

SB

4

ALASKA STATE LEGISLATURE

SENATOR DONALD C. OLSON



ALASKA
STATE CAPITOL
ROOM 514
JUNEAU, ALASKA 99801-1182

(907) 465-3707
FAX (907) 465-4821

CSSB 4 (CRA) – Coastal Management Programs

Version 26-LS0019/R, January, 2009

STAFF: Tim Benintendi, 465-4989

SPONSOR STATEMENT

In 2003, HB 191 instituted significant changes to the Alaska Coastal Management Program (ACMP). It unduly impacted local participation in development reviews and approvals affecting both state and federal actions in the coastal zone. Prior to 2003, the program was not felt to be significantly problematic. Currently, there are 28 management districts either approved, or under review for approval. For a list of current districts, see the Alaska Coastal Management Program website at (<http://alaskacoast.state.ak.us/district/html/progressfinal.htm>). To identify a community within a particular coastal district, see <http://alaskacoast.state.ak.us/explore/communityindex.pdf>.

The authority for a Consistency Review Process, used to implement the ACMP, is found at 11 AAC 110. This process reviews proposed development activities for conformity with state laws and regulations,, and district enforceable policies. 11 AAC 112 and 11 AAC 114 also apply. The governing statutes are AS 46.39 and AS 46.40. With the changes from 2003, regulations adopted by the Department of Natural Resources severely limited the ability of coastal districts to establish enforceable policies regarding the eventual effects of development on coastal resources and uses. So dramatic were the changes that the federal Office of Oceans and Coastal Resource Management formally reviewed state actions for compliance, and took two years to determine acceptance.

Since the 2003 changes, Alaska's coastal districts have dealt with controversy and delay by DNR where achieving suitable district management plans are concerned. Formerly, disputes over approval of district plans were resolved by the Coastal Policy Council. Disbanding the Council under HB 191 concentrated all decision-making power within DNR.

CSSB 4 (CRA) would establish the Alaska Coastal Policy Board within the Department of Natural Resources, and restore an authoritative role for local residents, one that was working acceptably prior to 2003. The new board would be much trimmer than the pre-2003 panel of seventeen members. Nine members would compose the new board, including five public members appointed by the governor. One of the five would be at-large from any of the coastal districts, and the others would be appointed from four defined regions: Northwest Alaska, Southwest Alaska, Upper Cook Inlet, and Southeast Alaska. Filling out the board membership

would be the commissioners of DEC, F&G, DNR, and CCED. DNR would continue to provide day-to-day management and support.

This bill would also reinstate locally-generated enforceable policies, streamline project reviews, provide Board approval of agency-generated regulations, provide for district management plan approvals, allow for receiving grants and other monies, and empower the Board with other authorities.

The primary thrust of CSSB 4 (CRA) is to return significant authority to local district residents by sharing power over the Alaska Coastal Management Program ,between them and the identified commissioners. Since 2003, all authority has rested solely with the Commissioner of the Department of Natural Resources.

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SECTIONAL ANALYSIS

CSSB 4 (CRA) Coastal Management Programs

Version 26-LS0019/ R, February 5, 2009

STAFF: Tim Benintendi, 465-4989

(Compared to SB 4)

Section 1: Establishes the ALASKA COASTAL POLICY BOARD, composed of five coastal district members and the commissioners of DNR, F&G, DEC, and COMMERCE. One co-chair will come from the district membership, and one co-chair from the commissioners. This board is smaller than the 17-member panel prior to the 2003 changes. Differences from SB 4 are: Added one district member, and added commissioner of CCED to Board.

Section 2: Clarifies that DNR coordinates all project consistency reviews for projects with only departmental permits or for projects that involve two or more other state resource agency permits. Not included in SB 4.

Section 3: Allows but does not mandate that regulations approved by the Board may be adopted by DNR. Same provision is in SB 4, Section 2.

Section 4: Establishes powers of the Board, including taking reasonable action to carry out provisions of AS 46.39 (administration) and AS 46.40 (ACMP). Same provision is in SB 4, Section 3.

Section 5: Provides for the Board to approve statewide ACMP standards and criteria, as developed by the department, for district plan approval.

Section 6: Defines "Board" in AS 46.39.900. Same provisions in SB 4, Section 5.

Section 7: Provides for approval of ACMP program changes by the Board. Same provisions in SB 4, Section 6.

Section 8: Adds "subsistence" to the list of values included in the ACMP objectives. Same provisions in SB 4, Section 7.

Section 9: Subsection (a) removes requirement for district enforceable policies to meet the statewide standards. Clarifies that district enforceable policies apply to all land and water issues subject to the plan. Removes requirement to describe proper and improper uses. Changes the term "areas meriting special attention" to "special management areas." Subsection (b) requires district enforceable policies to be clear and concise, either prescriptive (how to proceed toward goal) or performance-based (goal achievement by various methods), and stricter or more specific policy than state or federal laws. If stricter, support may include traditional, local knowledge. This section was not included in SB 4.

Section 10: Makes conforming changes for Board approval of ACMP regulations. Deletes language in AS 46.40.040(a)(2) – (5); moved to a new subsection (d). Compares to SB 4, Section 8, changing "areas of the coast that merit special attention," to "special management areas."

Section 11: Moves language deleted from Section 10, to a new section outlining responsibilities of the Board. Not included in SB 4.

Section 12: Makes conforming amendments to clarify that district plans must be approved by the Board. Not included in SB 4.

Section 13: Establishes the review and approval process for coastal district plans, including provisions for districts to work with DNR to resolve issues before the Board approves a plan. Allows districts to request mediation of the Board's decision. Not included in SB 4.

Section 14: Establishes criteria for Board approval of district plans and clarifies that district enforceable policies may not address matters pre-empted by state or federal laws. Rewritten from SB 4.

Section 15: Makes conforming changes for Board approval of ACMP regulations governing the consistency review and determination process. Same provision is in SB 4, Section 15.

Section 16: Changes the term "subsequent review" to the commonly used term "elevation" and clarifies that the three state resource agencies make the final decision on a project elevation. Modifies SB 4, Section 18, by allowing more autonomy for state resource agencies in preparing a consistency review and determination.

Section 17: Clarifies that aspects of an activity covered by a general or nationwide permit are excluded from a consistency review (rather than the entire activity). Same provision is in SB 4, Section 19.

Section 18: Makes conforming changes for Board approval of district enforceable policies. Same provision is in SB 4, Section 20.

Section 19: Allows for ACMP consistency reviews of projects inland of the coastal zone, if there would be direct and significant effects to coastal uses or resources. Clarifies that seismic survey activities in federal waters are subject to consistency reviews. Differences from SB 4, Section 21, are the inclusion of activities and impacts "inland from the coastal zone," in federal "waters," and "seismic survey activity" on the Outer Continental Shelf. DNR currently exempts this activity from review.

Section 20: Clarifies that categorically or generally consistent activities are for routine projects. From SB 4, Section 22 of this version, deletes a reference mandating Board approval.

