

SB

280

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 2/24/88 5-DAY NOTICE  
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER:

RESOURCES

\*\*FISCAL NOTE(S) ATTACHED  \*\*  
IN ACCORDANCE WITH AS 24.08.035  
(see below)

4/28/87

DATE TURNED INTO OFFICE

3/11/88

Mr. President:

STATE AFFAIRS

Committee considered

SB 280

issuance of permits and consistency determinations.

and recommended:

replace with CS \_\_\_\_\_  same title  
 attached amendment(s) and  new title

*reports it back as follows:*  
*do pass*

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted and attached

\*\* Committee  attached or  adopted fiscal note(s)  
 zero  fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*2 J. J. ... (No Rec) ...*  
*2 W. ... (No Rec)*

*Don ...*  
Chairman signature and recommendation

Committee Backup Attached

SENATE COMMITTEE REPORT

FURTHER

3/14/88

DATE TURNED INTO OFFICE \_\_\_\_\_

Mr. President:

Resources \_\_\_\_\_

Committee considered SB 280

issuance of permits and consistency determinations

and recommended

replace with \_\_\_\_\_ CS SB 280 (ves) )  same title  
 or adopt \_\_\_\_\_ CS \_\_\_\_\_ )  new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted \_\_\_\_\_

Committee  attached or  adopted fiscal note(s)  
 new  updated or  previous  
 zero  fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

\_\_\_\_\_  
*Paul Frick*

\_\_\_\_\_  
*Tommy No Rec*  
\_\_\_\_\_  
*William "not needed"*  
\_\_\_\_\_  
*Julius Stungulski "not needed"*

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*John ... DO PASS*  
Chairman signature and recommendation

Committee Backup attached

MINING PROJECT REVIEW TIMEFRAMES  
September 1, 1986 - September 1, 1987  
Total Number of Projects -- 71

Placer Mining Statistics:

Consistent	9
Consistent With Stips	36
Inconsistent	0
Withdrawn	<u>7</u>
Total	52
Average Number Of Days in Review	35

Hard Rock Mining Statistics:

Consistent	3
Consistent With Stips	7
Inconsistent	0
Withdrawn	<u>0</u>
Total	10
Average Number of Days in Review	27

Offshore Mining Statistics:

Consistent	1
Consistent With Stips	0
Inconsistent	0
Withdrawn	<u>0</u>
Total	1
Average Number of Days in Review	14

Gravel Mining Statistics:

Consistent	0
Consistent With Stips	4
Inconsistent	0
Withdrawn	<u>0</u>
Total	4
Average Number of Days in Review	34

PLACER MINING PROJECT REVIEW TIMEFRAMES

September 1, 1986 - September 1, 1987

Total Number of Projects -- 52

Average Number of Days in Review -- 35

<u>APPLICANT</u>	<u>PROJECT TITLE</u>	<u>NO. OF DAYS</u>
Alaska Gold	Placer Mining No. F871025	26
Alaska Gold	Placer Mining No. F871026	26
Alaska Gold	Placer Mining No. F871623	22
Alaska Gold Mines, Inc.	Placer Mining No. A872544	43
Alaska Placer Company	Placer Mining No. F871130	23
Alaska Placer Miners	Placer Mining NPDES Permit	49
Ashton Mining Alaska	Placer Mining No. A872554	43
Austin, Jeffery M.	Placer Mining No. A872597	36
Berg, Rhinehart	Placer Mining No. F871287	38
Berg, Rhinehart	Placer Mining No. F871597	34
Berg/Upchurch	Placer Mining No. F871591	34
Bliss, Patrick	Placer Mining No. 850167	53
Blondeau, Wayne	Placer Mining No. 852960	28
Bloom, Gary L.	Placer Mining No. A871982	43
Christie, Knox and Lorena	Placer Mining No. A872556	W
Dempsey, Daniel	Placer Mining No. A872572	35
Eversale John and Andrew	Placer Mining No. A872571	W
Fimbear Mining & Exploration	Placer Mining No. A871267	W
Friend, Emery L.	Placer Mining No. A872587	24
Glanville Carl and Dessie	Placer Mining No. A872613	23
Hoogendarn, Homer	Placer Mining No. F870222	38
Hope Mining Company	Placer Mining No. A872582	44
Hope Mining Company	Placer Mining No. 852596	49
Houston/Smallbridge	Placer Mining No. A872521	18
Hyak Company	Placer Mining No. J872601	27
Keilliker, Patrick	Placer Mining No. F871143	21
Kroll, Henry F. II	Placer Mining No. 854182	W
Laspesa, Joseph	Placer Mining No. 852761	W
Massie, Perry	Placer Mining No. 17926	W
Massie, Perry	Placer Mining No. F874117	33
McIsaac, Garry N.	Placer Mining No. A872610	27
Meyers, Bud	Placer Mining No. F871008	23
Moore, Roger B.	Placer Mining No. A872578	50
Mullikin, Donald	Placer Mining No. F871389	W
Penz, David	Placer Mining No. F871576	43
Plockwitz, Carl	Placer Mining No. F873065	27
Schnabel, John	Placer Mining No. J872566	53
Sourant, James	Placer Mining No. 850831	38
Steves, Harold	Placer Mining No. A872533	18
Thundu Mining Company	Placer Mining No. 27424	56
Toohey, Cynthia	Placer Mining No. A872548	41
Toohey, Cynthia	Placer Mining No. A872550	41
Toohey, Cynthia	Placer Mining No. A872551	41
Tundra Exploration	Placer Mining No. F872055	24
Tundra Exploration	Placer Mining No. F872056	37
Velikanje, Betty	Placer Mining No. J872609	47
Vial, Michael	Placer Mining No. F872090	33
Ward, Bud	Placer Mining No. A872580	33
Waterfield, Henry W.	Placer Mining No. 850531	16
Waterfield, Henry W.	Placer Mining No. 850530	16
Whaley, Frank	Placer Mining No. F872047	41
Wren, Clarence	Placer Mining No. A871657	40

