

**HB**

**28**

**File 1**

# FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. CS HB 28

Revision Date (Note if correction) _____	Dept. Affected <u>Office of the Governor</u>
Title <u>Repealing the Alaska Coastal Management</u>	BRU <u>Office of Management &amp; Budget</u>
Program and the Alaska Coastal Policy Council	Component <u>Governmental Coordination</u>
Sponsor <u>Representative Therriault</u>	
Requester <u>House Resources</u>	Component Serial No. <u>18</u>

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	447.7	105.3	52.7	52.7	52.7	0.0
Travel	14.4	4.0	4.0	4.0	4.0	0.0
Contractual	(6.5)	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	697.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>1,152.6</b>	<b>109.3</b>	<b>56.7</b>	<b>56.7</b>	<b>56.7</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	(6.5)					
1003 GF Match						
1004 GF	1,159.1	109.3	56.7	56.7	56.7	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>1,152.6</b>	<b>109.3</b>	<b>56.7</b>	<b>56.7</b>	<b>56.7</b>	<b>0.0</b>

Estimate of any current year (FY98) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary	15	2	1	1	1	

**ANALYSIS:** (Attach a separate page if necessary)

The cumulative effect of the proposed amendments in the House Resources Committee CS constitute a significant program amendment under the federal Coastal Zone Management Act. Alaska would need to complete a new environmental impact statement (EIS), a multi-year project, to analyze and justify these fundamental program changes. To complete this effort, DGC would dedicate 1.5 non-temporary FTE of existing senior-level staff to this task. During the first two years, staff would write the new NEPA EIS document; during years 3 - 5, .5 non-temporary FTE of existing senior-level staff would be needed to work with the federal approving agency. It would be necessary to hire 2 temporary FTE at Range 18, for the first two years, and 1 temporary FTE for years 3 - 5 to offset increased workload. The travel time represents in part annual meetings among senior staff and OCRM in Washington, D.C. to facilitate the development of the EIS and to argue Alaska's case for federal approval. In addition to DGC staff,

Prepared by <u>Diane E. Mayer, Director</u>	Phone <u>465-3562</u>
Division <u>Governmental Coordination</u>	Date <u>2/26/98</u>
Approved by <u>Commissioner</u>	Date <u>2/26/98</u>
Agency <u>Office of the Governor</u>	

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Additional workload will also be incurred by other networked agencies. These agencies have submitted separate fiscal notes.

In addition to the cumulative effects of the bill, certain sections of the bill also have separate fiscal costs associated with them.

Sections 1(11), 4 and 5 of the CS clearly affect project consistency review, but the specific effects are hard to discern in terms of project number and workload. These effects would only be fully known after completion of the EIS described above. While a reduction in project reviews is likely--the CS threatens federal consistency and eliminates CRSA district programs -- these amendments would also jeopardize federal approvability and funding. It is impossible to speculate on changes in project numbers without knowing whether the program would remain viable.

Section 2 requires 11 coastal districts to revise their existing coastal district boundaries. In addition, Section 3 would require that 23 district plans and 7 AMSA plans be amended to eliminate any incorporation, by reference, of other statutes and regulations. Both efforts must be completed within 180 days. To meet these ambitious requirements, based on 20 years of program administration, 13 full-time temporary positions would be needed to complete district program amendments. One round trip from Juneau to each of the 11 districts where boundaries are impacted is reflected in the Travel line. Face to face meeting and field visits are typically required to negotiate amendments of this magnitude. Coastal districts would also need additional funding. The average cost for district plan amendments where mapping is a significant component is \$80,000 per plan. Minor amendments such as deleting policies can probably be accomplished for \$20,000 per plan. Typically \$225,000 (federal) of special project funding is available on an annual basis. The remaining \$697,000 is reflected as an increase in the Grants line. Boundary reductions are not expected to decrease number of projects reviewed. On a case-by-case basis, districts will use the same justification that included the zone of indirect influence to argue that they have a right to review projects proposed in areas excluded by HB 28.

Section 6 would repeal project and program petitions. Petitions are rare (less than 0.5% in the last 4 years), and when they occur, existing staff absorb the increased workload above and beyond their normal duties. As a result, even if petitions are eliminated we do not believe this program change would reduce the need for personal services. However, cost savings could be realized in contractual monies (teleconference and transcripts) as reflected in this fiscal note.

Section 7, in addition to specifying a 180-day deadline for certain program modifications, also authorizes to the CPC to modify district boundaries even if the necessary analysis and approval process has not been completed within the specified time. Under this scenario, if the CPC were to institute program changes, without federal approval, the state stands to lose \$2.6 million dollars in federal funding, on an annual basis.

A zero fiscal note in 2004 assumes federal approval of the new coastal program with a commensurate level of federal funding. Impacts to specific line items cannot be projected without further definition of what the new program would be. The fiscal note should include funding in the contractual line to cover an increase in telephone bills, printing of documents and distributions of the documents across all five years. At this time, it is not feasible to project the impact on DGC's budget.

# FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. CSHB 28(RES)

Revision Date (Note if correction) _____	Dept. Affecte <u>Dept of Fish &amp; Game</u>
Title <u>An Act modifying the Alaska Coastal Management Program</u>	BRU <u>Habitat and Restorabon</u>
Sponsor <u>Rep. Themault</u>	Component <u>Habitat</u>
Requester <u>House Resources</u>	Component Senal No <u>486</u>

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	173.3	187.9	233.9	240.0		
Travel	10.0	10.0	10.0	10.0		
Contractual	12.0	12.0	12.0	12.0		
Supplies	2.5	2.5	3.5	3.5		
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>197.8</b>	<b>212.4</b>	<b>259.4</b>	<b>285.5</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	197.8	212.4	259.4	285.5		
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>197.8</b>	<b>212.4</b>	<b>259.4</b>	<b>285.5</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY98) cost: \_\_\_\_\_

**POSITIONS**

Full-time	2	2	3	3		
Part-time	4	4	3	3		
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
See attached.

Prepared by Lance Trasky  
Division Habitat & Restoration  
Approved by Commissioner: Frank Rue  
Agency Fish and Game

Phone 267-2335  
Date 2/26/98  
Date 2/26/98

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Attachment to Fiscal Note - CSHB 28(RES)  
February 26, 1998

The amendments to the Alaska Coastal Management Program (ACMP) in CS for HB 28, together comprise a significant program amendment under the federal Coastal Management Program. These changes are so significant that it seems unlikely that the federal office of management would approve the new state program under CSHB 28. It also seems unlikely that there would be any benefit to the state or districts from continued participation. A new EIS would have to be written to describe the effect of these changes and explain how the ACMP might still meet the requirements of the federal Coastal Management Act. The NEPA process would take several years. Based on the Department of Fish and Game's participation in the development adoption and federal approval of the current ACMP, one FTE range 18 biologist would be required to assist the DGC in writing the new EIS, and to work with the federal approving agency.

In addition to the cumulative effects of CSHB 28, other sections of the bill have substantial fiscal costs. These are:

Sections 1, 4 and 5 limit coastal project reviews, but is difficult to quantify without a complete analysis and completion of the EIS. The number of coastal reviews would decline because HB 28 eliminates unorganized boroughs. It would also halt any consideration of projects where there was no direct state or local authority, which would halt most review of federally authorized projects. Because CSHB 28 jeopardizes all aspects of the program, including federal approval and funding, it would likely require that the state develop an entirely new coordinated project review process. This would have a substantial fiscal cost.

Section 2 requires revision of existing district coastal boundaries. It is not clear what would happen to boundaries in the former coastal districts. Section 3 would require that 23 district plans and 7 AMSA plans be revised to eliminate any reference to other statutes or regulations within 180 days. Based on the ADF&G's participation in the development of the original district boundaries, and district program, two range 16 biologists, a cartographer, with support from an analyst programmer, and a clerk typist would be required to complete these changes. The boundary changes proposed probably will not significantly reduce the number of projects reviewed.

Section 6 repeals the project and program petitions. Petitions occur so infrequently that this change is unlikely to have any fiscal impact. However, this provision is likely to further reduce the chances of federal approval and funding of the ACMP.

Section 7 authorizes the Coastal Policy Council to modify district boundaries, prior to federal approval of the changes to the ACMP resulting from HB 28. ADF&G would be required to help justify the new boundaries, rectify with adjacent boundaries and to redraft the maps. Because it would probably not meet federal requirements, federal funding could not be used for this task.

# FISCAL NOTE

Work Draft B

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. CSHB 28 (RES)

Revision Date (Note if correction)	Dept Affected	Law
Title	BRU	Civil Division
program and the responsibilities of the Ak Coastal Policy Council	Component	Natural Resources
Sponsor	Representative Therault	
Requester	House Resources Committee	Component Serial No 2212

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	37.7	9.4	9.4	9.4	9.4	
Travel	1.6	1.5	1.5	1.5	1.5	
Contractual	6.1	1.5	1.5	1.5	1.5	
Supplies	0.6	0.2	0.2	0.2	0.2	
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>46.0</b>	<b>12.6</b>	<b>12.6</b>	<b>12.6</b>	<b>12.6</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF	46.0	12.6	12.6	12.6	12.6	
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>46.0</b>	<b>12.6</b>	<b>12.6</b>	<b>12.6</b>	<b>12.6</b>	<b>0.0</b>

Estimate of any current year (FY98) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill proposes to amend statutory provisions governing the review of a project for consistency with the Alaska Coastal Management Program (ACMP). Most significantly, the bill proposes to allow a state agency or coastal resource district "only [to] stipulate to a matter or subject for which the agency or district has authority under a statute outside" the coastal management statutes. This provision drastically alters the design of the ACMP, which presently confers upon a state agency or community, in addition to that entity's existing authority, the authority and duty to apply the ACMP's enforceable policies.

Federal approval of the ACMP was necessary for the state to have a voice in federal actions and to receive federal funding under the federal Coastal Zone Management Act. In turn, federal approval depended in large part upon the expanded authority and duties that the ACMP conferred upon communities and existing state agencies. Because

Prepared by	Joan M. Kasson <i>Joan M. Kasson</i>	Phone	465-5370
Division	Attorney General's Office	Date	2/26/98
Approved by Commissioner	Bruce M. Botelho, Attorney General	Date	2/26/98
Agency	Department of Law		

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FISCAL NOTE

Work Draft B

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. CSHB 28 (RES)

ANALYSIS CONTINUATION

CSHB 28(RES), if enacted, would repeal this expanded grant of authority, resubmission of the program for federal approval would be required. Obtaining federal approval would likely require legal negotiations over the next few years. The department anticipates approximately 120 hours of attorney time per year would be necessary for these negotiations. In addition, travel to Washington, D.C., would be required at least once a year.

CSHB 28(RES) would also prohibit a coastal resource district either from setting boundaries landward of two enumerated zones or from incorporating by reference "statutes and administrative regulations adopted by state agencies." In addition, the bill proposes a 180-day period from the effective date for coastal districts and the Coastal Policy Council to amend district coastal management programs to conform to the proposed statutory provisions.

The boundary changes, while unlikely to generate additional demands for legal services at the state level, may trigger questions from the federal government, and thus require negotiations as to whether the proposed amendments cover all lands that the federal government views as part of the state's coastal zone. The amendment to eliminate the proscribed incorporations by reference would increase demand for legal services, given that roughly 23 district programs and 7 "areas meriting special attention" presently incorporate state statutes or regulations by reference.

Review of the necessary revisions to district programs and programs for areas meriting special attention is estimated to require three months of attorney time, assuming 12 hours per program.

Estimates are based on the department's FY98/99 standard attorney cost schedule (\$92.72/hour). The cost schedule includes clerical support, communication, lease, and other standard overhead costs. Direct case costs, such as case-specific travel, are not included in the rate. \$1,500 per year is added for travel to Washington, D.C.

Cost estimates in this fiscal note are in addition to tasks funded under the federal Coastal Zone Management grant through reimbursable services agreement. Therefore, these costs are reflected as an increase in general funds.

**COST SUMMARY**

<u>Annual Negotiations</u>		FY99	FY00-03
120 hours	\$92.72/hr	11.1	11.1
case specific travel		1.5	1.5
		12.6	12.6
<u>Revise District Programs and AMSAs - FY99</u>			
360 hours	\$92.72/hr	33.4	
		46.0	12.6

# FISCAL NOTE

Revision Date: February 26, 1998 Dept. Affected: Community & Regional Affairs  
 Title: An Act modifying the Alaska Coastal Management Program and ... BRU: \_\_\_\_\_  
 Sponsor: Rep. Therriault, Kelly Component: \_\_\_\_\_  
 Requestor: House Resources Committee COMPONENT SERIAL NO. \_\_\_\_\_

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

REVENUE FUND SOURCE:	Federal	Federal	Federal	Federal	Federal	Federal
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current (FY98) Impact \$ none

**ANALYSIS:** (Attach a separate page if necessary)  
 HB 28 significantly modifies the Coastal Management Program. The modifications included in the bill: reduce the coastal zone boundary by excluding the zone of indirect influence; limits the ability of a coastal district or State agency to stipulating to matters related to coastal uses, activities, and habitats, eliminates the petition process; and, requires plan modifications identified in the bill to be completed in 180 days.  
 (continued on attached page)

Prepared by: Michael Cushing, Research Analyst IV Phone: 465-4708  
 Division: Municipal and Regional Assistance Division Date: 2/26/98  
 Approved by Commissioner: [Signature] Date: 2/26/98  
 Agency: Community & Regional Affairs

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**FISCAL NOTE**  
**Fiscal Note Analysis Continued**

At this time, DCRA does not foresee a fiscal impact to the department. If the changes proposed in the CS are adopted or not adopted, DCRA anticipates that our program funding level will continue. However, if the proposed changes result in the State losing federal approval of the program, federal funding provided through DGC, which supports DCRA's participation in the program, will be lost.

# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO. CS HB 28 (RES)**

Revision Date (Note if correction) 03-Mar-98 Dept. Affected: Environmental Conservation  
 Title: An Act repealing the Alaska Coastal BRU: Air and Water  
 Management Program \_\_\_\_\_ Component Water Quality  
 Sponsor: Representative Therriault  
 Requester: (H) RES Component Serial No. 2062

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	31.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>31.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	31.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>31.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>


Estimate of any current year (FY98) cost: 0.0

**POSITIONS**

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	1	0	0	0	0	0

**ANALYSIS:** (Attach a separate page if necessary)

The revisions to this bill would require the Department to hire a temporary staff person (Environmental Specialist III) halftime over a one year period to participate in the review of coastal district plans as dictated by the requirements and timeframes in the legislation.

Prepared by: Susan Braley  
 Division: Air & Water Quality  
 Approved by Commissioner:   
 Agency: Department of Environmental Conservation

Phone: 465-5308  
 Date: 3/3/98  
 Date: 3/3/98

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POSITION INFORMATION H. BEEN UPDATED AND FUNDING .S BEEN UPDATED.  
03/03/98 Position Information Inquiry/Update Prior 11:02:43

			Yr Actual	Budgeted
Position: 18-18#027	Project: 0	Salary:	0	23,142.00
Comp: 18-30-00-00-00-70	Region:	Benefits:	0	7,737.64
Scenario: 2	FY: 99	COLA %: 0.000	Total: 0	30,879.64

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Actuals not available (Status: UNKNOWN ) FLSA: | Retirement Code: A  
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00/00/00	Step: C for 6.0 months & Step: D for 0.0 months (total: 6.00 )
0	Merit Date; use merit defaults? N ( 0.0 @ & 0.0 @ )
	Class/Sched Prefix: 2 Schedule: 2A (actual: )
	Bargaining Unit: GG Range: 18 (actual: )
	Location Code: AWA Place: JUNEAU
	Job Class Code: P8311 Title: ENVIRONMENTAL SPEC III
	Seasonal Indic.: S Type: -

-----  
Optional Override Salary Rates:

Monthly Rate: 0.00 for 0.0 months & rate of 0.00 for 0.0 months  
Hourly Rate: 0.00 for 0.0 months Frozen at this rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen:  
1=Premium pay info 2=Funding info 4=Code Translations 6=Calculations  
7=MISC NEW POS DATA 8=Detail Report 12=Exit w/o update Selection: 0\_

# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO. CSHB 28 (RES)**

Revision Date: 3-Mar-98  
 Title: An act modifying the Alaska coastal management program and the responsibilities of the Alaska Coastal...  
 Sponsor: Reps. Therriault, Kelly  
 Requestor: (H) RES

Dept Affected: Natural Resources  
 BRU: Management & Administration  
 Component: Commissioner's Office  
 Component Serial No. 423

**Expenditures/Revenues (Thousands of Dollars)**

OPERATING EXPENDITURES	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES	31.3					
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>31.3</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES (fund code)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	31.3					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>31.3</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY98) cost: \$ none

**POSITIONS**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	1	0	0	0	0	0

**ANALYSIS:** *(Attach a separate page if necessary)*

Through IA receipts DNR, Division of Land, receives \$152.1 to implement the coastal management program. DNR uses the funding for portions of 4 ACMP support positions and provides a dollar-for-dollar match as required. DNR anticipates that this funding level would continue notwithstanding the changes proposed in the CS. The CS requires revision of 11 coastal district plans within 180 days of the effective date. Normally, DNR would absorb review of district plan revisions into our work plan such that, while other work may be delayed, plan revisions would not result in a fiscal impact to the Department. However, the requirement to complete the revisions within 180 days would require additional staff (1 full-time nonpermanent position, Range 18C for 6 months) and the resulting fiscal impact.

Prepared by: Patty Bielawski Phone: 269-8431  
 Division: Commissioner's Office Date: 3-Mar-98  
 Approved by Commissioner: [Signature] Date: 3-3-98  
 Agency: Natural Resources

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**FISCAL NOTE ANALYSIS CONTINUED**

**BILL NO. CSHB 28 (RES)**

If, as a result of the CS, Alaska's program loses federal approval, federal funding would be discontinued as would IA receipt money and the dollar-for-dollar match.

There are costs associated with ACMP implementation not directly covered by IA receipts.

Costs include permit staff time resolving placement of stipulations; staff time to prepare for elevations and ensure defensible Department actions should a petition be made to the Coastal Policy Council; Director and Commissioner time hearing elevations; and Deputy Commissioner time hearing petitions to the Council. Some cost savings is assumed if elevations and petitions are reduced.

Staff resources not required for elevations and petitions are committed to processing of already pending projects and permit proposals as well as backlog.

# FISCAL NOTE

Revision Date: March 5, 1998 Dept. Affected: Community & Regional Affairs  
 Title: An Act modifying the Alaska Coastal Management Program and ... BRU: Local Government Assistance  
 Component: Training & Development  
 Sponsor: Rep. Therriault, Kelly  
 Requestor: House Resources Committee **COMPONENT SERIAL NO.** 672

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	47.9	47.9	0.0	0.0	0.0	0.0
TRAVEL	6.0	3.0	0.0	0.0	0.0	0.0
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>53.9</b>	<b>50.9</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>REVENUE FUND SOURCE:</b>	Federal	Federal	Federal	Federal	Federal	Federal
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	53.9	50.9	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>53.9</b>	<b>50.9</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME	1.0	1.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

Estimate of current (FY98) impact \$ none

**ANALYSIS:** (Attach a separate page if necessary)

HB 28 significantly modifies the Coastal Management Program. The proposed modifications: reduce the coastal zone boundary by excluding the zone of indirect influence; limit the ability of a coastal district or State agency to stipulating to matters related to coastal uses, activities, and habitats, eliminate the petition process; and, require plan modifications identified in the bill to be completed in one year.

(continued on attached page)

Prepared by: Michael Cushing, Research Analyst IV *(Signature)* Phone: 465-4751  
 Division: Municipal and Regional Assistance Division Date: 3/05/98  
 Approved by Commissioner: *(Signature)* Date: 3/05/98  
 Agency: Community & Regional Affairs

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**FISCAL NOTE**  
**Fiscal Note Analysis Continued**

Based on the information contained in the fiscal note prepared by the Division of Governmental Coordination, DCRA has revisited the fiscal implications associated with HB 28. Major amendments to 11 coastal management plans plus policy amendments to 23 other coastal management plans and 7 AMSA plans within a one year time period, will add an additional work load to professional level and clerical level staff. Major plan amendments require DCRA staff to prepare more detailed grant agreements; review and approve subcontracts between consultants and districts; coordinate additional meetings involving district representatives; attend additional meetings involving district representatives and involved agencies; have more frequent discussions with districts concerning the status of the project; review additional interim products, and, review and comment on draft products required by the program. Although, HB 28 requires district plans to be update within one year, we anticipate that completing the updates will require at a minimum, two years to complete. DCRA also anticipates district coordinators and local officials will request presentations concerning the program changes required by HB 28 and the options available to address the changes.

DCRA is responsible for the ACMP grant award process. The plan updates required under HB 28 and the additional funds to support the updates will increase the time required by both professional and clerical level staff to organize and conduct the awards process.

Additional travel will be required for DCRA staff to work with the 11 districts required to update their coastal boundaries.

To address the increased work load required by HB 28 over the next two years, DCRA is proposing an increase of 0.5 non-temporary FTE of existing professional level staff, and 0.5 non-temporary FTE of existing clerical level staff. To address the additional travel required, DCRA is proposing a \$6,000 increase in travel for FY 99 and a \$3,000 increase in travel for FY 00.

FYI - The increase in FY 99 is \$53.9 and in FY 00, \$50.9

# Alaska State Legislature

REPRESENTATIVE  
GENE THERRIault  
P.O. Box 55326  
North Pole, Alaska 99705  
(907) 488-0862

House District 33

While in Juneau  
State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-4797

## House Of Representatives

### MEMORANDUM

**TO:** Representative Bill Hudson, Co-Chair  
Representative Scott Ogan, Co-Chair  
House Resources Committee

**FROM:** Representative Gene Therriault *GT.*

**DATE:** February 4, 1997

**SUBJECT:** Scheduling of HB 28

---

I respectfully request House Bill 28, "An Act repealing the Alaska Coastal Management Program and the Alaska Coastal Policy Council, and making conforming amendments because of those repeals" be scheduled in the House Resources Committee.

For the past four years, as the Finance subcommittee chairman of two resource agencies' budgets, I have heard from administration officials, business representatives and constituents that in the effort to continue to reduce budgets, we must also limit the agencies' statutory responsibilities. The ACMP has been criticized for being a cumbersome, duplicative review process that, in theory, may have some benefits however, in practice, does not work as intended.

The sponsor statement and a copy of HB 28 is attached. I would like to meet with you to discuss what backup information the Resources committee requires to become fully knowledgeable of the program and its problems.

I appreciate your consideration of my request.

Attachments

# Alaska State Legislature

REPRESENTATIVE  
**GENE THERRIAULT**

Mailing Address:  
119 N. Cushman, Suite 101  
Fairbanks, Alaska 99701  
(907) 488-0857  
FAX: (907) 488-4271



While in Session  
State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-4797  
Fax: (907) 465-3884

## House Of Representatives

House District 33

### HOUSE BILL 28

"An Act repealing the Alaska Coastal Management Program and the Alaska Coastal Policy Council, and making conforming amendments because of those repeals."

SPONSOR: Representative Gene Therriault

#### SPONSOR STATEMENT:

Alaska chose to participate in the federal voluntary Coastal Zone Management program by creating the Alaska Coastal Management Program (ACMP) approved by the Legislature in 1977. The ACMP is supported by federal and state matching funds and is designed as a "voice" for state and local interests to be addressed in decisions affecting the coastal areas.

Since 1977, there have been many state and federal laws such as the clean water act, spill prevention laws, and wetlands legislation affecting coastal districts diminishing the need for the ACMP. After 20 years of existence it is time for the Alaska State Legislature to determine whether the Coastal Zone Management program warrants Alaska's continued participation.

Concerns leading to the introduction of HB 28 include:

The ACMP allows state agencies to require stipulations on permitted activities beyond the agencies' statutory authority.

Coastal districts not associated with a local government participate in the ACMP by forming a Coastal Resource Service Area (CRSA). This creates a situation where a local district board with appointed (not elected) officials essentially has "veto" authority over development projects in these service areas. These quasi-governmental entities are dependent upon state agencies to enforce the local plans.

A purported benefit of the ACMP is the requirement of cooperation among those involved in the development of Alaska's coastal resources. However, the ACMP standards are vague and open to differing interpretations by the state agencies and local districts eventually leading to expensive elevation hearings and appeals.

For the past four years, as the Finance subcommittee chairman of two resource agencies' budgets, I have heard from administration officials, business representatives and constituents that in the effort to continue to reduce budgets, we must also limit the agencies' statutory responsibilities. The ACMP has been criticized for being a cumbersome, duplicative review process that, in theory, may have some benefits however, in practice, does not work as intended.

The ACMP deserves a thorough review by this Legislature to determine if the purported benefits outweigh the expensive and time consuming process that evolved from Alaska's participation in this program.

*Handwritten notes:*  
Amended by House Bill 2000

*Handwritten mark:* +

**HOUSE BILL NO. 28**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVE THERRIAULT**

**Introduced:**

**Referred:**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act repealing the Alaska Coastal Management Program and the Alaska  
2 Coastal Policy Council, and making conforming amendments because of those  
3 repeals."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* Section 1. AS 38.05.037(b) is amended to read:

6 (b) The division of lands may exercise its zoning power

7 [(1)] within federal land in the unorganized borough only at the times  
8 and in the areas it is requested to do so by the Secretary of the Interior to facilitate  
9 sales of federal land within the unorganized borough under P.L. 88-608, 78 Stat. 988  
10 [;

11 (2) WITHIN ANY PORTION OF A THIRD CLASS BOROUGH  
12 COVERED BY THE ALASKA COASTAL MANAGEMENT PROGRAM . . .ADOPTED  
13 IN ACCORDANCE WITH THE PROVISIONS OF AS 46.40 IF THE  
14 MUNICIPALITY HAS NOT DONE SO].

1 \* Sec. 2. AS 38.05.177(c) is amended to read:

2 (c) Within 20 days of receipt of a lease application, the director shall give  
3 notice under AS 38.05.945 of receipt of the lease application and call for comments  
4 from the public. The director's call for public comments must provide opportunity for  
5 public comment for a period of 60 days. If, after review of information received  
6 during the public comment period, the director determines that the discovery of a local  
7 source of natural gas would benefit the residents of an area, the director shall execute  
8 a lease for the area described in (b) of this section. The director shall execute the  
9 lease within 90 days after the close of the public comment period [OR, IF REVIEW  
10 IS REQUIRED UNDER AS 46.40, WITHIN 30 DAYS AFTER THE FINAL  
11 CONSISTENCY DETERMINATION IS MADE UNDER AS 46.40, WHICHEVER  
12 IS LATER]. A lease entered into under this subsection gives the lessee the exclusive  
13 right to explore for, develop, and produce, for a term of three years, natural gas on the  
14 state land described in the lease; the right to explore for, develop, and produce is  
15 limited to gas derived from natural gas within 3,000 feet of the surface.

16 \* Sec. 3. AS 38.05.825(a) is amended to read:

17 (a) Unless the commissioner finds that the public interest in retaining state  
18 ownership of the land clearly outweighs the municipality's interest in obtaining the  
19 land, the commissioner shall convey to a municipality tide or submerged land  
20 requested by the municipality that is occupied or suitable for occupation and  
21 development if the

22 (1) land is within or contiguous to the boundaries of the municipality;

23 (2) use of the land would not unreasonably interfere with navigation  
24 or public access;

25 (3) municipality has applied to the commissioner for conveyance of the  
26 land under this section;

27 (4) land is not subject to a shore fisheries lease under AS 38.05.082,  
28 or, if the land is subject to a shore fisheries lease, the commissioner determines it is  
29 in the best interests of the state to convey the land;

30 (5) land is classified for waterfront development or for another use that  
31 is consistent or compatible with the use proposed by the municipality, or the proposed

1 use of the land is consistent or compatible with a land use plan adopted by the  
 2 municipality or [,] the department [, OR THE ALASKA COASTAL POLICY  
 3 COUNCIL]; and

4 (6) land

5 (A) is required for the accomplishment of a public or private  
 6 development approved by the municipality;

7 (B) is the subject of a lease from the state to the municipality;

8 or

9 (C) has been approved for lease to the municipality.

10 \* Sec. 4. AS 38.05.945(d) is amended to read:

11 (d) Notice at least 30 days before action under (a)(5) or (6) of this section  
 12 shall be given to appropriate

13 [(1)] regional fish and game councils established under AS 16.05.260

14 [; AND

15 (2) COASTAL RESOURCE SERVICE AREAS ORGANIZED UNDER  
 16 AS 46.40.110 - 46.40.210].

17 \* Sec. 5. AS 41.17.090(d) is amended to read:

18 (d) Within five days after receipt of a detailed plan of operations under (c) of  
 19 this section, the state forester shall distribute the information received under (c) of this  
 20 section to affected state agencies and municipalities [COASTAL DISTRICTS], and  
 21 shall distribute the information received under (c)(1) of this section to each member  
 22 of the public who has asked to receive copies of notifications for the affected area.

23 \* Sec. 6. AS 41.17.098(a) is amended to read:

24 (a) In administering this chapter, the commissioner shall coordinate with other  
 25 agencies and affected municipalities [COASTAL DISTRICTS] that have jurisdiction  
 26 over activities subject to regulation under this chapter.

27 \* Sec. 7. AS 41.17.098(b) is amended to read:

28 (b) In a review or implementation of a detailed plan of operations under  
 29 AS 41.17.090 and in a decision on a proposed variation from requirements under  
 30 AS 41.17.087, the commissioner shall consider the comments of each affected state  
 31 agency and, where applicable, each affected municipality [COASTAL DISTRICTS].

1 \* Sec. 8. AS 41.17.900(b) is amended to read:

2 (b) For federal land,

3 [(1)] the degree of resource protection may not be less than that  
4 established by this chapter for state land except that AS 41.17.119 establishes the  
5 minimum riparian standard [;

6 (2) A TIMBER HARVEST ACTIVITY SUBJECT TO THIS  
7 CHAPTER SHALL SATISFY THE REQUIREMENT TO BE CONSISTENT TO THE  
8 MAXIMUM EXTENT PRACTICABLE WITH THE ALASKA COASTAL ZONE  
9 MANAGEMENT PROGRAM IF THE FEDERAL LAND MANAGEMENT PLANS,  
10 GUIL ELINES, AND STANDARDS APPLICABLE TO THAT TIMBER HARVEST  
11 ACTIVITY PROVIDE NO LESS RESOURCE PROTECTION THAN THE  
12 STANDARDS THAT ARE ESTABLISHED IN THIS CHAPTER PROVIDE FOR  
13 STATE LAND EXCEPT THAT

14 (A) AS 41.17.119 ESTABLISHES THE MINIMUM RIPARIAN  
15 STANDARDS; AND

16 (B) THIS PARAGRAPH DOES NOT APPLY TO A TIMBER  
17 HARVEST ACTIVITY THAT REQUIRES A STATE OR FEDERAL  
18 AUTHORIZATION UNDER A PROVISION OF LAW OTHER THAN THIS  
19 CHAPTER].

20 \* Sec. 9. AS 41.17.900(d) is amended to read:

21 (d) Notwithstanding any other provision of this chapter, the commissioner may  
22 not employ the authority vested by this chapter so as to duplicate or preempt the  
23 statutory authority of other state agencies to adopt regulations or undertake other  
24 administrative actions governing resources, values, or activities on forest land, except  
25 for

26 [(1) REGULATIONS UNDER THE COASTAL MANAGEMENT  
27 ACT; AND

28 (2)] regulations, if authorized by the commissioner of environmental  
29 conservation, relating to control of nonpoint source pollution.

30 \* Sec. 10. AS 41.21.492(b) is amended to read:

31 (b) Nothing in AS 41.21.491 - 41.21.495 affects the responsibilities of

1 (1) the Department of Fish and Game, the Board of Fisheries, or the  
2 Board of Game under AS 16 and AS 41.99.010; or

3 (2) the Department of Environmental Conservation under AS 46.03 [;  
4 OR

5 (3) STATE AGENCIES AND MUNICIPALITIES UNDER  
6 AS 44.19.145(a)(11) AND AS 46.40.100].

7 \* Sec. 11. 41.21.504(b) is amended to read:

8 (b) Nothing in AS 41.21.500 -41.21.514 affects the applicability of

9 (1) AS 41.99.010 and AS 16 regarding the responsibilities of the  
10 Department of Fish and Game or the Board of Fisheries or the Board of Game; or

11 (2) AS 46.03 regarding the responsibilities of the Department of  
12 Environmental Conservation [; OR

13 (3) AS 44.19.145(a)(11) AND AS 46.40.100 REGARDING THE  
14 RESPONSIBILITIES OF STATE AGENCIES AND MUNICIPALITIES].

15 \* Sec. 12. AS 41.23.420(d) is amended to read:

16 (d) The provisions of AS 41.23.400 - 41.23.510 do not affect the authority of

17 (1) the Department of Fish and Game, the Board of Fisheries, the Board  
18 of Game, or the Department of Commerce and Economic Development under AS 08.54,  
19 AS 16, or AS 41.99.010; or

20 (2) the Department of Environmental Conservation under AS 46.03 [; OR

21 (3) STATE AGENCIES AND MUNICIPALITIES UNDER  
22 AS 44.19.145(a)(11) AND AS 46.40.100].

23 \* Sec. 13. AS 44.47.720 is amended to read:

24 **Sec. 44.47.720. Boundaries.** The boundaries of an area studied shall conform  
25 to the boundaries indicated in the request for the study under AS 44.47.710 unless the  
26 commissioner, after a public hearing held in the area of the proposed study, determines  
27 that the boundaries should be altered. In determining the boundaries of an area to be  
28 studied, the commissioner shall consider

29 (1) the standards applicable to the incorporation of boroughs under  
30 AS 29.05.031;

31 (2) boundaries of regional corporations established under 43 U.S.C.  
32 1606;

- 1 (3) census divisions of the state used for the 1980 census;  
2 (4) boundaries of the regional educational attendance areas established  
3 under AS 14.08.031; and  
4 (5) boundaries of the coastal resource service areas that were  
5 organized under former AS 46.40.110 - 46.40.210.

6 \* Sec. 14. AS 44.47.730(b) is amended to read:

- 7 (b) A study under this section must include  
8 (1) a recommendation for or against incorporation of a borough  
9 containing all or part of the area studied;  
10 (2) an evaluation of the economic development potential of the area  
11 studied;  
12 (3) an evaluation of capital facilities needs of the area studied;  
13 (4) an evaluation of demographic, social, and environmental factors  
14 affecting the area studied;  
15 (5) an evaluation of the relationships among regional educational  
16 attendance areas [, COASTAL RESOURCE SERVICE AREAS,] and other regional  
17 entities responsible for providing services in the area studied;  
18 (6) an evaluation of the relationships between the existing cities within  
19 the area studied and regional entities responsible for providing services in the area; and  
20 (7) specific recommendations for  
21 (A) organization of a home rule or general law borough  
22 government if one is recommended;  
23 (B) changes in organization of cities in the area studied; or  
24 (C) the improvement of the delivery of services to the public  
25 by the state in the area studied.

26 \* Sec. 15. AS 46.06.041(b) is amended to read:

- 27 (b) The department may issue matching grants from money in the account to  
28 a municipality, to an unincorporated community, to an organization representing two  
29 or more municipalities or unincorporated communities within a region, to a nonprofit  
30 organization, [COASTAL RESOURCES SERVICE AREA,] or to a regional health  
31 corporation for the purpose of a community solid waste management plan.

1       \* **Sec. 16.** AS 39.50.200(b)(38); AS 41.17.900(e); AS 44.19.145(a)(11), 44.19.155,  
2 44.19.160, 44.19.161, 44.19.162; AS 44.47.095; AS 46.40.010, 46.40.020, 46.40.030,  
3 46.40.040, 46.40.050, 46.40.060, 46.40.070, 46.40.080, 46.40.090, 46.40.094, 46.40.096,  
4 46.40.100, 46.40.110, 46.40.120, 46.40.130, 46.40.140, 46.40.150, 46.40.160, 46.40.170,  
5 46.40.180, 46.40.190, 46.40.200, 46.40.210; and secs. 1 and 2, ch. 84, SLA 1977, are repealed.

# Alaska State Legislature

## House Resources Committee

**Co-Chair Scott Ogan**  
(907) 465-3715  
FAX (907) 465-3265  
Capitol Building, Room 124  
Juneau, Alaska 99801



**Co-Chair Bill Hudson**  
(907) 465-6820  
FAX (907) 465-2273  
Committee Meetings  
T/Th 1 - 4 p.m.

Vice Chair: Beverly Masek,  
Representatives Ramona Barnes, Fred Dyson, Joe Green, Reggie Joule, Irene Nicholia, William Williams

### WITNESS LIST

FEBRUARY 13, 1997  
Committee Hearing of HB 28

1. Representative Therriault - The Sponsor of HB 28
2. Diane Mayer - Director of Governmental Coordination  
Supporting witnesses:
  - A. Craig Tillery - Department of Law - Environmental Section
  - B. Marty Rutherford - Deputy Commissioner of the Department of Natural Resources
3. Harry Noah - Former Commissioner of the Department of Natural Resources
4. Scott Novak - Former public Co-Chair of the Coastal Policy Council



# Alaska State Legislature

Please enter into the record my testimony to the House Resources Committee  
committee name

committee on H.B. 28 , dated 2-25-97  
bill/subject

After attending this third teleconference concerning HB 28, I am pleased to hear that members of the committee are becoming aware of how important this ACMP is to the people of Alaska. I have recently attended meetings set up by Governor Knowles to address the concerns of the people in the Kenai Peninsula Borough regarding Lease Sale 85/A, which included Commissioner Shively and other notable representatives of various state departments. These representatives, including Commissioner Shively, all referred many times to the ACMP as the avenue through which the local people could address their very relevant concerns. It was disturbing to me to hear the ACMP being offered as a "life ring," so to speak, with this HB 28 looming in the background.

In other issues that I have been involved with over the last year (having nothing to do with Lease Sale 85/A), I found a very disturbing attitude within the DNR concerning the ACMP. It seems to me there may be an inter-departmental power struggle, and , of course, that concern was supported by Mr. Noah's testimony at the first House Resource Committee hearing on HB 28.

I respectfully urge that you, our elected representatives, consider this matter very carefully and not allow an inter-agency power struggle to derail a very valuable and productive program for all parties concerned. Thank you.

Signed: Sinda Wright  
Testifier

Myself and my family  
Representing (Optional)

Box 108, Kaslof, AK 99610  
Address

(907) 262-9694

fax to Bill Hudson 455-2273 Chairman



# Alaska State Legislature

Please enter into the record my testimony to the House Resources  
committee name

committee on HB 28 Repeat CZMP, dated Feb. 25, 1997  
bill/subject

The Coastal Zone Management Plan is vital to our state without it there will be haphazard development in conflict with ~~other~~ resources. The ultimate cost to the state will be very high, as developments will be inefficiently located, and infrastructure connections not logically laid out. Tourism lodge locations, for example, can not just sprout up wherever someone wants to have them, or their cumulative impact will damage fisheries habitat, local recreational use, commercial fishing grounds, and ultimately conflict themselves, as they crowd out the values which originally made the tourists want to come. There is increasing pressure on all coastal resources. The only to maximize their use is to have a plan which considers all factors and makes good decisions on allocations and future needs and pressures.

Signed: Richard KiNelson Box 2808 Sitka, AK 99835  
Page 2219 SMC, Sitka, AK 99835

Testifier Joe Schmidt Box 1110 Sitka, AK 99835

Representing (Optional)

2219 SMC, Sitka AK

Address

907-747-7448 H - 7509 W

Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the House Resources  
 committee name  
 committee on HB 28 Repeal CZMP, dated Feb 25, 1997  
 bill/subject

I support the Coastal Zone Management Plan  
 remaining in effect, as without its guidelines  
 development will place the Coastal zones  
 at risk

Signed: Christa Lopez, Brian McTutt  
 Testifier

Representing (Optional)

115 Simon Drive

Address

Sitka, AK 99835

Phone No.



# General Teamsters Local 959 State of Alaska

*Affiliated with the International Brotherhood of Teamsters*

ANCHORAGE, ALASKA 99504, 4300 BONIFACE PKWY. 1907) 269-4122 FAX (907) 337-6668 GERALD L HOOD (Secretary/Treasurer)

FAIRBANKS, ALASKA 99707, P.O. Box 70609. (907) 452-2959 FAX (907) 452-5051  
JUNEAU, ALASKA 99801, 306 Willoughby, (907) 586-3225 FAX (907) 586-1227

## facsimile TRANSMITTAL

to: *Marieke*  
fax #: *465-2273*  
re: *NCHA Facility*  
date: *2-25-97*

pages: *2* [Pages (including cover sheet)], including this cover sheet.

From the desk of...

Tim Sunday  
Teamsters Local 959  
306 Willoughby  
Juneau, Alaska 99801

(907) 586-3225  
Fax (907) 586-1227

Comments: HB 28-----

FOR Teleconference hearing  
1-230 PM Today

Chairman Hudson and honorable members of the House Resources Committee:

I would like to support the retention of the Coastal Zone Management Program.

I have had personal experience using the CMZP in Washington state and most recently in Alaska to have input that has meant something, that I feel has empowered me in my concerns about what happens to the coastal areas I love. All my life I have never moved more than 50 miles from the ocean. If you look at the western United States and Canada you'll see the major population concentrations are along the coastal areas, I must not be alone in my preferences! 30 years ago myself and neighbors used the Coastal Zone Management laws to stop a horrendous over the water condominium development. 10 years ago we used it to enforce public access to the waterfront being closed by an RV park and most recently to have my voice heard about a waterfront development in Southeast Alaska.

It has been a tool for the people to protect them from business interests and persons only interested in their own profits or personal enhancement at the expense of the public citizens. It is one of the laws that specifically benefits mostly the public rather than business/private interests. It is power for the people!

As you know projects get lost in the maze of bureaucracy and agencies. Instead of being an additional layer impeding a project from the point of view of the promoters of a development, the CZMP is a tool to ensure the purposes of the maze of different regulations enforced by the different agencies is consistent with common sense and each bureaucrat doesn't go off on his/her own petty power trip.

Alaska's Coastal Management Program is not merely equal to another of the layers of bureaucracy but is the umbrella under which they all must come so that anyone trying to make sense of and have an impact upon a coastal development can marshal all the facts and concerns of everybody together and make sense of it all. This particularly benefits the people who won't, then, get shoved off to other agencies as a diversionary tactic to deplace responsibility. It is like someone has spent all the time and effort for you to find the way through the maze. It is an efficient piece of legislation that make the others work effectively. It is the "honcho" you want to prevent the others from running amok! Thank you. Paul Post, a sailor homeported in Juneau and moored in Sitka. Please kill this bill, HB28

Paul Post 2/23/97

February 12, 1997

1:30 PM - Panel and Informational Meeting and discussion re: NOAA/NMFS Facility

Panel: John Gorman NOAA  
 Tony Gharett University of Alaska (Southeast)  
 Marie Olson Auke Tribe

People in attendance:

Patty Ann Polley	Chamber of Commerce (Director)
Charlie Northrip	Juneau Economic Development Council
Jerry Wedel	President of Alaska Federal Savings
Kirk Flanders	J EDC staff
Rosemary Hagevig	Assemblymember
Rod Swope	Assemblymember
Tom Cashen	Commisioner of Labor
Rick Urion	Lobbyist for AFL-CIO
Jamie Parsons	Ex-Mayor of Juneau
Don Ethridge	Local 942
Dale Reid	IUOE
Gary Pond	Local 262
Pat Cargill	Carpenters
Mike Notar	IBEW
Cindy Spanyers	ASEA
Meiinda Holfstad	Staff for Rep. Hudson
Jim Powell	Assemblymember
Rep. Kim Elton	
Sen. Jim Duncan	
Lori Thompson	Reporter for Juneau Empire
Barbara May	IAM Local 23
Craig Dahl	President of First National Bank
<i>Tim Sunday</i>	<i>Juneau Building Trades - Teamsters Local 959</i>
<i>Olle Nelson</i>	

BERING STRAITS COASTAL RESOURCE SERVICE AREA BOARD  
P.O. Box 190  
Unalakleet, Alaska 99684  
(907) 624-3062

20 February 1997

Representative Reggie Joule  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Representative Joule:


Subject: House Bill 28 - A Bill to Repeal the Alaska Coastal Management Program

The Bering Straits Coastal Resource Service Area Board sincerely opposes this bill. Coastal management is a joint effort of local, state, federal governments and the private sector to manage coastal resources and promote their wise and balanced use. For the people of rural Alaska, it is an important opportunity for meaningful participation in federal and state decisions that affect their lives.

The process works very well even when there are disagreements among participants. When a party disagrees with a ruling there is an appeal process to follow.

We appreciate your efforts on our behalf.

Sincerely,

  
Johnson Eningowuk  
Chairman

cc: BSCRSA Board  
Governor Tony Knowles  
Senator Ted Stevens  
Senator Frank Murkowski  
Representative Don Young  
Affected Communities

Bristol Bay CRSA  
P.O. Box 849  
Dillingham, AK. 99576  
Phone: (907) 842-2666 Fax: (907) 842-2776

February 24, 1997

Representative Bill Hudson, Co-Chair  
Representative Scott Ogan, Co-Chair  
House Resources Committee  
Alaska State Legislature

RE: House Bill 28 - Repealing the Alaska Coastal Management Program

Dear Co-Chairs and House Resources Committee Members:

I am writing on behalf of the Bristol Bay CRSA, one of four coastal resource service areas in the Unorganized Borough that participates in and benefits from the Alaska Coastal Management Program.

The Bristol Bay CRSA opposes HB 28 and thinks it would be a grave mistake to eliminate the ACMP. The underlying purpose of the program is to achieve a balance between resource protection and economic development. More importantly, it gives local communities a key role in shaping economic development through coastal district plans and legal standing to participate in the permit review process for proposed projects and activities. In our experience, having a coastal management plan has enabled our district to address community concerns and also provide support for projects.

Our coastal district takes its responsibilities in the coastal management program very seriously. In addition to our basic coastal management plan, we worked with the Departments of Natural Resources and Fish and Game to develop a recreation management plan for the Nushagak and Mulchatna drainages. The plan is unique in that it is both a land use plan for DNR and an Area Meriting Special Attention plan for our coastal district as well as the Lake & Peninsula Borough. Special project funding from the ACMP helped to fund this cooperative planning effort. From an implementation standpoint, the plan has forged a strong working relationship between DNR and our coastal district in interpreting and applying plan guidelines to meet the management intent of the plan.

We understand one of the concerns expressed with the ACMP is that CRSA coastal management plans rely on the state agencies to enforce these plans. The ACMP intentionally allowed areas in the Unorganized Borough to develop coastal district plans and recognized that communities in these areas should have the right to participate in coastal management planning and development decisions that affect them. As with other coastal resource service areas, the Bristol Bay CRSA fills an important need by informing affected communities of proposed projects and

Bristol Bay CRSA

February 24, 1997

soliciting their input before making consistency recommendations.

The communities in our district are also grappling with the issue of borough formation and annexation. Toward this end, the Bristol Bay CRSA received ACMP special project funding a few years ago to prepare a supplemental borough feasibility study. The study provided more current information and was initiated to address many of the basic questions local residents have about borough formation.

The Bristol Bay CRSA strongly opposes HB 28. Because of the impact this bill will have on coastal districts and their communities, we also urge this bill be referred to the House Community & Regional Affairs Committee for additional hearings.

Thank you for considering our comments on this important matter.

Sincerely,



Alice J. Ruby, Chairperson  
Bristol Bay CRSA Board

cc: Representative Ivan Ivan  
Senator Lyman Hoffman  
Governor Tony Knowles

February 22, 1997

Alaska State Legislature  
House Resources Committee

Subject: HB 28 Repealing Alaska  
Coastal Management Program

In response to the premature denial judgement of my partial (1½ minutes) oral testimony, I submit my following observations.

I consider HB 28 to be an intent to subjugate the regulations that entailed conservation of resources, environmental protection; and would effectively disregard the public's inherent rights of participation in the democratic process. There for I believe it was proper for me to present the legislatures laundry list of related regulation changes, to show a sum total of such irresponsibility and flagrant disregard.

I realize that for those, who self ordain their superior wisdom, it is hard to even superficially consider the rights of the lowly public. As I stated in my opening presentation, I believe it is probably a waste of the public's time, to expect consideration of their

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opinions. This was well substantiated by the repeated references to characterized rogues, and their cross pollination which may have been more directly criticized as misfits.

Any way, I am submitting a full copy of my intended comments, for your cutting and pasting; and which I trust you will censure as to your opinion of relevancy to the regulations subject to HB 28.

Text of my oral presentation intended for the House Resource Committee on February 22 1997; and which was rejected before listening and considering its full context.

[Although I wish to oppose HB 28, I believe it is probably a waste of the public's time to do so. I listen to Mr Therriault's presentation on 13 Feb and it was immediately apparent to me his intentions were to create a process of less responsibility and less cost for the exploitation of our resources

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and to restrict the public's input as he characterized as going on and on. Although he claimed no mind set on repealing Coastal Zone Management, it appears to me, and others listening that he was well schooled by his first guest. They both used the same little "box" illustrations in explaining their positions supporting less resource development responsibility. His other guest also repeated the same position.

I must point out that HB28 is in complete agreement with several other pending bills that present the same regulatory intent of fast track extraction of Alaska's valuable resources; with little resource conservation, environmental protection. It also reflects the lack of public trust responsibility by both the administration and the legislature.

Such a list of Bills include but are not limited to; HB 29 - reducing the proof of financial responsibility provided to DEC; HB 4 - limiting protection of anadromous fish populations; HB 23 restricting decisions precluding

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mining as an incompatible use for protection of renewable resources; HB 51 - making it more difficult to ensure water quality protection during resource extraction; SB 35 Restrict Fish and Game Boards and Agency's responsibility and authority from enacting regulations to manage the viability of these resources; unless specifically and individually approved by legislative instructions; HB 58 - Capping real and punitive damages at such low dollar values, that deep pocket industries will accept, and gamble the economic costs of responsible safeguards to the human, environment and resource protection. (I bet the oil, mining and insurance industries are hugging each other over that one. I sight these Bills to show the futility of these so called open public hearings. Profits now means more than the public's future.

Our Nation had the Robber Barons of the late 1800. In 1997 Alaska has the Administration and a Legislature that makes them look like pikers.

Because of these special privileges committed to the special interest and the

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lack of public trust responsibility, the future of All Alaskans and our Nation will suffer from a short changing of their constitutionally reserved ownership rights

Please included the above as part of the public hearing record on HB 28

Thank you

Dale Bondurant

HC1 Box 1197

Soldotna AK 99669

Copies to: Governor Tony Knowles

Attorney General Bruce Botelho

All concerned Alaskans and US

Citizens



*A. Wainwright*

February 14, 1997

Representative Scott Ogan  
Co-Chair, House Resources Committee  
State Capitol  
Juneau, AK 99811

**FEB 18 1997**

and  
Representative Bill Hudson  
Co-Chair, House Resources Committee  
State Capitol  
Juneau, AK 99811

Dear Co-Chairs Ogan and Hudson:

On behalf of the 135 members of the Alaska Municipal League, I am writing to oppose the repeal of the Alaska Coastal Management Program (HB 28). We believe the ACMP provides a critical service to coastal communities with strong local involvement and helps facilitate development in these areas.

We do support, however, Representative Therriault's and the Division of Governmental Coordination's efforts to review the ACMP with a goal of streamlining the current process, such as elimination of inefficient multiple appeals.

According to the 1997 AML Policy Statement, Part IV, Land Use:

**Section D. Coastal Zone Management**

1. Local Control: The League supports continued and maximum local control and involvement in the development, management, and implementation of coastal planning and policies.
2. Agency Review of Local District Programs: The League supports legislation that would require all state and federal agency comments and recommendations be made by the agencies at least 60 days prior to conceptual approval by the local government of the district plan or any significant amendments to approved plans.
3. Financial Support: The League strongly supports a firm financial commitment to the Alaska Coastal Management Program.


4. Federal Approval: The League urges the State of Alaska to aggressively support local coastal management programs and local control of such programs during the review and approval of programs by the federal government.

5. Notice and Approval: The League urges the State of Alaska and the federal government to provide reasonable notice of changes to local coastal programs and communities impacted by such changes and to review submitted plans and proposed amendments in a timely fashion.

6. Appeals: The League urges the state appeals process for individuals and municipalities be more streamlined and standard.

We appreciate the opportunity to comment on HB 28 and offer suggestions for improvement of the existing ACMP. If you have any questions, please feel free to contact me or Kevin Ritchie at 586-1325.

Sincerely,



Kevin C. Ritchie  
Executive Director

cc: Rep. Gene Therriault  
Members, House Resource Committee



Regional Citizens' Advisory Council / "Citizens promoting environmentally safe operation of the Alyeska terminal and associated tankers."

In Anchorage: 750 W. 2nd Ave., Suite 100 / Anchorage, Alaska 99501-2168 / (907) 277-7222 / FAX (907) 277-4523

In Valdez: 154 Fairbanks Dr / PO Box 3089 / Valdez, Alaska 99606 / (907) 835-5957 / FAX (907) 835-5926

February 7, 1997

Honorable Gail Phillips, Speaker  
House of Representatives  
State Capitol  
Juneau, Alaska 99801

**RE: HB28 - Alaska Coastal Management Program**

Dear Speaker Phillips:

The Regional Citizens' Advisory Council of Prince William Sound (RCAC) is an independent non-profit corporation whose mission is to promote environmentally safe operation of the Alyeska terminal and associated tankers. Certified as an alternative council under the Oil Pollution Act of 1990, RCAC's work is guided by its contract with Alyeska, and OPA 90. RCAC's 18 member organizations include communities impacted by the 1989 Exxon Valdez Oil Spill, as well as commercial fishing, aquaculture, Native, recreation, tourism and environmental interests.

RCAC is very concerned about the potential impact of HB 28, a bill proposing to do away with the Alaska Coastal Management Program (ACMP). The ACMP provides a voice for local and state participation in decisions affecting coastal areas, and its loss would negatively affect the participation of coastal districts and citizens in our region. This bill affects the citizens in Alaska's coastal communities by effectively unplugging them from the public process. We urge you to give the bill at least one additional referral before it is considered by the full House.

One appropriate additional referral would be the Community and Regional Affairs Committee. This would give the public additional opportunity to examine and comment on what the bill proposes and its impact on coastal communities.

Thank you for your consideration of this request.

Sincerely,

Louis "Tex" Edwards, President  
PWS Regional Citizens' Advisory Council

cc: Governor Tony Knowles  
Representative Norman Rokkeberg  
Representative Bill Hudson  
Cook Inlet RCAC

Representative Pete Kelly  
Representative Richard Foster  
Representative Scott Ogan  
Paul Richards, APSC

Thank you for your consideration of this request.

Sincerely,



Louis "Tex" Edwards, President  
PWS Regional Citizens' Advisory Council

cc: Governor Tony Knowles  
Representative Norman Rokeberg  
Representative Bill Hudson  
RCAC Council and Member Entities  
Representative Pete Kelly  
Representative Scott Ogan  
Cook Inlet RCAC  
Paul Richards, APSC

JEFFREY D. CURRIER  
BOROUGH MANAGER

P.O. Box 189  
NAKNEK, ALASKA 99633



TELEPHONE  
(907) 246-4224  
FAX  
(907) 246-6633

## *Bristol Bay Borough*

NAKNEK, SOUTH NAKNEK, AND KING SALMON, ALASKA

January 12, 1997

The Honorable Carl Moses  
House of Representatives  
Alaska State Legislature  
State Capitol, Mail Stop 3100  
Juneau, Alaska 99801-1182

Dear Representative Moses,

As the Representative from House District 40, and a member of the House Finance Committee, Bristol Bay Borough appeals to you for support of the Alaska Coastal Zone Management Program, the demise of which has been proposed by Representative Therriault in House Bill 28.

Bristol Bay Borough has been a part of the A.C.M.P. for approximately 15 years. In addition to direct financial support, the Borough receives the benefit of diverse expert-opinions on development and rule-making issues affecting our coastal district from state and federal agency specialists. These opinions are provided to us in a focused and coordinated manner through the structured review process organized by the Division of Governmental Coordination. The borough could not afford to replace the services of habitat biologists and other specialists to review every individual project proposal. The net result of a less organized approach to project review would be less information on the local level.

On the other side of the coin, the A.C.M.P. provides local districts with the opportunity to develop local standards, based on knowledge of local conditions, and to present those standards in a formal manner that is acknowledged and taken into consideration by state and federal regulatory agency representatives as well as by private developers. In other words, the A.C.M.P. provides a two-way street of information that would be very costly for every individual agency to try and recreate on its own. I also sincerely believe that a more piecemeal approach to gathering required permit information on project proposals would cost private developers much more than it currently does, both in money and frustration. It would certainly render small local government offices, such as Bristol Bay Borough, much less able to assist them in this effort.

Bristol Bay Borough re:  
A.C.M.P. Funding  
February 12, 1997

Attached please find Bristol Bay Borough Planning and Zoning Commission Resolution 97-3, urging legislative support of the Alaska Coastal Zone Management program, adopted and approved by commissioners at their regular meeting last evening (February 11th). We appreciate your time and consideration on this matter. Please feel free to call me if I can be of any assistance.

Sincerely,



Cynthia Zuelow-Osborne  
Administrative Assistant/  
Coastal District Contact

Copy: Mayor Edwin Anderson,  
Bristol Bay Borough

Manager Jeffrey Currier,  
Bristol Bay Borough

Representative Mark Hanley, Co-Chair  
House Finance Committee

Representative Gene Therriault, Co-Chair  
House Finance Committee

Representative Eldon Mulder, Vice-Chair  
House Finance Committee

Representative Richard Foster  
House Finance Committee

Representative Pete Kelly  
House Finance Committee

Representative Vic Kohring  
House Finance Committee

Representative Terry Martin  
House Finance Committee

Representative John Davies  
House Finance Committee

Bristol Bay Borough re:  
A.C.M.P. Funding  
February 12, 1997

Copy, continued:

Representative Ben Grussendorf  
House Finance Committee

Representative Gary Davis  
House Finance Committee

Representative Bill Hudson, Co-Chair  
House Resources Committee

Representative Scott Ogan, Co-Chair  
House Resources Committee

Representative Beverly Masek, Vice-Chair  
House Resources Committee

Representative Ramona Barns  
House Resources Committee

Representative Fred Dyson  
House Resources Committee

Representative Joe Green  
House Resources Committee

Representative Bill Williams  
House Resources Committee

Representative Irene Nicholia  
House Resources Committee

Representative Reggie Joule  
House Resources Committee

## RESOLUTION 97-3

A RESOLUTION OF THE  
BRISTOL BAY BOROUGH PLANNING AND ZONING COMMISSION  
URGING CONTINUED SUPPORT OF THE ALASKA COASTAL ZONE MANAGEMENT  
PROGRAM BY MEMBERS OF THE ALASKA LEGISLATURE

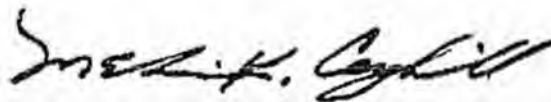
WHEREAS, the Alaska Coastal Zone Management Program is funded by federal grant monies which are redistributed by the State of Alaska to state agencies and local governments, including the Bristol Bay Borough; and

WHEREAS, the Alaska Coastal Zone Management Program allows for the consideration of local standards when federal and state agencies make permit decisions or propose development actions within the jurisdiction of a local Coastal District; and

WHEREAS, the Bristol Bay Borough has incorporated its Coastal District Guidelines into its local permit review process and believes that the services provided by the Division of Governmental Coordination are essential for the continued effectiveness of an informed and coordinated approach to the review of development projects which affect Alaska's Coastal Zone and the Bristol Bay Borough Coastal Management District;

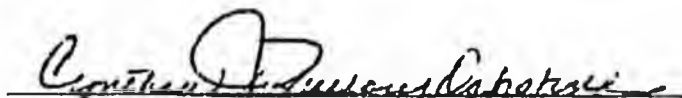
NOW, THEREFORE, BE IT RESOLVED that the Bristol Bay Borough Planning and Zoning Commission urges members of the Alaska State Legislature to support continued funding of the Alaska Coastal Zone Management Program by defeating proposed House Bill Number 28.

PASSED AND APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE  
BRISTOL BAY BOROUGH, ALASKA this 11<sup>th</sup> day of February, 1997.



\_\_\_\_\_  
Chairperson

ATTEST:

  
\_\_\_\_\_  
Recording Secretary



## Alaska Planning Association

A Chapter of the American Planning Association

*H. Maniche*  
*Keep w/Ala*

FEB 04 1997

### RESOLUTION OF THE ALASKA CHAPTER OF THE AMERICAN PLANNING ASSOCIATION

#### LEGISLATIVE COMMITTEE

#### Resolution 97-1

A RESOLUTION OPPOSING HOUSE BILL 28; AN ACT REPEALING THE ALASKA COASTAL MANAGEMENT PROGRAM (ACMP) AND THE ALASKA COASTAL POLICY COUNCIL, AND MAKING CONFORMING AMENDMENTS BECAUSE OF THOSE REPEALS.

WHEREAS, The Board of Directors and Legislative Committee on behalf of the membership of the Alaska Chapter of the American Planning Association have reviewed the contents of House Bill 28 sponsored by Representative Therriault and are opposed to the repeal of the ACMP; and,

WHEREAS, The Alaska Chapter of the American Planning Association recognizes that the Alaska Coastal Management Program is a voice for local and state participation in decisions affecting coastal areas; and,

WHEREAS, The ACMP gives State and local governments a more equal partnership with the federal government and, the ACMP requires cooperation among those involved in the development of Alaska's coastal resources, and the ACMP gives coastal communities a seat at the table when state or federal agencies make permit decisions, and the ACMP brings regulators and applicants together to resolve project issues, and the ACMP encourages early consultation among communities, industry, Native and private interests, agencies, and the public; and,

WHEREAS, The policies of the ACMP reflect a balance of the need for economic development with the need for resource management and the ACMP is the only state-level regulatory program containing such a balance; and,

WHEREAS, The ACMP consistency system operates according to strict agency action regulations assuring timely responses to developers while at the same time providing resolution of issues among state agencies and

local government in a rapid manner; and,

WHEREAS, The ACMP consistency authority is one of the few tools available for the State of Alaska to influence federal decision making that affects Alaska resources, an upcoming example being the federal process now underway which could inhibit development of the national petroleum reserve; and,

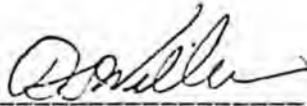
WHEREAS, The ACMP facilitates development permit coordination to the benefit of the developer, community, region and state; and,

WHEREAS, The Alaska Chapter of the American Planning Association finds the impact on Alaskan communities and development projects expected by the repeal of the ACMP to be unacceptable.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS AND LEGISLATIVE COMMITTEE OF THE ALASKA CHAPTER OF THE AMERICAN PLANNING ASSOCIATION:**

1. That House Bill 28 should be withdrawn by the sponsor(s).
2. House Bill 28 should be, at a minimum, referred additionally to the House Community and Regional Affairs Committee for consideration;

Legislative Chair



Date

2/4/97



## CITY & BOROUGH of YAKUTAT

P.O. Box 160  
Yakutat, Alaska 99689  
Phone (907) 784-3323  
Fax (907) 784-3281

February 19, 1997

Chairmen of House Resources Committee  
Representative Scott Ogan  
Representative Bill Hudson  
Alaska State Legislature  
State Capital, Mailstop: 3100  
Juneau, AK 99801-1182

Dear Representatives Ogan and Hudson:

As the Mayor of the City and Borough of Yakutat (CBY), I appeal to you to oppose House Bill 28: the proposed act to repeal the Alaska Coastal Management Program (ACMP). The CBY adopted a coastal management plan in 1982, and submitted a revised concept approved draft plan to DGC for review in January 1997. The Borough also adopted a revised comprehensive plan in 1994.

The opportunity for local communities to comment on an equal footing with state agencies is reason enough to retain the ACMP coordination and project review processes. During the past year Yakutat benefited from a properly executed consistency review process. The Delta Western Fuel Facility and the Yak-Tat Kwaan Inc Fish Processing Plant were notable examples. Even though not yet a part of the borough, the CBY commented on projects in the Icy Bay area that have economic development, coordination, and other important relationships to the CBY.

The Coastal Policy Council (CPC) and the Division of Governmental Coordination (DGC) are not structured to be powerful separate entities nor are they intended to be dominated by any agency or interest. My impression is that in the past year DGC continued to mature as a planning organization: to identify the intent behind the law and to coordinate the complexity of development and resource interests.

If anything the legislature should evaluate whether the CPC and DGC are following their enabling legislation, should protect coastal management participants from state agencies and other entities that have narrowly defined missions, and if necessary should provide CPC and DGC additional direction.