Section 21: Exempts federal activities and federally-permitted projects from the 90-day consistency review time limit. Allows extension of the time limit for adjudication of coastal district permits. Differs from SB 4, Section 23 by adding language for a 30-day extension period for an affected coastal resource district to accommodate the adjudication process.

Section 22: Clarifies that the term "affected coastal resource district" includes districts with a publicly-reviewed draft plan or approved plan. Not included in SB 4.

Section 23: Requires an individual consistency review for each Outer Continental Shelf lease sale. Not included in SB 4. Would make each lease sale a separate consistency review.

Section 24: Gives the Board authority to act on a petition regarding non-implementation of a coastal district plan. Same provision is in SB 4, Section 24.

Sections 25, 27, 28: Make conforming amendments regarding Board action on a petition regarding non-implementation of a coastal district plan. Ties to Section 24. Same provisions are in SB 4, Sections 25, 27, 28.

Section 26: Provides that the Superior Courts have jurisdiction to enforce orders of the Board, as well as the department. Same provision is in SB 4, Section 26.

Section 29: Clarifies that a coastal resource service area (CRSA) may accept new matter submitted by a city or village into its coastal management plan. Not included in SB 4.

Section 30: Clarifies that municipalities are part of a CRSA unless they choose to be excluded. Not included in SB 4. There are currently no 3rd class boroughs in Alaska.

Section 31: Removes language about boroughs that do not exercise planning and zoning authority. Not included in SB 4.

Section 32: Makes a conforming amendment clarifying the board's role in coastal boundary changes. Same provision is in SB 4, Section 30.

Section 33, 34: Make conforming amendments regarding the Board's role in approving district plans and district enforceable policies. Same provisions are in SB 4, Sections 31, 32.

Section 35: Clarifies that the term "project" applies to federal activities and federally-permitted activities, including individual lease sales. Not included in SB 4.

Section 36: Adds new definitions for the terms "Board" and "special management areas." Definition of "special management areas" was not included in SB 4.

Section 37: Repeals the exemption for DEC permits from consistency reviews (eliminates DEC carve-out) (AS 46.40.040(b)-(c), not included in SB 4,

and AS 46.40.096(i)). Only this reference was included in SB 4.

Removes the requirement for re-submittal of district plans every 10 years (AS 46.40.050(a)). Not included in SB 4.

Removes the exemption of shallow gas projects from ACMP reviews (AS 46.40.205). Not included in SB 4.

Removes the definition for "areas meriting special attention" (AS 46.40.210(1)). Not included in SB 4.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSSB 4 (CRA)
 () Publish Date: _____

Identifier (file name): SB004CS(CRA)-DNR-DCOM-02-02-09 Dept. Affected: Natural Resources
 Title An Act relating to the Alaska Coastal Management Program. RDU Resource Development
 Component Coastal and Ocean Management
 Sponsor Sen. Donny Olson
 Requester Senate Community and Regional Affairs Committee Component Number 2680

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	82.0	0.0	82.0	82.0	82.0	82.0	82.0	82.0
Contractual	80.0	0.0	30.0	30.0	30.0	30.0	30.0	30.0
Supplies	3.0	0.0	3.0	3.0	3.0	3.0	3.0	3.0
Equipment	0.0	0.0	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	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	165.0	0.0	115.0	115.0	115.0	115.0	115.0	115.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	165.0	0.0	115.0	115.0	115.0	115.0	115.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	165.0	0.0	115.0	115.0	115.0	115.0	115.0

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

CSSB 4(CRA) will have the following fiscal impact:

1. Travel - It is expected that the Coastal Policy Board (CPB) will need to meet at least four times annually to fulfill the obligations and provide the services outlined in CSSB 4 (CRA). Travel (including air, hotel, and per diem) for appointed members, designated members, and state agency staff is included.
2. Contractual - In order to re-write the guiding regulations, DNR must secure contractual services for the promulgation and final Department of Law review of the regulations (FY 2010 only). In addition, contractual services for the CPB meetings must be procured, and will be an annual expense.
3. Supplies - The CPB meetings will require some level of supplies for ensuring the members have proper materials.

Prepared by: Randy Bates, Director
 Division Coastal and Ocean Management
 Approved by: Tom Irwin, Commissioner
Natural Resources

Phone 465-8797
 Date/Time February 2, 2009
 Date February 2, 2009

FISCAL NOTE

**STATE OF ALASKA
2009 LEGISLATIVE SESSION**

BILL NO. CSSB 4 (CRA)

ANALYSIS CONTINUATION

4. Although not contemplated above as an additional expense, it is expected that coastal districts will choose to revise, amend, and seek approval for their coastal district plans. No funding is included in this fiscal note for Coastal District Plan revisions. DNR does not typically set aside any funding for plan revisions.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 4
 () Publish Date: _____

Identifier (file name): SB4-DEC-CO-1-30-09
 Title Coastal Management Program
 Sponsor Senator Olson
 Requester Senate Community and Regional Affairs Committee
 Dept. Affected: Dept. of Environmental Conservation
 RDU Administration
 Component Office of the Commissioner
 Component Number 633

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES								
Personal Services	86.8		86.8	86.8	86.8	86.8	86.8	86.8
Travel	12.5		12.5	12.5	12.5	12.5	12.5	12.5
Contractual	10.4		10.4	10.4	10.4	10.4	10.4	10.4
Supplies	6.9		0.5	0.5	0.5	0.5	0.5	0.5
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	116.6	0.0	110.2	110.2	110.2	110.2	110.2	110.2

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 Interagency Receipts	116.6	0.0	110.2	110.2	110.2	110.2	110.2	110.2
TOTAL	116.6	0.0	110.2	110.2	110.2	110.2	110.2	110.2

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

Full-time								
Part-time	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This legislation amends Alaska statutes related to the Alaska Coastal Management Program (ACMP). The bill requires that the Department of Environmental Conservation process its permits in accordance with the ACMP coastal consistency review procedures where permits are currently processed independent from those procedures. The increased work load for existing staff is estimated at one-half of the salary cost of a Range 19 position.

In addition to increasing the effort required to process a permit, the changes require a new half-time position to serve as ACMP lead for DEC with responsibility for internal and external coordination of ACMP matters. The fiscal note reflects the personnel and support costs of a new, part-time (0.5 FTE, Range 20) position to serve as DEC's ACMP Program Coordinator. First-year costs include one-time supply costs that are not reflected in subsequent years.

