

ALASKA LEGISLATURE

HOUSE and SENATE FINANCE COMMITTEE FILES, 2005-2006 2998



Alaska State Legislature

Senator Con Bunde
Senate District P

Vice Chair: Senate Finance Committee
Chair: Senate Labor & Commerce Committee

Sponsor Statement

Senate Bill 100

"An Act relating to enhanced 911 surcharges imposed by a municipality."

Current Alaska statute allows municipalities to fund 911 services via a surcharge on their telephone billing statements. That surcharge is capped at 50 cents for municipalities with populations of 100,000 or more and 75 cents for populations of fewer than 100,000 (AS 29.35.131 Section (a)). This surcharge applies to both wireless telephone numbers and local exchange access lines for wireline telephones.

Basic 911 (B911) is the delivery of emergency 911 calls to a Public Safety Answering Point (PSAP). A "Basic 911 system" does not provide for options or enhanced systems that can track or locate callers. New technology is providing for more efficient and timely ways to handle and operate 911 calls.

An "Enhanced-911 system" is capable of directing 911 calls to appropriate PSAPs by selective routing based on the geographical location from which the call originated. It provides the capability for Automatic Number Identification (ANI) and Automatic Location Identification (ALI). Both of these features are imperative to respond to 911 calls as quickly as possible. Enhanced 911, particularly when applied to both wireless and wireline calls, has the potential to save lives.

Municipalities cannot afford to fully implement E-911 services with the caps that are presently in statute. The current revenue shortfall in municipalities ranges from over \$4 million (in Anchorage and Fairbanks) to just over \$500,000 (in Kodiak).

Senate Bill 100 includes 4 main changes to current statute. It increases the surcharge caps from 50 and 75 cents to a statewide cap of \$2. It removes statute that bases caps on the population of a municipality. It also allows a municipality to increase the E-911 surcharge above and beyond the \$2 cap with a majority vote of those in the effected service area. And finally, SB 100 requires surcharges be levied on wireless telephone numbers and local exchange access lines for wireline telephones equally.

SB 100 enables municipalities to fund E-911 and thus, to provide residents with a superior emergency response service. It improves public safety and brings life-saving technology to the residents of Alaska.

I urge your support of SB 100.

Sponsor Statement

LEGAL SERVICES

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

COPY

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

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

MEMORANDUM

February 11, 2005

SUBJECT: Enhanced 911 surcharges; sectional summary
(CSSB 100(); 24-LS0407\Y version)

TO: Senator Con Bunde
Attn: Lauren Wickersham

FROM: Tamara Brandt Cook
Director

Section. 1. Eliminates the provision setting surcharges at not more than 50 cents per month in municipalities with at least 100,000 people and at 75 cents per month in municipalities with fewer than 100,000. Establishes a maximum surcharge of \$2 per month regardless of the size of the municipality unless a higher surcharge is imposed by ordinance approved by the voters of the enhanced 911 service area. Requires the amount of surcharge imposed for each wireless telephone number to equal the amount imposed for each local exchange access line for wireline telephones.

TBC:jad
05-087.jad

Enclosure

Sectional Analysis



Alaska State Legislature

Senate Majority Web: www.akrepublicans.org

Sponsor: Senator Con Bunde
Current Version: SB 100
Contact: Lauren Wickersham, 465-3881

Fact Sheet for: Senate Bill 100

Short Title: ENHANCED 911 SURCHARGES

Summary:

- Increases the current E-911 surcharge caps from 50 cents and 75 cents to a statewide cap of \$2.
- Removes statute that changes the surcharge caps based on the population of a municipality.
- Allows an increase above the \$2 cap by ordinance approved by the voters of the E-911 service area.
- Requires the surcharges to be levied on wireless telephone numbers and local exchange access lines for wireline telephones equally.

Benefits:

- Provides municipalities with the revenue they need to implement and maintain E-911 systems.

Background:

- Enhanced 911 systems have been dramatically improving public safety across the nation. Among other benefits, the new technology uses GPS systems to track an individual's location and phone number where he or she calls from. The new systems are saving lives by saving time. Currently, the 50 cent and 75 cent surcharge cap insufficiently funds E-911 systems. This bill allows municipalities across the state to collect the revenue they need to implement and maintain this public safety tool.

Support



February 14, 2005

Hon. Con Bunde, Chair
Labor and Commerce Committee
Alaska State Senate
Juneau, Alaska 99801

Dear Senator Bunde:

I am writing to express support for SB 100, *An act relating to enhanced 911 surcharges imposed by a municipality*. This legislation addresses our previous concerns because:

1. It allows a municipality to impose a surcharge up to \$2.00 per month for enhanced 911 system charges. This cap is important to MTA because it provides us with the assurance that this surcharge will not get "out of hand."
2. SB 100 provides parity between wireless and wire line providers. In today's telecommunications market we all compete for the same customers, imposing the surcharge on wire line and wireless ensures that one member of industry does not have an unfair competitive advantage over the other.

Again, thank you for working on this important legislation.

Sincerely

Greg Berberich
President

Metanaska Telephone Association Inc.
1740 South Chugach Street
Palmer, Alaska 99645

907.745.3211
800.478.3211 (in Alaska)

Local
Long Distance
Wireless
Business Solutions
Internet
Directory
DTV



217 Second Street, Suite 200 • Juneau, Alaska 99801
Tel (907) 586-1325 • Fax (907) 463-5480 • www.akml.org

February 13, 2005

Senator Con Bunde
Alaska State Legislature
State Capitol
Juneau, AK 99801

Re: SB 100

Dear Senator Bunde,

Thank you for sponsoring SB 100, relating to the surcharge local government may impose on telephones for emergency E-911 services. This bill, when enacted, will help improve local government's ability to promptly respond to life and health threatening emergencies.

Although emergency communications technology has improved considerably in recent years the added costs combined with reduced state shared revenues has made it difficult for emergency service providers to keep up with the advancements. SB 100 would provide another user fee tool available to help improve these services.

We do have two suggestions for improving the bill. First, AS 29.35.131(a) currently has a differential rate for cities with a population under 100,000. It would be helpful to maintain this differential to allow smaller communities the ability to charge an amount up to \$3.00. While Anchorage has indicated that a \$2.00 surcharge will serve their needs into the future, they can take advantage of economies of scale not available to other smaller communities.

The second provision of concern is the requirement for a local election for any surcharge in excess of the proposed \$2.00 surcharge. We would prefer that the election provision be dropped for two reasons. If the change recommended above is made, municipalities do not anticipate needing additional authority in the foreseeable future. Second, the possible precedent for elections on user fee increases is of obvious concern to communities, and may also be a poor precedent for future state user fee increases as well. We recommend eliminating the language on Page 2, line 8: "...unless the surcharge is imposed by ordinance approved by the voters of the enhanced 911 service area."

Thanks again for introducing this important bill and we offer our support in helping to secure its passage.

Sincerely,

Kevin Ritchie
Executive Director

~~Alaska Telephone Association~~

Greg Berberich
President

201 E. 56th, Suite 114
Anchorage, AK 99518
(907) 563-4000
FAX (907) 562-3776
www.alaskatel.org

James Rowe
Executive Director
jrowe@arctic.net

February 14, 2005

Hon. Con Bunde, Chair
Labor & Commerce Committee
Alaska State Senate
Juneau, Alaska 99801

RE: SB 100

Dear Senator Bunde:

Thank you for introducing SB 100, *An Act relating to enhanced 911 surcharges imposed by a municipality*. The Alaska Telephone Association supports this legislation. The bill is focused and concise. It addresses the need for increased funding by municipalities to provide an enhanced 911 system.

Certainly local telephone companies are not enthusiastic about submitting invoices for increased amounts to their customers. Most customers perceive only the total amount of the monthly charge and are unaware of the reasons for or confused by the multitude of surcharges. We will do our best to inform customers of the safety and emergency services benefits of this specific increase.

This legislation will permit increases – absent prior voter approval – of up to \$1.50 per month. Where the local electorate recognizes a need for an even greater amount of revenue for enhanced 911 services, SB 100 affords that opportunity.

Finally, this legislation requires parity between wireline and wireless providers, which is important in areas where the technologies are competing for customers. For local government to favor one member of industry over its competitor by exempting it from a tax would be inequitable.

The Alaska Telephone Association appreciates the efforts of the sponsor in introducing this compromise legislation. With the \$2 total monthly surcharge cap – sans prior voter approval – we will endeavor to create support for passage this legislative session.

Sincerely,



Jim Rowe

cc: Sen. Ralph Seekins, Vice Chair
Sen. Betrye Davis
Sen. Johnny Ellis
Sen. Ben Stevens



February 14, 2005

Senator Con Bunde
Chairman
Senate Labor and Commerce Committee
State Capitol, Rm. 506
Juneau, Alaska 99801-1183

GCI is writing in support of SB 100 sponsored by Senator Con Bunde for enhanced 911 surcharges.

1. GCI supports SB 100 because this bill has defined limits on the use of the surcharge so that only essential 911 services may be funded through this mechanism.
2. GCI supports SB 100 because it does include a cap not exceeding \$2.00. This cap may be raised or lowered only through a municipal election.
3. GCI supports SB 100 because of the parity of charging both the wireline customer and the wireless customer equally.

If you have any questions at all, please do not hesitate emailing or calling Dana Tindall.
DTindall@GCI.COM : Telephone number: 1-907-868-5602.

Sincerely,

A handwritten signature in cursive script that reads "Dana Tindall".

Dana Tindall
Senior Vice President
Legal and Regulatory
And Governmental Affairs

Background Information

E-911 Dispatch Center
Costs and Revenues
Selected Alaska Cities

	Call Center/Dispatch Operating Costs	Current E-911 Surcharge Revenue	Current Revenue Shortfall
Anchorage (1)	\$ 6,079,516	\$ 2,066,944	\$ 4,012,572
Fairbanks (2)	\$ 4,680,000	\$ 436,293	\$ 4,243,707
Kenai (3)	\$ 2,266,680	\$ 447,352	\$ 1,819,328
Juneau (4)	\$ 1,204,100	\$ 305,500	\$ 898,600
Kodiak (5)	\$ 602,320	\$ 52,000	\$ 550,320

Note: Operating costs only. Does not include capital expenditures or anticipated Wireless E-911 cost recovery.

Sources

- (1) Anchorage Police Department/Office of Management & Budget
- (2) City of Fairbanks Office of the City Manager
- (3) Kenai Peninsula Borough Office of Emergency Management
- (4) City and Borough of Juneau FY 2005 Operating Budget
- (5) City of Kodiak Finance Department, 2005 budget

Range of 9-1-1 Maximum Surcharges

State	Wireline Surcharge	Wireless Surcharge
Alabama	\$ 2.00	\$ 0.70
Alaska	\$ 0.75	\$ 0.75
Arizona	\$ 0.37	\$ 0.37
Arkansas	\$ 0.77	\$ 0.50
California	.72% of intrastate phone charges	.72% of intrastate phone charges
Colorado	\$ 0.70	\$ 0.70
Connecticut	\$ 0.50	\$ 0.50
Delaware	\$ 0.60	\$ 0.60
District of Columbia	\$ -	\$ 0.56
Florida	\$ 0.50	\$ 0.50
Georgia	\$ 1.50	\$ 1.00
Hawaii	\$ 0.27	\$ -
Idaho	\$ 1.00	\$ 1.00
Illinois	\$ 1.25	\$ 0.75
Indiana	3-10% of monthly access	\$ 2.00
Iowa	\$ 2.50	\$ 0.50
Kansas	\$ 0.75	\$ -
Kentucky	\$ 1.75	\$ 0.70
Louisiana	\$ 2.00	\$ 0.85
Maine	\$ 0.50	\$ 0.50
Maryland	\$ 1.00	\$ 1.00
Massachusetts	\$ 0.85	\$ 0.30
Michigan	\$ 3.00	\$ 0.52
Minnesota	\$ 0.55	\$ 0.50
Mississippi	\$ 1.00	\$ 1.00
Missouri	\$ 1.50	\$ -
Montana	\$ 0.50	\$ 0.50
Nebraska	\$ 1.00	\$ 0.50
Nevada	Tax based	\$ 0.25
New Hampshire	\$ 0.42	\$ 0.42
New Jersey	General fund	General fund
New Mexico	\$ 0.51	\$ 0.51
New York	\$ 0.35	\$ 1.50
North Carolina	\$ 4.00	\$ 0.80
North Dakota	\$ 1.00	\$ 1.00
Ohio	\$ 0.50	\$ 0.65
Oklahoma	15% of recurring charges	\$ 0.50
Oregon	\$ 0.75	\$ 0.75
Pennsylvania	\$ 1.50	\$ 1.00
Rhode Island	\$ 1.00	\$ 1.28
South Carolina	\$ 1.50	\$ 0.59

Source: National Emergency Number Association, updated as noted by Rogers Assoc. Spet. 2004

Range of 9-1-1 Maximum Surcharges

South Dakota	\$	0.75	\$	0.75
Tennessee	\$	2.00	\$	1.00
Texas	\$	0.50	\$	0.50
Utah	\$	0.53	\$	0.53
Vermont	Univ. Svc Funding		Univ. Svc Funding	
Washington	\$	0.70	\$	0.25
West Virginia	\$	3.75	\$	1.43
Wisconsin	\$	1.00	\$	-
Wyoming	\$	0.50	\$	-

Source: National Emergency Number Association, updated as noted by Rogers Assoc. Spet. 2004

MEMO

Matanuska Telephone Association
1740 S. Chugach St.
Palmer, Alaska 99645

To: Ms. Lauren Wickersham
From: Matt Gebhardt
Date: February 14, 2005
Subject: Generic 911 Information.

Basic 911 (B911) is the delivery of emergency 911 calls to a Public Safety Answering Point (PSAP). A "Basic 911 system" may be accessed utilizing the three-digit number 911, but no available options or enhanced systems are included in the system - in particular no selective routing. Basic 911 in general connects a 9-1-1 caller to a designated answering point.

An "Enhanced 911 system" is traditionally a telephone communications service consisting of telephone network switching features and public safety answering points designated by the local government. E911 should be capable of directing 911 calls to appropriate PSAPs by selective routing based on the geographical location from which the call originated and provides the capability for Automatic Number Identification (ANI) and Automatic Location Identification (ALI).

NENA (the National Emergency Number Association) makes the distinction between B911 and E911 as follows:

The feature that separates B911 from E911 is Selective Routing. Basic systems may have both ANI and ALI but are not considered Enhanced until Selective Routing is added. Generally speaking, Enhanced 911 systems will feature Selective Routing, ANI, ALI, Selective and Fixed Transfer and Alternate Routing. Selective Routing delivers 911 calls to a specific PSAP based upon the street address of the caller.

My understanding of the funding mechanism involving the surcharge and the "enhanced 911 system" is described per AS 29.35.131 which reads:

(a) A municipality may, by resolution or ordinance, elect to provide an enhanced 911 system at public safety answering points, may purchase or lease the enhanced 911 equipment or service required to establish or maintain an enhanced 911 system at public safety answering points from a local exchange telephone company or other qualified vendor, and may impose an enhanced 911 surcharge, in an amount to be determined by the municipality, on all local exchange access lines that provide telephone service to wireline telephones in the area to be served by the enhanced 911 system.

The question of the definition of "enhanced 911 system" as referred to above then is explained in AS 29.35.137-3 as follows:

(3) "enhanced 911 system" means a telephone system consisting of network, database, and enhanced 911 equipment that uses the single three digit number, 911, for reporting a police, fire, medical, or other emergency situation, and that enables the users of a public telephone system to reach a public safety answering point to report emergencies by dialing 911; an enhanced 911 system includes the personnel required to acquire, install, operate, and maintain the system and its facilities and to dispatch the calls generated by the system;

It may be noteworthy that the AS and NENA definitions of "enhanced 911" are not exactly in unison.

