

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 8672

323 SCOMM10: LOCAL GOVERNMENT STUDY 1979

Alaska Coastal Management Program

District Program Guidebook Series

- 1 Coastal Management: What It Is and How It Works
- 2 Local Control: Creating a District Coastal Management Program
- 3 Guide to Public Involvement
- 4 Consistency: The Key to Coordination
- 5 Making a District Coastal Management Program Work

Appendix

Guidebooks on other coastal management topics may be published at a future date.

For additional copies and information, contact:

Director
Division of Community Planning
Department of Community and Regional Affairs
225 Cordova Street, Building 2
Anchorage, Alaska 99501
(907) 279-8636

Acknowledgement

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Guide to Public Involvement

This is the third guidebook in a series on coastal management in Alaska. It provides information on ways to involve the public in developing a district coastal management program. The first part discusses certain key questions which must be addressed by a public participation program. The second part outlines a model public participation program which could be adapted to district coastal management programs. The third part describes a number of ways to involve the public and includes lists of resources and sources of information.

The sections outlined above are organized according to the following major headings:

Guidelines and Principles

Model

Ways and Means

Guidelines and Principles **Definition**

Participation, in this context, refers to the public's involvement in planning processes and its influence upon decisions made by government officials.

Who is involved?

"The public" is, of course, a catch-all term. On any given occasion, the public may be composed of federal and state agencies, local government officials, public service organizations, special interest groups, and/or the general public. Thus, defining "the public" is the first task of a public participation program.

Rationale

Why do we have public participation?

Involving people in planning and decision-making processes (1) lessens the likelihood that decisions will be arrived at and programs completed by a select few; (2) enlarges participants' understanding by introducing other points of view and thus exposing them to the "trade-offs" involved in reaching decisions on complex issues; (3) serves, thereby, to improve the quality of program results; and (4) helps citizens accept a plan, decision, or program.

Function

What is the purpose of public participation?

Public participation has two basic and closely related functions: to inform and educate the public and to involve people in the process of decision-making. The first is important to the second: that is, unless the public is made aware of, and is given information about local issues and planning processes, it cannot be expected to interact effectively with government agents and take part in the planning process.

Principles

The following five principles are essential to the success of any program of public participation:

WELL-DEFINED ISSUES AND RESPONSIBILITIES. Before a district begins its public participation program it must identify the issues to be addressed and clearly define the role and responsibility of all expected participants. If, for example, the objective is to set broad goals and policies, the views of the general public should be sought, since they will reflect the needs and hopes of the community. If, however, the problem at hand relates to specific program elements or economic and environmental problems, opinions will be needed from people and groups with special knowledge.

Everyone affected should become involved

REPRESENTATIVE PARTICIPANTS. It is important to identify and involve all segments of the public who may be affected by a proposed plan or policy, including those who may not know that they may be affected or that they ought to become involved, as well as those who are aware of the proposal and are prepared to participate. Imagine, for example, a public hearing attended by some 20 outspoken environmentalists, 20 oil company representatives, one waterfront home owner, but no commercial fishermen. Regardless of how honestly and objectively these participants may address the issues, the interests of fishermen or any other affected group not in attendance will not be adequately represented.

Becoming involved from the start

TIMELY PARTICIPATION. One must decide at the start of any program involving the public at what stage in the planning process — for example, the stage of setting goals or carrying out the plan — public input will be most apt and helpful to all concerned. Public involvement should begin before and not after decisions are made.

Letting the public know early . . .

. . . and keeping them informed

OPPORTUNITIES TO PARTICIPATE. Once the best times for public involvement have been pinpointed, opportunities for individuals and groups to participate must be provided and this information must be publicized. It must be stressed again that public involvement should come before, not after, real decisions are made and that the public should be informed of how their participation was used in making decisions.

SUFFICIENT RESOURCES. Even if all the above conditions are met, effectiveness of the public's involvement may be hampered by an insufficient amount of time and/or funds or by failure to provide the people with background or technical information necessary to their participation. It is easy to underestimate the length of time, amount of money, and completeness of information required.

Methods

How can people be informed and involved?

Application of only one or two methods to inform and involve the public will often prove inadequate and a full range of methods must be considered, including not only public hearings and workshops, but also surveys, personal interviews, direct mailings, the mass media, and special purpose meetings. The choices among these (and any other means that may appear appropriate) will depend upon the "publics" to be involved, the kinds and amounts of information to be conveyed, the purpose of the program, and the resources available.



"... identify and involve all segments of the public who may be affected by a proposed plan or policy, including those who may not know that they may be affected ..."

Model*A basic procedure of planning*

The standards and guidelines of the Alaska Coastal Management Program describe basic parts of a district coastal management program. The second guidebook in this series presents a basic planning process, which moves from identification of issues, goals, and objectives, through an inventory and analysis of natural and cultural resources to a plan to meet the goals and objectives of the program.

Model explained

The Coastal Policy Council requires that the public be given a chance to become involved in all elements of district coastal management programs. The diagram on the opposite page outlines a model public participation program. Inside the boxes are steps in the basic planning process outlined in the standards and guidelines of the Alaska Coastal Management Program. Asterisks (*) indicate key points where citizens' views are expected and desired. Connected to these points are various ways to inform people about the program at hand, encourage their participation, and provide means for them to express their ideas and concerns. The extent to which any or all of these methods is used will depend largely upon the resources available to the program. It is important, once again, to use as wide a range of methods as possible, and as early in the planning process as practical, in order to effectively inform and involve people in the development of coastal management programs. Whoever in the community is responsible for public participation, whether the planning commission, planning staff, citizen volunteer, or planning consultant, should periodically examine how well the methods chosen are working and always be searching for the most effective means of reaching the public and learning their views.

Ways and Means**Radio and Television***Advantages: reaching cross-section of mass audience*

Radio and television offer access to one of the largest mass audiences, an audience which, moreover, includes a cross-section of all ages, races, incomes, and educational levels. These media are thus ideal ways to broadcast information to either the general public or selected audiences. By choosing the right station at the right time of day, the person responsible for public participation can usually focus a message to reach that part of the public for which it is intended.

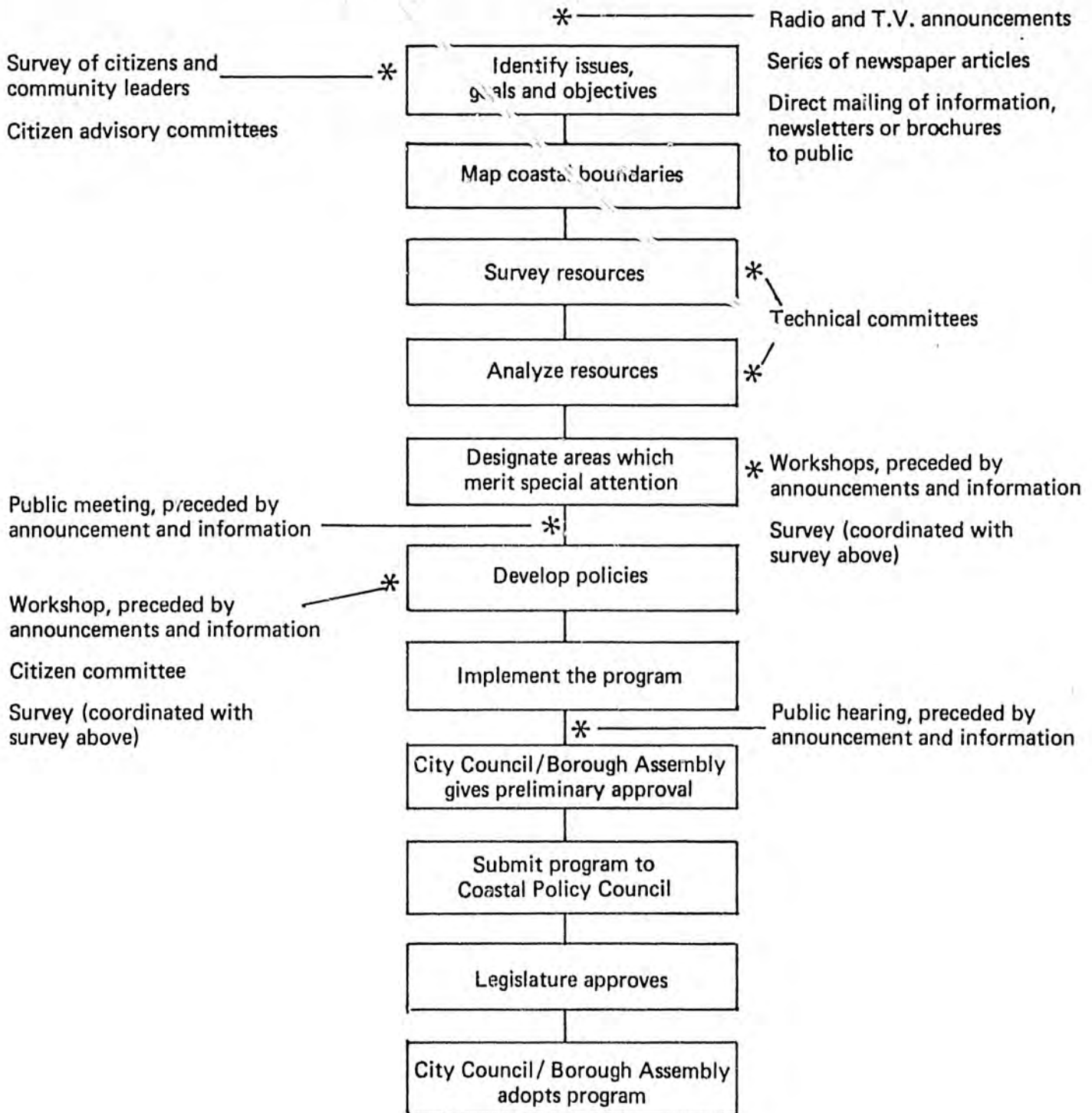
*Examples . . .
Announcements*

Radio and television provide several different approaches to the audience(s) of one's choice. Announcements, for example, can be made on radio or T.V. notifying the public of a planning study being conducted, who the responsible agency is, and opportunities for public input. Public service spots can also be used to convey information to the public, since by law the Federal Communications Commission requires stations using public airways to provide time for messages in the public interest. Feature stories during local news programs or interviews with the planning staff or government officials on a larger news program are also good ways of letting the public know what is going on. Finally panel discussions among persons with diverse interests are a fine way of presenting different points of view on a plan or program.

*Public service spots**Feature stories
and interviews**Panel discussions**People, materials,
and costs*

While public service announcements and interview programs are free of charge, there are, of course, fees attached to the use of commercial radio and television broadcast time. A 30-second spot on television prime time, for example, will cost in the range of \$20-\$110, and the daytime advertising rates are about \$14-\$15 for the 30 seconds. Advertising rates for radio,

FLOWCHART DISTRICT COASTAL MANAGEMENT PROGRAM



A model public participation program which presents a planning process and indicates the key points (*) where citizens' views are expected and desired.

based on a one minute spot aired 12 times a week during each of the four divisions of the radio day, range from \$4-\$24 for the 6:00 a.m.-10:00 a.m. slot, \$4-\$18.50 for the 10:00 a.m.-3:00 p.m. slot, \$4-\$24 for the 3:00 p.m.-7:00 p.m. slot, and \$4-\$12 for the 7:00 p.m.-midnight slot. Exact rates and figures should be obtained from each station, and the planning staff should be prepared to meet the possibility that television and radio staff may request certain informational materials, such as color slides and audio tapes.

The Alaska Blue Book 1979 lists the following radio and television stations:

COMMERCIAL RADIO STATIONS

KAMN
5045 Jewell Lake
Anchorage, Alaska 99502

KBYR
1007 West Thirty Second Avenue
Anchorage, Alaska 99503

KENI
Box 1160
Anchorage, Alaska 99510

KFQD
9200 Lake Otis Parkway
Anchorage, Alaska 99507

KGOT-FM
2800 Dowling Road
Anchorage, Alaska 99507

KHAR
3900 Seward Highway
Anchorage, Alaska 99503

KHVN-FM
2607 Fairbanks Street
Anchorage, Alaska 99503

KJZZ-FM
338 Denali Street
Anchorage, Alaska 99501

KKLV-FM
3900 Seward Highway
Anchorage, Alaska 99503

KNIK-FM
1007 West Thirty Second Avenue
Anchorage, Alaska 99503

KYAK
2800 Dowling Road
Anchorage, Alaska 99507

KABN
Drawer D
Big Lake, Alaska 99687

KLAM
Box 278
Cordova, Alaska 99574

KINY
1107 West Eighth Street
Juneau, Alaska 99801

KJNO
Box 929
Juneau, Alaska 99802

KQOK-FM
Box 1000
Kenai, Alaska 99611

KSRM
Box 1000
Kenai, Alaska 99611

KTKN
Box 2347
Ketchikan, Alaska 99901

KVOK
Box 53
Kodiak, Alaska 99615

KICY
Box 280
Nome, Alaska 99762

KICY-FM
Box 820
Nome, Alaska 99762

KNOM
Box 988
Nome, Alaska 99762

KRXA
Box 276
Seward, Alaska 99664

KIFW
Box 299
Sitka, Alaska 99835

PUBLIC RADIO STATIONS

KSKA-FM
Box 1900
Anchorage, Alaska 99510

KRBD-FM
2415 Hemlock Street
Ketchikan, Alaska 99901

KBRW
Box 190
Barrow, Alaska 99723

KMXT-FM
Box 484
Kodiak, Alaska 99615

KYUK
Box 468
Bethel, Alaska 99559

KOTZ
Box 78
Kotzebue, Alaska 99752

KDLG
Box 670
Dillingham, Alaska 99576

KFSK-FM
Box 149
Petersburg, Alaska 99833

KTOO-FM
224 Fourth Street
Juneau, Alaska 99801

KSTK-FM
Box 282
Wrangell, Alaska 99929

COMMERCIAL TELEVISION STATIONS

KENI-TV
Box 1160
Anchorage, Alaska 99510

KINY-TV
1107 West Eighth Street
Juneau, Alaska 99801

KIMO-TV
3910 Seward Highway
Anchorage, Alaska 99503

KIFW-TV
Box 299
Sitka, Alaska 99835

KTVA-TV
100 West Thirty Second Avenue
Anchorage, Alaska 99503

PUBLIC TELEVISION STATIONS

KAKM
3211 Providence Drive
Anchorage, Alaska 99504

KTOO-TV
224 Fourth Street
Juneau, Alaska 99801

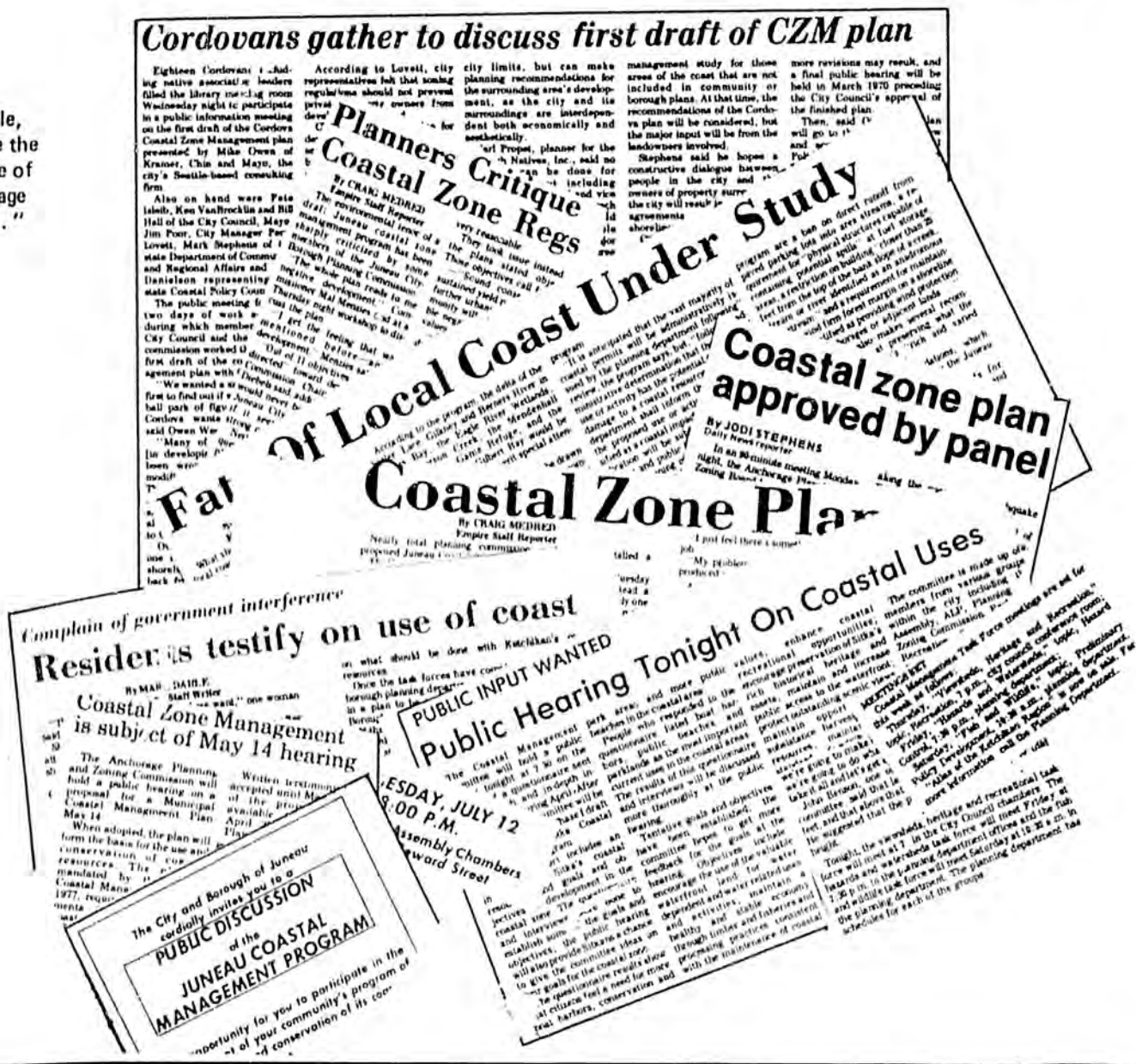
KYUK-TV
Box 468
Bethel, Alaska 99559

Example

For most people, newspapers are the handiest source of in-depth coverage of the news and one of the easiest ways to keep in touch with local and state affairs. They are therefore excellent means for reaching a large public audience. When using newspapers in a public participation program, one should keep in mind the variety of outlets they offer, as for example: news articles and releases, feature columns and articles, letters to the editor, advertisements, and legal notices. One or another of these outlets may, at various stages of the planning process, prove ideally suited to the purposes of a program to inform and involve the public.

For example, at the outset of a district coastal management program, a series of articles in the local newspapers could serve to (1) tell the public about the program; (2) develop awareness of the importance of the coastal zone and the issues which might be considered in the program; and (3) then explain how such a program will be developed and why the public's involvement is desired. The articles could include, as well, a diagram of the planning process showing at which points citizens will be asked to participate. Then later, advertisements could inform the public of the where, when, and how of their participation and also list sources to be contacted for further information.

"For most people, newspapers are the handiest source of in-depth coverage of the news . . ."



*People, materials,
and costs*

Space in a newspaper may be free or obtained at a small cost. A newsworthy item or article would be printed free, while space for advertisements and legal notices must be purchased. One newspaper in Southeast Alaska, for example, charges \$5.16 per column inch for an advertisement and \$.74 per line for an initial legal notice. Nonprofit organizations will usually be given a discount. Specific details about rates and editorial policies should, however, be obtained from each newspaper.

Following is a list of addresses for Alaska newspapers:

Anchorage Daily News
Box 1660
Anchorage, Alaska 99510

Anchorage Daily Times
Box 40
Anchorage, Alaska 99510

Alaska Journal of Commerce
715 "L" Street
Anchorage, Alaska 99501

Tundra Times
639 "I" Street
Anchorage, Alaska 99501

Tundra Drums
Box 468
Bethel, Alaska 99559

Cook Inlet Courier
Box 687
Chugiak, Alaska 99567

Cordova Times
Box 200
Cordova, Alaska 99574

Chugiak-Eagle River Star
Box 1007
Eagle River, Alaska 99577

Lynn Canal News
Box 637
Haines, Alaska 99827

Homer News
Box 254
Homer, Alaska 99603

Southeast Alaska Empire
235 Second Street
Juneau, Alaska 99801

Totem Times
Box 196
Hoonah, Alaska 99829

Cheechako News
Drawer O
Kenai, Alaska 99611

Peninsula Clarion
Box 1341
Kenai, Alaska 99611

Ketchikan Daily News
Box 79
Ketchikan, Alaska 99901

New Alaskan
Route 1, Box 677
Ketchikan, Alaska 99901

Southeastern Log
Box 79
Ketchikan, Alaska 99901

Kodiak Times
Box 631
Kodiak, Alaska 99615

Kodiak Daily Mirror
Box 1307
Kodiak, Alaska 99615

Kodiak Fish Wrapper
Box 2516
Kodiak, Alaska 99615

Caribou News
Box 726
Kotzebue, Alaska 99572

Bering Straights
Box 968
Nome, Alaska 99762

Nome Nugget
Box 610
Nome, Alaska 99762

Frontiersman
Box D
Palmer, Alaska 99645

Petersburg Pilot
Box 930
Petersburg, Alaska 99833

The Aleut
Sand Point, Alaska 99661

Phoenix Log
Box 97
Seward, Alaska 99644

Sitka Sentinel
Box 799
Sitka, Alaska 99835

Susitna Sentinel
Box 289
Talkeetna, Alaska 99876

Valdez News
Box 1348
Valdez, Alaska 99686

Valdez Vanguard
Box 157
Valdez, Alaska 99686

Valley Sun Weekly
Box 1780
Wasilla, Alaska 99687

Sound of Prince William
Box 636
Whittier, Alaska 99502

Wrangell Sentinel
Box 798
Wrangell, Alaska 99929

Information Packets

There are several other forms of written material that will prove useful in informing people about a program: newsletters, fliers, and brochures. Though usually short, these will allow information to be conveyed in greater detail than is typical of either a radio or T.V. spot; and they also can be easy and inexpensive to produce.

Newsletters

Newsletters, as the name implies, are short (letter-size) reports issued periodically and are ideally suited to keeping special groups and/or the general public posted on a program's development.

Fliers

Fliers can perform the same kind of service as newsletters but are generally even shorter and briefly convey simple information, such as the time, place, and subject of a public meeting, to a selected audience or the general public.

Brochures

Brochures are typically longer (two to six pages) than newsletters or fliers, and can give a more complete description of a program without, however, being too detailed.