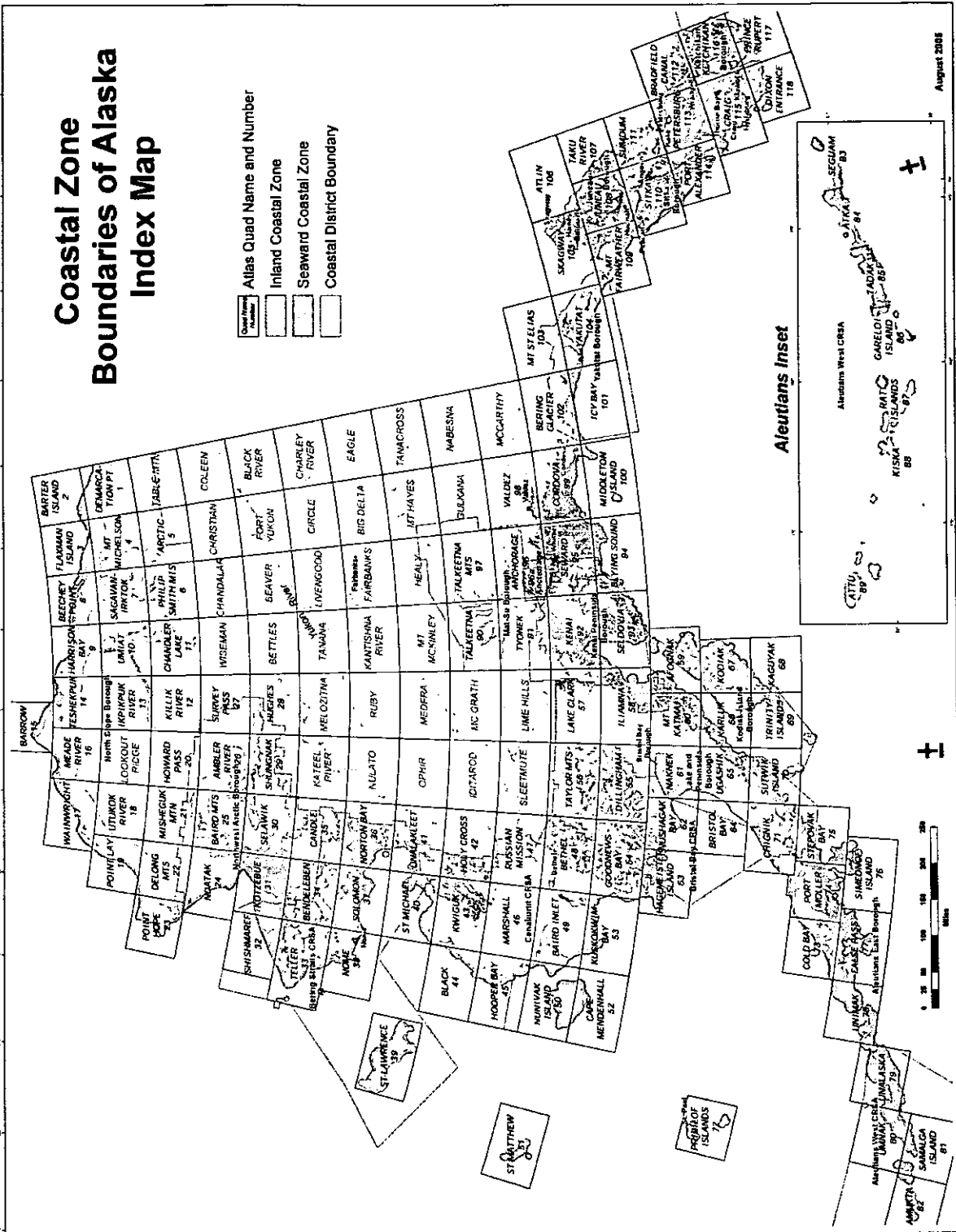
Prepared by: Marit Carlson-VanDort
 Division: Commissioner's Office
 Approved by: Dan Easton
Deputy Commissioner

Phone 465-5065
 Date/Time 2/2/09 12:00 AM
 Date 2/3/2009

Index Map

Coastal Zone Boundaries of Alaska Index Map

- Atlas Quad Name and Number
- Inland Coastal Zone
 - Seaward Coastal Zone
 - Coastal District Boundary



August 2008

Quad Name	Number
ADAK	85
AGAWAK RIVER	86
AMALGA	87
ANCHORAGE	88
ANCHORAGE INLET	89
ATKIN	90
ATKIN	91
BARDO INLET	92
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NORTHWEST ARCTIC BOROUGH

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February 3, 2009

Honorable Senator Donny Olson
Capitol, Room 514
Juneau, Alaska 99811

Honorable Representative Reggie Joule
Capitol, Room 502
Juneau, Alaska 99801

Re: SB 4 and HB 74 Alaska Coastal Management Program

Dear Senator Olson and Representative Joule:

The Northwest Arctic Borough (NWAB) would like to thank you for the introduction of SB 4 and HB 74 on the Alaska Coastal Management Program (ACMP). On behalf of the Borough, I would like to address the substance of HB 74 because we understand the Senate Community and Regional Affairs Committee will consider adoption of the provisions of HB 74 into a senate committee substitute.

The NWAB supports the proposed legislation that would restore the ability of coastal districts to effectively participate in the program and establish meaningful policies under the ACMP; therefore providing valuable local input to development that happens in a very large and unique state. Another important provision in the bills would establish a board made of Alaskans to oversee the major aspects of ACMP as a publicly funded program. The proposed board would jointly represent state agencies and local coastal districts thereby restoring effective public engagement in the ACMP.

Currently, only the Alaska Department of Natural Resources (DNR) as a single agency makes all coastal management decisions. This has proved to be very one-sided and frustrating. For example, as you may know, during 2008 the NWAB attempted mediation with DNR to improve the decisions regarding our coastal management plan. Unfortunately, the mediation ended in an impasse with the majority of the proposed plan flat out denied. According to the

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ACMP now, our only re-course for a fair review is again to go back to the DNR commissioner for re-consideration of a decision that has already been made by the commissioner and his staff. As you can see, the ability to obtain a third party review that involves the public is not possible under the current program, and the new provisions in this bill will help prevent such a future problematic situation and provide state staff the clear criteria and direction for approval of coastal district policies with involvement of the coastal policy board.

The NWAB also supports the addition of subsistence to the ACMP objectives in AS 46.40.020. Until changes made by the Murkowski Administration, the ACMP has been an effective tool balancing resource development and protection of our coastal resources that support healthy subsistence. It is very important that Alaskans have the ability to propose local policies that demonstrate the real life connection of people and communities to coastal areas and actually reflect the close relationship Alaskan residents have to this land, the coastal zones and our valuable subsistence way of life. For the NWAB, the ability to cooperatively work with developers and the state to address subsistence impacts is the primary reason for participating in the ACMP so that development honors our long-time and permanent Alaskans lifestyles.

We also support provisions in the bill that would bring activities covered by the Alaska Department of Environmental Conservation back into the ACMP consistency review process. Impacts to air and water quality also affect habitat and subsistence, and it makes sense to address these issues together in a consolidated format during a single consistency.

The NWAB encourages responsible development of our natural resources. We recognize the economic importance of development in providing new revenues to fund local public services and facilities, and to provide steady employment opportunities in rural areas. However, it is important that local coastal districts have a role in voicing valid concerns and potential impacts to subsistence and other coastal uses and resources - all to ensure that we are doing resource development the right way.

