

LEG. FINANCE - BILLS

1975 - 1976

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SB 175 cont.,

1 ment; and

2 (B) agents and officials of state and federal agencies
3 concerned with or having jurisdiction over coastal zone management;

4 (4) appear and participate in proceedings before a state or
5 federal agency or legislative body involving or affecting the purposes
6 of the council;

7 (5) propose the acquisition on behalf of a state agency of
8 any interest in land the council considers necessary to effectuate the
9 purposes of this chapter;

10 (6) take any reasonable action it considers necessary to
11 carry out the provisions of this chapter.

12 ARTICLE 2. ALASKA COASTAL ZONE PLAN.

13 Sec. 46.27.100. ALASKA COASTAL ZONE PLAN. (a) Before January 1,
14 1979, the council shall prepare and submit to the legislature for its
15 approval or disapproval, in whole or in part, in conformity with secs.
16 110 - 170 of this chapter, the Alaska coastal zone plan.

17 (b) The council may prepare and submit a portion of the Alaska
18 coastal zone plan for a particular region or regions of the coastal zone
19 before preparation and adoption of the full plan under (a) of this
20 section. Portions of this plan prepared and adopted under this subsec-
21 tion shall be incorporated, with changes the council considers necessary,
22 into the Alaska coastal zone plan prepared and presented under (a) of
23 this section.

24 (c) Within 10 days of the convening of each session of the legisla-
25 ture before January 1, 1979, the council shall submit to the legislatu
26 for its review and approval or disapproval in whole or in part, a draft
27 of the Alaska coastal zone plan prepared during the preceding interim.

28 Sec. 46.27.110. PURPOSES. The Alaska coastal zone plan shall be
29 consistent with the following objectives and goals:

1 (1) the maintenance of the overall quality of the coastal zone
2 environment;

3 (2) the development of industrial and commercial enterprises
4 which are, economically and otherwise dependent upon the coastal zone for
5 siting and which are consistent with the social, economic and environ-
6 mental interests of the state;

7 (3) the orderly, balanced utilization of all living and non-
8 living coastal resources consistent with sound conservation and sustained
9 yield principles;

10 (4) to assist in planning desirable residential development
11 within the coastal zone;

12 (5) the protection of significant historic, cultural, natural
13 and aesthetic values, and natural systems or processes within the
14 coastal zone;

15 (6) the prevention of damage to or degradation of state or
16 federal lands, as a result of inconsistent land or water usages adjacent
17 to those lands;

18 (7) the recognition of the need for a continuing supply of
19 direct and indirect energy sources to fill the needs of the state and to
20 contribute the state's just and equitable share in meeting the national
21 energy needs; and

22 (8) the full and fair evaluation of all demands on the land,
23 including environmental, economic and social demands.

24 Sec. 46.27.120. DATA DEVELOPMENT. The council shall, when possible,
25 use existing state agencies in the accumulation of land and water data.
26 The council shall establish mechanisms to provide for:

27 (1) data coordination between existing federal, state and
28 local agencies, the Joint Federal-State Land Use Planning Commission and
29 the council;

1 (2) the identification by the council of the needs, goals and
2 objectives of existing state agencies; and

3 (3) the efficient accumulation of data necessary to effectuate
4 the coastal zone planning process in a manner which minimizes duplication
5 of data accumulation efforts.

6 Sec. 46.27.130. PUBLIC PARTICIPATION. (a) The council shall hold
7 at least 12 public hearings throughout the state before preparation of
8 the full Alaska coastal zone plan under sec. 100(a) of this chapter. The
9 time and location for these hearings shall be established to provide
10 maximum public participation from all regions of the state. Upon com-
11 pletion of the full Alaska coastal zone plan, but before its submission
12 under sec. 100(a) of this chapter, the council shall hold at least six
13 public hearings throughout the state for review of the plan. These
14 hearings are in addition to the 12 public hearings required before pre-
15 paration of the full plan under this subsection. The council may amend
16 or supplement the plan upon completion of the hearings.

17 (b) The council shall hold at least three public hearings within
18 the affected region before preparation of a portion of the Alaska coastal
19 zone plan under sec. 100(b) of this chapter. In addition, the council
20 shall, upon completion of any portion of the Alaska coastal zone plan,
21 but before its submission under sec. 100(b) of this chapter, hold at
22 least one public hearing within the affected region for review of that
23 portion of the plan. The council may amend or supplement that portion
24 upon completion of the hearing.

25 (c) Hearings under this section shall be conducted according to
26 regulations adopted by the council, and shall be held at locations within
27 or adjacent to the coastal zone.

28 Sec. 46.27.140. MUNICIPALITIES. The council shall obtain copies
29 of all master plans, zoning and subdivision ordinances, and other

1 ordinances affecting land or water use adopted by municipalities in whole
2 or in part within the coastal zone. In addition, the council shall adopt
3 mechanisms which will provide for a full understanding of the needs,
4 goals and objectives of each municipality as they pertain to land and
5 water use within the coastal zone.

6 Sec. 46.27.150. BASIS FOR ALASKA COASTAL ZONE PLAN. The Alaska
7 coastal zone plan shall be based on the following:

8 (1) information received from existing state agencies under
9 sec. 120 of this chapter;

10 (2) information, opinions and data received at public hearings
11 held under sec. 130 of this chapter;

12 (3) submissions of municipalities received under sec. 140 of
13 this chapter;

14 (4) data that the council may solicit or receive from other
15 sources.

16 Sec. 46.27.160. GENERAL COMPONENTS. The Alaska coastal zone plan
17 shall consist of those maps, texts and statements of policies and ob-
18 jectives that the council considers necessary to implement this chapter.

19 Sec. 46.27.170. SPECIFIC COMPONENTS. The Alaska coastal zone plan
20 shall contain at least the following components:

21 (1) a definition of the landward boundary of the coastal zone;

22 (2) a statement of planning principles and assumptions used
23 in developing the plan;

24 (3) a suggested ranking of priorities of uses within the
25 coastal zone.

26 Sec. 46.27.180. ANNUAL REVIEW. The council shall annually review
27 the Alaska coastal zone plan to determine its conformity with the
28 purposes of this chapter and make revisions necessary to ensure con-
29 formity. The council shall submit to the legislature for approval

1 regulations establishing procedure, including procedures for public and
2 local government participation, in the annual review.

3 Sec. 46.27.190. DEFINITIONS. In this chapter, unless the context
4 otherwise requires

5 (1) "coastal zone" means the coastal waters, including the
6 lands within and under the waters and the adjacent shorelands, strongly
7 influenced by the coastal waters and in proximity to the shoreline,
8 including the waters within and under the adjacent shorelands. The zone
9 extends inland from the shoreline only to the extent necessary to con-
10 trol shorelands, the uses of which have a direct and significant impact
11 on the coastal waters;

12 (2) "coastal waters" means those waters adjacent to the
13 shoreline which contain a measurable quantity or percentage of salt
14 water;

15 (3) "council" means the Alaska Coastal Zone Management
16 Planning Council;

17 (4) "development" means, on land or in or under water

18 (A) the affixing or erection of any solid material or
19 structure;

20 (B) the grading, removing, mining or extraction of any
21 materials;

22 (C) dredging or filling operations;

23 (D) a change in the density of use of land, including the
24 subdivision of land, whether or not the subdivider intends to erect
25 any improvements on the land;

26 (E) the material alteration of the size of a structure;

27 or

28 (F) the removal of logging of major vegetation;

29 (5) "municipality" includes both home rule and general law

1 cities, boroughs, and municipalities unified under the provisions of
2 AS 29.68.240 - 29.68.440;

3 (6) "person" includes an individual, public or private corpo-
4 ration partnership, association, industry, firm, trust, estate, agency
5 of federal, state and local government, and any other entity;

6 (7) "structure" includes but is not limited to a building,
7 road, railroad, pipe, flume, conveyor conduit, siphon, aqueduct, dam,
8 bridge, dock, platform, telephone line, and electrical power trans-
9 mission and distribution line; and

10 (8) "uses of regional benefit" means those land or water uses
11 which confer significant environmental, social or economic benefits
12 beyond the municipality or immediate geographical area in which they are
13 located, and include, but are not limited to

14 (A) parks and recreational facilities;

15 (B) cultural and historical areas of regional or state-
16 wide significance;

17 (C) energy production, transmission, conversion, and
18 transportation facilities;

19 (D) airports and other transportation facilities; and

20 (E) schools, hospitals, sewerage treatment facilities,
21 libraries and other critical public services.

22 Sec. 46.27.200. STATE AGENCIES. All agencies of the state, upon
23 the adoption of the Alaska coastal zone plan, or a portion of the plan,
24 shall review their present statutory authority, administrative regula-
25 tions, and current policies and procedures as they pertain to land and
26 water use, for the purpose of determining whether there are any defi-
27 ciencies or inconsistencies which prohibit or frustrate full compliance
28 with the Alaska coastal zone plan, and shall, within one year of the
29 effective date of the plan or portion of the plan, take whatever action

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is necessary, including recommendations to the legislature for additional or amended legislation, in order to facilitate full compliance with and implementation of the Alaska coastal zone plan.

Sec. 46.27.210. SHORT TITLE. This chapter may be cited as the Alaska Coastal Zone Planning Act.

* Sec. 2. AS 39.25.110 is amended by adding a new paragraph to read:

(16) members of the Alaska Coastal Zone Management Planning Council.

* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-070(c).

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Original sponsor: The Rules Committee by request
of the Governor

Offered: 5/7/75
Referred: Finance

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 175

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to coastal zone management; and
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 46 is amended by adding a new chapter to read:

10 CHAPTER 27. COASTAL ZONE MANAGEMENT.

11 ARTICLE 1. ESTABLISHMENT OF ALASKA COASTAL ZONE

12 MANAGEMENT PLANNING COUNCIL.

13 Sec. 46.27.010. LEGISLATIVE FINDINGS. The legislature finds that
14 (1) the degree of planning and resource allocation which has occurred in
15 the coastal zone has all too often been motivated by short-term parochial
16 considerations and expediency, unrelated or contradictory to sound
17 ecological and economic planning principles; and (2) in order to promote
18 the public health and welfare, there exists a critical need to engage in
19 comprehensive land and water use planning in the coastal zone and to
20 establish the means by which the planning process may be effectively and
21 uniformly implemented.

22 Sec. 46.27.020. ALASKA COASTAL ZONE MANAGEMENT PLANNING COUNCIL.
23 There is created the Alaska Coastal Zone Management Planning Council.
24 This council consists of the following:

25 (1) five public members selected under sec. 30 of this chapter,
26 one of whom shall be elected chairman of the council by the public
27 members; and

28 (2) all commissioners of the state departments as ex officio
29 members.

1 Sec. 46.27.030. PUBLIC APPOINTEES. The governor shall appoint five
2 public members to the council who may not be full-time employees of the
3 state immediately before their appointment. The term of office of the
4 public members of the council is four years. Members of the council
5 shall be confirmed by the legislature as provided in AS 39.05.020 and may
6 be removed only for cause.