Example

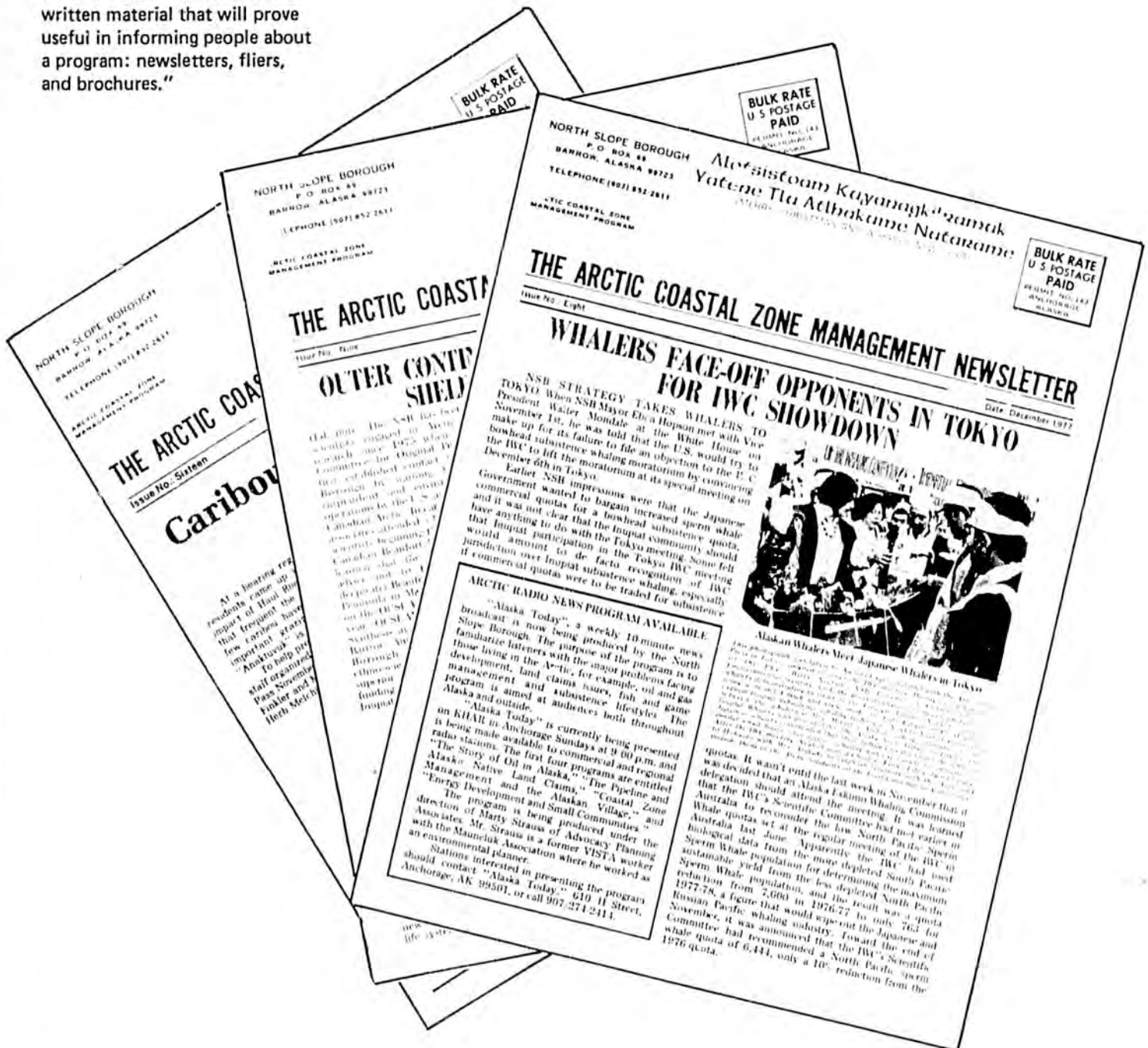
If a coastal management program is being planned, a guidebook or series of guidebooks could be prepared to explain coastal management and why public participation is desired. Newsletters or fliers could later be sent out to inform the public or select groups of progress being made, problems that may arise, and chances for the public to become involved.

People, materials, and costs

The costs of preparing, printing, and sending out newsletters, fliers, and brochures can be kept low by using the talents of the local planning staff

and citizens for writing, editing, typing, photocopying, and distributing the materials (at meetings, directly to homes, in newspapers, or by bulk rate mailings, if over 300 pieces). For more polished products, consultants may be hired to produce all or any part of the material. The local staff may draft a newsletter or flier, for example, but have it printed by a private firm. The costs will vary depending upon the size and number of pages, whether or not photographs or art work are involved, the quality of the paper, and so forth.

"There are several other forms of written material that will prove useful in informing people about a program: newsletters, fliers, and brochures."



Audio-Visual Aids

Given the principle that one picture can do the work of many thousands of words, audio-visual presentations rank among the most impressive and effective means of communication. Slide-shows are inexpensive to assemble, highly portable, and flexible. Films and video-tapes, while more lively than slide-shows, tend to be more expensive to produce.

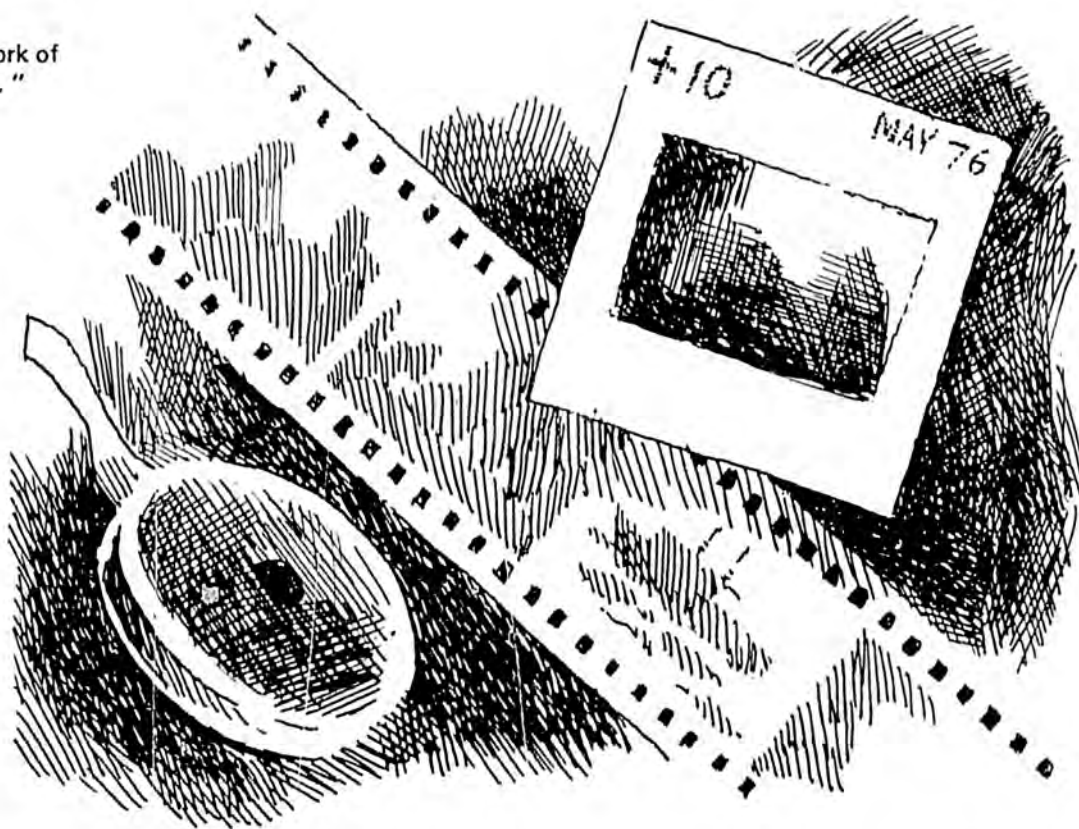
Example: a slide show

A slide show, for example, could be used to inform district residents about coastal resources in their area or to draw out their views on scenic values along the coast. Slides could be rearranged, lingered over, or returned to during any given presentation, and the entire show could be easily tailored to particular audiences.

People, materials, and costs

It is not necessary to go to great expense in putting together an audio-visual package, since the equipment required — camera, projector, screen, and video-tape machine — can usually be borrowed or rented at minimal cost.

"... one picture can do the work of many thousands of words ..."



Visual Displays and Information Site Visits

Maps, drawings, and aerial photographs

Freehand sketch

Information can often be better conveyed through graphics than through written materials. Best of all may be a combination of the two, with visual displays illustrating the text. Thus, maps, drawings, and aerial photographs of planning sites and land use options can be very useful in showing people, more than just telling them, what a coastal management program is all about. In like manner, a freehand sketch made on a chalk board during a talk by a staff member or consultant may serve to bring a point into sharp focus that might not otherwise have been well understood by the audience.

"... maps, drawings, and aerial photographs ... can be very useful in showing people ... what a coastal management program is all about."



Photograph courtesy of the Office of Coastal Management

Models and games

Models and games are not only interesting and fun; they are excellent tools for educating citizens about planning issues, problems, and processes (as will be shown below).

Site visits

Site visits are still another means of informing citizens about the planning process; seeing the coastal area in a management program instead of just reading about it may often be the factor that most improves one's understanding.

"... seeing the coastal area instead of just reading about it may often be the factor that most improves one's understanding."



Photograph courtesy of the Alaska Division of Tourism

Example

A map, drawing, photograph, sketch, or model of the coastal district in question should be considered indispensable to a public meeting or group workshop on coastal management; and several graphic aids will be better than one. For instance, maps might show boundaries of the coastal area, existing land uses, natural resources, areas which merit special attention, and alternative use patterns for the coastal area. A model of a community or region could also be built on a piece of plywood, with land, water, utilities, and various land uses printed in different colors; or the different colors could be made of transparent plastic figures that could be placed on the model and moved about in order to display various land use options.

A meeting might also be arranged to include a simulation game which would involve the citizens in making decisions affecting a fictional community or region. Some of these kinds of games are played with the aid of a computer, while others are not, but they are all based on the belief that to participate in a process is one of the best ways to understand it.

After a meeting, a group of citizens could be taken on a site visit by way of a boat ride along the coastline to view and record at first hand land use patterns, the coastal problems involved, and the material resources under consideration, particularly the scenic resources.

*People, materials,
and costs*

Maps can often be easily obtained from various federal and State agencies free or at low cost. Aerial photographs, however, are costly and, in fact, do not now exist for the entire State. The Bureau of Land Management and the U.S. Forest Service, however, have some aerial photographs which can be copied or borrowed.

The cost of models and games will vary, depending on how detailed and how complex they are and what kind of equipment is required. Models of a community can be made at low cost by school children, for example, out of scraps of lumber and paint; or they can, at more cost, be built to scale by an architect or artist. Naturally, games which involve special equipment like computers will cost more than those which do not.

Following are examples of available sources:

Coastal Area Boundary Maps

Arctic Environmental Information and
Data Center
707 "A" Street
Anchorage, Alaska 99501

Topographic Maps

Public Inquiries Office
U.S. Geological Survey
508 W. Second Avenue
Anchorage, Alaska 99501
or
Alaska Distribution Section
U.S. Geological Survey
Box 12, New Federal Building
101 Twelfth Avenue (Room 126)
Fairbanks, Alaska 99701

Aerial Photographs

U.S. Bureau of Land Management
State Office, Division of Technical Services
701 "C" Street, Box 13
Anchorage, Alaska 99513

or

U.S. Public Health Service
Alaska Area Native Health Service
Office of Environmental Health
3350 Commercial Drive
Anchorage, Alaska 99501

or

U.S. Forest Service
709 W. Ninth Street (Federal Building)
Juneau, Alaska 99802

Committees

Advisory . . .

Committees can be useful in a program, but they function best when assigned needed and clearly defined tasks and are not just acting as general sounding boards without real influence. *Advisory committees* are usually composed of interested citizens willing to put a lot of time and effort into working on community programs. Members do not need special skills and should be sought from the general public in order to represent a cross-section of the community.

*. . . technical . . .
and ad hoc*

One function of advisory committees might be to serve as links between the community and special interest groups. *Technical* and *ad hoc committees* are usually composed of people with special skills or knowledge who can provide the planning staff or perhaps the advisory committee with technical advice.

"Committees . . . function best when assigned needed and clearly defined tasks and are not just acting as general sounding boards without real influence."



Example:
technical committee

In some communities the planning commission or advisory committee might organize a technical committee composed of individuals with special types of knowledge and representatives from various State and federal agencies. Through regular meetings or "brown bag" lunches with the local planning staff and/or consultants, such a committee could provide map data and analyses of natural resources, critical habitats, public facilities, population trends, zoning ordinances, and so forth. In this way, technical and professional advice to the community may be obtained at very little cost.

*People, materials,
and costs*

Citizen committees will require interested individuals and most likely staff support, with a small operating budget. Committee members should represent different groups of people within the area to be affected by the management plan. Age, sex, family income, occupation, political affiliation, educational background, geographical regions, and minority groups should all be considered. A member of the planning staff or commission can be assigned to the committee in order to keep the members informed of program developments, to arrange for needed services, such as clerical support to draft meeting agendas, and to report to the planning staff or commission views expressed and work performed by the committee. Funds will be needed to support the work of the committee — to hire consultants, for example, or to arrange for special reports and services — and will likely be needed to cover members' travel expenses.

Surveys

A survey typically involves collection of data either by interviewing or by mailing questionnaires to a sample of people selected to accurately represent the population under study. Each person in the sample is asked the same set of questions, and answers are organized in such a way that conclusions may be drawn about the people's wishes regarding the plan or program in question. Responses may then be applied to solving a particular problem or defining a certain issue. Surveys or questionnaires are therefore best introduced in the early stages of a planning process in order to help identify public goals, values, priorities, issues, and preferences.

Questionnaires may be distributed at (1) public meetings and workshops, (2) meetings at which presentations are made, and (3) to a sample of households. Surveys may be conducted by telephone, mailed questionnaires, and personal interviews.

*Example: preference
and value survey*

For an example, we will focus upon a survey technique known as the *preference and value survey*, which uses slides and photographs to learn the preferences and values of those who respond. Photographs of natural and man-made environments are projected upon a screen, and the audience is asked to rate the scenes. That is, from a set of photographs or slides showing typical local environments and potential uses, the citizen audience may be asked to (1) identify areas they find most and least beautiful; (2) select areas that should be protected, and indicate which are most suitable for conservation, recreational, residential, commercial, and industrial uses; and (3) rank the various uses according to the priority they should be given within coastal areas. Since district coastal programs are to include, among other things, a set of goals, objectives, and policies, and a description of proper and improper uses, the survey results can be most helpful in the development of the program.

"Surveys or questionnaires are . . . best introduced in the early stages of a planning process in order to help identify goals, values, priorities, issues, and preferences."

2. Assuming growth and development will occur in the City and Borough of Sitka, which of the following do you prefer? (Check one of each pair.)

☐ mobile home parks
☐ fish cold storage

or ☐ apartment buildings
 or ☐ oil tank farms or docks
 or ☐ boat harbors
 or ☐ hotels and restaurants
 or ☐ fish processing plants

6. After each place or area listed below, please indicate if you think the area or place has special recreational value, wildlife or biological value, scenic value, historical or cultural value, residential value, commercial or industrial value, food gathering or subsistence value. (Check the appropriate value or values.)

Values

Area

Starrigavin Bay
 Crescent Harbor
 Sawmill Creek
 Sitka National Monument

recreational
 wildlife
 scenic
 historical/
 cultural
 residential
 commercial/
 industrial
 subsistence

1. Please look through the pictures on the following four pages quickly to get a general feeling for what they are about, then go back and rate EACH of the photographs as to how much you like it. All you need to do is circle the number below EACH to indicate whether you like it. 1 = not at all, 2 = a little, 3 = somewhat, 4 = quite a bit, and 5 = very much.



*People, materials,
and costs*

Because survey design and analysis is a technical skill, it may be necessary to call upon a consultant to perform certain tasks, such as designing the questionnaire to avoid bias, training special interviewers, and making sure a sample of the affected population is selected at random. Such professional assistance may be required if the results of the survey must be wholly objective or if important decisions are to be based upon them. Too often survey material is unusable because of faulty design, biased questions, inconsistent collection techniques, failure to test, data in the wrong form, and so forth.

The cost of conducting a survey depends on the number of responses needed, the means by which responses are obtained, and printing or duplicating costs. Mail and telephone surveys involve postage and telephone expenses. Interviewing costs can be held down by assistance from citizen volunteers who, with a little training, can conduct the survey and tally responses.

Workshops

Typical session

Workshop sessions offer excellent opportunities for the public to participate in planning programs. Because workshops are not restricted by time limitations, they permit leisurely, comprehensive, and in-depth analysis and discussion of particular problems or objectives. Typically, after an introductory session or two, workshops will break into a few small groups, which tend to foster relaxed and detailed discussions of the issue at hand. Ideally, each group will be led by a local resource person and have present or available to it someone who can provide technical knowledge. The groups should then meet again in a final joint session in order to summarize points arrived at by each smaller group, draw conclusions, and make recommendations.

Example

A community starting on a district coastal program might decide to hold a series of workshops in various places in the district. Invitations might be mailed to randomly selected registered voters, as well as to clubs and organizations, local newspapers, and State and local officials, and the workshop advertised in various ways as discussed elsewhere in this guidebook. Each workshop or group discussion could focus on a topic, such as shoreline development, subsistence, mining, or areas which merit special attention. Questionnaires could also be used as part of group discussions.

*People, materials,
and costs*

Workshops need people to participate, and these may best be attracted by means of a combination of personal invitations, T.V. and radio spots, newspaper advertisements, and fliers. Planning staffs and consultants, as well as anyone else having special knowledge or skills, may be asked to serve as leaders and resource people for the discussion groups. Personnel from federal and State agencies or university and college people could help plan group discussion topics and may take part in the workshop. The range of topics and the schedule of sessions should be set before the workshop starts, and these should be published early, to give people enough advance notice.

Public Meetings

While small discussion groups are ideally suited to clarifying issues, resolving problems, and generally thinking things through carefully, the large public meeting serves mainly as a means of presenting information to

*Function: to
inform the public*

citizens (though a common criticism of public meetings is that ideas expressed at such meetings seldom fully represent those of the general public). Public meetings are more than a good idea, however: the standards and guidelines of the Alaska Coastal Management Program require that "no less than two public meetings shall be held within the district during program development to inform the public and receive commentary concerning the program" (6 AAC 85.130[a]).

Example: typical meeting

The format of a typical public meeting is as follows: after a few opening remarks, the planning staff and/or consultant present items on the agenda and then open the meeting to questions from the audience. The meeting may then break up into small groups which will be asked to discuss a problem area and recommend possible courses of action. Each group is then asked to assess the usefulness of solutions just proposed by another group.

Ideas for improvement

At the public meeting questionnaires could be handed out. They would serve to bring out people's concerns and suggestions and to make it easier for the staff to record citizen views.

*People, materials,
and costs*

As indicated above, the cost of a public meeting can be kept low by staffing it with local, State, and/or federal and other volunteer personnel, and by holding it in some public building. Notice of the meeting should be made several days in advance; and background materials should also be prepared and mailed well in advance of the meeting date. Finally, some kind of record or summary (minutes, tape recordings, and so forth) of the meeting should be kept.

"... at the public hearing, each interested person shall be given the opportunity to present statements, arguments, or contentions, orally or in writing."



Public Hearings

Requirements

The standards and guidelines of the Alaska Coastal Management Program require that a district must, at least 60 days before approving its program, give public notice of the proposed action "by conspicuous advertisement in a newspaper of general circulation within the district" (6 AAC 85.130); and the notice must state the time and place of a public hearing on the proposed action, to be held no sooner than 30 days after the notice is first given.

Purpose

The standards and guidelines are clear as to the purpose of a public hearing: "at the public hearing, each interested person shall be given the opportunity to present statements, arguments, or contentions, orally or in writing" (6 AAC 85.130[b]).

Example: typical hearing

A hearing might proceed as follows: As people enter the meeting, they are asked to register (name and address) and indicate whether they wish to make a statement. Government officials and planning staff will then make a brief, simple presentation, after which the meeting will be devoted to "hearing" the public and answering any of its questions. Every statement or question and answer will be recorded, and any questions not answered at the hearing will be answered later by mail.

*People, materials,
and costs*

A public hearing, as indicated above, involves appropriate government officials, local planning staff, and hopefully a cross-section of the public. The work and expenses required are similar to those of a public meeting: the hearing must be scheduled at a convenient time and place; notices must be published in the newspapers and other media; interested citizens should be able to view plans and maps during the day before or on the day of the hearing; a neutral moderator must be chosen; and any special equipment, such as microphones and recorders, or personnel, such as a translator, must be obtained. Usually, none of these involves great expense.

Consistency: Key to Coordination



Alaska Coastal Management Program

STATE OF ALASKA DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS
DIVISION OF COMMUNITY PLANNING

4

Alaska Coastal Management Program

4

District Program Guidebook Series

- 1 Coastal Management: What It Is and How It Works
- 2 Local Control: Creating a District Coastal Management Program
- 3 Guide to Public Involvement
- 4 Consistency: The Key to Coordination
- 5 Making a District Coastal Management Program Work

Appendix

Guidebooks on other coastal management topics may be published at a future date.

For additional copies and information, contact:

Director
Division of Community Planning
Department of Community and Regional Affairs
225 Cordova Street, Building B
Anchorage, Alaska 99501
(907) 279-8636

Acknowledgement

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Consistency: The Key to Coordination

This is the fourth guidebook in a series on coastal management in Alaska. It discusses requirements for State and federal actions to comply with district coastal management programs.

The discussion is arranged according to the following major topics:

The Meaning of Consistency

The Importance of Federal and State Consistency in Alaska

The Scope of the Consistency Provision

Time Schedule for Federal and State Consistency

Determining Consistency

District Uses of Consistency Requirements

State and Federal Actions Affecting Coastal Areas

The Meaning of Consistency

State consistency

State consistency refers to a section of the Alaska Coastal Management Act which requires State agency actions to comply with the standards of the Alaska Coastal Management Program and also with approved local, or district, coastal management programs. Upon approval by the Coastal Policy Council and the State Legislature, district programs become part of the State program. The Coastal Policy Council would approve a district program if it meets the standards and guidelines of the Alaska Coastal Management Program. (Refer to the second guidebook for more information concerning the standards and guidelines.)

Federal consistency

Federal consistency refers to a section of the federal Coastal Zone Management Act which requires federal agency actions to comply with the Alaska Coastal Management Program once the U.S. Secretary of Commerce approves it. Since approved district coastal management programs are part of the State program, federal agency actions must comply with approved district programs as well as with the State's coastal management standards.

State and federal agencies must be consistent with the standards of the Alaska Coastal Management Program, regardless of whether or not a district program is in effect. These standards address all of the following: coastal development; recreation; energy facilities; transportation and utilities; fish and seafood processing; timber harvest and processing; mining and mineral processing; subsistence; coastal habitats; air, land, and water quality; and historic, prehistoric, and archaeological resources.

