

COASTAL  
MANAGEMENT  
BRIEFING  
2-25-81

# Alaska State Legislature

DETTYE FAHRENKAMP, CHAIRMAN  
VIC FISCHER, VICE-CHAIRMAN  
BRAD BRADLEY  
DICK ELIASON  
DON GILMAN  
BOD MULCAHY  
ARLISS STURGULEWSKI



POUCH V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3034  
(907) 465-3035

## Senate

### Committee on Resources

February 25, 1981  
1:30 p.m.

Senate Finance  
5th Floor - Capitol

---

#### MEMBERS PRESENT

SENATOR FAHRENKAMP  
SENATOR FISCHER  
SENATOR STURGULEWSKI  
SENATOR MULCAHY  
SENATOR ELIASON  
SENATOR GILMAN

---

The Committee was briefed by Jim Souby, Deputy Director, Division of Policy Development and Planning, Governor's Office, Murray Walsh, Program Coordinator, Office of Coastal Management, Bill Ross, Deputy Coordinator, Office of Coastal Management and Jon Halliwill, Mayor of Haines and Co-Chairman of the Coastal Management Council.

Jim Souby, stated that Mr. Walsh would outline the history, structure, status, issues and solutions of the Office of Coastal Management.

Murray Walsh, stated that the original purpose of the Coastal Management Program was outlined in the 1972 Federal Act. There are significant values in coastal resources and use of these values should be guided by a comprehensive resource management plan. Coastal Management is voluntary for the states. Thirty-four states have chosen to create an Office of Coastal Management (OCM). The incentive for the States to participate is funding from the federal government and also the fact that the Federal government will abide by the rules and requirements of the States. The State of Alaska has received \$7-8 million in grants for Coastal Energy Impact and \$50 million was placed in the Alaska Mutual Bond Bank for impact loans, \$10 million of which has been used. The funds in the Alaska Mutual Bond Bank can be used by communities for any part of the community structure that they can show would be impacted if development occurs. The communities have to repay the money but if development does not occur, the loan is forgiven.

In response to the question, what effect will President Reagan's eliminating CZM from the budget have upon Alaska's OCM? Mr. Walsh, stated that the federal budget dates are such that the Alaska OCM can carry on for another full year, then it would be faced with either going out of business or seeking State funding.

Mr. Walsh, stated that in 1977 the legislature passed the Coastal Management Act. In it the local governments are the primary managers of the coastal resources and draw-up plans with the guidance of the Coastal Policy Council. The main function of the Coastal Policy Council is to approve the local government's program. Once it is approved by the Council, the State and Federal governments abide by the local program.

In response to the question, does the Coastal Policy Council view itself as a regulatory body? Mr. Walsh stated that their function is to encourage the development of the local program and approve the local plan.

In response to the question, was not the intent of the Coastal Policy Act, that the Coastal Policy Council would recommend the local plans to the legislature, who was to approve the plans by resolution, but due to the ALIVE decision the Coastal Policy Council became regulatory? Mr. Walsh stated that the Attorney General issued a decision, April 1980, stating that the Coastal Policy Council is a regulatory body due to the ALIVE decision. (see attached).

In response to the question, has the Attorney General's decision placed a strain on the coastal Policy Council? Mr. Walsh said yes.

In response to the question, is it true that the Federal government has threatened to remove funding if a program is not done their way? Mr. Walsh said, yes, the state plan needed some improvements or the Feds would remove funding.

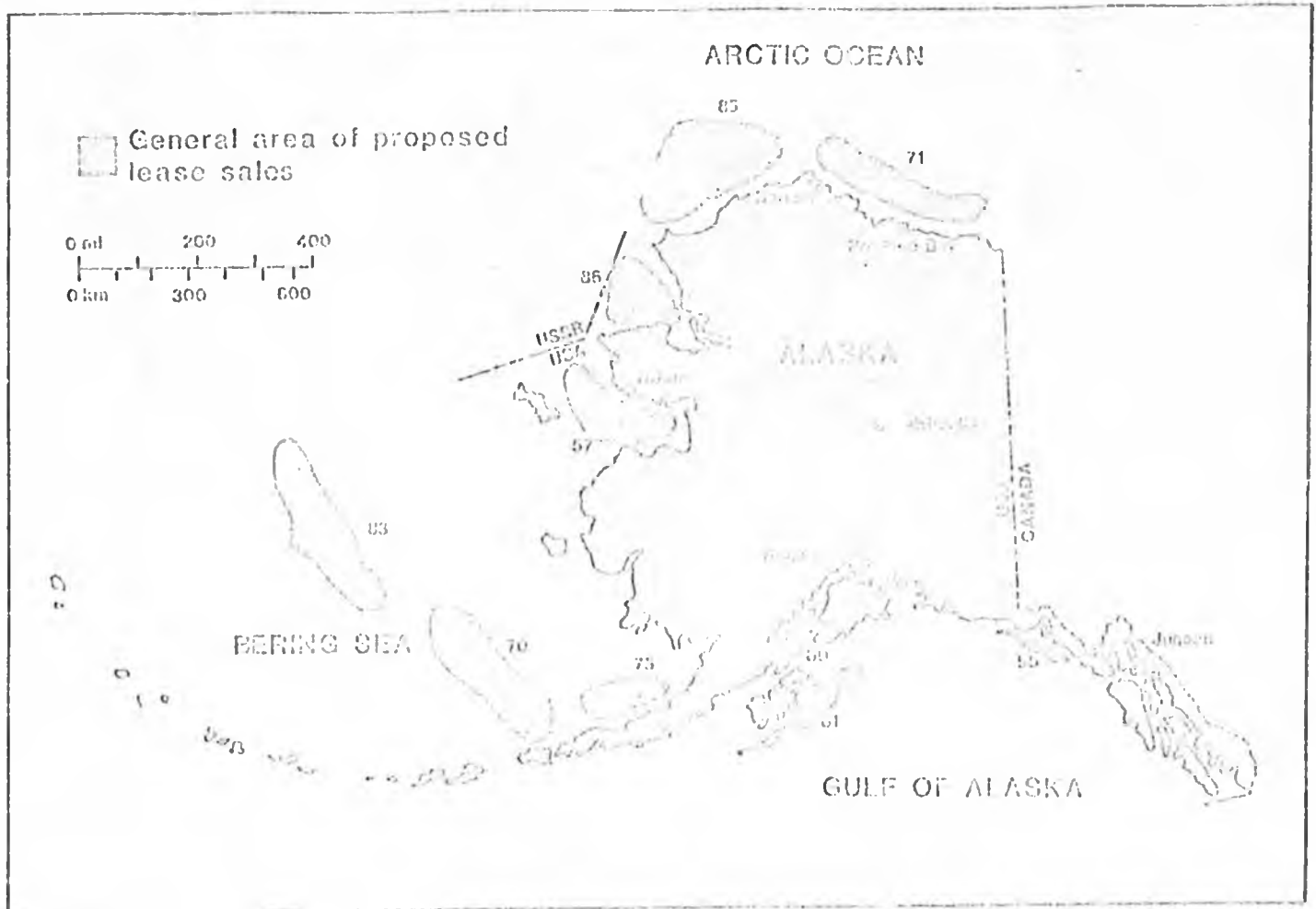
In response to the question, were not these to be local rules without undue pressure from the State or Federal government? Mr. Walsh stated that the Federal agencies do participate and try to influence the outcome of the plans.

Mr. Walsh stated he would request an amendment to the Act for legislative oversight and a narrower definition of "significant amendment to the plan."

Jon Halliwill, stated that the Coastal Policy Council acts as a buffer for the local communities, between them and the State and Federal activities in their area. He said that he thought it was unrealistic to eliminate OCM because there is a need for some type of planning for development. He further stated that consistency should be decided on a local level with State participation.

In response to the question, is there anything in the Haines Plan that could not have been accomplished as a City Council in a zoning ordinance? Mr. Halliwill said yes and no. The Haines area is in a borough that has no planning and zoning powers. The Haines plan encompasses these powers. It has no real authority outside the City limits but it does influence State and Federal concerns outside the City limits. The Plans real authority is only in the City limits.

In response to the question, as the City of Haines, was there anything that you have an implementation authority over that you could not have done under either your ordinances or under Title 29? Mr. Halliwill, stated no, with the exception of consistency.



Areas proposed for lease in Alaska, 1930-1935 (adapted from Benton, McDowell, and Conner, 1979; BLM, 1930a; and U.S. Department of the Interior, 1980 by Rogers, Golden & Halpern, 1980).

