

SB

46

Alaska State Legislature



Out of Session:
PO Box 531
Golovin, Alaska 99762
(907) 443-5599

In Session:
State Capitol, Suite 510
Juneau, Alaska 99801-1182
(800) 597-3707
(907) 465-3707
(907) 465-4821 Fax

SENATOR DONALD C. OLSON

DISTRICT T

January 18, 2007

Alakanuk
Ambler
Anaktuvuk Pass
Atkasuk
Barrow
Brevig Mission
Browerville
Buckland
Chevak
Deering
Diomedea
Elim
Emmonak
Gambell
Golovin
Hooper Bay
Kaktovik
Kiana
Kivalina
Kobuk
Kotlik
Kotzebue
Koyuk
Mountain Village
Noatak
Nome
Noorvik
Nuiqsut
Nunam Iqua
Pilot Station
Pitka's Point
Point Hope
Point Lay
Savoonga
Scammon Bay
Selawik
Shaktolik
Shishmaref
Shungnak
St. Mary's
St. Michael
Stebbins
Teller
Unalakleet
Wainwright
Wales
White Mountain

MEMORANDUM

To: Senator Huggins, Chair
Senate Resources Committee

From: Senator Olson

Re: Request for committee hearing of SB 46, Coastal Zone Management

I would appreciate a resources committee hearing of SB 46 at your earliest convenience. Attached is a sponsor statement, background information, and a proposed committee substitute. The CS is restricted to only those items that extend March 1 deadlines for existing coastal management organizations to complete an acceptable management plan. Because of the short time available for legislative consideration of the extensions, I wish to reserve all other matters concerning the coastal zone to another bill at another time.

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SENATOR DONALD C. OLSON

DISTRICT T

SPONSOR STATEMENT

SB 46, Coastal Zone Management

Alakanuk
Ambler
Anaktuvuk Pass
Atkasuk
Barrow
Brevig Mission
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Chevak
Deering
Diomedes
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Kotzebue
Koyuk
Mountain Village
Noatak
Nome
Norvik
Nuiqsut
Nunam Iqua
Pilot Station
Pitka's Point
Point Hope
Point Lay
 Savoonga
Scammon Bay
Selawik
Shaktolik
Shishmaref
Shungnak
St. Mary's
St. Michael
Stebbins
Teller
Unalakleet
Wainwright
Wales
White Mountain

Alaska's Coastal Management Program has undergone major modification in the last several years under the previous administration. These changes required the coastal zone management districts throughout the state to completely revise their management plans. Compliance and approval of the new plans by both the state and federal authorities must be achieved before the March 1, 2007 termination date of their existing plans.

Of the 30 coastal management districts, 18 have new plans that have been approved or are near approval. Of the remaining districts, 9 are still being revised or are under review and 3 have requested mediation. They are not likely to make the March 1 deadline. The reasons most often given for the delays are the complexity and extent of information required by the Department of Resources for justification of the plan proposals. This is particularly true for large districts where revisions to resources inventories and analysis required significant effort.

SB 46 accomplishes three things. First, it allows for the Department of Environment Conservation to give notice and opportunity for public comment on a federal activity which otherwise does not require a state permit, certification or authorization and associated public involvement. Secondly, it extends the March 1 deadline for completion and approval of district plans six months to September 1. Finally, it extends the related designation of categorical and generally consistent determinations (the ABC list) six months also.

**I urge you to give favorable consideration of SB 46 and its importance to 70 % of
Alaska's coastal area and the people who call it home.**

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 1/16/07

FURTHER: Finance

Date of 5-Day Notice: 1/25/07
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 1-29-2007

Resources Committee considered SENATE BILL NO. 46

SB 46 COASTAL MANAGEMENT PROGRAM

"An Act relating to the Alaska coastal management program; providing for an effective date by amending the effective date of sec. 45, ch. 24, SLA 2003, as amended by sec. 21, ch. 31, SLA 2005; and providing for an effective date."

and recommends:

- be replaced with SCS or CS SB 46 (RES)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal Note	Approved
DNR	1/29/07		✓