District programs

Districts, which include local governments and service areas, interpret how the State's standards will be applied within the district. When the Coastal Policy Council and legislature approve a district program, they endorse the district's interpretation of the State's standards.

The Importance of Federal and State Consistency

A look at land ownership in Alaska shows why it is important for State and federal government actions to be consistent with the State's coastal management standards and approved district programs.

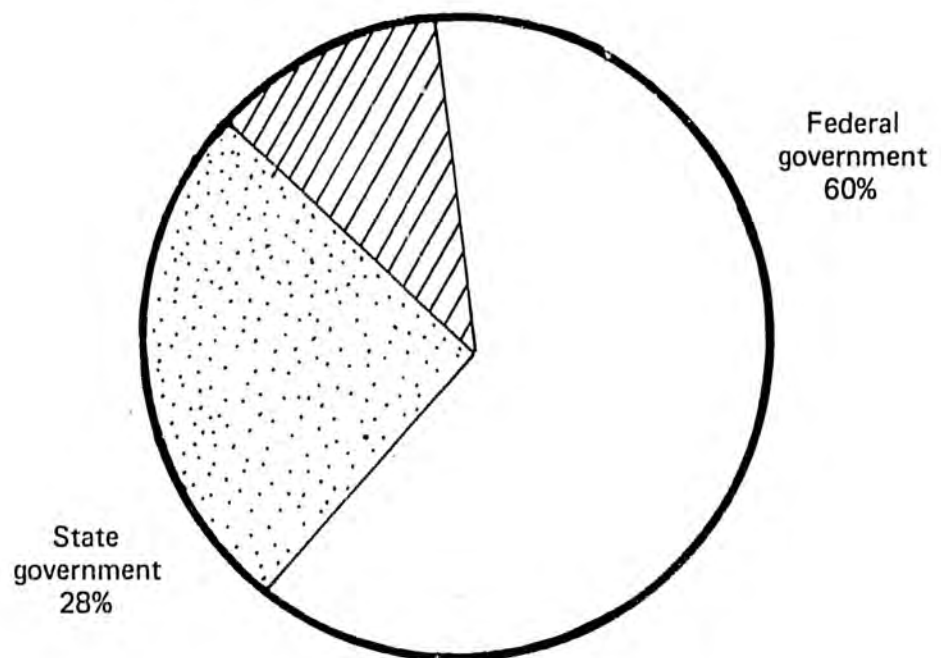
Who Owns Alaska's Lands?

When land ownership questions are settled, the federal government is expected to remain the largest landowner in the State, owning some 220 million acres, or 60 percent of the land. The State will be the second largest landowner, entitled to 104 million acres, or 28 percent of the land. Remaining land will be privately owned or owned by local governments.

Uplands

"... the federal government is expected to remain the largest landowner in the State ... (t)he State will be the second largest landowner ..."

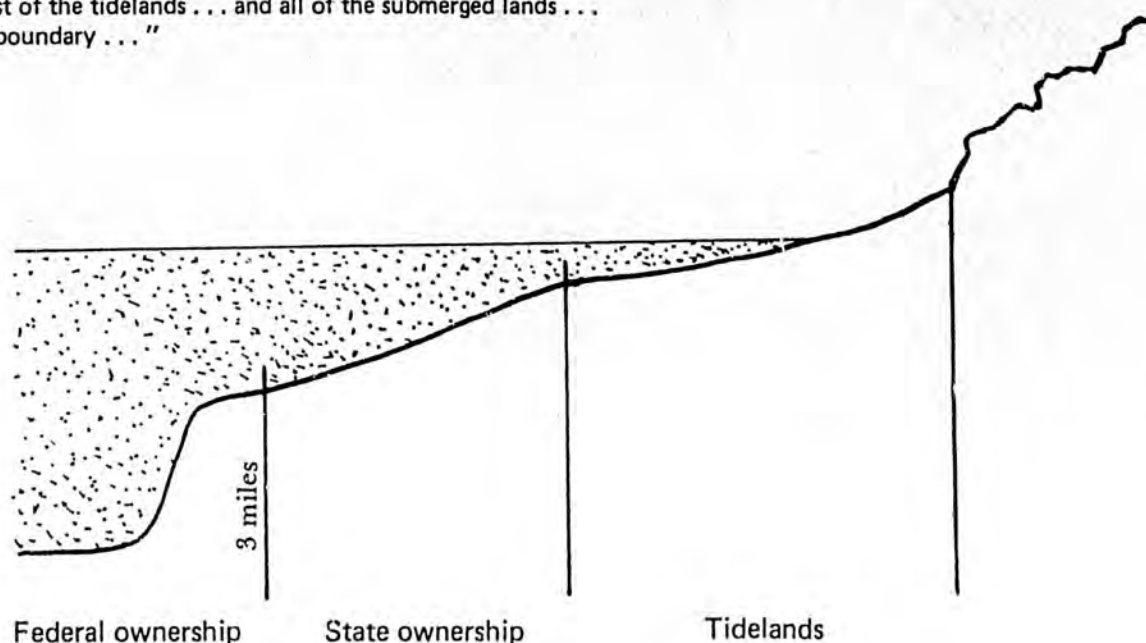
Private entities or
Local governments
12%



Tidelands and submerged lands

In Alaska, the State owns most of the tidelands (which lie between mean low water and mean high water) and all of the submerged lands (which extend from mean low water to the State's seaward boundary, three miles seaward of mean low water). Submerged lands beyond this boundary belong to the federal government.

"... the State owns most of the tidelands ... and all of the submerged lands ... to the State's seaward boundary ..."



Given these ownership patterns, it is apparent that, between them, the State and federal governments to a large extent determine what happens in Alaska's coastal areas. Within cities and boroughs, however, use of State and federal land is subject to local laws unless important State or national interests would be compromised by local laws.

Indirect Influence

Beyond the direct use State and federal governments make of their own lands, they can also influence use of coastal resources indirectly by such means as loans and grants, timber and mineral leases, or permits to dredge and fill in coastal waters. In a similar way, since use of tidelands often determines use of uplands, the State's ownership of tidelands could indirectly extend its influence to adjacent upland areas.

The Scope of the Consistency Provision

State and federal actions which directly affect the State's coastal area must be consistent with the State's coastal management standards and approved district programs.

Coastal area

The State's coastal area is defined as the *zones of direct interaction and direct influence* shown on the *Biophysical Boundaries for Alaska's Coastal Zone* unless altered in district programs (see the second guidebook). Land owned or used just by the federal government is excluded from the State's coastal area. Nevertheless, some federal actions on excluded lands may directly affect the State's coastal area. For example, mining on federal lands might affect coastal streams and transportation networks within the State's coastal area. In such cases, federal agencies involved must determine whether their proposed actions comply with the State's standards and also with approved district programs for the area affected.

Subject federal actions

Types of federal actions subject to the consistency provision include direct federal activities, federal licenses and permits, outer continental shelf (OCS) activities, and federal assistance to State and local governments. Each type of federal action is described on the opposite page beside a photograph showing an example of the action.

Federal exemptions . . .

Certain federal activities are exempt from the federal consistency requirement. Federal leases of outer continental shelf resources are exempt from the consistency requirement. However, permits or licenses for activities on tracts of the OCS must comply with the State's standards and with approved district programs if they would affect the State's coastal area. Direct federal activities may also be exempt if other federal laws or unforeseen circumstances prevent federal agencies from being fully consistent with State standards and with approved district programs. For example, a natural disaster may call for quick responses from federal agencies in ways which might not always be consistent with State standards and approved district programs. Federal permits, licenses, or assistance may also be excused from the consistency requirement if the proposed activity is in keeping with the objectives and purposes of the federal Coastal Zone Management Act and is vital to national security.

. . . and limits

This "escape clause" in the consistency provision of the federal Coastal Zone Management Act is not as easy to use as it may seem at first glance. Congress did not foresee many instances when federal agencies would not be able to comply with state and local coastal management programs. The intent of the federal Coastal Zone Management Act is that differences are to be ironed out before state and local programs are approved and that later exemptions from the consistency requirement are to occur seldom and then only under unusual circumstances.

Time Schedule for Federal and State Consistency*July 18, 1978*

The standards of the Alaska Coastal Management Program went into effect on July 18, 1978. State agencies must now act in accord with the standards. Once the Coastal Policy Council approves a district program, the district adopts it, and the State Legislature approves it, State agency actions will also have to comply with the district program.

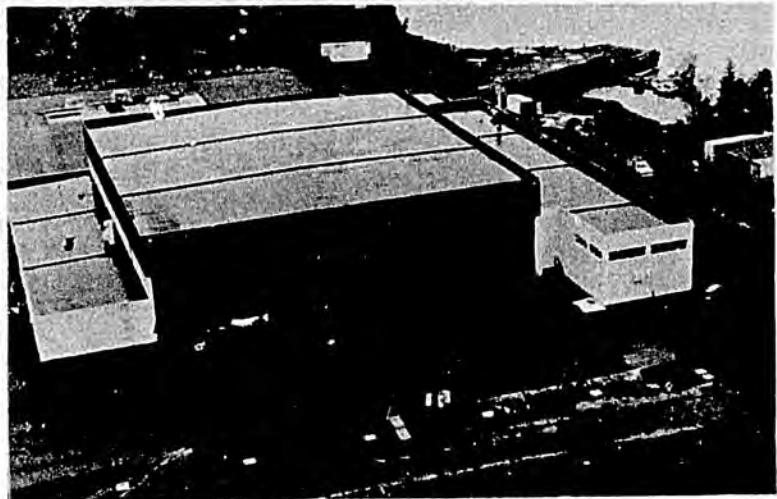
District programs . . .

Before the Coastal Policy Council approves a district program, the district must show that it has given federal, State, and local agencies, nearby districts, and other affected interests a chance to coordinate their efforts with those of the district and to review the program. Uses of State and national concern cannot be excluded from a district program without good reason. Listed below are uses of State and national concern identified as of this writing. Uses of concern to each district will be identified through the exchanges which will occur between the district and State and federal agencies during program development. These exchanges will be tracked in a record file which will be set up for each district program. The drawing on page 7 shows how a record file is set up, what it contains, and how it is used by the Coastal Policy Council to decide whether to approve a district program.

DIRECT FEDERAL ACTIVITIES

any functions performed by or on behalf of a federal agency, including planning, construction, modification or removal of public works, facilities or other structures, the acquisition, use or disposal of land or water resources, federal waste disposal plans for a federal facility, federal agency activities requiring a federal license or permit, and federal assistance for housing development to entities other than State or local governments (e.g., private interests or native organizations)

Photograph on right shows construction of Coast Guard Air Station at Sitka.

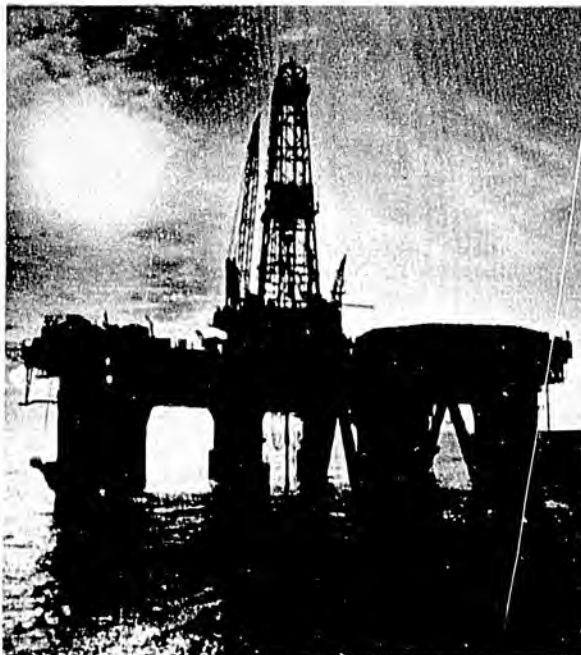


Official Coast Guard Photograph

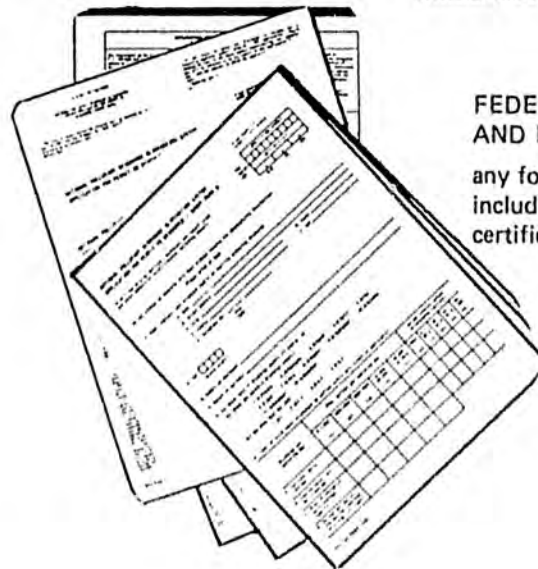
OUTER CONTINENTAL SHELF ACTIVITIES

federal licenses and permits for activities described in detail in Outer Continental Shelf (OCS) plans submitted to the U.S. Secretary of the Interior

(OCS lease sales are exempt from the consistency requirement but pre-lease activities such as tract selection and stipulations are subject to it.)



Photograph courtesy of Atlantic Richfield Company



FEDERAL LICENSES AND PERMITS

any form of permission, including authorization, certification and approval



Photograph courtesy of R & M Consultants

FEDERAL ASSISTANCE

any form of financial aid to State or local governments, including loans, grants, guarantees, subsidies and insurance

"Types of federal actions subject to the consistency provision include direct federal activities, federal licenses and permits, outer continental shelf (OCS) activities, and federal assistance to State and local governments."

... and federal consistency

The U.S. Secretary of Commerce approved the State's coastal management program in July, 1979. With her approval, the federal consistency provision of the federal Coastal Zone Management Act went into effect, and federal agencies must now comply with the State's standards and approved district programs unless existing federal laws or unforeseen circumstances prevent them from doing so. If a district program departs radically from the standards and guidelines of the Alaska Coastal Management Program, it must also be approved by the U.S. Secretary of Commerce before federal agencies are bound to comply with it.

Coastal Development

- The Siting of Major Energy Facilities
- Large Scale Industrial and Commercial Development
- Transportation Facilities
- Navigational Facilities and Systems
- New Community Development
- Defense and Security Facilities

Renewable and Non-Renewable Resources

- Management and Enhancement of Fish and Wildlife Resources
- Conservation of Established State Game Refuges, Sanctuaries, and Critical Habitats
- Conservation of Anadromous Fish Waters
- Harvest of Fish and Wildlife
- Disposition of Land and Waters
- Disposition of Forest Resources
- Resource Development of Federal Lands
- Disposition of Energy Resources
- Disposition of Minerals and Materials
- Agricultural Development and Protection
- Management of State Parks, Waysides, and Recreational Areas
- Management of State Historic, Prehistoric, and Archaeological Resources

Air, Land, and Water Quality

- Management of Air Quality
- Management of Water Quality
- Management of Solid Waste

Uses of State and national concern as identified by resolution of the Coastal Policy Council (Resolution No. 13, February 20, 1979)

Determining Consistency

State Consistency

Administrative Order No. 54 establishes a process to be used to determine whether State agency actions comply with district programs. By June 30, 1979, and within three months of the date a district program goes into effect (following legislative approval and district adoption), each State agency will submit to the Division of Policy Development and Planning in the Governor's Office a report listing the coastal land and water



"... exchanges which will occur between the district and State and federal agencies during program development ... will be tracked in a record file which will be set up for each district."

uses and activities of that agency for which it will determine consistency with the State's standards and the district program. At that time, each State agency will also describe how it intends to obtain public comment to help it make consistency determinations.

While in most cases the State agency can determine on its own whether its proposed actions comply with the State's standards and approved district programs, there may be times when it concludes that it cannot do so. In such cases, the agency or the governor may ask the Division of Policy Development and Planning in the Governor's Office to make the consistency determination.

Time limits

State agencies must make consistency determinations within time periods required by law for taking the proposed action. For example, if a person applies to the Department of Natural Resources for a tidelands permit, the department must decide whether the proposed use of the tidelands is consistent with the standards of the Alaska Coastal Management Program and with any district programs involved. The decision must be made within 60 days, the time limit set by law for acting on a request for a tidelands permit.

In case of disagreement

What happens if someone disagrees with the consistency determination? He or she should write to the Division of Policy Development and Planning in the Governor's Office, giving grounds for the complaint. If the division agrees that the complaint may have some merit, it will try to resolve the matter with the State agency within 30 days of receipt of the complaint. If the dispute cannot be settled this way, the division will take it before the Coastal Policy Council if it pertains to district programs, and to the governor if it pertains to any other matter.

Federal Consistency

If federal action affects the State's coastal area . . .

Procedures for determining consistency of federal actions are described in federal regulations (15 CFR Part 930). Federal agencies or applicants for federal permits, licenses, or financial assistance determine first whether the proposed action directly affects the State's coastal area. If so, they then determine whether the action is consistent with the State's coastal management standards and with approved district programs.

Public review

When notified of a proposed federal action, the Division of Policy Development and Planning channels the proposal through the State Clearinghouse, which is part of the division. The division will also consult with State agencies, affected local governments, and federal agencies to help it decide whether to agree or disagree with the consistency determination of the federal agency proposing the action.

Time limits

The Division of Policy Development and Planning must inform federal agencies and applicants of its decision as soon as possible after being notified. Its decision must be delivered within 45 days after receiving proposals for direct *federal activities*. If the division needs more time to review the proposals, it may seek to extend the review period up to 15 days. In any event, the federal action may not occur sooner than 90 days after the division is notified of the consistency determination, unless both the federal agency and the Division of Policy Development and Planning agree to an alternative period.



"... determine first whether the proposed action directly affects the State's coastal area. If so, ... determine whether the action is consistent with the State's coastal management standards and with approved district programs."

If the Division of Policy Development and Planning is notified of an intent to apply for *federal assistance*, it has 30 days to review the early notification and an additional 30 days to review the final application. If no prior notification has been given, the State has 60 days to respond

to the consistency determination accompanying the federal assistance application.

State review of *federal permits and licenses* may take more time. To review applications for federal licenses and permits, the division is allowed up to six months after receipt of initial notice from the federal agency and up to three months after receipt of the applicant's consistency certification.

In case of disagreement

If the State disagrees with the consistency determination of a federal agency it must give reasons for its position. Both parties should try to resolve their differences. If they cannot settle differences directly, either the State or the federal agency may ask the U.S. Secretary of Commerce to help them reach an acceptable compromise. If no compromise can be reached through mediation, either party may ask the federal courts to review the matter. A federal agency proposing a direct federal activity may proceed in the face of State objections unless the federal courts compel them to reject the proposal. A federal agency from which federal permits, licenses, or assistance have been requested, on the other hand, may not approve the request in the face of State objections unless the secretary, on appeal from applicants or at her own initiative, overrides State objections. She may override State objections if the proposed activities agree with the objectives and purposes of the federal Coastal Zone Management Act and are necessary for national security. If disagreement persists and the secretary upholds State objections, federal agencies may not issue the requested federal permit, license, or assistance.

District Uses of Consistency Requirements

*Importance of decisive
and clear direction*

First, the district program should be as specific as possible. If the district expresses its program as recommendations or in vague terms laden with exceptions, it gives State and federal agencies very poor criteria for determining the extent to which their actions comply with the district program.

*State and federal
governments as aids
to districts*

Second, the district should treat State and federal authorities as ways of achieving local objectives, rather than as burdens or obstacles. For example, by using the State's authority to lease tidelands and by identifying potential State or federal construction funds, a district could implement a management plan for a needed port facility.

The final section of this guidebook describes State and federal actions affecting coastal areas. It should be used by districts in developing their programs so that they can make the most of the consistency provisions of the State and federal coastal management acts.

State and Federal Actions Affecting Coastal Areas

State Actions

All State actions directly affecting the State's coastal area will be reviewed for consistency with the State's coastal management program. The State is most likely to affect the coastal area through direct State activities; licenses, permits, and leases; and State spending.

Direct State activities

Development projects, including planning, construction, modification, or removal of public works, facilities or structures are examples of actions which might be taken directly by the State and could produce major changes in the State's coastal area. If State agencies conducting such activities decide that they would directly affect the State's coastal area, they would determine whether the proposed actions are consistent with the State's coastal management standards and with approved district programs.



Photograph courtesy of the Alaska Department of Fish and Game

"Development projects . . . are examples of actions which might be taken directly by the State and could produce major changes in the State's coastal area." Photograph above shows construction of State salmon hatchery on Klawock River.