Respectfully submitted,



Daryl R. James, Mayor  
City and Borough of Yakutat

cc: Senator Jerry Mackie  
Representative Albert Kookesh  
Representative Gene Therriault  
Director Diane Mayer, DGC

Date Referred to Committee: January 13, 1997

FURTHER REFERRALS:

Finance

Date of Committee Action: 3/3/98

The RESOURCES Committee considered:

HB 28

HOUSE BILL NO. 28

REPEAL COASTAL ZONE MGMT PROGRAM

"An Act repealing the Alaska Coastal Management Program and the Alaska Coastal Policy Council, and making conforming amendments because of those repeals."

recommends it be replaced with the following committee substitute \_\_\_\_\_

the same title  
 a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) Office of Gov; ADF+G; Dept. of Law; DGRA; DEC

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Paul Olson</i>	<i>Dyson</i>			✓	
<i>W. R. Williams</i>	<i>Williams</i>				✓
<i>Joseph Barnes</i>	<i>Barnes</i>	✓			✓
<i>Beverly Masek</i>	<i>Masek</i>			✓	
<i>Scott Gray</i>	<i>Gray</i>	✓			
<i>Bill Hudson</i>	<i>Hudson</i>				✓
<i>Wendy Nicholas</i>	<i>Nicholas</i>		✓		

CHAIR'S SIGNATURE Bill Hudson

Scott Gray

**Alaska Coastal Policy Council  
Resolution 97-2**

WHEREAS, the public members of the Coastal Policy Council introduced this resolution and requested support of the entire Council in its adoption;

WHEREAS, the publicly elected members of the Coastal Policy Council represent all regions of the State (from Barrow to Ketchikan);

WHEREAS, the Alaska Coastal Management Program (ACMP) provides a voice and opportunity for local coastal communities to participate in decisions affecting their areas;

WHEREAS, the ACMP provides local governments and communities a more equal partnership and voice when dealing with State and federal agencies;

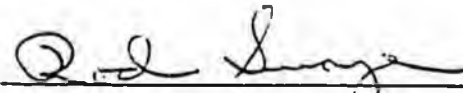
WHEREAS, the ACMP helps to facilitate and streamline the review and approval of proposed development projects in coastal areas;

WHEREAS, the ACMP attracts approximately \$2.7 million in federal grant moneys which are distributed to local governments and State agencies;

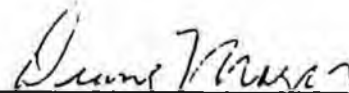
WHEREAS, the ACMP has been in existence since 1979 and has always been viewed as providing very valuable service and assistance to local coastal communities;

NOW THEREFORE, BE IT RESOLVED that the Coastal Policy Council opposes House Bill No. 28 and any effort to diminish the effectiveness of the ACMP.

Date: January 23, 1997



Rod Swope, Public Co-Chair  
Alaska Coastal Policy Council



Diane Mayer, State Co-Chair  
Alaska Coastal Policy Council

Attest: \_\_\_\_\_



## CITY OF VALDEZ, ALASKA

## RESOLUTION NO. 97-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, OPPOSING HOUSE BILL 28 WHICH WOULD REPEAL THE ALASKA COASTAL MANAGEMENT PROGRAM AND DISESTABLISH THE ALASKA COASTAL POLICY COUNCIL

WHEREAS, the City Council has reviewed the contents of House Bill 28 sponsored by Representative Theriault, which bill would repeal the Alaska Coastal Management Program; and

WHEREAS, the Alaska Coastal Management Program provides local governments and citizens with a more equitable share of government authority when dealing with state and federal agencies; and

WHEREAS, the Alaska Coastal Management Program helps to facilitate and streamline the review and approval of proposed development projects in coastal areas, and

WHEREAS, the Alaska Coastal Management Program has been in existence since 1979 and has been widely viewed as a valuable service and effective voice for coastal communities; and

WHEREAS, the City of Valdez receives annual federal ACMP funds to support local coastal planning efforts and participation in major project reviews such as the Petro Star Refinery and Valdez Terminal Oil Discharge Prevention and Spill Contingency Plans and also received \$10,000 to update the city's geographic information system maps.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, that:

Section 1. The City of Valdez opposes House Bill No. 28 and any other effort to diminish the effectiveness of the Alaska Coastal Management Program.

Section 2. The City of Valdez respectfully urges the sponsor of House Bill No. 28 to withdraw the bill.

Section 3. If the bill is not withdrawn, the City of Valdez respectfully urges that it be referred to a subcommittee of the House Resources Committee for further analysis and recommendation.

Resolution No. 97-17  
Page 2

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ,  
ALASKA, this 18th day of February, 1997

CITY OF VALDEZ, ALASKA

*Dave Cobb*  
Dave C. Cobb, Mayor

ATTEST:

*Sheri L. Caples*  
Sheri L. Caples, CMC, City Clerk



**CITY OF HOONAH**

P.O. Box 380 • Hoonah, Alaska 99829 • (907) 945-3663 • FAX (907) 945-3445

February 20, 1997

House Resources Committee  
Att: Hans Diedig

Re: HB 28 - Bill to Repeal the Alaska Coastal Management Program

I listened to the testimonys given on February 14, 1997 regarding the Coastal Management Program and wondered if this was not another move by special interest groups such as large mining entities to break down the barriers they are required to go through to get necessary permits for their operations. Diane Mayer's testimony was well presented touching on the needs of the small rural communities to address development within their City and Coastal boundaries. This is not a program unique only to Alaska, but is representative of every State involved in Coastal Development. Is this not the reason the Federal Government supports this program by making monies available to operate it along with State General Fund monies.

You say permitting can be done through another lead agency. This will certainly not be done at the present staff level as the City of Hoonah has experienced several situations where a Department was not able to address a given situation due to staff limitation. I know of one situation where we have been without a proper permit since the late 80's. Several calls have not accelerated this action due to the inability of the present staff to handle the current case loads.

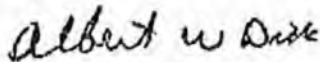
The City of Hoonah has just recently had their Coastal Management Program revised and adopted by the Alaska Coastal Policy Council. It is in the process of being approved at the Federal Level. The City has put in over two years of time developing this program. This is important to us because most of the City boundaries lies within the Coastal jurisdiction. As a small community with limited boundaries it also gives us the opportunity to address situations outside of the area. Hoonah is a predominantly native community that values it's traditional and subsistence rights. Like most small communities we are experiencing a lot of economic and social changes. The Coastal management program has been very much a part of our process. Because of the staff support provided through DGC we are able to address these issues. We do not have a big staff of Planners or lawyers or qualified individuals that can handle these situations in house. We just have one part time Planner and a Planning Commission that spend a lot of time dealing with the issues.

The minimal amount of money we receive to help fund the Planner's position although appreciated is really insignificant to cover the real cost of addressing these situations without help at the State level.

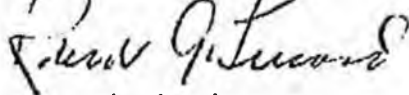
I can go on and on citing different reasons to keep the program intact as it is. But since I am unable to be in Hoonah on Saturday to testify at the hearing I wish to have the above read into the record.

The City of Hoonah strongly urges the House Resource committee or any committee addressing House Bill 28 to kill this bill and retain the Coastal Management Program, Department of Governmental Coordination and other support staff in the Department of Community and Regional Affairs

Sincerely,



Albert W. Dick, Mayor



Robert G. Pinard  
Ass't. Admn./Planner

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**cc:Mail for: Representative Bill Hudson**

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**Subject:** HB 28 -- Repeal of the Alaska Coastal Management Program  
**From:** 73362.1710@CompuServe.COM ("Robert L. Baldwin") at CC2MHS1 2/22/97 2:45 PM  
**cc:** Representative Irene Nicholia at JNU\_CAPITOL  
**To:** Representative Scott Ogan at LAA\_TRANS  
**cc:** Representative Reggie Joule at LAA\_TRANS  
**cc:** Representative Bill Hudson at JNU\_CAPITOL  
**cc:** Representative Beverly Masek at LAA\_TRANS

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The Friends of Cooper Landing Board of Directors strongly opposes HB 28. This message is forwarded for consideration at the February 22, 1997 meeting of the House Resource Committee.

Repeal of the Alaska Coastal Management Program would have a very serious impact on the Kenai River and Cooper Landing. Keeping the river healthy and not allowing it to be further degraded is of critical importance to our tourist-based economy. Careful development can occur without affecting the health of the river, but knowledgeable local oversight is necessary. This community puts a great amount of effort into thoughtful land use planning, in cooperation with the Kenai Peninsula Borough, and State and Federal Agencies.

The Alaska Coastal Management Program provides for coordination of development along the river. Without this program, there is no mechanism to allow small communities like Cooper Landing to have a say in development matters that directly affect our livelihoods the quality of our lives and ultimately our futures.

Beyond Cooper Landing, the Kenai Peninsula's economy will also be negatively influenced by any decline of the Kenai River. Further, when it is realized that land use planning activities in all Alaskan coastal communities would be disenfranchised by HB 28, its true potential impact becomes clear.

Please do not support this bill.

Thank you,

Bob Baldwin, President  
Friends of Cooper Landing  
P.O. Box 815  
Cooper Landing, Alaska 99572

February 22, 1997

Thank you very much for inviting me to today's 1 P.M. House Resources Committee public hearing on HB 28. I am unable to attend the teleconference at the Kenai LIO.

I am opposed to HB 28, the repealing of the Alaska Coastal Management Program, and ask all who represent our coastal areas and their vast natural resources to oppose HB 28 also.

I live in Cooper Landing, a small unincorporated village, located in the headwaters of the Kenai River. Tourism is the economic life blood of this area and tourism only exists because of our clean waters, fresh mountain air and the natural bounties that those produce. The waters of the Cooper Landing Area produce 20 to 30 percent of Kenai River sockeye salmon and thus are a major source of the Upper Cook Inlet commercial fisheries harvest.

Because we live in an unincorporated area we dependent on the Kenai Peninsula Borough for government. Through the Kenai Peninsula Borough Coastal Management Program local citizen can interact with Federal, State and KPB managers to best manage our coastal resource for the benefit of our area. If we lose the Coastal Management Program we will lose a large part of our ability to effect Federal and State decisions and those managers will lose the vast local knowledge that local citizens and governments bring to the table.

I want to thank you for this opportunity to participate and ask you to listen to the voices of Alaska's coastal people. Please leave the Alaska Coastal Management Program intact for the benefit of all Alaskans.

Thank You,



Bill Stockwell  
P.O. Box 721  
Cooper Landing, AK 99572

Phone and Fax: (907) 595-1540

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NEWS

# INSIDE

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—REUTERS

# Therriault goes after coastal program

## Says office is duplicative, cumbersome

State Rep. Gene Therriault, R-North Pole, is trying to kill off Alaska's Coastal Zone Management program. With stiff opposition from the governor's office, he might have to look at overriding a veto to do it.

CZM is a kind of national planning and zoning law sponsored by the federal government for coastal areas.

The principle behind CZM is based on the perception that much of our ecologically sensitive coastline is thinly inhabited and has no potent municipal or regional government to deal with powerful development corporations or the U.S. Army Corps of Engineers when they focus on a project.

The CZM creates regional councils coordinated through a staff in the governor's office. The federal government pays about half the costs of the operation, and the state pays the other half. It basically covers activities within 50 miles of the coast.

The original legislation to establish CZM back in the 1970s defined "coastal zone" in such a way that it would have included all of Alaska right up to the summit of Denali, clearly revealing an intent in the program's founders to be as meddlesome as they possibly could.



Fred Pratt

Therriault is sponsoring HB 28, a simple repeal of the program. The bill had its first hearing in the House Resources Committee Feb. 13, and it is scheduled for another hearing on the Legislature's teleconference system at 1 p.m. tomorrow at the Fairbanks Legislative Information Office.

Therriault told the committee last week the bill grew from his efforts to streamline the bureaucracy and cut budgets in the Department of Natural Resources. He added that Congress mandated changes and expansion of the program in 1990, actions that are still pending, so it will likely cost even more money in the future.

"A number of state and federal actions have diminished the need for the program," Therriault told the committee. "My starting point is to challenge the mere existence of the program."

He cites the Federal Clean Air Act, Clean Water Act, wetlands protections and other laws he says now offer much the same protections as CZM, which creates unnecessary duplication of effort and stretches the permit process out over a longer time.

Therriault also pointed to the quarterly reports the Legislature gets from the Department of Law on current litigation. "I'm struck by the number of cases involving determinations of Coastal Policy Council," he noted. "One involves a trapping cabin in north-west area. The permit was granted, an appeal was made to Coastal Policy Council and the matter is now in court."

The action against the cabin was provoked by "a desire in that area of the state to restrict people from hunting in that area," Therriault said. The CZM is being utilized by people wishing to restrict hunting and fishing activities, which is the job of the Department of Fish and Game through the process that agency has established.

Therriault also said many district councils simply adopted all regulations of a particular department, meaning that in the CZM review is simply redundant or unnecessary conflict in whose interpretation of regulations are correct.

Critics also point out that the regional councils appointed and administrated by the governor's office become a breeding ground for tendentious special interests. They are not as open to broad public influence as a real municipality or local planning board, and they work for Juneau paid for in part by money from Congress.

Diane Mayer, director of Division of Government Coordination in governor's Office of Manage-

ment and Budget, told the committee that Gov. Tony Knowles strongly opposed the bill. She stressed the need for CZM to coordinate actions by state agencies in a way that gives the state and local communities a strong role in federal projects.

Mayer offered contradictory arguments to keep CZM. She said it's no trouble for developers because it almost always approves any applications, but then said it's important because it gives local residents valuable leverage over development projects.

But the witness list was stacked against her last week.

Harry Noah, who headed DNR under former Gov. Walter Hickel, told the committee that this valuable coordinating function can be carried on without the CZM program.

Noah emphasized that federal dollars may pay half the cost of the CZM staff, but there's also a cost to state agencies for "a tremendous effort within the agencies to deal with the program."

"All the energy spent on this issue is a hidden cost, cumulatively very large, and also a cost to the applicant," Noah stressed.

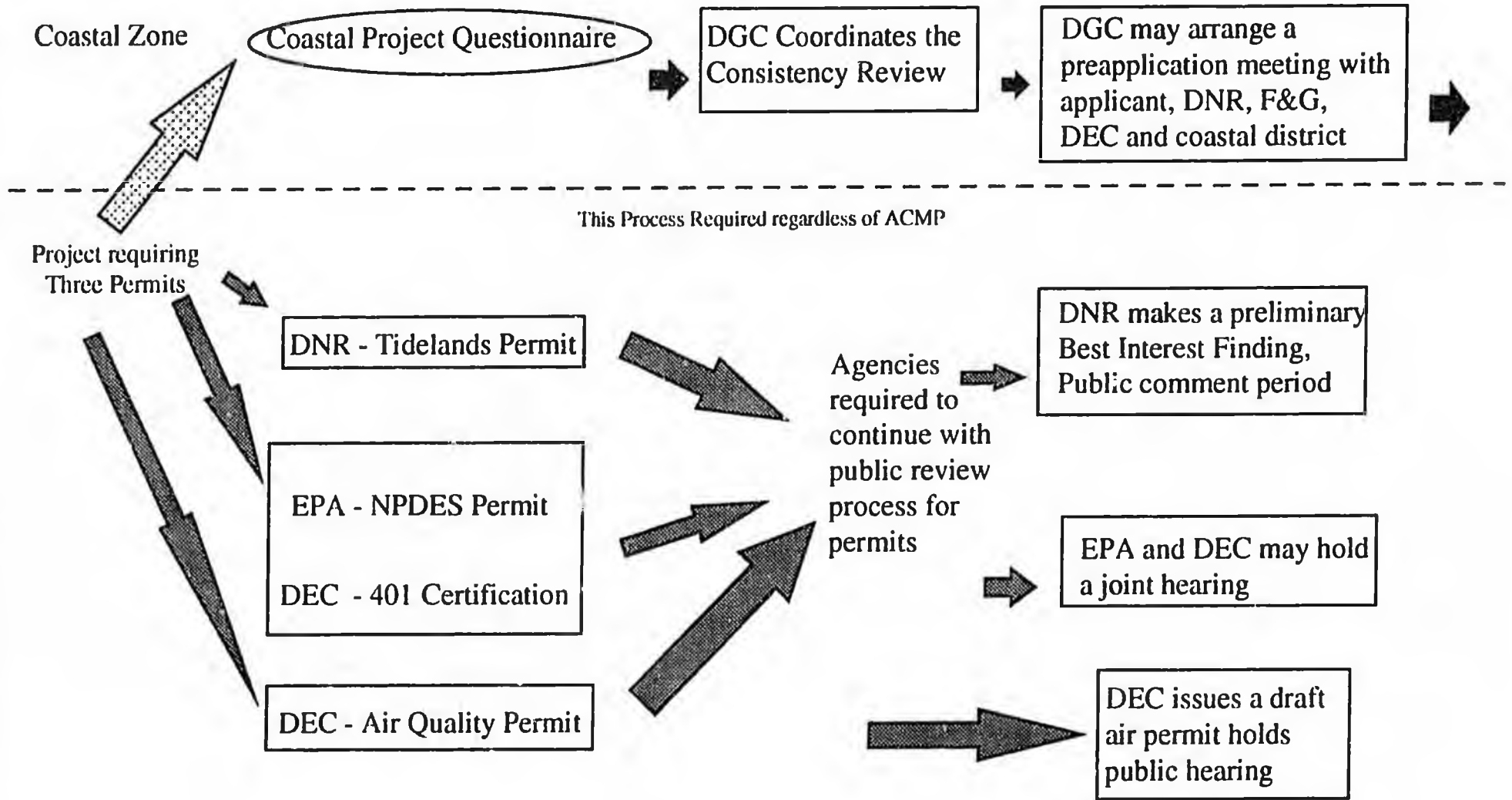
Therriault's bill was also supported by a former co-chair of the statewide CZM Alaska Coastal Policy Council.

The testimony last week was by invitation only, but the hearing tomorrow will be open to all.

Fred Pratt, a Fairbanks freelance writer, is a long-time reporter and observer of Alaska politics.

2/21/97 Fairbanks Daily Newsminer

# Hypothetical permit review process



50 Day review begins, may be stopped at day 25 if there is a need for additional information



DGC, DNR, DEC, F&G, local district, and special interest groups meet (F&G participates through ACMP and given due deference for Habitat issues)



Possible project stipulations placed upon the permit in order for project to be determined consistent:

- Mitigation for potential habitat impacts - moose population studies or suspension of project during calving season
- limitations on air emissions proposed by the district or an agency other than DEC
- controls on land clearing activities



AGENCIES issue final permit decisions



*ACMP meetings take permit writers away from the regular permit process to deal with ACMP issues*

Agencies, district or applicant may disagree with stipulations or determination - appeal to director level

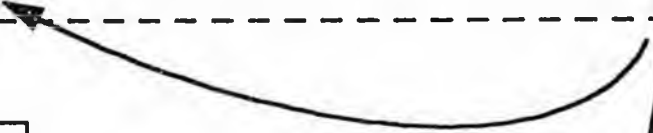
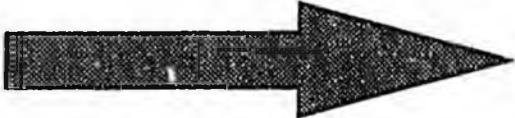
May elevate to the Commissioner level, resource agencies' Commissioners spending time on issues that are more of a local concern

Petition to Coastal Policy Council, eligible applicants:  
• community members  
• agencies  
• applicant

Possible remand back to agencies

Administrative appeals - Elevations to the director and Commissioner

Superior court



## COASTAL MANAGEMENT

- Short of elimination of the federal CZM law, consistency determinations will be required for development in Alaska--so who should do the consistency review?
- With almost 15 years experience coordinating CZM consistency reviews, under AS 44.19.145 (a) (11), DGC has shown it is the superior agency for coordinating the consistency process.
- DGC can assist large and small developers with CZM review.
- At the applicant's request, DGC should do project review and coordination, even for activities and projects outside the coastal zone.
- ~~Eliminate any and all petitions (appeals), to the Coastal Policy Council.~~
- Review the functions at DGC and prioritize in terms of value.
- Eliminate all non-critical tasks at DGC, regardless of funding sources.
- There seems to be broad support for the proposition that DGC is the superior agency to conduct the consistency review for projects.
- Projects and project approval matters to developers, not individual permits.
- Elimination of the Coastal Policy Counsel may increase administrative accountability at DGC and save money.
- At this point in time, it is worthwhile to consider elimination of all the coastal management planning positions and other positions that do not directly support consistency review. The agencies and commissioners working through the DGC can do all necessary planning and adoption of standards. Adoption of this model should increase the accuracy of standards and insure that standards are relevant to Alaska conditions.

- Once a project consistency determination is rendered by DGC, all agencies should issue necessary permits within the time periods required under 6 AAC 50.

- Appeals stemming from a project should only be allowed to the Superior Court and only within 30 days of the consistency determination (eliminate appeals from individual agencies, if possible).



- Provide necessary software and hardware to municipalities, industry groups, and environmental organizations (also through Leg. Info. Offices), so that interested parties can easily comment on pending projects. It's obvious by now that an electronic coastal "network" is more useful than individual governmental coastal districts, not to mention cheaper. Establish an electronic network for government workers in cities, boroughs and rural regions, even while phasing out funding for these workers. If the network is intact when the positions are eliminated, the more savvy governments will still find a way to get legitimate comments into DGC through the network.



- The RSA from DGC to the Department of Law should be scrutinized. If the RSA is open ended, it's subject to abuse, even if it passes through federal funds. The coastal management RSA for legal services ought to be a draw down with payment for services rendered. This will increase accountability and perhaps allow for allocation of federal funds into more productive uses than legal services.

- Any request for DGC or other agencies to keep programmatic receipts (and charge applicants for reviewing projects), ought to be scrutinized carefully. Why should developers, be they large or small, pay for coordination of a governmental response? If the government needs technical or arcane information, they can probably require outsourcing at the applicants expense without the program receipt authorization (see.e.g., AS 44.19.145 (b) (3)).



- Get Community and Regional Affairs out of CZM. The only thing that really matters for a successful CZM program in Alaska are adoption of Alaska specific standards and coordination of project review through DGC. Let the new electronic network pick up the local governments concerns. The same network can be used to

gather information for the Commissioners and Governor before adopting or changing standards.

- Get rid of unnecessary DGC administrative positions (e.g., Admin. Officer), that do not directly support Project Analysts. The DGC administrative functions can be completed by someone else at OMB or the Office of the Governor. It really is time that agencies started doing more with less in areas like administrative services. The logistical tail of the bureaucracy is too long.
- Take a hard look at ANILCA coordination via DGC as well as Alaska Land Use Council (if that is still intact). It may or may not be good a good use of General Fund moneys to support ANILCA and AK Land Use Council reviews.

DRAFT

A COMPARISON OF COASTAL ZONE MANAGEMENT  
AND PERMITTING PROCEDURES IN WEST COAST STATES:

Alaska, California, Oregon and Washington

OFFICE OF  
MANAGEMENT & BUDGET  
MAR 16 1993  
GOVERNMENTAL  
COORDINATION

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## EXECUTIVE SUMMARY

The purpose of this paper is to examine the coastal zone management programs of California, Oregon, and Washington and to compare these programs with the Alaska Coastal Management Program. In particular, the paper focuses on the state's permitting procedures for proposed projects in the coastal zone.

- Coastal management programs are in place in all four states.
- The coastal zone is now widely recognized in law and practice as an important place deserving of protection due to high resource values, although the width of the coastal area subject to planning varies greatly by state.
- All four states delegate substantial planning and implementation authority to local coastal governments.
- The states' programs differ greatly in terms of permitting processes and the distribution of decision-making authority between State and local government. Local governments with approved programs or plans in California, Oregon and Washington are delegated permitting authority; local governments with approved programs in Alaska participate as a reviewer in the state coordinated process.
- Permit review processes and requirements vary greatly among the four states. In comparison with the other coastal states, Alaska has an efficient and expedient permit review process. Alaska is the only state that offers a "one-stop shopping" approach to permitting, which greatly simplifies the permitting for applicants. In other states, reviewing agencies and local governments often conduct independent reviews according to their own timelines and procedures. Alaska provides a systematic process to coordinate these separate authorities with one agency, the Division of Governmental Coordination, designated to mediate conflicts and render decisions. The review process also provides for easy access and participation in the decision process by applicants.

- Examining the outcome of permit review is one method to ascertain how development and environmental protection concerns are balanced. In all four states, relatively few permits are denied, but the issuance of permits with conditions is quite common. In most instances, permit conditions are required to reduce negative effects of the specific projects being proposed.
- Alaska provides permitting services with no direct charge to applicants. In other states, a fee is normally charged to defray the costs of processing a permit application. Actual costs vary depending on the activity and proposed location.
- All states have implemented procedures to simplify the permit process. Procedures include waivers for activities with minimal impacts, reduction of permit paperwork and interagency meetings.

## Introduction

The purpose of this paper is to examine the coastal management programs of California, Oregon, and Washington, and to compare these programs with the Alaska Coastal Management Program. In particular, the paper focuses on the State's permitting procedures for proposed projects in the coastal zone.

A programmatic comparison of this type is of interest for several reasons. The coastal zone is now widely recognized in law and practice as an important place deserving of protection due to high resource values. It is these same high resource values that provide numerous opportunities for resource development and, hence, the potential for conflict between protection and development interests. Examining a state's coastal program provides insight as to how resource development is balanced with resource protection.

The permitting process, in particular, is of interest in examining this balance. As the complex of state, federal and local environmental regulations has multiplied over the last two decades, developers have increasingly faced problems of confusing and duplicative permit requirements and delays in receiving permit approval. How well a state can eliminate regulatory overburden and streamline its review process while simultaneously providing necessary resource safeguards, provides one measure of success.

Another variable component of coastal programs concerns how state and local interests are weighed and how decision-making authority is distributed. Historically, many coastal programs were initially fueled by feelings of distrust for local government and dissatisfaction with past performance on land use control in the coastal zone. The check and balance and coordination, or lack thereof, between state and local interests can also influence the balance between protection and development.

Following is a state-by-state description of the legal framework for coastal programs, permit review processes, permit statistics and permit simplification efforts. These descriptions are followed by a comparative summary of key points and a table which summarizes key program parameters, by state.

## ALASKA

Federal Approval Date: July 1979

### Program Description

The Alaska Coastal Management Program (ACMP) is based on the Alaska Coastal Management Act (ACMA) of 1977. The ACMA created the Alaska Coastal Policy Council (CPC), which is composed of six State agency heads, the director of the Division of Governmental Coordination (DGC), and nine local government representatives. The DGC, a unit of the Office of the Governor, provides staff assistance to the CPC and administers the ACMP. Under the ACMP, local governments and specially organized coastal resource service areas (CRSA) develop locally specific coastal management programs. The inland coastal zone boundary is based on biophysical relationships and generally follows the 1,000-foot elevation contour. During district program development, boundaries may be set more specifically. A local district program becomes effective, for permitting purposes, once the CPC and the federal coastal management agency review and approve the program.

The ACMP is a networked program that relies on eight State departments: Commerce and Economic Development (DCED), Community and Regional Affairs (DCRA), Environmental Conservation (DEC), Fish and Game (DFG), Law (DOL), Natural Resources (DNR), Transportation and Public Facilities (DOT/PF), and the DGC.

### Permit Review Process

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. The consistency review process is based on the ACMP and is designed to improve management of Alaska's coastal land and water uses. Regulations regarding the review process are found in Alaska Administrative Code 6 AAC 50.

Once a local coastal district has an approved program, any project proposed within the coastal zone of that district must be consistent with the district plan. In the absence of a local program, projects must be consistent with the 12 standards of the State plan. Standards are in place for coastal development, energy facilities, habitat and air, land and water quality, among others.

The DGC coordinates the consistency review if a proposed project needs a federal permit or permits from more than one State

agency. Federal consistency reviews are also coordinated by DGC. If permits from only one State agency are required, the State agency responsible for issuing those permits coordinates the review. Participants in the review process include the applicant, State resource agencies, the DGC, the affected local coastal community and any other interested party.

All applicants must complete a Coastal Policy Questionnaire (CPQ) and submit it, along with copies of applications for any other necessary State or federal permits, to the coordinating agency. No fee is required by the State to review the project for consistency, although individual agencies may charge processing fees for their permits. Services provided by DGC during a project review include soliciting comments from interested parties, paying for legal notices, distributing project information and materials, arranging for public meetings, and mediating applicant and agency disagreement. All these functions are performed with no direct charge to the applicant.

A consistency review begins upon receipt of a completed application packet. A 30-day review occurs if public notice is not required and if all associated State permits can be issued within 30 days. A 50-day review occurs if the project requires a permit that requires public notice.

At the conclusion of either Day 30 or Day 50, a conclusive consistency determination is issued, unless the proposed decision has been elevated (appealed) for further review. Only the applicant, State resource agencies and an affected coastal district with an approved program may request elevation.

There are two levels of elevation within the consistency review process. Proposed determinations are first reviewed by the directors of the State resource agencies. If a consensus is not reached at the director level, the decision may be elevated to the commissioners of the state resource agencies. The commissioner-level review is the final step in the 6 AAC 50 regulatory appeal process. Each elevation review can take no longer than 15 days.

At the conclusion of the consistency review, all State permits must be issued within 5 days, unless additional review is necessary to fulfill statutory responsibilities (e.g., a DNR permit that involves a disposal of interest in State land). Under current statute and procedures, certain parties (district, agency, citizens of districts) can appeal a state or local consistency review decision to the CPC within 15 days. A "petition" to the CPC is the final step in the administrative appeal process.

### Permit Statistics

DGC coordinates the review of approximately 580 projects annually, 90 of which are direct federal actions. Since 1984 when the permitting process was established, about 3,500 projects have been reviewed with 19 projects denied and state concurrence withheld in three direct federal actions. The State added consistency conditions to projects 70% of the time and added modifications for concurrence with direct federal actions 40% of the time. DGC coordinates reviews within an average of just 28 and 43 days, under the 30-day and 50-day consistency review schedules, respectively. Statistics are not available on project review timeframes or numbers handled by local governments or other state agencies.

### Permit Simplification

The State of Alaska has identified certain permits and projects that qualify for expedited consistency review. These permits and projects are considered to be categorically consistent (automatically consistent due to de minimis effects on coastal resources) or having general concurrence (consistent if a standard set of stipulations are adhered to). Currently, the State identifies 32 categorically consistent permits or approvals and 77 generally concurrent projects.

## CALIFORNIA

Federal Approval Date: Bay Conservation and Development  
Commission - February 1977  
California Coastal Commission - November  
1977

### Program Description

The California Coastal Management Program (CCMP) is consists of two segments: the San Francisco Bay segment, administered by the San Francisco Bay Conservation and Development Commission (BCDC); and the remainder of the coast, administered by the California Coastal Commission (CCC). This discussion focuses on activities of the CCC because it covers a broader area.

The CCC is the lead agency for implementing Section 306 of the Coastal Zone Management Act. It is a permanent State coastal management and regulatory agency with twelve voting members and three non-voting members. Six of the voting members are "public members", and six are local elected officials from coastal districts. The three non-voting members represent the State agencies of Resources, State Lands Commission, and Business and Transportation.

The CCC administers the California Coastal Act of 1976, as amended, which established a coastal permit program and required that all coastal cities and counties prepare Local Coastal Programs (LCP's). The Act sets forth policies on public access, recreation, marine environment, land resources, development, and industrial development, and created a Coastal Commission responsible for ensuring that the coastal policies are met in the planning and regulatory processes. The LCP's are the specific long-term management plans proposed by each of the coastal cities and counties for its section of the coast. Each LCP consists of a land use plan, zoning ordinances, and other implementing actions. The CCC reviews each LCP to ensure that it conforms with Coastal Act standards. LCP's which meet all requirements are then certified (approved) by the CCC.

The coastal zone area governed by the Act is approximately 1,000 yards inland from the mean high tide line or, in areas of significant coastal resources, inland up to five miles and seaward to the limit of the territorial sea.

### Permit Review Process

Most new development activity in the coastal zone must be authorized by a coastal permit from the local government with a certified LCP or from the CCC in areas without a certified LCP. The CCC also retains permit authority for any development

proposed or undertaken in the immediate shorelands (i.e., tidelands, submerged lands, and public trust lands) and exercises federal consistency responsibilities. The Coastal Act policies or the policies in a certified LCP establish criteria for granting or denying permits.

While local coastal development permit programs vary, each program is required to include specific elements, including application forms, a discretionary body to review applications and issue permits, and procedures to provide notice, public comment, and permit appeals. To allow for appeals, coastal development permits issued by local governments cannot be issued until all local appeals are exhausted and become effective in 20 working days after receipt of the permit decision by the CCC, if no appeals are filed.

Any aggrieved party may appeal to the CCC, certain types of local government decisions made under a certified LCP. In addition, any aggrieved party has the right to seek judicial review of local government actions and CCC decisions. Upon receipt of an appeal, a hearing to discuss the merits of the appeal is scheduled for the next CCC meeting, or as soon thereafter as practical. After the CCC makes a decision on the appeal, it has 10 days to notify interested parties.

Appeals of local decisions can be made to the commission only for approvals granted to developments that lie within certain areas. Grounds for appealing such developments are limited to six cases: 1) failure to provide for or interference with access, 2) failure to protect public view, 3) incompatibility with established physical scale, 4) significant alteration of natural landforms, 5) failure to comply with shoreline erosion or geological setback requirements, or 6) lack of conformity with the certified LCP.

Persons can obtain permits from the CCC by several different procedures. Applicants must first submit an application and processing fees (ranging from \$25 to \$2,500) to the CCC. The application is reviewed by the district coastal staff and placed on the CCC agenda for the earliest possible meeting, but no later than 49 days following the filing of the application. Commission staff determine if the application is put on either the consent or administrative calendar or whether it must receive a full public hearing. Persons known or thought to be interested in the application are notified by the CCC.

California does not have a "one-stop shopping" permit program. When a proposed project requires a permit from one or more cities, counties, other state agencies, or local governments, the permit

application is not accepted unless all agencies have granted, at a minimum, their preliminary approvals. Exceptions may be made for certain projects, including those where impacts on coastal resources could be a major factor in the decision of a State or local agency.

Administrative permits may be granted by the executive director for projects which are minor new developments, such as additions to existing structures (not exceeding \$50,000 in cost), single family residences, or multi-family projects of four units or less. The Coastal Act requires that all administrative permits be reported to the Commission at its next meeting before they take effect. Administrative permits are reported on the administrative calendar. If four or more commissioners request a public hearing of a project, the project is removed from the administrative calendar and scheduled for a public hearing and possible vote at the next regular commission meeting. Conditions may be attached to an administrative permit. Applicants and other interested parties may speak in support or opposition to the project or its conditions.

Projects considered by staff to be consistent with the Coastal Act (de minimis activities), but which do not qualify for the administrative calendar, may be placed on the consent calendar. Projects on the consent calendar are approved by the commission with a single vote for the entire calendar. If three or more commissioners wish to pull an item off consent, the item normally is rescheduled for a regular public hearing and possible vote at the next regular commission meeting. Conditions may be attached to consent calendar permits.

Projects potentially inconsistent with the Coastal Act or projects that can be approved only with conditions for which there are no clear precedents are placed on the regular calendar and are considered during a full public hearing. Persons supporting or opposing the project may tell the commission why they think the project is or is not consistent with the Act. Projects on the regular calendar normally are scheduled for continued hearing and voting at the next regular commission meeting, or no later than 21 days following conclusion of the public hearing. On some projects, the staff may have enough information to make a preliminary recommendation for approval after the public hearing. In that case, the commission may vote that day and not postpone the decision.

An applicant may request that the commission reconsider its previous action on a permit any time within 30 days following the CCC decision. The applicant must show relevant new evidence that could not have reasonably been presented at the original hearing or must show an error of fact or law. Only the applicant and persons who participated in the original proceedings are eligible to testify.

### Permit Statistics

During the first half of 1990, the CCC acted on 561 permit items, of which 20 (4%) were denied. Although statistics are not kept, it is estimated that 80-90% of projects reviewed by the CCC are approved with conditions and that most coastal development permits are obtained within 49 days, although actual time varies greatly. In addition, a total of 371 waivers were processed, and 31 non-energy federal consistency items were reviewed. During this same period, local governments issued 873 coast permits, of which 14 (2%) were appealed to the CCC. Statistics are not available regarding review timeframes or numbers of permits issued with conditions by local governments.

### Permit Simplification

The CCC has increased the use of waivers to simplify its review of small projects. Projects that qualify for waivers do not need a coastal permit. The decision as to whether a project qualifies for a waiver is made on a case by case basis. The CCC does not maintain a list of activities or approvals that always qualify for a waiver.

The California program also allows for categorical exclusions, which allow certain categories of development within specific geographic areas to be excluded from permit requirements. To further reduce paperwork, the CCC staff also advises applicants with projects that appear to qualify for a waiver not to submit a permit fee with the application. Thus, if the project qualifies for a waiver, the CCC avoids the step of refunding the permit fee.

## OREGON

Federal Approval Date: May 1977

### Program Description

The Oregon Coastal Management Program (OCMP) is part of Oregon's statewide program for coordinated land use planning. The OCMP is a networked program that is based on four entities: Oregon Land Use Planning Act (Act) of 1973; regulations for the 19 statewide planning goals, including 4 specific to the coastal zone, as adopted by the Land Conservation and Development Commission (LCDC); 41 comprehensive local coastal management plans approved by the LCDC; and statutes and rules of various State agencies. The Act established the LCDC and its staff, the Department of Land Conservation and Development, which is the lead agency for coastal management. The LCDC is a 7-member, unpaid, lay board appointed by the governor, subject to Senate confirmation. The LCDC has the authority to adopt goals and guidelines to provide direction for the OCMP and the comprehensive local coastal management plans. Together with the LCDC, the State implements the OCMP through the coordinated responsibilities of several State agencies. A separate permit for coastal development activities is not required.

All units of government are required to coordinate their actions affecting land use with affected citizens and with local, State and federal agencies. Also, every coastal city and county is required to adopt a plan consistent with the goals promulgated by the LCDC. After acknowledgement (approval) of a local comprehensive plan by the LCDC, including a component that meets state coastal planning goals, the plan takes on the force of law and replaces the statewide goals. Principal agencies assisting LCDC are the Division of State Lands, and the Departments of Fish and Wildlife, Transportation, Energy, Parks and Recreation, and Environmental Quality. The coastal zone boundary is the watershed from the crest of the coastal mountain range to the seaward three-mile jurisdictional boundary and includes all coastal counties in their entirety or portions thereof (i.e. Lane and Douglas counties).

### II. Permit Review Process

Persons wishing to conduct a development activity in the coastal zone must first submit an application and necessary fees to the local government. Fees vary depending upon activity and location. Federal consistency reviews are conducted through Department of Land Conservation and Development. The DLCD is the only State agency authorized to comment officially on federal consistency determinations.

Oregon Revised Statutes 215.416 and 227.175 require the local government to establish a consolidated procedure whereby an applicant applies at one time for all local permits needed for a development project. This procedure is to be established no later than the time of the first periodic review of the comprehensive plan and land use regulations, which occurs two to five years after acknowledgement.

After submittal, the application is issued for public notice, and a public hearing is held. The planning commission or hearing official usually makes a decision based on set standards and criteria. The project must be consistent with the local comprehensive plan. The permit decision may be appealed to the city council or county board of commissioners. Another hearing may be held during this appeal.

Oregon Revised Statutes 215.428 and 227.178 require the governing body of a county, city, or its designate to take final action on an application for a local permit, including the resolution of appeals, within 120 days after the application is considered complete. If final action is not taken within that 120-day period, an applicant may apply in the Circuit court of the county or city where the application was filed for a writ of mandamus to compel the governing body or its designate to take action.

City and county land use decisions are final unless they are appealed to the Land Use Board of Appeals (LUBA). LUBA is a panel of three "referees" appointed by the governor and confirmed by the Oregon Senate. Almost all appeals involving local land use decisions go to LUBA rather than Circuit or District courts. Persons or other parties, including cities, counties, and State and federal agencies, who are aggrieved or whose interests are affected by a land use decision have standing to file an appeal to LUBA. To have standing, an appellant must have participated in the local proceedings and must also petition for review within 21 days after the decision is made. In general, third parties have been very active in Oregon's permitting process.

A review by LUBA is limited to determining whether the city or county has properly applied the relevant standards and has enough evidence to support its decision. As a result of its review, LUBA may affirm, reverse or remand the land use decision. State Circuit courts retain jurisdiction to grant declaratory, injunctive, or mandatory relief in proceedings arising from decisions involving a comprehensive plan provision or proceedings to enforce the provisions of an adopted comprehensive plan or land use regulations. The DLCD is specifically authorized by statute to appeal land use decisions in which it has participated or to intervene in LUBA cases in which it has an interest. However, DLCD usually defers to decisions made by affected local governments or State permit agencies.

State agencies with regulatory authorities should assist local governments and other State agencies by commenting on the consistency of specific land use decisions and proposed comprehensive plans with agency policies and standards. While comprehensive plans do not preempt State agency review of individual actions, the consideration of these standards during plan development simplify permit review and reduce conflict over permit decisions.

The LCDC's State Permit Consistency Rule (OAR 660-31) divides State agency permitting decisions affecting land use into two categories. Class A permits provide an opportunity for the public to request a public hearing. In most instances, the agency develops findings of fact whether the issuance of a permit is "consistent" with the acknowledged comprehensive plan or with the statewide planning goals. For Class B permits, the agency must either make this determination or advise the applicant that a land use approval may be required from the appropriate local government. State agencies may rely on the local government's written determination if it demonstrates compliance with the acknowledged plan. The review timeframes for State permits vary based on regulatory requirements for each permit. No single timeframe applies to all permits and, therefore, the time necessary to obtain all the required permits varies considerably.

Once the local approval is obtained and necessary State permits issued, the DLCD determines if the project is consistent with the OCMP. Once a consistent determination is made, the Corps of Engineers can proceed with their permit decision. Oregon does not have a "one-stop shopping" permit program, although it does emphasize interagency review and interaction.

#### Permit Statistics

During the first six months of 1990, the Department of Land Conservation and Development (DLCD) reviewed 40 State permits in an average of 17 days, with two denials and 12 (30%) approved with conditions. During this same period, the DLCD also reviewed 58 federal consistency determinations (excluding federal financial assistance actions) in an average of 15 days, with two findings of nonconcurrence and 10 (18%) concurred with after modification. Statistics regarding permit actions by local governments are not available.

#### Permit Simplification

Recent action by the state legislature will help simplify the regulation of wetlands. Senate Bill (SB) 3, among other things, gives authority to the Division of State Lands (DSL) to adopt "wetland construction plans" that will be implemented jointly by the division and affected local governments. SB 3 will help resolve an overlap between the state's land use planning program and the Removal Fill Law.

Currently, DSL through its review of individual removal-fill permits is, in essence, required to reconsider a State-approved land use plan's decision to designate an area for development. As enacted, SB 3 has DSL sign off on the existing State-approved estuary plans and narrows the scope of individual permit reviews to deal with just project-specific impacts. The COE and DSL also developed a joint application form for fill permits to assist applicants in the permitting process. To facilitate interagency coordination, DLCD and other agencies attend a monthly Statewide Interagency Meeting (SWIM). The SWIM gives potential permit applicants an opportunity to present their project to agencies which will be reviewing a subsequent application. The SWIM allows for interagency coordination to begin early, thus helping to ensure timely review of the application upon submittal.

## WASHINGTON

Federal Approval Date: June 1976

### Program Description

Washington was the first state to receive Federal approval of its coastal management program. The Washington Coastal Management Program (WCMP) is based on the State's Shoreline Management Act (SMA) of 1971, which established broad guidelines for the protection and management of all of the State's marine waters, and certain lakes, streams and wetlands. The Act also required that local governments (cities and counties) prepare Shoreline Master Programs (SMP's) under the supervision and guidance of the State Department of Ecology. The programs provide the framework for issuing permits for shoreline development. All of Washington's local coastal programs have been approved and are currently in effect.

The WCMP is a networked program involving several State agencies, 15 counties and 36 cities, with the Department of Ecology (DOE) acting as the lead agency. The Washington State Departments of Natural Resources, Fish, Game, Highways, Parks and Recreation, Archaeology and Historic Preservation, and Emergency Services support and participate in the implementation of the WCMP.

The coastal zone boundary embodies a two-tier approach. The first tier, a resource boundary area of permit authority under the SMA, includes all of the State's marine waters and associated wetlands. The upland area subject to local planning is 200 feet. The second tier, a planning and administrative area, is composed of the region upland from the first tier to the crest of the coastal range. The coastal zone includes portions of all 15 coastal counties.

### Permit Review Process

Following approval of its master program, local government is required to administer and enforce a procedure for issuing permits for activities in the shoreline area. The SMA requires that most shoreline developments, including upland uses within 200 feet of the water's edge, be regulated by locally issued permits. These developments must be consistent with the Act and the approved master program for the area. Each local government has a system of permitting for shoreline development. Federal consistency reviews are conducted by the DOE.

There are three types of shoreline permits: substantial development permit (SDP), conditional use permit (CUP), and variance permit. The SDP's are issued by the local government and the others by the DOE. In addition, certain activities such as

bulkheads for single family residences are exempt from the permit process.

Substantial development permits are issued for any development for which the total cost or fair market value exceeds \$2,500 or any development which materially interferes with the normal use of the water or shorelines of the state.

A conditional use permit allows greater flexibility in the application of the use regulations in the master program to a proposed development, but does not authorize a use that is specifically prohibited by a local plan. The Act also authorizes deviation from specific bulk, dimensional or performance standards through variance permits. These are granted only where extraordinary or unique circumstances exist.

Applicants needing a substantial development permit must first submit an application and necessary fees to the local government. Fee requirements vary depending on activity and location. Concurrent with the application, the local jurisdiction must initiate the process which documents compliance with the State Environmental Policy Act (SEPA).

The Act defers to local government discretion in structuring a permit process, but certain elements must be contained in all programs. Once an application is submitted, the local government must solicit public comment and publish notices. A public hearing may also be held and is typically required for large or controversial projects. The local government then makes a permit decision and sends the decision to the DOE. The substantial development permits are monitored and reviewed by the DOE to ensure they are consistent with the Act. The State reviews the local decision and has 30 days to approve the decision or appeal it to the Shoreline Hearing Board (SHB). The local government cannot take action during the 30 days. Permit decisions may also be appealed by the public, local government or applicant. The board, a quasi-judicial body with six members representing citizen interests, has appellate jurisdiction over permit processing. Decisions of the Board can be appealed to the Superior Court of the State of Washington.

A conditional use permit or variance permit review proceeds in a similar manner, except that the DOE must approve or disapprove, rather than just review the permit. Decisions on these types of permits may also be appealed to the Board and the Superior Court.

#### Permit Statistics

The DOE staff indicate that approximately 1,000 projects are reviewed each year with 2-3% denied and 70-80% approved with conditions. Of this total 3-4% are appealed to the Board. There is no set maximum timeframe for local decisions on shoreline

development permits, but timeframes are typically 75 days for substantial development permits and 105 days for conditional use and variance permits, without appeal.

#### Permit Simplification

The success of the WCMP depends on communication and cooperation among the DOE and local planning and other departments that administer the SMP's. To further this cooperation and to provide assistance in program implementation, the DOE recently published a Shoreline Management Guidebook that includes a Shoreline Administrative Manual to assist in permitting. The manual provides the "nuts and bolts" of shoreline management including laws, regulations, procedures and policies.

## COMPARATIVE SUMMARY

The coastal programs of the western states are each unique, yet share significant components. Alaska, California and Oregon all have large coastal zones that encompass broad land areas. Conversely, Washington has a narrow coastal zone and only limited upland jurisdiction beyond that zone. All four states delegate substantial coastal planning authority to local governments, although local coastal plans must be approved by the states and meet certain criteria before the plans have the force of law. California is the only state to create a new state commission, the California Coastal Commission (CCC), to oversee and implement the coastal program, although Oregon did establish an independent commission, the Land Conservation and Development Commission, for oversight. Washington bestowed implementing authority on an established State agency, the Department of Ecology (DOE). Alaska implements the coastal program through the Division of Governmental Coordination, a new coordination agency within the Governor's Office, created in 1984.

Once local governments have approved local coastal programs, California, Oregon and Washington delegate permitting authority to them. In California, local governments have the authority to approve certain types of development, although the CCC retains permit authority in certain areas. The CCC also maintains a hand in local decision making through a limited permit appeals process.

In Oregon, local governments review projects and make land use decisions, although these decisions may be monitored by the State. The DOE maintains supervisory authority and monitors permits issued by local governments in Washington.

In Alaska, local governments with approved coastal programs are not delegated permitting authority but actively participate in review of all proposed development in the coastal zone.

The procedures for the review and issuance of permits vary greatly from state to state. It is difficult to directly compare permit numbers or processing times because of this variation, however, some general conclusions can be drawn.

In California, coastal permits are issued by either the local government or the CCC or in some instances permits may be needed from both (e.g., onshore and offshore wetlands fill). Each review process includes public notice and comment provisions. Permits reviewed by the CCC are also subject to regulatory timeframes, although actual review time varies greatly. There are appeal provisions for all coastal permits issued, although grounds for appeal are limited.

Local governments in Oregon review and approve development activity in the coastal zone. Oregon statutes require local governments to develop a consolidated review procedure whereby applicants apply for all required permits at one time. In addition, final local action on permits, including appeals, must be taken within 120 days after completed permit applications are received. Local decisions may be appealed to the Land Use Board of Appeals.

In Washington, local governments regulate development in the coastal zone through shoreline development permits. Upon receipt of applications, public comment is sought, after which the local government makes a decision and sends it to the DOE for concurrence. The DOE has 30 days to approve the decision or request appeal to the Shoreline Hearing Board. Other parties may also appeal to the Board.

Alaska's permit review process requires applicants to work with a single State contact to obtain all the necessary State permits and consistency determination for federal permits for any proposed activity. This coordinated "one-stop shopping" feature does not exist in the other states examined. Other features of Alaska's review process include easy access and participation in the decision process by applicants, appeals to the state resource agency commissioners, coordinated review by state agencies and local coastal districts, expedient decisions and issuance of permits. Alaska's short review times and the predictability of prompt permit decisions enable project applicants to move effectively plan and schedule field construction activities.

All states require stipulations during the consistency review of most projects. Stipulations are added to project permits to reduce negative effects of development activities. In all states, relatively few permits are denied, although low denial numbers do not necessarily imply no conflict.

All states have simplified their permit programs. Alaska and California both use some form of waivers, and Alaska and Oregon both use joint permit applications. All states emphasize inter-agency coordination to facilitate sound permitting decisions and timely reviews.

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PROGRAM PARAMETERS

<u>State</u>	<u>Coastal Program Enabling Legislation</u>	<u>Participants in Coastal Program Implementation</u>	<u>Coastal Boundaries</u>	<u>Role of Local Government</u>	<u>Timeframes for Permit Reviews</u>	<u>Coastal Permits</u>	<u>Fee</u>	<u>Federal Consistency</u>
Alaska	Alaska Coastal Management Act (ACMP) of 1977	DGC, state agencies, CPC, coastal districts	Generally 1000 ft. elevation, based on bio-physical boundary	To develop local coastal district programs approved by CPC and Feds and to participate in consistency reviews.	30 or 50 days plus up to 15 days each for 2 appeals.	No - networked program implemented through existing programs	No	DGC Coordinates review
California	California Coastal Act (CCA) of 1976, as amended	California Coastal Commission (CCC) administers	1000 yards in land of mean high tide or up to 5 miles inland in areas of significant coastal resources	To prepare Local Coastal Programs (LCP's) and issue coastal permits once their programs are approved.	Variable at local level. Local decisions may be appealed to CCC with in 20 working days; CCC decisions may be reconsidered upon request within 30 days.	Yes	Yes	CCC coordinates
Oregon	Oregon Land Use Planning Act of 1973	Land Conservation and Development Commission (LCDC) and its staff, the Dept. of Land Conservation and Development (DLCD)  Other agencies: Division of State Lands, Oregon Dept. of Fish & Wildlife, Transportation, Energy, Agriculture, and Environmental Quality	The watershed from the crest of the coastal mountain range to the 3-mile seaward limit	To develop local coastal management plans (41 established). Issue permits for development once their plans are approved.	120 days (includes appeal) for locally issued permits. Timeframe for State permit actions are variable.	No	Yes	DLCD coordinates
Washington	Shoreline Management Act of 1971	Dept. of Ecology is the lead agency  Other participants: Depts. of Natural Resources, Fish, Game, Highways, Parks & Rec., Archeology and Historical Preservation, and Emergency Services; 15 counties and 36 cities.	2-tier approach, 1st - All state marine waters and associated wetlands.  2nd - From 1st tier to crest of coastal range.	To develop local (state-approved) Shoreline Master Programs (SMP's). Once approved, approve development permits in the coastal zone.	Local review timeframe variable. State has 30-days to review and approve local decisions.	Yes - Shoreline Management Permit for first tier	Yes	DOE coordinates


# Legislative Research Services

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130 Seward Street, Suite 218  
Juneau, Alaska 99801  
907/465-3991  
Fax: 907/463-3351

## FAX TRANSMISSION COVER SHEET

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**Date:** February 19, 1997  
**To:** Representative Bill Hudson  
**Fax:** 907/465-2273  
**Re:** Information on California Coastal Commission and Coastal States Organization  
**Sender:** Patricia A. Young  
Legislative Analyst 

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YOU SHOULD RECEIVE 13 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 907/465-3991.

**WARNING:** The information contained in this FAX is confidential. It is intended to be reviewed only by the individual named above. If the reader of this transmittal page is not the intended recipient or a representative of the recipient, you are hereby notified that any review, dissemination or copying of this FAX or the information contained herein is prohibited. If you have received this FAX in error, please immediately notify the sender by telephone and return this FAX to the sender at the above address. Thank you.

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Marieke,

I got the attached information from the world wide web. Specific addresses are noted.  
Phone number for CSO is 202/508-3860.

Please let us know if you need any more help on this or other topics.



### California Coastal Commission

45 Fremont Street, Suite 2000, San Francisco, CA 94105-2219 (415) 904-5200

Help Save the California Coast by Purchasing the Coastal Protection License Plate!

#### Coastal Law and Legislation

- California Coastal Act
- Questions and Answers About the California Coastal Act
- Our Permanent Responsibilities
- Other Relevant Legal Information
- Coastal Commission Legislative Office

#### Ways You Can Get Involved

- Adopt-A-Beach
- Coastal Cleanup Day
- Save Our Seas Curriculum
- Coastweeks Activities
- California Coastal Commission Environmental License Plate

#### Who We Are

#### Where We Are Located

#### Meetings

- Current Agenda
- Agenda Headings
- Meeting Rules and Procedures
- Previous Meetings
- 1997 Meeting Dates and Locations

#### Commissioners

#### Commission Publications and Maps

#### Links to Other Sites

You can now purchase t-shirts and posters to help support Adopt-A-Beach and our other coastal education programs!

AS OF 2/19/97 http://www.ca.gov/coastalcomm/web/index.html

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ANNOUNCEMENT AND CALL FOR PAPERS

MARCH 24-27, 1997
SAN DIEGO, CALIFORNIA U.S.A.



to CERES

California Resources Agency

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*This site is maintained by Murry Frown, California Coastal Commission. Special thanks to Sheila Merrigan who was instrumental in the construction of this web site*



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California Coastal Commission

**LINKS TO OTHER SITES***about the California coast and coastal zone management in general***SITES BY REGION**

CALIFORNIA GOVERNMENT SITES  
 CALIFORNIA NON-GOVERNMENT SITES  
 CALIFORNIA COUNTY/REGIONAL/STATE SITES  
 CALIFORNIA COASTAL CITY SITES  
 FEDERAL SITES  
 INTERNATIONAL SITES

**SITES BY SUBJECT**

ACADEMIC/RESEARCH SITES  
 DIRECTORIES/LISTS SITES  
 EDUCATION SITES  
 ELECTRONIC PUBLICATIONS SITES  
 ENDANGERED SPECIES SITES  
 ENVIRONMENTAL SITES  
 FISHERIES SITES  
 GEOGRAPHIC INFORMATION SYSTEM (GIS) SITES  
 POLLUTION (OCEAN)  
 SEARCH TOOLS SITES  
 WILDLIFE SITES

As of 2/19/97 <http://cores.ca.gov/coastalcomm/web/sites.html>

**SITES BY REGION****CALIFORNIA GOVERNMENT SITES**

California Codes Official site for California legislative information

California Department of Fish and Game. Information on the California Department of Fish and Game and includes links to Natural Heritage Division, Bay-Delta Division, and the Wildlife Protection Division

California Department of Parks and Recreation. This agency's mission is to provide for the health, inspiration, and education of the people of California by helping to preserve the State's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.

California Department of Transportation. This agency is responsible for the design, construction, maintenance and operation of the California State Highway System.

California Division of Tourism. The California Division of Tourism (CalTour) promotes travel to and within the state of California

California Electronic Government Information. Hypertext links and resource descriptions for over 150 California state, regional, and municipal databases available over the Internet or through dial-up bulletin board systems

California Environmental Education Interagency Network (CEEIN). Consortium of environmental educators representing California agencies with oversight responsibilities to protect California's environment

California Film Commission. The California Film Commission is charged with enhancing the economic climate in California by keeping film industry jobs in the state

California Harbor Master. Contains links to government, Coast Guard, and weather information.

California Smart Traveler. The one place on the Internet to get information on all your transportation options in California.

California State Lands Commission. Manages and protects the important natural and cultural resources on public lands within the state and the public's rights to access to such lands.

CFRES - California Environmental Resources Evaluation System

State of California Department of Forestry and Fire Protection. Fire protection and stewardship of over 31 million acres of the State's privately-owned watershed area

State of California Department of Water Resources. Provides information on snow and water conditions within the state including flood information.

State of California - Teale Data Center, GIS Technology Center. Develops and makes GIS tools and data; includes coastline and wetlands GIS maps.

**CALIFORNIA NON-GOVERNMENT SITES**

Bank of America Environment. BankAmerica's environmental commitment is applied throughout the corporation from recycling programs to credit decisions.

California Fisheries Information. Provides links to a variety of Ocean/weather/fisheries related sites.

Palo Alto Baylands Preserve. Palo Alto Baylands is a 1700 acre nature preserve comprised almost entirely of salt marsh and tidal wetlands.

San Lorenzo River Restoration Institute. The San Lorenzo River Restoration Institute (SLRRI) was formed in 1992 to advance community efforts to re-establish streamside habitat, bring back fish and bird life, and improve recreation areas in the San Lorenzo River Watershed.

**CALIFORNIA COUNTY/REGIONAL/STATE SITES**

California State.

California County and Regional

San Dieguito River Park Joint Powers Authority is authorized to create a greenway and open space park in the San Dieguito River Valley to protect the valley's unique resources while providing compatible recreational and educational opportunities for the San Diego region, including a trail for hikers, bicyclists and equestrians extending from the ocean to the river's source.

**CALIFORNIA COASTAL CITY SITES**

Arcata.

California Cities

California CityLink  
Municipal

Carlsbad.

Carmel-by-the-Sea

Access Monterey (includes Carmel-by-the-Sea)  
Welcome to the Monterey Peninsula (includes Carmel-by-the-Sea)

Catalina Island

Chula Vista.

Half Moon Bay.

Huntington Beach.

La Jolla.

Laguna Beach.

Loug Beach.

Los Angeles.

City of Los Angeles  
@L.A.

Malibu.

Manhattan Beach.

Marin County.

Marina.

Mendocino.

Monterey.

Access Monterey  
Welcome to the Monterey Peninsula.

Oceanside.

Orange County.

Pacific Beach.

Pacific Grove.

Access Monterey (including Pacific Grove).  
Welcome to the Monterey Peninsula (including Pacific Grove).

Pebble Beach.

Access Monterey (including Pebble Beach).  
Welcome to the Monterey Peninsula (including Pebble Beach)

Redondo Beach.

San Diego.

Welcome to the City of San Diego Home Page  
City of San Diego.  
San Diego CityLink.  
The San Diego Directory.

San Francisco.

San Francisco CityLink.  
CityWatch Cable Channel 54 San Francisco's Government Access Channel.  
San Francisco County Transportation Authority.

San Luis Obispo

Santa Barbara.

Santa Cruz.

Welcome to Santa Cruz  
SenseMedia, Santa Cruz.  
Santa Cruz InfoPoint.

Santa Maria.

Santa Monica.

City of Santa Monica.  
Santa Monica Web.

Sea Ranch.

Seaside.

Turtnace.

Ukiah

Watsonville



## FEDERAL SITES

Center for Coastal Ecosystem Health (CCEH). Contributes to the development of improved management strategies for achieving coastal ecological, cultural, and economic sustainability.

Channel Islands National Park. Introduces Channel Islands National Park, five islands off the coast of southern California

Coastal and Estuarine Oceanography Branch, National Ocean Service. Features the Coastal and Estuarine Oceanography Branch (CEOB) of the Office of Ocean and Earth Science, National Ocean Service, National Oceanic and Atmospheric Administration.

Coastal Hazards Assessment and Mitigation Project (CHAMP) and Wind Load Test Facility (WLTF). Provides information about the Coastal Hazards Assessment of Mitigation Project (CHAMP) and the Wind Load Test Facility (WLTF) at the Department of Civil Engineering of Clemson University in South Carolina

CoastWatch. was established to develop and distribute NOAA satellite and oceanographic data products for the U.S. West Coast to academic and governmental researchers, managers and policy makers.

Education and Public Awareness. Presents the Marine and Coastal Geology Program of the U.S. Geological Survey, which conducts marine geologic investigations of critical issues affecting the Nation, providing scientific information to managers and planners working in coastal and offshore regions.

EPA - Environmental Protection Agency.

EPA - Rules, Regulations, and Legislation. The Federal Register environmental subset

FedWorld Information Network. Comprehensive central access point for locating and acquiring government information

Monterey Bay National Marine Sanctuary. Helps protect the diverse, richly populated Monterey Bay by regulating and implementing research, education, enforcement, program planning and development, fund raising, and public outreach

National Coastal Zone Management Program. A voluntary partnership between the coastal states and the Federal government which balances coastal resource management with the promotion of sustainable coastal economic development.

National Oceanographic Data Center (NODC). One of the environmental data centers operated by the U.S. National Oceanic and Atmospheric Administration (NOAA) National repository and dissemination facility for global environmental data

NOAA Coastal Ocean Program Office. Provides scientific information to assist decision makers to meet the challenges of managing our Nation's coastal resources.

NOAA Home Page. Promoting global environmental stewardship in order to conserve and wisely manage the Nation's marine and coastal resources

NOAA Office of Ocean and Coastal Resources Management. Combines the expertise of managers and planners, scientists, and environmental advocates to balance preservation of valuable ocean and coastal resources with the need for compatible economic development of the coastal zone.

NOAA Satellite Ocean Remote Sensing (NSORS). Develops, deploys, and operates spacecraft and sensors useful to the ocean community.

Sea Grant Program. Encourages the wise stewardship of our marine resources through research, education, outreach and technology transfer.

Thomas Legislative Information on the Internet. Full text of legislation, Congressional Record, bills, and the constitution. Also provides links to the Senate, House of Representatives, C-span, and Library of Congress.

## INTERNATIONAL SITES

Global Ocean Observing System (GOOS). A scientifically-based, long-term, international program. Distributes oceanic data and products.

Marine and Coasts -- Australian Department of the Environment. Coastal and oceanic information related to Australia. Links to other Australian sites.

TOPEX/Poseidon. TOPEX/Poseidon is a cooperative project between the United States and France to develop and operate an advanced satellite system dedicated to observing the Earth's oceans

## SITES BY SUBJECT

### ACADEMIC/RESEARCH SITES

Biological Sciences Database--Marine Biology, Cal Poly. Provides information on marine plants, mammals, birds, fish, invertebrates, mollusks, echinoderms, arthropods, and reptiles.

California Sea Grant. California Sea Grant supports advanced research on marine issues of vital concern.

Center for Coastal and Land Margin Research. Dedicated to regional-scale interdisciplinary research and its applications to ecosystems at the margins of the land and the sea.

Center for Coastal Studies (CCS). A research unit of Scripps Institution of Oceanography (SIO), University of California, San Diego (UCSD). Engages in world wide scholarly studies of the coastal environment, the development of data acquisition systems and research instrumentation, and advising on coastal protection and sediment management.

Coastal Data Information Program. Outlines the Coastal Data Information Program at the University of California at San Diego. Provides access to data on U.S. coastal sites and maps of the east coast, west coast, and Hawaii.

Institute of Marine and Coastal Sciences. Associated with Rutgers, The State University of New Jersey.

Marine Biological Laboratory, Woods Hole, Massachusetts. A non-profit institution devoted to research and education in basic biology.

Mote Marine Laboratory. An independent, non-profit research organization dedicated to excellence in marine and environmental science. Internationally recognized but research directed at southwest Florida coastal region.

National Marine Fisheries Service; Northeast Fisheries Science Center Headquarters, Woods Hole, Massachusetts. Fisheries research.

The Plankton Net. Marine Plankton Ecology & Biological Oceanography home page. University of Guelph, Canada. Provides a multitude of links to other sites.

Rosenstiel School of Marine and Atmospheric Science, University of Miami. Subtropical applied and basic marine and atmospheric research institute. Broad range research on local, regional, national, and global levels.

San Diego's Ocean. Provides information on pier and surf conditions, tide predictions, wind, ocean temperatures, and marine forecasts.

SOEST Coastal Systems Research Group. Conducts marine geologic research in the Hawaiian Islands with the goal of improving our understanding of coastal processes and coastal records of environmental change. Department of Geology and Geophysics, University of Hawaii at Manoa

### DIRECTORIES/LISTS

Amazing Environmental Organization Directory.

Coastal, Estuarine and Wetlands Resources. List of sites relating to coastal, estuarine and wetlands subjects.

List of WWW Sites of Interest to Ecologist. Lists hundreds of sites including marine information

### EDUCATION SITES

EE-LINK. Environmental education on the internet

Marine and Coastal Environments. Outlines a list of conventions for marine and coast

Monterey Bay Aquarium. The purpose of the Monterey Bay Aquarium is to stimulate interest, increase knowledge and promote stewardship of Monterey Bay and the world's ocean environment through innovative exhibits, public education and scientific research

Smithsonian Ocean Planet. An exhibition at the Smithsonian Institution's National Museum of Natural History

Smithsonian Underwater Pictures. Beautiful marine pictures.

### ELECTRONIC PUBLICATIONS SITES

Antarctic Science. Provides just the table of contents for this journal from March 1994 to January 1995

Aquatic Microbial Ecology. Provides table of contents and abstracts of papers.

Cambridge University Abstracts for Aquatic Sciences Journals. Provides abstracts of the journals.