As regards Wireless 911 implementation there are several phases of implementation:

Phase 0 = a wireless caller can dial 911 and reach a Public Safety Answering Point (PSAP). No ANI supplied.

Phase 0.5 = a wireless caller can dial 911 and the PSAP will receive the caller's Automatic Number Identification. (This is not an "officially recognized" phase to my knowledge).

Phase I = a wireless caller can dial 911 and the PSAP will receive the caller's ANI and the cell site the call originated from. Alaska statute mentions a cost recovery mechanism for companies that provide Phase I. However Phase I is of obvious limited value to law enforcement (especially compared to Phase II.) Some companies in state may have implemented this phase and received recovery but I am not aware of them.

Phase II = a wireless caller can dial 911 and the PSAP will receive the caller's ANI and the latitude / longitude. The accuracy requirements vary, depending in part the architecture implemented, from 50 to 300 meters.

Phase II is what public safety is driving towards. There are two methods of implementation. The first is "handset" based and it requires a GPS in every cell phone. When the caller dials 911 he or she is located by the GPS in that cellular device. The other method is "network" based and involves triangulation of the cell signal in order to pinpoint the location of the caller. Both have their pros and cons. Network was mandated to achieve 100 meter accuracy for 67% of the 911 calls and 300 meter accuracy for 95% of the calls. Handset was more stringent needing to hone into 50 meters at 67% and 150 meters at 95%.

9-1-1 FACT BOOK

FOR

THE STATE OF ALASKA

March 23, 2004

For questions, comments or corrections regarding this information, please contact:

Lt. Steve Hebbe
Anchorage Police Department
(907) 786-2466
shebbe@ci.anchorage.ak.us

Bill Doolittle
911Insight
(907) 230-9290
bill.doolittle@911Insight.com

Questions and Answers About Alaska's 9-1-1 Surcharge and Proposed Legislation

This document responds to some frequently asked questions about 9-1-1 in Alaska. The appendices include a Glossary where many of the acronyms and technical terms are defined.

Who Regulates 9-1-1?

Within the State of Alaska, 'municipalities' are given the authority to collect a surcharge to fund an Enhanced 9-1-1 system. "Municipality" has the meaning given in AS 29.71.800 and includes a public corporation established by a municipality, as well as a village as defined in AS 09.65.070 (e).

Specifically, "A municipality may, by resolution or ordinance, elect to provide an enhanced 911 system at public safety answering points..." [AS 29.35.131 (a)] Thereafter, the local jurisdiction has wide discretion in the operation and funding of 9-1-1 systems and call taking operations.

In current Alaska statutes, the Regulatory Commission of Alaska (RCA) "...has no jurisdiction over an enhanced 911 system." [AS 29.35.131 (c)] This section has precluded the RCA's involvement in evaluating carrier performance in providing 9-1-1 services, as well as participating in the analysis of carrier cost basis for E9-1-1 services.

The Federal Communications Commission (FCC) has authority over wireless carriers and the provision of 9-1-1 and Enhanced 9-1-1 service through 47 U.S. Code § 151 and 47 U.S. Code §§ 301 and 303(r).

"In addition to designating 911 as the universal emergency dialing code, the Wireless Communications and Safety Act of 1999 (911 Act) charges the FCC with taking a leadership role in the implementation of end-to-end emergency response at the State and local level. The 911 Act also provides a list of stakeholders with an interest in developing a coordinated statewide emergency response plan and whose input is critical to the success of these efforts. As written in Section 3(b) of the 911 Act:

In encouraging and supporting that deployment, the Commission shall consult and cooperate with

- State and local officials responsible for emergency services and public safety,
- the telecommunications industry (specifically including the cellular and other wireless telecommunications service providers),
- the motor vehicle manufacturing industry,
- emergency medical service providers and emergency dispatch providers,
- transportation officials,
- special 9-1-1 districts, public safety, fire service and law enforcement officials,
- consumer groups, and

**Municipality of Anchorage/Anchorage Police Department
9-1-1 System Implementation**

- hospital emergency and trauma care personnel (including emergency physicians, trauma surgeons, and nurses).

Section 3(b) limits the FCC's role to providing support and does not authorize it to regulate statewide plans."

What are the costs of implementing and maintaining Enhanced and wireless 9-1-1?

Each community will have different requirements for Basic 9-1-1 or Enhanced 9-1-1. In particular, the peak and average number of 9-1-1 calls received daily will determine call taker staffing and the number of positions in the emergency communications center. National standards (ANSI, NENA, and NFPA) require minimum staffing for available call takers, on duty twenty four hours a day, seven days a week.

The costs to initially implement Enhanced 9-1-1 include:

Cost Component	Description
Telephones, Headsets and Peripheral Equipment	Includes the telephones to answer and transfer calls (can also be used as a backup in case of Intelligent Workstation failure); equipment lists typically include printers and remote modems for vendor maintenance and support.
Console Furniture and Chairs	Provides an adjustable desk to support the various equipment used by a call taker or dispatcher; heavy-duty seating required for twenty-four hour usage (two to three shifts per day).
Intelligent Workstations	These provide additional data to the call taker, including the ANI/ALI display, and call control features, such as ring-back and single-button transfer; typically a Personal Computer.
Mapping Displays	This component may be an additional personal computer or a software application to display inbound call locations on a visual map display; necessary for effective wireless 9-1-1 Phase II call answering.
Database Servers	These computers provide the information viewed by the call taker and are typically provided in pairs for redundancy and availability; they may be located at the provider's Central Office or on-premise at the PSAP.
Communications Servers	These computer switches manage the communications between the various components and monitor the communications circuits.
Switches and Routers	Provides data network connectivity between the Workstations and Servers, including ALI databases.
Spares Package	To enable the rapid restoration of failed systems, replacement parts for critical components are stored locally.
Logging Recorders	Provides a continuous audio log of the telephone conversations; frequently provided as evidence in court cases.
Instant Recall Recorders	Provides for the rapid replay of a telephone or radio conversation to confirm information.
TDD Modems	Telecommunications Devices for the Deaf (TDD) modems are required at each call taker position to ensure Equal Access to emergency services.
Selective Router	This component routes incoming 9-1-1 calls to the appropriate PSAP, based on jurisdiction boundaries or other locally-determined criteria.
Installation Services	Physical installation and testing of provided equipment, circuits and software; may be provided by multiple vendors.
Engineering Services	Professional services to design and integrate the various vendors, products and services.

**Municipality of Anchorage/Anchorage Police Department
9-1-1 System Implementation**

Cost Component	Description
Project Management	Administration of vendor and carrier contracts; provides project oversight and risk management services; approves contract deliverables and payment milestones.
Training and Documentation	Includes call taker training, supervisory and system administration training; documentation can include updates to training, policy and procedure manuals.
Address, Mapping and Geographic Data Preparation	Each carrier must have accurate address information to process the service orders that originate the ALI records. These tasks may include driving local roads, applying new addresses to structures, and generating automated extracts of GIS information.
Project Team Participation	Considers local agency involvement to complete the numerous tasks required, such as design reviews, testing, and cutover; frequently this represents a significant requirement for overtime funding as operational staff participate in this additional effort.
Facilities Preparation	Depending on the condition of existing facilities, a communications center or equipment room may need upgrades or modifications to accommodate space and environmental requirements, such as additional electrical power, cooling, or secure storage. Uninterruptible power supplies, such as batteries and generator sets, are also required to ensure the various system components survive local power outages.

If an agency has implemented Computer Aided Dispatch (CAD), there are standardized interfaces that provide the E9-1-1 information automatically to initiate the CAD system call entry. This integration may incur costs from both the 9-1-1 vendor and the CAD vendor.

Each agency must also evaluate its options for backup and recovery. In many cases, adjacent PSAPs can provide mutual backup services should one communications center experience an outage. If an agency is the single PSAP, alternatives such as provisioning an unoccupied facility may be feasible, but will add to the overall capital costs of ensuring the continuous availability of 9-1-1 call answering services.

The typical costs to maintain and operate an Enhanced 9-1-1 system include:

Cost Component	Description
Call Taking	Salary and benefits of staffing call taking function; in small centers, call takers may fill other roles such as radio dispatch or administrative support.
Network Charges	Monthly recurring costs for telecommunications circuits dedicated to in-bound 9-1-1 calls and transfers; may include circuits for out-bound calling or dedicated lines between PSAPs.
ALI Database Maintenance	Charges paid to 'aggregator' of carrier data to accumulate and validate ALI information.
System Maintenance	Hardware and software maintenance costs, including and recurring software licenses or upgrades; vendor technical support.
Wireless Carrier Cost Recovery	For those agencies that have requested 9-1-1 Phase I and/or Phase II, wireless carriers are entitled to payment for the cost of providing these services.
Training and Development	Ensures continuing education for call takers and program administrators; includes training requirements for new hires; travel expenses; subscriptions.
Quality Assurance	Provides for local Quality Assurance role, required for most Emergency Medical Dispatch programs to provide additional liability protection for the communications center.

**Municipality of Anchorage/Anchorage Police Department
9-1-1 System Implementation**

Cost Component	Description
Address and Geographic Data Maintenance	Ensures continuous and timely maintenance of address and mapping information; may be provided by a 9-1-1 program office, the planning department of local government, or by a commercial provider.
Program Management	Provides for oversight and accounting of 9-1-1 revenues and expenditures; administration of vendor, carrier and provider contracts; liaison with adjacent agencies.
Facilities and Overhead Costs	Considers internal or direct charges for utilities, janitorial, security, Repair and Maintenance of communications center; fuel for generators.
Supplies	Electronic storage media, such as disks and tapes, paper forms, and other office supplies.

How much do municipalities pay to maintain and upgrade their 911 systems?

For example, the following costs are preliminary 2004-2005 budget projections for the Municipality of Anchorage's E9-1-1 system. They consist primarily of Infrastructure Costs and Operational Costs.

Infrastructure Costs

System Maintenance	\$	164,301
Network Charges	\$	47,656
ALI Database Maintenance	\$	693,000
Address and Geographic Data Maintenance	\$	265,000
Subtotal	\$	1,169,957

These Infrastructure Costs reflect the direct costs of the upgraded E9-1-1 system currently being implemented. Previously, the System Maintenance and ALI Database Maintenance contract with ACS represented an annual cost of \$358,000. Due to the scope of wireless 9-1-1 and ALI database enhancements, that annual cost rises to almost \$460,000. Additional costs for data circuits and interconnects to adjacent borough communications centers have yet to be finalized and included.

Operational Costs

Program Management	\$	85,000
Staffing	\$	2,369,169
Supervision		Included
Call Taking		Included
MSAG Coordinator		Included
Quality Assurance		Included
Training and Development	\$	50,000
Supplies	\$	2,500
Subtotal	\$	2,486,669

These Operational Costs reflect a percentage allocation of the effort required to answer 9-1-1 calls. This does not cover the full cost of the Municipality's Police and Fire Dispatch Centers (approximately \$6.91 million).

What is Cost Recovery? Do we need Phase II Cost Recovery?

All 9-1-1 services are provided on a 'cost of service' basis to local jurisdictions. Carriers charge for the equipment, telecommunications circuits and maintenance of the 9-1-1 systems that they provide. For wireless 9-1-1, the FCC considered special rules for wireless carrier costs recovery, since Commercial Mobile Radio Service "...CMRS carriers covered by our E911 rules are not subject to rate regulation and may adjust their prices to recover their costs." They went further to say:

"In deciding to eliminate the prerequisite for a carrier cost recovery mechanism, we did not intend to disturb existing mechanisms or discourage states from establishing such mechanisms at any time, but rather to remove the need to satisfy such a requirement before E911 service could be implemented. The cost recovery rule was not eliminated entirely, but was modified to retain the limited provision that a mechanism be in place for the recovery of the PSAP's costs of implementing E911. The purpose of this modification was to accelerate implementation of this important service to ensure that wireless callers of 911 obtain emergency assistance more rapidly and efficiently." [FCC 94-102 Fifth Memorandum Opinion and Order, November 9, 2000]

In response to a local agency request for Wireless 9-1-1 Phase I and Phase II service, wireless carriers are entitled to recover their costs for providing these services. Under current Alaska Statutes [AS 29.35.131 (d)], carriers are entitled to recover Phase I costs but the statute is silent as to Phase II costs.

While the costs of Phase I capability are not substantial, the provision of Phase II is expected to be significant, corresponding to millions of dollars in capital investment on the part of the wireless carriers. Recovering these costs will likely represent surcharges ranging from \$.50 to \$4.00 per wireless subscriber.

Lacking statutory direction, wireless carriers will likely add a 9-1-1 fee or service charge to their subscriber bills independent of a statutory 9-1-1 surcharge to recover their costs. By having the revenue stream associated with wireless 9-1-1 'pass through' the municipality or borough, carrier accountability for the performance of 9-1-1 is improved. Local jurisdictions will have the ability to review proposed capital costs, as well as the ability to retain future payments for poor 9-1-1 calling performance by the carriers.

Are there any federal grants or incentives that Alaska might receive to upgrade these systems?

The Public Safety Foundation of America (PSFA) accepts private, corporate and public donations on behalf of the public safety community and then distributes those funds to provide financial grants and technical support to individual nonprofit PSAPs across the nation. The Municipality of Anchorage received \$500,000 from PSFA in February 2003. Other communities have recently pre-qualified to submit grant requests to PSFA, and intend to submit full grant

**Municipality of Anchorage/Anchorage Police Department
9-1-1 System Implementation**

applications for the next round of funding. (www.psfa.us) Examples of eligible and ineligible costs through this program include:

Eligible Costs	Ineligible Costs
Automatic Number Identification (ANI)/Automatic Location Identification (ALI) 911 Controller	Geographic Information Systems (GIS), GIS field equipment, Global Positioning System (GPS) or data collection devices or services
Computer Aided Dispatch (CAD) interfaces	Centerline file, parcel data, or Point file development
Upgrades to Complete Customer Premise Equipment	Base map creation; digital ortho/aerial photography
Complete Customer Premise Equipment (CPE) map interfaces	Consoles, furniture, chairs
Mapping and Map Editing software	Management Information System (MIS) packages
Map validation & verification	Maintenance/Tech Support
GIS discrepancy tracking & reporting	Secondary PSAP equipment/software/connectivity
Project Management	Back-up systems or Mobile command units
Shipping and Installation costs	Unjustified expenditures which are not detailed
Training, Documentation & Reference Manuals	Mobile Data Terminals (MDT)
Consulting related specific to wireless deployment	Radio systems & equipment
Education initiatives related directly to wireless 911 for public officials	Automatic Vehicle Location (AVL)
Computers specific to wireless/mapping administration	Public Education
Cell tower, Emergency Service Number (ESN), Public Safety Answering Point (PSAP) jurisdiction layer development	Uninterrupted Power Supply (UPS) systems
Local Exchange Carrier (LEC) interconnection charges & E2, E2+ or PAM interfaces	Salaries, Overtime & related costs
Wireless trunk installation charges	Legal fees

The U.S. Congress is considering two bills that would provide additional grants to local agencies in deploying 9-1-1. House Resolution 2898 (H.R. 2898) and Senate Bill 1250 (S.1250) have similar provisions, with each providing up to \$100 or \$500 million (respectively) annually for this purpose. H.R. 2898 recently passed the House and S.1250 is still in committee. Both bills, however, have language that requires 'certification' by a state authority as to the expenditures of existing 9-1-1 funds. This requirement is considered in Alaska HB499, designating the Governor as having responsibility for this certification.

What do other states charge for 9-1-1 services?

