL RESOURCE DISTRICTS. Each coastal resource district shall make substantial progress, in the opinion of the council, toward completion of an approvable district coastal management program and shall complete and submit to the council for approval its program within 30 months of June 4, 1977 or within 30 months of certification of the results of the district's organization, whichever is later. If, in the opinion of the council, after receipt of a written request for extension from the district which includes the reasons for the extension, an extension is considered proper, the council may grant an extension to a date which is not later than December 4, 1982 [1981], or to a date which is within 54 months of certification of the results of the district's organization, whichever is later.

\* Sec. 19. AS 44.19.155(a)(1) is amended to read:

(1) nine public members appointed by the governor from a list comprised of at least three names from each region, nominated by the municipalities of each region; the nominees shall be the mayor or member of the assembly or council of a municipality, or a member of a coastal resource service area board in the region; one public member shall be appointed from each of the following general regions:

\* Sec. 20. AS 44.19.155(c) is amended to read:

(c) The council shall designate co-charimen, one of whom shall be selected from among the public members appointed under (a)(1) of this section and one who shall be the director of the division of policy development and planning [FROM AMONG THE MEMBERS DESIGNATED IN (a)(2) OF THIS SECTION].

\* Sec. 21. AS 44.19.155(d) is amended to read:

(d) Each member of the council shall select one person to serve as a permanent alternate at meetings of the council. If a member of the council is unable to attend, he shall advise the alternate who may attend and act in place of the member. The alternate for a public member appointed after July 9, 1978 under (a)(1) of this section shall, at the time of his designation and throughout the period of his service as a permanent alternate, be the mayor or member of the assembly or council of a municipality, or a member of a coastal resource service area board, within the region from which the permanent member is appointed. The alternate for a designated member serving under (a)(2) of this section shall be a deputy commissioner of the department, [OR] the director of a division in the department or, in the case of the division of policy development and planning, the deputy director of the division. The names of alternates shall be filed with the council.

April 16, 1981

The Honorable Bettye Fahrenkamp  
Chair, Senate Resources Committee  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

Last week the Coastal Policy Council met to consider possible amendments to the Alaska Coastal Management Act. OCM staff prepared language embodying the concepts we set forth in our letter to you of March 27, and that formed the basis of the Council's discussion. Unfortunately staff did not have enough time to develop statutory language for the Council to review prior to the meeting. Discussions by the Council and the public emphasized that several of the concepts presented are interrelated, and that the language for the most important changes needed additional work. In particular, Council members felt that much more thought should be given to defining the appropriate powers and responsibilities of the state agencies and local districts.

As a result of these considerations, as well as the testimony received, the Council delayed action on the proposed statutory language. However, the Council voted to reaffirm its support for the Alaska Coastal Management Program (ACMP) and the concepts outlined in the March 27 letter, and to seek your endorsement of an interim Legislative Committee to work with the Council on possible amendments. We believe that such an interim committee is important to insure that the Council's eventual recommendations on changes to the ACMA are in accord with the direction the Legislature may wish to proceed with the ACMP. Several items, in particular, appear to reinforce the need for such a committee.

(1) Changes to the ACMP should be considered in a comprehensive manner, with adequate time to assess the impacts of changes on the entire program. Piece-meal recommendations by the Council should be avoided.

(2) The purpose of local district planning and involvement in State and federal land use decisions needs clarification. The meaning of land and water uses described as proper and improper in an approved district program is critical to assessing "how" local control in state and federal land use decisions is (or is not) enhanced by the ACMP.

April 16, 1981

(3) The possibility of delegating the actual consistency decision-making power to local districts should be thoroughly investigated to determine the practical effects on both the districts and applicants, and the districts' ability to incorporate uses of State and national concern in their decisions.

(4) The need for full State funding of the ACMP is a distinct possibility beginning State fiscal year 1983 if President Reagan's proposed budget cuts are adopted by Congress. The State must consider not only what type of coastal program best fits Alaska's needs, but also how much such a program should cost.

(5) If the Legislature adopts amendments this session which have bearing on the ability or need for the unorganized borough to assume governmental powers, the changes the Council might propose for the Coastal Resource Service Areas (CRSAs) should reflect this. We do not want our CRSA recommendations to be incongruent with the State-wide measures designed to enhance the organizing options for the unorganized borough.

(6) Several of the changes mentioned over the past few weeks could cause the federal government to consider withdrawal of federal approval of the ACMP. We firmly believe that Alaska should develop the type of coastal program that suits its needs and not mold a program that merely meets federal criteria. We also believe that the power of federal consistency has been a positive feature of the ACMP. Before adopting changes which would lose this power for Alaska, a thorough investigation of the impacts of such a choice would be most prudent.

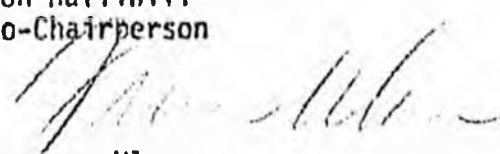
Given the magnitude of the changes being discussed, particularly reassessing the balance of power in the ACMP between State agencies and local districts, we hope that you see the advantage of additional time to consider these issues and discuss them with the public, and that you will accept the Council's invitation to work jointly to improve the ACMP.

The next Council meeting is scheduled for May 27 and 28 in Juneau. If necessary, a special Council meeting can be scheduled to discuss these ideas further with you prior to that date. The Council has empowered us, the Co-chairpersons, to represent the Council in any discussions with you if a general meeting is not necessary.

We are available to work with you on these matters at your convenience.

Sincerely,

Jon Halliwell  
Co-Chairperson

  
Frances Ulmer  
Co-Chairperson

cc: Coastal Policy Council  
Senator Don Gilman  
FU/BR/jj



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- KASIGLUK
- KWETHLUK
- LOWER K'ILSKAG
- MEKOR'UK
- NAPAKIAK
- NAPASK'AK
- NEWTOK
- NIGHTMUYE
- NUNAPITCH'UK
- NYAC
- OSCARVILLE
- TOKSOOK BA'
- TULUKSAK
- TUNTUTULIAK
- TUNUNAK

April 13, 1981

*Jack - an update on CZM. Coleb probably will want to see this.*

TO: Members of the Bush Caucus

FROM: Rep. Tony Vaska

SUBJECT: Coastal Zone Management

Coastal Zone Management has been a topic of intense discussion in the Senate this year. It is a very complicated issue and therefore, this memorandum will only hit the highlights. The discussion has centered around the effect of the program on the development of the resources in the coastal areas and the amount of local control over that resource development. A bill was introduced to repeal the Act and that bill has stayed in the Senate Resources Committee. The bill stayed there as there was overwhelming support for the program from the coastal municipalities. Despite a no vote from the Kenai Peninsula, all of the other areas spoke in favor of local control through Coastal Zone Management. The question of how much control there is in the coastal program is another question. Primarily, the committee discussed the issue of whether there could be development in the coastal areas with the program (with the oil companies leading the way on the position that there could not be any) and the local municipalities on the other/saying that they wanted more local control than they now have under the Act.

