

HB

78

Alaska State Legislature

Representative Ethan Berkowitz
Minority Leader



Representative Beth Kerttula
Minority Whip

Sponsor Statement

House Bill 78

"An Act relating to adoption and use of a unified permit application form by the natural resource agencies; and repealing the Environmental Procedures Coordination Act."

This legislation streamlines the permit application process for Alaska projects – one project, one application, and an expedited timeline for the State to act. Currently, when a project requires permits from more than one resource agency, the applicant must fill out different forms for each permit. Applications may have different timelines and, while there is some unique information required for each form, much of the information collected is redundant.

House Bill 78 simplifies the application process. It consolidates the current forms into a single application, establishes a base timeline of 60 days, and creates a "clearinghouse" that oversees the process for the applicant. Having one application and one contact makes the permitting process faster, more efficient, and less confusing.

This bill also repeals the Environmental Procedures Coordination Act, a master application process that has never been successfully used.

House Bill 78 promotes effective, efficient and accountable government.

Examples Of Projects That Involve More Than One State Resource Agency

Small Project – 5 Permits Needed

Construction of a private floating structure for access and moorage.

Work includes construction of a 80' floating dock; dredging of 100 cubic yards of sand and gravel below mean high water; and construction of a 400' x 6' trail that will fill 2,400 cubic yards of wetlands.

Permits Needed:

- U.S. Army Corps of Engineers
Section 404 Permit
Section 10 Permit
- Department of Environmental Conservation
Certificate of Reasonable Assurance (Section 401 Permit)
- Department of Natural Resources
Material Sale Permit
Right-of-Way Permit

Large Project – 7 Permits Needed

Construction and operation of a drill site, pipelines, powerline, access road and associated facilities for oil and gas production.

Work includes (1) an elevated triple-span bridge; (2) a 4.8-mile two-land road; (3) a 9.6 acre drill pad; (4) three new pipelines; (5) a buried powerline; (6) an emergency generator; and (7) a microwave communications tower.

Permits Needed:

- U.S. Army Corps of Engineers
Section 404 Permit
- Department of Environmental Conservation
Certificate of Reasonable Assurance
Oil Discharge Prevention and Contingency Plan
- Department of Fish and Game
Fish Habitat Permit
- Department of Natural Resources
Land Use Permit
Plan of Operations
Right-of-Way Lease

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Sectional Analysis

House Bill 78 "Unified Permit Application"

Section 1 amends AS 44.19 by adding chapters establishing the unified permit application clearinghouse in the Office of the Governor. The following sections are created:

AS 44.19.211 creates the unified permit application clearinghouse.

AS 44.19.213 requires state resources agencies (DEC, DF&G and DNR) to work together to create a unified application form and sets out information that must be included on the form; specifies that the unified form will be used whenever a project requires permits from more than one agency; and allows the form to be modified when necessary to conform to changes in statutes and regulations.

AS 44.19.215 establishes the process and timelines for the unified permit application.

AS 44.19.217 establishes the process and timelines for review of the unified permit application and issuing permit decisions.

AS 44.19.219 defines terms used in the bill.

Section 2 repeals the Environmental Procedures Coordination Act.

Section 3 specifies that this Act will prevail if it is in conflict with another statute.

Section 4 requires DEC, DF&G and DNR to adopt the unified application form within six months of the effective date of this Act.



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FEB 25 2003

February 24, 2003

Representative Hugh Fate
Co-Chair, House Resources Committee
State Capitol
Room 128
Juneau, AK 99801

Re: H.B. 78 – Unified Permit Application

Dear Representative Fate,

I am writing on behalf of the Alaska Municipal League (AML) Land Use, Economic Development, and Resource Subcommittee to express AML's strong support for permit streamlining.

The AML believes that streamlined, coordinated, and timely regulatory review processes are critical to effective economic development in Alaska. In fact, AML members passed a resolution (2003-12) supporting (1) "clear and streamlined state and federal permitting systems based on sound science and economic feasibility;" and (2) "a reasonable permit fee system that is uniform, predictable and equitably allocates costs related to permitting activity." Please find attached, a copy of this resolution for your reference.

Sincerely,

Kevin Ritchie
Executive Director

Cc: Senator Scott Ogan
Senator Gretchen Guess
Representative Beth Kerttula
Representative Mike Chenault

Alaska Municipal League

RESOLUTION 2003 12

A Resolution Supporting Efforts to Streamline Regulatory Review Processes to Guarantee a Timely and Fair Determination

WHEREAS, streamlined, coordinated, and timely regulatory review processes are critical to effective economic development in Alaska; and

WHEREAS, currently, inefficient regulatory processes that involve multiple layers of reviews can be a costly and unnecessary barrier to sustainable economic development; and

WHEREAS, regulatory streamlining is a top priority of Alaska business, utility, government and economic development organizations; and

WHEREAS, multiple permits from state and federal agencies are required for infrastructure, economic and resources development projects; and

WHEREAS, a "one-stop shop" concept for all permits required on infrastructure, economic and resource development projects would provide a more coordinated approach for the owner agency and public review.

NOW THEREFORE BE IT RESOLVED by the Alaska Municipal League that municipal officials join with private sector representatives to:

- ◆ Advocate for clear and streamlined state and federal permitting systems based on sound science and economic feasibility.
- ◆ Advocate for a reasonable permit fee system that is uniform, predictable and equitably allocates costs related to permitting activity.