7 Sec. 46.27.040. COMPENSATION AND PER DIEM. Public members of the
8 council shall receive \$100 compensation per day while in council session
9 and are also entitled to per diem and travel expenses authorized by law
10 for boards and commissions.

11 Sec. 46.27.050. QUORUM. Three members of the council constitute
12 a quorum for the transaction of business. An ex officio member of the
13 council may designate a representative within his department or division
14 to represent him at any council meeting, and the representative shall
15 have all the privileges and powers conferred upon the member himself.

16 Sec. 46.27.060. COUNCIL STAFF. The council shall utilize the staff
17 of the division of policy development and planning in discharging the
18 powers and duties conferred by this chapter. The director of the
19 division, upon the concurrence of the council, may employ personnel he
20 considers necessary to carry out the powers and duties conferred on the
21 council by this chapter.

22 Sec. 46.27.070. POWERS OF THE COUNCIL. The council may

23 (1) apply for and accept grants, contributions and appropria-
24 tions, including application and acceptance of federal funds which may
25 become available for coastal zone management;

26 (2) contract for any necessary services;

27 (3) consult and cooperate with

28 (A) persons, organizations and groups, public or private,
29 interested in, affected by, or concerned with coastal zone manage-

1 ment; and

2 (B) agents and officials of state and federal agencies
3 concerned with or having jurisdiction over coastal zone management;

4 (4) appear and participate in proceedings before a state or
5 federal agency or legislative body involving or affecting the purposes
6 of the council;

7 (5) propose the acquisition on behalf of a state agency of
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9 purposes of this chapter;

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11 carry out the provisions of this chapter.

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13 Sec. 46.27.100. ALASKA COASTAL ZONE PLAN. (a) Before January 1,
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17 (b) The council may prepare and submit a portion of the Alaska
18 coastal zone plan for a particular region or regions of the coastal zone
19 before preparation and adoption of the full plan under (a) of this
20 section. Portions of this plan prepared and adopted under this subsec-
21 tion shall be incorporated, with changes the council considers necessary,
22 into the Alaska coastal zone plan prepared and presented under (a) of
23 this section.

24 (c) Within 10 days of the convening of each session of the legisla-
25 ture before January 1, 1979, the council shall submit to the legislature
26 for its review and approval or disapproval in whole or in part, a draft
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19 direct and indirect energy sources to fill the needs of the state and to
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19 l zone plan under sec. 100(b) of this chapter. In addition, the council
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22 least one public hearing within the affected region for review of that
23 portion of the plan. The council may amend or supplement that portion
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26 regulations adopted by the council, and shall be held at locations within
27 or adjacent to the coastal zone.

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7 coastal zone plan shall be based on the following:

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11 held under sec. 130 of this chapter;

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13 this chapter;

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15 sources.

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17 shall consist of those maps, texts and statements of policies and ob-
18 jectives that the council considers necessary to implement this chapter.

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20 shall contain at least the following components:

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22 (2) a statement of planning principles and assumptions used
23 in developing the plan;

24 (3) a suggested ranking of priorities of uses within the
25 coastal zone.

26 Sec. 46.27.180. ANNUAL REVIEW. The council shall annually review
27 the Alaska coastal zone plan to determine its conformity with the
28 purposes of this chapter and make revisions necessary to ensure con-
29 formity. The council shall submit to the legislature for approval

1 regulations establishing procedures, including procedures for public and
2 local government participation, in the annual review.

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4 otherwise requires

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6 lands within and under the waters and the adjacent shorelands, strongly
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8 including the waters within and under the adjacent shorelands. The zone
9 extends inland from the shoreline only to the extent necessary to con-
10 trol shorelands, the uses of which have a direct and significant impact
11 on the coastal waters;

12 (2) "coastal waters" means those waters adjacent to the
13 shoreline which contain a measurable quantity or percentage of salt
14 water;

15 (3) "council" means the Alaska Coastal Zone Management
16 Planning Council;

17 (4) "development" means, on land or in or under water

18 (A) the affixing or erection of any solid material or
19 structure;

20 (B) the grading, removing, mining or extraction of any
21 materials;

22 (C) dredging or filling operations;

23 (D) a change in the density of use of land, including the
24 subdivision of land, whether or not the subdivider intends to erect
25 any improvements on the land;

26 (E) the material alteration of the size of a structure;

27 or

28 (F) the removal of logging of major vegetation;

29 (5) "municipality" includes both home rule and general law

1 cities, boroughs, and municipalities unified under the provisions of
2 AS 29.68.240 - 29.68.410;

3 (6) "person" includes an individual, public or private corpo-
4 ration partnership, association, industry, firm, trust, estate, agency
5 of federal, state and local government, and any other entity;

6 (7) "structure" includes but is not limited to a building,
7 road, railroad, pipe, flume, conveyor conduit, siphon, aqueduct, dam,
8 bridge, dock, platform, telephone line, and electrical power trans-
9 mission and distribution line; and

10 (8) "uses of regional benefit" means those land or water uses
11 which confer significant environmental, social or economic benefits
12 beyond the municipality or immediate geographical area in which they are
13 located, and include, but are not limited to

14 (A) parks and recreational facilities;

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16 wide significance;

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18 transportation facilities;

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21 libraries and other critical public services.

22 Sec. 46.27.200. STATE AGENCIES. All agencies of the state, upon
23 the adoption of the Alaska coastal zone plan, or a portion of the plan,
24 shall review their present statutory authority, administrative regula-
25 tions, and current policies and procedures as they pertain to land and
26 water use, for the purpose of determining whether there are any defi-
27 ciencies or inconsistencies which prohibit or frustrate full compliance
28 with the Alaska coastal zone plan, and shall, within one year of the
29 effective date of the plan or portion of the plan, take whatever action

1 is necessary, including recommendations to the legislature for additional
2 or amended legislation, in order to facilitate full compliance with and
3 implementation of the Alaska coastal zone plan.

4 Sec. 46.27.210. SHORT TITLE. This chapter may be cited as the
5 Alaska Coastal Zone Planning Act.

6 * Sec. 2. AS 39.25.110 is amended by adding a new paragraph to read:

7 (16) members of the Alaska Coastal Zone Management Planning
8 Council.

9 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
10 07)(c).

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Original sponsor: The Rules Committee by request
of the Governor

Offered: 5/7/75
Referred: Finance

IN THE SENATE

BY THE RESOURCES COMMITTEE

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 175

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to coastal zone management; and
providing for an effective date."

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

* Section 1. AS 46 is amended by adding a new chapter to read:

CHAPTER 27. COASTAL ZONE MANAGEMENT.

ARTICLE 1. ESTABLISHMENT OF ALASKA COASTAL ZONE

MANAGEMENT PLANNING COUNCIL.

Sec. 46.27.010. LEGISLATIVE FINDINGS. The legislature finds that
(1) the degree of planning and resource allocation which has occurred in
the coastal zone has all too often been motivated by short-term parochial
considerations and expediency, unrelated or contradictory to sound
ecological and economic planning principles; and (2) in order to promote
the public health and welfare, there exists a critical need to engage in
comprehensive land and water use planning in the coastal zone and to
establish the means by which the planning process may be effectively and
uniformly implemented.

Sec. 46.27.020. ALASKA COASTAL ZONE MANAGEMENT PLANNING COUNCIL.
There is created the Alaska Coastal Zone Management Planning Council.
This council consists of the following:

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one of whom shall be elected chairman of the council by the public
members; and

(2) all commissioners of the state departments as ex officio
members.

1 Sec. 46.27.030. PUBLIC APPOINTEES. The governor shall appoint five
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12 a quorum for the transaction of business. An ex officio member of the
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14 to represent him at any council meeting, and the representative shall
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17 of the division of policy development and planning in discharging the
18 powers and duties conferred by this chapter. The director of the
19 division, upon the concurrence of the council, may employ personnel he
20 considers necessary to carry out the powers and duties conferred on the
21 council by this chapter.

22 Sec. 46.27.070. POWERS OF THE COUNCIL. The council may

23 (1) apply for and accept grants, contributions and appropriations,
24 including application and acceptance of federal funds which may
25 become available for coastal zone management;

26 (2) contract for any necessary services;

27 (3) consult and cooperate with

28 (A) persons, organizations and groups, public or private,
29 interested in, affected by, or concerned with coastal zone manage-

1 ment; and

2 (B) agents and officials of state and federal agencies
3 concerned with or having jurisdiction over coastal zone management;

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23 including environmental, economic and social demands.

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25 use existing state agencies in the accumulation of land and water data.
26 The council shall establish mechanisms to provide for:

27 (1) data coordination between existing federal, state and
28 local agencies, the Joint Federal-State Land Use Planning Commission and
29 the council;

1 (2) the identification by the council of the needs, goals and
2 objectives of existing state agencies; and

3 (3) the efficient accumulation of data necessary to effectuate
4 the coastal zone planning process in a manner which minimizes duplication
5 of data accumulation efforts.

6 Sec. 46.27.130. PUBLIC PARTICIPATION. (a) The council shall hold
7 at least 12 public hearings throughout the state before preparation of
8 the full Alaska coastal zone plan under sec. 100(a) of this chapter. The
9 time and location for these hearings shall be established to provide
10 maximum public participation from all regions of the state. Upon com-
11 pletion of the full Alaska coastal zone plan, but before its submission
12 under sec. 100(a) of this chapter, the council shall hold at least six
13 public hearings throughout the state for review of the plan. These
14 hearings are in addition to the 12 public hearings required before pre-
15 paration of the full plan under this subsection. The council may amend
16 or supplement the plan upon completion of the hearings.

17 (b) The council shall hold at least three public hearings within
18 the affected region before preparation of a portion of the Alaska coastal
19 zone plan under sec. 100(b) of this chapter. In addition, the council
20 shall, upon completion of any portion of the Alaska coastal zone plan,
21 but before its submission under sec. 100(b) of this chapter, hold at
22 least one public hearing within the affected region for review of that
23 portion of the plan. The council may amend or supplement that portion
24 upon completion of the hearing.

25 (c) Hearings under this section shall be conducted according to
26 regulations adopted by the council, and shall be held at locations within
27 or adjacent to the coastal zone.

28 Sec. 46.27.140. MUNICIPALITIES. The council shall obtain copies
29 of all master plans, zoning and subdivision ordinances, and other

1 ordinances affecting land or water use adopted by municipalities in whole
2 or in part within the coastal zone. In addition, the council shall adopt
3 mechanisms which will provide for a full understanding of the needs,
4 goals and objectives of each municipality as they pertain to land and
5 water use within the coastal zone.

6 Sec. 46.27.150. BASIS FOR ALASKA COASTAL ZONE PLAN. The Alaska
7 coastal zone plan shall be based on the following:

8 (1) information received from existing state agencies under
9 sec. 120 of this chapter;

10 (2) information, opinions and data received at public hearings
11 held under sec. 130 of this chapter;

12 (3) submissions of municipalities received under sec. 140 of
13 this chapter;

14 (4) data that the council may solicit or receive from other
15 sources.