In closing, these bills restore a meaningful role for coastal districts to facilitate effective future development opportunities. I appreciate your interest in improving the ACMP, and I look

NORTHWEST ARCTIC BOROUGH

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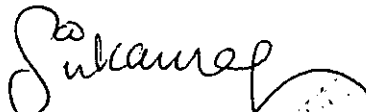
Kotzebue, Alaska 99752

(907) 442.2500 or (800) 478.1110

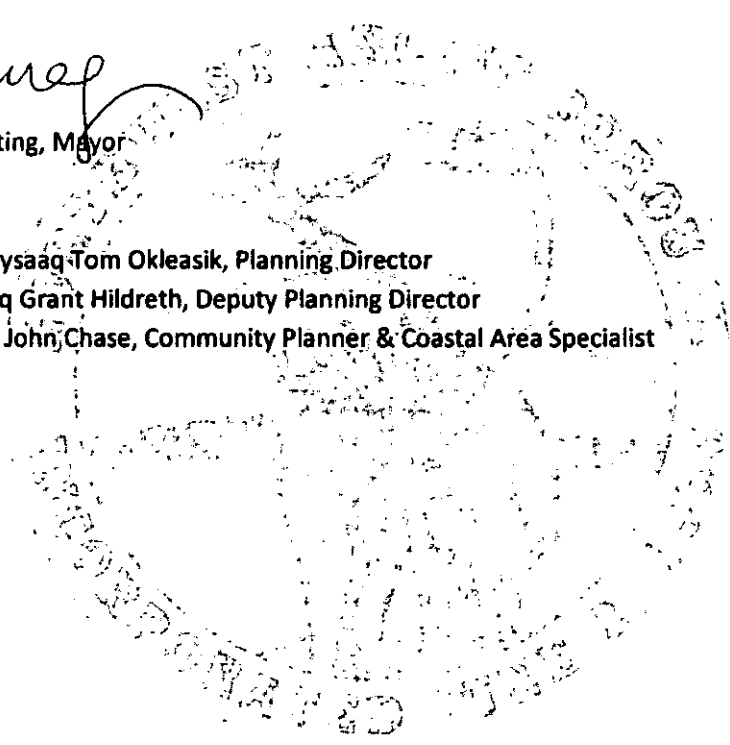
Fax: (907) 442.3740 or 2930

forward to working with you during this legislative session. Please contact me or Ukallaysaaq Tom Okleasik if you have any questions about our proposed plan at (907) 442-2500.

Sincerely,


Siikauraq Whiting, Mayor

Cc: Ukallaysaaq Tom Okleasik, Planning Director
Alagiaq Grant Hildreth, Deputy Planning Director
Kill'aq John Chase, Community Planner & Coastal Area Specialist



February 18, 2009

MEMO TO: Administrator Jim Dinley
Mayor and Assembly

FROM: *Marlene Campbell*
Marlene Campbell, Government Relations Director
(and Coastal Management Coordinator)

SUBJECT: Resolution Supporting Revisions to Alaska Coastal Management Program

Your approval or modification of proposed Resolution 2009-32 is requested to affirm CBS support for "legislation to enable Alaska's Coastal Communities To More Effectively Participate in the Alaska Coastal Management Program (ACMP)". There are several bills (HB 74, SB 4, and possibly others) being considered by the Legislature which could help rebuild the ACMP.

When House Bill 191 substantially changed the ACMP in 2003, all coastal plans had to be rewritten. Sitka lost more than half of its enforceable policies which must be considered in coastal consistency reviews and other proposals for projects within the City and Borough of Sitka. Sitka's Coastal Plan has been a model of effective coastal management since it was first approved in 1981. The Sitka Plan's 1989 major amendment was even more specific, with enforceable policies which permitted the City and Borough of Sitka and the Sitka community to have a "seat at the table" in management decision making on uses and activities in Sitka's coastal zone.

This local "due deference" has almost entirely been lost since the forced revision of Sitka's program approved in April, 2007. Other changes such as not permitting policies relating to air or water quality and removing the Department of Environmental Conservation (DEC) from the ACMP process have greatly reduced coastal communities' ability to comment. The movement of the Alaska Coastal Management Program from the Governor's office to the Department of Natural Resources Division of Coastal and Ocean Management has proved damaging to the former positive relationship the coastal communities enjoyed with the former Alaska Division of Governmental Coordination. DNR's mission as manager of the development and use of Alaska's natural resources is inconsistent with the protection and public use of those same resources for which the ACMP previously provided a balanced perspective.

The attached petition discusses some key issues which from Alaska's Coastal Management Program coordinators' perspectives would help restore some of the major losses of the ACMP and greatly improve Sitka's ability to comment on Coastal Management permits and activities. Sitka's program has since its inception supported active involvement in the ACMP, and the proposed legislation will permit Sitka to have "standing" to comment on ACMP issues which is now not possible for the most part. Since the specific bills addressing these issues could change, the resolution supports the key provisions rather than just certain bills.

If there are questions please contact Marlene Campbell at 747-1855 (campbell@cityofsitka.com e-mail).

CITY AND BOROUGH OF SITKA

RESOLUTION 2009-32

**A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF SITKA,
ALASKA, SUPPORTING LEGISLATION TO ENABLE ALASKA'S COASTAL
COMMUNITIES TO MORE EFFECTIVELY PARTICIPATE IN THE ALASKA
COASTAL MANAGEMENT PROGRAM (ACMP)**

WHEREAS, the "streamlined ACMP process" which resulted from the passage of House Bill 191 in 2003, and its implementation by regulations and statutory amendments, forced the complete revision of all Alaska Coastal Management Plans in Alaska, including Sitka's; and

WHEREAS, as a result, Sitka lost more than half of its enforceable policies (the only section of coastal plans which had standing to be considered as part of the ACMP review process for permits and management decision-making affecting coastal communities), and those policies remaining were so restricted as to be virtually un-usable in coastal comments; and

WHEREAS, there has been an increasing, widespread effort to revise the ACMP to help coastal Alaskan communities regain a "seat at the table" in management decision making affecting Alaska's coastal zone, and reign in the Department of Natural Resources which is charged with managing the State's resources but now also makes all coastal management decisions on developing those same resources; and

WHEREAS, prior to the ACMP's revisions, the Sitka Coastal Management Program had been a model of effective coastal management, allowing the Sitka community to have due deference and protect local resources and activities while permitting responsible development; and

WHEREAS, House Bill 74 sponsored by Representative Joule and Senate Bill 4 sponsored by Senator Olson are being considered by the Alaska Legislature, and this legislation could help restore a meaningful role for coastal municipalities such as Sitka in the ACMP, including the following key provisions (among others):

- Establishes Alaska Coastal Policy Board with 5 public members representing coastal districts and 5 commissioners of resource agencies to make ACMP policy decisions.
- Establishes duties of the Board to approve ACMP standards and criteria for district plans.
- Adds subsistence to the list of resources included in the ACMP objectives.
- Restores local plan ability to write meaningful enforceable policies by enabling policies to be either prescriptive or performance-based, stricter or more specific than state or federal laws, and clarifies policies apply to all land and water uses subject to the plan.
- Eliminates the "DEC carve-out" exempting DEC permits from consistency reviews.
- Allows ACMP consistency reviews of projects inland of the coastal zone if there would be direct and significant impacts to coastal uses or resources;
- Permits meaningful local participation in the ACMP through expanded enforceable policies

Resolution 2009-32

Page 2

47 addressing a wide range of coastal uses.

