

HB

191

FRANK H. MURKOWSKI
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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

HB 191
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March 11, 2003

The Honorable Pete Kott
Speaker of the House
Alaska State Legislature
State Capitol, Room 208
Juneau, AK 99801-1182

Dear Speaker Kott:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to reform and streamline the Alaska Coastal Management Program (ACMP). This legislation is premised upon the statutory changes contained in Executive Order 106, which I presented to you on February 12, 2003. Executive Order 106 would transfer responsibility for the ACMP program from the division of governmental coordination in the office of management and budget to the Department of Natural Resources.

The Alaska Coastal Management Program was first enacted in 1977 in order to participate in the federal Coastal Zone Management Act of 1972. The federal program is voluntary, and encourages states to adopt coastal programs by providing federal funds and the opportunity for federal consistency review. Federal consistency review enables the state to apply its authorities to projects located on federal land and the federal outer continental shelf where otherwise it would be preempted by federal law.

The goal of this legislation is to create a new coastal management program that retains the benefits of the federal act but eliminates the duplication and complexity built into the present ACMP. This bill would achieve this goal by choosing the simplest of the three management techniques allowed by the federal act. The bill provides certainty and predictability to the ACMP process by clarifying the standards and responsibilities for program implementation.

The central streamlining concept of the bill is the reliance on existing state statutes and regulations as the enforceable policies of the ACMP. The current duplicative consistency review process in AS 46.40.096 and

The Honorable Ge: Therriault
March 11, 2003
Page 2

6 AAC 50 is eliminated by simply relying on the issuance of current state permits by the resource agencies as the means of determining whether an activity is consistent with the ACMP.

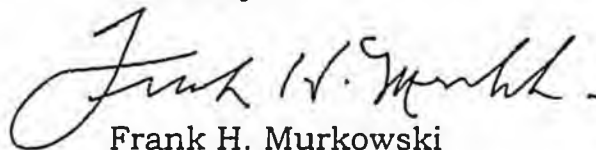
The bill would eliminate district coastal management enforceable policies but retains a local role in three ways. First, AS 29 municipalities would retain their existing land use authorities to regulate private activity within their jurisdiction. Second, the bill authorizes the Department of Natural Resources (DNR), as the implementing agency, to adopt local ordinances as enforceable policies to be applied in consistency reviews of federal projects and Outer Continental Shelf (OCS) development. The DNR would consult with the local government when interpreting and applying the local ordinance as part of a consistency review. Third, the bill would specifically adopt certain existing coastal district policies for federal OCS development as state enforceable policies.

Coastal resource service areas in the unorganized borough would no longer exist. However, municipalities within the unorganized borough could participate in both the funding and regulatory aspects of the program. Because the bill would affect the way coastal communities participate in the program, I have consulted with communities across the state and incorporated their suggestions into the legislation.

The bill would also eliminate the Coastal Policy Council, but would create a Coastal Program Evaluation Council to submit a report to the Governor on the implementation of these reforms. The council would sunset July 1, 2005.

I urge your prompt and favorable action on this measure.

Sincerely,



Frank H. Murkowski
Governor

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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FAX (907) 465-2029
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State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 14, 2003

SUBJECT: Coastal Management Program - HB 191
(Work Order No. 23-GH1069\A)

TO: Representative Paul Seaton
Attn: Cameron Yourkowski

FROM: Kathryn L. Kurtz *KK*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

Attached is a copy of a sectional analysis I received from the Department of Law. I hope this satisfies your needs; if you require anything else please call me.

KLK:lmb
03-081.lmb

Enclosure

THE
FOLLOWING
DOCUMENT(S)
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Sectional Analysis of HB 191/SB 143

This legislation is premised upon the statutory changes contained in Executive Order 106 introduced by the Governor on February 12, 2003. Executive Order 106 transfers responsibility for the Alaska Coastal Management Program (ACMP) from the Division of Governmental Coordination to the Department of Natural Resources. The EO does not make substantive changes in the law. Rather it repeals existing statutes in AS 44.19 and readopts them in a new title AS 46.39.

This bill would repeal the existing Coastal Management Program in AS 46.40 and create a new program in AS 46.39.

Sections 1-9, and 11 make conforming amendments to existing statutes reflecting the creation of the new program in AS 46.39.

Section 10 revises a provision for distribution of ACMP funds to reflect the elimination of coastal resource service areas (CSRAs) and the addition, for purposes of funding eligibility, of additional cities within boroughs and within the unorganized borough.

Section 12 is a declaration of legislative intent in reforming and streamlining the ACMP.

Section 13 is one of the key operative provisions of the bill. Section 13 amends AS 46.39.010, which is moved from AS 44.19.145 by E.O 106.

Subsection (a) provides that DNR shall respond, on behalf of the State, to (1) federal agency consistency determinations and (2) consistency certifications made by applicants for federally administered permits and Outer Continental Shelf plans.

Subsection (b) authorizes DNR to adopt regulations to implement new AS 46.39.

Subsection (c) requires that DNR (1) consult with public and private persons in developing and implementing the new ACMP and (2) develop and maintain a program of technical and financial assistance, through federal coastal management funds, to aid coastal resource districts. Coastal resource district is defined in sec. 15 of the bill.

Subsection (d) requires that DNR develop a new coastal management program that complies with the federal Coastal Zone Management Act of 1972 (CZMA). Subsection (d) contains six requirements for development of the new program.

(1) The new program must use the direct state management technique recognized in 16 U.S.C. 1455(d)(11)(B).

(2) The program must apply, as authorized by the federal consistency review provision of the CZMA, to activities within the existing coastal zone boundaries and to activities on the federal outer continental shelf and on federal lands within the geographical boundaries of the state's existing

coastal zone.

(3) The program would be developed using appropriate statutes drawn from the list of statutes in (c)(3) and appropriate regulations adopted under those statutes as the enforceable policies of the ACMP. Under subsection (g) the department may, for purposes of the ACMP, limit the applicability of an enforceable policy to appropriate activities or to appropriate sectors of the area described in (d)(2).

(4) The program must use local ordinances adopted under (e) of this section as additional enforceable policies of the ACMP related to federal activities and private Outer Continental Shelf (OCS) plans.

(5) The program must use local policies included in (f) of this section as additional enforceable policies of the ACMP relating to federal activities on the OCS and private OCS plans.

(6) Consistency with the state law under the program would be determined solely by whether the applicant had complied with the permitting requirements under the statutes and regulations listed in (c)(3).

Subsection (e) of the bill is the mechanism described in .010(d)(4) through which the department may include local ordinances adopted by a municipality under AS 29 as enforceable policies for two types of federal consistency reviews: (1) federal consistency reviews for federal projects under 16 U.S.C. 1456(c)(1)&(2) and (2) federal consistency certifications for OCS plans under 16 U.S.C. 1456(c)(3)(B). A municipality could nominate an ordinance that the department may include as an enforceable policy for these purposes, after public notice and opportunity for comment, if the ordinance does not duplicate existing state requirements or unreasonably restrict uses of state concern. These terms are defined in AS 46.39.900 and are current requirements applicable to district coastal management plans.

Subsection (f) adopts former district management program enforceable policies relating to OCS development previously approved by the Coastal Policy Council. These policies would apply to two types of federal consistency reviews: (1) federal consistency reviews for federal projects under 16 U.S.C. 1456(c)(1)&(2) and (2) federal consistency certifications for OCS plans under 16 U.S.C. 1456(c)(3)(B).

Subsection (h) provides that DNR may apply for and receive funds, including federal coastal management monies and may provide grants directly or through the Department of Community and Economic Development to coastal resource districts.

Section 14 adds new sections to Article 2 entitled "Alaska Coastal Management Program Consistency Reviews." The first section, AS 46.39.055, requires the resource agencies, defined in AS 46.39.900 to be DNR, DEC and DF&G, to cooperate in the administration of the coastal management program.

AS 46.39.060, AS 46.39.065 and AS 46.39.070 describe the three mechanisms for consistency reviews under the new program.

AS 46.39.060, entitled "State consistency reviews," involves activities that do not trigger federal consistency reviews under 16 U.S.C. 1456. Subsection (a) provides that the issuance of state permits constitutes consistency with the ACMP. This is the self-executing concept of the new program, which avoids the use of state "policies" or procedures beyond those in the state's environmental laws. Subsection (b) provides that activities not subject to federal consistency review and needing no state permits require no further ACMP review.

AS 46.39.065 establishes a consistency review process for activities in coastal areas that require a federal environmental permit. The process set out in the federal law provides that the applicant for a federally administered permit certifies to the federal agency that its activity is consistent with the state's coastal management program. A copy of this certification must be provided to DNR. The certification is then reviewed by the state resource agencies responsible for the issuance of state permits implementing the state's enforceable policies under .010(d)(3). Within five days of the issuance of these permits, DNR would issue a written concurrence to the federal agencies. If any of the permits are denied, then the department would issue a consistency objection to the federal agencies. This process is similar to the self-executing process described in section 060.

Subsection (d) provides that except for an activity conducted by the federal government which is subject to a review under .070, an activity on federal land that is not subject to a federal permit listed in AS 46.39.080 and that does not require a state permit is conclusively determined to be consistent with the ACMP.

Subsection (e) provides that, except for an activity conducted by the federal government which is subject to a review under .070, an activity on federal land that requires only a federal permit, and requires no state environmental permits is conclusively determined to be consistent with the ACMP.

AS 46.39.070 sets out the consistency review process for federal activities and outer continental shelf plans provided for in 16 U.S.C. 1456.

Subsections (c) and (d) provide that federal activities are to be judged by the standards for state permits in .010(d)(3) and by the local standards adopted under .010(e) and (f). Subsection (d) provides that if DNR determines that a proposed federal activity or OCS plan is inconsistent with an enforceable policy then the DNR shall, if feasible, issue a conditional concurrence under 15 C.F.R. 930.4 setting out conditions that would render the federal activity or OCS plan consistent, thus avoiding formal mediation. If the proposed federal activity cannot be rendered consistent, the department must object to the consistency determination, and the parties then proceed to dispute resolution under federal law.

AS 46.39.072 is a savings provision concerning state jurisdiction and the zoning and planning authority of municipalities under AS 29. Neither state nor local jurisdiction under other

laws are diminished by this act.

AS 46.39.075 sets out the scope of consistency reviews under sections .060, 065 and 070. Subsection (a) establishes that consistency reviews are limited to the discrete activities proposed by the applicant for which approval is sought, regardless of whether the activities are part of a larger project or development that includes additional activities that may be subject to separate consistency reviews.

Subsections (b) and (c) provide that except for a modification of an existing activity, an activity is only subject to one consistency review. This codifies existing ACMP regulations.

AS 46.39.080 provides the list of the federal authorizations subject to a federal consistency review. Such a designation of permits is required by the federal CZMA. This list of permits is from existing ACMP regulations, with minor additions.

Subsection (b) codifies existing law which exempts from consistency reviews activities that only require a federally administered nationwide or general permits.

AS 46.39.085 requires DNR to ensure that the public notices issued by state resource agencies comply with the federal consistency review requirements in 15 CFR 930 if applicable. For federal activities and OCS plans, DNR must ensure public notice as required by 15 C.F.R. 930.61.

AS 46.39.900 sets forth definitions for the chapter. Many of the definitions are from AS 46.40.210. 900(2) removes coastal resource service districts from the definition of coastal resource district and, for purposes of funding eligibility, expands the definition to include additional cities within boroughs and the unorganized borough.

Section 16 of the bill repeals the former Alaska Coastal Management Program provisions in AS 46.40, eliminates the Coastal Policy Council and coastal resource service areas, and makes conforming changes.

Section 17 is a delayed repealer (see sec. 24) of section 19.

Section 18 annuls the existing ACMP consistency review procedures and standards set out in regulation.

Section 19 creates a temporary council in DNR entitled the Alaska Coastal Program Evaluation Council. The Council is to review the effectiveness of the new program and issue a report to the Governor. Sections 17 and 24 sunset the council on July 1, 2005.

Section 20 is a transition provision. Subsection (a) allows DNR to immediately proceed to adopt regulations. The regulations become effective no sooner than July 1, 2003. Subsection (b) requires the resource agencies to review the categorically consistent approvals and general concurrence determinations under the former program and no later than January 1, 2004, to the

extent feasible, create general permits similar to these authorizations, with appropriate modifications reflecting the changes in law made by this Act. Subsection (c) provides that consistency reviews initiated under the former program may continue, at the applicant's option.

Section 21 contains revisor's instructions making changes in article headings and Alaska Administrative Code changes reflecting the transfer of the coastal management program from the Division of Governmental Coordination to DNR.

Section 22 provides that the statutory changes are based upon EO 106 taking effect.

Section 23 gives the transition section 20 of the Act an immediate effective date.

Section 24 is a delayed repealer of the Alaska Coastal Program Evaluation Council (sec. 19) on July 1, 2005.

Section 25. Except for the sunset provision and transition section, section 25 gives the Act an effective date of July 1, 2003.

HB 191/SB 143
CONSISTENCY REVIEW PROVISIONS

Consistency Review Provision	What does it apply to?	State Standards	Local Standards applied by DNR	Federal Statutory Authorization	Federal CZMA Regulatory Process
AS 46.39.060 State consistency review	Activities in the coastal zone that only require a state permit.	AS 46.39.010(d)(3): Permits implementing listed state statutes and regulations	Not applied through the ACMP but direct applicability not affected. AS 46.39.072		
AS 46.39.065 Consistency review for federally-administered permits	Activities in the coastal zone, federal lands or OCS	AS 46.39.010(d)(3): Permits implementing listed state statutes and regulations	For OCS plans: See AS 46.39.070. Local ordinances would retain direct application in the coastal zone.	16 U.S.C. 1456(c)(3)(A)	15 C.F.R. 930 Subpart D -- Federal consistency certifications
AS 46.39.070 Consistency review for federal activities on land and in state waters	Activities of federal agencies in coastal zone or on federal lands	AS 46.39.010(d)(3): Permits implementing listed state statutes and regulations	AS 46.39.010(d)(4) local ordinances incorporated by DNR as provided in AS 46.39.010(e) and applied by DNR under AS 46.39.070(d).	16 U.S.C. 1456(c)(1)-(2)	15 C.F.R. 930 Subpart C -- Consistency for federal agency activities.
AS 46.39.070 Consistency reviews for federal activities on OCS and OCS plans	Activities of federal agencies on the OCS and applicants for OCS plans	AS 46.39.010(d)(3): Permits implementing listed state statutes and regulations	AS 46.39.010(d)(4) local ordinances incorporated by DNR as provided in AS 46.39.010(e) and applied by DNR under AS 46.39.070(d). AS 46.39.010(d)(5) OCS development provisions from former district coastal management plans incorporated by AS 46.39.010(f) and applied by DNR under AS 46.39.070(c).	16 U.S.C. 1456(c)(1)-(2) 16 U.S.C. 1456(c)(3)(B)	15 C.F.R. 930 Subpart C -- Consistency for federal agency activities. 15 C.F.R. 930 Subpart E -- Consistency for OCS exploration, development and production activities

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 191
 (H) Publish Date: 3/12/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title Alaska Coastal Management BRU Habitat and Restoration
 Component Habitat
 Sponsor Rules Committee
 Requester Governor Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Under this legislation, the coastal program will change. In addition, Executive Order 107 moves most Title 16 coastal related permitting to DNR. With these two changes, the Title 16 authorities, both those that go to DNR (.840 and .870) and those that will remain at DFG (special areas), will constitute compliance with the ACMP. As such, Habitat Biologists will still have a role in the program, and their work could be funded by ACMP dollars that would no longer be needed for district plan development.

Also, while this legislation eliminates the Coastal Policy Council, it also creates an Evaluation Council, of which the DFG Commissioner is a member. As such, staff support that is currently provided to the Commissioner will still be needed to support his or her work on the Council. At the time the Evaluation

Prepared by: Kerry Howard, Acting Director Phone 465-4105
 Division Habitat and Restoration Date/Time 3/5/03 9:22 AM
 Approved by: Kevin Duffy, Acting Commissioner Date 3/5/2003
 Agency Department of Fish and Game

FISCAL NOTE #1

STATE OF ALASKA
2003 LEGISLATIVE SESSION

BILL NO. HB 191

ANALYSIS CONTINUATION

Council disbands, DFG may be able to show a cost savings.

It is assumed that under the implementation of EO 107 the DFG will have General Funds to help match federal dollars.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: HB 191
 (H) Publish Date: 3/12/03

Revision Date/Time (Note if correction): _____ Dept. Affected: DEC
 Title Alaska Coastal Management BRU Statewide Public Services
 Component Statewide Public Services
 Sponsor Rules Committee
 Requester Governor Component No. 2058

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The services provided by the Department will change, however the fiscal responsibilities will not.

Prepared by: Mary Siroky - Legislative Liaison Phone 465-5355
 Division Statewide Public Services Date/Time 3/3/03 2:34 PM
 Approved by: Kurt Fredriksson - Deputy Commissioner Date 3/3/2003
 Agency Department of Environmental Conservation

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: HB 191
 (H) Publish Date: 3/12/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Natural Resources
 Title: Alaska Coastal Management Program BRU: Management and Administration
 Component: Office of Alaska Coastal Zone Mgmt
 Sponsor: Rules
 Requester: Governor Component No.: 2680

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	0.0	0.0	(50.0)	(50.0)	(50.0)	(50.0)
Travel	0.0	0.0	(19.0)	(19.0)	(19.0)	(19.0)
Contractual	0.0	0.0	(4.0)	(4.0)	(4.0)	(4.0)
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	*	*	*	*
TOTAL OPERATING	0.0	0.0	(73.0)	(73.0)	(73.0)	(73.0)

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts			(36.5)	(36.5)	(36.5)	(36.5)
1003 GF Match			(36.5)	(36.5)	(36.5)	(36.5)
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	(73.0)	(73.0)	(73.0)	(73.0)

Estimate of any current year (FY2003) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time			(1)	(1)	(1)	(1)
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

* Further Fiscal Impacts/Reductions to be determined by the Alaska Coastal Program Evaluation Council.

Please See Attached Analysis.

Prepared by: Nico Bus Phone 465-2406
 Division: Administrative Services Date/Time 3/5/2003
 Approved by: Tom Irwin, Commissioner Date 3/5/2003
 Agency: Natural Resources

FISCAL NOTE #3

STATE OF ALASKA
2003 LEGISLATIVE SESSION

BILL NO. HB 191

ANALYSIS CONTINUATION

The Alaska Coastal Management Program offers the State of Alaska the ability to maximize the effectiveness of federal dollars through partnerships with state agencies and coastal communities to stimulate and approve development proposed in Alaska's Coastal Zone. The funding for this program is structured as follows:

A total of \$2,910,000 in federal funds is available to the State of Alaska through a grant award from the National Oceanic and Atmospheric Administration for the Alaska Coastal Management Program.

In order to receive the full federal grant award, matching funds totaling \$2,370,000 are required.

Within the Alaska Coastal Management Program's FY 04 operating budget the GF Match contribution is \$961,600; additional match is met through state agency and district contributions (ie: for eligible activities, personal services and other work within the coastal zone).

Currently, the federal grant award is distributed to districts (\$1,166,600) for coastal community improvements, and the remaining funds support the efforts of Division of Governmental Coordination (DGC) (\$909,700) and state agencies (\$833,700) in the management and development of Alaska's coastal resources. State agencies currently receiving funding through the Coastal Management Program include:

- Department of Community and Economic Development
- Department of Environmental Conservation
- Department of Fish and Game
- Department of Law
- Department of Natural Resources
- Department of Transportation and Public Facilities

Immediate savings based on Executive Order 106 (EO) transferring the function of DGC to the Department of Natural Resources (effective April 15, 2003) were realized in the Alaska Coastal Management Program's FY 04 Operating Budget as a reduction of \$342,400 in state general fund match and a loss of 5 full time positions and 1 temporary position.

In concert with the EO, this legislation addresses the function and intent of the Coastal Management Program and state permit review process. With the restructure of the permitting system and the major revisions of the Coastal Management Program, the climate for resource based development activities and investment will improve.

This improved climate for development activities and investment will result in an increase in project proposals and state permit reviews. The current program staff and funding levels must be maintained in order to effectively assist and implement the anticipated economic development within the coastal areas. With the EO reductions for FY04 already realized, further reductions could jeopardize the federal approvability of the Coastal Management Program, and the state's ability to receive the federal grant awards. Any further reduction in state general funds will result in a loss of an equal amount of federal grant award dollars.

Within this legislation, the current Coastal Policy Council is eliminated. An Alaska Coastal Program Evaluation Council is created under this legislation that is tasked with assessing the program's viability and needs. This Evaluation Council will convene itself for two years and require both financial and staff support through June 30, 2005. The existing funding and staff support for the Coastal Policy Council will be used to support the new Evaluation Council for two years. The assessment of the program and further programmatic and permit structure improvements is the mission of the Alaska Coastal Program Evaluation Council. As the council is charged with identifying further program efficiencies and cost reductions, potential savings will be identified in the final report submitted to Governor Murkowski.

The fiscal reductions in this note reflect the cost savings realized by the council's sunset.



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April 16, 2003

Representative Hugh Fate
Chair, House Resources Committee
Room 128
Juneau, AK 99801

Re: CS for H.B. 191 – Alaska Coastal Management Program

Dear Representative Fate,

I am writing on behalf of the Alaska Municipal League (AML) to express the AML's concerns regarding the Committee Substitute (CS) for H.B. 191.

But I would be remiss if I did not first recognize the Administration's hard work over the last two weeks in reaching out to coastal communities, soliciting local government input, and in drafting the CS for H.B. 191. The AML worked closely with the Governor's office, DGC, and DNR to ensure that the concerns of Alaska's communities were heard. As the CS for H.B. 191 demonstrates, the drafters of the CS took those comments to heart.