The Center for Field Research at Earthwatch Call for Proposals. Call for proposals on marine biology, ecology, and ichthyology.

Coastal Briefs. An electronic mini-journal consisting of short (1-2 page) articles synthesizing the results of recent research concerning all aspects of coastal oceanography.

Marine Ecology Progress Series. Provides table of contents and abstracts of papers.

New Zealand Journal of Marine & Freshwater Research. Provides electronic abstracts of papers published since 1994.

Voyage Publishing Marine Ecology. Provides full text articles relating to marine ecology.

U.S. Geological Survey. Selected Water Resources Abstracts. This is the HTML interface to the fielded data within the U.S. Geological Survey Selected Water Resources Abstracts, from 1929 to 1995.

## ENDANGERED SPECIES

EcoNet. Endangered species.

EE-LINK Endangered Species. All about endangered species.

Kempthorne ESA Bill Spells Doom for Endangered Marine Wildlife. Senator Dirk Kempthorne (R-ID) has introduced S. 1364, the Endangered Species Conservation Act of 1995, which, if enacted, will substantially weaken the protection now afforded threatened and endangered wildlife.

Wild Things. Information on specific endangered species.

## ENVIRONMENTAL SITES

American Shore and Beach Preservation Association Page. The American Shore and Beach Preservation Association works to improve the overall planning and management of shores and beaches throughout the U.S.

Ocean Voice International. A marine environmental organization on the WWW: conserving marine diversity and ecosystems; promoting sustainable use of marine resources, enhancing life & equity of benefits of coastal fishers.

Surfrider Foundation USA. A non-profit environmental organization dedicated to the protection and enhancement of the world's waves and beaches through conservation, activism, research, and education.

## FISHERIES

American Fisheries Society. The AFS, founded in 1870, is the oldest and largest professional society representing fisheries scientists. AFS promotes scientific research and enlightened management of resources for optimum use and enjoyment by the public.

GORP - Fishing Resources on the Internet.

Institute for Fisheries Resources. A not for profit organization dedicated to the study, protection, and enhancement of both marine and anadromous biological resources on the Pacific coast of the United States and Canada.

Marine Fish Conservation Network (MFCN). The MFCN is a broad-based coalition of national, regional and local fishing and conservation organizations whose goal is to reform and strengthen the management of U.S. marine fisheries in order to promote their continuing, long-term sustainability.

National Marine Fisheries Service (NMFS). The NMFS administers NOAA's programs which support the domestic and international conservation and management of living marine resources.

NOAA Fisheries: Conserving Our Nation's Living Oceans. Established to help disseminate information within NOAA Fisheries.

Our Living Oceans Annual Report. This is an annual report from the National Marine Fisheries Service.

Pacific Coast Federation of Fishermen's Association (PCFFA). PCFFA is the largest and most politically active trade association of commercial fishermen on the west coast.

Pacific States Marine Fisheries Commission. Authorized by Congress in 1947, the PSMFC is one of three interstate commissions dedicated to resolving fishery issues.

Sustainable Fisheries Foundation. A nonprofit research and education organization dedicated to the protection, enhancement, and wise use of fisheries resources in the Pacific Northwest.

## GEOGRAPHIC INFORMATION SYSTEM (GIS) SITES

Regis HomePage. Research program in environmental planning and geographic information systems. University of California-Berkeley.

## POLLUTION (OCEAN)

Marine Debris Information Office. The MDIO's mission is to increase public awareness of the marine debris problem and encourage efforts that minimize and/or control marine debris.

Marine Pollution. The marine pollution page of the WWF Global Network site.

Plastics in Our Oceans. Article by Kimberly Amaral on plastic pollution in the ocean.

## SEARCH TOOLS

Amazing Environmental Organizations. A listing of all types of environmental sites.

Yahoo Search: Oceanography. A search mechanism for oceanography topics.

## WILDLIFE SITES

The Dolphin Alliance. Dolphin Alliance is a local grassroots citizens' action group established to act as a voice for dolphin and whale rights and protection of their environment.

Greg's Point Reyes Wild Life Page. Wildlife found at Point Reyes National Seashore in Northern California.

International Wildlife Education and Conservation. Our purpose is to educate people in the reasons why it is so important to ensure the future of endangered animals worldwide.

Internet Marine Mammal Resource List. A list of Internet sites containing information on whales, dolphins, and other marine mammals.

The Marine Mammal Center. The Marine Mammal Center is a private, non-profit organization that rescues, rehabilitates and releases orphaned, injured, or stranded marine mammals along a thousand mile stretch of California coastline.

National Wildlife Federation.

Turtle Trax: Marine Turtles. To introduce people to the wonder and beauty of the marine turtle and increase awareness of the threatened or endangered status of marine turtles.

Whale Net. Dedicated to education while focusing on whales and whale research.

Whale-Watching-Web. All about whales and watching them.

WWF Global Network. WWF is the world's largest and most experienced independent conservation organizations.

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 [Return to California Coastal Commission Home Page](#)


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## Ocean & Coastal Resource Management

"Ensuring healthy coasts and oceans for present and future generations."

Coastal Zone Management	National Estuarine Research Reserves	National Marine Sanctuaries
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### Ocean and Coastal Resource Management Programs

Coastal Programs Division

Sanctuaries And Reserves Division

Policy Coordination Division

### Mission

OCRM's unique mission is to make decisions, with our partners, that affect the quality and diversity of our Nation's coastal and ocean resources for everyone's use and enjoyment, and to resolve conflicts among users. We meet this challenge through three programs established by Congress: the National Coastal Zone Management Program, the National Estuarine Research Reserve System, and the National Marine Sanctuary Program. We provide:


- Management of marine and coastal protected areas
- National perspective
- Technical and financial support
- Scientific research for management
- Outreach and education
- Conflict resolution
- Federal partnership
- Policy Leadership

AS OF 2/19/97 HTTP://WWW.NOS.NOAA.GOV/OCRM

### Texas Coastal Management Program Approved!!

Congratulations to Texas - the 30th approved coastal management program

- OCRM Publishes Final Environmental Impact Statement for Texas Coastal Management Program
- Press Release announcing OCRM approval of Texas Coastal Management Program
- Federal Register Notice (January 10, 1997)
- Summary of Texas Coastal Management Program

 Coastal Zone Enhancement Program (309) Documents now available on-line  
 The final 1996 Coastal Zone Enhancement Program Guidance, Assessment Questions, and the Guidance Transmittal memo may be downloaded here in zipped format

Read about Watershed 96, a national conference held in Baltimore in June of 96. OCRM was one of the conference's sponsors.



OCRM, in conjunction with NOAA's Office of Ocean Resources Conservation and Assessment, is developing the Application, Reporting, and Information portion of the Coastal and Marine Management Program Information System which will allow state and territory Coastal Zone Management Programs and National Estuarine Research Reserves to submit performance reports and, eventually, financial award applications to OCRM via the World Wide Web. This will simplify the application and reporting process for our program partners and create a database of program activities to benefit the coastal and ocean management community. The Application, Reporting, and Information Initiative can be accessed at [http://www.orca.nos.noaa.gov/coastal\\_zone](http://www.orca.nos.noaa.gov/coastal_zone)

## Scope



### Programs:

- Coastal Zone Management Program
- National Estuarine Research Reserve System
- National Marine Sanctuary Program

### Divisions:

- Coastal Programs Division
- Sanctuaries & Reserves Division
- Policy Coordination Division

### Office Email:

Email Address Listing



Return to NOAA/NOS/OCRM

#### Comments

Joshua Fort  
1305 East-West Highway, N/ORMS  
Silver Spring, MD 20910  
(301) 713-3117, ext. 178

Last Updated: January 13, 1997

# CITY AND BOROUGH OF JUNEAU COASTAL DISTRICT

## Constituent Comments:

*"Since its inception, the Alaska Coastal Management Program has been invaluable in assisting coastal communities with the review and development of projects and activities critical to the economic health of those communities. At a time when the federal and state governments are asking local communities to take on more responsibilities, it's critical that programs like the Alaska Coastal Management Program are left intact to provide communities with the tools to effectively manage activities within their boundaries."* Rod Swope, City and Borough of Juneau Assembly and Alaska Coastal Policy Council Member

*"I represent developers seeking permits from the State of Alaska. ACMP is the only regulatory program which recognizes, in its statutes and regulations as well as the routine operations of DGC, that there is a public interest in development as well as in protecting the environment. No other state system contains this balance. Without ACMP, we would be completely at the mercy of single-purpose agencies which have no obligation to consider my client's needs or what my clients bring to Alaska's economy."* Murray Walsh, Consultant

*"NMFS is really appreciative of the work DGC has done for us. When faced with funding and timing restrictions, DGC expedited the permitting process, allowing us to successfully test our methodologies."* K V. Koski, National Marine Fisheries Service, Alaska Fisheries Science Center

## Recent Projects:

During FY 93-97, DGC coordinated the consistency review of 124 projects within the City and Borough of Juneau Coastal District. Recent projects include:

- Duck Creek 2. Applicant: National Marine Fisheries Service. Project: Duck Creek restoration. Action: DGC issued final finding in 21 days to help facilitate expedient restoration effort.
- Mendenhall River 14. Applicant: BBS Partnership. Project: Streambank revetment to protect recreational and other facilities from flooding. Action: DGC instrumental in agency/applicant cooperation and coordination to allow project to proceed.
- Mendenhall River 43. Applicant: AHFC&CBJ. Project: Streambank revetment for new low income housing and school properties. Action: DGC expedited the permitting process and facilitated agency/applicant discussions.

## Federal Financial Assistance:

During FY 93-97, the ACMP provided about \$171,000 for district program implementation (participate in project reviews and attend statewide and regional conferences) and \$152,000 for various special projects, a total of \$323,000. Special project funding included: \$10,000 for geophysical hazard maps that identify avalanche and mass-wasting hazard areas; \$50,000 to identify potential wetlands mitigation sites and develop guidelines for restoring wetlands functions as an implementation component of the *Juneau Wetlands Management Plan*, which provides for a streamlined state and federal wetlands permitting system and establishes the first wetlands mitigation bank in Alaska; \$25,600 to prepare a map atlas and a permitting procedures manual, draft a local ordinance, and prepare public education materials -- all to assist with the implementation of the *Juneau Wetlands Management Plan*; \$9,000 to develop stream side set back policies and procedures; \$44,700 during FY93-97 to help fund the city's involvement in permitting the Alaska-Juneau, Kensington, and Greens Creek gold mine projects, which are significant economic ventures in the coastal district; \$6,700 for computer equipment; \$3,000 to amend special waterfront area policies to facilitate needed waterfront development; and \$3,000 for information sheets to help the public with the permitting process.

## Contacts for Further Information:

Rod Swope, Alaska Coastal Policy Council Member; City and Borough of Juneau Assembly	586-8953
Murray Walsh, Walsh Planning and Development Services	586-4083
Bill Smith, Planner, City and Borough of Juneau	586-5320
Dave Hanna, Developer/Consultant	789-1902
K V. Koski, NMFS	789-6024

## KETCHIKAN GATEWAY BOROUGH COASTAL DISTRICT

### Constituent Comments:

DGC "...has in the last two months performed near miracles in assisting Southern Southeast Regional Aquaculture Association with two projects..." DGC has "kept the process moving, showing true cognizance of the important role of your agency...". 2/16/96 letter from **William J. Halloran**, Operations Manager, Southern Southeast Regional Aquaculture Association, Inc.

"DGC was a great help with my client's project. I would have had to expend a great amount of time and extra effort had it not been for them." **Jennings Graham**, Architect, Ketchikan.

"The project [Ward Cove 23] was successful with DGC's appropriate oversight including adequate consideration for environmental, public health and development issues." **Glenn Escobar**, Agent for Ketchikan Pulp Company.

### Recent Projects:

During FY93-97, DGC coordinated the consistency review of 132 projects within the Ketchikan Gateway Borough Coastal District. Recent projects include:

- Tongass Narrows 500. Applicant: Spruce Mill Development Corp. Project: Construction of commercial buildings at Ketchikan's old Spruce Mill Site. Action: DGC coordination and assistance to applicant resulted in timely permit approvals for project.
- Neets Creek 2. Applicant:SSRAA (Bill Halloran). Project: Fish hatchery expansion. Action: DGC assisted applicant in determining necessary authorizations to bring existing and expanding facility into compliance.
- Tongass Narrows 297. Applicant: Jon Glenn. Project: Tidelands fill for construction of residence. Action: DGC assistance to agent kept him informed of agency concerns and provided guidance on needed actions.

### Federal Financial Assistance:

During FY 93-97, the ACMP provided \$103,000 for district program implementation and \$26,000 for various special projects for a total of **\$129,000**. Special project funding included: approximately \$14,000 for a coastal plan update and \$12,000 for amending the subdivision and zoning ordinances for the Borough.

### Contacts for Further Information:

Ray Bloom, R&M Engineering	225-7917
James Carlton, Former Mayor, Ketchikan Gateway Borough	225-4261
Tom Somrak, Lands Forester, USFS Ketchikan Area	225-6929
Glenn Escobar, Agent for Ketchikan Pulp Company	227-6164
Jim Voetberg, Assistant City Manager, Ketchikan	225-3111

# FAX TRANSMITTAL

STATE OF ALASKA  
OFFICE OF THE GOVERNOR

TONY KNOWLES  
GOVERNOR

FRAN ULMER  
LIEUTENANT GOVERNOR



DIVISION OF GOVERNMENTAL  
COORDINATION  
PO BOX 110030  
JUNEAU, AK 99811-0030

Telephone: (907) 465-3562  
Fax: (907) 465-3075

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Date: 1/13/98  
Pages: 1

From: Kerry Howard  
Phone: (907) 465-8794  
E-mail: Kerry\_Howard@gov.state.ak.us

To: Marika

Fax No.: 465-2273

Comments: Attached in the information we discussed. Thanks for the phone call.

If you received this FAX in error, please immediately notify the sender by telephone, and return this FAX to the sender at the above address. Thank you.

# KENAI PENINSULA BOROUGH COASTAL DISTRICT

## Constituent Comments:

*"The Alaska Coastal Management Program serves as a vital link and integral component in 2nd class boroughs, such as the Kenai Peninsula Borough. The ability to review and recommend stipulations for anticipated activities provides a forum for local control which had not previously existed. The demise of the ACMP would have adverse impacts on the economy and people of the state."* Lisa Parker, Kenai Peninsula Borough Planning Director

*"It seems ironic that after all these years of trying to establish local control, we would want to relinquish authority back to the federal level."* Jack Cushing, CPC member for the Lower Cook Inlet Region and Homer City Councilman

*"I think you [DGC] did an excellent job of incorporating our concerns regarding the Kenai River. The tie to the KRSMA plan was especially effective. I endorse your finding and trust it will strengthen relationships with the Corps of Engineers to protect...the Kenai River."* Jim H. Richardson, private citizen, regarding Nationwide permits proposed by the U.S. Army Corps of Engineers.

## Recent Projects:

During FY93-97, DGC coordinated the consistency review of 323 projects within the Kenai Peninsula Borough Coastal District. Recent projects include:

- Kasitsna Bay 4. Applicant: Charles Hart. Project: Construct seasonal dock and ramp on MacDonald Spit to facilitate handicap access. Action: Expedited review by providing DFG permit applications and conducting review in abbreviated time so work could be done during good tides.
- Seldovia Bay 70. Applicant: Seldovia Bay Native Association. Project: Barge Dock. Action: Provided interface between DFG and applicant to obtain necessary additional information. Review was extended, but still completed within the deadline set by applicant.
- Kachemak Bay 78. Applicant: Herndon and Thompson, Inc. Agent, John Calhoun (235-8350) Project: A private marine campground facility, Homer Spit Marine Park, a commercial boat basin, barge ramp, and cargo storage and handling facility. Action: DGC assistance allowed agencies to identify areas of concern and meet with agents to resolve issues in time to meet applicant's schedule.
- Kenai River 16. Agent: Wayne Fredeen. Project: Maintenance dredging Salmon Run Acres subdivision canals. Action: DGC maintained close contact with agent to help coordinate interaction with regulatory staff.

## Federal Financial Assistance:

During FY 93-97, the ACMP provided \$185,000 for district program implementation and \$49,700 for special projects including money for major project reviews and an amendment to the Borough's coastal management plan. In addition, \$331,500 was spent on a joint project between the Kenai Peninsula Borough and the Department of Fish and Game. The project covered several years and addressed coastal issues related to habitat, access and erosion, ensuring the long-term sustainability of the district's sport and commercial fisheries on the Kenai River. Most recently, in FY 97, \$45,000 is being allotted to the Department of Environmental Conservation and the Borough to develop indicators to facilitate predictable wetland development in the Kenai River watershed. The total amount during these years for district program implementation and special projects total approximately \$521,500.

## Contacts for Further Information:

Charles Hart, Private Citizen	235-7258
John Calhoun, Herndon and Thompson, Inc.	235-8350
Wayne Fredeen, Private Citizen (property owner)	696-0011

# MUNICIPALITY OF ANCHORAGE COASTAL DISTRICT

## Constituent Comments:

*"The Municipality has found that its coastal district representative has become a project proponent (for public as well as private projects) and a representative of applicants in the permitting process. That function would be eliminated if the ACMP were repealed."* Thede Tobish, Senior Planner, Municipality of Anchorage.

*"I have worked with DGC staff to acquire project permits for about twenty projects, ranging from simple to complicated and fast-tracked. The most recent of these is the Whittier Access Road. DGC staff have always provided prompt and accurate answers to my questions, have worked creatively to find solutions to problems, have served as the project proponents' advocate, and have worked to expedite projects when necessary. I am grateful to have someone competently coordinating state reviews of projects and ensuring that stipulations applied to proposed work are practical and reasonable."* Anne Leggett, HDR Alaska, Inc.

*"I want...to thank you [DGC] for all the assistance you have provided during the Municipality's review of issues surrounding bulk fuel storage tanks in the port area. Your clarification of the State's role in permitting and operating these tanks has been very helpful...thank you for all your assistance and for ensuring that the public notice concerns are addressed."* George Vakaris, Operations Manager, Municipality of Anchorage.

## Recent Projects:

During FY 93-97, DGC coordinated the consistency review of 87 projects within the Municipality of Anchorage Coastal District. Recent projects include:

•Little Rabbit Creek 1. Applicant: Anchorage School District. Agent: Jeff Barnes, Kumin and Assoc. (272-8833). Project: Construction of South Anchorage Middle School in wetland area. Action: Facilitated the review by State agencies. State and Federal agencies developed creative solution to incorporate wetlands as asset to school.

•Portage Lake 1. Applicant: DOT/PF. Agent: HDR. Project: Road access to Whittier. Action: Coordinated State agencies and cooperated with Federal agencies to complete reviews in timely manner. Most recent 50-day review was completed in 41 days.

## Federal Financial Assistance:

During FY 93-97, the ACMP provided \$185,000 for district program implementation and \$114,850 for various special projects for a total of \$299,850. Special project funding included: \$22K for maps to accompany the updated *Anchorage Wetlands Management Plan*, which allows for a streamlined wetlands permitting process; \$36K to inventory, analyze and map wildlife habitat within the Municipality's coastal zone; \$37.6K to test dust control products on unpaved roads; and \$19.25K for the Chester Creek watershed assessment which will provide baseline information on the creek and surrounding floodplain.

## Contacts for Further Information:

Thede Tobish, Senior Planner, Municipality of Anchorage	343-4261
Jeff Barnes, Kumin and Associates	272-8833
Mark Dalton and Anne Leggett, HDR Alaska, Inc.	274-2000
Marnie Isaacs, Municipality of Anchorage	343-4546

# NORTH SLOPE BOROUGH COASTAL DISTRICT

## Constituent Comments:

*"I would like to personally thank you for your exceptional effort in processing our recent permit application... Without the energy and dedication you put into this project, it is unlikely that we would have secured the needed approvals in the timeframe needed to allow start-up and completion of a winter drilling operation."* 1/17/96 letter from Eric M. Luttrell, Vice President Alaska Exploration and New Developments regarding the Sourdough #3 Exploration Well.

*"Those of you that don't know me, my name is Ray Koonuk, Sr., in which I serve as a member of the Coastal Policy Council. I represent a vast area which runs from the Kotzebue Sound to the North Slope oil fields. Within the north and northwest we watch our coast to see that nothing is violated in which I mean is we are the hunters that hunt to feed our families in which we depend on the ocean for food. We have various marine mammals that migrate along the north and northwest coast and to ensure that the migration of the sea animals we need the Coastal Management Council to observe and to protect our oceans from any oil spills and other accidents that could harm the ocean and mammals. So please continue to support the Coastal Management Council so they can protect our oceans."* Ray Koonuk, Sr., Public CPC member representing the Northwest Region.

## Recent Projects:

During FY93-97, DGC coordinated the consistency review of 133 projects within the North Slope Borough Coastal District. Recent projects include:

- Badami Development Project. Applicant: BP Exploration (Alaska). Project: Development of a 120- million barrel reservoir near Mikkelson Bay. Action: DGC worked with applicant, state and federal agencies and the North Slope Borough to address ACMP consistency issues in a timely manner.
- North Slope Exploration Wells. Applicants: BP Exploration (Alaska) and ARCO. Projects: Exploration wells in three small reservoirs including Gwydyr Bay, Northwest Eileen and Tam. Action: DGC coordinated the reviews for these wells. Development of small marginal oil wells will increase flow rates to the Trans-Alaska Pipeline.
- Colville River Gravel Mine: Applicant: Nuiqsut Contractors. Project: Gravel mine operation that would support oil and gas projects in the Colville River area. Action: Currently in review, DGC extended deadlines for this review to accommodate a request by the North Slope Borough for a hearing.
- NPDES General Permit. Applicant: Multiple companies. Project: General permit for sanitary wastes from camps, gravel pit dewatering, and use of this water for ice roads. Action: DGC coordinated the review of this general permit which will cover routine activities on the North Slope and provide more time for permittees to focus on activities with greater impacts.

## Federal Financial Assistance:

During FY93-97, the ACMP provided \$146,850 for district program implementation and \$59,000 for a special project for a total of \$205,850. Special project funding went to the Department of Fish and Game to work with the North Slope Borough to develop performance standards to guide gravel pit sitings and operations.

## Contacts for Further Information:

Tom Lohman, Environmental Resource Specialist, NSB

349-2606

## MATANUSKA-SUSITNA BOROUGH COASTAL DISTRICT

### Constituent Comments:

*"Because of funds provided by the Alaska Coastal Management Program, the Matanuska-Susitna Borough has been able to acquire baseline information and data to use in resource development decision-making. The Alaska Coastal Management Program's financial support has been particularly important to the development planning of the port at Point McKenzie. It has provided the Borough a stronger voice in dealing with state and federal agencies in resource management issues."* Ken Hudson, Chief of Code Compliance, Matanuska-Susitna Borough

### Recent Projects:

During FY93-97, DGC coordinated the consistency review of 72 projects within the Mat-Su Borough Coastal District. Recent projects include:

- Big Island. Applicant: NMFS. Agent: Barbara Mahoney. Project: Susitna River Flats Platform, a camp for three summers (1996-1998) to monitor the subsistence harvest of beluga whales and operate a zodiac in the Susitna River area to estimate populations and observe behavior of the beluga whales on Big Island on the Susitna River Flats. Action: Facilitated state, federal and coastal district participation of federal activity.
- Talkeetna River 4 - Applicant: ADF&G, Bruce McCurtain. Project: Rehabilitation of the Talkeetna Boat Ramp. Action: DGC facilitated coordination among reviewers, ADF&G, and the City of Talkeetna, who was a partner with ADF&G on this project.
- Jacobsen Lake 4 - Applicant: City of Wasilla. Agent: Don Porter. Project: Construct a road from the Wasilla Airport to the Parks Highway. Action: Facilitated coordination between other agencies and the agent/applicant to start the project into review in timely manner.

### Federal Financial Assistance:

During FY 93-97, the ACMP provided \$190,550 for district program implementation and \$3,300 for a special project for a total of \$193,850. Special project funding was provided for floodplain mapping hardware and software.

### Contacts for Further Information:

Mr. Ken Hudson, Chief of Code Compliance, Matanuska-Susitna Borough  
Barbara Mahoney, NMFS

745-9865  
271-5006

## NORTHWEST ARCTIC BOROUGH COASTAL DISTRICT

### Constituent Comments:

*"The Alaska Coastal Management Program has greatly benefitted the Northwest Arctic Borough. We were able to receive funding in order to update our coastal management plan, which has just been conceptually-approved by the Borough Assembly. We need to have a plan that provides guidance for development projects in our region. The ACMP allows the district to have local input in the decisions made about what happens within our coastal zone."* Frank Stein, Planning Director for the Northwest Arctic Borough

### Recent Projects:

During FY93-97, DGC coordinated the consistency review of 53 projects within the Northwest Arctic Borough Coastal District. Recent projects include:

- Chukchi Sea 9. Applicant: Cominco. Agent: Paul Dusenbury. Project: Alaska Red Dog Mine Port Site Expansion to increase storage facility, workers housing. Action: Worked closely with agent to identify information needed by resource agencies to evaluate authorizations for modification.

### Federal Financial Assistance:

During FY93-97, the ACMP provided \$115,800 for district program implementation and \$94,000 for a special project for a total of \$209,800. Special project funding was provided to the Borough to update their coastal management plan.

### Contacts for Further Information:

Paul Dusenbury, Cominco

426-9259

## BERING STRAITS CRSA COASTAL DISTRICT

### Constituent Comments:

*"The Bering Straits Coastal Management Plan gives residents and community members an opportunity to comment on federal, state and local activities which affect their daily lives. The Bering Straits plan also benefits applicants for state and federal permits by having a plan to follow. In many cases, coastal management increases communication among parties affected by a proposed activity. The Bering Straits Coastal Resource Service Area brings benefits to all involved."* **Chuck Degnan**, Director, Bering Straits Coastal Management Program

### Recent Projects:

During FY93-97, DGC coordinated the consistency review of 55 projects with in the Bering Straits CRSA Coastal District. Recent projects include:

•Norton Sound 45. Applicant: NOVA Natural Resources Corporation. Agent: Brian Spillane/Jim Schaff. Project: Suction dredging operation to mining the offshore placer gold deposits in Norton Sound near Nome. Action: Negotiated timing windows with coastal district to protect subsistence activities in project area. Also, established early and good relationship with agent which enabled open discussions regarding agency concerns.

### Federal Financial Assistance:

During FY93-97, the ACMP provided a total of \$472,050 for district program implementation within the entire coastal resource service area.

### Contacts for Further Information:

Brian Spillane/Jim Schaff; Nova Natural Resources Corporation

(303) 863-1997

## THE ALASKA COASTAL MANAGEMENT PROGRAM

House Bill 28 would repeal the Alaska Coastal Management Program (ACMP). The ACMP (1) supports local coastal programs; (2) strengthens state and local government involvement in federal decision-making and permitting; and (3) provides a coordinated review process for coastal development projects. The Division of Governmental Coordination (DGC) assists local communities in program development and implementation. DGC also coordinates state and federal permit reviews through the coastal project review process. Local participation, state influence over federal decisions, and coordinated project reviews greatly benefits Alaskans.

### BENEFITS TO ALASKANS

#### DEVELOPERS:

- Pre-approval for routine activities.
- Pre-application meetings with permitting agencies.
- Pre-application assistance tailored to the developer's project.
- Checklist to help applicants through the permit process.
- Simultaneous permit and coastal program review.
- Single State agency contact.
- Established review schedule.
- Timely issuance of permit approvals.
- Most permits issued within five days after the coastal program review.

#### THE PUBLIC:

- Participation in development of local programs that set local coastal policy.
- Receive notice of projects.
- Opportunity to comment on projects.
- A voice in federal activities.

#### STATE AGENCIES:

- Strengthened role in federal decision-making.
- Coordinated review process.
- Timely decisions.
- Categorical approval for routine projects.
- Joint public notices.

#### COASTAL COMMUNITIES:

- Locally established policies to address community coastal issues.
- Strengthened role in federal and state decision-making.
- Federal funding supports local coastal programs, implementation, and special projects.
- Formal standing to participate in project reviews.
- Project information is provided to keep communities informed.
- Local knowledge is part of state decisions.
- Public need for a project is a factor in the decision-making process.
- Formal public notice of projects affecting a coastal district.

#### FEDERAL AGENCIES:

- Required early consultation and cooperation with the State.
- A mechanism to address State concerns.
- A means to garner State and public support for coastal projects.
- A coordinated process to receive input from the State and local communities.

**Work Program for Implementing Recommendations  
and Directives of the ACMP Assessment  
January 1997 - June 30, 1997**

INTRODUCTION

On August 30, the Steering Committee released a report entitled Coastal Policy Council Report on the ACMP Assessment that contained 27 recommendations and 13 findings. Following public review and comment, on October 3, 1996 the Council modified and approved 30 recommendations. These recommendations are contained in Appendix A. In addition to approving recommendations, the Council on December 11, 1996 acknowledged the "Operating Principles of the ACMP as Reaffirmed through the Assessment" (See Appendix B)<sup>1</sup>.

With Council action on Assessment Recommendations and Operating Principles, the ACMP Assessment will focus on the mechanics of implementation. At the same time, there are some Assessment recommendations that need further work or refinement before they can be implemented through a statutory or regulatory change. This work program also addresses ongoing tasks.

STARTING ASSUMPTIONS

- ◇ While statutory changes directed by the Assessment Recommendations have been filed with the Governor's Legislative Office, efforts to seek legislation will not be piece-mealed and are pending a complete statutory package.
- ◇ The Council will review the regulatory package before commencing the formal public review as provided for rulemaking under the Administrative Procedures Act. Regulations will not be piece-mealed before the Council or the public.

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<sup>1</sup> The "Operating Principles" are the same as the 13 findings included in Coastal Policy Council Report on the ACMP Assessment; presented as a policy directive by Director Diane Mayer.

- ◇ The Administration's proposals for permit streamlining and standardization of administrative appeals are scheduled to be available in April 1997.<sup>2</sup>
- ◇ Federal grant requirements necessitate a target date of June 30, 1997 for completion of this work program.

## ROLE OF COASTAL POLICY COUNCIL, STEERING COMMITTEE, ACMP WORKING GROUP AND KEY STAFF

### A. Coastal Policy Council (Council)

The Council is the decision-making body for ACMP program changes. As such, it is imperative that they be involved when the work program reaches a "policy juncture". To facilitate the scheduling of Council involvement, anticipated "policy junctures" are noted in the work program. This work program anticipates three meetings (January, April, June).

### B. Steering Committee

The Assessment Steering Committee is a subcommittee of the Council comprised of the two co-chairs, two additional state agency and two additional public (local government) members. The primary role of the Steering Committee is to be the sounding board for staff and the ACMP Working Group throughout the implementation process. When policy guidance is needed on implementation issues, on refining concepts or on potential regulatory changes, staff and the ACMP Working Group can call upon the Steering Committee. The Steering Committee will also set work priorities. It is anticipated that the Steering Committee will teleconference once every four to six weeks.

Currently serving on the Assessment Steering Committee:

Deputy Commissioner Jeff Bush, Dept. of Commerce and Economic Development  
Robert Fagerstrom, City Council of Nome  
Director Diane Mayer, Division of Governmental Coordination  
Deputy Commissioner Marty Rutherford, Dept. of Natural Resources  
Rod Swope, City and Borough of Juneau  
Vacant: public member co-chair seat<sup>3</sup>

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<sup>2</sup> Council directed further examination of options to resolve the petition controversy in the context of other administrative appeals. Thus, this task is integrated with the administration's broader streamlining efforts.

<sup>3</sup> The Council is expected to elect a new public member co-chair at its January meeting.

### C. ACMP Working Group

The ACMP Working Group is comprised of state and district representatives who work at the program delivery level. This is a long standing and well recognized group often called upon for problem-solving on implementation matters. The ACMP Working Group will take the place of the task forces and committees previously established in the ACMP Assessment. It is appropriate for one group to develop the details to make sure all the retooled program parts fit together. Nonetheless, the interest and ability to contribute to this stage of the ACMP Assessment is much larger than the ACMP Working Group. Consequently, prior task force and other ACMP participants will be invited to participate in discussions before the ACMP Working Group. All interested parties will be notified of Working Group meetings and agenda topics. It is anticipated that the ACMP Working Group will teleconference for two-hour meetings, twice monthly.

Currently serving on the ACMP Working Group:

Jennifer Carmen, Ketchikan Gateway Borough  
Janet Burleson-Baxter, Department of Natural Resources  
Chuck Degnan, Bering Straits Coastal Resource Service Area  
Kerry Howard, Division of Governmental Coordination  
Gabrielle LaRoche, Division of Governmental Coordination  
Bob Laurie, Department of Transportation and Public Facilities  
Karl Ohls, Department of Commerce and Economic Development  
Carl Schraeder, Department of Environmental Conservation  
Glenn Seaman, Department of Fish and Game  
Thede Tobish, Municipality of Anchorage  
Nelda Warkentin, Department of Community and Regional Affairs  
Steve Weaver, Department of Law

### D. Key Staff

As Coastal Program Coordinator, Gabrielle LaRoche, is lead staff to the Council and responsible for the ACMP Assessment. Gabrielle will be the primary contact for the Steering Committee and the ACMP Working Group. She will organize meetings, and develop summary and support materials for these groups as well as the Council. DGC will be filling a temporary position to assist in coordination and support of these efforts.

As the focus shifts to implementation of Assessment recommendations, regulatory drafting will become a primary activity. Steve Weaver, legal council to the Council, will serve as the lead staff person in this regard. He will be assisted by paralegal staff within Department of Law.

## TIME CONCERNS

This work program is based on an ambitious schedule. It aims to have a regulatory package before the Council in late April. There may be times when agency and district staff can not dedicate enough time to the ACMP Working Group because of other work obligations. As such, progress on this work program will be evaluated for the April Council meeting and a grant amendment to enable extension of the work program until September 30, 1997 may be recommended.

## COMMUNICATION

Open and consistent communication is necessary for successful implementation. To ensure good communication, DGC will continue to issue the bi-monthly bulletin *Coastal Currents*. This bulletin will provide regular updates and summarize significant activities of the Steering Committee and the ACMP Working Group. *Coastal Currents* will inform ACMP participants of upcoming meetings and solicit input.

In addition to these regular mailings, DGC will notify via facsimile all the active participants in the ACMP Assessment of upcoming meetings of the ACMP Working Group. Everyone on the notification list will have the opportunity to participate via teleconference. With an expression of interest, additional names can be added to this list. All Steering Committee meetings will continue to be public noticed.

Realizing that face-to-face discussions foster dialogue, problem-solving and consensus building, whenever possible, Council meetings will be scheduled to coincide with Coastal District conferences. This allows for informal worksessions on key issues prior to Council action.

## SPECIFIC WORK PROGRAM

### A. Current Year Task Descriptions (January - June 30, 1997)

1. Enforceable Policy Guidelines - efforts are now underway to finalize the guidelines for writing clear, enforceable and well understood plan policies. Final drafting by staff is based on broad public review and Council direction.
2. Cities Within CRSA's - clarification language based on Council direction is now being reviewed by the Title 29/46 Committee.
3. Draft Regulations - regulatory drafting for Assessment Recommendations A.1. - A.4., A.6., A. 10.-11., B.6., C.3., and D.3. concerning "fair consideration", "local knowledge", "public need" and CRSA issues (see Appendix A)

4. Program Amendment Proposal - public review of this proposal to streamline the amendment process will begin January 2, 1997.

5. Reduce District Plan Requirements - DGC/DCRA are preparing recommendations for the ACMP Working Group. Comments from previously conducted teleconferences with coastal districts are driving these recommendations.

6. Streamlining Appeal Processes - a multiagency work group has been assigned the task to develop recommendations to preclude multiple State administrative appeal avenues for the same project.

7. Municipal District Consistency Proposal - pursue the original Municipal District Proposal with one or two interested coastal districts.

8. Local Consistency Option - determine criteria for exempting the State from consistency determinations on projects that are local in nature and have the municipal districts to do a consistency determination on their local approval with an option to override the exemption on a case-by-case basis.

#### B. Out-year Task Descriptions (July 1, 1997 - June 30, 1998)

DGC is seeking 309 funds for FY98 to pursue the following new task to implement the program changes recommended by the Assessment. Other potential tasks resulting from FY97 Assessment Activities will be addressed through the FY98 306 Work Program.

1. Guidebooks - prepare an informative guidebook series to give guidance to coastal districts and state agencies and to capture appropriate program improvements. Training sessions and workshops would be an element of this task. Each guidebook would be modeled after the first series of ACMP guidebooks produced in 1980 by DCRA. Likely subject matters for these guidebooks are as follows:

- a. Introduction to the ACMP: What It Is and How It Works
- b. Preparing a District Coastal Management Program
  - Effective Public Participation Techniques
  - Resource Inventory and analysis
  - How to write enforceable policies
  - The Local, State and Federal Review and Approval Process
- c. Consistency Review
  - What it is, How it Works
  - Due Deference, Local Knowledge and Public Need

- d. **Implementation: Making a District Coastal Management Plan Work**
  - State Implementation
  - Local Implementation
  - Updating and Making Changes to the District Program

### C. Task Scheduling and Assignments

#### ◇ Action Items for Council meeting, **January 23, 1997**

- Task A.1. **Enforceable Policy Guidelines - staff analysis of issues raised during the review of the enforceable policy guidelines, and recommendations on guideline language.**

#### ◇ Activities for **January 23 through April**

- Task A.1. **Enforceable Policy Guidelines - Field test the Enforceable Policy Guidelines on plan reviews and plan amendments that are likely to come before the Council for approval. DGC will continue working on this task.**
- Task A.2. **Cities Within CRSA's - Title 29/46 Committee considers comments on earlier proposed recommendation to clarify the relationship of cities and CRSA's regarding policy development. Seek Committee consensus. DGC/DCRA coordinate this review.**
- Task A.3. **Draft Regulations - Continue regulatory drafting for Assessment Recommendations. Begin drafting potential regulatory changes arising from Tasks A.2. cities within CRSAs, A.4. program amendment proposal, and A.5. reduce district plan requirements as approved by the Steering Committee. DGC/DOL to draft and work through the ACMP Working Group.**
- Task A.4. **Program Amendment Proposal - Address public comments in finalizing program amendment process. DGC is assigned to this task.**
- Task A.5. **Reduce District Plan Requirements - Finalize recommendations to reduce district plan requirements. This task will be scheduled with the ACMP Working Group.**
- Task A.6. **Streamlining Appeal Process - Finalize recommendations on standardizing the state appeal process. This task remains with the multi agency work group already assigned.**

Task A.7. Municipal District Consistency (MDC) Proposal - Determine which coastal district(s) will serve as the pilot program for the MDC Proposal. Develop a work program and funding source for this pilot project. DGC will address this task through the ACMP Working Group.

Task A.8. Local Consistency Option - Determine criteria for consistency exemption. DGC will address this task through the ACMP Working Group.

◇ Information Items for Council meeting in late April, following Statewide Conference

Task A.1. Enforceable Policy Guidelines - Field test results on applying the Enforceable Policy Guidelines

Task A.7. Municipal District Consistency Proposal - Work program for MDC pilot project

Task A.8. Local Consistency Option - Status Report on consistency exemption option. Note: This may be an action item if substantial progress is made on this task.

◇ Action Items for Council meeting in late April, following Statewide Conference

Recommendations on Task A.2. - Cities within CRSA's

Recommendations on Task A.5. - Reduce District Plan Requirements

Recommendations on Task A.6. - Streamlining Appeal Process

ACMP Regulatory Package - Draft Regulations - highlighting additions from Task A.2. - Cities within CRSAs, 4. - Program Amendment Proposal, and 5.- Reduce District Plan Requirements

◇ Activities for April through June 30, 1997

Formal Public Review of ACMP Regulatory Package

Task A.6. Streamlining Appeal Process - Begin statutory drafting for approved recommendations on standardizing the state appeal process.

Task A.7. Municipal District Consistency Proposal - Initiate pilot program development for MDC Proposal

Task A.8. Local Consistency Option - Finalize consistency exemption option

◇ Activities for July 1, 1997 through June 30, 1998 (if funding is available)

Task B.1. Guidebooks - Begin drafting guidebook series.

## Appendix A

### RECOMMENDATIONS APPROVED BY COASTAL POLICY COUNCIL

October 3, 1996

#### A. Maximize District Responsibility and Authority in ACMP Implementation

1. Recommendation: Revise 6 AAC 50.120 (a) to require the State agency proposing a consistency determination to give fair consideration to local knowledge supported in the project review comments submitted by a coastal district.

2. Recommendation: Revise 6 AAC 50.190 to include this definition of local knowledge:

"Local knowledge means a body of knowledge or information about the coastal environment, including information passed down through generations, from individual and group experience and observations. This body of knowledge is generally accepted by the local community."

3. Recommendation: Revise 6 AAC 85.100 to require a coastal district to identify procedures for using "local knowledge" when implementing their plan.

4. Recommendation: Revise 6 AAC 50.120 to allow a coastal district to determine local "public need" during a project review unless a state agency identifies that a "use of state concern." will be affected by the proposed project.

5. Recommendation: Acknowledge this definition advanced by existing legal precedent:

"public need" means a *documented* need of the general public and not that of any private individual or group of individuals.

6. Recommendation: Revise 6 AAC 85.100 to require a coastal district to specify in the implementation section of their coastal plan procedures for documenting local public need.

7. Recommendation: Direct DGC and DCRA staff to develop model procedures for documenting local public need including a minimum standard of acceptable documentation.

8. Recommendation: Revise AS 46.40.030 to: a) allow a city inside a borough or CRSA to develop coastal management policies inside the city as part of the district planning process; and b) provide for the delegation of planning responsibilities from the borough or CRSA to a city inside the CRSA - - at the district's discretion and if the city concurs.

9. Recommendation: Revise AS 46.40.090(b) to provide for the delegation of implementation responsibilities from a borough to a city inside the borough -- at the borough's discretion and if the city concurs.

10. Recommendation: Revise 6 AAC 85.030 to require the district program address the planning and implementation relationship of a city inside a borough or a CRSA, particularly if it is delegating ACMP planning or implementation responsibilities.

11. Recommendation: Revise 6 AAC 85.100 to require the district plan address, where applicable, how the district plan will be implemented by a city inside a borough or CRSA coastal district, specifically for:

- a) State consistency reviews and elevations;
- b) municipal appeals;
- c) planning and plan revisions;
- d) implementation through municipal land use regulations; and
- e) when municipal land use regulations will be reviewed for consistency with the district plan.

12. Recommendation: Have the Title 29/46 Committee examine how AS 46.40.180 may be revised to clarify that if the city wants elements of the district plan to be different, the CRSA must incorporate the changes. Specifically the Title 29/46 Committee is to consider how to give the city veto power over the CRSA's enforceable policies.

13. Recommendation: Support a Municipal District Consistency Option which allows or requires a municipal district to make the consistency determination on projects that do not affect a "Use of State Concern.". Direct the MDC Committee and the Steering Committee to make recommendations for Council action in December.

14. Recommendation: Have the Council address the Resolution on "Uses of State Concern" (Resolution 13) at the December meeting in light of recommendations on "public need" and a Municipal District Consistency Option. See Appendix C for an explanation of ongoing investigation into "Uses of State Concern."

## **B. Improve Coastal Districts Programs**

1. Recommendation: Draft enforceable policy guidelines to aid districts in writing implementable and legally defensible policies that result in predictability and certainty for coastal districts, agencies, and applicants. Use these enforceable policy guidelines to review and approve coastal districts programs and any plan amendments.

2. Recommendation: Rescind Council Resolution #20 regarding district program amendments and annual reports. Replace it with a resolution that provides a more reasonable and practical interpretation of "routine program implementation" and "significant amendment" to encourage coastal districts to a) follow through with recommendations emerging from this

ACMP Assessment and b) keep their district plans current. After this measure is in place, proceed with Phase Two - Program Amendment Process as identified in Appendix C.

3. Recommendation: Direct the program amendment workgroup to, where possible, develop a 90-day approval process for "routine program implementation" (i.e., 90 days from district submittal of proposed change to filing with Lieutenant Governor).

4. Recommendation: Following the December Council meeting, have DGC proceed with drafting a model Implementation Chapter as presented in Appendix C.

5. Recommendation: Consider ways to encourage districts to focus planning on areas of particular concern, rather than try to address all possible coastal issues. Specifically, examine these options for Council action in December:

- a. Delete or reduce district plan requirements for such things as resource inventory and analysis.
- b. Allow municipalities to base their coastal policies on their comprehensive plan goals and objectives and inventory information.
- c. Make the requirements in 6 AAC 85 optional
- d. Eliminate AMSA's, inside and outside districts
- e. Add a requirement that if a policy is more appropriately incorporated into a municipal district's existing land regulations, then it cannot be in the district plan (for example building setbacks).
- f. Rather than have all actions go through consistency, require the district plan identify what actions will require a consistency determination.
- g. Provide a simple process (and criteria) for granting a variance of a district policy, provided the State and district both agree.

6. Recommendation: Preclude coastal districts from incorporating by reference state agency regulations into enforceable policies. Citing Regulations may be cited within a plan for information purposes.

### **C. Streamline Petitions and Elevations**

1. Recommendation: Consider changes to the ACMP that eliminate actual or apparent appeal redundancy or duplications, taking into account parallel processes of state resource agencies and associated statutes.

2. Recommendation: Revise AS 46.40.100(b)(2) to clarify that "B2" programmatic petitions before the Coastal Policy Council may not hold consistency reviews in abeyance or reverse a consistency determination.

3. Recommendation: Revise 6 AAC 50.070(k) to allow the director-level elevation to be waived and proceed directly to the commissioner-level elevation when significant policy decisions are required and all parties agree.

4. Recommendation: Revise AS 46.40.100 (b) to clarify that if issues arise out of substantially similar facts or records, the hearings for agency appeals may be combined.

5. Recommendation: Examine the role of the coordinating agency including the transfer of ACMP, single agency reviews to DGC.

6. Recommendation: Direct DGC and state resource agencies to allow districts to join state resource agencies for the deliberative portion of "elevations." This policy directive does not conflict with 6 AAC 50.070(k). (In conjunction with Recommendation C 1, the Council expressed a clear intention that this process be modified to simplify administrative decision-making.)

#### **D. Improve Program Enforcement**

1. Recommendation: When an agency or municipality requesting a stipulation doesn't have a permit, the project reviewers within state agencies and coastal districts should suggest appropriate permits or approvals to use for enforcing the particular stipulation they are requesting. This should occur in conjunction with submitting comments to the coordinating agency.

2. Recommendation: Direct that stipulations arising from an ACMP consistency review are to be carried on the most appropriate permit or approval. In making this assignment for agencies or municipalities lacking a permit, the coordinating agency will seriously consider the suggestions made by project reviewers.

3. Recommendation: Revise 6 AAC 50.070 to require coastal districts exercising Title 29 planning and zoning authorities to identify applicable local permits or approvals that might also be used to implement appropriate stipulations.

4. Recommendation: Revise AS 46.40.100 to allow an eligible party to petition the Council if a city with Title 29 planning powers inside a CRSA has a pattern of not implementing, enforcing, or complying with the district coastal management plan.

## Appendix B

### Operating Principles of the ACMP as Reaffirmed through the Assessment

Diane Mayer, Director  
Division of Governmental Coordination  
November 20, 1996

Dialogue, active listening, and trust building have occurred throughout the committee discussions, roundtables, and worksessions connected to the ACMP Assessment. The level of understanding and education has risen in many areas as a result of this Assessment process. In some respects, this may be the most valuable outcome of the 1996 ACMP Assessment. To foster continued trust building, this section records the more significant "mutual understandings." Some of these "mutual understandings" reinforce principles of the ACMP that always existed, but perhaps lost their resonance and vitality through varying interpretations of different administrations.

While the Coastal Policy Council approved on October 3, 1996 the Assessment recommendations for change, it is also important to recognize these "mutual understandings" and preserve the "order amid the change." To compliment the Council's action to direct program changes, these "mutual understandings" are cast in the context of operating principles of the ACMP. No statutory or regulatory changes are needed to reinforce these principles; just formal acknowledgment.

The first set of operating principles relate to the established roles of coastal districts, state agencies and applicants in the consistency review process. Understanding roles in a complex program is critical to fostering an efficient ACMP responsive to the resource protection and development needs of Alaska. Here are the operating principles that relate to the respective roles within the ACMP:

1. What makes "due deference" work is our consensus approach which is built on mutual respect and communication with all involved parties. This will work as long as we maintain our willingness to discuss concerns that arise in the consistency review process.
2. "Local knowledge" as submitted by a coastal district, within the consistency review process, will be handled similar to agency's "best professional judgement."
3. Recognizing a district as the expert for interpretation and application of its program, does not necessarily mean that the district's position on a consistency review will prevail. The expertise and area of responsibility of state agencies does not necessarily mean the state's position on a consistency review will prevail.

Both the coastal districts and state agencies can enhance their position on a proposed consistency determination by providing factual evidence to support their assertions.

4. While it is appropriate for state agencies to raise concerns about compliance with a district's enforceable policies, it is the primary responsibility of districts, not state agencies, to raise the applicability of specific district enforceable policies during the consistency review process.
5. Coastal districts will strive to do a better job in submitting project specific comments and justifications for stipulations that reference enforceable policies.
6. In addition to public notice and comments on specific projects, citizens can express their views through their coastal district. In fact, citizens are encouraged to seek input into the process through their district as the coastal district should be representing the views of their citizenry as reflected in the district plan.
7. The Division of Governmental Coordination (DGC) plays a key role in mediation and negotiation of permitting disputes. As such, DGC staff will seek to enhance these skills.
8. It is most appropriate for applicants to pursue staff-level discussion on unresolved issues prior to elevation. Applicants have control over the timing of discussions and can, if it's in their interest, request time extensions to continue productive problem-solving.

The second set of operating principles pertain to **implementation and enforcement responsibilities**. The focus of these principles is not on roles but shared responsibilities to make the program work. These operating principles also foster efficiency and effectiveness of the ACMP:

9. The ACMP provides for expanded authority of all state agencies and coastal districts, and with this expanded authority comes expanded responsibility. This responsibility includes identifying and recommending during consistency reviews stipulations needed for a project to be consistent with state standards and district enforceable policies.
10. Recommitment to a "networked" program, in lieu of a coastal permit, means state agencies and municipalities enforce all ACMP stipulations attached to their permit or approval. In deciding which permit is most appropriate, the coordinating agency will consider the jurisdictional reach of each applicable permitting authority and the professional expertise of the affected agencies and/or coastal district. The coordinating agency will work to build consensus on the assignment of stipulations. Once assigned, then agency or municipality issuing the permit enforces the ACMP stipulation, regardless of its specific jurisdictional limits outside the ACMP. However, state agencies still retain their administrative

discretion in choosing project stipulations to monitor and enforce.<sup>1</sup>

11. Monitoring and enforcement can be improved through teamwork and improved communication among coastal districts and state agencies. Agencies could provide districts with good project descriptions and districts could advise agencies of possible violations. This is particularly relevant in light of reduced budgets and staff.<sup>2</sup>
12. Districts exercising Title 29 planning and zoning authorities shall, as directed by AS 46.40.090, assume more implementation and enforcement responsibility, particularly for projects that do not affect a "Uses of State Concern."

The last set of operating principles affect internal **program administration** of the Assessment recommendations. These principles affirm priorities and establish a sideboard for acting on the Assessment recommendations:

13. The top priority for implementation of Assessment recommendations are those recommendations relating to district plan improvements, which includes the program amendment process (see section B of the approved Assessment Recommendations).
14. DGC staff will develop educational tools and publications to deliver to ACMP participants the program changes recently approved by the Coastal Policy Council. DGC will consider a variety of outreach methods including continued use of the newsletter.

The level of understanding and education about the ACMP has risen in many areas as a result of the Assessment and by recording these operating principles, it is hoped that understanding and education will continue.

◇ Acknowledged by Coastal Policy Council Resolution 96-2, December 10, 1996

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<sup>1</sup> Operating principles #10 and #11 are the results of many engaging and often heated discussions on the question of "homeless stipulations". As such, these principles need to be fully understood by all affected parties. Please refer to Coastal Policy Council's Report on the ACMP Assessment, "Who Enforces The ACMP?", which elucidates these principles more fully.

<sup>2</sup> Same as Footnote 1.

**Interview and Survey Insights**  
**on the**  
**Alaska Coastal Management Program**

prepared for the  
ACMP Assessment

by  
Kathryn Troll  
Project Analyst  
Division of Governmental Coordination

January 17, 1996

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### ACRONYM KEY

ACMP	Alaska Coastal Management Program
FEIS	Federal Environmental Impact Statement
CPC	Coastal Policy Council
CRSA	Coastal Resource Service Area
DEC	Department of Environmental Conservation
DNR	Department of Natural Resources
DGC	Division of Governmental Coordination
ADF&G	Alaska Department of Fish and Game
DOTPF	Department of Transportation and Public Facilities

## INTRODUCTION

**Purpose of the Interviews:** To access the insights and knowledge of a cross section of ACMP participants in a manner that:

- \* provides feedback on ACMP cornerstone issues (see page 7);
- \* measures progress toward original goals as identified in the FEIS approving Alaska's program;
- \* assists in determining the most important problem areas to be addressed in the second phase of the assessment; and
- \* generates ideas on problem-solving

**Interview Selection Process:** The ACMP Working Group was asked to suggest names of *knowledgeable* persons from the past and the present, with policy and/or field experience in the ACMP. They were also asked to think of permit applicants, local and state government officials and members of the general public. After receiving suggestions, a list was developed using these criteria:

- \* names that were repeated
- \* mix of policy and field persons
- \* mix of local and state
- \* persons with multiple hats
- \* input from different regions in the state
- \* persons with a history of the program

The Steering Committee then reviewed this list. A few additions and changes were made to the list during the course of interviewing. These changes were made to expand the knowledge base and provide a better cross section. Availability of interviewee's time also affected the final persons selected to be interviewed.

**Description of Persons Interviewed:** These descriptions are given in alphabetical order and includes their current position and those past positions that brought them into the ACMP arena.

**Lauri Adams** - Regional Solicitor for the Department of the Interior; previously an attorney with Sierra Club Legal Defense Fund and an Assistant Attorney General with the State of Alaska where she served as legal counsel to the Coastal Policy Council.  
Years associated with the ACMP - 3 years since 1980

**Dan Albrecht** - Marine Policy Specialist for Bering Sea Fishermen's Association; previously the coordinator for the Bristol Bay Buyback Coalition.  
Years associated with the ACMP - 5 years since 1989

**Roger Allington** - Retired, but occasionally serves as a consultant; previously Director of Statewide Planning for DOTPF where he also served on the Coastal Policy Council; as Southeast Representative he co-chaired the Coastal Policy Council; lobbyist for Sealaska Corporation on the first Coastal Management Act before the Legislature.  
Years associated with the ACMP - 7 years since 1977

**Kirsten Ballard** - Environmental Specialist III in the Oil Spill Prevention Office of DEC.  
Years associated with the ACMP - 4.5 years since 1991

**Marlene Campbell** - Coastal District Coordinator for the City and Borough of Sitka.  
Years associated with the ACMP - 8 years since 1987

**Dave Chambers** - Mining Analyst for Sierra Club Legal Defense Fund.  
Years associated with the ACMP - 5 years since 1990

**Amy Crook** - Environmental Specialist IV in the Division of Air and Water Quality of DEC.  
Years associated with the ACMP - 10 years since 1985

**Mark Dalton** - Director of Environmental Services with HDR Engineering; previously the Coastal District Coordinator for the Municipality of Anchorage and a contract employee with the Municipality assigned to ACMP implementation.  
Years associated with the ACMP - 11 years since 1984

**Francis Degnan** - Continues to serve on the Bering Straits CRSA Board of Directors.  
Years associated with the ACMP - 15 years since 1980

**Dave Dengel** - Community Development Director with the City of Valdez; previously the Director of Public Works and Planning with the City of Cordova; City Planner with the City of Yakutat.  
Years associated with the ACMP - 12 years since 1982

**Wayne Dolezal** - Habitat Biologist with the Southcentral Office of ADF&G.  
Years associated with the ACMP - 10.5 years since 1984

**Sue Flensburg** - Coastal Management Program Director for the Bristol Bay CRSA.  
Years associated with the ACMP - 10 years since 1985

**Linda Freed** - Community Development Director for the Kodiak Island Borough; previously the Coastal District Coordinator for the Kodiak Island Borough.  
Years associated with the ACMP - 15 years since 1980

**Don Gilman** - Mayor of the Kenai Peninsula Borough; previously a State Senator who chaired the Community and Regional Affairs Committee and the Cook Inlet representative on the Coastal Policy Council where he served as the first co-chair.  
Years associated with the ACMP - 15 years since 1977

**Dave Hardy** - Habitat Biologist with the Sitka Office of ADF&G.  
Years associated with the ACMP - 15 years since 1980

**Rick Harris** - Vice-President of Resource Planning and Administration for Sealaska Corporation.  
Years associated with the ACMP - 15 years since 1980

**Tom Hawkins** - Senior Vice-President of Bristol Bay Native Corporation; previously the Deputy Commissioner of DNR where he served as an alternate on the Coastal Policy Council; Director of Lands with DNR; Lands Manager with Choggiung Native Corporation; served on the first CRSA Board for the Bristol Bay region.  
Years associated with the ACMP - 12 years since 1981

**Cindy Heil** - Environmental Specialist III with the Air Quality Division of DEC.  
Years associated with the ACMP - 4 years since 1990

**Mary Kay Hession** - Natural Resource Manager II with DNR; previously ACMP Coordinator for DNR; adjudicated large projects prior to consistency review regulations.  
Years associated with the ACMP - 18 years since 1977

**Jon Isaacs** - Planning and Environmental Consultant - has assisted in the development of several coastal management plans around the state.  
Years associated with the ACMP - 14 years since 1981

**Beth Kerttula** - Assistant Attorney General for Oil and Gas Section; previously assigned to the Natural Resources Section where her primary obligation was the ACMP.  
Years associated with the ACMP - 5.5 years since 1989

**Tom Lawson** - Section Chief of the Division of Trade and Development in DCED; recently served on the Coastal Policy Council, previously worked with DNR on tideland leases for Southeast; served as the first District Coordinator in the Office of Coastal Management worked and Planning Department staff to the City and Borough of Juneau.  
Years associated with the ACMP - 8 years since 1978

**Tom Loman** - Environmental Resource Specialist with the North Slope Borough; previously worked in the Borough's law department on ACMP matters.  
Years associated with the ACMP - 8 years since 1987

**Don McKay** - Habitat Biologist for Southcentral Office of ADF&G.  
Years associated with the ACMP - 14.5 years since 1981

**Mike McKinnon** - Chief of Planning for the Southeast Region of DOTPF; served on the Coastal Policy Council for one year; previously served as DOTPF representative on the ACMP working group; Section Chief for Permits in DOTPF.  
Years associated with the ACMP - 15 years since 1980

**Harry Noah** - Environmental Consultant on the AJ Mine; previously the Commissioner of DNR; independent contractor who worked on permits for these projects: Greens Creek Mine, Red Dog Mine, and the Trans-Alaska Pipeline; worked with Oil and Gas section of DNR.  
Years associated with the ACMP - 15 years since 1980

**John Oscar** - IRA Council Member for the village of Tununak; Board of Directors for Cenaliurrit CRSA, Program Coordinator the Cenaliurrit CRSA.  
Years associated with the ACMP - 6 years since 1989

**Lisa Parker** - Planning Director for the Kenai Peninsula Borough; previously directed governmental and environmental affairs for Cominco Inc. (Red Dog Mine); Executive Director of the Cook Inlet Regional Citizens Advisory Council; state coordinator for Alaska Land Use Council under ANILCA.

Years associated with the ACMP - 13 years since 1982

**Steve Porter** - Director of Exploration and Permitting for ARCO Alaska.

Years associated with the ACMP - 6 years since 1989

**Pam Rogers** - Natural Resource Manager II with the Division of Oil and Gas in DNR; previously hired to focus on ACMP work for the Division of Lands in DNR.

Years associated with the ACMP - 18 years since 1977

**Bill Ross** - Environmental Consultant; previously Commissioner of DEC; State Coordinator for Fisheries in the Environment in the Governor's D. C. Office; Deputy Director for the Office of Coastal Management, Associate Coordinator for the State Clearinghouse.

Years associated with the ACMP - 6 years since 1979

**Arliss Sturgulewski** - Businesswoman and Community Activist; previously State Senator who chaired Senate Resources; Anchorage City Assembly and Anchorage Planning and Zoning Commission.

Years associated with the ACMP - 10 years since 1978

**Fran Ulmer** - Lieutenant Governor; previously State Representative; Mayor of Juneau; Director of Division of Policy Development in Governor's Office where she served as the first co-chair of the Coastal Policy Council and administrator of the ACMP; Legislative Assistant to Governor Hammond; Juneau Planning Commission.

Years associated with the ACMP - 15+ years since 1975

**Peter Van Tuyn** - Litigation Director for Trustees of Alaska.

Years associated with the ACMP - 3.5 years since 1992

**Nancy Wainwright** - Private practice attorney in civil and environmental law; previously a staff attorney for Trustees for Alaska.

Years associated with the ACMP - 8 years since 1987

**Murray Walsh** - Community Development Director for the City and Borough of Juneau; previously Coordinator and Deputy Coordinator for the State's Office of Coastal Management; consultant on coastal management.

Years associated with the ACMP - 15 years since 1979

**Abi Woodbridge** - Vice-chair Aleutians West CRSA; assisted in writing the plan for Aleutians West; served on the Coastal Policy Council.

Years associated with the ACMP - 12 years since 1979

**Marvin Yoder** - Klawock City Administrator, previously Borough Manager for Ketchikan Gateway Borough; served as an alternate on the first Coastal Policy Council.

Years associated with the ACMP - 10 years since 1978

**Interview Process** - About half the interviews were conducted face-to-face; the rest were done over the phone. Most of the interviews took one hour and 15 minutes to conduct. While a standard format was used, interviewees were encouraged to wander and in the course of their wandering they were asked unique follow-up questions. It is in the wandering that I gained some of the most interesting insights. All the interviews were recorded because of my inability to transcribe fast enough. I listened to all the tapes to fill in the gaps of my notes. Any and all quotes in this report that are associated with an individual have been cleared with the interviewee through follow-up communication. To capture the flavor and insights of the interviews, I include numerous anonymous quotes.

### **Surveys Within the Interviews**

To gauge collective perspectives on progress made toward the original goals of the ACMP (listed on page 19 of the FEIS approving Alaska's program) a survey was folded into the interviews. The goal statements were simplified into statements for rating and respondents were asked to evaluate the statements on a five-point Likert-type scale (where 5 = strongly agree, 4 = agree, 3 = neutral, 2 = disagree, and 1 = strongly disagree). Five survey statements from a consistency review survey done in 1989 were also included in the list of statements for respondents to rate. Agreement or disagreement with the statement as it applies today, not with the intent of the statement, was emphasized before the rating commenced.

In this (Likert-scale) type of survey scores, will run slightly positive. Scores between 3.0 and 3.5 should be read as neutral; scores between 3.5 and 4.0 indicate moderate agreement; scores between 4.0 and 4.5 as indicating high agreement and scores below 3.0 indicate disagreement. There are two exceptions to this reading. The first is statement # 4 which carries the leading term "substantially" (part of the original goal statement in the FEIS). Second is statement # 15 which carries the leading term "large measure" (part of the original goal statement in the FEIS). To offset the inclusion of leading positive terms the rating interpretation needs a downward adjustment. Hence, for these statements a rating greater than 3.0 should be read as moderate agreement, 2.5 to 3.0 as neutral and less than 2.5 should be read as disagreement.

Results on this survey are reported under the heading: **Progress toward goals**

In addition to survey questions related to goals, the interviewer also asked persons to respond to these statements related to resource development and protection. Interviewees were asked to simply identify whether they "agree", "disagree" or "don't know".

The ACMP is being used to stop development.

The ACMP is being used to promote a local development agenda.

The ACMP is being used to promote a state development agenda.

The ACMP balances resource development and protection interests.

The ACMP is a tool to develop resources in an environmentally sound manner.

The ACMP is about integrating economic and environmental concerns into coastal project decisions.

They were then asked which statement they agreed with most.

Results on this set of questions are reported under the heading: **Progress toward balancing.**

Through conferences and focus group discussions, ACMP participants have identified quite a few problem areas with the program. I simplified the problem statements into eight general statements. I then asked interviewees: "Based on your experience do you agree or disagree with these problem statements?" "Don't know" was also an acceptable response on these statements:

- a. Coastal districts need to be given more deference in consistency determinations.
- b. Socioeconomic aspects need more consideration in the ACMP decision-making.
- c. Coastal Policy Council needs to redefine their role.
- d. Enforceable policies in the coastal plans need to be clarified and improved.
- e. Large project reviews need to be clarified and improved.
- f. Monitoring and enforcing compliance with stipulations does not happen enough and there is confusion as to who is responsible.
- g. The geographic scope of the ACMP should be reconsidered, particularly the application of enforceable policies outside municipal boundaries.
- h. Coordination and communication of concerns needs to be improved in project review.

Results on this survey are reported under the heading: **Problem Areas with the ACMP.**

### **Cornerstone Issues**

When sorting out how to get to resolution on the problem areas listed above, some key questions surface and rise to the top . . . cornerstone questions that must be resolved first. For example, before asking "what should due deference mean?" we need to answer "who should make the consistency determination, local districts or the state?" It also became apparent that some of these cornerstone questions touch on the program shifts made in 1984 under "permit reform". These cornerstone issues for the ACMP Assessment are the questions that need to be answered first:

#### **#1. Program Structure (options provided under federal law)**

Is the "networked system" of ACMP implementation through existing authorities still the preferred system? Should a "consistency permit", similar to the California Coastal Permit, be considered? Should consistency determinations (for non-federal actions or permits) be shifted to the coastal districts or should the State run process be amended to raise local district standing?

