

SCOMM

# 10.9

TO: Bill  
FROM: Marjorie  
DATE: 4/20/79  
RE: Coastal Zone Management Introductory Brochure Review

In following through on our Letter of Intent on SCR12 which indicated an interest in the Dept. of C&RA's development of and "adequate plan for the organization of effective, locally-controlled coastal resource districts." I requested a copy of the introductory brochure being developed for the rural areas on Coastal Zone Management.

Having reviewed the draft, I told Veronica Clark that we commended the efforts, indicated on the draft, to simplify and edit the original draft so that the reading level was more basic.

I also suggested that while this brochure (approx. 12 pages) might be helpful for those who are actually involved in the CZM planning process, that a 1-page flyer might be helpful if it were generally circulated in the bush communities so that some awareness of the existence of the CZM could be developed.

Veronica said she thought that the latter might be a good idea. She also mentioned that the Dept. has not been actively developing support for the creation of CZM resource districts in the unorganized borough as they are not sure that the creation of these service areas is the best way to go. They are taking a low profile, a kind of wait and see position, until they assess the success of the resource districts currently forming.



Official Business

# Alaska State Legislature

## House of Representatives

Committee on

Community & Regional Affairs

LETTER OF INTENT

SCR 12

Pouch V  
State Capitol  
Juneau, Alaska 99811

The concept of local control in coastal zone management has been basic to the development of the state's coastal zone management program. A predominant concern of the committee is the functioning of this local control in the unorganized borough.

This letter is intended to condition legislative approval of these regulations on a requirement that the Department of Community and Regional Affairs submit an adequate development plan for the organization of effective, locally-controlled coastal resource districts. Appropriations for the coastal management program will be allocated accordingly. The committee suggests that the Department of Community and Regional Affairs work with the Legislative Council to satisfy this requirement.

While rural communities may not initially want to involve themselves in coastal zone management, it is doubtful they will want to entrust it to others when fully understood. Considering the implications district coastal zone management has for subsistence habitat protection and rehabilitation, one can probably expect strong local participation in district coastal zone management policy making.

The Legislative Council will establish an interim program to monitor the state's coastal resource districts' community organization. Important to this organization is fair local-level understanding of the phrase "land and water uses of state concern". The energy siting regulations are designed to guide local coastal resource districts to properly regulate such land and water uses of state concern.

In addition, the committee is aware that the proposed standard 6 AAC 80.160 (a) introduces a new element in the coastal management program. Existing public participation regulations ( 6 AAC 80.020 and 6 AAC 85.130 ) apply specifically to adoption of district programs and amendments to district programs. In districts which develop district programs containing areas which merit special attention, the public involvement provisions of 6 AAC 85.130 apply. It is the intent of this committee that regulations for public involvement be developed for areas not in districts which are designated as meriting special attention by the Council. Council designation should include evidence of effective and significant opportunity for public participation in the specified "concurrence" and such public involvement process should be specified in the Alaska Coastal Management Plan Guidelines.

Further, it is the intent of the committee that the letter of intent of the Senate Community and Regional Affairs Committee which appears on page 463 of the Senate Journal be approved.



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

Marge  
Address all  
correspondence to:  
LOCAL GOVERNMENT STUDY

Pouch V  
State Capitol  
Juneau, Alaska 99811

November 29, 1979

TO: Joint C&RA Committee Members <sup>AS</sup>

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.

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

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.



*Juneau to Juneau  
merge 11/29*

RR4, Box 4183  
Juneau, Alaska 99803  
November 14, 1979

Senator Arliss Sturgulewski, Chairman  
Local Government Study Committee  
2957 Sheldon Jackson  
Anchorage, Alaska 99504

Dear Senator Sturgulewski,

It was a pleasure to meet you in Sitka and again, it was reassuring to hear how receptive you were to the comments and statements made by rural Alaskans on your draft bill.

There is one point that I want to clarify regarding the Coastal Resource Service Area Boards and the special assemblies in the unorganized boroughs. Nunam Kitlutsisti is not advocating that the CRSA boards serve as Interim Governments, but that they work with the assemblies as their land planning authority. The CRSA boards will already be working on Coastal Zone Management plans and it makes sense that yet another branch of government not be formed to deal with land and resource management.

If you have any questions on this matter, you can contact me in Juneau (phone: 789-9042) or Harold Sparck in Bethel.