The AML believes that streamlined, coordinated, and timely regulatory review processes are critical to effective economic development in Alaska. AML members support "clear and streamlined state and federal permitting systems based on sound science and economic feasibility." However, AML members remain concerned that the CS for H.B. 191 (1) may not give communities enough time to rewrite their plans; (2) may not provide adequate funding for the rewriting of plans; and (3) limits local government authority/participation.

Thank you for the opportunity to comment on this important legislation.

Sincerely,

Kevin Ritchie
Executive Director



**House Bill 191
ACMP Reorganization**

APR 23 2003

810 N St, Ste 203, Anchorage Alaska 99501 / Ph. 907.258.6171 / Fax 907.258.6177
PO Box 22151, Juneau Alaska 99802 / Ph. 907.463.3366 / Fax 907.463.3312 / www.acvoters.org

To: House Resources Committee
Date: April 23, 2003

Dear Representative,

The mission of the Alaska Coastal Management Act in 1977 was to assure effective participation by the public, developers, municipalities, and state and federal agencies, in the coastal resource decision-making process. CSHB 191 shatters this idea, as it negates what the ACMP has set out to do: it strips the local districts of their participation in the protection of their natural resources.

Local knowledge is essential for maintaining subsistence resources and habitat standards, while allowing for development in specific areas of Alaska's coastal zone. With the passage of CSHB 191, the essential protection of Alaska's diverse coastal resources will be lost as only one general statewide standard is created.

Although in this new version of HB 191, the districts retain their seat at the decision-making table, CSHB 191 places a gag in their mouths by giving sole authority of the program to DNR. All decisions will be made solely by the agency focused on developing resources, leaving no voice of the public or districts for the protection of subsistence resources and habitat standards.

Complications with CSHB 191

1. Guts the ability for local communities to develop and implement local enforceable policies. Overly broad language in the bill hides the unreasonable criteria for enforceable policies to be accepted by DNR. Many, if not most, of the pertinent district enforceable policies will be removed from the program without the input of the public or the districts.

- DNR will develop statewide standards and criteria for the approval of district programs with no input from other agencies, the districts or the public process.
- DNR may approve districts plans, but is not required to do so. After a timely and expensive process to create their policies, districts may have their plans rejected.
- Districts may not create policies over a matter regulated by State or Federal law. Therefore, areas that may need more or less protection than state or federal standards will no longer be able to receive it.
- DEC air, water and land quality requirements will be established as the exclusive policies for those purposes. The DEC permits would then be the consistency review without necessary local participation and due deference.
- Criteria for acceptance of an enforceable policy in section 14, is overly broad, vague and could lead to the elimination of important policies in district plans.

Alaskans building a better future.

2. **Eliminates the Coastal Policy Council leaving no vessel for public and district voice.** Mentioned numerous times in public testimony, the removal of the council results in the abolition of the public process.

- The decision making process made with the expertise and diversity of the Council will be replaced by the sole discretion of the DNR Commissioner.
- The public process granted with the Council will not be replaced with a public hearing in DNR. The public will no longer be able to participate in the ACMP program.

This legislation was created without the participation of those who know the program best: district planners. CSHB 191 streamlines the permit process irresponsibly. Public and local participation is restricted to a bare minimum, if even given at all. We ask you to protect and develop our coastal resources in a responsible manner and oppose CSHB 191.

Sincerely,



Coileen Norman

Cenaliulriit CRSA

PO Box 69
Mekoryuk, AK 99630
(907) 827-8748

April 16, 2003

Honorable Chairman Hugh Fate and Committee Members
State Capitol, Room 128
Juneau, AK 99801-1182

Cenaliulriit Coastal Resource Service Area is concerned with the following items of House Bill 191:

Elimination of the Alaska Coastal Management Program and Alaska Coastal Policy Council removes the ability of balanced decisions.

The Habitat Standard is not found anywhere in the bill, that has served to protect important subsistence and traditional fish and wildlife resources. Traditional and experiential knowledge has always served to offer scientists valuable information to balancing development.

Due deference is nonexistent, while the department still has last say to everything under the sun.

The Department of Environmental Conservation will be the only consistency reviewer to Land, Air & Water Quality Standards. Single agency reviews by DNR and others would be the same. The ability of Alaska's local community may become voiceless.

Submission of district plans by coastal resource districts every 5 years is not reasonable, while the current requirement is 10 years. Rewrite of whole programs to less stringent and less specific standards and policies will eventually create a "rubber-stamp" program, or elimination for programs that are not being "implemented" as determined by the department. The department after all "may" decide to disapprove the rewritten plans to begin with. Cenaliulriit has 44 villages and understaffed to successfully meet all the requirements.

The Cenaliulriit finds this new revised bill to be questionable and offers much uncertainty, which basically eliminates the whole program in the end eventually every 5 years.

NORTHWEST ARCTIC BOROUGH

**P.O. BOX 1110
KOTZEBUE, AK 99752
(907) 442-2500 / FAX 442-2930**

April 16, 2003

State of Alaska
Office of the Governor
P.O. Box 110001
Juneau, AK
99811-0001

Attention: Mr. William Jeffress

RE: Proposed Legislation; House Bill 191 (revised)

Dear Mr. Jeffress:

The Northwest Arctic Borough continues to have concerns regarding the revised version of House Bill 191. The current Coastal Management Program provides us with a structured partnership of shared state and local management responsibility. The "seat at the table" is provided in the revision of House Bill 191, yet our responsibility and role is significantly reduced. Furthermore the revisions will make it difficult for our district to develop and implement our local enforceable policies.

The current bill considers providing developers a set of policies that allows for predictability in the permitting process, yet it provides an uncertainty to the coastal districts on the authority provide to us. Additionally our authority, derived, in part, from our local district plans, will be questioned and revised every five years regardless of the effectiveness of the local district plans.

This bill will result in the loss of federal, state, and borough invested resources, time and expertise in developing and implementing our Coastal Management Program. Furthermore, it will not provide the financial assistance needed to start from scratch, much less the assistance needed every five years for the mandated review.

As I have stated in earlier testimony, the Northwest Arctic Borough can serve as a model where our district plan, which strives to protect our subsistence resources, can allow for

**Ambler, Buckland, Central, Deering, Kiana, Kivalina, Kobuk, Kotzebue, Nectak,
Noorvik, Selawik, Shungvak**

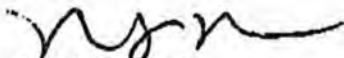
major economic development and for the protection of our subsistence resources. Our district plan, coupled with our title 29 planning authority, provides the leverage needed to promote, balance and mitigate responsible economic development.

Evidence has yet to be presented that would result in the gutting the current coastal management program for the revised program provided in House Bill 191.

We are opposed, and will continue to show opposition to any bill that will remove the balance of the current partnership provided by the current program. Before any action is taken on this bill, we request that a representative of the State of Alaska meet with our Assembly to discuss the changes to this very important program.

The Northwest Arctic Borough will likely provide additional comments or testimony upon our thorough review of the draft Committee Substitute (CS) for HB 191.

Sincerely,



Noah F. Naylor

Planning Director/Coastal Coordinator



City

of

Pelican

APR 22 2003

BOX 737 - PELICAN, ALASKA 99832 - PHONE: 735-2202/2203 - FAX: 735-2258 - E-MAIL: pelikan@ptialaska.net - WEBSITE: www.pelican.net

EMAIL: coastal@pelicancity.net

April 16, 2003

Governor Frank Murkowski
P.O. Box 110001
Juneau, Alaska 99811

Re: CS for HB 191

Dear Governor Murkowski:

The City of Pelican presented oral testimony at today's public hearing in The House Resources Committee on the CS for HB191. We would like you to be aware of our concerns.

The City of Pelican appreciates the changes made to HB 191 in response to the concerns of local coastal districts. Pelican has supported its own district program since 1984. Our plan with enforceable policies allows us to address issues of local concern that are unique to this area, and it is important for that to continue.

Our concerns with the CS as presented are:

Sec. 12. Submission of district plans by coastal resource districts. This provides that a district must review and resubmit its coastal management plan for reapproval every 5 years. This will place too much of a burden on our district. We request that this update not occur more often than every 10 years.

Sec. 47. Submission of plans by coastal resource districts that are first class cities. This will give us only 6 months to draft a new plan that will conform with the newly implemented regulations by DNR. This seems like a very short period in which to get the work done. We will need close cooperation and dialog with DNR as it is working on changes that will affect our plan. Our district is short-staffed and will be looking to ACMP to help with resources to get our plan into compliance.

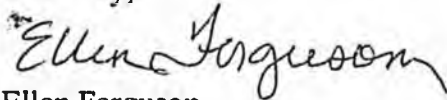
Sec. 3. Planning assistance for development and maintenance of district coastal management plans. Pelican must continue to be given due deference when it comes to coastal issues in this area. We provide local expertise to assist the State in its decisions concerning Coastal Management. But as a small community, The Pelican Coastal District relies on help from the State as well. We use ACMP Guidebooks to assist with preparing and implementing our Coastal Management Program. The knowledgeable and

experienced staff at DGC helps us with questions that come up concerning projects that could impact our area. The conferences that occur are valuable in providing our staff with a better understanding of ACMP as a whole. These resources must continue to be provided for our plan to function.

Coastal communities are the ones hardest hit financially because of problems with the fisheries. That puts us in a difficult position by requiring us to rewrite our plan, with all of the processes that would be included. Please assure us that funds as well as other assistance will be available for the initial rewrite of our plan, and maintenance funding for future reviews under Sec. 12.

In your State of the State address you stated, "We will work with our coastal communities to insure their interests are protected...". Pelican would like to be included in the process of crafting final legislation. Please keep us fully informed, and let us know how we can be of assistance to you.

Sincerely,



Ellen Ferguson
Coastal Coordinator
Pelican Coastal District

cc: Representative Hugh Fate, Chair, Natural Resources Committee
Representative Peggy Wilson
Senator Robin Taylor
Mr. Bill Jeffress, Director, Office of Project Management and Permitting



Alaska State Legislature

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

committee on C.S. for HB 191, dated April 16, 2003
bill/subject

This bill is virtually as bad as HB 191, keeping the public out of coastal district and community decisions and clearly favoring development over protection. The current ACMP, while needing some fine tuning, is adequate and balanced. I urge you not to pass CS 191 and rather work to maintain or improve protection for our precious coastal habitat and resources which I've seen deteriorate steadily over my 42 years in Alaska.

Signed: Anne Wieland

Testifier

Self

Representing (Optional)

PO Box 1395 Homer 99603

Address

Phone No.

Cenaliulriit CRSA

PO Box 69
Mekoryuk, AK 99630
(907) 827-8748

April 16, 2003

Honorable Chairman Hugh Fale and Committee Members
House Resources Committee
State Capitol, Room 128
Juneau, AK 99801-1182

Cenaliulriit Coastal Resource Service Area is concerned with the following items of House Bill 191:

Elimination of the Alaska Coastal Management Program and Alaska Coastal Policy Council removes the ability of balanced decisions.

The Habitat Standard is not found anywhere in the bill, that has served to protect important subsistence and traditional fish and wildlife resources. Traditional and experiential knowledge has always served to offer scientists valuable information to balancing development.

Due deference is nonexistent, while the department still has last say to everything under the sun.

The Department of Environmental Conservation will be the only consistency reviewer to Land, Air & Water Quality Standards. Single agency reviews by DNR and others would be the same. The ability of Alaska's local community is voiceless with this bill.

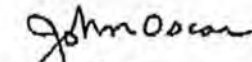
Submission of district plans by coastal resource districts every 5 years is not reasonable, while the current requirement is 10 years. Rewrite of whole programs to less stringent and less specific standards and policies will eventually create a "rubber-stamp" program, or elimination for programs that are not being "implemented" as determined by the department. The department after all "may" decide to disapprove the rewritten plans to begin with.

Cenaliulriit has 44 villages and understaffed to successfully meet all the requirements.

The Cenaliulriit finds this new revised bill to be questionable and offers much uncertainty, which basically eliminates the whole program in the end eventually.

Thank you for the opportunity to comment.

Respectfully,


John Oscar
Program Director

Sitka Conservation Society

PO Box 6533
 Sitka, Alaska 99835
 (907)747-7509
 (907)747-6105 fax
 home.gci.net/~sitkawild

**COMMITTEE SUBSTITUTE (CS) FOR HOUSE BILL 191
 AN ACT RELATING TO THE ALASKA COASTAL MANAGEMENT PROGRAM**

The Sitka Conservation Society believes the following important points make HB 191 a poor bill. The current ACMP system is better than the attempts the legislature has made to change it. There has been no showing the extreme changes proposed are needed. Testimony to the House Fisheries Committee has shown that projects receive timely approvals under the existing ACMP.

This bill takes a different tack than the original bill, but it will have a similar effect. The Administration withdrew the previous bill because coastal communities strongly objected to losing local control over local coastal decisions. Again this new bill essentially eliminates the ability of local communities to develop and implement local enforceable policies.

Like the previous bill, this bill has not received sufficient review by coastal districts, CRSA's and local communities. This bill proposes sweeping changes to the ACMP which will significantly change local control over local coastal decisionmaking. Coastal districts and communities have had little time to review and digest the dramatic changes proposed. The State should engage local districts and communities in a meaningful dialogue designed to refine the existing law without throwing out its important elements for local decisionmaking.

This bill is too biased towards centralized authority over the local knowledge and local control of development. The CS offers to retain local community authorities but it makes the process so rigorous and complex, the result will be that few if any localities will have meaningful enforceable policies. Furthermore, the CS prohibits local districts from adopting standards that are more protective than state standards or that address issues also dealt with by state or federal law. In effect, the CS substantially reduces the role and usefulness of coastal standards. In Sitka for instance, we have a multi million dollar herring fishery. Our district should have the right to enact local standards to protect that herring habitat and fishery that may not be needed or desirable elsewhere.

This bill removes balance from coastal management. Under existing law, the Coastal Policy Council provides members of coastal districts a seat at the decisionmaking table. The CS will give DNR sole discretion to make important coastal resource decisions, and Districts will be relegated to submitting comments on important issues which DNR may or may not adopt. As a result, the bill replaces local knowledge and decisionmaking with top-down, state-driven controls. Furthermore, by shifting responsibility for the ACMP from the Coastal Policy Council to DNR, the CS puts the coastal program in the hands of an agency whose statutory mission is to develop the state's resources, not to protect them. This removes the element of balance between

development and protection which exists in the current ACMP, and which is mandated by the Alaska constitution.

This bill gives DNR authority to strike down local policies during the program transition period. It gives DNR sole discretion to disapprove or modify all or part of local plans and enforceable policies if they are inconsistent with the strict and confusing standards laid out in the CS. A lot of people put serious work into Sitka's plan. It responds to our needs and conditions. DNR should not have the authority to just trash it.

The CS allows DNR to develop statewide standards and criteria for the approval of district programs, with no input from other agencies, the districts, and the public through a comment and hearing process. It ignores the expertise and perspectives these stakeholders have developed working with the ACMP. This lack of transparency, independence, and accountability will create mistrust at the local level, and foster a lot of public opposition.

The CS makes substantial changes to the consistency review process, including the scope of projects subject to review, the timing for "phased" projects, and an expanded use of general permits. Yet these issues were addressed by a recently-concluded 3-year regulation review process that involved full public, industry, and district participation. New rules just took effect in January. This bill would waste the hundreds of thousands of dollars the state spent for this process, and would ignore the input of the many stakeholders and professionals who have worked on all sides of the program for many years and produced the revised regulations.

This bill unravels the current system for meaningful coastal oversight. The CS creates enormous gaps in the coastal management program by substantially narrowing the scope of consistency reviews, restricting consistency reviews to activities that require a state resource permit, and prohibiting any kind of consistency review for activities authorized by ADEC.

This bill will entail substantial costs to the State. The CS proposes sweeping changes to the ACMP which will likely require a costly and time consuming Environmental Impact Statement in order to receive NOAA approval. In addition, the CS imposes substantial costs on DNR and the coastal districts by requiring the development of entirely new enforceable statewide and district policies. With state and local budgets under considerable strain, this new spending initiative makes little sense.

This bill puts substantial costs on our community, but it provides no implementation funds. First, it requires local districts and CRSA's to throw away their existing programs (because the law is so strict few if any elements of existing local programs will survive the new law) and draft new plans for DNR review. Second, local districts and CRSA's will have to review local plans and submit them to DNR every 5 years, regardless whether such plans need review. Why should we have to go through this unnecessary beauracracy?

Sincerely

Page Else

Page Else, Research Director

A M E N D M E N T

OFFERED IN THE HOUSE RESOURCES
COMMITTEE

BY _____

TO: HB 191(RES) 03-0069 bil2.doc. 4/22/2003 1:30 pm

1 Page 8, line 10:

2 Delete "a new subsection"

3 Insert "new subsections"

4 Page 8, line 13 following "purposes." through line 22:

5 Delete all material and insert:

6 "For those purposes only,

7 (1) the issuance of permits, certifications, approvals, and authorizations
8 by the Department of Environmental Conservation establishes consistency with the
9 Alaska coastal management program for those activities of a proposed project subject to
10 those permits, certifications, approvals, and authorizations;

11 (2) for a consistency review of an activity that does not require a
12 Department of Environmental Conservation permit, certification, approval, or
13 authorization because the activity is a federal activity or the activity is located on federal
14 lands or the federal outer continental shelf, consistency with AS 46.03, AS 46.04, AS
15 46.09, and AS 46.14 and the regulations adopted under those statutes shall be established
16 on the basis of whether the Department of Environmental Conservation finds that the
17 activity satisfies the requirements of those statutes and regulations.

18 (c) For a consistency review described in (b)(?) of this section, the department, in
19 addition to its review under AS 46.40.096 of all other enforceable policies applicable to
20 the project, shall coordinate with the Department of Environmental Conservation and
21 issue the Department of Environmental Conservation's finding of whether the activity

1 satisfies the requirements of the statutes and regulations described in (b)(2) of this
2 section.”



*Alaska
Coastal*

MANAGEMENT PROGRAM

*for a vibrant
productive coast*



**From
the
Governor**

Dear Alaskan:

The Knowles/Ulmer Administration is committed to working with all Alaskans to make sure our economy remains healthy, Alaskans have good jobs which pay enough to support their family and our communities are safe and healthy. Environmentally responsible resource development, based on sound science, prudent management and an open public process, is essential if we are to reach these goals:

Doing development right requires a predictable process relying on good science, conservation principles and providing communities a strong voice in decisions which directly affect them. No program within state government mirrors these goals more closely than the Alaska Coastal Management Program (ACMP). Almost 20 years since the inception of the ACMP, Alaskans continue to show America that good jobs and a clean environment can coexist.

A healthy environment is not possible without a strong economy, nor are good jobs possible without strong environmental protections. The nations which have failed to protect their environment are the same ones where people are willing to forsake their environment to scratch out a living.

The ACMP is a proven way to accomplish both development and protect environmental values. The ACMP provides coastal communities, state resource agencies, and developers the tools for responsible development of our coastal resources. Prudent development today provides for the jobs and healthy economy we need for our children tomorrow.

Sincerely,

Table of Contents

Benefits of the Alaska Coastal Management Program 1

Why Alaska needs coastal management 2

How coastal management began in Alaska 5

How coastal management has improved since 1977 8

How coastal management works in Alaska's coastal districts 10

25 years of coastal management 12



A float plane in Anchorage



Digging for clams



1989 Coastal District Conference



A logging operation



Seafood processing

Benefits of the

Alaska Coastal MANAGEMENT PROGRAM

Alaskan Residents

- The tools necessary for shaping the nature of development in our coastal areas.

Coastal Communities

- Funding for local coastal management and special projects.
- Public notice of and formal standing in the state's review of proposed development projects.
- The community's need for a project plays a role in the state's review.

Coastal Project Applicants

- Only one application package needs to be submitted to the Division of Governmental Coordination (DGC) for multi-permit projects.*
- Pre-application assistance from DGC can pave the way for permit approvals.
- Multi-permit applications are processed in a predictable, timely way.
- DGC's review process clearly documents resolution of conflicts which can reduce litigation over the long term.
- Pre-approval for routine activities.

State Resource Management Agencies

- One point of entry for multi-permit coastal development applications.
- Coordinated review process and categorical approval for routine projects.
- Better prepared proposals due to pre-application assistance provided by DGC.
- Strengthened role in federal decision-making in the coastal zone.
- Joint public notices coordinated by DGC.

State of Alaska

- The right to require that federal actions proposed in the coastal zone must be consistent with state and local coastal management plans.
- Receipt of federal funding that supports coastal zone management and coordinated, streamlined review of coastal projects.

Federal Government

- A state coastal management program consistent with the federal Coastal Zone Management Act.

*Multi-permit projects are those which require a federal permit or require permits from more than one state resource management agency.



Why Alaska needs coastal management

*"The key is
finding a balance
that keeps the
coast healthy
and useful over
generations."*

-1995 Brochure
NOAA, U.S. Dept. of Commerce

Sportfishing for
salmon outside
Juneau

If you walked one thousand miles a year, it would take forty-four years to hike Alaska's coastline. Along the way you would have the chance to meet almost three-quarters of the state's population who choose to live in Alaska's coastal communities. You would also see industries that produce over 70% of the state's gross economic product. Your forays into coastal towns would be separated by long stretches of coastline so raw and untamed the pressures of modern-day life would fade and seem almost unreal.

For some, the sheer size and wildness of much of Alaska's coastline seems to dilute the need for coastal management. Yet there are a number of reasons why coastal management is key to a prosperous future for all Alaskans.

Change is inevitable

Alaska is different than other states and yet is really no different at all. Alaska is just at an earlier point along the continuum of population and economic growth. Growth, however, is inevitable. The difference is, Alaska has the opportunity to prepare for this growth.