Interviewees were asked directly to respond to cornerstone question #1: These results are listed under the heading **Cornerstone Issue #1.**

#### **#2. Relationship of Program Authorities**

How do the ACMP authorities relate to the management and regulatory authorities of state agencies and local government? Who has the responsibility for enforcement of the consistency determination?

#### **#3. Role of the Coastal Policy Council**

Should the role of the CPC in establishing policy (e.g. plan approval, promulgation of

regulations) change? Should the role of the CPC in overseeing implementation and enforcement (e.g. petitions) change?

Since the agency "white papers" and the CPC working groups were to be the primary mechanism for answering these respective questions. The interview was not structured to specifically get at these questions. However, some questions prompted interviewees to comment in regards to these questions. These comments are included in the Composite and Summary section, pages 38 - 40, under the headings **Cornerstone Issue #2**, and **Cornerstone Issue #3**.

**Associations Made for Analysis:** Rather than just lump all the interview findings into one composite report, I thought it would provide more insight if the responses and quotes were presented and analyzed in these groups:

\* **Living History** - Individuals that were very involved in the ACMP prior to 1980, but have retained or expanded their working knowledge of the program. Eight individuals were placed in this association. Together they offered insights from 86 years of association with the ACMP.

\* **Local Government** - Individuals that currently serve with a local unit of government, including CRSA Boards. Planning Consultants to local government were included in to this group. As such, this group includes ten individuals representing 10 different regions of the state. Together they offered insights from 111 years of association with the ACMP.

\* **State Government** - Individuals currently serving with a state agency. Ten individuals from five different state agencies were placed in this association. Together they offered insights from 115 years of association with the ACMP.

\* **Public/Special Interest** - Individuals currently or previously employed by a non-profit special interest organization. Five individuals were placed in this association. Together they offered insights from 25 years of association with the ACMP.

\* **Business Community** - Individuals currently in the private sector or who responded to the questions from a past industry association. Five individuals were placed in this association. Together they offered insights from 61 years of association with the ACMP.

To provide a composite perspective, I combined all the tabulated responses (as opposed to open-ended responses) into one section - **Composite and Summary Findings**. This section also notes the major areas of agreement and disagreement among the different groups. Comments related to cornerstone issues #2 and #3 are included in this section.

## LIVING HISTORY RESPONSES

**Living History** - Individuals that were very involved in the ACMP prior to 1980, but have retained or expanded their working knowledge of the program. Eight individuals were placed in this association. Together they offered insights from 86 years of association with the ACMP.

### **What is the value and function of the ACMP?**

- \* initiated comprehensive coastal management planning - deciding ahead of time areas for resource development and areas for special protection
- \* provided an opportunity for local and state influence over federal decisions -
- \* gave us the means to access technical and financial resources for planning and implementation
- \* to get larger governments to comply with the desires of smaller government
- \* provides coordination role for local, state and federal government to resolve coastal issues

"Back in the 1970's Alaska embraced the CZM program essentially because of oil and gas prospects. The presumption was that there was going to be a lot of oil in the offshore areas and the ACMP was a way for communities to plan and guide the impacts while keeping OCS development on track."  
Don Gilman

"With so much of Alaska under federal control, the ACMP was seen as a way to empower local and state government to have at least influence on federal land management activities."

"When you have such a big land area and a state as diverse as Alaska [in regards to local government] you need the ACMP. Without the ACMP all the permit discussions would just come into the Resources Cabinet."

"The federal dollars for planning and implementation was a big fat carrot, particularly when Alaska's coastal region faced the prospects of major impacts from offshore oil and gas development."

### **Progress toward goals**

The rating follows the hyphen. Statements in **Bold** denote moderate agreement; statements in *Italics* denote *disagreement*. Statement in "plain" font denote a neutral response.

1. - 4.0 **The consistency review process helps local communities get involved in the project.**
2. - 3.9 **The consistency review process helps the various participants identify their interests and goals.**
3. - 3.2 The ACMP provides a common basis for coastal decisions.
4. - 3.3 **Protection of coastal land and water habitat are substantially improved by the ACMP.**
5. - 3.4 The consistency review process helps develop better solutions to problems.

6. - 3.6 **The planning element of the ACMP provides a capability to anticipate and manage impacts of large resource development projects, such as oil and gas.**
7. - 3.9 **The consistency review process helps coordinate agency permits.**
8. - 2.3 *The division of responsibility for management of coastal resources is clearly defined.*
9. - 3.4 The consistency review process helps prevent, or helps resolve, conflicts.
10. - 3.0 The consistency review process provides a unique role for involving local government in coastal decisions of local significance.
11. - 3.4. The consistency review process provides a unique role for involving local government in coastal decisions of state significance.
12. - 3.4 The consistency review process provides a unique role for involving local government in coastal decisions of federal significance.
13. - 3.6 **The consistency review process provides a unique role for involving state government in coastal decisions of federal significance.**
- 14 - 3.4 The planning element of the ACMP enables developers of coastal resources to gain more certainty about state and local attitudes on development sites.
15. - 2.5 The ACMP grants large measures of local control to unincorporated communities.
16. - 3.4 The ACMP provides for heightened and specific management for areas with extraordinary coastal values.
17. - 3.7 **Coastal uses of state and national significance cannot be unreasonably excluded.**

#### **Progress toward balancing**

\* 86% of the respondents agreed with this statement:

**The ACMP is a tool to develop resources in an environmentally sound manner.**

\* 86% of the respondents disagreed with this statement:

*The ACMP is being used to promote a state development agenda.*

#### **Any surprise developments?**

"Most local programs haven't gone as far as they could have gone. A fear of commitment [to take on more authority through local land use controls] seems to be rampant in Alaska".

"A wrong turn happened somewhere with the CPC. It is to be a policy body, not an implementation body. It's absolutely nuts for the CPC to be hearing specific project petitions."

"I never anticipated that local or special interest concerns would not be embraced or at least included in the district plans (reference to citizen petitions)."

"Through the adoption of the consistency review regulations in 1984, the state agencies usurped local government's right to make the consistency decision. The reversal in who makes the consistency determination was a major surprise."

"Sheffield put backbone into the state end of the program by strengthening the role of DGC."

"A lot of the ACMP is now after the fact. When I got back involved in 1991, I noticed the emphasis had shifted from planning to permit influence." Marvin Yoder

### Cornerstone Issue #1

Is the "networked system" of ACMP implementation through existing authorities still the preferred system? Should a "consistency permit", similar to the California Coastal Permit, be considered?

**\* All respondents favored keeping the existing "networked system" of implementation.** This is further substantiated by the positive rating on the goals related to the consistency review process. The respondents all agreed that the consistency review process helps local communities get involved in the projects; helps the various participants identify their interests and goals; and helps coordinate review of agency permits.

"Everything in Alaska has some federal connection so the consistency determination process enabled the state to weigh-in and play the broker role. DGC has been flexible to meet the needs of each administration. The network approach was and is the right choice for Alaska."

"The first Coastal Management bill was very state-oriented; somewhat after the California model. It generated fears of invasive government and was quickly modified. Given the diversity of Alaska, the network approach still makes sense."

### Cornerstone Issue #1 continued

Should consistency determinations (for non-federal actions or permits) be shifted to the coastal districts or should the State-run process be amended to raise local district standing?

**Only one interviewee favored shifting the responsibility for consistency determinations to the coastal districts. The rest favored keeping the State run process the same or modifying it slightly.** One person suggested giving the aggressive coastal districts with planning and zoning authority the option of taking on the responsibility for making the consistency determination.

"The tension of state/local funding and power sharing has always been with the program. The make-up of the CPC and the establishment of the co-chairs was a direct response to this tension. The system of due deference was designed to give districts a "no" if the state said "yes" to development. Local governments with state approved plans were to have the last word to stop a project unless there was an overriding "use of state concern" which the districts could appeal to the CPC. This usually made the State Commissioners uncomfortable. To the best of my recollection, the deference system was not designed to give districts a "yes" if the state said "no". It was not to result in any transfer of permit authority. I know of no reading of the Act that would imply that the local government could force the state to issue a permit on an individual project."

Fran Ulmer

"Because ACMP process is a balancing act it's best to have the balancing happen at the local level because state agency personnel are too single-focused. Let locals make the decision and if state agencies have a problem, let them take it as a "use of state concern" to the CPC."

"If you shifted it to the districts, how would you deal with the maverick mayors or those local governments which may be dysfunctional?"

To gauge perception as to any shifts in the decision-making authority, respondents were asked a series of three questions:

A. "When you first became involved in the ACMP where did you perceive the decision-making arena to be on this scale in regards to making project decisions on ACMP consistency?"

1-----2-----3-----4-----5

- 1- completely within local government
- 3 - equal sharing of decision-making authority
- 5 - completely within state government

**Collective Response: 3.3**

B. "Where do you perceive the decision-making arena to be now on this scale?"

1-----2-----3-----4-----5

**Collective Response: 3.4**

"At the beginning I saw it as a 4; then when I worked in the Office of Coastal Management, I saw it as 3.5; then as Commissioner, I viewed it more at 2.5."

Bill Ross

C. "In which direction should the ACMP move toward?"

71% said keep it at the same spot

29% said move it in the direction of local government

"For the benefit of resource protection you must have either an aggressive local district dedicated to the ACMP or a strong state presence."

"Districts can move the decision-making needle now if they want to play the game."

### **Problem Areas with the ACMP**

"Get the CPC out of the implementation role and back into the policy role."

"ACMP has not risen to a statewide level of recognition on key resource issues. If the ACMP is a key player I sure don't get that sense from reading the papers. The policy relevancy of the ACMP needs to be raised."

"The ACMP ended up being more redundant and bureaucratic than I expected. It's almost impossible to understand the layering of local, state, and federal regulatory controls."

"In the 1990's the ACMP is being used to delay development more than it ever has. It's listed in almost every environmental lawsuit."

"The Legislature made a mistake in SB 308 (bill passed in 1994) because it'll create more problems than it'll solve. It is the opposite of what the ACMP intended."

Of the problem area descriptions given to respondents these are the statement that most respondents clearly **agreed** with:

- \* **Socioeconomic aspects need more consideration in the ACMP decision-making.**
- \* **Enforceable policies in the coastal plans need to be clarified and improved.**
- \* **Large project reviews need to be clarified and improved.**
- \* **Monitoring and enforcing compliance with stipulations does not happen enough.**

Of the problem area descriptions given to respondents these are the statements that most respondents clearly *disagreed* with:

- \* *The geographic scope of the ACMP should be reconsidered, particularly the application of enforceable policies outside municipal boundaries.*
- \* *Coordination and communication of concerns needs to be improved in project reviews.*

Please Note: a few interviewees felt they were not current enough with the program to respond to these problem areas. Therefore the tabulations here are less reflective of this group.

## LOCAL GOVERNMENT RESPONSES

**Local Government** - Individuals that currently serve with a local unit of government, including CRSA Boards. Planning Consultants to local government were included in this group. As such, this group includes ten individuals representing 10 different regions of the state. Together they offered insights from 111 years of association with the ACMP.

### **What is the value and function of the ACMP?**

- \* allows local municipalities an opportunity to comment on projects that they wouldn't be able to do otherwise;
- \* brings in an interdisciplinary approach to resource management;
- \* provides funding for plan development and implementation;
- \* provides a vehicle for coordinating agency and local government comments on projects;
- \* generates a network function [more than just the project review] for resource agencies and coastal communities;
- \* extends influence of local government on offshore oil and gas development;
- \* assists the community in developing projects that not only benefit the applicant but also enhances and protects the environment;
- \* results in less court challenges;
- \* provides problem-solving on permits

"The ACMP gives us some control of oil exploration and development and provides public input on management and protection of resources." Francis Degan

"The ACMP brings regulatory permittees and applicants together to develop solutions that are more in line with balancing development and protection."

Linda Freed

"Prior to ACMP, local government served only in a commenting role, and the ACMP allowed them to switch to a participatory role at the table."

Jon Isaacs

"Without state and federal funding it is unlikely that local districts would have a coastal management program."

"I value the flexibility of the program; it's painted differently in each community around Alaska."

Marlene Campbell

"Many districts overlook the importance of establishing trust and work relationships with the resource agencies. It's very important to making the ACMP work."

## Progress toward goals

The rating follows the hyphen. Statements in **Bold** denote moderate agreement; statements in *Italics* denote disagreement. Statement in "plain" font denote a neutral response.

1. - 3.6 **The consistency review process helps local communities get involved in the project.** (In a 1989 survey, 17 district contacts rated this statement - 3.7)
2. - 4.0 **The consistency review process helps the various participants identify their interests and goals.** (In a 1989 survey, 17 districts contacts rated this statement - 3.9)
3. - 3.1 The ACMP provides a common basis for coastal decisions.
4. - 3.3 **Protection of coastal land and water habitats are substantially improved by the ACMP.**
5. - 3.4 The consistency review process helps develop better solutions to problems. (In a 1989 survey, 17 districts contacts rated this statement - 3.5)
6. - 3.1 The planning element of the ACMP provides a capability to anticipate and manage impacts of large resource development projects, such as oil and gas.
7. - 3.9 **The consistency review process helps coordinate agency permits.** (In a 1989 survey, 17 districts contacts rated this statement - 3.9)
8. - 2.2 *The division of responsibility for management of coastal resources is clearly defined.*
9. - 3.3 The consistency review process helps prevent, or helps resolve, conflicts. (In a 1989 survey, 17 districts contacts rated this statement - 3.6)
10. - 3.5 The consistency review process provides a unique role for involving local government in coastal decisions of local significance.
11. - 3.8 **The consistency review process provides a unique role for involving local government in coastal decisions of state significance.**
12. - 3.2 The consistency review process provides a unique role for involving local government in coastal decisions of federal significance.
13. - 2.7 *The consistency review process provides a unique role for involving state government in coastal decisions of federal significance.*
14. - 3.3 The planning element of the ACMP enables developers of coastal resources to gain more certainty about state and local attitudes on development sites.
15. - 3.0 The ACMP grants large measures of local control to unincorporated communities.
16. - 3.6 **The ACMP provides for heightened and specific management for areas with extraordinary coastal values.**
17. - 4.2 **Coastal uses of state and national significance cannot be unreasonably excluded.**

The only significant difference between this survey and the 1989 survey is the rating on statement #9. In 1989, the districts contacts agreed that the consistency review process helps prevent or resolve conflicts.

## **Progress toward balancing**

\* 89% of the respondents agreed with this statement:

**The ACMP is a tool to develop resources in an environmentally sound manner.**

\*63% of the respondents disagreed with these statements:

*The ACMP is being used to stop development.*

*The ACMP is being used to promote a local development agenda.*

"If you have a strong and active local government then the integration of economic and environmental concerns happens in the ACMP."

## **Any surprise developments?**

"Surprised at how much the federal government backed away from the consistency requirement; they are not involved in the process to the degree I thought they were obligated to play."

"I always had a strong belief that once a plan was approved, after a lengthy review, that the consistency determination would be made at the local level. Our plan got approved at the same time the consistency review regulations were promulgated in 1984, and that's when we got told that the coastal district didn't get the call; that we got deference instead. It's not that we (a community with the full slate of land use controls) never picked up the consistency ball. We were told by DGC back then that local government was not given the authority to put the ball in their court."

"I never realized how difficult it would be to resolve the balancing issues because I never anticipated that an industry or a special interest would dominate the local process."

"I was surprised about the lack of linkage between Title 29 and the ACMP. The lack of linkage goes two ways. The ACMP didn't provide enough tools and incentive for the municipality but the municipality didn't take advantage of what the ACMP had to offer."

"ACMP did not lead to compromises on federal initiatives that I thought it was designed to address under the intent to give consistency and flexibility to the states. Specifically I'm referring to wetlands and the Endangered Species Act. It's not as effective in influencing the big issues as I thought it would be."

## **Cornerstone Issue #1**

Is the "networked system" of ACMP implementation through existing authorities still the preferred system? Should a "consistency permit" similar to the California Coastal Permit, be considered?

**One person thought there was merit to looking at a single permit process for large projects; keeping the network approach for small projects. All other respondents clearly**

avored the existing "networked system". This is further substantiated by the positive rating on the goals related to the consistency review process. The respondents all agreed that the consistency review process helps local communities get involved in the projects; helps the various participants identify their interests and goals; and helps coordinate agency permits.

"If a more central "coastal permit" can lead to the ACMP linking into the NEPA process, it should be further evaluated for large projects. The federal government is now starting to combine NEPA with Army Corps permits, but no one is looking at the next step of linking into the ACMP and all the state permits. This is an area that needs more strengthening."

"From what I understand about the California system it's a more difficult process for local government and industry."

"Let's keep the network system, but make it more truly networked. I know of one project that resulted in 3 separate reviews and public notices because of DNR's processes."

#### Cornerstone Issue #1 continued

Should consistency determinations (for non-federal actions or permits) be shifted to the coastal districts or should the State-run process be amended to raise local district standing?

Only one respondent favored shifting to the coastal districts. The rest of the respondents favored keeping the State-run process but modifying it to raise local district standing. One person also suggested giving the district the option of making the consistency determination, but went on to qualify this suggestion - "While some local governments have whined about the state's role when you get to the bottom line, they really don't want the responsibility."

"Any shift to coastal district should have strings of responsibility and accountability attached."

"Part of me says shift it to local government but the other part of me says the greater good must be helped so it needs to stay with the state."

"Considering finances, staffing and liability exposure, I'd rather modify the existing process."

To further gauge perception as to any shifts in the decision-making authority, respondents were asked a series of three questions":

A. " When you first became involved in the ACMP where did you perceive the decision-making arena to be on this scale in regards to making project decisions on ACMP consistency?

1-----2-----3-----4-----5

1- completely within local government

3 - equal sharing of decision-making authority

5 - completely within state government

Collective Response: 3.4

B. "Where do you perceive the decision-making arena to be now on this scale?"

1-----2-----3-----4-----5

**Collective Response: 4.1**

C. "In which direction should the ACMP move toward?"

**\* 100% said move it in the direction of local government**

"Due deference needs to be re-interpreted so coastal districts have the say unless the state agency can demonstrate "overriding use of state concern" or "irreparable harm to habitat" Right now some state agency persons hold "area of expertise" over coastal district heads."

"Here is long standing observation: the ACMP can indeed be used to modify a project and perhaps say no, but it can't be used to induce or force a state agency to issue their permit."

"Credible local knowledge needs to be as meaningful as science."

"We have this strange relationship where a state agency is reading our plan to us to express their state concerns on a project."

"My preference is to let the coastal districts have the say on what constitutes "public need", not ADF&G saying to a district there is no public need. Who better to define what the public need is for that community than the members of that community. ADF&G knows about habitat protection; not public need."

#### **Problem Areas with the ACMP**

"My biggest frustration is not with the state but with the federal government. They don't embrace the program and are unwilling to compromise. The lack of federal cooperation needs to be resolved."  
Dave Dengel

"A lot of the problems people see in the program are the result of staff and resource reduction and turnover in the regulatory agencies which results in lack of time to sit down and communicate. I think more emphasis on training and communication would eliminate a lot of the problems being talked about."

"The program has fallen flat on it's face when it comes to educating residents about the ACMP."

"The program is real close to going down because of the high level of frustration with the petition process."

"Too many mixed messages about who gets to decide "

"SB 308 has destroyed the original intent of the program."

"The new changes in phased review [SB 308 passed in 1994] have an ambiguous set of guidelines that are difficult to apply to large projects."

Of the problem area descriptions given to respondents these are the statements that most respondents agreed with most:

- \* Coastal district need to be given more deference in consistency determinations.
- \* Socioeconomic aspects need more consideration in the ACMP decision-making.
- \* Coastal Policy Council needs to redefine their role.
- \* Enforceable policies in the coastal plans need to be clarified and improved.

There was only one problem statement that respondents tended to *disagree* with:

\* *The geographic scope of the ACMP should be reconsidered, particularly the application of enforceable policies outside municipal boundaries.*

## STATE AGENCY RESPONSES

**State Government** - Individuals currently serving with a state agency. Ten individuals from five different state agencies were placed in this association. Together they offered insights from 115 years of association with the ACMP.

### What is the value and function of the ACMP?

- \* promotes the state speaking with one voice - making sure one permit decision on a project is not contradicted by another state agency;
- \* provides effective forum for involving local government in state decision-making beyond normal public input process;
- \* consolidates and coordinates state permit review;
- \* gives the state the ability to influence to some extent federal resource decisions in Alaska;
- \* planted the seeds for local government to form in remote, rural areas;
- \* gave ADF&G additional influence on resource development issues beyond strict regulatory authority;
- \* gave agency permittees the time and place to ask others for their thoughts on specific projects.

"The federal consistency requirement, while not perfect, does let the state put their foot in the door on big projects and on major permits, such as NPDES permits. The ACMP is the only opportunity the state has to have any kind of say on federal projects like the Tongass Land Use Management Plan. While the state may not have much standing to challenge a federal decision, the ACMP makes them listen and justify their decisions."

"The best feature of the ACMP is the pre-project planning hosted by DGC."

"Before 1984 (the year the consistency regulations went into effect) agencies had to do a lot of coordination in addition to the technical aspects of permit review; now we focus more on the technical review."

"The ACMP taught Alaska the vernacular and the techniques employed in resource management and planning."

### Progress toward goals

The rating follows the hyphen. Statements in **Bold** denote **moderate agreement**; statements in *Italics* denote *disagreement*. Statement in "plain" font denote a neutral response.

1. - 4.3 **The consistency review process helps local communities get involved in the project.** (In a 1989 survey, 17 state agency contacts rated this statement - 3.9)

2. - 4.0 **The consistency review process helps the various participants identify their interests and goals.** (In a 1989 survey, 17 state agency contacts gave this statement The same rating of 4.0)
3. - 2.9 *The ACMP provides a common basis for coastal decisions.*
4. - 3.1 **Protection of coastal land and water habitat are substantially improved by the ACMP.**
5. - 3.7 **The consistency review process helps develop better solutions to problems.** (In a 1989 survey, 17 state agency contacts rated this statement - 3.7)
6. - 3.4 The planning element of the ACMP provides a capability to anticipate and manage impacts of large resource development projects, such as oil and gas.
7. - 3.8 **The consistency review process helps coordinate agency permits.** (In a 1989 survey, 17 state agency contacts rated this statement - 3.9)
8. - 2.3 *The division of responsibility for management of coastal resources is clearly defined.*
9. - 3.6 **The consistency review process helps prevent, or helps resolve, conflicts.** (In a 1989 survey, 17 state agency contacts rated this statement - 3.7)
10. - 3.5 The consistency review process provides a unique role for involving local government in coastal decisions of local significance.
11. - 3.3 The consistency review process provides a unique role for involving local government in coastal decisions of state significance.
12. - 3.4 The consistency review process provides a unique role for involving local government in coastal decisions of federal significance.
- 13.- 3.7 **The consistency review process provides a unique role for involving state government in coastal decisions of federal significance.**
14. - 3.6 **The planning element of the ACMP enables developers of coastal resources to gain more certainty about state and local attitudes on development sites.**
15. - 2.9 The ACMP grants large measures of local control to unincorporated communities.
16. - 3.5 The ACMP provides for heightened and specific management for areas with extraordinary coastal values.
17. - 3.9 **Coastal uses of state and national significance can not be unreasonably excluded.**

The ratings made in the 1989 survey on the consistency review process were essentially duplicated in this survey of state agency contacts.

#### **Progress toward balancing**

\* 90% of the respondents agreed with this statement:

**The ACMP is a tool to develop resources in an environmentally sound manner.**

\*70% of the respondents disagreed with these statements:

*The ACMP is being used to stop development.*

“The ACMP is an imperfect consensus building process toward balance of development and protection of use.”

"Frequently, political influence tips the balance toward resource development at the expense of important coastal resources. In all my years with the program (10+) I never once saw a legitimate (applicant willing to work to re-shape the project) resource development project get rejected."  
Don McKay

"If the ACMP were to go away, the balancing would still occur because we're all inoculated now and the public input process is institutionalized."

"When the parties are willing to negotiate, the goal of balancing resource development and protection is often met."

#### **Any surprise developments?**

"I was surprised to see communities themselves don't use or reference their own plan when commenting."

"Surprised to see the program evolve to where it's not entirely fair. Examples that come to mind:

- \* when local communities are an applicant, they have more ownership in the project and exert and receive more influence than when they are just commenting on another applicant's permit;
- \* treating after-the fact applicants the same as those that apply before commencing the project;
- \* timber industry has a different standard and process than other industries; and
- \* people who scream, shout and exert political pressure get treated differently."

"If an applicant forgets a permit, and oftentimes it's a minor permit, they must go through another ACMP review and then, to my surprise, I see these new stipulations being tacked on to the project; stipulations that weren't important enough for the earlier major permits."

"The ACMP is structured for fixed facilities but not for facilities that move like logging camps, and site clean-up barges. Consequently there is no way for the new locally affected area to comment on the facility's new location and activities. This Catch-22 was a surprise."

"First viewed standards has black and white; now I see them as grey with a lot of flexibility in how they get implemented."  
Don McKay

"I was surprised that the CRSAs didn't turn to DNR to implement their plan through state land use designations; instead they turned to the state permit system to wield influence on projects."

"The transfer of problem-solving activities away from agencies and to DGC allowed the agencies to take more of a hard-line position on projects which resulted in extended time for permit approval."  
Mike McKinnon

"In putting this coordinated review program together, I don't think anyone imagined how staff and budget reductions would impact the program."

"The lack of standard training comes to mind. Project reviewers in DGC don't have the comparable [to state agency permitters] technical background; making it hard for them to sit in judgement on projects."

### Cornerstone Issue #1

Is the "networked system" of ACMP implementation through existing authorities still the preferred system? Should a "consistency permit", similar to the California Coastal Permit, be considered?

**While the majority of respondents unequivocally favored the existing network system of implementation; three respondents thought there might be some merit to a central permit but doubted that the financial and political will existed to move in this direction. The majority viewpoint is further substantiated by giving most of the statements regarding the consistency review process a rating greater than 3.5. Specifically the respondents agreed that the consistency review process helps local communities get involved in the projects; helps the various participants identify their interests and goals; and helps coordinate agency permits. They also acknowledged that the consistency review process help to solve problems and resolve conflicts.**

"The advantage to a coastal permit is then you can put enforcement behind it. Enforcement is the weak link in implementing the ACMP."

"While there are implementation problems with the ACMP, I can't think of a system that would work better for Alaska. We need to allocate the resources and staff to keep the coordination function running smoothly."

Dave Hardy

"If this were 1977 again, I would say we do need something like a coastal permit, but I recognize that policy and budget decisions are intertwined and we have no budget to do otherwise; therefore a coastal permit is not the right policy choice for Alaska in 1995."

### Cornerstone Issue #1 continued

Should consistency determinations (for non-federal actions or permits) be shifted to the coastal districts or should the State-run process be amended to raise local district standing?

**No respondents favored a shift to coastal districts; 3 persons favored modifying the State-run process; 7 persons wanted no change. One person suggested that coastal districts can take a third path toward exerting more influence on permits inside their jurisdiction - the example being Juneau's wetland plan that grants them control on "C" class wetlands.**

"From the beginning, I was uneasy about giving so much power to local residents without requiring them to take on the responsibility of planning and zoning. Generally, it's unwise to separate authority and responsibility."

Mary Kay Hession

"Even if we shifted all the funding along with the decision-making authority to coastal districts, the level of technical review would be negatively impacted because there are a lot of agency reviewers who work on ACMP projects but are not funded by the ACMP. You can't shift authority without responsibility and you can't shift all the funding to carry out that responsibility."

"Shifting to coastal districts creates much more problems than it solves; particularly in regards to fairness. Applicants would be treated differently by individual communities."

To further gauge perception as to any shifts in the decision-making authority, respondents were asked a series of three questions:

A. "When you first became involved in the ACMP where did you perceive the decision-making arena to be on this scale in regards to making project decisions on ACMP consistency?"

1-----2-----3-----4-----5

1 - completely within local government

3 - equal sharing of decision-making authority

5 - completely within state government

**Collective Response: 3.7**

B. "Where do you perceive the decision-making arena to be now on this scale?"

1-----2-----3-----4-----5

**Collective Response: 3.5**

C. "In which direction should the ACMP move toward?"

\* 64% said keep it right where it is

\* 20% said move it in the direction of state government

\* 20% said move it in the direction of local government

"The authority of enforceable policies approved by the CPC should not have the same standing as statutes passed by the Legislature."

"If there is a desire to move toward local government, I suggest focusing on the elevation process. Districts could have a vote and be in the room the whole time. I've seen people who you wouldn't have believed were capable of reaching consensus come together. The elevation process really works and is valuable to districts as well."

#### **Problem Areas with the ACMP**

"Number one on my list is the petition process. The regulations need to be in place. Petitions are the undertow that can pull the whole program down."

"The standards need to be more specific so that consistent resource protection can be provided."

"There needs to be more care and feeding in communication; particularly with the districts. Consistent communication would make the districts feel better about the program."

"The most controversial aspect of a project is the argument for "habitat loss", i.e. ADF&G found eelgrass. ADF&G needs to go to the Legislature and get statutory and regulatory authority for habitat standards."

"Need to give resource agencies the authority to enforce stipulations outside their existing authority."

"People are expecting to use the CPC as a court of law when the CPC was never given that authority. Issues before the CPC now should be the subject of litigation."

Of the problem area descriptions given to respondents these are the statements that most respondents agreed with most:

- \* **Enforceable policies in the coastal plans need to be clarified and improved.**
- \* **Monitoring and enforcing compliance with stipulations does not happen enough and there is confusion as to who is responsible.**
- \* **Coordination and communication of concerns needs to be improved in project reviews.**

There was only one problem statement that respondents clearly *disagreed* with:

- \* *Coastal districts need to be given more deference in consistency determinations.*

## PUBLIC/SPECIAL INTEREST

**Public/Special Interest** - Individuals currently or previously employed by a non-profit special interest organization. Five individuals were placed in this association. Together they offered insights from 25 years of association with the ACMP.

### What is the value and function of the ACMP?

- \* promotes local involvement and awareness of coastal development issues;
- \* integrated and coordinated review of permits;
- \* serves as the major mechanism for encouraging planning on the coast;
- \* gives state a "say" on federal projects;
- \* formally sanctions local opinion to enter policy discussions

"Communities that are activists have more say and influence. So the potential of local government to have a say in the kinds of development they want still exists."

"The ACMP coordination process should be expanded to the rest of the state."

### Progress toward goals

The rating follows the hyphen. Statements in **Bold** denote moderate agreement; statements in *Italics* denote *disagreement*. Statement in "plain" font denote a neutral response.

1. - 4.3 **The consistency review process helps local communities get involved in the project.**
2. - 3.4 The consistency review process helps the various participants identify their interests and goals.
3. - 3.8 **The ACMP provides a common basis for coastal decisions.**
4. - 3.6 **Protection of coastal land and water habitats are substantially improved by the ACMP.**
5. - 4.2 **The consistency review process helps develop better solutions to problems.**
6. - 3.8 **The planning element of the ACMP provides a capability to anticipate and manage impacts of large resource development projects, such as oil and gas.**
7. - 4.0 **The consistency review process helps coordinate agency permits.**
8. - 2.6 *The division of responsibility for management of coastal resources is clearly defined.*
9. - 4.0 **The consistency review process helps prevent, or helps resolve, conflicts.**
- 10.- 4.0 **The consistency review process provides a unique role for involving local government in coastal decisions of local significance.**
- 11.-4.0 **The consistency review process provides a unique role for involving local government in coastal decisions of state significance.**
- 12.- 3.8 **The consistency review process provides a unique role for involving local government in coastal decisions of federal significance.**
- 13.- 4.0 **The consistency review process provides a unique role for involving state government in coastal decisions of federal significance.**

- 14 - 3.6 **The planning element of the ACMP enables developers of coastal resources to gain more certainty about state and local attitudes on development sites.**
- 15. - 3.0 **The ACMP grants large measures of local control to unincorporated communities.**
- 16. - 4.2 **The ACMP provides for heightened and specific management for areas with extraordinary coastal values.**
- 17. - 3.2 **Coastal uses of state and national significance cannot be unreasonably excluded.**

#### **Progress toward balancing**

\* All the respondents agreed with this statement:

**The ACMP is a tool to develop resources in an environmentally sound manner.**

\* 4 of 5 of the respondents agreed with this statement:

**The ACMP balances resource development and protection interests.**

\* All respondents *disagreed* with this statement:

*The ACMP is being used to stop development.*

#### **Any surprise developments?**

"It didn't result in as big a negative impact on coastal development as many had feared. The standards were not substantive enough to place consistent restrictions; they were open to interpretation and were applied on a case-by-case basis."

"I was surprised at how much the federal government could ignore the ACMP recommendations, even when supported by comments from the Governor."

"A communication gap between state and local government was a surprise. In particular, there is a lack of information to local governments on how they can use this program to their advantage."

"We were real surprised by SB 308. Just when we thought the ACMP was being implemented the right way, the Hickel administration went to the legislators to get it changed."

#### **Cornerstone Issue #1**

Is the "networked system" of ACMP implementation through existing authorities still the preferred system? Should a "consistency permit", similar to the California Coastal Permit, be considered?

**Four of five respondents clearly prefer the existing "networked system" of implementation. The remaining person was neutral and had no preference. The majority viewpoint is further substantiated by giving most of the statements regarding the consistency review process a rating greater than 3.5. Specifically, the respondents agreed that the consistency review process helps local communities get involved in the projects; helps the**

various participants identify their interests and goals; and helps coordinate agency permits. They also acknowledged that the consistency review process help to solve problems and resolve conflicts.

"Just a straight permit without the coordination function would just set the State back to where each agency stakes out a different position. Besides, the standards as written are too vague to be converted into a "consistency permit."

"The network system is a much more efficient approach, but there needs to be a lot more education of permitters to make it work consistently across the state."

### Cornerstone Issue #1 continued

Should consistency determinations (for non-federal actions or permits) be shifted to the coastal districts or should the State run process be amended to raise local district standing?

**Four of five cited the need to be practical when indicating a preference for modifying the State run process instead of shifting it to coastal districts.** One respondent suggested that the State should try setting up a pilot program for a coastal district that may have the staff and financial resources to administer the consistency review process, i.e. create the "shift" option on a pilot program basis.

"I'm a big fan of self-determination but without the training and resources to make the district determination work, the state needs to keep a strong role in the process."

To further gauge perception as to any shifts in the decision-making authority, respondents were asked a series of three questions:

A. "When you first became involved in the ACMP where did you perceive the decision-making arena to be on this scale in regards to making project decisions on ACMP consistency?"

1-----2-----3-----4-----5

- 1 - completely within local government
- 3 - equal sharing of decision-making authority
- 5 - completely within state government

**Collective Response: 4.2**

B. "Where do you perceive the decision-making arena to be now on this scale?"

1-----2-----3-----4-----5

**Collective Response: 4.2**

C. "In which direction should the ACMP move toward?"

**\* all respondents favored moving the decision-making arena toward local government**

"My reading of due deference says the state gets what it wants."

"The tipping of the balance should be toward those local governments that demonstrate how a particular project meets their plan. The burden of proof should be on the state, i.e. uses of state concern, to do otherwise."

"While I would like to see it move more toward local government, I recognize the need to keep the baseline of state standards and responsibility of agencies to administer the statutes. The key is opening the current administration to local government influence."

### Problem Areas with the ACMP

"The most immediate problem is making the petition process workable. Make the petition process clear and unequivocal in allowing citizens of districts to appeal when they raise a significant coastal issue, such as a clear conflict between project and policy. The standard of appeal should be set to capture deliberate misapplication of plans - more than a NIMBY concern."

"I'd like to see the standards rewritten to make them more substantive."

"I think there needs to be clarification about the ability of local government to influence any development project that would impact their community."

"I'd like to see more cooperation among CRSAs and resource agencies to identify data gaps and research needs."

Of the problem area descriptions given to respondents these are the statement that most respondents clearly agreed with:

- \* Coastal districts need to be given more deference in consistency determinations.
- \* Coastal Policy Council needs to define their role.
- \* Monitoring and enforcing compliance with stipulations does not happen enough and there is confusion as to who is responsible.

There was one problem statement that respondents clearly *disagreed* with:

- \* *Socioeconomic aspects need more consideration in the ACMP decision-making.*

## BUSINESS COMMUNITY RESPONSES

**Business Community** - Individuals currently in the private sector or who responded to the questions from a past industry association. Five individuals were placed in this association. Together they offered insights from 61 years of association with the ACMP.

### What is the value and function of the ACMP?

- \* provides coordinated review of permits and projects through DGC;
- \* gives local people an opportunity to participate in region wide resource planning.
- \* causes the state to speak with one voice on projects; particularly when federal permits are involved;
- \* gives industry an ability to challenge a resource agency on a factual basis through a more friendly environment of discussion where give and take occurs.

"I think one of the most compelling reasons to embrace the ACMP is DGC's timeliness for issuing a State consistency determination and DGC's coordinating role with the permitting agencies and communities with approved district coastal programs. DGC serves as a facilitator to bring permitting issues into the focus and find resolution quickly and efficiently."

"I see no particular advantage with the ACMP, but I do see a definite advantage to the state maintaining a strong coordinating role on permits. The reason I say this is because the district plans are so general that they give almost no guidance to companies; but companies value the coordinated review of permits."

### Progress toward goals

The rating follows the hyphen. Statements in **Bold** denote moderate agreement; statements in *Italics* denote *disagreement*. Statements in "plain" font denote a neutral response.

1. - 4.0 **The consistency review process helps local communities get involved in the project.** (In a 1989 survey, 10 large business applicants rated this statement - 3.7)
2. - 3.4 The consistency review process helps the various participants identify their interests and goals. (In a 1989 survey, 10 large business applicants rated this statement - 3.6)
3. - 3.0 The ACMP provides a common basis for coastal decisions.
4. - 3.6 **Protection of coastal land and water habitats are substantially improved by the ACMP.**
5. - 2.8 *The consistency review process helps develop better solutions to problems.* (In a 1989 survey, 10 large business applicants rated this statement - 3.0)
6. - 3.0 The planning element of the ACMP provides a capability to anticipate and manage impacts of large resource development projects, such as oil and gas.
7. - 4.5 **The consistency review process helps coordinate agency permits.** (In a 1989 survey, 10 large business applicants rated this statement - 4.3)
8. - 1.8 *The division of responsibility for management of coastal resources is clearly defined.*

9. - 3.0 The consistency review process helps prevent, or helps resolve, conflicts.  
(In a 1989 survey, 10 large business applicants rated this statement - 4.0)
10. - 3.6 **The consistency review process provides a unique role for involving local government in coastal decisions of local significance.**
11. - 3.6 **The consistency review process provides a unique role for involving local government in coastal decisions of state significance.**
12. - 3.8 **The consistency review process provides a unique role for involving local government in coastal decisions of federal significance.**
13. - 3.4 The consistency review process provides a unique role for involving state government in coastal decisions of federal significance.
14. - 2.2 *The planning element of the ACMP enables developers of coastal resources to gain more certainty about state and local attitudes on development sites.*
15. - 2.6 The ACMP grants large measures of local control to unincorporated communities.
16. - 4.4 **The ACMP provides for heightened and specific management for areas with extraordinary coastal values.**
17. - 3.0 Coastal uses of state and national significance can not be unreasonably excluded.

The 1989 random survey of large business applicants showed a more favorable rating of the consistency review process. Large businesses agreed in 1989 that the consistency review process helps prevent or resolve conflicts and helps the various participants identify their interests and goals.

#### **Progress toward balancing**

\* 100% of the respondents agreed with these statement:

**The ACMP is a tool to develop resources in an environmentally sound manner.  
The ACMP balances resource development and protection interests.**

\* Four out of five respondents also agreed with this response:

**The ACMP is being used to stop or delay development.** These respondents modified the original statement by adding in the word "or delay". All interviewees were given the prerogative to alter these statements to their liking. This was the only case where all the respondents in an analysis group offered the same modification.

#### **Any surprise developments?**

"I never imagined how legalistic it got to develop projects in an environmentally sensitive way. Instead of focusing attention on how to minimize risk to the environment, "elevations" became the answer and then the discussion would shift away from the value of the resource to these arcane procedural requirements."

"The appeals to the CPC are a totally surprise. I have not seen an appeal yet where the applicant actually stayed within the bounds of the appeal. They are requesting much more than the CPC can give them and they're providing new information which is not appropriate to that particular process."

"Sometimes the ACMP planning process can create an acrimonious relationship between the landowner and the community because industry is not invited into the early planning process and some of these plans end up being "bombs on the desk". Some districts use their plan as a club against us instead of coming to industry as part of their overall community development planning."

"In some cases I was surprised to see the comments of the local community get brushed over."

### **Cornerstone Issue #1**

Is the "networked system" of ACMP implementation through existing authorities still the preferred system? Should a "consistency permit", similar to the California Coastal Permit, be considered?

**All respondents unequivocally favored the existing network system of implementation.** This is further substantiated by the fact that all agreed the consistency review process helps local communities get involved in the projects and helps coordinate agency permits.

"The California Coastal Commission is a bigger bogeyman than DGC."

"The California proposal almost blew the state apart back when it was first proposed."

"A coastal permit would not be satisfactory to industry unless other permits were eliminated and DGC became more of a super-agency."

### **Cornerstone Issue #1 continued**

Should consistency determinations (for non-federal actions or permits) be shifted to the coastal districts or should the State-run process be amended to raise local district standing?

**All respondents favored the existing system with no shifting or modifications to the state-run process.**

"If you shift to local government, you no longer have that balancing act because it's no longer what's in the state's best interest. A shift to local government would have no support from the members of my industry."

"The diversity in Alaska is so vast that you can't just put it all at the local level because the level of implementation is so variable between areas."

To further gauge perception as to any shifts in the decision-making authority, respondents were asked a series of three questions:

A. "When you first became involved in the ACMP where did you perceive the decision-making arena to be on this scale in regards to making project decisions on ACMP

consistency?

1-----2-----3-----4-----5

- 1 - completely within local government
- 3 - equal sharing of decision-making authority
- 5 - completely within state government

**Collective Response: 3.5**

B. "Where do you perceive the decision-making arena to be now on this scale?"

1-----2-----3-----4-----5

**Collective Response: 3.5**

C. "In which direction should the ACMP move toward?"

- \* 4 out of 5 respondents said keep it right where it is
- \* 1 respondent wanted it moved back toward state government

"There is this fixation with "local knowledge"; but it's not universal in application and it can be misused."

"I want to see the needle move toward science being the driver over politics and emotions. Local interest groups already have substantial political influence over how the process works."

"Due deference is a good concept. Due deference doesn't change the decision point, it changes the presumption on the information. Influence should be proportionate to the expertise, knowledge and information you bring to the table."

"State resources are the economic engine of this state and if you acquiesce the authority to manage and develop these resources to the local government, there will be serious repercussions to the state's economy."

### **Problem Areas with the ACMP**

"Fix the definition of the coastal zone. Make it more narrow in scope so that it doesn't apply 100 miles up the river."

"The CPC needs to stabilize their role."

"While the ACMP process allows for interaction which is good, it also is more open to abuse than other review processes."

"There are not enough general permits on low impact projects that result in standard stipulations being attached to permits. This would smooth out the paper process and put agency persons in the field where they can make the biggest difference."

"The ACMP is not broken - it just needs adjustments on the margins."

Of the problem area descriptions given to respondents, these are the statements that most respondents tended to agree with most:

- \* **Coastal Policy Council needs to define their role.**
- \* **Enforceable policies in the coastal plans need to be clarified and improved.**
- \* **Large project reviews need to be clarified and improved.**
- \* **The geographic scope of ACMP should be reconsidered, particularly the application of enforceable policies outside municipal boundaries.**

There were two problems statement that respondents tended to *disagree* with:

- \* *Coastal districts need to be given more deference in consistency determinations.*
- \* *Socioeconomic aspects need more consideration in the ACMP decision-making process.*

Please Note: A few interviewees felt they were not current enough with the program to respond to these problem areas. Therefore the tabulations here are less reflective of the group.

## COMPOSITE and SUMMARY FINDINGS From All 38 Interviewees

To gauge collective perspectives on progress made toward the original goals of the ACMP (listed on page 19 of the FEIS approving Alaska's program) a survey was folded into the interviews. The goal statements were simplified into statements for rating and respondents were asked to evaluate the statements on a five-point Likert-type scale (where 5 = strongly agree, 4 = agree, 3 = neutral, 2 = disagree, and 1 = strongly disagree). Five survey statements from a consistency review survey done in 1989 were also included in the list of statements for respondents to rate. Agreement or disagreement with the statement "in practice" not "intent" was emphasized before the rating commenced.

In this (Likert-scale) type of survey scores, will run slightly positive. Scores between 3.0 and 3.5 should be read as neutral; scores between 3.5 and 4.0 indicate moderate agreement; scores between 4.0 and 4.5 as indicating high agreement and scores below 3.0 indicate disagreement. There are two exceptions to this reading. The first is statement # 4 which carries the leading term "substantially" (part of the original goal statement in the FEIS). Second is statement # 15 which carries the leading term "large measure" (part of the original goal statement in the FEIS). To offset the inclusion of leading positive terms the rating interpretation needs a downward adjustment. Hence, for these statements a rating greater than 3.0 should be read as moderate agreement, 2.5 to 3.0 as neutral and less than 2.5 should be read as disagreement.

### Progress toward goals

The composite rating follows the hyphen. Statements in **Bold** denote moderate agreement; statements in *Italics* denote *disagreement*. Statement in "plain" font denote a neutral response.

1. - 3.8 **The consistency review process helps local communities get involved in the project.**

Living History: 4.0                      Local Government: 3.6                      State Government: 4.3  
Public/Special Interest: 4.3      Business Community: 4.0  
The state agency, public/special interest and "living history" groups all gave this statement their highest rating overall.

2. - 3.8 **The consistency review process helps the various participants identify their interests and goals.**

Living History: 3.9                      Local Government: 4.0                      State Government: 4.0  
Public/Special Interest: 3.4      Business Community: 3.4

3. - 3.1 **The ACMP provides a common basis for coastal decisions.**

Living History: 3.2                      Local Government: 3.1                      State Government: 2.9  
Public/Special Interest: 3.8      Business Community: 3.0

4. - 3.4 **Protection of coastal land and water habitat are substantially improved by the ACMP.**

Living History: 3.3                      Local Government: 3.3                      State Government: 3.1

Public/Special Interest: 3.6 Business Community: 3.6  
State agencies gave this statement the weakest response; showing only mild agreement.

5. - 3.4 The consistency review process helps develop better solutions to problems.  
Living History: 3.4 Local Government: 3.4 State Government: 3.7  
Public/Special Interest: 4.2 Business Community: 2.8
6. - 3.2 The planning element of the ACMP provides a capability to anticipate and manage impacts of large resource development projects, such as oil and gas.  
Living History: 3.6 Local Government: 3.1 State Government: 3.4  
Public/Special Interest: 3.8 Business Community: 3.0
7. - 3.9 **The consistency review process helps coordinate agency permits.**  
All groups agreed with this statement but the business community strongly agreed and gave this statement their highest rating overall.  
Living History: 3.9 Local Government: 3.9 State Government: 3.8  
Public/Special Interest: 4.0 Business Community: 4.5  
The business community gave this statement their highest rating.
8. - 2.2 *The division of responsibility for management of coastal resources is clearly defined.*  
Living History: 2.3 Local Government: 2.2 State Government: 2.3  
Public/Special Interest: 2.6 Business Community: 1.8  
With four of five groups strongly disagreeing, this statement received the lowest rating overall.
9. - 3.4 The consistency review process helps prevent, or helps resolve, conflicts.  
Living History: 3.4 Local Government: 3.3 State Government: 3.6  
Public/Special Interest: 4.0 Business Community: 3.0
10. - 3.6 **The consistency review process provides a unique role for involving local government in coastal decisions of local significance.**  
Living History: 3.0 Local Government: 3.5 State Government: 3.5  
Public/Special Interest: 4.0 Business Community: 3.6
11. - 3.5 The consistency review process provides a unique role for involving local government in coastal decisions of state significance.  
Living History: 3.4 Local Government: 3.8 State Government: 3.3  
Public/Special Interest: 4.0 Business Community: 3.6  
Of particular note is the strong rating given by local governments.
12. - 3.5 The consistency review process provides a unique role for involving local government in coastal decisions of federal significance.  
Living History: 3.4 Local Government: 3.2 State Government: 3.3  
Public/Special Interest: 3.8 Business Community: 3.8

13. - 3.5 The consistency review process provides a unique role for involving state government in coastal decisions of federal significance.  
 Living History: 3.4      Local Government: 2.7      State Government: 3.4  
 Public/Special Interest: 4.0      Business Community: 3.4  
 The local government group gave this statement their second lowest rating.
14. - 3.3 The planning element of the ACMP enables developers of coastal resources to gain more certainty about state and local attitudes on development sites.  
 Living History: 3.4      Local Government: 3.3      State Government: 3.6  
 Public/Special Interest: 3.6      Business Community: 2.2  
 The business community strongly disagreed; giving it their second lowest rating.
15. - 2.9 The ACMP grants large measures of local control to unincorporated communities.  
 Living History: 2.5      Local Government: 3.0      State Government: 2.9  
 Public/Special Interest: 3.0      Business Community: 2.6  
 The "living history" group disagreed; giving it their second lowest rating.
16. - 3.6 The ACMP provides for heightened and specific management for areas with extraordinary coastal values.  
 Living History: 3.4      Local Government: 3.6      State Government: 3.5  
 Public/Special Interest: 4.2      Business Community: 4.4  
 The business community gave this statement their second highest rating overall.
17. - 3.7 Coastal uses of state and national significance can not be unreasonably excluded.  
 Living History: 3.7      Local Government: 4.2      State Government: 3.9  
 Public/Special Interest: 3.2      Business Community: 3.0  
 Of particular note is the rating of 4.2 given by local government; their highest rating overall.

In summary, there is overall recognition that these goals listed in the FEIS are being met:

\* To provides a common basis for coastal decisions. (While this statement by itself received a neutral rating, statements # 2 and #7 - relating to the consistency review process- all received ratings showing moderate agreement. These statements elucidated the term "common basis" and as such are included in evaluating this goal.)

- \* To substantially improve the protection of coastal land and water habitats.
- \* To provide a special process for heightened and specific management attention to areas with extraordinary coastal values.
- \* To guard against the unreasonable exclusion of coastal uses of statewide and national significance.
- \* To provide a role for local units of governments in coastal decisions of local significance.

There is clear recognition that this goal listed in the FEIS is not being met:

- \* To clearly define the division of responsibility for management of coastal resources.

These remaining goals may or may not be met depending on one's perspective:

- \* To provide a capability to anticipate and manage impacts of large resource development such as energy, timber mining and commerce.
- \* To establish a process for resolving conflicts.
- \* To provide a role for local units of governments in coastal decisions of state and federal significance.
- \* To provide more certainty about state and local desires to entrepreneurs concerned with locating development sites.
- \* To grant large measures of local control to unincorporated communities.

#### **Progress toward balancing**

- \* 91% of the respondents agreed with this statement:

**The ACMP is a tool to develop resources in an environmentally sound manner.**

- \* 61% of the respondents *disagreed* with this statement:

*The ACMP is being used to stop development.* The main exception is the business community who showed strong agreement with this modified statement: "The ACMP is being used to stop or delay development."

#### **Cornerstone Issue #1**

Is the "networked system" of ACMP implementation through existing authorities still the preferred system? Should a "consistency permit", similar to the California Coastal Permit, be considered?

**85 % of the respondents favored keeping the existing "network system" of ACMP implementation.** Most of the persons who indicated some preference toward a "consistency permit" (15%) couched their response as "may be worth looking at further". The positive

-35-  
ratings of the consistency review process corroborates this strong majority favoring a "network system"

#### **Cornerstone Issue #1 continued**

Should consistency determinations (for non-federal actions or permits) be shifted to the coastal districts or should the State-run process be amended to raise local district standing?

- \* **only 8% favored a complete shift to coastal districts; 92% favored no shift to coastal districts.**
- \* Of the 92 % favoring the state retaining management of the consistency review process, 42% of the respondents did not want any change in the state-run process period.
- \* Of the 92 % favoring the state retaining management of the consistency review process, 50% favored modifying the state-run process to raise local district standing.

To further gauge perception as to any shifts in the decision-making authority, respondents were asked a series of three questions:

A. "When you first became involved in the ACMP where did you perceive the decision-making arena to be on this scale in regards to making project decisions on ACMP consistency?"

1-----2-----3-----4-----5

- 1- completely within local government
- 3 - equal sharing of decision-making authority
- 5 - completely within state government

Group Responses:

Living History: 3.3	Local Government: 3.4	State Government: 3.7
Business Community: 3.5	Public/Special Interest: 4.2	

Collective Response: 3.6

B. "Where do you perceive the decision-making arena to be now on this scale?"

1-----2-----3-----4-----5

Group Responses:

Living History: 3.4	Local Government: 4.1	State Government: 3.5
Business Community: 3.5	Public/Special Interest: 4.2	

Collective Response: 3.7

The biggest perceived change is by the local government group. They clearly view the state as having gained more authority on consistency determinations. Contrary to this, the state agency group perceives modest movement toward local government authority on consistency determinations. The living history groups noted a slight shift toward local government, while the other two groups perceived no change in the decision-making arena.

C. "In which direction should the ACMP move toward?"

\* 56 % of the respondents favored moving the decision-making arena toward local government. Generally the state agency and business community groups want status quo with the decision-making structure while the local government and public/interest groups want movement toward local government. This insight is also borne out by looking at how the groups responded to the problem statement on districts needing more deference.

#### Cornerstone Issue #2

How do the ACMP authorities relate to the management and regulatory authorities of state agencies and local government?

Indirect comments of interviewees:

"The Department of Commerce and Economic Development should be involved in elevations. This would inject socioeconomic aspects into state decisions."

Having agencies comment on the entire package - not just their permits is where I'd like to see the entire permit process go. I'd rather not have 23 separate permits. I'd rather have a plan of operations that the agencies comment on. That they approve the one plan of operations then write stipulations and you have a program that industry must abide by. Just lay out your entire project and how you intend to abide by the laws and regulations and let everyone say "yes", "no" or "maybe".

"I would like to see DGC create a general permit for remote camps. Whether it's for logging, tourism, or fishing you need to get 6-7 permits and every time, every year the permits come out with the exact same stipulations. But, meanwhile I've lost a lot of efficiency and cost to consultants and the agency is spending a lot time on routine paper processing and not in the field. Everyone loses by the current system."

"DEC has the most relevant permits for the ACMP."

"The Department of Community and Regional Affairs should be reinvented in the consistency review process. At a minimum they should be getting the notices and making calls to engage the coastal districts and be there as an advocate for coastal districts."

"Combine all the regulatory functions associated with the ACMP and put into DEC. DNR uses a proprietary process which is very tedious process; so DNR doesn't make sense and DEC has most of the regulatory responsibilities. Besides water is ubiquitous and knows no boundaries and is best managed through a regulatory process and not a proprietary process."

"I'd rather see the permit system oriented toward projects (what people do) rather than agency regulatory authorities - move toward one-stop project review and add in tideland leases."

"If the state agencies withdraw significantly from the DGC central coordinating process, the industry in a matter of months would be screaming for regulatory reform with a lead agency. We need to move toward more integration, not less."

"Have air quality notice the complete application instead of their permit. It does not make sense to hold up the entire process while DEC air division creates a draft permit so their 30 days can run at a different time frame."

### **Cornerstone Issue #3**

Should the role of the CPC in establishing policy (e.g. Plan approval, promulgation of regulations) change? Should the role of the CPC in overseeing implementation and enforcement (e.g. petitions) change?

#### **Indirect comments of interviewees**

"CPC needs to get out of the implementation role and back into the policy role."

"CPC needs to get out of consistency determinations period."

"The relevancy and profile of the ACMP needs to be raised. There needs to be an active and visible (high profile) CPC. The CPC used to be the life, spice and breath of the program. When was the last time you saw Coastal Management in the paper? They should be charged to explore the issues of the day."

"Make the petition process clear and unequivocal in allowing citizens of districts to appeal when they raise a significant coastal issue, such as a clear conflict between a project and a policy. The standard of appeal should be set to capture deliberate misapplication of plans more than a NIMBY concern."

"The appeals to CPC are a totally surprise. I have not seen an appeal yet where the applicant actually stayed within the bounds of the appeal. They are requesting much more than the CPC can give them and they're providing new information which is not appropriate to that particular process."

"District are rightly committed to CPC having a role in petitions but if they get a vote in elevations these concern may be met."

"Giving districts a seat or a vote at the elevation table should not supplant the ability of districts to file petitions."

"CPC should review the standards and rewrite them so they are legally enforceable."

"In the context of pre-1984 regulations, districts were to be able to appeal a "no" on a project to CPC and then the CPC would consider if an "overriding uses of state concern" existed."

"CPC needs regulatory guidance on handling unforeseen "overriding uses of state concern."

### **Problem Areas with the ACMP**

Based on their experience the respondents were asked if they agree/disagree with these problem statements. Here is the composite response from 32 interviewees:

- a. Coastal districts need to be given more deference in consistency determinations.  
55% Agree    42% Disagree    3% Don't Know
- b. Socioeconomic aspects need more consideration in the ACMP decision-making.  
53% Agree    38% Disagree    9% Don't Know
- c. Coastal Policy Council needs to redefine (or just define) their role.  
63% Agree    6% Disagree    31% Don't Know
- d. Enforceable policies in the coastal plans need to be clarified and improved.  
84% Agree    9% Disagree    7% Don't Know
- e. Large project reviews need to be clarified and improved.  
59% Agree    25% Disagree    16% Don't Know
- f. Monitoring and enforcing compliance with stipulations does not happen enough and there is confusion as to who is responsible.  
88% Agree    6% Disagree    6% Don't Know

g. The geographic scope of ACMP should be reconsidered, particularly the application of enforceable policies outside municipal boundaries.

31% Agree 45% Disagree 24% Don't Know

h. Coordination and communication of concerns needs to be improved in project review.

66% Agree 22% Disagree 13% Don't Know

Among the group responses there are a few differences and agreements worth noting. First, is the difference on statement "a". Both the business community and state agencies disagreed that the districts need more deference. When it comes to socioeconomic aspects getting more consideration there is another interesting split. The business community and the public/special interest groups both disagree that this is a problem, while the "living history" and the local government groups agreed it was a problem.

# MEMORANDUM

# STATE OF ALASKA

*Office of the Governor*

*Division of Governmental Coordination*

**To:** Alaska Coastal Policy Council

**Date:** March 29, 1995

**File:** Audit.395

**Telephone:** 465-3562

**Telecopy:** 465-3075

**From:** Diane Mayer *DM*  
Division of Governmental  
Coordination

**Subject:** Legislative Audit Report on  
DGC Administration of the Alaska  
Coastal Management Program

For your information, attached is a copy of an *Audit Report: Office of the Governor, Division of Governmental Coordination Administration of the Alaska Coastal Management Program*, recently completed by the Division of Legislative Audit, Alaska State Legislature.

This report provides a simple overview of the program and an objective review of its implementation. The Legislative Audit Report conclusions can be found on pages 11-16. In summary, the report concludes that:

- 1) The Alaska Coastal Management Program (ACMP) provides the State significant influence over federal actions in the coastal zone. Unlike NEPA where federal agencies are only required to *consider* State comments, coastal zone management requires that federal actions be consistent with State coastal management plans.
- 2) The ACMP also provides coastal districts unique benefits not provided in other programs. Under the ACMP, coastal districts gain formal status in the State and federal decision-making on resource management and coastal development activities.
- 3) The Division of Governmental Coordination (DGC) is the most appropriate agency to administer the ACMP. As an independent agency operating out of the Governor's Office, DGC is "...best positioned to build the consensus between competing resource agencies and coastal districts that is necessary for successful implementation of the program."
- 4) Discussions with agencies and an audit of consistency review files show that DGC has been successful in the role of facilitator and consensus builder. Files also show a considerable level of State agency and district participation in consistency reviews.

While a favorable audit of the ACMP is no surprise, neither is it reason to be satisfied. I look forward to hearing your ideas for program improvements and ways the ACMP can help build healthy Alaskan communities and meaningful jobs.

cc: Alaska Coastal Districts  
ACMP Working Group  
Marilyn Heiman, Governor's Office  
John King, NOAA/OCRM  
DGC Staff

# Audit Report

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OFFICE OF THE GOVERNOR  
DIVISION OF GOVERNMENTAL  
COORDINATION  
ADMINISTRATION OF THE ALASKA  
COASTAL MANAGEMENT PROGRAM

December 16, 1994

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Audit Control Number:

01-4506-95

Division of Legislative Audit  
P.O. Box 113300, Juneau, Alaska 99811-3300

# ALASKA STATE LEGISLATURE

## LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P. O. Box 113300  
Juneau, AK 99811-3300  
(907) 465-3830  
FAX (907) 465-2347

December 16, 1994

Members of the Legislative Budget  
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes, the attached report is submitted for your review.

OFFICE OF THE GOVERNOR  
DIVISION OF GOVERNMENTAL COORDINATION  
ADMINISTRATION OF THE ALASKA  
COASTAL MANAGEMENT PROGRAM


December 16, 1994

Audit Control Number

01-4506-95

This audit addresses the Division of Governmental Coordination's administration and costs of the Alaska Coastal Management Program (ACMP), which is the Division's primary responsibility. We also address the unique benefits the ACMP provides to the State of Alaska that are not available through other federal or state programs.

The audit was conducted in accordance with generally accepted government auditing standards. Fieldwork procedures utilized in the course of developing the findings and discussion presented in this report are discussed in the Objectives, Scope, and Methodology section on page one of this report.

  
Randy S. Welker, CPA  
Legislative Auditor

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## OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Title 24 of the Alaska Statutes and a special request by the Legislative Budget and Audit Committee, we conducted a review of the Division of Governmental Coordination (DGC) in the Office of the Governor. The emphasis of our report is to evaluate DGC's coordination and administration of the Alaska Coastal Management Program (ACMP).

### Objectives

The specific objectives of our review were to:

1. Determine if the ACMP provides any unique benefits to the State that are not duplicated by other federal or state programs.
2. Determine if DGC is the appropriate agency to coordinate and administer the ACMP.
3. Determine the ACMP's cost to the State's general fund.
4. Determine if DGC's coordination during the Hickel administration has inordinately influenced the consistency review process.

### Scope and Methodology

The scope of our review focused on DGC's coordination and administration of the ACMP. However, implementation of the ACMP relies not only on DGC, but also the ACMP activities of the resource agencies and local districts. Due to this, we contacted individuals involved with the ACMP process from several state agencies<sup>1</sup> and local governments in the coastal districts.<sup>2</sup> Because our focus was DGC's coordination and administration of the ACMP, we limited our discussions with resource agencies and local districts to their interactions with DGC rather than their implementation of the ACMP. Accordingly, we did not review documentation for ACMP activities at resource agencies and local districts.

We interviewed DGC personnel concerning ACMP grant administration, the consistency review process, and financial documentation. Additionally, we interviewed representatives

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<sup>1</sup>The primary state agencies involved in the ACMP process are DGC and the state government resource agencies (Department of Natural Resources, Department of Environmental Conservation, and Department of Fish and Game). We also contacted other individuals at Department of Transportation and Public Facilities, Department of Community and Regional Affairs, Department of Military and Veterans' Affairs, and Department of Law.

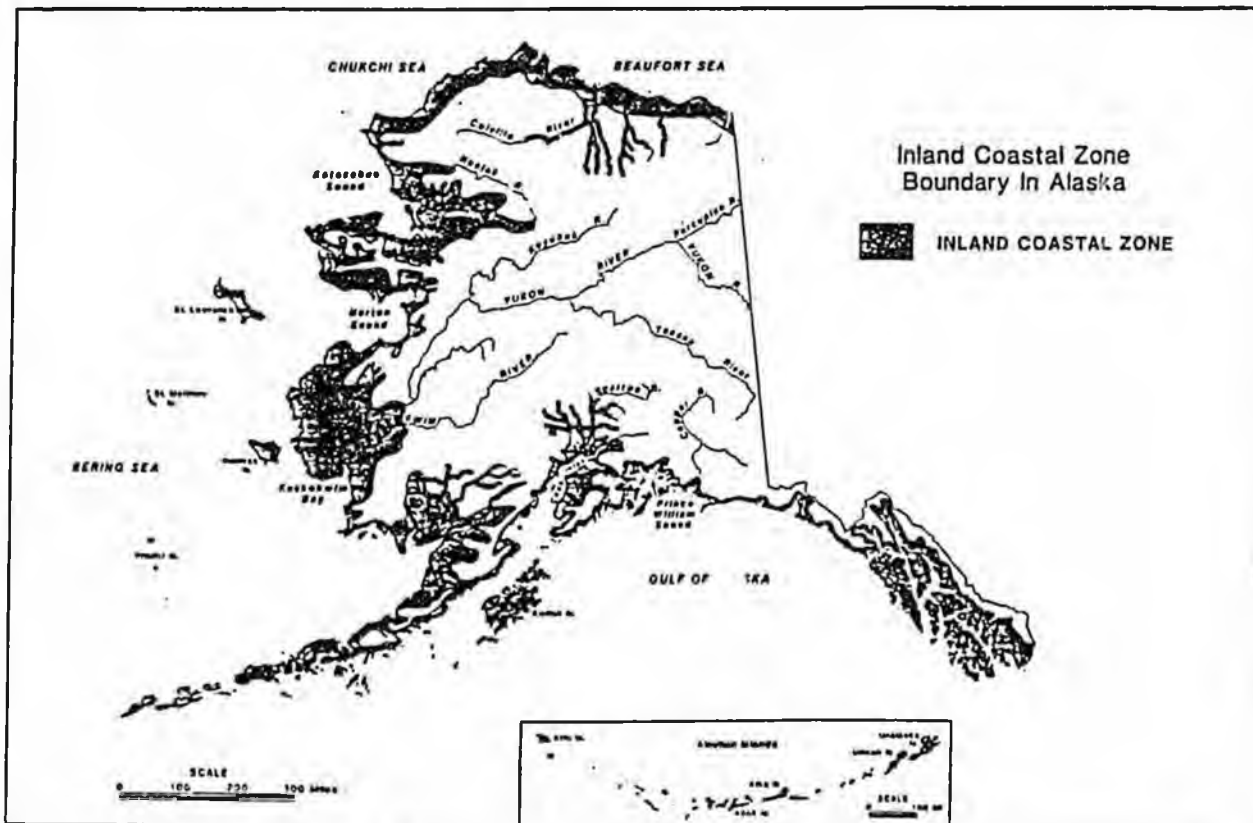
<sup>2</sup>See maps on pages 2 and 4 for identification of Alaska's coastal zone region and specific coastal districts.

of federal agencies familiar with the coastal management process. We attended a public meeting of the Coastal Policy Council where the participants assessed the ACMP process.