Department	Date	Fiscal Note	Approved	F.N.#

APPROPRIATION - no fiscal note

Signature	Name	Date	Approved
	Melvyn Green		✓
	STEGMAN		✓
CHAIR:	Augius		✓

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB046-DNR-ACMP-01-26-07
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Natural Resources
 Title: Coastal Management Program RDU: Resource Development
 Component: Alaska Coastal Management Program
 Sponsor: Senator Olson
 Requester: Senate Resource Committee Component No. 2680

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

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 (FY2007) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 HB 191 (Chapter 24 SLA 2003) required the districts to have plans submitted by 6/30/2005, with the district plan review and approval process completed by 8/30/2006. CS SB 102 (Chapter 31 SLA 2005) extended the district submission deadline to 3/1/2006, 8 months after the deadline established in HB 191. The review and approval process of those plans would not be complete until 3/1/2007.

 Though 28 coastal districts submitted plans by the deadline (3/1/2006), several of the coastal districts have withdrawn or continued to work on their plan, delaying the review and approval process. Implementation of SB 46 extends the review and approval process of those plans to 9/1/2007, 14 months after the deadline established in HB 191. SB 46 will also extend the completion of the ABC List by 6 months, to June 29, 2008. Funding for existing staff to continue the work necessary for the district plan review and approval process will be absorbed in the existing budget.

Prepared by: Randy Bates, Acting Director Phone 465-8797
 Division: Office of Project Management and Permitting Date/Time 1/25/2007
 Approved by: Marty Rutherford, Acting Commissioner Date 1/25/2007
 Agency: Natural Resources

ALASKA STATE LEGISLATURE

Sen. Charlie Huggins, Chair
Sen. Bert Stedman, Vice Chair
Sen. Lyda Green
Sen. Gary Stevens
Sen. Lesil McGuire
Sen. Bill Wielechowski
Sen. Thomas Wagoner



State Capitol, Room 119
Juneau AK 99801-1182
907-465-3878
Fax: 907-465-3265
800-862-3878

Senate Resources Committee

Monday, January 29, 2007
3:30 p.m. – 5:00 p.m.

AGENDA

SB 46

"An Act relating to the Alaska coastal management program; providing for an effective date by amending the effective date of sec. 45, ch. 24, SLA 2003, as amended by sec. 21, ch. 31, SLA 2005; and providing for an effective date."

1.. Gavel In & Call to order:

I CALL THE SENATE RESOURCES COMMITTEE TO ORDER.

LET THE RECORD REFLECT THAT IT IS _____ P.M.

Monday, January 29, 2007

Present Are:

Vice Chair Senator Bert Stedman

~~Senator Gary Stevens~~ *plane delayed*

Senator Lyda Green

Senator Lesil McGuire

~~Senator Bill Wielechowski~~ *plane delayed*

~~Senator Tom Wagoner~~ *plane delayed*

& myself, Senator Charlie Huggins

On the Agenda Today:

****SB 46 Relating to the coastal zone management Program**

**** note: "a work draft: CS LS0253\C is before the committee for discussion."**

To Testify:

Dave Gray, staff to Sen. Olson [will present the bill & request the committee consider the CS]

Randy Bates, DNR Director of CZM program

Linda Hay, DEC is here for questions & info if needed

We expect to have callers from several of the districts including:

~~Tom Loman~~ **from the North Slope Borough.**

LEGAL SERVICES

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

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

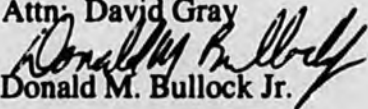
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

December 11, 2006

SUBJECT: Period for public comment in a consistency review
(Work Order No. 25-LS0253\A)

TO: Senator Donny Olson
Attn: David Gray

FROM: 
Donald M. Bullock Jr.
Legislative Counsel

Enclosed is a draft bill providing for expanding certain time periods relating to the Alaska Coastal Policy Council and a review and update of categorically and generally consistent determinations by the Department of Natural Resources (DNR). The draft also provides for public notice and an opportunity for public comment when the Department of Environmental Conservation (DEC) is performing a consistency review for an activity that does not require a permit, certification, approval, or authorization by that department because the activity is a federal activity or located on federal land or the federal outer continental shelf. Please review this draft carefully to ensure that it is consistent with your intent.