16 Sec. 46.27.160. GENERAL COMPONENTS. The Alaska coastal zone plan
17 shall consist of those maps, texts and statements of policies and ob-
18 jectives that the council considers necessary to implement this chapter.

19 Sec. 46.27.170. SPECIFIC COMPONENTS. The Alaska coastal zone plan
20 shall contain at least the following components:

21 (1) a definition of the landward boundary of the coastal zone;

22 (2) a statement of planning principles and assumptions used
23 in developing the plan;

24 (3) a suggested ranking of priorities of uses within the
25 coastal zone.

26 Sec. 46.27.180. ANNUAL REVIEW. The council shall annually review
27 the Alaska coastal zone plan to determine its conformity with the
28 purposes of this chapter and make revisions necessary to ensure con-
29 formity. The council shall submit to the legislature for approval

1 regulations establishing procedures, including procedures for public and
2 local government participation, in the annual review.

3 Sec. 46.27.190. DEFINITIONS. In this chapter, unless the context
4 otherwise requires

5 (1) "coastal zone" means the coastal waters, including the
6 lands within and under the waters and the adjacent shorelands, strongly
7 influenced by the coastal waters and in proximity to the shoreline,
8 including the waters within and under the adjacent shorelands. The zone
9 extends inland from the shoreline only to the extent necessary to con-
10 trol shorelands, the uses of which have a direct and significant impact
11 on the coastal waters;

12 (2) "coastal waters" means those waters adjacent to the
13 shoreline which contain a measurable quantity or percentage of salt
14 water;

15 (3) "council" means the Alaska Coastal Zone Management
16 Planning Council;

17 (4) "development" means, on land or in or under water

18 (A) the affixing or erection of any solid material or
19 structure;

20 (B) the grading, removing, mining or extraction of any
21 materials;

22 (C) dredging or filling operations;

23 (D) a change in the density of use of land, including the
24 subdivision of land, whether or not the subdivider intends to erect
25 any improvements on the land;

26 (E) the material alteration of the size of a structure;

27 or

28 (F) the removal of logging of major vegetation;

29 (5) "municipality" includes both home rule and general law

1 cities, boroughs, and municipalities unified under the provisions of
2 AS 29.68.240 - 29.68.440;

3 (6) "person" includes an individual, public or private corpo-
4 ration partnership, association, industry, firm, trust, estate, agency
5 of federal, state and local government, and any other entity;

6 (7) "structure" includes but is not limited to a building,
7 road, railroad, pipe, flume, conveyor conduit, siphon, aqueduct, dam,
8 bridge, dock, platform, telephone line, and electrical power trans-
9 mission and distribution line; and

10 (8) "uses of regional benefit" means those land or water uses
11 which confer significant environmental, social or economic benefits
12 beyond the municipality or immediate geographical area in which they are
13 located, and include, but are not limited to

14 (A) parks and recreational facilities;

15 (B) cultural and historical areas of regional or state-
16 wide significance;

17 (C) energy production, transmission, conversion, and
18 transportation facilities;

19 (D) airports and other transportation facilities; and

20 (E) schools, hospitals, sewerage treatment facilities,
21 libraries and other critical public services.

22 Sec. 46.27.200. STATE AGENCIES. All agencies of the state, upon
23 the adoption of the Alaska coastal zone plan, or a portion of the plan,
24 shall review their present statutory authority, administrative regula-
25 tions, and current policies and procedures as they pertain to land and
26 water use, for the purpose of determining whether there are any defi-
27 ciencies or inconsistencies which prohibit or frustrate full compliance
28 with the Alaska coastal zone plan, and shall, within one year of the
29 effective date of the plan or portion of the plan, take whatever action

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is necessary, including recommendations to the legislature for additional or amended legislation, in order to facilitate full compliance with and implementation of the Alaska coastal zone plan.

Sec. 46.27.210. SHORT TITLE. This chapter may be cited as the Alaska Coastal Zone Planning Act.

* Sec. 2. AS 39.25.110 is amended by adding a new paragraph to read:
(16) members of the Alaska Coastal Zone Management Planning Council.

* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-070(c).

#

Introduced: 4/17/75
Referred: Resources

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SPONSOR SUBSTITUTE FOR SENATE BILL 175

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to coastal zone management; and pro-
7 viding for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 *Section 1. AS 46 is amended by adding a new chapter to read:

10 CHAPTER 27. COASTAL ZONE MANAGEMENT.

11 ARTICLE 1. ESTABLISHMENT OF ALASKA COASTAL ZONE

12 MANAGEMENT PLANNING COUNCIL.

13 Sec. 46.27.010. LEGISLATIVE FINDINGS. The legislature finds
14 that: (1) the coastal zone of the state is a distinct and valuable
15 natural resource of concern to all the people and exists as a deli-
16 cately balanced ecosystem; (2) the demands upon the resources of the
17 coastal zone are significant, and will increase in the future; (3) the
18 protection of the natural and scenic resources of the coastal zone is
19 of concern to present and future citizens of the state and the nation;
20 (4) the capacity of the coastal zone to withstand the demands upon it
21 are limited; (5) the degree of planning and resource allocation which
22 has occurred in the coastal zone has often been motivated by short-
23 term considerations, unrelated to sound planning principles; (6) in
24 order to promote the public health and welfare, there exists a critical
25 need to engage in comprehensive land and water use planning in the
26 coastal zone and to establish the means by which the planning process
27 may be effectively and uniformly implemented; and (7) there exists a
28 need for interim regulatory measures in specific regions of the coastal
29 zone where large-scale development related to outer continental shelf

1 oil and gas development is likely to occur, in order to preserve
2 coastal zone options during the preparation of the coastal zone plan.

3 Sec. 46.27.020. LEGISLATIVE DECLARATION OF POLICY. The legis-
4 lature finds and declares that it is the state policy:

5 (1) to preserve, protect, develop, and where possible, to
6 restore or enhance, the resources of the state's coastal zone, for
7 this and succeeding generations;

8 (2) to improve and coordinate land and water use planning
9 in the coastal zone of the state, in cooperation with the regions,
10 local governments, other public and private organizations and concerned
11 individuals, through the development and implementation of a coastal
12 zone plan designed to achieve wise use of the land and water uses of
13 the coastal zone giving full consideration to economic, ecological,
14 historic and aesthetic values.

15 Sec. 46.27.030. ALASKA COASTAL ZONE MANAGEMENT PLANNING COUNCIL.
16 (a) There is created the Alaska Coastal Zone Management Planning
17 Council, consisting of the following:

18 (1) the lieutenant governor, who shall act as chairman of
19 the council;

20 (2) commissioner of the Department of Natural Resources;

21 (3) commissioner of the Department of Environmental Conser-
22 vation;

23 (4) commissioner of the Department of Community and Regional
24 Affairs;

25 (5) commissioner of the Department of Fish and Game;

26 (6) commissioner of the Department of Commerce;

27 (7) seven public appointees selected under sec. 40 of this
28 chapter.

29 (b) The director of the Division of Policy Development and

1 Planning shall serve as executive director of the council and may not
2 vote.

3 Sec. 46.27.040. PUBLIC APPOINTEES. (a) The governor shall
4 appoint three public members to the council who may not be full-time
5 employees of the state immediately before their appointment. The term
6 of office of the public members of the council appointed by the governor
7 is four years.

8 (b) Members of the council selected under (a) of this section
9 serve at the pleasure of the governor.

10 (c) The legislature shall appoint four public members to the
11 council who shall serve for two-year terms and may not be full-time
12 employees of the state immediately before their appointment. These
13 members serve at the pleasure of their appointing bodies and shall be
14 selected as follows: one by the majority caucus of the senate; one by
15 the minority caucus of the senate; one by the majority caucus of the
16 house of representatives; and one by the minority caucus of the house
17 of representatives.

18 Sec. 46.27.050. COMPENSATION AND PER DIEM. (a) Public members
19 of the council are entitled to receive compensation at the rate of
20 \$100 per day for each day they are engaged in the performance of their
21 duties as members of the council.

22 (b) Public members of the council are entitled to per diem and
23 travel expenses authorized by law for boards and commissions.

24 Sec. 46.27.060. QUORUM. Seven members of the council constitute
25 a quorum for the transaction of business, but to constitute a quorum,
26 of those present at least one must be a member from those appointed by
27 the governor and at least one must be a member from those appointed by
28 the legislature. A member of the council, other than a public member,
29 may designate a representative within his department to represent him

1 at any council meeting, and the representative shall have all the
2 privileges and powers conferred upon the member himself.

3 Sec. 46.27.070. COUNCIL STAFF. The council shall use the staff
4 of the Division of Policy Development and Planning in discharging the
5 powers and duties conferred by this chapter. The director of the
6 division, upon the concurrence of the council, may employ personnel or
7 consultants he considers necessary to carry out the powers and duties
8 conferred on the council by this chapter.

9 Sec. 46.27.080. POWERS OF THE COUNCIL. The council may:

10 (1) apply for and accept grants, contributions and appro-
11 priations, including application for and acceptance of federal funds
12 which may become available for coastal zone planning or management;

13 (2) contract for any necessary services;

14 (3) consult and cooperate with:

15 (A) persons, organizations and groups, public or pri-
16 vate, interested in, affected by, or concerned with coastal zone
17 management; and

18 (B) agents and officials of state and federal agencies
19 concerned with or having jurisdiction over coastal zone management;

20 (4) appear and participate in proceedings before a state or
21 federal agency or legislative body involving or affecting the purposes
22 of the council;

23 (5) adopt regulations under the Administrative Procedure
24 Act (AS 44.62);

25 (6) take any reasonable action necessary to carry out the
26 provisions of this chapter.

27 Sec. 46.27.090. REGIONAL PLANNING ADVISORY BOARDS. Within 90
28 days of the effective date of this Act, the council shall, after
29 public hearings:

1 (1) define no fewer than 5, nor more than 10, regions
2 of the coastal zone of the state appropriate to regional coastal zone
3 planning; regional boundaries shall be formed based on broad ecological,
4 social and economic considerations;

5 (2) establish a regional planning advisory board for each
6 region defined under this section; board members shall be residents of
7 the unorganized borough contained within the region they represent;
8 the number of members may vary from region to region but shall contain
9 no less than 3, nor more than 10, members appointed by the governor
10 for four-year terms; half of the members of the initial board shall be
11 appointed to two-year terms; each board shall elect its own chairman;
12 members are entitled to per diem and travel expenses authorized by law
13 for boards and commissions.

14 ARTICLE 2. ALASKA COASTAL ZONE PLAN.

15 Sec. 46.27.100. ALASKA COASTAL ZONE PLAN. (a) On or before
16 December 31, 1978, the council shall prepare and adopt, in conformity
17 with secs. 110 - 150 of this chapter, the Alaska coastal zone plan.

18 (b) The council may prepare and adopt the Alaska coastal zone
19 plan for a particular region or regions of the coastal zone, before
20 preparation and adoption of the full plan under (a) of this section.
21 Portions of the plan prepared and adopted under this subsection shall
22 be incorporated into the Alaska coastal zone plan prepared and adopted
23 under (a) of this section.