## ALASKA LEASING SCHEDULES

| YEAR   | STATE    |         | AREA  | SALE No. | FEDERAL       |  | AREA                             |
|--------|----------|---------|---|----------|---------------|--|----------------------------------|
|        | SALE No. | DATE    |   |          | DATE          |  |                                  |
| 1981   | 35       | 2nd Qtr | Upper Cook Inlet (onshore & offshore, including the Susitna Valley)     |          |               |  |                                  |
|        | 32       | 3rd Qtr | Cook Inlet south of Kenai River (exempt acreage sale)                   | 60       | 9/81<br>12/81 |  | Lower Cook Inlet<br>NPR-A        |
| 1982   | 35       | 1st Qtr | Lower Cook Inlet (offshore & onshore)                                   |          |               |  |                                  |
|        | 34*      | 2nd Qtr | Prudhoe Bay Uplands   |          |               |  |                                  |
|        | 36*      | 2nd Qtr | 2nd Beaufort Sea (submerged lands)                                      |          |               |  |                                  |
|        | 37       | 3rd Qtr | Middle Tanana Basin and Copper River Basin                              | 57<br>70 | 9/82<br>12/82 |  | Norton Basin<br>St. George Basin |
| 1983   | 38       | 1st Qtr | Norton Basin  | 71       | 2/83          |  | Beaufort Sea                     |
|        | 39       | 2nd Qtr | 3rd Beaufort Sea  | 61       | 4/83          |  | Kodiak Shelf                     |
|        | 40       | 3rd Qtr | 2nd Upper Cook Inlet (offshore & onshore, including the Susitna Valley) | 75       | 10/83         |  | North Aleutian Shelf             |
| 1984   | 41       | 1st Qtr | SW Bristol Bay Uplands  |          |               |  |                                  |
|        | 42       | 2nd Qtr | Minchumina Basin  |          |               |  |                                  |
|        | 43       | 3rd Qtr | 4th Beaufort Sea  | 83       | 12/84         |  | Navarin Basin                    |
| 1985** | 44       | 1st Qtr | Chukchi (nearshore & onshore)***  | 85       | 2/85          |  | Chukchi Sea***                   |
|        | 45       | 2nd Qtr | Hope Basin  | 86       | 5/85          |  | Hope Basin                       |
|        | 46       | 3rd Qtr | Holitna Basin   |          |               |  |                                  |

\* Same day Sales

\*\* 1981 additions to the State 5-year lease schedule

\*\*\* The holding of the Chukchi Sales at this time is contingent upon a reasonable assumption that technology will be available for exploration and development in the lease sale area.

## FIVE-YEAR OCS LEASING PROGRAM AND THE ALASKA COASTAL MANAGEMENT PROGRAM

January 30, 1981

Alaska's Coastal Management Program (ACMP) was approved on July 9, 1979 by the U.S. Department of Commerce, Office of Coastal Zone Management. This approval granted the State the authority to review and approve all federal activities occurring within Alaska's coastal zone for consistency with the ACMP. The issuance of licenses and permits related to OCS exploration, development, and production activities are included in this consistency review process.

In addressing OCS oil and gas leasing schedules, the State's position is that the Final Notice of Sale for each lease sale should be submitted to the State for an official consistency determination. However, the State has in the past and intends to continue providing written comments regarding consistency with the ACMP to the Department of the Interior for all major leasing steps leading up to the Final Notice. The purpose of these comments is to keep the Department completely informed of any concerns that the State may have relating to consistency with the ACMP.

The most significant adverse impacts that the State's consistency determination attempts to minimize include those to fin and shell fisheries, sea mammals, birds, water-dependent industries, water quality, and impacts to the residents and their local economies which are dependent on the coast for their well being. For purposes of federal consistency, the Guidelines and Standards of the ACMP are utilized by the State to assess these impacts. However, upon approval by the Alaska Coastal Policy Council, local district programs will provide the criteria by which oil lease sales in adjacent OCS waters will be measured for the purposes of consistency with the ACMP.

### Status of District Coastal Management Programs in Areas to be Affected by the OCS Leasing Program

Below is a generalized description of the status of the local coastal programs in areas where an adjacent OCS lease sale is presently scheduled. The imminency of OCS leasing adjacent to several of the remote local districts is forcing an extremely rapid timeframe. The timeframe is particularly acute in the Bering Straits, Yukon-Kuskokwim, Bristol Bay, and Aleutian/Pribilof Islands Coastal Resource Service Areas (CRSA). Program completion dates do not reflect approvals by the Alaska Coastal Policy Council and the federal office of Coastal Zone Management - both of which are necessary before a program can be implemented.

1. North Slope Borough: The Coastal Management Program is scheduled for completion and approval in late 1982. The Chukchi Sea Sale 85 (February 1985) and the Beaufort Sea Sale 71 (February 1983) are in the vicinity of the Borough.

2. NANA Coastal Resource Service Area: The NANA region has organized into a district, elected a CRSA board, and initiated program development efforts. A resource inventory and analysis is expected in June of 1981. The program is not anticipated to be completed and adopted until early 1983. The Hope Basin Sale 86 (May 1985) tracts would lie offshore of the region.
3. Bering Straits Coastal Resource Service Area: The Bering Straits region has recently organized into a district and elected a CRSA board. The Bering Straits CRSA is scheduled to complete its program by the fall of 1983. The Norton Basin Sale 57 is currently scheduled for September 1982 and will affect the region before the program is completed.
4. City of Nome. The City of Nome lies within the Bering Straits region. The City is developing a coastal management program which is scheduled for completion and approval in early 1981. The Norton Basin Sale 57 will likely impact the city.
5. Yukon-Kuskokwim Coastal Resource Service Area: The Yukon-Kuskokwim Region has organized into a district, elected a CRSA Board, and developed a work program. A thorough issue identification process is underway. The CRSA program is anticipated to be completed and approved by early 1983. The Norton Basin Sale 57 (September 1982) could affect the northern portion of the Yukon-Kuskokwim region before the local program is completed. The Navarin Basin Sale 82, scheduled for December 1984, is in the vicinity of the St. Matthew Island which is within the Yukon-Kuskokwim CRSA. A Bristol Basin Sale, if held, could impact the southern portion of the region.
6. Bristol Bay Coastal Resource Service Area: The Bristol Bay Region has not yet organized into a district. Efforts are under way to organize, however, and a district may be formed as early as the spring of 1981. It is anticipated that a CRSA program could be completed late in 1983 if organization occurs this spring. The Bristol Basin Sale, if held, will impact the region.
7. Bristol Bay Borough: The Bristol Bay Borough lies within the Bristol Bay CRSA region and is developing a coastal management program. It has completed its resource inventory and analysis phase of its program. The program is scheduled to be completed in early 1982.
8. Aleutian/Pribilof Islands Coastal Resource Service Area: Educational efforts are underway concerning coastal management. Public hearings are scheduled in February to discuss subdividing the region into 3 sub-Coastal Resource Service Areas: 1) the Pribilof Islands; 2) the Aleutian Island chain west of Unimak Pass; and 3) the remainder of the chain east of Unimak Pass and including the lower portion of the Alaska Peninsula. If districts are organized this spring, it is anticipated that the programs could be completed by mid 1983. The St. George Basin Sale 70, scheduled for December 1982, will occur before the program is completed. The North Aleutian Shelf Sale 75 (September 1983), South Aleutian Shelf Sale (not currently scheduled), and the St. George Basin Sale (December 1982) will impact the region.

9. Kodiak Island Borough: The development of the Kodiak Island Borough program began in late 1980. The program is anticipated to be completed and adopted by late 1982. The Kodiak Sale 61 (April 1983) is in the vicinity of the Borough.
10. Kenai Peninsula Borough: The Kenai Borough has completed the resource inventory/analysis phase of its program. An extensive public participation effort is underway to refine these efforts. The program is scheduled for completion and adoption by late 1981. The Cook Inlet Sale 60 (September 1981) and the Kodiak Sale 61 (April 1983) could impact the area.

#### Effect of District Coastal Management Programs on OCS Planning

Many see the leasing process as only having two distinct phases: presale and postsale, with the act of leasing by itself initiating anticipated impacts. In fact, there are three distinct phases to the OCS leasing and development process, and State and local planning must be attuned to all of these. These are presale, postsale exploration, and postsale development, assuming there is a commercial find. The amount and type of information available to State and local decision-makers during each given phase differs dramatically. We do not believe that adequate information is available at the presale phase to plan for the entire OCS scenario that concludes with commercial development.

During the presale period, the information available is of a very general nature, particularly off Alaska's coast where huge frontier areas are being considered for leasing. It is difficult to anticipate specific onshore impacts when a much smaller number of tracts than those originally considered in the presale Environmental Impact Statement may actually be bid upon by the industry. After the sale itself, State and local decision-makers know which tracts have been leased, but they do not know which will be explored first and can only partially estimate the impacts of this second, exploration phase. There are impacts, of course, onshore as well as offshore, and to some extent these impacts can be planned for in a general manner.

During the presale phase, which is where all of western Alaska currently is in the OCS planning process, there is much pressure for coastal management planning to address the needs of all participants in the leasing process. There is also considerable pressure to resolve all conflicts at the time of local program adoption. This is unlikely to happen. The most likely type of coastal management planning we foresee being undertaken by a local government or coastal resource service area along the western coast of Alaska and the Aleutian Chain, during the current presale phase, is to identify areas where they do not want impacts to occur or physical activity to take place. This would involve preserving areas from impacts rather than selecting areas for impacts. The latter aspect of coastal resource planning is, by far, more encompassing and useful to the public and the industry, but there is simply not enough information at this time since it is by no means assured that the exploration will indeed result in a commercial find. Only a find of that quantity would justify the costs of both information gathering and resultant planning which could realistically select sites for impact.

Hence, during the current presale phase in the OCS planning process, the best local governments can do is to plan according to hypothetical scenarios. That is, they can develop a set of likely futures and prepare plans for each of them. This is expensive, time consuming, and potentially inefficient since the scenarios are based on limited data. A better option is to ensure that the three phases of OCS activity be clearly identified in local, State, and federal planning processes, and that adequate information requirements and funding is available to ensure that proper planning occurs at the right time. The key is to incorporate "local readiness" to handle the impacts associated with the actual phase of OCS activity in question into the federal decision-making process at this time.

For example, during the presale phase, readiness could mean the existence of local planning capacity with adequate sources of funding to prepare for exploration impacts, if indeed any tracts are leased by industry. To continue the example, readiness during the postsale exploration phase could be defined as local governments having the capacity to actively participate in the review and approval of the exploration plans and associated permits which industry must obtain prior to conducting exploration drilling.

