

**SB**

**308**

22- S1516C  
Kurtz  
3/4/02

**CS FOR SENATE BILL NO. 308(RES)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SECOND LEGISLATURE - SECOND SESSION**

**BY THE SENATE RESOURCES COMMITTEE**

**Offered:**  
**Referred:**

**Sponsor(s): SENATOR THERRIAULT**

**A BILL**  
**FOR AN ACT ENTITLED**

1 "An Act relating to the Alaska coastal management program and the responsibilities of  
2 the Alaska Coastal Policy Council; and providing for an effective date."

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

4 \* Section 1. AS 46.40.030 is amended by adding a new subsection to read:

5 (b) In developing statements of policies and regulations under (a) of this  
6 section, a coastal resource district may not incorporate by reference statutes and  
7 administrative regulations adopted by state agencies.

8 \* Sec. 2. AS 46.40.094 is amended by adding a new subsection to read:

9 (d) Notwithstanding any other provision of this section, for a natural gas  
10 pipeline project from the Alaska North Slope following a route that parallels the Trans  
11 Alaska Pipeline System and the Alaska Highway to the Canadian border or a route  
12 that runs south to Alaska tidewater, any agency responsible for the consistency  
13 determination with respect to proposed uses or activities involved in the project may,  
14 in its discretion, conduct the review and make the consistency determination in

1 separate phases in a manner that promotes review of proposed uses and activities  
2 based upon the project's design, construction sequence, and schedule.

3 \* Sec. 3. AS 46.40.096(d) is amended to read:

4 (d) In preparing a consistency review and determination for a proposed  
5 project, the reviewing entity shall

6 (1) request consistency review comments for the proposed project  
7 from state resource agencies, affected coastal resource districts, and other interested  
8 parties as determined by regulation adopted by the council;

9 (2) prepare proposed consistency determinations;

10 (3) coordinate subsequent reviews of proposed consistency  
11 determinations prepared under (2) of this subsection; a subsequent review of a  
12 proposed consistency determination under this paragraph

13 (A) is limited to a review by the state resource agencies; and

14 (B) may occur only if requested by

15 (i) the project applicant;

16 (ii) a state resource agency; or

17 (iii) an affected coastal resource district;

18 (4) after providing an opportunity [TO FILE A PETITION] for  
19 subsequent review under [(e) OF] this subsection [SECTION], render a [THE] final  
20 consistency determination and certification.

21 \* Sec. 4. AS 46.40.100(b) is amended to read:

22 (b) A party that is authorized under [AS 46.40.096(e)(1) OR] (g) of this  
23 section may file a petition showing that a district coastal management program is not  
24 being implemented, enforced, or complied with; a petition filed under this section  
25 may not seek review of a proposed or final consistency determination regarding a  
26 specific project. On receipt of a petition, the council, after giving public notice in the  
27 manner required by (f) of this section, shall convene a hearing to consider the matter.  
28 A hearing called under this subsection shall be held in accordance with regulations  
29 adopted by the council. After hearing,

30 [(1) IF THE PETITION WAS FILED UNDER AS 46.40.096(e) AND  
31 THE COUNCIL FINDS THAT

1 (A) THE OFFICE OR THE STATE AGENCY  
2 RESPONSIBLE FOR COORDINATING THE CONSISTENCY REVIEW  
3 HAS NOT FAIRLY CONSIDERED THE PETITIONER'S COMMENTS IN  
4 THE DEVELOPMENT OF A PROPOSED CONSISTENCY  
5 DETERMINATION, THE COUNCIL SHALL REMAND THE PROPOSED  
6 CONSISTENCY DETERMINATION TO THE OFFICE, OR TO THE  
7 STATE AGENCY RESPONSIBLE FOR COORDINATING THE  
8 CONSISTENCY REVIEW, FOR PREPARATION OF A REVISED  
9 PROPOSED CONSISTENCY DETERMINATION THAT GIVES FAIR  
10 CONSIDERATION TO THE PETITIONER'S COMMENTS;

11 (B) A REMAND OF THE CONSISTENCY  
12 DETERMINATION IS NOT REQUIRED UNDER (A) OF THIS  
13 PARAGRAPH, THE COUNCIL SHALL DISMISS THE PETITION;

14 (2) IF THE PETITION WAS NOT FILED UNDER AS 46.40.096(e),]  
15 the council may order that the coastal resource district or a state agency take any  
16 action the council considers necessary to implement, enforce, or comply with the  
17 district coastal management program, except that the council may not order that the  
18 coastal resource district or a state agency take any action with respect to a  
19 project for which a proposed or final consistency determination has been made.

20 \* Sec. 5. AS 46.40.100(c) is amended to read:

21 (c) In [EXCEPT WHEN A PETITION HAS BEEN FILED UNDER  
22 AS 46.40.096(e), IN] determining whether an approved district coastal management  
23 program is being implemented, enforced, or complied with by a coastal resource  
24 district that exercises zoning authority or controls on the use of resources within the  
25 coastal area, the council shall find in favor of the district if

26 (1) zoning or other regulations have been adopted and are being  
27 enforced;

28 (2) variances are being granted according to procedures and criteria  
29 that are elements of the district coastal management program, or the variance is  
30 otherwise approved by the council; and

31 (3) procedures and standards adopted by the coastal resource district as

1 required by this chapter or by the guidelines and standards adopted by the council and  
2 subsequently approved by the legislature have been followed and considered.

3 \* Sec. 6. AS 46.40.100(d) is amended to read:

4 (d) In [EXCEPT WHEN A PETITION HAS BEEN FILED UNDER  
5 AS 46.40.096(e), IN] determining whether a state agency is complying with a district  
6 coastal management program with respect to its exercise of regulation or control of the  
7 resources within the coastal area, the council shall find in favor of the agency if

8 (1) the use or activity for which the permit, license, or approval is  
9 granted is consistent with the district coastal management program and regulations  
10 adopted under it; and

11 (2) the use or activity for which the permit, license, or approval is  
12 granted is consistent with requirements imposed by state statute, regulation, or local  
13 ordinance applicable to the use or activity.