Please note that I inserted the notice and public comment provision in AS 46.40.040(b)(2), rather than in AS 46.40.040(c) as suggested in the e-mail from Glenn Gray, because DEC makes the findings under the authority of AS 46.40.040(b)(2) that DNR issues under AS 46.40.040(c).

If I may be of further assistance, please advise.

DMB:med
06-524.med

Enclosure

SENATE BILL NO. 46**IN THE LEGISLATURE OF THE STATE OF ALASKA****TWENTY-FIFTH LEGISLATURE - FIRST SESSION****BY SENATOR OLSON****Introduced: 1/12/07****Referred: Prefiled****A BILL****FOR AN ACT ENTITLED**

1 **"An Act relating to the Alaska coastal management program; providing for an effective**
2 **date by amending the effective date of sec. 45, ch. 24, SLA 2003, as amended by sec. 21,**
3 **ch. 31, SLA 2005; and providing for an effective date."**

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

5 *** Section 1. AS 46.40.040(b) is amended to read:**

6 (b) AS 46.03, AS 46.04, AS 46.09, AS 46.14, and the regulations adopted
7 under those statutes constitute the exclusive enforceable policies of the Alaska coastal
8 management program for those purposes. For those purposes only,

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

13 (2) for a consistency review of an activity that does not require a
14 Department of Environmental Conservation permit, certification, approval, or

1 authorization because the activity is a federal activity or the activity is located on
2 federal land or the federal outer continental shelf, consistency with AS 46.03,
3 AS 46.04, AS 46.09, and AS 46.14 and the regulations adopted under those statutes
4 shall be established on the basis of whether the Department of Environmental
5 Conservation finds that the activity satisfies the requirements of those statutes and
6 regulations; before making a finding under this paragraph, the Department of
7 Environmental Conservation shall provide notice and an opportunity for public
8 comment.

9 * Sec. 2. The uncodified law of the State of Alaska enacted in sec. 46(c), ch. 24, SLA 2003,
10 as amended by sec. 16, ch. 31, SLA 2005, is amended to read:

11 (c) Notwithstanding any contrary provision of ch. 24, SLA 2003, as amended
12 by ch. 31, SLA 2005, the repeal of the Alaska Coastal Policy Council enacted by sec.
13 44, ch. 24, SLA 2003, and the repeal of the Alaska Coastal Policy Council's duties in
14 AS 46.40.040, as amended by sec. 10, ch. 24, SLA 2003, a district coastal
15 management program, including its enforceable policies, approved by the former
16 Alaska Coastal Policy Council remains in effect for purposes of AS 46.39 and
17 AS 46.40 until September 1 [MARCH 1], 2007, unless the Department of Natural
18 Resources disapproves or modifies all or part of the program before September 1
19 [MARCH 1], 2007.

20 * Sec. 3. The uncodified law of the State of Alaska enacted in sec. 19(b), ch. 31, SLA 2005,
21 is amended to read:

22 (b) Within 30 calendar months [TWO YEARS] after the approval of the
23 state's revised coastal management program developed under ch. 24, SLA 2003, as
24 amended by ch. 31, SLA 2005, by the National Oceanic and Atmospheric
25 Administration, Office of Ocean and Coastal Resource Management, United States
26 Department of Commerce under 16 U.S.C. 1455 and 1457 (Coastal Zone Management
27 Act of 1972), the Department of Natural Resources shall complete a review and
28 update of categorically and generally consistent determinations. The Department of
29 Natural Resources shall complete a review and update of categorically and generally
30 consistent determinations at least every four years thereafter and shall conform to the
31 requirements of AS 46.40.096(m) as that subsection read on May 27, 2005 [THE

1 **EFFECTIVE DATE OF THIS SECTION].**

2 * **Sec. 4.** Section 49, ch. 24, SLA 2003, as amended by sec. 21, ch. 31, SLA 2005, is
3 amended to read:

4 **Sec. 49.** Section 45, ch. 24, SLA 2003, takes effect September 1 [MARCH 1],
5 2007.