The State of Alaska is attempting to support the development of local coastal management programs with this concept in mind. Adequate funding, as well as the close coordination of industry and all levels of governments, will be essential if local coastal plans can positively influence oil development at the right moment and properly mitigate community and coastal impacts.

# MEMORANDUM

# State of Alaska

TO: The Honorable Bettye Fahrenkamp  
Chairman, Senate Resource Committee

DATE: February 25, 1981

FILE NO:

TELEPHONE NO:

FROM: Frances Ulmer, Director  
Division of Policy Development  
and Planning

SUBJECT: Summary of ACMP to date

Attached is a brief summary of selected pertinent information regarding the status and work efforts of the Alaska Coastal Management Program (ACMP). In order please find:

- (1) A description of district program development milestones, and a matrix showing the status of each district.
- (2) A map showing the proposed 5-year federal OCS lease schedule; a table describing both the federal and State 5-year lease schedules; and an analysis of the development of district programs impacted by these schedules.
- (3) A report of federal consistency determinations made by DPDP in fiscal year 1980, and an update to the present; a graphic of the type of consistency determinations made in DPDP.
- (4) A brief summary fact sheet on the special projects initiated in the last year for the ACMP.
- (5) An organization chart for the Office of Coastal Management, and a detailed analysis of OCM's FY 82 budget.
- (6) A copy of the correspondence between the Governor and Commissioner LeResche on the wisdom and need for any repeal of the Alaska Coastal Management Act.

Please feel free to contact Murry Walsh of Office of Coastal Management at 465-3540 if any further information is desired, or any clarification of the information presented is needed.

cc: Senate Resource Committee Members

FU/BR, 'lj

*Dist. 4-15 2/25/81*

TO: Murray Walsh  
 Coordinator  
 Office of Coastal Management  
 Office of the Governor

DATE: April 29, 1980

FILL NO: J-66-506-80

TELEPHONE NO: 465-3686

FROM: AVROM M. GROSS  
 ATTORNEY GENERAL

SUBJECT: Severability of  
 Coastal Management  
 Act legislative  
 approval require-  
 ments.

By: Jonathan K. Tillinghast  
 Assistant Attorney General

On February 25, 1980, you asked for our opinion as to the effect of State vs. A.L.I.V.E. Voluntary, P.2d \_\_\_ (Op. No. 2022, February 19, 1980) on the legislative approval requirements (AS 46.40.080) of the Alaska Coastal Management Act. On March 6, 1980, this office, through a letter from Rod Pegues to Senator Arliss Sturgulewski, concluded that various resolutions proposed under AS 46.40.080 were of no effect.

Subsequently, you orally requested us to expand on our March 6 opinion to discuss the effect of the invalidity of that section upon the remainder of the Act. In our opinion, AS 46.40.080 is severable from the remainder of the Alaska Coastal Management Act, and (1) council guidelines take effect upon their adoption under the Administrative Procedure Act (AS 44.62.180 et seq.); and (2) council action on a district coastal management plan takes effect upon final council disposition of the plan under 6 AAC 85.150 or AS 44.62.520.

The Alaska Coastal Management Act itself gives no indication of legislative intent with respect to the severability of any of its provisions. AS 01.10.030, however, creates a presumption that stricken portions of a statute are severable from the remainder. As the court noted in Lynden Transport, Inc. vs. State, 532 P.2d 700 (Alaska 1975), there has been "a consistent use of the general severability statute to preserve valid portions of the state legislature's enactments." Id. at 713.

As the court noted in that case, the test of whether a stricken portion of a statute is severable:

. . . is twofold. A provision will not be deemed severable 'unless it appears both that, standing alone, legal effect can be given to it and that the legislature intended the provision to stand, in case others included in the act and held bad should fall.'

Id.

First, it is apparent that the remainder of the Coastal Management Act can stand alone without the separate provision of section 080. That section deals with the effective date of the Alaska Coastal Management program, and states that portions of the program become effective upon approval by concurrent resolution of the legislature. Since we have previously defined the Alaska Coastal Management program to include both the council's guidelines and district programs 1/, it might be argued that the excision of that section would provide no "effective date" for the regulations or local district programs. That, however, is not the case. Council guidelines must be adopted under the Administrative Procedure Act (AS 46.40.040(1)), and the pertinent portions of the Administrative Procedure Act (AS 44.62.180 et seq.) provide detailed standards for how, and when, regulations become effective. Similarly, the general "effective date" of particular agency quasi-adjudicatory actions -- such as approval of local programs -- is rather self-evident. Indeed, AS 46.40.060, which deals with approval of district programs by the council, contemplates that any dispute between the council and the submitting district will be resolved through an adjudicatory hearing held in conformance with the APA. AS 46.40.060(c). The pertinent provision of the APA (AS 44.62.520) provides for the effective date of agency decisions rendered after an adjudicatory hearing. Thus, excision of AS 46.40.080 creates no fatal mechanical gap which would prevent the statute from standing by itself. 2/

---

1/ 1978 Op. Atty. Gen., "Legislative Approval of Coastal Management Program, May 5, 1978."

2/ A textual excision to AS 46.40.100(a) will additionally be required. Bracketing the excised words, the subsection will read:

Municipalities and state agencies shall administer land and water use regulations or controls in conformity with district coastal management programs approved by the council [and the legislature] and in effect.

The fact that the severing of an invalid provision requires the deleting of particular words within a sentence does not make the statute any less capable of standing on its own. Indeed, excising particular words within a sentence was precisely that which the Supreme Court accomplished in *Lynden Transport Inc. vs. State*, supra.

A more weighty problem is posed by the second prong of the severability test -- whether the legislature would intend the Coastal Management Act to stand absent the removal of AS 46.40.080. Certainly, where, unlike State vs. A.L.I.V.E. Voluntary, supra, the legislature inserted a specific legislative approval mechanism in a particular statute, the provision was of obvious significance to the legislature. The legislative history of the Act indicates that the offending section was inserted as an addition to legislation prepared by the so-called "HCR 123" Committee. See HB 342, 10th Leg., 1st Sess. 3/ The administration tried, unsuccessfully, to excise the legislative approval requirement.

To say that the section was of some importance to the legislature, however, does not necessarily lead to the conclusion that the legislature did not desire that the state enact this coastal management legislation absent the exercise of a legislative veto. Over the past several years, the legislature has enacted several critical pieces of legislation containing "approval" provisions. The legislature knew, at least, that these approval provisions raised grave constitutional questions, and we cannot impute to the legislature a general intent to hang the fate of critical legislation on a provision of dubious legality. We have reviewed the legislative findings and policies with respect to the Coastal Management Act (§§ 1-2, ch. 84, SLA 1977), and find no indication that the legislature viewed its approval authority as an integral and indispensable component of the legislation. Indeed, although section 2(4) of the Act expresses a legislative concern for assuring the participation of all interested parties "in the development and implementation of the coastal management program," the language conspicuously excludes the legislature as an entity whose formal inclusion is necessary in the development of the program. Certainly, the remainder of the legislation, and the council's guidelines, provide for abundant opportunities for "public, local governments and agencies of the state and federal governments" (id.) to affect the development and implementation of the program. In this regard, the findings and policy statements contained in ch. 84, SLA 1977 are identical to those contained in the draft legislation proposed by the "HCR 123 Committee", which, as noted previously, was the starting point for Alaska's coastal management legislation, and which did not originally contain an overall legislative approval requirement.

---

3/ A joint legislative/executive committee was created by HCR 123 (9th Leg., 2nd Sess.) to prepare coastal management legislation.

Murray Walsh, Coordinator  
Office of Coastal Management

April 29, 1980  
Page 4

In sum, we believe that AS 46.40.080 is severable from the remainder of the Coastal Management Act. Thus, council guidelines take effect when adopted in accordance with the Administrative Procedure Act. The effective date of council action on district programs is governed by the council's regulations, and AS 46.40.060.

If you have any further questions, please feel free to contact us.

JKT:dlm

# MEMORANDUM

# State of Alaska

TO: Murray Walsh, Coordinator  
Office of Coastal Management

DATE: January 9, 1981

Thru: Michael Whitehead  
State-Federal Coordinator

FILE NO:

TELEPHONE NO:

FROM: Rod Swope, Dave Haas  
State Clearinghouse

SUBJECT: Annual Report Update  
July 1, 1979 through  
June 30, 1980

This document will serve as a brief summary of fiscal year 1979-80 (July 1, 1979 through June 30, 1980) activities under the Reimbursable Services Agreement (RSA) between the Office of Coastal Management (OCM) and the State Clearinghouse (SCH). For convenience and clarity, the information is presented in tabular and graphic form in separate sections, preceded by a brief explanation of the information contained within each section.

## PROJECT REVIEWS

During the period from 1 July, 1979, to 30 June, 1980 (inclusive), a total of 521 projects were accepted and circulated for review by the State Clearinghouse. Additional projects were received and not reviewed when determined they were not within the coastal zone, exempt from ACHP review, or were determined not to have a significant impact on coastal areas.

On the average, the Clearinghouse receives several projects a month which contain insufficient information to conduct an adequate review. In these instances, the necessary additional information is requested of the applicant before the project review is officially initiated. Reviewing agencies also have access to additional sources of information or deal with the applicant directly which also serves to minimize requests for additional information.

The primary State agencies whose comments and expertise provide the basis for the consistency determination are the Departments of Environmental Conservation, Community and Regional Affairs, Fish & Game, Transportation & Public Facilities, Natural Resources and Commerce & Economic Development.

The Office of Coastal Management (OCM) analyzes comments received and provides a consistency recommendation to the Director of the Division of Policy Development and Planning (DPOP).