It is important to remember that there is no possibility for any local control in the unorganized borough without a vehicle mandated by the legislature. The unorganized borough does not have Title 29 and therefore, is helpless without a some program. The Coastal Management Program gives this to the unorganized borough. In addition, the program provides some control over federal activities which is not provided for in municipalities with Title 29 powers.

After hearings were conducted on the Coastal Management Program, the Coastal Policy Council met and decided that it would recommend legislation for the Governor to introduce which would make clearer the powers of local governments under the Act. This included conceptual amendments to "beef up" the power that locals have to say "no." These amendments were drafted by the Office of Coastal Management and submitted to the Coastal Policy Council. At the

meeting, the Governor, through DPDP, tried to get these strengthening amendments adopted for submission to the legislature. The representatives from DEC, DNR and DCRA moved that the issue be put off until an interim committee of the legislature has a chance to look at these issues. This motion passed. Therefore, the amendments aimed at giving more local control to municipalities and the unorganized borough were stopped by members of the executive branch, despite support from the Governor. The Senate is considering an interim committee and has not made a decision about it at this time. It is possible, if the House is interested, in having it a joint committee of the House and Senate.

In a related matter, the Governor is considering the adoption of a regulatory reform package to take care of permit issuance and coastal consistency determinations. This package is in response to the action by the legislature last year which almost passed a regulatory reform bill. The regulatory reform package is very long and complicated, but it does make an effort to streamline a process which is confused, at best. Portions of the new regulations also include the weight that will be given to local governments and also include the weight that will be given to local governments and coastal resource service areas when state agencies are to make consistency determinations. The regulations could accomplish most of what the strengthening amendments to the Coastal Management Program do if they are written in a certain way. All power will be lost if they are written in other ways. The question is the weight that will be given approved coastal plans. The latest attempt by the agencies to come to a decision is unacceptable, but they are trying again and hope to come up with a solution this week. The final solution will give a degree of weight to local plans. How this will work out in practice is very hard to tell at this time. It will have to await implementation in regard to an approved plan. The Senate Resources Committee has also taken a deep interest in this administrative proceeding. Again, the oil companies were heard the most about how their hands would be tied if any weight whatsoever were given to local plans once they were approved by the Coastal Policy Council.

What will happen to the budget of the program has yet to be determined. The federal money will stay in effect this year. This money will pay for the coastal management operations of the state agencies and the development of the local plans. This money will dry up next year and it will be up to the state as to whether it intends to pick up any of the costs. As the local plans are being finished in many areas, the amount of money needed for technical assistance from the state agencies and for writing of plans should decrease steadily. However, it must be remembered that the federal law will remain on the books and consequently, any control that local plans have over federal activities along the coastline will be maintained even without federal funding under the Reagan administration.



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REPRESENTATIVE TONY VASKA  
*Alaska State Legislature*  
*House of Representatives*

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BETHEL  
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EEK  
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KWETHLUK  
LOWER KALSKAG  
MEKORYUK  
NAPASKIAK  
NAPASKIAK  
NEWTOK  
NIGHTMUTE  
NUNAPICHUK  
NYAC  
OSCARVILLE  
TOKSOOK BAY  
TILUKBAK  
TUNTUT JLIAK  
TUNUNAK

MARCH 4, 1981

To: Members of the Bush Caucus

From: Tony Vaska

Subject: Coastal Zone Management

Last week SB216 was introduced into the Senate. This bill would repeal the State's Coastal Management Program. The program has been the subject of intense interest for the past several months, beginning with Commissioner Bob LeResche's memorandum to the Governor asking that the Administration support the repeal of the Act and continuing to the present action by the Senate.

In regard to what Coastal Management means for the rural areas of the unorganized borough, it is clear that without the program there would be no effective local control over the coastal development. Without the program, the unorganized borough would not be able to say no (or, if not "no", at least some alternative determined in the coastal management plan).

Why has the Coastal Management Program come under such intense pressure? There are primarily three reasons.

1. It has taken much longer than anticipated to get coastal management programs implemented. There are no sanctions on local governments to finish plans and therefore, there have been major delays. These delays have been caused by changes in municipal administrations, elections, and problems with contracting for services.

2. With the program split between the Office of Coastal Management for the implementation of plans and the Department of Community and Regional Affairs for the

funding of local districts, there have been problems in DCR&A's contracting procedures. This has been especially the case with the local matches which are required under the Act for Federal pass-through money. The Governor has a proposal to eliminate this problem, especially in light of the problems that the Coastal Resource Service Areas (unorganized borough) have in coming up with the local matching funds.

3. The procedures for making consistency determinations (whether a proposed action is consistent with the local plan and prior to the local plan's approval, whether it is consistent with the state's guidelines) were not well thought out. This is the subject of uniform regulations (this was discussed in my memo to you of 2/24/81) which are presently before the affected agencies.

While these three areas have been cited as the problems with the program to date, there are significant benefits as well.

1. This program has provided a major portion of the planning money for all coastal areas and virtually all of the money for planning in the unorganized borough. The State has received approximately \$10,000,000 for capital improvements and \$7-8,000,000 for planning grants under the Coastal Energy Impact Program. There are monies left in the capital improvements portion of the fund, but the Reagan Administration has moved to terminate the planning grants. In addition, the State has received approximately \$4,500,000 per year to run the Coastal Management Program of which approximately \$2,000,000 has been passed through to localities and \$700,000 has been used to fund state agencies to assist localities. In total approximately 10 - 15 persons have been hired by municipalities and the unorganized borough through these funds as well as about 60 persons in the various state agencies.