HARD ROCK MINING PROJECT REVIEW TIMEFRAMES

September 1, 1986 - September 1, 1987

Total Number of Projects -- 10

Average Number of Days in Review -- 27

<u>APPLICANT</u>	<u>PROJECT TITLE</u>	<u>NO. OF DAYS</u>
Amselco Minerals, Inc.	Greens Creek Mine Exploratory Drilling	37
Cocinco	Chukchi Sea 9 Modif. Runway/Shop/Camp	27
Cocinco	Chukc. Sea 9 Modif. Seaport Facilities	27
Echo Bay Exploration	Gastineau Channel 317	58
Echo Bay Exploration	Sheep Creek Mine Access Road Upgrade	26
Enserch	Red Dog Camp Facilities	27
Greens Creek Mining Co.	Chatham Strait 102 Modif.	14
Greens Creek Mining Co.	Hawk Inlet NPDES	22
Houston Oil	Herbert Claims Exploration	20
Salisbury & Associates	Ilene Claim Drilling	9

NEPA AND OTHER HARD ROCK MINING REVIEWS:

Newhawk Gold Mines, Ltd.	Sulphurets Joint Venture Prospectus	29
Skyline Explorations	Johnny Mountain Cold Project	16
U.S. Borax & Chemical	Quartz Hill Mine Development RDEIS	62
U.S. Forest Service	Greens Creek Mine Plan Modif. Scoping	18

GRAVEL MINING PROJECT REVIEW TIMEFRAMES  
September 1, 1986 - September 1, 1987  
Total Number of Projects -- 4  
Average Number of Days in Review -- 34

<u>APPLICANT</u>	<u>PROJECT TITLE</u>	<u>NO. OF DAYS</u>
Arctic Slope Regional Corp.	Camden Bay 3 Gravel Borrow Pit	34
Kikikagruk Inupiat Corp.	Kotzebue Sound 38	52
Kotzebue, City of	Kotzebue Sound 33 Modif.	22
Ritchie Transportation	Stikine River 4 Modif.	29

OFFSHORE MINING PROJECT REVIEW TIMEFRAMES

September 1, 1986 - September 1, 1987

Total Number of Projects -- 1

Average Number of Days in Review -- 14

APPLICANT

PROJECT TITLE

NO. OF DAYS

Inspiration Gold, Inc.

Environmental Monitoring Plan Modif.

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Division of Governmental Coordination  
 Office of the Governor, State of Alaska  
 P.O. Box AW  
 Juneau, Alaska 99811

**30-Day and 50-Day  
 Review Schedules**

Federal and state public notice requirements determine the review schedule for your project. A **30-day** review schedule will be used if a public notice is not required and all associated state permits can be issued in 30 days. A **50-day** review schedule will be used for projects with approvals requiring a public notice. These schedules limit the amount of time state agencies have to review your project and issue state permits if the project is found consistent with Alaska Coastal Management Program standards.\*

	30-Day Review	50-Day Review
Consistency review begins	Day 1	Day 1
Deadline for regional reviewers to request additional information	Day 15	Day 25
Public and agency reviewer comments due	Day 17	Day 34
Notification of preliminary determination	Day 24	Day 44
Request for elevation	Day 29	Day 49
Conclusive consistency determination issued (unless elevation requested)	Day 39	Day 50
If elevated, director's determination	Day 45	Day 65
If elevated again, commissioner's determination	Day 60	Day 80

\* These schedules may be extended only under circumstances outlined in 6 AAC 50.110.



**Elevation (Appeal) Process**

If you do not concur with the proposed determination on your project, you may request *elevation*, or further review by division directors within the state resource agencies. The directors review the proposed determination and any additional information included in the elevation request, then issue a second proposed determination.