14 \* Sec. 7. AS 46.40.100(f) is amended to read:

15 (f) Upon receipt of a petition under (b) of this section, the council shall give  
16 notice of the hearing convened to consider the petition as follows:

17 (1) notice of the hearing shall be given at least 10 days before the  
18 scheduled date of the hearing

19 (A) by publication in

20 (i) a newspaper of statewide circulation; or

21 (ii) a newspaper of general circulation in the vicinity of  
22 the district coastal management program that is the subject of the  
23 petition; and

24 (B) by at least one of the following methods:

25 (i) publication through public service announcements  
26 on the electronic media serving the area affected by the district coastal  
27 management program;

28 (ii) posting in a conspicuous location in the vicinity of  
29 the proposed project or action;

30 (iii) notifying parties known or likely to be affected by  
31 the proposed project or action; or

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(iv) another method calculated to effectively notify affected interested parties;

(2) a notice provided under (1) of this subsection must

(A) contain sufficient information in commonly understood terms to inform the public of the nature of the petition; and

(B) indicate the manner in which the public may comment on the petition [IF THE PETITION IS FILED UNDER (b)(2) OF THIS SECTION].

\* Sec. 8. AS 46.40.100(g) is amended to read:

(g) The opportunity to petition under (b) [(b)(2)] of this section is limited to

(1) a coastal resource district;

(2) [A CITIZEN OF THE COASTAL RESOURCE DISTRICT; OR

(3)] a state agency.

\* Sec. 9. AS 46.40.096(e) and 46.40.096(f) are repealed.

\* Sec. 10. This Act takes effect immediately under AS 01.10.070(c).

# Alaska State Legislature

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GENE THERRIAULT

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*Senate*

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Senate District Q

Senate Bill 308

“An Act relating to the Alaska Coastal management program and the responsibilities of the Coastal Policy Council.”

SPONSOR: Senator Gene Therriault

## SPONSOR STATEMENT:

Alaska's permitting system is broken. Industries from across the state have stepped forward to ask for clarity, consistency, and timeliness. Central to this broken system is the Coastal Zone Management program (CZM) and its underlying petition process. Senate Bill 308 takes steps to remove the biggest problems and keep Alaska and its resource-dependent economy moving forward.

Alaska chose to participate in the federal voluntary Coastal Zone Management program by creating the Alaska Coastal Management Program (ACMP) in 1977. The ACMP requires that all permits issued by state agencies within the coastal zone be consistent with the respective plans developed by a coastal resource district. Since that time, there have been many state and federal laws such as the clean water act, clean air act, spill prevention laws, and wetlands legislation affecting coastal districts and further complicating the process by which permits are found to be consistent.

The petition process established by AS 46.40.096 is largely a procedural one. A state agency, a citizen residing within the affected coastal resource district, or the coastal resource district itself may file a petition with the Coastal Policy Council if they submitted written comments during the public comment phase of the permitting process. However, the CPC may only review whether the comments submitted were considered by the respective agency—there can be no consideration of the merits of the complaint. This allows a single individual to delay the processing of necessary permits by as much as 50 days—without any substantive cause.

Specifically, the bill does two things:

- Prohibits the adoption by reference of state statutes and regulations by coastal districts.
- Eliminates the petition process to the Coastal Policy Council for specific projects. This does not restrict a coastal district's ability to appeal a project through the elevation process. If a district, as the voice of its constituents, disagrees with a proposed consistency determination for a specific project, they may elevate the

proposed decision, which requires a review of the resource agencies' directors and commissioners.

For the foreseeable future, Alaska's economy will be dependent upon the development of our natural resources. As the policy-making body of state government, we must remove those aspects of our permitting system that have been used not as a means to provide public input and accountability, but as tools to needlessly delay those projects which are critical to our state's future prosperity and revenues.

Pocket  
GUIDE  
to the

*Alaska Coastal  
Management  
Program project  
review process*



*5 steps to project approval in Alaska's coastal zone*



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*Working together for  
the long-term economic and  
environmental productivity  
of Alaska's coast.*

## *Is this guide for you?*

This guide is for you if you have little or no experience obtaining permits for projects in Alaska's coastal zone or you just want to learn more about the Alaska Coastal Management Program (ACMP). Here you will learn



*Once you understand the permits your project will require, you can design a project that will address these requirements up front and avoid delays later during the permitting process.*

how to determine if your project is in the coastal zone, the 5 steps in the coastal consistency review process, answers to some commonly asked questions, and where to go for more information.

By answering the following questions, you should determine whether the Alaska Coastal Management Program applies to your project. If it does, feel assured that this booklet, the Division of Governmental Coordination (DGC), coastal districts, and state resource agencies will help you navigate your project through the ACMP consistency review process. You will find addresses, telephone numbers, and web site addresses for agencies you may need to contact at the end of this booklet.

### ***How do I know if the ACMP applies to my project?***

If your project meets the following two criteria, or if you are unsure, you should contact DGC. One of DGC's Project Review Coordinators will help you determine if your project requires an ACMP consistency review and guide you to the state agencies and coastal districts you may need to contact.

If your project is:

1. located in or will affect resources of the coastal zone; *and*
2. requires a state, federal, or local permit(s), your project may require an ACMP consistency review.

If you are not sure about the location of your project in relation to Alaska's coastal zone or the permits required for your project, keep reading.

### ***How do I know if my project is located in the coastal zone?***

Alaska's coastal zone boundaries include more than 44,000 miles of coastline and can extend inland along river drainages as far as 250 miles. This variability can make it difficult to tell if your project is within the coastal zone. The map on pages 20-21 shows a representation of Alaska's coastal zone and coastal districts.

If your project is located within a coastal district, you should contact either DGC at (907) 465-3562 (Juneau) or 269-7470 (Anchorage), or the coastal district to determine whether your project is within its coastal zone. Coastal district contact information is located at the end of this booklet.

Please note that the ACMP also applies to projects in large areas of Prince William Sound and southeast Alaska that are in the coastal zone but not within a coastal district.

### ***How do I know if my project will require state or federal permits?***

If you are not sure what permits your project might require, fill out a Coastal Project Questionnaire (CPQ) (for your own information). Even if you don't require an ACMP consistency review, the questions in the CPQ will help you identify what permits might apply to your project and who to contact for more information. If you discover your project requires an ACMP consistency review, you will be well on your way to fulfilling the requirements in Step 1.