2. This funding would not necessarily stop after the coastal management plans have been written by the municipalities and the Coastal Resource Service Areas. Funding might continue for planning to implement plans (including any additional authority which may be given to Coastal Resource Service Areas through amendments to the present Act), improvements in approved plans, and to fund some capital improvements which are included in the plans themselves.

3. The Coastal Management Program is intended to exert influence over Outer Continental Shelf development (such as siting for oil and gas facilities, etc.) and over developmental activities which are permitted by state and federal agencies. In other words, the Act provides that means by which the localities can say no, that activity should not happen here. Some people have questioned whether this can be done through Title 29 planning and zoning powers. The short answer to that question is that Title 29 requires site specific planning and zoning but does not provide for broad policy statements or for state and federal agency consistency with those policy statements.

4. It is possible that a Coastal Management Plan may enable the locality to say yes, as well as saying no. Such an example would be where the locality has determined that in its wetlands areas there are places where a permit to fill wetlands should be granted even though the federal agency would feel that a permit for that activity was incompatible with its regulations. If the plan is accepted by the state and the federal agencies, these agencies may not be able to say no. This would be a very beneficial aspect to the program from the local perspective.

5. Other planning efforts are taking place in rural areas, such as the NANA Regional Strategies. This program is an attempt to get all of the agencies responsible for resource development to work out a plan for the NANA region. This plan then could be implemented through the Coastal Management Program. However, if the Act were repealed there would be no binding effect of the plan and an agency could back out at any time based upon changes in personnel and funding. Consequently, continuation of the state's program would enable a plan, worked out by all of the affected agencies, to be binding upon the parties and give the greatest strength possible to localities.

This has not been intended to be an exhaustive discussion of the pros and cons of the Coastal Management Program. The benefits to the local areas, especially the unorganized borough which does not have any other binding planning capability, are plentiful. There have been problems in the implementation of the Act and with its perceived intent. Amendments to strengthen local control could be enacted which would remove the local match and extend the life of coastal resource service areas. The repeal of the Act as well as these proposed amendments should be considered by the Bush Caucus prior to taking any action.

# MEMORANDUM

## State of Alaska

MAY 12 1981

TO: Alaska Coastal Policy Council  
and ACMP Participants

DATE: May 6, 1981

FILE NO: 800

TELEPHONE NO.

FROM: Murray R. Walsh, Coordinator  
Office of Coastal Management

SUBJECT: Senate Interim Committee  
on Coastal Management and  
other matters

On May 5th, Kurt Fredriksson and I met with Senator Bettye Fahrenkamp, chair of the Senate Resources Committee, Senator Don Gilman, chair of the Senate Community and Regional Affairs Committee; and staff people for both committees. We discussed the prospects for an interim committee to examine coastal management in greater depth during late summer and fall of this year.

Both Senators indicated that there were several matters their committees were going to discuss during the interim and that coastal management was a common interest. They decided that a joint subcommittee, consisting of the two chairmen and as-yet unspecified members of the two standing committees, would be established for the coastal management inquiry.

We indicated the Council's interest in the matter and suggested that the CPC designate a subcommittee to work with the Senate during the interim. After further discussion, the Senators suggested that the CPC subcommittee consist of six people, including the two CPC co-chairmen, two public members and DNR and DEC since consistency and permit reform are topics of considerable interest to the interim committee.

I agreed to request CPC designation of such a subcommittee at the meeting on May 27-28. It was also decided that we should attempt to have the CPC subcommittee meet with the Senate interim committee on May 28 or 29. This will be the only opportunity for all the participants to meet until September. It is important that direction of the joint group be defined as clearly as possible during this meeting so OCM and Senate staff can work during the spring and summer to prepare materials for use during meetings in the late summer and fall.

The two Senate committees will be looking into a variety of issues, notably a further look into title 29 by the C&RA Committee. The coastal management issues, as generally indicated by the two Senators, are as follows:

1. The relationship of CRSA Boards to local government formation in the unorganized borough.
2. The relationship of the CPC to DPDP.
3. Consistency decision-making, by the state and or local governments, as well as permit reform in general (although I believe this topic will be primarily addressed by the Resources Committee.)
4. Speed of the local planning effort and, the value of it to local governments as well as the state and general public.

5. Other matters raised during the various hearings and meetings.

Our meeting was not long enough to speculate on the outcome of the interim committee effort, but there are some general areas that have emerged from discussions with Senate staff people:

1. Possible amendments to ACMA and/or Title 29.
2. Possible reorganization of ACMP in terms of Council and staff locations and affiliation.
3. Funding recommendations.

I cannot stress enough the importance of this interim committee, and the outcome of their work. We intend to provide as much support and research as the committee may ask of us. The result of the activities this summer and fall will very likely establish the structure of coastal management for years to come. A pivotal issue is the very strong possibility that federal funds will no longer be available to support the program after June of 1982. The State must decide what kind of coastal program it wants, and how much it is willing to spend on such a program.

MRW/jj

BERING STRAITS COASTAL RESOURCE SERVICE AREA BOARD

C/O CITY OF UNALAKLEET

BOX 28

UNALAKLEET, ALASKA 99684

MAY 11 1981

4 May 1981

Murray Walsh, Coordinator  
Office of Coastal Management  
Pouch AP  
Juneau, Alaska 99811

SUBJECT: Bering Sea Oil and Gas Issues and Information Needs;  
Council Review Draft

The Bering Straits Coastal Service Area Board has reviewed the draft report entitled Bering Sea Oil and Gas Issues and Information Needs and offers the following comments:

INTRODUCTION:

1. We agree there exists a definite need for relevant and timely information on how oil and gas development can be best conducted in the Bering Sea region.
2. We agree that the intent of the Alaska Coastal Management Act of 1977 is necessary for the local communities to prepare and complete their district coastal management plans. We are just now beginning that task in the Bering Straits region, and we need the time and funding to fulfill the intent of the Act.

CHAPTER 1:

1. We cannot perceive the State of Alaska offering the Norton Basin lease sale when we have yet to present a finalized coastal management program to the Alaska Coastal Policy Council. This is putting the cart before the horse.
2. The reference to "the misgivings of the residents as it pertains to large-scale off shore oil and gas operations in the Bering Sea" is stated well, thus we urge completion of our coastal management plan before sales are let - local input is critical as the residents best understand the ecosystem they are an active part of.