Sincerely,

*Elizabeth C. Ali*

Elizabeth C. Ali

enclosure  
cc: Harold Sparck, Director  
Nunam Kitlutsisti

## Coastal Zone Management in the Unorganized Borough

Nunam Kitlutsisti has the following legislative goals(1980 session) and seeks the support of the Alaska Coastal Policy Council (ACPC):

1. The Local Government Study Committee's draft bill to create special assemblies in the unorganized borough addressess coastal zone management where the powers and responsibilities of the Coastal Resource Service Area Boards will remain intact. However, these powers are limited and Nunam Kitlutsisti wants the *boards* to have zoning and platting authority. <sup>also call</sup> (AS 46.35.090)

2. Under the existing state Coastal Zone Management Act of 1977, CRSA boards have a thirty(30) month lifetime and no enforcement authority. Once, the CRSA coastal zone management plans are approved by the ACPC and the State Legislature, the boards dissolve and appropriate state agencies take over to implement and enforce the plans. An amendment is needed in this legislation to extend the boards beyond thirty months. (AS 46.35.050)

Why the changes? There are several reasons:

1. There are vast unorganized areas and at some point in time, they must organize and take the responsibility to govern themselves and manage their coastal zones and resources.

2. State agencies face difficulties in dealing with unorganized districts that cover large geographic areas to accomplish goas and objectives of various programs. An example here is, what is the state's rural policy and who develops it? Ideally, the rural areas should participate in developing this policy and work with the government to implement it. If there is no self government then the alternative is for the state agencies to continue to go out into the rural areas and do the work that rural people should be doing.

3. It is difficult for state agencies to represent regional interests: an example is the dispute between the North Slope Borough and the Department of Natural Resources over the Beaufort Sea Lease sales.

The necessity for these changes can best be seen by describing how the CRSA boards are being formed and the impact of Outer Continental Shelf(OCS) oil development on coastal communities.

Since passage of the state Coastal Zone Management Act two out of five CRSA boards in Western Alaska have been formed. The Yukon Kuskokwim Delta District has elected it's board and has it's first meeting scheduled for November 10 and 11, 1979. (The success in getting this area organized is due to the ability of C&RA Division of Community Planning to contract with Nunam Kitlutsisti, an organization with contacts with villages in the YK Delta). The Northwest Alaska Native Association Area(NANA) has also elected it's board. On the other hand, the Aleutian Pribiloffs, Bristol Bay and Bering Straits have just begun to organize.

The Aleutian Pribiloffs is several months away from getting organized as Community Planning. C&RA is in the process of getting some questions asked and answered (who should get organized? There are three first class cities and there is a question on whether they should be included or not). Bristol Bay is also in the initial stages with inquiries being conducted through Bristol Bay Native Association. Petitions to hold elections are being circulated by Kawerak in the Bering Straits area, a board should be established within the next three months.

If these areas follow the pattern of the other two districts, then they will have their boards elected in 1980 and have their CZM plans developed in 1982. So you see, the Western Alaska districts are still two years away from developing OCS plans. This is due in part to the time restrictions with the impending lease nominations and sales and also to limited manpower within the Division of Community Planning. Presently, there are two planners who work with Western Alaska. They devote part of their time to CRSA related work and

have to deal with regions spread over a large geographic area. (Note: \$2.15 million has been allocated in Direct Planning Assistance in 15 separate programs by the government to speed up efforts to protect areas of imminent impact. Also, I was informed by Larry Kinbell, C&RA that two additional planners will soon be stationed in Anchorage and in Juneau).

In the meantime, a call for nomination for potential lease tracts in the Norton Sound Basin ends today (November 1, 1979). To date, the Division of Community Planning has been unable to contact all the villages in the Norton Sound District to develop an OCS plan. (Community Planning is currently working with Kawerak in Nome on port and OCS development). Since the CRSA board has not been formed yet, no mechanism for local participation exists yet, villages in this area will have been left out in the important decisions on lease tracts and on the location of marine support facilities.

This region may have an opportunity to develop a coastal zone plan if there is a delay in the lease sales. This is unlikely, unless Governor Hammond is successful in delaying the sales. (The Department of Community and Regional Affairs and the Office of the Governor have requested a delay of the lease sales).

It is difficult enough for an organized district such as the North Slope Borough to develop a coastal zone management plan, go through the long process of approval by the ACPC, the State Legislature and then have to contest the government and oil companies over lease sales. Unorganized districts face even more political hurdles since lease sales are impending and by the time CRSA boards are formed, their plans drawn up, the call for nomination for potential lease sales or the sales themselves will have already taken place.

