

SCOMM

# 10:46

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AS A UNIT IN THE ORIGINAL DOCUMENT.

# MEMORANDUM

DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS

TO:  Murray Walsh  
Coordinator, Office of  
Coastal Management  
Office of the Governor

FROM: <sup>T.L. Kimball</sup> Lawrence H. Kimball, Jr.  
Director  
Division of Community Planning

DATE: August 28, 1979

FILE NO:

TELEPHONE NO:

SUBJECT: Amendment to RSA.

Attached is a proposed amendment to this Department's FY 1980 ACMP RSA. The amendment concerns the "Study of Options for Managing Coastal Resources in the Unorganized Borough."

LHKjr:am  
Attachment

ACMP RSA: STUDY OF OPTIONS FOR MANAGING COASTAL  
RESOURCES IN THE UNORGANIZED BOROUGH

BACKGROUND

Unorganized Borough Defined

The Alaska Constitution mandates that the entire State be divided into boroughs, organized and unorganized. A borough is a regional government similar to a county or township. An unorganized borough is an area outside the boundaries of a borough incorporated under State law.

Geographic Extent

Nearly 435,000 square miles, 75 percent of Alaska's total land area, lies within the unorganized borough. Except for Bristol Bay Borough (1,200 square miles), and part of the North Slope Borough, the entire west coast of the State is in the unorganized borough. Two other coastal areas have large stretches of unincorporated areas. These are Prince William Sound and Southeast Alaska.

Population

The unorganized borough is sparsely populated. Rough estimates indicate a civilian population of approximately 10,000 in areas outside an organized city or borough. In addition, approximately 60,000 persons live in the 116 incorporated cities which lie outside boroughs. Only 11 of these 116 cities have populations over 1,000 and few exercise municipal planning powers.

### Importance of Planning and Management in the Unorganized Borough

Though sparsely populated, the unorganized borough warrants greater attention to planning and management of coastal resources for the following reasons: (1) major resource development is either under way in the unorganized borough or contemplated the future, (2) subsistence is a valued and irreplaceable way of life for many residents of the unorganized borough, (3) land ownership patterns are changing with millions of acres of federally owned land passing into private, State, or municipal ownership, and (4) provision of public services in the unorganized borough entails massive public investment and extraordinary logistical efforts.

Among the principal resource developments (existing and proposed) in the unorganized borough are: (1) logging (Chugach and Tongass National Forests and former federally owned forest land to be conveyed to Native corporations), (2) mining (Borax molybdenum mine near Ketchikan, Noranda mining operations on Admiralty Island, Inspiration Mining Company's operation on Chichagof Island, and placer mining on Seward Peninsula and the Horton Sound area), (3) fisheries (expansion of salmon catch, expansion into bottom fisheries in the Aleutian Islands and elsewhere), and (4) energy development (OCS lease sales scheduled for Norton Sound and Bristol Bay).

### Legal Context

Article X of the Alaska Constitution addresses local government.

Pertinent sections from that article are the following:

SECTION 1. The purpose of this article is to provide for maximum local self-government with a minimum of local government units, and

to prevent duplication of tax-levying jurisdictions. A liberal construction shall be given to the powers of local government units.

SECTION 2. All local government powers shall be vested in boroughs and cities only.

SECTION 6. The legislature shall provide for the performance of services it deems necessary or advisable in unorganized boroughs, allowing for maximum local participation and responsibility. It may exercise any power or function in an unorganized borough which the assembly may exercise in an organized borough.

Title 29, Chapter 03, of the Alaska Statutes, pertains to the unorganized borough. In addition to defining the unorganized borough, that Chapter describes service areas as a means of providing services in the unorganized borough.

Sec. 29.03.020. Service areas. Allowing for maximum local participation, the legislature may establish, alter, or abolish service areas within the unorganized borough to provide special services, which may include but are not limited to schools, utilities, land use regulations and fire protection. A new service area may not be established if the new service can be provided by an existing service area, by incorporation as a city, or by annexation to a city. (§2 ch 118 SLA 1972)

Under Title 29, first-class and home-rule cities in the unorganized borough must exercise planning powers and second-class cities are authorized but not required to do so.

In 1975, the State Legislature enacted legislation important to provision of services in the unorganized borough. Pertinent excerpts from Chapter 124, Session Laws of Alaska 1975, are the following:

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attendance area. As far as practicable, each regional educational attendance area shall contain an integrated socio-economic, linguistically and culturally homogeneous area. In the formation of the regional educational attendance areas, consideration shall be given to the transportation and communication network to facilitate the administration of education and communications between communities that comprise the area. Whenever possible, municipalities, other governmental or regional corporate entities, drainage basins and other identifiable geographic features shall be used in describing the boundaries of the regional school attendance areas.

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Criteria specified for delineating boundaries of the regional educational attendance areas are similar to standards for incorporating an organized borough but do not include the following incorporation standard:

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#### Issues

Two regions in the unorganized borough have already organized into coastal resource service areas according to procedures outlined in the Alaska Coastal Management Act and associated regulations. Both regions are predominantly Native and are served by organized Native non-profit organizations which served as catalysts in organizing the service area. Such favorable conditions are not found in all the remaining regional educational attendance areas. Unorganized areas in the Aleutian Islands, Prince William Sound, and Southeast Alaska have a sizeable non-Native population and in the latter two vast stretches of federal land holdings separate State and private land, which will be most directly affected by coastal management programs developed for the unorganized borough.

Although organization of coastal resource service areas in the Northwest

Alaska (NANA) region and the Yukon/Kuskokwim Delta region have commenced, concerns about subsequent stages in program development and implementation for these service areas and organizational problems expected in other parts of the unorganized borough have prompted the Department of Community and Regional Affairs to propose the work program described in the following section.

### WORK PROGRAM

#### Purpose

The purpose of the proposed study is to examine options now available or possible, with certain legislative changes, to effectively plan for and manage coastal resources in the unorganized borough.

#### Products

There will be four products from this study:

1. A technical report summarizing the study methodology, key findings of a literature search, the identification and analysis of options, and results of public involvement activities.
2. Legislative recommendations, if any, described in sufficient detail to enable the Governor's Office to assess their value and draft appropriate legislation if desired.
3. Recommendations to the Administration on administrative changes which could improve management of coastal resources in the unorganized

borough.

4. A brief written document informing coastal service area board members of mechanisms available to manage coastal resources in the unorganized borough.

### Study Approach

#### I. Perspective

The first step in the proposed study would be to provide perspective on the unorganized borough in general and organizational aspects of service delivery in particular. Key person interviews and case studies will be primary information sources for this part of the study. The interviews will be supported by a literature search and data gathering from secondary sources.

Specific questions to be addressed include the following:

- A. Who lives in the unorganized borough and why?
- B. What economic activities (market and non-market) provide sources of livelihood to residents of the unorganized borough?
- C. How are coastal resources now managed and by whom? What difficulties or inefficiencies are encountered?
- D. How are "local" decisions made?
- E. What has been the history of local government in the unorganized borough, i.e., why have certain communities in the unorganized borough

incorporated, which settlements or regions have attempted incorporation and failed (or considered it and then rejected it) and why, how effective have incorporated cities in the unorganized borough been and what has contributed to their success or failure?

F. How effective have the regional educational attendance areas and other service delivery mechanisms been and what problems have they encountered?

G. What trends are anticipated in any of the factors addressed above?

## II. Identification of Planning and Management Options

The second element in the study will identify planning and management options now available to the unorganized borough, or possible with certain legislative changes. Options will be identified through a literature search, supported by key person interviews. In addition to the Alaska Statutes, sources to be tapped include literature and pertinent expertise on Maine (which has a relatively large unorganized area) and Canada (especially its management system in territories), and prominent public affairs research institutions throughout the country.

Planning options to be considered include organizational alternatives to the service area concept described in the Alaska Coastal Management Act. Management options include concrete mechanisms whereby a district program developed by a coastal resource service area board or other planning organization could be implemented.

### III. Evaluation of Planning and Management Options

Planning and management options would be evaluated against the following criteria:

A. Costs and Incidence of Costs: There will be costs associated with any planning or management options. It is important that the total costs be assessed for each alternative; it is equally important to identify all entities directly and indirectly absorbing the costs.

B. Availability of Funds: One elementary requirement for any successful planning effort is financial resources; the funds may come from grants, tax revenues, revenue sharing, or some other source, but they must be available for both the development and implementation of a plan. All alternatives should be evaluated for the availability of funds for all stages of the planning program.

C. Availability of Staff: In line with funds, planning efforts will need and must have easy and continual access to capable staff for both plan development and implementation tasks.

D. Existing or Politically Feasible Mandates: The viability of a planning structure or program for Alaska's unorganized borough is largely dependent upon a mandate for that planning program. A mandate may occur in a number of ways: a legislative act, an administrative act of the Governor, public referendum or local election, or through a State agency program or regulation.

E. Public Acceptability: Akin to political feasibility is the need for public acceptability of a planning or management option. A planning program is not viable unless it is acceptable to the involved and affected citizens, particularly if the structure or program depends upon formal (electoral) approval of the people.

Assessing the public acceptability of planning and management alternatives could be accomplished through an opinion survey of residents and public leaders in the unorganized borough and of various State leaders. A case study of public reactions in the past to proposed planning structures and programs might be another means of determining public acceptability.