Federal agencies such as the U.S. Fish & Wildlife Service, National Marine Fisheries Service and the Environmental Protection Agency also provide substantial comments on a regular basis. Their concerns are frequently incorporated into federal consistency determinations.

Statistics indicating the disposition of those projects which underwent ACMP review in FY80 are as follows:

|   |          |
|---|----------|
| Projects determined to be <u>consistent</u> with the ACMP     |          |
| with stipulations.....  | 124      |
| without stipulations.....                                     | 347      |
| Projects determined to be <u>inconsistent</u> with the ACMP.. | 17       |
| Projects withdrawn by the applicant.....                      | 30       |
| Projects requiring indefinite extensions.....                 | <u>3</u> |
| Total projects reviewed.....                                  | 521      |

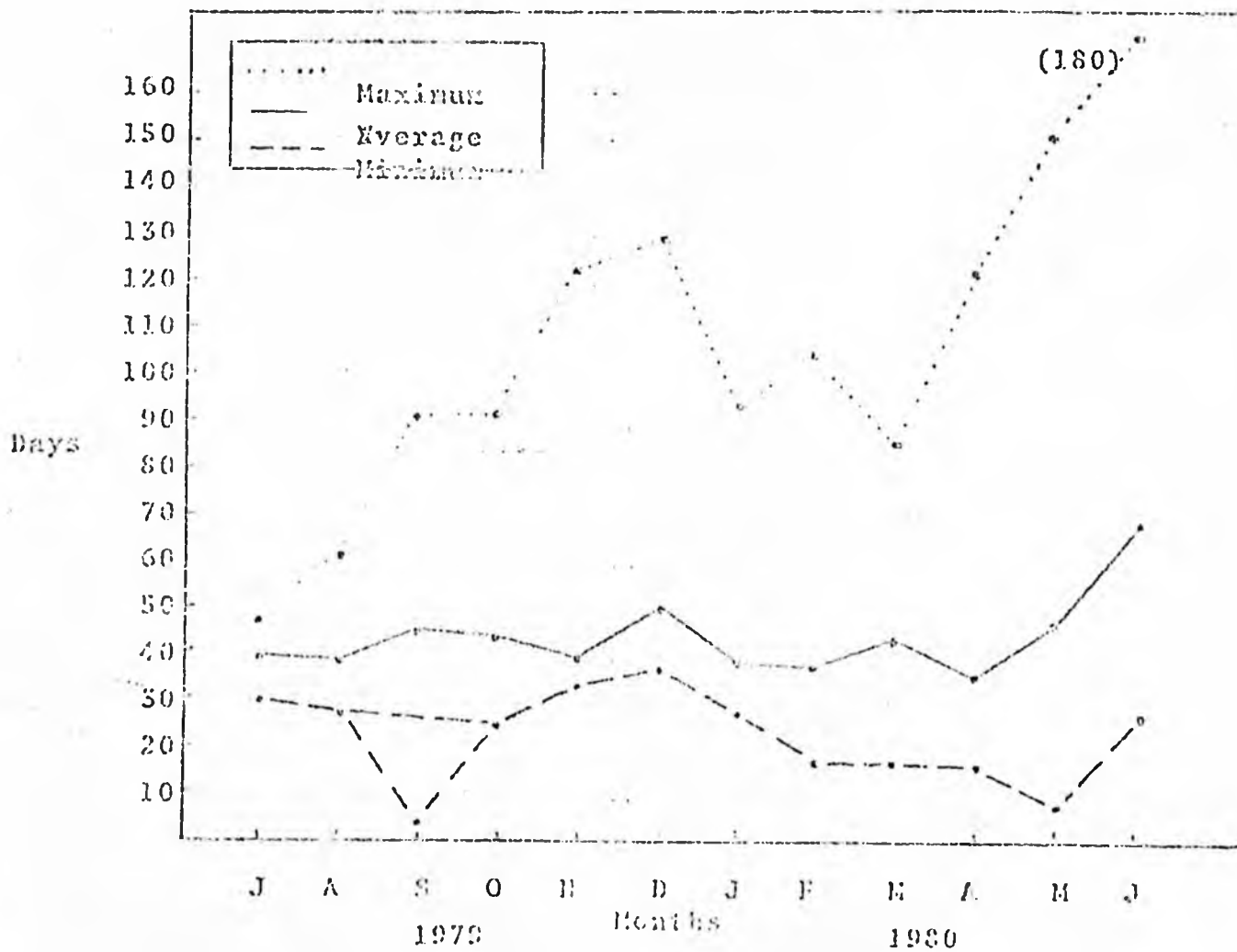
#### REVIEW PERIOD

The minimum length of time required to complete a normal ACMP review is 30 days from the time the project is logged (review officially begins) in by the State Clearinghouse. However, the overall average review period in FY80 required approximately 45 days to complete. This average 45 day review period appears to be steadily increasing as the result of a procedural change effected 15 May, 1980, requiring the receipt of a 401 Certification (Certificate of Reasonable Assurance) from the Department of Environmental Conservation on certain projects before issuing a consistency determination. DEC presently requires an average of 64 days to issue a 401 Certification on those projects requiring a water quality permit. The State Clearinghouse has the ability to accept an expedited review based on a reasonable request by an applicant, thus possibly reducing the time required to issue a consistency recommendation. The following table and graphic depiction shows, by month, the maximum, minimum and average time required to complete a normal review.

As indicated in the table, a greater volume of projects are submitted in the fall and spring in preparation for the summer construction period. The increase in permit applications does not appear to have much effect on the length of the review period, however.

The noticeable increase in average review period and maximum review time for May and June can be attributed to the procedural change requiring a 401 Certification from DEC before issuing a consistency determination. The low minimum review times for September and May reflect expedited review of a specific project.

|              | Number of Projects Submitted | Maximum Review Period (days) | Minimum Review Period (days) | Monthly Average (days) |
|--------------|------------------------------|------------------------------|------------------------------|------------------------|
| FY79 July    | 8                            | 47                           | 30                           | 39.7                   |
| August       | 31                           | 60                           | 27                           | 38.6                   |
| September    | 36                           | 90                           | 3                            | 41.7                   |
| October      | 47                           | 90                           | 22                           | 40.0                   |
| November     | 32                           | 116                          | 30                           | 38.2                   |
| December     | 49                           | 124                          | 30                           | 41.1                   |
| FY80 January | 50                           | 93                           | 27                           | 38.8                   |
| February     | 52                           | 104                          | 17                           | 37.8                   |
| March        | 47                           | 85                           | 16                           | 41.6                   |
| April        | 70                           | 120                          | 15                           | 34.8                   |
| May          | 63                           | 150                          | 7                            | 48.2                   |
| June         | 36                           | 180                          | 25                           | 66.4                   |



ACMP CONSISTENCY STANDARDS

The Alaska Coastal Management Program has established a set of standards against which development activities in the coastal zone are reviewed. The following is a listing of these standards with an indication of the frequency to which each one has been cited in a consistency determination:

|              |   |     |
|--------------|---|-----|
| 6 AAC 80.140 | Air, land and water quality                           | 121 |
| 6 AAC 80.130 | Habitats  | 53  |
| 6 AAC 80.110 | Mining and mineral processing                         | 10  |
| 6 AAC 80.050 | Geophysical hazard areas                              | 8   |
| 6 AAC 80.040 | Coastal development                                   | 8   |
| 6 AAC 80.100 | Timber harvest and processing                         | 8   |
| 6 AAC 80.070 | Energy facilities                                     | 4   |
| 6 AAC 80.080 | Transportation and facilities                         | 4   |
| 6 AAC 80.120 | Subsistence   | 4   |
| 6 AAC 80.060 | Recreation  | 1   |
| 6 AAC 80.150 | Historic, prehistoric and<br>archaeological resources | 1   |
| 6 AAC 80.160 | Uses of state concern                                 | 1   |
| 6 AAC 80.090 | Fish and seafood processing                           | 0   |
|              | Total   | 224 |

FEDERAL AGENCY APPLICANTS

The State Clearinghouse has received proposals from 22 different federal agencies requiring ACMP review. The following is a listing of those agencies and the number of times each one has submitted a project requiring ACMP review:

|  |     |
|--|-----|
| Corps of Engineers (COE)                               | 294 |
| Office of Coastal Zone Management (OCCM-CEMP)          | 40  |
| Department of Housing and Urban Development (HUD)      | 35  |
| Heritage Conservation and Recreation Service (HCRS)    | 26  |
| Federal Highway Administration (FHWA)                  | 21  |
| Farmers Home Administration (FHA)                      | 19  |
| Alaska Area Native Health Service (AANHS)              | 15  |
| Environmental Protection Agency (EPA)                  | 10  |
| Federal Aviation Administration (FAA)                  | 9   |
| Economic Development Administration (EDA)              | 9   |
| Municipality of Anchorage (MA)                         | 7   |
| U.S. Coast Guard (USCG)                                | 6   |
| U.S. Fish and Wildlife Service (USFWS)                 | 6   |
| U.S. Forest Service (USFS)                             | 5   |
| Bureau of Land Management (BLM)                        | 4   |
| Federal Energy Regulatory Commission (FERC)            | 4   |
| Department of the Army (DOA)                           | 2   |
| Department of Education (DOE)                          | 2   |
| National Oceanic and Atmospheric Administration (NOAA) | 2   |
| National Park Service (NPS)                            | 2   |
| U.S. Air Force (USAF)                                  | 1   |
| Total projects reviewed                                | 521 |

TYPES OF APPLICATIONS REVIEWED

There are four categories of federal functions which are reviewed under the ACFP: 1) direct federal activities, 2) federal licenses and permits, 3) OCS activities and 4) federal assistance programs. We have separated all ACFP reviews into these respective divisions in the following table.