CHAPTER 2:

1. The lease sale schedule preceding the development of a coastal management program by a district directly affected by oil and gas lease sales is a flagrant disregard of the value of local input can be viewed as control by the government. And it can be viewed by the residents that development will be imposed irregardless of the environmental and socioeconomic impacts.
2. We do not feel that there exists communication barriers between the government and local residents but a situation where a fabricated "national need for energy from OCS regions" overrides local considerations of regional development that is compatible to preserve an important ecosystem.
3. As long as the government functions in the principle of a per-capita wealth distribution system, the rural residents will be viewed as a frustrating entity to be dealt with. We propose another view that can be made to work. Those residing in regions where natural resources exist, a program for development must include direct input by those residents as they understand the way nature can be used for the success of the project resulting in safe extraction of the resources and protecting the other human and renewable resources at the same time.
4. Lack of Local Technical Expertise - we do not fully agree with these comments as there was very little need for government and private industry to consult with local residents due to no development activity on federal land in the region on a large scale and there were no "private" lands but this situation is changed now.
5. Lack of Financial Resources - we agree with this comment in full, but we shall continue on with our district program to come up with a coastal management plan done by the local people.

CHAPTER 3:

1. We understand the residents surrounding Norton Basin are being put through the bureaucratic hoops and should be at Step 5 soon.
2. We recommend strongly the Federal and State agencies directly involve the local residents in the Pre-Lease Socioeconomic and Environmental Assessment and listen and act on their advice.

CHAPTER 4:

1. "Under the Alaska Coastal Management program, coastal communities in the Bering Sea Region are authorized to undertake socioeconomic and biophysical resource inventories for identifying areas both suitable and unsuitable for development of energy facilities". We in the Bering Straits region must be afforded the opportunity to take advantage of this procedure.

May 4, 1981

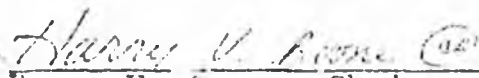
2. It appears that the studies done by the Federal and State agencies in the proposed lease areas should be completed before the Secretary of Interior ever proposes a lease schedule in order to fulfill the integrity of the intent of the studies.

CHAPTER 5:

1. We disagree that local planning options should occur following a State or Federal lease sale program, it must be done before.
2. The rationale for the State litigation challenging BLM's scheduling of oil and gas lease sales in the Bristol Bay area is not cited other than potential resource conflict between OCS development and commercial fisheries, doesn't this same situation occur in the Norton Sound area, or is it not important?
3. Reducing Communication Barriers; "Unfortunately it is difficult for non-technical people to fully grasp the methods which are available to them in their efforts to plan for coastal developments. Many must depend on the skills of highly technical researchers and specialized consultants". This statement can be viewed as a reflection on rural residents as well as governmental agencies but who holds the critical funding to utilize the necessary expertise?
4. Local Preparedness Planning; We recommend a step back from the current initiated process of lease sales and allow the local districts to complete their assessment and planning before the areas are designated for leasing.

The Bering Straits Coastal Resource Service Area Board was unanimous in its support of the above comments.

Sincerely,

  
Harry V. Boone, Chairman

HVB:cn

cc: BSCRSA members  
Michelle Shook, OCS, Juneau  
Sylvia Spearow, CRA, Anch  
Files

BERING STRAITS COASTAL RESOURCE SERVICE AREA BOARD

RESOLUTION NO. 81-3

WHEREAS, the Bering Straits Coastal Resource Service Area (BSCRSA) Board has been elected by the residents of the Bering Straits region to prepare a coastal management plan for the Bering Straits region; and

WHEREAS, the proposed State lease sale #38 is along the coastal area which is within the jurisdiction of the BSCRSA Board; and

WHEREAS, the residents of the region represented by the BSCRSA Board rely on the resources of the coastal area for a substantial portion of their livelihood through commercial and subsistence use of these resources; and

WHEREAS, the plant and animal life in the region which the residents rely on would be harmed by oil exploration and development activity, including but not limited to the following species:

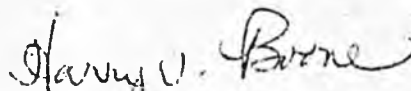
- Herring migrate and spawn along the entire coastline in Norton Sound, Bering Straits and Chuckchi Sea. This species is important for commercial and subsistence fishing and is the basis for the food chain for larger fish, sea mammals and sea birds. Disruption of spawning beds could deplete this species.
- Salmon and other anadromous fish migrate along the coastline to spawn in the region's streams. Activity in the coastal area or a spill affecting the coastline and estuaries could endanger future generations of fish.
- Sea mammals including seals, whales and walrus, which are an important source of food, clothing, and cash income for residents, migrate, feed and are harvested in the coastal area of Norton Sound.
- Migrating sea birds and land based birds feed and nest in the coastal area of Norton Sound and are harvested here for use by residents.
- Berries, greens and other vegetation which is used by residents and provides food for other land mammals could be endangered by an oil spill carried onto the land by coastal storms.

WHEREAS, existing technology may not be adequate to withstand the severe ice conditions during winter months and spring break-up and the severe wave action and winds from summer storms; and

WHEREAS, the geologic structure and seismic activity in the region, particularly the active fault lines could endanger oil rigs and could be lubricated by drilling to cause slippage and earthquakes in the region. Movement could also cause oil to be released into the ocean; and

WHEREAS, residents in the Bering Straits region have expressed opposition to any offshore oil development in the region, because of the above concerns;

NOW, THEREFORE BE IT RESOLVED, that the proposed State lease sale #38 be eliminated or postponed for at least two years to allow the BSCRSA Board to complete their coastal management plan and study in detail the location of important habitat areas, migration routes and hazard areas, and to allow advances in technology so that any further oil exploration activity can be safely conducted.