*Keep reading to learn more about the ACMP consistency review process and how DGC, your local coastal district, and state resource agencies can be of assistance.*

## Questions & Answers

### **What is the Alaska Coastal Management Program?**

In 1972 Congress passed the Coastal Zone Management Act (CZMA) to promote the orderly development and protection of the country's coastal resources. The CZMA resulted from concern spurred by the increasing demands for development of the nation's coastal areas, population increases near the coast, and declining productivity of the coastal environment. The CZMA established a voluntary partnership among the federal government, coastal states, and local governments to develop individual state programs for managing coastal resources.

The Alaska Coastal Management Program (ACMP) implements legislation passed by the State of Alaska in 1977. With this legislation, called the Alaska Coastal Management Act, Alaska joins the partnership envisioned by the CZMA.

The ACMP improves stewardship of Alaska's coastal land and water uses, and natural resources, by creating a network of local, state, federal, and applicant interests in the project approval process. The networking provided by the ACMP helps to ensure that all aspects of a project are considered during a single review and approval process. This integrated approach promotes both economic and environmental productivity of Alaska's rich and diverse coastal resources.

The ACMP requires that projects in Alaska's coastal zone be reviewed by coastal resource management professionals and found consistent with the statewide standards of the ACMP. These standards and the enforceable policies of an affected coastal district ensure that development interests observe the vision set out for the future by the state and coastal communities. It is called the consistency review process. A finding of consistency with the ACMP must be obtained before permits can be issued for the project.

### **Mission of the Alaska Coastal Management Program:**

*"The ACMP provides stewardship of Alaska's rich and diverse coastal resources to ensure a healthy and vibrant coast that sustains long-term economic and environmental productivity."*

### **What criteria does the ACMP use to evaluate my project?**

The ACMP applies to projects within or affecting Alaska's coastal zone. The statewide standards (6 AAC 80) and coastal district enforceable policies of the ACMP provide direction for coastal resources and uses, such as:

- coastal development (whether a project is water-dependent or water-related),
- habitats (such as wetlands, tideflats, or streams),
- air, land, and water quality,
- transportation and utility routes and facilities,
- timber harvest,
- mining and mineral processing,
- subsistence opportunities,
- recreation designations,
- geophysical hazard areas,
- historical and archaeological resources,
- energy facilities, and
- fish and seafood processing.

Using the statewide standards and local enforceable policies, the ACMP evaluates the effects a project will have on the above coastal resources and uses. Projects must be consistent with the requirements found in the standards and enforceable policies.

### **What is the Coastal Consistency Review Process?**

The coastal consistency review process, or *consistency review process*, helps ensure your project meets the statewide standards and coastal district policies. It also serves as the review process for most permits you will need from state resource agencies. This 5-step process advances your project through review and approval requirements in a timely fashion.

The consistency review process is a coordinated review process that benefits applicants and project reviewers alike. Applicants have a single, primary point of contact for their projects. Reviewers benefit by comprehensively reviewing a project only once.

This booklet explains the consistency review process in more detail and how you can get your project approved with a minimum of difficulty. The Division of Governmental Coordination, as well as state resource agencies and coastal districts, are available to help you understand and navigate your project through the consistency review process.

### **Who is DGC?**

The **Division of Governmental Coordination (DGC)** is home to the ACMP. Located in the Office of the Governor, DGC is responsible for the overall administration and operation of the ACMP. In this role, DGC provides assistance to applicants, coastal districts, and state agencies in carrying out their duties and responsibilities under the ACMP.

DGC has connections throughout the ACMP network.



As such, *your first ACMP contact should probably be one of DGC's helpful Project Review Coordinators.* DGC also serves as the coordinator for the consistency review process if your project requires a federal permit or permits from more than one state agency.

The staff at DGC perform a variety of other activities that support the ACMP, including

- preapplication meetings for applicants
- federal funding for the ACMP
- assistance to local districts in getting their coastal management programs approved
- assistance resolving conflicts
- appeals, elevations, and petitions
- ACMP education and training

### **Who are the State Resource Agencies?**

The State of Alaska has three agencies primarily responsible for managing its natural resources and uses of those resources. These **resource agencies** have permitting authorities for specific activities. If your project requires a permit(s) from only one state resource agency, that agency coordinates the consistency review process.

Your project will most likely require one or more permits from at least one resource agency. The state resource agencies include:

- **Department of Natural Resources (DNR)** manages state-owned land and natural resources, including sales and leases.
- **Department of Fish and Game (DFG)** manages the state's fish and wildlife resources and their habitats.

- **Department of Environmental Conservation (DEC)** serves to safeguard the public health and environment from human uses.

### **What is a coastal district?**

*Coastal districts* are generally local governments, such as cities and boroughs, that contain a portion of Alaska's coastal area. In coastal areas outside the boundaries of local government, coastal districts known as Coastal Resource Service Areas (CRSA) may be formed.

Most coastal districts develop a coastal management program that requires a rigorous state and federal approval process. A district coastal management program contains enforceable policies that guide development affecting the coastal resources within its boundaries. Once approved, a district coastal management program becomes a part of the ACMP.

During the consistency review process, an affected coastal district reviews your project against the enforceable policies of its coastal management program. By complying with its enforceable policies, your project can help the district achieve its goals and objectives for coastal development within its boundaries.

### **The ACMP consistency review process provides:**

- *a one-stop, consolidated state response to coastal development projects and related state and federal permit applications;*
- *specific timeframes and deadlines for reviewing project applications; and*
- *a fast appeal (elevation) process.*

# Step 1

## Complete a Coastal Project Questionnaire (CPQ)

### What is the CPQ?

The Coastal Project Questionnaire, commonly called the CPQ, serves as the application for getting your project started in the ACMP consistency review process. A project in the coastal zone must receive an ACMP consistency determination, the end product of the consistency review process, before agencies can issue permits for the project.

The CPQ also helps you identify which state and federal permits will be required for your project. In addition, your completed CPQ provides reviewers with a description of your project and serves as your certification that your project will be conducted in a manner consistent with the ACMP. The CPQ (and this guide) includes a list of state agency and coastal district contacts for your convenience.