6 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).

25-LS0253C
Bullock

1/17/07

passed
out
1-29-07

CS FOR SENATE BILL NO. 46()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): **SENATOR OLSON**

— Staff Dave Gray

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Alaska coastal management program; providing for an effective**
2 **date by amending the effective date of sec. 45, ch. 24, SLA 2003, as amended by sec. 21,**
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13 AS 46.40 until September 1 [MARCH 1], 2007, unless the Department of Natural
14 Resources disapproves or modifies all or part of the program before September 1

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11 Natural Resources shall complete a review and update of categorically and generally
12 consistent determinations at least every four years thereafter and shall conform to the
13 requirements of AS 46.40.096(m) as that subsection read on May 27, 2005 [THE
14 EFFECTIVE DATE OF THIS SECTION].

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16 amended to read:

17 Sec. 49. Section 45, ch. 24, SLA 2003, takes effect September 1 [MARCH 1],
18 2007.

19 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

Sharon Long

From: David Gray
Sent: Monday, January 29, 2007 9:03 AM
To: Sharon Long
Subject: sb 46 czm

SB 46 testimony list for S. Resources meeting:

Dave Gray, staff to sen. olson will present the bill and request committee consider CS.

Randy Bates; DNR director of CZM program.

Linda Hay: DEC will be there for question info if needed.

Of the CZM districts, I expect 5 to 8 of the districts who are late in getting approval to be giving testimony. one for sure tom loman from the North Slope Borough. i will try and get a better list by late this am.

Karen Moriority of AOGA said they would not be testifying at this meeting, but probably later in the process.



MEMORANDUM

STATE OF ALASKA

Department of Natural Resources
Office of Project Management and Permitting

TO: Distribution

DATE: January 16, 2007

TELEPHONE: 465-8797

FROM: Randy Bates
Acting Director
Office of Project Management and Permitting
Department of Natural Resources

SUBJECT: ACMP Status – Coastal
District Plan Revisions

This memorandum is intended to provide you with a status report of the Alaska Coastal Management Program (ACMP) coastal district plan amendments.

The following coastal district plan revisions have been approved by the DNR Commissioner and the Office of Ocean and Coastal Resource Management (OCRM):

- (1) City of Skagway
- (2) City of Hoonah
- (3) City of Pelican
- (4) Bristol Bay Borough
- (5) Aleutians West CRSA
- (6) City of Bethel
- (7) City of Craig
- (8) City of Nome
- (9) City of Valdez
- (10) City of Whittier
- (11) Haines Borough
- (12) City and Borough of Yakutat
- (13) Matanuska-Susitna Borough
- (14) City of Thorne Bay

The City of Craig and Aleutians West CRSA coastal district plan revisions were submitted to the Lt. Governor's Office last week. As soon as the Lt. Governor signs and files the plan revisions, a public notice will be issued and the plans will go into effect 30 days from the Lt. Governor's filing date.

The remaining coastal districts listed above should be in the process of obtaining the necessary resolution/ordinance from the district's governing body, as appropriate, and in accordance with 11 AAC 114.360. In order to ensure the coastal district plan revisions go into effect in advance of the March 1, 2007 sunset date for the existing plans, coastal districts should plan to submit the required resolution/ordinance to OPMP by 12:00 noon Friday, January 26. This will allow OPMP the opportunity to prepare the necessary filing and associated paperwork to ensure a timely submittal to the Lt. Governor's Office for filing. For information and documents relating to the DNR Commissioner's approval and OCRM approval for the above listed coastal districts, please see the front web page

(<http://alaskacoast.state.ak.us/>) and the front page archive
(<http://alaskacoast.state.ak.us/Enews/Archives/FrontPageArchives.htm>).