|                                  |            |
|----------------------------------|------------|
| federal licenses and permits ... | 288        |
| federal assistance programs .... | 195        |
| direct federal activities .....  | 34         |
| OCS activities .....             | 4          |
|                                  | <u>521</u> |

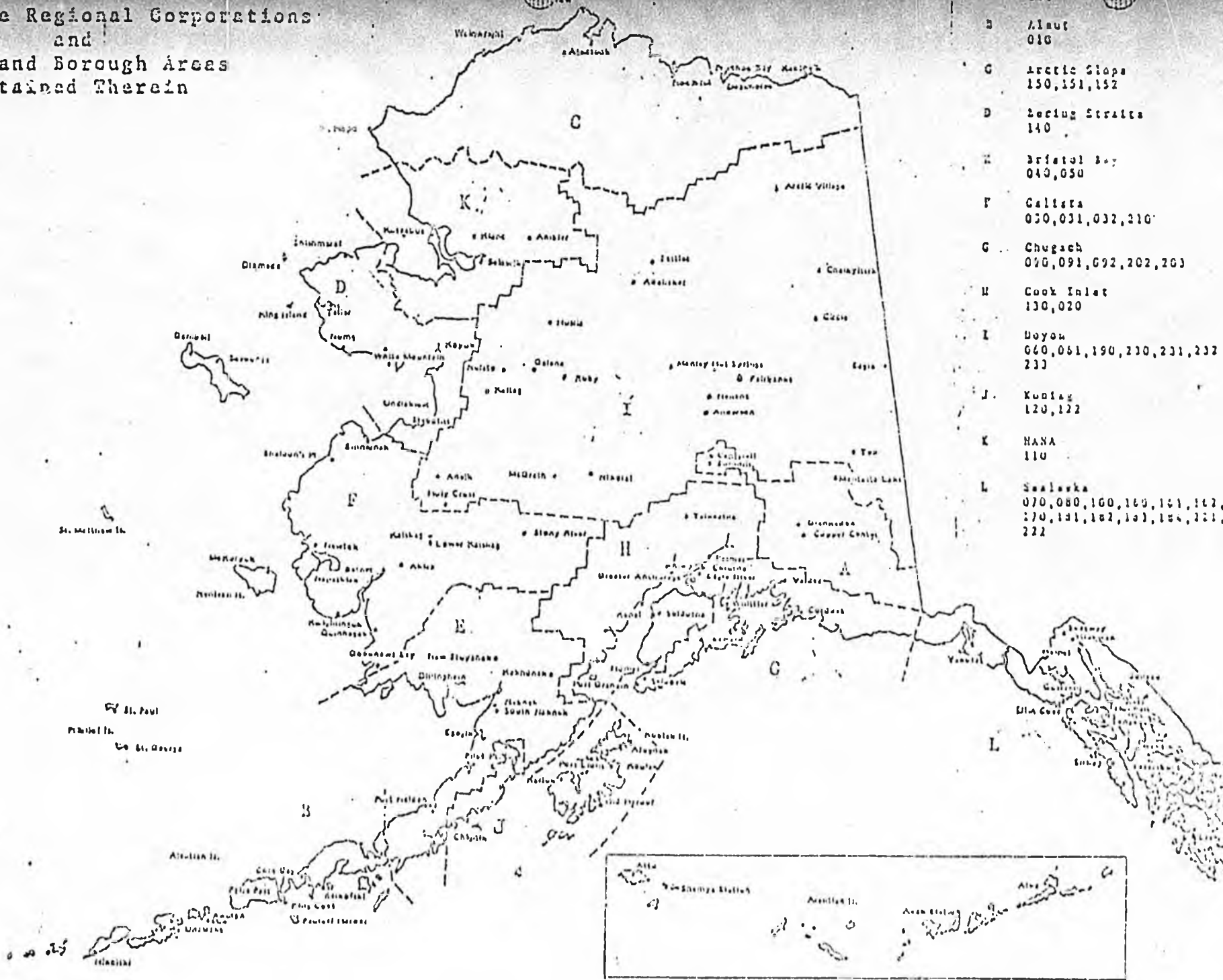
APPLICATIONS BY REGION

At your request we have also separated the ACFP applications into their respective land areas. Since our computer is only programmed to classify applications by native regions, we were not able to provide you with a computer print-out by ACFP region. These two types of regions are, however, very close if not identical in most instances. So we have enumerated the applications by Native region (see attached map) and projected the count by ACFP region:

| <u>NATIVE REGION</u> |                |               | <u>ACFP REGION</u> |                         |               |
|----------------------|----------------|---------------|--------------------|-------------------------|---------------|
| <u>Letter</u>        | <u>Name</u>    | <u>Number</u> | <u>Letter</u>      | <u>Native Region(s)</u> | <u>Number</u> |
| A                    | Ahtna          | 1             | A                  | GNK                     | 111           |
| B                    | Alcut          | 25            | B                  | D                       | 17            |
| C                    | Arctic Slope   | 98            | C                  | EMF                     | 48            |
| D                    | Bering Straits | 17            | D                  | BAJ                     | 46            |
| E                    | Bristol Bay    | 26            | E                  | H                       | 107           |
| F                    | Calista        | 22            | F                  | H                       |               |
| G                    | Chugach        | 34            | G                  | G                       | 34            |
| H                    | Cook Inlet     | 107           | H                  | L                       | 133           |
| I                    | Doyon          | 0             | I                  | L                       |               |
| J                    | Koniag         | 21            |                    | Abasco                  | 1             |
| K                    | NANU           | 13            |                    | Withdrawn               | 24            |
| L                    | Sealaska       | 133           |                    |                         |               |
|                      | Withdrawn      | <u>24</u>     |                    | Total                   | 521           |
|                      | Total          | 521           |                    |                         |               |

A map of the native regions is attached for your convenience.

Alaska Native Regional Corporations  
and  
Census and Borough Areas  
Contained Therein



- B Aleut 016
- C Arctic Slope 150,151,152
- D Bering Straits 140
- H Bristol Bay 040,050
- F Chukotka 050,031,032,210
- G Chugach 070,091,092,202,203
- H Cook Inlet 130,020
- I Doyon 060,051,190,230,231,232,233
- J Koniag 120,122
- K NANA 110
- L Sealaska 070,080,160,161,162,170,181,182,183,184,221,222

# MEMORANDUM

## State of Alaska

TO: Murray Walsh, Coordinator  
Office of Coastal Management

DATE: February 19, 1981

Thru: Bruce Baker  
State-Federal Coordinator

FILE NO:

TELEPHONE NO:

FROM: Rod Swope, Dave Haas  
State Clearinghouse

SUBJECT: Special Report Request  
July 1, 1979 through  
February 15, 1981

This document will serve as a brief summary of activities under the Reimbursable Services Agreement (RSA) between the Office of Coastal Management (OCM) and the State Clearinghouse (SCH). As requested by OCM, this summary is for the period from July 1, 1979 through February 15, 1981.

### PROJECT REVIEWS

During the period from 1 July, 1979, to 15 February, 1981 (inclusive), a total of 940 projects were accepted and circulated for review by the State Clearinghouse. Additional projects were received and not reviewed when determined they were not within the coastal zone, exempt from ACHP review, or were determined not to have a significant impact on coastal areas.

On the average, the Clearinghouse receives several projects a month which contain insufficient information to conduct an adequate review. In these instances, the necessary additional information is requested of the applicant before the project review is officially initiated for review. Reviewing agencies also have access to additional sources of information or deal with the applicant directly which also serves to minimize requests for additional information.

The primary State agencies whose comments and expertise provide the basis for the consistency determination are the Departments of Environmental Conservation, Community and Regional Affairs, Fish & Game, Transportation & Public Facilities, Natural Resources and Commerce & Economic Development.

The Office of Coastal Management (OCM) analyzes comments received and provides a consistency recommendation to the Director of the Division of Policy Development and Planning (DPPD).

Federal agencies such as the U.S. Fish & Wildlife Service, National Marine Fisheries Service and the Environmental Protection Agency also provide substantial comments on a regular basis. Their concerns are frequently incorporated into federal consistency determinations.

Statistics indicating the disposition of those projects which underwent ACMP review from the inception of the program in July of 1979, to the present time (February 15, 1981) are as follows:

|   |            |
|---|------------|
| Projects determined to be <u>consistent</u> with the ACMP     |            |
| with stipulations.....  | 234        |
| without stipulations.....                                     | 495        |
| Projects determined to be <u>inconsistent</u> with the ACMP.. | 27         |
| Projects withdrawn by the applicant.....                      | 45         |
| Projects remaining in review .....                            | <u>139</u> |
| Total projects .....  | 940        |

#### REVIEW PERIOD

The minimum length of time required to complete a normal ACMP review is 30 days from the time the project is logged (review officially begins) in by the State Clearinghouse. However, the overall average review period since July of 1979, has required approximately 45.9 days to complete. This average day review period appears to be steadily increasing as the result of a procedural change effected 15 May, 1980, requiring the receipt of a 401 Certification (Certificate of Reasonable Assurance) from the Department of Environmental Conservation (DEC) on certain projects before issuing a consistency determination. DEC has indicated that they presently require an average of approximately 64 days to issue a 401 Certification on those projects requiring a water quality permit. The State Clearinghouse has the ability to attempt an expedited review based on a reasonable request by an applicant, thus possibly reducing the time required to issue a consistency recommendation.