### Who has to fill out a CPQ?

Anyone proposing a project within or affecting coastal areas of Alaska must submit a CPQ, with the following exceptions:

1) **Placer miners:** submit an *Annual Placer Mining Application* to the Department of Natural Resources (DNR).

2) **Aquatic farmers:** submit a *State of Alaska Aquatic Farm Permits Application* to DNR.



Federal agencies should contact DGC for information on how the consistency review process is used to review federal activities.

### How do I get a CPQ?

Copies of the CPQ are available from DGC, state resource agencies (see the back of this brochure), the

U.S. Army Corps of Engineers (toll-free at 1-800-478-2712), other federal permitting agencies, and local coastal district offices.

### What else do I need to know?

One of DGC's Project Review Assistants will help you determine what you need to do and who to contact to get your project ready for the consistency review process.

If your project is located within a coastal district, be sure to contact the district's ACMP coordinator and the planning department early to find out what will be required at the local level.

Once you've determined what permits will be required, be sure to contact those agencies to learn their permitting requirements.

### How do I apply for my other permits?

Alaska has streamlined the permitting process to provide developers with a single point of entry. Your CPQ packet will include applications and fees for the permits you will need.

The consistency review process also serves as the permit review process for state resource agencies.

### How much does it cost?

There is no charge for the ACMP consistency review process. However, agencies issuing permits for the project may require fees.

### Is there anything I can do to pave the way for my project?

Before you finalize project plans or submit your CPQ and other information necessary for a complete application packet, the state can arrange a **preapplication meeting** with you and other review participants to discuss your draft plans. This meeting identifies concerns and information needs, helps you avoid 'pitfalls', and promotes a mutual understanding of your project. To

*Pave the way for your project by identifying and addressing concerns before you turn in your application packet. Ask the state for a pre-application meeting.*

arrange a preapplication meeting, contact the coordinating agency. In lieu of a meeting, the coordinating agency can distribute materials to review participants for preapplication assistance.

**Fill in all the blanks**

To complete the CPQ, fill in all the blanks and contact agencies as directed on the CPQ. Filling out the questionnaire properly is important and helps agencies process your project application without delays. If a question is not applicable then put "N/A." If you answer yes to a question and are not applying to that agency for a permit, explain why.

Your signature on the CPQ certifies that you believe your project is consistent with the standards and enforceable policies of the Alaska Coastal Management Program. The standards and enforceable policies are available from DGC and your local coastal district. If you need assistance, contact DGC or your local coastal district.

**Is your application packet complete?**

Your CPQ package should include:

- The completed CPQ and signed Certification of Consistency;
- Copies of any necessary state and federal permit applications, topographic maps, and plan drawings required by the approving agency. DGC encourages you to send original applications to the state or federal agency issuing the permit. Any fees associated with these permits also go to the issuing agency.
- Any additional pertinent information. Make sure you include a complete description of your entire project to minimize the need to provide more information later.

# Step 2

## Coordinating agency receives packet

**Where do I send the CPQ?**

Once you have a completed CPQ and application packet, you should submit it to the state agency responsible for coordinating the coastal consistency review for your project, commonly referred to as the **review coordinating agency**. You can determine the review coordinating agency for your project from the following:

- If your project requires a permit(s) from only one state agency, submit your CPQ and permit applications to that state agency. That agency will coordinate the consistency review for your project.
- If your project requires permits from two or more state agencies, or a permit from a federal agency, then you should submit your CPQ packet to the Division of Governmental Coordination, which will coordinate the consistency review for your project.

If you are not sure where to send your CPQ packet, contact DGC.

**What happens next?**

The review coordinating agency receives the application packet, decides whether it is complete, and determines if the project needs to undergo a coastal consistency review.

**Does my project qualify for expedited review?**

Some projects that have no significant impact on coastal resources, or are routine activities, may be exempt from further coastal consistency review requirements. The state maintains a list of permits and projects that qualify for expedited review in 6 AAC 50.050. The list is



The state maintains a list of permits and projects that qualify for expedited review in 6 AAC 50.050. The list is

referred to as the "Classification of State Agency Approvals" but is commonly known as the "ABC List."

To find out if your project qualifies for expedited review in the ABC List, contact DGC or your review coordinating agency. Projects that are in the coastal zone and not exempt from further review in the ABC List must undergo a full ACMP coastal consistency review.

# Step 3

## Consistency review starts

### *50-day coastal consistency review begins*

Once your application is received by the review coordinating agency and determined to be complete, the coordinating agency initiates the required public notices. The consistency review starts once all public notices have been issued.

The coordinating agency issues a deadline for reviewer and public comments and circulates your application packet to review participants. The coordinating agency tracks the project during the review and makes sure all interested parties take the opportunity to participate within the designated time frames.



The review coordinating agency will notify you of your review's start date, review number, review schedule, and any other pertinent information. With a few exceptions, the state must complete the consistency review of your project 50 days after the start date.

### *Do all consistency reviews last 50 days?*

Although most projects require a 50-day review, the actual time frame may be shortened or extended under certain circumstances. Alternatives to 50-day consistency reviews are identified below:

- The consistency review of your project may be expedited if your project is a routine activity identified in the ABC List. For more information, refer to *Does my project qualify for expedited review?* in Step 2.
- The 50-day review schedule for your project may be extended for specific reasons. For more information, refer to *Extensions to the review schedule* below.

### 50-Day Consistency Review Schedule

ACMP Consistency Review Process	Day
Step 1 – Complete CPQ	0
Step 2 – Turn in your Packet	0
Step 3 – Consistency Review Starts	1
Deadline for information requests	25
Comment deadline	34
Step 4 – Proposed Determination	44
Deadline to file for elevation or petition*	49
Step 5 – Final Determination	50

\*See page 17

- If all necessary permits for your project are legally required to be issued within 30 days, the consistency review can be completed within a 30-day time frame as provided in 6 AAC 50.110 (a).
- Federal activities (projects conducted by or for a federal agency) may require a different review schedule. However, this booklet is not designed to address specific review or consistency requirements for federal activities. Contact DGC for more information at (907) 465-8794.