The following coastal district plan revision has been approved by the DNR Commissioner and is currently undergoing review by OCRM:

- (1) Municipality of Anchorage (OCRM response expected by February 6, 2007)

The following coastal district plan revision has been approved by the DNR Commissioner and is being prepared for submission to OCRM:

- (1) City and Borough of Sitka

The following coastal district plan revisions were approved by the DNR Commissioner, but the coastal district has requested mediation of the DNR Commissioner's decision under 11 AAC 114.350:

- (1) Bristol Bay CRSA
- (2) City and Borough of Juneau
- (3) Northwest Arctic Borough

The 9 remaining coastal district plans listed below were either submitted late to OPMP (after the August 10, 2006 deadline established by OPMP for priority processing) and are still undergoing review by OPMP, and/or were voluntarily withdrawn by the coastal district and are currently being revised by the coastal district:

- (1) Aleutians East Borough
- (2) Bering Straights CRSA
- (3) Cenaliulriit CRSA
- (4) City of Cordova
- (5) Kenai Peninsula Borough
- (6) Ketchikan Gateway Borough
- (7) Kodiak Island Borough
- (8) Lake and Peninsula Borough
- (9) North Slope Borough

Bering Straits Coastal Resource Service Area
P.O. Box 135
Savoonga, Alaska 99769

January 10, 2007

Honorable Charlie Huggins
Chair, Senate Resources Committee
State Capitol, Room 119
Juneau, AK 99801-1182

Sent by fax: (907) 465-3265

Dear Senator Huggins and Members of the Senate Resources Committee:

The Bering Straits Coastal Resource Service Area wishes to express its support for Senate Bill 46. This bill would extend the March 1, 2006 sunset deadline for our coastal management plan.

The Bering Straits Coastal Resource Service Area has been working diligently to amend our coastal management plan, but we have faced many obstacles. Due to the large area covered by our plan, it has been impossible to provide the level of detail required by the Alaska Department of Natural Resources for our coastal resources, including subsistence. In addition, we have received no state or federal funds this fiscal year for our plan revision.

The extension will provide the Coastal Resources Service Area will more time to complete our plan. We hope you will support this bill.

Sincerely,



Paul Rookok, Sr.
Chair

SB 46
SRES - 1-29-2007

January 29, 2007

Senate Resources Committee
Senator Charlie Huggins, Chair
Senator Bert Stedman, Vice-Chair
and Senators Lyda Green, Lesil McGuire, Gary Stevens, Bill Wielechowski, and Tom Wagoner

re: SB 46

Dear Senator Huggins,

Because of local weather conditions, I am unable to testify this afternoon. However, the subject, support for SB 46, is critical for the constituents that I represent in Kenai Peninsula Borough District Nine, and my comments are in their behalf and myself only.

Over the past years I have taken an active interest in the rewrite of the Coastal Zone Program, and supported the hiring of the consultant to perform the very difficult task at hand.

The Kenai Peninsula Borough is one of 9 out of 10 large district plans that will likely not be approved. The legislatively imposed deadline of March 1, 2007 was in our view doable, until we learned of this disapproval. Obviously, there is still much work to be done. Therefore, I am urging you to please support and pass SB 46.

It is vital that the significant coast of the Kenai Peninsula continue to have the protections, and public opportunity for participation of a well written Coastal Management Plan. This will require a little additional time as requested in SB 46.

Thank you for listening.

Sincerely,



Milli Martin
P.O. Box 2652
Homer, AK 99603
907-235-6652

Sharon Long

From: Jim Goossens [planning@cityofcordova.net]
Sent: Monday, January 29, 2007 12:49 PM
To: sharon_long@legis.state.ak.us **SENATE RES. CMTE**
Subject: Cordova Coastal Management Plan Update