Coastal management gives Alaskans the opportunity to prepare for change and shape how their communities will look like in ten, twenty... even fifty years.

Competition for coastal resources will only increase with the passage of time

As the population increases and industries grow, competition for coastal resources and potential for conflicts will only intensify. For example, conflicts can occur between oil development and fisheries; timber production and tourism; mineral development and water quality; yet all these uses are valuable to Alaskan communities.

Coastal management provides the tools necessary for resolving conflict and striking a healthy balance of uses

On one hand Alaskans value stunning scenery, almost limitless opportunities for outdoor recreation, clean air and oceans, easy access to surrounding areas, subsistence, and hunting/fishing opportunities. At the same time residents value good jobs, profitable business ventures and thriving community economies. The unique quality of life found in Alaska's coastal communities is achieved by balancing these values.

Coastal management allows communities to maintain their unique quality of life and a stable economic base

Communities who work to achieve this dynamic balance will reap the benefits. People are willing to pay more to live in communities with clean beaches, unpolluted waters, opportunities for outdoor recreation, and stable economies. Conversely, coastal areas in the Lower 48, hard hit by rapidly increasing populations and short-sighted development, have suffered significant declines in property values. Now some of these communities are faced with the expensive and time-consuming task of correcting coastal problems in an attempt to reclaim the quality of life and economic stability they once enjoyed.

Healthy coastal resources are key to Alaska's long term economic health

In Alaska the top four industries—oil and gas, timber, seafood harvest, and tourism—are all heavily dependent on the health and productivity of the coastal zone. Wise management of coastal resources is absolutely critical to the long term health of these industries which represent over 70% of Alaska's gross economic product.

Nationally, it has been shown that for every federal dollar spent on coastal management, there is an increase of

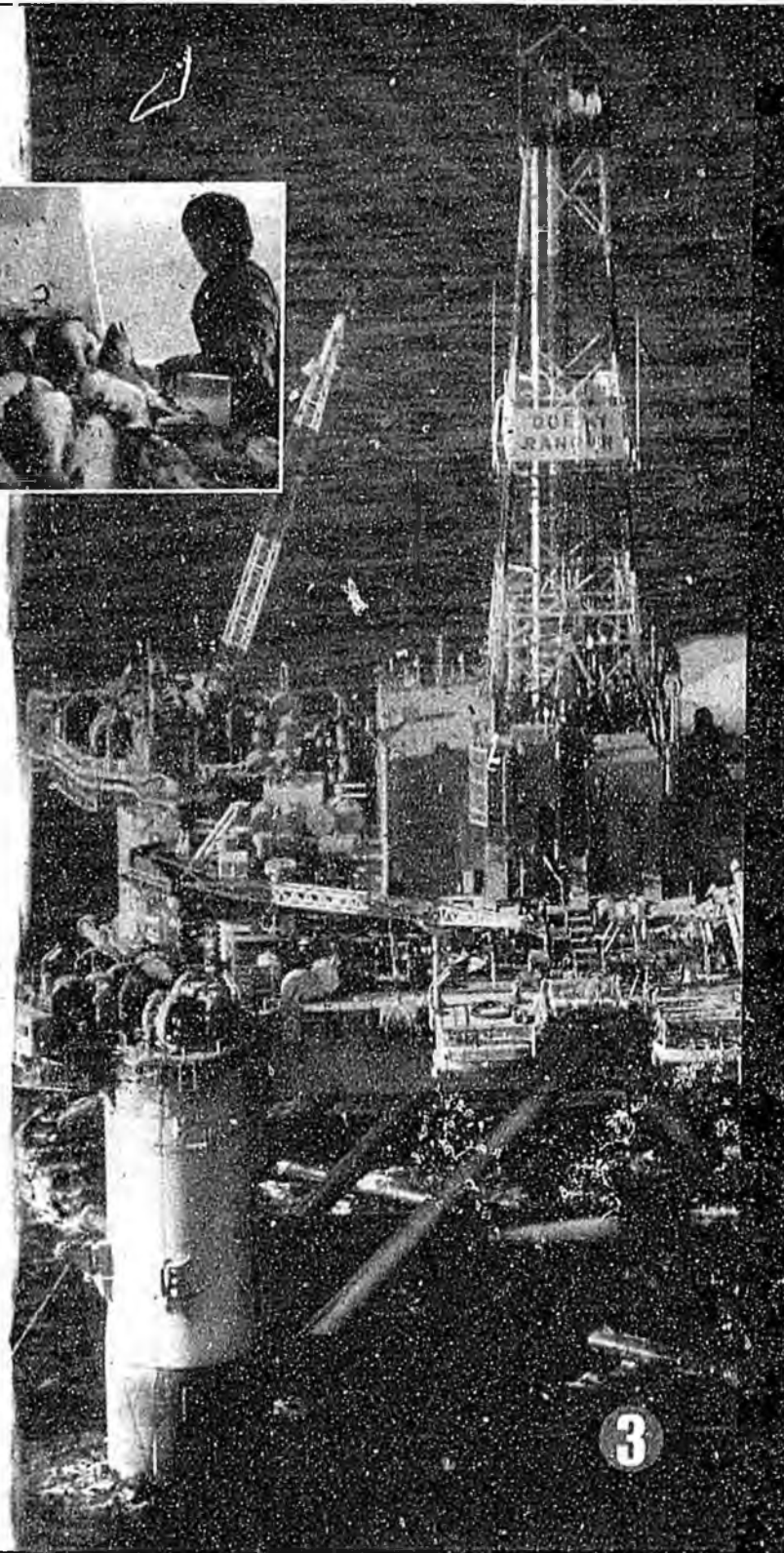
Small Photo
A tote of salmon is
unloaded for processing

Large Photo
An offshore oil rig



"Without the energy and dedication you (DGC) 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."

—Eric M Luttrell
Vice President Alaska Exploration
and New Developments, regarding
the Sourdough #3 Exploration Well





"... we watch our coast to see that nothing is violated, we are the hunters that hunt to feed our families... we depend on the ocean for food."

*-Ray Koonuk, Sr.
Public Coastal Policy Council Member
Northwest Region*

Subsistence hunters on the lookout for whales along the coast of Northwestern Alaska

\$25 to \$337 in the coastal gross product due to coast-dependent activities. Certainly Alaska, with its heavy economic dependence on coastal resources, is not the exception to this nationwide trend. Although economic data is not available to measure this relationship in Alaska, we can document the annual addition of millions of dollars in federal funding for coastal management since the Alaska Coastal Management Act was passed in 1977.

A tool for coastal communities

Most coastal communities want to be involved in the planning and decision-making process that will shape their future. The Alaska Coastal Management Program (ACMP) provides the tools and funding necessary for development of local coastal management programs which then shape the nature of development within that coastal district.

"Because of funds provided by the Alaska Coastal Management Program, the Borough has been able to acquire baseline data to use in resource development decision-making. (This) financial support has been important to the development planning for the port at Point McKenzie."

*-Ken Hudson, 1997
Chief of Code Compliance
Matanuska-Susitna Borough*

How coastal management began in Alaska

"This one act may have done more than anything else to promote responsible development in Alaska and to help diversify and stabilize a fluctuating economy."

-Dave Hanna, 1997
Fifth Generation Alaskan
Self employed in Construction
and Resource Development

The State of Alaska began considering coastal management in the mid-1970s, after passage of the federal Coastal Zone Management Act (CZMA) in 1972. The CZMA encourages coastal states to develop, implement and enforce coastal management programs that achieve the wise use of coastal resources.

Coastal Management is voluntary

Unlike other national environmental laws, state participation in CZMA is completely voluntary. One of the challenges faced by those who crafted this act was trying to address effective coastal management at the national as well as the local level. The diversity of coastal areas across the U.S. made this impossible. As a result, incentives such as grant programs and expanded state power along the coast were used to gain state participation.

Coastal Management allows states more control over federal actions proposed in the coastal zone

The increase in state power gained through the CZMA is particularly compelling in Alaska where the federal government owns over 60% of Alaska's land, much of which lies along the coast. Once a state coastal management plan has been approved, federal agencies, who are normally able to preempt state authority, must now secure a finding of consistency with these plans before taking action in the coastal zone. This provision represents one of the most effective ways state and local governments can formally affect federal actions in the coastal zone. Powerful incentives for participation, increased state power, growing development pressures and ambitious federal plans to lease several areas off Alaska's coast for oil and gas development, all served to propel the passage of the Alaska Coastal Management Act (ACMA) in 1977.





"The Alaska Coastal Management Program 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 developing as well as in protecting the environment.

No other state system contains this balance."

-Murray Walsh, 1997
Project Development Consultant

Canada Geese

The Alaska Coastal Management Program is approved

The ACMA established the Coastal Policy Council (the CPC) to oversee development and implementation of coastal management in Alaska. It also established 33 original coastal districts to undertake detailed coastal planning in municipalities and unorganized boroughs.

The CPC is composed of nine elected local government officials appointed by the Governor, six state agency commissioners, and the director of the Office of Management and Budget. Coastal districts are comprised of boroughs, cities, and coastal resource service areas (CRSAs). The ACMA provided for the creation of CRSAs to serve the planning needs of rural areas that were not under the jurisdiction of an organized borough government.

The first issue the state grappled with was delineation of the coastal zone boundary which, due to Alaska's size and diversity, required a three-step process:

- 1) identification of boundaries based on biological and physical relationships of the marine and terrestrial environments by the Alaska Department of Fish and Game;
- 2) identification of an interim coastal zone boundary by the CPC; and
- 3) adoption of final coastal zone boundaries by coastal districts for areas within their jurisdiction, subject to guidelines set out by the CPC.

This multiple step 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 along important anadromous streams.

Soon after adoption of the interim coastal zone boundary, regulations to provide statewide standards for coastal development, and guidelines for the creation of coastal

district management programs (CMPs) were adopted. These standards, guidelines, and approved CMPs collectively constitute the Alaska Coastal Management Program (ACMP). In 1979, the ACMP gained federal approval from the National Oceanic and Atmospheric Administration (NOAA).

Coastal district management programs are voluntary

Like the national CZMA, Alaska's coastal management program is voluntary. Coastal districts are offered powerful incentives to gain their participation. Incentives include the ability to formally participate in the state review of coastal development projects and eligibility for federal funds that support coastal program activities.

Once a CMP is developed, it must be approved by the CPC and NOAA. Upon approval, CMP policies become an enforceable component of the ACMP and have the same status as the statewide standards. The first local coastal district program was approved in 1980. Today 33 of 35 eligible coastal districts have approved programs.

The Alaska Coastal Management Program is networked

Rather than establish a new coastal agency and a separate permit process, Alaska developed what is called a "networked program." As such, the ACMP relies on the existing regulatory authority of state agencies and coastal districts to implement and enforce the program. The coordinating agency for this networked program is the Division of Governmental Coordination (DGC) in the Office of the Governor.

Small Photo
Stellar sea lions



Big Photo
A commercial fishing vessel in a Southeast Harbor

"Our fish processing facility was in need of an alternate fresh water source in a very short time frame. With the help of DGC, we were able to secure the needed permits in a timely manner and avoided... closing... during the peak of the salmon run."

*-Patrick Wilson, 1987
Icicle Seafoods, Petersburg*





How coastal management has improved since 1977

"Your office (DGC) provides the necessary coordination with all state agencies to insure that, not only is the applicant treated fairly, but also that other interested parties receive an adequate voice."

-Daniel R. Rosser, 1998
President, Sunrise Marine

Evolution of the ACMP

The original ACMP did not include a specific process to determine whether development proposals were consistent with statewide standards and local enforceable policies. State agencies conducted independent reviews, which occasionally resulted in different findings of consistency for the same project. Development interests criticized the state consistency review process as complex, duplicative, and lengthy. By 1980 it was clear that Alaska's networked approach, without a coordinated review process, was not working very effectively.

Steps toward improvement

In 1984, Governor Sheffield signed legislation designed to move coastal development projects through a single clearinghouse in an expedited fashion and the coastal consistency review process was born. The Administration wanted to provide *"more service and less sorrow"* to development applicants and that is exactly what they did.

Key to this new consistency review process was the "one-stop permit shopping" provided through DGC for projects requiring a federal permit, permits from two or more state agencies, or for direct federal actions.

During the thirteen-plus years the consistency review regulations have been in place, they have provided an effective and predictable process for coastal development activities that has been well-received by state agencies, coastal districts and developers.

Assessment of the ACMP

In 1994, DGC initiated a formal assessment of the program's ability to meet Alaska's needs through the 1990s and beyond. Work sessions, focus groups, surveys, interviews and research projects were conducted across the state. Weaknesses of the ACMP and ways to strengthen the program were identified.

"Mending the Net"

As a result of the dialogue among assessment participants, the CPC decided to continue with a networked state program. Consequently, DGC, state resource agencies, coastal districts and the CPC are "mending the net" to strengthen and improve Alaska's Coastal Management Program.

According to assessment participants, mending the net will require an increase in district responsibility for the ACMP. This effort will also require a commitment to update coastal district plans, to further streamline the permit review and appeal processes, and to provide more effective program enforcement.

DGC: administrator of the ACMP

In order to effectively administer the ACMP, DGC's functions are divided into two broad areas: coastal program development and project review. Program development includes providing guidance, training and hands-on assistance to coastal districts as well as state and federal agency personnel. In addition, this "side" of DGC secures funding for developing and updating state and local programs on an annual basis.

The project review "side" of DGC provides project analysis, consistency review and coordination of stakeholders for developments proposed in the coastal zone. It is important to note that DGC does not make decisions regarding permits required by other state agencies nor does it have independent permitting authority. Rather DGC builds consensus and fosters communication among the stakeholders so mutually agreeable solutions can be achieved.

"For rural Alaskans it (the ACMP) is an important opportunity for meaningful participation in federal and state decisions affecting their lives."

—Chuck Degnan, 1997
Program Director,
Bering Straits Coastal
Resource Area

Small Photo
Mining operation
in the Southeast



Large Photo
Native Alaskan
drying salmon



How coastal management works in coastal districts

"The ACMP allows the district to have local input in the decisions made about what happens within our coastal zone."

-Frank Stein
Planning Director
Northwest Arctic Borough

All but two of Alaska's 35 coastal districts have an approved coastal management program (CMP). Each program is tailored to address local needs and resources within the broader framework of the Alaska Coastal Management Program. Issues commonly addressed include:

- transportation & utilities
- subsistence
- archaeological resources
- recreation
- geophysical hazards
- public access

Who develops and updates local coastal management programs?

CMPs are developed through a partnership between the coastal district, Division of Governmental Coordination (DGC), Department of Community and Regional Affairs (DCRA), state resource management agencies, the National Oceanic and Atmospheric Administration (NOAA), and other stakeholders. Funding for district coastal management program development and implementation is secured by DGC and district grant awards are administered jointly by DGC and DCRA.

Most districts have a municipal governing body and staff that spearhead the development of the CMP. However, if a coastal district lacks an organized government, the ACMP provides for the creation of a Coastal Resource Service Area (CRSA). CRSAs can develop a program but they must rely solely on the state for implementation and enforcement.

Since passage of the ACMA, this provision for CRSAs has served as a stepping stone for the formation of three new boroughs, each of which can now implement and enforce their own coastal management programs.

These programs must be reviewed by the public, as well as state and federal agencies before they receive approval from the local government, the CPC and NOAA.

As with any good plan, periodic updates are conducted by the coastal district, usually with the assistance of

DGC's district program coordinators. DGC assists in many ways, most recently by publishing guidelines for drafting local policies which are enforceable in the 'real' world. Through this ongoing process of plan revision, the CMP remains relevant to current district needs.

How are local coastal management programs implemented?

The policies in approved district programs become an enforceable component of the ACMP. Development proposals within the district, including federal actions, must be reviewed for consistency with these policies and with the ACMP standards. This process is referred to as a 'consistency review' and it results in one of three outcomes:

1. a finding of consistency.
2. a finding of consistency with stipulations, or
3. a finding of inconsistency.

Who conducts the consistency review for coastal projects?

If a project proposed in the coastal zone requires only local permits, the coastal district staff conduct the consistency review and make the final determination of consistency. Any stipulations are implemented and enforced through municipal ordinances.

If a proposal requires state or federal permits, the consistency review is conducted at the state level. If permits are required from only one state agency, that agency coordinates the consistency review. If a project requires permits from more than one state agency, or requires a federal permit, the Division of Governmental Coordination coordinates the consistency review. DGC also coordinates the review for actions proposed by the federal government in Alaska's coastal zone. Stipulations are implemented and enforced by the appropriate state or federal permitting agency.

DGC's consistency review process

DGC's review is initiated when a project developer or federal agency submits a complete application packet. This packet includes a Coastal Project Questionnaire (CPQ), copies of any necessary state and federal permit applications, and any other pertinent information. Once the packet has been determined to be complete, the consistency review begins.

In some cases, a project may not need to undergo an individual consistency review. Certain routine activities and permits have already been found to be consistent with the ACMP. The state maintains a list identifying permits and projects that qualify for these categories of expedited review. This list is known as the "Classification of State Approvals" (ABC List).

In actuality, many developers, both small and large, receive pre-application assistance from DGC long before the application packet is turned in. Questions on coastal zone boundaries are answered, state and federal permits are identified up front, and in some cases meetings are held to clarify what needs to be included in a successful application.

Upon receipt of a complete packet, DGC provides the developer with specific time frames for the consistency determination and one point of contact during the review process.

Three ways DGC helps coastal districts

1. Funding

DGC secures between \$2.5 and \$3.5 million dollars every year to support coastal management in Alaska. This funding is divided among coastal districts, DGC and other state agencies involved in coastal management, with coastal districts consistently receiving the largest share.

2. Training and technical support

DGC provides technical support and training for the CPC, coastal district staff, and state and federal agen-



Frank Stein, representing the Northwest Arctic Borough, accepts a Certificate of Approval from DGC and NOAA for the revision of their Coastal Management Program.

cies charged with coastal resource management. DGC district program coordinators are assigned to coastal districts. DGC staff work with the district representatives to make sure the local coastal management program is up-to-date, to make sure the coordinators receive the training necessary to put their program to work, and to serve as a conduit for communication between local, state, and national levels of coastal management.

3. Project Review and Analysis

DGC's project review coordinators and project analysts work to insure that projects proposed in the coastal zone are consistent with the ACMP. They enforce approved local and statewide policies and evaluate proposed projects against the guidance provided by the local coastal management program. If a project has no impact, this team of DGC professionals expedite the project review. If the project has an impact, they work with developers, districts and state and federal agencies to come up with mutually agreeable solutions.

Most projects are found "consistent with stipulations" to ensure wise management of Alaska's coastal resources.

In FY97 DGC secured almost \$3 million dollars to support coastal management in Alaska. DGC has secured over \$2.5 million dollars for FY98.

DGC's work with developers, state agencies and local governments has resulted in a determination of consistency for 99.5% of all projects over the last five years.

The United States Congress passes the Coastal Zone Management Act (CZMA) into law. States are offered incentives for their participation.



Alaska State Legislature considers the value of coastal management.

Alaska receives the first federal coastal management development grant.

The Office of Coastal Management is established in the Governor's Office.

The Alaska Department of Fish and Game identifies biophysical boundaries, including important anadromous streams, for Alaska's coastal zone.



Alaska State Capitol Building in Juneau

Alaska passes the Alaska Coastal Management Act in 1977.

The Governor appoints the first Coastal Policy Council.

Alaska wins federal approval of the Alaska Coastal Management Program in 1979.

Local Coastal Management Plans are developed for each of Alaska's Coastal Districts.

Alaska adopts the consistency review regulations to offer coastal developers "more service and less sorrow" in 1984.



The Office of Coastal Management is renamed the Division of Governmental Coordination (DGC).

DGC spearheads the new coordinated, streamlined review of coastal development projects.

U.S. Congress reauthorizes the CZMA. States gain the power to review outer continental shelf leases.



Marty Rutherford, CPC Alternate in 1997 and Deputy Commissioner for the Department of Natural Resources

The Coastal Policy Council approves 34 out of 35 coastal management plans in 1992.

The first coastal district management plan is approved in 1980.



A brown bear sow and her cubs fish for salmon

1974 77 84 90



This Harbor Seal pup is one of many species dependent on a healthy ocean and coast.

Gabrielle LaRoche, Coastal Program Coordinator for DGC, tells kids about the Alaska Coastal Management Program at the first annual coastal cleanup held in Juneau on September 21, 1997.



With the whole program in place, opportunities for positive change are identified. DGC begins a formal assessment of the ACMP.

Assessment meetings and surveys are conducted throughout the state to gather feedback on how effective the ACMP is.

As a result of statewide dialogue during the assessment, the CPC decides to continue with a networked state program.

Assessment input is synthesized into recommendations for improvement. The ACMP is reworked to maximize coastal district involvement, to improve coastal district planning, to streamline permitting and appeals, and to improve state and local enforcement capabilities.

Assessment recommendations are implemented within the framework of budget discipline and customer service.

Governor Tony Knowles proclaims 1998 the Year of the Ocean for the State of Alaska during the Annual ACMP Conference held in Juneau April 9-10.

DGC and the Coastal Services Center of NOAA host a "Coastal Partnerships Workshop" in Kotzebue, Alaska. Participants include representatives from state and federal resource management agencies, coastal district coordinators, CRSA board members, and two Coastal Policy Council members. Participants develop collaborative skills that address the schism between rural and urban Alaska as well as Alaskan Native and non-native perspectives.



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PUBLICATION PRODUCTION

This ACMP Handbook has been prepared by DGC to provide an overview of the Alaska Coastal Management Program. It was produced at a cost of .71 per copy and was printed in Juneau, Alaska in June of 1998.