**Who reviews the project?**

The participants in the coastal consistency review process include: (1) you, the applicant; (2) state resource agencies and the Division of Governmental Coordination; (3) the affected coastal district; (4) other interested members of the public; and (5) federal agencies.

*Having had a preapplication meeting can really pay off during step 3. Identifying concerns before the review begins can avoid delays and the need for additional stipulations.*

**Extensions to the review schedule**

The review schedule may be extended for certain reasons as provided in 6 AAC 50.110(b). For example, after demonstrating a need for an extension, reviewers may request an extension:

- For you to provide additional information on your project that is needed for their analysis. The project review may be stopped within specified deadlines until that information is received. Within 7 days of receipt of the additional information, you will be notified of its adequacy.
- To perform a field review within a 10-day limit.
- To coordinate with DNR's process for disposals of interest in state land or resources.
- For a public hearing held as part of the consistency review process.

# Step 4

## Proposed consistency determination

**What happens after reviewers submit comments?**

After receiving comments from participants during the review process, the coordinating agency tries to resolve any issues that were raised. The coordinating agency then develops a **proposed consistency determination**. The proposed determination is discussed with you, state resource agencies, and the affected coastal district for concurrence.

**What are stipulations?**

The proposed consistency determination may include stipulations that modify your project and are necessary to bring it into compliance with the ACMP. These stipulations, or conditions of approval, are attached to permits issued for the project. Applicants and reviewers may discuss, or negotiate, the stipulations that will be included in the final determination.

**What happens if I don't concur with the proposed consistency determination?**

If concurrence cannot be reached by the review deadline, an elevation and/or petition can be requested by you or certain review participants. Please note that the instances of elevation are low. In fact, our statistics show that less than one percent of proposed consistency determinations receive requests for elevation or petition.

For a brief explanation of these processes, refer to *Elevations, Appeals, and Petitions* after Step 5. DGC can provide you with more information than is presented here in the unlikely event that this becomes an issue for your project.

# Step 5

## Final determination

### *When does my project get a final consistency determination?*

A final consistency determination is issued when you and the project reviewers concur with the proposed determination, including the stipulations. The final consistency determination must be issued by the review deadline, generally 50 days.

### *When do I get my permits?*

Once the final consistency determination is completed, most state agencies issue state permits covered by the determination within five days. However, an agency may find that additional time is necessary to fulfill its statutory requirements. For example, leases and other disposals of state land or resources issued by DNR generally require additional time. DGC or the permitting agency can provide you with more information on when you can expect to receive the permits for your project.



*Once all your permits are in place, the real work begins.*

## Elevations, Appeals, and Petitions

### *Elevation*

If you disagree with the proposed determination on your project, you may request **elevation** (further review) to division directors within state resource agencies. A resource agency or affected coastal district may also request an elevation. This request must be in writing and include a proposed alternative consistency determination that would effectively address your concerns. The directors review the proposed determination and the alternative determination included in the elevation request, then issue a director-level proposed determination.

If you do not agree with the director-level review, you may elevate the review to the commissioners of the resource agencies, who issue a final determination. This is the last step in the administrative process. Each elevation review can take up to 15 days.

### *Petition*

Under AS 46.40.096, certain eligible parties may petition the Coastal Policy Council to review a project if the petitioner believes their comments related to the enforceable policies of an affected coastal district were not fairly considered. These parties may include the project applicant, an affected coastal district, a state agency, or a citizen of an affected coastal district. The petition process must be completed within 30 days. Contact DGC for more information.

### *Appeal*

If your project requires a federal approval and you disagree with the state's final consistency determination, you may also appeal to the U.S. Secretary of Commerce in Washington, D.C., as provided in 15 CFR 930.125(h). DGC can provide you with information on this appeal process upon request.

## Looking for more information?

Where you go to obtain more information will depend on the type of information you are seeking and your familiarity with the ACMP consistency review process. **Generally, DGC can provide answers to your questions or direct you to the right person.** However, before and during the application and review process, you will also likely benefit from contacting the local coastal district, and the agency or agencies that will be issuing permits.

If you are new to the ACMP or are unsure where to go, we recommend you contact the Division of Governmental Coordination (DGC). As the administrator of the Alaska Coastal Management Program, DGC's duties include helping applicants navigate the consistency review process and obtaining the information they need to succeed in getting their projects approved.

### *What other information can DGC provide?*

The Division of Governmental Coordination (DGC) serves as the information center for the ACMP and the consistency review process. DGC can provide quick answers to whether or not your project is in the coastal zone, what permits you will need, and other questions you have about the project approval process.

DGC also retains copies of:

- all coastal district management programs,
- coastal zone boundary maps,
- ACMP statutes and regulations,
- policies, procedures, special project papers,
- ACMP history and legal opinions, and
- other documents related to the ACMP.

For projects requiring permits from two or more state agencies, or a federal permit, DGC serves as the coordinating agency for the consistency review. In addition, DGC coordinates the review for federal projects proposed in the coastal zone.

### *What information can other state resource management agencies provide?*

The Department of Natural Resources (DNR), Department of Environmental Conservation (DEC), and the Department of Fish and Game (DFG) can provide information about the ACMP consistency review process but specialize in providing applicants with permitting requirements under their authority. For projects only requiring a permit from one of these state resource agencies, that agency coordinates the consistency review.

### *What information can coastal districts provide?*

Coastal Districts can provide information about the ACMP consistency review process, but most importantly can share with you local permitting requirements for your project. In addition, coastal districts have expertise of local conditions and community standards, including development priorities, cultural values, and environmental conditions.