24 Sec. 46.27.110. PURPOSES OF PLAN. The Alaska coastal zone plan
25 shall be consistent with the following objectives and goals:

26 (1) the maintenance, restoration and enhancement of the
27 overall quality of the coastal zone environment to the maximum extent
28 practicable;

29 (2) the development of industrial and commercial enterprises

1 which are consistent with the social, economic and environmental
2 interests of the people of the state;

3 (3) the orderly, balanced utilization and conservation of
4 all living and nonliving coastal resources consistent with sound
5 conservation and sustained yield principles;

6 (4) the consideration of optimum desirable population
7 densities within the coastal zone;

8 (5) the protection and enhancement of significant historic,
9 cultural, natural and aesthetic values, and natural systems or processes
10 within the coastal zone;

11 (6) the prevention and mitigation of damage to or degradation
12 of state or federal land, reserved for recreation, wilderness, scenic
13 or species protection purposes, as a result of inconsistent land or
14 water uses adjacent to that land;

15 (7) the recognition of the need for a continuing supply of
16 direct and indirect energy sources to fulfill the needs of the state
17 and to contribute the state's just and equitable share in meeting
18 national energy needs; and

19 (8) the full and fair evaluation of all demands on the
20 land, including social, economic and environmental demands.

21 Sec. 46.27.120. DATA DEVELOPMENT. The council shall, whenever
22 possible, use existing state agencies in the accumulation of land and
23 water data. The council shall establish mechanisms to provide for:

24 (1) data coordination between federal, state and local
25 governmental entities, the Joint Federal-State Land Use Planning Com-
26 mission, the Regional Planning Advisory Boards and the council;

27 (2) the identification by the council of the needs, goals,
28 and objectives of state agencies; and

29 (3) the efficient accumulation of data necessary to effectuate

1 the coastal zone planning process in a manner which minimizes dupli-
2 cation of data accumulation efforts.

3 Sec. 46.27.130. BASIS OF PLAN AND PLAN PREPARATION. (a) Before
4 February 1, 1976, the council, consistent with the policies and
5 purposes of this chapter, shall:

6 (1) delineate for each region the landward extent of the
7 coastal zone;

8 (2) prepare guidelines delineating the processes to be used
9 by local government in preparing coastal zone plans within their
10 jurisdictional boundaries;

11 (3) prepare guidelines delineating the processes to be used
12 by regional planning advisory boards in preparing recommendations for
13 coastal zone plans within the unorganized borough in their regions;

14 (4) establish criteria and standards in detail sufficient
15 for local governments to prepare plans for their coastal zone con-
16 taining the components specified in secs. 140 - 150 of this chapter;

17 (5) establish standards of capability and performance of
18 planning and coastal zone control for local governments electing to
19 participate in coastal zone management;

20 (6) establish standards, procedures and guidelines for
21 state administrative review for determining consistency between the
22 local coastal zone plans and the standards, guidelines, and criteria
23 established in accordance with this section and the policies and
24 purposes of this chapter; and for review of enforcement and compliance
25 with the plan by the municipalities;

26 (7) establish a timetable for stages of plan preparation
27 consistent with the state goal of completing the process of adopting
28 an initial coastal zone plan by December 31, 1978;

29 (8) establish standards for those classes of development or

1 for those areas of the coastal zone for which no permit will be re-
2 quired because of their minimal effect on the environment of the
3 coastal zone.

4 (b) Before April 1, 1976, a municipality with planning and
5 zoning capability may elect to participate in coastal zone planning
6 within its jurisdictional boundary, by certifying to the council that
7 it has the requisite planning and zoning capability and agrees to
8 participate in accordance with this chapter and the guidelines estab-
9 lished by the council. A municipality so electing shall prepare a
10 coastal zone plan for its municipality in accordance with this chapter
11 and the guidelines adopted by the council. The coastal zone plan
12 adopted by the municipality shall become part of the Alaska coastal
13 zone plan, so long as it is consistent with this chapter and regula-
14 tions of the council, except as provided in subsection (h); however,
15 with regard to state land, the plan of the municipality is advisory to
16 the council.

17 (c) If a municipality fails to elect to participate in coastal
18 zone planning in accordance with (b) of this section, or if a munici-
19 pality so electing fails to comply with the regulations of the council
20 pertaining to plan preparation, the council shall notify the muni-
21 cipality that the council intends to prepare the plan for the munici-
22 pality. The plan prepared by the council becomes part of the coastal
23 zone plan for the state until replaced by a plan prepared in compliance
24 with this chapter and any regulations adopted by the council.

25 (d) The Regional Planning Advisory Board for each region shall
26 prepare recommendations for a coastal zone plan within the portion of
27 the unorganized borough in its region. The board shall present its
28 recommendations to the council, and the council shall prepare the
29 coastal zone plan for the unorganized borough within the region. The

1 council shall attempt to use, to the largest extent feasible, the
2 recommendations of the boards.

3 (e) Before adoption of guidelines under (a) of this section and
4 coastal zone plans within the unorganized borough, under (d) of this
5 section, the council shall hold public hearings extensively throughout
6 each region of the state to achieve the maximum amount of public
7 input. The council may use other methods to obtain public input in
8 addition to extensive public hearings.

9 (f) The council shall develop mechanisms for coordination of
10 information among the municipalities of a region, between the state
11 and the municipalities, and between the municipalities, the state, and
12 the federal government.

13 (g) The council shall establish mechanisms for the annual review
14 and update of the Alaska Coastal Zone Plan to ensure its continued
15 conformity with the purposes of this chapter. The annual review shall
16 be implemented at the local and regional levels; changes in the Alaska
17 coastal zone plan must be approved by the governor.

18 (h) The council may adopt additional standards or definitions
19 for "uses of regional benefit", "geographic areas of particular concern"
20 and "large-scale development", concepts which, because of their nature
21 or magnitude, are clearly of greater than local concern; the council
22 may develop mechanisms and provisions for state administrative review
23 to assure that the statewide interest is given full consideration by
24 the municipalities for "uses of regional benefit" and "geographic
25 areas of particular concern"; the council may establish procedures,
26 standards and guidelines for direct state regulation of "large-scale
27 development".

28 (i) The council may adopt regulations under the Administrative
29 Procedure Act (AS 44.62) to carry out this section, except that,

1 contrary to AS 44.62.180, these regulations take effect 45 days after
2 submission to the legislature following filing by the lieutenant
3 governor, unless disapproved by a majority of each house of the legis-
4 lature, if the legislature does not adjourn sooner than 45 days fol-
5 lowing submission. If the legislature adjourns sooner than 45 days
6 following submission, the regulations take effect 30 days after the
7 beginning of the next regular legislative session, unless disapproved
8 by a majority of each house of the legislature.

9 (j) The Alaska coastal zone plan, or the plan for a region, and
10 any change to it, takes effect 45 days after submission to the legis-
11 lature, unless disapproved by a majority of each house of the legisla-
12 ture, if the legislature does not adjourn sooner than 45 days following
13 submission. If the legislature adjourns sooner than 45 days following
14 submission, the plan takes effect 30 days after the beginning of the
15 next regular legislative session, unless disapproved by a majority of
16 each house of the legislature.

17 Sec. 46.27.140. GENERAL COMPONENTS. The Alaska coastal zone
18 plan shall consist of those maps, texts and statements of policies and
19 objectives that the council and municipalities consider necessary to
20 implement this chapter.

21 Sec. 46.27.150. SPECIFIC COMPONENTS. The Alaska coastal zone
22 plan shall contain at least the following components:

- 23 (1) specific definition of the landward boundary of the
24 coastal zone;
- 25 (2) a statement of planning principles and assumptions used
26 in developing the plan;
- 27 (3) a component which includes the following elements;
- 28 (A) a land use element;
- 29 (B) a transportation element;

1 (C) a conservation element for the conservation and
2 management of the scenic and other natural resources of the
3 coastal zone;

4 (D) a public access and recreation element for maximum
5 visual and physical use and enjoyment of the coastal zone by the
6 public;

7 (E) a public services and facilities element for the
8 general location, scale, and provision for the siting of those
9 facilities in the least environmentally destructive manner; this
10 element shall include a siting study for major power plants;

11 (F) an aquatic mineral and living resources element;

12 (G) a population element;

13 (H) an educational or scientific use element;

14 (I) an energy production, transportation and conversion
15 element;

16 (J) an economic element;

17 (4) reservations of land or water in the coastal zone for
18 certain uses, or the prohibition of certain uses in specific areas;

19 (5) an identification of uses of regional benefit, and a
20 provision for the siting of those uses within the coastal zone;

21 (6) exemptions from the permit requirement allowed by sec.
22 130(a)(8);

23 (7) a ranking of priorities of uses within the coastal
24 zone.

25 ARTICLE 3. IMPLEMENTATION.

26 Sec. 46.27.200. PERMIT REQUIREMENTS. Upon the effective date of
27 the Alaska coastal zone plan, or the plan for an area of the coastal
28 zone, no person may undertake any development within the coastal zone
29 for the classes of uses or areas for which a permit is required,

1 without first obtaining a permit.

2 Sec. 46.27.210. PERMITS BY MUNICIPALITIES. (a) The munici-
3 palities which have elected to participate in coastal zone management
4 under this chapter shall develop and exercise mechanisms for granting
5 permits in the coastal zone plan for their municipality, except as to
6 "large-scale development", as defined by the council, which shall be
7 implemented by the Department of Environmental Conservation.

8 (b) The municipalities participating in coastal zone management
9 may adopt ordinances, with the prior approval of the council, which
10 exempt from the permit requirements certain classes of development or
11 developments within certain areas of the coastal zone which have
12 minimal environmental impact.

13 Sec. 46.27.220. PERMITS IN THE UNORGANIZED BOROUGH. (a) The
14 Department of Environmental Conservation is responsible for granting
15 permits for development in the unorganized borough of the coastal
16 zone. The department shall use the procedures, standards and guidelines
17 developed by the council in granting permits or attaching stipulations
18 to permits.

19 (b) The council shall conduct a study of other methods for
20 implementing coastal zone management in the unorganized borough and
21 convey their recommendations to the legislature.

22 Sec. 46.27.230. VARIANCES. No variance, conditional use or
23 other exception to or departure from the Alaska coastal zone plan may
24 be allowed, unless provided for in the Alaska coastal zone plan or
25 in any regulations adopted by or approved by the council; unless prior
26 approval for the variance, conditional use or other exception or
27 departure is first given by the council; or unless the Alaska coastal
28 zone plan is changed to permit the exception or departure pursuant to
29 the annual review procedures adopted by the council.

1 Sec. 46.27.240. OTHER PERMITS. (a) A permit issued under this
2 chapter does not excuse the applicant from obtaining any other permit
3 which may be required by law.

4 (b) The council shall undertake a study of one-stop permit
5 shopping - the consolidation of permit applications in one department -
6 for permits required in the unorganized borough.