9-1-1 surcharges range nationally from 19 cents to four dollars per month per subscriber. The highest surcharge is collected in North Carolina (\$4.00) and the lowest in Michigan (19 cents). (Source: NENA, July 2003)

Municipality of Anchorage/Anchorage Police Department
 9-1-1 System Implementation



Range of 9-1-1 Surcharges
 Exact amounts may be adjusted locally
 (* as of July, 2003. Remaining states are being verified)

State	Wireline	Wireless
Alabama*	\$2.00 (max)	\$0.70
Alaska*	\$0.50 - 0.75	\$0.50-0.75
Arizona*	\$0.37	\$0.37
Arkansas*	\$0.77	\$0.50
California	Based on Access fees	Based on Access fees
Colorado	\$0.70	\$0.70
Connecticut*	\$0.20	\$0.20
Delaware*	\$0.50	\$0.60
Distict of Columbia	None	\$0.56
Florida	\$0.50	\$0.50
Georgia*	\$1.50	\$1.00
Hawaii*	\$0.27	None
Idaho*	\$1.00 (max)	\$1.00 (max)
Illinois	\$1.25	\$0.75
Indiana	3-5% of monthly access	\$0.65
Iowa*	\$0.25-\$2.50	\$0.50
Kansas*	\$0.75 (max)	None
Kentucky*	\$1.75	\$0.70
Louisiana*	\$1.00 Res \$2.00 Bus	\$0.85
Maine*	\$0.50	\$0.50
Maryland*	\$0.60 (will be \$1.00 10/1/03)	\$0.60 (will be \$1.00 10/1/03)
Massachusetts	Funded by directory assistance	\$0.30
Michigan*	\$0.19-\$3.00	\$0.52
Minnesota*	\$0.55	\$0.50
Mississippi*	\$1.00 Res \$1.00 Bus	\$1.00
Missouri	\$1.50 (max)	None
Montana	\$0.50	\$0.50
Nebraska*	\$0.25 - \$1.00	\$0.50
Nevada	Tax based	\$0.25
New Hampshire*	\$0.42	\$0.42
New Jersey	General Fund	General Fund
New Mexico	\$0.51	\$0.51
New York*	\$0.35	\$1.20 - \$1.50
North Carolina*	Local ordinance \$0.25 - \$4.00	\$0.80
North Dakota	\$1.00	\$1.00
Ohio*	\$0.50 (max) (limited to a few Counties, no general surcharge)	None (\$0.65 proposed)
Oklahoma*	3-5% of monthly recurring charges (up to 15%)	\$0.50
Oregon*	\$0.75	\$0.75
Pennsylvania*	\$0.74-\$1.50	\$1.00
Rhode Island	\$0.60	\$0.60
South Carolina*	\$0.50-\$1.50	\$0.59
South Dakota	\$0.75	\$0.75
Tennessee	\$0.65-\$2.00 / \$1.50-\$3 special	\$1.00
Texas	\$0.50	\$0.50
Utah	\$0.53	\$0.53
Vermont	Universal Service Funding	Universal Service Funding
Virginia*	\$3.00 (max)	\$0.75
Washington*	\$0.20 statewide \$0.35-50 by counties	\$0.25
West Virginia*	\$0.55 - \$3.75 by County	\$1.43
Wisconsin	\$1.00	None
Wyoming	\$0.50	None

**Municipality of Anchorage/Anchorage Police Department
9-1-1 System Implementation**

How many communities in Alaska do not have a dedicated 911 emergency response operator?

The National Emergency Number Association (NENA), under a grant for the US Department of Transportation, performed a national survey of statewide readiness (October 2002). They determined the following 9-1-1 profile information for Alaska:

Area	9-1-1?	Number of PSAPs
Aleutians East Borough	No	0
Anchorage "Borough"	Yes	1 Primary, 1 Secondary
Bethel Census Area	Yes	1 Primary
Bristol Bay Borough	Yes	1 Primary
Dillingham Census Area	Yes	1 Primary
Fairbanks North Star Borough	Yes	5 Primary
Haines Borough	No	0
Juneau Borough	Yes	1 Primary
Kenai Peninsula Borough	Yes	2 Primary
Ketchikan Gateway Borough	Yes	0
Kodiak Island Borough	Yes	1 Primary
Lake and Peninsula Borough	No	0
Matanuska-Susitna Borough	Yes	1 Primary
Nome Census Area	No	0
North Slope Borough	Yes	1 Primary
Northwest Arctic Borough	No	0
Prince of Wales-Outer Ketchikan "County"	Yes	2 Primary
Sitka Borough	Yes	1 Primary
Skagway-Hoonah-Angoon Census Area	No	0
Valdez-Cordova Census Area	No	0
Wrangell-Petersburg Census Area	No	0
Yakutat Borough	No	0
Yukon-Koyukuk Census Area	No	0

In January 2001, a comprehensive "Telecommunications Services Inventory of Rural Alaska" was completed for The Denali Commission. This survey of 267 communities in Alaska found that Basic 9-1-1 Service is provided in 86 communities and Enhanced 9-1-1 service is available in 17 communities. Thus, this survey yields 164 communities have no 9-1-1 service. Additional findings from that report state that "Most community respondents...did not know where the number rings" and "...911 rings in a variety of places, from the local power plant to the nearest State trooper's office hundreds of miles away."

"The Wireless Communications and Public Safety Act of 1999 ("911 Act") took effect on October 26, 1999. The purpose of the 911 Act is to improve public safety by encouraging and facilitating the prompt deployment of a nationwide, seamless communications infrastructure for emergency services. The 911 Act directs the FCC to make 911 the universal emergency number for all telephone services."

The 911 Act required wireless carriers to report on their progress in implementing 9-1-1 as the primary number for requesting emergency assistance. "The purpose of the Carrier Transition Reports for Implementation of the 911 Universal Emergency Telephone Number is to ensure that

**Municipality of Anchorage/Anchorage Police Department
9-1-1 System Implementation**

carriers have commenced the transition to the use of 911 as the emergency telephone number where 911 is not currently in use, pursuant to the requirements that the Commission adopted in the *Implementation of 911 Act, The Use of N11 Codes and Other Abbreviated Dialing Arrangements.*"

In filings with the FCC, ACS Wireless indicates that they route 9-1-1 calls to the following PSAPs (April 2002):

Anchorage	911 PSAP
Seward	911 PSAP
Homer	911 PSAP
Soldotna	911 PSAP
Fairbanks	911 PSAP
Badami	911, safety officer, we modify to 659-5300
Barrow	911 PSAP
Juneau	911 PSAP
Sitka	911 PSAP
Ketchikan	911, we modify to 223-9111 PSAP
Thorne Bay	911, safety officer, we modify to 828-3399
Craig	911, safety officer, we modify to 826-3903

Mukluk Telephone Company indicates the following 9-1-1 call routing (September 2002):

Little Diomede	No 911 service point specified by the community
Elim	No 911 service point specified by the community
Golovin	No 911 service point specified by the community
Koyuk	No 911 service point specified by the community
Nome	(907) 443 0911, Nome Public Safety
ST Michael	No 911 service point specified by the community
Shaktolik	(907) 955-3661
Shishmaref	No 911 service point specified by the community
Stebbins	No 911 service point specified by the community
Teller	No 911 service point specified by the community
Wales	No 911 service point specified by the community
White Mountain	(907) 638-5000

Matanuska Telephone Association routes 9-1-1 calls to the Palmer Dispatch Center. Nome Cellular routes 9-1-1 calls to the City of Nome Police Department.

United Utilities, Inc. routes 9-1-1 calls in the following communities (June 2002):

Bethel	Bethel Police Department
Hooper Bay	Hooper Bay Police Department
McGrath	Village Public Safety Officer
St. Mary's	St. Mary's Police Department
Unalakleet	Village Public Safety Officer

How does Wireless 9-1-1 work?

Calling 9-1-1 from any wireless handset is a free telephone call, even for subscribers that have not initiated service plans. There are 3 phases that are referred to in implementing Wireless 9-1-1 call answering features:

Designation	Capability
Phase 0	Call routed to PSAP
Phase I	Call-Back Number Cell Site, Antenna Sector
Phase II	Call Back Number Latitude/Longitude

The most basic of these, sometimes called Phase 0, simply means that when you dial 9-1-1 from your cell phone a call taker at a public safety answering point (PSAP) answers. The call taker will likely be a municipality or borough PSAP depending on how the wireless 9-1-1 call is routed.

In Phase I, wireless carriers are required to provide the general location of a 9-1-1 caller by identifying the radio tower that received the call. In most cases the carriers can improve the location estimate by identifying the general direction from the tower to the caller in terms of the cell face (antenna sector) which best received the call. The carrier is to route the 9-1-1 call, the calling number identification, and tower address/cell face to the most appropriate PSAP for that tower or cell face as identified by the local 9-1-1 authorities.

Phase II wireless 9-1-1 systems can deliver the cell phone location information to PSAPs in the form of latitude-longitude coordinates rather than street addresses. To make efficient use of this data, PSAPs must be equipped with computer software, databases and display hardware which can show the call location on a graphical map, rather than just a text address. This requirement places a premium on local Geographic Information System (GIS) capabilities and the ability to leverage existing community GIS resources.

Phase II requires much more accurate location technology. The candidate technologies are generally classified as Network-Based or Handset-Based. The Network-Based technologies use electrical measurements at the cell towers to "triangulate" the location of the calling telephone. Handset-Based solutions rely upon Global Positioning Satellite (GPS) receivers in the telephone handsets to determine and report the handset location. Each wireless carrier is entitled to their choice of technology for wireless 9-1-1.

Phase II location accuracy requirements, as established by the FCC, are as follows:

- A carrier choosing a Network-Based technology must deploy Phase II to 50% of the subscribers within a PSAP's service area within six months of the PSAP's request, and to 100% of the subscribers within 18 months of the request. The carrier must also achieve 100 meters accuracy for 67% of the calls, and 300 meters accuracy for 95% of the calls.

- A carrier choosing Handset-Based location technology must achieve 50-meter accuracy for 67% of the calls, and 150 meters accuracy for 95% of the calls.

What telephones pay the surcharge? Can we differentiate between different types of phone lines or services?

According to current Alaska statutes (AS 29.35.131), a surcharge can be collected "...on all local exchange access lines that provide telephone service to wire line telephones in the area to be served by the enhanced 911 system." In addition "A municipality that provides services under an enhanced 911 system may also by resolution or ordinance impose an enhanced 911 surcharge on each wireless telephone number that is billed to an address within the enhanced 911 service area."

While wire line carrier tariffs identify the various types and costs of services, there is no effective way to determine what purpose the subscriber has made of the circuit. This is why the surcharge is applied equally to all telephone lines that could access dial tone to place a 9-1-1 call. For instance, a telephone number could be used primarily for a FAX machine, but the unit has a handset and a dial pad – this would allow someone to call 9-1-1.

Note that the federal government considers 9-1-1 surcharges a tax, and therefore does not remit any 9-1-1 revenues to local communities.

Is there a differentiation between call taking and dispatching?

Yes! Call taking is the process of answering a call from the public. 9-1-1 does not distinguish between residents and visitors and there is no cost to place the call. Once the nature of the emergency and the location of the caller are identified, the call taker has sufficient information to replay the information or to directly dispatch emergency responders.

If the call taker is also an agency's dispatcher, they can instantly broadcast a radio dispatch message to first responders. In a manner of speaking, for 9-1-1 service the "customer" is the public, while the "customer" for dispatch services is the respective public safety agency. This is further reflected in many inter-agency contracts for dispatch services that define the scope of services, performance levels and annual costs of providing dispatching services.

If a 9-1-1 call is not an emergency, the caller will be requested to call back on a non-emergency line. Since there is a limited number of incoming 9-1-1 lines, call takers attempt to keep the lines clear for bona fide emergency requests.

Who determines how 9-1-1 surcharges are applied to the costs of public safety call taking?

The current state statutes for 9-1-1 identify allowable expenditures, but do not specify how or in what allocation surcharge collections are spent. Each municipality or borough determines the scope of its 9-1-1 program.

Isn't raising the surcharge a way to avoid the Tax Cap?

No, in fact voters are frequently asked to specifically endorse the additional costs of a 9-1-1 system. For example, in 2003 Anchorage voters approved an increase in the tax cap to support the maintenance of the upgraded E9-1-1 system:

**"EMERGENCY/AREAWIDE COMMUNICATIONS SYSTEMS AMBULANCES, AND
RELATED CAPITAL IMPROVEMENT BONDS**

Shall Anchorage borrow up to \$2,930,000 through the issuance of general obligation bonds and increase the municipal tax cap by an annual amount not to exceed \$659,000? The bond proceeds would pay a portion of the costs of replacing the existing 911 system, acquiring property for, equipping, rehabilitating, improving, constructing and upgrading emergency areawide communications systems, purchasing and/or refurbishing medic units (e.g. ambulances), and related capital improvements within Anchorage and the increase in the municipal tax cap would pay the associated annual operations and maintenance costs.

Voter approval of this bond proposition authorizes for each \$100,000 of assessed taxable property value (based on the estimated total 2003 areawide assessed valuation in Anchorage) an annual increase in taxes of approximately \$1.85 to retire the proposed debt and (ii) an annual increase in the municipal tax cap (Charter 14.03(b) (2)) of approximately \$3.51 to pay for annual operation and maintenance costs related to the proposed capital improvements.

The debt shall be paid from real and personal property taxes levied and collected areawide within Anchorage. Anchorage will also pledge its full faith and credit for payment of the bonds. (AO 2003-13)" [February 2003]

Additional Facts

- Approximately one-half of all 9-1-1 calls received are from wireless telephones (Source: Municipality of Anchorage, Kenai Peninsula Borough and Matanuska-Susitna Borough; also national data: NENA).
- Approximately one-half of the marine rescue calls received by the Coast Guard are from cellular telephones, not VHF radio (Source: USCG).
- Of the over 3,000 counties in the United States, 231 do not have Basic 9-1-1 service; 6% of the land in the U.S. is not covered by 9-1-1 (Source: NENA report Card to the Nation).
- 95% of adults in the United States are very familiar with the 9-1-1 Emergency Calling System; 96% of Americans believe that 9-1-1 is available everywhere in the U.S. (Source: NENA Report Card to the Nation).
- The United States has over 6,000 primary and secondary PSAPS. 99% of the U.S. population is provided with at least Basic 9-1-1; this Basic 9-1-1 coverage represents 96% of the geographic U.S. (Source: NENA Fast Facts).

Glossary

3G	Refers to the "Third Generation" of Personal Communications Systems Wireless Technology
Abandoned Call	A call placed to 9-1-1 in which the caller disconnects before the call can be answered by the Public Safety Answering Point (PSAP) attendant.
ACD	Automatic Call Distribution; equipment that automatically distributes incoming calls to available attendants in the order the calls are received, or queues calls until an attendant becomes available.
ACN	Automatic Crash (or Collision) Notification; The process of identifying that a motor vehicle has been involved in a collision, collecting data from sensors in the vehicle, and communicating that data to a Call Center or PSAP.
AGPS	Assisted Global Positioning System
AIN	Advanced Intelligent Network
ALI	Automatic Location Identification; the automatic display at the PSAP of the caller's telephone number, the address of the telephone, and supplementary emergency services information, such as the primary responding police, fire and EMS agencies.
Alternate PSAP	A PSAP designated to receive calls when the primary PSAP is unable to do so.
Alternate Routing	The capability of routing 9-1-1 calls to a designated alternate location(s) if all 9-1-1 trunks to a primary PSAP are busy or out of service. May be activated upon request or automatically, if detectable, when 9-1-1 equipment fails or the PSAP itself is disabled.
AMPS	Advanced Mobile Phone Service; an analog cellular telephone service.
ANI	Automatic Number Identification; the originating telephone number delivered with a 9-1-1 call.
ANSI	American National Standards Institute
AOA	Angle of Arrival; a terrestrial Location Determination Technology (LDT) that computes a transmitter's location based upon the angle at which the transmitter's radio signal strikes multiple receivers.