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*Come surf Alaska's
coastal zone at:*

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Local Coastal District Office

*Thank you for
your interest in the
Alaska Coastal
Management
Program.*

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more information
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our bi-monthly
newsletter, Coastal
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Funding for this publication provided by the State of Alaska and through 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.

CS FOR HOUSE BILL NO. 191(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Introduced:

Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Alaska coastal management program and to policies and
 2 procedures for consistency reviews and the rendering of consistency determinations
 3 under that program; eliminating the Alaska Coastal Policy Council; annulling certain
 4 regulations relating to the Alaska coastal management program; and providing for an
 5 effective date."

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

7 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
 8 to read:

9 **FINDINGS.** The legislature finds that

10 (1) the Alaska coastal management program (ACMP) is intended to function
 11 with a minimum of delay and avoid regulatory confusion, costly litigation, and uncertainty
 12 regarding the feasibility of new investment;

13 (2) there is a need to update and reform the existing statewide standards of the

1 ACMP so that they are clear and concise and provide needed predictability as to the
2 applicability, scope, and timing of the consistency review process under the program;

3 (3) there is a need to update and reform the district coastal management plans
4 under the ACMP so that the local enforceable policies within those plans are clear and
5 concise, provide greater uniformity in coastal management throughout the state, relate to
6 matters of local concern, and do not duplicate state and federal requirements;

7 (4) there is a need to coordinate state consistency reviews under the ACMP
8 with the federal environmental reviews conducted under 42 U.S.C. 4321 - 4370 (National
9 Environmental Policy Act of 1969, as amended), recognizing that the ACMP is not intended
10 to act as or take the place of those federal reviews, but acknowledging that the coordination of
11 state consistency reviews and federal environmental reviews is necessary to ensure a
12 predictable, efficient, and timely permitting process for needed investment in this state;

13 (5) to achieve these goals, statutory reform is needed; and

14 (6) to implement these needed reforms at the administrative level, it is in the
15 best interest of the state for the development and implementation of the ACMP to be
16 transferred from the Alaska Coastal Policy Council to the Department of Natural Resources.

17 * Sec. 2. AS 38.05.825(a) is amended to read:

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

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

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

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

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

31 (5) land is classified for waterfront development or for another use that

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

5 (6) land

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

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

9 or

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

11 * Sec. 3. AS 44.33.781 is amended to read:

12 **Sec. 44.33.781. Planning assistance for development and maintenance of**
 13 **district coastal management plans [PROGRAMS].** The department shall conduct a
 14 program of research, training, and technical assistance to coastal resource districts
 15 necessary for the development and implementation of district coastal management
 16 plans [PROGRAMS] under AS 46.40. The technical assistance shall include the
 17 direct granting to the coastal resource districts of a portion of any funds received by
 18 the state from the federal coastal zone management program, in amounts to be
 19 individually determined for each coastal resource district by the commissioner of
 20 community and economic development. State agencies shall assist the department in
 21 carrying out the purposes of this section.

22 * Sec. 4. AS 44.62.800(1) is amended to read:

23 (1) "agency" means a department, an institution, or a division or other
 24 administrative unit of the executive branch of state government authorized or required
 25 by law to make regulations, except that "agency" does not include

26 (A) a board, [;] a commission, [;] a council, [EXCEPT THE
 27 ALASKA COASTAL POLICY COUNCIL ESTABLISHED IN
 28 AS 46.39.020;] an authority, [;] or a public corporation of the executive branch
 29 of state government authorized or required by law to make regulations; or

30 (B) the Department of Corrections;

31 * Sec. 5. AS 46.39.010 is amended by adding a new subsection to read:

1 (c) The department may adopt regulations necessary to implement this
2 chapter.

3 * Sec. 6. AS 46.39.030 is amended to read:

4 Sec. 46.39.030. Powers of the department [COUNCIL]. The department
5 [COUNCIL] may

6 (1) apply for and accept grants, contributions, and appropriations,
7 including application for and acceptance of federal funds that may become available
8 for coastal planning and management;

9 (2) contract for necessary services;

10 (3) consult and cooperate with

11 (A) persons, organizations, and groups, public or private,
12 interested in, affected by, or concerned with coastal area planning and
13 management;

14 (B) agents and officials of the coastal resource districts of the
15 state, and federal and state agencies concerned with or having jurisdiction over
16 coastal planning and management;

17 (4) take any reasonable action necessary to carry out the provisions of
18 this chapter or AS 46.40 [AS 46.39.020 - 46.39.050].

19 * Sec. 7. AS 46.39.040 is amended to read:

20 Sec. 46.39.040. Duties of the department [COUNCIL]. In conformity with
21 16 U.S.C. 1451-1464 (Coastal Zone Management Act of 1972), as amended, the
22 department [COUNCIL] shall

23 (1) [THROUGH THE PUBLIC HEARING PROCESS AND THE
24 RECORDING OF THE MINUTES OF THE HEARINGS,] develop statewide
25 [GUIDELINES AND] standards for the Alaska coastal management program, and
26 criteria for the preparation [OF,] and approval of district coastal management
27 plans [APPROVE,] in accordance with AS 46.40 [, THE ALASKA COASTAL
28 MANAGEMENT PROGRAM];

29 (2) establish continuing coordination among state agencies to facilitate
30 the development and implementation of the Alaska coastal management program; in
31 carrying out its duties under this paragraph, the department [COUNCIL] shall initiate

1 an interagency program of comprehensive coastal resource planning for each
2 geographic region of the state [DESCRIBED IN AS 46.39.020(a)(1)];

3 (3) assure continued provision of data and information to coastal
4 resource districts to carry out their planning and management functions under the
5 program.

6 * Sec. 8. AS 46.40.010 is amended to read:

7 **Sec. 46.40.010. Development of Alaska coastal management program.** (a)
8 The department [ALASKA COASTAL POLICY COUNCIL ESTABLISHED IN
9 AS 46.39.020] shall approve, in accordance with this chapter, the Alaska coastal
10 management program.

11 (b) The department [COUNCIL] may approve the Alaska coastal
12 management program for a portion or portions of the coastal area before approving the
13 complete program under (a) of this section. Portions of the program approved under
14 this subsection shall be incorporated into the Alaska coastal management program.

15 (c) The Alaska coastal management program shall be reviewed by the
16 department [COUNCIL] and, when appropriate, revised to

17 (1) add newly approved district coastal management plans
18 [PROGRAMS], or revisions and amendments to the Alaska coastal management
19 program;

20 (2) integrate newly approved district coastal management plans
21 [PROGRAMS], or revisions and amendments of district coastal management plans
22 [PROGRAMS], with existing approved plans [PROGRAMS] and with plans
23 developed by state agencies;

24 (3) add new or revised state statutes, policies, regulations, or other
25 appropriate material;

26 (4) review the effectiveness of implementation of district coastal
27 management plans [PROGRAMS]; and

28 (5) consider new information acquired by the state and coastal resource
29 districts.

30 (d) All reviews and revisions shall be in accordance with the statewide
31 [GUIDELINES AND] standards and district plan criteria adopted [BY THE

1 COUNCIL] under AS 46.40.040.

2 * Sec. 9. AS 46.40.030 is amended to read:

3 Sec. 46.40.030. Development of district coastal management plans
4 [PROGRAMS]. (a) Coastal resource districts shall develop and adopt district coastal
5 management plans [PROGRAMS] in accordance with the provisions of this chapter.
6 The plan [PROGRAM] adopted by a coastal resource district shall be based upon a
7 municipality's existing comprehensive plan or a new comprehensive resource use plan
8 or comprehensive statement of needs, policies, objectives, and standards governing the
9 use of resources within the coastal area of the district. The plan [PROGRAM] must
10 meet [BE CONSISTENT WITH] the statewide [GUIDELINES AND] standards and
11 district plan criteria adopted [BY THE COUNCIL] under AS 46.40.040 and must
12 include

13 (1) a delineation within the district of the boundaries of the coastal area
14 subject to the district coastal management plan [PROGRAM];

15 (2) a statement, list, or definition of the land and water uses and
16 activities subject to the district coastal management plan [PROGRAM];

17 (3) a statement of policies to be applied to the land and water uses
18 subject to the district coastal management plan [PROGRAM];

19 (4) [REGULATIONS, AS APPROPRIATE, TO BE APPLIED TO
20 THE LAND AND WATER USES SUBJECT TO THE DISTRICT COASTAL
21 MANAGEMENT PROGRAM;

22 (5)] a description of the uses and activities which will be considered
23 proper and the uses and activities which will be considered improper with respect to
24 the land and water within the coastal area;

25 [(6) A SUMMARY OR STATEMENT OF THE POLICIES WHICH
26 WILL BE APPLIED AND THE PROCEDURES WHICH WILL BE USED TO
27 DETERMINE WHETHER SPECIFIC PROPOSALS FOR LAND OR WATER USES
28 OR ACTIVITIES SHALL BE ALLOWED;] and

29 (5) [(7)] a designation of, and the policies which will be applied to the
30 use of, areas within the coastal resource district which merit special attention.

31 (b) In developing enforceable policies in its coastal management plan

1 [STATEMENTS OF POLICIES AND REGULATIONS] under (a) of this section, a
 2 coastal resource district shall meet the requirements of AS 46.40.070, and may not
 3 duplicate, restate, or incorporate by reference statutes and administrative regulations
 4 adopted by state or federal agencies.

5 * Sec. 10. AS 46.40.040 is amended to read:

6 Sec. 46.40.040. Statewide standards and district plan criteria [DUTIES
 7 OF THE ALASKA COASTAL POLICY COUNCIL]. Except as provided in (b)
 8 of this section and AS 41.17, the department [THROUGH THE PUBLIC
 9 HEARING PROCESS AND THE RECORDING OF THE MINUTES OF THE
 10 HEARINGS, THE ALASKA COASTAL POLICY COUNCIL] shall

11 (1) by regulation, adopt under the provisions of AS 44.62
 12 (Administrative Procedure Act) for the use of and application by coastal resource
 13 districts and state agencies for carrying out their responsibilities under this chapter,
 14 statewide [GUIDELINES AND] standards and district coastal management plan
 15 criteria for

16 (A) identifying the boundaries of the coastal area subject to the
 17 Alaska [DISTRICT] coastal management program;

18 (B) determining the land and water uses and activities subject
 19 to the Alaska [DISTRICT] coastal management program;

20 (C) developing policies applicable to the land and water uses
 21 subject to the Alaska [DISTRICT] coastal management program;

22 (D) developing regulations applicable to the land and water
 23 uses subject to the Alaska [DISTRICT] coastal management program;

24 (E) developing policies and procedures to determine whether
 25 specific proposals for the land and water uses or activities subject to the
 26 Alaska [DISTRICT] coastal management program shall be allowed;

27 (F) designating and developing policies for the use of areas of
 28 the coast which merit special attention; and

29 (G) measuring the progress of a coastal resource district in
 30 meeting its responsibilities under this chapter;

31 (2) develop and maintain a program of technical and financial

1 assistance to aid coastal resource districts in the development and implementation of
2 district coastal management plans [PROGRAMS];

3 (3) undertake review and approval of district coastal management
4 plans [PROGRAMS] in accordance with this chapter;

5 (4) initiate a process for identifying and managing uses of state
6 concern within specific areas of the coast;

7 (5) develop procedures or guidelines for consultation and coordination
8 with federal agencies managing land or conducting activities potentially affecting the
9 coastal area of the state;

10 (6) by regulation, establish a consistency review and determination or
11 certification process that conforms to the requirements of AS 46.40.096.

12 * Sec. 11. AS 46.40.040 is amended by adding a new subsection to read:

13 (b) For purposes of this chapter, the statutes and regulations of the Department
14 of Environmental Conservation with respect to the protection of air, land, and water
15 quality constitute the exclusive enforceable policies of the Alaska coastal management
16 program for those purposes. The issuance of permits, certifications, approvals, and
17 authorizations by the Department of Environmental Conservation constitute a
18 determination of consistency with the Alaska coastal management program for those
19 purposes and for those components of a proposed development project subject to those
20 permits, certifications, approvals, and authorizations.

21 * Sec. 12. AS 46.40.050 is repealed and reenacted to read:

22 **Sec. 46.40.050. Submission of district plans by coastal resource districts.**

23 (a) A coastal resource district must review and resubmit its coastal management plan
24 for reapproval every five years after its approval by the department under
25 AS 46.40.060.

26 (b) Within 30 months after certification of the organization of a new coastal
27 resource district, the coastal resource district shall complete and submit to the
28 department a proposed district coastal management plan. If, after receipt of a written
29 request for extension from the coastal resource district, the department considers an
30 extension proper, the department may grant an extension to a date that is within 54
31 months after certification of the results of the coastal resource district's organization.

*Limits
Development*

1 A request under this subsection must include the reasons for the extension.

2 * Sec. 13. AS 46.40.060 is amended to read:

3 **Sec. 46.40.060. Review and approval by the department [COUNCIL].** (a)

4 If, upon submission of a district coastal management plan [PROGRAM] for approval,
5 the department [COUNCIL] finds that the plan [PROGRAM] meets [IS
6 SUBSTANTIALLY CONSISTENT WITH] the provisions of this chapter and the
7 statewide [GUIDELINES AND] standards and district plan criteria adopted by the
8 department [COUNCIL] and does not arbitrarily, [OR] unreasonably, or unduly
9 restrict or exclude uses of state concern, the department [COUNCIL] may approve
10 [GRANT SUMMARY APPROVAL OF] the district coastal management plan
11 [PROGRAM], or may approve portions of the district plan that meet those
12 requirements [PROGRAM WHICH ARE CONSISTENT].

13 (b) If the department [COUNCIL] finds that a district coastal management
14 plan [PROGRAM] is not approvable or is approvable only in part under (a) of this
15 section, it shall direct that deficiencies in the plan [PROGRAM] submitted by the
16 coastal resource district be mediated. In mediating the deficiencies, the department
17 [COUNCIL] may call for one or more public hearings in the district. The department
18 [COUNCIL] shall meet with officials of the coastal resource district in order to resolve
19 differences.

20 (c) If, after mediation, the differences have not been resolved [TO THE
21 MUTUAL AGREEMENT OF THE COASTAL RESOURCE DISTRICT AND THE
22 COUNCIL, THE COUNCIL SHALL CALL FOR A PUBLIC HEARING AND
23 SHALL RESOLVE THE DIFFERENCES IN ACCORDANCE WITH AS 44.62
24 (ADMINISTRATIVE PROCEDURE ACT). AFTER A PUBLIC HEARING HELD
25 UNDER THIS SUBSECTION], the department [COUNCIL] shall enter findings
26 and, by order, may require

27 (1) that the district coastal management plan [PROGRAM] be
28 amended to satisfy [MAKE IT CONSISTENT WITH] the provisions of this chapter
29 or meet the statewide [GUIDELINES AND] standards and district plan criteria
30 adopted by the department [COUNCIL];

31 (2) that the district coastal management plan [PROGRAM] be revised

1 to accommodate a use of state concern; or

2 (3) any other action be taken by the coastal resource district as
3 appropriate.

4 (d) The superior courts of the state have jurisdiction to enforce orders of the
5 department [COUNCIL] entered under (c) of this section.

6 * Sec. 14. AS 46.40.070 is repealed and reenacted to read:

7 **Sec. 46.40.070. Requirements for department review and approval.** (a)

8 The department may approve a district coastal management plan submitted for review
9 and approval if

10 (1) the district coastal management plan meets the requirements of this
11 chapter and the statewide standards and district plan criteria adopted by the
12 department; and

13 (2) the enforceable policies of the district coastal management plan

14 (A) are clear and concise as to the activities and persons
15 affected by the policies, and the requirements of the policies;

16 (B) are not susceptible to inconsistent application to different
17 projects or regulated persons;

18 (C) use precise, prescriptive, and enforceable language; and

19 (D) do not address a matter regulated or authorized by state or
20 federal law unless the enforceable policies relate specifically to a matter of
21 local concern; for purposes of this subparagraph, "matter of local concern"
22 means a specific coastal use or resource, or geographical area within the
23 coastal zone, that is

24 (i) identified as sensitive to development;

25 (ii) not adequately addressed or contemplated by state
26 or federal law; and

27 (iii) of unique concern to the coastal resource district as
28 demonstrated by usage or scientific evidence.

29 (b) A decision by the department under this section shall be given within 90
30 days after submission of the district coastal management plan to the department.

31 * Sec. 15. AS 46.40.090 is amended to read:

1 **Sec. 46.40.090. Implementation of district coastal management plans**
2 **[PROGRAMS].** (a) A district coastal management plan [PROGRAM] approved
3 under this chapter [BY THE COUNCIL AND THE LEGISLATURE] for a coastal
4 resource district that [WHICH] does not have and exercise zoning or other controls on
5 the use of resources within the coastal area shall be implemented by appropriate state
6 agencies as provided in AS 46.40.096. Implementation shall be in accordance with
7 the comprehensive use plan or the statement of needs, policies, objectives, and
8 standards adopted by the district.

9 (b) A coastal resource district that [WHICH] has and exercises zoning or
10 other controls on the use of resources within the coastal area shall implement its
11 district coastal management plan [PROGRAM]. Implementation shall be in
12 accordance with the comprehensive use plan or the statement of needs, policies,
13 objectives, and standards adopted by the district.

14 * **Sec. 16.** AS 46.40.094(a) is amended to read:

15 (a) The provisions of this section apply to a use or activity for which a
16 consistency determination is required if

17 (1) at the time the proposed use or activity is initiated, there is
18 insufficient information to evaluate and render a consistency determination for the
19 entirety of the proposed use or activity;

20 (2) the proposed use or activity is capable of proceeding in discrete
21 phases based upon developing information that was not available to the project
22 applicant at the time of the previous [OBTAINED IN THE COURSE OF A] phase;
23 and

24 (3) each subsequent phase of the proposed use or activity is subject to
25 discretion to implement alternative decisions based upon the developing information.

26 * **Sec. 17.** AS 46.40.096(a) is amended to read:

27 (a) The department [COUNCIL] shall, by regulation, establish a consistency
28 review and determination process that conforms to the requirements of this section.

29 * **Sec. 18.** AS 46.40.096(b) is amended to read:

30 (b) If a consistency review is not subject to AS 46.39.010 because the project
31 for which a consistency review is made requires a permit, lease, or authorization from

1 only one state resource agency, that state resource agency shall coordinate the
2 consistency review of the project. The state resource agency shall coordinate the
3 consistency review according to the requirements of the regulations adopted by the
4 department [COUNCIL] under this section.

5 * Sec. 19. AS 46.40.096(c) is amended to read:

6 (c) The regulations adopted by the department [COUNCIL] under this
7 section must include provisions for public notice and provide the opportunity for
8 public comment. ^{under AS 44.62 -} The regulations adopted under this subsection may make
9 distinctions relating to notice based upon differences in project type, anticipated effect
10 of the project on coastal resources and uses, other state or federal notice requirements,
11 and time constraints. However, a notice given under this subsection must contain
12 sufficient information, expressed in commonly understood terms, to inform the public
13 of the nature of the proposed project for which a consistency determination is sought,
14 and must explain how the public may comment on the proposed project.

15 * Sec. 20. AS 46.40.096(d) is amended to read:

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

18 (1) request consistency review comments for the proposed project
19 from state resource agencies, affected coastal resource districts, and other interested
20 parties as determined by regulation adopted by the department [COUNCIL];

21 (2) prepare proposed consistency determinations;

22 (3) coordinate subsequent reviews of proposed consistency
23 determinations prepared under (2) of this subsection; a subsequent review of a
24 proposed consistency determination under this paragraph

25 (A) is limited to a review by the department [STATE
26 RESOURCE AGENCIES]; [AND]

27 (B) may occur only if requested by

28 (i) the project applicant;

29 (ii) a state resource agency; or

30 (iii) an affected coastal resource district; and

31 (C) shall be completed by the department within 45 days

1 after the initial request for subsequent review under this paragraph:

2 (4) render the final consistency determination and certification.

3 * Sec. 21. AS 46.40.096(g) is amended to read:

4 (g) The reviewing entity shall [MAY] exclude from the consistency review
5 and determination process [FOR A PROJECT]

6 (1) an activity that is authorized

7 (A) under a general or nationwide permit that has previously
8 been determined to be consistent with the Alaska [APPLICABLE] coastal
9 management program [PROGRAMS]; or

10 (B) by the Department of Environmental Conservation
11 under its air, land, and water quality requirements as provided in
12 AS 46.40.040(b);

13 (2) activities excluded from a consistency review under AS 41.17;

14 and

15 (3) the issuance of an authorization or permit issued by the Alaska Oil
16 and Gas Conservation Commission.

17 * Sec. 22. AS 46.40.096 is amended to add new subsections to read:

18 (i) Except as provided in (g) of this section, AS 41.17, AS 46.40.040(b),
19 16 U.S.C. 1456, and 15 C.F.R. Part 930, a consistency review of a project under this
20 section is triggered by an activity within the areas described in (k) of this section that
21 is subject to a state resource agency permit, lease, authorization, approval, or
22 certification.

23 (j) Except as provided in (g) of this section, AS 41.17, AS 46.40.040(b), and
24 AS 46.40.094, the scope of a consistency review of a project, once triggered under (i)
25 of this section, is limited to activities within the areas described in (k) of this section
26 that are subject to a state resource agency permit, lease, authorization, approval, or
27 certification, or to a coastal resource district enforceable policy approved by the
28 department under this chapter. The scope of a consistency review subject to 16 U.S.C.
29 1456 is determined under 16 U.S.C. 1456 and 15 C.F.R. Part 930.