You may then elevate the review to the commissioners of the resource agencies if the director-level review does not satisfy your interests. This is the final step in the administrative appeal process.

Each elevation review can take no longer than 15 days. State resource agencies and coastal districts may also request elevation. In actual practice, elevation has rarely been required.

**For More Information**

About a specific project, contact the DGC office nearest you:

Southeast Regional Office  
 Division of Governmental  
 Coordination  
 P.O. Box AW, Suite 101  
 431 North Franklin Street  
 Juneau, AK 99811-0165  
 Phone: (907) 465-3562

Southcentral Regional Office  
 Division of Governmental  
 Coordination  
 2600 Denali Street, Suite 700  
 Anchorage, AK 99503-2798  
 Phone: (907) 274-1581

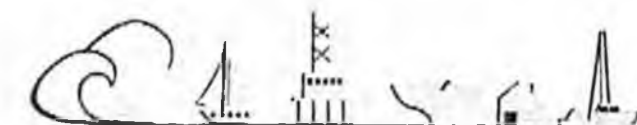
Northern Regional Office  
 Division of Governmental  
 Coordination  
 Station H  
 675 Seventh Avenue  
 Fairbanks, AK 99701-4596  
 Phone: (907) 456-3084

If you have any questions about the *Consistency Review Process* or the *Alaska Coastal Management Program*, contact:

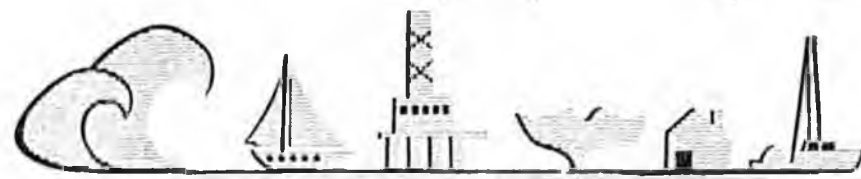
Division of Governmental  
 Coordination  
 P.O. Box AW  
 431 North Franklin Street  
 Juneau, AK 99811-0165  
 Phone: (907) 465-3562

Division of Governmental Coordination  
 Office of the Governor, State of Alaska  
 P.O. Box AW  
 Juneau, Alaska 99811

**How To  
 Apply  
 For  
 State Permits  
 In  
 Alaska's  
 Coastal  
 Zone**



Stamp



The State of Alaska has a streamlined, coordinated system for reviewing applications and issuing permits for proposed projects that would affect natural resources in Alaska's coastal zone. It's called the *consistency review process*.

This brochure briefly outlines the consistency review process for applicants seeking resource-related state and federal permits.\* The review process is more fully explained in state regulation 6 AAC 50. The consistency review process does not cover business licenses, municipal authorizations, or projects outside the coastal zone.

### The Consistency Review Process Provides

- Quick answers to whether your project is in the coastal zone and what permits you need.
- A one-stop, consolidated state response to coastal development projects and related state and federal permit applications.
- Specific timeframes and deadlines for permit issuance.
- A fast appeal process.

\* Federal agencies, please contact the Division of Governmental Coordination regarding procedures for direct federal actions.

### The State Permitting Process

The consistency review process is based on the Alaska Coastal Management Program and is designed to improve management of Alaska's coastal land and water uses. Project proposals are reviewed to:

- Determine the project's consistency with the Alaska Coastal Management Program.
- Identify permits required by the state resource agencies, that is, the Alaska Departments of Environmental Conservation, Fish and Game, and Natural Resources.
- Trigger the issuance of necessary permits and other authorizations by state resource agencies.

### Who Handles The Consistency Review Process?

If a federal permit or permits from more than one state agency are required, the consistency review process is coordinated by a regional office of the Division of Governmental Coordination in the Office of the Governor. If permits from only one state agency are required, the state agency responsible for issuing those permits coordinates the review.

### To Start

Project applicants should complete the *Coastal Project Questionnaire* to determine which permits are needed. *Note: Placer miners see below.*

Copies of the questionnaire are available from the Division of Governmental Coordination (DGC), the resource agencies, or the U.S. Army Corps of Engineers (COE). Regional DGC contacts are shown on the back of this brochure. The COE has a toll-free telephone number: 1-800-478-2712.

Filling out the questionnaire properly is important and will help agencies process your project application without delays. If you have any questions or need assistance, contact a regional DGC or state agency office (listed on the questionnaire). The questionnaire includes a *Certification of Consistency* which must be completed and signed by you to meet federal requirements.

The Coastal Project Questionnaire will help identify which permits are needed, your contacts for the consistency review process and the DGC regional office that will be working with you.

**Placer miners** should submit a *Triagency Application* to the Department of Natural Resources (DNR) instead of completing the Coastal Project Questionnaire. Contact the DNR, Division of Mining and Geology, or the nearest DGC regional office for more information.