F. Quality of Service Delivery: This is a multi-faceted criterion by which alternative planning structures and programs are to be evaluated. The quality of service delivery depend on a number of things, many of which are included in the other criteria. The objective, however, is not to repeat previous analyses, but to consider whether or not the planning alternatives are based upon "logical" planning units and how they will affect other public services and service areas.

For an unorganized borough, public services such as schools, utilities, and fire protection are usually provided on a service area basis, and individual service areas are established to provide specific services. As the rationale and purpose of the service areas vary, generally, so do their boundaries and jurisdiction.

In identifying and evaluating possible planning structures for an

unorganized borough, it is important to consider the logic and efficiency of the unit or area of service. The rationale for and the boundaries of existing service areas may not be appropriate for the delivery of planning services. Geographic features (e.g., mountain ranges, rivers, watersheds), for instance, may be more important than regional corporation boundaries or cultural features for defining a planning area.

On the other hand, before proposing a new service system and area, it is important to consider its effect on existing service areas. Is the planning unit going to compete with, overlap, confuse, or fragment the functioning of and services provided by other resource service areas in a region?

G. Implementation Authority (planning options only): In almost all cases, a plan is only as good as its implementation. Therefore, an effective planning structure or organization must have appropriate implementation authorities and powers.

SCHEDULE

	1979					1980						
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
I. Perspective	/-----/											
II. Identification of Planning and Management Options	/-----/											

1979

1980

Jul Aug Sep Oct Nov Dec Jan Feb Mar Apr May Jun

III. Evaluation of

/-----/

Planning and Manage-  
ment Options

IV. Preparation of

/-----/

Products (technical  
report, legislative and  
administrative recommen-  
dations, technical  
assistance document)

BUDGET

	<u>Federal Share</u>	<u>State Share</u>	<u>Total</u>
Personal services	\$ 32,800.00	\$ 8,200.00	\$ 41,000.00
Travel and per diem	3,200.00	800.00	4,000.00
Contractual	40,400.00	10,100.00	50,500.00
Commodities	160.00	40.00	200.00
Equipment	<u>640.00</u>	<u>160.00</u>	<u>800.00</u>
Total	\$77,200.00	\$19,300.00	\$96,500.00

The proposed budget would fund 6 person-months of a Planner IV position (range 19), 6 person-months of a Planner III position, and 4 person-months of a Clerk Typist III position. The Planner IV assigned to this study has an educational background and professional experience in

public administration and planning and the Planner III has extensive practical experience in the unorganized borough.

Contractual services would enable the Division to (1) enter into small contracts with research institutes and/or consulting firms to conduct literature searches and parts of the analysis, especially financial and legal considerations, (2) fund a public involvement component (workshop series and/or survey) and (3) print final products.

#### RELATIONSHIP TO OTHER STUDIES

During the past year, the State has experienced an upsurge of interest in the unorganized borough. Major projects and their relationships to the study proposed in this reimbursable services agreement (RSA) are described below:

##### Local Government Study

The standing committees of the House and Senate CRA Committees are conducting a Local Government Study during the interim. According to the committees' June 14 study plan, the product of the study will be a legislative package to be compiled by December. In comparing the Local Government Study schedule with the schedule proposed for this RSA, there are three distinct points at which a constructive exchange could take place:

- X 1. October. The Division could provide the committees with a draft of its narrative providing a perspective on planning and management in the

unorganized borough. This information could be used as background for the local hearings and field visits planned for October. The Division, in turn, would obtain and use proceedings of the committees' August 4-5 symposium, analysis, and regional workshops.

2. December. The Division could provide the committees a preliminary description of planning and management options which would be evaluated later in the study. The Division, in turn, would obtain and use transcripts of the local hearings scheduled for October. (The Division's public involvement program would span a longer period of time and be integrated into other functions such as board meetings of regional non-profit organizations and would occur during the analysis phase, November through April.)

3. November-December. The Division will share with the committee findings of its evaluation of planning and management options. While the Division's evaluation will continue several months into the 1980 legislative session, it is possible that some of its findings would be available to influence the legislative package either before the package is compiled in December or during committee hearings.

#### Tanana Chiefs Conference Proposal

The Tanana Chiefs Conference has proposed three alternatives for planning in the unorganized borough: (1) planning undertaken directly by a Native non-profit organization, (2) planning undertaken by advisory planning commissions recognized by the State under AS 44.19.880(c), and (3) planning and implementation undertaken by subregional planning commissions the governmental authority of which would be vested in the

Department of Community and Regional Affairs. Legal opinions rendered by the Legislative Affairs Legal Section and forthcoming from the Attorney General's office will be useful in assessing the legality of each option. Furthermore, the Tanana Chiefs Conference project and proposals could serve as a case study to help the Division study team evaluate the three options listed above.

#### NANA Regional Strategies

In 1978, the Mauneluk Association undertook a three-year project to develop a regional strategy for development of the Northwest Alaska Region. During the second year of this project, efforts will be devoted to exploring concrete mechanisms for implementing such a regional strategy in the unorganized borough.

The study team performing work proposed in this RSA will closely coordinate their efforts with those of the Mauneluk Association. Coordination will occur through the Division staff member assigned to the NANA Regional Strategy Steering Committee.

#### Division of Policy Development and Planning

The Division of Policy Development and Planning is approaching the unorganized borough in two ways: (1) seeking the Attorney General's advice on the Tanana Chiefs Conference's request to have six subregional planning commissions designated advisory bodies by the Governor, and (2) working with other offices in the Administration to develop rural policy. The Department of Community and Regional Affairs has been and will continue to work closely with the Division of Policy Development and

Planning on both these efforts. Findings of the study proposed in this RSA will be made available to the Division of Policy Development and Planning as expeditiously as possible for use in formulating rural policy.

MJW:am  
8-28-79

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Official Business

# Alaska State Legislature

JOINT SENATE AND HOUSE  
COMMUNITY AND REGIONAL AFFAIRS COMMITTEE  
LOCAL GOVERNMENT STUDY

Co-Chairmen  
Senator Arliss Sturgulewski  
Representative Bill Parker

Address all  
correspondence to:  
LOCAL GOVERNMENT STUDY

Pouch V  
State Capitol  
Juneau, Alaska 99811

November 29, 1979

TO: Joint C&RA Committee Members  
FROM: Senator Arliss Sturgulewski  
Co-Chairman  
SUBJECT: Status of Coastal Resource Service Area Organization

As you may know, the Senate and House Community and Regional Affairs Committees will have four coastal resource service area plans in this year for consideration. Additionally, a number of coastal resource service areas are in the organizational process. I thought it would be of interest to you to see the status of some of the proposed plans. You will be receiving information at the beginning of the Session as to the specific plans that have been completed. These plans have to go to the Coastal Policy Council for their consideration and possible adoption. After the Council acts, they will submit the plans to the Senate and House Community and Regional Affairs Committees for their consideration and action.

Enclosures

# MEMORANDUM

# State of Alaska

TO: Senator Arliss Sturgulewski

DATE: Nov. 26, 1979.

FILE NO:

TELEPHONE NO:

FROM: Murray Walsh, Coordinator *MW*  
Office of Coastal Management

SUBJECT: Status of Coastal Resource  
Service Area Organization

You asked for a status report on the progress of Coastal Resource Service Area (CRSA) organization progress. I am sorry this comes so late, but I hope this memo will still be of some use. For discussion purposes the unorganized area of the state should be divided into three areas: Western Alaska/Aleutian Islands; Prince William Sound; and, Southeast.

## Western Alaska/Aleutian Islands

As you may recall, two or more REAAs may be combined by DCRA to form one CRSA. This has occurred twice so far, resulting in seven potential CRSAs in this part of the state. More such consolidations could occur but this is seen as unlikely by most observers. So, by potential CRSA, this is what is happening:

NANA or Kotzebue Region: Both an organization election and a planning board election have been held with affirmative votes in both cases. As of this writing, the planning board has met at least once. Much remains, but grants are now in the works, and the area has been involved already in the "regional strategies" program funded by HUD.

Norton Sound or Nome Region: The first organization election has been scheduled for late January

AVCP or Bethel Region: Both elections have been successfully held and the planning board has met once or twice. A small grant to develop an extensive work program is pending. Major activity should start in just a few months.

Bristol Bay or Dillingham Region: No elections held or scheduled thus far, but this region contains both the City of Dillingham and the Bristol Bay Borough. Both of these districts are now active in ACMP and are negotiating with DCRA for program development grants.

Aleutian Islands/Lower Alaska Peninsula Region: The Aleutian-Pribilof Islands Association is seeking an education grant from DCRA to begin groundwork for elections.

Adak: Adak is still a separate REAA and so far, there has not been much enthusiasm from any quarter for consolidating Adak with the rest of the Aleutian Chain in a single CRSA. There has been no other activity other than raising the consolidation question well over a year ago.

Pribilof Islands: Basically the same situation as Adak. However, the Aleutian-Pribilofs Islands Association request is apparently aimed at all three areas.

Sen. Sturgulewski

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Summary All told, we are fairly optimistic about the Western Alaska/Aleutian region. In fact, I rather think that the unorganized borough provisions in the Alaska Coastal Management Act had this part of the state in mind. Many problems remain, not the least of which is the current five year leasing schedule planned by BLM. This has caused the fear that CRSA planning efforts will come too late to be of much use to the residents. There are a good many other reasons for engaging in coastal planning and we hope to emphasize these as well as seek delays in the sales, and a speed-up of organizational and planning efforts.