NOW, THEREFORE, BE IT RESOLVED that the Assembly of the City and Borough of Sitka, Alaska, supports the revision of the Alaska Coastal Management Program to restore these key provisions and permit the City and Borough of Sitka to better manage its coastal zone per the Alaska State Constitution's provision for maximum local self-government.

PASSED AND APPROVED by the Assembly of the City and Borough of Sitka, Alaska, on this twenty-fourth day of February, 2009.

Scott McAdams, Mayor

ATTEST:

Colleen Ingman, MMC
Municipal Clerk

CS Senate Bill 4 (CR&A)
Alaska Coastal Management Program (ACMP)

HIGHLIGHTS

January 26, 2009

Streamlines Project Reviews and District Plan Approvals

- Brings DEC permits back into the coordinated ACMP project review process
 - Eliminates need for a separate DEC review to determine ACMP consistency
 - Reduces confusion with current process about scope of ACMP review
- Promotes interagency cooperation and issue resolution
 - Encourages coordination of municipal Title 29 permitting with the ACMP process
 - Meaningful district policies will encourage local participation and resolution of issues during the state-coordinated ACMP review¹
 - Reduces chances for conflicting permit conditions (federal, state and local permits)
 - Encourages early resolution of project issues
- Allows coastal districts to have performance-based enforceable policies²

Restores Checks and Balances

- Establishes streamlined Coastal Policy Board (CPB)
 - The 9-member CPB represents coastal districts, DNR, DEC, ADF&G, and DCCED³
 - Board provides guidance on 3 matters by approving:
 - 1) District coastal plans, 2) Grant programs, & 3) ACMP regulations
 - DNR retains day-to-day management of all ACMP matters
 - DNR retains responsibility for project consistency reviews
- Involves all 3 state resource agencies in project elevations (pre-decision appeals)
- Allows districts to keep their existing plan (no requirement to amend plan as in 2003 legislation)
- Encourages districts to resolve issues with DNR before their plan is reviewed by the CPB

Restores Traditional Role of Coastal Districts

- Allows districts to establish local enforceable policies that do not conflict with state or federal law or address matters preempted by state or federal agencies
- Restores intent of the ACMP
 - Original 1977 Alaska Coastal Management Act emphasized role of local coastal districts
 - The 2004 Murkowski Administration ACMP regulations conflicted with 2004 legislation by eliminating ability to establish district enforceable policies for matters not adequately addressed by state or federal law

Restores States' Rights

- Reinstates provisions eliminated by the 2003 legislation to assert state rights
 - Allows extension of the 90-day review limit for reviews with federal permits
 - Allows review of projects inland of the coastal zone if there are coastal effects
 - Allows for review of individual oil and gas lease sales in federal OCS waters

¹ Before the 2003 ACMP changes, less than 1% of projects were appealed.

² Performance-based policies are preferred by industry (rather than policies that prescribe a specific action)

³ The former Coastal Policy Council was originally a 17-member body that had responsibility for project reviews.

Alaska Coastal Management Program



Program Goals and Objectives

The Alaska Coastal Management Program (ACMP) oversees the responsible development of coastal uses and resources, federal activities within the coastal zone, and activities on the Outer Continental Shelf.

ACMP Structure and Organization

The ACMP is a voluntary State program, authorized by the Coastal Zone Management Act of 1972, as amended. The Division of Coastal and Ocean Management (DCOM), within the Department of Natural Resources, is the lead agency for the ACMP. Several State departments and agencies participate in the implementation of the ACMP. In addition, several coastal municipalities and service areas (collectively known as coastal districts) voluntarily participate in the implementation of the ACMP. This structure and organization of State agencies and coastal districts provides for a networked implementation scheme designed to comprehensively manage coastal uses and resources.

The primary tool used to implement the ACMP is the consistency review process at 11 AAC 110. Through this process, proposed resource development activities are reviewed for consistency and compliance with the State's coastal management program which includes State laws, State standards, and district enforceable policies.

Value of ACMP

Having a federally-approved coastal management program allows the State the opportunity to:

- Balance the need for economic investment and development in coastal areas with the need to protect and manage the uses and resources of coastal areas
- Act as the State's liaison to federal agencies (1) conducting/permitting activities within the State's coastal area and the Outer Continental Shelf; (2) involving federal laws/initiatives that effect development of the coastal zone, waters, uses or resources of the State
- Act as the department's lead on issues affecting or addressing the coastal waters affecting the State
- Apply State ACMP enforceable policies to federal agency activities
- Provide project applicants with a single point of contact for the State's review of resource development permit applications
- Incorporate coastal district input and knowledge for reasoned decisions

Key FY 2008 and FY 2009 Priorities and Needs

- Educate and train participants on implementation of ACMP
- Re-evaluate the ACMP Statutes (AS 46.39 and 40) and Regulations (11 AAC 110, 112, 114), so to strengthen the ACMP as a State program
- Implement the approved Coastal Impact Assistance Program (CIAP) and act as the liaison between the federal government and the State of Alaska

A Program of the
Division of Coastal and
Ocean Management



"The Alaska Coastal Management Program provides stewardship for Alaska's rich and diverse coastal resources to ensure a healthy and vibrant Alaskan coast that efficiently sustains long-term economic and environmental productivity."