7 Sec. 46.27.250. VESTED RIGHTS. (a) If a person has by his
8 actions in reliance on prior law obtained vested rights or other legal
9 rights in a development that in law would have prevented a local
10 government from changing the law in any way adverse to his interest,
11 nothing in this chapter authorizes any governmental agency to abridge
12 those rights. However, no changes may be made in the development
13 except in accordance with this chapter.

14 (b) A permit is not required for:

15 (1) repair or maintenance activities of any sort; however,
16 the activities may not result in an addition to, or enlargement or ex-
17 pansion of, the subject of the repair or maintenance activities;

18 (2) repairs and improvements not in excess of \$10,000 to
19 existing structures; however, the council shall specify by regulation
20 those classes of development which involve a risk of adverse environ-
21 mental effect and may require that a permit be obtained;

22 (3) a development exempted by the council under sec. 130 of
23 this chapter.

24 ARTICLE 4. INTERIM REGULATIONS.

25 Sec. 46.27.300. INTERIM PERMIT REQUIREMENTS. (a) Upon the
26 effective date of this Act, no person may undertake large-scale devel-
27 opment as defined in this section within the coastal zones of the
28 following regions of the state without a permit from the Department of
29 Environmental Conservation:

1 (1) Northeastern Gulf of Alaska, which is that portion of
2 the coastal zone extending from Cape Fairweather to Cape Elizabeth,
3 Alaska;

4 (2) Southeastern Bering Sea, which is that portion of the
5 coastal zone from Cape Pierce to Unimak Pass, Alaska;

6 (3) Beaufort Sea, which is that portion of the coastal zone
7 from Barrow, Alaska to the Canadian border.

8 (b) In this section, "coastal zone" means the land and water
9 area of the state extending seaward to the outer boundaries of the
10 territorial jurisdiction of the state. Landward, it includes all land
11 and water areas 2,000 yards inland from the mean higher high tide
12 line.

13 (c) In this section, "large-scale development" means the following
14 developments:

15 (1) the drilling of stratigraphic, exploratory or production
16 oil and gas wells;

17 (2) tank farms or other oil and gas storage facilities;

18 (3) ports, harbors, docking facilities and marinas;

19 (4) oil refineries and all other facilities utilized for
20 the processing, separation or treatment of petroleum products;

21 (5) dredging or construction activities associated with the
22 laying of pipelines of any size, except pipe used in transporting only
23 domestic sewage or water;

24 (6) warehouses and other storage facilities of over 1,200
25 square feet in ground space;

26 (7) offshore oil rig fabricating yards.

27 (d) This section expires on the effective date of the Alaska
28 coastal zone plan; this section does not apply to any portion of the
29 coastal zone covered by an effective plan for a region.

1 Sec. 46.27.310. INTERIM PERMIT PROCEDURES. (a) Upon application
2 of a person for a development permit under sec. 300 of this chapter,
3 the council or a hearing officer retained by the council, shall conduct
4 one or more public hearings concerning the application. At the time
5 of filing the application, the applicant shall file with the council
6 the testimony and other evidence which will be presented at the
7 hearing. In addition, the application shall in detail state

8 (1) a description of what is to be built, the methods of
9 construction and time schedules for construction;

10 (2) a comprehensive description of the finished facility
11 including such related factors as air emissions and effluent dis-
12 charges;

13 (3) a statement of the need for the development and the
14 relative merit of other reasonable alternative sites.

15 (b) The application submitted under (a) of this section and
16 other supporting evidence shall be made available to the public upon
17 request, at a reasonable charge.

18 (c) Public hearings held under (a) of this section shall be held
19 in the coastal municipality closest to the proposed development, and
20 if the development is of statewide concern or is highly controversial,
21 also in Anchorage, Fairbanks, or Juneau, whichever is closest. The
22 council may adopt regulations governing public notice and the conduct
23 of public hearings to obtain the widest public participation practicable.

24 (d) Hearings conducted under (a) of this section, shall be held
25 within 45 days after receipt of the application. The council may
26 postpone the hearing for 30 additional days in the interests of justice
27 or of the public or to combine more than one hearing.

28 (e) Within 15 days after the close of a hearing, the hearing
29 officer shall convey to the council his recommendations. The council

1 shall review the recommendations of the hearing officer and the record
2 of the hearing and, within 30 days, forward them, together with the
3 decision of the council, to the governor. The governor shall, within
4 seven days, concur with or disapprove the decision, or remand it to
5 the council for further consideration.

6 (f) Upon the governor's concurrence with the decision, the
7 Department of Environmental Conservation shall issue a permit, as
8 conditioned by the decision of the council. The department shall
9 enforce the conditions of the permit and compliance with its terms.

10 Sec. 46.27.320. INTERIM CRITERIA. (a) A development permit
11 applied for under sec. 300 of this chapter shall be granted if the
12 council finds the following and the governor concurs in that finding:

13 (1) the probable net benefits from the development outweigh
14 the probable net detriments, under the standards of (b) of this
15 section; and

16 (2) the development probably will not substantially or
17 unreasonably interfere with achieving the policies and purposes of
18 this chapter.

19 (b) Benefits and detriments to be considered are not limited to
20 those affecting the immediate locality of the development but include
21 benefits and detriments to the surrounding areas, and to the state.
22 Benefits and detriments may not be excluded from consideration because
23 they are indirect or not readily quantifiable. In evaluating benefits
24 and detriments, the council may consider, among other relevant factors:

25 (1) the social, economic, and environmental benefits and
26 detriments of the development and of reasonable alternative site
27 locations;

28 (2) the availability or provision for adequate housing,
29 water, sewage disposal, public transportation and other municipal or

1 state supported facilities and services;

2 (3) the effects on the taxpayers of the municipality and
3 the state in making available services and facilities to meet probable
4 needs resulting from the development;

5 (4) the need for the development; and

6 (5) the plans of the applicant to mitigate the social,
7 economic or environmental impacts of the development.

8 (c) The applicant has the burden of proving the requirements of
9 (a) of this section.

10 ARTICLE 6. GENERAL PROVISIONS.

11 Sec. 46.27.920. INJUNCTION. The superior courts have juris-
12 diction to enjoin a violation of this chapter, or of a regulation,
13 written order or directive of the department or the council, an
14 ordinance of a municipality, or a permit or term or condition of a
15 permit. In actions brought under this section, temporary or preliminary
16 relief may be obtained upon a showing of an imminent threat of violation,
17 and probable success on the merits, without the necessity of demon-
18 strating irreparable harm, or a favorable balance of equities.

19 Sec. 46.27.930. JUDICIAL REVIEW. A person aggrieved by an
20 action or decision of the department under this chapter has a right of
21 judicial review in the superior court in the judicial district affected
22 by the action or decision, if a notice of appeal is filed in that
23 court within 30 days after the department's action or decision is
24 final.

25 Sec. 46.27.940. CIVIL PENALTIES. A person who violates or
26 causes or permits to be violated a provision of this chapter, or a
27 regulation, written order or directive of the department or council,
28 or a permit or term or condition of a permit, is liable, in a civil
29 action, to the state for a civil penalty to be assessed by the court

1 for an amount not less than \$500 nor more than \$100,000, depending on
2 the severity of the violation.

3 Sec. 46.27.950. WILFUL VIOLATIONS. A person found guilty of
4 wilfully violating a provision of this chapter, or a regulation,
5 written order or directive of the department or council or of a
6 court, or of a permit or term or condition of a permit, made or
7 issued under this chapter is guilty of a misdemeanor, and upon convic-
8 tion shall be punished by a fine of not more than \$25,000 and costs of
9 prosecution, or by imprisonment for not more than one year, or by both
10 such fine, cost, and imprisonment at the discretion of the court.

11 Sec. 46.27.960. GRANTS TO MUNICIPALITIES AND REGIONAL PLANNING
12 ADVISORY BOARDS. The Department of Community and Regional Affairs
13 shall make grants to municipalities for coastal zone planning and
14 management programs and to Regional Planning Advisory Boards for
15 coastal zone planning, subject to appropriations, to carry out the
16 purposes of this chapter.

17 Sec. 46.27.970. STATE AGENCIES. (a) All agencies of the state,
18 upon the adoption of the Alaska Coastal Zone Plan, or a portion of the
19 plan, shall review their present statutory authority, administrative
20 regulations, and current policies and procedures as they pertain to
21 land and water use, for the purpose of determining whether there are
22 any deficiencies or inconsistencies which prohibit or frustrate full
23 compliance with the Alaska Coastal Zone Plan, and shall, within one
24 year of the effective date of the plan, or portion of the plan, take
25 whatever action is necessary, including recommendations to the legis-
26 lature for additional or amended legislation, in order to facilitate
27 full compliance with and implementation of the Alaska Coastal Zone
28 Plan.

29 (b) Notwithstanding any other provision of this chapter, develop-

1 ments undertaken by state agencies which have been specifically
2 approved or provided for in the Alaska Coastal Zone Plan, or a portion
3 of the plan, are not subject to the permit requirements of sec. 200 of
4 this chapter. However, before undertaking any development approved in
5 the plan, or a portion of the plan, the responsible state agency shall
6 submit detailed plans of the development to the council for review.
7 Upon review of the plans, the council may attach stipulations or
8 conditions to the project it considers necessary to minimize the
9 adverse environmental impacts of the development, and to otherwise
10 bring the development into conformity with the plan, or portion of the
11 plan. The council shall adopt regulations governing review of approved
12 developments under this subsection.

13 Sec. 46.27.980. DEFINITIONS. As used in this chapter, unless
14 the context requires otherwise:

15 (1) "coastal zone" means the land and water area of the
16 state extending seaward to the outer boundaries of the territorial
17 jurisdiction of the state; landward, it includes all land inland from
18 the natural mean high tide line to the extent necessary to control
19 shoreland and to reach land usage which has a significant impact on
20 the coastal ecology;

21 (2) "council" means the Alaska Coastal Zone Planning
22 Council;

23 (3) "department" means the Department of Environmental
24 Conservation;

25 (4) "development" means, on land or in or under water,

26 (A) the affixing or erection of any solid material or
27 structure;

28 (B) the grading, removing, mining or extraction of any
29 materials;

1 (C) dredging or filling operations;

2 (D) a change in the density or intensity of use of
3 land, including the subdivision of land, whether or not the
4 subdivider intends to erect any improvements on the land;

5 (E) the material alteration of the size of a structure;

6 or

7 (F) the removal or logging of major vegetation.