The majority of time required to conduct an average review is accountable to field inspections and/or actual effort involved in reviewing project material. Other factors, contributing to the extension of a review are as follows:

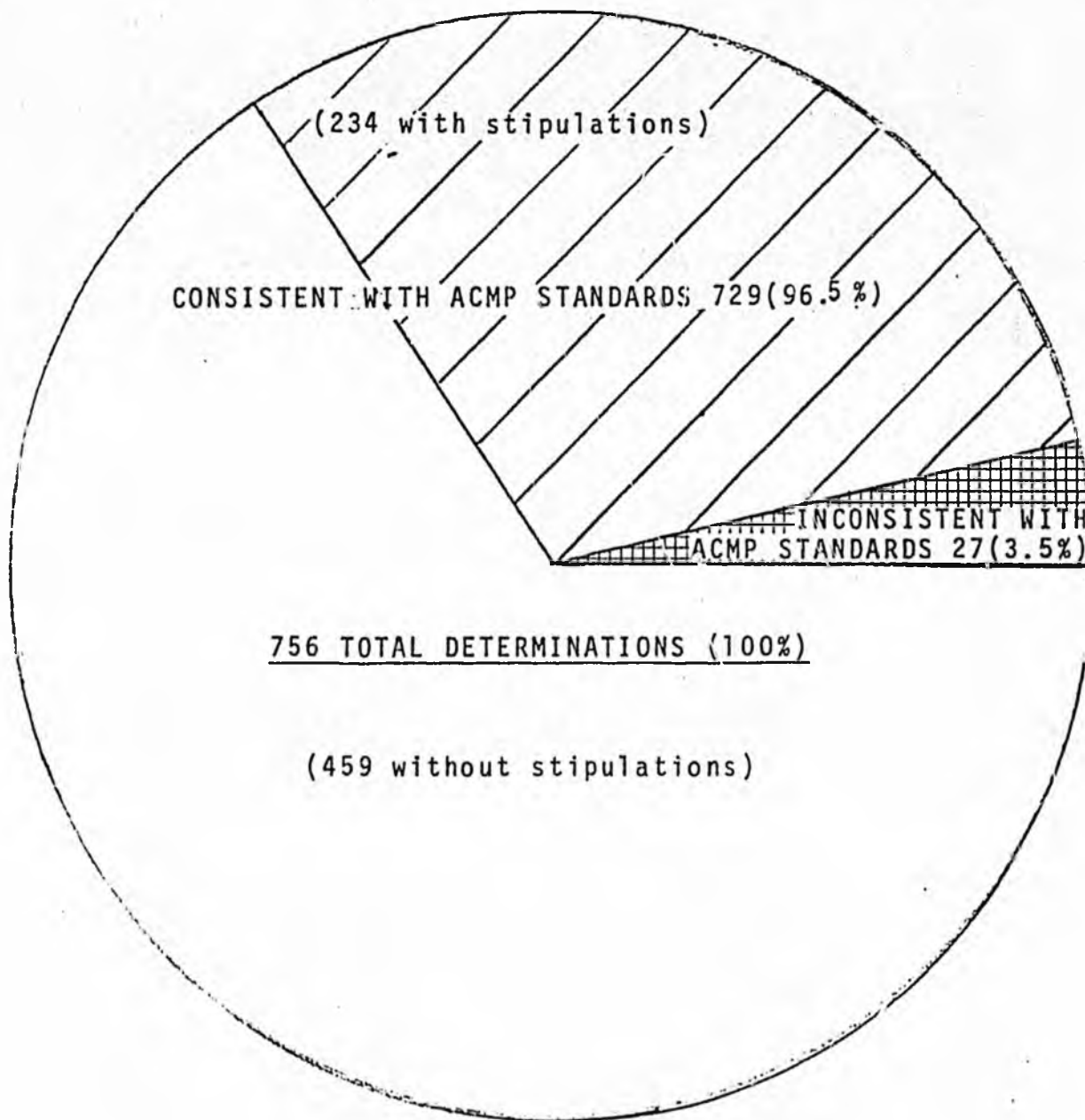
- 1) The average length of time which elapses between the date DEC's 401 Certification is signed and the date it is received by DPDP is approximately 2.9 days. This average figure is based on a random sample of fifty 401 Certifications received by DPDP during the past several months.
- 2) The average length of time required by DPDP to complete the ACMP consistency determination after a 401 Certification is received, is approximately 5.8 days. This average figure is based on the same random sample of projects (50) as discussed above.

- 3) Once DPDP has completed the ACMP consistency determination, an additional one to five days normally elapses (due to mailing time) before an applicant receives notification. All consistency determination letters requesting the applicant to adhere to certain stipulations, are mailed directly to the applicant via registered return receipt mail. OCM also extends the courtesy of contacting an applicant to discuss any stipulations, prior to DPDP mailing the consistency letter.

In special circumstances where an applicant is facing time constraints, DPDP will contact the Corps of Engineers to inform them of our consistency determination, prior to mailing. This allows them to initiate their permit issuance process and thus minimize any time delays due to mailing.

ALASKA COASTAL MANAGEMENT CONSISTENCY DETERMINATIONS

MADE BETWEEN JULY 1979 & FEBRUARY 1980



## SPECIAL PROJECTS

Since the Alaska Coastal Management Program was approved, the Office of Coastal Management (OCM) has worked with local, state, and federal officials to investigate major coastal management issues beyond the immediate scope of any single district coastal management program. Special projects supported with funds from the Alaska Coastal Management Program (ACMP) focus on problems of regional or statewide importance and seek to fully involve local, state, federal, private and public interests in arriving at reasonable approaches to their solution. Where problems are of a more localized or regional nature, the support and endorsement of local communities directly affected by the issue proposed for review is a prerequisite to funding by the ACMP. To date, special projects have included the following:

1. Wetlands Planning and Regulation: Regulation and development in wetlands is a growing statewide issue with significant regional implications in areas like the Kenai Peninsula and North Slope Boroughs. At the request of the Coastal Policy Council, OCM prepared a wetlands management report which includes a strategy for improving wetlands management and regulation. Using locally developed wetlands management plans to satisfy state and federal legal requirements and guide state and federal wetland development decisions is part of the strategy. OCM is currently seeking agreement between the City of Kenai, and appropriate state and federal agencies to test the feasibility of this approach along the Kenai River. The Coastal Policy Council has endorsed this approach as have state and federal members involved in Wetlands regulation.
2. Uniform Permit Procedures and Appeals: Duplicative permit reviews, excessive processing times, and inefficient administrative procedures have all been cited as problems with the way in which governmental resource development authorizations have been administered. The Department of Law, with assistance from OCM and Departments of Natural Resources, Environmental Conservation and Fish and Game, has reviewed these issues and promulgated uniform procedures for permits and appeals in response. Legitimizing the role of local governments to influence state and federal land and water use decisions is one major feature of the regulations. Assuring a single lead agency is responsible for determining a project is consistent with the ACMP another important aspects of the regulations.
3. Offshore Oil and Gas Information Programs: As state and federal oil and gas leasing increases in offshore areas adjacent to Alaska's western region, it is becoming increasingly important that local and state officials be supplied with relevant and timely information on how oil and gas development can best be conducted in the region. OCM has prepared a report with the support of the U.S. Geological Survey which identifies issues associated with the collection and dissemination of information pertinent to oil and gas operations in Alaska's Bering Sea region. The report describes current state and federal information collection and distribution systems, identifies problems with the current systems, and suggests approaches to

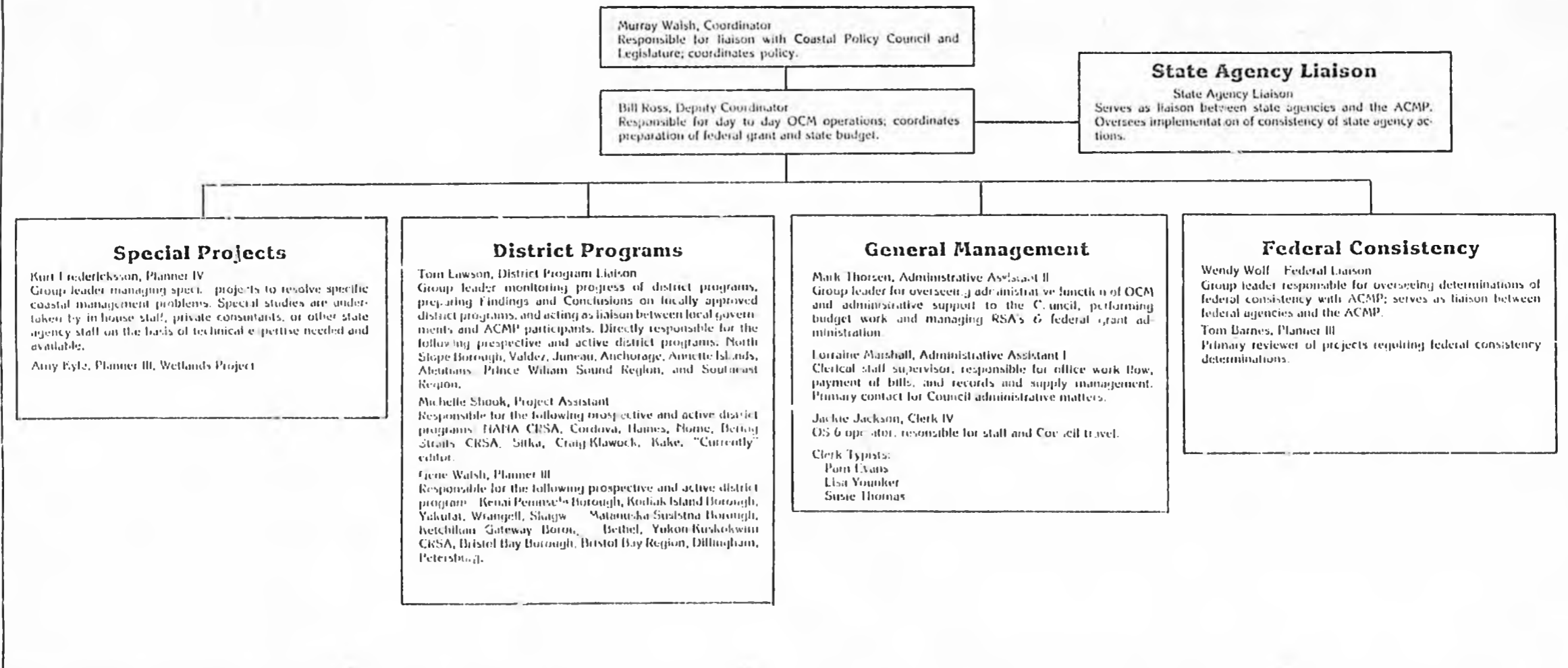
solving some of these problems. The Coastal Policy Council will review and consider the merits of these approaches at its April or May meeting.