#### Prince William Sound

While we have had some inquiries from residents of this area, I do not anticipate much effort toward forming a CRSA. Apart from a very few people who live in small settlements, most of the residents live in Cordova, Valdez and Whittier. Cordova and Valdez have active coastal programs now underway. Cordova's should be done in a few more months. Whittier is negotiating for a program development grant. About the only reason for creating a CRSA in Prince William Sound would be if the three cities wanted to get together and create a regional plan for the area. This can be done because a city may choose to include itself within an REAA for the purpose of developing a coastal program. Such an event would be a deviation, I think, from the original purpose of the CRSA provisions in the coastal Act, but not necessarily a bad idea.

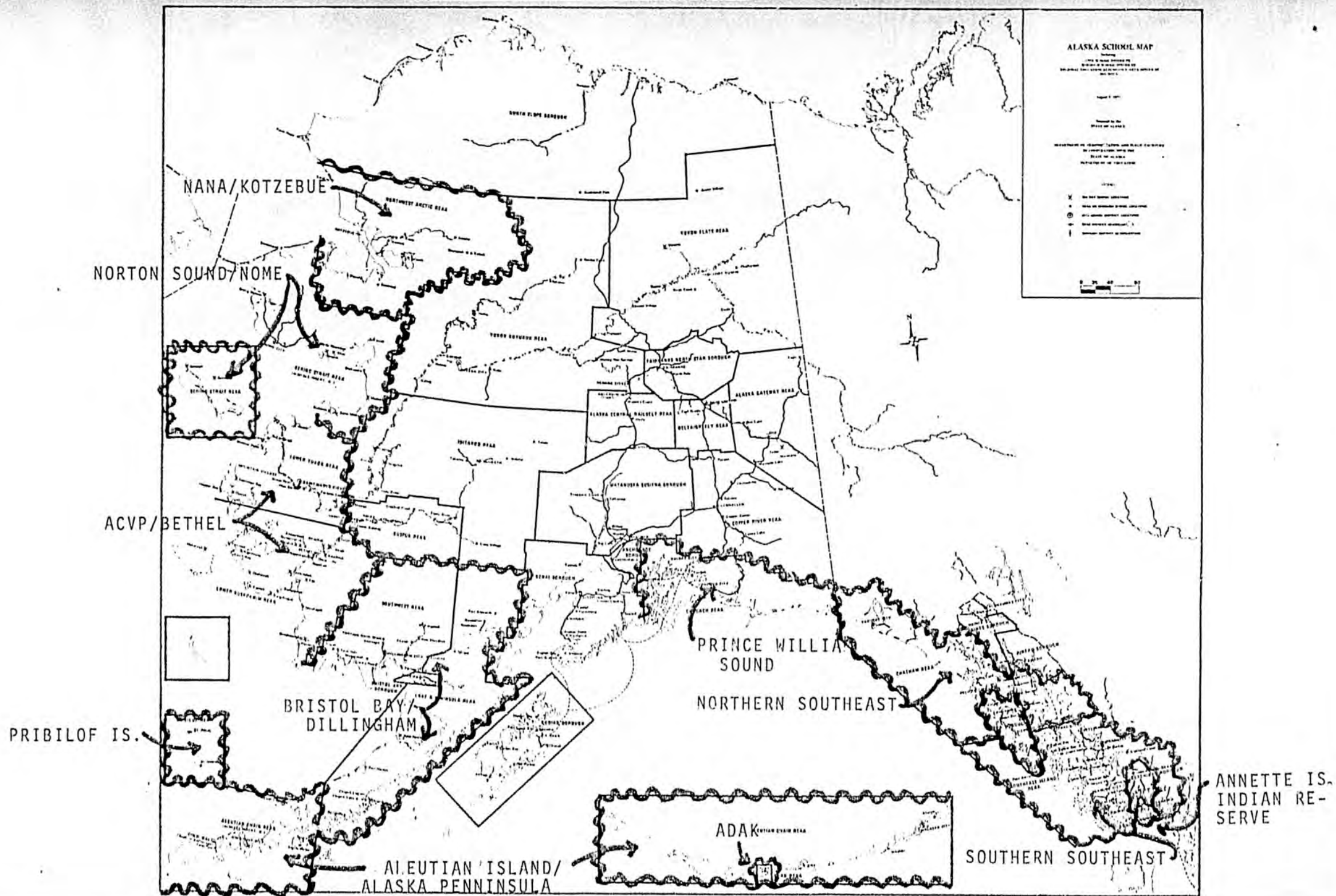
#### Southeast Alaska

Here too, we have had inquiries but no substantive action. Southeast is not at all well suited to the CRSA format because of the extensive waterways and other separations between groups. Southeast has three REAAs: the entire northern half; the Southern half; and a part of the southern for the the Annette Islands Indian Reserve. Much more sensible planning units would be whole islands or other geographic features rather than the rather huge regions that are now available. It was for this reason that OCM and the Coastal Policy Council sought an amendment to the coastal Act that would have allowed less-than-REAA-sized CRSAs last year. As well, most Southeast residents already live in first or second class cities or boroughs and can develop programs through the normal method. A number of the second class cities are so small that this will be difficult, but the means are available if the locality is sufficiently interested. In a number of cases as well, there are no buring issues or fearful trends that could stimulate a demand for a local coastal program, and so we tend to concentrate our efforts where problems exist or are pending.

I hope this memop provides you with the information you need. Please do not hesitate to contact me again if you need more details. Thank you for your interest in ACMP.



COASTAL RESOURCE SERVICE AREAS



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Specific questions to be addressed include the following:

- A. Who lives in the unorganized borough and why?
- B. What economic activities (market and non-market) provide sources of livelihood to residents of the unorganized borough?
- C. How are coastal resources now managed and by whom? What difficulties or inefficiencies are encountered?
- D. How are "local" decisions made?
- E. What has been the history of local government in the unorganized borough, i.e., why have certain communities in the unorganized borough

incorporated, which settlements or regions have attempted incorporation and failed (or considered it and then rejected it) and why, how effective have incorporated cities in the unorganized borough been and what has contributed to their success or failure?

F. How effective have the regional educational attendance areas and other service delivery mechanisms been and what problems have they encountered?

G. What trends are anticipated in any of the factors addressed above?

## II. Identification of Planning and Management Options

The second element in the study will identify planning and management options now available to the unorganized borough, or possible with certain legislative changes. Options will be identified through a literature search, supported by key person interviews. In addition to the Alaska Statutes, sources to be tapped include literature and pertinent expertise on Maine (which has a relatively large unorganized area) and Canada (especially its management system in territories), and prominent public affairs research institutions throughout the country.

Planning options to be considered include organizational alternatives to the service area concept described in the Alaska Coastal Management Act. Management options include concrete mechanisms whereby a district program developed by a coastal resource service area board or other planning organization could be implemented.

### III. Evaluation of Planning and Management Options

Planning and management options would be evaluated against the following criteria:

- A. **Costs and Incidence of Costs:** There will be costs associated with any planning or management options. It is important that the total costs be assessed for each alternative; it is equally important to identify all entities directly and indirectly absorbing the costs.
  
- B. **Availability of Funds:** One elementary requirement for any successful planning effort is financial resources; the funds may come from grants, tax revenues, revenue sharing, or some other source, but they must be available for both the development and implementation of a plan. All alternatives should be evaluated for the availability of funds for all stages of the planning program.
  
- C. **Availability of Staff:** In line with funds, planning efforts will need and must have easy and continual access to capable staff for both plan development and implementation tasks.
  
- D. **Existing or Politically Feasible Mandates:** The viability of a planning structure or program for Alaska's unorganized borough is largely dependent upon a mandate for that planning program. A mandate may occur in a number of ways: a legislative act, an administrative act of the Governor, public referendum or local election, or through a State agency program or regulation.

E. Public Acceptability: Akin to political feasibility is the need for public acceptability of a planning or management option. A planning program is not viable unless it is acceptable to the involved and affected citizens, particularly if the structure or program depends upon formal (electoral) approval of the people.

Assessing the public acceptability of planning and management alternatives could be accomplished through an opinion survey of residents and public leaders in the unorganized borough and of various State leaders. A case study of public reactions in the past to proposed planning structures and programs might be another means of determining public acceptability.

F. Quality of Service Delivery: This is a multi-faceted criterion by which alternative planning structures and programs are to be evaluated. The quality of service delivery depend on a number of things, many of which are included in the other criteria. The objective, however, is not to repeat previous analyses, but to consider whether or not the planning alternatives are based upon "logical" planning units and how they will affect other public services and service areas.

For an unorganized borough, public services such as schools, utilities, and fire protection are usually provided on a service area basis, and individual service areas are established to provide specific services. As the rationale and purpose of the service areas vary, generally, so do their boundaries and jurisdiction.

In identifying and evaluating possible planning structures for an

unorganized borough, it is important to consider the logic and efficiency of the unit or area of service. The rationale for and the boundaries of existing service areas may not be appropriate for the delivery of planning services. Geographic features (e.g., mountain ranges, rivers, watersheds), for instance, may be more important than regional corporation boundaries or cultural features for defining a planning area.