8 (5) "geographic areas of particular concern" means those
9 land and water areas of social, economic and environmental significance
10 clearly of statewide concern and include:

11 (A) areas of unique, scarce, historic, cultural or
12 scenic significance;

13 (B) areas of uniquely high natural productivity;

14 (C) areas of substantial recreational value and/or
15 opportunity;

16 (D) areas where large-scale development or uses of
17 regional benefit are dependent upon utilization of, or access to,
18 coastal waters;

19 (E) areas of unique geologic or topographic significance
20 to industrial or commercial development;

21 (6) "large-scale development" means private development
22 which, because of its magnitude or the magnitude of its effect on the
23 surrounding environment, is likely to present issues of more than
24 local significance in the judgment of the council; in determining what
25 constitutes "large-scale development", the council shall consider,
26 among other things, the amount of pedestrian or vehicular traffic
27 likely to be generated; the number of persons likely to be present;
28 the potential for creating environmental problems such as air, water,
29 or noise pollution; the size of the site to be occupied; and the

1 likelihood that additional or subsidiary development will be generated;

2 (7) "municipality" includes both home rule and general law
3 cities, boroughs, and municipalities unified under the provisions of
4 AS 29.68.240 - 29.68.440;

5 (8) "person" includes any individual, public or private
6 corporation, partnership, association, industry, firm, trust, estate,
7 agency of federal, state and local government, and any other entity;

8 (9) "structure" includes a building, road, railroad, pipe,
9 flume, conveyor, conduit, siphon, aqueduct, dam, bridge, dock, plat-
10 form, telephone line, and electrical power transmission and distri-
11 bution line; and

12 (10) "uses of regional benefit" means those land or water
13 uses which confer significant social, economic or environmental
14 benefits beyond the municipality or immediate geographical area in
15 which they are located, and include, but are not limited to:

16 (A) parks and recreational facilities;

17 (B) cultural and historical areas of regional or
18 statewide significance;

19 (C) employment opportunity;

20 (D) energy production, transmission, conversion and
21 transportation facilities;

22 (E) airports and other transportation facilities; and

23 (F) schools, hospitals, sewage treatment facilities,
24 libraries and other critical public services.

25 Sec. 46.27.990. SHORT TITLE. This chapter may be cited as the
26 Alaska Coastal Zone Planning Act.

27 * Sec. 2. AS 38.05.035(a) is amended by adding a new paragraph to read:

28 (15) at the request of the Alaska Coastal Zone Planning
29 Council, purchase or acquire through the power of eminent domain fee

1 simple and less than fee simple interests in land, water and other
2 property when the council determines it necessary in order to achieve
3 conformance with the Alaska Coastal Zone Plan.

4 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
5 10.070(c).
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Introduced: 4/17/75
Referred: Resources

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SPONSOR SUBSTITUTE FOR SENATE BILL 175
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to coastal zone management; and pro-
7 viding for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 46 is amended by adding a new chapter to read:

10 CHAPTER 27. COASTAL ZONE MANAGEMENT.

11 ARTICLE 1. ESTABLISHMENT OF ALASKA COASTAL ZONE
12 MANAGEMENT PLANNING COUNCIL.

13 Sec. 46.27.010. LEGISLATIVE FINDINGS. The legislature finds
14 that: (1) the coastal zone of the state is a distinct and valuable
15 natural resource of concern to all the people and exists as a deli-
16 cately balanced ecosystem; (2) the demands upon the resources of the
17 coastal zone are significant, and will increase in the future; (3) the
18 protection of the natural and scenic resources of the coastal zone is
19 of concern to present and future citizens of the state and the nation;
20 (4) the capacity of the coastal zone to withstand the demands upon it
21 are limited; (5) the degree of planning and resource allocation which
22 has occurred in the coastal zone has often been motivated by short-
23 term considerations, unrelated to sound planning principles; (6) in
24 order to promote the public health and welfare, there exists a critical
25 need to engage in comprehensive land and water use planning in the
26 coastal zone and to establish the means by which the planning process
27 may be effectively and uniformly implemented; and (7) there exists a
28 need for interim regulatory measures in specific regions of the coastal
29 zone where large-scale development related to outer continental shelf

1 oil and gas development is likely to occur, in order to preserve
2 coastal zone options during the preparation of the coastal zone plan.

3 Sec. 46.27.020. LEGISLATIVE DECLARATION OF POLICY. The legis-
4 lature finds and declares that it is the state policy:

5 (1) to preserve, protect, develop, and where possible, to
6 restore or enhance, the resources of the state's coastal zone, for
7 this and succeeding generations;

8 (2) to improve and coordinate land and water use planning
9 in the coastal zone of the state, in cooperation with the regions,
10 local governments, other public and private organizations and concerned
11 individuals, through the development and implementation of a coastal
12 zone plan designed to achieve wise use of the land and water uses of
13 the coastal zone giving full consideration to economic, ecological,
14 historic and aesthetic values.

15 Sec. 46.27.030. ALASKA COASTAL ZONE MANAGEMENT PLANNING COUNCIL.

16 (a) There is created the Alaska Coastal Zone Management Planning
17 Council, consisting of the following:

- 18 (1) the lieutenant governor, who shall act as chairman of
19 the council;
- 20 (2) commissioner of the Department of Natural Resources;
- 21 (3) commissioner of the Department of Environmental Conser-
22 vation;
- 23 (4) commissioner of the Department of Community and Regional
24 Affairs;
- 25 (5) commissioner of the Department of Fish and Game;
- 26 (6) commissioner of the Department of Commerce;
- 27 (7) seven public appointees selected under sec. 40 of this
28 chapter.

29 (b) The director of the Division of Policy Development and

1 Planning shall serve as executive director of the council and may not
2 vote.

3 Sec. 46.27.040. PUBLIC APPOINTEES. (a) The governor shall
4 appoint three public members to the council who may not be full-time
5 employees of the state immediately before their appointment. The term
6 of office of the public members of the council appointed by the governor
7 is four years.

8 (b) Members of the council selected under (a) of this section
9 serve at the pleasure of the governor.

10 (c) The legislature shall appoint four public members to the
11 council who shall serve for two-year terms and may not be full-time
12 employees of the state immediately before their appointment. These
13 members serve at the pleasure of their appointing bodies and shall be
14 selected as follows: one by the majority caucus of the senate; one by
15 the minority caucus of the senate; one by the majority caucus of the
16 house of representatives; and one by the minority caucus of the house
17 of representatives.

18 Sec. 46.27.050. COMPENSATION AND PER DIEM. (a) Public members
19 of the council are entitled to receive compensation at the rate of
20 \$100 per day for each day they are engaged in the performance of their
21 duties as members of the council.

22 (b) Public members of the council are entitled to per diem and
23 travel expenses authorized by law for boards and commissions.

24 Sec. 46.27.060. QUORUM. Seven members of the council constitute
25 a quorum for the transaction of business, but to constitute a quorum,
26 of those present at least one must be a member from those appointed by
27 the governor and at least one must be a member from those appointed by
28 the legislature. A member of the council, other than a public member,
29 may designate a representative within his department to represent him

1 at any council meeting, and the representative shall have all the
2 privileges and powers conferred upon the member himself

3 Sec. 46.27.070. COUNCIL STAFF. The council shall use the staff
4 of the Division of Policy Development and Planning in discharging the
5 powers and duties conferred by this chapter. The director of the
6 division, upon the concurrence of the council, may employ personnel or
7 consultants he considers necessary to carry out the powers and duties
8 conferred on the council by this chapter.

9 Sec. 46.27.080. POWERS OF THE COUNCIL. The council may:

10 (1) apply for and accept grants, contributions and appro-
11 priations, including application for and acceptance of federal funds
12 which may become available for coastal zone planning or management;

13 (2) contract for any necessary services;

14 (3) consult and cooperate with:

15 (A) persons, organizations and groups, public or pri-
16 vate, interested in, affected by, or concerned with coastal zone
17 management; and

18 (B) agents and officials of state and federal agencies
19 concerned with or having jurisdiction over coastal zone management;

20 (4) appear and participate in proceedings before a state or
21 federal agency or legislative body involving or affecting the purposes
22 of the council;

23 (5) adopt regulations under the Administrative Procedure
24 Act (AS 44.62);

25 (6) take any reasonable action necessary to carry out the
26 provisions of this chapter.

27 Sec. 46.27.090. REGIONAL PLANNING ADVISORY BOARDS. Within 90
28 days of the effective date of this Act, the council shall, after
29 public hearings:

1 (1) define no fewer than 5, nor more than 10, regions
2 of the coastal zone of the state appropriate to regional coastal zone
3 planning; regional boundaries shall be formed based on broad ecological,
4 social and economic considerations;

5 (2) establish a regional planning advisory board for each
6 region defined under this section; board members shall be residents of
7 the unorganized borough contained within the region they represent;
8 the number of members may vary from region to region but shall contain
9 no less than 3, nor more than 10, members appointed by the governor
10 for four-year terms; half of the members of the initial board shall be
11 appointed to two-year terms; each board shall elect its own chairman;
12 members are entitled to per diem and travel expenses authorized by law
13 for boards and commissions.

14 ARTICLE 2. ALASKA COASTAL ZONE PLAN.

15 Sec. 46.27.100. ALASKA COASTAL ZONE PLAN. (a) On or before
16 December 31, 1978, the council shall prepare and adopt, in conformity
17 with secs. 110 - 150 of this chapter, the Alaska coastal zone plan.

18 (b) The council may prepare and adopt the Alaska coastal zone
19 plan for a particular region or regions of the coastal zone, before
20 preparation and adoption of the full plan under (a) of this section.
21 Portions of the plan prepared and adopted under this subsection shall
22 be incorporated into the Alaska coastal zone plan prepared and adopted
23 under (a) of this section.

24 Sec. 46.27.110. PURPOSES OF PLAN. The Alaska coastal zone plan
25 shall be consistent with the following objectives and goals:

26 (1) the maintenance, restoration and enhancement of the
27 overall quality of the coastal zone environment to the maximum extent
28 practicable;

29 (2) the development of industrial and commercial enterprises

1 which are consistent with the social, economic and environmental
2 interests of the people of the state;

3 (3) the orderly, balanced utilization and conservation of
4 all living and nonliving coastal resources consistent with sound
5 conservation and sustained yield principles;

6 (4) the consideration of optimum desirable population
7 densities within the coastal zone;

8 (5) the protection and enhancement of significant historic,
9 cultural, natural and aesthetic values, and natural systems or processes
10 within the coastal zone;

11 (6) the prevention and mitigation of damage to or degradation
12 of state or federal land, reserved for recreation, wilderness, scenic
13 or species protection purposes, as a result of inconsistent land or
14 water uses adjacent to that land;

15 (7) the recognition of the need for a continuing supply of
16 direct and indirect energy sources to fulfill the needs of the state
17 and to contribute the state's just and equitable share in meeting
18 national energy needs; and

19 (8) the full and fair evaluation of all demands on the
20 land, including social, economic and environmental demands.

21 Sec. 46.27.120. DATA DEVELOPMENT. The council shall, whenever
22 possible, use existing state agencies in the accumulation of land and
23 water data. The council shall establish mechanisms to provide for:

24 (1) data coordination between federal, state and local
25 governmental entities, the Joint Federal-State Land Use Planning Com-
26 mission, the Regional Planning Advisory Boards and the council;

27 (2) the identification by the council of the needs, goals,
28 and objectives of state agencies; and

29 (3) the efficient accumulation of data necessary to effectuate

1 the coastal zone planning process in a manner which minimizes dupli-
2 cation of data accumulation efforts.