*Licenses, permits,
and leases*

Licenses, permits, and leases which the State issues and which might directly affect the State's coastal area include the following:

Department of Commerce and
Economic Development, Alaska
Public Utilities Commission

Certificates of public convenience and necessity
required for any individual, association, or
corporation to own, operate, manage, or control a
public utility (systems for the transmission or
transportation of water, electricity, gas, steam,
sewage, and refuse) (AS 42.05; 3 AAC 48)

Department of Environmental Conservation

Air quality permits to operate (1) facilities capable of emitting into the ambient air, regardless of whether air quality control equipment is operating, more than 25 tons per year of sulfur dioxide or particulate matter or 100 tons per year of either nitrogen oxides, carbon monoxides, or hydrocarbons; (2) mercury retorts, and (3) fuel burning electric generating equipment greater than 250 kilowatts capacity (AS 46.03; 18 AAC 50)

Approval of subdivision plans for adequacy of water supply and sewage disposal (AS 46.03; 18 AAC 72)

Approval of plans for construction, modification, or operation of a sewage system or treatment works (AS 46.03; 18 AAC 72)

Certificates of reasonable assurance that applications for federal licenses or permits which may result in discharges into navigable waters comply with appropriate requirements of State law (Section 401 of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977)

Permits for disposal of wastewater into or on Alaska land or water or into a publicly operated sewage system (AS 46.03; 18 AAC 72)

Permits for operating solid waste disposal facilities and disposing of sludge (AS 46.03; 18 AAC 60)

Department of Fish and Game

Permits for access to, and any activity taking place in, the McNeil River and Walrus Island State game sanctuaries (AS 16.05; 5 AAC 95)

Permits for any work or development within the statutorily designated State fish and game critical habitat areas (AS 16.20)

Permits to undertake work or development within designated State game refuges (AS 16.20)

Permits to construct a hydraulic project or affect the natural flow or bed of a river, lake, or stream specified as being important to anadromous fish, or use equipment in such waters (AS 16.05; 5 AAC 95)

Department of Natural Resources

Permits for offshore locatable mineral prospecting (AS 38.05; 11 AAC 82, 86, 88)

Leasing for the extraction of offshore locatable minerals other than oil and gas (AS 38.05; 11 AAC 84, 86, 88)

Oil and gas leasing (AS 38.05; 11 AAC 82, 83, 86)

Drilling or deepening any well on State land for oil or gas, or for stratigraphic information (AS 31.05; 11 AAC 82, 83, 88)

Leasing of tidelands and submerged lands for purposes other than for the extraction of natural resources, e.g., cargo docks and small boat harbors (AS 38.05; 11 AAC 62)

Permits for general use of tidelands and submerged lands, e.g., float homes and log storage (AS 38.05; 11 AAC 62)

Permits to appropriate water occurring in a natural state in Alaska (AS 46.15; 11 AAC 72)

Permits to modify any body of non-marine surface water (AS 46.15; 11 AAC 73)

Department of Transportation and Public Facilities

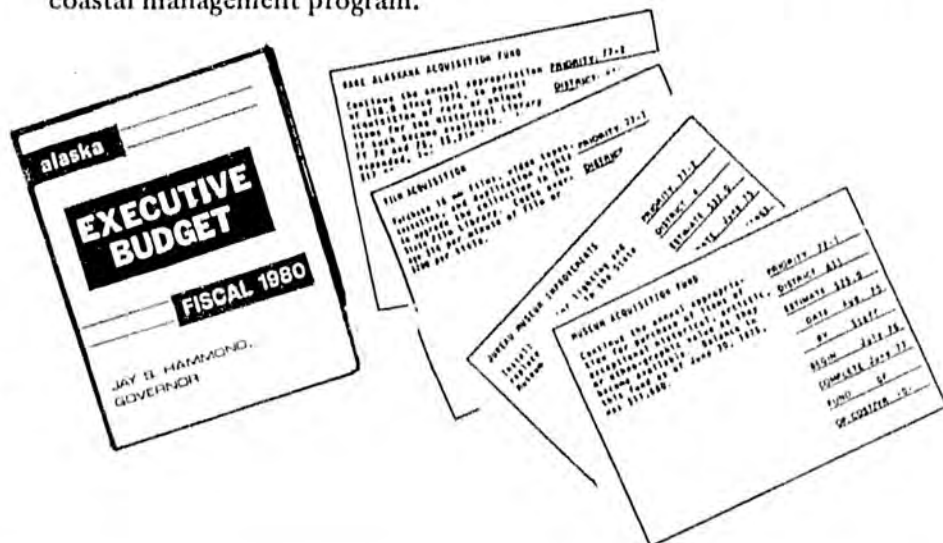
Permits for placement, modification, or maintenance of an encroachment across or along a State highway, or a highway funded in whole or in part by federal funds (AS 19.25; 17 AAC 10)

Permits to place or maintain utilities (railroads, public utilities, publicly owned fire and police signal systems, and street lighting systems) under, on, in, or over a State highway right-of-way (AS 42.05; 3 AAC 48)

State spending

State spending is guided by two budgets: (1) State agency budget and (2) six-year capital improvements program for the Department of Transportation and Public Facilities. To the extent that they affect the coastal area, actions supported by either budget must be consistent with the State's coastal management program.

"State spending is guided by two budgets: (1) State agency budget and (2) six-year capital improvements program . . ."



Federal Actions

Federal actions which will be reviewed for consistency include direct federal activities, federal licenses and permits, activities on the outer continental shelf, and federal assistance programs which significantly affect the State's coastal area. The Division of Policy Development and Planning has signed memoranda of understanding with most of the key federal agencies which conduct activities in the State's coastal area. While the memoranda of understanding specify actions which both parties feel will most likely directly affect the State's coastal area, it is nevertheless the federal agencies themselves which decide whether a consistency determination is warranted in any given instance.

Direct federal activities

If a federal agency decides that any of the following activities would directly affect the State's coastal area, it would determine whether the proposed action complies with the State's coastal management standards and approved district programs:

- All development projects, which include planning, construction, modification, or removal of public works, facilities, or other structures.

- Acquisition, use, or disposal of land or water resources.

- Federal waste disposal plans for a federal facility.

- Federal agency activities requiring a federal license or permit.

- Federal assistance for housing development to entities other than State or local governments (e.g., private interests or Native organizations).



Photograph courtesy of the Alaska District Corps of Engineers

"Federal actions which will be reviewed for consistency include direct federal activities . . ." Photograph above shows the Petersburg small boat harbor, a Corps of Engineers construction project.

Federal licenses and permits

Certain federal licenses and permits may directly affect the State's coastal area. If the federal agency which would issue the license or permit decides that the activity which it would allow would directly affect the coast, it would direct the applicant to certify that the proposed activity would be consistent with the State's coastal management standards and also with approved district programs. Listed below are licenses and permits which *might* directly affect the State's coastal area:

Department of Agriculture, U.S. Forest Service (USFS)	Permits for water easement on USFS lands
	Permits for construction on USFS lands
	Special use permits meeting the criteria of 15 CFR 930.21(b)
Department of Commerce, Office of Coastal Zone Management	Permits within Marine Sanctuaries under 33 U.S.C. 1401-1444
Department of Defense, Army Corps of Engineers	Permits under Sections 9 and 10 of the Rivers and Harbors Act, authorizing the construction of bridges, causeways, dams and dikes, and the obstruction of navigable waters
	Permits under Section 4(F) of the Outer Continental Shelf Lands Act and amendment, authorizing artificial islands or fixed structures on the outer continental shelf
	Permits under Section 103 of the Marine Protection Research and Sanctuaries Act, authorizing ocean dumping outside the limits of the territorial sea
	Permits under Section 404 of the Federal Water Pollution Control Act, authorizing discharges into navigable waters (also subject to State certificate of reasonable assurance)
Department of Energy, Federal Energy Regulatory Commission	Licenses for the construction and operation of non-federal hydroelectric power developments and associated transmission lines under Sections 4(e) and 15 of the Federal Power Act (16 U.S.C. 787(e) and 808)
	Certificates of public convenience and necessity required for the construction and operation of natural gas pipeline facilities, including both interstate pipeline and LNG terminal facilities under Section 7(c) of the Natural Gas Act (15 U.S.C. 717(c))
	Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 U.S.C. 717(f) [b])

Department of the Interior	Permits and licenses for drilling and mining and related facilities on public lands (Bureau of Land Management)
	Permits for pipeline rights-of-way on public lands and the outer continental shelf
	Permits and licenses for rights-of-way on public lands
	Permits and licenses required for drilling and mining on OCS lands (U.S. Geological Survey)
Department of Transportation, U.S. Coast Guard	Permits for construction or modification of bridge structures and causeways across navigable waters
	Permits for siting, construction, and operation of deepwater ports.
Environmental Protection Agency	Permits required under Section 402 of the 1972 Federal Water Pollution Control Act and amendments, authorizing discharge of pollutants into navigable waters (also subject to State certificate of reasonable assurance)
	Permits required under Section 405 of the 1972 Federal Water Pollution Control Act and amendments, authorizing disposal of sewage sludge
	Permits for new sources or for modification of existing sources and waivers of compliance allowing extensions of time to meet air quality standards under Section 112(c)(1) of the 1972 Clean Air Act
	Exemptions granted under the Clean Air Act to stationary sources
Nuclear Regulatory Commission	Permits and licenses for the siting, construction, and operation of nuclear facilities

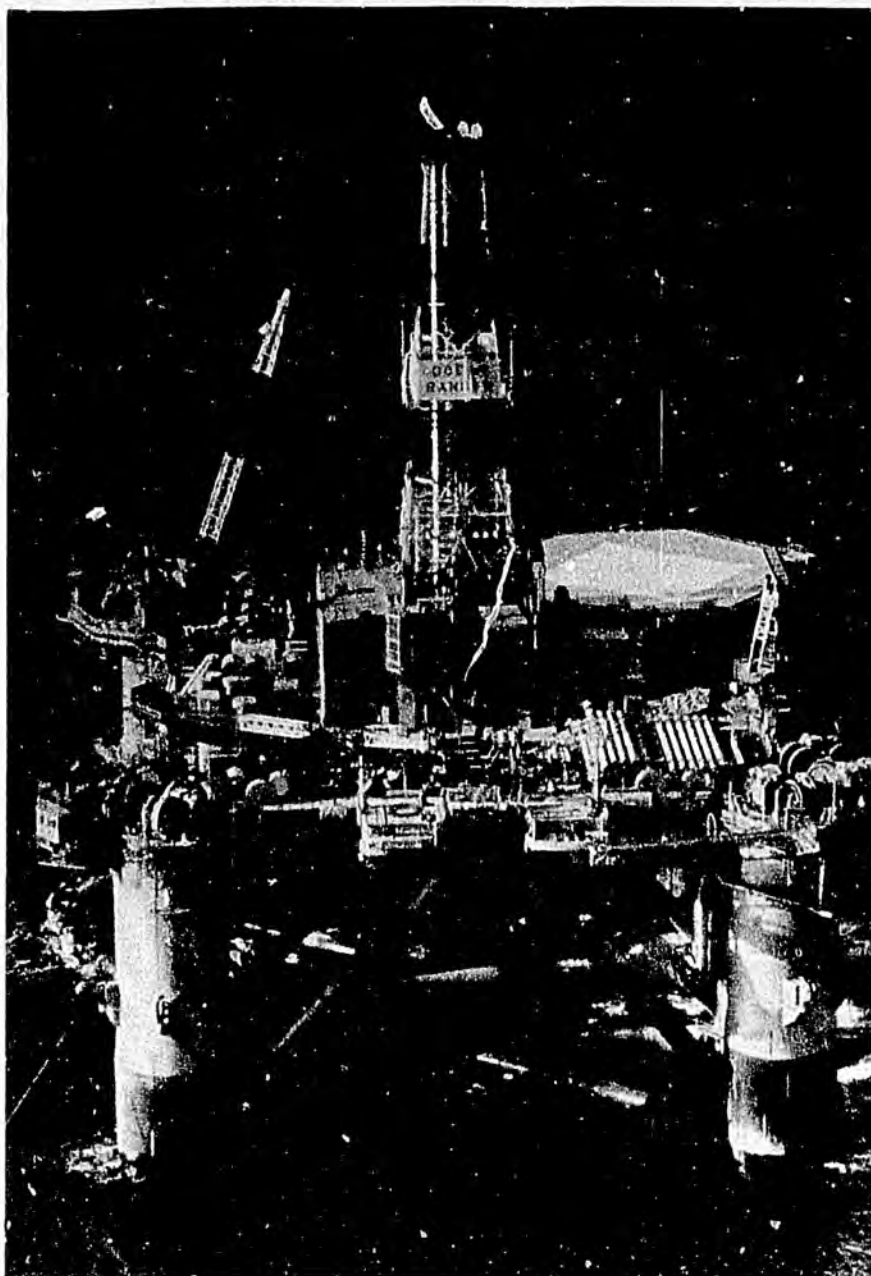
*Outer continental shelf
activities*

Each activity which is described in detail in a plan for the exploration or development of, or production from, any lands leased under the Outer Continental Shelf Lands Act will be carried out in a manner consistent with a state's approved management program.

An exploration plan should describe the drilling vessel to be used, the location of the well, water depth at drilling site, nearshore and onshore activities that could affect the coastal area, and the type and sequence of activities proposed.

A development and production plan should describe work to be performed, drilling vessels and platforms to be used, pipelines and other facilities and operations on the outer continental shelf, location of each well, interpretations of all available geological and geophysical data, environmental safeguards to be used, safety standards, an expected rate of development and production, a time schedule for performance of activities, and the location of nearshore and onshore activities.

"Each activity which is described in detail in a plan for the exploration or development of, or production from, any lands leased under the Outer Continental Shelf Lands Act will be carried out in a manner consistent with a state's approved management program."



Photograph courtesy of Atlantic Richfield Company

Federal assistance programs

Certain federal financial assistance programs could also directly affect the State's coastal area and, moreover, enable districts to finance ports, water supply projects, sewer systems and other projects through which they could implement their coastal management programs. As for licenses and permits, applications for federal assistance are subject to consistency review only if the federal agency from which they would be obtained decides that the activities financed by the assistance requested would directly affect the State's coastal area.

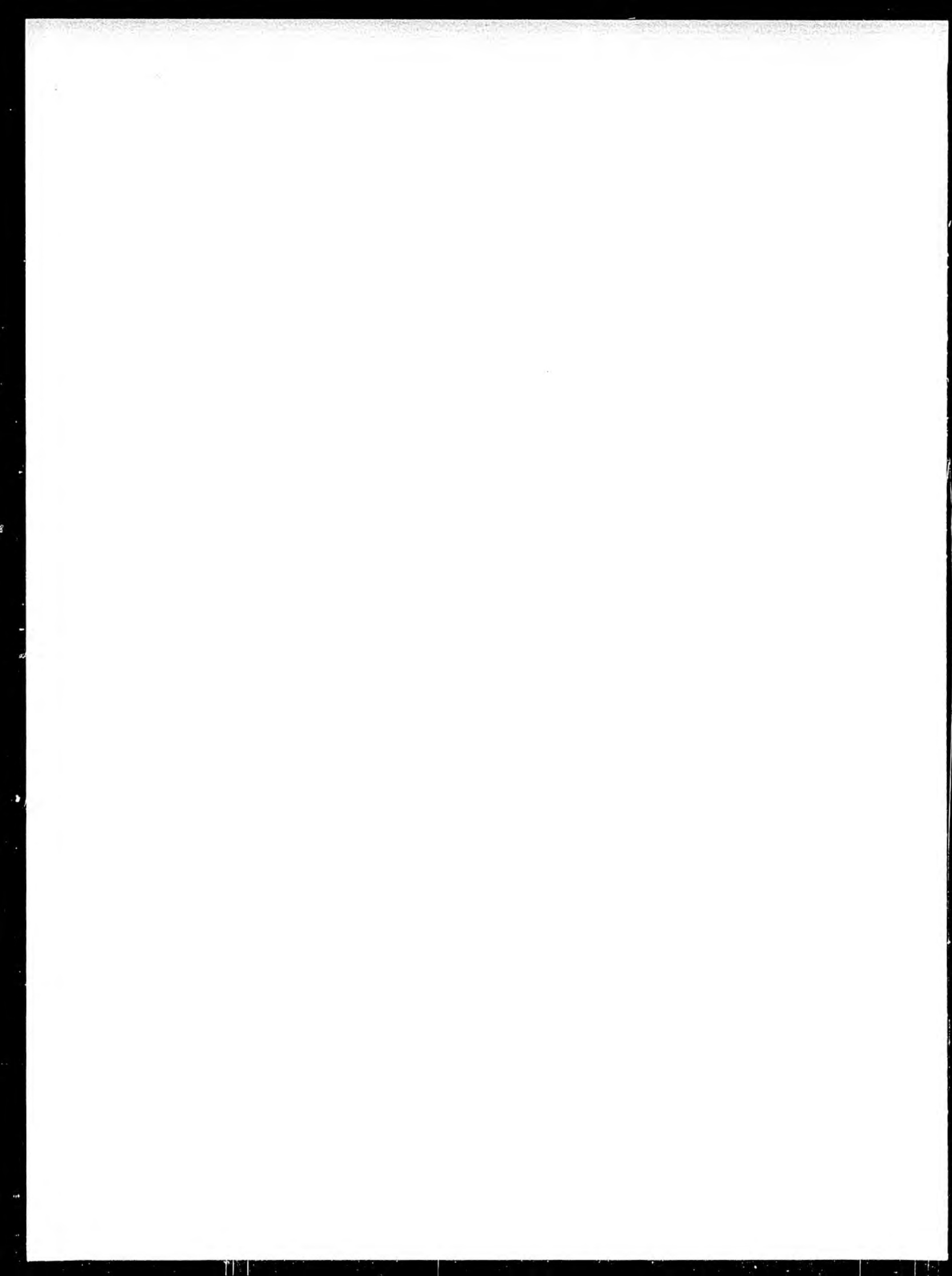
Federal financial assistance programs which *might* directly affect the State's coastal area are listed below along with the department which administers them and the pertinent numbers from the 1978 *Catalog of Federal Domestic Assistance*.

Department of Agriculture	10.405	Farm Labor Housing Loans and Grants
	10.409	Irrigation, Drainage, and Other Soil and Water Conservation Loans (exception: loans to grazing associations to develop additional pasturage and loans for purchase of equipment)
	10.410	Low to Moderate Income Housing Loans
	10.411	Rural Housing Site Loans
	10.414	Resource Conservation and Development Loans
	10.415	Rural Rental Housing Loans
	10.418	Water and Waste Disposal Systems for Rural Communities
	10.419	Watershed Protection and Flood Prevention Loans
	10.422	Business and Industrial Development Loans (exception: loans to rural small businesses having no significant impact outside community in which located)
	10.423	Community Facilities Loans
	10.424	Industrial Development Grants
	10.658	Cooperative Forest Insect and Disease Control
	10.901	Resources Conservation and Development (exception: small projects costing under \$7500 for erosion and sediment control and land stabilization and for rehabilitation and consolidation of existing irrigation systems)
	10.904	Watershed Protection and Flood Prevention

Department of Commerce	11.300	Economic Development — Grants and Loans for Public Works and Development Facilities
	11.304	Economic Development — Public Works Impact Projects (procedural variation)
	11.305	Economic Development — State and Local Economic Development Planning
	11.306	Economic Development — District Operational Assistance
	11.307	Economic Development — Special Economic Development and Adjustment Assistance Program
	11.308	Grants to States for Supplemental and Basic Funding of Title I, II, and IV Activities (basic grants only)
	11.405	Anadromous and Great Lakes Fisheries Development
	11.407	Commercial Fisheries Research and Development

	11.418	Coastal Zone Management Program Administration
	11.420	Coastal Management — Estuarine Sanctuaries
	11.421-	
	.424	Coastal Energy Impact Program
Department of Health, Education, and Welfare	13.237	Mental Health — Hospital Improvement Grants
	13.240	Mental Health — Community Mental Health Centers
	13.261	Family Health Centers
	13.286	Limitation of Federal Participation for Capital Expenditures
	13.340	Health Professions Teaching Facilities — Construction Grants
	13.369	Nursing School Construction — Loan Guarantees and Interest Subsidies
	13.378	Health Professions Teaching Facilities — Loan Guarantees and Interest Subsidies
	13.392	Cancer — Construction
	13.408	School Assistance in Federally Affected Areas — Construction
	P.L. 93-	
	318	(Section 161) Construction of Academic Facilities
	P.L. 93-	
	641	(Section 1516) Planning Grants to Health Agencies; (Section 1601 et seq, Title XVI Public Health Service Act) Assistance for modernization, construction or conversion of medical facilities
Department of Housing and Urban Development	14.146	Public Housing — Programs (new construction and acquisition)
	14.203	Comprehensive Planning Assistance
	14.207	New Communities — Loan Guarantees
	14.218	Community Development Block Grants — Entitlement Grants
	14.219	Community Development Block Grants — Discretionary Grants
	14.702	State Disaster Preparedness Grants
Department of the Interior	15.350	Coal Mine Health and Safety Grants
	15.400	Outdoor Recreation — Acquisition, Development and Planning
	15.501	Irrigation Distribution System Loans
	15.503	Small Reclamation Projects
	15.600	Anadromous Fish Conservation
	15.605	Fish Restoration
	15.611	Wildlife Restoration
	15.904	Historic Restoration

Department of Transportation	21.102	Airport Development Aid Program
	20.103	Airport Planning Grant Program
	20.205	Highway Research, Planning and Construction
	20.214	Highway Beautification — Control of Outdoor Advertising, Control of Junkyards, Landscaping and Scenic Enhancement
	20.500	Urban Mass Transportation Capital Improvement Loans (planning and construction only)
	20.505	Urban Mass Transportation Technical Studies Grants (planning and construction only)
	20.506	Urban Mass Transportation Demonstration Grants
	20.507	Urban Mass Transportation Capital and Operating Assistance Formula Grants
Environmental Protection Agency	66.001	Air Pollution Control Program Grants
	66.005	Air Pollution Survey and Demonstration Grants
	66.027	Solid Waste Planning Grants
	66.418	Construction Grants for Wastewater Treatment Works
	66.419	Water Pollution Control—State and Interstate Program Grants
	66.426	Water Pollution Control — Areawide Waste Treatment Management Planning Grants
	66.432	Grants for State Public Water System Subdivision Programs
	66.433	Grants for Underground Injection Control Programs
	66.505	Water Pollution Control Demonstration Grants
	66.506	Safe Drinking Water Research and Demonstration Grants (demonstration only)
	66.600	Environmental Protection — Consolidated Program Grants
	66.602	Environmental Protection — Consolidated Special Purpose Grants
Veterans Administration	64.005	Grants to States for Construction of State Nursing Home Care Facilities
Water Resources Council	65.001	Water Resources Planning



Making a District Coastal Management Program Work



Alaska Coastal Management Program

STATE OF ALASKA DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS
DIVISION OF COMMUNITY PLANNING

Alaska Coastal Management Program

5

District Program Guidebook Series

- 1** Coastal Management: What It Is and How It Works
- 2** Local Control: Creating a District Coastal Management Program
- 3** Guide to Public Involvement
- 4** Consistency: The Key to Coordination
- 5** Making a District Coastal Management Program Work

Appendix

Guidebooks on other coastal management topics may be published at a future date.

For additional copies and information, contact:

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(907) 279-8636

Acknowledgement

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Making a District Coastal Management Program Work

This guidebook is the fifth in a series on coastal management in Alaska. It describes implementation techniques available to districts through application of municipal powers and State and federal laws and gives an example of how each management option could be used. The first part shows how the goals of a district can be achieved through techniques discussed later in the guidebook. Illustrated are parts of coastal management programs for four hypothetical situations representative of coastal areas of Alaska. The second part describes the various implementation options.