  
Harry W. Boone  
Chairman

DATED: May 1, 1981

BERING STRAITS COASTAL RESOURCE SERVICE AREA BOARD

RESOLUTION NO. 81-4

WHEREAS, the Bering Straits Coastal Resource Service Area (BSCRSA) Board has been elected by the residents of the Bering Straits region to prepare a coastal management plan for the Bering Straits region; and

WHEREAS, the proposed Federal lease sale #57 is within the waters surrounded by the Bering Straits region and could adversely affect the coastal area which is under the jurisdiction of the BSCRSA Board; and

WHEREAS, the residents of the region represented by the BSCRSA Board rely on the resources of the coastal area for a substantial portion of their livelihood through commercial and subsistence use of these resources; and

WHEREAS, the plant and animal life in the region which the residents rely on could be harmed by oil exploration and development activity, including but not limited to the following species:

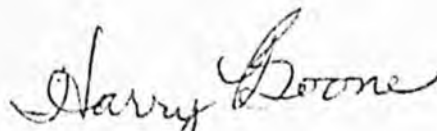
- Herring migrate and spawn along the entire coastline in Norton Sound, Bering Straits and Chuckchi Sea. This species is important for commercial and subsistence fishing and is the basis for the food chain for larger fish, sea mammals and sea birds. Disruption of spawning beds could deplete this species.
- Salmon and other anadromous fish migrate along the coastline to spawn in the region's streams. Activity in the coastal area or a spill affecting the coastline and estuaries could endanger future generations of fish.
- Sea mammals including seals, whales and walrus, which are an important source of food, clothing, and cash income for residents, migrate, feed and are harvested in the coastal area of Norton Sound.
- Migrating sea birds and land based birds feed and nest in the coastal area of Norton Sound and are harvested here for use by residents.
- Berries, greens and other vegetation which is used by residents and provides food for other land mammals could be endangered by an oil spill carried onto the land by coastal storms.

WHEREAS, existing technology may not be adequate to withstand the severe ice conditions during winter months and spring break-up and the severe wave action and winds from summer storms; and

WHEREAS, the geologic structure and seismic activity in the region, particularly the active fault lines could endanger oil rigs and could be lubricated by drilling to cause slippage and earthquakes in the region. Movement could also cause oil to be released into the ocean; and

WHEREAS, residents in the Bering Straits region have expressed opposition to any offshore oil development in the region, because of the above concerns;

NOW, THEREFORE BE IT RESOLVED, that the proposed Federal lease sale # 57 be eliminated or postponed for at least two years to allow the Bering Straits Coastal Resource Service Area Board to complete their coastal management plan and study in detail the location of important habitat areas, migration routes and hazard areas, and to allow advances in technology so that any future oil exploration activity can be safely conducted.



Harry V. Boone  
Chairman

DATED: May 1, 1981

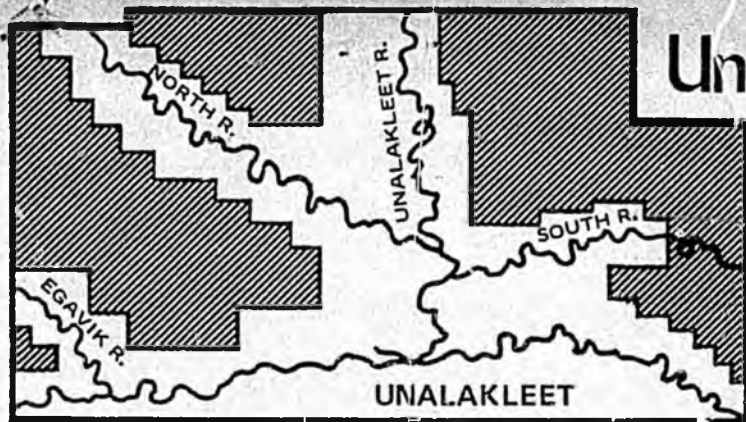
- Distribution List:

BSCRSA Board Members  
Mayors in Bering Straits Region  
Village Corporations  
Bering Straits Native Corporation  
Kawerak, Inc.  
NANA CRSA  
YKCRSA  
Michelle Shook, OCM  
Sylvia Spearow, CRA  
Nome Coastal Management  
Rep. Fuller  
Senator Ferguson  
Frank Murkowski  
Don Young  
Ted Stevens

# Unalakleet Native Corporation

P.O. BOX 100  
Unalakleet  
Alaska 99684  
(907) 624-3411

MAY 05 1981



April 28, 1981

Director  
Department of Natural Resources  
Energy and Mineral Development  
Juneau, Alaska 99801

RE: Norton Sound Oil Lease  
Sale #38

Dear Sirs:

The Unalakleet Native Corporation Board of Directors, at their meeting of April 27, 1981 at Unalakleet, passed by unanimous vote the following policy statement and attached Resolution 81-10-04.

We are responding to the State of Alaska invitation to comment on the designated coastal tracts in Norton Sound for Sale #38.

Our response is that there cannot be sale, lease, exploration and development for gas and oil in the total coastal vicinity of the Norton Sound at the proposed date for the following reasons:

1. We have not received any data or supportive evidence that the State of Alaska had done sufficient research and analysis on the marine life, water flow and the effect of development on the commercial fishing, subsistence fishing and hunting and continuance of all marine life.
2. All of the coastal residents from Pastolik to Shishmaref including the island of St. Lawrence and Diomedes rely on the Norton Sound/Bering Sea for all protein for their food and by-products for clothing, shelter and artifacts. The animals and marine life use the Norton Sound for pass through and feeding on their journeys to the Arctic and Pacific Oceans.
3. Climatic conditions are severe in the Norton Sound; there is hazardous ice conditions and fierce coastal seasonal storms to contend with - is there adequate technology to deal with these occurrences?
4. Strategic location of operating oil fields in the event of international conflict - us being so near to Asia - is a definite concern to us.
5. Any oil blowout will affect the commercial fishing and critical subsistence value to the residents of one half of the State of Alaska.
6. Local residents will not directly participate in jobs created by exploration and development as we see it today.

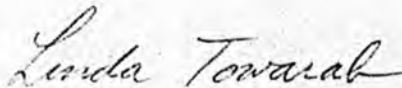
7. Unalakleet sits on a seismic fault and is a hazardous zone.

We are suggesting that the Norton Sound Sale #38 be postponed and alternate land based tracts be located until technologies are tested and proven successful then we can turn to the ocean. We firmly believe it is in the local, national and international interests to cancel the proposed base sale as an abundant ocean protein resource is more critical to human survival than petroleum from Norton Sound when land based field can be utilized. In any oil program local level input and participation is critical.