3 Sec. 46.27.130. BASIS OF PLAN AND PLAN PREPARATION. (a) Before
4 February 1, 1976, the council, consistent with the policies and
5 purposes of this chapter, shall:

6 (1) delineate for each region the landward extent of the
7 coastal zone;

8 (2) prepare guidelines delineating the processes to be used
9 by local government in preparing coastal zone plans within their
10 jurisdictional boundaries;

11 (3) prepare guidelines delineating the processes to be used
12 by regional planning advisory boards in preparing recommendations for
13 coastal zone plans within the unorganized borough in their regions;

14 (4) establish criteria and standards in detail sufficient
15 for local governments to prepare plans for their coastal zone con-
16 taining the components specified in secs. 140 - 150 of this chapter;

17 (5) establish standards of capability and performance of
18 planning and coastal zone control for local governments electing to
19 participate in coastal zone management;

20 (6) establish standards, procedures and guidelines for
21 state administrative review for determining consistency between the
22 local coastal zone plans and the standards, guidelines, and criteria
23 established in accordance with this section and the policies and
24 purposes of this chapter; and for review of enforcement and compliance
25 with the plan by the municipalities;

26 (7) establish a timetable for stages of plan preparation
27 consistent with the state goal of completing the process of adopting
28 an initial coastal zone plan by December 31, 1978;

29 (8) establish standards for those classes of development or

1 for those areas of the coastal zone for which no permit will be re-
2 quired because of their minimal effect on the environment of the
3 coastal zone.

4 (b) Before April 1, 1976, a municipality with planning and
5 zoning capability may elect to participate in coastal zone planning
6 within its jurisdictional boundary, by certifying to the council that
7 it has the requisite planning and zoning capability and agrees to
8 participate in accordance with this chapter and the guidelines estab-
9 lished by the council. A municipality so electing shall prepare a
10 coastal zone plan for its municipality in accordance with this chapter
11 and the guidelines adopted by the council. The coastal zone plan
12 adopted by the municipality shall become part of the Alaska coastal
13 zone plan, so long as it is consistent with this chapter and regula-
14 tions of the council, except as provided in subsection (h); however,
15 with regard to state land, the plan of the municipality is advisory to
16 the council.

17 (c) If a municipality fails to elect to participate in coastal
18 zone planning in accordance with (b) of this section, or if a munici-
19 pality so electing fails to comply with the regulations of the council
20 pertaining to plan preparation, the council shall notify the muni-
21 cipality that the council intends to prepare the plan for the munici-
22 pality. The plan prepared by the council becomes part of the coastal
23 zone plan for the state until replaced by a plan prepared in compliance
24 with this chapter and any regulations adopted by the council.

25 (d) The Regional Planning Advisory Board for each region shall
26 prepare recommendations for a coastal zone plan within the portion of
27 the unorganized borough in its region. The board shall present its
28 recommendations to the council, and the council shall prepare the
29 coastal zone plan for the unorganized borough within the region. The

1 council shall attempt to use, to the largest extent feasible, the
2 recommendations of the boards.

3 (e) Before adoption of guidelines under (a) of this section and
4 coastal zone plans within the unorganized borough, under (d) of this
5 section, the council shall hold public hearings extensively throughout
6 each region of the state to achieve the maximum amount of public
7 input. The council may use other methods to obtain public input in
8 addition to extensive public hearings.

9 (f) The council shall develop mechanisms for coordination of
10 information among the municipalities of a region, between the state
11 and the municipalities, and between the municipalities, the state, and
12 the federal government.

13 (g) The council shall establish mechanisms for the annual review
14 and update of the Alaska Coastal Zone Plan to ensure its continued
15 conformity with the purposes of this chapter. The annual review shall
16 be implemented at the local and regional levels; changes in the Alaska
17 coastal zone plan must be approved by the governor.

18 (h) The council may adopt additional standards or definitions
19 for "uses of regional benefit", "geographic areas of particular concern"
20 and "large-scale development", concepts which, because of their nature
21 or magnitude, are clearly of greater than local concern; the council
22 may develop mechanisms and provisions for state administrative review
23 to assure that the statewide interest is given full consideration by
24 the municipalities for "uses of regional benefit" and "geographic
25 areas of particular concern"; the council may establish procedures,
26 standards and guidelines for direct state regulation of "large-scale
27 development".

28 (i) The council may adopt regulations under the Administrative
29 Procedure Act (AS 44.62) to carry out this section, except that,

1 contrary to AS 44.62.180, these regulations take effect 45 days after
2 submission to the legislature following filing by the lieutenant
3 governor, unless disapproved by a majority of each house of the legis-
4 lature, if the legislature does not adjourn sooner than 45 days fol-
5 lowing submission. If the legislature adjourns sooner than 45 days
6 following submission, the regulations take effect 30 days after the
7 beginning of the next regular legislative session, unless disapproved
8 by a majority of each house of the legislature.

9 (j) The Alaska coastal zone plan, or the plan for a region, and
10 any change to it, takes effect 45 days after submission to the legis-
11 lature, unless disapproved by a majority of each house of the legisla-
12 ture, if the legislature does not adjourn sooner than 45 days following
13 submission. If the legislature adjourns sooner than 45 days following
14 submission, the plan takes effect 30 days after the beginning of the
15 next regular legislative session, unless disapproved by a majority of
16 each house of the legislature.

17 Sec. 46.27.140. GENERAL COMPONENTS. The Alaska coastal zone
18 plan shall consist of those maps, texts and statements of policies and
19 objectives that the council and municipalities consider necessary to
20 implement this chapter.

21 Sec. 46.27.150. SPECIFIC COMPONENTS. The Alaska coastal zone
22 plan shall contain at least the following components:

- 23 (1) specific definition of the landward boundary of the
24 coastal zone;
- 25 (2) a statement of planning principles and assumptions used
26 in developing the plan;
- 27 (3) a component which includes the following elements;
- 28 (A) a land use element;
- 29 (B) a transportation element;

1 (C) a conservation element for the conservation and
2 management of the scenic and other natural resources of the
3 coastal zone;

4 (D) a public access and recreation element for maximum
5 visual and physical use and enjoyment of the coastal zone by the
6 public;

7 (E) a public services and facilities element for the
8 general location, scale, and provision for the siting of those
9 facilities in the least environmentally destructive manner; this
10 element shall include a siting study for major power plants;

11 (F) an aquatic mineral and living resources element;

12 (G) a population element;

13 (H) an educational or scientific use element;

14 (I) an energy production, transportation and conversion
15 element;

16 (J) an economic element;

17 (4) reservations of land or water in the coastal zone for
18 certain uses, or the prohibition of certain uses in specific areas;

19 (5) an identification of uses of regional benefit, and a
20 provision for the siting of those uses within the coastal zone;

21 (6) exemptions from the permit requirement allowed by sec.
22 130(a)(8);

23 (7) a ranking of priorities of uses within the coastal
24 zone.

25 ARTICLE 3. IMPLEMENTATION.

26 Sec. 46.27.200. PERMIT REQUIREMENTS. Upon the effective date of
27 the Alaska coastal zone plan, or the plan for an area of the coastal
28 zone, no person may undertake any development within the coastal zone
29 for the classes of uses or areas for which a permit is required,

1 without first obtaining a permit.

2 Sec. 46.27.210. PERMITS BY MUNICIPALITIES. (a) The munici-
3 palities which have elected to participate in coastal zone management
4 under this chapter shall develop and exercise mechanisms for granting
5 permits in the coastal zone plan for their municipality, except as to
6 "large-scale development", as defined by the council, which shall be
7 implemented by the Department of Environmental Conservation.

8 (b) The municipalities participating in coastal zone management
9 may adopt ordinances, with the prior approval of the council, which
10 exempt from the permit requirements certain classes of development or
11 developments within certain areas of the coastal zone which have
12 minimal environmental impact.

13 Sec. 46.27.220. PERMITS IN THE UNORGANIZED BOROUGH. (a) The
14 Department of Environmental Conservation is responsible for granting
15 permits for development in the unorganized borough of the coastal
16 zone. The department shall use the procedures, standards and guidelines
17 developed by the council in granting permits or attaching stipulations
18 to permits.

19 (b) The council shall conduct a study of other methods for
20 implementing coastal zone management in the unorganized borough and
21 convey their recommendations to the legislature.

22 Sec. 46.27.230. VARIANCES. No variance, conditional use or
23 other exception to or departure from the Alaska coastal zone plan may
24 be allowed, unless provided for in the Alaska coastal zone plan or
25 in any regulations adopted by or approved by the council; unless prior
26 approval for the variance, conditional use or other exception or
27 departure is first given by the council; or unless the Alaska coastal
28 zone plan is changed to permit the exception or departure pursuant to
29 the annual review procedures adopted by the council.

1 Sec. 46.27.240. OTHER PERMITS. (a) A permit issued under this
2 chapter does not excuse the applicant from obtaining any other permit
3 which may be required by law.

4 (b) The council shall undertake a study of one-stop permit
5 shopping - the consolidation of permit applications in one department -
6 for permits required in the unorganized borough.

7 Sec. 46.27.250. VESTED RIGHTS. (a) If a person has by his
8 actions in reliance on prior law obtained vested rights or other legal
9 rights in a development that in law would have prevented a local
10 government from changing the law in any way adverse to his interest,
11 nothing in this chapter authorizes any governmental agency to abridge
12 those rights. However, no changes may be made in the development
13 except in accordance with this chapter.

14 (b) A permit is not required for:

15 (1) repair or maintenance activities of any sort; however,
16 the activities may not result in an addition to, or enlargement or ex-
17 pansion of, the subject of the repair or maintenance activities;

18 (2) repairs and improvements not in excess of \$10,000 to
19 existing structures; however, the council shall specify by regulation
20 those classes of development which involve a risk of adverse environ-
21 mental effect and may require that a permit be obtained;

22 (3) a development exempted by the council under sec. 130 of
23 this chapter.

24 ARTICLE 4. INTERIM REGULATIONS.

25 Sec. 46.27.300. INTERIM PERMIT REQUIREMENTS. (a) Upon the
26 effective date of this Act, no person may undertake large-scale devel-
27 opment as defined in this section within the coastal zones of the
28 following regions of the state without a permit from the Department of
29 Environmental Conservation:

1 (1) Northeastern Gulf of Alaska, which is that portion of
2 the coastal zone extending from Cape Fairweather to Cape Elizabeth,
3 Alaska;

4 (2) Southeastern Bering Sea, which is that portion of the
5 coastal zone from Cape Pierce to Unimak Pass, Alaska;

6 (3) Beaufort Sea, which is that portion of the coastal zone
7 from Barrow, Alaska to the Canadian border.

8 (b) In this section, "coastal zone" means the land and water
9 area of the state extending seaward to the outer boundaries of the
10 territorial jurisdiction of the state. Landward, it includes all land
11 and water areas 2,000 yards inland from the mean higher high tide
12 line.