30 (k) The regulations adopted under (a) of this section apply, as authorized by
31 16 U.S.C. 1456(c), to

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(1) activities within the coastal zone; and

(2) activities on federal lands, including the federal outer continental shelf, that would affect any land or water use or natural resource of the state's coastal zone; for purposes of this paragraph those activities consist of any activity on the federal outer continental shelf and any activity on federal lands that are within the geographic boundaries of the state's coastal zone notwithstanding the exclusion of federal lands in 16 U.S.C. 1453(l).

(l) As part of the regulations adopted under (a) of this section, the department shall establish categories and descriptions of uses and activities that, for purposes of evaluating consistency with the Alaska coastal management program, are determined to be categorically consistent or generally consistent after the inclusion of standard alternative measures. These categories of uses and activities must be as broad as possible so as to minimize the number of projects that must undergo an individualized consistency review under this section.

Should be in statute

* Sec. 23. AS 46.40.100(a) is amended to read:

(a) As provided in AS 46.40.090 and 46.40.096, municipalities [MUNICIPALITIES] and state resource agencies shall administer land and water use regulations or controls in conformity with district coastal management plans [PROGRAMS] approved under this chapter [BY THE COUNCIL] and in effect.

* Sec. 24. AS 46.40.100(b) is amended to read:

(b) A party that is authorized under (g) of this section may file a petition showing that a district coastal management plan [PROGRAM] is not being implemented. A petition filed under this subsection may not seek review of a proposed or final consistency determination regarding a specific project. On receipt of a petition, the department [COUNCIL], after giving public notice in the manner required by (f) of this section, ^{may} shall convene a hearing to consider the matter. A hearing called under this subsection shall be held in accordance with regulations adopted under this chapter [BY THE COUNCIL]. After hearing, the department [COUNCIL] may order that the coastal resource district or a state resource agency take any action with respect to future implementation of the district coastal management plan [PROGRAM] that the department [COUNCIL] considers

Define a party

1 necessary, except that the department [COUNCIL] may not order that the coastal
2 resource district or a state agency take any action with respect to a proposed or final
3 consistency determination that has been issued.

4 * Sec. 25. AS 46.40.100(c) is amended to read:

5 (c) In determining whether an approved district coastal management plan
6 [PROGRAM] is being implemented by a coastal resource district that exercises zoning
7 authority or controls on the use of resources within the coastal area or by a state
8 resource agency, the department [COUNCIL] shall find in favor of the district or the
9 state resource agency, unless the department [COUNCIL] finds a pattern of
10 nonimplementation.

11 * Sec. 26. AS 46.40.100(e) is amended to read:

12 (e) The superior courts of the state have jurisdiction to enforce lawful orders
13 of the department [COUNCIL].

14 * Sec. 27. AS 46.40.100(f) is amended to read:

15 (f) Upon receipt of a petition under (b) of this section, the department
16 [COUNCIL] shall give notice of the hearing at least 10 days before the scheduled date
17 of the hearing. The notice must

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

20 (2) indicate the manner in which the public may comment on the
21 petition.

22 * Sec. 28. AS 46.40.100(h) is amended to read:

23 (h) If the department [COUNCIL] finds a pattern of nonimplementation
24 under (c) of this section, the department [COUNCIL] may order a coastal resource
25 district or a state resource agency to take action with respect to future implementation
26 of the district coastal management plan [PROGRAM] that the department
27 [COUNCIL] considers necessary to implement the district coastal management plan
28 [PROGRAM]. The department's [COUNCIL'S] determination under (c) of this
29 section and any order issued under this subsection shall be considered a final
30 administrative order for purposes of judicial review under AS 44.62.560.

31 * Sec. 29. AS 46.40.110 is repealed and reenacted to read:

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Sec. 46.40.110. Authority in the unorganized borough. A coastal resource service area in the unorganized borough organized under AS 29.03.020 and AS 46.40.110 - 46.40.180 before the effective date of this bill section shall exercise those authorities and perform those duties required under this chapter.

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* **Sec. 30.** AS 46.40.140(a) is amended to read:

(a) Each coastal resource service area [, UPON ORGANIZATION,] shall have an elected board representing the population of the service area. The board shall have the powers and duties and perform the functions prescribed for or required of coastal resource districts.

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* **Sec. 31.** AS 46.40.140(d) is amended to read:

(d) The term of office of a member of a coastal resource service area board is three years [, EXCEPT THAT THE TERMS OF THE MEMBERS OF THE FIRST BOARD ELECTED AFTER ORGANIZATION OF A COASTAL RESOURCE SERVICE AREA SHALL BE DETERMINED BY LOT, WITH TWO MEMBERS SERVING ONE-YEAR TERMS, TWO MEMBERS SERVING TWO-YEAR TERMS, AND THREE MEMBERS SERVING THREE-YEAR TERMS]. Members serve until their successors are elected and have qualified. This section does not prohibit the reelection of a board member.

* **Sec. 32.** AS 46.40.140(e) is amended to read:

(e) The lieutenant governor shall provide for the election of the members of coastal resource service area boards. [THE FIRST ELECTION OF BOARD MEMBERS SHALL OCCUR AT THE SAME TIME AS THE ORGANIZATION ELECTION UNDER AS 46.40.130(b)].

* **Sec. 33.** AS 46.40.140(f) is amended to read:

(f) Election [EXCEPT FOR THE FIRST ELECTION] of members of coastal resource service area boards [, ELECTIONS] shall be held annually on the date of election of members of regional educational attendance area boards under AS 14.08.071(b). [FOR AN ELECTION UNDER THIS SUBSECTION OR UNDER (e) OF THIS SECTION, A NEWLY ELECTED BOARD MEMBER TAKES OFFICE AT THE FIRST COASTAL RESOURCE SERVICE AREA BOARD MEETING AFTER CERTIFICATION OF THE ELECTION.] If no candidate files

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1 for election to a seat on the coastal resource service area board, the seat is considered
2 vacant at the time a newly elected member would have taken office.

3 * Sec. 34. AS 46.40.150 is amended to read:

4 Sec. 46.40.150. Elections in coastal resource service areas. Elections
5 [ORGANIZATION ELECTIONS] under AS 46.40.110 - 46.40.180 [AS 46.40.130
6 AND OTHER ELECTIONS, INCLUDING RECALL ELECTIONS CONDUCTED
7 UNDER AS 46.40.140,] shall be administered by the lieutenant governor in the
8 general manner provided in AS 15 (Election Code). In addition, the lieutenant
9 governor may adopt regulations necessary to the conduct of coastal resource service
10 area board elections. The state shall pay all election costs.

11 * Sec. 35. AS 46.40.180(a) is amended to read:

12 (a) Before adoption by a coastal resource service area board, [OR BY THE
13 DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT UNDER
14 AS 46.40.170,] a district coastal management plan [PROGRAM] shall be submitted
15 for review to each city or village within the coastal resource service area. The council
16 of a city or traditional village council shall consider the plan [PROGRAM] submitted
17 for review. Within 60 days of submission, the council of a city or traditional village
18 council shall either approve the plan [PROGRAM] or enter objections to all or any
19 portion of the plan [PROGRAM].

20 * Sec. 36. AS 46.40.180(b) is amended to read:

21 (b) If a city or village within a coastal resource service area fails to approve a
22 portion of the district coastal management plan [PROGRAM] prepared and submitted
23 for approval under (a) of this section, the governing body shall advise the coastal
24 resource service area board [OR THE DEPARTMENT, AS APPLICABLE,] of its
25 objections to the proposed plan [PROGRAM] and suggest alternative elements or
26 components for inclusion in the district coastal management plan [PROGRAM]. New
27 matter submitted by a city or village which meets [IS SUBSTANTIALLY
28 CONSISTENT WITH] the statewide [GUIDELINES AND] standards and district
29 plan criteria adopted under this chapter [BY THE COUNCIL] shall be accepted
30 and the district coastal management plan [PROGRAM] modified accordingly. If a
31 city or village fails to provide objections and suggested alternatives within the time

1 limits established in this section, the coastal resource service area board [OR THE
2 DEPARTMENT, AS APPLICABLE,] may adopt the district coastal management
3 plan [PROGRAM] as initially offered.

4 * Sec. 37. AS 46.40.180(c) is amended to read:

5 (c) Objection by a city council under (b) of this section is limited to objection
6 to elements of the plan [PROGRAM] affecting resources or the use of resources
7 within the corporate limits of the city. Objection by a traditional village council under
8 (b) of this section is limited to objection to elements of the plan [PROGRAM]
9 affecting resources or the use of resources within the village or within two miles of the
10 village.

11 * Sec. 38. AS 46.40 is amended by adding a new section to read:

12 **Sec. 46.40.195. Construction with other laws.** Nothing in this chapter shall
13 be construed to

14 (1) diminish state jurisdiction, responsibility, or rights in the field of
15 planning, development, or control of land or water resources, submerged lands, or
16 navigable waters;

17 (2) affect in any way any state requirement imposed under a federal
18 authorization or federal waiver of sovereign immunity; or

19 (3) diminish the zoning or planning authority of municipalities under
20 AS 29.

21 * Sec. 39. AS 46.40.210(2) is amended to read:

22 (2) "coastal resource district" means each of the following that
23 contains a portion of the coastal area of the state:

24 (A) unified municipalities;

25 (B) organized boroughs of any class that exercise planning and
26 zoning authority;

27 (C) home rule and first class cities of the unorganized borough
28 or within boroughs that do not exercise planning and zoning authority;

29 (D) second class cities of the unorganized borough, or within
30 boroughs that do not exercise planning and zoning authority, that have
31 established a planning commission, and that, in the opinion of the

1 commissioner of community and economic development, have the capability
2 of preparing and implementing a comprehensive district coastal management
3 plan [PROGRAM] under AS 46.40.030;

4 (E) coastal resource service areas established and organized
5 under AS 29.03.020 and AS 46.40.110 - 46.40.180;

6 * Sec. 40. AS 46.40.210(3) is amended to read:

7 (3) "consistency review" means the evaluation of a proposed
8 development project, the scope of which is determined under AS 46.40.094 and
9 46.40.096, against the statewide standards adopted [BY THE COUNCIL] under
10 AS 46.40.040 for those evaluations and the enforceable policies in an applicable
11 [A] district coastal management plan [PROGRAM] approved [BY THE COUNCIL]
12 under AS 46.40.060;

13 * Sec. 41. AS 46.40.210(5) is amended to read:

14 (5) "department" means the Department of Natural Resources
15 [COMMUNITY AND ECONOMIC DEVELOPMENT];

16 * Sec. 42. AS 46.40.210(8) is amended to read:

17 (8) "uses of state concern" means those land and water uses that
18 [WHICH] would significantly affect the long-term public interest; "uses of state
19 concern" [THESE USES, SUBJECT TO COUNCIL DEFINITION OF THEIR
20 EXTENT,] include

21 (A) uses of national interest, including the use of resources for
22 the siting of ports and major facilities that [WHICH] contribute to meeting
23 national energy needs, construction and maintenance of navigational facilities
24 and systems, resource development of federal land, and national defense and
25 related security facilities that are dependent upon coastal locations;

26 (B) uses of more than local concern, including those land and
27 water uses that confer significant environmental, social, cultural, or economic
28 benefits or burdens beyond a single coastal resource district;

29 (C) the siting of major energy facilities, activities pursuant to a
30 state or federal oil and gas lease, or large-scale industrial or commercial
31 development activities that [WHICH] are dependent on a coastal location and

1 that [WHICH], because of their magnitude or the magnitude of their effect on
2 the economy of the state or the surrounding area, are reasonably likely to
3 present issues of more than local significance;

4 (D) facilities serving statewide or interregional transportation
5 and communication needs; and

6 (E) uses in areas established as state parks or recreational areas
7 under AS 41.21 or as state game refuges, game sanctuaries, or critical habitat
8 areas under AS 16.20;

9 * **Sec. 43.** AS 46.40.210 is amended by adding new paragraphs to read:

10 (10) "coastal use or resource" means a land or water use or natural
11 resource of the coastal zone; "coastal use or resource" includes subsistence, recreation,
12 public access, fishing, historic or archaeological resources, geophysical resources, and
13 biological or physical resources found in the coastal zone on a regular or cyclical
14 basis;

15 (11) "coastal zone" means the coastal waters including lands within
16 and under those waters, and adjacent shorelands, including the waters within and
17 under those shorelands, within the boundaries approved by the former Alaska Coastal
18 Policy Council and by the United States Secretary of Commerce under 16 U.S.C.
19 1451 - 1465 (Coastal Zone Management Act of 1972, as amended); "coastal zone"
20 includes areas added as a result of any boundary changes approved by the department
21 and by the United States Secretary of Commerce under 16 U.S.C. 1451 - 1465;
22 "coastal zone" does not include

23 (A) those lands excluded under 16 U.S.C. 1453(1); or

24 (B) areas deleted as a result of any boundary changes by the
25 department in conformance with 16 U.S.C. 1451 - 1465;

26 (12) "district coastal management plan" means a plan developed by a
27 coastal resource district, including enforceable policies of that plan, setting out
28 policies and standards to guide public and private uses of land and waters within that
29 district and approved by the department as meeting the requirements of this chapter
30 and the regulations adopted under this chapter;

31 (13) "enforceable policy" means a policy established by this chapter or

1 approved by the department as a legally binding policy of the Alaska coastal
2 management program applicable to public and private activities.

3 * Sec. 44. AS 38.05.037(b)(2); AS 39.50.200(b)(38); AS 44.62.800(2)(B); AS 46.39.020,
4 46.39.050; AS 46.40.080, 46.40.120, 46.40.130, 46.40.140(c), 46.40.160, 46.40.170,
5 46.40.200, and 46.40.210(4) are repealed.

6 * Sec. 45. The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 ANNULMENT OF CERTAIN REGULATIONS. The following regulations are
9 annulled:

10 (1) 6 AAC 80.010 - 6 AAC 80.900;

11 (2) 6 AAC 85.020 - 6 AAC 85.900.

12 * Sec. 46. The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 TRANSITION: GENERAL PROVISIONS. (a) The Department of Natural
15 Resources shall adopt regulations under AS 44.62 (Administrative Procedure Act)
16 implementing this Act in order that the regulations are effective no later than July 1, 2004.

17 (b) Until sec. 45 of this Act takes effect or the regulations attorney removes the
18 regulations under sec. 48(c) of this Act, whichever occurs first, the Department of Natural
19 Resources may implement and enforce the regulations in 6 AAC 80 and 6 AAC 85, to the
20 extent that the regulations are not inconsistent with this Act.

21 (c) Notwithstanding the repeal of the Alaska Coastal Policy Council enacted by
22 sec. 44 of this Act, and the repeal of the Alaska Coastal Policy Council's duties in
23 AS 46.40.040, enacted in sec. 10 of this Act, a district coastal management program,
24 including its enforceable policies, approved by the former Alaska Coastal Policy Council that
25 is not otherwise inconsistent with this Act or AS 46.40 as amended by this Act, remains in
26 effect for purposes of AS 46.39 and AS 46.40 until July 1, 2006, unless the Department of
27 Natural Resources disapproves or modifies all or part of the program before July 1, 2006.

28 (d) Consistency reviews pending on the day before the effective date of secs. 17 - 22
29 of this Act and initiated under the provisions of AS 46.40.096, as that section existed before
30 the changes made by secs. 17 - 22 of this Act, may, at the applicant's option exercised no
31 more than 60 days after the effective date of secs. 17 - 22 of this Act, be continued and

1 completed under the procedures and enforceable policies under the provisions of AS 46.39
2 and AS 46.40 as they existed before the changes made by this Act.

3 (e) Except as provided in (d) of this section, contracts, rights, liabilities, and
4 obligations created by or under a law repealed by this Act remain in effect notwithstanding
5 this Act's taking effect.

6 * Sec. 47. The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 TRANSITION AND APPLICABILITY OF CERTAIN PROVISIONS:
9 SUBMISSION OF DISTRICT PLANS BY COASTAL RESOURCE DISTRICTS FOR
10 INITIAL IMPLEMENTATION OF THIS ACT. (a) Within six months after the effective
11 date of regulations adopted by the Department of Natural Resources implementing changes to
12 AS 46.40.010 - 46.40.090, enacted by secs. 8 - 15 of this Act, coastal resource districts that
13 are a home rule municipality or a first class city shall review their existing district coastal
14 management programs and submit to the Department of Natural Resources for review and
15 approval revised district coastal management plans meeting the requirements of AS 46.40, as
16 amended by this Act, and the implementing regulations.

17 (b) Within one year after the effective date of regulations adopted by the Department
18 of Natural Resources implementing changes to AS 46.40.010 - AS 46.40.090, enacted by
19 secs. 8 - 15 of this Act, coastal resource districts other than those described in (a) of this
20 section shall review their existing district coastal management programs and submit to the
21 Department of Natural Resources for review and approval revised district coastal management
22 plans meeting the requirements of AS 46.40, as amended by this Act, and the implementing
23 regulations.

24 (c) AS 46.40.070(b), enacted by sec. 14 of this Act, does not apply to a revised
25 district coastal management plan submitted under (a) or (b) of this section.

26 * Sec. 48. The uncodified law of the State of Alaska is amended by adding a new section to
27 read:

28 REVISOR'S INSTRUCTIONS. (a) The revisor of statutes is instructed to

29 (1) change the heading of

30 (A) AS 46.39 from "Coastal Management Administration; Alaska
31 Coastal Policy Council" to "Coastal Management Administration";

1 (B) article 2 of AS 46.40 from "Coastal Management Programs in the
2 Unorganized Borough" to "Coastal Management Plans in the Unorganized Borough";

3 (C) AS 46.40.180 from "Approval of programs in coastal resource
4 service areas" to "Approval of plans in coastal resource service areas";

5 (2) delete the heading of article 2 of AS 46.39 and renumber article 3 of
6 AS 46.39 as article 2.

7 (b) Wherever in the Alaska Administrative Code the terms "Alaska Coastal Policy
8 Council" or "Coastal Policy Council" are used, or the term "council" is used to refer to the
9 Alaska Coastal Policy Council, the regulations attorney is instructed to change those terms to
10 read as "Department of Natural Resources," "DNR," "department" or "commissioner of
11 natural resources" when to do so would be consistent with AS 44.62.125(b)(6) and the
12 changes made by this Act.

13 (c) If regulations adopted by the Department of Natural Resources under sec. 46 of
14 this Act take effect before the effective date of sec. 45 of this Act, the regulations attorney is
15 instructed to remove from the Alaska Administrative Code the regulations listed in sec. 45 of
16 this Act, as being obsolete. The lieutenant governor shall notify the regulations attorney of
17 the effective date of the regulations adopted by the Department of Natural Resources under
18 sec. 46 of this Act.

19 * Sec. 49. Section 45 of this Act takes effect July 1, 2005.

20 * Sec. 50. Except as provided in sec. 49 of this Act, this Act takes effect immediately under
21 AS 01.10.070(c).

HB-191
STATEMENT OF PURPOSE

HOUSE BILL NO. 191

Under the authority of article III, sec. 18, of the Alaska Constitution, the Governor has transmitted this bill to reform and streamline the Alaska Coastal Management Program (ACMP). This legislation is premised upon the statutory changes contained in Executive Order 106, which was presented to you on February 12, 2003. Executive Order 106 would transfer responsibility for the ACMP program from the division of governmental coordination in the office of management and budget to the Department of Natural Resources.

The Alaska Coastal Management Program was first enacted in 1977 in order to participate in the federal Coastal Zone Management Act of 1972. The federal program is voluntary, and encourages states to receive funds and the opportunity for federal consistency review. Federal consistency review enables the state to apply its authorities to projects located on federal land and the federal outer continental shelf where otherwise it would be preempted by federal law.

The goal of this legislation is to create a new coastal management program that retains the benefits of the federal act but eliminates the duplication and complexity built into the present ACMP. This bill would achieve this goal by choosing the simplest of the three management techniques allowed by the federal act. The bill provides certainty and predictability to the ACMP process by clarifying the standards and responsibilities for program implementation.

The central streamlining concept of the bill is the reliance on existing state statutes and regulations as the enforceable policies of the ACMP. The current duplicative consistency review process in AS 46.40.096 and 6 AAC 50 is eliminated by simply relying on the issuance of current state permits by the resource agencies as the means of determining whether an activity is consistent with the ACMP. The bill would eliminate district coastal management enforceable policies but retains a local role in three ways. First, AS 29 municipalities would retain their existing land use authorities to regulate private activity within their jurisdiction. Second, the bill authorizes

the Department of Natural Resources (DNR), as the implementing agency, to adopt local ordinances as enforceable policies to be applied in consistency reviews of federal projects and Outer Continental Shelf (OCS) development. The DNR would consult with the local government when interpreting and applying the local ordinance as part of a consistency review. Third, the bill would specifically adopt certain existing coastal district policies for federal OCS development as state enforceable policies. Coastal resource service areas in the unorganized borough would no longer exist. However, municipalities within the unorganized borough could participate in both the funding and regulatory aspects of the program. The way coastal communities participate in the program will now focus on sustainable resource and economic development.

The bill would also eliminate the Coastal Policy Council, but would create a Coastal Program Evaluation Council to submit a report to the Governor on the implementation of these reforms. The council would sunset July 1, 2005.

**NORTH SLOPE BOROUGH
ISSUES - THE ALASKA COASTAL MANAGEMENT PROGRAM (ACMP)
JANUARY 24, 2003**

Local Control – Within bounds and within reason, management decisions are better made at the local level. That is at the heart of the unique partnership created by the federal Coastal Zone Management Act (CZMA). Federal supremacy is yielded to states that adopt coastal programs that comply with basic federal standards. Our state frequently makes that argument when the federal government acts to control resources and development within Alaska. Under our state program, authority is further yielded to local entities (coastal districts or coastal resource service areas) that have adopted programs consistent with basic state standards. Before adoption, district programs are subject to both state and federal review and approval. The essential concept that local control is preferable should not be abandoned at the state level. Isn't it hypocritical for the Administration to argue that the state knows better than local governments and districts how to manage and balance competing uses at the local and regional level? The continuing integrity of local district coastal management programs, which embody local expertise and a local vision of future development, must be maintained under a meaningful Alaska Coastal Management Program (ACMP).