On the other hand, before proposing a new service system and area, it is important to consider its effect on existing service areas. Is the planning unit going to compete with, overlap, confuse, or fragment the functioning of and services provided by other resource service areas in a region?

G. Implementation Authority (planning options only): In almost all cases, a plan is only as good as its implementation. Therefore, an effective planning structure or organization must have appropriate implementation authorities and powers.

SCHEDULE

	1979			1980								
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
I. Perspective	/-----/											
II. Identification of Planning and Management Options	/-----/											



public administration and planning and the Planner III has extensive practical experience in the unorganized borough.

Contractual services would enable the Division to (1) enter into small contracts with research institutes and/or consulting firms to conduct literature searches and parts of the analysis, especially financial and legal considerations, (2) fund a public involvement component (workshop series and/or survey) and (3) print final products.

#### RELATIONSHIP TO OTHER STUDIES

During the past year, the State has experienced an upsurge of interest in the unorganized borough. Major projects and their relationships to the study proposed in this reimbursable services agreement (RSA) are described below:

##### Local Government Study

The standing committees of the House and Senate CRA Committees are conducting a Local Government Study during the interim. According to the committees' June 14 study plan, the product of the study will be a legislative package to be compiled by December. In comparing the Local Government Study schedule with the schedule proposed for this RSA, there are three distinct points at which a constructive exchange could take place:

1. October. The Division could provide the committees with a draft of its narrative providing a perspective on planning and management in the

unorganized borough. This information could be used as background for the local hearings and field visits planned for October. The Division, in turn, would obtain and use proceedings of the committees' August 4-5 symposium, analysis, and regional workshops.

2. December. The Division could provide the committees a preliminary description of planning and management options which would be evaluated later in the study. The Division, in turn, would obtain and use transcripts of the local hearings scheduled for October. (The Division's public involvement program would span a longer period of time and be integrated into other functions such as board meetings of regional non-profit organizations and would occur during the analysis phase, November through April.)

3. November-December. The Division will share with the committee findings of its evaluation of planning and management options. While the Division's evaluation will continue several months into the 1980 legislative session, it is possible that some of its findings would be available to influence the legislative package either before the package is compiled in December or during committee hearings.

#### Tanana Chiefs Conference Proposal

The Tanana Chiefs Conference has proposed three alternatives for planning in the unorganized borough: (1) planning undertaken directly by a Native non-profit organization, (2) planning undertaken by advisory planning commissions recognized by the State under AS 44.19.880(c), and (3) planning and implementation undertaken by subregional planning commissions the governmental authority of which would be vested in the

Department of Community and Regional Affairs. Legal opinions rendered by the Legislative Affairs Legal Section and forthcoming from the Attorney General's office will be useful in assessing the legality of each option. Furthermore, the Tanana Chiefs Conference project and proposals could serve as a case study to help the Division study team evaluate the three options listed above.

#### NANA Regional Strategies

In 1978, the Mauneluk Association undertook a three-year project to develop a regional strategy for development of the Northwest Alaska Region. During the second year of this project, efforts will be devoted to exploring concrete mechanisms for implementing such a regional strategy in the unorganized borough.

The study team performing work proposed in this RSA will closely coordinate their efforts with those of the Mauneluk Association. Coordination will occur through the Division staff member assigned to the NANA Regional Strategy Steering Committee.

#### Division of Policy Development and Planning

The Division of Policy Development and Planning is approaching the unorganized borough in two ways: (1) seeking the Attorney General's advice on the Tanana Chiefs Conference's request to have six subregional planning commissions designated advisory bodies by the Governor, and (2) working with other offices in the Administration to develop rural policy. The Department of Community and Regional Affairs has been and will continue to work closely with the Division of Policy Development and

Planning on both these efforts. Findings of the study proposed in this RSA will be made available to the Division of Policy Development and Planning as expeditiously as possible for use in formulating rural policy.

MJW:am  
8-28-79

PLEASE NOTE: THE PRECEDING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT.

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT.



Official Business

# Alaska State Legislature

JOINT SENATE AND HOUSE  
COMMUNITY AND REGIONAL AFFAIRS COMMITTEE  
LOCAL GOVERNMENT STUDY

Co-Chairmen  
Senator Arliss Sturgulewski  
Representative Bill Parker

Address all  
correspondence to:  
LOCAL GOVERNMENT STUDY

Pouch V  
State Capitol  
Juneau, Alaska 99811

November 29, 1979

TO: Jan Erickson  
Office of Coastal Management  
Marge Gorsuch, AA  
Local Government Study Staff  
Gene Walsh, AA  
Local Government Study Staff  
FROM: AS Arliss Sturgulewski, Co-Chairman  
Local Government Study  
SUBJECT: DCRA's Amendment to RSA

I would like to make the following comments on the material from Jan Erickson regarding the revised DCRA's Amendment to RSA for the unorganized borough study. I agree that the completion date for the study should be November 30, 1980, or thereabouts, so that the proposed legislative changes can be considered during the 1981 Session.

Page 4 refers to the purpose of the study - "to examine all the possible options now available or possible for legislative change to effectively plan for and manage coastal resources in the organized borough." It seems to me it might be important to add more explanation to the fact that any changes must be considered in light of possible future organization of local governments. I think special attention needs to be paid to the fact that we do not want to institutionalize any methods that might be barriers toward forming local government. Local government would have the ability, of course, to solve any zoning or implementation of coastal plans.

Page 5 talks about various dates, products and schedules. It is obvious from these dates that there will likely be no developments of the study that will affect the outcome of the legislation during the 1980 Session. Nevertheless, it would be helpful to write in a mandate that there be a sharing of the proposal with the respective Senate and House Community and Regional Affairs Committees.

Pages 8 and 9 talks about specific questions to be addressed. It seems to me that you ought to include questions that would be relevant to the legislation that is being proposed. For example, in Item G you are talking about trends. In the event that legislation is passed, as is currently being considered by the Joint C/RA Committees, definite impacts can be ascertained immediately, as well as new trends, which are being established.

**MEMORANDUM****State of Alaska**TO: 

Gene Walsh  
Marge Gorsuch  
Joint Committee

Office of Coastal Management \_\_\_\_\_

DIV. \_\_\_\_\_

SEC. \_\_\_\_\_

DATE : Nov. 27, 1979

FROM: Jan Erickson  
OCM

SUBJECT: Various and sundry things

Attached please find a copy of the somewhat revised DCRA RSA for their unorganized borough study. We are reviewing this in-house and will be finalizing the agreement soon. I would appreciate it, if you have any comments, to please let me know ASAP. I also attach comment made by one of our staff people because it relates to your activities.

Also, am returning the color prints which you wanted to show Arliss. We can talk later about copies for OCM.

Finally, Murray would like to meet with Arliss this week; he is available for most of the day tomorrow... will be gone on Friday.

# MEMORANDUM

TO: Jan Erickson

DATE: 11/27/79

FILE NO:

FROM: Tom Lawson



SUBJECT: DCRA's amendment to RSA  
re: UOB

I've done a "quick and dirty" review of the proposed "Study of Options for Managing Coastal Resources in the Unorganized Borough." Overall all, I think it is a good idea. One basic problem I have with it however is amount of time it is anticipated it will take. Under section B. Products and Schedule, 5. the completion of the expert investigations is scheduled for June 30, 1981. It would seem much more appropriate to push this date to Nov. 30, 1980 so that any proposed legislative changes could be considered during the 1981 session. Otherwise we're looking at the 1982 session before any changes might be dealt with. Further, I don't think that a full year is really necessary for these "expert investigations." The only other comment that I have is that some of the questions to be addressed in 1. Perspective (Attachment 1) are too basic. However from a research standpoint I suppose this information must be documented.

# MEMORANDUM

DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS

TO:  Murray Walsh  
Coordinator, Office of  
Coastal Management  
Office of the Governor

DATE:

FILE NO:

TELEPHONE NO:

FROM: Lawrence H. Kimball, Jr.  
Director  
Division of Community Planning

SUBJECT: Amendment to RSA

Attached is a proposed amendment to this Department's FY 1980 ACMP RSA. The amendment concerns the "Study of Options for Managing Coastal Resources in the Unorganized Borough."

Attachment

REIMBURSABLE SERVICES AGREEMENT

The Division of Policy Development and Planning, Office of Coastal Management hereby request the following  
 (Agency)

services to be performed by the Department of Community and Regional Affairs  
 (Agency)

PROJECT OR PROGRAM TITLE: Alaska Coastal Management Program

DESCRIPTION AND TERMS OF REIMBURSEMENT: to conduct a study pertaining to implementation of the Alaska Coastal Management Program in the unorganized borough. To amend RSA # 01-8008

(Attach additional information as required)

DATE COMPLETION REQUIRED: June 30, 1980

ACCOUNT CODE TO BE CHARGED: 01-48-6-019 CONTINUING FUNDS Yes  No

ESTIMATED COST OF PROJECT OR SERVICES REQUESTED

	<u>ESTIMATE</u>	<u>ACTUAL</u>
Planning, engineering, and supervision	\$ _____	\$ _____
Land acquisition and equipment	\$ _____	\$ _____
Construction	\$ _____	\$ _____
Other (itemize)		
100 Personnel	\$ 32,800	\$ _____
200 Travel	\$ 3,200	\$ _____
300 Contractual	\$ 40,400	\$ _____
400 Supplies	\$ 160	\$ _____
500 Equipment	640	\$ _____
<b>TOTAL</b>	<b>\$ 77,200</b>	\$ _____

NOTE: Requesting agency must submit an encumbrance document with this agreement.