The discussion follows these major topics:

Four Examples of Local Management

Local Management Through Municipal Powers

Local Management Through State Laws and Permits

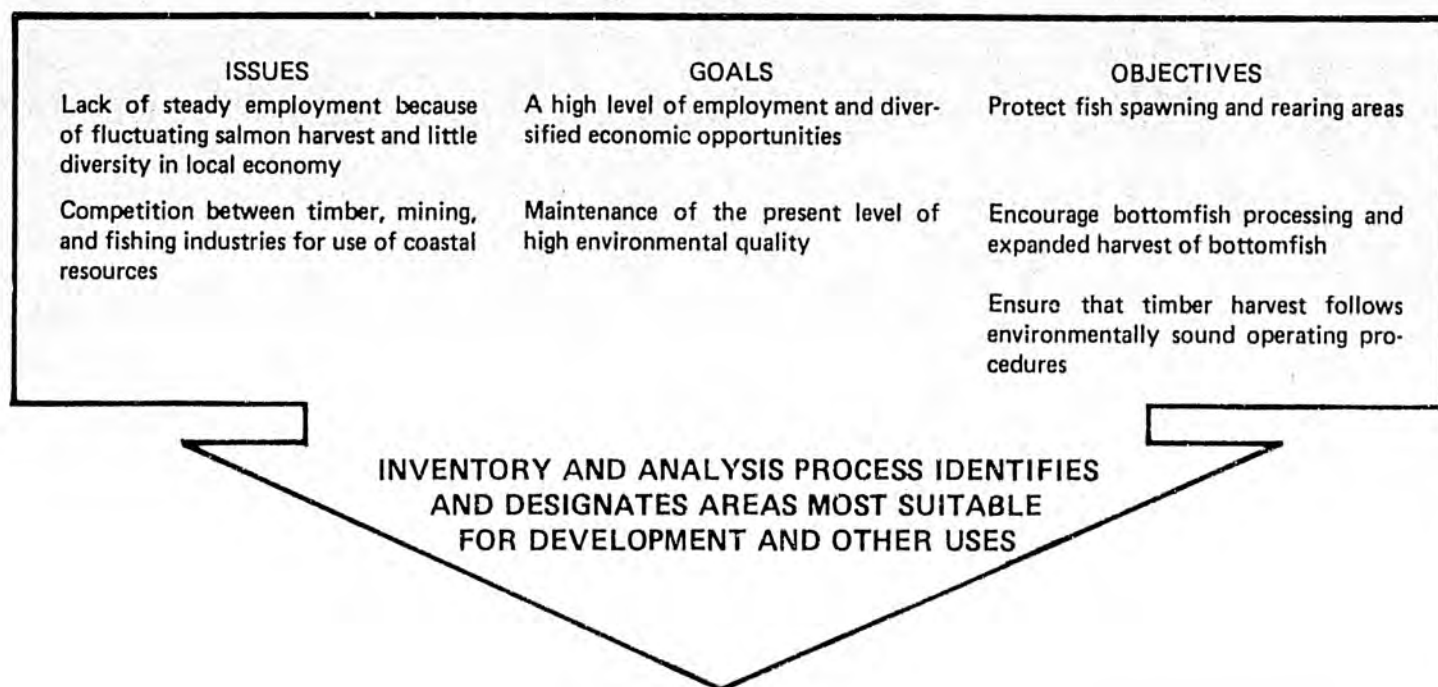
Local Management Through Federal Laws and Permits

Four Examples of Local Management

The following case studies describe options for implementing district programs in four situations which could occur in Alaska. The case studies are presented on two facing pages. On the left, the coastal area is described, the district's goals and objectives are stated, and a management program is outlined. On the right, options for implementing the management program are cited.

The first case study is of an area where *commercial logging, fishing, and related processing* are the prime economic activities, yet the economy is not stable year around. In the second case study, *subsistence* is a major use of coastal resources. An *urban waterfront* is the setting of the third case study. The fourth case study is of large-scale *energy development* in a rural area.

SITUATION: Principal uses of the coastal area are timber harvest and processing, fish and seafood processing, water-based recreation, and residential and commercial development. Principal habitats are rocky islands and seacliffs, estuaries, rivers, streams, lakes, wetlands, and tideflats.

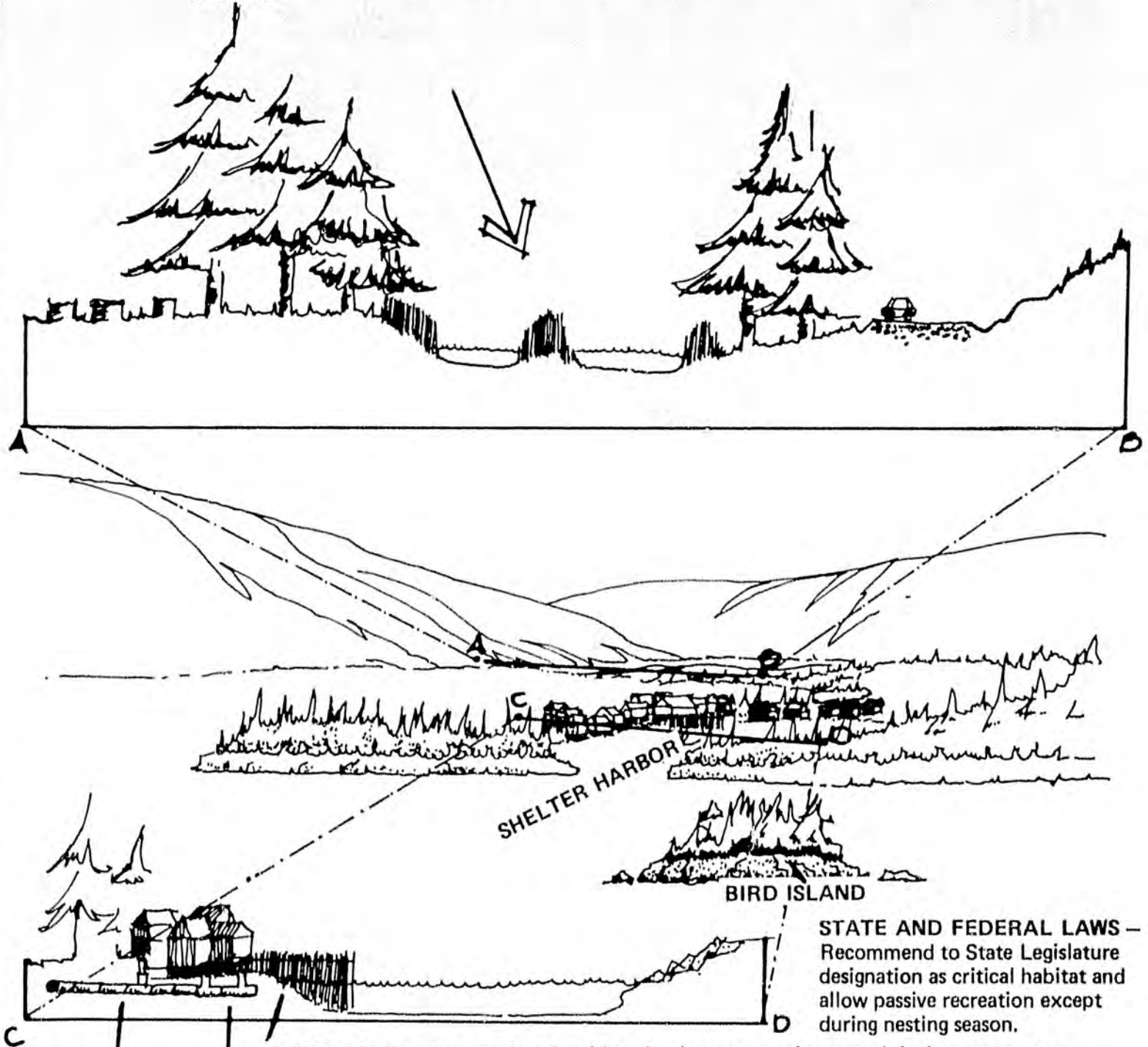


MANAGEMENT POLICIES, STANDARDS, AND RECOMMENDATIONS

- * Coastal development which is water-dependent or water-related will be given priority over non water-dependent uses.
- * Timber harvest plans will be designed to protect water quality.
- * Water-dependent industries, such as bottomfish processing, will be encouraged to locate in Shelter Harbor.
- * Bird Island will be designated an area which merits special attention and managed to protect bird-nesting areas located on it.

IMPLEMENTATION

ZONING: Floodplain District — protects coastal wetland habitat, spawning habitat, and human safety by maintaining a buffer of natural vegetation between the floodplain and TIMBER HARVEST AREAS, ROAD CORRIDORS, and PERMANENT STRUCTURES. The buffer should be wide enough to encompass the 100-year floodplain and absorb runoff from timber harvest areas and roads.



STATE AND FEDERAL LAWS — Recommend to State Legislature designation as critical habitat and allow passive recreation except during nesting season.

BOND SALE — Revenue bonds sold to develop community-owned dock to encourage economic expansion into bottomfishing.

ZONING — Shoreline district gives priority to water-dependent uses such as fish processing.

CAPITAL IMPROVEMENTS — TIMING AND LOCATION — Capital investment in sewer, water, and power may allow for more intensive development of prime port sites.

SITUATION: Principal uses of this coastal area are subsistence, commercial fishing and fish processing, and residential development. Principal habitats are high energy coasts, rivers, streams, lakes, and offshore areas.

ISSUES	GOALS	OBJECTIVES
Subsistence, a way of life for many people, is in competition with other uses for coastal resources	Adequate resource base to support those seeking to continue a subsistence way of life	Delineate and protect areas where subsistence is the primary use
Commercial fishing, because of fluctuating commercial salmon harvest and little diversity in local economy, does not provide steady employment for those seeking it	A high level of employment for those seeking it and diversified economic opportunities	Coordinate with other districts, State and federal wildlife managers to ensure adequate protection and availability of the fish and wildlife resource
		Protect fish spawning and rearing areas
		Encourage bottomfish processing and expanded harvest of bottomfish

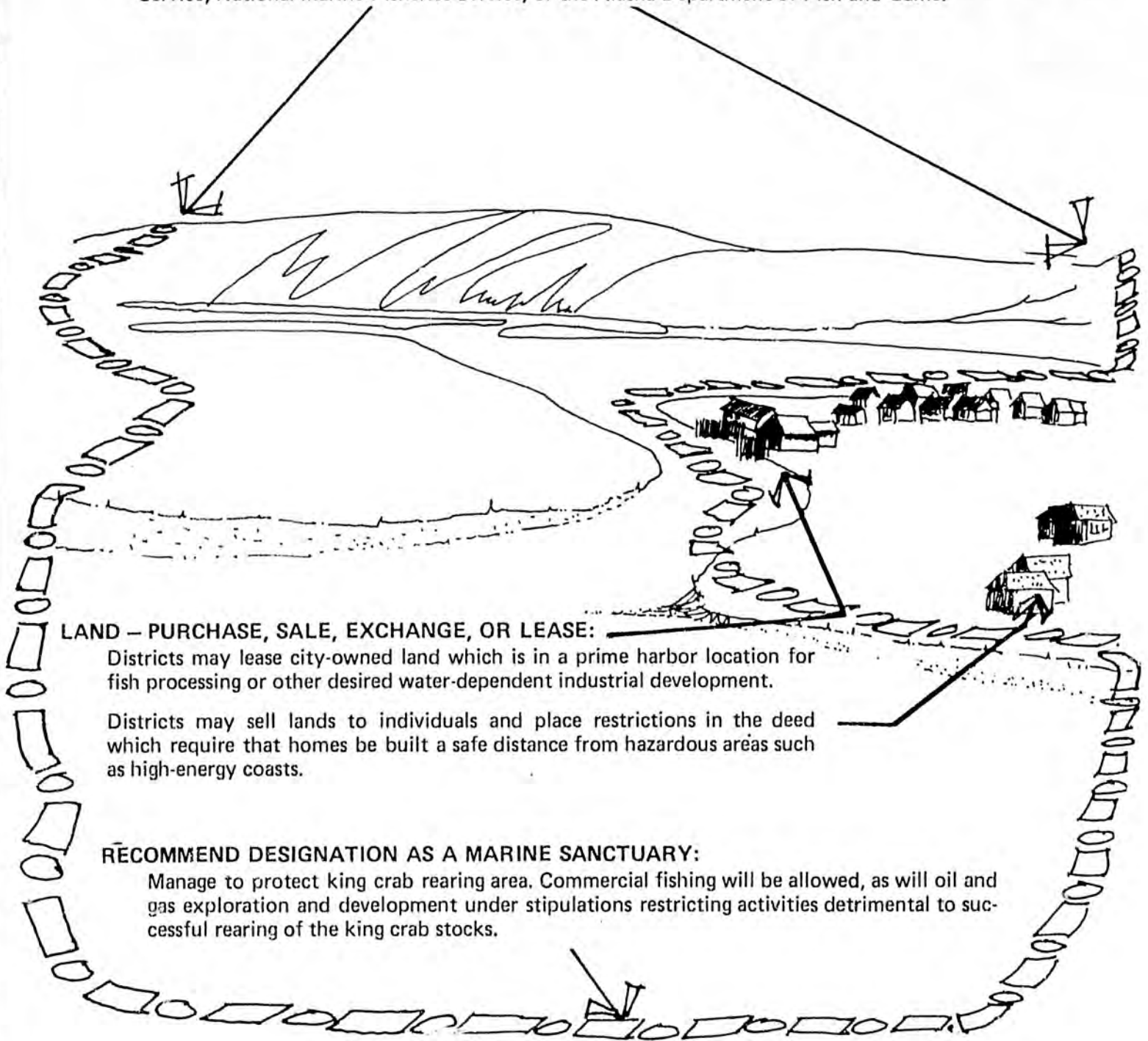
INVENTORY AND ANALYSIS PROCESS
IDENTIFIES AND DESIGNATES AREAS
MOST SUITABLE FOR DEVELOPMENT
AND OTHER USES

MANAGEMENT POLICIES, STANDARDS, AND RECOMMENDATIONS

- * Coastal development which is water-dependent will be given priority over non water-dependent uses in prime harbor locations.
- * Subsistence zones shall be designated, and subsistence use shall be the priority use.
- * Energy facilities locating offshore shall not conflict with marine mammal populations or fisheries resources needed for subsistence.
- * Coastal development will be set back from high-energy coasts to avoid hazards to life and property from storm-driven waves.
- * Energy or commercial facilities requiring fresh water will ensure against over-pumping of lakes and consequent degradation of the resource.
- * An offshore king crab rearing area shall be designated an area meriting special attention.

IMPLEMENTATION

COOPERATIVE AGREEMENTS: A district may identify and, after consultation with appropriate State agencies, Native Corporations, and other persons or groups, designate areas as subsistence zones where the primary use is subsistence. The district may also petition the Board of Fisheries and the Board of Game to manage the area for subsistence and enter into a cooperative management agreement with the Department of Fish and Game. If subsistence areas are under the jurisdiction of adjacent districts, a cooperative agreement may be written with the adjacent district. Offshore areas may be designated subsistence fishery zones, and cooperative management may be possible with the Fish and Wildlife Service, National Marine Fisheries Service, or the Alaska Department of Fish and Game.



SITUATION: This area represents an urban waterfront with principal uses of transportation, fish processing, energy facilities, marine, and other commercial development and recreation. The primary habitats are tideflats, rocky islands, and estuaries.

ISSUES

Prime harbor space is being occupied by uses that do not require access to water, and water-dependent uses are forced to locate in less suitable areas

Complementary uses are being scattered along the waterfront and at inland locations, making the harbor less efficient and traffic coordination more difficult

Water quality in the harbor is poor

GOALS

Efficient use of prime waterfront

Water quality which meets State and federal standards and supports fish populations

OBJECTIVES

Facilitate the location of water-dependent uses on suitable waterfront sites

Provide incentives for upgrading obsolete facilities

Encourage the consolidation of complementary waterfront uses

Upgrade present waste disposal methods

Divert toxic street run-off

INVENTORY AND ANALYSIS PROCESS
IDENTIFIES AND DESIGNATES AREAS
MOST SUITABLE FOR DEVELOPMENT
AND OTHER USES

MANAGEMENT POLICIES, STANDARDS, AND RECOMMENDATIONS

- * Water-dependent uses will be given highest priority for use of prime port space.
- * Water-related uses will be given next priority for uses of prime port space.
- * To maintain circulation patterns and shellfish beds, pilings rather than fill will be encouraged as foundations for coastal development where and when the use can be accommodated in this manner.
- * Disposal of wastes will meet State and federal water quality standards.
- * Non-point source pollution caused by street run-off will be controlled in the best manner possible.
- * The harbor entrance will be designated an area which merits special attention and managed to assure vessel safety in navigating the narrow channel leading to the crowded port.

IMPLEMENTATION

LAND — SALE, EXCHANGE, OR LEASE:

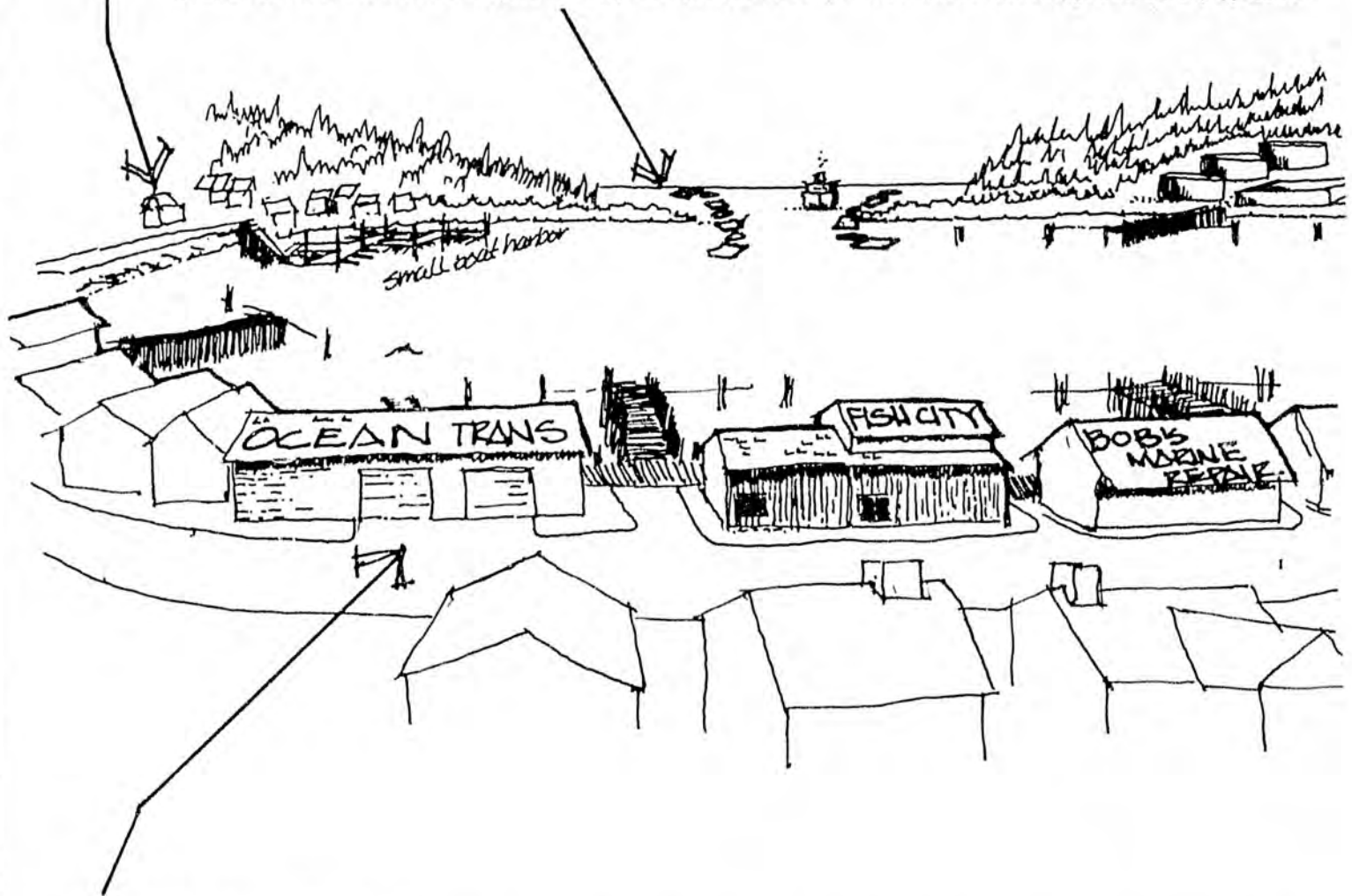
Districts may arrange land exchanges for uses which need to locate on the water but would conflict with other waterfront uses because of the size of vessels, vessel traffic and storage space requirements. In return, the city may receive useful harbor space elsewhere for other uses, such as a small boat harbor.

SUBDIVISION:

A subdivision regulation can ensure public access to the waterfront in residential areas and prevent the isolation of publicly owned tidelands.

AREA WHICH MERITS SPECIAL ATTENTION:

In cooperation with the U.S. Coast Guard, establish and enforce marine traffic lanes within congested channels, install needed navigation aids, and provide public information on navigation safety systems.



ZONING — Special District:

A shoreline district can allow those uses which require access to water to locate in areas most suitable for the use. Suitability will be determined by water depth, transportation access, and the presence of utilities, among other factors. Once zoning is in place, the State will adhere to the upland zoning when granting tideland permits.

SITUATION: Principal uses of this area are subsistence, mining, mineral processing, and facilities related to oil and gas development. Principal habitats are barrier islands and lagoons, important upland habitat for caribou calving, and wetlands. Historic, prehistoric and archaeological resources are also important in this area.

ISSUES	GOALS	OBJECTIVES
Oil and gas development is on-going and projected to expand	Energy development which is sensitive to local cultural and environmental conditions	Design standards to measure performance of energy development in relation to the natural and cultural environments
Subsistence, a way of life for many residents, is in competition for coastal resources with other uses	Adequate resource base to support those seeking to continue a subsistence way of life	Delineate and protect areas where subsistence is the primary use Coordinate with State and federal wildlife managers to ensure adequate protection and availability of the fish and wildlife resource

INVENTORY AND ANALYSIS PROCESS
IDENTIFIES AND DESIGNATES AREAS
MOST SUITABLE FOR DEVELOPMENT
AND OTHER USES

MANAGEMENT POLICIES, STANDARDS, AND RECOMMENDATIONS

- * Mining and mineral processing will be conducted in ways which protect coastal ecosystems.
- * Sand and gravel extraction shall occur on barrier islands only if the protective function or the wildlife habitat function of the barrier island will not be irreparably damaged and there is no alternative site.
- * Energy facilities shall be concentrated in one area unless that concentration creates greater environmental impacts than other configurations.
- * The location, design, construction or operation of pipelines shall not disrupt migrating or calving of caribou herds.
- * Roads not necessary for the maintenance of energy facilities will be abandoned after proper revegetation or reclamation of disturbed areas.
- * The historic campsite on the barrier island shall be designated an area which merits special attention.