We reviewed the federal Coastal Zone Management Act of 1972 as reauthorized in 1990 and the Alaska statutes and regulations regarding the ACMP. Also other research and management reports regarding the ACMP, DGC and the state permitting process were reviewed.

We examined a representative sample of DGC consistency review files completed in FY 93 and FY 94. We tested for evidence of: (1) commenting by local districts and state resource agencies, (2) reasonableness of consistency determinations based on comments, and (3) accuracy of DGC's management information system data with file documentation.

DGC's accounting information for FY 91 through FY 94 was analyzed using the accounting data in AKSAS, the State's central accounting system, as well as other DGC records. Some information was utilized from annual financial reports to the federal funding agency, National Oceanic and Atmospheric Administration, Office of Coastal and Ocean Resource Management.



## ORGANIZATION AND FUNCTION

### Division of Governmental Coordination

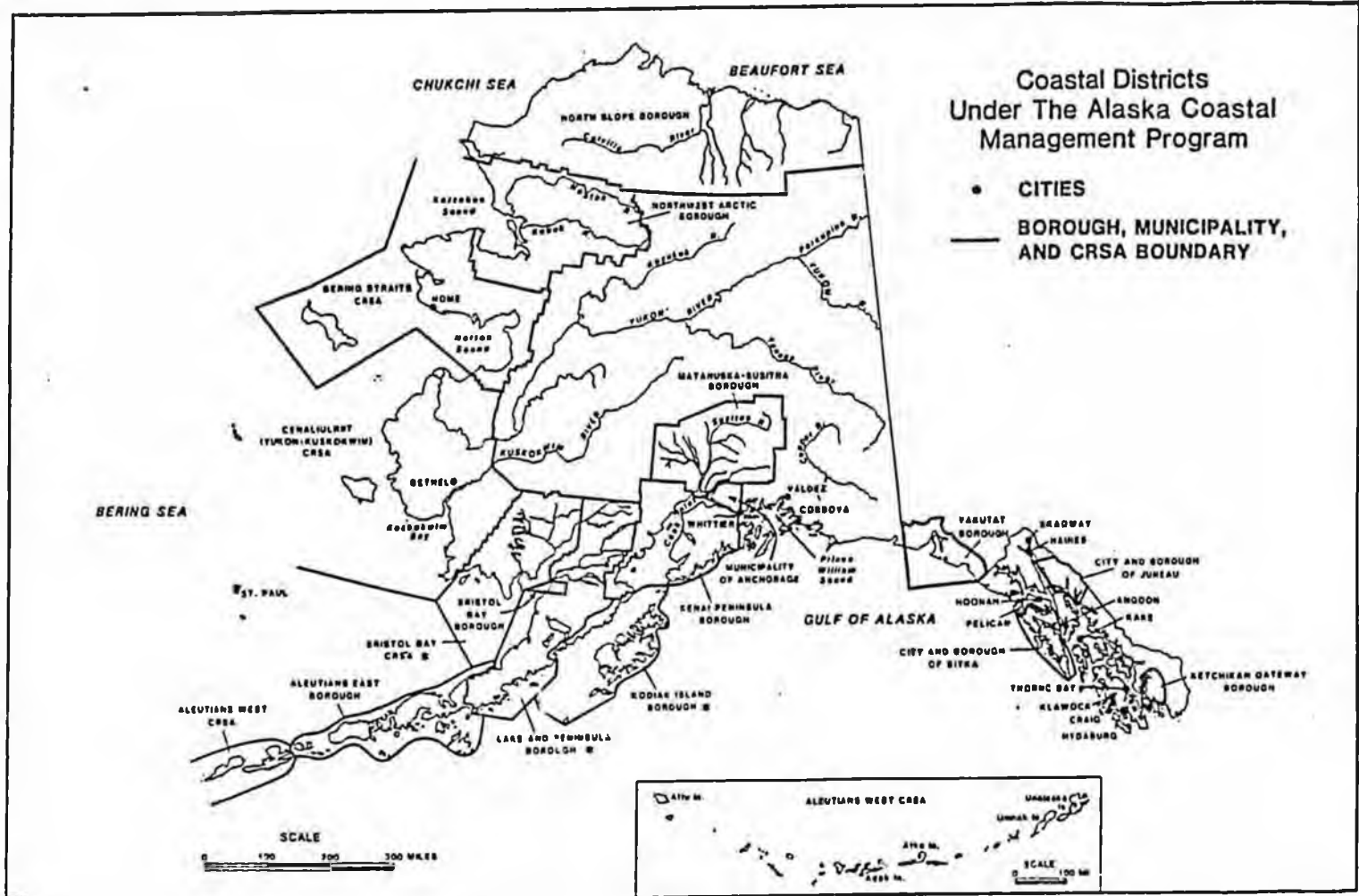
The Division of Governmental Coordination (DGC) was established by AS 44.19 in the Office of the Governor under the Office of Budget and Management (OMB). Although its title might suggest a broader scope, DGC's primary responsibility for many years has been development, implementation, and administration of the Alaska Coastal Management Program (ACMP). At times the governor or a federal agency requests that DGC perform special projects not specifically included in the ACMP's scope. However, these projects have usually involved environmental and land use policy issues and coordination with the federal laws. These other activities have been less significant to DGC's operations, usually entailing less than 5-10% of the agency's expenditures.

As discussed in the Background Information section, the ACMP is Alaska's means of participating in the federal Coastal Zone Management Act (CZMA) of 1972. The purpose of CZMA is to promote effective management, beneficial use, protection, and development of the coastal zone nationwide. Administration of the program includes: (1) offering technical assistance with development of local district plans to 35 coastal districts (see map on next page); (2) providing staff support to the Alaska Coastal Policy Council (CPC); and (3) coordinating ACMP consistency reviews which involves consensus building among state agencies, coastal districts, and coastal project applicants.

The ACMP is driven by 33 coastal management plans from 35 coastal districts. Two of the coastal districts, Wrangell and Petersburg, have not developed coastal management plans. All of the completed plans were developed by local coastal districts to address specific regional concerns. Each plan has been approved by the Coastal Policy Council and the National Oceanic and Atmospheric Administration (NOAA). Proposed development projects in the coastal zone are reviewed for consistency with the coastal management plans and additional requirements associated with state and federal permits.

Of the 35 coastal districts, 31 are organized local governments with land use authority that can be used to implement their coastal plans. Four of the districts are coastal resource service areas (CRSAs), which do not have the powers of land use planning and rely on state agencies to enforce the conditions of their coastal plans. Projects reviewed in the two coastal districts without plans are subject to the statewide coastal management plan.

Each of the resource agencies (Department of Environmental Conservation, Department of Fish and Game, and Department of Natural Resources) is also involved in the ACMP process. Resource agencies review projects and set out conditions they feel should be included in the consistency determination. If the project applicant needs permits from just



one agency, then that agency is responsible for the ACMP consistency determination.<sup>3</sup> In addition to commenting on projects, each of the resource agencies are also represented on the CPC and the ACMP Working Group.

### The Alaska Coastal Policy Council

The CPC provides policy-level leadership for the implementation of the ACMP. Since the ACMP involves both state and local authorities, Council membership includes representatives from each group. The governor appoints nine elected local government officials. Six state agency commissioners, and OMB's director (see inset at right) are also included as members of the CPC. The CPC's duties include the following:

1. Adopting ACMP regulations and supporting resolutions,
2. Reviewing and approving local government coastal management programs, and
3. Providing the general policy leadership for implementation of the ACMP.

The Council also hears petitions from parties regarding compliance with, and implementation of,

district coastal management plans. Petitions are rare, averaging less than one per year since 1988. Recent statutory changes which have expanded the number of people given "standing"<sup>4</sup> may increase this number. The CPC generally meets formally twice a year, with teleconferences held throughout the year as necessary.

#### ALASKA COASTAL POLICY COUNCIL MEMBERS

##### State Representatives

Director, Office of Management and Budget  
 Commissioner, Dept. of Commerce and Economic Development  
 Commissioner, Dept. of Community and Regional Affairs  
 Commissioner, Dept. of Environmental Conservation  
 Commissioner, Dept. of Fish and Game  
 Commissioner, Dept. of Natural Resources  
 Commissioner, Dept. of Transportation and Public Facilities

##### Current Public Representatives

Vacant  
 Nome City Council Member  
 Kotlik City Council Member  
 Anchorage Assembly Member  
 Mayor, City of Unalaska  
 Kenai Pen. Borough Assembly Member  
 Cordova City Council Member  
 Haines City Council Member  
 Ketchikan Borough Assembly Member

##### Coastal Region

Northwest  
 Bering Straits  
 Southwest  
 Upper Cook Inlet  
 Kodiak-Aleutians  
 Lower Cook Inlet  
 Prince Wm Sound  
 Northern Southeast  
 Southern Southeast

<sup>3</sup>However, for proposed projects requiring permits in various agencies, DGC provides "one-stop shopping" for those applicants. DGC also coordinates the consistency review of projects requiring federal permits or direct federal actions. DGC coordinates the permits and responses of the various agencies for the applicant.

<sup>4</sup>Coastal districts, state agencies, project applicants, and citizens of coastal districts who comment on consistency projects have the right to petition the CPC over compliance with or implementation of district plans.

### ACMP Working Group

The ACMP working group was designed as a bridge between top level policy decisionmaking, which is the responsibility of the CPC and DGC as the grantee, and the day-to-day implementation of the program typically undertaken by agency permittees and DGC staff. Currently, the working group consists of senior level employees of the seven state agencies represented on the CPC, three representatives from coastal regions, and an assistant attorney general.

The ACMP working group was initially set up to include only members from state agencies. In FY 92, the group was expanded to also involve coastal district representatives. This expansion resulted from the recognition that a comprehensive working group needs the local expertise and input that can only come from local representatives.

The working group has been primarily responsible for an annual review of the ABC list,<sup>5</sup> draft district plans, and draft regulations. The group also operates more formally as a device to prevent or resolve interagency conflicts which arise in ACMP. Working group members serve as the official conduit for agency and coastal district discussions of special project proposals and work programs, and act as a sounding board for new planning elements to be added to the ACMP process.

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<sup>5</sup> The ABC list classifies project types by the level of consistency review required. Generally, A-level projects are routine and can be found consistent without a review. B-level projects can be made routine with standardized stipulations. C-level projects are those that require full consistency reviews.

## BACKGROUND INFORMATION

Alaska initiated Coastal Zone Management planning with federal "seed money" in 1974. The State formally launched its Alaska Coastal Management Program (ACMP) by statute in 1977, at that time choosing to participate in the federal Coastal Zone Management Act (CZMA) of 1972. The purpose of the CZMA is to promote effective management, beneficial use, protection, and development of the coastal zone nationwide. The Act encourages participation and cooperation by the federal, state and local governments, and the public, to achieve the goals of this program.

### Federal legislation provides greater state, local control of environmental issues

As incentive to states to participate in the coastal management program, the federal CZMA provides the states some control over federal permitting and direct federal activities<sup>6</sup> as well as federal financial assistance.

Federal agencies cannot issue a federal permit for a project if the State objects to the proposed activity due to inconsistency with its Coastal Management Plan (CMP). Direct federal activities in the coastal zone must be consistent with the CMP to the maximum extent practicable. Essentially federal agencies must comply with the CMP. The only exceptions are where national security or existing federal statutes mandate certain federal operations that prohibit compliance by the federal agency.

In 1990, the federal act was amended adding to the financial assistance available as well as program requirements for this program. Currently there are four sections of the CZMA with separate financial assistance provisions. See inset on following page for specific discussion of the various funding provision sections.

### DGC coordinates ACMP highlighting local planning, aided by state and federal government

As a participating state, Alaska developed the Alaska Coastal Management Plan and a management program for implementation of the plan. The governor appointed the Division of Governmental Coordination (DGC) to administer the ACMP grant.<sup>7</sup> DGC has performed as the coordinator and has provided oversight for the development and implementation of the ACMP which involves local governments, state resource, and federal agencies.

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<sup>6</sup>A direct-federal activity is defined in 15 CFR 930.31(a) as "any functions performed by or on behalf of a federal agency in the exercise of its statutory responsibilities." Sale of timber from federal land by the federal government is an example of a direct-federal activity in Alaska.

<sup>7</sup>The federal statute requires the governor to appoint a single state agency to administer the ACMP grant.

## Federal Financial Assistance Programs for the ACMP

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*Section 306* provides resource management grants for the implementation of the State's coastal management program. Until the 1990 reauthorization of the federal program, all of Alaska's federal funding was provided under this section. The State must match this federal assistance dollar for dollar.

*Section 308* provides coastal management funds for special areas such as: projects addressing regional management issues; demonstration grants for improving coastal management, especially at the local level; and emergency grants to state coastal management agencies. These funds were available to the states for the first time in FY 95. There are no matching funds required for use of these funds.

*Section 309* coastal zone enhancement grants address particular objectives as identified by the federal act and prioritized by the State. These projects must result in program changes that help achieve the coastal zone enhancement objectives. The State receives funding under this section based on a formula that is weighted by federal evaluation of proposed projects. States can also receive funding for "projects of special merit." For these funds, states must submit proposals to NOAA which compete with other state's proposals for funding. Obviously, the federal government exercises a great deal of control over the specific use of these funds, however no state matching funds are required for this section.

*Section 6217* for protecting coastal waters funds development of the state coastal nonpoint source pollution program. These funds have a one-to-one federal/state match requirement. If the State does not have an approvable nonpoint pollution program submitted in 1995, increasing percentages of Section 306 funding will be withheld starting in FY 97. Additionally, federal funds received by the Department of Environmental Conservation may be withheld.

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The ACMP is currently comprised of 33 local district plans from a total of 35 coastal districts. These plans were developed by local districts with technical assistance from state agencies and financial assistance from the federal and state government. Each plan has been approved, as required, by the Coastal Policy Council (CPC) and by the federal funding agency, National Oceanic and Atmospheric Administration. Each of these plans are designed to address specific issues of significance to the particular region covered by the plan.

Most of the coastal districts are organized local governments with zoning and other land use authority granted through Alaska Statutes, Title 29. These local governments are required through statute to implement their own district coastal management under that authority. Four coastal districts are not organized governments. These districts have formed Coastal Resource Service Areas (CRSAs) to participate in the ACMP. CRSAs do not have land use and zoning authority and must rely on the ACMP and state agencies to enforce their coastal district plans.

The initial development stage of Alaska's coastal management plan has been completed. However, during implementation of the consistency review process, weaknesses in the original management plans have been identified by local districts. For example, some districts found that their policies are too vague to enforce their land use priorities. Additionally coastal management issues have emerged and changed since many local districts completed their plans. In some cases, this has added to the weaknesses in local districts'

CMPs. In response to these identified needs, some local districts are now in the process of revising their plans.

#### Projects within the coastal zone require ACMP consistency reviews

Another cornerstone of the ACMP is the consistency review process. Proposed development projects<sup>8</sup> in or affecting the coastal zone must be evaluated for consistency with the pertinent coastal management plans as well as with the statewide ACMP statutes and regulations. DGC is the central clearinghouse for consistency reviews on projects that require a federal permit or a permit from more than one state agency. State resource agencies handle the consistency review of projects requiring permits from only that state agency.

The consistency determination is not considered a permit itself, but the state permitting process must consider the consistency determination when issuing a permit for activity in the coastal zone. Also state permitting regulations are referenced in most local district plans. Therefore the consistency determination and state permitting processes within the coastal zone are usually difficult to separate.

As the clearinghouse, DGC gathers comments from (1) the coastal district, which reviews for consistency with its own coastal management plan; (2) state resource agencies which review for consistency with the ACMP including state permitting regulations; and (3) the public. Although an increasing number of projects require no modification to be found consistent with the ACMP, many projects are found consistent only if they meet certain additional conditions or stipulations. These stipulations must be supported by enforceable policies from local district management plans or state regulations. Examples of stipulations include requirements such as conducting activities only at certain times of the year, restoring land when the project is finished, or a variety of preventive measures to ensure that minimal damage is done to the area, habitat, and water quality.

As might be expected in today's politically charged environmental arena, applicants, resource agencies and coastal districts frequently disagree among themselves about the consistency of a particular proposed project with the ACMP or about specific stipulations. Especially in these cases, DGC's role is to act as consensus builder ensuring that appropriate due process is afforded to the project applicant, the coastal district, and the State. Many times, this involves arranging meetings and discussions between the parties, and negotiating the language of specific stipulations. The regulations require that "due deference" be given to the local district and each resource agency in its area of expertise. However, the goal of the consensus building process is to develop a determination which all parties can accept.

Two separate appeal processes exist to ensure that the rights and interests of involved parties are addressed. As a result of 1994 legislative action, residents of the affected coastal district

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<sup>8</sup>Development projects in the coastal zone requiring consistency determinations vary greatly in size and scope. The following are some examples of typical projects: sale of timber, fill on wetlands, aquatic farms, mining, oil and gas development, and construction of residential and commercial driveways.

who commented during the public review period may also petition the CPC. Applicants, local districts, and state resource agencies can elect to either petition the CPC or elevate the consistency determination to the division director or commissioner level of the resource agencies.

Petitions to the CPC are to ensure appropriate and adequate consideration of all comments

The petition process allows parties with standing (applicants, coastal districts, resource agencies, and the general public who reside in the coastal district) the opportunity to have a proposed consistency finding reviewed by the CPC. As a majority of the CPC membership are local district representatives,<sup>9</sup> petitioning can ensure that the local perspective is addressed.

The CPC reviews consistency decisions to ensure that a petitioner's comments on a project's consistency with the enforceable policies of a districts' coastal management plan were appropriately considered. Actions by the CPC are limited to approving the consistency finding or remanding the decision back to the agencies for further consideration.

If no consensus is reached, involved parties can "elevate" the consistency determination

After a consistency determination is reached, sometimes disagreements remain over the consistency decision or the stipulations that are attached to the project. Also the applicant may not agree with the consistency determination or stipulations.<sup>10</sup> In these cases, the determination may be appealed or "elevated" to a panel of agency division directors (referred to as a director-level elevation). The applicant, coastal district, or any of the state resource agencies may initiate an elevation. In the elevation process, the directors review the regional level consistency finding and may uphold the finding, alter stipulations or conditions, or reverse the decision. After the director-level elevation, the same parties have the right to elevate the consistency determination to the commissioner level if the director-level determination proves unsatisfactory.

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<sup>9</sup>See the Organization and Function section of this report for a detailed description of the CPC.

<sup>10</sup>The general public, whether or not they have commented, cannot request elevation of the consistency determination.

## REPORT CONCLUSIONS

### ACMP offers the State unique benefits not provided by other federal programs

The ACMP, by design, allows coastal districts decision making status through their coastal plans. Each of the plans is directed specifically to issues of particular importance to the region. These plans are then used as a basis to determine the nature and extent of development undertaken in the area. Implementation of the ACMP also provides the State with the only mechanism to control direct federal actions in the State. Through the consistency review process, the State has significant influence over federal actions within the coastal zone.

Additionally, the ACMP brings the local areas into the planning process. This is especially the case for the coastal resource service areas (CRSAs) which have no other land use planning and management authority than that provided through the ACMP process.

There are currently no other federal programs that guarantee the State or coastal districts a "seat at the table" in deciding on development in their region. Though other federal programs require public notice, no other program requires consistency with state and district-developed plans. The National Environmental Policy Act (NEPA) process is considered by some as a federal program that duplicates the ACMP. In fact, NEPA's scope is geographically broader than the ACMP, covering areas not in the coastal district. Though NEPA, like many other federal programs, has a specified public process, during which public notice is given and public testimony taken, there is no required participation from the State or from local districts. Federal agencies are only required to consider comments received.

The Superfund Amendment and Reauthorization Act (SARA) Title III, has also been pointed to as a federal program which may duplicate the ACMP process. While Alaska has responded to the SARA requirements that states develop plans for meeting local environmental emergencies,<sup>11</sup> SARA is much narrower than the ACMP in that it addresses only environmental emergencies. ACMP comprehensively addresses environmental issues in the coastal zone.

The ACMP provides unique benefits to the State and coastal districts. Among these are the ability to influence direct federal actions and the mechanism for the coastal districts to participate in the decision making process through their approved coastal plans. Most importantly, the ACMP allows the State the ability to review projects on state and federal lands in coastal districts.

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<sup>11</sup> The State has met this requirement through the establishment of local emergency planning districts and committees similar to coastal districts.

DGC appears to be the most appropriate agency for administering the ACMP

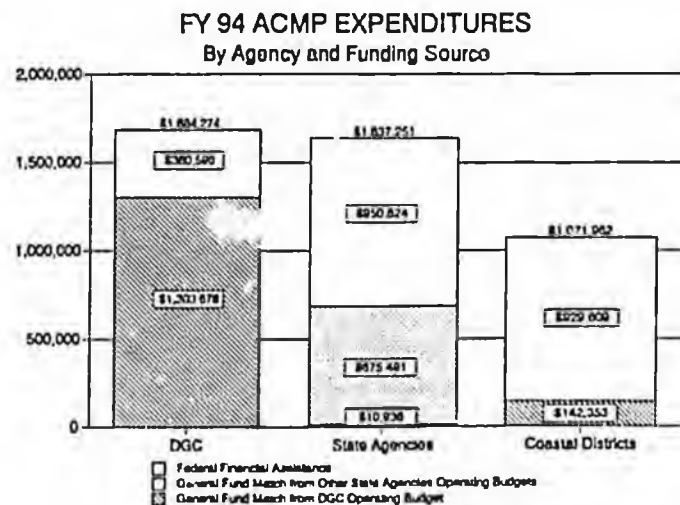
As discussed in the Background Information section, DGC's primary responsibility is the administration of the ACMP program. As the coordinating agency, it is DGC's responsibility to both coordinate consistency reviews and administer federal funds for the benefit of Alaska's coastal zone. Through this organizational arrangement, DGC fulfills the federal Coastal Zone Management Act (CZMA) requirement for each participating state to have a single designated agency to receive and administer federal funds.

Although there has been some discord over DGC's FY 95 allocation of federal funds to agencies, it does not appear that these allocations have been inappropriate. Although DGC's portion of the program has increased, they appear to have made their decisions based on the overall needs of the ACMP. As discussed in the Background Information section, there are several different types of federal funds available for allocation. Some of the funding types have very specific requirements for use and program products/outcomes. Specific special projects have been approved by the CPC and the federal agency. The federal agency determines the amount of each type of funding and requires a detailed budget of all activities prior to awarding the grant. For more detailed financial information, see appendices.

In our view, it is appropriate for the agency administering and distributing federal funds to be independent of the agencies competing for those funds. Additionally, we believe that DGC's placement in the Office of the Governor provides a more objective centralized oversight and coordination function for all state agencies.

ACMP activities have been financially supported by the federal and state governments

For the federal FY 94 ACMP grant, approximately \$4.4 million was spent on the ACMP. The funding for these ACMP expenditures was split fairly equally between the federal and state governments. All federal ACMP funding is received by DGC as the agency responsible for administering the federal grant. However, DGC distributes most of the federal dollars to other state agencies and local districts. Although DGC's activities provide the majority of the required state match, the other state agencies also provide significant match. During FY 95 some local districts, funded to undertake special projects, are providing some matching dollars (\$24,850). The table at right presents ACMP expenditures by expending agency category as well as funding source.



Certain factors make it impossible to determine the actual costs of ACMP involvement to the State. According to state resource agencies, state permitting activities in the coastal zone often cannot readily be separated from ACMP-related activities. Federal funds can be and are used, in part, for state activities in the coastal zone (i.e., state permitting, permit monitoring and compliance). It is our understanding<sup>12</sup> that the state resource agencies' match, in part, is also provided by these activities. Additionally, since some permitting divisions are not formally included in the ACMP process, their consistency review statistics and related ACMP costs are not available.

As an independent agency operating out of the Office of the Governor, DGC seems best positioned to build the consensus between competing resource agencies and coastal districts that is necessary for successful implementation of the program. Discussions with agency personnel and a review of consistency review files show that, generally, DGC has been successful in the role of facilitator and consensus builder. There have been a few projects in which consensus was either hard won or not achieved, but these have been the exception rather than the rule.

The elevation process can ensure that no one agency, reviewer, or applicant dominates the consistency review process. One example of the how the elevation process works is the Kachemak Bay 114 project (see inset, next page). This project was atypical in its complexity, but demonstrates that there are controls in place to ensure that the various views on projects are adequately considered.

#### Agency conflict with DGC has not impacted numbers of projects allowed to proceed

Resource agencies have alleged that, under the Hickel administration, the coordinating and facilitating nature of DGC has been less evident than during past administrations. Though this may make the relationships between agencies and DGC more strained, the percentage of projects eventually found consistent or consistent with stipulations, has not changed significantly (see table on page 15).

#### Fewer stipulations do not necessarily reflect a change in DGC's operating philosophy

During the last two years of the Hickel administration, only one project was found inconsistent. Further, as illustrated by the table on page 15, the number of projects found consistent without stipulations has steadily increased.

While the near absence of inconsistent projects is a small change from the three to four projects a year that were previously found inconsistent, the change is not necessarily indicative of a trend toward approval of otherwise inconsistent projects. It is possible, for

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<sup>12</sup>Because our focus was on DGC operations and not on resource agencies, we did not request or review their documentation to support amounts claimed as match for federal funds. The amounts for match provided by state agencies were taken from the agencies' financial reports to DGC.

example, that as the program has matured, applicants have become more sophisticated and more likely to submit projects that can be found consistent with stipulations. It is also possible that DGC has become more proficient at building consensus, so projects that would have previously been found inconsistent can now proceed with stipulations.

An increase in the number of projects that are found consistent with no stipulations may also suggest more sophisticated applicants. From consistency review files, it is sometimes difficult to determine the amount of effort expended by resource agencies on comments. While some agencies comment extensively, others comment only briefly. Resource agencies report that agency general funding cuts have reduced their ability to comment on all projects, but most files contain some agency comments. It is possible that agencies are more inclined to find a project consistent than to devote the time associated with developing stipulations.

Consistency reviews are generally a consensus-building process which combine the expertise of all involved state agencies and coastal districts to render decisions. If agencies or districts believe that their comments have not been appropriately considered, the elevation process provides them an avenue to appeal consistency decisions. The fact that there has not been a significant increase in the number of elevations over the last two years suggests that the consensus building process among agencies and districts has been working as originally envisioned.

#### Elevations Provide Controls Over Review Process

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Kachemak Bay 114 was a project involving placement of fill material on high-value wetlands. The U.S. Army Corps of Engineers had issued an after-the-fact Clean Water Act (CWA) permit for an existing fill which was placed without a permit and a new permit for fill to the new property line. The after the fact permit and the new permit expired in October, 1990. To complete the project, a new CWA permit must be issued. Under the provisions of CZMA regulations, a federal permit can not be issued until a project is found consistent with the enforceable policies of the State's Coastal management program.

DGC issued a regional-level proposed consistency finding on May 25, 1994, finding the project consistent with the ACMP. DFG, DEC, and the Kenai Peninsula Borough Coastal District (KPBCD) requested elevation of the regional-level determination to the director level. The elevation was based on procedural concerns related to DGC's finding of consistency contrary to the consensus of the resource agencies and the KPBCD that the project as proposed was inconsistent with the ACMP.

The State Attorney General's office determined that, because there was a consensus of the resource agencies and the coastal district to find the project inconsistent, if DGC had reservations regarding the finding, proper process would require DGC to address those issues with the agencies rather than issuing a consistency finding contrary to consensus. Through agreement of all parties that the consistency determination was flawed, the proposed consistent with stipulations determination was withdrawn.

The applicant then requested a director-level elevation. The directors found the project inconsistent with the ACMP. The applicant then elevated the review to the commissioner level. On review of the record, resource agency commissioners agreed with the applicant's certification that the project is consistent with the enforceable policies and standards of the ACMP provided certain stipulations are incorporated into the project.

---

Resource agencies and coastal districts have and usually use the opportunity to comment

Of 52 consistency review files, 41 contained comments from all involved resource agencies and the coastal district involved. This level of response to the consistency review process demonstrates that the process usually generates an appropriate level of participation. Though most coastal districts participate in consistency determinations, some districts feel disenfranchised from the ACMP.

Fiscal Year	Consistent		Consistent With Stipulations		Inconsistent		Elevations	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
1990	75	24%	240	75%	3	1%	6	2%
1991	105	28%	270	72%	1	0%	11	3%
1992	180	36%	317	64%	1	0%	15	3%
1993	153	43%	199	57%	0	0%	4	1%
1994	213	54%	178	46%	1	0%	5	1%

Source: Division of Governmental Coordination's Consistency Review Statistics

Coastal districts have reported difficulties dealing with both DGC and the resource agencies due to cultural differences. Language differences, views of subsistence issues, and attitudes toward land use patterns are only a few examples of how differences in culture may make agreement on project development more difficult. A perceived cultural insensitivity on the part of the State can make the consensus building more difficult and foster levels of mistrust between state agencies and coastal districts.

Complaints about being excluded from the program generally revolve more around representation on the Coastal Policy Council (CPC) rather than around actual consistency reviews. One view is that the public members of the CPC are disadvantaged in several respects. These public members are, generally, elected officials who may or may not have any particular expertise with the ACMP. Additionally, public CPC members typically represent a larger region than the one in which they reside. This representation suggests that public members may not be totally in touch with the needs of all of their constituents. Further, public members typically do not have the staff support and other resources that are available to the state representatives. Some public members may also feel overpowered by the state members, who are agency representatives that have some expertise in the ACMP realm.

Dynamic nature, multiple agencies, and various funding types complicate the ACMP

In summary, the ACMP program is a complex program which gives the State and local coastal districts significant influence over federal activities in the coastal zone. Although DGC is responsible for the overall administration of the ACMP, the necessary involvement of the many other frequently competing entities is a major factor in ACMP's complexity.

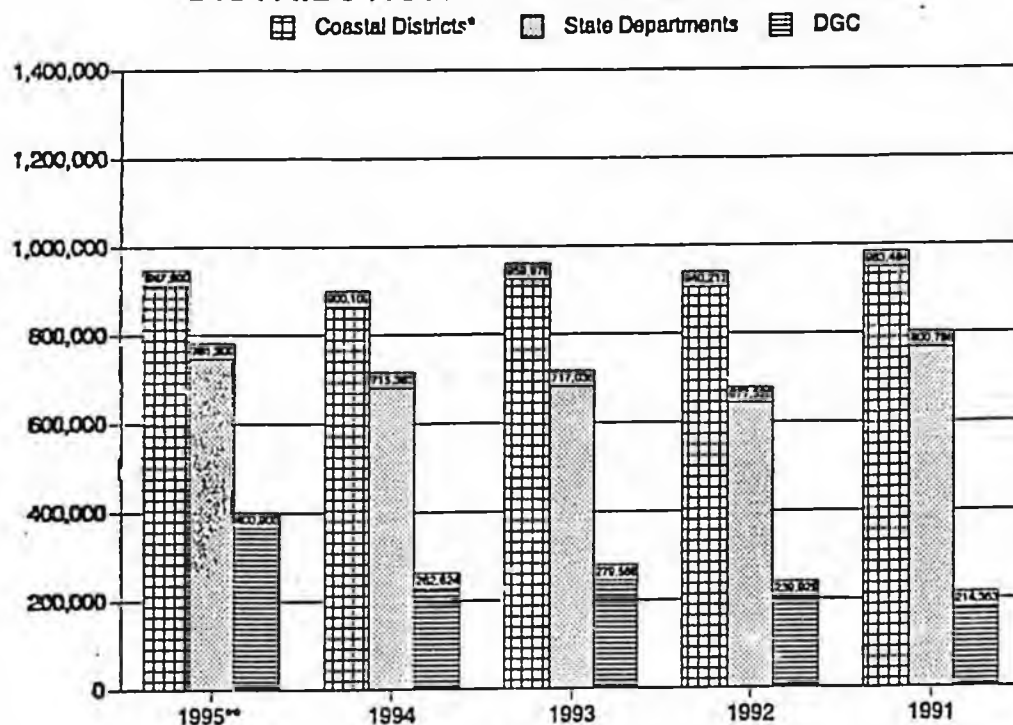
However, the complications arise not only from this myriad of entities involved in the process, but, also, from the dynamic nature of the program. As should be expected, ACMP has evolved from a program focused primarily on development of coastal management plans to one focused on implementation of the plans. However, the program's evolution has not

been limited to this transition. Emerging environmental issues and congressional additions to the CZMA have also necessitated continuous changes to the program. The resulting intricacies of the federal funding mechanisms and requirements ensure that administration of the ACMP will never be simple.

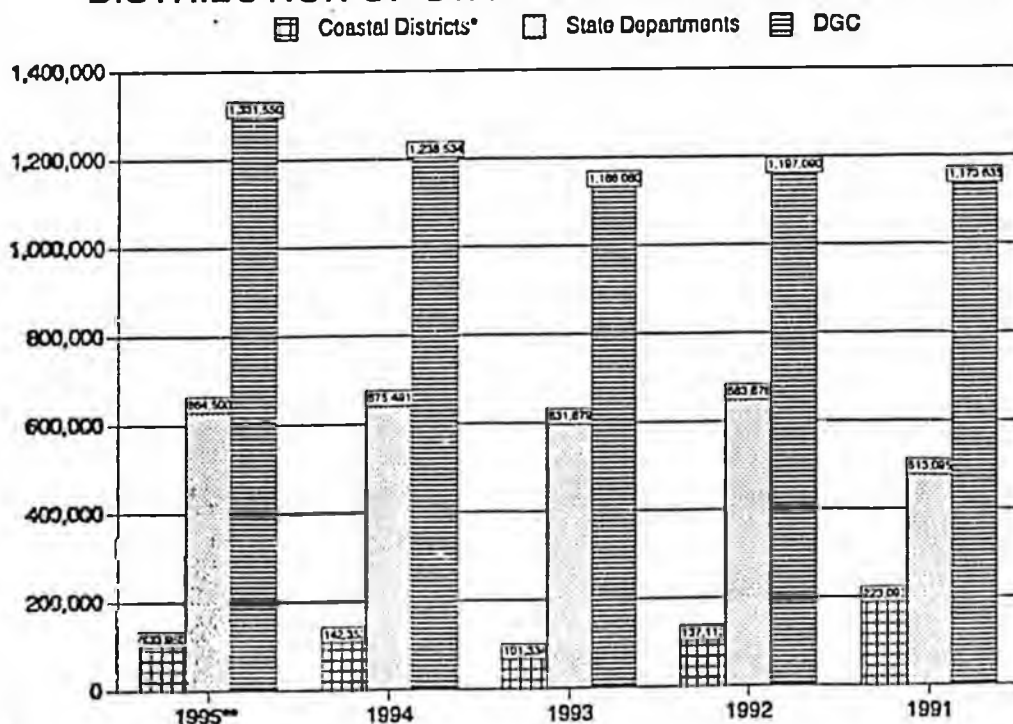
## APPENDIX A

### FIVE YEAR SECTION 306 ANALYSIS

#### DISTRIBUTION OF FEDERAL DOLLARS



#### DISTRIBUTION OF STATE MATCH EXPENDITURES

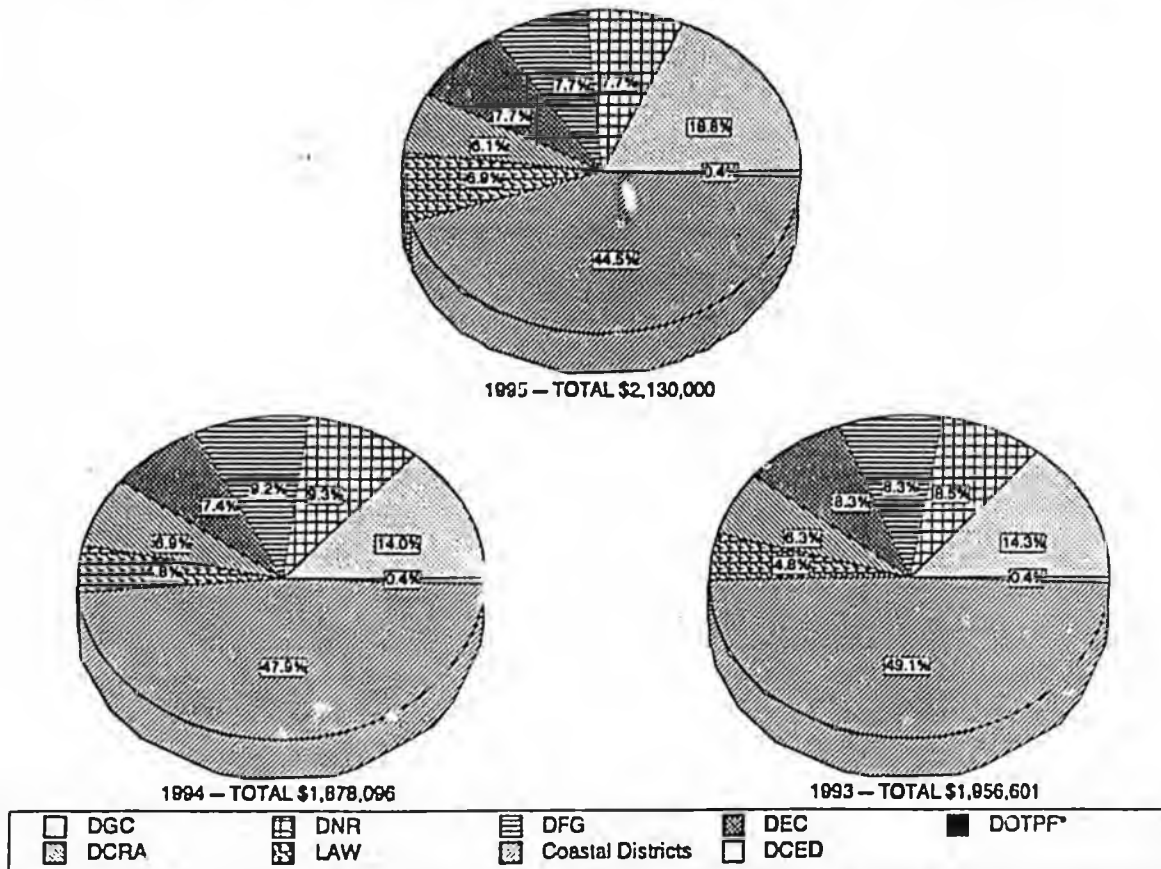


\* Coastal districts match is general fund dollars granted from DCG's operating budget. Except in 1995, \$24,850 of \$133,950 is matching amounts that coastal districts must provide from own funds.

\*\* 1995 figures are budgeted amounts; 1991-1994 are actual expenditures.

APPENDIX B

FEDERAL SECTION 306 BY INDIVIDUAL AGENCY



\* During 1995 and 1994, DOTPF received .1% and 2% respectively, in federal 306 funds which is not discernable on the graph above.

The allocation of the Section 306 federal funds for the basic ACMP program remained fairly constant between years. The bulk of the ACMP program is funded by Section 306. After the 1990 reauthorization of the federal CZM Act, other federal funding became available under other sections of the CZMA. See the Background Information section for more information regarding these federal funds. See Appendix D for trend information about the other section's funding.

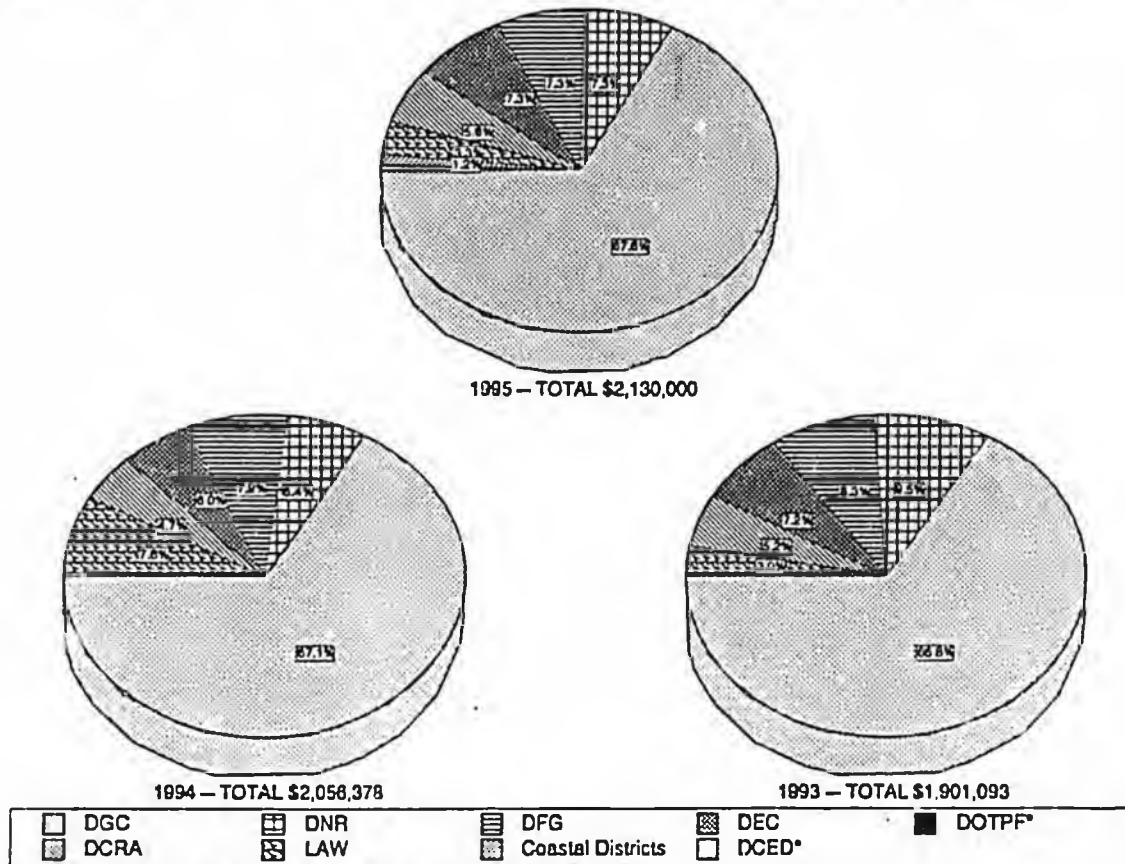
Almost half of the Section 306 federal funds go to the coastal districts. The percentage of federal funding to coastal districts has decreased some in the last two years. However, total funding to coastal districts for ACMP Section 306 has remained fairly constant due to state funding provided by DGC.

DGC's percentage of federal funding increased almost 5% from 1994 to 1995. Two factors appear to have caused this change. First, the increasing costs of administering the Section 309 program could no longer be supported by DGC's state match (general funds) as done in prior years. Secondly, new federal requirements requiring public notices of federally permitted projects become effective in FY 95. This caused additional contractual costs for DGC.

The 1995 amounts are budgeted figures; 1993 and 1994 are based on actual expenditures.

## APPENDIX C

### MATCH SECTION 306 FUNDS BY INDIVIDUAL AGENCY



\* During 1995, DOTPF provided .1% matching funds. During 1995 and 1994, DCED provided .3% matching funds. These amounts are not on the graph above.

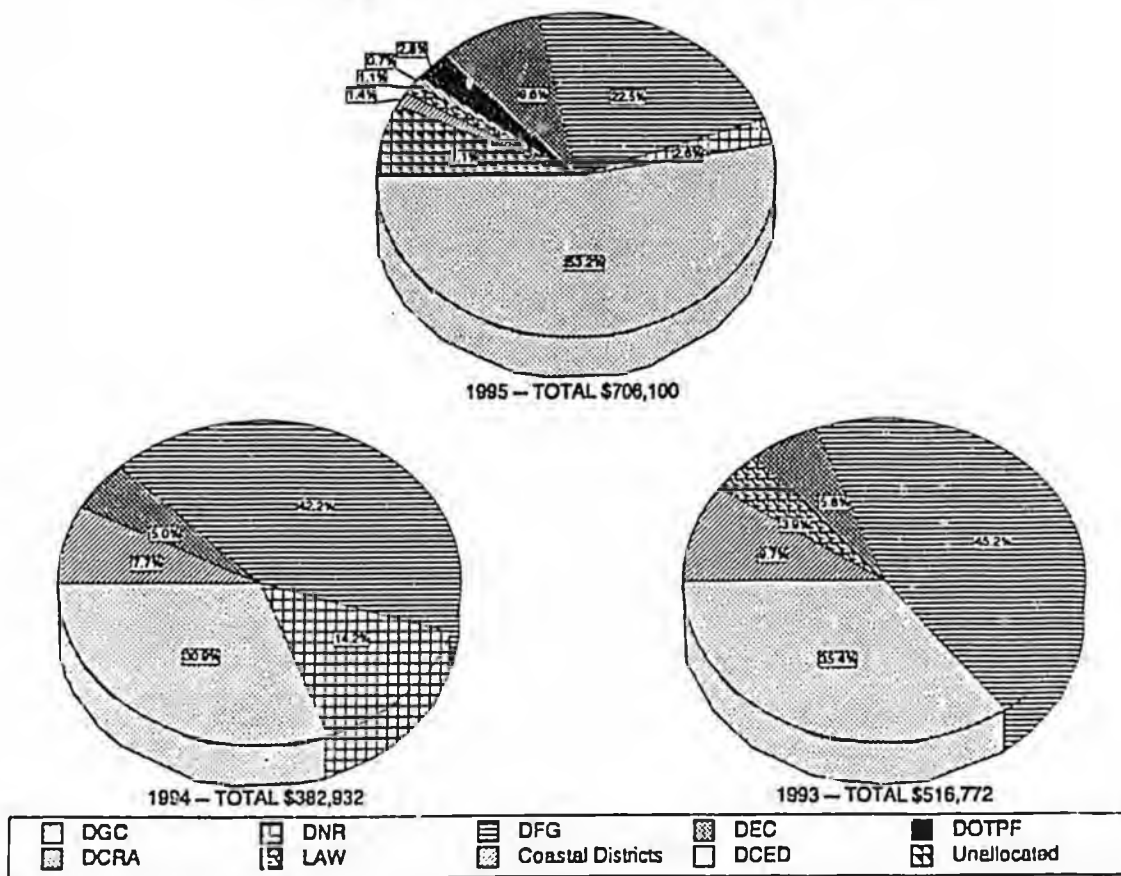
DGC's operations consistently provided the majority of the required state match for the basic ACMP program. The required match for Section 306 funds is 50%. Until FY 95 DGC's operating budget supplied all matching funds for federal funds granted to the coastal districts. In FY 95, some coastal districts funded for special projects are providing \$24,850 in match.

DGC's match includes general fund grant dollars to the coastal districts for their ACMP programs totally \$109,100, \$142,353, and \$101,334, respectively for FY 95, FY 94, and FY 93.

Match amounts provided by state resource agencies vary from agency to agency and from year to year. However, the total percentage provided by the resource agencies has remained fairly constant. Many of the state agencies have not provided match equal to the Section 306 funds received. However, the percentage has been increasing and DGC expects that most state agencies will be required to match dollar for dollar starting in FY 96. Historically, DGC has met the additional match required from their operations.

## APPENDIX D

### OTHER ACMP FEDERAL FUNDS



During FY 93 - FY 95, the ACMP has received federal funding in addition to Section 306 for the basic program. The purpose of these other funds is very specific and project-oriented. The federal requirements are constricting as to allowable activities and more demanding on program outcomes. See the Background Information section for more about these other ACMP federal funding sections.

DFG and DGC have had the significant projects during the three years present here. FY 95 shows that more agencies are now receiving these other funds. This appears to be due to more familiarity with these new federal sections and development of eligible projects over time.

For some projects the State has contracted with private consultants. These are typically administered by DGC. During 1995, almost 37% (\$137,000) of DGC's other federal funds represent private consultant's contracts.

The 1995 amounts are budgeted; 1993 and 1994 are based on actual expenditures.

# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

## OFFICE OF THE GOVERNOR

### OFFICE OF MANAGEMENT AND BUDGET DIVISION OF GOVERNMENTAL COORDINATION

SOUTHCENTRAL REGIONAL OFFICE  
3601 "C" STREET, SUITE 370  
ANCHORAGE, ALASKA 99503-5930  
PH: (907) 561-6131/FAX: (907) 561-6134

CENTRAL OFFICE  
P.O. BOX 110030  
JUNEAU, ALASKA 99811-0300  
PH: (907) 465-3562/FAX: (907) 465-3075

PIPELINE COORDINATOR'S OFFICE  
411 WEST 4TH AVENUE, SUITE 2C  
ANCHORAGE, ALASKA 99501-2343  
PH: (907) 278-8594/FAX: (907) 272-0690

February 7, 1995

Mr. Randy S. Welker  
Legislative Auditor  
Division of Legislative Audit  
P.O. Box 113300  
Juneau, AK 99811-3300

RECEIVED  
FEB 07 1995

LEGISLATIVE AUDIT

Subject: *Preliminary Audit Report on Office of the Governor, Division of Governmental Coordination, Administration of the Alaska Coastal Management Program, December 16, 1994*

Dear Mr. Welker:

Thank you for the opportunity to review and comment on the above-referenced preliminary audit report. I commend your staff on its thorough audit of the division's administration of the Alaska Coastal Management Program (ACMP). I believe the written description of the coastal program, participants, consistency review process, and federal funding is correct. The report captures the key aspects of this program.

I concur with the report's conclusions, particularly that the ACMP offers the State unique benefits not provided by other federal programs, and that this division, as part of the Governor's Office, is "... best positioned to build the consensus between competing resource agencies and coastal districts. . ." and "... has been successful in the role of facilitator and consensus builder." We also agree with your assessment that the ACMP is a dynamic and complex program. Forging a consensus among the diverse project applicants, local communities, State agencies, and the public about coastal development and resource protection in Alaska is not a simple task.

As noted in the audit report, the funding mechanisms under the federal Coastal Zone Management Act (CZMA) are intricate, and various CZMA sections fund different program elements with different requirements. While the report generally captures the funding picture quite well, I would like to clarify some program funding information provided in the appendices.

Federal Section 306 Funding (Appendix B). It is important to note that the ACMP funding to local coastal districts consists of both federal 306 and State General Fund monies in DGC's budget. While the percent of federal 306 funds allocated to coastal districts have declined since

FY93 (as noted in the report), the total State and federal funding passed through to districts has not changed significantly (i.e., \$1,075,000 in FY93 and \$1,058,000 in FY95).

In FY95, the federal 306 funds allocated to the Department of Law increased to provide greater legal assistance to DGC and the Alaska Coastal Policy Council, and secondarily to coastal districts and other State agencies involved in Alaska's coastal program. Federal 306 funds kept by DGC increased in FY95 to cover some personal services costs to administer the new federal Sections 308 and 309 programs. The division does not capture any "administrative overhead" from the Section 308 and 309 special project funding, which totals \$506,000 in FY95.

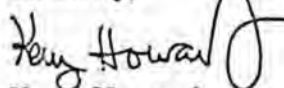
In FY95, DGC -- as lead agency administering the federal NOAA grant to Alaska -- retained less than 19 percent of the federal 306 funding. According to NOAA data, the lead agency of other coastal states with similarly structured coastal programs retain considerably more of their federal 306 funds: Maine (24%), Florida (29%), Pennsylvania (42%), Oregon (64%), New York (100%), and Massachusetts (100%). In comparison, DGC's portion of Alaska's federal 306 funds is considered "lean."

**Match Section 306 Funds (Appendix C).** Except for the Department of Law, the matching fund required from State agencies has increased in recent years. In FY95, the State agencies have identified, on average, about 90 ¢ in State general fund monies as match for every \$1.00 in federal 306 dollars they receive. Often, the identified State agency match dollars pay for permitting and local government tasks routinely carried out by the agencies. We anticipate the State agency 306 match requirement will reach 1:1 in the future if federal 306 funds increase and DGC's State general fund monies are fully committed.

**Other ACMP Federal Funds (Appendix D).** The large percentage of other federal funds portrayed as allocated to DGC in FY95 should be clarified. As noted in the report, DGC is often the contract manager for special projects performed by private consultants. In FY95, over half of the Section 308 and 309 funds attributed to DGC (i.e., \$137,000 of \$261,000) are currently under contract to consultants. To be clear, DGC is not building a coastal management empire with these funds. The unallocated funds depicted in the pie chart are currently earmarked for additional Section 309 and 6217 tasks identified midway through the fiscal year.

Again, I commend your staff for their efforts in accurately portraying the Alaska Coastal Management Program in the audit report

Sincerely,



Kerry Howard  
Acting Director

cc: Governor Tony Knowles  
Mike Nizich, Division of Adm. Services



# ACMP PROJECT REVIEW SUMMARY

## FY97 to Date

(7/1/96 to 12/31/96)



■ Regional Level Decisions    ■ Elevations  
□ Petitions to CPC

## FY96



■ Regional Level Decisions    ■ Elevations  
□ Petitions to CPC

## FY95



■ Regional Level Decisions    ■ Elevations  
□ Petitions to CPC

**Division of Governmental Coordination**  
**Review Statistics by Activity Type**  
**FY 97 to Date (7/1/96 - 12/31/96)**

	Total	Consistent	Consistent With Stipulations	Inconsistent	NEPA/ Other Review Types	Withdrawn
ARMED FORCES ACTIVITIES NONWETLANDS	2	1	1			
COMMERCIAL - GENERAL	4	1	3			
FISHERIES	28	6	19		1	2
HYDROELECTRIC	5	2			3	
MINING	17	5	9	2	1	
OIL AND GAS	17	6	8		3	
OTHER/MISCELLANEOUS	13	3	5	1	4	
PUBLIC FACILITIES/UTILITIES	47	10	23		5	9
TIDELANDS - COMMERCIAL/INDUSTRIAL	10	1	7			2
TIDELANDS - PRIVATE RESIDENTIAL	16	5	8			3
TIMBER	18		12		5	1
WASTE DISPOSAL	3	2				1
WASTEWATER DISPOSAL	3		2			1
WATERS OF THE U.S. FLOATING FACILITIES	4	4				
WETLANDS - COMMERCIAL/INDUSTRIAL	17	4	11			2
WETLANDS - PRIVATE RESIDENTIAL	14	2	9			3
Totals	218	52	117	3	22	24

**Division of Governmental Coordination**  
**Review Statistics by Activity Type**  
**FY96**

	Total	Consistent	Consistent With Stipulations	Inconsistent	NEPA/ Other Review Types	Withdrawn
ARMED FORCES ACTIVITIES NONWETLANDS	6	3	1			2
COMMERCIAL - GENERAL	17	4	12			1
FISHERIES	53	33	13		4	3
HYDROELECTRIC	9	4			4	1
LAND MGMT. PLAN	2				2	
MINING	19	9	6		2	2
OIL AND GAS	28	10	13		2	3
OTHER/MISCELLANEOUS	41	21	16		4	
PUBLIC FACILITIES/UTILITIES	108	31	61		10	6
TIDELANDS - COMMERCIAL/INDUSTRIAL	18	11	6	1		
TIDELANDS - PRIVATE RESIDENTIAL	21	11	10			
TIMBER	53	8	23		21	1
WASTE DISPOSAL	10	1	8		1	
WASTEWATER DISPOSAL	13	2	8		1	2
WATERS OF THE U.S. FLOATING FACILITIES	4		3			1
WETLANDS - COMMERCIAL/INDUSTRIAL	36	16	17		1	2
WETLANDS - PRIVATE RESIDENTIAL	46	9	25	2	2	8
Totals	484	173	222	3	54	32

*Alaska Coastal Management Program*

**ANNUAL REPORT**

**Fiscal Year 1990**

**February 1991**

**State of Alaska  
Office of the Governor  
Division of Governmental Coordination  
Juneau, Alaska**

**Walter J. Hickel, Governor**

The *Fiscal Year 1990 Annual Report* is published by the Office of the Governor, Division of Governmental Coordination, P.O. Box AW, Juneau, Alaska 99811; (907) 465-3562.

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The Alaska Coastal Policy Council is the policy-making board for the Alaska Coastal Management Program. Coastal Policy Council members are listed below.

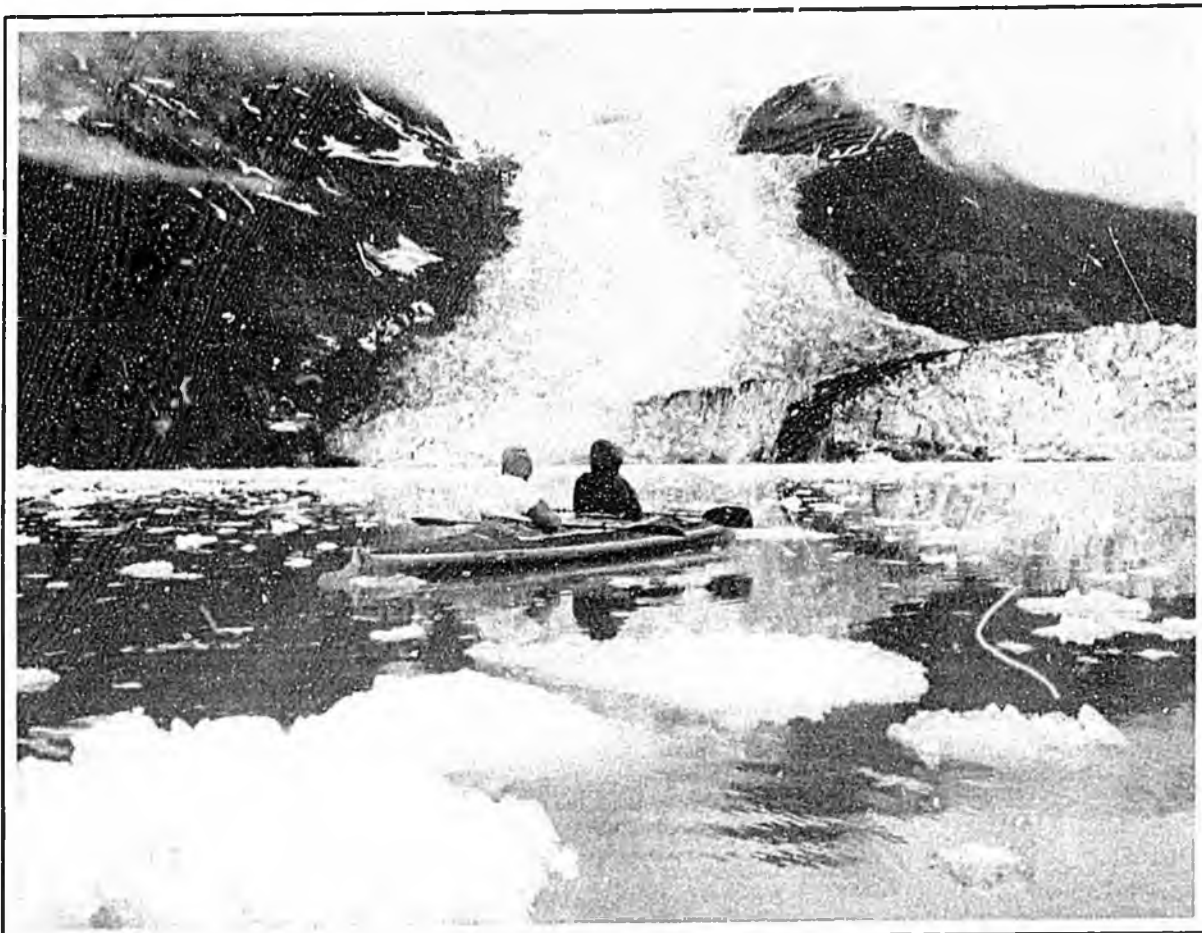
## *Alaska Coastal Policy Council*

### LOCAL REPRESENTATIVES

Northwest . . . . .	Willie Goodwin Mayor, City of Kotzebue
Bering Straits . . . . .	Stan Andersen Nome City Council
Southwest . . . . .	Thomas Brink Nurapitchuk City Council
Upper Cook Inlet . . . . .	Joseph Evans Anchorage Assembly
Kodiak-Aleutians . . . . .	John R. Mercurief Mayor, City of St. Paul
Lower Cook Inlet . . . . .	Mary A. Henry Homer City Council
Prince William Sound . . . . .	Robert F. Kellar Valdez City Council
Northern Southeast . . . . .	Lawrence E. Powell Mayor, City of Yakutat
Southern Southeast . . . . .	Coy Lester Thorne Bay City Council

### STATE REPRESENTATIVES

Department of Commerce and Economic Development . . . . .	Glenn Olds, Commissioner
Department of Community and Regional Affairs . . . . .	Edgar Blatchford, Commissioner
Department of Environmental Conservation . . . . .	John A. Sandor, Commissioner
Department of Fish and Game . . . . .	(Vacant) Commissioner
Department of Natural Resources . . . . .	Harold C. Heinze, Commissioner
Department of Transportation and Public Facilities . . . . .	Frank Turpin, Commissioner
Division of Governmental Coordination . . . . .	Paul C. Rusanowski, Ph.D., Director



*Kayaking in Prince William Sound (Mark Skok, Division of Tourism)*

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	Aleutians West Coastal Resource Service Area	Kake
	Anchorage	Kenai Peninsula Borough
	Angeon	Ketchikan Gateway Borough
	Annette Island	Klawock
	Areas Which Merit Special Attention	Kodiak Island Borough
	in Southern Southeast Alaska	Matanuska-Susitna Borough
	Bering Straits Coastal Resource Service Area	Nome
	Bethel	North Slope Borough
	Bristol Bay Borough	Northwest Arctic Borough
	Bristol Bay Coastal Resource Service Area	Pelican
	Ceñaliulriit (Yukon-Kuskokwim area) Coastal	Saint Paul
	Resource Service Area	City and Borough of Sitka
	Cordova	Skagway
	Craig	Thorne Bay
	Haines	Valdez
	Hoonah	Whittier
	Hydaburg	Yakutat
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*Sportfishing on an Alaska lake (Division of Tourism)*

# Introduction

Alaska's coastline is the focus of economic activity, community development, and a way of life for many Alaskans. It furnishes safe harbors, homes, jobs, natural resources, a means of transportation, and sites for industry, commerce and recreation. Alaska's 33,000 miles of coastline also include beaches, tidelands and wetlands that support important fisheries and wildlife. Alaska's coastal zone includes a variety of rich and productive ecosystems.

Under the Alaska Coastal Management Program, local governments, rural regions, and the State of Alaska cooperatively manage the use and protection of Alaska's coastal resources. Thirty-three coastal communities and regions work closely with the State to prepare plans that guide development in their coastal areas and to take part in decisions on permitting of proposed development projects.

With the full participation of project applicants, affected coastal districts and State agencies, the Alaska Coastal Management Program serves as a forum for conflict resolution and facilitates the permitting of proposed coastal development projects. The Alaska Coastal Management Program is important in helping to ensure that local and State interests in coastal development are met, particularly in planned federal actions.

The Alaska Coastal Management Program is designed to:

- bring a broad perspective to decisions on coastal issues;
- provide information needed for sound decision-making;
- provide a forum where conflicts about coastal development can be identified and resolved;
- enhance the State of Alaska's role in federal resource decision-making and the role of local governments in State and federal decision-making; and
- improve the timeliness and coordination of permitting decisions by the State for coastal management projects.

This report describes the activities of the Alaska Coastal Management Program during fiscal year (FY) 1990, July 1989 through June 1990.

## COASTAL MANAGEMENT: THE LEGISLATIVE FRAMEWORK

Coastal management planning began at the national level with the enactment of the federal Coastal Zone Management Act of 1972. In the federal act, Congress stated its intent to "develop a national program for the management, beneficial use, protection and development of land and water resources of the nation's coastal zone." The overall goal of the program is to achieve a *proper balance of resource development and protection*.

The federal act provides two incentives to encourage the states to develop coastal management programs tailored to state needs and interests. First, it authorizes grants to states to develop and implement their programs. Second, the act requires federal agencies in their discretionary actions to be consistent to the maximum extent practicable with approved state programs.

The federal act, reauthorized in 1990, provides new incentives and challenges for management of the nation's coastal zone. The act establishes competitive grants for enhancement of state coastal programs in several key areas (i.e., public access, coastal wetlands, marine debris, coastal hazards, special area management plans, ocean resource plans, energy/government facilities siting, and coastal growth impacts). The new act also strengthens the federal consistency requirements by clarifying that all federal agency activities that affect coastal uses or resources are to be consistent with a state's program to the maximum extent possible. In addition, the act establishes a coastal nonpoint pollution control program which is intended to work with existing state and local authorities to manage land and water uses affecting coastal waters.

With the adoption of the Alaska Coastal Management Act in 1977, the State of Alaska initiated its

coastal management program. The Alaska Coastal Management Act strives for orderly and balanced development of Alaska's coast, with an opportunity for coastal residents to take part in planning and decision-making. The Act provides for: 1) a coordinated program built on existing agency authorities and 2) the Alaska Coastal Policy Council to govern development and implementation of Alaska's coastal program.