### Preapplication Meetings Can Save You Time

Before you settle on your final project plans and submit your application, the state can arrange for meetings between you and state agency representatives. These can help identify concerns and information needs, and encourage a mutual understanding of the project. To arrange for a preapplication meeting, call or write the coordinating agency contact.

### Review Begins When The Application Packet Is Complete

Consistency review begins upon receipt of your complete application packet, which will be prepared by you and the agencies. A complete packet includes:

- The Coastal Project Questionnaire and signed Certification of Consistency.
- Copies of any state permit applications needed for the project (originals go to the state agency issuing the permit).
- Copies of any federal permit applications needed for the project (originals go to the federal agency issuing the permit).
- Any additional pertinent information including public notices from agencies.

### Who Reviews The Project ?

The participants in the review process include:

1. You, the applicant
2. State resource agencies and the Division of Governmental Coordination
3. The affected local coastal community
4. Other interested members of the public

### Steps in the Review Process

#### Start-up

You will be notified when the review starts. You will receive your project's assigned review number, review schedule, and other information.

#### Information Requests

Agencies may request additional information from you up to the 25th day of the review. The coordinating agency may stop the review until that information is received.

#### Proposed Determination

After reviewing comments on the packet, the coordinating agency will develop a proposed consistency determination. It will be discussed with you, state resource agencies, and coastal districts.

#### Conclusive Determination

A conclusive consistency determination will be issued upon agreement of the proposed determination.

#### Permits

Agencies will issue state permits covered by the determination within five days after the conclusive consistency determination is issued.

see other side →

Name \_\_\_\_\_  
 Organization \_\_\_\_\_  
 Street (or Box #) \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Please send more detailed information on:

- Alaska Consistency Review Process  
 The Alaska Coastal Management Program

I would attend a consistency review process workshop scheduled in my area.

Yes \_\_\_\_\_ No \_\_\_\_\_

# Alaska State Legislature

## Senate Resources Committee



Sen. John B. (Jack) Coghill, Chairman  
Sen. Paul Fischer, Vice-Chairman  
Sen. Lloyd Jones  
Sen. Artiss Sturgulewski  
Sen. Jim Duncan  
Sen. Fred Zharoff  
Sen. Dick Eliason

Box V  
Juneau, Alaska 99811  
(907) 465-4907

### M E M O R A N D U M

To: Senator Abood, Chairman Senate State Affairs Committee  
Members of Senate State Affairs Committee

From: Senator Coghill

Subj: Sponsor Statement on SB 280; relating to the issuance of permits and consistency determinations.

Date: February 29, 1988

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Very briefly this bill would require the Office of Management and Budget to do two things:

- 1) designate a lead agency to render on behalf of the state, each federal consistency determination and certification authorized by the Coastal Zone Management Act of 1972; and
- 2) designate a lead agency to render on behalf of the state each conclusive state consistency determination when a project requires two or more state or federal permits, leases, or authorizations.

These two changes are located on page 3 of the bill.

The rest of the bill adds a new section to statutes that designates DNR as the lead agency for development activities on state land and water, on federal land and water, and on the outer continental shelf.

My intent in this bill is to get DNR back in the drivers seat on resource development projects and to reduce the time lines for industry to receive the necessary permits.

Attached to this memo are two pages from the Legislative Reporting Service publication, relating to SB 280.

INTRODUCTION OF BILLS (Senate, cont'd)

SB 279, (cont'd)

section, the applicant has to be reexamined on the whole section. If the applicant fails the exam or any section of it on two separate occasions, the board has to refuse to examine the applicant further until the applicant produces evidence satisfactory to the board that the applicant has pursued further study in preparation for the examination.

—Sections relating to examination and license qualifications are retroactive to January 1, 1987 (does not include section increasing number of board members or section outlining reexamination procedures). Provides Act takes effect immediately.

Introduced April 27 and referred to Health, Education & Social Services; Finance.

Permits &  
Consistency  
Determinations  
(lead agencies)

SENATE BILL NO. 280, by Senators Coghill, Faiks and Jones. Would require the Office of Management & Budget (OMB) to designate a lead agency to render, on behalf of the state, each federal consistency determination and certification authorized by the Coastal Zone Management Act of 1972; and each conclusive state consistency determination when a project requires two or more state or federal permits, leases, or authorizations. Current law requires OMB to render, on behalf of the state, all federal consistency determinations and certifications authorized by the CZM Act of 1972, and a conclusive state consistency determination when a project requires two or more state or federal permits, leases, or authorizations.

Adds sections to AS 44.19.145 (Functions and duties of the OMB) stating:

—The Department of Natural Resources is designated as the lead agency for consistency determinations that involve resource development activities on state land, water and submerged lands, and federal land, water, and the Outer Continental Shelf.