4. Unorganized Borough Management Alternatives: Recent legislative and administrative studies have identified a number of problem areas related to service delivery in the Unorganized Borough. To work on possible solutions to identified problem areas, the Department of Community and Regional Affairs, with funds from the ACMP and U.S. Department of Housing and Urban Development, sponsored a three-day symposium Nov. 17-19, 1980 in Anchorage. As background to the symposium, DCRA summarized issues and problems in a report entitled, Problem Analysis: Service Delivery and Government in the Unorganized Borough. In addition, a follow-up to the symposium is being conducted where eight specialists from outside Alaska who attended the symposium are being asked to prepare and submit papers addressing specific problem area(s) related to service delivery and government in Alaska.
  
5. Bristol Bay Resource Inventory: By November, 1983, major resource management plans and decisions affecting the Bristol Bay region will be completed by state and federal agencies. These plans and decisions include; federal OCS oil and gas lease sales in the Saint George Basin and North Aleutian Shelf, state oil and gas lease sales in the Bristol uplands, a Bristol Bay Cooperative Management Plan mandated in the Alaska Lands Act, and an area plans for management of state land and resources. In order to maximize its influence on pending state and federal plans and decisions, the Bristol Bay Coastal Resource Service Area needs to prepare its district coastal management program at least at the same time the state and federal plans and decisions are being made. The purpose of this project is to provide the soon to be elected coastal resource service area board with the data and information required for coastal management planning by June, 1982. The Department of Natural Resources will lead the data collection projects and coordinate the efforts of other state and federal agencies. Local representatives are expected to participate in work groups organized to administer specific work efforts.

Additional information on any of the projects described above is available directly from the Office of Coastal Management, Special Projects section.

## Organization of the Office of Coastal Management

Over the last year, the Office of Coastal Management has undergone minor reorganization. With the addition of staff since federal approval of the ACMP a year ago, reorganization became necessary to more clearly define areas of responsibility. To provide you with an overview of who is responsible for what within our organization, the following chart is provided. As a section of the Division of Policy, Development & Planning in the Office of the Governor, OCM is currently operating under this structure.



Murray Walsh, Coordinator  
Responsible for liaison with Coastal Policy Council and Legislature; coordinates policy.

Bill Ross, Deputy Coordinator  
Responsible for day to day OCM operations; coordinates preparation of federal grant and state budget.

**State Agency Liaison**  
State Agency Liaison  
Serves as liaison between state agencies and the ACMP. Oversees implementation of consistency of state agency actions.

**Special Projects**

Kurt Fredericksen, Planner IV  
Group leader managing special projects to resolve specific coastal management problems. Special studies are undertaken by in-house staff, private consultants, or other state agency staff on the basis of technical expertise needed and available.

Amy Eyle, Planner III, Wetlands Project

**District Programs**

Tom Lawson, District Program Liaison  
Group leader monitoring progress of district programs, preparing Findings and Conclusions on locally approved district programs, and acting as liaison between local governments and ACMP participants. Directly responsible for the following prospective and active district programs: North Slope Borough, Valdez, Juneau, Anchorage, Admette Islands, Aleutians, Prince William Sound Region, and Southeast Region.

Michelle Shook, Project Assistant  
Responsible for the following prospective and active district programs: HABA CRSA, Cordova, Haines, Nome, Bering Straits CRSA, Sitka, Craig Klawock, Kake, "Currently" editor.

Gene Walsh, Planner III  
Responsible for the following prospective and active district program: Kenai Peninsula Borough, Kodiak Island Borough, Yakutat, Wrangell, Sitka, Matanuska-Susitna Borough, Ketchikan Gateway Borough, Bethel, Yukon-Kuskokwim CRSA, Bristol Bay Borough, Bristol Bay Region, Dillingham, Petersburg.

**General Management**

Mark Thorzen, Administrative Assistant II  
Group leader for overseeing administrative functions of OCM and administrative support to the Council, performing budget work and managing RSA's & federal grant administration.

Lorraine Marshall, Administrative Assistant I  
Clerical staff supervisor, responsible for office work flow, payment of bills, and records and supply management. Primary contact for Council administrative matters.

Jackie Jackson, Clerk IV  
OS & operator, responsible for staff and Council travel.

Clerk Typists:  
Pam Evans  
Lisa Younker  
Susie Thomas

**Federal Consistency**

Wendy Wolf - Federal Liaison  
Group leader responsible for overseeing determinations of federal consistency with ACMP; serves as liaison between federal agencies and the ACMP.

Tom Barnes, Planner III  
Primary reviewer of projects requiring federal consistency determinations.

The Fiscal Year 1982 Budget - Summary  
The Alaska Coastal Management Program (ACMP)

This summary is presents the ACMP budget by standard line item categories, but contains annotations to show which agencies and entities will actually receiving and using the funds from various line items. Except as noted for line 700, the line item totals are the same as shown on page 5 of the Operating Budget for the Development Category. All figures are in thousands of dollars.

|                           |                                     |  |      |                               |      |          |      |                                     |     |                               |     |                           |      |                   |            |                                  |       |                                |
|---------------------------|-------------------------------------|--|------|-------------------------------|------|----------|------|-------------------------------------|-----|-------------------------------|-----|---------------------------|------|-------------------|------------|----------------------------------|-------|--------------------------------|
| Line 100 - Pers. Serv.    | 598.6                               | This figure is salaries and benefits for the Office of Coastal Management (OCM) only. Other state agency participants in ACMP have salaried positions as well that the program pays for, but these appear under line 300 in this BRU, and will be explained in more depth below. OCM has sixteen permanent positions, three of which are new in FY 81 and must be ratified by the Legislature for FY 82. OCM is staff to the Coastal Policy Council, lead agency for the program overall, and responsible for a great deal of liaison with the 35 participating local governments, 10 participating state agencies, and about 25 federal agencies. |      |                               |      |          |      |                                     |     |                               |     |                           |      |                   |            |                                  |       |                                |
| Line 200 - Travel         | 118.7                               | The travel figure includes the travel costs of the 16 member Coastal Policy Council, which meets about eight times a year, and the OCM staff which must travel extensively because of the liaison responsibilities.  |      |                               |      |          |      |                                     |     |                               |     |                           |      |                   |            |                                  |       |                                |
| Line 300 - Contractual    | 2180.9                              | This figure combines three different types of contracts important to ACMP: i. Office service contracts for OCM, like copying machines; ii. Special study or consultant contracts directly to OCM, which can either be outside consultants or temporary personnel; and, iii. Contracts with other State agencies to provide a variety of services. A more detailed breakdown of the contracts is shown below.   |      |                               |      |          |      |                                     |     |                               |     |                           |      |                   |            |                                  |       |                                |
| Office Service Contracts: |                                     | <table border="0" style="margin-left: 2em;"> <tr><td>34.6</td><td>Telephone, Postage, Telegrams</td></tr> <tr><td>46.1</td><td>Printing</td></tr> <tr><td>55.2</td><td>Office space, utilities, janitorial</td></tr> <tr><td>3.5</td><td>Typewriter service agreements</td></tr> <tr><td>9.7</td><td>Copier rental, quick-copy</td></tr> <tr><td>10.9</td><td>Typewriter rental</td></tr> <tr><td><u>3.5</u></td><td>Freight, conference registration</td></tr> <tr><td>163.5</td><td>Total Office Service Contracts</td></tr> </table>  | 34.6 | Telephone, Postage, Telegrams | 46.1 | Printing | 55.2 | Office space, utilities, janitorial | 3.5 | Typewriter service agreements | 9.7 | Copier rental, quick-copy | 10.9 | Typewriter rental | <u>3.5</u> | Freight, conference registration | 163.5 | Total Office Service Contracts |
| 34.6                      | Telephone, Postage, Telegrams       |  |      |                               |      |          |      |                                     |     |                               |     |                           |      |                   |            |                                  |       |                                |
| 46.1                      | Printing                            |  |      |                               |      |          |      |                                     |     |                               |     |                           |      |                   |            |                                  |       |                                |
| 55.2                      | Office space, utilities, janitorial |  |      |                               |      |          |      |                                     |     |                               |     |                           |      |                   |            |                                  |       |                                |
| 3.5                       | Typewriter service agreements       |  |      |                               |      |          |      |                                     |     |                               |     |                           |      |                   |            |                                  |       |                                |
| 9.7                       | Copier rental, quick-copy           |  |      |                               |      |          |      |                                     |     |                               |     |                           |      |                   |            |                                  |       |                                |
| 10.9                      | Typewriter rental                   |  |      |                               |      |          |      |                                     |     |                               |     |                           |      |                   |            |                                  |       |                                |
| <u>3.5</u>                | Freight, conference registration    |  |      |                               |      |          |      |                                     |     |                               |     |                           |      |                   |            |                                  |       |                                |
| 163.5                     | Total Office Service Contracts      |  |      |                               |      |          |      |                                     |     |                               |     |                           |      |                   |            |                                  |       |                                |

Line 300 Continued

Special Study Contracts: 207.5 These studies are performed at the behest of the Coastal Policy Council, and at this point, represent something of a contingency fund. The Council has approved the OCM wetlands report however, which calls for investigation into ways and means to arrange land trades for the public to acquire wetlands. This is an example of of the type of activity OCM might contract for. Contractors can be outside consultants, state agencies, or temporary personnel at OCM.