Federal Consistency/State Deference - Loss of the ACMP would mean loss of the requirement that federal activities be consistent with state standards. The federal government controls great areas of Alaska's coastal zone. It also conducts or authorizes a great range of activities which affect the coastal zone, coastal resources, and coastal uses, including oil and gas leasing and operations on the North Slope and in adjacent waters. The CZMA requires that in states with federally approved coastal management programs, federal activities and activities authorized by the federal government must be conducted in a manner consistent with those state programs. Correspondingly, the local policies and standards of state and federally approved district programs are to be given due deference under the state program. A project, therefore, that is within the coastal zone, or is outside the coastal zone, but is a federal activity or a federally permitted activity with reasonably foreseeable coastal effects, must be conducted consistent with state and district policies and standards.

No Identified Significant Problem – Even before recent legislative and regulatory changes which greatly limited the power and reach of the ACMP, there was no significant problem with the implementation of the Alaska and North Slope programs on the North Slope. No project has been cancelled as the result of a coastal management consistency review. Some delays of individual projects have occurred, but they were mostly due to public appeals and not actions by the North Slope Borough implementing its coastal management program. That problem for companies could have been solved by adjustments to the timing requirements of an appeal. Instead, the legislature completely eliminated the ability to appeal the consistency review of an individual project. In any event, that problem for industry has been completely dealt with. Additionally, revisions to the consistency review regulations of the ACMP that just took effect on January 20, 2003 further clarify and narrow the reach of the program. The oil industry has argued that

it needs predictability, in terms of what projects are subject to consistency review and the timing of reviews, in order for projects to be planned and economically viable. The new regulations provide that predictability to a great extent.

Investment of Resources – Districts all over the state have invested significant resources and effort to develop and implement local coastal management programs. All of that investment would be lost if the program were eliminated. A significant level of expertise and experience, as well as a sense of local ownership in the process, has been developed through these programs in identifying local concerns, balancing local, state, federal, and industry interests, and working with agencies, project applicants, and the public. The resulting working relationships cannot be duplicated by reliance only on state and federal permit review processes. Significant federal dollars that now support the state and local programs would also be lost.

Standing to Participate in OCS Decisions - The Borough's land management authority under Alaska's Title 29 only applies within the boundaries of the state, and not beyond the three-mile limit of state waters. The subsistence harvest of bowhead whales and other marine resources is central to the Inupiat culture and the nutritional well-being of the people of the North Slope. The Coastal Management Program provides our only direct standing to participate in and influence oil and gas lease sales and activities proposed in federal OCS waters. Elimination or further weakening of the ACMP would reduce our role in reviewing offshore proposals in federal waters to that only of every other member of the general public. To deny us this more formal voice in an area so critical to our culture would be a tremendous insult to our residents and extremely poor public policy.

The Virginia Model – There has been some discussion of modifying the ACMP in line with the State of Virginia Coastal Management Program. I am not sure how that would work in Alaska. The central elements of the Virginia model are 1) coordination of multiple resource agency coastal management reviews being handled by staff within one agency (their Department of Environmental Quality), and 2) that no new laws would be adopted as a coastal management program independent of existing state laws which embodied coastal protective policies and standards. In other words, with respect to the first of these elements, the functions of Alaska's Division of Governmental Coordination would be moved into one of the state resource agencies (the Governor has identified DNR). With respect to the second element, modifying the ACMP to follow the Virginia model would apparently mean repealing the ACMP policies and standards, leaving the district programs in place, identifying other existing state laws which, when bundled together, would be identified as the new ACMP, and concurrently amending the regulations governing appeals and other administrative functions to reflect the new structure. The "bundle" of existing state laws would have to meet the basic requirements for federal approval of a program under the CZMA and its regulations. The argument would be that each agency's review and approval of a project under its relevant statutes and regulations would, to the extent some or all of them are identified as part of the ACMP, would be concurrent with and not duplicative of an ACMP review. If the entire state program were starting from scratch, the model may be as effective as the current Alaska model which included adoption of independent program statutes, regulations,

Alaska Coastal Management Program

Page 3

policies, and standards. The difficulty in wiping the slate clean, if your goal is also to maintain the strength of the program, would be in ensuring that the statutes and regulations residing within each resource agency adequately embody the protections now enforceable under the current ACMP. All of the district programs, which have been written to track and be consistent with the existing state ACMP policies and standards would likely also have to undergo significant revision. Those revisions would take significant planning efforts, time, and money to obtain necessary local, state, and federal approvals.

Akiak Native Community

Akiak IRA Council

P.O. Box 52127

PH (907) 765-7112

Akiak, Ak 99552

FAX (907) 765-7512

March 26, 2003

*Representative Hugh Fate, Chair
House Resources Committee
State House of Representatives
State Capitol
Juneau, Alaska 99801-1182*

Dear Representative Fate:

The Akiak IRA Council is the tribal governing body for the Native Village of Akiak, located near Bethel on the Kuskokwim River in Southwest Alaska. This letter will serve as our testimony and ask that you include this letter as part of the record for the hearing of the House Resources Committee on House Bill 191 that would make drastic changes to the Alaska Coastal Management Program. We are opposed to this bill and respectfully ask that you not allow this bill to pass out of your committee.

The negative impact of this bill would erase what little input our people and villages of our region have provided to the regional planning authority over land and water resources here in our village area and the Yukon-Kuskokwim delta region. If this bill passes, we will have no opportunity for input into regional planning for projects that directly affect our people and resources important to sustain our way of life. This is not the intent of a democratic form of government where the governed do not have a way to have meaningful and important input to project planning activities. We believe that our Cenaliurliit Coastal Resource Service Area, Alaska Coastal Management Program have had significant input to resource development planning in the few years of its existence and their work have helped us to prioritize resource development.

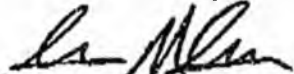
The need for regional planning for resource development is beginning to become critical at this time as State fund resources are beginning to shrink and our communities need tools as the Coastal Resource Service Area to protect our subsistence resources and also to properly plan to use natural gas for heating and electricity generation. We believe that this important state recognized agency will become more important in the future to protect subsistence resources and depending on some areas, may want to explore for natural resources to improve our way of life in this area. The CSRA will be a tool used in planning at the regional level for how our lands and water should be best managed to protect our subsistence resources and other important values as our natural resources that can be tapped in the near future.

Page 2. HB 131 Comments/Testimony

Finally, we oppose House Bill 191 and ask that you to oppose this bill and vote to preserve and allow our planning input to the coastal zone management authority in Alaska and other communities that depend on subsistence resources for survival and commercial fisheries.

Sincerely,

MOSES OWEN, CHIEF



*Ivan M. Ivan
Executive Director*

*cc: Representative Mary Kapsner
Representative Carl Morgan
Representative Richard Foster
Senator Lyman Hoffman
Senator Georgianna Lincoln
Senator Donny Olson*



Alaska State Legislature

Please enter into the record my testimony to the House Special Committee on Fisheries Committee name
 Committee on HR 191 Bill/Subject, dated 3/26/2003

6 pages

Signed: Dona L Olson
 Testifier

Representing (Optional)
HC-30 box 5438 Utsilla, AK 99654
 Address

373-4612
 Phone number

DANA L. OLSON
HC-30 box 5438
WASILLA, AK 99654

To Governor Frank Murkowski
AND ^{AK} legislature. HB 191
Please include with this bill.

373-4612
MAR 25, 2003

HB 191 AS proposed is too broad in scope to comment on at this time. It appears on its face to be changing the administration of the state; which is outside the scope of federal Act.

I live in a coastal community of Knik, in MSB Coastal district, and request public meetings before further changes or passage of this bill. Citing an enforceable policy "LAND USE PLANS" 15 U.S.C.A. § 1453 (6 a), AS 38.04.1065. And the public process for changes. The governor can not by pass public process. This is attempt at significant program change not approved by Secretary of Commerce, through the National Oceanic and Atmospheric Administration (NOAA); Office of Ocean and Coastal Resources Management (OCRM). No determination was made whether the new program would meet the requirements of section 1455.

PROGRAM APPROVAL MUST include
A determination that the views of
Federal Agencies affected by the
program have been Adequate Considered,
I see no such Finding. I require
A Finding, before Commenting. (Freedom
of Information Request to Governor Frank Murkowski
The program change/revision is not in
the form of environmental impact
Statement as required. There is no need
to comment on something that has no
enforceable standard. The governor is Acting
is outside his Authority.

The governor has failed to comply
with AS 46.03.040 State environmental
PLAN.

The Court, in American Petroleum
Institute v Knacht (L.D. (14L 1978)
reject the Argument that Adequate
Consideration of National Interest,
entailed "Affirmative Accommodation
of energy facilities [as] a guide
pro quo for [program] APPROVAL.

In California v Mack (N.D. CAL¹⁹⁸⁸)
the Federal district court held that
NOAA does not have the authority
to revisit the provisions of approved
plan or to coerce through its power
over funding an alteration of
approved program itself.
(Judicial decisions are enforceable
policies; as defined 15 U.S.C.A. § 1453 (6a).)

In Mack; California v Mack (N.D. CAL¹⁹⁸⁸)
The Court rejected NOAA argument
that program changes it required
were merely routine program
implementation rather than ~~an~~
amendments.

In 16 U.S.C.A. § 1455 (d) (11);
the Act directed Alaska to
implement LAND + WATER USE
PLANNING AND REGULATION.
This format WAS PRIOR APPROVED.
HB 191 IS NOT CONSISTENT WITH
FEDERAL APPROVAL AND NO
PRESUMPTIONS CAN BE MADE.

Sec 19

SB 196 (1987) WAS legislative
directive AND I AM Aggrieved. I AM
entitled to legislative Findings OF FACT,
Statute OF limitation IS NOT expired
AND I AM Still AWAITING my "due
process". I AM requesting a
legislative hearing on my chase ¹⁹⁸⁴
^{Agricultural} Hmstds. Please determine who
will provide or deny my request.

The Federal district court in
American Petroleum Institute U
Knecht (D. CAL. 1978) considered
Congress definition of a management
program "which emphasized
that the program set forth
objectives, policies AND standards
to give public AND private uses OF
... COASTAL ZONE."

The issue is that consistency
~~determiner~~ does not make
those decisions

Lines 5 AND 6 HB 191 311.
IS NOT defined; AS to be
enforceable.

3

If there is no disclosure at earlier stages, then standing to challenge is not curtailed. This is a major component of due process 14th Amendment U.S. Constitution.

No Federal Preclusion, AND Supremacy Clause.

I cite VIII Sec 16 AK Constitution AS not being complied with AS no means to address it is in the proposed policies. Where there is ^{local} no remedy; there is no need for public comment or public participation.

I claim Supremacy Clause AND Full Faith AND Credit Clause CAN NOT be ignored AND over-riden by govenor nor the legislature.

Public trust can not be rationalized by government OR the legislature; ^{nor govenor.} AS its common law.

enforceable policy AK Constitution AND 15 U.S.C. A B 1453(6a).

I cite AK SURVIVAL VS DNR IS
enforceable policy STANDARD, (JUDICIAL)
I cite NO RATIONAL BASIS FOR ITS
departure exists AND I require
"equal protection" under LAWS,
PROGRAMS.

The public interest WAS NOT
considered in the proposed rule-
making.

I cite LOCAL policy WAS
prior established in (97219CU) (FEDERAL)
I raise estoppel claim, AGAINST
STATE OF ALASKA, WHO WAS A
PARTY. Sorry but I'm not buying into
your bill. MSB Comprehensive
PLAN ie Knik Fairview Comprehensive
PLAN WAS ruled to be A zoning
implementation PLAN only. No transportation
AND the holding OF THAT CASE CAN imply
~~to state~~ SINCE ALL OF MSB
comprehensive PLANS were
implemented in the SAME
MANNER AND authority, they ARE
INVALID FOR LOCAL policy.
MSB 1970 Comprehensive PLAN is out of date.

Standards
Nuisance CAN NOT be established
by local policies; when
State implements Federal Law.
IF local policies are used;
Where is conveyance of my
1984 Chase Agricultural Homesteads?

Sincerely
Dina G. Olson
Mar 25, 2003

6



**LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE INFORMATION OFFICE**
210 LAKE STREET, SITKA, AK 99835
Phone: 747-6276 Fax: 747-5807
Email: sitka_lio@legis.state.ak.us

DATE: March 26, 2003

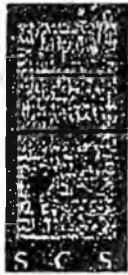
TO: HFSH Committee RE: HB 191

FAX: 465-3472

pages, including cover sheet—2

FROM: Page Else, Participant at HFSH Meeting at 8:30am at Sitka LIO

MESSAGE: Find written testimony of one page that follows.



Sitka Conservation Society

PO Box 6533

Sitka, Alaska 99835

(907)747-7509

(907)747-6105 fax

home.gci.net/~sitkawild

Testimony on HB 191 & SB 143

This testimony is provided by Page Else, Acting Director of the Sitka Conservation Society. The Sitka Conservation Society has worked for the last 30 years to protect the resources of Southeast Alaska. We believe that economic health depends on healthy land and waters. Our members include commercial fishermen, hunters, tour operators, and many others who rely on the bounty of our surroundings for their living and their enjoyment.

In the early 1980's I lived in Wrangell, Alaska. At that time I had a grant from the Governor's office to work with local oyster farmers studying plankton supplies. Later I edited A Manual for Oyster Farmers in Alaska, published by the SeaGrant Program. During that period the biggest startup obstacle for the oyster farmers was the difficulty in identifying what permits were necessary for operation, and gridlock in getting the agencies to actually process and move applications forward. The agencies were unsure of what process to follow with these multi-jurisdictional applications. The Division of Governmental Coordination (DGC) was formed precisely because these development applications needed the clarity and streamlining provided by DGC. The system allows integration of the missions of different agencies and a system of checks and balances, with a clear resolution process. DNR does not have the staff or expertise to determine if a certain species of shellfish should be prohibited for import and culture because it might carry a dangerous parasite. Nor does DNR have the expertise or site-specific knowledge to determine if a mariculture operation will unnecessarily conflict with local subsistence users or commercial fisheries operations, and should be moved.

There is no evidence that the ACMP consistency review process unnecessarily delays important development projects. In fact it does the opposite by coordinating review. When delays occur, it is either because the proposed project could impact important fisheries or coastal resources and design adjustments are necessary, or because the project applicant has failed to provide the reviewing agency with sufficient information to conduct the review.

These bills are meant to streamline government but in fact they create more bureaucratic inefficiency. The State recently spent hundreds of thousands of dollars in a 3 year effort to amend ACMP consistency review rules; this legislation will waste that effort. Additionally, the federal oversight agency, NOAA, has indicated that such sweeping program changes will likely require a new Environmental Impacts Statement under NEPA, which is a costly and time consuming endeavor. Finally, the new process envisioned by the legislation will create much confusion and delay because DNR is not staffed or equipped to such a comprehensive, coordinated permitting role.

These bills undermine local control over local resources. The ACMP was originally passed because the state felt they needed more input and local control over federal actions in the coastal zone. The ACMP created local Coastal Districts because policymakers understood that locals have the most at stake and the best wisdom when making local resource decisions. These bills will strip away policies developed and enacted by local districts. These enforceable policies are the core of our Alaska Coastal Management Program and provide a way for local knowledge and priorities to be heard. Alaska's fish and subsistence resources deserve protection. Alaska has received high marks for its fisheries management programs, due in large part to the ACMP's fish and habitat protection provisions. While the ACMP may need some fine tuning, it does not need to be gutted.

Page Else
Page Else, Acting Director

MAR-26-03 WED 10:35 AM MATSU LIO

FAX NO. 9073766180

P. 01

FROM : Chickaloon Village

FAX NO. : 907 745 0763

Mar. 26 2003 09:58AM P1
M. U.

MAR-26-03 WED 06:37 AM MATSU LIO

FAX NO. 9073766180



Alaska State Legislature

Please enter into the record my testimony to the HOUSE FISHERIES COMMITTEE
committee name

committee on HB 191 & SB 143, dated 3/24/03,
bill/subject

Chickaloon Native Village hereby voices is opposition to HB 191 and SB 143. These bills will remove an important means of protecting subsistence resources and will undermine local control of resource use decisions.

As I understand it, this legislation will delete all enforceable policies for the Mat-Su Borough coastal district, including policies that protect fish and fish habitat. This includes the Subsistence Standard (6 AAC 80.120) and the Fish and Wildlife Habitat Standard (6 AAC 80.130). These standards allow coastal districts to manage for the protection of fish populations and to identify areas where subsistence uses take priority over non-subsistence uses. These are crucial tools to balance development and habitat conflicts. To throw this out of balance is a short-sighted, unwise decision which may have the long-term result of damaging our fish populations.

The Alaska Coastal Zone Management Plan created local districts because at the time policymakers rightfully understood that when it comes to making local resource decisions, local governments and citizens are the people most affected. As I understand it, these bills will remove enforceable policies already developed by local districts and leave the decision-making authority to the state. This will be a dangerous precedent in removing local control and input into decisions that directly affect local areas. And as you know, when citizens feel powerless over decisions that directly affect them, the result is resentment and conflict. This is not a positive for the citizens of Alaska. It appears to be a sellout to industry and other large development interests. This is not just "streamlining". It is strip mining fish and habitat protections and creating top down management.

I am sure that you, as citizens of Alaska and representatives of the citizens of Alaska, see the wisdom and justice in affording local residents as much control over local resources as possible, and I am sure that you also see the wisdom in continuing to protect our fish and fish habitat so that our future generations can benefit as we all have.

Signed: Mervin G. McGill, Environmental Specialist
Testifier

CHICKALOON NATIVE VILLAGE

Representing (Optional)

P.O. Box 1105, CHICKALOON, AK 99674

Address

(907) 745-0737

Phone No.

Bill Legislative Information Office

LIO FAX 376-6180

Page 1 of 2



Kachemak Bay Conservation Society

3734 Ben Walters Lane, Suite 202

Homer, AK 99603

Phone: (907)235-2062 • Fax: (907)235-4069 • kbcsc@xyz.net

March 26, 2003

House Special Committee on Fisheries
Alaska Legislature
Juneau, AK

Dear Committee Members:

The Kachemak Bay Conservation Society is a membership organization whose mission is to protect the environment of the Kachemak Bay region and encourage sustainable use and stewardship of resources through advocacy, education/information, and collaboration. Over the years KBCS has commented on many different natural resources related issues in our community. We have found the Alaska Coastal Management Plan and its enforceable policies important in properly guiding local development projects so that they can be done with the least effects on our fisheries, wildlife, and habitat.

HB 191 & SB 143 and the accompanying Executive Order will create a "rubber stamp" ACMP by eliminating most of the "enforceable policies." Many coastal communities have adopted enforceable policies to protect the important sustainable resources that tourism and fishing require. Hours of public participation have gone into creating and using these local plans, and these bills and E.O. 106 will virtually undo all this work.

Local communities have come to expect that projects affecting local natural resources will be "consistent" with the existing state and local enforceable policies. KBCS feels that the proposed bills and E.O. 106 will undermine this local authority and so weaken the enforceable standards that our fisheries, wildlife and habitat will be in jeopardy. We can understand some minor adjustments to the ACMP, but there is no evidence to warrant a wholesale scrapping of protections that have given Alaska such a good reputation for stewardship of its fisheries.

ACMP consistency reviews do not unnecessarily delay development projects. If a proposed project is deemed to have an adverse impact on important fisheries or coastal resources a delay is warranted to fix the problems. Sometimes a simple lack of information needed to conduct a review may delay a project. These requirements often result in a better project that will have less impact on the environment.

KBCS firmly believes that coastal communities will be the biggest losers if the ACMP is gutted. These communities have the most to lose because their economies are so entwined in their natural resources. Homer's economy is in great part fisheries

Page 2 of 2

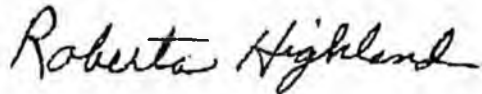
dependent. There has to be a balance between protecting fisheries and coastal development. Faster development does not guarantee better development or protection of natural resources and habitats. Protection of natural resources should be primary since these are the sustainable bases of so many coastal communities.

Of particular concern to KBCS is the elimination of the public from the review process. Furthermore, the imposition of development projects that do not have to go through a regulatory review is especially troubling. Citizen oversight is key to protecting coastal communities.

KBCS does not understand the Governor's reasoning in scraping a program that has just recently been reviewed and amended to improve it. Certainly this is a waste of taxpayer's money. Also, the drastic changes proposed in the Governor's E.O. 106 would likely require a new Environmental Impact Statement, which is extremely expensive. This is not in the best interests of the State of Alaska.

KBCS respectfully urges this committee to recommend that these bills not pass. The ACMP has been implemented by local communities and is working. Please do not dismantle a good system. Protection of our coastal communities, local and statewide economies, and Alaska's natural resources deserve our best stewardship and continued public oversight.