## THE ALASKA COASTAL POLICY COUNCIL

The Alaska Coastal Policy Council oversees the Alaska Coastal Management Program, sets policy and reviews coastal district programs for approval. The Coastal Policy Council represents both local and State interests. Membership of the council is established by statute: nine locally elected officials such as mayors, city council or borough assembly members; six State agency officers; and the director of the Office of Management and Budget (OMB) in the Office of the Governor. Local representatives to the council are appointed by the Governor from nominations submitted by municipalities. In 1990, local representative Willie Goodwin, Mayor of Kotzebue, and State representative Robert L. Grogan, Director of the Division of Governmental Coordination within OMB, co-chaired the Coastal Policy Council.

The Division of Governmental Coordination, acting as staff to the Coastal Policy Council, coordinates the development and review of district programs for council consideration and the implementation of approved programs through project consistency reviews.

The Coastal Policy Council adopted *standards*, or general policies to guide coastal development. These standards form the State program in areas where district programs are not yet developed and approved. Coastal districts typically supplement these State standards with additional policies in their local programs.

The standards address the following topics:

- coastal development

- geophysical hazard areas
- recreation
- energy facilities
- transportation and utilities
- fish and seafood processing
- timber harvest and processing
- mining and mineral processing
- subsistence
- habitats
- air, land and water quality
- historic, prehistoric and archaeological resources

## COASTAL DISTRICTS

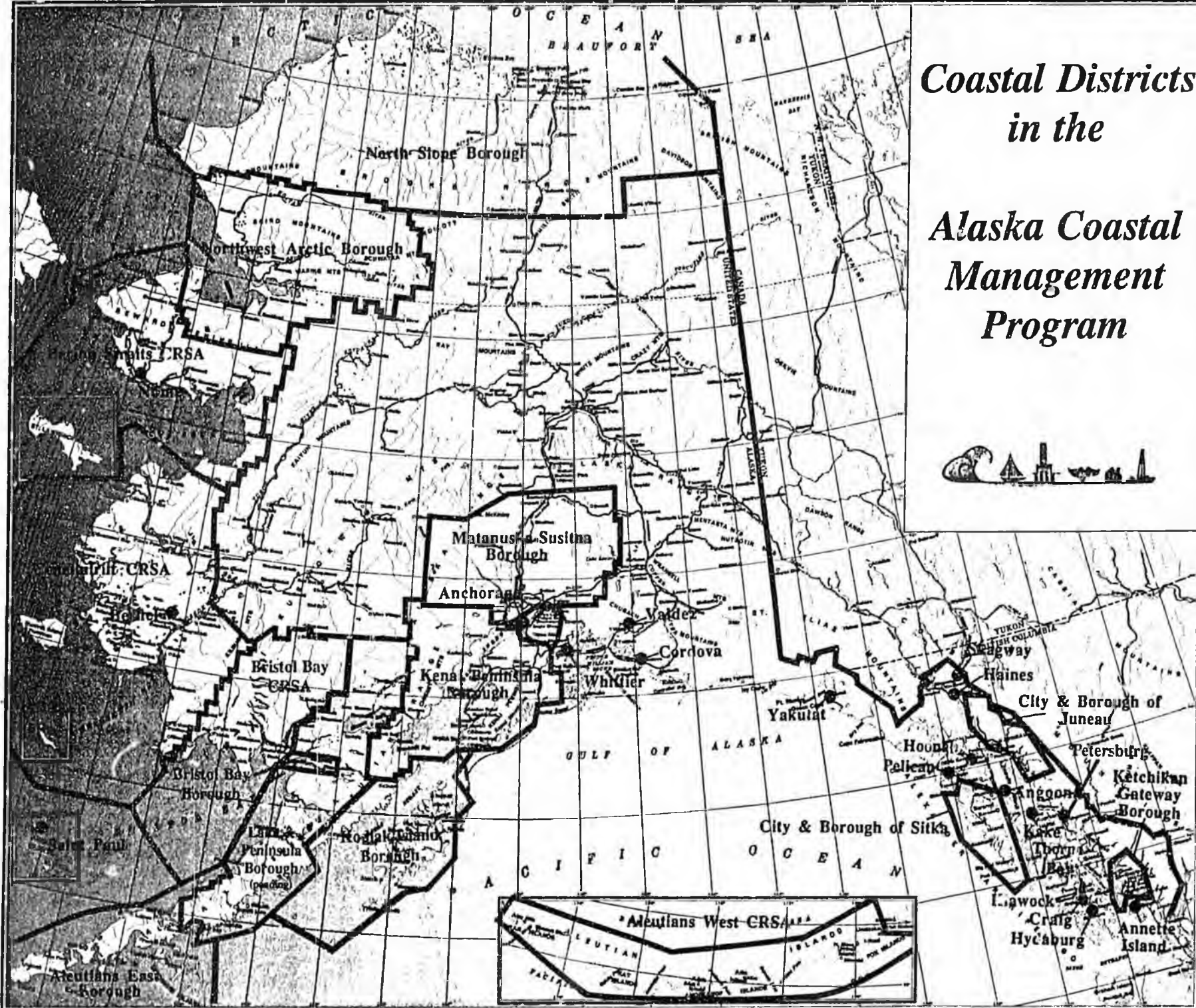
The State of Alaska and local coastal districts work cooperatively to develop and implement Alaska's coastal management program. Coastal districts include:

- organized boroughs that exercise planning authority (8 districts);
- unified home rule municipalities (3 districts);
- home rule cities, first-class cities, and, under certain circumstances, second-class cities (18 districts); and
- regional coastal resource service areas directed by elected boards (4 districts).

## COASTAL ZONE BOUNDARIES

The boundaries of Alaska's coastal zone are based on an evaluation of the biological and physical characteristics of the State's coastal areas. The coastal zone includes all areas where uses and development activities may impact Alaska's coastal waters and resources. Because the biological and physical character of Alaska's coast is not uniform throughout the State, the coastal zone boundary is not a standard "setback" from the coast, but varies in Alaska's different coastal regions. In 1978, the Coastal Policy Council defined the seaward coastal zone boundary to include all

*Coastal Districts  
in the  
Alaska Coastal  
Management  
Program*



marine waters and submerged lands out to the three mile limit of State jurisdiction. The council also adopted a preliminary or "interim" inland coastal zone boundary. Since 1978, some coastal districts have adopted, whereas others revised, the interim coastal zone boundaries.

Alaska's coastal zone is mapped in a 1988 publication entitled *Coastal Zone Boundaries of Alaska*. This atlas includes all maps and boundary criteria necessary for determining whether a use or activity is located within Alaska's coastal zone.



## PROGRAM ACTIVITIES

### Coastal District Programs

With support from the Alaska Coastal Management Program (ACMP), districts have made substantial progress in developing coastal management programs in their areas. These programs are based on the State standards, provide policy direction on natural resources development and conservation in the coastal zone, and are used in local, State and federal decision-making. Thirty-three local coastal districts participate in the ACMP; 31 district programs are fully approved at the local, State and federal levels of government. Three district programs -- City of Angoon, Kenai Peninsula Borough, and City of Whittier -- were approved by the Coastal Policy Council and federal government during FY 1990.

Today, the Alaska Coastal Management Program has largely moved from the preparation of new coastal programs to the implementation of approved programs now fully incorporated into the ACMP. In 1990, the ACMP disbursed about \$1.2 million in grants to coastal districts to partially support implementation activities and additional planning efforts. Local staff can implement the 31 approved programs by participating in local and State consistency reviews, conducting field inspections for permit decision-making, and commenting

to State and federal agencies on other planning and resource development activities.

In FY 1990, two coastal districts -- City of Thorne Bay and Aleutians West Coastal Resource Service Area -- were actively developing new coastal programs. Several other districts undertook additional planning activities, such as special area plans, a public use management plan, and revisions to older coastal programs. Other sections of this report provide more detailed information about district implementation and planning activities in FY 1990.

### Coastal Policy Council Actions

The Alaska Coastal Policy Council held three meetings during FY 1990. On September 26, 1989, the Council met in Anchorage and approved the City of Whittier coastal management program. The Council considered an appeal received in 1988 from the City of Kaktovik and two local residents regarding a State oil and gas lease sale. The Council asked the State, North Slope Borough, City of Kaktovik and the oil company lessees to meet and attempt to reach agreements that resolve Kaktovik's concerns about the lease sale. A subcommittee was also appointed to work with staff on procedures to handle future petitions to the Council.

On January 30, 1990, the Council met in Anchorage and approved the City of Angoon and Kenai Peninsula Borough coastal management programs. The Council also conceptually approved a draft paper on the role of the coastal resource service areas and established a subcommittee to work with staff to refine the document. The Council received reports on the resolution of the Kaktovik petition and the subcommittee's efforts to develop petition procedures.

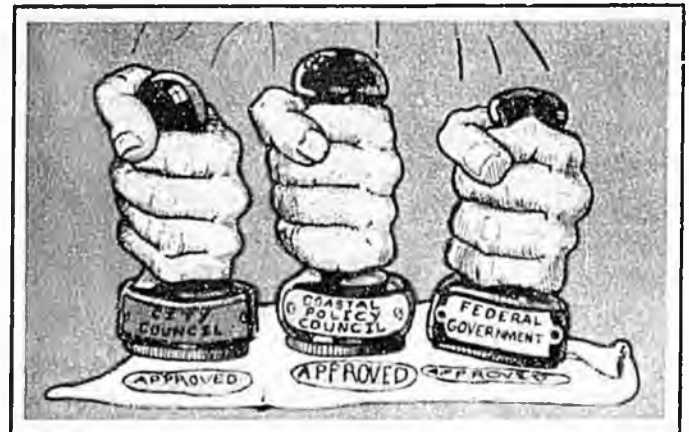
The Council met again in Anchorage on June 27, 1990 and approved the Nushagak and Mulchatna Rivers Recreation Management Plan/Area Which Merits Special Attention as a significant amendment to the Bristol Bay Coastal Resource Service Area coastal management program. A subcommittee reported on its consideration of a May 1 petition received from a local resident about the Juneau coastal district. The Council also adopted two resolutions that establish procedures for processing petitions and delegate authority to act on petitions on behalf of the full Council to a subcommittee consisting of four public and three State members.



*Coastal Policy Council meeting (by DGC)*

**Coastal Policy Council Role in Implementation of the ACMP** - Following extensive rulemaking during the early years of the ACMP (in the late 1970s), the Alaska Coastal Policy Council largely focused its attention on the review and approval of

numerous district programs developed by local governments and service areas throughout the state. In 1984, the Council adopted the consistency review regulations (6 AAC 50) that provide for a coordinated State process wherein proposed coastal projects are reviewed against State ACMP standards and enforceable district policies. The State consistency review process -- with project applicant, coastal district and State resource agency participation -- has been the major tool for implementation of the ACMP over the past seven years.



With 31 of 33 coastal districts having approved coastal management programs, the ACMP has shifted largely from program development to implementation, and the work of the Council now reflects program maturation. The Alaska Coastal Management Act provides a role for the Coastal Policy Council in assuring that approved district coastal management programs are properly implemented at both the State and local levels. A coastal district, citizen of a district, or State agency can petition the Council with concerns about district program implementation. The Act gives the Council the authority to direct a district or State agency to take any action to rectify the implementation problem.

The Council's attention to ACMP implementation was heightened when it received a petition in 1988 from the City of Kaktovik and two local residents that raised concerns about provisions in a State oil and gas lease sale to address polar bears, bowhead whales, caribou and oil spill contingency plans. During the ensuing two years, the nature and

effect of possible Council actions on petitions have been the topic of considerable public debate. During FY 1990, several actions occurred:

- At the request of the Council, the various parties to the Kaktovik petition met in December 1989 to consider face-to-face the issues raised in the petition. The petition was withdrawn.
- A bill to amend the Alaska Coastal Management Act and place the Council in an advisory role was introduced in the 1990 session of the Alaska Legislature, but did not pass. During Senate committee hearings and work sessions, the bill generated interest among coastal districts, Council members and the State Administration, with the debate largely focussed on State vs. local issues.
- The Council received a petition in May 1990 from a resident of Juneau who questioned a rezoning action by the Juneau coastal district. At an initial meeting of the parties before a Council subcommittee, the discussion focused on inconsistencies between the allowable uses in Juneau's coastal management program and in a recent rezoning ordinance. At the subcommittee's request, the petitioner and the district met further to consider the issues. The petitioner asked that the petition be put on hold, pending action by Juneau to amend its coastal management program.
- A Council subcommittee met to consider procedures for handling petitions. The subcommittee's efforts resulted in the Council's adoption, by resolution, of general guidelines for processing petitions at its June 1990 meeting.

Council action on petition issues continues in FY 1991. In August 1990, the coastal district serving the Yukon-Kuskokwim area petitioned the Council regarding a State consistency determination rendered on an offshore prospecting permit disposal in Goodnews Bay in western Alaska. The Ceñaliulriit district asserted that the Department of Natural

Resources (DNR) relied on inadequate information and that the district was not given due deference during the review. The Ceñaliulriit petition was processed according to the guidelines adopted by the Council in June 1990.

A Council subcommittee dismissed the Ceñaliulriit petition on October 8 -- 41 days after it was received. In a written finding, the Council concluded that DNR: 1) followed procedures for State consistency reviews and 2) properly considered Ceñaliulriit's policies when making its consistency decision. The Council's action, along with the DNR disposal actions, was appealed to Superior Court. Court action is anticipated in early 1991.

### **Federal Review of the Alaska Coastal Management Program**

Every two years, the federal Office of Ocean and Coastal Resource Management (OCRM) reviews the performance of each state participating in coastal management nationwide. The biennial review of the ACMP occurred in FY 1990. OCRM staff spent two weeks in Alaska meeting with a wide array of ACMP participants and users in local, State and federal government agencies, Native and industry organizations, and the public.

The federal OCRM concluded that the State of Alaska is successfully carrying out the ACMP. Significant accomplishments during the 1987-89 period were noted, including an efficient review of State permits under the consistency review process, completion of several coastal district management programs, and coordination of a statewide shoreline cleanup in 1989.

As part of a written evaluation, OCRM made several recommendations for the ACMP which may then become tasks negotiated during subsequent federal grant applications. Recommendations being addressed during the current fiscal year include the need for State guidance to districts regarding water-dependent and water-related uses, planning for the close-out of unused North Slope reserve pits, and development of procedures to process appeals on district program implementation.

## Coastal District Conferences

The DGC hosted two coastal district conferences in FY 1990 to provide a forum for the discussion of important coastal management issues, training to coastal communities participating in the program, and an opportunity for informal communications.

A workshop for southeast coastal districts was held in Juneau in December 1989. Agenda topics included U.S. Coast Guard actions to comply with MARPOL requirements and State waste management program, pending Tongass National Forest and State Forest Practices legislation, national no net loss wetlands management, public access, and State consistency review process. Several coastal

districts reported on activities and issues in developing and implementing their coastal management programs.

In April 1990, a statewide coastal district conference was held in Juneau. Topics covered were coastal district funding, the Coastal Policy Council's role in ACMP implementation, ACMP planning and the consistency review process, federal wetlands management programs, district wetlands management efforts, marine debris, and community involvement in oil spill prevention, planning and response. Several districts gave reports on their program development activities and implementation issues.

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# IMPLEMENTATION

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## The State Consistency Review Process

*How it Works* - The Alaska Coastal Management Program consistency review regulations establish a streamlined, coordinated process for reviewing and issuing State permits for proposed development projects affecting Alaska's coastal zone. Coastal development projects are reviewed to ensure that they are consistent with the standards of the Alaska Coastal Management Program and the policies of approved local district programs. The consistency review regulations (6 AAC 50) include procedures for project review, issue resolution and decision-making, with the full involvement of State agencies, affected local coastal districts, and the project applicant.

Projects reviewed for consistency represent the full range of resource development activities important to Alaska's economy: oil and gas, timber harvesting, mining, mariculture, and placement of fill for residential, industrial and public utilities development.

The Division of Governmental Coordination (DGC), as required by law and regulation, coordi-

nates the review of coastal projects by the State resource agencies (Departments of Environmental Conservation, Fish and Game, and Natural Resources) and the local coastal districts if permits are required from two or more State agencies, or a federal agency. State resource agencies are required by regulation to coordinate project reviews when only that agency's permits are required. Coordinators seek agency, district and applicant consensus on project approvals before a final decision is made.

The DGC maintains offices in Anchorage, Fairbanks and Juneau for convenient access by project applicants. Project reviews and consistency decisions occur within 30 days or, if a public notice is required, 50 days. Once a proposed coastal development project is found consistent with the Alaska Coastal Management Program and meets other agency permit requirements, State permits can be issued. State resource agencies are required to issue permits within five days of receipt of a conclusive consistency determination, unless additional review is necessary to meet other statutory requirements.

The consistency review process begins at the regional level. Participating State agencies, the project applicant, and the coastal district affected by the project can appeal regional consistency determinations to first, the directors of the State resource agencies, and then to the commissioners of the State resource agencies. Following is a description of some coastal resource issues "elevated" during FY 1990.

1. **Wetlands Fill** - This project involved the State's recertification of the U.S. Army Corps of Engineers (CORPS) General Permits for the placement of fill for specific purposes in certain categories of wetlands within the Municipality of Anchorage. At issue, from the State agencies' perspective, was whether the general permits had adequate stipulations to ensure that projects would be consistent with the Habitat and Air, Land and Water Quality Standards of the ACMP and the Anchorage Coastal Management Plan (specifically Chapter 9 of the Anchorage Wetlands Management Plan which addresses mitigation).

In the regional-level review, the State agencies and the Municipality of Anchorage developed a stipulation that allows for an Anchorage/State review of certain wetlands to identify appropriate mitigation measures and to bring fills into compliance with ACMP standards. The CORPS requested elevation of this decision because it opposed carrying a condition in the general permits that requires additional review, particularly since the original general permits had no such requirement. The CORPS was also concerned about the "enforcement burden" this condition would place on the CORPS if Anchorage at some point chose not to follow the review procedure.

During the director-level review, it was agreed that an additional review could satisfactorily be incorporated into the "Procedure" section of the general permits. The review procedure is limited to certain types of wetlands and has specific time

review periods. To summarize, the incorporation of a review procedure recognizes that mitigation measures may be necessary for fills in certain wetlands to meet the ACMP standards. (*Recertification of Anchorage General Permits, AK 890605-06A*)

2. **Residential Floating Facility Complex** - The applicant sought an after-the-fact authorization to retain a residential floating facility located approximately 40 miles northeast of Ketchikan. The project was found inconsistent at the regional level based on State agency concerns under the Habitat Standard (6 AAC 80.130) that a floathouse at the site would not maintain or enhance marine habitat important for a variety of waterfowl and marine birds.

The applicant (a private citizen) elevated to both the directors and commissioners who upheld the regional determination and found the project inconsistent, but offered to find a more suitable location where the floating facility could be relocated. The applicant appealed the decision to the Secretary of the U.S. Department of Commerce, but dropped the appeal based on ongoing settlement negotiations with the Alaska Department of Law. (*Behm Canal 65, AK 891025-15J*)



*Anchor Pass Floathouse, Behm Canal  
(Jack Gustafson,DFG)*

3. **Drilling Waste Disposal** - The applicant, British Petroleum Exploration (BPX), proposed to drill auger holes to dispose of drilling wastes at a West Sak well pad, located 8 miles west of the Kuparuk Base Camp.

In the regional-level consistency determination, the Department of Environmental Conservation proposed stipulations (to be placed on the solid waste disposal permit) that required BPX to ensure that all deposited wastes be "permanently frozen" within two years of site closeout. BPX would also be required to automatically implement a program to analyze the unfrozen water content of waste deposited at the site if inspection indicated that seepage was occurring. BPX elevated the regional-level determination and requested that the State reconsider the definition of permanently frozen state and the requirement for analysis of the unfrozen water content of drilling wastes.

The modification of the permit stipulations addresses BPX's concerns and now allows for a water content test to be required when the information would be beneficial in determining the cause of a disposal pit failure. BPX was concerned that a specific test for unfrozen water content was being required when other tests may determine that unfrozen water did not contribute to the leaking of the pit. The State is assured that the solid waste disposal permit provides for remedial action in the event that the pit fails and leaking of contaminants occurs.

A conclusive consistency determination was issued without further elevation by BPX.  
*(West Sak Well Pad #14 Auger Holes Modification, AK 89013013-F)*

**ABC List Revisions** - Under the consistency review regulations, development projects that may impact coastal resources and require State and/or federal permits are subject to an individual review for consistency with the ACMP. However, some

projects that will have no significant impact on coastal resources may be exempted from individual consistency review requirements and receive an expedited review.

The Classification of State Agency Approvals, also known as the "ABC" list, identifies permits and projects that qualify for an expedited consistency review and those which require an individual consistency review. Permits on the "A list" govern projects which would have minimal effect on coastal resources and would be categorically approved as consistent with the ACMP. The "B list" addresses projects that would be consistent if standard permit stipulations are applied. The "C list" identifies those permits that must undergo an individual consistency review.

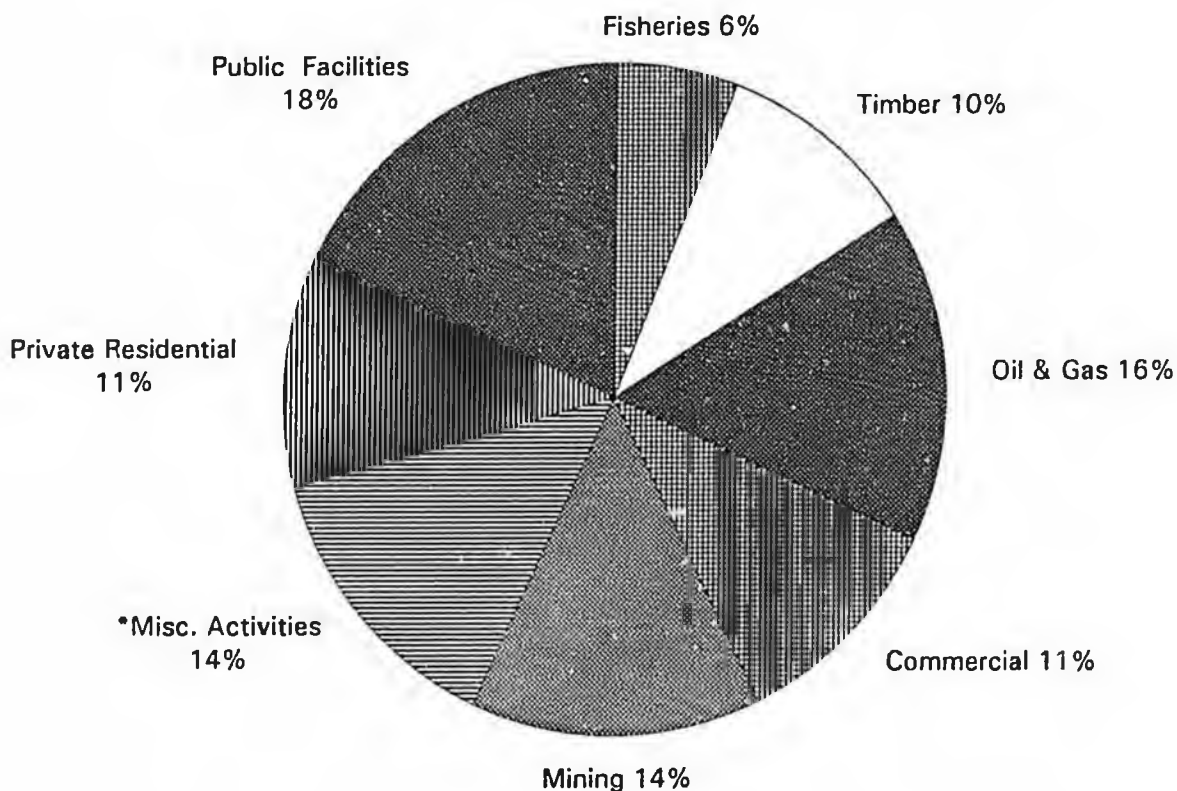
DGC, in conjunction with the State agencies and coastal districts, recently completed a revision of the ABC list, which originally went into effect in 1984. The revision eliminated permits and approvals which have no coastal effects from the list, added projects to the "A and B lists", and updated the overall classification by adding new permits and approvals with coastal effects, such as aquatic farming permits.

The DGC and State resource agencies will provide training, as necessary, on the use of the revised lists.

**DGC-Coordinated Reviews in FY 1990** - During FY 1990, DGC coordinated the review of 450 coastal development projects for consistency with the Alaska Coastal Management Program. These projects were reviewed and consistency determinations issued within an average of 38 days. Nearly all projects were found consistent with the Alaska Coastal Management Program at the regional level and were permitted by the State. The pie chart on the following page portrays the types of coastal project reviews coordinated by DGC in FY 1990. In FY 1990, DGC also coordinated another 66 reviews of resource-related projects not requiring consistency determinations.

# *Coastal Project Review Activity Types*

(Fiscal Year 1990)



Of the 450 coastal project reviews handled by the Division of Governmental Coordination, only

- 7 projects were elevated, and
- 2 projects were found inconsistent.

\* (i.e. hydroelectric, guiding operations, special use permits, seismic activities, and bank stabilization)

*Single Agency-Coordinated Reviews* - Under the State consistency review regulations, the Departments of Environmental Conservation (DEC), Fish and Game (DFG), and Natural Resources (DNR) coordinate a review for a specific coastal project when only permits, leases or authorizations from that agency are needed by the project applicant. In these "single agency" reviews, the departments are required to use the same consistency review process as outlined for the Division of Governmental Coordination. In FY 1990, DEC coordinated 26 consistency reviews for wastewater and solid waste permits in the coastal zone. Also, DNR coordinated 266 consistency reviews for various departmental actions (e.g., land use permits, water rights, right-of-way permits, and mineral, oil and gas disposals of State interests). Title 16 anadromous fish permits issued by DFG are also subject to single agency consistency reviews.

### **Local Coastal District Implementation**

A major vehicle for coastal districts to implement their local management programs is their participation in State consistency reviews of proposed coastal projects. Under the State regulations, coastal districts with coastal management programs that have been approved by the State and federal governments can fully participate in project consistency reviews. The State agencies look to the districts as the experts in interpreting local program policies during project reviews.

The level of coastal project review activity varies among the coastal districts. In FY 1990, DGC coordinated over 500 reviews statewide, with the number of projects ranging from 1 to 97 per coastal district. Reviews in a handful of districts averaged 48 during the year, while a few districts experienced three or fewer project reviews in FY 1990.

Coastal districts participate by submitting comments on proposed projects to the coordinating State agency. Overall, coastal districts commented on 65 percent of the DGC-coordinated reviews located within their district boundaries in FY 1990. Districts also participate in the "single agency" consistency reviews coordinated by the Departments of Environmental Conservation, Fish and Game, and Natural Resources.

Districts can also implement their coastal management programs at the local level through their Title 29 municipal planning, zoning and platting authorities. Over the years, a handful of districts have incorporated their coastal management programs into their local municipal code for the purposes of local land use regulation. In the municipal codes of Bristol Bay Borough, Cordova, Craig, Haines, City and Borough of Juneau, Kodiak Island Borough, North Slope Borough, Pelican, and Skagway building, land use or subdivision actions must conform, to varying degrees, with the local coastal management program.

## **Coastal Issues**

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The Alaska Coastal Management Program provides a forum for the development of State policy and the resolution of issues that arise in the management of Alaska's coastal resources. A wide range of coastal resources and issues -- wetlands management, mineral and oil development, forestry, marine debris and mariculture -- were addressed through the State's coastal management program in FY 1990.

*Wetlands Management - National Wetlands Policy* - During FY 1990, the State was active in the debate about a national strategy to protect existing wetlands and restore those lost in the past. Alaska succeeded in the National Wetlands Forum and the national and western Governors' associations in encouraging others to adopt a flexible policy.

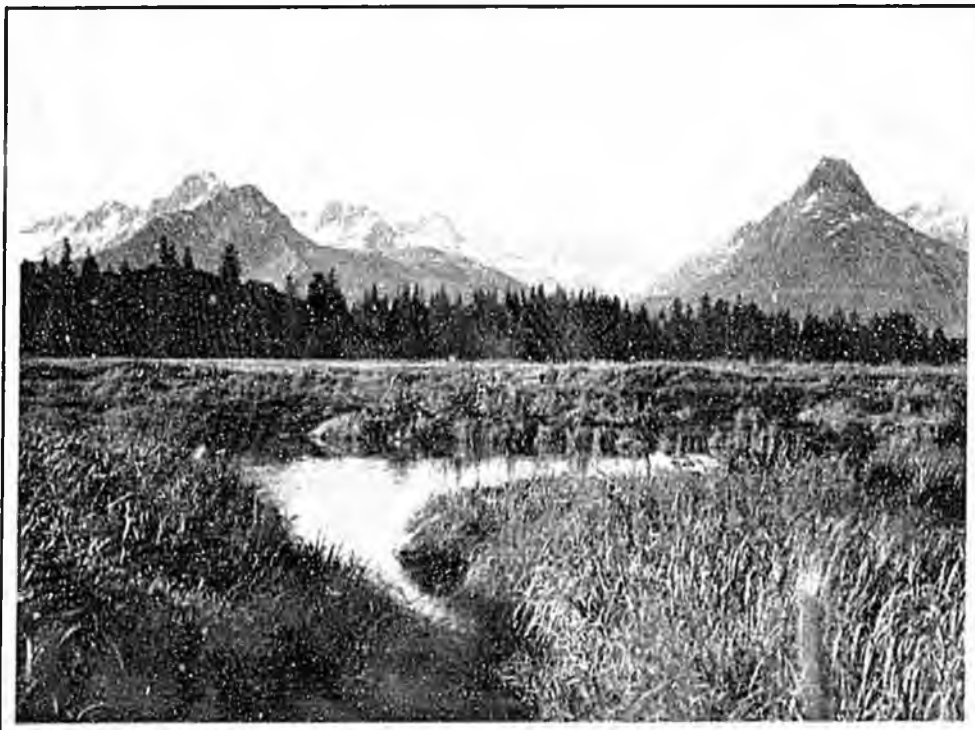
On behalf of the Governor's Office and the resource agencies, the Division of Governmental Coordination coordinated the development of the State's specific wetlands policy recommendations to the National Wetlands Forum and President's Domestic Policy Council. Governor Cowper's response to President Bush in March 1990 indicated that national wetland policy must:

- be developed in a full public process;
- be flexible with regard to regional differences in wetland characteristics, losses and protection;
- be implemented through State, regional or local planning;
- provide for and rely upon a detailed inventory of wetland acreage, function, and value;
- promote funding of research and development of successful wetland restoration creation techniques;
- establish achievable and measurable conservation and management objectives for each wetland type; and
- include a sequence of wetland mitigation options.

Establishing national policy for wetlands protection is a continuing process. Within Alaska, wetlands management strides are made through project consistency reviews and wetlands mapping and planning by coastal districts funded under the Alaska Coastal Management Program.

*Offshore Placer Gold Mining* - Offshore placer gold mining continued in 1990 on existing State mining leases near Nome, and additional areas in Norton Sound were evaluated. The 1990 mining season marked the fifth season for operation of the BIMA, the large bucket-line gold dredge operating offshore of Nome in Norton Sound. However, operations ceased in September 1990 because of the low price of gold, the high cost of operation and a major mechanical failure that occurred midway through the 1990 season. Because of industry interest in this area, in 1988 the Division of Governmental Coordination sought funds from the federal Minerals Management Service to establish a federal-State coordination team on offshore mining in federal waters in Norton Sound. The Department of Environmental Conservation co-chair; the team with the Minerals Management Service. The team, composed of State and federal regulatory agencies, scientists, industry advisors and other parties, continued to meet throughout FY 1990 to review offshore mining issues.

A primary issue was the potential for resuspension and bioaccumulation of mercury. State-of-the-art trace metal sampling and analysis occurred in the proposed sale area in response to the coordination team efforts. The results were included in the environmental impact statement for the proposed sale. In 1990, DGC coordinated the State review of the environmental impact statement and other federal decision documents for the proposed offshore sale. The Governor's final response was completed in October 1990, and the sale is scheduled for February 1991.



*Valdez Duck Flats (Elise Huggins)*

**Hard Rock Mining** - Interest in hard rock mining is increasing in Southeast Alaska as well as in British Columbia. Hard rock mining typically requires permits from each of the three State resource agencies and from federal regulatory and land management agencies. As mining projects progress from the initial exploration and to the development stages, the number of permits increases and the complexity of the project reviews intensifies.

DGC is currently coordinating the review of the revised mine plan for the Windy Craggy mining project. Geddes Resources, Ltd. is proposing to mine for copper, gold and silver on Tats Creek in the Tatshenshini-Alsek river system. In April 1990, the State reviewed the Stage I documents which contain project plans and an environmental and socio-economic impact assessment. During its review, the State identified several issues associated with the potential problem of acid rock drainage. State comments on the revised mine plan are due to Environment Canada, a Canadian federal agency, in February 1991.

DGC is also facilitating the State's response of the proposal by Echo Bay Exploration, Inc., to reopen the Alaska-Juneau Mine in Juneau. The project involves lands under local, State and federal jurisdiction. The project proposal was submitted in the spring of 1990 and revised in May 1990 to address new issues and concerns. Required permits were identified and applications submitted. The State consistency review is expected to follow the National Environmental Policy Act review during the summer of 1991.

The State review of the U.S. Borax permit applications for the Quartz Hill Mine continued in FY 1990. Agencies identified concerns related to air emissions, water use, and tailings disposal. The State had anticipated that these issues would be addressed and resolved in a manner which satisfied the regulatory requirements and industry's operational needs through the State consistency review process coordinated by DGC. However, Environmental Protection Agency's denial of the National



*Windy Craggy site in British Columbia*

Pollutant Discharge Elimination System permit application terminated the review of the project as proposed.

**Seasonal Drilling Restriction Policy** - In August 1988, the State initiated a review of its Seasonal Drilling Restriction Policy for oil and gas exploration activities in the Alaska Beaufort Sea. Following lengthy consultations among the State resource agencies, North Slope Borough, and interested parties, the State Resource Cabinet adopted a revised Seasonal Drilling Restriction policy in March 1990. The State concluded that a revised policy was needed: 1) to maximize conformance with the habitat and subsistence standards of the ACMP and the North Slope Borough coastal management program, and 2) to assure continued and uninterrupted opportunities for subsistence usage of coastal areas and resources. The policy includes new timing and geographic restrictions on drilling and support activity for operations located in three subsistence whaling zones during the bowhead whale migration period. The zones correspond to the Beaufort Sea communities of Kaktovik, Nuiqsut and Barrow which rely on the

bowhead whale as part of their traditional subsistence culture. The State resource agencies and the North Slope Borough will use the revised policy to interpret the ACMP standards and the Borough's coastal management program policies when reviewing exploration activities for consistency with the Alaska Coastal Management Program.

*Forestry* - During FY 1990, DGC coordinated the State's consistency review of 56 proposed timber-related projects. These included federal timber sale proposals that directly affect the coastal zone and timber transfer facilities which are needed by private and public applicants and are located in coastal waters.

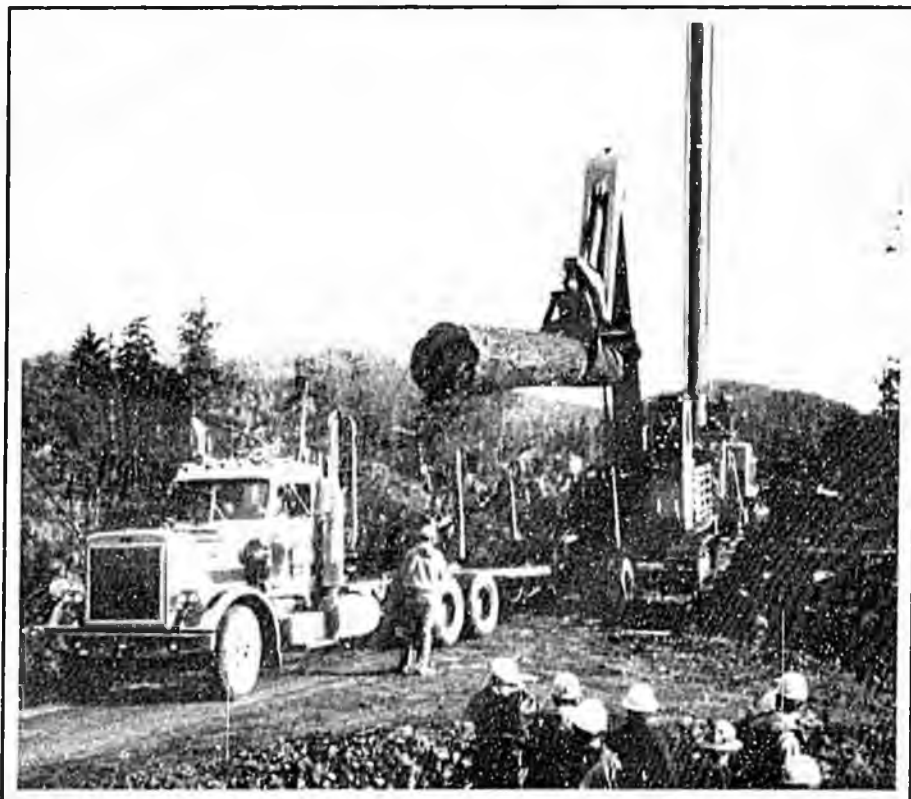
In May 1990, Governor Cowper signed into law the 1990 Forest Resources and Practices Act which revises Alaska's timber harvest and processing practices. Passage of the act completed 18 months of effort by the Alaska Forest Practices Review Steering Committee, formed by the Governor to facilitate an objective and balanced review of the Forest Practices Act, regulations and implementation. Representatives of the timber industry, private and municipal timber landowners, commercial fishing and environmental organizations, and State resource agencies served on the committee.

The revised Act provides for:

- an expanded system of enforceable regulatory standards;
- mandatory no-cut buffers in riparian management zones;
- enhanced notification and public and agency review;
- revised enforcement procedures and strengthened penalties for violations;
- a stronger role for the Departments of Environmental Conservation and Fish and Game;
- increased emphasis of wildlife and other non-timber uses; and
- a newly constituted Board of Forestry which balances industry and environmental interests.

The original 1978 statute (AS 41.17) and the Division of Forestry regulations were incorporated into the ACMP in 1979 by reference under the Timber Harvest and Processing Standard (6 AAC 80.100). Accordingly, the State has used the Forest Practices Act as a standard of review of timber cutting activities and associated road construction on federal lands.

Following federal Office of Ocean and Coastal Resource Management concurrence and public notice on October 31, 1990, the revised Forest Practices Act became the standard for State review of federal timber harvesting operations through the federal consistency requirements of the Coastal Zone Management Act. The 1990 Act, which includes fish and wildlife habitat and water quality standards, replaces 6 AAC 80.100 (Timber Harvest and Processing), 6 AAC 80.130 (Habitats), and 6 AAC 80.140 (Air, Land, and Water Quality) as the review standard for federal timber harvest activities. However, the revised Forest Practices Act does not alter the current process of reviewing other activities that require separate State and federal authorizations, such as in-stream work, upland camp construction, and log storage and transfer sites against all ACMP standards.



*Logging Operation (Bruce Johnson, DNR)*

**Marine Debris** - Alaska's coastal waters and beaches are being degraded by an accumulation of litter and other debris, particularly plastic, because it is long-lasting and has a tendency to float. Problems associated with marine debris include:

- fish, birds and marine mammals become entangled in drifting debris and starve or suffocate;
- floating debris damages boats by fouling propellers and clogging water intake cooling ports; and
- debris that washes up on beaches is aesthetically offensive and may pose health risks.

To address these problems, in December 1987 the United States ratified an amendment to the MARPOL (marine pollution) International Treaty which prohibits ships from disposing of plastics and other synthetic materials in the oceans. The U.S. Plastic Pollution Research and Control Act contains additional requirements for disposal of ship-generated wastes. All ports must provide adequate reception facilities for garbage brought in by ships. U.S. Coast Guard regulations implementing these requirements were updated in May 1990 to require vessels to display educational placards about marine garbage pollution. In FY 1990, DGC assisted with printing and distributing these placards to major fishing port harbormasters and coastal district contacts throughout coastal Alaska.

Governor Cowper declared May 1990 "Marine Litter Cleanup Month". DGC participated in the statewide Marine Debris Action Group efforts to encourage beach cleanups and to increase public awareness of the problem of marine debris. Informational kits were provided to both educators and to private citizen' groups organizing beach cleanups. As a result of these efforts, volunteers in at least seven Alaska coastal communities participated in the 1990 beach cleanup. They collected trash and recorded the information on data cards which were sent to the National Center for Marine Conservation for analysis. Also, the Center's national report, "Cleaning North America's Beaches," provides a breakdown of the most prevalent debris

found on Alaska beaches: pieces of glass and plastic, metal beverage cans, plastic caps and lids, plastic rope and plastic trash bags.

**Mariculture** - Implementation of the Aquatic Farm Act (Chapter 145 SLA 1988) began in FY 1990 with Aquatic Farm district openings in Southeast and Southcentral Alaska and the completion of the Alaska Finfish Farming Task Force Report to the Alaska Legislature.

A 60-day opening in September-October 1989 attracted 54 applications for shellfish and aquatic plant farm proposals located throughout Southeast Alaska. A joint processing project review encompassed the Department of Natural Resources site planning and public hearing requirements and the ACMP consistency review requirements.

Consistency issues during the Southeast review focused on the potential for aquatic farm activities to affect: subsistence opportunities; sensitive habitat; recreation uses; and air, land and water quality at proposed sites. Four projects were found inconsistent with the Alaska Coastal Management Program standards while thirty-two projects were found consistent.



Oyster Farm on Blashke Is. (Steve McGee, DFG)

A development plan for each species proposed to be cultured was prepared by the Department of Fish and Game during the FY 1990 review to aid State agencies in assessing project feasibility. A development plan is now required for each species as part of the application packet. The Department of Natural Resources aquatic farm regulations consider an applicant's demonstration of reasonable use of the site, consistency with State Area Plans, impacts to State land selections, upland management conflicts with aquatic farm activities, and protection of the environment and natural resources of the area. Twenty seven DNR and DFG aquatic farm approvals were issued in Southeast Alaska after the eight-month review period.

Five aquatic farm districts in Southcentral Alaska were opened for applications during May and June 1990. Thirty-six applications are under a review scheduled to end in March 1991, including a shellfish hatchery proposal and a grouping of nine farm proposals requested within the Kachemak Bay Critical Habitat Area in Jakolof Bay. The preliminary issues are: excessive tideland and submerged

land requests, maintenance of public access around floating facilities, culture gear proposed for shallow sites, and shellfish farms proposed for sites in the vicinity of sewage outfall lines.

The Finfish Farming Task Force report to the Alaska Legislature was completed on January 15, 1990. The report examines protection of the existing fisheries resources, farm siting, broodstock, regulatory costs, economic benefits vs. costs of finfish farming, and improving the marketability of Alaska salmon.

Finfish farming in Alaska was banned during the 1990 legislative session (Chapter 91 SI A 1990). However, intent language directed the Department of Fish and Game to work with the House and Senate Resources Committees to craft language for introduction of a bill in 1991 that would authorize upland farming of "non-salmon" finfish. Legislation also passed which authorizes shellfish farming in Kachemak Bay State Park but is narrowly written to apply only to existing operators within the park. Permits last five years, and preference rights lapse if the right of renewal is not exercised.

## COASTAL DISTRICT STATUS REPORTS

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This section highlights each coastal district participating in the Alaska Coastal Management Program and focuses on their planning and implementation activities during FY 1990.

### **Aleutians East Borough**

The Aleutians East Borough's Coastal Management Program received federal approval in May 1989. The borough is revising its program document to reflect changes that occurred during the approval process and to include additional areas within the borough. The borough intends to complete its revision in 1991.

### **Aleutians West Coastal Resource Service Area**

The Aleutians West Coastal Resource Service Area (CRSA) completed a milestone in program development with the publication of its public hearing draft, which was widely distributed for public review. Public hearings on the draft were held in Unalaska, Nikolski and Atka.

There is a high level of project review and permitting activity for the western Aleutians. Once the CRSA board approved the policies in the public hearing draft, the CRSA began submitting advi-

sory comments to assist agencies reviewing proposed projects. The CRSA and the City of Unalaska also held a resource agency meeting in Unalaska. The goals were to introduce agency staff to Unalaska's economy and environmental issues and to give the public an opportunity to meet with agency representatives.

## Anchorage

The Anchorage Coastal Management Program and the Anchorage Wetlands Management Plan, in place since 1981 and 1982 respectively, assist the Municipality in balancing development and resource protection in the city's coastal zone. Using these local plans, the Municipality processed nearly 100 project consistency reviews and wetlands determinations during FY 1990.

Over the years, the municipality has focused considerable effort on the proper management of wetlands. In FY 1990, updated wetlands maps on recent photography of the Anchorage Bowl and Turnagain Arm areas were completed. In addition, the Anchorage Wetlands Assessment methodology was completed and was used for several Southcentral Alaska fill projects. Municipal coastal staff also mediated a mitigation stalemate centered around two fill projects in the Port of Anchorage. Drawing upon staff's knowledge of the sites (many of which are outlined in the Municipality's *Potential Mitigation Sites* report funded by the ACMP in FY 1988), a solution was reached in 1990. It provides for acquisition of privately-owned wetlands elsewhere in the city to offset the fill of wetlands in the Port area.

Currently, the Municipality is developing an Area Which Merits Special Attention (AMSA) for the Port and adjacent shoreline to provide for orderly maritime development, to facilitate permitting and mitigation actions, to protect important coastal resources, and to provide increased public access to the waterfront. The Anchorage Waterfront AMSA planning is jointly funded by the ACMP, Port of Anchorage, Alaska Railroad and the Municipality of Anchorage.

## Angoon

The Angoon Coastal Management Program was approved by the Coastal Policy Council on January 30, 1990 and became fully effective for local, State and federal consistency review purposes in May 1990. The program focuses on protecting traditional and customary uses and the habitats upon which these activities depend.

The City has produced a brochure to further inform both the local and visiting public about their program.

In FY 1991, the City of Angoon is developing an Area Which Merits Special Attention plan for Mitchell, Hood and Chaik-Whitewater Bays. The residents of Angoon want to ensure that traditional use will be one of the primary management goals and that subsistence opportunities will be maximized.



*Kootznahoo Inlet (Peter Metcalfe)*

## **Annette Island**

A coastal management program for the Annette Island Indian Reserve (Metlakatla) became effective in 1980. Local and federal consistency are applicable but State consistency is not applied because of the special legal status of the reserve.

## **Areas Which Merit Special Attention (AMSA) in Southern Southeast Alaska**

In July 1983, the Coastal Policy Council designated six areas which merit special attention in southern southeast Alaska and approved management plans for them. The six areas are on southern Prince of Wales Island, near the City of Hydaburg. The AMSAs were designated because of their importance for traditional and customary resource use by residents of the region. Several of the areas are also used for activities such as timber harvest and mining.

## **Bering Straits Coastal Resource Service Area**

The Bering Straits CRSA Coastal Management Program became effective in December 1989 for State and federal consistency reviews. The program seeks to protect the traditional subsistence hunting and gathering uses of coastal resources while accommodating commercial fishing and placer and offshore mining activities in the region. During FY 1990, the district participated in 17 consistency project reviews.

The Bering Straits CRSA continued to actively participate on a coordination team working on the proposed federal offshore mining lease in Norton Sound. Bering Straits staff spent considerable time reviewing the Draft Environmental Impact Statement for the lease sale during FY 1990.

## **Bethel**

The City of Bethel updated several local mechanisms used to implement the Bethel Coastal Management Program during FY 1990.

Projects included aerial photographs for a basic mapping project, development of a land use ordinance, and clarification of property ownership. These accomplishments will boost staff's ability to carry out the Bethel Coastal Management Program through local review and permitting -- important because most activities in Bethel require only local review.

## **Bristol Bay Borough**

The Bristol Bay Borough Coastal Management Program has been used successfully since 1984 to guide coastal management decisions. Implementation of the program is accomplished through the building permit program, the subdivision ordinance and the clearing and grading ordinance. During FY 1990, the borough amended its building permit, or "site development permit" program, and reviewed 36 site development proposals. The Planning and Zoning Commission completed a borough-wide zoning ordinance and recommended adoption to the Assembly. The Bristol Bay Borough is a member of the Marine Advisory Task Force which is studying marine pollution under MARPOL and the Plastic Pollution Research Control Act. This action is coordinated through the Southwest Alaska Municipal Conference and is funded under a grant from the Department of Environmental Conservation.



*Port of Naknek, Bristol Bay (James Zuelo)*

## **Bristol Bay Coastal Resource Service Area**

The Bristol Bay CRSA Coastal Management Program received federal approval in 1987. During FY 1990, the Bristol Bay CRSA provided consistency recommendations on 28 projects including State and federal management actions. Monitoring efforts included responding to requests from residents about whether ongoing projects and activities were properly authorized.

In recent years, the Bristol Bay CRSA focused its efforts on developing an Area Which Merits Special Attention (AMSA) plan for the Nushagak and Mulchatna River drainages. The Nushagak and Mulchatna Rivers Recreation Management Plan was prepared by the Department of Natural Resources, Department of Fish and Game and the Bristol Bay CRSA through a cooperative effort to address commercial recreation development in these drainages. The plan identifies goals, management intent and public use sites for 25 management units in the planning area; specifies management policies for permanent and temporary facilities and other development; and includes implementation procedures and recommendations for future management of the area. The Coastal Policy Council approved the plan as an AMSA in June 1990. It was then adopted by the Department of Natural Resources as a management plan for State lands. The plan was federally approved and became effective for consistency purposes in August 1990.

## **Ceñaliulriit (Yukon-Kuskokwim Area) Coastal Resource Service Area**

Ceñaliulriit wishes to reserve adequate water in the Tuluksak River for navigation, water quality and fish and wildlife preservation and propagation. To do so, Ceñaliulriit is preparing to apply for an in-stream flow reservation from the Department of Natural Resources. Ceñaliulriit technicians measured in-stream flow and collected data on the river during FY 1990.

The CRSA was extensively involved in the review of an Offshore Prospecting Permit (OPP) disposal

for platinum mining offshore of Goodnews Bay. To address concerns, the CRSA commented during the consistency review process, elevated the proposed determination, and petitioned the Coastal Policy Council about the final determination. Ceñaliulriit is party to action in the Superior Court concerning the OPP disposal. The CRSA also worked on legislation to create the Goodnews Bay Critical Habitat Area; the legislation was not enacted by the 17th Legislature.

## **Cordova**

During the first half of FY 1990, the City of Cordova staff were coping with the overwhelming social and economic impacts of the March 1989 Valdez Exxon oil spill. The city continues to coordinate with the Cordova Oil Spill Response Office and keeps abreast of oil spill related issues that may affect the Cordova Coastal District, Prince William Sound, and the Gulf of Alaska. The city reviewed the Alyeska Oil Spill Contingency Plan and assisted the Cordova Oil Spill Response Office in completing a coastal project questionnaire prior to implementing its Winter Cleanup Plan.

In January 1990, a new city planner assumed coastal management responsibilities. The city has focused on fully participating in the consistency review process and educating the public about the Cordova coastal management plan. Since January, nine development proposals solicited by the city for two new fill areas zoned for commercial and industrial use have been reviewed for consistency with the Cordova coastal management plan.

## **Craig**

During FY 1990, the City received approval to expand the area covered by its district program policies to include the entire coastal district boundaries. At the time of Coastal Policy Council approval, these policies applied only to a portion of the Craig municipal boundaries. The property owners newly covered by coastal district policies were notified and sent copies of the approved program.

Policy implementation related to floathouses remains a problem. Difficulties arise, in part, because the City is not always notified when floathouses change ownership. The City proposed a floathouse moorage area that has not been built because of the high cost. In the coming year, the floathouse policies in the coastal program will be reviewed.

### **Haines**

The City of Haines began to revise their entire plan to reflect changes in conditions since the original program was approved in 1980. Extensive research was conducted and the Resource, Inventory and Analysis was revised during FY 1990. These revisions were distributed for public and agency review. The City is continuing with the next phase of revision to their plan.

### **Hoonah**

In FY 1990, the City of Hoonah reviewed several proposed development projects for consistency with the ACMP and the Hoonah Coastal Management Program. These included highway and ferry terminal projects, a cold storage facility, a fish processing plant and a housing development.

### **Hydaburg**

The Hydaburg Coastal Management Program, approved in 1984, reflects a commitment to resource and habitat protection and access to traditional subsistence use areas. The city also prepared an Area Which Merits Special Attention plan for the Hydaburg River and watershed, which supplies the city's drinking water. The city adopted a watershed protection ordinance to limit development within the watershed to activities that will not adversely affect drinking water quality.

### **City and Borough of Juneau**

The City and Borough of Juneau (CBJ) Coastal Management Program and Downtown Waterfront Plan became effective in

November 1986. During FY 1990, CBJ participated in 30 State consistency reviews coordinated by the Division of Governmental Coordination and reviewed 37 projects that required a local CBJ consistency approval. In FY 1990, the district completed a draft of a revised Table of Permissible Uses that shows uses permissible in each of the coastal zoning districts. The revised table better incorporates Juneau coastal management program policies into the Juneau Municipal Code by integrating waterfront zoning districts into the regular zoning district table of uses. The table will be completed in 1991.

A petition to the Coastal Policy Council was filed in FY 1990 by a Juneau resident who alleged that a CBJ rezoning action did not comply with Juneau's coastal program. The petition resulted from, in part, lack of clarity in the Juneau coastal program's special waterfront designations and their relationship to zoning. The CBJ initiated revisions to clarify this part of its program. The petition was put on hold at the request of the petitioner, pending completion of the program revisions.

Work continued on the Juneau Wetlands Management Plan during FY 1990. A response to comments on the public hearing draft was distributed in February 1990. The CBJ and State agencies held several meetings to discuss remaining concerns with the wetlands plan. The planning commission and the assembly conceptually approved



*Juneau (Division of Tourism)*

the Juneau Wetlands Management Plan in November 1990. The concept approved plan will be considered for approval by the Coastal Policy Council in 1991.

## **Kake**

In 1989, the City of Kake annexed 13.85 square miles, thereby adding a significant amount of land to the existing 0.89 square miles within the city. Consequently, the City of Kake began to revise the Kake Coastal Management Program, originally approved in 1985. Mapping is completed and a draft Resource Inventory and Analysis has been initiated.

## **Kenai Peninsula Borough**

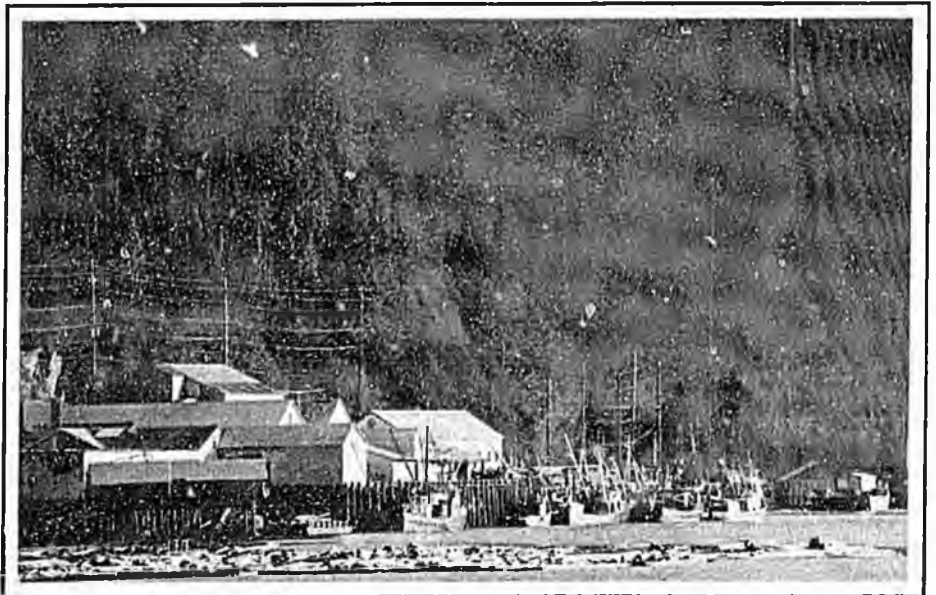
The Kenai Peninsula Borough completed its coastal management program, an accomplishment years in the making. The Plan took effect for consistency review purposes in July 1990.

The Kenai Peninsula Borough annually reviews about 100 permit applications for proposed development projects. In FY 1990, proposed projects included oil and gas, transportation, fishing, hydropower, wetlands fill, mining, wastewater and sludge disposal, timber harvest and mariculture activities. Kenai is developing a permit tracking system and procedures to facilitate recording and monitoring of permits for individual projects.

The Kenai Peninsula Borough is developing plans for two areas which merit special attention: Kaslof River and English Bay/Port Graham. Working with State and federal agencies, Kenai has also been developing data on soils, vegetation and other features of the Kenai River.

## **Ketchikan Gateway Borough**

The Ketchikan Gateway Borough's Coastal Management Program took effect in 1984 and addresses major issues concerning waterfront development and sensitive habitats. During FY 1990, the borough began to review and rewrite the



*Ketchikan Waterfront (Hall Anderson)*

coastal plan so that the program and its policies will be consistent with the borough zoning ordinance and the comprehensive plan. The comprehensive plan is undergoing significant modifications and is scheduled for completion in the fall of 1991.

The borough continues to be actively involved in the review of projects for consistency with its plan. Some activities reviewed during FY 1990 include tideland fills, log transfer facility, an aquaculture project, and a wastewater treatment plant.

## **Klawock**

The Klawock Coastal Management Program was approved in June 1984. Recently, the city developed proposed amendments to correct outdated information in its plan. With three-quarters of the city's boundaries as tidelands, the City is preparing a tidelands plat so that local permit reviews can be accomplished. The City also produced a brochure to educate the City Council, Planning Commission members, and the general public about the features of its coastal management program.

## **Kodiak Island Borough**

Kodiak determined that the Kodiak Island Borough Coastal Management Program, adopted in 1984, is best implemented through local subdivision and zoning ordinances. Towards this end, the subdivi-

sion ordinance was revised in FY 1990 to require that the Planning and Zoning Commission take into consideration the policies of Kodiak's coastal program and place conditions of approval if necessary to ensure compliance.

The borough annually reviews and revises the zoning compliance permit form that includes a checklist for determining whether a development activity is in compliance with the borough ordinances, including the Kodiak Coastal Management Program. Use of this form has solved implementation problems identified in the past. In FY 1990 the borough participated in 39 State project reviews. The Planning and Zoning Commission reviewed 155 local development requests and the Community Development Department reviewed 309 local projects for compliance with the borough ordinances, including the coastal program.

In FY 1990, the borough initiated a project to identify and map wetlands in the Kodiak Island Borough's urban area, approximately 35 square miles. Orthophotos of the area were taken and mylar overlays are being produced. The overlays will be reviewed for accuracy, and a team from the U.S. Fish and Wildlife Service and the U.S. Corps of Engineers (CORPS) will visit Kodiak to make further corrections and do field verification. The borough may then request that the CORPS issue a general permit for certain wetlands in the urban area.

### **Matanuska-Susitna Borough**

The Matanuska-Susitna Borough Coastal Management Program, approved in 1984, describes a wide variety of coastal resources and guides development in the coastal area of the borough. During FY 1990, the borough participated in State consistency reviews through its own resources since it did not seek ACMP grant funds.

The borough is revising its coastal management program policies and implementation chapters. The borough is also undertaking an Area Which Merits Special Attention plan for the Point MacKenzie area, which includes a proposed port area, agricultural lands, transportation corridors, and other residential/recreational land uses.

### **Nome**

During FY 1990, the Nome Planning Commission examined applications for nearly 50 activities requiring ACMP consistency reviews, ranging from placer mining, offshore mining, seafood processing, to fish habitat (Title 16) actions and fills.

In recent years, the city has undertaken a geohydrological study of Moonlight Springs, the municipal watershed and an area of mining activities. The study has focused on identifying the watershed and recharge area as well as basic water quality sampling. During FY 1990, the city issued two development permits for mining activities within the watershed and continued its monitoring in the area.

In FY 1990, the city continued its active participation in the coordination team reviewing a proposed federal lease sale for offshore mining in Norton Sound. The city reports that the high costs of offshore dredging in Norton Sound -- as experienced by WestGold with the BIMA dredge that recently ceased operation -- are not expected to encourage bidders for the federal sale. The city does not anticipate much staff effort being directed to offshore mining in 1991 and has shifted its attention to proposed hard rock mining exploration ventures in the area.

### **North Slope Borough**

The North Slope Borough Coastal Management Program, approved in 1988, recognizes the benefits to borough residents of both a healthy subsistence economy and coastal resource development. In FY 1990, the Borough completed a revision of the local land management regulations and formally adopted offshore development and coastal management policies into its municipal code (19.70.040 - .050).

In FY 1990, the Borough continued work on area which merits special attention (AMSA) plans for the Colville River Delta and Kasegaluk Lagoon. Initial resource inventory and preliminary work on goals, objectives, and policies were completed during FY 1990. Following changes in staff and coastal priorities, the AMSA project was sus-

pending in early FY 1991 and may be resumed at a later date.

### **Northwest Arctic Borough**

The Northwest Arctic Borough's Coastal Management Program received federal approval in December 1989. Changes were made during the federal approval process to the subsistence use and mitigation policies. The program also addresses other issues such as management of mineral development and local involvement in State and federal planning activities.

The program identifies special habitat policy areas where policies specific to the resources and uses of each area apply. Also, the district boundaries include certain upland areas in order to address activities affecting the region's anadromous fish resources. The coastal program serves as the basis for a comprehensive plan now being prepared by the borough.

Resource information included in the program is being digitized to allow for rapid computer access. Mining at the Red Dog site and a number of placer mining projects were the subject of reviews and field visits conducted jointly with State resource agencies.

### **Pelican**

The City of Pelican Coastal Management Program includes a land use plan and a community design section. The city adopted a zoning ordinance and a building permit process to implement its district program. This provides Pelican residents with a vehicle to review proposed local projects for consistency with its coastal program.

The City of Pelican annexed 273 acres of land and increased the size of the Pelican coastal district from 49 to 322 acres. In FY 1990, the city began revising its coastal program resource inventory to include this new area. Areas to be addressed include the Pelican Creek watershed and recreation areas important to the community, such as Whiskey Flats.

### **Saint Paul**

The City of Saint Paul published the 1989 Salt Lagoon Monitoring Report. This was the third year of the monitoring program. The study is designed to study the effects of harbor and upland development on the Salt Lagoon.

The City of Saint Paul is concerned about development that does not require local permits and thus proceeds without local government guidance. The City developed a proposed Permit Monitoring Program to encourage State agencies and developers to work more closely with the City in project planning and review.

### **City and Borough of Sitka**

Sitka revised its coastal management program in 1989. It saw the need to develop management guidelines and policies for areas with unique values and areas heavily used for recreation and personal use resource gathering. In FY 1990, Sitka completed field visits, analysis and mapping of sites throughout its 4,710 square miles. The Sitka District worked with a Citizens Committee to prepare a draft Public Use Management Plan that provides site-specific policies for these unique recreation/subsistence use areas.

The City and Borough of Sitka participated in nearly 50 consistency reviews. Sitka commented on projects ranging from dock and boat launch facilities, floathouses and aquaculture farms, log storage and transfer facilities and aquaculture farms, to a hydroelectric project. Sitka also met



*Pelican Boardwalk (Mary Bixby)*

regularly with the U.S. Forest Service concerning management of the Tongass National Forest in relation to the Sitka coastal program.

### **Skagway**

The City of Skagway was active on a number of fronts this past year. Skagway made major changes to its planning and zoning codes. Most significant were changes to the zoning map and zoning code, to include a new waterfront zone. The amended code calls for more thorough review of development projects in the port area, with particular attention given to coastal management concerns and public amenities. Skagway updated its building permit application to address a number of local and State requirements. Skagway also revised its Public Lands Code.

A public hearing draft of plans for two areas which merit special attention, the Port of Skagway and Skagway River, was distributed for public review. This planning process is valuable for identifying issues and conflicts and establishing policies for project development and conflict resolution. The City also devoted time and effort to reviewing two major port development proposals.

### **Thorne Bay**

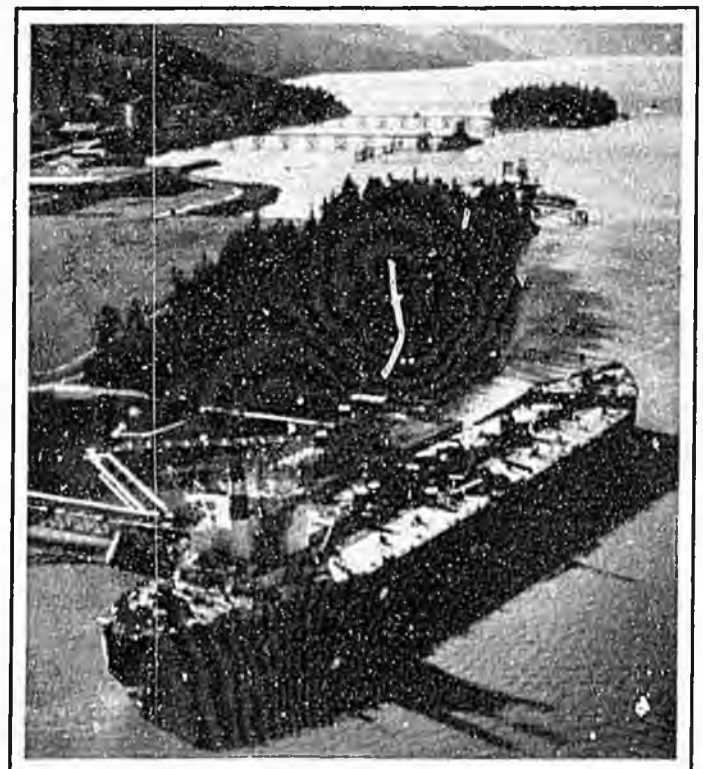
The City of Thorne Bay on Prince of Wales Island was designated a coastal district in 1989 and during FY 1990 began developing a coastal management program. The City completed its draft statement of Issues, Goals and Objectives and its draft Resource Inventory and Analysis, which include a description and maps of the coastal district boundaries.