I certify, based on the above estimate, that sufficient funds are available to pay this obligation and that the appropriation code to be charged has a sufficient balance to cover this obligation.

APPROVED: \_\_\_\_\_  
 REQUESTING AGENCY

APPROVED: \_\_\_\_\_  
 SERVICING AGENCY

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
 DEPARTMENT OF ADMINISTRATION

Amendment to RSA - July 9, 1979 to June 30, 1980

The Department of Community and Regional Affairs will allocate the following personnel for fulfilling the terms and conditions of this agreement:

See Attached.

FUNDING REQUIREMENTS

	<u>Federal</u>	<u>State</u>	<u>Total</u>
100 Personnel	\$32,800	\$8,200	\$41,000
200 Travel	3,200	800	4,000
300 Contractual	40,400	10,100	50,500
400 Supplies	160	40	200
500 Equipment	<u>640</u>	<u>160</u>	<u>800</u>
	\$77,200	\$19,300	\$96,500

## Task E2: Unorganized Borough Management Alternatives

### A. Discussion

The Alaska Constitution mandates that the entire State be divided into boroughs, organized and unorganized. A borough is a regional government similar to a county or township. An unorganized borough is an area outside the boundaries of a borough incorporated under State law.

Nearly 435,000 square miles, 75 percent of Alaska's total land area, lies within the unorganized borough. Except for Bristol Bay Borough (1,200 square miles) and part of the North Slope Borough, the entire west coast of the State is in the unorganized borough. Two other coastal areas, Prince William Sound and Southeast Alaska, have large stretches of unincorporated areas.

The unorganized borough is sparsely populated. Rough estimates indicate a civilian population of approximately 10,000 in areas outside of an organized city or borough. In addition, approximately 60,000 persons live in the 116 incorporated cities which lie outside boroughs. Only 11 of these cities have populations of 1,000 and few exercise municipal planning powers.

Though sparsely populated, the unorganized borough warrants greater attention to planning and management of coastal resources for the following reasons: (1) major resource development is either under way in the

unorganized borough or contemplated for the future, (2) subsistence is a valued and irreplaceable way of life for many residents of the unorganized borough, (3) land ownership patterns are changing with millions of acres of federally owned land passing into private, State, or municipal ownership, and (4) provision of public services in the unorganized borough entails massive public investment and extraordinary logistical efforts.

Planning and implementation of coastal management programs in the unorganized borough present many problems. Two regions in the unorganized borough have already organized into coastal resource service areas according to procedures outlined in the Alaska Coastal Management Act and associated regulations. Both regions are predominantly Native and are served by organized Native non-profit organizations which served as catalysts in the organizing service area. Such favorable conditions are not found in all the remaining regional education attendance areas (upon which the coastal resource service areas may be formed). Unorganized areas in the Aleutian Islands, Prince William Sound, and Southeast Alaska have a sizeable non-Native population and in the latter two vast stretches of federal land holdings separate State and private land, which will be most directly affected by coastal management programs developed for the unorganized borough.

Although organization of coastal resource service areas in the Northwest Alaska (NANA) region and the Yukon/Kuskokwim Delta region have commenced, concerns about subsequent stages in program development and implementation for these service areas and organizational problems expected in other parts

of the unorganized borough have prompted the Department of Community and Regional Affairs to propose the attached work program.

The purpose of the study is to examine options now available or possible, with certain legislative changes, to effectively plan for and manage coastal resources in the unorganized borough.

The first step would be to provide perspective on the unorganized borough in general and organizational aspects of service delivery in particular. Key person interviews and case studies will be primary information sources for this part of the study. The interviews will be supported by a literature search and data from secondary sources.

The second element will identify and evaluate planning and management options now available to the unorganized borough, or possible with certain legislative changes. An interim product under this agreement will be a "white paper" discussing major issues in planning and management in the unorganized borough, recommending improvements, and identifying two or three specific areas of further study by experts in law, finance, or public administration. The study approach is described in Attachment 1 of this agreement.

The department will coordinate its study activities with the Joint Senate and House Committee on Regional and Community Affairs Local Government Study in its efforts to prepare a legislative package on the unorganized borough and with the Governor's Office, Division of Policy Development and Planning, in its development of a state rural policy.

B. Products and Schedule

1. On December 31 and March 31, quarterly progress reports.
2. By April 30, a draft of the "white paper" discussing issues in planning and management in the unorganized borough (to be shared with the Joint Senate House Committee on the Regional Affairs, Local Government Study) and detailing further areas of investigation to be undertaken by experts in law, finance, or public administration.
3. By May 15, requests for proposals on investigations identified in the "white paper."
4. By June 30, conclusion of contracts for further study and publication of final version of "white paper," which will include recommendations on legislative and administrative changes (both state and federal) which could improve the management of coastal resources in the unorganized borough.
5. By June 30, 1981, completion of expert investigations conducted under contract.

C. Costs and Contracts

	Federal Share	State Share	Total
Personal Services	\$ 32,800.00	\$ 8,200.00	\$41,000
Travel and per diem	3,200.00	800.00	4,000
Contractual	40,400.00	10,100.00	50,500
Commodities	160.00	40.00	200
Equipment	<u>640.00</u>	<u>160.00</u>	<u>800</u>
Total	\$ 77,200.00	\$19,300.00	\$96,500

The proposed budget would fund 8 person-months of a Planner IV position (range 19), 2 person-months of a Planner VI position, and 4 person-months of a Clerk Typist III position. The Planners assigned to this study would have educational background and professional experience in public administration and planning. The Planner VI would be project manager.

Contractual services would enable the Division to (1) enter into small contracts with research institutes and/or consulting firms to conduct literature

searches and parts of the analysis, especially financial and legal considerations, (2) fund a public involvement component (workshop series and/or survey) and (3) print final products.

## Attachment 1

### Study Approach

#### 1. Perspective

The first step in the proposed study would be to provide perspective on the unorganized borough in general and organizational aspects of service delivery in particular. Key person interviews and case studies will be primary information sources for this part of the study. The interviews will be supported by a literature search and data gathering from secondary sources.

Specific questions to be addressed include the following:

- a. Who lives in the unorganized borough and why?
- b. What economic activities (market and non-market) provide sources of livelihood to residents of the unorganized borough?
- c. How are coastal resources now managed and by whom? What difficulties or inefficiencies are encountered?
- d. How are "local" decisions made?
- e. What has been the history of local government in the unorganized borough, i.e., why have certain communities in the unorganized borough incorporated, which settlements or regions have attempted incorporation

and failed (or considered it and then rejected it) and why, how effective have incorporated cities in the unorganized borough been and what has contributed to their success or failure?

- f. How effective have the regional educational attendance areas and other service delivery mechanisms been and what problems have they encountered?
- g. What trends are anticipated in any of the factors addressed above?

## 2. Identification of Planning and Management Options

The second element in the Study will identify planning and management options now available to the unorganized borough, or possible with certain legislative changes. Options will be identified through a literature search, supported by key person interviews. In addition to the Alaska Statutes, sources to be tapped include literature and pertinent expertise on Maine (which has a relatively large unorganized area) and Canada (especially its management system in territories), and prominent public affairs research institutions throughout the country.

Planning options to be considered include organizational alternatives to the service area concept described in the Alaska Coastal Management Act. Management options include concrete mechanisms whereby a district program developed by a coastal resource service area board or other planning organization could be implemented.

### 3. Evaluation of Planning and Management Options

Planning and management options would be evaluated against the following criteria:

- a. **Costs and Incidence of Costs:** There will be costs associated with any planning or management options. It is important that the total costs be assessed for each alternative; it is equally important to identify all entities directly and indirectly absorbing the costs.
- b. **Availability of Funds:** One elementary requirement for any successful planning effort is financial resources; the funds may come from grants, tax revenues, revenue sharing, or some other source, but they must be available for both the development and implementation of a plan. All alternatives should be evaluated for the availability of funds for all stages of the planning program.
- c. **Availability of Staff:** In line with funds, planning efforts will need and must have easy and continual access to capable staff for both plan development and implementation tasks.
- d. **Existing or Politically Feasible Mandates:** The viability of a planning structure or program for Alaska's unorganized borough is largely dependent upon a mandate for that planning program. A mandate may occur in a number of ways: a legislative act, an administrative act of the Governor, public referendum or local election, or through a State agency program or regulation.

e. Public Acceptability: Akin to political feasibility is the need for public acceptability of a planning or management option. A planning program is not viable unless it is acceptable to the involved and affected citizens, particularly if the structure or program depends upon formal (electoral) approval of the people.

Assessing the public acceptability of planning and management alternatives could be accomplished through an opinion survey of residents and public leaders in the unorganized borough and of various State leaders. A case study of public reactions in the past to proposed planning structures and programs might be another means of determining public acceptability.

f. Quality of Service Delivery: This is a multi-faceted criterion by which alternative planning structures and programs are to be evaluated. The quality of service delivery depends on a number of things, many of which are included in the other criteria. The objective, however, is not to repeat previous analyses, but to consider whether or not the planning alternatives are based upon "logical" planning units and how they will affect other public services and service areas.