Hello Sharon, I know this is the eleventh hour but since I can't participate in the testimony directly today I wanted to at least get my thoughts to you in writing. There is going to be testimony today from some districts that will emphasize a number of things. I have looked at the concerns of other districts and concur with those concerns. Mostly, my concerns relate to time and resources. Since I am a newcomer here in Cordova, I was not involved with the update process from the beginning, indeed I inherited the project when I arrived a year ago from the lower 48. Cordova was without a planning department for 4 months before my arrival and before that there was staffing issues. Needless to say I faced many challenges when I arrived, one of which was completing the plan update. As it turned out I was basically just trying to get up to speed with the help of the consultant and the state OPMP and DCCED while trying to meet the deadlines. So I really haven't been involved with any real substantive policy discussion or development, I have left that up to our consultant with her working knowledge. I have been basically administering contracts to get the job done. I concur with my fellow districts concerns related to request for additional information and mapping changes. When I read the RFAI my jaw nearly dropped thinking how can I even begin to expect to get these things resolved in a timely manner. If I had been involved from the beginning and had a working knowledge of plan update and the plan for that matter, maybe I could have assisted, but this was not the case for Cordova. Having said this, it is my intention to assist in completing our plan as quickly as possible, noting that it is basically in the hands of our consultant to submit the final plan amendment. It is clear to me that we will not meet the March 1st deadline and it makes sense to grant an extension for the reasons I have stated. After all, what is the alternative going to be? I will continue to review projects under our current plan and the state statutes as required and unless the state plans on taking some legal action, I don't see why an extension cannot be granted for those districts that do not have plans completed and adopted yet. Thanks for the opportunity to express my written testimony in my absence.

Respectfully,
Jim Goossens, AICP
Coastal Coordinator/Planner
City of Cordova
907-424-6233

FAX TESTIMONY

FROM: JIM GOOSSENS
Coastal Coordinator/Planner
City of Cordova

Supports deadline extensions



MEMORANDUM

STATE OF ALASKA

Department of Natural Resources
Office of Project Management and Permitting

TO: Distribution

DATE: January 16, 2007

TELEPHONE: 465-8797

FROM: Randy Bates
Acting Director
Office of Project Management and Permitting
Department of Natural Resources

SUBJECT: ACMP Status – Coastal
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- (7) City of Craig
- (8) City of Nome
- (9) City of Valdez
- (10) City of Whittier
- (11) Haines Borough
- (12) City and Borough of Yakutat
- (13) Matanuska-Susitna Borough
- (14) City of Thorne Bay

The City of Craig and Aleutians West CRSA coastal district plan revisions were submitted to the Lt. Governor's Office last week. As soon as the Lt. Governor signs and files the plan revisions, a public notice will be issued and the plans will go into effect 30 days from the Lt. Governor's filing date.

The remaining coastal districts listed above should be in the process of obtaining the necessary resolution/ordinance from the district's governing body, as appropriate, and in accordance with 11 AAC 114.360. In order to ensure the coastal district plan revisions go into effect in advance of the March 1, 2007 sunset date for the existing plans, coastal districts should plan to submit the required resolution/ordinance to OPMP by 12:00 noon Friday, January 26. This will allow OPMP the opportunity to prepare the necessary filing and associated paperwork to ensure a timely submittal to the Lt. Governor's Office for filing. For information and documents relating to the DNR Commissioner's approval and OCRM approval for the above listed coastal districts, please see the front web page

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The following coastal district plan revision has been approved by the DNR Commissioner and is being prepared for submission to OCRM:

- (1) City and Borough of Sitka

The following coastal district plan revisions were approved by the DNR Commissioner, but the coastal district has requested mediation of the DNR Commissioner's decision under 11 AAC 114.350:

- (1) Bristol Bay CRSA
- (2) City and Borough of Juneau
- (3) Northwest Arctic Borough

The 9 remaining coastal district plans listed below were either submitted late to OPMP (after the August 10, 2006 deadline established by OPMP for priority processing) and are still undergoing review by OPMP, and/or were voluntarily withdrawn by the coastal district and are currently being revised by the coastal district:

- (1) Aleutians East Borough
- (2) Bering Straights CRSA
- (3) Cenaliulriit CRSA
- (4) City of Cordova
- (5) Kenai Peninsula Borough
- (6) Ketchikan Gateway Borough
- ✓ (7) Kodiak Island Borough
- (8) Lake and Peninsula Borough
- ✓ (9) North Slope Borough

~~2007~~ ADDRESS



FOR IMMEDIATE RELEASE

07-033

Governor Palin Signs Two Bills into Law

February 20, 2007, Juneau, Alaska – Governor Sarah Palin today signed **Senate Bill 46** and **House Bill 69**. The Governor was joined by Senator Donny Olson and Representative Ralph Samue's at the bill signing.