Sincerely,

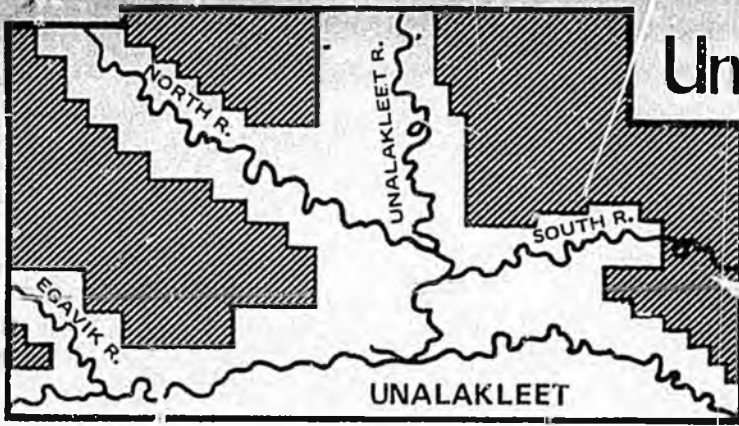


Peter R. Nanouk, President



Linda Towarak, Secretary

CC: Bering Straits Coastal Resource Service Area Board  
Bering Straits Native Corporation, Nome  
Kawerak, Nome  
Governor Hammond  
Senator Ted Stevens  
Senator Frank Murkowski  
Congressman Don Young  
Representative Frank Ferguson  
Representative Jack Fuller  
Jalmer Kertula  
Jim Duncan



# Unalakleet Native Corporation

RESOLUTION 81-10-04

P.O. BOX 100  
Unalakleet  
Alaska 99684  
(907) 624-3411

BOARD OF DIRECTOR'S RESOLUTION NUMBER 81-10-04

RESOLUTION FOR PROPOSED OIL LEASE SALE #38 IN THE NORTON SOUND COASTAL AREA

WHEREAS the State of Alaska, through the Department of Natural Resources, has issued the call for nomination for Oil Lease Sale #38 in the Norton Sound Coastal Area, and,

WHEREAS the Unalakleet Native Corporation is fee simple owner of coastal lands on the Norton Sound in the area of proposed Sale #38, and


WHEREAS the Board of Directors of Unalakleet Native Corporation has received and considered the call for nominations,

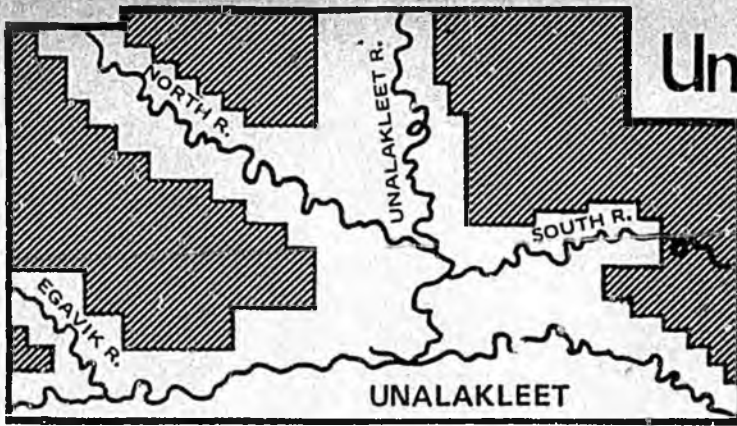
NOW THEREFORE BE IT RESOLVED that the Board of Directors unanimously voted to request the Governor and Alask State Legislature to cancel the Proposed Lease Sale immediately and to locate alternate land based tracts for consideration for an Oil Lease Sale and to consider this to be in the best interests of the local, Statewide, national and international interests for protection of an irreplaceable ocean protein resource.

By Order of the Board of Directors,

  
\_\_\_\_\_  
President

ATTEST:

  
\_\_\_\_\_  
Secretary



# Unalakleet Native Corporation

P.O. BOX 100  
Unalakleet  
Alaska 99684  
(907) 624-3411

April 29, 1981

The Honorable James G. Watt  
Secretary of the Interior  
Department of Interior  
Washington, D.C. 20240

RE: NORTON BASIN SALE #57  
OCS schedule revision  
September 1972 to May 1972

Dear Mr. Watt:

We are responding to your request for comments on the revision of the OCS sale schedule as it pertains to the Norton Basin Sale #57 advancing four month from September 1982 to May 1982.

We represent the Unalakleet Native Corporation which includes the Village of Unalakleet, Alaska located at the center of the coast of the Norton Sound adjacent to the proposed Norton Basin Sale #57.

Our Corporation will own 161,280 acres of land adjacent to the proposed sale area. On October 22, 1979 the Board of Directors of our corporation sent a letter to the Director of Bureau of Land Management opposing the proposed sale (copy attached). Two years later we still have the same concerns. We request the cancellation of the sale due to local concerns regarding our commercial fisheries and that there are adjacent land tracts that are now available for oil development.

We are very concerned about the potential hazardous effect on the ocean protein which is abundant in the Norton Basin and if destroyed, will adversely affect all peoples living in the Arctic Interpolar area which means America, Canada and U.S.S.R.

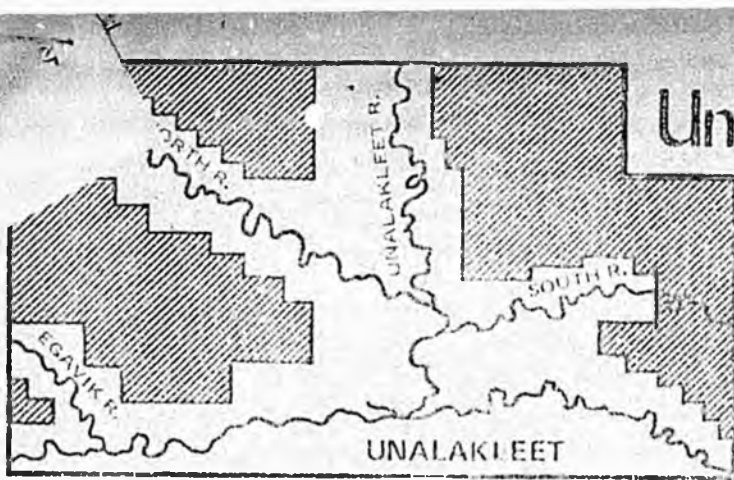
We will appreciate your reversal of the Norton Basin #57 date and cancellation of the sale to protect our nation's protein resource.