### *What information can I find on the Internet?*

If you have access to the internet, be sure to visit the ACMP Website at:

<http://www.alaskacoast.state.ak.us/>

This new site will feature:

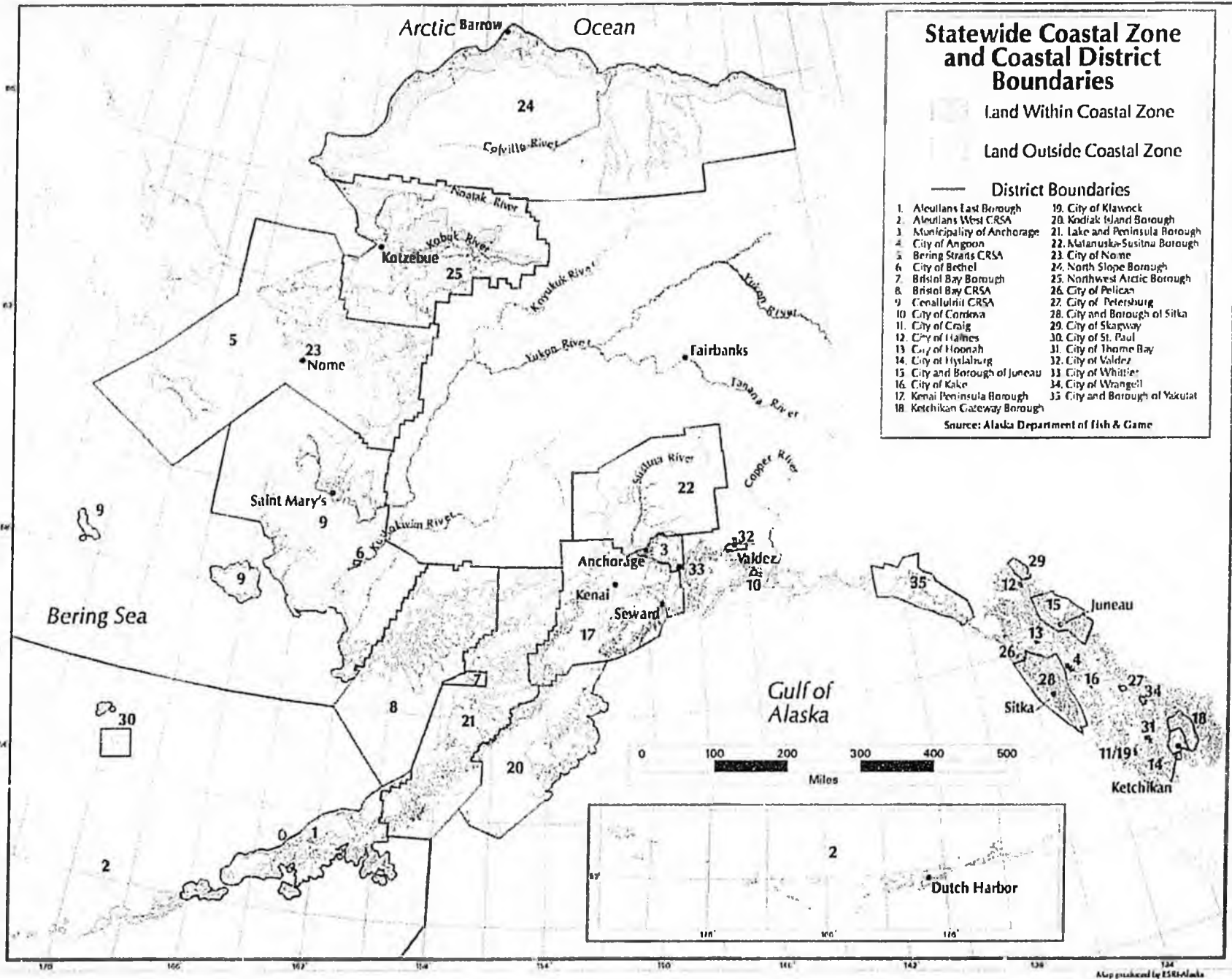
- a downloadable CPQ,
- more complete information about who to contact to help you through the consistency review process,
- access to DGC's project review database,
- coastal district enforceable policies,
- the ACMP statewide standards in 6 AAC 80,
- and much more.

If you need detailed information about an Alaskan community, visit the Department of Community and Regional Affairs community profiles database web page at:

[http://www.comregaf.state.ak.us/CF\\_ComDB.htm](http://www.comregaf.state.ak.us/CF_ComDB.htm)

*DGC can provide answers to your questions or direct you to the right person.*





*DGC Contacts: addresses are on back cover*



**JUNEAU  
OFFICE**

Main Line ..... (907) 465-3562  
Fax ..... (907) 465-3075  
Web Site Address:  
<http://www.alaskacoast.state.ak.us>

*Director of DGC* ..... 465-3562  
*Project Review Coordinators* ..... 465-2142  
*Project Review Analysts*  
ABC List ..... 465-3529  
ANILCA ..... 269-7477  
Federal Consistency/Supervisor ..... 465-8794  
Mining and Timber ..... 465-8791  
Oil and Gas ..... 465-8792

**ANCHORAGE DGC OFFICE**

Main Line ..... (907) 269-7470  
Fax ..... (907) 561-6134

*Project Review Coordinators* ..... 269-7472

**JOINT PIPELINE OFFICE**

Main Line ..... (907) 271-4317  
Fax ..... (907) 272-0690

*Project Review Coordinator* ..... 271-4317

*Coastal District Contacts*

**Aleutians East Borough**

P.O. Box 349  
Sand Point, AK 99661  
Phone: (907) 383-2699  
Telecopy: (907) 383-3496  
E-mail: [aebclerk@aol.com](mailto:aebclerk@aol.com)

**Aleutians West CRSA**

P.O. Box 920045  
Dutch Harbor, AK 99692  
Phone: (907) 581-2212  
Telecopy: (907) 581-1306  
E-mail: [awcrsa@ptialaska.net](mailto:awcrsa@ptialaska.net)

**Anchorage, Municipality of**

Department of Community  
Planning and Development  
P.O. Box 196650  
Anchorage, AK 99519-6650  
Phone: (907) 343-4261  
Telecopy: (907) 343-4220  
E-mail: [TobishTG@ci.anchorage.ak.us](mailto:TobishTG@ci.anchorage.ak.us)  
Web Site: <http://www.ci.anchorage.ak.us>

**Angoon, City of**

P.O. Box 189  
Angoon, AK 99820  
Phone: (907) 788-3653  
Telecopy: (907) 788-3821

**Bering Straits CRSA**

P.O. Box 190  
Unalakleet, AK 99684  
Phone: (907) 624-3062  
Telecopy: (907) 624-3811