Senate Bill 46 extends the deadline for coastal communities to revise their plans for environmental oversight and development. By signing **SB 46**, coastal districts will have until **September 1, 2007**, to revise their plans. Without this extension, **12** districts that make up **70 percent** of Alaska's coastline are in jeopardy of losing their ability to have local involvement in their coastal areas.

"I thank Senator Olson for sponsoring this bill," said Governor Palin. "I know that these coastal districts have worked hard on their revised plans and by extending the deadline, we can ensure they will not lose local control."

House Bill 69 now makes it mandatory for the governor and the Board of Parole to work together to ensure any decision on clemency is based on a thorough review of the case, and made in deference to victims and their families.

"In a perfect world, this bill wouldn't be necessary," said Governor Palin. "Unfortunately, we all know why such legislation has come through with unanimous support and why I sign this bill without hesitation."

In his final hours in office, Governor Murkowski granted an executive pardon to a company convicted of criminally negligent homicide. Whitewater Engineering Corporation pleaded no contest in 2001 to the charge in connection with the 1999 death of one of its employees. The pardon was granted on November 30, 2006. No one from the Murkowski administration notified the victim's family of the request for clemency or that the pardon was granted.

HB 69 not only ensures that victims of crimes are notified of the governor's intent to grant clemency but also allows them to become part of the process.

###

Jody Simpson

From: Tobish, Thede G. [TobishTG@ci.anchorage.ak.us]
Sent: Thursday, February 01, 2007 12:33 PM
To: Sen. Donny Olson; Sen. Lyda Green; Sen. Gene Therriault; Sen. Con Bunde; Sen. John Cowdery; Sen. Bettye Davis; Sen. Fred Dyson; Sen. Johnny Ellis; Sen. Kim Elton; Sen. Hollis French; Sen. Lyman Hoffman; Sen. Charlie Huggins; Sen. Albert Kookesh; Sen. Bert Stedman; Sen. Gary Stevens; Sen. Tom Wagoner; Sen. Bill Wielechowski; Sen. Gary Wilken; David Gray
Cc: Marv Smith
Subject: SB 46 - Alaska Coastal District Association Resolution of Support
Attachments: 20070201122114481.pdf

Attached please find a signed resolution of the *Alaska Coastal District Association*, which represents Alaska's coastal districts, in favor of support for SB 46. Thank you for your consideration and support of this important bill that extends the time deadline for revising coastal district plans to September 1, 2007.

<<20070201122114481.pdf>>

Thede Tobish, Senior Planner

Municipality of Anchorage-Planning Dept.

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TIME DEPENDENT – READ IMMEDIATELY

**The Alaska Coastal District Association
Resolution 2007-01**

A RESOLUTION SUPPORTING SB 46 (CS), AN ACT RELATING TO AN EXTENSION OF THE PLAN REVISION DEADLINE FOR COASTAL MANAGEMENT PLANS FROM MARCH 1, 2007 TO SEPTEMBER 1, 2007.

WHEREAS, Senator Donny Olsen has introduced Senate Bill 49 to the Alaska State Legislature extending the Alaska Coastal Management Program (ACMP) district plan revision deadline from March 1, 2007 to September 1, 2007 by amending the effective date of sec. 45, ch. 24, SLA 2003, as amended by sec 21, ch.31, SLA 2005; and

WHEREAS, At least ten (10) coastal district plans will expire on March 1, 2007 without this extension; and

WHEREAS, SB 46 also extends the deadline for revision of the *ABC List* from 25 months (after the Office of Coastal Resource Management (OCRM) approval of the ACMP changes) to 30 months (i.e., from December 29, 2007 to August 29, 2008), which will allow incorporation of the new enforceable policies into the A and B List revisions; and

WHEREAS, the Alaska Coastal District Association (ACDA) represents Alaska's coastal districts with common interests in monitoring and/or regulation of development activities occurring in Alaska's coastal zone; and

WHEREAS, the Alaska coastal districts have repeatedly elected to participate in the State of Alaska Coastal Management Program and have entered into grant agreements with the Alaska Department of Natural Resources (ADNR)-Office of Project Management and Permitting (OPMP) to amend their respective coastal management plans by the March 1, 2007 deadline; and

WHEREAS, OPMP has approved some of the district coastal management plan revisions while other district plans are still in the negotiation process. Once approved by OPMP, each plan must be forwarded to ADNR for signature prior to being sent to OCRM for final approval; and

WHEREAS, once a district plan is reviewed and approved by ADNR and OCRM, each plan must then go through a local public review process before it can be adopted by local governments; and

WHEREAS, several Alaska district coastal management plan revisions will not meet the March 1, 2007 approval deadline.