**Municipality of Anchorage/Anchorage Police Department
9-1-1 System Implementation**

APCO	Association of Public Safety Communications Officials
AST	Alaska State Troopers
Basic 9-1-1	An emergency telephone system which automatically connects 9-1-1 callers to a designated answering point.
Bell Core	Bell Communications Research
CAD	Computer Aided Dispatch
CALEA	Communications Assistance for Law Enforcement Act (Public Law 103-414); provides for electronic monitoring of telecommunications for law enforcement purposes.
CAMA	Centralized Automatic Message Accounting; a centralized point for the recording of switched message toll call information. The information is transmitted over trunk facilities to the recording location and contains the telephone number of the party originating the call, the start and end time of the call, and the destination of the call.
CAS	Call-path (or Channel) Associated Signaling; a method for delivery of wireless 9-1-1 calls in which the Mobile Directory Number and other call associated data are passed from the Mobile Switching Center to the PSAP via the voice path.
CDMA	Code Division Multiple Access
CDR	Call Detail Reporting
Centrex	A business telephone service offered by some Local Exchange Carriers that provides PBX type features over access lines.
CLASS	Custom Local Area Signaling Services
CLEC	Competitive Local Exchange Carrier
CLLI	Common Language Location Identifier; Bell Core standard code used to identify a Central Office (CO) through the use of an 11-character code
CMRS	Commercial Mobile Radio Service
CO	Central Office; a telephone switching center; the Local Exchange Carrier facility where access lines are connected to switching equipment for connection to the Public Switched Telephone Network.

**Municipality of Anchorage/Anchorage Police Department
9-1-1 System Implementation**

- COAM Customer Owned And Maintained
- Consolidated PSAP A facility where one or more Public Safety Agencies choose to operate as a single 9-1-1 entity.
- COS Class of Service
- CPAS Cellular Priority Access Service; a uniform nationwide method of providing priority access to authorized wireless subscribers in the event of an emergency.
- CPE Customer Premise Equipment; equipment located in customer facilities, including workstations, telephones, and switches.
- CRDB Coordinate Routing Database
- CTI Computer-Telephony Integration; integrating telephone functions into a computing device.
- CTIA Cellular Telecommunications Industry Association
- DID Direct Inward Dial; the ability for a caller outside a company to call an internal extension without having to pass through a switchboard operator or attendant at the MLTS.
- Direct Dispatch The performance of 9-1-1 call answering and dispatching by personnel at the primary PSAP.
- Diverse Routing The practice of routing circuits along different physical paths in order to prevent total loss of 9-1-1 service in the event of a facility (cable) failure.
- DMS100 Central Office switch manufactured by Nortel
- DS Digital Signal; a classification of digital circuits by the rate and format of the signal (D) and the equipment providing the signals (T).

Service	Channels	Speed
DS0	1	64 Kbps
DS1/T1	24	1.544 Mbps
DS1C	48	3.152 Mbps
DS2	96	6.312 Mbps
DS3/T3	672	44.736 Mbps
DS4	4,032	274.176 Mbps

DSL Digital Subscriber Loop

**Municipality of Anchorage/Anchorage Police Department
9-1-1 System Implementation**

E9-1-1	Enhanced 9-1-1; an emergency telephone system which includes network switching, database and CPE elements capable of providing Selective Routing, Selective Transfer, Fixed Transfer, caller routing and location information, and ALI.
EIA	Electronics Industry Association
EMF	Enhanced Multi-Frequency; a voice path signaling protocol that allows the transmission of up to 20 digits per call using Multi Frequency tones.
EO	End Office
EOC	Emergency Operations Center
E-OTD	Enhanced-Observed Time Difference; a network-based Location Determination Technology (LDT).
EMD	Emergency Medical Dispatch
EMS	Emergency Medical Service
ESME	Emergency Services Message Entity
ESMR	Enhanced Specialized Mobile Radio
ESN	Emergency Services Number; an ESN is a three to five digit number representing a unique combination of emergency service agencies (Law Enforcement, Fire, and Emergency Medical Service) designated to serve a specific range of addresses within a particular geographical area, or Emergency Service Zone (ESZ). The ESN facilitates selective routing and selective transfer, if required, to the appropriate PSAP and the dispatching of the proper service agency(ies).
ESNE	Emergency Services Network Entity
ESRD	Emergency Services Routing Digits; a pseudo-ANI typically used with Call-path Associated Signaling (CAS) or CAS Hybrid architectures that identify the cell site or cell sector from which a wireless 9-1-1 call originates. The ERSR may also be used as the key field to retrieve the ALI associated with the call.
ESRK	Emergency Services Routing Key; a pseudo-ANI typically used with Non Call-path Associated Signaling (NCAS) which identifies a group of cell sites or cell sectors in a defined geographic area associated with an ESZ or group of ESZs. The ERSK may also be used as the key field to retrieve the ALI associated with the call.

ESZ	Emergency Services Zone
FCC	Federal Communications Commission
FGD	Feature Group D; a Multi-Frequency signaling protocol.
GIS	Geographic Information System; a computer software system that enables one to visualize geographic aspects of a body of data. It contains the ability to translate implicit geographic data (such as a street address) into an explicit map location; it has the ability to query and analyze data in order to receive the results in the form of a map. It also can be used to graphically display coordinates on a map i.e. Latitude/Longitude from a wireless 9-1-1 call.
GOS	Grade of Service; the probability (P), expressed as a decimal fraction, of a telephone call being blocked. "P.01" is the grade of service reflecting the probability that one call out of one hundred will be blocked.
GPS	Global Positioning System; a satellite-based Location Determination Technology (LDT).
GSM	Global System for Mobile Communications; international standard digital radio interface utilized by some North American PCS carriers.
IDEN	Integrated Dispatch Enhanced Network; Motorola technology for ESMR.
IEEE	Institute of Electrical and Electronics Engineers, Inc.
IETF	Internet Engineering Task Force
ILEC	Incumbent Local Exchange Carrier; a telephone company that had the initial telephone company franchise in an area.
IMSI	International Mobile Subscriber Identity
IRR	Instant Recall Recorder
IS-95	Digital wireless telephone standard using CDMA.
IS-136	Digital wireless telephone standard using TDMA.
ISDN	Integrated Services Digital Network

Municipality of Anchorage/Anchorage Police Department
9-1-1 System Implementation

ISUP	Integrated Services Digital Network User Part; a message protocol to support call set up and release for interoffice voice call connections over SS7 Signaling.
ITS	Intelligent Transportation System.
IVR	Interactive Voice Response
IWS	Intelligent Workstation
IXC	Interexchange Carrier
J-STD-025	TIA Committee TR-45 Standard for integration of Enhanced Wireless 9-1-1 Phase II information.
LAN	Local Area Network
LDT	Location Determining Technology; a system which computes the x and y coordinates of a wireless 9-1-1 caller.
LEC	Local Exchange Carrier; local telephone company.
LNP	Local Number Portability; ability for a customer to change their telephone provider while keeping the same telephone number.
Logging Recorder	A voice-band audio recorder which records to and plays from a permanent storage media such as tape or disk. Logging recorders are typically multi-channel so as to simultaneously record from several sources.
MACs	Moves, Adds and Changes
MDN	Mobile Directory Number; Call Back Number for wireless telephones
MF	Multi-Frequency
MIN	Mobile Identification Number; a 34-bit binary number that a wireless handset transmits to identify itself to the wireless network.
MLTS	Multi-Line Telephone System; a system comprised of common control unit(s), telephone sets, and control hardware and software. This includes network and premises based systems. i.e., Centrex and PBX, Hybrid, and Key Telephone Systems owned or leased by governmental agencies and non-profit entities, as well as for profit businesses.
MOU	Memorandum of Understanding

**Municipality of Anchorage/Anchorage Police Department
9-1-1 System Implementation**

MPC	Mobile Position Center
MSAG	Master Street Address Guide; tabular file used to validate telephone company service orders for ALI database.
MSC	Mobile Switching Center; per ANSI Standard TR-45.2, also refers to MTSO and MSO.
MSD-01	Security Industry Association standard for incident information transfer to PSAPs
MSID	Mobile Station Identifier; also MIN or IMSI.
MSO	Mobile Switching Office; the wireless equivalent of a central office that provides switching functions for wireless calls.
MTSO	Mobile Telephone Switching Office
NASNA	National Association of State 9-1-1 Administrators
NCAS	Non-Channel (or Call-path) Associated Signaling; a method for delivery of wireless 9-1-1 calls in which the Mobile Directory Number and other call associated data are passed from the Mobile Switching Center to the PSAP outside the voice path.
NENA	National Emergency Number Association; a not-for-profit corporation established in 1982 to further the goal of "One Nation-One Number." NENA is a networking source and promotes research, planning and training. NENA strives to educate, set standards and provide certification programs, legislative representation and technical assistance for implementing and managing 9-1-1 systems.
NFPA	National Fire Protection Association; develops standards for fire suppression, alarm and emergency communications.
OA&M	Operations, Administration and Maintenance
OC	Optical Carrier
OPX	Off Premise Extension
P-ALI	Pseudo-ALI (wireless antenna/antenna sector identifier); an ALI record associated with a pANI, configured to provide the location of the wireless cell or sector and information about its coverage or serving area (i.e., "footprint").

**Municipality of Anchorage/Anchorage Police Department
9-1-1 System Implementation**

P-ANI	Pseudo-ANI used for routing wireless telephone calls (also ESRK or ESRD); a telephone number used to support routing of wireless 9-1-1 calls. It may identify a wireless cell, cell sector or PSAP to which the call should be routed. Also known as Routing Number.
PBX	Private Branch Exchange (telephone switching system); a private telephone switch that is connected to the Public Switched Telephone Network.
PCS	Personal Communications Services
PDE	Position Determining Entity
PSA	Private Switch ALI; also PSALI.
PSALI	Private Switch ALI; also PSA.
PSAP	Public Safety Answering Point; a facility designated, equipped and staffed to receive 9-1-1 calls and route them to emergency response personnel. A Primary PSAP receives 9-1-1 calls directly; if the call is relayed or transferred, the next receiving PSAP is designated a Secondary PSAP.
PSTN	Public Switched Telephone Network
QoS	Quality of Service
RF	Radio Frequency
RFP	Request For Proposal
SAE	Society of Automotive Engineers
SAE J2313	Onboard Land Vehicle Mayday Reporting Interface Standard
SCP	Service Control Point (or Signal Control Point)
Service Level Agreement (SLA)	A contract between a service provider and the end user, which stipulates and commits the service provider to a required level of service.
SIA	Security Industry Association
Simulated Facility Group (SFG)	A Facility Group is a set of trunks established for a particular transport purpose to which incoming calls are routed. When this is simulated, it represents a form of call blocking for congestion control.
SIP	Session Initiation Protocol

**Municipality of Anchorage/Anchorage Police Department
9-1-1 System Implementation**

SLA	Service Level Agreement
SMR	Specialized Mobile Radio
SMS	Service Management System
SOI	Service Order Input; a file of completed service order updates that is sent to the DBMSP by all Service Providers.
SONET	Synchronous Optical Network
SP	Signaling Point
SPLNP	Service Provider Local Number Portability (same as LNP)
SR	Selective Router; Central Office switch that routes 9-1-1 calls based on the telephone number or jurisdiction rather than carrier serving areas.
SRDB	Selective Routing Database; the routing table that contains telephone number to ESN relationships which determines the routing of 9-1-1 calls.
SS7	Signaling System 7
SSP	Service Switching Point
STP	Signaling Transfer Point
T1	(see DS)
TAPI	Telephony Application Programming Interface
TCP/IP	Transport Control Protocol/Internet Protocol
TDD	Telecommunications Device for the Deaf; also referred to as TTY (teletypewriter).
TDMA	Time Division Multiple Access
TDOA	Time Difference of Arrival; a terrestrial Location Determination Technology (LDT) that computes a transmitter's location based upon the times a signal is received at multiple receivers.
Telecommunicator	As used in 9-1-1, a person who is trained and employed in public safety telecommunications; the term applies to call takers, dispatchers, radio

Municipality of Anchorage/Anchorage Police Department
9-1-1 System Implementation

	operators, data terminal operators or any combination of such functions in a PSAP.
Telematics	The system of components that supports two-way communications with a motor vehicle for the collection or transmission of information and commands.
TIA	Telecommunications Industry Association
Trunk	A communications circuit between two switching nodes (e.g., central offices, PBXs, ANI/ALI controller equipment).
TRS	Telecommunications Relay Service
TSP	Telematics Service Provider
UPS	Uninterruptible Power Supply
VoIP	Voice Over Internet Protocol
WAN	Wide Area Network
Wireless 9-1-1 Phase 0	The delivery of a wireless 9-1-1 call in which there is no ANI or ALI information received (a voice-only call).
Wireless 9-1-1 Phase I	The delivery of a wireless 9-1-1 call in which ANI and the location of the cell site and antenna sector (if utilized) is provided to the call taker; required by FCC Report and Order 96-264 pursuant to Notice of Proposed Rulemaking (NPRM) 94-102; the delivery of a wireless 9-1-1 call with call-back number and identification of the cell-tower from which the call originated; call routing is determined by cell site/sector.
Wireless 9-1-1 Phase II	The delivery of a wireless 9-1-1 call in which ANI and the latitude longitude is provided to the call taker. The call is routed according to Phase I location determination; required by FCC Report and Order 96-264 pursuant to Notice of Proposed Rulemaking (NPRM) 94-102.
WNP	Wireless Number Portability
Wireless Service Provider (WSP)	Cellular, satellite or other radio based telephony or data transport commercial entity.
Wireless Telecommunications	The family of Telecommunications services under the heading of Commercial Mobile Radio Service. Includes Cellular, Personal Communications Services (PCS), Mobile Satellite Services (MSS) and Enhanced Specialized Mobile Radio (ESMR).

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 2/10/05

FURTHER: Community and Regional Affairs

Date of 5-Day Notice: 2/10/05
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 2/18/05

Labor and Commerce considered SENATE BILL NO. 100

SB 100 ENHANCED 911 SURCHARGES

"An Act relating to enhanced 911 surcharges imposed by a municipality."

and recommends:

- be replaced with _____ CS SB 100 (LEC)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DPS	2/16/05			X	1
DCED	2/15/05			X	2

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:		DO PASS	DO NOT PASS	NO REC	AMEND
Ellis		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Seckins		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bunde	CHAIR:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SB

102

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 5
Bill Version: CSSB 102(FIN)
(S) Publish Date: 5/3/05

Revision Date/Time (Note if correction): 5/03/05 11:00am Dept. Affected: Natural Resources
Title: Relating to District Coastal Management RDU: Resource Development
Programs Component: Alaska Coastal Management
Sponsor: Senators Gary Stevens, Olson Program: Program
Requester: Senate Finance Component No.: 2680

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services		133.0				
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	133.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF		133.0				
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	133.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 191 required the districts to have plans submitted by 6/30/2005, with the ACMP review process of those plans to be complete by 6/30/2006. Implementation of CS SB 102 extends the district submission deadline to 3/1/2006, 8 months after the deadline established in HB 191. The ACMP review process of those plans would not be complete until 3/1/2007. Funding is available for existing staff through 6/30/2006, under the original plan. SB 102 will require us to retain 2-3 positions for the additional 8 months, resulting in the fiscal note.

Prepared by: Randy Bates, Deputy Director Phone: 269-8429
Division: Office of Project Management & Permitting Date/Time: 5/3/2005
Approved by: Tom Irwin, Commissioner Date: 5/3/2005
Agency: Natural Resources

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 4
Bill Version: CSSB 102(CRA)
(S) Publish Date: 3/18/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Environmental Conservation
Title: Act relating to coastal management programs; RDU Division of Water
and providing for an effective date. Component: Water Quality
Sponsor: Senators Gary Stevens and Olson
Requester: Senate Community & Regional Affairs Component No. 2062

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2005) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
This bill extends the deadline for submission of revised district coastal management plans by coastal resource districts pursuant to AS 46.40 as amended by ch. 24, SLA 2003. The department anticipates no fiscal impact.