**Bethel, City of**

P.O. Box 388  
Bethel, AK 99559  
Phone: (907) 543-5301  
Telecopy: (907) 543-4186  
E-mail: [john\\_malone@ddc-alaska.org](mailto:john_malone@ddc-alaska.org)

**Bristol Bay Borough**

P.O. Box 189  
Naknek, AK 99633  
Phone: (907) 246-4224  
Telecopy: (907) 246-6633  
E-mail: [bbmgmt@bristolbay.com](mailto:bbmgmt@bristolbay.com)

## *Coastal District Contacts*

### **Bristol Bay CRSA**

Nanvaq Building, Room 207  
P.O. Box 849  
Dillingham, AK 99576  
Phone: (907) 842-2666  
Telecopy: (907) 842-2776  
E-mail: [bbbersant@nushtel.com](mailto:bbbersant@nushtel.com)

### **Ceñaliulriit CRSA**

P.O. Box 368  
St. Mary's, AK 99658  
Phone: (907) 438-2638  
Telecopy: (907) 438-2643

### **Cordova, City of**

P.O. Box 1210  
Cordova, AK 99574  
Phone: (907) 424-6200  
Telecopy: (907) 424-6246  
E-mail: [samflora@cordovanet.com](mailto:samflora@cordovanet.com)

### **Craig, City of**

City of Craig  
P.O. Box 725  
Craig, AK 99921  
Phone: (907) 826-3275  
Telecopy: (907) 826-3278  
E-mail: [jbolling@ptialaska.net](mailto:jbolling@ptialaska.net)

### **Haines, City of**

City of Haines  
P.O. Box 1049  
Haines, AK 99827  
Phone: (907) 766-2231  
Telecopy: (907) 766-3179  
Web Site: <http://www.haines.ak.us>

### **Hoonah, City of**

P.O. Box 360  
Hoonah, AK 99829  
Phone: (907) 945-3663  
Telecopy: (907) 945-3445

### **Hydaburg, City of**

P.O. Box 49  
Hydaburg, AK 99922  
Phone: (907) 285-3761  
Telecopy: (907) 285-3760

## *Coastal District Contacts*

### **Juneau, City and Borough of**

Community Development Department  
155 South Seward Street  
Juneau, AK 99801  
Phone: (907) 586-5230  
Telecopy: (907) 586-3365  
Email: [Terry\\_Stone@mail.ci.juneau.ak.us](mailto:Terry_Stone@mail.ci.juneau.ak.us)  
Web Site: <http://www.juneau.Lib.ak.us>

### **Take, City of**

P.O. Box 500  
Take, AK 99830  
Phone: (907) 785-3804  
Telecopy: (907) 785-4815  
E-mail: [clerkake@scaknet.alaska.edu](mailto:clerkake@scaknet.alaska.edu)

### **Kenai Peninsula Borough**

144 N. Binkley Street  
Soldotna, AK 99669-7599  
Phone: (907) 262-4441 x337  
E-mail: [Glandua@borough.kenai.ak.us](mailto:Glandua@borough.kenai.ak.us)  
Web Site: <http://www.borough.kenai.ak.us>

### **Ketchikan Gateway Borough**

344 Front Street  
Ketchikan, AK 99901  
Phone: (907) 228-6610  
Telecopy: (907) 247-8439  
E-mail: [ktnczm@ktn.net](mailto:ktnczm@ktn.net)

### **Klawock, City of**

P.O. Box 113  
Klawock, AK 99925  
Phone: (907) 755-2261  
Telecopy: (907) 755-2403

### **Kodiak Island Borough**

Community Development Department  
710 Mill Bay Road  
Kodiak, AK 99615-6340  
Phone: (907) 486-9360  
Telecopy: (907) 486-9376  
E-mail: [lfreed@kib.co.kodiak.ak.us](mailto:lfreed@kib.co.kodiak.ak.us) (no caps)

### **Lake and Peninsula Borough**

P.O. Box 495  
King Salmon, AK 99613  
Phone: (907) 246-3421  
Telecopy: (907) 246-6602  
E-mail: [lpboro@bristolbay.com](mailto:lpboro@bristolbay.com)

## Coastal District Contacts

### Matanuska-Susitna Borough

350 E. Dahlia Avenue  
Palmer, AK 99645-6488  
Phone: (907) 745-9865  
Telecopy: (907) 745-9876

### Nome, City of

P.O. Box 281  
Nome, AK 99762  
Phone: (907) 443-5242  
Telecopy: (907) 443-5349  
Web Site: <http://www.alaska.net/~nome/>

### North Slope Borough

P.O. Box 69  
Barrow, AK 99723  
Phone: (907) 852-0440 x266  
Telecopy: (907) 852-5991  
E-mail: [jdunham@co.north-slope.ak.us](mailto:jdunham@co.north-slope.ak.us)

### Northwest Arctic Borough

P.O. Box 1110  
Kotzebue, AK 99752  
Phone: (907) 442-2500  
Telecopy: (907) 442-2930  
E-mail: [acar@eagle.ptialaska.net](mailto:acar@eagle.ptialaska.net)  
Web Site: <http://www.northwestarcticborough.com>

### Pelican, City of

P.O. Box 737  
Pelican, AK 99832  
Phone: (907) 735-2202(wk)  
Telecopy: (907) 735-2258

### Petersburg, City of

P.O. Box 329  
Petersburg, AK 99833  
Phone: (907) 772-4533  
Telecopy: (907) 772-4876  
E-mail: [luczak@alaska.net](mailto:luczak@alaska.net)

### Sitka, City and Borough of

100 Lincoln Street, #201  
Sitka, AK 99835-7540  
Phone: (907) 747-1812  
Telecopy: (907) 747-7403  
E-mail: [campbell@cityofsitka.com](mailto:campbell@cityofsitka.com)  
Web Site: <http://www.CityofSitka.com>

## Coastal District Contacts

### Skagway, City of

P.O. Box 415  
Skagway, AK 99840  
Phone: (907) 983-2297  
Telecopy: (907) 983-2151