ALASKA DEPARTMENT OF NATURAL RESOURCES · DIVISION OF COASTAL AND OCEAN MANAGEMENT ·
JUNEAU OFFICE: 302 GOLD ST, SUITE 202, PO BOX 111030 · JUNEAU, AK 99811-1030 · T: 907.465.3562 · F: 907.465.3075
ANCHORAGE OFFICE: 550 W 7TH AVE., SUITE 705 · ANCHORAGE, AK 99501-3559 · T: 907.269.7470 · F: 907.269.3981
WWW.ALASKACOAST.STATE.AK.US

Alaska Coastal Management Program



Key 2008 Calendar Year Accomplishments

- In June 2008, DNR/DCOM initiated a series of workshops to review the current ACMP statutes (AS 46.39 and 46.40) and regulations (11 AAC 110, 112, and 114). The purpose of the re-evaluation is to strengthen the ACMP as a State program, that will benefit applicants and the public in the coordinating project reviews and that will enhance coastal district participation regarding activities occurring in the coastal area and on the outer continental shelf.
- DNR is currently revising the list of expedited consistency reviews using the ABC List. This revision was initiated to meet the legislative intent of identifying and broadening categories of activities subject to the expedited consistency review process. AS 46.40.096(m) SB 102 (2005) requires that DNR establish in regulation the state resource agency permits and federal permits that would trigger a consistency review. The ABC List categorizes development activities in the Coastal Zone according to expected levels of impact on uses and resources in the Zone. The last time the ABC List was substantively amended was in 1995. The current revision initiative will clarify the review process for certain resource development projects that are "de minimis" in nature or that are routine and can be made consistent with standard alternative measures. By updating the ABC List and developing new expedited consistency reviews for routine activities, DNR expects to reduce the workload for State agencies and coastal districts.
- In September 2008, the federal Minerals Management Service approved the State of Alaska Coastal Impact Assistance Program (CIAP) plan, making Alaska eligible to receive approximately \$9.7 million in federal funds under the CIAP initiative. Due to an increase in OCS revenue off the coast of Alaska, the state's portion of CIAP funds will increase by more than \$53 million in the next two fiscal years. DCOM is currently working on amending the CIAP plan to reflect Alaska's new allocation. A portion of the funds will go to 8 municipalities that are within 200 nautical miles of OCS development, and a portion will be offered to State agencies and the public through a competitive grant process.
- During the 2008 calendar year, nine more coastal district plans went into effect, bring the total of approved coastal district management plans to 25.
- During the 2008 calendar year, DCOM performed 262 coordinated or expedited consistency reviews, issued 415 No Additional Reviews and 29 Single Agency Reviews for resource development projects within the coastal zone.

ACMP State Contact

Randy Bates, Director - DCOM, T: 907.465.8797, F: 907.465.3075
E-mail: randy.bates@alaska.gov



ACMP Originally Approved:
1979

Coastal Population in 1979:
330,960

Coastal Population in 2004:
538,332

Miles of Coastline:
44,500

CZMA Funds:
\$2,503,000

State and Other
Matching Funds:
\$1,967,000

Total:
\$4,470,000



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Roger D. (Dale) Summerlin
Vice President
Health, Safety & Environment

P.O. Box 100360
Anchorage, AK 99510-0360
Phone 907.263.4682
Fax 907.263.4438

February 4, 2009

The Honorable Donald Olson
Chairman, Senate Committee on Community & Regional Affairs
Alaska State Legislature
Alaska State Capitol, Room 514
Juneau, Alaska 99801

**VIA FAX TO (907) 465-4821
& Next Day UPS Delivery**

RE: Proposed Senate Bill No. 4
An Act Relating to the Alaska Coastal Management Program (ACMP)
Establishment of the Alaska Coastal Policy Board
State Statutes AS 46.39 and AS 46.40

Dear Senator Olson:

ConocoPhillips Alaska, Inc. (CPAI) has prepared this formal response to proposed Senate Bill No. 4, an act relating to the Alaska Coastal Management Program (ACMP) and establishment of an Alaska Coastal Policy Board, and offers the following comments for your consideration.

Retention of the Current Program

CPAI has been, and remains, a supporter of the centralized ACMP process which resulted from the passage of House Bill (HB) 191 in 2003 and was later implemented by regulations and statutory amendments. In 2003, the Alaska Legislature concluded that "the Alaska coastal management program (ACMP) is intended to function with a minimum of delay and avoid regulatory confusion, costly litigation, and uncertainty regarding the feasibility of new investment." In addition, the legislature stated that statewide standards "be clear, and concise and provide the needed predictability as to the application, scope, and timing of the consistency review process of the program."

Proposed changes in Senate Bill (SB) No. 4 would allow districts to restrict selected activities within their coastal district; these activities will undoubtedly involve uses of state concern and/or may involve matters already adequately addressed by existing regulatory programs. Decision-making authority concerning the management and use of state resources vests with the State.

The current program's approach eliminates enforceable policies which may be conflicting between coastal districts, state, and federal agencies, and which could result in a loss of

Page 2
February 4, 2009

conformity of district policies that currently exists in the ACMP program. The existing statewide standards provide clear and concise predictability to the ACMP process. Coastal districts are still afforded the ability to propose enforceable policies that conform to the district plan approval criteria and requirements outlined in 46.40.040 and 46.40.070; or those that are not duplicative, restate existing state or federal policies, and do not redefine, replace, or otherwise modify existing standards. From an applicant's perspective, the retention of the centralized ACMP will provide applicants with assurances of an efficient permitting process.

Elimination of the Alaska Department of Environmental Conservation (ADEC) Carve Out (AS 46.40.040 and 46.40.096)

CPAI believes the ADEC carve out should be retained in its present form and the carve out should not be eliminated from the ACMP program. CPAI believes there is significant misunderstanding by many stakeholders on this matter. Approvals for air, water, and C-Plan permits require public notice and public comment periods which allow for public input. The public notice and comment periods for these permits were not negatively affected by carving out the ADEC permits. Timelines associated with these approval processes are at least six months in duration, far longer than the existing 50- to 90-day ACMP coordination process. In addition, the timelines for public participation do not align with the intent or the process of the ACMP program which is one of thoughtful timely coordination and decision-making.

Eliminating the ADEC carve out will re-introduce conflicting regulatory mandates between ADEC and the ACMP process, and will delay the start of the consistency review process. Adequate public participation and opportunities for review by coastal districts is provided in the existing program. Adequate environmental protection is being provided by ADEC, regardless of whether or not their approvals are part of a consistency review process.

In closing, as we look at the substantial nature of the changes proposed in SB 4, we ask the question: Why? Since the passage of HB 191, have resource development projects been permitted by the state where a coastal district's input and concerns have not been accommodated? Is this change going to help motivate resource development projects in this state? We suggest that the current program is working as intended and changes are neither necessary nor desirable.

Sincerely,

Dale Summerlin
Roger D. (Dale) Summerlin

cc: All Legislators

Division of Coastal and Ocean Management
CZMA fund summary
 State Fiscal Year 2008 (federal FY 2007)

Section 306- Program Implementation	Federal Funds	State Funds (match)	Total	Notes
<i>Requires 1:1 Match</i>				
DCOM Admin/Implementation of program	\$769,500.00	\$1,214,500.00	\$1,983,999.00	DCOM overmatches federal funds to make up for coastal district match (see below)
Coastal District Plan Development and Implementation	\$710,000.00	\$265,000.00	\$975,000.00	DCOM meets the additional match requirements of \$445,000.00
State Agency Implementation	\$487,500.00	\$487,500.00	\$975,000.00	State agencies meet required 1:1 match
Total 306 Funds	\$1,967,000.00	\$1,967,000.00	\$3,933,999.00	

Section 309 - Result in Program Change	Federal	State Funds (match)	Total	Notes
<i>No Match Required</i>				
DCOM Publications/Communications	\$103,248.00	\$0.00	\$103,248.00	Outreach & Education
Competitive Grants	\$272,000.00	\$0.00	\$272,000.00	Coastal districts and state agencies compete for funds to make a program change or implement a change to the ACMP.
Information Tech	\$97,759.00	\$0.00	\$97,759.00	Business Information System for DNR
Coastal Nonpoint Source Pollution	\$62,993.00	\$0.00	\$62,993.00	Sub-Awarded out to District(s)
Total 309 Funds	\$536,000.00	\$0.00	\$536,000.00	

Which Coastal District is Your Community In?