Prepared by: Dan Easton Phone: 465-5135
Division: Water Date/Time: 3/9/05 10:55 AM
Approved by: Kurt Fredriksson Date: 3/14/2005
Agency: Department of Environmental Conservation

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSSB 102(CRA)
(S) Publish Date: 3/18/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
Title: Coastal Management Programs RDU: _____
Component: _____
Sponsor: Senator Gary Stevens
Requester: Senale Community & Regional Affairs Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation would have no fiscal impact.

Prepared by: Sarah Gilbertson Phone: 465-6137
Division: Legislative Liaison Date/Time: 3/8/05 4:49 PM
Approved by: Acting Commissioner Wayne Regolin Date: 3/8/2005
Agency: Alaska Department of Fish & Game

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSSB 102(CRA)
(S) Publish Date: 3/18/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
Title Coastal Management Programs RDU Comm Assist & Ec Dev (405)
Component Community Advocacy
Sponsor Stevens G. Olson
Requester Senate Community & Regional Affairs Component No. 2703

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2005) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation would extend the deadline for coastal districts to amend their plans. It would have no fiscal impact on the operations of the division.

Prepared by: Michael Black, Director Phone 907.269.4580
Division Community Advocacy Date/Time 3/8/05 2:29 PM
Approved by: Edgar Blatchford, Commissioner Date 3/8/2005
Agency Commerce, Community, and Economic Development

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

24-LS0491N
Bullock
5/6/05

Adopted by HRES

HOUSE CS FOR CS FOR SENATE BILL NO. 102() Res
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS GARY STEVENS, Olson, Wilken, Dyson, Wagoner

A BILL

FOR AN ACT ENTITLED

1 "An Act repealing the Alaska coastal management program; relating to an extension for
2 review and approval of revisions to the Alaska coastal management program; relating to
3 reviews and modifications by the Department of Natural Resources; relating to coastal
4 resource district policies; providing for an effective date by amending the effective date
5 of sec. 45, ch. 24, SLA 2003; and providing for an effective date."

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

7 * Section 1. AS 09.45.230(b) is amended to read:

8 (b) A person may not maintain an action under this section based upon an air
9 emission or water or solid waste discharge, other than the placement of nuclear waste,
10 where the emission or discharge was expressly authorized by and is not in violation of
11 a term or condition of

- 12 (1) a statute or regulation;
- 13 (2) a license, permit, or order that is

1 (A) issued after public hearing by the state or federal
2 government; and

3 (B) subject to

4 (i) continuing compliance monitoring;

5 (ii) periodic review by the issuing agency; or

6 (iii) renewal on a periodic basis; or

7 [(iv) AS 46.40; OR]

8 (3) a court order or judgment.

9 * Sec. 2. AS 16.43.160(e) is amended to read:

10 (e) For an entry permit or an interim-use permit issued for calendar year 2002
11 and following years, the annual base fee may not be less than \$10 or more than \$300.
12 The annual base fee must reasonably reflect the different rates of economic return for
13 different fisheries. The fee for a nonresident entry permit or a nonresident interim-use
14 permit shall be higher than the annual base fee by an amount, established by the
15 commission by regulation, that is as close as is practicable to the maximum allowed by
16 law. The amount of the fee for a nonresident entry permit or a nonresident interim-use
17 permit may reflect

18 (1) the costs incurred by the state that are directly attributable to
19 participation of nonresidents in the commercial fisheries of the state;

20 (2) the costs incurred by the state for

21 (A) direct operating expenditures for ongoing management,
22 support, and regulation of the commercial fishing industry, including relevant
23 expenditures of the

24 (i) Department of Environmental Conservation - air and
25 water quality permitting activities and seafood inspection activities;

26 (ii) Department of Commerce, Community, and
27 Economic Development - commercial fishing loan program, Alaska
28 Seafood Marketing Institute, regional seafood development program,
29 and community development quota program;

30 (iii) Department of Fish and Game - division of
31 commercial fisheries, board support section, division of administrative

1 services, division of sport fish, commissioner's office, and Alaska
2 Commercial Fisheries Entry Commission;

3 (iv) Department of Labor and Workforce Development
4 - wage and hour enforcement, mechanical inspections, occupational
5 safety and health activities, and fishermen's fund;

6 (v) Department of Law;

7 (vi) Department of Natural Resources, including [THE
8 ALASKA COASTAL MANAGEMENT PROGRAM AND] habitat
9 programs;

10 (vii) Department of Public Safety - commercial
11 fisheries enforcement;

12 (viii) Department of Revenue - fisheries business tax
13 program, fishery resource landing tax program, seafood development
14 tax program, salmon fishery assessment program, permit buy-back
15 assessment program, and dive fishery management assessment
16 program;

17 (ix) University of Alaska - Fisheries Industrial
18 Technology Center, Institute of Marine Science, Marine Advisory
19 Program, Sea Grant College Program, and School of Fisheries and
20 Ocean Sciences;

21 (x) Legislature;

22 (xi) Alaska Court System;

23 (B) indirect operating expenditures for general overhead
24 attributable to supporting the commercial fishing industry, including
25 expenditures for general overhead attributable to components of agencies that
26 have direct operating expenditures identified under (A) of this paragraph and to
27 components of agencies for which direct operating expenditures related to the
28 ongoing management, support, and regulation of the commercial fishing
29 industry cannot be readily determined;

30 (C) capital costs directly supporting the commercial fishing
31 industry; and

1 (D) expenditures to subsidize the construction and operation of
2 salmon hatcheries.

3 * Sec. 3. AS 37.10.058(2) is amended to read:

4 (2) "designated regulatory service" means a regulatory service
5 provided under the following regulatory programs:

6 (A) control of solid waste facilities under AS 46.03.020(10)(D)
7 and (E);

8 (B) regulation of the disposal of waste into waters of the state
9 under AS 46.03.100;

10 (C) certification of federal permits or authorizations under 33
11 U.S.C. 1341 (sec. 401, Clean Water Act);

12 (D) [A COASTAL MANAGEMENT CONSISTENCY
13 DETERMINATION RELATING TO A PERMIT OR AUTHORIZATION
14 ISSUED UNDER A PROGRAM LISTED IN (A) - (C) OF THIS
15 PARAGRAPH, IF THE DETERMINATION IS MADE BY THE AGENCY
16 ISSUING THE PERMIT OR AUTHORIZATION;

17 (E)] any authorization for the use or appropriation of water
18 under AS 46.15; and

19 (E) [(F)] administration of emission control permits for the air
20 quality control program under AS 46.14.

21 * Sec. 4. AS 37.10.058(7) is amended to read:

22 (7) "permit" means a permit, license, certificate, or approval [, OR
23 COASTAL MANAGEMENT CONSISTENCY DETERMINATION];

24 * Sec. 5. AS 38.05.035(e) is amended to read:

25 (e) Upon a written finding that the interests of the state will be best served, the
26 director may, with the consent of the commissioner, approve contracts for the sale,
27 lease, or other disposal of available land, resources, property, or interests in them. In
28 approving a contract under this subsection, the director need only prepare a single
29 written finding. In addition to the conditions and limitations imposed by law, the
30 director may impose additional conditions or limitations in the contracts as the director
31 determines, with the consent of the commissioner, will best serve the interests of the

1 state. The preparation and issuance of the written finding by the director are subject to
2 the following:

3 (1) with the consent of the commissioner and subject to the director's
4 discretion, for a specific proposed disposal of available land, resources, or property, or
5 of an interest in them, the director, in the written finding,

6 (A) shall establish the scope of the administrative review on
7 which the director's determination is based, and the scope of the written
8 finding supporting that determination; the scope of the administrative review
9 and finding may address only reasonably foreseeable, significant effects of the
10 uses proposed to be authorized by the disposal;

11 (B) may limit the scope of an administrative review and finding
12 for a proposed disposal to

13 (i) applicable statutes and regulations;

14 (ii) the facts pertaining to the land, resources, or
15 property, or interest in them, that the director finds are material to the
16 determination and that are known to the director or knowledge of which
17 is made available to the director during the administrative review; and

18 (iii) issues that, based on the statutes and regulations
19 referred to in (i) of this subparagraph, on the facts as described in (ii) of
20 this subparagraph, and on the nature of the uses sought to be authorized
21 by the disposal, the director finds are material to the determination of
22 whether the proposed disposal will best serve the interests of the state;
23 and

24 (C) may, if the project for which the proposed disposal is
25 sought is a multiphased development, limit the scope of an administrative
26 review and finding for the proposed disposal to the applicable statutes and
27 regulations, facts, and issues identified in (B)(i) - (iii) of this paragraph that
28 pertain solely to the disposal phase of the project when

29 (i) the only uses to be authorized by the proposed
30 disposal are part of that phase;

31 (ii) the disposal is a disposal of oil and gas, or of gas

1 only, and, before the next phase of the project may proceed, public
2 notice and the opportunity to comment are provided under regulations
3 adopted by the department [UNLESS THE PROJECT IS SUBJECT
4 TO A CONSISTENCY REVIEW UNDER AS 46.40 AND PUBLIC
5 NOTICE AND THE OPPORTUNITY TO COMMENT ARE
6 PROVIDED UNDER AS 46.40.096(c)];

7 (iii) the department's approval is required before the
8 next phase of the project may proceed; and

9 (iv) the department describes its reasons for a decision
10 to phase;

11 (2) the director shall discuss in the written finding prepared and issued
12 under this subsection the reasons that each of the following was not material to the
13 director's determination that the interests of the state will be best served:

14 (A) facts pertaining to the land, resources, or property, or an
15 interest in them other than those that the director finds material under (1)(B)(ii)
16 of this subsection; and

17 (B) issues based on the statutes and regulations referred to in
18 (1)(B)(i) of this subsection and on the facts described in (1)(B)(ii) of this
19 subsection;

20 (3) a written finding for an oil and gas lease sale or gas only lease sale
21 under AS 38.05.180 is subject to (g) of this section;

22 (4) a contract for the sale, lease, or other disposal of available land or
23 an interest in land is not legally binding on the state until the commissioner approves
24 the contract, but if the appraised value is not greater than \$50,000 in the case of the
25 sale of land or an interest in land, or \$5,000 in the case of the annual rental of land or
26 interest in land, the director may execute the contract without the approval of the
27 commissioner;

28 (5) public notice requirements relating to the sale, lease, or other
29 disposal of available land or an interest in land for oil and gas, or for gas only,
30 proposed to be scheduled in the five-year oil and gas leasing program under
31 AS 38.05.180(b), except for a sale under (6)(F) of this subsection, are as follows:

1 (A) before a public hearing, if held, or in any case not less than
2 180 days before the sale, lease, or other disposal of available land or an interest
3 in land, the director shall make available to the public a preliminary written
4 finding that states the scope of the review established under (1)(A) of this
5 subsection and includes the applicable statutes and regulations, the material
6 facts and issues in accordance with (1)(B) of this subsection, and information
7 required by (g) of this section, upon which the determination that the sale,
8 lease, or other disposal will serve the best interests of the state will be based;
9 the director shall provide opportunity for public comment on the preliminary
10 written finding for a period of not less than 60 days;

11 (B) after the public comment period for the preliminary written
12 finding and not less than 90 days before the sale, lease, or other disposal of
13 available land or an interest in land for oil and gas or for gas only, the director
14 shall make available to the public a final written finding that states the scope of
15 the review established under (1)(A) of this subsection and includes the
16 applicable statutes and regulations, the material facts and issues in accordance
17 with (1) of this subsection, and information required by (g) of this section,
18 upon which the determination that the sale, lease, or other disposal will serve
19 the best interests of the state is based;

20 (6) before a public hearing, if held, or in any case not less than 21 days
21 before the sale, lease, or other disposal of available land, property, resources, or
22 interests in them other than a sale, lease, or other disposal of available land or an
23 interest in land for oil and gas or for gas only under (5) of this subsection, the director
24 shall make available to the public a written finding that, in accordance with (1) of this
25 subsection, sets out the material facts and applicable statutes and regulations and any
26 other information required by statute or regulation to be considered upon which the
27 determination that the sale, lease, or other disposal will best serve the interests of the
28 state was based; however, a written finding is not required before the approval of

29 (A) a contract for a negotiated sale authorized under
30 AS 38.05.115;

31 (B) a lease of land for a shore fishery site under AS 38.05.082;

1 (C) a permit or other authorization revocable by the
2 commissioner;

3 (D) a mineral claim located under AS 38.05.195;

4 (E) a mineral lease issued under AS 38.05.205;

5 (F) an exempt oil and gas lease sale or gas only lease sale under
6 AS 38.05.180(d) of acreage subject to a best interest finding issued within the
7 previous 10 years or a reoffer oil and gas lease sale or gas only lease sale under
8 AS 38.05.180(w) of acreage subject to a best interest finding issued within the
9 previous 10 years, unless the commissioner determines that substantial new
10 information has become available that justifies a supplement to the most recent
11 best interest finding for the exempt oil and gas lease sale or gas only lease sale
12 acreage and for the reoffer oil and gas lease sale or gas only lease sale acreage;
13 however, for each oil and gas lease sale or gas only lease sale described in this
14 subparagraph, the director shall call for comments from the public; the
15 director's call for public comments must provide opportunity for public
16 comment for a period of not less than 30 days; if the director determines that a
17 supplement to the most recent best interest finding for the acreage is required
18 under this subparagraph,

19 (i) the director shall issue the supplement to the best
20 interest finding not later than 90 days before the sale;

21 (ii) not later than 45 days before the sale, the director
22 shall issue a notice describing the interests to be offered, the location
23 and time of the sale, and the terms and conditions of the sale; and

24 (iii) the supplement has the status of a final written best
25 interest finding for purposes of (i) and (l) of this section;

26 (G) a surface use lease under AS 38.05.255;

27 (H) a permit, right-of-way, or easement under AS 38.05.850;

28 (7) the director shall include in

29 (A) a preliminary written finding, if required, a summary of
30 agency and public comments, if any, obtained as a result of contacts with other
31 agencies concerning a proposed disposal or as a result of informal efforts

1 undertaken by the department to solicit public response to a proposed disposal,
2 and the department's preliminary responses to those comments; and

3 (B) the final written finding a summary of agency and public
4 comments received and the department's responses to those comments.

5 * Sec. 6. AS 38.05.945(d) is amended to read:

6 (d) Notice at least 30 days before action under (a)(5) of this section shall be
7 given to appropriate

8 [(1)] regional fish and game councils established under AS 16.05.260

9 [; AND

10 (2) COASTAL RESOURCE SERVICE AREAS ORGANIZED
11 UNDER AS 46.40.110 - 46.40.210].

12 * Sec. 7. AS 41.17.900(d) is amended to read:

13 (d) Notwithstanding any other provision of this chapter, the state forester and
14 the commissioner may not employ the authority vested by this chapter so as to
15 duplicate or preempt the statutory authority of other state agencies to adopt regulations
16 or undertake other administrative actions governing resources, values, or activities on
17 forest land except for

18 [(1)] REGULATIONS UNDER THE COASTAL MANAGEMENT
19 ACT; AND

20 (2)] regulations, if authorized by the commissioner of environmental
21 conservation, relating to control of nonpoint source pollution.

22 * Sec. 8. AS 41.21.492(b) is amended to read:

23 (b) Nothing in AS 41.21.491 - 41.21.495 affects the responsibilities of

24 (1) the Department of Fish and Game, the Board of Fisheries, or the
25 Board of Game under AS 16 and AS 41.99.010; or

26 (2) the Department of Environmental Conservation under AS 46.03 [;
27 OR

28 (3) STATE AGENCIES AND MUNICIPALITIES UNDER
29 AS 46.39.010 AND AS 46.40.100].

30 * Sec. 9. AS 41.21.504(b) is amended to read:

31 (b) Nothing in AS 41.21.500 - 41.21.514 affects the applicability of

1 (1) AS 41.99.010 and AS 16 regarding the responsibilities of the
2 Department of Fish and Game or the Board of Fisheries or the Board of Game; or

3 (2) AS 46.03 regarding the responsibilities of the Department of
4 Environmental Conservation [; OR

5 (3) AS 46.39.010 AND AS 46.40.100 REGARDING THE
6 RESPONSIBILITIES OF STATE AGENCIES AND MUNICIPALITIES].