### St. Paul, City of

P.O. Box 901  
St. Paul, AK 99660  
Phone: (907) 546-2331  
Telecopy: (907) 546-3199

### Thorne Bay, City of

P.O. Box 19110  
Thorne Bay, AK 99919  
Phone: (907) 828-3380  
Telecopy: (907) 828-3374

### Valdez, City of

P.O. Box 307  
Valdez, AK 99686  
Phone: (907) 835-4313  
Telecopy: (907) 835-2992  
E-mail: [vdzadm@alaska.net](mailto:vdzadm@alaska.net)

### Whittier, City of

P.O. Box 729  
Whittier, AK 99693  
Phone: (907) 472-2326  
Telecopy: (907) 472-2404

### Wrangell, City of

P.O. Box 531  
Wrangell, AK 99929  
Phone: (907) 874-2381  
Telecopy: (907) 874-3952  
E-mail: [ecodev@wrangell.com](mailto:ecodev@wrangell.com)

### Yakutat, City and Borough of

P.O. Box 160  
Yakutat, AK 99689  
Phone: (907) 784-3323  
Telecopy: (907) 784-3281

## *State Agency Contacts*

*Primary State Resource Management Agency Contacts*

### **Department of Natural Resources**

**Web Site:** <http://www.dnr.state.ak.us>

*Southcentral Alaska:*

Public Information Office  
3601 C Street, Suite 200  
Anchorage, AK 99503-5929  
Phone: 269-8400  
Fax: 269-8901

*Southeast Alaska:*

Public Information Office  
400 Willoughby, Fourth Floor  
Juneau, AK 99801-1790  
Phone: 465-3400  
Fax: 586-2954

*Northern Alaska:*

Public Information Office  
3700 Airport Way  
Fairbanks, AK 99709-4699  
Phone: 451-2700  
Fax: 451-2751

### **Department of Fish and Game Division of Habitat and Restoration**

**Web Site:** [http://www.state.ak.us/local/akpages/  
FISH.GAME/adfghome.htm](http://www.state.ak.us/local/akpages/FISH.GAME/adfghome.htm)

*Southcentral Alaska:*

333 Raspberry Rd.  
Anchorage, AK 99518-1599  
Phone: 267-2335  
Fax: 267-2464

*Southeast Alaska:*

P.O. Box 240020  
Douglas, AK 99824-0020  
Phone: 465-4290  
Fax: 465-4272

## *State Agency Contacts*

*Northern Alaska:*

1300 College Rd.  
Fairbanks, AK 99701-1599  
Phone: 459-7289  
Fax: 456-3091

### **Department of Environmental Conservation**

**Web Site:** [http://www.state.ak.us/local/akpages/  
ENV.CONSERV/home.htm](http://www.state.ak.us/local/akpages/ENV.CONSERV/home.htm)

*Southcentral Alaska:*

555 Cordova St.  
Anchorage, AK 99501  
Phone: 269-7500  
Fax: 269-7652

*Southeast Alaska:*

410 Willoughby Ave. Suite 105  
Juneau, AK 99801  
Phone: 465-5350  
Fax: 465-5274

*Northern Alaska:*

610 University Ave.  
Fairbanks, AK 99709-3643  
Phone: 451-2360  
Fax: 451-2187

## *Federal Agency Contacts*

### **U.S. Army Corps of Engineers**

<http://www.usace.army.mil/alaska>

P.O. Box 898  
Anchorage, AK 99506-0898  
ATTN: NPACO-RF  
Phone: 1-800-478-2712

*Your project may also require permits from other federal agencies such as those listed below. However, these agencies do not have consistent or single points of contact for permit information and ACMP requirement. DGC can provide you with appropriate contact information if your project may require permits from these agencies.*

**Bureau of Land Management**  
<http://www.ak.blm.gov/>

**Environmental Protection Agency**  
<http://www.epa.gov/region10/www/search.html>

222 W. 7th Ave. #19  
Anchorage, AK 99513-7588  
1-800-781-0983

**Federal Aviation Administration**

**Federal Energy Regulatory Commission**

**Minerals Management Service**

949 E. 36th Ave.  
Anchorage, AK 99508  
(907) 271-6010

**U.S. Coast Guard**  
<http://www.uscg.mil.d17uscgd17.html>

**U.S. Forest Service**  
<http://www.fs.fed.us/r10/>

*For more information about federal consistency or appeals to the U.S. Secretary of Commerce contact*

**Office of Ocean and Coastal  
Resource Management (OCRM)**

<http://www.nos.noaa.gov/ocrm/>

OCRM, National Ocean Service  
National Oceanic & Atmospheric Administration  
U.S. Department of Commerce  
1305 East-West Hwy., N/ORM4  
Silver Spring, Maryland 20910



**State of Alaska,  
Office of the Governor**

**Division of Governmental  
Coordination (DGC)**

**DGC Web Site:**  
<http://www.alaskacoast.state.ak.us>

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Suite 500, Juneau, AK

Mailing: P.O. Box 110030,  
Juneau, AK  
99811-0030

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

**Anchorage DGC Office**  
Address: 3601 "C" St., Suite 370  
Anchorage, AK  
99503-5930

Telephone: (907) 269-7470  
Fax: (907) 561-6134

**Joint Pipeline Office**  
Address: 411 W. 4th Ave.  
Suite 2-C, Anchorage,  
AK 99501-2342

Telephone: (907) 271-4317  
Fax: (907) 272-0690



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# Alaska State Legislature

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GENE THERRIAULT

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Fax: (907) 488-4271



Senate

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

Senate District Q

## MEMORANDUM

**TO:** Senator John Torgerson, Chair  
Senate Resources Committee

**FROM:** Senator Gene Therriault

Handwritten signature of Gene Therriault in cursive, with the initials "G.T." written to the right.

**DATE:** February 21, 2002

**SUBJECT:** Scheduling of SB 308

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I respectfully request that Senate Bill 308 be scheduled for a hearing in the Senate Resources Committee. SB 308 repeals the initiative process under the Alaska Coastal Management Program and prohibits the adoption by reference of state statutes and regulations by coastal districts. SB 308 is a good first step in regulatory reform that is both necessary and long overdue.

Please contact me if you have any additional questions.