Public involvement and agency coordination meetings were held throughout the planning process. Some of the major issues that the community hopes to address are the designation of acceptable waterfront uses and the protection of the municipal watershed.

### **Valdez**

During FY 1990, the City of Valdez experienced a tremendous amount of activity associated with the Exxon Valdez oil spill. This activity placed a strain on the Community Development Department, which is responsible for the implementation of the Valdez Coastal Management Program. A new Director of the Community Development Department, hired in early 1990, initiated planning for the Valdez Duck Flats Area Which Merits Special Attention.

The Duck Flats provides important and productive habitat for many fish and wildlife species and is a resource of scenic value to residents and visitors alike. The Duck Flats and adjoining shorelands are also strategically located from the standpoint of harbor and transportation facilities. As additional marine industry-related growth takes place, new demands could be placed on these facilities and the adjoining shorelands. The complex land ownership pattern in the Duck Flats requires a cooperative planning effort. A resource inventory and analysis and a discussion of issues and conflicts were completed in FY 1990 and presented in a Phase I report. During FY 1991, Valdez intends to complete the public hearing draft and conduct public meetings in the community.



*Valdez tanker (Department of Natural Resources)*

## Whittier

The Whittier Coastal Management Program became effective for local, State and federal consistency reviews in April 1990. Newsletters were produced in March and May 1990 to further inform the local and visiting public about the Whittier Coastal Management Program. Since the program took effect, the city has reviewed two projects for consistency with its coastal management program.

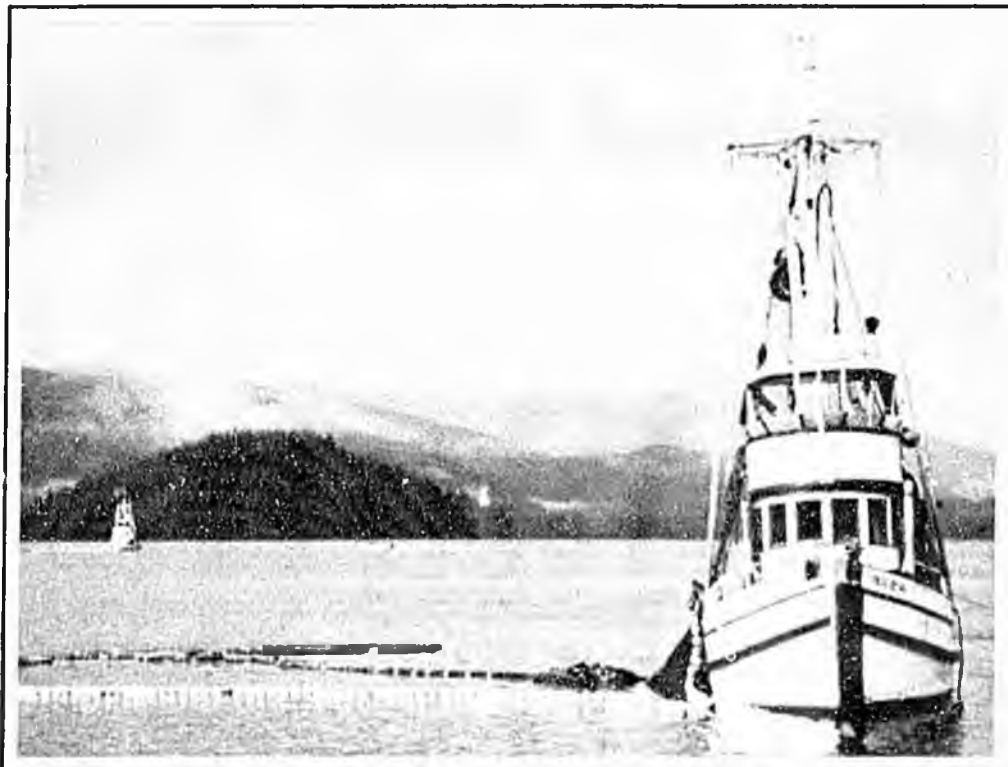
The Whittier Coastal Management Program identified the Whittier Port and Harbor as a potential Area Which Merits Special Attention (AMSA). In FY 1990, the city initiated an AMSA plan for the Whittier Small Boat Harbor. The intensity of recreational and industrial uses in the harbor, coupled with unclear land ownership authorities at selected sites, poses problems ranging from inconvenience to health and safety hazards. Continued expansion of uses in the area will create further congestion. In FY 1990, a Phase I report which includes a resource inventory and analysis and land status information was completed. In FY 1991, the city intends to complete a public hearing draft and hold public meetings in Whittier.

## Yakutat

During FY 1990, the City of Yakutat worked with other communities and the Local Boundary Commission to examine the formation of a borough or a coastal resource service area in the region.

Several projects under review were of particular interest to Yakutat residents during FY 1990. The Windy-Craggy mine project (in British Columbia) is of interest because of potential impacts to Alsek River water quality and, subsequently, to the Yakutat fisheries. The Icy Cape II Timber Sale, with logging practices and habitat protection concerns, was reviewed. A third project was an aquatic farm proposal in Puget Cove, an area popular for subsistence and recreational activities.

The City also represented local interests in planning efforts for the Yakutat Forelands and the Tongass Land Management Plan. The City continued to participate in the monitoring of the Hubbard Glacier.



*Seine boats fishing in Southeast Alaska (Division of Tourism)*

# *Program Documents*

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The State statutes, regulations and program documents, coupled with the coastal district program documents, constitute the Alaska Coastal Management Program. State ACMP standards and district program documents form the basis for State consistency reviews. The year each district program became effective for consistency review purposes is indicated in parentheses.

## **ALASKA COASTAL MANAGEMENT PROGRAM DOCUMENTS:**

State of Alaska Coastal Management Program and Final Environmental Impact Statement, May 1979  
Coastal Zone Boundaries of Alaska, June 1988  
Alaska Coastal Management Program Manual, September 1988  
District Implementation Manual, September 1988  
ACMP Statutes and Regulations, June 1989

## **APPROVED COASTAL DISTRICT PROGRAM DOCUMENTS:**

### **Aleutians East Borough (1989)**

Aleutians East Coastal Resource Service Area, Conceptually Approved Coastal Management Program, Volume I, July 1985  
Resource Inventory for the Aleutians East Coastal Resource Service Area, Volume II, June 1986  
An Analysis of Potential Development and Environmental Sensitivity in the Aleutians East Coastal Resource Service Area, Volume III, July 1985  
Policies of the Approved Aleutians East Coastal Resource Service Area Coastal Management Program, October 30, 1985; amended May 22, 1986

### **Municipality of Anchorage (1981)**

Anchorage Coastal Resource Atlas, December 1980  
Anchorage Coastal Scenic Resources and Public Access Plan, 1981  
Anchorage Wetlands Management Plan, February 1982  
Anchorage Coastal Management Program (revised document), July 1987

### **City of Angoon (1990)**

Angoon Coastal Management Program, March 1989  
Coastal Policy Council Order of Approval, January 1990

### **Annette Island Indian Reserve (1980)**

Annette Island Coastal Management Program, November 1979  
Annette Island Coastal Management Program, Amendment, February 1981

### **Areas Which Merit Special Attention (1983)**

Areas Which Merit Special Attention in Southern Southeast Alaska, July 1983

### **City of Bethel (1984)**

City of Bethel Coastal Management Plan, June 1983  
City of Bethel Drainage Management Plan, December 1985

**Bering Straits Coastal Resource Service Area (1989)**

- Bering Straits Resource Inventory, Volume 1, October 1984
- Bering Straits Conceptually Approved, Resource Analysis, Volume 2, October 1986
- Bering Straits Conceptually Approved Coastal Management Program, Volume 3, October 1986
- Coastal Policy Council Order of Approval, July 7, 1987

**Bristol Bay Borough (1984)**

- Bristol Bay Borough Coastal Management Program, June 1983
- Addendum #1, December 1983

**Bristol Bay Coastal Resource Service Area (CRSA) (1987)**

- Bristol Bay CRSA Coastal Management Program, Volume 1, Resource Inventory, January 1984
- Bristol Bay CRSA Coastal Management Program, Volume 2, Management Plan, June 1987
- Nushagak and Mulchatna Rivers Recreation Management Plan, August 1990

**Ceñaliulriit Coastal Resource Service Area (1985)**

- Ceñaliulriit Coastal Management Program, March 1985

**City of Cordova and Eyak Lake AMSA (1986)**

- Eyak Lake Area Which Merits Special Attention (AMSA) Plan, March 1985
- Coastal Policy Council Order of Approval for the Eyak Lake AMSA Plan, May 1986
- Cordova Coastal Management Program, November 1986

**City of Craig (1985)**

- Craig Coastal Management Program, July 1984
- Coastal Policy Council Order of Approval, December 1984
- Craig Boundary change (Routine Program Implementation), May 1990

**City of Haines (1980)**

- Haines Coastal Management Plan, October 1979
- Refinements to the Haines Coastal Management Program, November 1980
- City of Haines, Port Chilkoot/Portage Cove Area Meriting Special Attention (waterfront design study), August 1982

**City of Hoonah (1984)**

- Hoonah Coastal Management Program, February 1984

**City of Hydaburg (1983)**

- Hydaburg Coastal Management Program, January 1983
- Coastal Policy Council Order of Approval, April 1983

**City and Borough of Juneau (1986)**

- Downtown Waterfront Plan, Fall 1985
- Juneau Coastal Management Program, November 1986

**City of Kake (1985)**

- Kake Coastal Management Program, June 1984

**Kenai Peninsula Borough (1990)**

Kenai Peninsula Borough Coastal Management Program, June 1990

**Ketchikan Gateway Borough (1984)**

Ketchikan Gateway Borough Coastal Management Program, July 1983

Coastal Policy Council Order of Approval, December 1983

Ketchikan Gateway Borough Coastal Management Program, revised pages, April 1984

**City of Klawock (1985)**

Klawock Coastal Management Plan, June 1984

Coastal Policy Council Order of Approval, December 1984

**Kodiak Island Borough (1984)**

Kodiak Island Borough Coastal Management Program, Resource Maps, June 1981

Kodiak Island Borough Coastal Management Program, Progress Report Reprint (resource inventory),  
June 1983

Kodiak Island Borough Coastal Management Program, June 1983 (reprinted 1988)

**Matanuska-Susitna Borough (1984)**

Matanuska-Susitna Borough Coastal Management Plan, September 1987

Matanuska-Susitna Borough Coastal Management Plan Appendices, September 1987

Coastal Policy Council Order of Approval, Amendment to Coastal Habitats Policy 2, March 1988

**City of Nome (1984)**

Nome Coastal Management Program, Background Report, Part I, July 1981

Nome Coastal Management Program, October 1983

Minor Amendments to Land Use Designations, July 1984

**North Slope Borough (1988)**

North Slope Borough Coastal Management Program, 1984

North Slope Borough Coastal Management Program, Background Report, 1984

North Slope Borough Coastal Management Program, Resource Atlas, July 1984

Coastal Policy Council Order of Approval, April 1985 (amended March 1988)

**Northwest Arctic Borough (1989)**

NANA Region Coastal Management Plan, October 1985, Volumes 1-3

Order of Approval for the NANA CRSA Coastal Management Program by the Alaska Coastal  
Policy Council, May 22, 1986

NANA CRSA Coastal Management Program Policies, Revised Chapter 6.0

Northwest Arctic Borough Coastal Management Program Policies A-1 and G-6 (revised), December 1989

**City of Pelican (1984)**

Pelican Coastal Management Plan, March 1984

Coastal Policy Council Order of Approval, June 1984

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## **Alaska Coastal Management Program: Development of the Coastal Zone Boundary**

Glenn A. Seaman<sup>1</sup>

### **Abstract**

The Coastal Zone Management Act of 1972 required participating states to identify areas subject to a state management program, or delineate a coastal zone boundary. Alaska's size and diversity warranted a multiple-step approach to delineate its coastal zone boundary. The process started with the identification of zones based on biological and physical interactions between the marine and terrestrial environments, the selection of an initial or interim coastal zone boundary, and the establishment of a final boundary during the development and approval of local coastal district plans. This boundary approach may be unique to Alaska; few states have given local districts a major role in delineating a state coastal zone boundary. The final inland boundary of Alaska's coastal zone ranges from less than 2000 feet to up to 250 miles from the shoreline. Proposals to expand the inland boundaries by some local districts were controversial, which prompted an evaluation of both the intent and application of state and federal boundary requirements. This paper describes the biophysical, initial, and final coastal zone boundaries in Alaska, how these boundaries were developed, and the State of Alaska's experiences in obtaining final federal approval.

### **Introduction**

In response to increasing pressure on coastal resources, the importance of the nation's coastal areas, and the fragmented management of these areas by state and local governments, Congress passed the Coastal Zone Management Act of 1972 (CZMA). A major objective of this act was to encourage coastal states in the development and implementation of management programs to achieve the wise use of coastal resources. In response, the Alaska State Legislature in 1977

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<sup>1</sup> Alaska Coastal Management Program Coordinator, Alaska Department of Fish and Game, Habitat Division, 333 Raspberry Road, Anchorage, AK 99518-1599

passed the Alaska Coastal Management Act (ACMA). The state act established a voluntary program for local coastal districts to develop coastal management programs. Coastal districts in Alaska are composed of boroughs (similar to counties in the contiguous 48 states), cities, and coastal resource service areas (CRSAs) (Figure 1).<sup>2</sup> CRSAs were created under the act to include several rural areas, not under the jurisdiction of an organized government, as a coastal district for planning and implementation. The Alaska Coastal Policy Council (ACPC), comprised of seven state members (state agency commissioners) and nine public members (local elected officials appointed by the Governor), establishes the overall program standards and guidelines and approves local district management plans. The statewide standards and guidelines and local district management plans collectively constitute the Alaska Coastal Management Program (ACMP). The statewide program was approved by the National Oceanic and Atmospheric Administration, Office of Coastal Zone Management (OCZM),<sup>3</sup> in 1979.

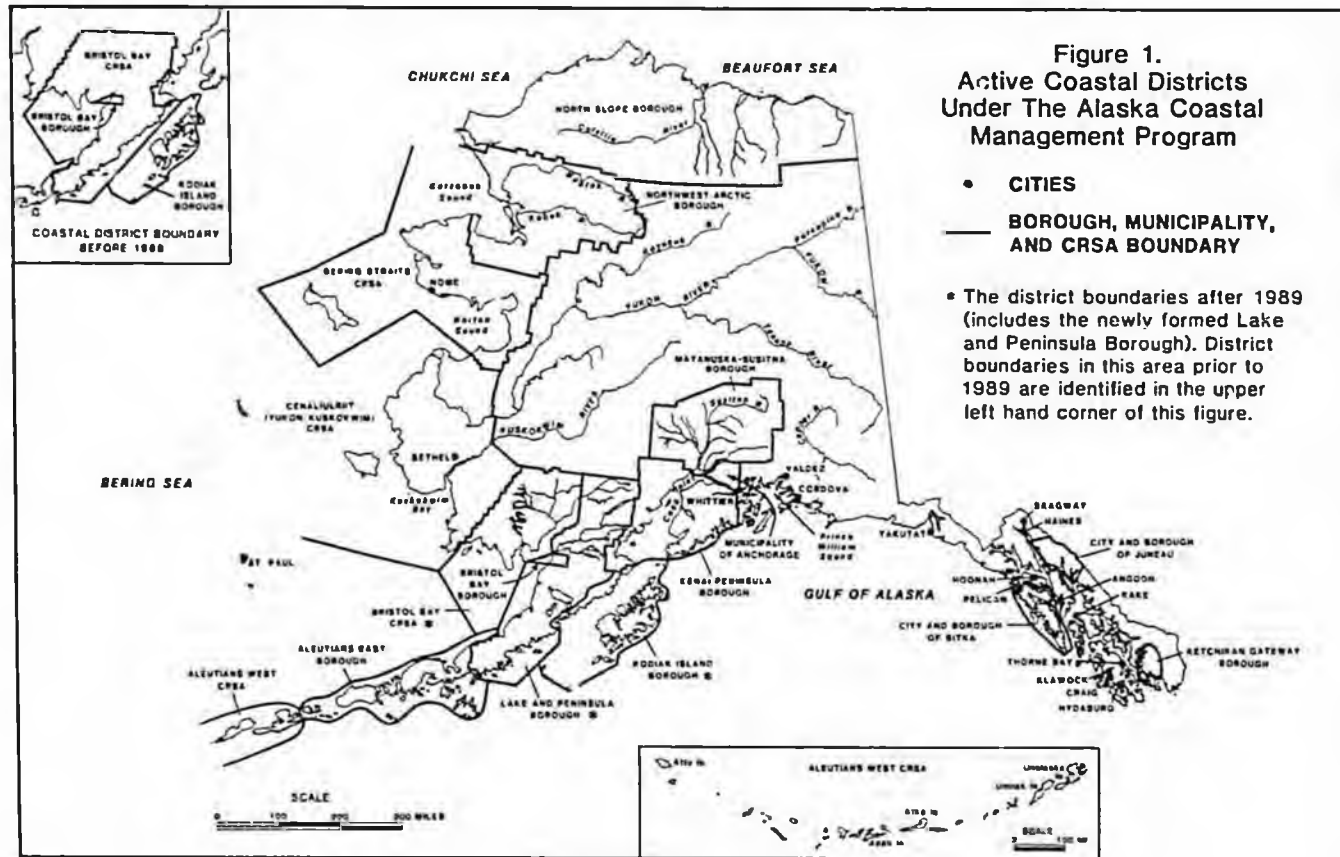
The term "coastal zone" is loosely used in the literature as a general land and water area that has some biological or physical association with the coastline. It also has legal meaning: Section 305(b)(1) of the CZMA requires each state to identify the area subject to the program. The landward and seaward limits of this area are generally referred to as the state's "coastal zone boundary;" lands and waters within these boundaries are referred to as the "coastal zone." Lands owned, leased, held in trust, or whose use is otherwise subject solely to the discretion of the federal government are excluded from the coastal zone. The seaward limit (defined under Section 304(1) of the CZMA) is the limit of the United States territorial sea (generally three nautical miles from the mean low water line); however, the inland coastal zone must be defined by participating states under criteria included under Section 304(1) and 15 CFR 923.

Most states established their final coastal zone boundary at the time of state approval, which left little or no role for local coastal districts to make revisions (John King, pers. comm.). In Alaska, however, the coastal zone boundary was established in three steps: (1) boundaries based on biological and physical relationships of the marine and terrestrial environments were identified by Alaska Department of Fish and Game (ADF&G); (2) initial and interim coastal zone boundaries (and guidelines for later establishment of the final boundaries by coastal districts) were established by the ACPC; and (3) the final coastal zone boundaries were established by coastal districts for areas within their jurisdiction.

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<sup>2</sup> These distinctions are not differentiated in the narrative, but are identified in Figure 1.

<sup>3</sup> The Office of Coastal Zone Management changed to Office of Ocean and Coastal Resource Management (OCRM) in 1980.



With 30 of 32 coastal district management plans having received state and federal approval (and the remaining two districts expected to adopt the initial boundary), Alaska's final coastal zone boundary is almost complete.

This paper describes the biophysical, initial, and final inland boundaries, and how they were developed. Extensions of the coastal zone boundary for long distances inland by some districts were controversial. The state's approach to resolving boundary disputes is also described.

### **Biophysical Boundaries of Alaska's Coastal Zone**

Alaska was charged with delineating the coastal zone for over 33,000 miles or over one third of the nation's coastline. The CZMA and implementing regulations allow states to base their coastal boundaries on biophysical considerations (OCZM 1975). The ACMP Final Environmental Impact Statement (OCZM and Office of Coastal Management 1979) summarizes how the federal boundary criteria were applied in Alaska:

"The federal boundary requirements call for definable geographic boundaries, but the main criterion for determining the boundary is non-geographic, that is, one must forecast likely uses, survey the nature of the coastal zone, and determine a boundary on the basis of a mix of the findings from these efforts. To have done this in detail for the entire 33,000 miles of Alaskan coastal waterfront would have been a massive, and very expensive, undertaking.

The method which was used for determining the ACMP boundaries was to survey the general relationships between the marine environment and the terrestrial environment. These include geophysical relationships such as water flow, salt water intrusion, tidal actions, erosion, wave fetch, salt spray, flooding, storm and tsunami surges and run-up, ice movements, glacial activity and the like. The relationships also include biological links between the marine and terrestrial environments. These include habits and habitats of anadromous fish,<sup>4</sup> polar bears, sea birds, marine mammals such as walrus and seals, and other animals and plants that have a unique relationship to the land/water area.

With all these relationships established, the method simply declares that an impact on these relationships could result in an 'impact on the coastal waters,' but [the] ACMP went further, and declared that an impact on

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<sup>4</sup> Anadromous fish, by definition, spend part of their life cycle in fresh and estuarine or marine waters. Examples of anadromous fish in Alaska include five species of Pacific salmon, steelhead trout, char, smelt, and some whitefish.

animals using the coastal waters, including anadromous fish, is part of the definition of impact on coastal waters."

In 1975, the ADF&G initiated a study to identify the biophysical boundaries of Alaska's coastal zone. Over a two and a half year period the department conducted an extensive information search of the biological and physical relationships of the marine and terrestrial environments (ADF&G 1979). Based on this evaluation, three zones of interaction were defined and mapped (ADF&G 1978). Those zones are generally described below.

**Zone of Direct Interaction** - The portion of the coastal area where physical and biological processes are a function of direct contact between land and sea. This zone extends landward to the limit of: waves, tides, storm surges, tsunami energy dissipation, coastal erosion, active calving of glaciers, critical shoreline habitats (seabird rookeries, marine mammal hauling out and pupping areas), and man-made structures along the shore that are directly impacted by the dynamics of oceanic processes.

**Zone of Direct Influence** - The portion of the coastal zone landward of the zone of direct interaction which is closely affected and influenced by the proximity between land and sea. The zone includes, for example: areas where coastal plant communities are directly affected by the saltiness, high precipitation, or moderate temperatures of the ocean (e.g., wet tundra, marshes, Sitka spruce-hemlock forest), areas used by shorebirds nesting and feeding in coastal wetlands, reaches of streams and rivers used by beluga whales or harbor seals for feeding, and rivers and streams used for migration and spawning by anadromous fish.

**Zone of Indirect Influence** - This zone extends landward to the limit of influence of land/sea biological and physical processes. In some situations this zone includes entire coastal watersheds which support stream habitats for spawning, overwintering, and rearing anadromous fish, and watersheds which control the physical and chemical nature of estuaries.

These zones were presented to the ACPC for their consideration during establishment of Alaska's initial coastal zone boundary for the state.

#### **Initial Coastal Zone Boundary and District Boundary Review Guidelines**

Duties of the ACPC under Section 46.40.040 include the identification of an initial or interim coastal zone boundary for the state. Section 304(1) of the federal act requires, in part, that the coastal zone "extend inland from the shorelines only to the extent necessary to control shorelands, the use of which have a direct and significant impact on the coastal waters." Based on this requirement, the council adopted the biophysical zones of direct interaction and

direct influence to represent the state's initial inland coastal zone boundary (OCZM and OCM 1979). The council did not include the zone of indirect influence in the inland boundary, but recognized that certain types of activities in this zone could have an impact on coastal waters. The ACMP Final Environmental Impact Statement noted that "participants in the ACMP should not overlook this zone and [should] consider the rationale that led to its establishment in the review of projects and establishment of final boundaries." A summary and rationale for the initial boundary is provided in Table 1.

Each coastal district was required to develop a final coastal zone boundary for areas under its jurisdiction in accordance with criteria established by the ACPC. Sections 85.040(c) and (d) of the state boundary guideline (Alaska Division of Governmental Coordination 1989) are quoted below.

- c. "Final boundaries of the coastal area subject to the district program may diverge from the initial boundaries if the final boundaries
  - (1) extent inland and seaward to the extent necessary to manage uses and activities that have or are likely to have a direct and significant impact on marine coastal water; and
  - (2) include all transitional and intertidal areas, salt marshes, saltwater wetlands, islands, and beaches."
  
- d. "If the criteria in (c) are met, the final boundaries of the coastal area subject to the district program may be based on political jurisdiction, cultural features, planning areas, watersheds, topographic features, uniform setbacks, or the dependency of uses and activities on water access."

The term "marine coastal water" is defined in ACMP regulations to include "water adjacent to shorelines which contains a measurable quantity of seawater, including sounds, bays, lagoons, bayous, ponds and estuaries, and the living resources which are dependent on these bodies of water."

State boundary guidelines allowed coastal districts to either: (1) adopt the state's initial inland coastal zone boundary as the final boundary, in which case no further justification is required; or (2) modify the inland coastal zone boundary and demonstrate that the proposed boundary includes all uses that could have a "direct and significant" impact on marine coastal waters.

#### Final Coastal Zone Boundaries

There are 32 active coastal districts (Figure 1). All but two districts have finalized the state's coastal zone boundary. The two remaining districts, Thorne Bay and Aleutians West, are still developing their district programs but intend to adopt the initial boundaries. Portions of Prince William Sound and southeast Alaska do not fall within any established coastal district and new districts are not

Table 1: Alaska's initial inland coastal zone boundary (ADF&amp;G 1978 and 1988).

<u>BIOPHYSICAL REGION &amp; COASTAL DISTRICT</u>	<u>APPROXIMATE INITIAL INLAND BOUNDARY</u>	<u>RATIONALE/IMPORTANT HABITATS</u>
<u>Arctic</u> North Slope	variable, 15-30 miles inland	waterfowl/shorebird nesting and feeding, polar bear and arctic fox denning habitats
Northwest Arctic	200-foot elevation contour	waterfowl/shorebird nesting and feeding, most known anadromous fish spawning habitats
<u>Bering Sea</u> Yukon/Kuskokwim, Bering Straits, Bristol Bay CRSA, Aleutians East, other municipalities in the region	200-foot elevation contour	waterfowl/shorebird nesting and feeding, most known anadromous fish spawning habitats
<u>Aleutian Islands</u> Aleutians West, western portion of Aleutians East	all islands	strongly marine influenced, coastal fauna and flora
<u>Western Gulf of Alaska</u> Aleutians East, Bristol Bay, Kodiak Island	1000-foot elevation contour south side Alaska Peninsula, Kodiak Island, and Afognak Islands; all other islands	coastal vegetation transition, most known anadromous fish spawning habitats
<u>Northern Gulf of Alaska</u> Matanuska-Susitna	400-foot elevation contour	waterfowl, known anadromous fish spawning habitats
Anchorage, Kenai Peninsula	variable, 400- and 1000-foot elevation contour, timberline of the Sitka spruce/hemlock forest	waterfowl/shorebird/seabird nesting, known anadromous fish spawning habitats; coastal vegetation transition
coastal districts and unincorporated areas from Prince William Sound to Icy Bay	all islands (except Montague), and timberline of the coastal Sitka spruce/hemlock forest (1000- to 1500-foot elevation)	waterfowl/shorebird/seabird nesting, most known anadromous fish spawning habitats; transition of coastal vegetation
<u>Eastern Gulf of Alaska</u> all coastal districts and unincorporated areas in Southeast Alaska	timberline of the coastal Sitka spruce/hemlock forest (variable, 1500 to 3500-foot elevation contour)	seabird nesting and known anadromous fish spawning habitats; vegetation determined by proximity to the sea

expected to form in these unorganized areas in the near future. As state regulations only allow for modification of the initial coastal zone boundary through the development of district coastal management plans, the boundaries in these unorganized areas may be considered final.

Figure 2 depicts the final inland boundary. Table 2 provides a description of the inland coastal zone boundary for each coastal district and can be used to identify the more specific boundary delineations (e.g., corridors around anadromous fish streams) that cannot be illustrated at the small scale of Figure 2. A detailed description of the state's final coastal zone boundary and boundary criteria can be obtained from the state boundary atlas (ADF&G 1988).

Table 2 also indicates whether the final boundary represents an increase (adjustment further inland) or decrease (adjustment towards the coast) from the initial boundary designation. Of the 32 coastal districts, 20 adopted the initial inland boundary, nine districts increased it, two districts decreased it, and one district both increased and decreased the boundary. Of the 20 which adopted the initial boundary, 14 lie entirely within the initial coastal zone boundary (primarily cities in southeast and western Alaska); the remaining six districts (Yukon/Kuskokwim, Valdez, Whittier, Skagway, Juneau, Sitka) have political jurisdiction beyond the initial boundary but determined it was adequate and chose not to make modifications.

Justification and rationale (provided under Sections 85.040(c) and (d)) for boundary modifications within districts are also included in Table 2. The level of documentation required to justify modifications was variable. The first districts to modify the initial boundary were Anchorage, Cordova, Bristol Bay Borough, Kodiak Island, and Ketchikan. These plans included brief statements that the boundary revisions satisfied both state and federal requirements, and there was little supplemental technical justification in the written record. Public and agency attention to boundary changes increased with review of significant boundary revisions by the Matanuska-Susitna, Bristol Bay CRSA, and North Slope plans. Since 1984, any district making boundary modifications was required to provide a detailed justification including: (1) an identification of prospective uses and activities in the district; (2) an identification of marine coastal waters (including saline waters and fish and wildlife resources that depend on these waters) which could be affected; and (3) a technical discussion of how uses and activities might potentially impact marine coastal waters.

Changes to a state coastal management program, including the addition of local coastal district management plans, must be reviewed and approved by OCRM prior to becoming part of a state program. OCRM may review program changes as an "amendment" or as a matter of "routine program implementation" (15 CFR 923.80 - 84). An "amendment" is defined, in part, to include a "substantial change" to the coastal zone boundaries of a state. The amendment process

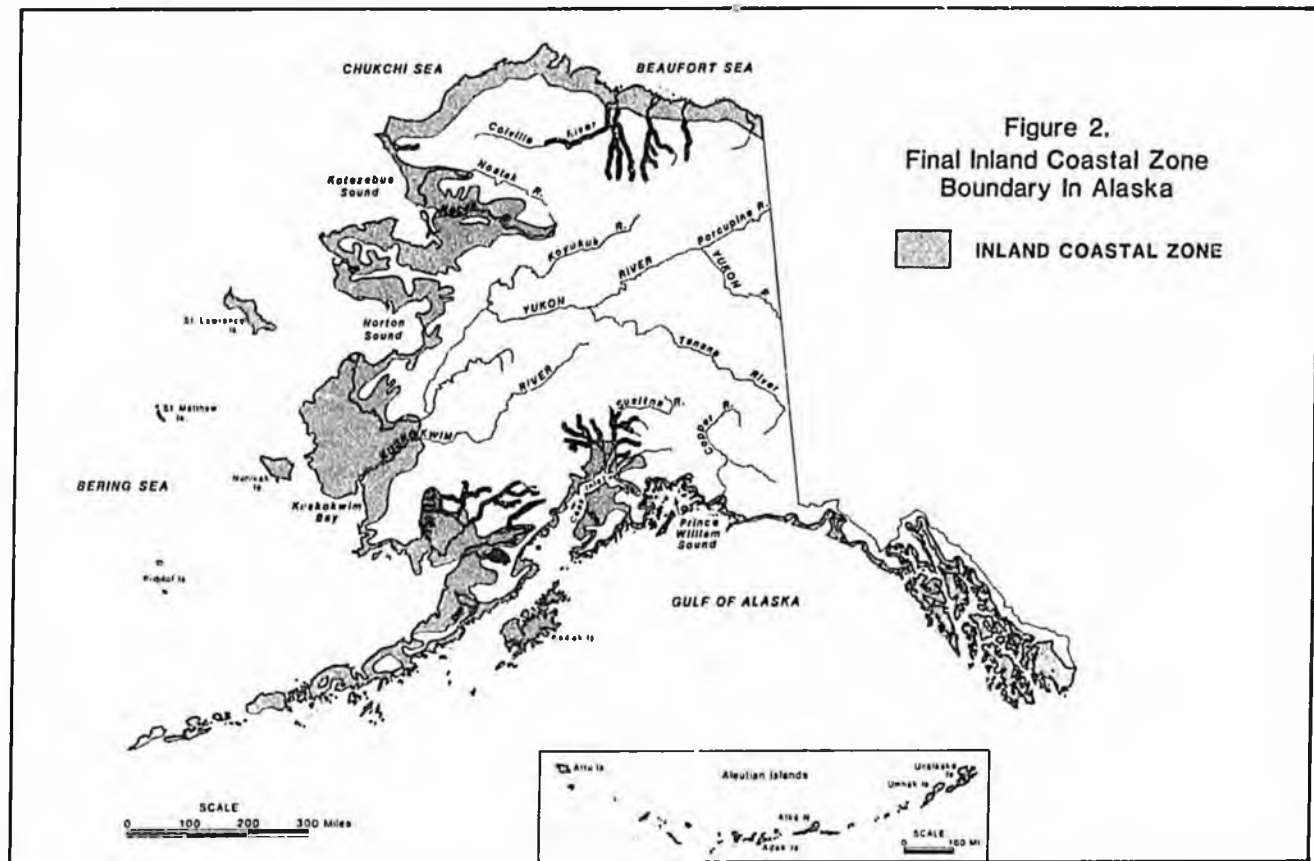


Table 2: Alaska's final inland coastal zone boundary (ADF&G 1988; coastal district programs; ADGC 1984-1990).

<u>COASTAL DISTRICT</u>	<u>OCRM REVIEW/ DATE APPROVED</u>	<u>DESCRIPTION OF THE FINAL COASTAL ZONE BOUNDARY</u>	<u>RATIONALE PURSUANT TO STATE BOUNDARY CRITERIA, SECTION 85.04(C) AND (D)</u>
Anchorage	Routine Program Implementation/1981	Decrease: 1320 feet inland from 100 year coastal flood, and areas within 100 year flood or 200 feet from center of all streams to 1000 foot elevation contour, whichever is greater	C: no specific justification included in plan per (c)(1), includes minimum areas in (c)(2) D: uniform setbacks, planning areas
Cordova	Routine Program Implementation/1981 and 1986	Decrease: zone of direct interaction, streams, and important recreation area	C: no specific justification, include (c)(2) areas D: cultural features, uniform setbacks, planning areas
Bristol Bay Borough	Routine Program Implementation/1984	Increase: entire borough, add two small areas above 200 foot elevation	C: no specific justification D: political jurisdiction, watershed
Kodiak Island, Ketchikan	Routine Program Implementation/1984	Increase: entire coastal district or planning area	C: both districts are islands, steep topography, all areas close to marine water D: watersheds, political jurisdiction
southeast districts, Nome, Bethel, Valdez, Whittier, Yukon/Kuskokwim	Routine Program Implementation/1980 to 1990	No change from initial inland boundary (see Table 1 for general boundary description)	No justification required
Matanuska-Susitna Borough	Routine Program Implementation/1984	Increase: waterfowl nesting, and areas within the greater of 100 year flood or 200 feet from ordinary high water (OHW) of several anadromous fish streams	C: potential for and need to control effects of mineral development, petroleum development, and residential development on waterfowl and anadromous fish habitat D: uniform setbacks, planning areas

Table 2 (continued): Alaska's final inland coastal zone boundary.

<u>COASTAL DISTRICT</u>	<u>OCR REVIEW/ DATE APPROVED</u>	<u>DESCRIPTION OF THE FINAL COASTAL ZONE BOUNDARY</u>	<u>RATIONALE PURSUANT TO STATE BOUNDARY CRITERIA, SECTION 85.040(C) AND (D)</u>
Bristol Bay CRSA	Amendment/ submitted 1985 and approved 1987	Increase: initial boundary plus one mile from OHW of all known anadromous fish waters and 200 feet from their tributaries	C: potential for and need to control effects of mineral, oil and gas, transportation, community expansion, and other uses and activities that could effect water quality and anadromous fish habitat D: uniform setback, watersheds
North Slope	Amendment/ submitted 1985 and approved 1988	Increase: initial boundary plus all one mile from OHW from each bank of all known anadromous fish waters	C: potential for and need to control effects of gravel mining, hardrock mining, oil and gas exploration and development, and associated activities on anadromous fish habitat D: uniform setback, watersheds
Aleutians East	Amendment/ submitted 1986 and approved 1988	Increase: entire borough, excluding glaciers and perennially snowcapped or active volcanic peaks	C: island character, potential for and need to control the effects of mining, oil and gas, transportation, and other development on anadromous fish habitat D: watershed, political jurisdiction
Northwest Arctic (NWA), Bering Straits (BS)	Amendments/ NWA submitted 1986 and approved 1989; BS submitted 1987 and approved 1989	Increase: one mile from OHW of all anadromous fish streams; watersheds or townships of most areas with moderate to high mineral potential; minimum of two miles inland in BS	C: potential for and need to control the effects of placer and pit mining, transportation, oil and gas, other uses and activities on anadromous fish habitat D: watersheds, uniform setbacks, political jurisdiction
Kenai Peninsula	Routine Program Implementation/1990	Increase and Decrease: all islands, 1000 foot elevation contour in remainder of the borough	C: increase same justification as Bristol Bay CRSA; decrease on eastern Kenai Peninsula based on unlikelihood of uses and activities that could have a impact coastal resources D: topographic features

requires OCRM to prepare a preliminary approval finding based on criteria in 15 CFR 923.82, and may require an Environmental Assessment or Environmental Impact Statement pursuant to the National Environmental Policy Act of 1969. Except for the notification requirements of the federal act (Section 306(g)(2)), the federal review process for "amendments" does not bind OCRM to specific review deadlines, thereby allowing it to set the review schedule. An action is defined as a "routine program implementation" if it represents a "further detailing of a State's program that is a result of implementing provisions approved as part of a State's approved management program," and does not otherwise meet the conditions of an "amendment." State program changes that qualify as matters of routine program implementation are approved within four weeks.

The State of Alaska submitted all 30 of its local district plans for federal approval as routine program implementation actions. A summary of OCRM review is included in Table 2. All coastal district plans submitted prior to 1985 were reviewed by OCRM and incorporated into the state program as routine program implementation actions. In general, OCRM found that these inland coastal zone boundary changes included the minimum areas identified in Section 304(1) of the CZMA and the boundaries did not represent a "substantial change" to Alaska's coastal zone boundary.

OCRM later departed from its previous practice and reviewed other plans as "amendments" to the state program: Bristol Bay CRSA, North Slope, Aleutians East, Northwest Arctic, and Bering Straits district plans. Public and agency interest in these five plans was very high due, in part, to: (1) large size; (2) high potential for oil and gas or other mineral development; (3) expansions to the initial inland boundary and uses subject to the state program, including the potential to set precedent; and (4) concern by development interests that these districts, which culturally and economically rely heavily on fish and wildlife resources (e.g., subsistence/personal use and commercial fishing), would unreasonably restrict mineral, oil and gas, and other coastal development. OCRM either delayed review or denied approval of these plans based, in part, on its finding that the coastal zone boundary was a "substantial change" or not sufficiently justified (OCRM 1986, 1987(a), 1987(b), 1988, and 1989). It eventually proceeded with the amendment review process and prepared an Environmental Assessment for each plan. Over the course of three years the State of Alaska submitted several district plans for federal approval. The fact that OCRM would not review these plans simultaneously was a primary factor in delays of up to three years in plan approval.

The high public interest in these plans prompted a debate on the extent to which districts could and should extend their inland boundaries. The Alaska Division of Governmental Coordination, Office of the Governor, coordinated a detailed technical review of each proposed change to the initial coastal zone boundary under the state boundary guidelines prior to ACPC review. Significant

refinements to several districts' proposed modification of the inland coastal zone boundary were made by the Council in response to this review.

Five key issues emerged concerning the intent and application of the state and federal boundary guidelines during review of the more significant boundary changes by districts. A summary of these issues and their conclusions is provided below. Sources include OCRM preliminary and final findings of approvability and the Environmental Assessments for each of the five district programs reviewed as amendments (OCRM 1986, 1987a, 1987b, 1988, 1989).

**ACMP Boundary Criteria Compliance with the CZMA** - Some comments asserted that the definition of "marine coastal waters" under state boundary guidelines could not be used to justify extensions to the initial inland coastal zone boundary. This argument was based on the belief that 1) the initial biophysical boundaries included all biological links between the marine and terrestrial environment, and 2) that the definition of "coastal zone" and "coastal waters" in the federal act and implementing regulations limited consideration of impacts to those which impact saline waters. OCRM disagreed with this argument on the basis that the ACMP Final Environmental Impact Statement specifically provided for a detailed review of biophysical relationships during district plan development and that the commentators' interpretation of federal boundary requirements was too narrow. OCRM also noted that the federal act and regulations allow considerable flexibility in identifying an inland coastal zone boundary subject to specific biophysical considerations. This position reaffirmed that it is permissible under the CZMA to define a coastal zone boundary on the need to protect living resources that depend on coastal waters.

**Living Resources Dependent on Saline Waters** - A number of comments questioned which animals constitute a living resource which depends on saline waters. The Matanuska-Susitna district considered both anadromous fish and several species of waterfowl as resources dependent on saline waters. The "dependence" of waterfowl and other fish and wildlife was questioned in subsequent district boundary modifications. However, all districts subsequently modifying the initial inland boundary chose not to address this issue, but to justify boundary increases on the need to protect anadromous fish. No further definition of the other fish and wildlife that may fall under the definition of marine coastal water was developed by the state or OCRM.

**Likelihood of Uses and Activities** - Some comments asserted that districts must show the imminence of development activities which could impact marine coastal water before the boundary could be expanded to include additional areas. OCRM found this position to be an overly narrow interpretation of the boundary guidelines. Several districts had included

watersheds in the coastal zone with moderate to high petroleum or mineral potential where there were no firm plans for development for the next 15 or more years. As a result, OCRM concluded that district plans were long term plans and it was appropriate to include areas where uses and activities might reasonably occur some time in the future.

**Significance of Other Regulatory Authorities** - Development interests commented that a "need" for management be established before a boundary could be expanded to include additional areas. These groups felt that a boundary should be expanded only where existing state and federal authorities did not already adequately reduce potential impacts to the resources. The state and OCRM objected to this argument. OCRM stated that even if other state and federal statutes address the protection of resources inland of the initial coastal zone boundary, sole existence of these statutes is not acceptable rationale for limiting the applicability of a district or state coastal management plan, which provides for a comprehensive review of policies that could affect coastal waters and resources. OCRM indicated further that the effectiveness of other regulatory authorities cannot be used to justify a boundary expansion.

**Importance of Anadromous Fish** - Reviewers indicated that the productivity of anadromous fish streams and the importance of fisheries to the local, state, and national economy should also be a consideration in the expansion of the inland boundary. However, state and federal boundary guidelines do not specifically require consideration of habitat productivity or economic factors in boundary determinations. In addition, the enforceable policies of the state coastal management program (as well as other Alaska Statutes) provide equal protection for all anadromous fish habitat. Local districts and the state council focussed their review on compliance with OCRM-approved state boundary criteria in Section 85.040(c)(1), and maintained that OCRM should do the same. During the federal review process OCRM requested information from the state and local districts on the overall fish production and importance of the fisheries to local and state economies. Information provided by the districts and state showed that anadromous fish were very important to the local commercial and subsistence economies, a fact which influenced OCRM's evaluation of the boundary expansions.

Ultimately OCRM deferred to the state's technical evaluation of all modifications to the initial inland coastal zone boundary. In each of the five district programs reviewed by OCRM as amendments to the state program, it concluded that 1) the inland boundary extensions were consistent with the original objectives of the state program, and 2) the impacts of expanding the initial inland coastal zone boundary were not substantial and did not differ either in content or intensity from those described and analyzed in the original Environmental Impact Statement prepared when the ACMP was approved.

### Summary

The State of Alaska applied a multiple-step approach to delineate its coastal zone boundary under the federal CZMA. The process started with defining the coastal zones based on biological and physical relationships of the marine and terrestrial environments. The state then selected an initial or interim coastal zone boundary based on this biophysical information and identified criteria for later district review. Local coastal districts finalized the boundary during district plan development. The federal act dictates that the coastal zone boundary only extend inland as needed to control shorelands, the use of which would have a direct and significant impact on coastal waters. An "impact on coastal waters" was defined in the state's program to include impact on living resources, such as anadromous fish. All but two of the 32 coastal districts in Alaska have state and federally approved management plans and have finalized the coastal zone boundaries in their districts. Twenty of the local districts have adopted the initial inland boundary, two decreased it, nine increased it, and one district both increased and decreased the boundary in different parts of the district. Increases were justified on the need to manage existing or potential future uses and activities that could affect saline coastal waters and the living resources that depend on these waters.

Five large coastal districts in northern and western Alaska proposed significant inland expansions to the initial coastal zone boundary, generating a great deal of public and agency interest. There was extensive debate during district plan review and approval of these plans over how far inland a district can and should extend the boundary under state and federal guidelines. The State of Alaska conducted a thorough technical review of these boundary modifications. The federal OCRM ultimately deferred to the State of Alaska's technical evaluation and justification of the proposed boundaries, and approved all proposed inland boundary modifications.

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# COASTAL

## CURRENTS

FEBRUARY, 1998 NEWS AND VIEWS ON ALASKA'S COASTAL MANAGEMENT PROGRAM

### *the year in review*

#### **DGC'S 1997 ACTIVITIES**

In 1997 the Division of Governmental Coordination was involved in a diverse mix of project review and analysis, coastal management program development, education and outreach, legislative action, and innovative implementation techniques. In the next few pages we will share some of the highlights of 1997 with you. Many highlights represent cooperative efforts among DGC and other state and federal agencies, and among DGC and coastal district coordinators— the starting lineup for coastal management in Alaska's coastal communities.

*DGC staff  
members,  
Glenn Gray,  
Karen Essary,  
and Beth Eavey.*



CONTINUED ON PAGE 5



## on the bill

### HB 28 IS ON THE MOVE

By Julie Hammonds Penn, District Program Coordinator, DGC

House Bill 28, "An Act Repealing the Alaska Coastal Management Program," is now the Committee Substitute for House Bill 28, "An Act Modifying the Alaska Coastal Management Program."

Proposed modifications to the ACMP include:

- deleting petitions of consistency determinations and coastal management plans to the Coastal Policy Council;
- requiring districts to reduce their coastal zones to exclude the zone of indirect influence;
- prohibiting districts from incorporating state law by reference into district plans; and
- providing that a district or state agency can only stipulate to a matter that is within its authority (not including Title 46 authority, which would be nullified by this provision).

House Bill 28 received a partial hearing in the House Resources Committee on February 19th; due to lack of time, the hearing was continued to February 26th, when testimony will be accepted. The results of the hearing were not available at the time this newsletter went to press. Contact Gabrielle LaRoche or your coastal district coordinator to find out the results.

Gabrielle LaRoche	465-3541
Randy Bates	465-8797
Julie Hammonds Penn	465-8789
Sara Hunt	465-8788

# enhancement grants

AWARDED IN JANUARY, 1998

By Sara Hunt, District Program Coordinator, DGC

The Coastal Policy Council subcommittee met January 26, 1998 to interview selected applicants for ACMP Enhancement Grant awards. Based on the merits of the proposal, and the strength of the interviews, the following projects were selected to be submitted for funding in FY99, which begins July 1, 1998.

**Model Local Implementation Package (AWCRSA and DCRA) \$35,000.** This project will clarify the responsibilities of a CRSA and city with Title 29 powers for reviewing and approving projects under the ACMP.

**Kenai River System Access Inventory and Management Plan (Kenai Peninsula Borough) \$61,000.** The objective of this project is to develop a comprehensive inventory of all developed and undeveloped public easements and rights of way providing access to Kenai and Skilak Lakes and the mainstem of the Kenai River. The KPB will also formulate a management plan that will provide recommendations for the development or closure of public access routes along the river system.

**Best Management Practices to Address Cumulative Effects of Water Pollution in Harbors (DEC) \$31,500.** The purpose of the project proposal is to develop and implement pilot Best Management Practices programs in the Southeast Region harbors. BMPs will be selected and implemented through the collaborative efforts of harbormasters, coastal districts and local municipalities. The Council has awarded this project to begin work in Southeast Alaska as a model, and is providing funds for DEC and four Southeast communities.

**Cottonwood Creek Watershed Assessment (ADFG) \$55,500.** This project will analyze and attempt to quantify the effects of riparian development on fish habitat and water quality and to determine what effective mitigation tools may be available to help maintain or enhance fish habitat.

**Computer Mapping for Northwest Arctic Borough (NAB) \$22,000.** The Council proposes to fund this project to develop village specific enforceable policies for the NAB coastal management plan for those communities mapped in FY98. The Council would like to review the complete product of maps and enforceable policies before proceeding with additional communities.

**Bering Sea Ocean Management Plan (DGC and St. Paul) \$125,000.** The purpose of the Bering Sea project is to identify stakeholders that would benefit from an ecosystem approach for the Bering Sea, improve communication and coordination among stakeholders, and work together to develop MOUs, model enforceable policies, and an ocean management plan for the Bering Sea.

**District Planning and Implementation Guidebook Series (DGC and DCRA) \$90,000.** This project will complete Guidebooks 3 and 4 to assist districts, agencies and the public in carrying out Assessment recommendations approved by the Coastal Policy Council. The series will provide helpful tips on how to write a coastal management plan that can be implemented and enforced, and will help district coordinators effectively participate in consistency reviews.



## *What about Ocean Management in Alaska?*

### **A SUMMARY OF THE BERING SEA ECOSYSTEM WORKSHOP**

*By Glenn Gray, Project Analyst, DGC*

Coastal district personnel from the Bering Sea and the North Slope Borough met on January 29 to discuss issues related to the Bering Sea and to hear from a number of speakers. Char Kirkwood, Coastal Coordinator for the St. Paul Coastal District, facilitated the all-day meeting.

At the beginning of the

workshop, participants learned about ocean management efforts initiated by other coastal states. Oregon, California and Hawaii have developed ocean management plans that encourage cooperation among state, local and federal governments. Although Maine, North Carolina and Florida have not completed formal plans, these states have initiated efforts to coordinate management of ocean

uses and resources. All six ocean management efforts began at the state level and addressed waters out to the 200-mile limit. Most of the efforts have been led by state coastal management agencies, and all of these states have developed recommendations for better coordination and management of ocean uses and resources. An ocean management approach might work for the Bering Sea as long as all parties were involved in its development.

Representing the Bering Sea Coalition, Larry Merculieff provided a history of the effort to view the

Bering Sea on an ecosystem level. He has been working for a number of years to coordinate efforts of scientists and local residents. Larry noted that populations of 16 species of fish and wildlife are declining in the Bering Sea. He also spoke about the importance of recognizing traditional ecological knowledge and wisdom. The Bering Sea Coalition is working with the Nature Conservancy to develop a network among the people of the Bering Sea. A \$10,000 grant from the EPA will provide seed money to plan for a "Healing Conference" this fall and a "Summit Meeting of Bering Sea Coastal Communities" at the end of the year.

Patricia Cochrane, executive director of the Alaska Native Science Commission, updated the group on her efforts to promote collection of local and traditional knowledge in Alaska. She emphasized the need for communities to work with researchers to identify what information is needed. The Commission held a number of workshops in rural communities to discuss the collection and use of traditional knowledge, who it belongs to, and guidelines for research. The Commission is also involved with developing data bases on subsistence food and contaminants and

"gray" and "black" literature about traditional knowledge.

Pat Galvin, an Anchorage attorney, spoke about several projects he is working on about incorporation of local knowledge into coastal project consistency reviews. He is working with the Bering Straits and Northwest Arctic Borough coastal districts to see how review participants can work together to gather and use local knowledge. A workshop in Kotzebue during May will focus on this issue.

Dr. Suzanne Marcy, a senior scientist in ecology at the EPA, spoke about a proposal to develop a shared vision for the Bering Sea. Her proposal includes an investigation into the stressors affecting the Bering Sea ecosystem and the development of a risk assessment. Through a series of conferences, a shared vision would be developed about specific uses and resources of the Bering Sea.

During the afternoon session, participants discussed ecosystem management issues they thought were most important. The group supported continuation of the Bering Sea Ecosystem Project and facilitation of communication among the coastal districts.

*Most ocean management efforts have been led by state coastal management agencies.*

# GI what?

## GEOGRAPHIC INFORMATION SYSTEMS (GIS)

George Plumley and Jim Glaspell demonstrated how GIS can be used for coastal management at the January Regional Coastal District Conference.

By Sydney Mitchell, Publication Specialist, DGC

The room was lit only by a vividly colored projection from George Plumley's computer. Despite the nighttime conditions, there wasn't a drooping head to be seen.

It's one thing to hear all this hype about how great a GIS (Geographic Information System) is... it is another to see a master quickly and easily manipulate layers of data and within minutes output a full color map. This mastery has a price though. George spends anywhere from 8 to 16 hours a day pulling map images out of disparate databases which he splices together for use in different projects.

When consultant Jim Glaspell approached George about using a GIS to develop a coastal management plan for Cordova, George (and the agency he works for, DCRA), agreed to participate, with the understanding that the process that evolved could be used by other coastal districts.

Whenever a coastal district creates or updates its local coastal management plan, it must complete a resource inventory. The traditional paper atlases are expensive to produce and are outdated quickly. Enter the beauty of a geographic information system which serves as a constantly evolving data system from which accurate maps can be output at any time.

However, a GIS is not without limitations. The software is not easily used by an untrained person, it is expensive, and actually manipulating a GIS can easily suck down a whole computer. The GIS solution that George and Jim are working toward must be simple, require no special training, be usable on any computer and allow a user to print a map out with an inexpensive inkjet printer.

They are using a three-step approach to the Cordova pilot project:

1. Gather paper maps and digitized information for the region.
2. Digitize the paper maps and make all the data display on the same base map.
3. Put all of this information into a simple package that can overcome the aforementioned GIS limitations.

Find out more about Cordova's process at the 1998 ACMP conference.



George Plumley with his computer in the Anchorage DCRA office.

### AN INTERVIEW WITH

## George Plumley

A cartographer with the Department of Community & Regional Affairs, Municipal & Regional Assistance Division

*"I spend a full day here and then I go home and spend 5 or 6 more hours. I enjoy what I'm doing— it's hands-on."*

By Sydney Mitchell

It's got 200 mhz and 128 mb RAM under the hood and when George Plumley powers it up, it has the brute power to process map files at blistering speeds. 'It' is a Gateway 2000 with a Pentium Pro 200 processor and a 10-gig internal hard drive. It is the centerpiece of George's map encrusted office space, and it is the computing power George recommends for those serious about GIS.

George is a cartographer for DCRA; in fact he is the only cartographer at DCRA. But no one thinks "cartographer" when they think of George. When they think of George they think "GIS Guru."

George has an undergraduate degree in

Geography and a minor in Computer Information Systems. He is currently completing his master's degree in Geographic Information Systems at the University of Fairbanks. It's a perfect combination of skills for GIS work.

George's master thesis revolves in part around making coastal district maps available from a web site. Ultimately, his work will be linked into DCRA's web site

If you want to learn more about GIS but are not sure where to start, George recommends browsing ESRI's online bookstore ([www.esri.com](http://www.esri.com)). He also recommends his UAF professor's book: "Processing Digital Images in GIS" by David L. Verbyla.

DGC's Year in Review continued from page 1

# JANUARY

PROJECT REVIEW STATISTICS

**17**  
projects reviewed

**7**  
found consistent

**10**  
found consistent w/stipulations

The Coastal Policy Council approves the Assessment Work Program. This document outlines how the ACMP Assessment recommendations are to be implemented.

The Coastal Policy Council gives unanimous approval for the

**revised Hoonah Coastal Management Plan.**

DGC reviews grant proposals that provide \$420,000 for FY98 projects.

Projects are funded in 5 priority areas: coastal hazards, cumulative and secondary impacts, ocean resources, coastal wetlands, and public access.

DGC joins forces with the Alaska Land Managers Forum. DGC works with other federal, state, and private land managers on permit streamlining and tourism planning.

# FEBRUARY

PROJECT REVIEW STATISTICS

**24**  
projects reviewed

**2**  
found consistent

**22**  
found consistent w/stipulations

The House Resources Committee holds two hearings on House Bill 28, an act repealing the Alaska Coastal Management Program.

DGC issues the final consistency finding for the COE Nationwide Permits (NWP). The

state finds all 39 proposed new and reissued NWPs consistent to the maximum extent practicable with the ACMP. The NWPs will be in effect for 5 years.

DGC starts the state's formal review of the Kensington mining project.

# MARCH

PROJECT REVIEW STATISTICS

**28**  
projects reviewed

**13**  
found consistent

**15**  
found consistent w/stipulations



DGC develops a new logo.

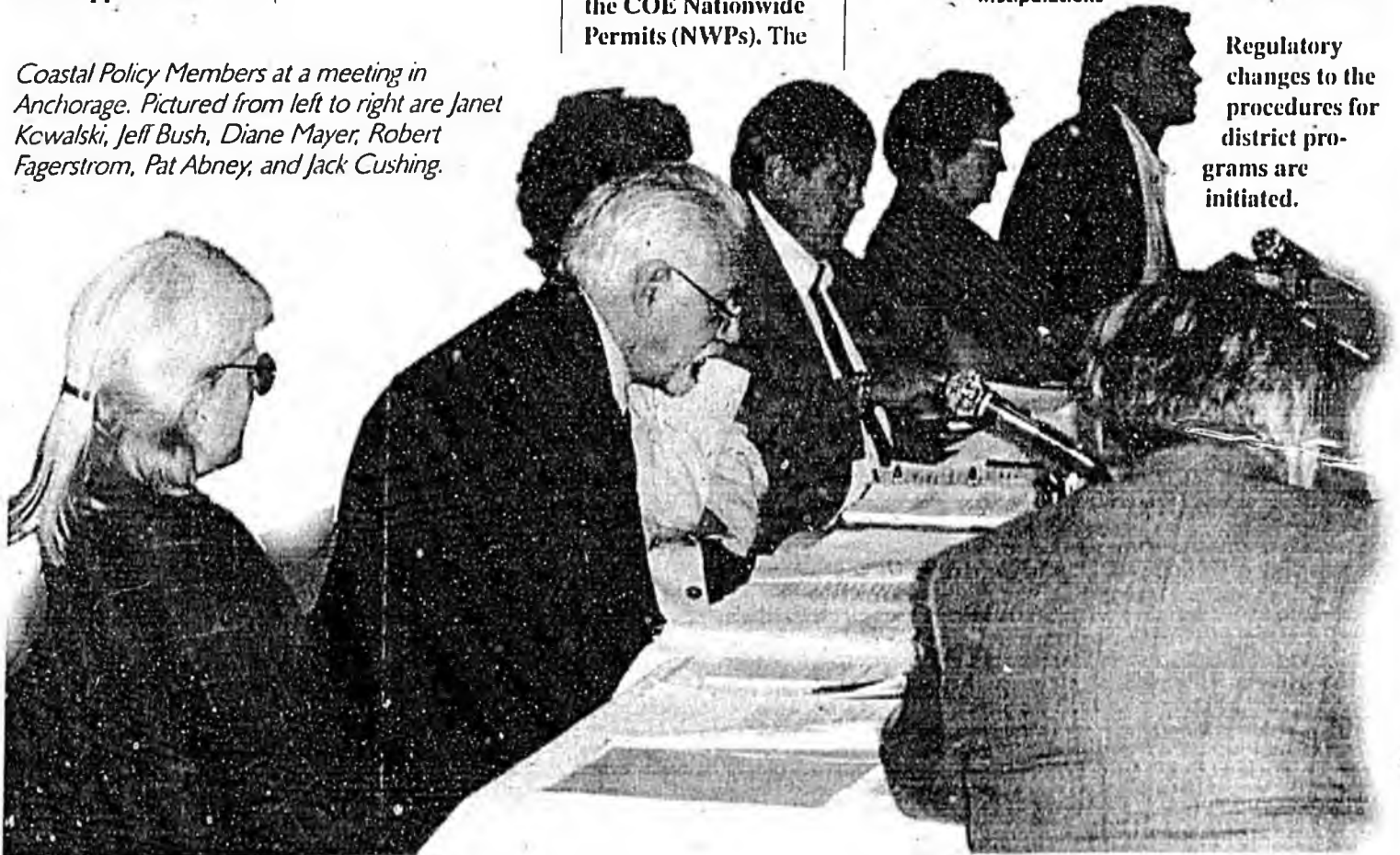
DGC attends the annual conference of the Alaska Wilderness Recreation and Tourism Association. DGC staff appear on a panel to discuss state planning and permit streamlining efforts.

DGC facilitates a pre-application meeting for ARCO on its Warthog Prospect.

The revised Hoonah Coastal Management Program receives federal approval and is filed with the Lt. Governor's office.

Regulatory changes to the procedures for district programs are initiated.

Coastal Policy Members at a meeting in Anchorage. Pictured from left to right are Janet Kcwalski, Jeff Bush, Diane Mayer, Robert Fagerstrom, Pat Abney, and Jack Cushing.



DGC's Year in Review

APRIL

PROJECT REVIEW STATISTICS

**26**  
projects reviewed

**12**  
found consistent

**14**  
found consistent w/stipulations



*Gabrielle LaRoche, Coastal Program Coordinator for the State, spends much of her time working on program development and funding.*

**The Coastal Policy Council meets in Juneau.**

A work draft for a committee substitute for HB 28 is introduced. The language repealing the ACMP is removed, but coastal zone boundaries would be reduced and the ability of agencies to implement coastal management through existing permits would be limited. The petition process would be eliminated. The Governor's Office introduces

**Senate Bill 186, a permit streamlining bill.** The bill would make sweeping changes to consolidate and streamline agency permitting processes statewide.

**DGC represents the state at a signing ceremony for the Record of Decision (ROD) establishing revised Permanent Military Operations Areas (MOAs) in Alaska.** These MOAs will reduce impacts to wildlife, subsistence, and recreation

from air training exercises held throughout Alaska.

**The Office of Ocean and Coastal Resource Management (OCRM) approves Alaska's Enhancement Grants Program Strategy.** The Program Strategy identifies five priority categories for awarding funding and outlines a three-year strategy for tasks to improve the ACMP. DGC will receive about \$400,000 of non-match federal funds each fiscal year to implement this strategy.



**DGC's bi-monthly newsletter, Coastal Currents, is redesigned to better serve coastal management**

professionals in Alaska.

**DGC hosts the annual statewide Alaska Coastal Management Conference in Juneau.**

MAY

PROJECT REVIEW STATISTICS

**31**  
projects reviewed

**17**  
found consistent

**14**  
found consistent w/stipulations

**The CPC approves the Title 29/46 Committee recommendations regarding city and village approval of a Coastal Resource Service Area's coastal management program.**

**The state signs Partnership Agreement with the U.S. Army Corps of Engineers to improve cooperation, coordination, and communication among the COE and state resource management agencies.** State signators include the

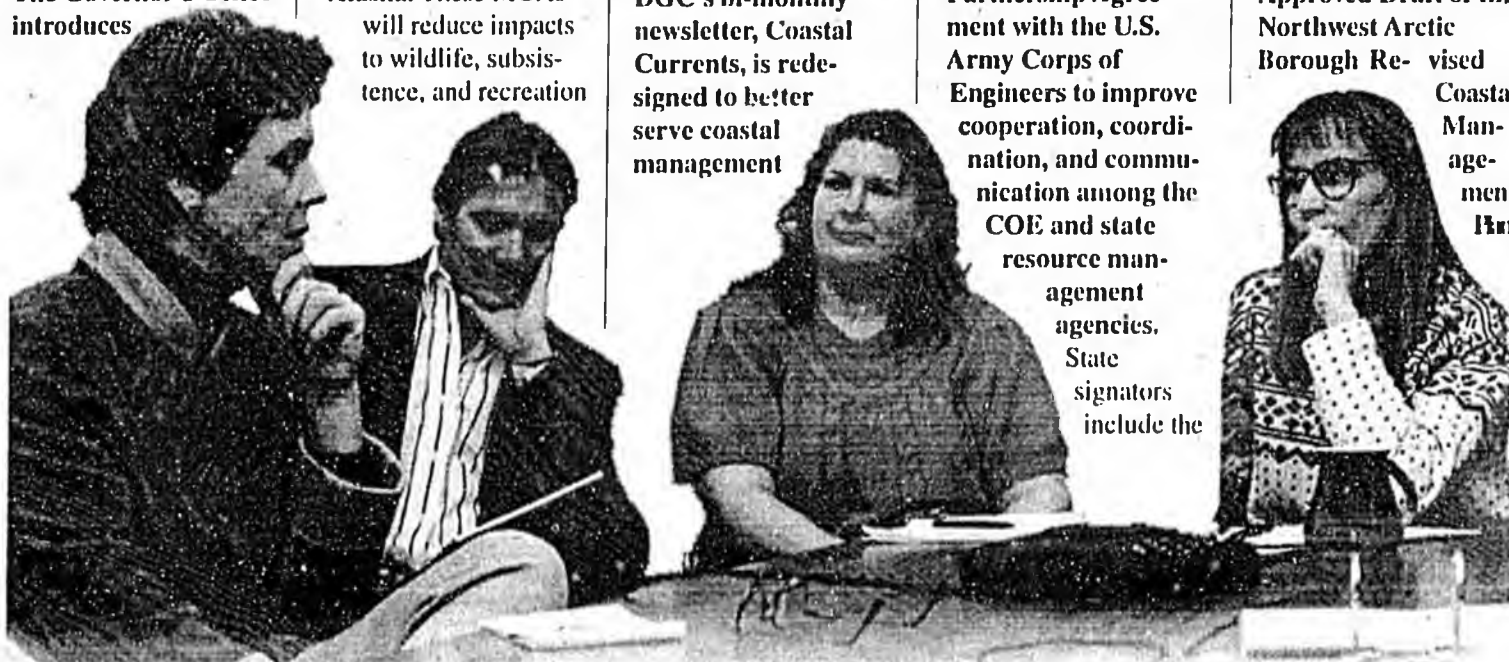
director of DGC, and the commissioners of three state resource agencies. DGC sends the agreement to OCRM for approval to incorporate into the ACMP.