—In performing its functions, the lead agency has to consult with other resource agencies and with coastal resource districts under the Alaska Coastal Management Program (AS 46.40) The lead agency has to consider documented facts, data, opinions, or recommendations submitted by another agency of the state or by a coastal resource district with an approved district coastal management program within its area of expertise. The lead agency has to balance competing factors in reaching its final decision and can make a recommendation contrary to a recommendation received from another agency.

—Except when required by federal law, a state agency other than a designated lead agency may not make a recommendation to a federal permitting agency.

—In making a consistency determination for an activity that is occurring outside the boundaries of a coastal resource district

INTRODUCTION OF BILLS (Senate, cont'd)

SB 280, (cont'd)

with an approved district plan, the lead agency and each resource agency have to apply statewide standards and guidelines adopted by the Alaska Coastal Policy Council.

—The director of OMB has to make the designations of lead agencies by administrative order published in the Alaska Administrative Journal. The designations may be revised by published administrative order.

The director of OMB has to make the initial lead agency designations not later than October 1, 1987.

Introduced April 28 and referred to State Affairs; Resources.

Occupational/  
Phys. Therapy &  
Religious  
Healing

SENATE BILL NO. 281, by Senator Fischer by Request. Relates to occupational therapy, physical therapy, and religious healing practitioners:

—Would incorporate occupational therapists into the state physical therapy board, making it the "State Physical Therapy and Occupational Therapy Board." The membership of the board would be increased from five to seven members, adding two licensed occupational therapists or a licensed occupational therapist and a licensed occupational therapy assistant. The board would control all matters pertaining to the licensing of physical and occupational therapists and their assistants and the practice of physical and occupational therapy.

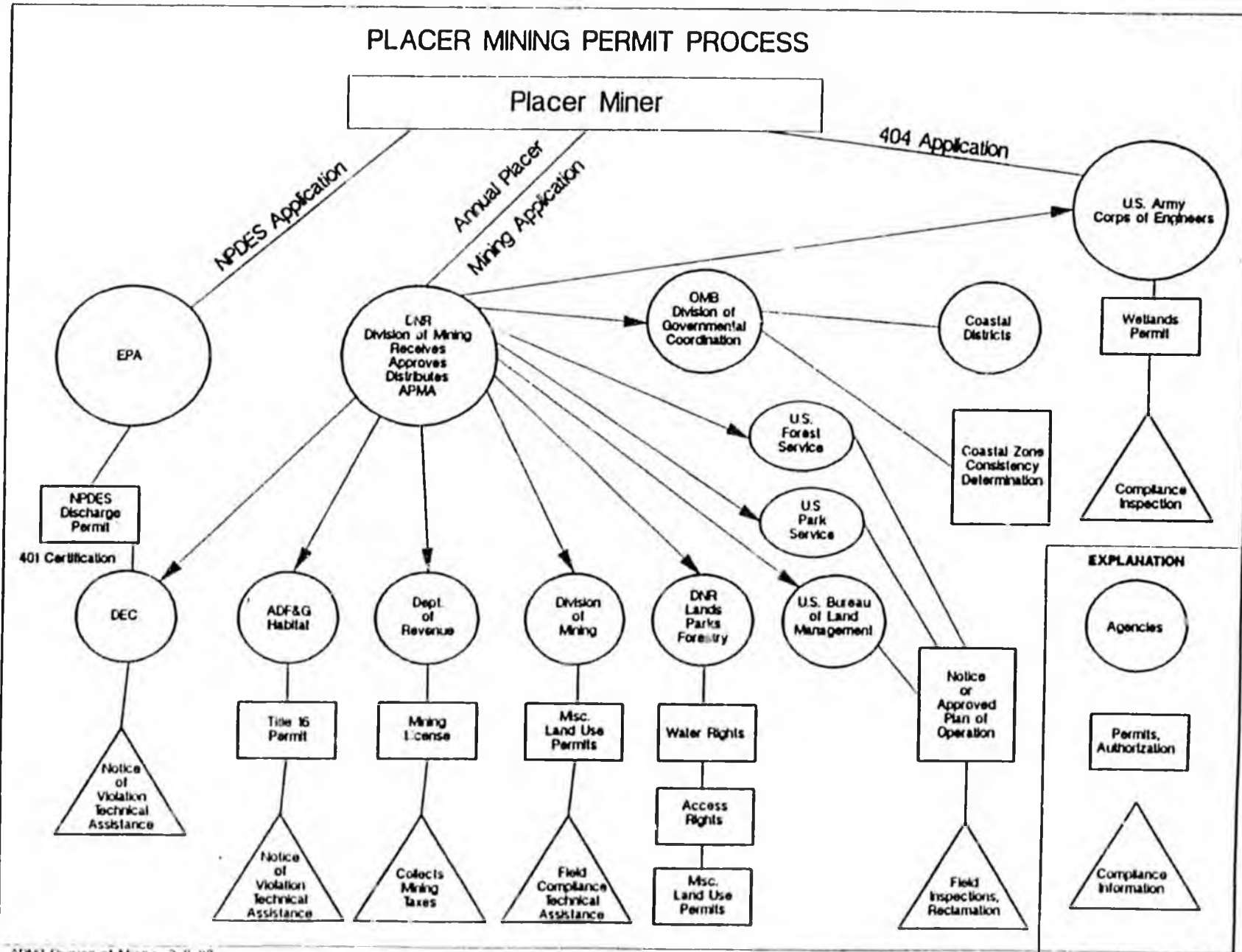
—The physical and occupational therapy board would "provide for the examination of applicants" (currently the board must conduct examinations).