CITY	DISTRICT	CITY	DISTRICT
Adak	Aleutians West CRSA	Chignik Lagoon ...	Lake and Peninsula Borough
Akhiok	Kodiak	Chignik Lake	Lake and Peninsula Borough
Akiachak	Ceñaliulriit CRSA	Chugiak	Anchorage
Akiak	Ceñaliulriit CRSA	Clam Gulch	Kenai Peninsula
Akutan	Aleutians East	Clark's Point	Bristol Bay CRSA
Alakanuk	Ceñaliulriit CRSA	Coffman Cove	None*
Aleknagik	Bristol Bay CRSA	Cohoe	Kenai Peninsula
Alexander Creek	Mat-Su Borough	Cold Bay	Aleutians East
Ambler	Northwest Arctic	Cooper Landing	Kenai Peninsula
Amchitka	Aleutians West CRSA	Cordova	Cordova
Anaktuvuk Pass	North Slope Borough	Council	Bering Straits CRSA
Anchor Point	Kenai Peninsula	Craig	Craig
Anchorage	Anchorage	Cube Cove	None*
Angoon	Angoon	Deadhorse	North Slope Borough
Aniak	Ceñaliulriit CRSA	Deering	Northwest Arctic
Atka	Aleutians West CRSA	Dillingham	Bristol Bay CRSA
Atmautluak	Ceñaliulriit CRSA	Diomede	Bering Straits CRSA
Atkasuk	North Slope Borough	Dora Bay	None*
Attu	Aleutians West CRSA	Douglas	Juneau
Barrow	North Slope Borough	Dutch Harbor	Aleutians West CRSA
Bethel	Bethel	Eagle River	Anchorage
Big Lake	Mat-Su Borough	Edna Bay	None*
Bird Creek	Anchorage	Eek	Ceñaliulriit CRSA
Brevig Mission	Bering Straits CRSA	Egegik	Lake and Peninsula Borough
Buckland	Northwest Arctic	Ekuk	Bristol Bay CRSA
Candle	Northwest Arctic	Ekwok	Bristol Bay CRSA
Cape Chiniak	None*	Elfin Cove	None*
Cape Pole	None*	Elim	Bering Straits CRSA
Cape Yakataga	None*	Elmendorf AFB	Anchorage
Chefornak	Ceñaliulriit CRSA	Emmonak	Ceñaliulriit CRSA
Chenega Bay	None*	English Bay	Kenai Peninsula
Chevak	Ceñaliulriit CRSA	Excursion Inlet	None*
Chickaloon	Mat-Su Borough	Eyak	Cordova
Chignik	Lake and Peninsula Borough	False Pass	Aleutians East
Chignik Bay	Lake and Peninsula Borough	Fortuna Ledge	Ceñaliulriit CRSA

*Note: "None" means a coastal community not within a coastal district.

CITY	DISTRICT	CITY	DISTRICT-
Ft. Richardson	Anchorage	Kipnuk	Ceñaliulriit CRSA
Funter Bay	None*	Kivalina	Northwest Arctic
Gambell	Bering Straits CRSA	Klawock	Klawock
Girdwood	Anchorage	Klukwan	None*
Golovin	Bering Straits CRSA	Kobuk	Northwest Arctic
Goodnews Bay	Ceñaliulriit CRSA	Kodiak	Kodiak
Gravina Island	Ketchikan	Kokhanok	Lake and Peninsula
Gustavus	None*	Kokhanok Bay	Lake and Peninsula
Haines	Haines	Koliganek	Ceñaliulriit CRSA
Halibut Cove	Kenai Peninsula	Kongiganak	Ceñaliulriit CRSA
Happy Valley	Kenai Peninsula	Kotlik	Ceñaliulriit CRSA
Hawkins Island	None*	Kotzebue	Northwest Arctic
Hinchinbrook Island	None*	Koyuk	Bering Straits CRSA
Hobart Bay	None*	Kuiu Island	None*
Hollis	None*	Kupreanof	None*
Homer	Kenai Peninsula	Kwethluk	Ceñaliulriit CRSA
Hoonah	Hoonah	Kwigillingok	Ceñaliulriit CRSA
Hooper Bay	Ceñaliulriit CRSA	Labouchere Bay	None*
Hope	Kenai Peninsula	Lake Louise	Mat-Su Borough
Houston	Mat-Su Borough	Larsen Bay	Kodiak
Hydaburg	Hydaburg	Levelock	Lake and Peninsula
Igiugig	Lake and Peninsula Borough	Long Island	None*
Iliamna	Lake and Peninsula Borough	Lower Kalskag	Ceñaliulriit CRSA
Indian	Anchorage	Manokotak	Bristol Bay CRSA
Ivanof Bay	Lake and Peninsula Borough	Marshall	Ceñaliulriit CRSA
Juneau	Juneau	Mekoryuk	Ceñaliulriit CRSA
Kachemak	Kenai Peninsula	Metlakatla	None*
Kake	Kake	Meyers Chuck	None*
Kaktovik	North Slope Borough	Moose Pass	Kenai Peninsula
Kalgin Island	Kenai Peninsula	Mountain Village	Ceñaliulriit CRSA
Karluk	Kodiak	Mt. Edgecumbe	Sitka
Kasaan	None*	Naknek	Bristol Bay Borough
Kasigluk	Ceñaliulriit CRSA	Nanwalek	Kenai Peninsula
Kasilof	Kenai Peninsula	Napakiak	Ceñaliulriit CRSA
Kenai	Kenai Peninsula	Napaskiak	Ceñaliulriit CRSA
Ketchikan	Ketchikan	Naukati	None*
Kiana	Northwest Arctic	Nelson Lagoon	Aleutians East
King Cove	Aleutians East	New Stuyahok	Bristol Bay CRSA
King Salmon	Bristol Bay Borough	Newhalen	Lake and Peninsula

*Note: "None" means a coastal community not within a coastal district.