For an unorganized borough, public services such as schools, utilities, and fire protection are usually provided on a service area basis, and individual service areas are established to provide specific services. As the rationale and purpose of the service areas vary, generally, so do their boundaries and jurisdiction.

In identifying and evaluating possible planning structures for an unorganized borough, it is important to consider the logic and efficiency of the unit or area of service. The rationale for and the boundaries of existing service areas may not be appropriate for the delivery of planning services. Geographic features (e.g., mountain ranges, rivers, watersheds), for instance, may be more important than regional corporation boundaries or cultural features for defining a planning area.

On the other hand, before proposing a new service system and area, it is important to consider its effect on existing service areas. Is the planning unit going to compete with, overlap, confuse, or fragment the functioning of and services provided by other resource service areas in a region?

g. Implementation Authority (planning options only): In almost all cases, a plan is only as good as its implementation. Therefore, an effective planning structure or organization must have appropriate implementation authorities and powers.

VICTOR FISCHER ASSOCIATES CONSULTING  
221 EAST 7TH AVENUE #204 • ANCHORAGE, ALASKA 99501 • (907) 272-2381

December 20, 1979

Memo to Jan Erickson, Office of Coastal Management

Hi, Jan. The following are my comments on the unorganized borough study proposed by CRA. As I indicated in our conversation, my response to the proposal is premised on the fact that the subject is extremely important and that it is critical that the necessary foundation for coastal and other regional planning and plan implementation be established as expeditiously as possible. Therefore, if some of my comments are negative, they are offered in a constructive vein.

First of all, the project is too simplistic and too "academic". Too much effort appears directed toward background review and not enough to decision and action oriented research. (Attached is copy of a draft proposal Tom Morehouse and I prepared last July to revise and expand Borough Government in Alaska. As you will note, that project would cover much of the same ground, would probably have greater utility, including for coastal management, and would cost less.)

Second, and following from this observation, the CRA proposal seems oblivious of existing realities: work and legislative proposals of the Joint CRA Committee of the legislature, including the local government symposium, public hearings, studies sponsored by the committee, etc; previous studies of rural organization needs and options; and provisions of the state constitution. They propose to start at ground zero, rather than beginning with today.

Thus, the proposal throughout accepts the single unorganized borough as the framework within which the study will function. However, studies by CRA itself and by others have consistently concluded that the first step toward effective regional planning, program coordination, and resources management is dividing the unorganized borough into regional components. That should be the point of departure for the study.

Similarly, questioning the desirability of REAA and Native regional corporation boundaries as a basis for defining planning areas may be theoretically and academically appropriate. But from a realistic standpoint, one should begin boundary and area definitions that the state and the people in the various regions accept and identify with. One needs appropriate building blocks and uniform regional units to effect any kind of progress toward planning and its implementation.

Furthermore, neither coastal planning nor coastal management are ends in themselves or exist by themselves. They need to be viewed as elements of regional planning and governance mechanisms. The most effective implementation of plans can be achieved by organized governmental units. Short of having these throughout Alaska in the near term, an appropriate interim mechanism needs to be utilized, one that helps the people achieve maximum self-governance.

Progress in these directions is extremely important. And the coastal management program could help so greatly attain the objectives of more effective regional planning and plan implementation simply because most regions in the state fall within coastal areas; only the Doyon and Ahtna regions do not.

Here are my suggestions for an OCM and CRA approach to a study project that would examine and recommend how to effectively plan for and manage coastal resources in Alaska:

1. Accept as point of departure the legislative proposals developed by the Joint CRA Committee to divide the single unorganized borough into regional unorganized boroughs, establish a regional strategy planning program, facilitate transition to home rule status, and provide for delivery and funding of basic services, including regional planning.
2. Obtain Coastal Management Council endorsement of Joint Committee proposals, particularly those pertaining to regional organization and home rule. This would help reinforce and legitimize the first suggestion.
3. Similarly, obtain the Governor's endorsement. CRA has tried that before, and now that the legislature has moved out front, the administration should be willing to support the effort.
4. Focus the study program directly on how an effective planning and management structure and process can be established in forthcoming regional unorganized boroughs. This should not be done in the abstract, but in the context of each coastal region. (My experience has been that the situation varies so much from area to area that generalizations either don't stand up or reach for the lowest common denominator.)
5. Take a good look at the implementation provisions of existing law and regulations, and examine how a regional structure might effectively support or take over coastal management functions. (The requirement that state agencies implement approved coastal management plans will, at least in some cases, prove unfeasible. Zoning is a good example of that; see my 2-2-79 memo to Steve Reeve on the subject.)
6. Eliminate two-phase process, with an initial "white paper" and followup studies by experts. Critical issues will usually emerge early in the study process. Ideally, experts will be brought in as necessary to fashion a single, coherent package.
7. The entire effort should, as suggested by others already, be geared to completion no later than November 1980, so as to allow implementation of legislative recommendation during the 1981 session. This timing would be ideal, assuming Joint Committee recommendations are enacted by the 1980 session and regional unorganized boroughs established by November 1980. Followup proposals could then relate directly to making the regionalized system work!

Jan, I hope these comments are of help, don't come too late, and will not step on too many sensitive toes. As before, I'll be glad to assist in any way I can.



cc. Arliss Sturgulewski  
Bill Parker

A PROPOSAL TO PREPARE A CURRENT AND EXPANDED  
EDITION OF BOROUGH GOVERNMENT IN ALASKA, A STUDY OF  
REGIONAL GOVERNMENT AND STATE-LOCAL RELATIONS

by

Thomas A. Morehouse

and

Victor Fischer

In 1971, the Institute of Social and Economic Research published Borough Government in Alaska by these same authors. That study traced the evolution of boroughs during the first ten years after statehood: the constitutional base, the slow beginnings characterized by great uncertainties, mandatory borough creation in urban regions, reactions to the emergence of boroughs, their early struggles with cities and school district organizations, and the beginnings of a movement to unify boroughs and cities.

The publication was widely used by state and local groups and individuals. Its information and analysis was found useful in legislative deliberations, policy development, public education, and in technical assistance and training programs. Some 2,500 copies were distributed in response to requests primarily from within the state, but from outside as well.

The 1971 report is now out of print. It is also out of date. Major developments have occurred since the earlier study was completed in 1970. Boroughs have become an accepted part of Alaska's governmental structure.

Borough-city unification has taken place in three of Alaska's major urban areas. The first rural regional government was established on the North Slope. Provision for service areas in rural Alaska has been enacted: REAA's, coastal management, and fisheries enhancement areas. And the basis is being laid for attacking some of the serious governance issues in the existing unorganized borough.

At the same time, continuing new issues relating to borough government need to be resolved: relationships between federal, state, and local tax and regulatory powers; prospective establishment of boroughs as taxing jurisdictions in the pipeline corridor; the extent and limits of borough home rule powers under the state constitution; the relative governmental roles of boroughs, cities, service areas, and the state; and, service need, delivery, and cost problems, especially in rural Alaska.

We propose preparation and publication of a new volume on borough government in Alaska that would address such issues while accounting for new organizational developments. The new book would be about twice the ~~size~~<sup>length</sup> of the previous report. Building upon the background and base established in the latter, the book would cover developments in organized boroughs over the last ten years, including unification; establishment of the North Slope Borough; developments in the rest of rural Alaska (based in part upon our 1974 study of regional government issues); role of the state; and analysis of trends and future prospects.

The publication project would require about 1 year. Total cost is projected at approximately \$80,000: 6-man months professional and 3-man months of research assistant time, plus necessary support services.

## M E M O R A N D U M

TO: Steve Reeve, P &amp; C, ADL

DATE: February 2, 1979

FROM: Vic Fischer

SUBJECT: Zoning in Unorganized Borough

Under AS 38.05.037, ADL has a general grant of authority to exercise zoning powers within the unorganized borough. Until recently, this has not been a problem because the zoning power was never used. Enactment of the homesite program, however, has forced ADL into the zoning game. And the Coastal Management Act is potentially going to expand this involvement into horrendous proportions. Unless the Division of Lands is ready to get bogged down in a massive morass, it will be wise to initiate and support legislative action that would eliminate need for ADL exercise of this zoning power.

Homesite Program

Under the act establishing the homesite program in 1977, the legislature required that zoning cover lands under the homesite disposal program both in the unorganized boroughs and in organized boroughs that do not exercise zoning covering such lands.

ADL promulgated zoning regulations in July, 1978: AAC 53. Chapter 53 provides for administration, zoning changes, variances, conditional use permits, nonconforming uses, appeals, etc. A board of adjustment is established, composed of the commissioners of Natural Resources, Community & Regional Affairs, and Environmental Conservation, or their designated representatives.

Zoning districts are classified (Article 2) as general zoning, homesite entry, and open-to-entry. All state land not specifically included in geographically defined districts (Article 3) is in the general zoning district. Use provisions and limitations are set for homesite entry and open-to-entry districts. The general zoning district permits all use not otherwise prohibited by law or regulation.

As ADL is becoming engaged in widespread disposal of state lands, administration and enforcement of zoning for lands located all over the state could become an increasingly time consuming and frustrating entanglement for the state. (I'm sure it's not necessary to elucidate the horrendous problems and conflicts that could arise, whether or not ADL chooses to seriously follow up on its own regulations.)