**DGC begins the consistency review for the Alpine Development Project and the consistency review of the drilling phase activities for the Badami Development Project.**

**The CPC approves the Sitka Public Use Management Plan as an amendment to the Sitka Coastal Management Plan.** The Sitka PUMP is forwarded to OCRM for federal approval.

**DGC prepares Preliminary Findings and Conclusions for the local Concept Approved Draft of the Northwest Arctic Borough Re-**

**vised Coastal Management Plan**



*Diane Mayer, Rex Blazer, Lorraine Marshall, and Kerry Howard of DGC.*

## DGC's Year in Review

## JUNE

PROJECT REVIEW  
STATISTICS

**35**  
projects  
reviewed

**11**  
found  
consistent

**24**  
found  
consistent  
w/stipulations

The Partnership Agreement with the COE receives federal approval from OCRM.

A major amendment to the Tulsequah Chief Mining Project receives approval from the Executive Director of the B.C. Environmental Assessment Office. A proposed amendment to drop the Taku River barge shipping option is approved.

DGC issues a final consistency determination for Seley Log and Lumber's sawmill at Lewis Reef.

DGC meets with the Aleutians West CRSA Board to provide training and to discuss the Unalaska Bay AMSA Plan.

DGC convenes 4 ACMP Working Group meetings to develop regulatory changes to district program amendment procedures.

## JULY

PROJECT REVIEW  
STATISTICS

**29**  
projects  
reviewed

**9**  
found  
consistent

**20**  
found  
consistent  
w/stipulations

DGC signs a grant agreement with NOAA, OCRM, to receive \$2,530,000 in federal funds to administer the Alaska Coastal Management Program.

DGC begins the consistency review of the Warthog Exploration Project, a well proposed to be drilled from federal waters to a downhole location below state waters.

The DNR Division of Oil and Gas requests

facilitation from DGC for an elevation from the North Slope Borough (NSB) on the proposed Beaufort Sea Lease Sale 86. The most significant request from NSB is for a buffer around Cross Island so development will not preclude reasonable access to whales. The director-level elevation results in changes to two stipulations and an advisory.

The Association of Village Council Presidents petition the CPC over a proposed finding of consistency for use of a river hovercraft by the USPS on the Kuskokwim River. The CPC dismisses the petition.

DGC attends a meeting with the USFWS to discuss the process to revise the Comprehensive Conservation Plans for all national wildlife refuges in Alaska. DGC summarizes the state's concerns and how to best address them.

## AUGUST

PROJECT REVIEW  
STATISTICS

**17**  
projects  
reviewed

**7**  
found  
consistent

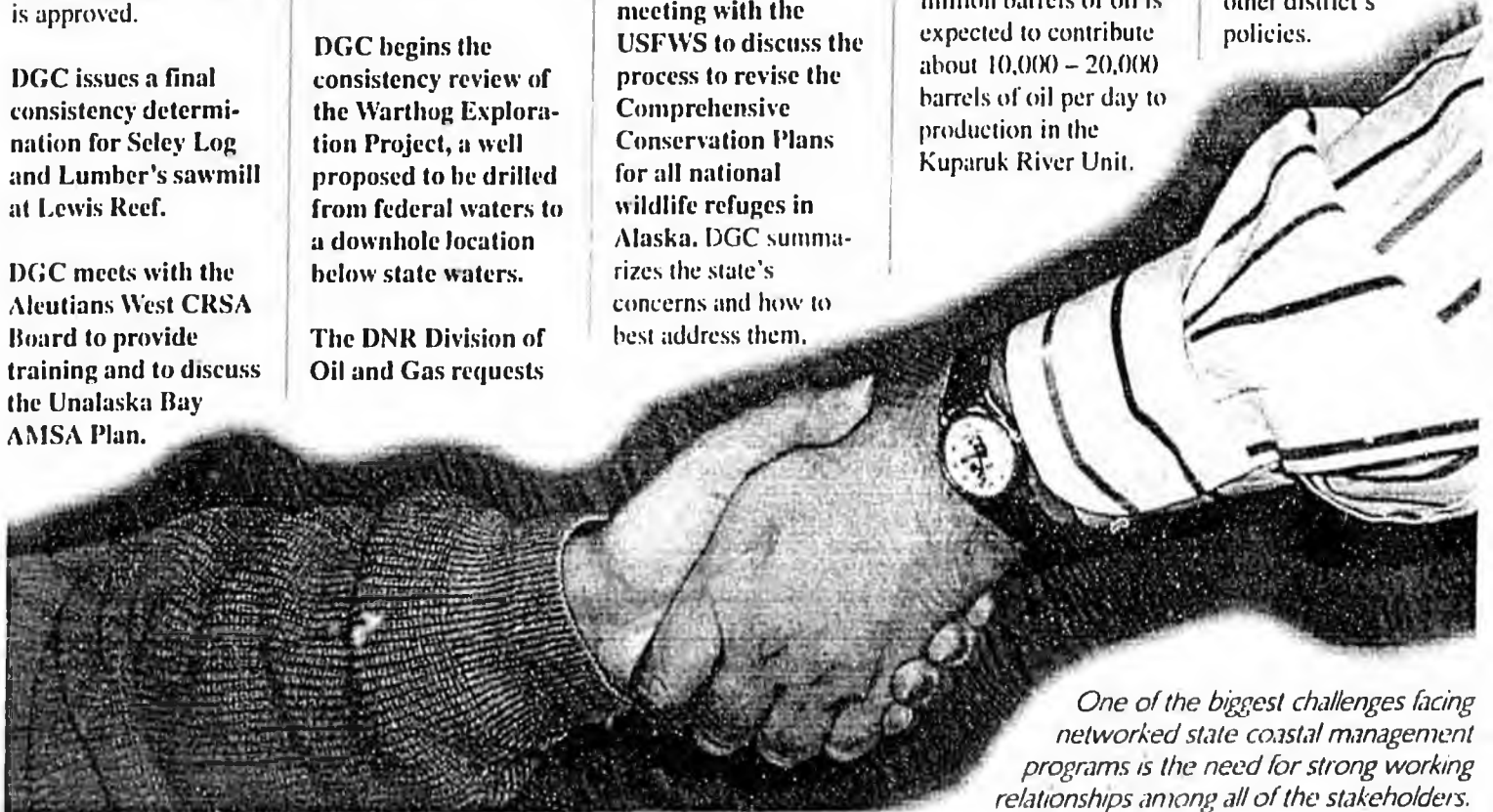
**10**  
found  
consistent  
w/stipulations

DGC and the Alaska Region OCS Advisory Committee meet to recommend issues for Minerals Management Service to consider during preparation of the final EIS for OCS Lease Sale 170.

DGC starts the consistency review for the Tarn Development Project. Development of the estimated 30-40 million barrels of oil is expected to contribute about 10,000 - 20,000 barrels of oil per day to production in the Kuparuk River Unit.



DGC distributes a new resource for coastal management professionals: a three-volume reference set of enforceable policies from each district in the ACMP. Federal and state agencies use these volumes to develop project stipulations that are consistent with district enforceable policies. Coastal districts use the volumes as quick and easy way to reference other district's policies.



*One of the biggest challenges facing networked state coastal management programs is the need for strong working relationships among all of the stakeholders.*

DGC's Year in Review



*Lisa Ibias shows off her favorite piece of coastal trash, a beaded belt, at the first annual cleanup held in Juneau.*

PROJECT REVIEW STATISTICS

**15**  
projects reviewed

**4**  
found consistent

**11**  
found consistent w/stipulations

SEPTEMBER

DGC hosts a one-day permit streamlining workshop held in Anchorage, by the Knowles Administration. The workshop reviews the Knowles' Administration proposed approach to improve permitting; provides stakeholders an opportunity for input; and provides feedback on permit process problems and possible remedies.

DGC participates in a teleconference held with western states, the Western Governor's Association, and the State Department to discuss their efforts to develop tri-national environmental impact assessment guidelines by April 1998. The guidelines, once finalized, will apply only to major actions requiring a federal decision, so as not to

impose unfunded mandates on states.

The CPC approves the Northwest Arctic Borough Revised Coastal Management Plan. They also approve the district coastal management program regulations. The regulations are pending with the Department of Law.

DGC participates in the Southeast Coastal District Conference.

DGC coordinates the first annual Coastal Cleanup in Juneau. DGC plans to develop a coastal cleanup kit for use by coastal districts who want to educate their communities about coastal management.

DGC nominates the Kenai Peninsula Borough for the Walter B. Jones Memorial and NOAA Excellence Award for Coastal and Ocean Resource Management in the category of Excellence in Local Government



DGC releases a new ACMP booklet designed to provide an informative overview of the ACMP.

PROJECT REVIEW STATISTICS

**18**  
projects reviewed

**6**  
found consistent

**12**  
found consistent w/stipulations

OCTOBER

DGC participates in a meeting sponsored by the B.C. Assessment Office to discuss water quality and acid rock drainages for the proposed Tulsequah Chief mine in B.C.

DGC meets with state agencies and the USFS to resolve issues surrounding timber sales. Implementation of TLMP brings up expected interpretation questions.

DGC submits comments on the Public Hearing Draft for the City of Saint Paul's Coastal Management Plan enforceable policies.

DGC submits the CPC-approved district program regulations to the Department of Law for final review and approval.

Diane Mayer leads a discussion of permit streamlining options in a "breakout session" during the

## DGC's Year in Review

annual Alaska Visitors Assoc. convention.

DGC works with resource managers from other state and federal agencies and Native corporations to develop a handbook titled: "Commercial Visitor Services in Alaska." The guide is published by the Alaska Land Managers Forum. It tells commercial recreation and tourism operators how to obtain permits for enterprises on federal, state, and private Native Corporation lands.

DGC attends the annual Alaska State Home Builders Association Conference to provide an overview of program services.

The Kenai Peninsula Borough receives the Walter B. Jones and NOAA award for Excellence in Local Government for the borough's innovative approach to managing uses on the Kenai River. The Kenai River Center inspires positive change by implementing principles of the federal Coastal Zone Management Act.

*DGC Project Analysts provide project coordination and assistance to Alaska's larger industries like oil and gas.*

## NOVEMBER

## PROJECT REVIEW STATISTICS

**15**  
projects reviewed

**6**  
found consistent

**9**  
found consistent w/stipulations

DGC extends the comment deadline for the Cook Inlet Seismic Survey proposed by Western Geophysical due to a high level of interest by Cook Inlet fishing groups. DGC sponsors a meeting in Kenai in December with representatives from agencies, industry and fishing groups.

DGC provides pre-application assistance to Forcenergy for their Redoubt Shoals drilling platform proposal.

DGC writes a final draft for a general concurrence for general permits for mining exploration camps. The general concurrence will consolidate the DFG, DEC, and DNR approvals necessary for exploration camps and provide a streamlined process for applicants.

DGC facilitates the state-sponsored stakeholders meeting of the Glacier Bay Working Group. The Working Group, including fishing, conservation, and Native interests, is attempting to draft a long-term solution concerning commercial fishing.

OCRM approves the Northwest Arctic Borough's Revised Coastal Management Plan.

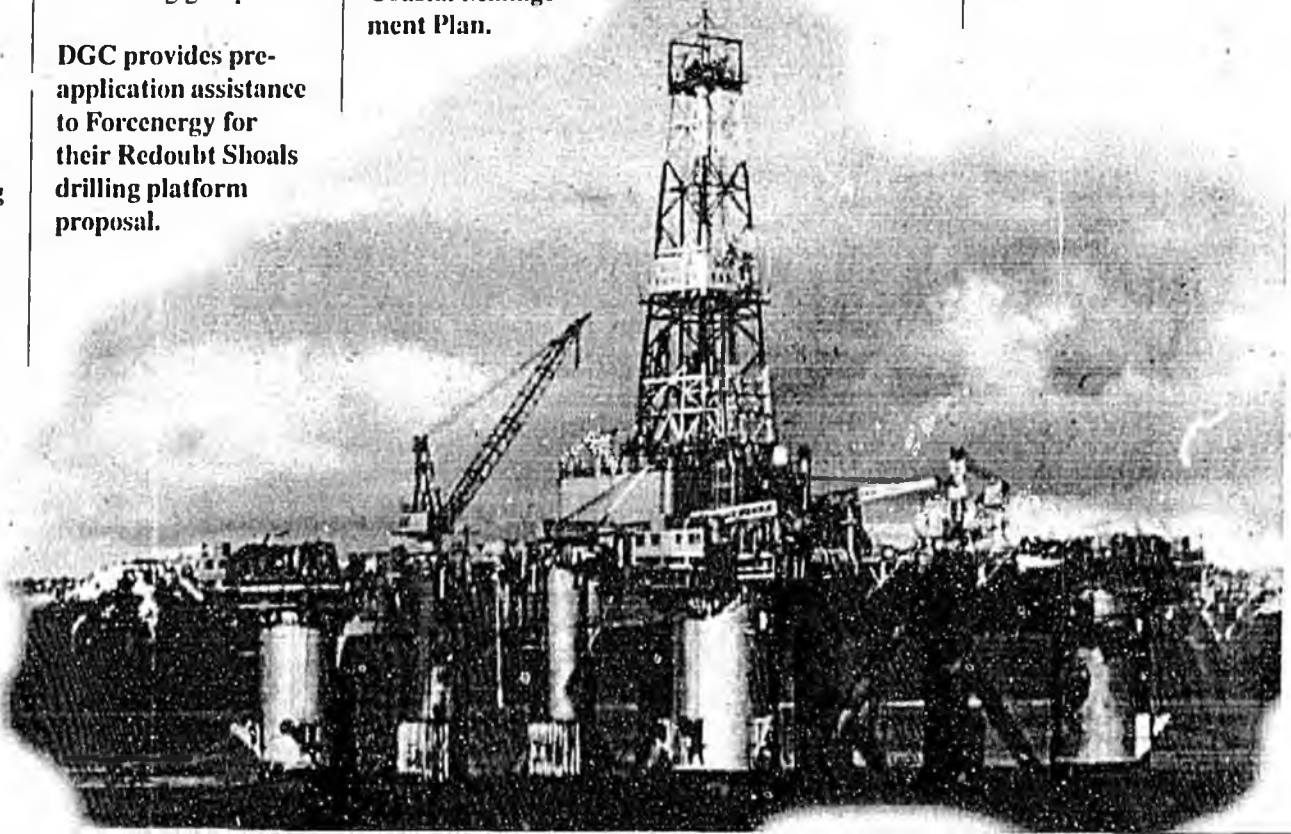
DGC continues to develop a database for the ACMP. Compilation of data is 60% complete.

DGC exhibits at the Alaska Municipal League's

annual conference, and the Resource Development Council's 18<sup>th</sup> Annual Conference to provide information on program services.



*Project Review Coordinators, like Maureen M'Creagh in DGC's Anchorage office, often work against the clock to ensure projects are reviewed on time.*



DGC's Year in Review

# DECEMBER

**PROJECT REVIEW STATISTICS**

**18**  
projects reviewed

**5**  
found consistent

**13**  
found consistent w/stipulations

**DGC issues the final consistency determination for Phase I of the Alpine Development Project:**

DGC starts the review for a proposal by Alaska Clean Seas, the North Slope spill response group, to hold a test burn of oil on ice. DEC recommends that this project be found inconsistent because they think the results of the test would

not justify air and water pollution that would result from an on-ice test.

DGC initiates the director-level elevation for Lease Sale 87. The directors are discussing three issues: protection of Dolly Varden habitat, the use of explosives, and protection of subsistence resources.

DGC sponsors a meeting between fishing groups and the oil and gas industry. The meeting provides a forum for representatives of the various groups to begin a dialogue on the timing and location of seismic survey activities. Although this meeting does not solve all of the issues, meeting participants appreciate the opportunity to discuss this important issue. The information exchanged at the meeting will be helpful during the conclusion of the review of Western Geophysical's proposed 1998 survey.

DGC participates in the Copper River/Wrangell's Tourism Planning Coordination Group of the Alaska Land Managers Forum. DGC edits and distributes a working draft of a 60-page summary of existing and proposed private and public plans, construction projects, and cooperative efforts related to

tourism development in the Copper River/Wrangell Mountains region. The inventory should prove invaluable to the many organizations, agencies, and business interests that have a stake in recreation and tourism development in this area.

DGC gives a presentation to the Western Governor's Association (WGA) at a tri-national meeting on draft Transboundary Environmental Impact Assessment (TEIA) Guidelines being prepared as part of a side agreement to NAFTA. DGC and the B.C. Environmental Assessment Office present information on the B.C. Environmental Assessment Act and how its review process compares to draft TEIA guidelines.

The Department of Interior (DOI) requests that DGC meet with DOI agencies in Anchorage to discuss federal consistency requirements. Along with general information on the Alaska Coastal Management Program, DGC also discusses questions on specific projects currently in review. DOI has requested semi-annual meetings with DGC staff to facilitate communication and foster interagency interactions.



*Sara Hunt, a District Program Coordinator in DGC's Juneau office, spends much of her time assisting coastal districts with their coastal management planning efforts.*



surfin' in the  
*coastal*  
**CAREER ZONE**



DGC welcomes Brett Meyer as the new city & borough planner for Yakutat. Brett has a degree in Criminal Justice and is actively involved with the Alaska Air National Guard.

John King of OCRM has been promoted to Great Lakes Regional supervisor. John has been the federal contact for the ACMCP for eight years and will be sorely missed. A replacement has not been hired so John will continue to work with Alaska through the spring.

DGC's publication specialist, Sydney Mitchell, joins DGC on a permanent basis this month. Sydney has a degree in Natural-Resources Planning with an emphasis in graphic design. She brings ten years of professional design experience to DGC.

Career Zone from page 10

Chas Dense returns to DGC to finish the 309 Guidebook project previously assigned to Michael Johnson. Chas' excellent writing skills and knowledge of the ACMP make him an excellent addition to the Guidebook development team.

Diane Sheridan has been hired as the new Project Review Assistant in DGC's Anchorage office. Diane's strong organizational and problem solving skills make her well qualified for the PRA position. She will be replacing Jana Durr.

DGC extends congratulations to Jon Dunham, Coastal Coordinator for the North Slope Borough. John has been promoted to the position of "Deputy Director of Land Management" at the borough. Fortunately for the ACMP, he retains his coastal management duties in his new position.



DGC would like to welcome John Easton as the new Program Coordinator for the Bristol Bay CRSA. John has a degree in Resource Economics and his hobbies include snow boarding, fly fishing and water skiing.

## Congratulations to Northwest Arctic Borough

*The Northwest Arctic Borough plan takes effect...*

By Julie Hammonds Penn, DGC

After several years of dedicated work on the part of the Northwest Arctic Borough and state agency staff, the Borough's revised Coastal Management Program is now complete. With the Lieutenant Governor's signature certifying the plan as part of the Alaska Coastal Management Program, the plan became effective as of January 7, 1998.

Now that the revised plan has taken effect:

- Uses and activities conducted by state agencies in the coastal area must be consistent with the revised district program;
- In authorizing uses and activities, state agencies must find that the use or activity is consistent with the revised district program; and
- Federally conducted or supported activities directly affecting the coastal zone must be consistent to the maximum extent practicable with the revised district program.

Congratulations to the Northwest Arctic Borough for its success in seeing this major plan revision through to approval!

*Frank Stein of the Northwest Arctic Borough accepts a Certificate of Approval for the Coastal Management Program from Julie Hammonds Penn of DGC.*



1998 ACMP CONFERENCE

# Tools

FOR COASTAL MANAGERS

*"If all you have is a hammer in your toolbox, then everything has to look like a nail."*

—Keynote Speaker at 1997 AML Conference

We know that challenges come in all shapes and sizes, so our goal is to offer a variety of really useful tools for coastal district coordinators to add to their 'box.'

The conference is scheduled for Thursday and Friday, April 9-10 in Juneau. If you have any questions, please call Julie Hammonds Penn at (907) 465-8789.



Excerpts from the January Regional Coastal District Conference.

## Lake & Peninsula Borough

A quarterly newsletter to educate borough residents about the ACMP appears to be successful. According to Bobby Jo Kramer, a borough planner, "Our office seems to be getting more and more inquiries. They are actually starting to ask ahead of time."

## Kenai Peninsula Borough

Glenda Landua reported that life revolves around project reviews in her office. In fact, during 1997 they completed 33 DGC reviews, 68 single agency reviews, and 241 internal reviews. Glenda also noted that DGC nominated the borough for the Walter B. Jones Memorial Award from NOAA. They received this award in October.

## Cordova

Despite local resistance to "plans, zones, and ordinances," Cordova is moving forward in its coastal management plan development process. They hired Jim Glaspell to coordinate

their CMP effort. Jim says they are using DGC's recently published "Drafting Principles for Enforceable Policies" and they are working with DCRA to create a GIS for their resource inventory.

## Yakutat

Brett Meyer is the new city planner for Yakutat. He is looking forward to receiving comments on the Concept Approved Draft of Yakutat's CMP.

## Aleutians West CRSA

Karoi Kolehmainen introduced herself as Mary Pearsall's replacement. She reported that the AWCRSA will not go forward with the Dutch Harbor AMSA.

## Northwest Arctic Borough

Victor Karmun reported on coast-related activities in the borough. Frank Stein discussed the process the borough uses to involve each village in the borough's planning efforts. According to Frank, NAB has always held annual village meetings to discuss projects and solicit feedback.

Now NAB wants to develop local planning committees within each village. They plan to send a trainer out to educate villagers on the planning process. Then they hope to use these committees to implement NAB plans, including their new Coastal Management Plan, at the local level.

## North Slope Borough

Jon Dunham says NSB is working on what he calls an "informed development process." In essence, the borough sends the developer to the villages for open dialogue before they file their applications. According to Jon, "We've found if you go to the community and respect them and ask their opinions—problems are resolved up front."

NSB has also requested that DGC review and remove the general concurrence for onshore seismic surveys. NSB wants the opportunity to apply their Coastal Management Plan to these surveys.

Jon offered some advice to districts currently undergoing military clean-up

efforts. He recommends an independent analysis of the clean-up effort to make sure it is really cleaned up.

## Bering Straits CRSA

In light of the Trapper's Creek Cabin court decision, Chuck Degnan pointed out that sometimes a local CMP can be misinterpreted by state agencies. Chuck says "the people in our area understand our CMP, they like it and it works—most of the time." According to Chuck, it doesn't work when someone lacking in local knowledge interprets the CMP.

## BBCRSA

John Easton introduced himself and said he believes the CMP is the best plan the CRSA has. He appreciates the opportunity the ACMP offers rural communities for protecting subsistence. John is looking forward to coordinating some ACMP 101 training for himself and his board.

## City of Whittier

Cleanup of old military sites and of rubble covered over after the '64 earthquake is a real problem in Whittier. Ann Poss detailed some of the cleanup efforts planned in the near future.

## Anchorage

Thede Tobish says Anchorage is embarking on their comprehensive plan revision process. The Assembly

voted to adopt community-based goals and objectives. Subarea community plans will be the first tier in the comp planning process. The subarea plans will feed into the overall comp plan.

## Ceñaliulriit

Gail Alstrom has 3 new board members and plans are underway to update their CMP. According to Gail, subsistence is the community's top priority.

## Bristol Bay Borough

Arne Erickson reported that things are pretty slow in the borough. There have been 2 reviews in the last 8 months, one for a dock constructed in the late '70s and another for a 30-year old cannery. According to Arne, "no fish equals no construction." The borough is also undergoing some military base clean ups.

## Nome

Robert Fagerstrom reported Nome's centennial celebration begins this year.

## Kodiak Island Borough

Linda Freed says a new public transit system starts on Monday. In addition the new rocket launch facility and a \$20 million dollar fisheries facility are underway.

## MatSu Borough

According to Ken Hudson the MatSu is in

Program News from page 12

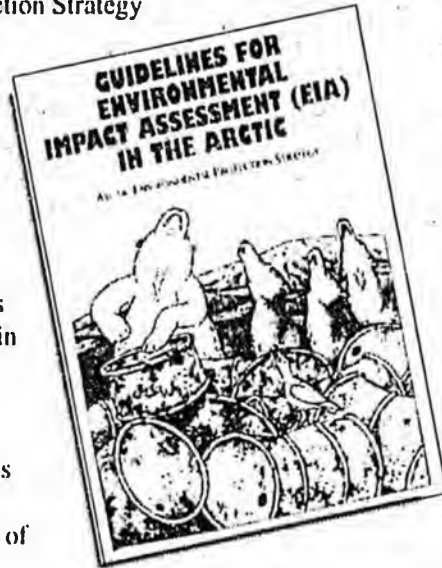
an era of "exploding opportunity." They complete 500 to 600 project reviews annually. Local issues are driven by the influx of new residents and the lack of a comp plan. The borough is using a 309 grant to address their shoreline management plan and it appears that a community-based comp plan process may be making headway.

## Harbor BMPs

The Alaska Department of Environmental Conservation (DEC) incorporated a Harbors and Marinas chapter in its revised Alaska Nonpoint Source Management Strategy. This chapter includes a task to develop harbor specific Best Management Practices (BMPs) programs. Through the support of the ACMP Coastal Clean Water Program funds, the Division of Governmental Coordination hired a consultant to prepare a manual of BMPs for Harbor, Marina, and Boat Operations and Maintenance. At the October 1997 meeting of the Alaska Association of Harbormasters and Port Administrators, the association endorsed the need to develop a harbor-specific BMP program, and adopted the BMP manual as a model.

## Guidelines for Environmental Impact Assessment in the Arctic

By Kerry Howard, Project Analyst, DGC  
In 1991 at Rovaniemi, Finland, ministers from all arctic countries approved the Arctic Environment Protection Strategy (AEPS), which seeks to protect the Arctic environment. The Arctic Council was established in September 1996 to oversee the AEPS and its various programs. One of the AEPS programs is Sustainable Development and Utilization, where sustainable development is defined as development that meets the needs of the present generation without compromising the ability of future generations to meet their needs. Sustainable development requires a planning approach where environmental integrity is maintained at permissible levels of development. Environmental impact assessment (EIA) may assist this planning approach and, therefore, is one means to help achieve sustainable development.



In 1996 at Inuvik, Northwest Territories, the Arctic ministers asked that EIA guidelines be prepared. The ministers recommended that the guidelines should focus on circumstances and issues of special importance in the Arctic, and explore ways of dealing with cumulative impacts, transboundary issues, the participation of indigenous people and the use of traditional knowledge. Finland was asked to act as the lead country for the writing of the guidelines.

After months of work and a truly international effort, the *Guidelines for Environmental Impact Assessment in the Arctic*, are now available in final form as a 50-page booklet. DGC will be distributing copies of the guidelines to state agencies and Arctic communities. For further information about the guidelines, please contact Kerry Howard or Glenn Gray.



**Kalubik, Arete, Cairn and Iceberg Wells** have all received final consistency determinations from DGC.

### North Slope NPDES General Permit Revision

DGC issued the final consistency determination on January 20. This revised general permit will streamline approvals for discharge of water used to test new pipelines such as the Bañami pipeline. The revision to this general permit also extends uses covered by the existing permit to offshore areas.

### Tongass Planning Implementation Team

DGC is participating in a collaborative stewardship effort consisting of state and federal agencies, and the Forest Service. The primary purpose of the Team is

to discuss the interpretation and implementation of Tongass Land Management Plan standards and guidelines.

**Juneau Golf Course**  
Totem Creek Inc.'s 18-hole golf course, to be located on the northwest side of Douglas Island, has been found consistent with the ACMP. As a result of public and agency comments received by DGC, 49 project stipulations will be incorporated into the final engineered design to be submitted for CBJ approval. The stipulations address concerns related to the protection of Peterson Creek fisheries, water quality, wetlands, timber harvest, erosion potential and other unique environmental characteristics of the area.

DGC routinely provides permit assistance to applicants seeking approvals from more than one agency, schedules agency review of these projects, and issues ACMP consistency determinations. Below is a summary of project review statistics for January and for the calendar year.

### Action Taken On Project Applications During January, 1998

Consistent:	5
Consistent with Stipulations:	10
Inconsistent:	0
Elevated:	0
Total Projects:	15

**inside**

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DGC Year In Review
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THIS YEAR IS YOTO
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# coastal events calendar

**april 9-10**

**Annual Alaska Coastal Management Program Conference**  
Centennial Hall,  
Juneau, AK  
Gabrielle LaRoche  
(907) 465-3541

**april 15-17**

**Team Wetlands: An American Wetlands Month Conference**  
Arlington, Virginia  
Terrene Institute  
1-800-726-4853  
terrinst@aol.com

**may 3-6**

**Watershed '98 - Watershed Management: Moving from Theory to Implementation**  
Denver, CO  
Contact Water Environment Federation  
(703) 684-2400  
confinfo@wef.org

**may 6-7**

**Coastal Partnerships: A Collaborative Approach to Coastal Project Review**  
A workshop for coastal district representatives and state permittees working in Western and Northern Alaska.  
Julie Hammonds Penn  
(907) 465-8789  
julie\_penn@gov.state.ak.us

**july 12-15**

**Minding the Coast: It's Everybody's Business**  
Williamsburg, Virginia  
The Coastal Society  
http://www.vlms.edu/TCS16/

**august 30-sept. 3**

**Coastal Zone Canada Coastal Communities in the**

*21st Century: Shaping Our Experience - Building Our Knowledge*  
Victoria, British Columbia  
Email: czc98@ios.bc.ca  
(250) 721-8470  
www.ios.bc.ca/ios/czc98/

**september**

**Southeast Coastal District Regional Conference**  
Peter McKay, DCRA  
(907) 465-5550  
Peter\_McKay@comregof.state.ak.us

Date and location TBA

**september 19**

**International Coastal Cleanup Day**

Coastal Currents is published bi-monthly by the Alaska Division of Governmental Coordination. Coastal Currents seeks to provide a useful forum for relevant news, views and practical resources for coastal management professionals in Alaska.

**For more information:**  
Sydney Mitchell,  
DGC Publication Specialist  
Phone: (907) 465-8795  
Fax: (907) 465-3075  
Email: Sydney\_Mitchell@gov.state.ak.us

**Juneau DGC Office:**  
P.O. Box 110030  
240 Main Street, Suite 500  
Juneau, Alaska  
99811-0030  
(907) 465-3562

**Anchorage DGC Office**  
3601 "C" Street, Suite 370  
Anchorage, AK  
99503-5930  
(907) 269-7470



DIVISION OF GOVERNMENTAL COORDINATION  
P.O. BOX 110030  
JUNEAU, AK 99811-0030  
(907) 465-3562 • FAX (907) 465-3075

NEWS AND VIEWS ON ALASKA'S COASTAL MANAGEMENT PROGRAM

**COASTAL**  
CURRENTS



Financial assistance for this publication was provided by the Coastal Zone Management Act of 1972, as amended in 1990, administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.



**1998 ACMP CONFERENCE**  
**Tools**  
FOR COASTAL MANAGERS

Mark your calendar!  
April 9-10 • Juneau



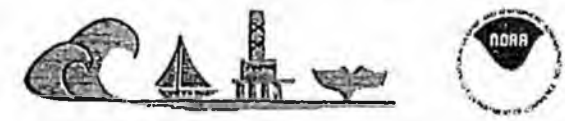
# Alaska Coastal Management Program Coastal Districts Grouped by Region

- Regions**
- Arctic
  - Western
  - Southwest
  - Southcentral
  - Southeast



by Kenyon G. IDEC 465-5313 November 18, 1996

The representation shown here is for graphical purposes only and has no legal standing. For authoritative determinations of whether an area is located in the coastal zone, refer to the current version of the Coastal Zone Boundaries of Alaska atlas, prepared by the Alaska Department of Fish and Game, Division of Habitat and Restoration.



**ALASKA COASTAL POLICY COUNCIL MEMBERS AND ALTERNATES**

***PUBLIC REPRESENTATIVES***

	<b><u>Member</u></b>	<b><u>Permanent Alternate</u></b>
Northwest Region	Mr. Ray Koonuk, Sr.(9/96) City of Point Hope P.O. Box 192 Point Hope, AK 99766 Phone: 368-2537(w)/7512(h) Fax: 368-2835	Vacant
Bering Straits Region	Mr. Robert L. Fagerstrom (9/97) Nome City Council P.O. Box 1064 Nome, AK 99762 Phone: 443-2058(h)/2632(w)/2066(w) Fax: 443-3063(w)	Vacant
Southwest Region	Mr. Al Unok (9/96) Kotlik City Council P.O. Box 20018 Kotlik, AK 99620 Phone: 899-4464(h)/4313(city) Fax: 899-4826(city)	Alice J. Ruby Kanqiiqutaq Building, Main St. P.O. Box 330 Dillingham, AK 99576 Phone: 842-5272(h)/842-5218(w) Fax: 842-5462
Upper Cook Inlet Region	Mr. Kevin G. Meyer(9/96) Anchorage Assembly 7240 Bulen Drive Anchorage, AK 99507 Phone: 349-6511(h)/263-4387(w) Fax: 265-1155	Vacant
Kodiak-Aleutians Region	The Honorable Frank Kelty (9/97) Mayor, City of Unalaska P.O. Box 610 Unalaska, AK 99685 Phone: 581-1424(h)/1211(Alyeska) Fax: 581-1417(city)	Mr. Robin Heinrichs 3415 Harlequin Ct. Kodiak, AK 99615 Phone: 486-4339(w/h) Fax: 486-8293
Lower Cook Inlet Region	Mr. Jack Cushing (9/97) Homer City Council 1423 Bay Avenue Homer, AK 99603 Phone: 235-6745(h)	Vacant

**Coastal Policy Council  
Public Members (cont.)**

Prince William Sound  
Region

The Honorable David C. Cobb (9/98)  
Mayor, City of Valdez  
P.O. Box 307  
Valdez, AK 99686  
Phone: 835-2637(h)/835-4874(w)  
Fax: 835-2992(w)

Vacant

Northern Southeast  
Region

Mr. Rod J. Swope (9/97)  
City & Borough of Juneau  
954 Goldbelt Street  
Juneau, AK 99801  
Phone: 586-1914(h)/586-8953(w)  
Fax: 586-8154(W)

Ms. Cathy Munoz  
City & Borough of Juneau  
523 4th Street  
Juneau, AK 99801  
Phone: 463-3029(w/h)  
Fax: 586-1129

Southern Southeast  
Region

Mr. Syd Wright (9/97)  
Petersburg City Council  
P.O. Box 624  
Petersburg, Ak 99833  
Phone: 772-4859(h)/4511(w)  
Fax: 772-3759

Ms. Sally Guinea  
Petersburg City Council  
Slip #581, South Boat Harbor  
P.O. Box 1244  
Petersburg, Ak 99833  
Phone: 772-2144(h)/4291(w)  
Fax: 772-9271

**Note:**

The date in parenthesis beside each member's name indicates the expiration date of term. Members serve until a replacement is appointed. According to AS 44.19.155(a), public members are appointed by the Governor from a list of names nominated by municipalities of each region. Nominees must be borough assembly or city council members or mayors. In the case of a resignation, the Governor appoints a new member from among eligible local officials for the remainder of the term.

## ALASKA COASTAL POLICY COUNCIL MEMBERS AND ALTERNATES

### **STATE REPRESENTATIVES**

#### Member

Annalee McConnel, Director  
Office of Management & Budget  
P.O. Box 110020  
Juneau, AK 99811-0020  
Phone: 465-3568(w)/2090(fax)

The Honorable Willie Hensley, Commissioner  
Department of Commerce and Economic Development  
P.O. Box 110800 (MS 0800)  
Juneau, AK 99811-0800  
Phone: 465-2500(w)/465-5442(fax)

The Honorable Mike Irwin, Commissioner  
Department of Community and Regional Affairs  
P.O. Box 112100 (MS 2100)  
Juneau, AK 99811-2100  
Phone: 465-4700(w)/465-2948(fax)

The Honorable Michele Brown, Commissioner  
Department of Environmental Conservation  
410 Willoughby Avenue, Suite 105  
Juneau, AK 99801-1795  
Phone: 465-5050(w)/465-5070(fax)

The Honorable Frank Rue, Commissioner  
Department of Fish and Game  
P.O. Box 25526 (MS 1100)  
Juneau, AK 99802-5526  
Phone: 465-4100 (w)/465-2332(fax)

The Honorable John Shively, Commissioner  
Department of Natural Resources  
400 Willoughby Avenue (MS 1000)  
Juneau, AK 99801-1724  
Phone: 465-2400(w)/465-3886(fax)

The Honorable Joe Perkins, Commissioner  
Department of Transportation and  
Public Facilities  
3132 Channel Drive  
Juneau, AK 99801-7898  
Phone: 465-3900(w)/586-8365(fax)

#### Permanent Alternate

Diane Mayer, Director  
Division of Governmental Coordination  
P.O. Box 110030 Juneau, AK 99811-0030  
Phone: 465-3562(w)/465-3075(fax)

Jeff Bush, Deputy Commissioner  
Department of Commerce and Economic Developm  
P.O. Box 110800 (MS 0800)  
Juneau, AK 99811-0800  
Dept. of Community and Regional  
Phone: 465-2500(w)/465-5442(fax)

Patrick K. Poland, Director  
Division of Municipal and Regional Assistance  
333 W. 4th Avenue, #220  
Anchorage, AK 99501-2341  
Phone: 269-4580(w)/269-4539(fax)

Kurt Fredriksson, Director  
Division of Spill Prevention and Response Division  
410 Willoughby Avenue, #105  
Juneau, AK 99801-1795  
Phone: 465-5250(w)/465-5260(fax)

Janet Kowalski, Director  
Division of Habitat  
P.O. Box 25526  
Juneau, AK 99802-5526  
Phone: 465-4105(w)/465-4759(fax)

Marty Rutherford, Deputy Commissioner  
Dept. of Natural Resources  
3601 C Street, Suite 1210  
Anchorage, AK 99503-5921  
Phone: 269-8431(w)/269-8918(fax)

Boyd J. Brownfield, Deputy Commissioner  
Department of Transportation and  
Public Facilities  
3132 Channel Drive  
Juneau, AK 99801-7898  
Phone: 465-6973(w)/586-8365(fax)

COASTAL DISTRICT CONTACTS:  
ALASKA COASTAL MANAGEMENT PROGRAM

January 14, 1997

Aleutians East Borough

Ms. Tina Anderson  
Coastal Coordinator  
Aleutians East Borough  
P.O. Box 349  
Sand Point, AK 99661  
Phone: (907) 383-2699  
Telecopy: (907) 383-3496

Aleutians West CRSA

Ms. Mary Pearsall  
Program Coordinator  
Aleutians West CRSA  
308 G Street, #225  
Anchorage, AK 99501  
Phone: (907) 272-6700  
Telecopy: (907) 272-6707  
Email 103002.3034@compuserve.com

Anchorage, Municipality of

Mr. Thede Tobish  
Department of Community  
Planning and Development  
P.O. Box 196650  
Anchorage, AK 99519-6650  
Phone: (907) 343-4261  
Telecopy: (907) 343-4220

Angoon, City of

Mayor Pauline Jim  
Ms. Cynthia Jim, Coordinator  
P.O. Box 189  
Angoon, AK 99820  
Phone: (907) 788-3653  
Telecopy: (907) 788-3821

Annette Islands Indian Reserve

Ms. Saline Haven/Mr. Benson  
Annette Island Metlakatla  
Indian Community  
P.O. Box 360  
Metlakatla, AK 99926-0360  
Phone: (907) 886-4200  
Telecopy: (907) 886-7997

Bering Straits CRSA

Mr. Chuck Degnan, Director  
Bering Straits Coastal  
Management Program  
P.O. Box 190  
Unalakleet, AK 99684  
Phone: (907) 624-3062  
Telecopy: (907) 624-3811

Bethel, City of

Mr. John Malone  
Coastal Coordinator  
City of Bethel  
P.O. Box 388  
Bethel, AK 99559  
Phone: (907) 543-4456  
Telecopy: (907) 543-4171  
Email john\_malone@ddc-alaska.org

Bristol Bay Borough

Ms. Cynthia Zuelow-Osborne  
Administrative Assistant  
Bristol Bay Borough  
P.O. Box 189  
Naknek, AK 99633  
Phone: (907) 246-4224  
Telecopy: (907) 246-6633

Bristol Bay CRSA

Ms. Sue Flensburg  
Bristol Bay CRSA  
Nanvaq Building, Room 207  
P.O. Box 849  
Dillingham, AK 99576  
Phone: (907) 842-2666  
Telecopy: (907) 842-2776  
Email bbcrsant@nushtel.com (no caps)

Cenaliulriit CRSA

Mr. George Owletuck  
Program Director  
Cenaliulriit CRSA  
P.O. Box 357  
St. Mary's, AK 99658  
Phone: (907) 438-2638  
Telecopy: (907) 438-2643

Cordova, City of

Mr. Scott Janke, City Manager  
Mr. George Keeney, City Planner  
City of Cordova  
P.O. Box 1210  
Cordova, AK 99574  
Phone: (907) 424-6200  
Telecopy: (907) 424-6000

Craig, City of

Mr. Jon Bolling  
Coastal Coordinator  
City of Craig  
P.O. Box 725  
Craig, AK 99921  
Phone: (907) 826-3275  
Telecopy: (907) 826-3278  
Email jbolling@ptialaska.net

Haines, City of

Mr. Tom Healy  
City Administrator  
City of Haines  
P.O. Box 1049  
Haines, AK 99827  
Phone: (907) 766-2231  
Telecopy: (907) 766-3179

Hoonah, City of

Mr. Robert Pinard  
City of Hoonah  
P.O. Box 360  
Hoonah, AK 99829  
Phone: (907) 945-3663  
Telecopy: (907) 945-3445

Hydaburg, City of

Ms. Jean Bland  
City of Hydaburg  
P.O. Box 49  
Hydaburg, AK 99922  
Phone: (907) 285-3761  
Telecopy: (907) 285-3760

Juneau, City and Borough of Juneau

Mr. Bill Smith, Planner  
Community Development  
Department  
City and Borough of Juneau  
155 South Seward Street  
Juneau, AK 99801  
Phone: (907) 586-5230  
Telecopy: (907) 586-3365  
Email Bill\_Smith@mail.ci.juneau.ak.us

Kake, City of

Mayor Lonnie Anderson  
City of Kake  
P.O. Box 500  
Kake, AK 99830  
Phone: (907) 785-3804  
Telecopy: (907) 785-4815

Kenai Peninsula Borough

Ms. Glenda Landua  
Coastal Coordinator  
Kenai Peninsula Borough  
144 N. Binkley Street  
Soldotna, AK 99669-7599  
Phone: (907) 262-4441  
Telecopy: (907) 262-1892  
Email Hwegner@borough.kenai.ak.us

Ketchikan Gateway Borough

Ms. Jennifer Carman  
Coastal Coordinator  
Ketchikan Gateway Borough  
344 Front Street  
Ketchikan, AK 99901  
Phone: (907) 228-6610  
Telecopy: (907) 247-8439

Klawock, City of

Mayor Donna Williams, Mayor  
Mr. Doc Waterman  
Coastal Coordinator  
P.O. Box 113  
Klawock, AK 99925  
Phone: (907) 755-2261  
Telecopy: (907) 755-2403

Kodiak Island Borough

Ms. Linda Freed  
Community Development  
Department Director  
Kodiak Island Borough  
710 Mill Bay Road  
Kodiak, AK 99615-6340  
Phone: (907) 486-9360  
Telecopy: (907) 486-9376  
Email lfreed@kib.co.kodiak.ak.us (no caps)

Lake and Peninsula Borough

Mr. Walt Wrede, Manager  
Ms. Sheila Bergey, Planner  
Lake and Peninsula Borough  
P.O. Box 495  
King Salmon, AK 99613  
Phone: (907) 246-3421  
Telecopy: (907) 246-6602  
Email lpboro@bristolbay.com

Matanuska-Susitna Borough

Mr. Ken Hudson  
Coastal Management Coordinator  
Matanuska-Susitna Borough  
350 E. Dahlia Avenue  
Palmer, AK 99645-6488  
Phone: (907) 745-9865  
Telecopy: (907) 745-9876

Nome, City of

Mr. Randy Romenesko  
City of Nome  
P.O. Box 281  
Nome, AK 99762  
Phone: (907) 443-5242  
Telecopy: (907) 443-5349

North Slope Borough

Mr. Jon Dunham  
North Slope Borough  
P.O. Box 69  
Barrow, AK 99723  
Phone: (907) 852-0440 x266  
Telecopy: (907) 852-5991  
Email jdunham@co.north-slope.ak.us

Northwest Arctic Borough

Mr. Victor Kaminin  
Coastal Coordinator  
Northwest Arctic Borough  
P.O. Box 1110  
Kotzebue, AK 99752  
Phone: (907) 442-2500  
Telecopy: (907) 442-2930

Pelican, City of

Ms. Ginnie Porter  
Coastal Coordinator  
P.O. Box 737  
Pelican, AK 99832  
Phone: (907) 735-2202(wk)  
735-2259(hm)  
Telecopy: (907) 735-2258

Petersburg, City of

Mr. Leo Luczak, Director  
Community Development  
City of Petersburg  
P.O. Box 329  
Petersburg, AK 99833  
Phone: (907) 772-4533  
Telecopy: (907) 772-4876

Sitka, City and Borough of

Mr. Gary Paxton  
Administrator  
City and Borough of Sitka  
100 Lincoln Street  
Sitka, AK 99835-7540  
Phone: (907) 747-1812  
Telecopy: (907) 747-7403

Sitka

Ms. Marlene Campbell  
Coastal Management Coordinator  
City and Borough of Sitka  
100 Lincoln Street  
Sitka, AK 99835  
Phone: (907) 747-1855  
Telecopy: (907) 747-1856

Skagway, City of

Mayor Sioux Plummer  
Mr. Bob Ward, Coastal Coordinator  
City of Skagway  
P.O. Box 415  
Skagway, AK 99840  
Phone: (907) 983-2297  
Telecopy: (907) 983-2151

St. Paul, City of

Mr. John Mercurief  
City Manager  
City of St. Paul  
P.O. Box 901  
St. Paul, AK 99660  
Phone: (907) 546-2331  
Telecopy: (907) 546-3199

Ms. Char Kirkwood  
Coastal Coordinator  
31424 7th Place SW  
Federal Way, WA 98023  
Phone: (206) 946-5362  
Telecopy: (206) 946-0723

Thorne Bay, City of

Ms. Ginny Tierney  
City Administrator  
City of Thorne Bay  
P.O. Box 19110  
Thorne Bay, AK 99919  
Phone: (907) 828-3380  
Telecopy: (907) 828-3374

Valdez, City of

Mr. David Dengel, Director  
Community Development  
City of Valdez  
P.O. Box 307  
Valdez, AK 99686  
Phone: (907) 835-4313  
Telecopy: (907) 835-2992

Whittier, City of

Mr. Dave Morgan  
City Manager  
City of Whittier  
P.O. Box 608  
Whittier, AK 99693  
Phone: (907) 472-2327  
Telecopy: (907) 472-2404

Wrangell, City of

Ms. Carol Rushmore, Planner  
P.O. Box 531  
Wrangell, AK 99929  
Phone: (907) 874-2381  
Telecopy: (907) 874-3952

Yakutat, City and Borough of

Mr. Tom Armour  
Borough Manager  
and  
Mr. Sam Flora, Planner  
City and Borough of Yakutat  
P.O. Box 160  
Yakutat, AK 99689  
Phone: (907) 784-3323  
Telecopy: (907) 784-3281

Prepared by:  
Division of Governmental Coordination  
P.O. Box 110030  
Juneau, AK 99811  
Phone: (907) 465-3562  
Telecopy: (907) 465-3075

File: District/mjb

**Alaska Coastal Management Program  
Project Review Summary**

	Total Multi-Permit Reviews	Elevations	Coastal Policy Council Petitions
FY97 to date	196	2	
FY96	389	10	State Oil & Gas Lease Sale 79* Mt. Roberts Tramway Prince William Sound Tanker Contingency Plans* Favorite Bay 1 Corea Creek Federal No. 1
FY95	400	3	Falls Creek State Timber Sale*
SB 238 effective August 1994			
FY94	368	6	
FY93	319	4	Timber Creek Trapping Cabin Permit*
Pre-FY93			3 petitions to CPC

\* Single Agency Review

# Alaska State Legislature

REPRESENTATIVE  
GENE THERRIAULT

Mailing Address:  
119 N. Cushman, Suite 101  
Fairbanks, Alaska 99701  
(907) 488-0857  
FAX: (907) 488-4271


While in Session  
State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-4797  
Fax: (907) 465-3884

House District 33

## House Of Representatives

### MEMORANDUM

TO: ✓ Representative Bill Hudson, Co-Chair  
Representative Scott Ogan, Co-Chair  
Representative Joe Green, Chairman-HB 28 subcommittee  
House Resources Committee

FROM: Representative Gene Therriault 

DATE: February 3, 1998

SUBJECT: Scheduling of HB 28 – Proposed CS (work draft "E")

---

I respectfully request that the proposed work draft for House Bill 28, "An Act modifying the Alaska coastal management program and the responsibilities of the Alaska Coastal Policy Council." be scheduled for a hearing in the House Resources Committee. The work draft was submitted to the Resources subcommittee for consideration last session.

I believe the Resources Committee will be able to support the proposal, which does not repeal the Coastal Zone Management Program. The work draft modifies the Coastal Management program as follows:

- "Shrinks" the coastal zone boundary to only include the zones of direct interaction and direct influence.
- Prohibits a coastal resource district from simply adopting state statutes and regulations as their local plans.
- Clarifies that the ACMP is not intended to expand any agency authority beyond that agency's statutory authority.
- Eliminates the petition review process of consistency determinations.

During the interim I sent the work draft out for comments to all coastal districts, the Alaska Oil and Gas Association and the Resource Development Council. Attached you will find copies of the responses I have received to date. Also attached is the finding and recommendations from the Minerals Commission's annual report regarding the coastal management program. I have requested comments on the work draft from the administration and will forward them to you as soon as they are received.

I appreciate your consideration of my request and I look forward to working with the Resources Committee on House Bill 28.

Attachments

Sectional Analysis of CS HB28( ), workdraft "E", 3/6/97

"An Act modifying the Alaska coastal management program and the responsibilities of the Alaska Coastal Policy Council."

- Sec 1 Amends AS 44.19.145 to conform to changes made in section 5
- Sec 2 Amends AS 46.40.030 requiring the delineation within the district of the boundaries to include the zone of direct interaction and the zone of direct influence, the boundary may not include any area landward from the above mentioned zones
- Sec 3 Adds a new subsection to AS 46.40.030 prohibiting a coastal resource district from incorporating statutes and regulations into their statements of policies and regulations
- Sec 4 Amends AS 46.40.094 to conform to changes made in section 5
- Sec 5 Adds a new subsection to AS 46.40.096 prohibiting a state agency or coastal resource district from stipulating to a matter or subject for which the agency or district may not by law exercise authority; Coordinating agency may not accept a stipulation as part of the consistency determination if it violates this policy
- Sec 6 repeals eliminating the petition process to the Coastal Policy Council
- Sec 7 gives a municipality or CRSA that has an approved coastal plan 180 days to comply with the changes in sections 2 and 3. Allows the CPC to enter and order modifying plans that are out of compliance with changes made in sections 2 and 3.

## CS FOR HOUSE BILL NO. 28( )

## IN THE LEGISLATURE OF THE STATE OF ALASKA

## TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES THERRIAULT, Kelly

## A BILL

## FOR AN ACT ENTITLED

1 "An Act modifying the Alaska coastal management program and the  
2 responsibilities of the Alaska Coastal Policy Council."

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

4 \* Section 1. AS 44.19.145(a) is amended to read:

5 (a) The office shall

6 (1) provide technical assistance to the governor and the legislature in  
7 identifying long range goals and objectives for the state and its political subdivisions;

8 (2) prepare and maintain a state comprehensive development plan;

9 (3) provide information and assistance to state agencies to aid in  
10 governmental coordination and unity in the preparation of agency plans and programs;

11 (4) review planning within state government as may be necessary for  
12 receipt of federal, state, or other funds;

13 (5) participate with other countries, provinces, states, or subdivisions  
14 of them in international or interstate planning, and assist the state's local governments,

- 1 governmental conferences, and councils in planning and coordinating their activities;
- 2 (6) encourage educational and research programs that further state
- 3 planning and development, and provide administrative and technical services for them;
- 4 (7) publish such statistical information or other documentary material
- 5 as will further the provisions and intent of AS 44.19.141 - 44.19.152;
- 6 (8) assist the governor and the Department of Community and Regional
- 7 Affairs in coordinating state agency activities that have an effect on the solution of
- 8 local and regional development problems;
- 9 (9) serve as a clearinghouse for information, data, and other materials
- 10 that may be helpful or necessary to federal, state, or local governmental agencies in
- 11 discharging their respective responsibilities or in obtaining federal or state financial or
- 12 technical assistance;
- 13 (10) review all proposals for the location of capital improvements by
- 14 any state agency and advise and make recommendations concerning location of these
- 15 capital improvements;
- 16 (11) render, on behalf of the state, all federal consistency
- 17 determinations and certifications authorized by 16 U.S.C. 1456 (sec. 307, Coastal Zone
- 18 Management Act of 1972), and each conclusive state consistency determination when
- 19 a project requires a permit, lease, or authorization from two or more state resource
- 20 agencies; a consistency determination made under this paragraph is subject to
- 21 AS 46.40.096(h).

22 \* Sec. 2. AS 46.40.030 is amended to read:

23 Sec. 46.40.030. Development of district coastal management programs.

24 Coastal resource districts shall develop and adopt district coastal management programs

25 in accordance with the provisions of this chapter. The program adopted by a coastal

26 resource district shall be based upon a municipality's existing comprehensive plan or

27 a new comprehensive resource use plan or comprehensive statement of needs, policies,

28 objectives, and standards governing the use of resources within the coastal area of the

29 district. The program must be consistent with the guidelines and standards adopted by

30 the council under AS 46.40.040 and must include

- 31 (1) a delineation within the district of the boundaries of the coastal area

1 subject to the district coastal management program; the delineation required by this  
 2 paragraph

3 (A) may include only a zone of direct interaction in which  
 4 physical and biological processes are a function of direct contact between  
 5 land and water, and a zone of direct influence that is landward of the zone  
 6 of direct interaction and that is closely affected and influenced by the  
 7 proximity between land and water;

8 (B) may not include areas landward of the areas described  
 9 in (A) of this paragraph;

10 (2) a statement, list, or definition of the land and water uses and  
 11 activities subject to the district coastal management program;

12 (3) a statement of policies to be applied to the land and water uses  
 13 subject to the district coastal management program;

14 (4) regulations, as appropriate, to be applied to the land and water uses  
 15 subject to the district coastal management program;

16 (5) a description of the uses and activities that [WHICH] will be  
 17 considered proper and the uses and activities that [WHICH] will be considered  
 18 improper with respect to the land and water within the coastal area;

19 (6) a summary or statement of the policies that [WHICH] will be  
 20 applied and the procedures that [WHICH] will be used to determine whether specific  
 21 proposals for land or water uses or activities shall be allowed; and

22 (7) a designation of, and the policies that [WHICH] will be applied to  
 23 the use of, areas within the coastal resource district that [WHICH] merit special  
 24 attention.

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

26 (b) In developing statements of policies and regulations under (a) of this  
 27 section, a coastal resource district may not incorporate by reference statutes and  
 28 administrative regulations adopted by state agencies.

29 \* Sec. 4. AS 46.40.094 is amended by adding a new subsection to read:

30 (d) A consistency determination made under this section is subject to  
 31 AS 46.40.096(h).

1 \* Sec. 5. AS 46.40.09b is amended by adding a new subsection to read:

2 (h) In a consistency review or determination process authorized by this section  
3 or set out in a regulation adopted under authority of AS 46.40.010 - 46.40.210.

4 (1) a state agency or coastal resource district may <sup>only</sup> not stipulate to a  
5 matter or subject for which the agency or district ~~may not by law exercise authority;~~  
6 and

7 (2) the agency responsible for a consistency review or determination  
8 may not accept a stipulation as a part of the consistency determination if the stipulation  
9 violates (1) of this subsection.

10 \* Sec. 6. AS 46.40.096(d)(4), 46.40.096(e), 46.40.096(f), 46.40.100(b), 46.40.100(c),  
11 46.40.100(d), 46.40.100(e), 46.40.100(f), and 46.40.100(g) are repealed.

12 \* Sec. 7. MODIFICATION OF APPROVED COASTAL MANAGEMENT PROGRAM

13 PLANS. (a) In a municipality or coastal resource service area for which the Alaska Coastal  
14 Policy Council has approved a district coastal management program as to which the  
15 boundaries of the coastal area subject to the district coastal management program are not, on  
16 the effective date of this Act, consistent with AS 46.40.030(1), as amended by sec. 2 of this  
17 Act, or are not consistent with the prohibition of AS 46.40.030(b), added by sec. 3 of this Act,  
18 the municipality or coastal resource service area shall submit to the Alaska Coastal Policy  
19 Council, within 180 days of the effective date of this Act, program modifications to conform  
20 the boundaries of the coastal area subject to the district coastal management program to  
21 AS 46.40.030(1), as amended by sec. 2 of this Act or to conform the program to the  
22 requirements of AS 46.40.030(b), added by sec. 3 of this Act.

23 (b) If a municipality or coastal resource service area does not comply with (a) of this  
24 section, the Alaska Coastal Policy Council may enter an order modifying the boundaries of  
25 the coastal area subject to the district coastal management program to conform to  
26 AS 46.40.030(1), as amended by sec. 2 of this Act, or deleting the incorporation by reference  
27 of statutes and administrative regulations in violation of AS 46.40.030(b), added by sec. 3 of  
28 this Act.

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE THERRIault

TO: CSHB 28( ), Draft Version "E"

1 Page 4, line 4:

2 Delete "not"

3 Insert "only"

4 Page 4, line 5:

5 Delete "may not by law exercise authority"

6 Insert "has authority under a statute outside of this chapter"

**CS FOR HOUSE BILL NO. 28(RES)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE RESOURCES COMMITTEE**

**Offered:**

**Referred:**

**Sponsor(s): REPRESENTATIVES THERRIAULT, Kelly**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act modifying the Alaska coastal management program and the**  
2 **responsibilities of the Alaska Coastal Policy Council."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** AS 44.19.145(a) is amended to read:

5 (a) The office shall

6 (1) provide technical assistance to the governor and the legislature in  
7 identifying long range goals and objectives for the state and its political subdivisions;

8 (2) prepare and maintain a state comprehensive development plan;

9 (3) provide information and assistance to state agencies to aid in  
10 governmental coordination and unity in the preparation of agency plans and programs;

11 (4) review planning within state government as may be necessary for  
12 receipt of federal, state, or other funds;

13 (5) participate with other countries, provinces, states, or subdivisions  
14 of them in international or interstate planning, and assist the state's local governments,

1 governmental conferences, and councils in planning and coordinating their activities;

2 (6) encourage educational and research programs that further state  
3 planning and development, and provide administrative and technical services for them;

4 (7) publish such statistical information or other documentary material  
5 as will further the provisions and intent of AS 44.19.141 - 44.19.152;

6 (8) assist the governor and the Department of Community and Regional  
7 Affairs in coordinating state agency activities that have an effect on the solution of  
8 local and regional development problems;

9 (9) serve as a clearinghouse for information, data, and other materials  
10 that may be helpful or necessary to federal, state, or local governmental agencies in  
11 discharging their respective responsibilities or in obtaining federal or state financial or  
12 technical assistance;

13 (10) review all proposals for the location of capital improvements by  
14 any state agency and advise and make recommendations concerning location of these  
15 capital improvements;

16 (11) render, on behalf of the state, all federal consistency  
17 determinations and certifications authorized by 16 U.S.C. 1456 (sec. 307, Coastal Zone  
18 Management Act of 1972), and each conclusive state consistency determination when  
19 a project requires a permit, lease, or authorization from two or more state resource  
20 agencies; a consistency determination made under this paragraph is subject to  
21 AS 46.40.096(h).

22 \* Sec. 2. AS 46.40.030 is amended to read:

23 **Sec. 46.40.030. Development of district coastal management programs.**

24 Coastal resource districts shall develop and adopt district coastal management programs  
25 in accordance with the provisions of this chapter. The program adopted by a coastal  
26 resource district shall be based upon a municipality's existing comprehensive plan or  
27 a new comprehensive resource use plan or comprehensive statement of needs, policies,  
28 objectives, and standards governing the use of resources within the coastal area of the  
29 district. The program must be consistent with the guidelines and standards adopted by  
30 the council under AS 46.40.040 and must include

31 (1) a delineation within the district of the boundaries of the coastal area

1 subject to the district coastal management program; the delineation required by this  
 2 paragraph

3 (A) may include only a zone of direct interaction in which  
 4 physical and biological processes are a function of direct contact between  
 5 land and sea, and a zone of direct influence that is landward of the zone  
 6 of direct interaction and that is closely affected and influenced by the  
 7 proximity between land and sea;

8 (B) may not include areas landward of the areas described  
 9 in (A) of this paragraph;

10 (2) a statement, list, or definition of the land and water uses and  
 11 activities subject to the district coastal management program;

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 13 subject to the district coastal management program;

14 (4) regulations, as appropriate, to be applied to the land and water uses  
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 18 improper with respect to the land and water within the coastal area;

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 24 attention.

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

26 (b) In developing statements of policies and regulations under (a) of this  
 27 section, a coastal resource district may not incorporate by reference statutes and  
 28 administrative regulations adopted by state agencies.

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30 (d) A consistency determination made under this section is subject to  
 31 AS 46.40.096(h).

1 \* **Sec. 5.** AS 46.40.096 is amended by adding a new subsection to read:

2 (h) In a consistency review or determination process authorized by this section  
3 or set out in a regulation adopted under authority of AS 46.40.010 - 46.40.210,

4 (1) a state agency or coastal resource district may only stipulate to a  
5 matter or subject for which the agency or district has authority under a statute outside  
6 of this chapter; and

7 (2) the agency responsible for a consistency review or determination  
8 may not accept a stipulation as a part of the consistency determination if the stipulation  
9 violates (1) of this subsection.

10 \* **Sec. 6.** AS 46.40.096(d)(4), 46.40.096(e), 46.40.096(f), 46.40.100(b), 46.40.100(c),  
11 46.40.100(d), 46.40.100(e), 46.40.100(f), and 46.40.100(g) are repealed.

12 \* **Sec. 7. MODIFICATION OF APPROVED COASTAL MANAGEMENT PROGRAM**  
13 **PLANS.** (a) In a municipality or coastal resource service area for which the Alaska Coastal  
14 Policy Council has approved a district coastal management program as to which the  
15 boundaries of the coastal area subject to the district coastal management program are not, on  
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17 Act, or are not consistent with the prohibition of AS 46.40.030(b), added by sec. 3 of this Act,  
18 the municipality or coastal resource service area shall submit to the Alaska Coastal Policy  
19 Council, within one year of the effective date of this Act, program modifications to conform  
20 the boundaries of the coastal area subject to the district coastal management program to  
21 AS 46.40.030(1), as amended by sec. 2 of this Act or to conform the program to the  
22 requirements of AS 46.40.030(b), added by sec. 3 of this Act.

23 (b) If a municipality or coastal resource service area does not comply with (a) of this  
24 section, the Alaska Coastal Policy Council may enter an order modifying the boundaries of  
25 the coastal area subject to the district coastal management program to conform to  
26 AS 46.40.030(1), as amended by sec. 2 of this Act, or deleting the incorporation by reference  
27 of statutes and administrative regulations in violation of AS 46.40.030(b), added by sec. 3 of  
28 this Act.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 405  
Juneau, Alaska 99801-2105

## MEMORANDUM

February 20, 1998

**SUBJECT:** Alaska coastal management program (CSHB 28(RES))

**TO:** Representative Bill Hudson  
Attn: Marieke Barnes

**FROM:** Richard A. Glover *RAG*  
Legislative Counsel

Enclosed is the CS you requested for the House Resources Committee. As authorized by your staff, I have made the change to the definitions of the applicable zones of interaction in AS 46.40.030 to "land and sea" at page 3, line 7, as well as at the requested line 5.

I wish to alert you that while "water" is an easily understood term with a common meaning, "sea" may not be. Fresh water may extend great distances into the ocean at the mouth of large rivers, or sea water may be found inland a great distance. If the boundaries are of critical importance, it may be appropriate to further define the term "sea."

If I may be of further assistance, please advise.

RAG:glc  
98-096.glc

Enclosure

*Jerry called  
Susan 2/17*

*They oppose this  
because it takes  
them away from  
the same thing  
I to the 1st  
177*

0-LS0189B  
Glover  
2/20/98

**CS FOR HOUSE BILL NO. 28(RES)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE RESOURCES COMMITTEE**

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES THERRIAULT, Kelly

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29 district. The program must be consistent with the guidelines and standards adopted by  
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26 (b) In developing statements of policies and regulations under (a) of this  
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30 (d) A consistency determination made under this section is subject to  
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1 \* Sec. 5. AS 46.40.096 is amended by adding a new subsection to read:

2 (h) In a consistency review or determination process authorized by this section  
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17 Act, or are not consistent with the prohibition of AS 46.40.030(b), added by sec. 3 of this Act,  
18 the municipality or coastal resource service area shall submit to the Alaska Coastal Policy  
19 Council, within 180 days of the effective date of this Act, program modifications to conform  
20 the boundaries of the coastal area subject to the district coastal management program to  
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22 requirements of AS 46.40.030(b), added by sec. 3 of this Act.

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27 of statutes and administrative regulations in violation of AS 46.40.030(b), added by sec. 3 of  
28 this Act.

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE THERRIault

TO: CSHB 28(RES), Draft Version "B"

- 1 Page 4, line 19:
- 2 Delete "180 days"
- 3 Insert "one year"