State Agency Program Service Contracts:

These figures do not include office service contracts performed by state agencies such as printing, so the total is not the same as the Inter-Agency Transfer total in the BRU.

These contracts are for state agency services obligated by the Coastal Policy Council, existing law, or demand from the coastal local governments.

Numbers to the right are OCM estimates based on level funding plus inflation. A quick survey of some of the BRUs which will receive some of these funds showed no specific estimates that were clearly indicated as ACMP funds in the Revenue Detail forms (form 22).

- 400.0 Dept. Natural Resources
- 134.9 Dept. Transportation and Public Fac.
- 95.8 Dept. Commerce and Economic Development
- 225.7 Dept. Environmental Conservation
- 362.4 Dept. Fish and Game

All five of the agencies above are represented on the the Coastal Policy Council, and all five have roughly similar responsibilities which break into three categories: i) Coordination inside and outside the agency on ACMP matters, including staff support to the agency's representative on the Council (app. one-fifth of the amount shown for each agency is devoted to this); ii) Assistance to the local governments in development of their local coastal plans (two-fifths); and, iii) assurance of consistency of agency actions with ACMP (two-fifths). These three functions are recurring and routine. Each year, an RSA is negotiated to define the extent of the service that year, and to make general improvements. Each recipient agency provides a 20% match to the RSA face value.

Line 300 Continued

State Agency Program Service  
Contracts Continued:

293.6 Dept. Community and Regional Affairs

DCRA is the pass-through agency for the grants to local governments using the funds shown in line 700 below. The figure shown here pays for coordination and support for DCRA's representative on the Coastal Policy Council, but the bulk of the funds are used to administer the pass-through program.

54.4 Dept. of Law

The Coastal Policy Council and ACMP in general require the services of a full time attorney. The Dept. of Law acts as a contractor for this service.

92.6 Univ. of Alaska, Arctic Environmental Information and Data Service (AEIDC)

AEIDC provides a coastal resource information service to ACMP participants, and is capable of providing short-turnaround small-scale research projects for local governments.

7.8 State Library

The State Library manages the coastal management collections at OCM and duplications in other locations for the benefit of all ACMP participants.

-----  
1809.9 Total State Agency Program Service  
Contracts

|          |               |        |   |
|----------|---------------|--------|---|
| Line 400 | Commodities   | 8.1    | This figure is OCM commodities only   |
| Line 500 | Equipment     | 3.7    | This figure is OCM equipment only   |
| Line 600 | Lands/Bldgs   | -0-    |   |
| Line 700 | Grants/Claims | 2070.0 | This is the sum that is passed through to local governments for the purpose of developing and implementing local coastal management programs. There is a distinction between development, or the planning phase, and implementation or the more tangible and visible phase. The switch usually occurs at the time of Coastal Policy Council approval of a local program, but grants for implementation-type purposes have been made |

Line 700 Continued

in advance of approval of the local plan when the circumstances warranted. This is usually to meet an urgent need at the local level, and where the outcome of the local plan will not be harmed by pre-implementation in certain areas. As might be expected, as the years pass, the emphasis for local pass-through funding will shift more and more to implementation. A table below shows the history in general percentages, as well as a forecast, of the split between general coastal resource planning and implementation actions. (Forecast below dashed line)

|       | <u>General Planning</u> | <u>Implementation</u> |
|-------|-------------------------|-----------------------|
| FY77  | 95%                     | 5%                    |
| FY78  | 90%                     | 10%                   |
| FY79  | 80%                     | 30%                   |
| FY80  | 75%                     | 25%                   |
| ----- |                         |                       |
| FY81  | 65%                     | 35%                   |
| FY82  | 55%                     | 45%                   |
| FY83  | 40%                     | 60%                   |
| FY83  | 20%                     | 80%                   |

Total Expenditures: 4910.0

Revenue: 4450.0 Federal Coastal Management Program  
 460.0 State General Fund Match

Note: The federal grants must be matched one State or local dollar for every four federal dollars. The 460.0 shown is match that is used by OCM. The other State agencies and local governments supply their own match for the federal funds they receive. This has caused a problem for the local governments, especially those which have no local taxing powers such as the Coastal Resource Service Areas (of which there are now three, but three more are expected to be formed by December of 1981). In light of this, the Coastal Policy Council has asked for an additional 250.0 of state funds in order to offset half of the local match obligation for taxing districts, and all of the local match obligation for non-taxing districts. An amendment to the Governor's budget will be forthcoming in late February or March to include this amount, which should be added to line 700.


## MEMORANDUM

State of Alaska

TO The Honorable Robert E. LeResche      DATE      December 5, 1980  
Commissioner  
Department of Natural Resources      FILE NO.

TELEPHONE NO.      465-3500

FROM Jay S. Hammond      SUBJECT      Repeal of the Alaska  
Governor      Coastal Management Act



The purpose of this memorandum is to unequivocally reject your suggestion that I advocate repeal of the Alaska Coastal Management Act. The suggestion that I announce my intent to do so on Friday without either the opportunity to carefully evaluate the program or to discuss such an evaluation with the Coastal Policy Council, other commissioners, local governments, other participants in the Alaska Coastal Management Program and the public, is clearly unacceptable. I cannot envision a situation in which I would take such drastic action without undergoing a thorough analysis of the program and alternatives to the program, and a substantial public review process. Certainly you would not advocate such a drastic measure for other important programs, such as oil and gas leasing and land disposal.

Although I am supportive of evaluating all state programs for their effectiveness, efficiency and continued usefulness, I believe that a thorough review is the appropriate first step, not a widely circulated memorandum trumpeting one commissioner's opinion of a program. If there is one thing this Administration stands for it is our commitment to analysis and evaluation before action, and to a fair opportunity for all to be heard on any issue. The public interest is best served by this approach.

You list several reasons for your suggestion to wipe out the Act, however, none of them are substantiated with examples or facts that have come to my attention. Several of your assertions conflict with my own understanding of the program's operation and impact.

I have been advised that nearly 800 consistency reviews have occurred since August of 1979, and that in two-thirds of the cases, the review has culminated in stipulations or conditions that did indeed affect the outcome of the decision. These reviews all involved notice, multi-agency participation, affirmative recordkeeping, and balanced results. Whether the permits and decisions thus issued would have been the same is a matter of conjecture. Certainly, however, the quality of the decisions have been improved as a result of

the process. In point of fact, some of these decisions have been contrary to your own initial recommendations, notably the March 31 drilling deadline that has been applied in several cases. Conversely, your department's position has been accorded greater weight in state positions than might otherwise have occurred if each agency was responding to federal initiatives independently.

You say that coastal management consistency decisions create an additional step or stage in the decision-making process. My understanding is that in all but one of the 800 federal cases, the consistency decision was rendered at the same time or before other state agency decisions on the same project. As for direct state agency actions, the coastal management rules are simply additional rules to follow, and in most cases, have been incorporated into routine agency decision-making processes. While there was some concern and confusion initially by agency personnel and those affected by the process, you are the only commissioner who has complained to me about this process or your agency's ability to incorporate standards into your decision-making.

I can appreciate your concern about procedures which lengthen review periods or decision-making timeframes, but as long as the additional time which may be required for interagency reviews is not unreasonable, I think it is a price worth paying to assure the best and most balanced decisions possible. I believe that on balance we will make better ones if we involve sister agencies which have appropriate expertise, and if we clarify the criteria on which we base our decisions, as the coastal management standards attempt to do.

The agreement to which you refer regarding the authority to make federal consistency determinations has been briefly described to me. I would like to remind you and others who participated in "the agreement" that it is I who have the responsibility and authority for those consistency decisions, and I will be the one who decides which agency or agencies will make those decisions for me. Although I intend to give great weight to your collective judgment on the issue, I reserve the right to make changes in that "agreement."

If you can be more specific about the problems you believe your agency has encountered with the program and if you would make some specific suggestions with regard to changes in either statutory mandate or program administration, I am willing to analyze your ideas and obtain comment from other participants in this program. However, I am not willing to single-handedly dismantle programs based on perceived problems.

My real concern in this entire issue is that personality disputes may be overriding substantive problems which should be addressed. The objective of the permit reform effort which I unveiled today is to attack problem areas and develop solutions to those problems. If key members of my Administration are unwilling to assist me in this effort, I am willing to unilaterally impose those solutions on the agencies. However, I will only take this action after the completion of the public review process I launched today, and if key officials in my Administration cannot agree on a mutually acceptable program.

cc: Lieutenant Governor Terry Miller  
Frances Ulmer, Director, Division of Policy Development  
and Planning  
Ron Skoog, Commissioner of Fish & Game  
Ernst Mueller, Commissioner of Environmental Conservation  
Lee McNerney, Commissioner of Community and Regional  
Affairs  
Wilson Condon, Attorney General