NOW, THEREFORE BE IT RESOLVED, the ACDA supports passage of SB 46 and strongly encourages House and Administrative approval to extend the ACMP district plan revision deadline from March 1, 2007 to September 1, 2007.

BE IT FURTHER RESOLVED, the ACDA member districts remain committed to completing their respective coastal management plan revisions to ensure the citizens of Alaska's coastal districts have due deference in the public review process in coastal management decisions affecting Alaska's coastal zone boundary.


Marv Smith Chair, Alaska Coastal District Association

SRES - SB 46

Rm 205
3:30 PM

Order

recognized - SGL +
Linda Wang

- Dave Gray

CZM program - undergoes big changes

18 of 30 approved

* - 9 still under review/reopen

this is who we're doing the bill for
unlikely to met deadline

CS - only deals w/ deadlines

* - Randy Bates - OPMP - lead agency in
implementing CZM program

HB 191 - coastal mgmt reforms

deadline for submission date

Sunset "

SB 102 - extended deadline to Sept 06

& sunset to March 1, 07

2 of 28 implemented by current March 1, deadline

- SB 46 - extends deadline 6 mos to Sept 1
" revision to ABC list

Sen McGuire - state's liability? in
extending deadline. will it be
holding up

Randy Bates - state supports

by teleconf

- Lindsay Walker (AAG) may be able to
answer liability ~~prob~~ questions

- scrutiny of other laws still apply

Fed - Coastal Zone Mgmt Act -

SOA. volunteered to participate in 1976 (2)

C.H. - ? DNR's recourse if two communities
drop out of program. State would have no recourse -
its a voluntary program

Lindsay Walker - Asst Atty Gen, Dept of Law
re: liability - agrees w/ Randy Bates
projects can go forward

C.H. - Lindsay Walker - please remain available

C.H. - Who's contrary on this

- some districts have expressed discomfort
w/ extending the deadline again

- but my office can finish early. I don't

~~Duane~~ Dvorak - Kordak - Dvorak - Borough employee
one of the 9 districts still to submit plan.
Near completing plan - "Sept 1 is good for us"
Supports SB 46

- Carole Smith Valdez - planner coastal
co-ordinator City of Valdez
 - rec'd notice of plan approval Dec 2006
 - must go thru a few more agencies by getting approval from muniSupporting SB 46 w/ Sept 1 deadline
(249" of snow)

- Martene Campbell - Govt Relations - Sitka since 1987
SITKA strongly support this bill
we did meet aug 10 deadline for submission
NOV 24
JAN 22nd to NOAA

- Gary Williams Soldotna - Program Co-ordinator for Kenai coastal district
 - this plan - nearly ready for resubmission
 - byzantine interpretation of rules by OPMP
 - prepared extensive mapping & language to get it right
 - extension will have no negative effectSupport

- Johnny Aiken - North Slope Borough
Dir of NSB planning dept
 - currently revising program
 - have had # of meetings w/ DNR - but have not been able to agree on alot of things
 - Support Extension

in JNU

Terry Camery — planner city & borough JNU
= one of 3 districts filed for mediation
Support - Bill

G.H. 2mks break

~~1-30-07~~
1-30-07

Sgt
RS 2477? quote

Bob Swenson (IBX)

- ANILCA requirements re mineral resource program
- state's req. to gov's office in DC asking \$8 mill for lands & minerals work.
- state survey focus on state land but we work w/BLM when we can on assessments

Bush
notes

~~1-30-07~~ — mtng 1:30 —

w/ Northern Department
see notes on calendar sheet

C.H.

do Sgt.

"any" ?'s for Gov this afternoon