—Adds a new subsection outlining requirements for licensure as an occupational therapist or assistant. An applicant, unless a graduate of a foreign school of occupational therapy, would have to have successfully completed a curriculum of occupational therapy approved by the Committee of Allied Health Education and Accreditation of the American Medical Association, and the American Occupational Therapy Association appropriate to the license being sought. The applicant also has to submit proof of successful completion of supervised field work, pass the test, and meet qualifications for licensure set out in regulations. Outlines procedure for becoming licensed for applicants who are graduates of schools located outside the U.S. Adds a new sections that provides for licensing by credential, and a section outlining experience-based licensure of occupational therapists.

—A temporary permit issued to an occupational therapist is valid for eight months or until the results of the exam for which the applicant is scheduled are published, whichever occurs first. If the applicant fails to take an exam for which the applicant is scheduled, the temporary permit would lapse on the day of the exam.

—Licensees would have to renew the license every two years

# PLACER MINING PERMIT PROCESS



## Factsheet:

### MINING PERMITS THROUGH THE ANNUAL PLACER MINING APPLICATION

In order to conduct exploration or mining activities in the State of Alaska, permits and licenses are required by as many as twelve State and federal agencies. To assist the industry with applications in the complex permitting process, the State designed the Annual Placer Mining Application (APMA), popularly known as the Tri-agency form.

Each year a claim owner intends to explore or mine, an APMA should be filled out and submitted to the Division of Mining no later than mid-February. A \$100 filing fee is required by the Department of Natural Resources (DNR). Division of Mining reviews the form for completeness and, when accepted, makes distribution of eleven copies of the application to appropriate State and federal agencies. This process relieves the operator of having to understand the details of the permitting process, as DOM does much of the red tape paperwork. Permits may or may not be required and issued by the various agencies, but they are all given the opportunity to make that decision. These agencies review the APMA and either 1) issue the required permit with applicable stipulation(s), 2) request more information from the operator before a permit is issued, or 3) deny the permit under their statutory and regulatory authority, or by order of court injunction.

A list of these agencies and the respective permits/license that they manage is as follows:

AGENCY	PERMIT
Department of Fish and Game	Fish Habitat and Special Areas Permit
Department of Environmental Conservation	Wastewater Discharge Permit issued by EPA*
Department of Revenue	Mining License (to track your State tax obligation)
Office of Management and Budget	Coastal Zone Consistency Determination
U.S. Forest Service	Approved plan of operation
U.S. Park Service	Approved plan of operation
Bureau of Land Management	Approved plan of operation or notice of operation
DNR, Division of Mining	Miscellaneous Land Use Permit (surface use)
DNR, Division of Land and Water Management	Miscellaneous Land Use Permit (access across State land)
DNR, Division of Land and Water Management	Water Permit
DNR, Division of Parks	Special Park Use Permit
DNR, Division of Forestry	Timber purchase may be required

**\*IMPORTANT NOTE!!!** The Environmental Protection Agency's National Pollutant Discharge Elimination System Permit (NPDES) is not issued under the APMA process. A separate application (EPA Short Form C) must be submitted directly to the Environmental Protection Agency. In addition, Corps of Engineers (COE) permits may only be obtained through direct application.

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Dept. of Natural Resources  
 Title: SB280 Relating to the issuance of permits and consistency determinations BRU: Commissioner's Office  
 Sponsor: Coghill, Faiks, and Jones Components: \_\_\_\_\_  
 Requestor: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	400.7	400.7	400.7	400.7	400.7	400.7
TRAVEL	14.9	14.9	14.9	14.9	14.9	14.9
CONTRACTUAL	91.7	91.7	91.7	91.7	91.7	91.7
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	507.3	507.3	507.3	507.3	507.3	507.3

CAPITAL	0	0	0	0	0	0
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	507.3	507.3	507.3	507.3	507.3	507.3
FEDERAL FUNDS						
OTHER						
TOTAL	507.3	507.3	507.3	507.3	507.3	507.3

POSITIONS:

FULL-TIME	8	8	8	8	8	8
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: \_\_\_\_\_ Phone: \_\_\_\_\_