Respectfully submitted,

Peter R. Nanouk, President

Linda Towarak, Secretary

CC: BSNC, Kawerak, Bering Straits Coastal Resource Service Area Board,  
Governor Hammond, Senators Stevens & Murkowski, Congressman Young



# Unalakleet Native Corporation

P.O. BOX 100  
Unalakleet  
Alaska 99684  
(907) 624-3411 or 3451

October 25, 1979

Alaska OCS  
Box 1159  
Anchorage, Alaska 99501

Sale #57 Bering-Norton Basin  
RE: Norton Basin OCS Tract Nomination

Dear Sirs:

The Unalakleet Native Corporation Board of Directors, at their regular meeting on October 22, 1979 at Unalakleet, Alaska, passed by a unanimous vote the following policy statements.

We are responding to the U.S. Government invitation to comment on specific numbered tracts located in the Bering-Norton Basin which will be open to nomination for oil and gas exploration/development November 1, 1979.

There are several basic reasons we are compelled to oppose any exploration and development of petroleum in the Bering-Norton Basin to be done as proposed beginning in 1980 with tests and eventual tract sales scheduled for 1982:

- Reason #1: All of the coastal residents from Pastolik to Shishmaref, including the islands of St. Lawrence and Diomedes rely on the Bering Sea for all protein for their food and also by-products for clothing, shelter and artifacts. The narrow Bering Straits is passage for these mammals up to Barrow and on into Canada also.
- Reason #2: Fish, Sea Mammals, Sea plants and animals and their continued survival is critical to our own survival and research and management to insure continued survival of all plants and animals in the Bering Sea-Norton Basin area is non-existent at this time by anyone except for those who live here and utilize the sea products.
- Reason #3: Climatic conditions affecting the Bering Sea-Norton Basin-Bering Straits area make it illogical to have OCS based petroleum exploration/development equipment operating in the waters off our coast.

Reason #4: Examples of major oil blow-outs in the North Seas and most recently in the Gulf of Mexico must not be allowed in the Bering Sea-Norton Basin. If blow-outs such as these were to occur here it would mean our vast food chain in the Bering-Norton Basin would be damaged or most likely destroyed.

Reason #5: Local manpower must be trained to work in related petroleum industry and any project must have a percentage built in for local hire. To our knowledge this process is not available.

Tracts NP1-4, NP2-1, NP2-2, NP2-3, NP3-1, NP3-2, NP3-4, NP4-1, NQ2-6, NQ2-7, NQ2-8, NQ3-3, NQ3-4, NQ3-5, NQ3-7, NQ3-8, NQ4-1, NQ4-7, are critical habitat and migratory routes for bowhead whale, beluga, walrus, bearded seal, hair seal, ring seal, salmon, herring, tomcod, clams, crab, shrimp, kelp, water fowl and sea birds; in essence all the protein source that 99% of all residents on the coast and villages that harvest this resource.

In our estimation, it would be in the local, national and international interests to postpone and delay the proposed sale of Bering-Norton Basin as an abundant ocean protein resource is just as valuable as petroleum and probably more so. We recommend that alternate petroleum bases on shore be tapped before the Bering Sea-Norton Basin is disturbed.

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
General Manager

\_\_\_\_\_  
Operations Manager

\_\_\_\_\_  
*Raymond M. ...*

xc: BSNC, Nome  
Kawerak, Nome  
Mike Gravel  
Ted Stevens  
Don Young  
Jay Hammond  
Alaska OCS file  
U.S. Geological Survey  
BIM, Wash., D.C.



KAWERAK, INC.

P.O. BOX 948 • NOME, ALASKA 99762

(907) 443-5231

May 13, 1981

MAY 18 1981

Lease Sale Manager  
Division of Minerals & Energy Management  
703 West Northern Lights Blvd.  
Anchorage, AK 99503

Dear Sirs:

The Board of Directors of Kawerak, Inc., a regional native non-profit corporation for the Bering Straits region, passed Resolution 81-9 at their meeting on March 20, 1981, opposing Sale #38 Norton Basin.

Enclosed is Resolution 81-9 and justification on area-by-area basis why this sale should not take place. We are very concerned of not only the impact on the native life but social and economic impact on our small villages. While the greatest impact will be on the people, it is given very little consideration by the bureaucrats.

Sincerely,

KAWERAK, INC.

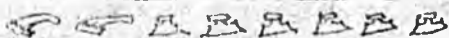
*Caleb Pungwalyi*  
Caleb Pungwalyi  
Executive Vice President

Enclosure

cc: Jack Fuller ✓  
Frank Ferguson



## KAWERAK, INC.



P.O. BOX 948 • NOME, ALASKA 99763

(907) 443-5231

### NOMINATION & COMMENTS ON STATE OF ALASKA OIL & GAS LEASE SALE #38 NORTON BASIN

Yukon Delta and up to Stuart Island must be deleted from oil and gas leasing, as this area is the migrating, breeding and gathering area for millions of water fowl that annually moving into the area each spring, summer and fall. Also the Yukon River supports millions of salmon (king, chum, pink & coho) as well as other fresh water fish (white, grayling, trout, pike, black fish, etc). The shore ice of the Delta is a major breeding and pupping area for spotted, ring and bearded seals. The discharge of the river provide nutrients not only to the Bering Sea but Chukchi Sea as well.

Stuart Island to Unalakleet area should be deleted from the sale area as this is an important herring spawning area as well as a migration route for the salmon. There are sea birds that nest on Stuart, Egg Island, and Tolstoi Point that must not be disturbed. Shore fast ice within this area is used as breeding and pupping area by spotted and ring seals. There has been little or no near shore environmental studies within this area either by Federal Government or State. Any major activity that would cause disturbance to the area must be avoided at all costs.

Unalakleet to Cape Denbigh is an important salmon fishing area. Fishermen from Unalakleet and Shaktoolik depend on salmon and herring for a major portion of their income. There's a seal herd rookery at Cape Denbigh that could be disrupted by any oil related activity in the area. Little is known about the underwater environment of this area because the research done by OCSEAP has been from ships which have not been able to enter the inner shallow waters of the area. Two years ago a large body of zooplankton was spotted in the area indicating support of the sub specie food chain element in the area.