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Steve Reeve, P & C, ADL

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Coastal Management

The Coastal Management Act presents a potential burden of far vaster proportions than the land disposal program, for the latter requires zoning only for state owned lands.

Under the act, implementation of an approved district coastal management program is required on the part of the appropriate state agencies. Such implementation must be in accord with comprehensive use plans or statements of needs, policies, objectives, and standards adopted by the coastal districts. Where land-use controls are involved in the unorganized borough (and most of the coast falls outside of organized local government jurisdiction), zoning will have to be established and administered by the Division of Lands.

The scope of such coastal area zoning would obviously go far beyond the regulations so far established by ADL. Likewise, the administrative machinery would have to be extremely complex, and the entire program would become extremely expensive and burdensome, especially since each coastal area would likely have different objectives, different regulations, and different local enforcement needs.

Conclusions and Recommendations

Neither the Division of Lands nor the whole Department of Natural Resources derives any particular value from the exercise of zoning authority. ADL already has authority to establish use requirements and restrictions with respect to lands disposed of by the state, even though it would probably not want to carry permanent or long term responsibility for assuring that every lot or tract conforms to specified uses. Aside from the existing zoning authority, which was never examined from a policy-application standpoint by the legislature, ADL has no reason to concern itself with non-state lands.

If the state is deemed to have an overriding interest that requires it to exercise zoning authority in the unorganized borough, or at least within its coastal areas, neither ADL nor DNR appear to be the appropriate agency to manage the zoning program, with its strictly localized zoning, adjustment, appeals, and other aspects of continuing zoning administration. If the state is to engage in zoning, by far the most appropriate agency for the exercise of the functions is the Department of Community and Regional Affairs. (DCRA did not exist at the time ADL was granted zoning authority many years ago.)

In general, states have played only a minor role in the exercise of zoning authority beyond authorizing its use by local governments. The only exception is Hawaii, where general zoning classification is handled by the state, supplemented by local, i.e., county, regulations in urban and other development areas. Elsewhere, zoning has been applied as a local government police power.

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Steve Reeve, P & C, ADL

Page Three

February 2, 1979

Except for the special authority given ADL, zoning in Alaska has traditionally been a power of cities and, more recently, of boroughs. Zoning would not have to be exercised by the state at all if provision were made for (1) reorganization of the unorganized borough into a series of organized boroughs with planning and zoning authority (and this could be done without forcing them to tax or even manage schools) or (2) delegating the planning and zoning power to service areas within the unorganized borough, much as was done by the legislature in the case of coastal management planning.

In view of all this, I would strongly urge the Division of Lands to do everything possible to divest itself of the existing zoning authority. I recommend that ADL and DNR take all of these three actions:

1. Obtain DCRA cooperation in resolving the zoning issue, including transfer of zoning authority to that department if it were continued to be vested in the state.
2. Obtain funds from the office of Coastal Management to examine the inter-land use control and zoning administration issue. This should be done well before the district program implementation phase is reached, so that appropriate policies and mechanisms can be established in sufficient time, especially if ameliorative legislation is found to be required. Such a study should probably be undertaken in cooperation with or through DCRA.
3. Obtain Governor's Office support for a legislative or a legislative/executive study directed toward establishment of organized boroughs or some other form of local area planning and management within the unorganized borough. A study along these lines is likely to be considered by the legislature this year.

If none of these approaches bear fruit and nothing else materializes, ADL will need to proceed on its own to figure out how otherwise to get out of this mess or, if all else fails, how to effectively manage the zoning of state lands and coastal areas.

VF:1a

cc: Mike Smith  
Ted Smith  
Tom Morehouse

ARLISS



Official Business

# Alaska State Legislature

JOINT SENATE AND HOUSE  
COMMUNITY AND REGIONAL AFFAIRS COMMITTEE  
LOCAL GOVERNMENT STUDY

Co-Chairmen  
Senator Arliss Sturgulewski  
Representative Bill Parker

Address all  
correspondence to:

LOCAL GOVERNMENT ST

Pouch V  
State Capitol  
Juneau, Alaska 99801

FROM: TO:  
TO: FROM:  
DATE:

Vic Fischer, Consultant 272-2381

Marjorie Gorsuch

~~12/17/79~~ 12/19/79

465-3759

~~I will forward along the materials you requested as they are completed. Let me know if you need anything else.~~

Following are materials for left column of report. Copies given to Arliss and Bill; they will send any comments directly to Juno.

Materials on legislative proposals and hearings should be on way to Juno Thurs or Fri, I hope.

I should be back on Jan 7 or 8 at latest. Will contact Fay Alexiev to review final copy and layout. You (Gene) might advise her of that.

All best,

Alaska's constitution establishes the policy of maximum self-government for the people. This policy has been implemented ~~in the form of~~ through creation of boroughs and cities in urban areas and some rural communities. However, the vast bulk of Alaska lacks ~~any~~ <sup>not only any/</sup> basis for ~~regional~~ self-government ~~but doesn't even have the~~ means for planning and participating in the affairs of their own region. It is this problem that provided the principal focus of the interim work of the Joint Committee.

Legislative proposals of the Joint Committee were derived from (1) a series of studies and analyses sponsored by the committee, (2) a two day symposium designed to define issues and problems and ~~to suggest~~ suggest policies and directions, and (3) a series of public hearings throughout ~~the~~ rural parts of the state. In addition, constructive support was provided by the Department of Community and Regional Affairs and staff of the Legislative Affairs Agency.

The Joint Committee found wide consensus in favor of ~~establishing~~ a maximum <sup>and</sup> measure of ~~self-determination and self-rule~~ self-determination and self-rule, <sup>/</sup> establishment of regional units throughout the state to provide a basis for planning and program coordination. At the same time, the people do not want to rush into formal governmental organization; nor do they want to be pushed into it.

Accordingly, the Joint Committee has developed an evolutionary approach that will provide people in rural areas with the means for self-government without forcing anything upon them prematurely. Choices and initiatives are left with each region. Concurrently, we are proposing ~~actions~~ <sup>actions</sup> that will provide greater equity in <sup>the</sup> funding and provision of basic public services and will improve the management of the state's own operations throughout Alaska.

In all, we believe that our program lays the foundation for further development of Alaska's system of local self-reliance and decentralization of state decision making, planning, and coordination of services and other activities.

*Finally,*  
— as the Joint Committee concludes its interim legislative work, we give our deepest thanks to the many citizens and public officials who so greatly contributed to the 1979 Local Government Study and the formulation of our ~~present~~ action proposals.

1/11/79

(this should be followed by list of committee members and staff) (Twillia's name /sp?/ should follow admin. assts and precede interns, as she is regular staff)

the introductory description which I taped onto layout sheet. since each statement is a separate item, ~~there~~ we can depart from regular column width and move the type closer to the margins; thus, smaller margins left. precede each item by "bullet" like so: ●)

2

#### PRINCIPAL PROBLEMS AND ISSUES IDENTIFIED BY SYMPOSIUM

- the single existing unorganized borough is inadequate
- borough system is not adapted to rural regions
- constitution provides for regional unorganized boroughs
- lack of self-government and participation in rural areas
- coordination absent in delivery of public services
- lack of regional vehicles to serve general public
- difficulties of regional planning in rural Alaska
- absence of regional coordination by state
- regional differences require use of home rule concept
- issues of fiscal equity must be addressed
- equity lacking in state support of functions in organized and unorganized boroughs
- miscellaneous: overcoming racial divisiveness, survival of villages, lack of tax base in most rural Alaska, etc.

3

#### POLICIES, IDEAS, AND DIRECTIONS SUPPORTED BY PARTICIPANTS

- a series of regional boroughs should be established
- processes should involve people in regions
- unorganized boroughs should be able to elect assemblies
- principal unorganized borough functions would be regional planning and advice on state programs in region
- unorganized boroughs should be able to adopt home rule
- state should provide technical and financial assistance
- provision is needed for both regional and local planning
- disincentives to organized borough status should be eliminated
- a thorough study of revenue sharing is needed
- a basic level of service delivery for all Alaskans should be established by the state (as in education) for health and sanitation, public safety, public assistance, and regional planning
- a foundation approach should be established for these services

(these items should stand out as much as possible. if space allows, use larger type than regular text. might use bolder type.)

**ATTACHED**

~~(don't have these will comment further when receive...)~~ since this is probably of secondary interest, we might use smaller type for this portion)

process chart might be squooshed down vertically to allow maximum space for other items

A box somewhere: COMMITTEE REPORTS AVAILABLE TO PUBLIC. An interim report was issued by the Joint Committee <sup>on</sup> September 20, 1979. ~~It~~ ~~report~~ explains the findings and suggestions of the Local Government Symposium, and describes the action program then being considered by the committee.

Copies of this Final Report and the 9/20/79 interim report can be obtained from:

???????????