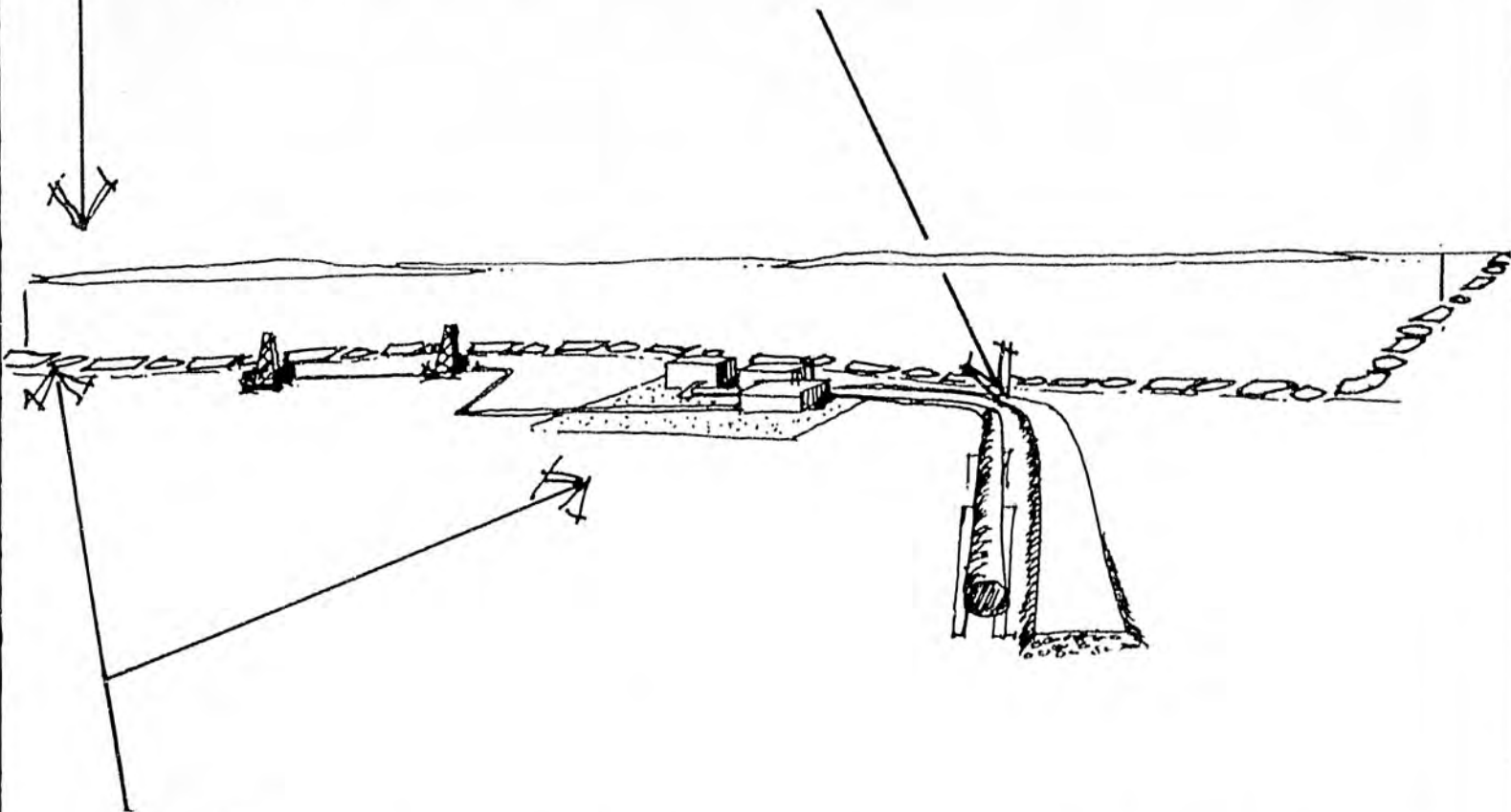
IMPLEMENTATION

AREA WHICH MERITS SPECIAL ATTENTION:

Recommend inclusion of historic subsistence campsite in State and National Register of Historic Places.

LOCAL PLANNING OF TRANSPORTATION CORRIDORS:

Alaska Statute 19.10.28 allows local planning of transportation corridors. The local planning commission has review and approval authority over public projects proposed in the district by the Alaska Department of Transportation and Public Facilities.



ZONING:

Performance standards based on carrying capacity and environmental quality standards. Barrier island and lagoon systems within the district can be zoned for conservation or subsistence use; other uses, such as oil and gas exploration, development and production would be allowed only if they meet certain standards of performance.

Site plan review. A site plan review may be required before a permit is granted for uses other than conservation and subsistence. The review will ensure that conditions such as maintaining buffers, drainage, road alignment and building placement are met before construction begins.

Local Management Through Municipal Powers

Annexation

Annexation is the incorporation of territory into an existing municipality according to procedures outlined in 19 AAC 05 — 19 AAC 15. Annexation is justifiable in a variety of situations. It is most likely to occur where the land adjacent to the city is primarily urban in character, as a result of growth of the city beyond its limits, or where the likelihood of growth makes annexation a desirable way for the city to plan for and control that growth.

Example

Part of a community's coastal management program might be the recommendation to annex land adjacent to the community. This could be an appropriate action where a watershed or coastal lands outside the city limits are being rapidly or haphazardly developed. Unplanned development outside the city limits may eventually force the city to provide services, some of which could have been less expensively provided if planning had been done early in the development process.

Bond Sales

For capital improvements . . .

The sale of general obligation and revenue bonds is used to finance public works projects such as sewers, docks, industrial parks, and recreation areas. Capital improvements financed in this manner should be consistent in their timing and location with a coastal management program.

Example: harbor facilities

A community may find that it owns a prime piece of harbor space which is well suited in all respects for a fish processing plant. The city may wish to direct development to this site by selling bonds to help finance the construction of a facility which it then leases to a fish processing company.

Well planned vs. poorly planned bond sales

If done in a well planned manner, bond sales should provide the community with a powerful means of ensuring wise use of coastal resources. Poorly planned bond sales, on the other hand, may lead to unforeseen negative impacts of projects and poor use of a community's financial resources.

Building Codes

As part of their coastal management programs, communities may adopt the Uniform Building Code or a modified version of it and require a building permit before construction can begin. Then, while structures are being built and before they are used, communities can also require inspection by a building inspector.

Example: natural hazards protection

A local building code in a community subject to damage from earthquakes might require builders to limit the height of structures, use special foundation materials, or employ other design solutions to reduce damage from ground shaking, tsunamis, and other hazards related to earthquakes.

A means of guaranteeing compliance with a coastal program

While the burden of enforcing building codes may be too great for some coastal communities, building codes provide some protection from hazards, such as fires or earthquakes. Building permits give the community an additional means of enforcing other regulations such as zoning requirements, site plan review, environmental impact assessments, or land dedications, by requiring that these be met before the building permit is issued.

Capital Improvements

A means of influencing development

Communities influence the timing, location, and type of development through capital improvements such as roads, sewers, docks, and recreation areas. By coordinating future capital improvements with coastal management recommendations, communities can protect important resources and direct growth to areas best able to support development.

Example: a sewer line

Running a sewer line through an undeveloped area may increase the density of development or allow development of land which would otherwise be unsuitable. This is particularly true where soils limit the on-site disposal of waste.

Example: an industrial park

Building an industrial park with good access to deep water is another way a community could influence the location and timing of development. Fish processors, cargo handlers, and other companies would be attracted to the industrial park because it conveniently serves their needs. In this way, a district could implement a policy to focus commercial and industrial use of coastal areas in certain areas and give highest priority to uses which need direct access to coastal waters.

Cooperative Agreements

Districts may find that they have direct control over only part of the coastal area which affects them. The rest of the area may be managed by the State or federal government, another community, or a private landowner. If both or all parties agree that they would profit from working together in managing areas or resources of mutual interest, they may wish to draft a cooperative agreement. A cooperative agreement is not a legal contract but rather a statement of intent to cooperate, leaving either party free to withdraw. The agreement should spell out the responsibilities of each party, expected products, and financial obligations, if any.

*Example: private
landowners*

A district may wish to enter into a cooperative agreement with a Native corporation owning land around the community. The agreement drawn up would not extend the district's authority beyond city or borough limits nor bind the corporation. However, the agreement would be a formal means by which the district's policies would influence corporate actions and the corporation's concerns would influence the district's policies.

Example: the State

There is great potential for the State, as a major landowner charged with the duty to prepare land use plans prior to classification of State land, to cooperate with coastal resource districts. Districts could explore the possibility of cooperative agreements with the Department of Natural Resources in managing State lands of interest to the district.

Easements

Affirmative and negative

Easements can be described as either affirmative or negative. Affirmative easements are those which affirm the privilege of going onto the land of another, and negative easements prevent the owner of property from doing things which he would otherwise be entitled to do. A community can purchase or receive easements from landowners which then become binding on that property when it is sold or transferred in the future. Easements can be drafted to be in effect for various lengths of time.

Easements and covenants

Easements do not require the landowner to build structures or make improvements. A covenant, on the other hand, can require a landowner to make improvements on the land. An example might be the requirement to build and maintain a retaining wall if the landowner wishes to build a home on part of the property which without the retaining wall would create a hazard to a public way or adjacent property.

Example: scenic easements

Easements are often granted for access to someone else's property, in which case they are affirmative easements. However, easements can be designed for many purposes. For instance, scenic easements have been purchased for property which is critical to maintaining the character of a town. A scenic easement would prevent a landowner from blocking certain views across his property and would thus be a negative easement.

*Example: easements to
encourage farming*

Some municipalities in the lower 48 are purchasing easements to avoid development of prime agricultural land. This allows these lands to continue to be used in agricultural production. The farmers maintain the right to farm the land, and they pay lower taxes because their land is assessed for agricultural use, not for its market value.

The costs of such easements

The latter form of partial compensation of property owners for limiting public use of their property is very effective for some purposes. However, for an easement to be effective, the community must have a clear need for it, the landowner must be willing to grant it, and the community must be willing and able to compensate the owner for the loss of certain property rights either by cash payments or by lowering his tax rate, with consequent loss of revenue to the community.

Eminent Domain

Title 29 and the Fifth Amendment

Title 29 of Alaska Statutes authorizes municipalities to use the power of eminent domain to take property for public use. The power is vested in the states and is limited by the Fifth Amendment to the U.S. Constitution, which says that private property cannot be taken for public use without just compensation. Alaska Statutes 29.73.020 states:

A home rule or general law municipality may exercise the powers of eminent domain and declaration of taking in the performance of an authorized power or function of the municipality, in accordance with AS 09.55.250 — AS 09.55.460 [emphasis added]. In the case of a second class city, before exercising the power, the council shall request or petition the Department of Community and Regional Affairs for permission to exercise the power [emphasis added]. The council may not exercise the power of eminent domain or declaration of taking without the formal approval of the Department of Community and Regional Affairs. The exercise of the power of eminent domain or declaration of taking shall be by ordinance which shall be submitted to the qualified voters at the next regularly scheduled general election or special election called for that purpose. A majority of the qualified voters voting on the question is required for approval of the ordinance.

Example: historic sites

After identifying an area of significant public value, like an historic site, the district may wish to place it in public ownership. If a municipality cannot obtain the property through any other means, it may wish to invoke eminent domain and compensate the owner for taking the property.

Cautions

Eminent domain can allow communities to realize public benefits which outweigh the rights of an individual landowner. To do this, however, the district must demonstrate the public necessity of invoking the power of eminent domain and compensate the landowner. A landowner has the right to appeal the compensation level and have a jury determine a fair price for the property, if he feels the community has not been fair.

Before using eminent domain, the district should explore other avenues which would result in less expense to the community and fewer hardships on landowners.

Extraterritorial Jurisdiction

A municipality may provide utilities outside its boundaries and regulate their use and operation. A municipality may also exercise regulatory powers outside its boundaries to protect its watershed and water supply. These powers are granted in AS 29.48.037 and AS 29.48.040:

AS 29.48.037. Extraterritorial Jurisdiction. (a) A municipality may provide parks, roads [including ice roads], trails, playgrounds, cemeteries and airports outside its boundaries, subject to AS 29.33.010, and may regulate their use and operation. A regulation adopted under this section must state that it applies outside the municipality.

(b) A municipality may adopt ordinances to protect its water supply and watershed and may enforce them outside its boundaries. Before this power may be exercised within the boundaries of another municipality, the approval of that municipality must be given by ordinance. This section applies to general law and home rule municipalities.

AS 29.48.040. Municipally-owned utilities. A municipality owning or operating utilities may extend service to adjacent areas outside its municipal limits. For that purpose the municipality may acquire, maintain and operate utility facilities together with necessary real property interests in real property outside its limits. This section applies to home rule and general law municipalities.

*Examples: recreation
areas and watersheds*

A community's coastal management program may identify an area outside the city which is heavily used for recreation and in need of better management. The city may wish to lease or purchase the property, if it does not already own it and operate it as a park, providing facilities and services for the park users. Similarly, the watershed which supplies water to the city may be outside the city and need special management to protect water quality and quantity. In this case, the city could adopt an ordinance governing the use of its watershed.

Limitations

While extraterritorial jurisdiction is a useful tool for management of public water supply watersheds or parks, it obviously cannot be applied to watersheds which are *not* public water supplies but which may have important influences on a community's coastal area. Its narrow application makes this a limited, though important, management option.

Land Purchase, Sale,
Exchange, or Lease

New legislation . . .

. . . and its effects

Legislation passed during 1978 (Chapters 180, 181, 182, SLA 1978) specifies the amount of State land which will be conveyed to municipalities. Under the Alaska Native Claims Settlement Act, Native villages will receive land for community expansion purposes. Municipalities may acquire still more land and dispose of property according to procedures in AS 29.48.260. Among the most common means of land disposal are sale, exchange, and lease.

A means of guiding development

Owning land gives the community the opportunity to have a positive influence on the timing, location, and quality of development. Exchange of land allows communities to give a developer land of equivalent value in exchange for property which has particular value to the community.

Example: leasing city-owned property

Leasing city-owned property to an oil company for development of offshore oil support facilities may serve the company's needs and, at the same time, give the community control over the nature of the development. By leasing the site, rather than selling it, the community will have a city-owned port facility when oil-related activities are completed. It could then convert the port facilities to serve other uses, such as fish processing.

Foreclosing options

Sale, purchase, or lease of land can give a district control over key coastal locations. However, the inflexibility of sale and lease agreements makes them less useful as general land use control tools than other methods, such as zoning. Furthermore, haphazard, ad hoc land sales may foreclose long-range options for the community.

Local Permit System

Under one version of a permit system no uses are automatically allowed; none is necessarily prohibited; all are reviewed against a set of policies specific to the neighborhood for which the project is proposed. Some of the policies are absolute and must be met; others are relative and assigned points which the proposal earns or loses depending on its impact on the community. When the negative points earned by a proposal are added to the positive points, the sum must be zero or higher or the proposal is returned to the developer, who may modify his proposal to earn necessary points. Developers are rewarded for bonus points by being allowed a higher density or some other concession which would not normally be made.

*Bonus points**Example*

A small town had been using zoning to regulate land use, but residents and developers alike became frustrated with their ordinance. It allowed some development which complied with zoning requirements but which was not wanted by the community; it prohibited other uses which the community would have encouraged if, when they enacted their ordinance, they had been able to look into the future and predict all possible uses for undeveloped land; and it was a burden to administer. Out of their frustration grew an ordinance that was flexible to meet changing needs and easy to administer as well.

The community's coastal management program consisted of policies for each neighborhood. Relative policies were assigned weights, and both relative and absolute policies were adopted by ordinance. When a developer applied for a permit, he was asked to fill out a form which stated each applicable policy, indicated whether it was absolute or relative, and, if relative, assigned a weight reflecting its importance. On the form, the developer showed whether his proposal satisfied each policy. He submitted his completed application to the planning commission, which, in turn, commented on the developer's evidence. Finally, a hearing was held to obtain public comment on the extent to which the proposed development met the community's policies. After the hearing, the planning commission awarded the applicant points earned for each policy. The planning commission's decision could, of course, be appealed to the city council or borough assembly.

Encourage the best

Through the permit system, minimum standards are met, flexibility is maintained, and the community has a way to encourage the best for the community. Policies could be used to encourage less costly housing, pleasing site design, or energy conservation.

Subdivision Ordinances

Functions

A subdivision is the division of land into two or more lots. Subdivision ordinances address arrangement of lots, streets, and utilities. The Planning Commission acts as the platting board and, as explained in AS 29.33.150, has jurisdiction over the following:

- (1) form, size, and other aspects of subdivisions, dedications, and vacations of land;
- (2) dimensions of lots or tracts;
- (3) street width, arrangement, and right-of-way, including allowance for access to lots and installation of street paving, curbs, gutters, sidewalks, sewers, water lines, drainage, and other public utility facilities and improvements.

The platting board approves only those subdivisions which meet conditions set forth in the ordinance.

The subdivision ordinance

A well-written subdivision ordinance is one which works in concert with a zoning ordinance to address the needs and goals of the community.

Example: salt marshes

A district may find that the continued health of its salt marshes depends on a carefully regulated flow of fresh water and nutrients into them. It may then enact a subdivision ordinance which requires proposed subdivisions to control, through storm sewers or retention ponds, the amount of fresh water run-off from roofs and parking lots and to direct liquid wastes away from the marsh by tying into a sanitary sewer.

*Need for care in
developing the subdivision
ordinance*

If worded with care, the ordinance could lead to subdivisions sensitive to the land and water. If poorly written, the ordinance could become an administrative and legal morass.

A subdivision ordinance should require only essential services. Requiring services for which there is no clear public need unnecessarily raises the cost of developing land and may even discourage the building of badly needed housing or commercial facilities.

Transferable Development
Rights

The ownership of property consists of a bundle of discrete rights which can be separated. Among this bundle of rights are mineral rights, surface rights, and development rights. The theory of transferable development rights is that a landowner receives partial compensation for giving up the right to develop his property. Instead of paying a landowner cash for a restrictive covenant or easement which purchases the development rights, under this system the property has a number of development rights equivalent to the existing zoned density (thus, the owner of 100 acres zoned for a minimum lot size of one acre has 100 development rights). The property owner or a purchaser of his development rights is allowed to apply the development rights to a piece of property in another part of town to increase the density on that property and make up for the lost development opportunity. This transfer can be achieved either by the owner of the property or by the owner selling his development rights on the open market and having someone else use them. Once the development rights are sold, development of the property is limited. Obviously, it is critical to design the system so that the number of development rights which can be sold balances with the ability of the receiving area to accommodate the increased density. This means that the areas where densities can be increased must be suitable for the intensity of development which could occur.

*Selling development
rights*

*Example: transferable
development rights
applied to agriculture*

On a local level, transferable development rights have been applied to agriculture. Owners of property with agriculturally productive soils are given the *option* of selling their development rights on the open market. Once sold, the property cannot be developed for residential use but must be maintained as a farm or as open space. The advantage to the landowner is the compensation received in cash and the assessment of the land at its value for farming, which lowers property taxes and prevents tax pressure from forcing farmers out of business. People residing in other areas zoned for residential use can purchase the development rights from the owners of the agricultural land and develop their land at higher densities. This technique can be used to protect valued areas, such as wildlife habitat, wetlands, islands, or uplands.

Problem

It is sometimes hard to get a community to agree that an area is valuable in its present state and then commit itself to maintaining the area by increasing the density of development in other parts of the community. Another fact for districts to consider before employing transferable development rights as a means of land management is that it has not yet been tested locally in Alaska.

Zoning

The police power, which is used to protect public health, safety, and welfare, is the basis for a municipality to adopt a building code or enact a zoning ordinance.

Zoning functions

Zoning is one of the most powerful tools a community can use to direct the location and intensity of land use. The purposes of zoning, as described in AS 29.33.090(c), are: providing for orderly development, lessening street congestion, promoting fire safety and public order, protecting the public health and general welfare, preventing overcrowding, and stimulating systematic development of transportation, sewer, water, school, park, and other public facilities.

Zoning by district

Zoning by district entails dividing the community into districts, for which some uses are allowed by right, others are allowed if they meet certain conditions, and still other uses are prohibited. In each district, standards are set for building setback from lot lines, building height, and amount of lot covered.

Need for a comprehensive plan

In Alaska a zoning ordinance must be based on a comprehensive plan, so that actions taken to implement it are not "arbitrary and capricious." Communities may want to adopt coastal management programs as amendments or additions to their comprehensive plans, so that zoning ordinances can be used as part of the management program. Lacking a comprehensive plan, the community may adopt its coastal management program as the comprehensive plan and write a zoning ordinance to reflect it.

Innovative approaches

To protect the public health, safety, and welfare through the police power, municipalities may use very innovative and flexible zoning techniques, some of which are described below. Other zoning variations are available to communities, but many are practical only under special circumstances.

PERFORMANCE STANDARDS. Performance standards relate to the *effects* rather than the *type* of land and water use.

A community can manage land and water uses by setting performance standards for such effects as noise levels, smoke, erosion, amount and quality of effluent (liquid wastes), and traffic volumes. If a use can maintain the level of performance required, then it is allowed to locate in the area.

Example: ground water

An analysis of an aquifer (underground water-bearing layer) will reveal the amount of water that can be withdrawn (and the rate of withdrawal) without depleting the resource. Knowing that the ground water supply is limited but that all other physical conditions of the area are good for development, the community can draft its zoning ordinance to require that uses perform in a manner that maintains the ground water supply. A developer could do this by withdrawing water at no more than the accepted rate or by recycling water into the aquifer.

Monitoring performance

Performance standards cannot be arbitrary and will require a great deal of inventory and analysis of natural and cultural systems. Monitoring performance can be expensive for a community, but expenses may be cut by coordinating with State and federal environmental quality monitoring programs. For instance, the Environmental Protection Agency monitors liquid wastes; the Alaska Department of Environmental Conservation monitors the water which receives the liquid waste, and it also monitors air quality.

Advantages of performance standards

An advantage of performance standards is that they clearly state the reasons for controlling land and water use, so that people know why development must proceed in a given way. Traditional zoning, on the other hand, does not always convey the reasons for zoning one area for residential use even though such reasons are usually contained in the comprehensive plan. Experience with performance standards has begun to show that tying the use of land and water to their ability to support that use does not tend to increase, and may indeed be less than the administrative burden entailed in the more traditional zoning methods, where requests for conditional uses, variances, and changes may exceed the applications which conform to zoning requirements.

Defined

CONTRACT ZONING. Title 29 of the Alaska Statutes offers contract zoning as an option for Alaskan municipalities. *Contract zoning* refers to a situation where a district or part of a district has been reclassified to a less restricted use, as for example from residential to commercial, but a landowner within the rezoned district agrees to place greater restrictions on the use of his land than prevail in the reclassified area as a whole. The assembly or council must hold a public hearing on the proposed contract zoning.

Example

Property which is zoned for residential use can be rezoned for commercial use in order to allow shops to locate near residences. With contract zoning, however, the landowner is restricted to building only the type of commercial establishment agreed to in the contract. The contract serves to prevent the possibility that, instead of the presumed small shop, the landowner will erect a large shopping mall, which is a use normally allowed under commercial zoning but considered out of place in the particular residential neighborhood in question. The contract can also require that the developer provide such things as screening with trees or shrubs, access to a road large enough to handle the increased traffic volumes, large setbacks, and dedication of critical habitat, flood plains, or beaches to the city. Contract requirements must be more strict than those of a normal commercial district, and must protect the purposes of the residential district, if it is to be legal and beneficial.