Division: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by Commissioner: Lennie Gornish Date: 3-11-88

Agency: Department of Natural Resources

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET  
DIVISION OF GOVERNMENTAL COORDINATION

STEVE COWPER, GOVERNOR

### CENTRAL OFFICE

P.O. BOX AW  
JUNEAU, ALASKA 99811-0165  
PHONE: (907) 465-3562

### SOUTHEAST REGIONAL OFFICE

431 NORTH FRANKLIN  
P.O. BOX AW, SUITE 101  
JUNEAU, ALASKA 99811-0165  
PHONE: (907) 465-3562

### SOUTHCENTRAL REGIONAL OFFICE

2600 DENALI STREET  
SUITE 700  
ANCHORAGE, ALASKA 99503-2798  
PHONE: (907) 274-1581

### NORTHERN REGIONAL OFFICE

675 SEVENTH AVENUE  
STATION H  
FAIRBANKS, ALASKA 99701-4596  
PHONE: (907) 456-3084

TO: Senator Mitch Abood, Chairman  
Senate State Affairs Committee

FROM: Robert L. Grogan, <sup>RLG</sup> Director  
Division of Governmental Coordination

RE: Senate Bill 208

DATE: February 29, 1988

I have attached for your review the following documents:

1. The Alaska Coastal Consistency Review Process - Overview

This attachment briefly describes how the state's permitting process works. It highlights key provisions of the state's current procedures and discusses the primary benefits to applicants.

2. Coastal Consistency Review Process - Results

This document focuses on the state's four-year experience with the current regulations. Various performance indicators are used.

3. How to Apply for Permits in Alaska's Coastal Zone

This outreach document has been used to communicate information about the state's permitting process.

Please contact me for additional information.

cc: Senate State Affairs Committee Members

DIVISION OF GOVERNMENTAL COORDINATION  
ALASKA COASTAL CONSISTENCY REVIEW PROCESS  
OVERVIEW

Since adoption of the coastal consistency review regulations in early 1984, major progress has been made to achieve the following permit reform goals:

- ° establish regulatory deadlines for state permit decisions,
- ° eliminate repetitive state reviews and decisions on the same project,
- ° expedite state permit reviews and decisions,
- ° ensure uniformity in state agency comments on federal permit decisions,
- ° assist applicants in the processing of state and federal permits,
- ° provide adequate opportunity for public and local government participation in state permit decisions, and
- ° achieve a balanced, factually documented decision including consideration of the costs and benefits of requiring particular stipulations.

The state's system for reviewing and processing most project related permits, leases, and other legal approvals is governed by regulations adopted in March 1984, entitled Project Consistency with the Alaska Coastal Management Program (6 AAC 50). The regulations require that coastal projects only be reviewed one time for approvals required by the Departments of Environmental Conservation, Fish and Game, and Natural Resources and for consistency reviews conducted by the Division of Governmental Coordination (DGC). These regulations, provide for (1) easy access to and participation in the decision making process by applicants, (2) expedient decisions on project consistency and (3) quick issuance of permits by the state resource agencies. Features of the existing regulations and additional efforts being taken by the state to improve the permitting process include the following:

- ° All appropriate permits and certificates for a project are evaluated in a single review. This eliminates duplicative and time consuming review of individual permits necessary for the same project.
- ° When a project requires permits of two or more state agencies or a federal permit, DGC coordinates the project review and renders a conclusive consistency determination on behalf of all the state resource agencies. This provides applicants with a single state agency contact (DGC) to coordinate the project review and, if necessary, resolve any outstanding conflicts. It also provides a single state voice for communicating

the state's position on a project to federal permitting agencies.

- ° The consistency review regulations have streamlined the permitting process. Consistency determinations are completed in an average of 39 days. State resource agency permits are required to be issued within 5 days of the consistency determination. Previously, the state could take six months or longer to complete the review of a project for federal consistency with the Alaska Coastal Management Program (ACMP).
- ° If an applicant considers a decision by the State of Alaska to be unacceptable, opportunities exist to elevate a decision to policy makers of the state resource agencies for their reconsideration. Applicants are encouraged to participate in discussions of their project at each level of review.
- ° On request, DGC will assist applicants schedule pre-application meetings with all the concerned agencies (state, federal and local) to discuss their project prior to filing permit applications. At these pre-application meetings, agencies provide recommendations to an applicant for designing a project that will meet review criteria and ensure compliance with state, federal, and local requirements. Also, the applicant learns how the permit process works, who to contact for information, and what to expect during the review process. These pre-application meetings also provide a forum for informal agency contact to assess regulatory requirements for projects.
- ° A brochure which describes the state's consistency review to potential applicants has been mailed to approximately 5,000 potential applicants listed in business directories prepared by the Department of Commerce and Economic Development (attached). Part of the brochure includes a survey form which the applicant can return by mail to request additional assistance from DGC in dealing with the consistency review process.