Sincerely,



Roberta Highland
President, KBCS



Alaska State Legislature

Please enter into the record my testimony to the HFSH
 committee name
 committee on HB 191, dated 03/26/03
 bill/subject

I HAVE REVIEWED HB 191 AND I HAVE LISTENED TO THE HFSH COMMITTEE HEARING TESTIMONY CONCERNING THIS BILL. PLEASE DO NOT ADOPT THE PROVISIONS OF HB 191 THAT ELIMINATE "HABITAT STANDARDS". THIS BILL, AS PROPOSED, REMOVES ALL MEANINGFUL AND LAWFULL LOCAL CONTROLL, OPINION, AND INSIGHT OVER COASTAL NATURAL RESOURCE AND ECONOMIC ISSUES THAT DIRECTLY AFFECT OUR LIVELYHOODS, OUR HOMES, AND OUR COMMUNITIES. I AM A VERY LONG-TERM RESIDENT AND PROPERTY OWNER OF THE KACHEMAK BAY AREA. I ACTIVELY FOLLOW LOCAL AND STATEWIDE ISSUES. DO NOT ELIMINATE ANOTHER PUBLIC-OPINION AND DEMOCRATIC VENUE AVAILABLE TO STATE RESIDENTS.

Signed: Michael W. Skimma
 Testifier

SELF
 Representing (Optional)

P.O. Box 15163/54210 WILDERNESS LN., FITZ CREEK, AK.
 Address

(907) 235-2552
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the House Fisheries Committee
 committee name
 committee on HB 191 / SB 143, dated March 26 03
 bill/subject

These bills undermine local control over local resources. These bills will effectively cut the public out of the process. These bills are meant to streamline government; in fact they create more red tape. Alaska's fish and subsistence resources deserve protection. These bills remove the balance between fish protection and coastal development.

I am a subsistence + commercial fisherman on the Alaska Peninsula and I oppose these bills.

Signed: Michael B. Lauck Michael B. LAUCK 1775
 Testifier

Representing (Optional)
33 Stonewall Place False Pass AK 99583
 Address
907-299-0112
 Phone No.

House Special Committee on Fisheries
Rep. Paul Seaton, Chair
Alaska State Legislature
Juneau, AK 99801

Dear Committee members,

March 25, 2003

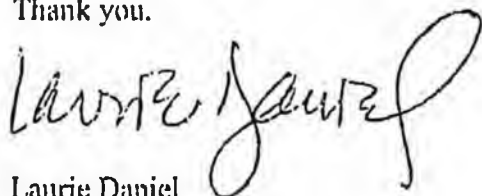
I am writing to ask you to oppose passage of HB 191 and SB 143 and to overturn E.O. 106. The Alaska constitution mandates a balanced approach to resource management for the maximum benefit of all Alaskans. The intent of this Executive Order and these proposed bills undermines local control over coastal natural resources, strips Alaska's fish and subsistence resources of both direct and habitat protections, diminishes the viable and wisely-established role of public in the coastal permitting process, and removes the balance between coastal resource protections and coastal development, especially regarding fish.

The idea that these bills will streamline state government, improve administrative efficiency, and carry a zero fiscal note is based on a false premise. This legislation effectively requires the state to start over in developing a coastal management program, to retool DNR in yet another facet to take on this role of coastal permitting, and very likely brings the need for a federal Environmental Impact Statement to evaluate compliance with federal coastal policy.

There is no legitimate evidence the existing system need such wholesale change. There is not evidence that the ACMP consistency review process unnecessarily delays important development projects. There is plenty of evidence that the Alaska Coastal Management Plan effectively protects our coastal natural resources from detrimental effects of development projects.

These bills, HB 191 and SB 143, and E.O. 106 toss the integral protections to our coastal natural resources out and erases virtually all state and local enforceable policies under the false pretense of permit streamlining and administrative efficiency. We cannot afford to no longer provide state and local stewardship and protection to our coastal and subsistence natural resources. I ask that you please strongly recommend that these bills do not pass into legislation and overturn E.O. 106.

Thank you.



Laurie Daniel
PO Box 3713
Homer, AK 99603

Hearing Officer, *HFSH*
Legislative hearings for HB 191 and SB 143
March 26, 2003
Juneau, Alaska

I am a resident of Homer, Alaska, where the coastal habitat and its wildlife are the most important part of the quality of life for all our local residents as well as visitors who come all year around to fish, watch the wildlife, and take boat and airplane rides to view and photograph the landscape and seascape. Commercial fishing is also still an important part of our economy also, although it is not as robust as it was in the early days while the coastal habitat was still pristine and before the resource was overharvested. It may still look pristine to some who do not look too closely, but as with all oceans of the world, it's waters are no longer pristine.

The reasons for the deterioration of the ocean habitats are many, but all are related to human carelessness and abuse of the lands and waters that feed into the oceans around the world. Industrial effluents in the form of smoke as well as polluted water contribute to the pollution in many subtle ways from thousands of watersheds and airsheds all over the seven continents. The quantity of pollution from one small source may not seem like much, but when thousands of small sources are added together they result in such insults as mercury poisoning from eating ocean fish, smothering algae blooms, invasions of exotic species transported with ship ballast, smothering of marine life by tree bark, eutrophication, or nutrient pollution from sewage, farm fertilizer runoff and other non-point sources of myriads of pesticides and chemicals not to mention oil spills and petroleum products all of which add up to world-wide ocean pollution.

Some states and countries, especially the European Union, are attempting to stop this ongoing pollution and degradation of coastal habitats by regulating the sources of the pollution. Alaska is fortunate in that its coastal waters are still in relatively good condition compared to others around the world. This relatively pristine condition can continue far into the future if we keep our regulations in place to prevent further degradation. This won't happen if we don't make it happen by maintaining the site-specific policies that have been put in place so laboriously over many years.

Any temporary increase in economic benefit from resource development that might result from removing environmental controls would not be worth the damage that would most certainly result from the loss of those regulations. I urge the legislature to reject HB 191 and SB 143 and any other attempt to relax the Alaska Coastal Management Program. The well being of Alaska's environment and long term economy as well as the quality of the oceans of the world depend on it.

Duane Howe
58991 Gladys Ct
Homer, AK 99603
907-235-9477



Date: March 26, 2003

Subject: HB191

To: Alaska State House of Representatives House Fisheries Committee

From: Gerald R. Brookman, 715 Muir Avenue, Kenai, Alaska 99611-8816

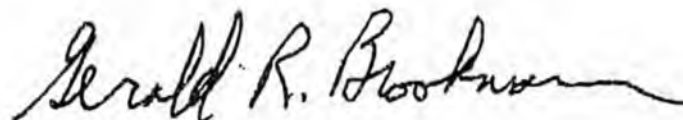
First, I believe that this bill would do much harm to Alaska's fisheries, and do little, if anything, to help them or their management.

We need to take a balanced approach to the management of Alaska's fisheries. The ACMP, while it may appear cumbersome to some people with a limited view of the issues involved or who are only concerned with a single issue, is a very important tool to assist the state in achieving balanced management, where all affected parties have an opportunity to voice their concerns and have them considered by an impartial body (or one that is, in theory if not always in practice, impartial). To throw it out would be tragic.

HB191 would deny the public an opportunity to have input into issues that affect their vital interests. It would deny local communities the opportunity to have input into how their areas are developed. Alaskans have, in the past, criticized management decisions made at the federal level without taking into consideration state interests; ironically, this bill would transfer management decisions from local to state level. While the final decision would continue to be made at the state level, retaining the ACMP as it is presently constituted would at least continue to allow local input into the final decisions.

In summary: HB191 is one of the most important that will be considered by this legislature. It's effects would be disastrous to our fisheries. I urge that you vote against it.

Sincerely,



P.O. Box 2994
Homer, AK 99603

March 25, 2003

House Special Fisheries Committee
Alaska State House
Juneau, AK

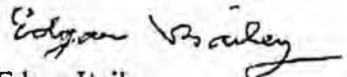
Dear Committee Members:

The Kenai Peninsula Borough has gone through a lengthy public process and developed a good set of "enforceable standards" under the Alaska Coastal Management Plan (ACMP). These enforceable standards help Borough citizens protect the natural resources of their communities by providing guidelines for carefully reviewing development projects to have the least effect on fisheries, wildlife, and habitat.

I urge you not to pass HB 191 and SB 143. These bills represent a rollback to standards that will likely be more like a "rubber stamp" that will effectively provide very little oversight to new development. I do not think this is what Kenai Peninsula communities want. People have come to expect projects to be consistent with the existing state and local enforceable policies because they see that these standards help protect important natural resources valuable to local economies. Furthermore, these bills will undermine local authority and lessen public input by eliminating the Alaska Coastal Policy Cou.

Please keep the ACMP as it is presently constituted. If it needs to be tweaked, that is one thing. However, wholesale gutting of the program, which will likely cause NEPA to require an Environmental Impact Statement, is not the prudent thing to do. I urge you to turn down these bills.

Sincerely,



Edgar Itailley



Alaska State Legislature

Please enter into the record my testimony to the HFSH
committee name

committee on HB 191 & SB 143, dated MARCH 26 2003
bill/subject

I AM OPPOSED TO THESE BILLS, I BELIEVE IN KEEPING LOCAL CONTROL. IF THESE BILLS PASS IT WILL BE A SUBSTANTIAL STEP BACKWARD. DNR SHOULD NOT HAVE THE 'OLE DISCRETION OVER THESE LOCAL RESOURCE DECISIONS. THE PUBLIC & LOCAL COMMUNITIES NEED TO HAVE A VOICE IN THIS PROCESS. REGULATORY REVIEW IS ESSENTIAL. IT WOULD BE A WASTE OF TIME, MONEY & ENERGY TO MAKE THESE & IMPLEMENT THESE PROPOSED CHANGES. THE ACOMP'S FISH & HABITAT PROTECTION PROVISIONS ARE VITAL TO LOCAL COMMUNITIES LONG-TERM ECONOMIC BALANCE AND WISE RESOURCE MANAGEMENT.

I AM VERY CONCERNED ABOUT NEGATIVE REPARATION ZONE IMPACTS IF THESE BILLS ARE TO PASS. IT IS IMPERATIVE THAT THE PUBLIC & LOCAL GOVERNMENTS BE ABLE TO CONSIDER & PROTECT OUR FISH HABITAT BY CONSIDERING (+KNOWING) ALL FACTORS OUTSIDE ONE STREAM/RIVER/COASTAL ZONE THAT IMPACT THE STREAM AND FISH & WETLAND HABITAT. REPARATION ZONES - HEALTHY REPARATION ZONES MUST BE PLANNED FOR & KEPT INTACT, SO MUCH MUST BE TAKEN INTO CONSIDERATION. WE MUST CONSIDER ALL IMPACTS OF DEVELOPMENT IN ORDER TO KEEP OUR SALMON STREAMS & WATER RESOURCES. RESOURCE EXTRACTION & ECONOMIC DEVELOPMENT IS IMPORTANT, HOWEVER, IF WE DO NOT USE GOOD, VALID, NEAR

Signed: REBECCA L. GATES Rebecca L. Gates
Testifier

SELF
Representing (Optional)

P.O. BOX 376 HOMER, AK 99603
Address

(907) 235-9188
Phone No.

SCIENCE THEN WE WILL RUIN OUR RESOURCES AND OUR ECONOMIC & PERHAPS ^{9/01 Legislative Information Office} PHYSICAL HEALTH. WE MUST NOT DESTROY OUR RENEWABLE RESOURCES BY QUICK & ILL-CONSIDERED DECISIONS. WE MUST KEEP OUR FISHERIES HEALTHY, WE MUST CONSIDER EVERYTHING.



Alaska State Legislature

House.

Please enter into the record my testimony to the Special Committee on Fisheries
committee name

committee on HB 191 & SB 143, dated 3/26/2003
bill/subject

I am writing this letter to express my concerns on the bills mentioned above. There seems to be several problems with these bills as they are now proposed.

- 1) Loss of local control. Local people have taken the time to develop management guidelines that will best serve their local area. This process is gutted by this bill.
 - 2) This bill creates a need for an environmental impact study which would cost millions of dollars. ^{thus} there is no cost savings.
 - 3) These bills remove the balance between resource development and resource protection.
- For these reasons I would request that these bills not advance.

Signed: Larsen A. Klingel
Testifier Larsen A. Klingel

Self
Representing (Optional)

P.O. Box 937 Homer, Alaska 99603
Address

(907) 235-7012
Phone No.

P.O. Box 2994
Homer, AK 99603
March 25, 2003

House Special Fisheries Committee
Alaska State House
Juneau, AK

Dear Committee Members:

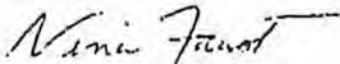
Coastal communities throughout Alaska have worked hard to develop a good Alaska Coastal Management Plan with effective "enforceable policies. The Kenai Peninsula is no exception. HB 191 and SB 143 would dismantle a good system that protects sensitive coastal habitats and their fisheries and wildlife. I urge you not to pass these bills.

- Development projects that receive the careful oversight provided by the ACMP are probably better projects in the end. Discovering environmental problems beforehand saves money and can make a project much more welcome in a community. By being open to the scrutiny provided by ACMP and fixing problems beforehand, a company demonstrates its willingness to be a good neighbor within a coastal area.

I do not want to see the carefully adopted enforceable policies gutted, nor do I want to see public input curtailed by eliminating the Coastal Policy Council. Overall, I see no reason to make the sweeping changes called for in these bills. Furthermore, they are not fiscally responsible since they will likely require an Environmental Impact Statement, a very expensive document.

- Please allow communities to continue in their local stewardship for the sake of their economics and their natural resources. Do not pass HB 191 or SB 143. Thank you.

Sincerely,



Nina Faust

KODIAK ISLAND BOROUGH

OFFICE OF THE MANAGER
710 MILL BAY ROAD
KODIAK, AK 99615
(907)486-9300 (907)486-9374 FAX

FACSIMILE TRANSMITTAL SHEET

TO:	Rep. Seaton, Chairman	FROM:	Pat Carlson, Manager
COMPANY:	Fisheries Comm.	DATE:	3/26/2003
FAX NUMBER:	(907) 465-3472	TOTAL NO. OF PAGES INCLUDING COVER:	3
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	
RE:		YOUR REFERENCE NUMBER:	

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTE/COMMENTS:

Dear Rep. Seaton:

Attached please find for your review the letter you requested. I recognize this applies to State Airport property, but is indicative of our concern regarding the ability of local ordinances being recognized by the State. Clarification or clear language to address this concern is needed to minimize the conflicts over jurisdiction. Please let me know if you have any questions or need further information.

Pat Carlson

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - LEASING AND PROPERTY MANAGEMENT

TONY KNOWLES, GOVERNOR

4111 AVIATION AVENUE
P.O. BOX 196800
ANCHORAGE, ALASKA 99519-6900
(907) 269-0740 (FAX 269-0489)
(TDD 269-0473)

July 10, 2002

RE: Kodiak Airport

Duane Dvorak, Director
Kodiak Island Borough
710 Mill Bay Road
Kodiak, Alaska 99615



Dear Mr. Dvorak:

Thank you for your letter of June 10, 2002, where you discussed the Borough's zoning and platting codes as they pertain to the airport in general and a tenant on the Kodiak Airport in particular. You expressed concern with a particular tenant on the airport and that their use of airport land does not meet Borough codes.

→ The State appreciates the Borough's concern. It is the intent of the Department that while State airports are not subject to local governments jurisdiction for platting or zoning, we do require our tenants to uphold the State fire and building codes and regulations and reasonable business practices.

With respect to Lot 5A Block 1400, we have required the tenant to remove the trailer and clean up their site. We also require, before watchman's quarters are allowed on site, to obtain the Kodiak Fire Chief's approval. The State Fire Marshall's office informs us that they have relegated this responsibility to the local Fire Chief. Until this approval is given, no living quarters are allowed.

On June 18th-20th, I met with representatives of the USCG, Captain Lachowsky, Base Commander, Dan Gunthner, Chief of the Environmental Branch, and Lt. Commander Raney, and Chief Russ Toms, Base Fire Commander to perform a joint inspection of the airport. This inspection was performed to determine each tenant's compliance with environmental requirements, fire safety, and lease obligations. The results of the inspection will be made available in the near future.

While the department appreciates the Borough's efforts to obtain a higher level of zoning and building code compliance for developers of Borough lands it is the responsibility of the department to oversee development of and compliance with applicable State and federal regulations. We appreciate the offer of the Borough to

Duane Dvorak

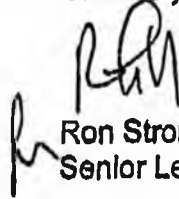
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July 10, 2002

oversee compliance by airport users with Borough codes but we must respectfully decline the offer. The State will continue to oversee development and operations on State airport lands and insure compliance with applicable State and Federal laws, rules, and regulations.

If you have any questions please call me at (907) 269-0742. Thank you.

Sincerely,



Ron Stroman
Senior Leasing Officer

RAS/wlc

cc: Rob Greene, Kodiak Airport Manager
Patrick Carlson, Borough Manager



Alaska State Legislature

Please enter into the record my testimony to the HFSH
 committee name
 committee on HB 191, dated 3-17-03
 bill/subject

3. PAGES

Signed: KAROL KOHLEHMATNEU
 Testifier

Representing (Optional)
PO BOX 1074 PALMER 99645
 Address

Phone No.

ALEUTIANS WEST

COASTAL RESOURCE SERVICE AREA

Good Morning

My name is Karol Kolehmainen and I am the Program Coordinator for the Aleutians West Coastal Resource Service Area. Having said that I can surmise that many of you may think that I am speaking to you today to save my job. In fact, that is not why I am here. I am here because of the seven elected officials of the Aleutians West Board and all that they represent.

Geographically, they represent the entire western Aleutian area from Unalaska Island west to Attu Island, an area that is 20 to 60 miles in width and roughly 1000 miles long. It is bounded by the Pacific Ocean to the south and the Bering sea to the north and has a wealth of natural resources including some of the richest fishing grounds in the state. Like the geography the communities of the region are also diverse. Unalaska, the only Title 29 community and the number one seafood processing port in the nation for many years, has a population of over 4000 people, and Nikolski, a tribal government, has 39. Both of these communities contribute members to the AWCRSA Board.

Article 2 of Alaska Statute 46.40 provides the authority for coastal management in the unorganized borough and allowed the people of the western Aleutians to form a CRSA. Sixteen years ago, in 1987, the AWCRSA was established by a vote of the people of the unorganized western Aleutian area. They went through the process and gave of their time to develop a coastal management plan for the region. The plan was signed into law and provides representation of the local interest in state and federal permitting decisions. The plan has procedures and policies, not to prevent development, but to guide development activities within the coastal zone boundary. Recently we have been updating the plan, a massive undertaking, involving mapping of the resources of the entire area, collection of census data and cultural, historic, and economic information and the development of goals and objectives for the region, culminating in the development of coastal policies. All of this work was accomplished by a volunteer Board and using federal funding. Because the CRSA exists in the unorganized area it serves as a local authority for the entire area and the plan is the recognized information source for prospective developers and oil spill contingency planning.

If I have gone on at length about the area, it is because I care deeply about the region and respect the efforts of the AWCRSA Board. As previously stated, the board is strictly voluntary and its members have contributed many hours over many years to develop what it has become. I would like to add that I am the sole employee and the entire program is federally funded with monies passed through the state. Now, with a stroke of the pen, this political subdivision of the state will cease to exist.

I have reviewed the proposed legislation, and some of the supporting material, and wish to continue by specifically addressing some of the assertions. First, to

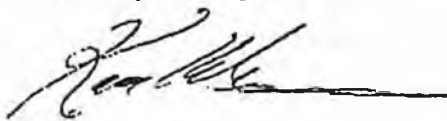
state that Title 29 municipalities will retain their existing land use authorities and regulate private land use activities is correct but doesn't provide the complete picture. In the AWCRSA, the Title 29 municipality, Unalaska, does not have a coastal management program, that role is provided by the CRSA. I suspect this is true in the other unorganized borough areas as well. Any one who has been involved with the rewrite of a comprehensive plan knows that it does not happen overnight and it will take much time and effort for a community to develop a coastal program and be eligible for the financial benefits of participation. Unalaska represents a mere 116 square miles of a much, much larger area.

Next, to say that DNR is authorized to adopt local ordinances as state enforceable policies for Federal reviews also seems to gloss over the very real concern of elimination of a local presence in permit decisions. I guess that is the ultimate in streamlining—the state makes the decision. I believe another word for that is centralization, but then that word is much less palatable.

And last, to say that the adoption of certain coastal policies for state decisions will continue to recognize a local input is just the second point made in an only slightly different way. When that happens, you no longer have local policies, you have state policies, and only the ones that were deemed acceptable apparently.

Now that I have said all of this, I would like to conclude by admitting that we recognize that passage of this legislation appears inevitable given the current political climate. In HB 191, Section 10, the legislation purports to provide a program of research, training, and technical assistance to coastal resource districts, including the direct granting to the districts. However, Section 16 repeals 46.40.120 through 180 eliminating the coastal resource districts, the CRSA's, which allow huge political subdivisions of the state, and includes many of the communities that could benefit the most from coastal grants. We respectfully request that the legislation be modified to allow the CRSA's to exist, permanently as coastal district areas or a similar functional area, or for a period of time long enough to allow the work that has been done to be redirected in a way that will let the areas develop meaningful authority in an acceptable and beneficial form.

Thank you for your time.



03/17/03

Key Components of the ACMP Bill

- Streamlines the permitting process by almost exclusively relying on existing permit requirements to establish the ACMP standards
 - Except for federally sponsored projects and projects in the OCS, the bill eliminates the need for a separate consistency review beyond the individual state permit decisions
- Significantly reduces the ACMP enforceable policies
 - Eliminates the statewide standards found in 6 AAC 80
 - Significantly reduces the number of local enforceable policies
 - Only applies local enforceable policies to federally sponsored projects and projects in the OCS
- Emphasizes local governments' use of their own local land use controls
 - No state application of local policies except on federally sponsored projects and projects in the OCS, where local land use controls would normally be pre-empted by federal law
- Eliminates CRSA's
 - Since application of local policies is very rare, there is little justification for financially supporting these entities, future support for coastal communities should focus on responsible resource development and sustainable economic development
- Eliminates CPC
 - Without local plans to approve, or the proper implementation of local plans to ensure (petition process), there is little justification for retaining this body

Alaska State Legislature

Chair
Seaton

Vice Chair
Wilson

Members
Berkowitz
Guttenberg
Heinze
Kott
Samuels



State Capitol
Juneau, AK 99801
(907) 465-3306
(907) 465-3472

House Special Committee on Fisheries

MEMORANDUM

TO: All Fisheries Committee Members

FM: Representative Paul Seaton, Chair
House Fisheries Committee

DATE: March 26th, 2003

RE: Add to HB 191 file

Please add this to your HB 191 file.