13 (c) In this section, "large-scale development" means the following
14 developments:

15 (1) the drilling of stratigraphic, exploratory or production
16 oil and gas wells;

17 (2) tank farms or other oil and gas storage facilities;

18 (3) ports, harbors, docking facilities and marinas;

19 (4) oil refineries and all other facilities utilized for
20 the processing, separation or treatment of petroleum products;

21 (5) dredging or construction activities associated with the
22 laying of pipelines of any size, except pipe used in transporting only
23 domestic sewage or water;

24 (6) warehouses and other storage facilities of over 1,200
25 square feet in ground space;

26 (7) offshore oil rig fabricating yards.

27 (d) This section expires on the effective date of the Alaska
28 coastal zone plan; this section does not apply to any portion of the
29 coastal zone covered by an effective plan for a region.

1 Sec. 46.27.310. INTERIM PERMIT PROCEDURES. (a) Upon application
2 of a person for a development permit under sec. 300 of this chapter,
3 the council or a hearing officer retained by the council, shall conduct
4 one or more public hearings concerning the application. At the time
5 of filing the application, the applicant shall file with the council
6 the testimony and other evidence which will be presented at the
7 hearing. In addition, the application shall in detail state

8 (1) a description of what is to be built, the methods of
9 construction and time schedules for construction;

10 (2) a comprehensive description of the finished facility
11 including such related factors as air emissions and effluent dis-
12 charges;

13 (3) a statement of the need for the development and the
14 relative merit of other reasonable alternative sites.

15 (b) The application submitted under (a) of this section and
16 other supporting evidence shall be made available to the public upon
17 request, at a reasonable charge.

18 (c) Public hearings held under (a) of this section shall be held
19 in the coastal municipality closest to the proposed development, and
20 if the development is of statewide concern or is highly controversial,
21 also in Anchorage, Fairbanks, or Juneau, whichever is closest. The
22 council may adopt regulations governing public notice and the conduct
23 of public hearings to obtain the widest public participation practicable.

24 (d) Hearings conducted under (a) of this section, shall be held
25 within 45 days after receipt of the application. The council may
26 postpone the hearing for 30 additional days in the interests of justice
27 or of the public or to combine more than one hearing.

28 (e) Within 15 days after the close of a hearing, the hearing
29 officer shall convey to the council his recommendations. The council

1 shall review the recommendations of the hearing officer and the record
2 of the hearing and, within 30 days, forward them, together with the
3 decision of the council, to the governor. The governor shall, within
4 seven days, concur with or disapprove the decision, or remand it to
5 the council for further consideration.

6 (f) Upon the governor's concurrence with the decision, the
7 Department of Environmental Conservation shall issue a permit, as
8 conditioned by the decision of the council. The department shall
9 enforce the conditions of the permit and compliance with its terms.

10 Sec. 46.27.320. INTERIM CRITERIA. (a) A development permit
11 applied for under sec. 300 of this chapter shall be granted if the
12 council finds the following and the governor concurs in that finding:

13 (1) the probable net benefits from the development outweigh
14 the probable net detriments, under the standards of (b) of this
15 section; and

16 (2) the development probably will not substantially or
17 unreasonably interfere with achieving the policies and purposes of
18 this chapter.

19 (b) Benefits and detriments to be considered are not limited to
20 those affecting the immediate locality of the development but include
21 benefits and detriments to the surrounding areas, and to the State.
22 Benefits and detriments may not be excluded from consideration because
23 they are indirect or not readily quantifiable. In evaluating benefits
24 and detriments, the council may consider, among other relevant factors:

25 (1) the social, economic, and environmental benefits and
26 detriments of the development and of reasonable alternative site
27 locations;

28 (2) the availability or provision for adequate housing,
29 water, sewage disposal, public transportation and other municipal or

1 state supported facilities and services;

2 (3) the effects on the taxpayers of the municipality and
3 the state in making available services and facilities to meet probable
4 needs resulting from the development;

5 (4) the need for the development; and

6 (5) the plans of the applicant to mitigate the social,
7 economic or environmental impacts of the development.

8 (c) The applicant has the burden of proving the requirements of
9 (a) of this section.

10 ARTICLE 6. GENERAL PROVISIONS.

11 Sec. 46.27.920. INJUNCTION. The superior courts have juris-
12 diction to enjoin a violation of this chapter, or of a regulation,
13 written order or directive of the department or the council, an
14 ordinance of a municipality, or a permit or term or condition of a
15 permit. In actions brought under this section, temporary or preliminary
16 relief may be obtained upon a showing of an imminent threat of violation,
17 and probable success on the merits, without the necessity of demon-
18 strating irreparable harm, or a favorable balance of equities.

19 Sec. 46.27.930. JUDICIAL REVIEW. A person aggrieved by an
20 action or decision of the department under this chapter has a right of
21 judicial review in the superior court in the judicial district affected
22 by the act on or decision, if a notice of appeal is filed in that
23 court within 30 days after the department's action or decision is
24 final.

25 Sec. 46.27.940. CIVIL PENALTIES. A person who violates or
26 causes or permits to be violated a provision of this chapter, or a
27 regulation, written order or directive of the department or council,
28 or a permit or term or condition of a permit, is liable, in a civil
29 action, to the state for a civil penalty to be assessed by the court

1 for an amount not less than \$500 nor more than \$100,000, depending on
2 the severity of the violation.

3 Sec. 46.27.950. WILFUL VIOLATIONS. A person found guilty of
4 wilfully violating a provision of this chapter, or a regulation,
5 written order or directive of the department or council or of a
6 court, or of a permit or term or condition of a permit, made or
7 issued under this chapter is guilty of a misdemeanor, and upon convic-
8 tion shall be punished by a fine of not more than \$25,000 and costs of
9 prosecution, or by imprisonment for not more than one year, or by both
10 such fine, cost, and imprisonment at the discretion of the court.

11 Sec. 46.27.960. GRANTS TO MUNICIPALITIES AND REGIONAL PLANNING
12 ADVISORY BOARDS. The Department of Community and Regional Affairs
13 shall make grants to municipalities for coastal zone planning and
14 management programs and to Regional Planning Advisory Boards for
15 coastal zone planning, subject to appropriations, to carry out the
16 purposes of this chapter.

17 Sec. 46.27.970. STATE AGENCIES. (a) All agencies of the state,
18 upon the adoption of the Alaska Coastal Zone Plan, or a portion of the
19 plan, shall review their present statutory authority, administrative
20 regulations, and current policies and procedures as they pertain to
21 land and water use, for the purpose of determining whether there are
22 any deficiencies or inconsistencies which prohibit or frustrate full
23 compliance with the Alaska Coastal Zone Plan, and shall, within one
24 year of the effective date of the plan, or portion of the plan, take
25 whatever action is necessary, including recommendations to the legis-
26 lature for additional or amended legislation, in order to facilitate
27 full compliance with and implementation of the Alaska Coastal Zone
28 Plan.

29 (b) Notwithstanding any other provision of this chapter, develop-

1 ments undertaken by state agencies which have been specifically
2 approved or provided for in the Alaska Coastal Zone Plan, or a portion
3 of the plan, are not subject to the permit requirements of sec. 200 of
4 this chapter. However, before undertaking any development approved in
5 the plan, or a portion of the plan, the responsible state agency shall
6 submit detailed plans of the development to the council for review.
7 Upon review of the plans, the council may attach stipulations or
8 conditions to the project it considers necessary to minimize the
9 adverse environmental impacts of the development, and to otherwise
10 bring the development into conformity with the plan, or portion of the
11 plan. The council shall adopt regulations governing review of approved
12 developments under this subsection.

13 Sec. 46.27.980. DEFINITIONS. As used in this chapter, unless
14 the context requires otherwise:

15 (1) "coastal zone" means the land and water area of the
16 state extending seaward to the outer boundaries of the territorial
17 jurisdiction of the state; landward, it includes all land inland from
18 the natural mean high tide line to the extent necessary to control
19 shoreland and to reach land usage which has a significant impact on
20 the coastal ecology;

21 (2) "council" means the Alaska Coastal Zone Planning
22 Council;

23 (3) "department" means the Department of Environmental
24 Conservation;

25 (4) "development" means, on land or in or under water,

26 (A) the affixing or erection of any solid material or
27 structure;

28 (B) the grading, removing, mining or extraction of any
29 materials;

1 (C) dredging or filling operations;

2 (D) a change in the density or intensity of use of
3 land, including the subdivision of land, whether or not the
4 subdivider intends to erect any improvements on the land;

5 (E) the material alteration of the size of a structure;

6 or

7 (F) the removal or logging of major vegetation.

8 (5) "geographic areas of particular concern" means those
9 land and water areas of social, economic and environmental significance
10 clearly of statewide concern and include:

11 (A) areas of unique, scarce, historic, cultural or
12 scenic significance;

13 (B) areas of uniquely high natural productivity;

14 (C) areas of substantial recreational value and/or
15 opportunity;

16 (D) areas where large-scale development or uses of
17 regional benefit are dependent upon utilization of, or access to,
18 coastal waters;

19 (E) areas of unique geologic or topographic significance
20 to industrial or commercial development;

21 (6) "large-scale development" means private development
22 which, because of its magnitude or the magnitude of its effect on the
23 surrounding environment, is likely to present issues of more than
24 local significance in the judgment of the council; in determining what
25 constitutes "large-scale development", the council shall consider,
26 among other things, the amount of pedestrian or vehicular traffic
27 likely to be generated; the number of persons likely to be present;
28 the potential for creating environmental problems such as air, water,
29 or noise pollution; the size of the site to be occupied; and the

1 likelihood that additional or subsidiary development will be generated;

2 (7) "municipality" includes both home rule and general law
3 cities, boroughs, and municipalities unified under the provisions of
4 AS 29.68.240 - 29.68.440;

5 (8) "person" includes any individual, public or private
6 corporation, partnership, association, industry, firm, trust, estate,
7 agency of federal, state and local government, and any other entity;

8 (9) "structure" includes a building, road, railroad, pipe,
9 flume, conveyor, conduit, siphon, aqueduct, dam, bridge, dock, plat-
10 form, telephone line, and electrical power transmission and distri-
11 bution line; and

12 (10) "uses of regional benefit" means those land or water
13 uses which confer significant social, economic or environmental
14 benefits beyond the municipality or immediate geographical area in
15 which they are located, and include, but are not limited to:

16 (A) parks and recreational facilities;

17 (B) cultural and historical areas of regional or
18 statewide significance;

19 (C) employment opportunity;

20 (D) energy production, transmission, conversion and
21 transportation facilities;

22 (E) airports and other transportation facilities; and

23 (F) schools, hospitals, sewage treatment facilities,
24 libraries and other critical public services.

25 Sec. 46.27.990. SHORT TITLE. This chapter may be cited as the
26 Alaska Coastal Zone Planning Act.

27 * Sec. 2. AS 33.05.035(a) is amended by adding a new paragraph to read:

28 (15) at the request of the Alaska Coastal Zone Planning
29 Council, purchase or acquire through the power of eminent domain fee

1 simple and less than fee simple interests in land, water and other
2 property when the council determines it necessary in order to achieve
3 conformance with the Alaska Coastal Zone Plan.

4 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
5 10.070(c).
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