7 * Sec. 10. AS 41.23.420(d) is amended to read:

8 (d) The provisions of AS 41.23.400 - 41.23.510 do not affect the authority of

9 (1) the Department of Fish and Game, the Board of Fisheries, the
10 Board of Game, or the Department of Commerce, Community, and Economic
11 Development under AS 08.54, AS 16, or AS 41.99.010; or

12 (2) the Department of Environmental Conservation under AS 46.03 [;
13 OR

14 (3) STATE AGENCIES AND MUNICIPALITIES UNDER
15 AS 46.39.010 AND AS 46.40.100].

16 * Sec. 11. AS 44.33.788 is amended to read:

17 Sec. 44.33.788. Other planning powers. The department may accept and
18 expend grants from the federal government and other public or private sources, may
19 contract with reference to them, and may enter into contracts and exercise all other
20 powers necessary to carry out 44.33.782 - 44.33.788 [AS 44.33.781 - 44.33.788].

21 * Sec. 12. AS 44.33.790 is amended to read:

22 Sec. 44.33.790. Definition. In AS 44.33.782 - 44.33.790 [AS 44.33.781 -
23 44.33.790], "department" means the Department of Commerce, Community, and
24 Economic Development.

25 * Sec. 13. AS 44.33.844 is amended to read:

26 Sec. 44.33.844. Boundaries. The boundaries of an area studied shall conform
27 to the boundaries indicated in the request for the study under AS 44.33.842 unless the
28 commissioner, after a public hearing held in the area of the proposed study, determines
29 that the boundaries should be altered. In determining the boundaries of an area to be
30 studied, the commissioner shall consider

31 (1) the standards applicable to the incorporation of boroughs under

1 AS 29.05.031;

2 (2) boundaries of regional corporations established under 43 U.S.C.
3 1606;

4 (3) census divisions of the state used for the 1980 census; and

5 (4) boundaries of the regional educational attendance areas established
6 under AS 14.08.031 [; AND

7 (5) BOUNDARIES OF COASTAL RESOURCE SERVICE AREAS
8 ORGANIZED UNDER AS 46.40.110 - 46.40.210].

9 * Sec. 14. AS 44.66.020(a) is amended to read:

10 (a) Agency programs and activities listed in this subsection that are
11 specifically designated as provided in AS 44.66.030 are subject to termination during
12 the regular legislative session convening in the month and year set out after each:

13 (1) programs in the budget categories of general government, public
14 protection, and administration of justice - January, 1980;

15 (2) programs in the budget categories of education and the University
16 of Alaska - January, 1981;

17 (3) programs in the budget categories of health and social services -
18 January, 1982;

19 (4) programs in the budget categories of natural resources
20 management, development, and transportation - January, 1983;

21 (5) the Alaska coastal management program (AS 46.40) - January,
22 2011.

23 * Sec. 15. AS 46.40.030(b) is amended to read:

24 (b) In developing enforceable policies in its coastal management plan under
25 (a) of this section, a coastal resource district shall meet the requirements of
26 AS 46.40.070 and shall [MAY] not duplicate, restate, or incorporate by reference
27 statutes and administrative regulations adopted by state or federal agencies.

28 * Sec. 16. The uncodified law of the State of Alaska enacted in sec. 46(c), ch. 24, SLA
29 2003, is amended to read:

30 (c) Notwithstanding any contrary provision of ch. 24, SLA 2003 [THIS ACT],
31 the repeal of the Alaska Coastal Policy Council enacted by sec. 44, ch. 24, SLA 2003

1 [OF THIS ACT], and the repeal of the Alaska Coastal Policy Council's duties in
2 AS 46.40.040, as amended by sec. 10, ch. 24, SLA 2003 [OF THIS ACT], a district
3 coastal management program, including its enforceable policies, approved by the
4 former Alaska Coastal Policy Council remains in effect for purposes of AS 46.39 and
5 AS 46.40 until March 1, 2007 [JULY 1, 2006], unless the Department of Natural
6 Resources disapproves or modifies all or part of the program before March 1, 2007
7 [JULY 1, 2006].

8 * Sec. 17. The uncodified law of the State of Alaska enacted in sec. 47(a), ch. 24, SLA
9 2003, is amended to read:

10 (a) Within 20 months [ONE YEAR] after the effective date of regulations
11 adopted by the department of natural resources implementing changes to
12 AS 46.40.010 - 46.40.090, enacted by secs. 8 - 15 and 44, ch. 24, SLA 2003 [OF
13 THIS ACT], or by March 1, 2006 [JULY 1, 2005], whichever is later, coastal
14 resource districts shall review their existing district coastal management program and
15 submit to the Department of Natural Resources for review and approval a revised
16 district coastal management plan meeting the requirements of AS 46.40 [, AS
17 AMENDED BY THIS ACT,] and the implementing regulations.

18 * Sec. 18. AS 41.17.900(e); AS 44.33.781; AS 46.39.010, 46.39.030, 46.39.040, 46.39.900;
19 AS 46.40.010, 46.40.020, 46.40.030, 46.40.040, 46.40.050, 46.40.060, 46.40.070, 46.40.090,
20 46.40.094, 46.40.096, 46.40.100, 46.40.110, 46.40.140, 46.40.150, 46.40.180, 46.40.190,
21 46.40.195, 46.40.205, and 46.40.210 are repealed.

22 * Sec. 19. The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

24 DUTIES OF THE DEPARTMENT OF NATURAL RESOURCES; REPEAL OF
25 CERTAIN COASTAL RESOURCE DISTRICT POLICIES. (a) Notwithstanding any
26 contrary provision of law, enforceable coastal resource district policies in effect on the
27 effective date of this section that conflict with AS 46.40.030(b), as amended in sec. 15 of this
28 Act and as that subsection read on the effective date of this section, or address any matter
29 regulated by the Department of Environmental Conservation are repealed and are declared
30 null and void.

31 (b) Within two years after the approval of the state's revised coastal

1 management program developed under ch. 24, SLA 2003 by the National Oceanic and
2 Atmospheric Administration, Office of Ocean and Coastal Resource Management, United
3 States Department of Commerce under 16 U.S.C. 1455 and 1457 (Coastal Zone Management
4 Act of 1972), the Department of Natural Resources shall complete a review and update of
5 categorically and generally consistent determinations. The Department of Natural Resources
6 shall complete a review and update of categorically and generally consistent determinations at
7 least every four years thereafter and shall conform to the requirements of AS 46.40.096(m) as
8 that subsection read on the effective date of this section.

9 * Sec. 20. The uncodified law of the State of Alaska is amended by adding a new section to
10 read:

11 EMERGENCY REGULATIONS. The need to adopt regulations consistent with this
12 Act is declared an emergency, and the Department of Natural Resources shall proceed to
13 adopt emergency conforming regulations to implement this Act.

14 * Sec. 21. The uncodified law of the State of Alaska enacted in sec. 49, ch. 24, SLA 2003,
15 is amended to read:

16 Sec. 49. Section 45, ch. 24, SLA 2003, [OF THIS ACT] takes effect March 1,
17 2007 [JULY 1, 2005].

18 * Sec. 22. Sections 1 - 13 and sec. 18 of this Act take effect July 1, 2011 unless the state's
19 revised coastal management program has not been approved by the National Oceanic and
20 Atmospheric Administration, Office of Ocean and Coastal Resource Management, United
21 States Department of Commerce, under 16 U.S.C. 1455 and 1457 (Coastal Zone Management
22 Act of 1972) before January 1, 2006. If the state's revised coastal management program is not
23 approved before January 1, 2006, by the National Oceanic and Atmospheric Administration,
24 Office of Ocean and Coastal Resource Management, United State's Department of
25 Commerce, then secs. 1 - 13 and sec. 18 of this Act take effect May 10, 2006. The
26 commissioner of natural resources shall notify the revisor of statutes on February 1, 2006,
27 whether the revised coastal management program has been approved as described in this
28 section.

29 * Sec. 23. Except as provided in sec. 22 of this Act, this Act takes effect immediately under
30 AS 01.10.070(c).

5-7-05

Failed (2-8)

24-LS0491VB .1
Bullock
5/7/05

AMENDMENT

OFFERED IN THE HOUSE

TO: HCS CSSB 102(RES)

- 1 Page 13, line 22:
2 Delete "January 1, 2006"
3 Insert "~~February~~ 1, 2006" *March*
4
5 Page 13, line 23:
6 Delete "January 1, 2006"
7 Insert "~~February~~ 1, 2006" *March*
8
9 Page 13, line 26:
10 Delete "February 1, 2006"
11 Insert "~~March~~ 1, 2006" *April*

SESSION ADDRESS:
Alaska State Capitol
Juneau, Alaska 99801-1182
(907) 465-4925
Fax: (907) 465-3517
Toll Free: 1-800-821-4925

Senator Gary Stevens

Alaska State Legislature

INTERIM ADDRESS:
112 Mill Bay Road
Kodiak, Alaska 99615
(907) 486-4925
Fax: (907) 486-5264

SPONSOR STATEMENT

HCS for CS SB 102 (RES), COASTAL MANAGEMENT PROGRAMS (Revised May 7, 2005)

The Alaska Coastal Management Program (ACMP) is a partnership between federal, state, and local governments providing state and local governments a voice in federal decision making. Alaska is one of 34 coastal and Great Lakes states and territories that utilize this program, a program that annually channels millions of dollars in federal grant money to the states. The ACMP has helped guide coastal development in the state since it was enacted in 1977. Without the program the state and local governments lose their ability to control development on federal land and the Outer Continental Shelf. In addition the state will lose millions in federal coastal management planning money.

In 2003, HB 191 substantially revised the state coastal program. The federal Office of Ocean and Coastal Resource Management (OCRM) must approve the revised program. The 2003 legislation included state-imposed deadlines for revisions to local coastal programs. Coastal Districts are attempting to follow the statutory directive to revise their programs to meet the new requirements, but have repeatedly said that need more time to complete this process.

HCS CS for SB 102 (RES) extends the existing statutory deadline for district coastal program submissions by eight months and a correlative delay in dates of annulment of the existing standards and program until March 1, 2007. These extensions will ensure an orderly and efficient transition to the new program.

In Senate Finance committee with Senator Therriault's input, sunset provisions were added including Legislative Audit review. Sections that differ between the version passed by the Senate and those amended in the House Resources committee, begin on page 12, line 30 with a new subsection that requires DNR to complete a review and update of the categorical consistency determinations (known as an ABC list) every four years and conform to the existing requirements in AS 46.40.096(m). Sec. 21 was amended in House Resources Committee to specifically allow the old program standards to stay in effect through 3/1/07.

Section 22 on page 13 is new and was added in House Resources Committee setting a 'kill date' ending the Coastal Zone Program entirely if OCRM approval does not occur by January 1, 2006. That date, is the date the Administration has been told by OCRM that the NEPA/EIS of the new state coastal program would be complete. The section puts in place the repealing and sunset clauses in the bill but they do not take effect until May 10, 2006 leaving the Legislature time to act, to extend the sunset dates of the old coastal management program.



Alaska State Legislature

Senate Majority Web: www.akrepublicans.org

Sponsor: Senator Gary Stevens
Current Version: CSSB 102 (RES)
Contact: Doug Letch, 465-4925

Fact Sheet for: Senate Bill 102

Short Title: COASTAL MANAGEMENT PROGRAMS

Summary:

- Extends the deadline for coastal resource districts to submit revised district coastal management plans to the Department of Natural Resources.
- Moves the deadline to six months after the State's revised coastal management program is approved by the National Oceanic and Atmospheric Administration.

Benefits:

- Gives resource districts more time to submit revised coastal zone management plans while state and federal oversight agencies resolve outstanding issues.
- Gives Alaska's coastal districts a reasonable opportunity for meaningful participation in the development of their coastal management plan.

Background:

- In 2003 the Legislature passed House Bill 191, which streamlined the Alaska Coastal Management Program (ACMP). The ACMP was first enacted in 1977 to participate in the federal Coastal Zone Management Act of 1972. The federal program encourages states to adopt coastal programs by providing federal funds and the opportunity for federal consistency review, which allows the state to apply its authority to projects located on federal land where otherwise it would be preempted by federal law. HB 191 created a new coastal management program and required resource districts to submit a revised coastal management plan by July 1, 2005. This bill gives districts more time to comply.

FRANK H. MURKOWSKI
GOVERNOR

GOVERNOR@GOV.STATE.AK.US

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

P.O. Box 110001
JUNEAU, ALASKA 99811-0001
(907) 465-3500
FAX (907) 465-3532
WWW.GOV.STATE.AK.US

April 18, 2005

Coastal District Representatives

Re: Update to the Coastal Districts Following Receipt of Office of Coastal and Resource Management's (OCRM) Letter Addressing Preliminary Approval of the Amended Alaska Coastal Management Program (ACMP)

Dear Coastal District Representatives:

I am pleased to share with you a landmark letter issued by OCRM on April 14, 2005. That letter responds favorably to the State of Alaska's December 16, 2004, submission of *The Alaska Coastal Management Program, As Amended*, and concludes an arduous, detailed, comprehensive, and collaborative effort by the State of Alaska and OCRM on the approvability of the state's coastal program.

On February 23, 2005, I wrote OCRM a letter that took a firm position regarding our state's right to manage our coastal uses and resources in a manner consistent with our best judgment. OCRM took a hard look at the issues I identified and re-evaluated their position, as characterized in their January 28, 2005, letter. I appreciate OCRM's flexibility in reviewing the Coastal Zone Management Act (CZMA) and other approval criteria that resulted in a significantly modified list of requirements for Alaska's amended ACMP to be federally approved. OCRM's modified position truly assists our state in developing a coastal program that appropriately addresses the management and protection of Alaska's coastal uses and resources, balances the rights of stakeholders, and does so in a manner fully compliant with the CZMA and its implementing regulations.

Our discussions have culminated with OCRM's April 14, 2005, letter, which identifies the few remaining technical regulatory amendments necessary for the amended ACMP to meet the requirements of the CZMA. The state has agreed to make those revisions identified in the letter as required by law, but will not make further changes which OCRM sought as a policy directive but which had no legal basis.

Once the amended regulations have been adopted in accordance with Alaska's Administrative Procedures Act, OCRM will issue preliminary approval

Coastal District Representatives
April 18, 2005
Page 2

of the amended ACMP. The revisions are discussed in detail in the OCRM letter and are briefly summarized below.

1. Pursuant to 16 U.S.C. 1455(d)(4) and 15 C.F.R. 923.82(a), the state must hold a public hearing on the amended ACMP before OCRM can make a preliminary approval decision. This public hearing is an opportunity for interested persons to provide oral and/or written testimony on the state's amended ACMP.
2. The Department of Natural Resources (DNR) will make regulatory revisions to the ACMP's state standards at 11 AAC 112 to accommodate the CZMA "effects test" for federal consistency reviews which is required by federal regulation. As described in DNR Commissioner Tom Irwin's April 7, 2005, letter to OCRM, this "effects test" applies to (a) federal agency activities if the federal agency determines that effects to any land or water use or natural resource of the coastal zone are reasonably foreseeable and the state has an enforceable policy addressing the use or resource; and (b) federal license or permit activities that are located within the state's defined coastal area or on the outer continental shelf.
3. The state will make regulatory revisions to the subsistence use standard to allow the state to designate subsistence use areas. This revision will address the potential gap between the effective date of the new state standards at 11 AAC 112 and the implementation of the revised coastal district plans.
4. The state will update the ACMP program description by incorporating into that document all of DNR's existing published guidance pertaining to district planning and implementation.