Public Testimony on HB 191 received by the House Fisheries Committee

Please feel free to contact me with questions anytime x2689, or you can contact my Committee Aide, Cameron Yourkowski, x3306. Thank you.

Bering Straits Coastal Resource Service Area Board
P. O. Box 190
Unalakleet, Alaska 99684
(907) 624-3062
FAX 624-3811

March 18, 2003.

Representative Paul Seaton, Chair
House Fisheries Committee
State Capitol Building
Juneau, Alaska 99801-1182

Subject: House Bill 191

Dear Representative Seaton:

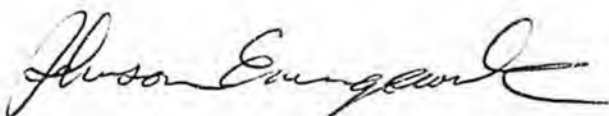
The Bering Straits Coastal Resource Service Area Board opposes House Bill 191. Our Service Area is composed of nineteen communities from Shishmaref on the north, Stebbins on the south, Gambell on the west, and Unalakleet on eastern Norton Sound. All of our communities are heavily dependent on fish and other wildlife. All of our communities are located near or on the seashore or on a riverbank. Healthy fish and wildlife and clean air, water, and healthy land are very important to all our citizens! The Bering Straits Coastal Management Program assists local, state, and federal officials plan projects that will be beneficial to all citizens, including the applicant for a permit.

HB 191 terminates Coastal Resource Service Areas. We oppose this bill! HB 191 transfers the Alaska Coastal Management Program to the Department of Natural Resources, makes the Alaska Coastal Policy Council subservient to the Department of Natural Resources, and annuls the recently adopted consistency review regulations. The current Alaska Coastal Management Program is a valuable planning tool for permit reviewers, applicants, and our citizens.

All of our communities use vast areas of land and waters to hunt and fish. HB 191 eliminates vast areas from participation.

We enclose BSCRSA Resolutions 2003-01 and 2003-02 and urge you to keep the CRSAs intact.

Sincerely,



Johnson Eningowuk, Chairman 

Bering Straits Coastal Resource Service Area Board
P. O. Box 190
Unalakleet, Alaska 99684
(907) 624-3062
FAX 624-3833

RESOLUTION 2003 - 01

**A RESOLUTION OF THE BERING STRAITS COASTAL RESOURCE SERVICE
AREA BOARD OPPOSING THE TRANSFER OF THE ALASKA COASTAL
MANAGEMENT PROGRAM TO THE DEPARTMENT OF NATURAL RESOURCES.**

WHEREAS the Alaska Coastal Management Program is a networked program of the Federal, State and Local Governments and

WHEREAS the Alaska Coastal Management Program involves all levels of government in a public setting and


WHEREAS the Governor of Alaska appoints senior public officials from local and state government and

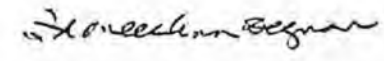
WHEREAS the Governor appoints the Director of Office of Management & Budget, the Commissioner of Community & Economic Development, the Commissioner of Environmental Conservation, the Commissioner of Fish & Game, the Commissioner of Natural Resources, and the Commissioner of Transportation & Public Facilities and or alternates and

WHEREAS the Division of Governmental Coordination is under the supervision of the Office of Management and Budget and serve as staff to the Alaska Coastal Policy Council.

NOW THEREFORE BE IT RESOLVED that the Bering Straits Coastal Resource Area Board respectfully urges the Governor of Alaska to withdraw executive orders that change this excellent public oriented network program.

PASSED by a vote of 4 AYES 0 NAYS on JANUARY 18, 2003.


JOHNSON ENINGOWUK
Chairman


FRANCES ANN DEGNAN
Secretary/ Treasurer

Bering Straits Coastal Resource Service Area Board
P. O. Box 190
Unalakleet, Alaska 99684
(907) 624-3062
FAX 624-3811

RESOLUTION 2003 – 02

A RESOLUTION OF THE
BERING STRAITS COASTAL RESOURCE SERVICE AREA BOARD
OPPOSING THE ELIMINATION OF
COASTAL RESOURCE SERVICE AREAS.

WHEREAS the ALASKA COASTAL MANAGEMENT PROGRAM provides a voice for the rural areas of the State of Alaska and

WHEREAS the ALASKA COASTAL MANAGEMENT PROGRAM allows citizens of Coastal Resource Service Areas to comment on projects requiring Federal, State or local permits and

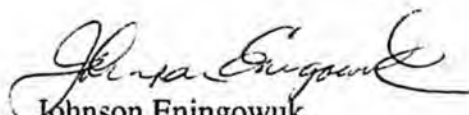
WHEREAS the citizens of the Coastal Resource Service Areas provide important local knowledge to State and Federal officials and

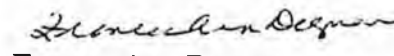
WHEREAS the citizens of the Coastal Resource Service Areas are experts in living in their own local areas

NOW THEREFORE BE IT RESOLVED that the Bering Straits Coastal Resource Service Area Board opposes the termination of Coastal Resource Service Areas.

BE IT FURTHER RESOLVED THAT the Alaska Coastal Management Program be left intact with the current regulations which were recently adopted by the State of Alaska and the U.S. Department of Commerce.

PASSED by a vote of 6 AYES and 0 NAYS on March 18, 2003.


Johnson Eningowuk
Chairman


Frances Ann Degnan
Secretary/Treasurer



HB191



Kachemak Bay Conservation Society

3734 Ben Walters Lane, Suite 202

Homer, AK 99603

Phone: (907)235-2062 • Fax: (907)235-4069 • kbcsc@xyz.net

March 18, 2003

Representative Paul Seaton

Mallstop: 3100

State Capitol

Juneau, AK 99801-1182

Dear Paul,

The Kachemak Bay Conservation Society has always worked to protect the environment of the Kachemak Bay region and encourage sustainable use and stewardship of resources. The Alaska Coastal Policy Act is an important tool for coastal communities to use in reviewing development projects. H.R. 191 will reduce the value of this tool to coastal communities in protecting their areas by eliminating the Alaska Coastal Policy Council and removing some of the public review process.

KBCS objects to the dissolution of the Alaska Coastal Policy Council because this will reduce citizen and community oversight of projects. Furthermore, we believe it is a mistake to take out language requiring public notice, consistency review, and opportunities to comment. Taking out local comment reduces the opportunity of communities to have an effect on projects that have an impact in their region.

Coastal areas are some of the State's most sensitive habitats and many are important to our fisheries. Reduced citizen participation and oversight is a mistake. Please do not support the proposed H.B. 191.

Sincerely,

Roberta Highland, President

cc Gary Stevens

HB191

Bering Straits Coastal Resource Service Area Board
P. O. Box 190
Unalakleet, Alaska 99034
(907) 624-3062
FAX 624-3811

March 18, 2003.

Representative Paul Seaton, Chair
House Fisheries Committee
State Capitol Building
Juneau, Alaska 99801-1182

Subject: House Bill 191

Dear Representative Seaton:

The Bering Straits Coastal Resource Service Area Board opposes House Bill 191. Our Service Area is composed of nineteen communities from Shishmaref on the north, Stebbins on the south, Gambell on the west, and Unalakleet on eastern Norton Sound. All of our communities are heavily dependent on fish and other wildlife. All of our communities are located near or on the seashore or on a riverbank. Healthy fish and wildlife and clean air, water, and healthy land are very important to all our citizens! The Bering Straits Coastal Management Program assists local, state, and federal officials plan projects that will be beneficial to all citizens, including the applicant for a permit.

HB 191 terminates Coastal Resource Service Areas. We oppose this bill! HB 191 transfers the Alaska Coastal Management Program to the Department of Natural Resources, makes the Alaska Coastal Policy Council subservient to the Department of Natural Resources, and annuls the recently adopted consistency review regulations. The current Alaska Coastal Management Program is a valuable planning tool for permit reviewers, applicants, and our citizens.

All of our communities use vast areas of land and waters to hunt and fish. HB 191 eliminates vast areas from participation.

We enclose BSCRSA Resolutions 2003-01 and 2003-02 and urge you to keep the CRSAs intact.

Sincerely,



Johnson Eningowuk, Chairman

Cenaliulriit CRSA

Serving the Yukon-Kuskokwim Delta
PO Box 69, Mekoryuk, AK 99630 / 907-827-8748

To the Honorable 23rd Legislature:

Subject: House Bill 143 – Alaska Coastal Management Program

Cenaliulriit Coastal Resource Service Area serves 35,168 square miles of the Yukon-Kuskokwim Delta, the largest refuge in Alaska, comprising 8,993 miles of shoreline, with 39 listed communities. Cenaliulriit has a history dating back to the early 1980's, and is one of the first Coastal Management Plans since 1985.

Cenaliulriit numbers the largest dependents, on a daily basis, to fish and wildlife, than any other part of the State of Alaska. Cenaliulriit has worked hard over the last 18 years to provide program improvement and opportunity of village participation and successful permitting. And to help the permitting process, the program is in its final year of mapping Customary Use Areas of fish and wildlife resources. The preliminary data indicate wide-ranging areas of overlap between villages, in all areas of coastal waters, inland rivers, fresh water areas, headwaters and land mass.

In the Cenaliulriit district, mining operations have not stopped, local infrastructure improvement continues, water and sewer, road, new facilities, and upgrade of bulk fuel facilities, airport improvements, and erosion control, to name a few and operating and permitting successfully.

The Association of Village Council presidents serving 56 villages passed a resolution at their mid-year annual convention requesting the legislature to oppose House Bill 191 and Senate Bill 143. The delegates of the convention were not aware of these new bills and very concerned that it eliminates a concerted effort to provide meaningful opportunity to participate in permitting. The delegates convey that fish and wildlife do not honor postage stamp municipal boundaries.

These bills require proper input from villages that are impacted by this new proposed process under the Department of Natural Resources. We honorably request the legislature to allow for meaningful review and opportunity for communities to assess the proposed changes to the Alaska Coastal Management Program.

Thank you for this opportunity to comment,

Respectfully,


John Oscar
Program Director

Northwest Arctic Borough
P.O. Box 1110
Kotzebue, AK
Ph: (907) 442-2500 or (800) 478-1110
Fax: (907) 442-3740

FACSIMILE

To: Paul Seaton Fm: NOAH WANKOR

Fax: 465-3472 Date: _____

Pgs: _____ CC: _____

Re: _____

Urgent For Review Please Comment Please Reply

Comments: Bill 191

If we look at the intent of the CZM Program, Congress strived for wise use of land and water resources of the coastal zone, which took into account the ecological, cultural, recreational, historical and aesthetic values, as well as the need for economic development.

The Northwest Arctic Borough and the North Slope Borough can serve as models where our district plans, which strive to protect our subsistence resources, upon which we still depend on today, can allow for major economic development and for the protection of our resources. Our district plans, coupled with our title 29 planning authority, allowed the leverage needed to promote and mitigate for responsible economic development.

The ACMP provides us with a program based on a partnership of shared state and local management responsibility. Our district coastal programs were developed on a local level and address our unique local issues, resources and policies. Our locally adopted district coastal programs were subject to an extensive public review, which was approved by both our Assembly as well as the Alaska Coastal Policy Council and the federal government.

By adopting a state wide "one size fits all" set of enforceable policies, you will take away, what we feel is the heart of our district plan, a set of policies that address the unique circumstances in each of our districts. Simply adding a paragraph of each of our plans cannot, and should not be viewed as an implementation policy that will address our local needs. By adopting these policies you will take away, a very strong tool provided to us in our district plan. The ability for local due diligence, expertise, experience and control.

This bill, hurts us in several separate ways, it takes away our unique enforceable policies, it removes the vital role for local involvement, expertise and government, and it will result in the loss of federal, state, and borough invested resources, time and expertise in developing and implementing the Borough CMP.

This bill, if passed will force us to look at our Municipal authority and title 9 zoning code to protect our subsistence resources, unique coastal environments and borough/local coastal management concerns.



Alaska State Legislature

Please enter into the record my testimony to the HFSH
committee name
committee on HB 191, dated 3-17-03
bill/subject

3. PAGES

Signed: KAROL KOHLHATNEN
Testifier

Representing (Optional)
PO BOX 1074 PALMER 99645
Address

Phone No.

ALEUTIANS WEST

COASTAL RESOURCE SERVICE AREA

Good Morning

My name is Karol Kolehmainen and I am the Program Coordinator for the Aleutians West Coastal Resource Service Area. Having said that I can surmise that many of you may think that I am speaking to you today to save my job. In fact, that is not why I am here. I am here because of the seven elected officials of the Aleutians West Board and all that they represent.

Geographically, they represent the entire western Aleutian area from Unalaska Island west to Attu Island, an area that is 20 to 60 miles in width and roughly 1000 miles long. It is bounded by the Pacific Ocean to the south and the Bering sea to the north and has a wealth of natural resources including some of the richest fishing grounds in the state. Like the geography the communities of the region are also diverse. Unalaska, the only Title 29 community and the number one seafood processing port in the nation for many years, has a population of over 4000 people, and Nikolski, a tribal government, has 39. Both of these communities contribute members to the AWCRSA Board.

Article 2 of Alaska Statute 46.40 provides the authority for coastal management in the unorganized borough and allowed the people of the western Aleutians to form a CRSA. Sixteen years ago, in 1987, the AWCRSA was established by a vote of the people of the unorganized western Aleutian area. They went through the process and gave of their time to develop a coastal management plan for the region. The plan was signed into law and provides representation of the local interest in state and federal permitting decisions. The plan has procedures and policies, not to prevent development, but to guide development activities within the coastal zone boundary. Recently we have been updating the plan, a massive undertaking, involving mapping of the resources of the entire area, collection of census data and cultural, historic, and economic information and the development of goals and objectives for the region, culminating in the development of coastal policies. All of this work was accomplished by a volunteer Board and using federal funding. Because the CRSA exists in the unorganized area it serves as a local authority for the entire area and the plan is the recognized information source for prospective developers and oil spill contingency planning.

If I have gone on at length about the area, it is because I care deeply about the region and respect the efforts of the AWCRSA Board. As previously stated, the board is strictly voluntary and its members have contributed many hours over many years to develop what it has become. I would like to add that I am the sole employee and the entire program is federally funded with monies passed through the state. Now, with a stroke of the pen, this political subdivision of the state will cease to exist.

I have reviewed the proposed legislation, and some of the supporting material, and wish to continue by specifically addressing some of the assertions. First, to

state that Title 29 municipalities will retain their existing land use authorities and regulate private land use activities is correct but doesn't provide the complete picture. In the AWCRSA, the Title 29 municipality, Unalaska, does not have a coastal management program, that role is provided by the CRSA. I suspect this is true in the other unorganized borough areas as well. Any one who has been involved with the rewrite of a comprehensive plan knows that it does not happen overnight and it will take much time and effort for a community to develop a coastal program and be eligible for the financial benefits of participation. Unalaska represents a mere 116 square miles of a much, much larger area.

Next, to say that DNR is authorized to adopt local ordinances as state enforceable policies for Federal reviews also seems to gloss over the very real concern of elimination of a local presence in permit decisions. I guess that is the ultimate in streamlining—the state makes the decision. I believe another word for that is centralization, but then that word is much less palatable.

And last, to say that the adoption of certain coastal policies for state decisions will continue to recognize a local input is just the second point made in an only slightly different way. When that happens, you no longer have local policies, you have state policies, and only the ones that were deemed acceptable apparently.

Now that I have said all of this, I would like to conclude by admitting that we recognize that passage of this legislation appears inevitable given the current political climate. In HB 191, Section 10, the legislation purports to provide a program of research, training, and technical assistance to coastal resource districts, including the direct granting to the districts. However, Section 16 repeals 46.40.120 through 180 eliminating the coastal resource districts, the CRSA's, which allow huge political subdivisions of the state, and includes many of the communities that could benefit the most from coastal grants. We respectfully request that the legislation be modified to allow the CRSA's to exist, permanently as coastal district areas or a similar functional area, or for a period of time long enough to allow the work that has been done to be redirected in a way that will let the areas develop meaningful authority in an acceptable and beneficial form.

Thank you for your time.

A handwritten signature in black ink, appearing to be "John M. ...", written in a cursive style.

Bering Straits Coastal Resource Service Area Board
P. O. Box 190
Unalakleet, Alaska 99684
(907) 624-3062
FAX 624-3833

RESOLUTION 2003 - 01

**A RESOLUTION OF THE BERING STRAITS COASTAL RESOURCE SERVICE
AREA BOARD OPPOSING THE TRANSFER OF THE ALASKA COASTAL
MANAGEMENT PROGRAM TO THE DEPARTMENT OF NATURAL RESOURCES.**

WHEREAS the Alaska Coastal Management Program is a networked program of the Federal, State and Local Governments and

WHEREAS the Alaska Coastal Management Program involves all levels of government in a public setting and

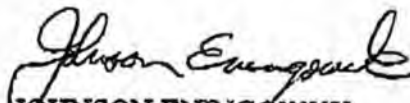
WHEREAS the Governor of Alaska appoints senior public officials from local and state government and


WHEREAS the Governor appoints the Director of Office of Management & Budget, the Commissioner of Community & Economic Development, the Commissioner of Environmental Conservation, the Commissioner of Fish & Game, the Commissioner of Natural Resources, and the Commissioner of Transportation & Public Facilities and or alternates and

WHEREAS the Division of Governmental Coordination is under the supervision of the Office of Management and Budget and serve as staff to the Alaska Coastal Policy Council.

NOW THEREFORE BE IT RESOLVED that the Bering Straits Coastal Resource Area Board respectfully urges the Governor of Alaska to withdraw executive orders that change this excellent public oriented network program.

PASSED by a vote of 4 AYES 0 NAYS on JANUARY 18, 2003.


JOHNSON ENINGOWUK
Chairman


FRANCES ANN DEGNAN
Secretary/ Treasurer

Bering Straits Coastal Resource Service Area Board
P. O. Box 190
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RESOLUTION 2003 - 02

A RESOLUTION OF THE
BERING STRAITS COASTAL RESOURCE SERVICE AREA BOARD
OPPOSING THE ELIMINATION OF
COASTAL RESOURCE SERVICE AREAS.

WHEREAS the ALASKA COASTAL MANAGEMENT PROGRAM provides a voice for the rural areas of the State of Alaska and

WHEREAS the ALASKA COASTAL MANAGEMENT PROGRAM allows citizens of Coastal Resource Service Areas to comment on projects requiring Federal, State or local permits and

WHEREAS the citizens of the Coastal Resource Service Areas provide important local knowledge to State and Federal officials and

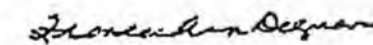
WHEREAS the citizens of the Coastal Resource Service Areas are experts in living in there own local areas

NOW THEREFORE BE IT RESOLVED that the Bering Straits Coastal Resource Service Area Board opposes the termination of Coastal Resource Service Areas.

BE IT FURTHER RESOLVED THAT the Alaska Coastal Management Program be left intact with the current regulations which were recently adopted by the State of Alaska and the U.S. Department of Commerce.

PASSED by a vote of 6 AYES and 0 NAYS on March 18, 2003.


Johnson Eningowuk
Chairman


Frances Ann Degnan
Secretary/Treasurer

Cenaliulriit CRSA

Serving the Yukon-Kuskokwim Delta
PO Box 69, Mekoryuk, AK 99630 / 907-827-8748

To the Honorable 23rd Legislature:

Subject: House Bill 143 – Alaska Coastal Management Program

Cenaliulriit Coastal Resource Service Area serves 35,168 square miles of the Yukon-Kuskokwim Delta, the largest refuge in Alaska, comprising 8,993 miles of shoreline, with 39 listed communities. Cenaliulriit has a history dating back to the early 1980's, and is one of the first Coastal Management Plans since 1985.

Cenaliulriit numbers the largest dependents, on a daily basis, to fish and wildlife, than any other part of the State of Alaska. Cenaliulriit has worked hard over the last 18 years to provide program improvement and opportunity of village participation and successful permitting. And to help the permitting process, the program is in its final year of mapping Customary Use Areas of fish and wildlife resources. The preliminary data indicate wide-ranging areas of overlap between villages, in all areas of coastal waters, inland rivers, fresh water areas, headwaters and land mass.

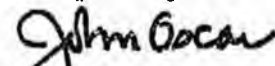
In the Cenaliulriit district, mining operations have not stopped, local infrastructure improvement continues, water and sewer, road, new facilities, and upgrade of bulk fuel facilities, airport improvements, and erosion control, to name a few and operating and permitting successfully.

The Association of Village Council presidents serving 56 villages passed a resolution at their mid-year annual convention requesting the legislature to oppose House Bill 191 and Senate Bill 143. The delegates of the convention were not aware of these new bills and very concerned that it eliminates a concerted effort to provide meaningful opportunity to participate in permitting. The delegates convey that fish and wildlife do not honor postage stamp municipal boundaries.

These bills require proper input from villages that are impacted by this new proposed process under the Department of Natural Resources. We honorably request the legislature to allow for meaningful review and opportunity for communities to assess the proposed changes to the Alaska Coastal Management Program.

Thank you for this opportunity to comment,

Respectfully,



John Oscar
Program Director