USE SMALLER TYPE THAN FOR  
INTRO AND SIMPOSIUM SUMMARY

add dates to  
items

4

Borough Incorporation Standards As Interpreted By  
Local Boundary Commission - Marjorie Gorsuch, Administrative Assistant, House  
Community and Regional Affairs Committee

Bureau of Indian Affairs and Comprehensive  
Employment and Training Assistance  
Contracting Procedures - Jim Sanders, Graduate Student Intern

Development of Traditional, Non-Traditional and  
Quasi-Governmental Native Methods of Organization -  
Lamar Cotten, Graduate Student Intern

Distribution of Flow of Funds in Alaska -  
Elke Kallah, Policy Analyst, Division of Legislative Research

Financial Disincentives to Borough Formation -  
Milt Barker, Fiscal Analyst, Legislative Finance Division

Identification of Requests Regarding Borough  
Formation - Pat Poland, Local Government Specialist, Dept. of Community  
and Regional Affairs

Identification of Services and Programs Provided  
by the Non-Governmental and Quasi-Governmental  
Organizations in the Unorganized Borough -  
Jim Sanders, Graduate Student Intern

Local Government Study - Report of Local  
Government Symposium, 9/20/79

Pipeline Boroughs - Vic Fischer, Consultant

Property Tax Revenues - Milt Barker, Fiscal Analyst, Legislative Finance Division

Property Tax Revenues of Pipeline Boroughs -  
Milt Barker, Fiscal Analyst, Legislative Finance Division

Service Delivery to the Unorganized Borough -  
Marjorie Gorsuch, Administrative Assistant, House C&RA

State/Federal A95 Review Process - Lamar  
Cotten, Graduate Student Intern

State Municipal Land Trustee Program -  
Lamar Cotten, Graduate Student Intern

Statutory Inducements and Disincentives  
re Municipal Government Incorporation -  
Eric Simpson, Director, Div. of Community Services, Dept. of C&RA

Taxing Capacity of the Unorganized Borough -  
Alexander Hoke, Jack Kreinheuer, Research Analysts, Division of Research Services

--- copies of above study reports may be obtained

PLEASE NOTE: THE PRECEDING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT.

During FY 79, the division will continue its involvement, begun this year, in state telecommunications issues. There are a variety of important activities presently underway in the telecommunications arena, including expansion of telephone and television service in rural Alaska, FCC proceedings which are addressing the issue of adequate revenue recovery by the state's telephone companies in order to insure fair and reasonable rates for Alaskans, and Congressional efforts to rewrite the Communications Act of 1934.

The division expects to be involved in analyzing the state's position vis a vis these initiatives and recommending actions designed to achieve the goal of universal service in the state.

**100.2 Telecommunications Planning**

<u>Source of Funds (\$000)</u>	<u>FY 1979</u>	<u>FY 1980</u>	<u>FY 1981</u>
Non-Federal	3.0	4.0	4.0
701 Federal	6.2	8.2	8.2
Other Federal			
Total	<u>9.2</u>	<u>12.2</u>	<u>12.2</u>

<u>First Year Personnel/Cost Requirements</u>	<u>Months</u>	<u>Cost(\$000)</u>
In-House Staff	2.0	5.9
Other Public Agency		
Consultant/Contractual		
Other Expenses		<u>3.3</u>
Total	<u>2.0</u>	<u>9.2</u>

**Program Subcategory 100.3**

Regional Planning in the Unorganized Borough \*

Objective:

- 1) Establish a uniform regional planning structure in the unorganized borough.

*how does HUD differ from what DEEA/ACM is doing?*

Recently, the state has received a proposal sponsored by the Tanana Chief's Conference to establish six sub-regional planning commissions within what are the boundaries of the Doyon Regional Corporation. While it is the intention of TCC to proceed with this effort, they have requested the Governor designate these commissions as planning advisory councils, pursuant to AS 44.19.880(c).

While the state in conjunction with HUD has undertaken a similar planning effort in the NANA region, that initiative is somewhat different in that the NANA area is within the coastal zone and as such, an existing statutory structure for regional planning exists.

In conjunction with its request to the Administration, the Tanana Chiefs has also sought to have legislation submitted to establish the proposed regional planning commissions, vested with substantial local government powers.

While this local initiative is laudable, it poses questions with significant ramifications, including the relationship of these planning commissions to the activities of federal and state agencies in the region and the relationship of these new entities to existing local governments organized under state law.

The division proposes to work jointly with legislative committees on this issue, and to develop an official policy in regard to regional planning in the unorganized borough and the structure through which sustained local involvement can be obtained.

*work w/ DRA on their regional planning study*

100.3 Regional Planning in the Unorganized Borough

<u>Source of Funds (\$000)</u>	<u>FY 1979</u>	<u>FY 1980</u>	<u>FY 1981</u>
Non-Federal	3.9	4.9	4.9
Federal	8.0	10.0	10.0
Other Federal			
Total	<u>11.9</u>	<u>14.9</u>	<u>14.9</u>

<u>First Year Personnel/Cost Requirements</u>	<u>Months</u>	<u>Cost(\$000)</u>
In-House Staff	3.0	6.8
Other Public Agency	<i>DRA?</i>	
Consultant/Contractual	1.0	2.0
Other Expenses		<u>3.1</u>
Total	<u>4.0</u>	<u>11.9</u>

PROGRAM CATEGORY 200.0 Budget Process Development

- Objectives:
- 1) to provide goals, objectives, and policies for the coordination of state financial resources and state administered federal resources;
  - 2) to produce information about the state's budget that will be of use to Alaska's citizens in evaluating the services provided by state agencies;
  - 3) to modify the current budget process, making it more directly responsive to the needs of Alaska's citizens.

Problem Statement

The current state budget process is viewed as cumbersome with several steps being superfluous as a result of arbitrary decisions made by the executive and legislative branches. While modifications have been implemented over the past several years, the process has not yet successfully dealt with the problem of establishing agencies'

How INCLUSIVE?

PROGRAM CATEGORY

400.0

Service Delivery  
Patterns in Alaska

\*

FED  
UP  
STATE  
LOCAL

Objectives:

- 1) develop an information base on service delivery patterns in Alaska.

but what is goal? to assess quality of serv delivery? to regionalize and St. Govt. by identifying

Information on where services are delivered, where they are lacking, and how they can be delivered more effectively and efficiently is needed. There is a wide variation in the services offered in rural and urban Alaska, and often some of the most basic services or facilities which most Americans take for granted are non-existent in rural villages. Most of the villages are not connected to urban, or even rural centers by road or even water. This makes air transportation the only link to necessary goods and services. It also often makes them prohibitively expensive. Information on individual types of services, such as health care or education, is often available, but there has been no comprehensive evaluation of the entire range of services and relative levels of distress created because of inequitable service delivery.

CAN YOU RELATE SERVICES/FACILITIES TO BUDGET.

DOT - PF (ARS)

There are many uses for such a comprehensive data base, including state budgeting, capital improvements programming, economic development planning, regional planning (health, transportation, education, economic development, resource management, communications, energy development), impact analyses and decisions on allocation of state and federal assistance resources. The conclusions drawn from this study should assist the state in directing services to communities where they are most needed and in identifying regional centers where services may be grouped to provide more cost-efficient and effective service.

The proposed program for FY 79 will consist of the following elements, to be accomplished generally in the following order:

- 1) Literature Survey

This element will entail a search of current literature on regional planning and analysis, specifically including central place theory in order to assure use of state-of-the-art methods.

HAS ANYTHING BEEN FOUND THAT APPLIES?

- 2) Inventory of Services and Facilities

This information will be gathered where possible from existing inventories of various categories of services and facilities. Where it does not exist, it will be necessary to collect it directly. The following services and facilities will be inventoried:

- a) transportation services and facilities, accessibility; DOT
- b) communication services and facilities; DOT
- c) health, education services and facilities; HSS, DOE
- d) commercial services and facilities; CED?
- e) general government services and facilities; DPOP, DOT, Admin.
- f) energy and power services and facilities; EX-O
- g) water, sewer, and other public services and facilities; and DFL, CKA
- h) population distribution and projections. DOL  
LEGAL COURT 244 + PUBLIC SAFETY  
RESOURCES PARKS REC

## 3) Evaluation and Analysis

Once the inventory information is collected, it must be evaluated and analyzed to be useful to decisionmakers. For instance, a hierarchy of regional and subregional centers may become apparent which will enable consolidation of state facilities and services. If a multitude of inconsistent service areas is identified, the information will enable the state to make a rational decision on whether to maintain them or to redesign them if it will provide more effective services at more efficient costs.

## 4) Mapping

Inventory information will be mapped so that it can be easily used by state and federal agencies, local communities and others to whom it will be of use.

## 5) Periodic Update

A system of periodically updating the inventory will be devised so that it will be of continuing use rather than a one-time effort.

## 6) Decisionmaking

Existing decisionmaking processes will be analyzed to determine how they may best incorporate service delivery pattern information.

## 400.0 Study of Service Delivery Patterns

PROGRAM ANALYSIS

<u>Source of Funds (\$000)</u>	<u>FY 1979</u>	<u>FY 1980</u>	<u>FY 1981</u>
Non-Federal	9.3	10.3	10.3
Federal	18.5	20.5	20.5
Other Federal			
Total	<u>27.8</u>	<u>30.8</u>	<u>30.8</u>

<u>First Year Personnel/Cost Requirements</u>	<u>Months</u>	<u>Cost(4000)</u>
In-House Staff	6.0	17.7
Other Public Agency		
Consultant/Contractual	1.0	3.1
Other Expenses		<u>7.0</u>
Total	<u>7.0</u>	<u>27.8</u>

## PROGRAM CATEGORY

500.0

Index on the Status of AlaskaObjective:

- 1) analyze and make recommendations on the feasibility of establishing a periodic index on the status of Alaska.