CITY	DISTRICT	CITY	DISTRICT
Newtok	Ceñaliulriit CRSA	Prudhoe Bay	North Slope Borough
Nightmute	Ceñaliulriit CRSA	Quinhagak	Ceñaliulriit CRSA
Nikiski	Kenai Peninsula	Red Mountain	Kenai Peninsula
Nikolski	Aleutians West CRSA	Ridgeway	Kenai Peninsula
Niniilchik	Kenai Peninsula	Rowan Bay	None*
Noatak	Northwest Arctic	Russian Mission	Ceñaliulriit CRSA
Nome	Nome	Sand Point	Aleutians East
Nondalton	Lake and Peninsula	Savoonga	Bering Straits CRSA
Noorvik	Northwest Arctic	Sawmill Bay	None*
Nuiqsut	North Slope Borough	Saxman	Ketchikan
Nunapitchuk	Ceñaliulriit CRSA	Scammon Bay	Ceñaliulriit CRSA
Old Harbor	Kodiak	Security Bay	None*
Oscarville	Ceñaliulriit CRSA	Selawik	Northwest Arctic
Ouzinkie	Kodiak	Seldovia	Kenai Peninsula
Palmer	Mat-Su Borough	Seward	Kenai Peninsula
Pedro Bay	Lake and Peninsula Borough	Shaktolik	Bering Straits CRSA
Pelican	Pelican	Sheep Mountain	Mat-Su Borough
Pennock Island	Ketchikan	Sheldon Point	Ceñaliulriit CRSA
Perryville	Lake and Peninsula Borough	Shemya AFS	Aleutians West CRSA
Petersburg	Petersburg	Shishmaref	Bering Straits CRSA
Pilot Point	Lake and Peninsula Borough	Shungnak	Northwest Arctic
Pilot Station	Ceñaliulriit CRSA	Sitka	Sitka
Pitkas Point	Ceñaliulriit CRSA	Skagway	Skagway
Platinum	Ceñaliulriit CRSA	Skwentna	Mat-Su Borough
Point Baker	None*	Soldotna	Kenai Peninsula
Point Hope	North Slope Borough	South Naknek	Bristol Bay Borough
Point Lay	North Slope Borough	Squaw Harbor	Aleutians East
Polk Inlet	None*	St. George Island	None*
Port Alexander	None*	St. Mary's	Ceñaliulriit CRSA
Port Alsworth	Lake and Peninsula	St. Michael	Bering Straits CRSA
Port Armstrong	None*	St. Paul	St. Paul
Port Clarence	Bering Straits CRSA	Stebbins	Bering Straits CRSA
Port Graham	Kenai Peninsula	Sterling	Kenai Peninsula
Port Heiden	Lake and Peninsula Borough	Sunrise	None*
Port Lions	Kodiak	Sutton	Mat-Su Borough
Port Moller	Aleutians East	Talkeetna	Mat-Su Borough
Port Protection	None*	Tatitlek	None*
Portage	Anchorage	Tazlina	None*
Post Lake	Mat-Au Borough	Teller	Bering Straits CRSA

*Note: "None" means a coastal community not within a coastal district.

CITY	DISTRICT
Tenakee Springs.....	None*
Thorne Bay.....	Thorne Bay
Tin City.....	Bering Straits CRSA
Togiak.....	Bristol Bay CRSA
Toksook Bay.....	Ceñaliulriit CRSA
Tolstoi Bay.....	None*
Trapper Creek.....	Mat-Su Borough
Tuluksak.....	Ceñaliulriit CRSA
Tuntutuliak.....	Ceñaliulriit CRSA
Tununak.....	Ceñaliulriit CRSA
Tutka Bay.....	Kenai Peninsula
Twin Hills.....	Bristol Bay CRSA
Two Moon Bay.....	None*
Tyonek.....	Kenai Peninsula
Ugashik.....	Lake and Peninsula
Umiat.....	North Slope Borough
Unakwik Inlet.....	None*
Unalakleet.....	Bering Straits CRSA
Unalaska.....	Aleutians West CRSA
Ungalik.....	Bering Straits CRSA

CITY	DISTRICT
Valdez.....	Valdez
Wainwright.....	North Slope Borough
Wales.....	Bering Straits CRSA
Wasilla.....	Mat-Su Borough
Whale Pass.....	None*
White Mountain.....	Bering Straits CRSA
Whittier.....	Whittier
Willow.....	Mat-Su Borough
Wrangell.....	Wrangell
Yakutat.....	Yakutat

For more information contact:

The Alaska Coastal Management Program
Juneau — 907-465-3075
Anchorage — 907-269-7470

*Note: "None" means a coastal community not within a coastal district.

North Slope Borough

OFFICE OF THE MAYOR

P.O. Box 69
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Phone: 907 852-2611 or 0200
Fax: 907 852-0337 or 2595
email: edward.itta@north-slope.org

Edward S. Itta, Mayor



February 3, 2009

Senator Donny Olson
Alaska State Legislature
State Capitol, Room 514
Juneau, Alaska 99801

Sent by fax: _____

RE: SB 4 Alaska Coastal Management Program

Dear Senator Olson:

Thank you for pre-filing SB 4 about the Alaska Coastal Management Program (ACMP). I understand the Senate Community and Regional Affairs Committee will be considering adopting a committee substitute similar to the version of this bill in the House. The North Slope Borough (Borough) supports the committee substitute because it will restore meaningful local involvement in the ACMP, implement checks and balances and streamline project reviews.

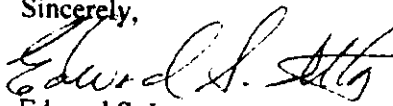
The Borough appreciates the sections of the proposed committee substitute that clarify the ability of coastal districts to establish enforceable policies, especially the provisions in AS 46.40.030 and 070. While the 2003 legislative changes to the ACMP allowed coastal districts to establish policies for matters not adequately addressed by state or federal law, many of our proposed enforceable policies were denied on the basis that they addressed an agency's authority. We made an extra effort to focus our proposed policies on matters that were not addressed by existing laws, but still they were denied.

The committee substitute for SB 4 would restore checks and balances to the ACMP by establishing the Coastal Policy Board. This body would represent coastal districts and state agencies. It would be responsible for approving changes to ACMP regulations, amendments to coastal district programs and overall grant programs. This body is similar to the former Coastal Policy Council except that it has fewer members and it is not responsible for project consistency reviews. Restoring the responsibility for project elevations to the three state resource agencies will ensure these agencies have a seat at the table.

The Borough also supports the sections of the proposed committee substitute that streamline project reviews. The ACMP used to be an effective program that resolved issues among local, state and federal agencies, but changes to the program statutes and regulations reduced its effectiveness. Bringing the Alaska Department of Environmental Conservation back into the consistency review process will bring air and water quality issues back into ACMP project reviews. Likewise, allowing coastal districts to have meaningful policies will encourage their participation in the coordinated consistency review process. These changes will streamline project reviews because issues can be resolved early in the process by all parties. The changes will also encourage permitting agencies to ensure their permit stipulations are compatible and reasonable.

Again, the North Slope Borough thanks you for introducing SB 4, and I look forward to testifying on this bill as it moves through the committee process.

Sincerely,



Edward S. Itta
Mayor

cc Johnny Aiken, NSB Director Planning & Community Services
Karla Kolash, NSB Mayor's Office
Andy Mack, NSB Mayor's Office