Various kinds of contract zoning requirements

<i>Advantages</i>	Contract zoning allows a community and a developer greater flexibility in designing and locating uses, while ensuring that the use is compatible with adjacent uses and the natural characteristics of the land.
<i>Caution</i>	To be legal, contract zoning must be based on public need or convenience. The district should be sure that its contract zoning actions are taken for well documented reasons which are not arbitrary.
<i>Functions</i>	SPECIAL ZONING DISTRICTS. Communities can establish special districts, such as flood plain, shoreline, wetland, agricultural, hillside, erosion, historic, or hazard, to protect human life and property and to maintain environmental and cultural values. This sort of district zoning can require special setbacks and construction techniques (e.g., floodproofing) and can limit uses to those which maintain values and do not increase hazards or pose pollution problems.
<i>Example: flood plain district zoning</i>	A zoning ordinance for a flood plain district could say that filling, dumping, or alteration of the natural stream course may occur only if they do not interfere with the natural flow and drainage pattern of the area or reduce flood storage capacity. Setbacks from the stream, river, or shoreline could be required, and regulations could limit the removal of vegetation from the flood plain and the types of hazardous materials which could be stored there.
<i>Advantages</i>	Special zoning districts can prevent hazards to human life and property and maintain open space, water quality, and wildlife habitat.
<i>Caution</i>	The community, however, must be careful to base special zoning requirements on sound data to ensure that property owners do not have to seek judicial relief because they feel their property has been taken or damaged without just compensation. Requirements are justified when they prevent the loss of life or damage to property. Requirements that development be located outside of the flood hazard area or that proper engineering and design be ensured may avoid problems and the cost of disaster relief and large flood control projects.
<i>Defined</i>	PLANNED UNIT DEVELOPMENT. For communities which may face rapid large-scale development of large tracts of land, a Planned Unit Development (PUD) ordinance may be useful. In PUDs, structures are grouped close together, commercial and residential uses are integrated into the initial design, and most of the rest of the tract is left undeveloped. In this way, the new development could provide as much or more housing than a traditional residential district would provide.
<i>Advantages</i>	

Example

A district with large tracts of land which may be developed into a residential area may choose to adopt a PUD ordinance to implement coastal management policies such as allowing buffer areas along creeks, retaining traditional recreation areas as open space, building away from areas subject to damage from storm waves or landslides, and retaining wetlands in their natural state, if possible. If a housing project is then proposed for a 50-acre parcel, the developer would be able to group the 100 units which would have been built on half-acre lots under the zoning ordinance into 25 acres best suited for housing (fairly level, facing south to receive the sun's rays, well drained, and so forth), set aside a few acres for small shops, and leave open the remaining 20 or so acres along streams, in slide paths, and in wetlands.

A complex technique worth the effort

PUD ordinances are complex and require a lot of time and effort to arrive at good standards which reflect community consensus. The results can be worth the effort, however, since the community can provide for a variety of housing types, solve design problems caused by site limitations, such as wetlands, poor soils, or steep slopes, and protect areas and resources of value.

Defined

CLUSTER ZONING. Cluster zoning encourages developers to group buildings closer together than existing zoning would otherwise allow and, thus, to maintain large areas of open space. When conditions, such as flood hazard areas or wetlands, make it difficult or dangerous to build, or when an alternative to the typical one-house-every-so-many-acres is desired, cluster zoning is a useful tool.

Cluster zoning is similar to a PUD in concept but smaller in scale and with less emphasis on providing commercial space as well as housing.

Example

A landowner wants to subdivide a parcel into several separate lots (usually five acres is the minimum parcel size for a cluster development). However, there are segments of the property which are important as habitat, wetland, hazard area, and scenic areas. If the community has a cluster zoning ordinance, the landowner could cluster the homes in one part of the parcel, and dedicate the important habitat, wetland, hazard area and scenic area as community open space.

Advantages

Advantages of cluster zoning include protection of valued land and water resources and lowering costs to developers, since services are not extended over great distances, but are located in a more compact area. A disadvantage is that since it is difficult for individual lot owners to group together when they build, they may not take advantage of the benefits of clustering their homes. Usually a single developer is in the best position to cluster homes, since he can control the timing of development. Furthermore, for clustering to be successful, people's preferences will have to be such that they enjoy having their home near their neighbor's if it means they can have access to a large communally owned open space.

... and a disadvantage

Local Management Through State Laws and Permits

The Alaska Coastal Management Act

Alaska Statutes 46.40.100 requires that State agency land and water use regulations be administered consistently with local coastal management programs which have been approved by the Alaska Coastal Policy Council and the legislature. This is an untested mandate but one which should help districts influence State management of coastal land and water.

Construction of Public Projects

Alaska Statutes 35.30.010 requires that before building a public project, the Department of Transportation and Public Facilities (DOT/PF) and the University of Alaska must submit plans for the project to the local planning commission for review and approval if the project is located in a municipality. Alaska Statutes 35.30.020 requires DOT/PF and the University of Alaska to comply with local planning and zoning ordinances and other regulations just as other landowners must. However, AS 35.30.030 provides for local planning authority approval to be waived in cases where there is an overriding State interest.

Local Assumption of State Public Works Projects

Alaska Statutes 35.15.080 describes a way for local governments to build State public works projects, and AS 19.10.280 allows municipalities to plan transportation corridors which might be located within their area.

Municipal Platting Authority and State Acquisition of Land

Under AS 09.55.275, the State cannot acquire property which requires a boundary change unless the municipality approves a request for a replat.

Permit Information Center

The State has installed Permit Information Centers in Anchorage and Juneau. By placing a direct-dial or collect call to (907) 465-2615 in Juneau or (907) 279-0254 in Anchorage, a caller could find out which State and federal permits would be needed for any particular project. If a district informs the Permit Information Center (Department of Environmental Conservation, Pouch O, Juneau, Alaska 99811) about local regulations, the Center could notify callers about local regulations they may have to meet as well as State and federal laws and permits.

Local Management Through Federal Laws and Permits

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)

This Act requires that federal agencies be consistent with approved State coastal management programs, which in Alaska means the standards and guidelines of the Alaska Coastal Management Program and approved district programs.

The Federal Land Policy and
Management Act of 1976
(BLM Organic Act of 1976)

This Act states that land use plans of the U.S. Secretary of the Interior under this section shall be consistent with State and local plans to the maximum extent he finds consistent with federal law and the purposes of this Act. The Act goes on to state that, to the extent consistent with the laws governing the administration of public lands, the Bureau of Land Management (BLM) shall

- coordinate BLM land planning and management with the land use planning and management programs of the State and local governments within which the lands are located;
- keep appraised of State, local, and tribal land use plans;
- consider State, local, and tribal land use plans germane to land use plans for public lands;
- to the extent practical, resolve inconsistencies between federal and non-federal government plans;
- provide for meaningful public participation by State and local officials in public land planning and land use decisions; and
- authorize State officials to advise the U.S. Secretary of Interior with respect to land use plans, guidelines, rules, and regulations for public lands within the State.

Congressional intent

While various sections of the BLM Organic Act require federal land management to comply with state and local land use plans, programs, and regulations, the degree of compliance is not clearly delineated. However, congressional intent is clear: "The proper multiple use mix of retained public lands is to be achieved by comprehensive land use planning, coordinated with state and local planning" (1976 US Code Cong. and Adm. News 6175, 6176).

Forest and Rangeland
Renewable Resources
Planning Act of 1974

As amended by the National Forest Management Act of 1976 (16 U.S.C. 1600), this Act states that "the Secretary of Agriculture shall undertake land and resource management plans for units of the National Forest System, *coordinated* with the land and resource management planning process of State and local governments and other Federal agencies" (emphasis added).

*Coordination of federal
and local management*

Local coastal land use policies which are the result of a district program will certainly have greater effect on federal decisions than ad hoc policies. Federal land management should be coordinated with local plans for private land which may be affected by federal land management and with local plans for areas which include federal lands.

Districts in or near national forests should work closely with the U.S. Forest Service to ensure that forest plans and district coastal management programs are compatible.

Summary

The preceding examples are only a few of many State and federal laws which affect coastal management. Often, uses and activities which a district wishes to manage in its coastal area will already be subject to State and federal controls. The challenge faced by a district will frequently be to assure that State and federal agencies carry out their authorities in a manner which is compatible with local desires, rather than to introduce any new controls. It is a policy of the Alaska Coastal Management Act to use existing authorities as much as possible.

PERMIT PROBLEMS?



Call: the Permit Information & Referral Center

**We will help you identify State,
Federal and Local agencies that
you should contact and the
permits that may be required
for your particular project.**

Call any time:

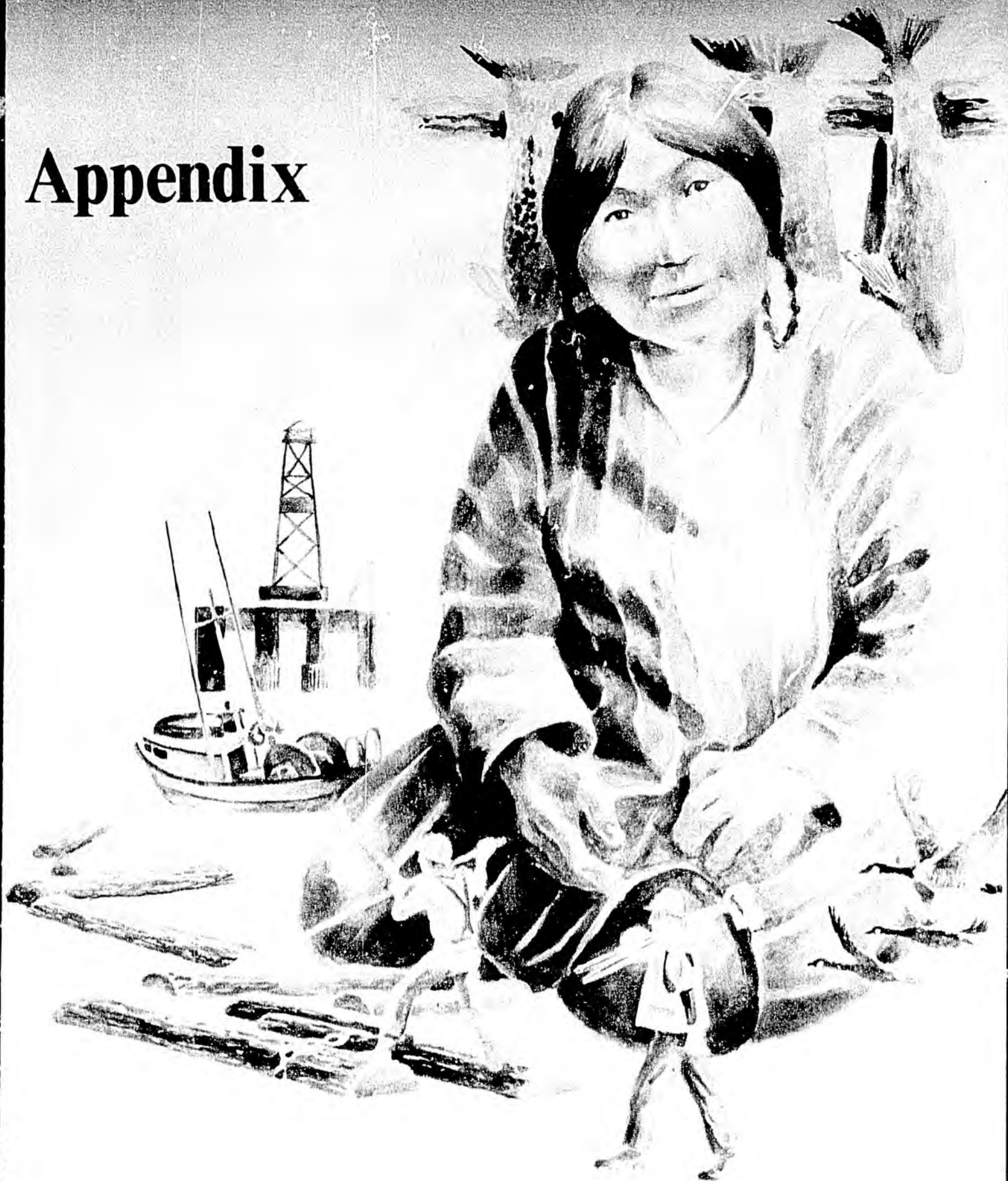
**[907] 465-2615 Juneau
or**

[907] 279-0254 Anchorage

Collect calls will be accepted.

**After-hours calls will be recorded and
answered the following workday.**

Appendix



Alaska Coastal Management Program

STATE OF ALASKA DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS
DIVISION OF COMMUNITY PLANNING

Alaska Coastal Management Program

APPENDIX

District Program Guidebook Series

- 1** Coastal Management: What It Is and How It Works
- 2** Local Control: Creating a District Coastal Management Program
- 3** Guide to Public Involvement
- 4** Consistency: The Key to Coordination
- 5** Making a District Coastal Management Program Work

Appendix

Guidebooks on other coastal management topics may be published at a future date.

For additional copies and information, contact:

Director
Division of Community Planning
Department of Community and Regional Affairs
225 Cordova Street, Building B
Anchorage, Alaska 99501
(907) 279-8636

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Appendix

The appendix to the District Program Guidebook Series contains:

Glossary

Alaska Coastal Management Act of 1977

Standards and Guidelines of the Alaska Coastal Management Program (6 AAC 80 and 6 AAC 85)

GLOSSARY

All definitions contained in this glossary are drawn from the Alaska Coastal Management Act and the standards and guidelines of the Alaska Coastal Management Program.

In some cases, technical definitions have been rephrased in an attempt to make them more readily understandable to the general public. For exact definitions, please refer directly to the standards and guidelines of the Alaska Coastal Management Program.

AREAS WHICH MERIT SPECIAL ATTENTION. Within a given coastal region, certain areas may require special management because they have outstanding value to the general public, are particularly sensitive to change, or because plans for the area or claims upon its resources could preclude other uses. These areas, subject to additional Coastal Policy Council criteria, include the following:

- areas of unique, scarce, fragile, or vulnerable natural habitat, cultural value, historical significance, or scenic importance;
- areas of high natural productivity or essential habitat for living resources;
- areas of substantial recreational value or opportunity;
- areas where development of facilities is dependent upon the utilization of or access to coastal waters;
- areas of unique geologic or topographic significance which are susceptible to industrial or commercial development;
- areas of significant hazard due to storms, slides, floods, erosion, or settlement;
- areas needed to protect, maintain, or replenish coastal land or resources, including coastal flood plains, areas critical to the replenishment of underground waters, beaches, and offshore sand deposits;
- areas important for subsistence hunting, fishing, food gathering, and foraging;
- areas with special scientific values or opportunities, including those where ongoing research projects could be jeopardized by development or conflicting uses and activities; and
- potential estuarine or marine sanctuaries.

BARRIER ISLANDS AND LAGOONS. These are parts of a coastal environment composed of deposits of sediment or remnants of the coast itself lying offshore which form a barrier of low islands and bars protecting a saltwater lagoon having free exchange of water with the sea.

COASTAL POLICY COUNCIL is a 16-member body created by the Alaska Coastal Management Act and composed of nine local elected officials and seven cabinet members to oversee the Alaska Coastal Management Program. Each member of the Coastal Policy Council may have one permanent alternate.

COASTAL RESOURCE DISTRICT means each of the following which contains a portion of the coastal area:

- unified home rule municipalities;
- organized boroughs of any class which exercise planning and zoning authority;
- home rule and first class cities of the unorganized borough or within boroughs which do not exercise planning and zoning authority;
- second class cities of the unorganized borough or within boroughs which do not exercise planning and zoning authority, which have established a planning commission and which, in the opinion of the Commissioner of the Department of Community and Regional Affairs, have the capability of preparing and implementing a comprehensive district coastal management program; and
- coastal resource service areas established and organized under provisions of the Alaska Coastal Management Act.

COASTAL WATER means all water bodies in the coastal area, including wetlands and the intertidal area.

COMPATIBLE means getting along well together.

ECOSYSTEM means the complete ecological system operating in a given geographic unit, including the biological community and the physical environment.

ESTUARY means a semi-closed coastal body of water which has a free connection with the sea and within which seawater is measurably diluted with freshwater derived from land drainage.

EXPOSED HIGH-ENERGY COASTS are open and unprotected sections of coastline with direct exposure to ocean-generated wave impacts and usually characterized by coarse sand, gravel, and boulder beaches and well-mixed coastal water.

FACILITIES RELATED TO COMMERCIAL FISH AND SEAFOOD PROCESSING includes hatcheries and related facilities, seafood processing plants and support facilities, marine industrial and commercial facilities, and aquaculture facilities.

FEASIBLE AND PRUDENT means consistent with sound engineering practice and not causing environmental, social, or economic problems that outweigh the public benefit to be derived from compliance with the standard which is modified by the term "feasible and prudent."

GEOPHYSICAL HAZARDS include potential flooding, tsunami run-up (similar in effect to a "tidal wave"), storm surge run-up, landslides, snowslides, faults, ice hazards, erosion, and shoreline beach processes.

IRREVOCABLE CHANGES are those which cannot be reversed or undone.

MAJOR ENERGY FACILITY means a development of more than local concern carried out in, or in close proximity to, the coastal area, which meets one or more of the following criteria:

- a facility required to support energy operations for exploration or production purposes;
- a facility used to produce, convert, process, or store energy resources or marketable products;
- a facility used to transfer, transport, import, or export energy resources or marketable products;
- a facility used for in-state energy use; or
- a facility used primarily for the manufacture, production, or assembly of equipment, machinery, products, or devices which are involved in any activity described above.

Major energy facilities include marine service bases and storage depots, pipelines and rights-of-way, drilling rigs and platforms, petroleum or coal separation, treatment, or storage facilities, liquid natural gas plants and terminals, oil terminals and other port development for the transfer of energy products, petrochemical plants, refineries and associated facilities, hydroelectric projects, other electric generating plants, transmission lines, uranium enrichment or nuclear fuel processing facilities, and geothermal facilities.

MINING AND MINERAL PROCESSING means the development of mineral resources extracted in tidal rivers, coastal water, and on continental shelves of the open sea and found in surface, subsurface, and aqueous deposits.

OFFSHORE AREAS means submerged lands and waters seaward of the coastline.

ROCKY ISLANDS AND SEACLIFFS means islands of volcanic or tectonic (structural changes in the earth's crust) origin with rocky shores and steep faces, offshore rocks, capes, and steep rocky seafronts.

TIDEFLATS means mostly unvegetated areas that are alternately exposed and covered by the falling and rising of the tide.

TRANSPORTATION AND UTILITY ROUTES AND FACILITIES include power transmission lines, mineral slurry (thick mud) lines, oil and gas pipelines, land and marine corridors, railways, highways, roadways, air terminals, water and sewage transfer, and facilities required to operate and maintain the route of facility.

UPLAND means drainages, aquifers (underground water-bearing strata), and land, the use of which would have a direct and significant impact on coastal waters.

USE OF DIRECT AND SIGNIFICANT IMPACT means a use or an activity associated with the use which proximately contributes to a material change or alteration in the natural or social characteristics of a part of the State's coastal area and in which:

- the use or activity associated with it would have a net adverse effect on the quality of the resources of the coastal area;
- the use or activity associated with it would limit the range of alternative uses of the resources of the coastal area; or
- the use would, of itself, constitute a tolerable change or alteration of the resources within the coastal area, but cumulatively would have an adverse effect.

USES OF STATE CONCERN means those land and water uses which would significantly affect the long-term public interest; these uses, subject to Council definition of their extent, include:

- uses of national interest, including the use of resources for the siting of ports and major facilities which contribute to meeting national energy needs, construction and maintenance of navigational facilities and systems, resource development of federal land, and national defense and related security facilities that are dependent upon coastal locations;
- uses of more than local concern, including those land and water uses which confer significant environmental, social, cultural, or economic benefits or burdens beyond a single coastal resource district;
- the siting of major energy facilities or large-scale industrial or commercial development activities which are dependent on a coastal location and which, because of their magnitude or the magnitude of their effect on the economy of the State or the surrounding area, are reasonably likely to present issues of more than local significance;
- facilities serving Statewide or interregional transportation and communication needs; and
- uses in areas established as State parks or recreational areas under AS 41.20 or as State game refuges, game sanctuaries, or critical habitat areas under AS 16.20.

WATER-DEPENDENT means a use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body.

WATER-RELATED means a use or activity which is not directly dependent upon access to a water body but which provides goods or services that are directly associated with water-dependence and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered.

WETLANDS includes both freshwater and saltwater wetlands. Freshwater wetlands means those environments characterized by rooted vegetation which is partially submerged either continuously or periodically by surface freshwater with less than 0.5 parts per thousand salt content and not exceeding three meters in depth. Saltwater wetlands means those coastal areas along sheltered shorelines characterized by halophytic hydrophytes and macroalgae (underwater plants) extending from extreme low tide to an area above extreme high tide which is influenced by sea spray or tidally-induced water table changes.

Alaska Coastal Management
Act of 1977, As Amended

AN ACT

Relating to the management of the coastal resources of the state; and providing for an effective date.

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

* Section 1. LEGISLATIVE FINDINGS. The legislature finds that

(1) the coastal area of the state is a distinct and valuable natural resource of concern to all the people of the state;

(2) the demands upon the resources of the coastal area are significant, and will increase in the future;

(3) the protection of the natural and scenic resources and the fostering of wise development of the coastal area are of concern to present and future citizens of the state;

(4) the capacity of the coastal area to withstand the demands upon it is limited;

(5) the degree of planning and resource allocation which has occurred in the coastal area has often been motivated by short-term considerations, unrelated to sound planning principles; and

(6) in order to promote the public health and welfare there is a critical need to engage in comprehensive land and water use planning in coastal areas and to establish the means by which a planning process and management program involving the several governments and areas of the unorganized borough having an interest in the coastal area may be effectively implemented.

* Sec. 2. LEGISLATIVE POLICY. It is the policy of the state to

(1) preserve, protect, develop, use, and, where necessary, restore or enhance the coastal resources of the state for this and succeeding generations;

(2) encourage coordinated planning and decision making in the coastal area among levels of government and citizens engaging in or affected by activities involving the coastal resources of the state;

(3) develop a management program which sets out policies, objectives, standards and procedures to guide and resolve conflicts among public and private activities involving the use of resources which have a direct and significant impact upon the coastal land and water of the state;

(4) assure the participation of the public, local governments, and agencies of the state and federal governments in the development and implementation of a coastal management program;

(5) utilize existing governmental structures and authorities, to the maximum extent feasible, to achieve the policies set out in this section; and

(6) authorize and require state agencies to carry out their planning duties, powers and responsibilities and take actions authorized by law with respect to programs affecting the use of the resources of the coastal area in accordance with the policies set out in this section and the guidelines and standards adopted by the Alaska Coastal Policy Council under AS 46.35.