Cape Denbigh to Elim - this also is a very important salmon fishing area. Inglutalik, Koyuk, Tubutalik and Kwiniuk are major salmon spawning rivers. There's a seabird colony at Cape Denbigh as well as a major historical site. All of the flats around the rivers are important sites for water fowl and shore birds. I quote the Point Reyes Bird Observatory Report - "All study sites were important for some species, but five areas - Golovin Lagoon, Stebbins, Safety Sound, Moses Point and Koyuk were important for many species. On Aerial surveys we saw many young with adults, particularly at

Stebbins, Koyuk, and Fish River . . . . Although our plans for the summer of 1981 are not finalized, we can outline some general things we intend to focus on. "We have indentified the Fish River, Stebbins, Moses Point, Koyuk and Safety Sound sites as the critical areas of Norton Sound for shore birds and waterfowl." End quote. Norton Bay is also the pupping area for ring and bearded seals. This area between Cape Denbigh and Elim must definitely be deleted from the sale area.

Elim to Cape Darby - This area is part of the migration route of the beluga whales and all species of salmon. Bearded seals and ring seals are in the area as well. This area also has large concentrations of red king crabs when they are in their molting stage. Occassionally walrus will haul out at Cape Darby during early summer.

Cape Darby to Rocky Point - Definitely need to be deleted from the sale area. This is an important ecological area and must not be disturbed at all.

Rocky Point to Cape Nome - Delete from sale area. Between Rocky Point and Topkok Head are the largest concentration of Sea Birds and rookeries in the Norton Sound area. Between Topkok Head and Cape Nome area are lowlands that are used by waterfowl and shorebirds for nesting, and for staging areas both spring and fall. All species of fish are found within this area. Whales are often spotted in this area during late spring and summer. During spring and fall time, seals concentrate in the area feeding on fish.

Cape Nome to Penny River - This is the most developed area in Norton Sound and could possibly be least affected by oil and gas exploration and development. There are still major areas of concern (1) Commercial fishing does occur in the area (2) Fort Davis area is where major subsistence activity take place during spring and summer. (3) Gray whales migrate heavily through the area during June and July. (4) Subsistence crabbing and hunting for seals takes place during the winter months. Recommend delete from the sale area.

Penny River to Cape Rodney - Delete from sale. Penny, Crinkle and Sinuk Rivers are major salmon spawning rivers in the the area. whale migrate through the area in June and July. Sledge Island has a major sea bird rookery. Shore fast ice between Sledge Island and Sinuk River is a breeding and pupping area for ring seals.

Decision to hold lease sales should not be made only on the area to be sold and the exploration activity but also the activities that will be necessary if there is a discovery of oil and gas. Production activities and transportation of oil and gas to the storage area and refineries could have a much more adverse impact then the exploration activities.




## KAWERAK, INC.

P.O. BOX 948 • NOME, ALASKA 99762

(907) 443-5231

### RESOLUTION 81-9

- WHEREAS, State of Alaska, Department of Natural Resources, has proposed a lease sale #38 Norton Basin for 1983;
- WHEREAS, there has been no environmental assessment in the proposed sale area;
- WHEREAS, the proposed area falls totally within the Bering Straits region;
- WHEREAS, the impact of such a sale may be potentially damaging to the lifestyle and the residents of the smaller villages within the Norton Sound area;
- WHEREAS, there is critical habitat and marine sanctuary within the sale area;
- WHEREAS, the Coastal Resource Service Area is now in the process of developing coastal management plan;
- NOW THEREFORE BE IT RESOLVED by the Board of Directors of Kawerak, Inc. that we oppose the proposed lease sale.

  
John Jemewok  
President

Dated: March 20, 1981



# Alaska Regional Energy Association

327 Eagle Street P.O. Box 3-3908 Anchorage, Alaska 99501 (907) 279-2511

MAY 13 1981

May 11, 1981

## Members

Aleutian/Pribilof  
Islands Association, Inc.

Bristol Bay Native  
Association

Central Council - Tlingit  
Haida Indians of Alaska

Cook Inlet Native  
Association

Copper River Native  
Association

Kawarak, Inc.

Kodiak Area Native  
Association

Koyukon Development  
Corporation

Maunulok Association

The North Pacific Rim

North Slope Borough

Nunam  
Kittlutsist

Tanana Chiefs  
Conference, Inc.

Upper Tanana  
Development Corporation

John G. Fuller  
Alaska State Legislature  
Pouch V (MS 3100)  
Juneau, Alaska 99811

Dear Representative Fuller:

I am writing to express my concern on behalf of the Alaska Regional Energy Association (AREA) that rural as well as railbelt energy needs be addressed directly this session. Specifically, the AREA delegates representing the views of fourteen regional non-profit associations have established the passage of the provisions of CSSHB 9 as their highest legislative priority. We are concerned that in the current legislative climate; that conservation, regional energy planning, village reconnaissance studies and appropriate technology which will afford rural Alaska a measure of energy self-reliance will be swept between the cracks.

Rural energy problems will not be solved by expanding energy bill paying subsidies as a long term solution. This will only aggravate the village dependence on transfer payment programs.

Although we feel that some form of power production cost assistance is warranted, we do not support it as the only solution to rural energy problems. We recommend that Power Production costs assistance not be a contingency within SB 25 and 26. This issue should be dealt with, separately.

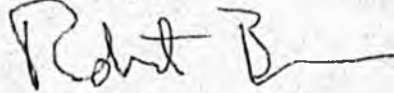
Further, we ask that the provisions of House Bill 9 be given at least equal weight to these bills (i.e. SB 25 and 26). These bills will have a major impact on Alaska's energy future we strongly urge that public hearings be held at regional centers around the state. Public input into decisions of this magnitude is absolutely essential. Hopefully, neither SB 25 nor 26

will pass the House until the Senate has approved the provisions for the aforementioned.

I and other AREA delegates will be available for testimony at any appropriate hearings. Please, notify us.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert B.", with a horizontal line extending to the right.

Robert Brean, Chairman  
Alaska Regional Energy Association

Ferry

Name port  
annexation  
dentist  
leg. staffing & clerk's office

### ACPC Subcommittee - ACMP

Murray Walsh	Bill Ross
Abby Dixon - Barrow	Mark Stephens
J. Halferman - DEC	Mike Smith - Sitka
Carla Kolash - Bethel	

1. adds "land & water use" to list of things which a district plan may cover.  
how a district specifies its rules & how it implements the specifics  
Council interested in the Rules, not the specific implementing machinery

2.

issue-specific

how do you decide which issues are of great enough concern - not focusing on small stuff while avoiding imp. large issues

Sony - guidelines for CPC on which issues  
Stephens - not sure an am. is required for this process - can already do with existing statutes.

New uses

who can bring it to Council's attention?  
local private etc. as well as  
state or federal