Since January 1984, DGC has processed 1,959 project reviews. Of this total, more than 99% were found consistent. The average review period for these projects was 39 days. Following the review, all state and most federal permits are promptly issued.

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DIVISION OF GOVERNMENTAL COORDINATION  
COASTAL CONSISTENCY REVIEW PROCESS  
RESULTS

Project Review and Permit Coordination

Development projects in Alaska are regulated by an interlocking web of federal, state, and local permits, leases, and other authorizations. Whether a project involves large investments, such as a major oil and gas project or a relatively small investment such as a residential fill project, all require some degree of review by federal, state, and local agencies before the project can move forward. As provided under AS 44.19.145 and 6 AAC 50, the Division of Governmental Coordination (DGC) coordinates the agency review of all required project permits within the state's coastal boundary. This coordination service means all state permits for a project are reviewed at the same time, permits are issued quickly (Table 1), and that the project applicant and federal permitting agencies has a single point of contact with the state.

DGC coordinates the balancing of different state interests and responsibilities through a process of agency consensus to yield a conclusive consistency finding on the proposed project. If an applicant or resource agency considers a proposed decision to be unacceptable, opportunities exist to elevate that decision to policy makers of the state resource agencies for their reconsideration. When a proposed coastal development project has been found consistent with applicable standards of the Alaska Coastal Management Program (ACMP), all project permits are promptly issued.

Regional offices are maintained in Anchorage, Fairbanks, and Juneau for the convenience of development project applicants and to facilitate timely project review and permit issuance by state resource agency personnel having the greatest familiarity with the natural resources of each region.

DGC's permit coordination process serves eight specific objectives which include:

1. Render a conclusive consistency determination for coastal projects that must be reviewed for consistency within the Alaska Coastal Management Program;
2. Streamline and expedite state reviews and decisions on coastal development projects;
3. Establish uniformity in the state's comments and decisions on direct federal actions of federally permitted development projects;

4. Eliminate repetitive reviews and decisions on the same projects;
5. Provide adequate opportunity for public and local participation in state decisions;
6. Assist applicants in the processing of state and federal permits;
7. Achieve balanced, factually documented decisions including consideration of the costs and benefits of requiring particular stipulations; and
8. Provide an interagency conflict resolution mechanism.

The result of this process is that the time and effort needed to obtain state approval for a variety of permits is significantly reduced especially for projects requiring several federal and state approvals.

The following table shows that the majority of projects reviewed for consistency are approved, and the average project review is completed in 39 days. Following the review, all state and most federal permits are promptly issued.

TABLE 1

Consistency Reviews Summary  
January 1, 1984 - December 30, 1987

<u>Total Number of Projects Reviewed:</u>	1959
Projects Found Consistent:	1941
Projects Found Inconsistent:	18
<u>Total Number of Projects Elevated:</u>	15
Director Level:	9
Commissioner Level:	6
<u>Average Number of Days in Review:</u>	39

A few examples of DGC coordinated consistency review projects follow.

PLATINUM MINING Platinum mining occurred this year in the Goodnews Bay area within the Cenaliulriit coastal resource service area, in the Yukon-Kuskokwim region. Cenaliulriit has an approved coastal management program and actively participated in the consistency review, including site visits with state agency staff. DGC's consistency determination balanced several competing resource needs. The determination assured that mining could occur, that access would be provided to a subsistence berry-picking site, and that significant work was completed on a reclamation plan for an onsite anadromous fish stream.

RED DOG ROAD On behalf of the Alaska Industrial Development Authority, Cominco Alaska submitted a detailed permit package for the Delong Mountain Transportation System, or the "Red Dog Road." DGC coordinated the review of the proposed port facility, the 54-mile road from the port to the mine, 16 material sites and access roads, a temporary construction camp, a solid waste disposal site, and tundra travel, interagency agreement on conditions for state approvals was reached in 43 days.

BRADLEY LAKE HYDROELECTRIC PROJECT Review of the Bradley Lake Hydroelectric Project included review of the final environmental impact statement and Federal Energy Regulatory Commission license, state and federal construction permits and leases (23 approvals), permanent camp permits (two approvals), and operational discharge permits and transmission line construction permits (three approvals). Each phase was found to be consistent with the standards of the Alaska Coastal Management Program.

DEFENSE ENVIRONMENTAL RESTORATION ACT The U.S. Army Corps of Engineers (COE) has been conducting a major effort to inventory and clean up former military sites across Alaska. DGC worked with COE and Defense Environmental Restoration Act Program staff to establish review procedures for these activities. Based on the COE's implementation schedule, DGC proposed a four-phase review process to satisfy state regulatory requirements without delaying the COE's schedule. This procedure has subsequently been used as the basis for numerous other project reviews.