* Sec. 3. AS 44.19 is amended by adding new sections to read:

ARTICLE 11A. ALASKA COASTAL POLICY COUNCIL.

Sec. 44.19.891. ALASKA COASTAL POLICY COUNCIL. (a) There is created in the Office of the Governor the Alaska Coastal Policy Council. The council consists of the following:

(1) nine public members appointed by the governor from a list comprised of at least three names from each region, nominated by the municipalities of each region; the nominees shall be the mayor or member of the assembly or council of a municipality; one public member shall be appointed from each of the following general regions:

(A) northwest Alaska, including, generally, the area of the North Slope Borough and the Northwest Arctic regional educational attendance area;

(B) Bering Straits, including, generally, the area of the Bering Straits regional educational attendance area;

(C) southwest Alaska, including, generally, the area within the Lower Yukon, Lower Kuskokwim, Southwest, and Lake-Peninsula regional educational attendance areas and the Bristol Bay Borough;

(D) Kodiak-Aleutians, including the area of the Kodiak Island Borough and the Aleutian, Adak and Pribilof regional educational attendance areas;

(E) Upper Cook Inlet, including the Municipality of Anchorage and the Matanuska-Susitna Borough;

(F) Lower Cook Inlet, including, generally, the area within the Kenai Peninsula Borough;

(G) Prince William Sound, including, generally, the area east of the Kenai Peninsula Borough to 141° W. longitude;

(H) northern Southeast Alaska, including the area southeast of 141° W. longitude and north of 57° N. latitude, including the entirety of the City and Borough of Sitka; and

(I) southern Southeast Alaska, including that portion of southeastern Alaska not contained within the area described in (H) of this paragraph;

(2) each of the following:

(A) the director of the division of policy development and planning;

(B) the commissioner of the Department of Commerce and Economic Development;

(C) the commissioner of the Department of Community and Regional Affairs;

(D) the commissioner of the Department of Environmental Conservation;

(E) the commissioner of the Department of Fish and Game;

(F) the commissioner of the Department of Natural Resources; and

(G) the commissioner of the Department of Public Works.

(b) Each public member appointed by the governor under (a)(1) of this section serves a term of two years and until his successor is appointed and qualified, except that the term of office of a public member first appointed under (a)(1)(A), (a)(1)(C), (a)(1)(E) and (a)(1)(G) of this section shall be one year. A public member may be reappointed.

(c) The council shall designate co-chairmen, one of whom shall be selected from among the public members appointed under (a)(1) of this section and one from among the members designated in (a)(2) of this section.

(d) Each member of the council shall select one person to serve as a permanent alternate at meetings of the council. If a member of the council is unable to attend, he shall advise the alternate who may attend and act in the place of the member. The alternate for a public member appointed after the effective date of this section under (a)(1) of this section shall, at the time of his designation

and throughout the period of his service as a permanent alternate, be the mayor or member of the assembly or council of a municipality within the region from which the permanent member is appointed. The alternate for a designated member serving under (a)(2) of this section shall be a deputy commissioner of the department or the director of a division in the department. The names of alternates shall be filed with the council.

(e) Four public members and three designated members of the council constitute a quorum, but one or more of the members designated by the council may hold hearings. All decisions of the council shall be by a majority vote of the members present and voting.

(f) Members of the council or their alternates are entitled to per diem and travel expenses authorized by law for members of boards and commissions.

(g) If an incumbent public member ceases to meet the qualifications prescribed in (a)(1) of this section for nomination to the council or if a vacancy exists among the public members for any other reason except for a vacancy due to the expiration of the term of a public member, the governor shall, within 30 days of the establishment of the vacancy by lack of qualification or other reason, make an appointment, to be immediately effective, for the unexpired portion of the term. An appointment by the governor made under this subsection to fill an unexpired term of a public member shall comply with the requirements of (a)(1) of this section; however, the governor may appoint from qualified persons without soliciting from municipalities nominations of persons to fill the unexpired portion of the term.

Sec. 44.19.892. POWERS OF THE COUNCIL. The council may

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

(2) contract for necessary services;

(3) consult and cooperate with

(A) persons, organizations, and groups, public or private, interested in, affected by, or concerned with coastal area planning and management;

(B) agents and officials of the coastal resource districts of the state, and federal and state agencies concerned with or having jurisdiction over coastal planning and management;

(4) take any reasonable action necessary to carry out the provisions of secs. 891 - 894 of this chapter.

Sec. 44.19.893. DUTIES OF THE COUNCIL. In conformity with the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et seq.), the council shall

(1) through the public hearing process and the recording of the minutes of the hearings, develop guidelines and standards for the preparation of, and approve, in accordance with AS 46.35, the Alaska coastal management program;

(2) establish continuing coordination among state agencies to facilitate the development and implementation of the Alaska coastal management program; in carrying out its duties under this paragraph, the council shall initiate an interagency program of comprehensive coastal resource planning for each geographic region described in sec. 891-(a)(1) of this chapter;

(3) assure continued provision of data and information to coastal resource districts to carry out their planning and management functions under the program;

(4) submit annually to the legislature, not later than the 10th day of each regular session, the portion of the coastal management program approved or amended by the council during the preceding year.

Sec. 44.19.894. COUNCIL STAFF. The council shall utilize the staff of the office of coastal management within the division of policy development and planning in discharging its powers and duties. The coordinator of the office, with the concurrence of the council, may contract with or employ personnel or consultants he considers necessary to carry out the powers and duties of the council.

* Sec. 4. AS 46 is amended by adding a new chapter to read:

CHAPTER 40. THE ALASKA COASTAL MANAGEMENT PROGRAM.

ARTICLE 1. DEVELOPMENT OF ALASKA
COASTAL MANAGEMENT PROGRAM.

Sec. 46.40.010. DEVELOPMENT OF ALASKA COASTAL MANAGEMENT PROGRAM. (a) The Alaska Coastal Policy Council established in AS 44.19.891 shall approve, in accordance with secs. 10 - 210 of this chapter, the Alaska coastal management program.

(b) The council may approve the Alaska coastal management program for a portion or portions of the coastal area before approving the complete program under (a) of this section. Portions of the program approved under this subsection shall be incorporated into the Alaska coastal management program.

(c) The Alaska coastal management program shall be reviewed by the council and, when appropriate, revised to

(1) add newly approved district coastal management programs, or revisions and amendments to the Alaska coastal management program;

(2) integrate newly approved district coastal management programs, or revisions and amendments of district coastal management programs, with existing approved programs and with plans developed by state agencies;

(3) add new or revised state statutes, policies, regulations or other appropriate material;

(4) review the effectiveness of implementation of district coastal management programs; and

(5) consider new information acquired by the state and coastal resource districts.

(d) All reviews and revisions shall be in accordance with the guidelines and standards adopted by the council under sec. 40 of this chapter.

Sec. 46.40.020. OBJECTIVES. The Alaska coastal management program shall be consistent with the following objectives:

(1) the use, management, restoration and enhancement of the overall quality of the coastal environment;

(2) the development of industrial or commercial enterprises which are consistent with the social, cultural, historic, economic and environmental interests of the people of the state;

(3) the orderly, balanced utilization and protection of the resources of the coastal area consistent with sound conservation and sustained yield principles;

(4) the management of coastal land and water uses in such a manner that, generally, those uses which are economically or physically dependent on a coastal location are given higher priority when compared to uses which do not economically or physically require a coastal location;

(5) the protection and management of significant historic, cultural, natural and aesthetic values and natural systems or processes within the coastal area;

(6) the prevention of damage to or degradation of land and water reserved for their natural values as a result of inconsistent land or water usages adjacent to that land;

(7) the recognition of the need for a continuing supply of energy to meet the requirements of the state and

the contribution of a share of the state's resources to meet national energy needs; and

(8) the full and fair evaluation of all demands on the land and water in the coastal area.

Sec. 46.40.030. DEVELOPMENT OF DISTRICT COASTAL MANAGEMENT PROGRAMS. Coastal resource districts shall develop and adopt district coastal management programs in accordance with the provisions of this chapter. The program adopted by a coastal resource district shall be based upon a municipality's existing comprehensive plan or a new comprehensive resource use plan or comprehensive statement of needs, policies, objectives and standards governing the use of resources within the coastal area of the district. The program shall be consistent with the guidelines and standards adopted by the council under sec. 40 of this chapter and shall include:

(1) a delineation within the district of the boundaries of the coastal area subject to the district coastal management program;

(2) a statement, list, or definition of the land and water uses and activities subject to the district coastal management program;

(3) a statement of policies to be applied to the land and water uses subject to the district coastal management program;

(4) regulations, as appropriate, to be applied to the land and water uses subject to the district coastal management program;

(5) a description of the uses and activities which will be considered proper and the uses and activities which will be considered improper with respect to the land and water within the coastal area;

(6) a summary or statement of the policies which will be applied and the procedures which will be used to determine whether specific proposals for land or water uses or activities shall be allowed; and

(7) a designation of, and the policies which will be applied to the use of, areas within the coastal resource district which merit special attention.

Sec. 46.40.040. DUTIES OF THE ALASKA COASTAL POLICY COUNCIL. Through the public hearing process and the recording of the minutes of the hearings, the Alaska Coastal Policy Council shall

(1) by regulation, adopt under the provisions of the Administrative Procedure Act (AS 44.62), not later than April 15, 1978, for the use of and application by coastal resource districts and state agencies for carrying out their responsibilities under this chapter, guidelines and standards for

(A) identifying the boundaries of the coastal area subject to the district coastal management program;

(B) determining the land and water uses and activities subject to the district coastal management program;

(C) developing policies applicable to the land and water uses subject to the district coastal management program;

(D) developing regulations applicable to the land and water uses subject to the district coastal management program;

(E) developing policies and procedures to determine whether specific proposals for the land and water uses or activities subject to the district coastal management program shall be allowed;

(F) designating and developing policies for the use of areas of the coast which merit special attention; and

(G) measuring the progress of a coastal resource district in meeting its responsibilities under this chapter;

(2) develop and maintain a program of technical and financial assistance to aid coastal resource districts in the development and implementation of district coastal management programs;

(3) undertake review and approval of district coastal management programs in accordance with this chapter;

(4) initiate a process for identifying and managing uses of state concern within specific areas of the coast;

(5) develop procedures or guidelines for consultation and coordination with federal agencies managing land or conducting activities potentially affecting the coastal area of the state.

Sec. 46.40.050. ACTION AND SUBMISSION BY COASTAL RESOURCE DISTRICTS. Each coastal resource district shall make substantial progress, in the opinion of the council, toward completion of an approvable district coastal management program and shall complete and submit to the council for approval its program within 30 months of the effective date of this Act or within 30 months of certification of the results of the district's organization, whichever is later.

Sec. 46.40.060. REVIEW AND APPROVAL BY COUNCIL. (a) If, upon submission of a district coastal management program for approval, the council finds that the program is substantially consistent with the provisions of this chapter and the guidelines and standards adopted by the council and does not arbitrarily or unreasonably restrict or exclude uses of state concern, the council may grant summary approval of the district coastal management program, or may approve portions of the district program which are consistent.

(b) If the council finds that a district coastal management program is not approvable or is approvable only in part under (a) of this section, it shall direct that deficiencies in the program submitted by the coastal resource district be mediated. In mediating the deficiencies, the council may call for one or more public hearings in the district. The council shall meet with officials of the coastal resource district in order to resolve differences.

(c) If, after mediation, the differences have not been resolved to the mutual agreement of the coastal resource district and the council, the council shall call for a public hearing and shall resolve the differences in accordance with the Administrative Procedure Act (AS 44.62). After a public hearing held under this subsection, the council shall enter findings and, by order, may require

(1) that the district coastal management program be amended to make it consistent with the provisions of this

During the 1979 State legislative session, AS 46.40.050 was amended to read:

Section 46.40.050. ACTION AND SUBMISSION BY COASTAL RESOURCE DISTRICTS. Each coastal resource district shall make substantial progress, in the opinion of the council, toward completion of an approvable district coastal management program and shall complete and submit to the council for approval its program within 30 months of June 4, 1977 or within 30 months of certification of the results of the district's organization, whichever is later. If, in the opinion of the council, after receipt of a written request for extension from the district which includes the reasons for the extension, the extension is considered proper, the council may grant an extension to a date which is not later than December 4, 1981, or to a date which is within 54 months of certification of the results of the district's organization, whichever is later.

chapter or the guidelines and standards adopted by the council;

(2) that the district coastal management program be revised to accommodate a use of state concern; or

(3) any other action be taken by the coastal resource district as appropriate.

(d) The superior courts of the state have jurisdiction to enforce orders of the council entered under (c) of this section.

Sec. 46.40.070. STANDARDS FOR COUNCIL REVIEW AND APPROVAL. (a) The council shall approve a district coastal management program submitted for review and approval if the program is consistent with the provisions of this chapter and the guidelines and standards adopted by the council.

(b) Notwithstanding an inconsistency of a district coastal management program submitted for review and approval with the guidelines and standards adopted, the council shall approve the program if it finds that

(1) strict adherence to the guidelines and standards adopted would result in a violation of another state law or policy;

(2) strict adherence to the guidelines and standards adopted would cause or probably cause substantial irreparable harm to another interest or value in the coastal area of the district; or

(3) the inconsistency is of a technical nature and no substantial harm would result to the policies and objectives of this chapter or the Alaska coastal management program.

(c) In determining whether a restriction or exclusion of a use of state concern is arbitrary or unreasonable, the council shall approve the restriction or exclusion if it finds that

(1) the coastal resource district has consulted with and considered the views of appropriate federal, state or regional agencies;

(2) the district has based its restriction or exclusion on the availability of reasonable alternative sites; and

(3) the district has based its restriction or exclusion on an analysis showing that the proposed use is incompatible with the proposed site.

(d) A decision by the council under this section shall be given within 90 days.

Sec. 46.40.080. EFFECTIVE DATE OF ALASKA COASTAL MANAGEMENT PROGRAM. The Alaska coastal management program adopted by the council, and any additions, revisions, or amendments of the program, take effect upon adoption of a concurrent resolution by a majority of the members of each house of the legislature or by a vote of the majority of the members of each house at the time the houses are convened in joint session to confirm executive appointments submitted by the governor.

Sec. 46.40.090. IMPLEMENTATION OF DISTRICT COASTAL MANAGEMENT PROGRAMS. (a) A district coastal management program approved by the council and the legislature for a coastal resource district which does not have and exercise zoning or other controls on the use of resources within the coastal area shall be implemented by appropriate state agencies. Implementation shall be in accordance with the comprehensive use plan or the statement of needs, policies, objectives and standards adopted by the district.

(b) A coastal resource district which has and exercises zoning or other controls on the use of resources within the coastal area shall implement its district coastal management program. Implementation shall be in accordance with the comprehensive use plan or the statement of needs, policies, objectives and standards adopted by the district.

Sec. 46.40.100. COMPLIANCE AND ENFORCEMENT. (a) Municipalities and state agencies shall administer land and water use regulations or controls in conformity with district coastal management programs approved by the council and the legislature and in effect.

(b) On petition of a coastal resource district, a citizen of the district, or a state agency, showing that a district coastal management program is not being implemented, enforced or complied with, the council shall convene a public hearing to consider the matter. A hearing called under this subsection shall be held in accordance with the Administrative Procedure Act (AS 44.62). After hearing, the council may order that the coastal resource district or state agency take any action which the council considers necessary to implement, enforce or comply with the district coastal management program.

(c) In determining whether an approved district coastal management program is being implemented, enforced or complied with by a coastal resource district which exercises zoning authority or controls on the use of resources within the coastal area, the council shall find in favor of the district if

(1) zoning or other regulations have been adopted and are being enforced;

(2) variances are being granted according to procedures and criteria which are elements of the district coastal management program, or the variance is otherwise approved by the council; and

(3) procedures and standards adopted by the coastal resource district as required by this chapter or by the guidelines and standards adopted by the council and subsequently approved by the legislature have been followed and considered.

(d) In determining whether a state agency is complying with a district coastal management program with respect to its exercise of regulation or control of the resources within the coastal area, the council shall find in favor of the agency if

(1) the use or activity for which the permit, license or approval is granted is consistent with the district coastal management program and regulations adopted under it; and

(2) the use or activity for which the permit, license or approval is granted is consistent with requirements imposed by state statute, regulation, or local ordinance applicable to the use or activity.

(e) The superior courts of the state have jurisdiction to enforce lawful orders of the council.

ARTICLE 2. COASTAL MANAGEMENT PROGRAMS IN THE UNORGANIZED BOROUGH.

Sec. 46.40.110. AUTHORITY IN THE UNORGANIZED BOROUGH. Under AS 29.03.020 and secs. 110 - 180 of this chapter, the legislature authorizes organization of coastal resource service areas in the unorganized borough and grants authority to the service areas which may be organized to perform the duties required under this chapter.

Sec. 46.40.120. COASTAL RESOURCE SERVICE AREAS. (a) Except as provided in (b) of this section, each regional educational attendance area established under AS 14.08.031 containing a part of the coastal area may be organized as a coastal resource service area.

(b) The commissioner of the Department of Community and Regional Affairs may, after public hearings held in the area affected, consolidate two or more regional educational attendance areas as a single coastal resource service area

(1) if a substantial portion of the coastal area contains land and water area owned by the federal government over which it exercises exclusive jurisdiction or land held in trust by the federal government for Alaska Natives over which the state would not exercise control as to use; or

(2) if, after giving due consideration to the standards applicable to incorporation of borough governments and the likelihood that a borough will be incorporated within the area, the commissioner determines that the functions to be performed under this chapter could be undertaken more efficiently through the combination of two or more regional educational attendance areas as a single coastal resource service area.

(c) A determination under (b) of this section shall be made before organization of the coastal resource service area.

Sec. 46.40.130. ORGANIZATION OF COASTAL RESOURCE SERVICE AREA. (a) Organization of a coastal resource service area may be initiated by

(1) submission to the council of a petition signed by a number of registered voters equal to 15 per cent of the number of votes cast within the coastal resource service area at the last state general election;

(2) submission to the council of a resolution approved by the city council or traditional village council of not less than 25 per cent of the number of cities and villages within the coastal resource service area; or

(3) at the direction of a majority of the members of the council in the manner set out in sec. 160 of this chapter.

(b) Acting at the request of the council, the lieutenant governor, not less than 60 nor more than 90 days after receipt of a proper petition under (a)(1) of this section, a proper resolution under (a)(2) of this section, or at the direction of the council under (a)(3) of this section, shall conduct an election on the question of organization of a coastal resource service area.

Sec. 46.40.140. COASTAL RESOURCE SERVICE AREA BOARDS. (a) Each coastal resource service area, upon organization, shall have an elected board representing the population of the service area. The board shall have the powers and duties and perform the functions prescribed for or required of coastal resource districts.

(b) A coastal resource service area board shall contain seven members. Board members shall be elected at large by the qualified voters of the coastal resource service area.

(c) The commissioner of the Department of Community and Regional Affairs, after consultation with residents of a coastal resource service area, may divide a service area into sections only for the purpose of nominating and electing board members. Division of a service area into sections for the purpose of nomination and election shall be in accordance with the provisions of AS 14.08.051(a). Division may be proposed in the petition submitted under sec. 130-(a)(1) of this chapter, in the resolution submitted under sec. 130(a)(2) of this chapter, at the direction of the council under sec. 130(a)(3) of this chapter, or may be proposed at any time by the members of the coastal resource service area board. If proposed by the board, the division of the service area into sections is subject to approval of a majority of the qualified voters voting on the question in the coastal resource service area at the next regular election or at a special election called for that purpose and, if approved, takes effect at the next regular election of members of the coastal resource service area board.

(d) The term of office of a member of a coastal resource service area board is three years, except that the terms of the members of the first board elected after organization of a coastal resource service area shall be determined by lot, with two members serving one-year terms, two members serving two-year terms, and three members serving three-year terms. Members serve until their successors are elected and have qualified. Nothing in this section prohibits the reelection of a board member.

(e) The lieutenant governor shall provide for the election of the members of coastal resource service area boards. The first election of board members shall occur not less than 60 nor more than 90 days after certification of the results of an organization election under sec. 130(b) of this chapter in which a majority of votes cast favors organization of the coastal resource service area.

(f) Except for the first election of members of coastal resource service area boards, elections shall be held annually on the date of election of members of regional educational attendance area boards under AS 14.08.071(b).

(g) A vacancy on a coastal resource service area board shall be filled by appointment as provided in AS 14.08.041-(a) for vacancies in the membership of regional educational attendance area boards.

(h) Members of coastal resource service area boards are subject to recall on the same grounds and in the same manner as provided for recall of municipal officials in AS 29.28.130 - 29.28.250. The lieutenant governor functions in place of the assembly or council and municipal clerk for receipt and review of recall petitions and the conduct of recall elections.

Sec. 46.40.150. ELECTIONS IN COASTAL RESOURCE SERVICE AREAS. Organization elections under sec. 130 of this chapter and other elections, including recall elections conducted under sec. 140 of this chapter, shall be administered by the lieutenant governor in the general manner provided in the Alaska Election Code (AS 15.05 - 15.60). In addition, the lieutenant governor may adopt regulations necessary to the conduct of coastal resource service area board elections. The state shall pay all election costs.

Sec. 46.40.160. ORGANIZATION AT THE DIRECTION OF THE COUNCIL. (a) Whenever it appears that major economic development activity will occur in a coastal resource service area or in waters adjacent to a coastal resource service area which has not been organized, the council may direct the lieutenant governor to submit to the voters of the service area the question of organization. The council may require an election on the question only after holding at least one public hearing within the area proposed for organization.

(b) For purposes of this section, "major economic development activity" includes a call for nomination by the Secretary of the United States Department of the Interior for leasing of tracts within petroleum basins in waters of the outer continental shelf adjacent to the coastal resource service area or any other significant industrial or commercial activity which, in the opinion of the council, would commit the resources of the coastal area to a use of direct and significant impact upon the coastal waters of the state.

Sec. 46.40.170. PREPARATION OF DISTRICT COASTAL MANAGEMENT PROGRAM BY THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS. (a) If residents of a coastal resource service area reject organization of the service area at an election called for the purpose and the council finds, after public hearing, that major economic development activity has occurred or will occur within the service area, the council may direct the Department of Community and Regional Affairs to prepare and recommend for consideration by the council and for submission to the legislature a district coastal management program for the service area.

(b) At the request of the council, the Department of Community and Regional Affairs shall complete the district coastal management program in accordance with this chapter and the guidelines and standards adopted by the council for a coastal resource service area which has been organized but which has failed to make substantial progress in the preparation of an approvable district coastal management program within 18 months of certification of the results of an organization election or which has not submitted for approval to the council a program within 30 months of certification of the results of its organization election. Preparation of the program shall be conducted in consultation with the coastal resource service area and shall, to the maximum extent consistent with this chapter, reflect the expressed concerns of the residents of the service area.