To secure timely preliminary approval of the amended ACMP, and to assure continued federal funding of the ACMP in state fiscal year 2006, DNR intends to expeditiously revise the regulations to satisfy these procedural requirements. The proposed schedule for accomplishing the above listed tasks and securing preliminary approval from OCRM is as follows:

- April 20, 2005 - DNR releases all proposed regulatory revisions for public review and comment, and provides public notice of the hearing on the amended ACMP;

Coastal District Representatives

April 18, 2005

Page 3

- May 20, 2005 – DNR conducts a public hearing on the amended ACMP in Anchorage;
- May 23, 2005 – DNR closes the public review and comment period on all proposed regulations;
- May 25, 2005 – Having considered all comments on the regulations and incorporated appropriate changes, DNR finalizes and adopts the revised regulations, and submits them to the Department of Law (DOL) for legal review;
- May 31, 2005 – DOL transmits regulations to the Lieutenant Governor for filing, establishing an effective date of July 1, 2005;
- June 1, 2005 – DNR submits to OCRM: (1) the adopted revised regulations, (2) the summary of the public hearing on amended ACMP, and (3) the revised program description;
- July 1, 2005 – OCRM responds to the state, preliminarily approving the amended ACMP; OCRM initiates the NEPA process; and
- December 31, 2005 – OCRM completes the NEPA process and approves amended ACMP, such that the state standards at 11 AAC 112 become effective on January 1, 2006.

Over the past several months, coastal district representatives have told us that while all districts will be able to submit a revised district coastal management plan by the July 1, 2005, deadline, additional time would improve the quality of those plans and the public outreach process. Three bills currently before the Legislature have requested various formulations of the request for additional time and the districts have recently indicated that an additional six months would be invaluable to their efforts. I agree.

Therefore, I am announcing that DNR will work with the Alaska State Legislature on Senate Bill 102 and House Bill (HB) 186 to effect three deadline extensions within HB 191 (Chapter 24, SLA 2003). These three deadline extensions will:

- Amend Section 46(c) of HB 191 to extend by six months the district program sunset date;

Coastal District Representatives

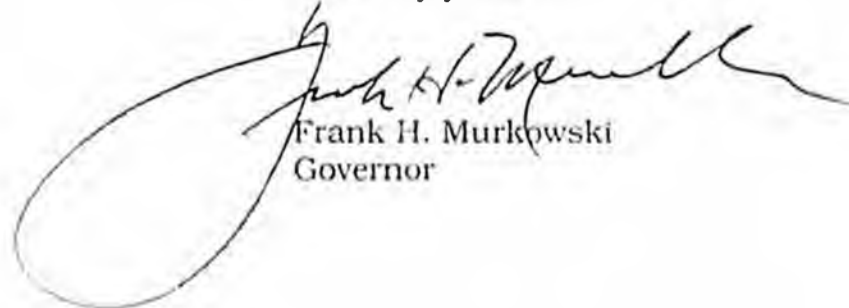
April 18, 2005

Page 4

- Amend Section 47(a) of HB 191 to extend by six months the revised district plan submission deadline; and
- Amend Section 49 of HB 191 to extend by six months the sunset date of the state standards at 6 AAC 80.010 - 6 AAC 90.90.

I hope you will join me in considering these developments a significant victory for all stakeholders in the ACMP process, and, most importantly for the coastal resources that we all work so hard to effectively manage. I am counting on your assistance and support as we complete the preliminary approval requirements and work through the deadline extension legislation you have requested, which will allow you to produce the best revised district plans possible.

Sincerely yours,

A large, stylized handwritten signature in black ink, appearing to read "Frank H. Murkowski". The signature is written over the printed name and title.

Frank H. Murkowski
Governor

Enclosure

FRANK H. MURKOWSKI
Governor



P.O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 31, 2005

Coastal District Representatives

RE: Summary and Follow-up to March 30, 2005, ACMP Meeting

Dear Coastal District Representatives:

Thank you for attending the March 30, 2005, meeting held in Anchorage to discuss the Alaska Coastal Management Program (ACMP). That 23 of the 27 coastal districts working on district coastal management plan revisions were represented at the meeting was not only encouraging but demonstrated your commitment to this program.

The meeting provided us a valuable opportunity to receive your input regarding the amended ACMP. The professional and articulate comments were appreciated and are being carefully considered. The general issues of concern are summarized below. Please recognize that this summary is not intended to provide a transcript or exhaustive list of every comment made at the meeting, but rather to recap the general themes and issues that you requested the state consider as it continues its efforts to obtain federal approval of the amended ACMP, and to comprehensively review your revised plans.

Federal Approval of the Amended ACMP

Districts voiced universal support of the state's efforts to pursue federal approval of the amended ACMP. Districts confirmed that continued state participation in the federal coastal program allows the coastal districts "a seat at the table" in participating in federal decision making, keeps federal money flowing to the coastal districts, and brings coastal district expertise and local perspective on important local issues to the decision making process.

Coastal District Plan Revisions

Every district stated that it would be able to submit a revised plan to the Department of Natural Resources (DNR) by the July 1, 2005, deadline. However, districts universally supported receiving additional time to develop those plan revisions. Representatives recalled that their original plans required significant time and effort, often stretching to two or three years. Districts asserted that the additional time would be spent on enhancing public participation and education on their district plans and coastal program revisions, as well as on refining the

Coastal District Representatives
March 31, 2005
Page 2

content of the revised plans to make the plans more likely to meet DNR approval criteria. Some districts asserted that an additional six months would make a significant difference.

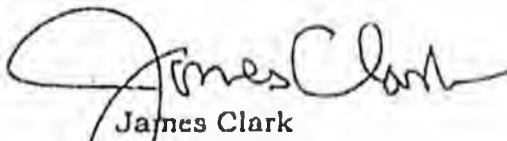
Funding

Districts expressed concern over the source and extent of future funding of the ACMP. Issues raised by districts included immediate funding for implementation absent federal approval of the amended ACMP and additional funding for districts to complete and further revise coastal plans submitted by July 1, 2005.


We thank you for providing your input and comments on these important issues, and want to assure you that we have taken them under advisement. We are presently considering how we will address the issues, and will keep you informed on our progress.

We also want to thank you for the opportunity to share the state's position regarding pursuit of a federally approved coastal management program. The state is committed to securing federal approval of an amended ACMP by the Office of Ocean and Coastal Resource Management (OCRM), but only if that program works for Alaska. We simply will not accept mandates by OCRM regarding how our state should manage its coastal uses and resources when that mandate exceeds federal authority. While we are confident that we recently secured OCRM's commitment to maintain their proper role in assisting us, rather than dictating to us, in developing our program, we will continue to defend our state's right to develop a coastal program in accordance with Alaska's priorities and needs. We share your desire for a federally approved coastal management program, and look forward to your support in convincing OCRM that the amended ACMP provides important and comprehensive management of Alaska's coastal uses and resources, and should be approved expeditiously.

Sincerely yours,



James Clark
Chief of Staff
Office of the Governor



Tom Irwin
Commissioner
Department of Natural Resources

FRANK H. MURKOWSKI
GOVERNOR
GOVERNOR@GOV.STATE.AK.US



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

P.O. Box 110001
JUNEAU, ALASKA 99811-0001
(907) 465-3500
FAX (907) 465-3532
WWW.GOV.STATE.AK.US

February 23, 2005

Richard W. Spinrad, Ph.D.
Assistant Administrator
National Ocean Services
National Oceanic and Atmospheric
Administration (NOAA)
SSMC4, Room 13632
1305 East-West Hwy
Silver Spring, MD 20910

Subject: State of Alaska's Response to the Office of Ocean and Coastal
Resource Management's January 28, 2005, Letter and Enclosures
Relating to Alaska Coastal Management Program Amendment
Approval Issues

Dear Dr. Spinrad:

I have reviewed the letter and attachments from the Office of Ocean and Coastal Resource Management (OCRM), dated January 28, 2005. In that decisional document, OCRM denied preliminary approval of Alaska's amendment, and explained why it would not initiate the NEPA process required for later approval of a revised amendment. After careful study of the issues, I have concluded that the Alaska Coastal Management Program (ACMP) as envisioned and mandated by OCRM differs from the ACMP that I believe will best manage the competing uses and demands placed upon Alaska's coastal resources.

The original ACMP, approved by OCRM in 1979, provided the standards and protections necessary and appropriate at that time to manage effectively the uses, areas, and resources of the state's coastal zone. Over the next 25 years, the program evolved, into a complex, confusing set of requirements which unnecessarily delayed projects in Alaska without corresponding environmental benefits. Therefore, on May 21, 2003, I signed into law House Bill (HB) 191 (chapter 24 SLA 2003) which amended the ACMP in a manner that simplified and clarified the fragmented and defective 25 year old program, while still comprehensively and responsibly managing Alaska's coastal uses and resources.

Richard W. Spinrad, Ph.D.

February 23, 2005

Page 2

During the development of the statutory amendments included within HB 191, as well as the development of the regulations implementing HB 191, the state invited OCRM's participation and review of the amendments, requesting guidance and recommendations to ensure ultimate and timely program approval by OCRM. The state thought it had received that guidance, as well as a commitment from OCRM to work jointly to resolve program approval issues at the earliest juncture. The state then worked long and hard to develop a comprehensive program description of the amended ACMP that satisfied the federal approval criteria, while still fulfilling the mandates of HB 191. I am advised that discussions between the state and OCRM to reach this goal were proceeding constructively into January 2005, with OCRM identifying minor modifications to the ACMP regulations and program description as appropriate for program approval.

Considering this history, and OCRM's intimate involvement with the amended program from its legislative inception, I was dismayed to review OCRM's January 28, 2005, denial decision wherein OCRM not only retreated from program approval positions conveyed to state staff during prior discussions, but failed to adequately evaluate the state's prior submissions against the federal rules, and added entirely new criteria and rationale to justify its denial decision.

OCRM's denial decision adopts a highly prescriptive interpretation of the Coastal Zone Management Act (CZMA), extending, well beyond Congress' mandate when enacting the CZMA "to encourage and assist the states to exercise effectively their responsibilities in the coastal zone ..." 16 U.S.C. 1452.

It is instructive to review the Congressional Commerce Committee's 1971 findings (Calendar No. 510, Report No. 92-526, p. 15-16) that led to the creation of the CZMA, which legislation clearly intended that each state, and not the federal government, manage its coastal uses and resources as that state saw fit:

It is the Committee's intent to recognize the need for expanded state participation in the control of land and water use decisions involving important state or regional interests.... In adopting the states as the focal points for development of comprehensive plans and implementation of management programs for the coastal and estuarine zone, the

Richard W. Spinrad, Ph.D.

February 23, 2005

Page 3

Committee has concluded that the states have, in varying degrees, the resources, administrative machinery, enforcement powers, and constitutional authority on which to build a sound coastal management program.... The principles on which state authority with respect to water regimes are based date back at least to Magna Carta....

We do not believe that the positions OCRM asserts in its January 28, 2005, decision "assists" Alaska in developing our program. Rather, OCRM has now conditioned approval of our program upon OCRM's interpretation of what is best for our state. Under this administration Alaskans decide what is best for Alaska.

I will not detail all of OCRM's unacceptable new mandates to obtain approval of our program, but will list the most significant:

- Mandated direct-control ACMP regulatory standards. OCRM calls for amended ACMP state standards that independently and comprehensively manage the coastal resources. To the contrary, the federal regulations implementing the CZMA allow for comprehensive management of those resources through a network of existing state and federal regulatory authorities. We believe that existing state and federal authorities aggressively manage Alaska's natural resources, coastal and inland. Considering the adequacy of the existing networked structure, we are unwilling to assent to a federal agency dictating duplicative or additional standards along our coasts that confuse stakeholders, unnecessarily delay projects and erode Alaska's sovereignty.
- Mandated expanded role of coastal districts. Consistent with the spirit of HB 191, the state's amended ACMP regulations limited the subject and scope of coastal district enforceable policies. OCRM now asserts that this limitation on coastal district policies raises program approval concerns. The state disagrees with OCRM's position. The ACMP is a networked program, relying on implementation techniques "A" and "B" under 15 C.F.R. 923.42 and 15 C.F.R. 923.43, respectively. State agencies are to implement their existing authorities as well as the standards and policies of the ACMP. Additionally, municipal coastal districts share in the responsibility of implementing their coastal district plan policies through municipal code or ordinance. I would like to emphasize that few other states have coastal districts or their equivalent and there is no requirement that Alaska include

Richard W. Spinrad, Ph.D.

February 23, 2005

Page 4

coastal districts as part of our coastal management program. However, we included districts to supplement existing state and federal authorities where the matter is of local concern. The balance of authority between the state and the coastal districts is a matter within the discretion granted a state in the CZMA, and therefore any specific balance of authority directed by OCRM is inappropriately addressed as a program approval issue. Again, this is a simple matter of state's rights.

- Expanded and unpredictable federal "effects" test. OCRM's decision contained an expansive "Geographic Location Description" (GLD) requirement that would impose an "effects test" requirement well beyond what OCRM had previously required, and beyond what the state feels is necessary to adequately protect coastal uses and resources. Representatives from other federal agencies have also expressed concern with OCRM's federal effects test and the GLD as a "new national policy" with additional burdens never previously considered. This requirement is particularly disappointing considering recent positive communications between the state and OCRM wherein OCRM suggested reasonable amendments to the ACMP regulations. The amended language would have ensured that enforceable policies would be applicable to federal lands to address any activity (regardless of location) that may affect any coastal use or resource located within the state's coastal zone. The state agreed with OCRM's interpretation of the federal regulations on this issue and began preparing, verbatim, the regulatory fix that OCRM had recommended. Unfortunately, the expanded GLD concept contained in the January 28, 2005, documents effectively withdrew OCRM's agreement on how to capture the federal effects test in the regulations, and is unacceptable.

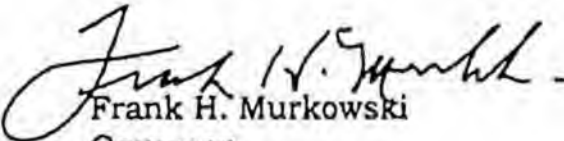
Back in 1971, Congress saw the wisdom of leaving the development of an appropriate coastal management program within the broad framework of the CZMA to each state's judgment of its special priorities and needs. I regret that OCRM has departed from its original legislative mandate and has not allowed Alaska to implement our amended program utilizing existing regulatory tools and in accordance with Alaska's priorities and needs.

Therefore, if OCRM does not immediately abandon the new requirements and broken promises contained in its January 28, 2005, decision, the ACMP will expire by operation of law in the summer of 2005.

Richard W. Spinrad, Ph.D.
February 23, 2005
Page 5

We have worked hard to forge relationships with federal agencies and participate in federal decision-making processes independent of ACMP requirements, so we are confident that Alaska's voice will be heard in federal activity and authorization processes even without the formality of the CZMA's federal consistency tools. Still, we acknowledge that a streamlined ACMP would serve a valuable purpose in effectively managing Alaska's coastal uses and resources. This is the reason that my staff has been working for two years to amend the program to provide a fair, predictable, and protective networked management scheme. Unfortunately, OCRM will not allow Alaska to implement that program at this time. The State of Alaska will continue to ensure that resources, coastal and inland, are adequately managed and protected with or without federal participation.

Sincerely yours,


Frank H. Murkowski
Governor



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Silver Spring, Maryland 20910

APR 14 2005


Mr. Thomas E. Irwin, Commissioner
Alaska Department of Natural Resources
550 West 7th Avenue, Suite 1400
Anchorage, Alaska 99501-3650

Dear Commissioner Irwin:

Thank you for your April 7, 2005, letter furthering our discussions on the National Oceanic and Atmospheric Administration's (NOAA's) review of the amendment to the Alaska Coastal Management Program. I am pleased to say that after many discussions this week between our staffs we have agreed on the steps necessary for NOAA to make a preliminary approval decision prior to July 1, 2005. These steps are set forth in the enclosure entitled, Remaining Steps for ACMP Preliminary Approval.

To complete the Coastal Zone Management Act amendment process and comply with the National Environmental Policy Act over the coming months will involve substantial staff time for both of our offices. We look forward to working with Alaska in a coordinated and collaborative fashion to complete the amendment to the Alaska Coastal Management Program.

Sincerely,


Richard W. Spinrad, Ph.D.
Assistant Administrator

Enclosure

Cc: Honorable Senator Ted Stevens
Honorable Senator Lisa Murkowski
Honorable Congressman Don Young
Ben Stevens, President of the Alaska State Senate
John Harris, Speaker of the Alaska State House of Representatives
Eldon Hout, Director OCRM
Henri Bisson, State Director BLM
John Goll, Regional Director MMS
Forrest Cole, Supervisor Tongass National Forest
John Katz, Office of the Governor
Dick LeFebvre, Deputy Commissioner DNR
Marty Rutherford, Deputy Commissioner DNR
McKie Campbell, Commissioner DF&G
Kurt Fredriksson, Commissioner DEC
Edgar Blatchford, Commissioner DCCED
Bill Jeffress, Director DNR, OPMP
Tony MacDonald, Executive Director CSO



Printed on Recycled Paper



ENCLOSURE – REMAINING STEPS FOR ACMP PRELIMINARY APPROVAL.

GENERAL COMMENT

The changes proposed by Alaska, with further modification as described below, should meet Coastal Zone Management Act (CZMA) preliminary approval requirements. Once these changes are submitted to and reviewed by NOAA, NOAA will be able to make a preliminary approval decision. Changes submitted to NOAA for preliminary approval consideration should be, for any regulatory changes, a final rule by Alaska submitted to the Alaska Lieutenant Governor prior to publishing the final rule, and a revised Alaska Coastal Management Program (ACMP) document for the non-regulatory changes. As stated in our March 25, 2005, letter, the remainder of the items described in the January 28, 2005, letter and enclosures do not need to be made at this time for preliminary approval. Those items will need to be made to the ACMP document before final approval and NOAA believes that some of the items may be eliminated.

PUBLIC HEARING

A public hearing on the submission of the amendment must be held before NOAA can make a preliminary approval decision. This requirement is derived from CZMA section 306(d)(4) stating that for program approval that the "State has held public hearings in the development of the management program." This requirement is also applied to amendment requests because of the substantial change to a state's management program, under 15 CFR § 923.81(a). This requirement is for public hearings on the submission of a state's amendment request to NOAA; it does not refer to public hearings a state may have held during the development of the amendment at the state level. *See* 15 CFR § 923.81(b)(5) (describing documentation of public input during a state's development of an amendment).

The public hearing requirement for the submission of amendments to NOAA is tied to preliminary approval by 15 CFR § 923.82(a) and (c). These sections provide that NOAA cannot make a preliminary approval determination on a state's proposed amendment until the state has satisfied the applicable program approvability requirements and the procedural requirements of CZMA section 306(d), which include the public hearing requirement in section 306(d)(4) that is applied through 15 CFR § 923.81(a). The public notices and summaries for the public hearing, described in 15 CFR § 923.81(b)(3) and (4) relate to the section 306(d)(4) hearing.

The provisions in 15 CFR § 923.81(b)(3) and (4) regarding hearing summaries and concurrent Federal agency review provide that a state can submit hearing summaries 60 days after the hearing. This does not alter the requirement for a state's section 306(d)(4) hearing to be held before a preliminary approval determination is made.

Alaska is required to have at least one section 306(d)(4) hearing on the amendment submission. *See* 15 CFR § 923.81(a). Additional hearings are at the State's discretion. Alaska's responsibilities for the public hearing are to provide a public notice of the hearing 30 days in advance, note the time and location of the hearing and make available for public review at the time of the public notice, all agency materials pertinent to the hearings. The latter requirement could be satisfied by directing the public to the ACMP website and identifying the ACMP

amendment documents subject to the public hearing. At the hearing the State should make an opening statement about the purpose of the hearing (to provide the public an opportunity to comment on the State's ACMP submission to NOAA), and inviting any public comment. The State is not required to respond to comments. After the hearing, the State must submit to NOAA, within 30 days of the hearing, a transcript or summary of the hearing. 15 CFR § 923.58(d).

APPLICATION OF ENFORCEABLE POLICIES TO FEDERAL LANDS AND GEOGRAPHIC LOCATION DESCRIPTIONS (GLDS).

Paragraphs (a), (b) and (d) are satisfactory.

Paragraph (c) is satisfactory with the exception that the parenthetical "(occurring within the coastal zone)" is incorrect. A federal agency must provide a consistency determination for an activity, regardless of location, if the federal agency determines there will be effects to coastal uses or resources. This includes effects to uses or resources *of* the coastal zone (not *in* the coastal zone) where the use or resource affected is inland or seaward of the coastal zone. A state may, of course use the various provisions in NOAA's regulations to reach agreements with federal agencies regarding when and how federal consistency will apply to federal agency activities under 15 CFR part 930, subpart C (e.g., general concurrences, de minimis activities, beneficial activities).

The first sentence in paragraph (c) should be amended to read:

Federal agency activities that occur inland of the coastal zone boundary are only subject to ACMP consistency review process if the federal agency determines that effects to any land or water use or natural resource of the coastal zone ~~coastal uses or resources (occurring within the coastal zone)~~ are reasonably foreseeable and the State has an enforceable policy addressing the use or resource.

APPLICATION OF DISTRICT POLICIES AND DESIGNATED AREAS

The language is not clear regarding the scope of district policies and designated areas. The proposed language merely says that CZMA and NOAA regulations apply for the State standards and District policies. Because the other State standards would still have the language limiting review to projects occurring within a designated area, the following language needs to be added after the term "projects" (additional language is underlined):

Notwithstanding any other provision, for the purposes of federal consistency reviews conducted under 16 USC 1456, projects, within or affecting land or water uses or natural resources of the coastal zone, will be subject to the state standards at 11 AAC 112.200 - 11 AAC 112.900 and the coastal district enforceable policies approved under 11 AAC 114 in accordance with the requirements of the applicable subparts of 15 C.F.R. part 930 and other relevant parts of Alaska's federally approved coastal management program.

The ACMP document or preamble to the rule change should discuss this change in the context of the CZMA "effects test" for federal consistency purposes. In particular, the discussion should note that for purposes of federal consistency reviews, projects within or affecting a district's designated area would be subject to the applicable state and district enforceable policies.

TECHNIQUE A

Alaska proposes to amend the subsistence use standard at 11 AAC 112.270(a) to read, "A project within a subsistence use area designated by the State or under 11 AAC 114.250(g) must . . ."

Technique A is meant to apply state enforceability to entire local government plan. While Alaska still has Technique A components, NOAA now recognizes that the ACMP is relying primarily on Technique B for implementation of State standards and that the only State standard presently reliant on District policies is the subsistence use policy. All other District policies are at the choice of the Districts and are not required for ACMP approval or to implement State standards. Therefore, Alaska's proposed change to its regulation is sufficient for NOAA to make a preliminary approval decision, because it would give the State the ability to designate subsistence use areas and enforce the subsistence use standard during District plan development, pursuant to 15 CFR § 923.42(b)(2), and would use 15 CFR § 923.42(b)(3)(i) for direct State enforcement of the subsistence use standard if a District failed to adopt a plan.

SCOPE AND CONTENT OF DISTRICT PLANS

NOAA looks forward to reviewing the revised/combined District guidance, which must satisfy the need for clarity pursuant to 15 CFR § 923.3(c)(1) and (2), prior to making a preliminary approval decision.

HABITATS POLICY

1. Comprehensive Habitat Management. The CZMA requires state programs to develop and maintain a management program sufficient to carry out the protection of coastal resources such as shorelands, wetlands, estuaries, floodplains, fish and wildlife and their habitat and to use the land and water resources of the coastal zone giving full consideration to the ecological values of those resources as well as need for compatible economic development. Further, the CZMA requires the management program to contain specific, comprehensive and enforceable policies to provide that protection and overarching management scheme. State coastal programs need to manage and protect those significant resources and areas that make a state's coastal zone a unique, vulnerable or valuable area, particularly wetlands, estuaries, tidelands and offshore areas. 16 USC § 1455(d)(1); 15 CFR §§ 923.1, 923.3, 923.10 and 923.11. NOAA finds that Alaska's habitat management components are sufficient for purposes of our preliminary approval decision.

2. *Written Scientific Evidence.* NOAA believes that 11 AAC 114.900(40) provides a sufficient definition of this phrase for purposes of our preliminary approval decision.

3. *Significantly More Productive.* Alaska now proposes to replace this phrase with "biologically and significantly productive" in asking the districts to designate significant habitats. NOAA appreciates this change as it removes the comparison of habitats by deleting the term "more." While the State believes that the term is commonly understood and applied, and requires no additional explanation, we continue to believe that "significantly productive" is not a term generally accepted in the scientific community. NOAA did not recommend "biological productivity" as a preferable term; rather we asked the State to provide a definition so that users, districts, and other affected interests would be on notice as to how "productivity" is being measured so they would know what to provide data on. However, NOAA finds that defining the term is not needed for preliminary approval.

4. *Adjacent Habitat.* To address NOAA's concerns regarding the "adjacency" requirement, Alaska proposes to revise 11 AAC 112.300(c)(1)(B)(ii) and 11 AAC 114.250(h)(2) to read ". . . that is shown by written scientific evidence to be biologically and significantly productive." This language is an improvement over the "adjacency" requirement previously proposed by Alaska. NOAA finds that Alaska's change is adequate for our preliminary approval decision. Please see, however, our comments under No. 3, above, regarding the definition of "biologically and significantly productive."



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Silver Spring, Maryland 20910

MAR 3 2005

The Honorable Frank H. Murkowski
Governor of the State of Alaska
Juneau, Alaska 99811-0001

Dear Governor Murkowski:

Thank you for your recent letter on Alaska's pending efforts to undertake a major restructuring of the Alaska Coastal Management Program (ACMP). The enclosed summary analysis provides responses to the specific issues raised in your correspondence.

We believe the continued viability of the federally approved ACMP is of great importance to Alaska and the Nation. The letter of January 28, 2005, to Alaska's Department of Natural Resources (DNR) Commissioner Irwin was intended neither as a denial nor a decision, but rather as a further, albeit important, informational step in the process.

Our input did not add criteria and was neither a departure from earlier positions nor an effort to impose new national policies. It was a summary of the few remaining issues to meeting the Coastal Zone Management Act (CZMA) requirements necessary for preliminary approval of a revised ACMP. It also included recommendations for resolving these issues as requested by DNR. Our input was intended as part of the continuing coordination and dialogue at the staff level – not as a federal mandate or prescription, and it was not an effort to shift the balance of authority.

As you may know, there are significant benefits from participating in the CZMA program. Since the 1970s, Alaska has been awarded approximately \$130 million in coastal management funds from the National Oceanic and Atmospheric Administration (NOAA). Additionally, NOAA has identified \$2.6 million for Alaska coastal programs in FY 2005. With CZMA federal consistency authority, Alaska has a powerful tool to review and influence federal actions affecting the coastal zone, including offshore aquaculture and energy development. In addition, the collaborative relationships Alaska enjoys with federal agencies are often forged because of federal consistency.

Further, in response to the U.S. Commission on Ocean Policy's final report, President Bush recently released the U.S. Ocean Action Plan, which states that we will continue to work with state, tribal, and local stakeholders to develop comprehensive strategies to protect the Nation's coastal resources and build upon the successes of existing programs, including the CZMA.

As I stated at the outset, the continued viability of the ACMP is of great importance and we urge you to work with us to take action to prevent its expiration this summer. I propose sending a delegation headed by NOAA's National Ocean Service Policy Director, Thomas Kitsos, Ph.D., to Juneau this month to review the few remaining issues and develop a mutually agreeable course of action that would allow for preliminary approval.

Sincerely,

Richard W. Spinrad, Ph.D.
Assistant Administrator

Enclosure



Printed on Recycled Paper



The Honorable Frank H. Murkowski
Page 2

cc: The Honorable Ted Stevens, United States Senate
The Honorable Lisa Murkowski, United States Senate
The Honorable Don Young, United States Congressman
The Honorable Ben Stevens, President, Alaska State Senate
The Honorable John Harris, Speaker, Alaska State House of
Representatives
The Honorable Gary Stevens, Alaska State Senate
The Honorable Paul Seaton, Alaska State House of Representatives
The Honorable Carlos M. Gutierrez, U.S. Secretary of Commerce
The Honorable Conrad C. Lautenbacher, Jr., VADM, U.S. Navy (Ret.),
Under Secretary of Commerce for Oceans and Atmosphere
Mark Rey, U.S. Under Secretary of Agriculture
Henri Bisson, State Director, Bureau of Land Management
Forrest Cole, Forest Supervisor, Tongass National Forest
John Goll, Regional Director, Alaska, Minerals Management Service
Eldon Hout, Director, Ocean and Coastal Research Management
Tony MacDonald, Executive Director, Coastal States Organization
John Katz, Director, State/Federal Relations, Office of the Governor
Edgar Blatchford, Commissioner, Alaska Department of Commerce,
Community, and Economic Development
Kurt Fredriksson, Acting Commissioner, Alaska Department of
Environmental Conservation
Tom Irwin, Commissioner, Alaska Department of Natural Resources
Wayne Regelin, Acting Commissioner, Alaska Department of Fish and
Game
Dick LeFebvre, Deputy Commissioner, Alaska Department of Natural
Resources
Marty Rutherford, Deputy Commissioner, Alaska Department of
Natural Resources
Bill Jeffress, Director, Office of Habitat Management and Permitting,
Alaska Department of Natural Resources

Response to Specific Issues Raised
In
State of Alaska's February 23, 2005 Letter

1. Page 1, paragraph 1: "OCRM denied preliminary approval"

The Office of Ocean and Coastal Resource Management's (OCRM's) January 28 letter did not deny preliminary approval. Rather, it indicated OCRM's inability within the legal requirements of the Coastal Zone Management Act (CZMA) to grant preliminary approval until certain CZMA requirements are satisfied. For example, the State's December 17 submission for local district plans did not meet two of the five CZMA requirements that have been in place for thirty years.

2. Page 2, paragraph 2: "...denial decision retreated from program approval decisions conveyed to state staff...added entirely new criteria and rationale..,"

Throughout the review and coordination process, OCRM has consistently used provisions of the CZMA as the basis for its opinions and feedback on State of Alaska input. The January 28 letter provided feedback on new information submitted in the State of Alaska's December 17 Submission. For example, NOAA's guidance to the State regarding the scope of the federal consistency effects test and application of the state's subsistence use policy is based on long-standing CZMA requirements.

3. Page 2, paragraph 3: "OCRM's denial decision adopts a highly prescriptive interpretation of the Coastal Zone Management Act (CZMA)"

The feedback provided in OCRM's January 28 letter was intended as recommendations to meet CZMA requirements for State of Alaska consideration in developing the ACMP. The recommendations were not a mandate and NOAA will consider other State options that are responsive to the CZMA requirements.

4. Page 3, 1st bullet: "[OCRM] Mandated direct-control ACMP regulatory standards"

The feedback provided in OCRM's January 28 letter was intended as recommendations to meet CZMA requirements for State of Alaska consideration in developing the ACMP. The recommendations were not a mandate and NOAA will consider other State options that are responsive to the CZMA requirements.

5. Page 3, 2nd bullet: "[OCRM] Mandated expanded role of coastal districts...balance of authority directed by OCRM is inappropriately addressed as a program approval issue"

The feedback provided in OCRM's January 28 letter was intended as recommendation to meet CZMA requirements for State of Alaska consideration in developing the ACMP. The recommendations were not a mandate and NOAA will consider other State options that are responsive to the CZMA requirements. Further, none of the OCRM feedback should be interpreted as attempting to "shift the balance of authority."