A state agency can not be expected to support regional interests. The North Slope Borough and Department of Natural Resources current conflict over the Beaufort Sea lease sales is an example:

The North Slope Borough developed a plan making a subsistence zone along the North Slope coastline, excluding Prudhoe Bay; and stipulations to protect the marine environment when oil development occurs. Here, the borough sought to have federal tracts north of the barrier islands removed from the sale and proposed that permits be issued to build island in the icefield over a five year period, during which no exploration be allowed. Governor Hammond was unable to get the federal tracts excluded from the sale, but a concession to hold off exploration until manmade structures have withstood two "ice season" and drilling limited to depths of less than 13 meters. The borough is unsatisfied with these environmental concessions. The outcome of this dispute has yet to be seen.

In conclusion, I would like to discuss the Eastern Gulf of Alaska OCS sale. In this instance, the city of Yakutat, the Native village and regional corporations, the state of Alaska(C&RA, Community Planning) and the U.S. Forest Service cooperated to develop an OCS plan which was well thought out and in the end was beneficial for the several parties involved.

In 1975, Arco, Shell and Mobile Oil Companies moved into the municipality of Yakutat to establish marine support facilities for oil exploration in the Eastern Gulf. Private lands within the city proper were purchased. Once, the city, Native village and regional corporations, and the state realized what happened, a plan was developed where the oil companies were to give up holdings within the city proper and move their operations across the harbor where it would not disrupt the community. An industrial park was built involving a land exchange between the state, the native corporations, and the city of Yakutat occurred. Land was made available for marine support facilities away from the community of Yakutat.

The Eastern Gulf of Alaska proved to be a bust as dusters were repeatedly

drilled. The most significant aspect of this operation was that a place for the oil companies was designated for their needs without disrupting the community of Yakutat. This went on over a period of three to four years in a reasonable manner, an example of how development of a nonrenewable resource can occur.

The ACPC gives coordination consistency and public participation a high priority. After all,

Both the federal Coastal Management Act and the Alaska Coastal Management Act set up a system to coordinate federal, state and private activities so that efforts are not duplicated and standards are consistent and known well in advance of a proposal. A coastal management program will also help us understand the results of choices we have to make when we decide how coastal areas differ greatly from each other, it is very important that local people become involved in developing their own coastal management program.

The rural areas want to make their own choices, take responsibility of own future, that is to have an opportunity at last to govern themselves and to manage their coastal zones and resources.

\*District Guidebook Series; Book 1, page 6 Community Planning Divn. C&RA


*Questions or comments can be directed to:*

*Elizabeth C. Ali  
RR 4, Box 4183  
Juneau, Alaska 99803*

FORM 02-001BC  
FOR BRIEF COMMUNICATIONS.  
MAY BE HANDWRITTEN

# MEMORANDUM

TO:  Whom It May Concern

FROM: Judith Andereggs 

State of Alaska

DEPT. \_\_\_\_\_  
DIV. \_\_\_\_\_  
SEC. \_\_\_\_\_

DATE : September 16, 1979

SUBJECT: 1430 Fall 1977 Workshops  
1439 / 1450

I hereby give Marjory Gorsuch permission to review public participation files of the Alaska Coastal Management Program contained in Records Center and Archives.

TO: Bill  
FROM: Marjorie  
DATE: 4/20/79  
RE: Coastal Zone Management Introductory Brochure Review

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LETTER OF INTENT  
SCR 12

Pouch V  
State Capitol  
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COMMUNITY AND REGIONAL AFFAIRS COMMITTEE  
LOCAL GOVERNMENT STUDY

Co-Chairmen  
Senator Arliss Sturgulewski  
Representative Bill Parker

Address all  
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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

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FILE NO:

TELEPHONE NO:

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#### Prince William Sound

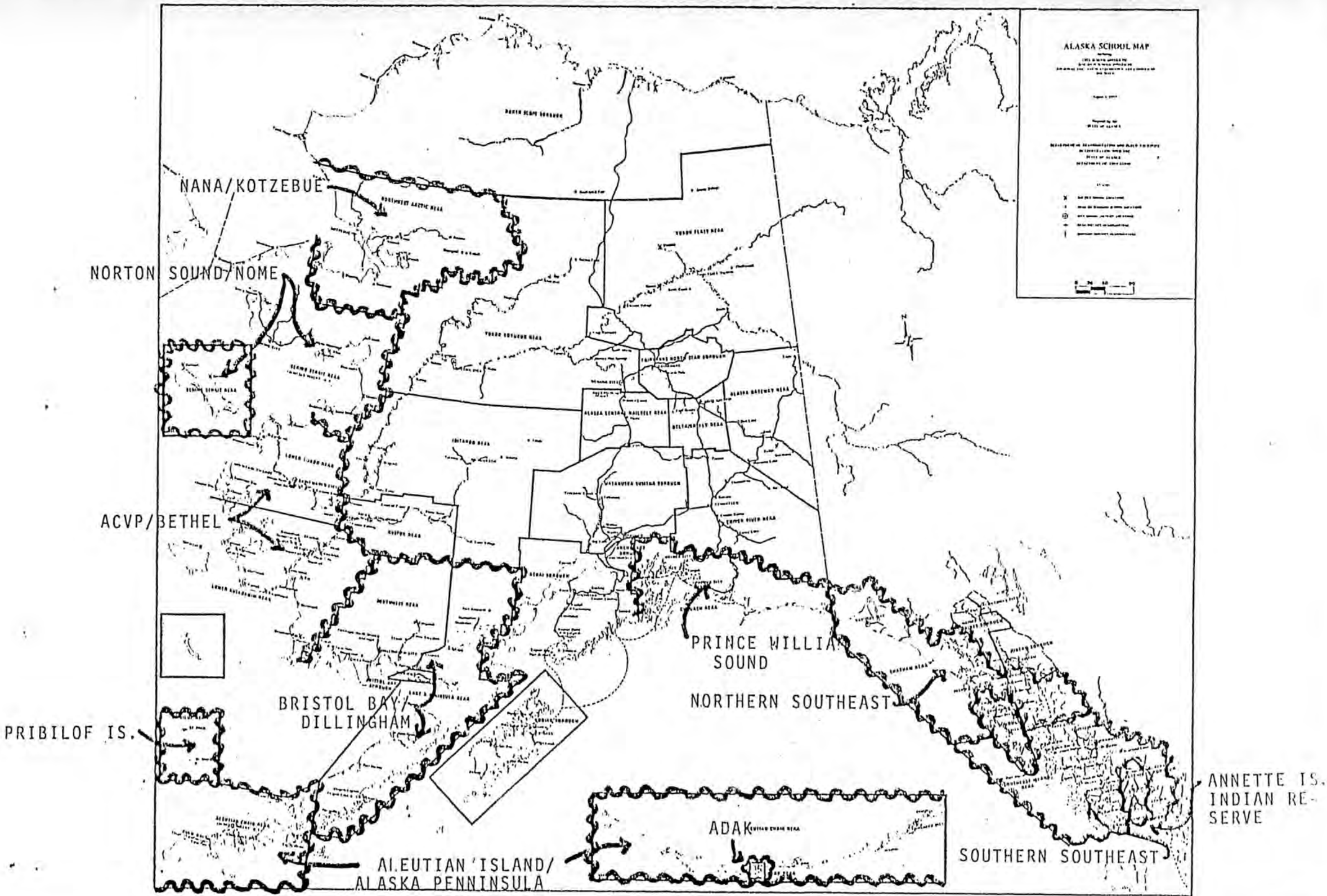
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I hope this memo provides you with the information you need. Please do not hesitate to contact me again if you need more details. Thank you for your interest in ACMP.

COASTAL RESOURCE SERVICE AREAS



MEMORANDUM

TO: Village Service Personnel  
FROM: Mike Walleri  
DATE: February 15, 1979  
SUBJECT: Proposed Subregional Planning Commissions-OPTIONS

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The actual authority to organize the Commissions may be based on one or all of the following options:

(1) A.S. 44.19.880(c) authorizes the Governor to establish "coordinating or advisory planning groups". The duties and powers of such groups is unclear. Since the authorization is made in conjunction with the establishment of the Alaska Division of Policy Development and Planning, (D.P.D.P.) these groups would probably not exercise any authority in their own right. Rather, they would merely provide input into that agency who is ultimately responsible for the production and implementation of the State Comprehensive plan. A.S. 44.19.877.880. At most, such groups could only coordinate and present local opinions to the primary planning authorities (D.P.D.P.).

(2) A.S. 44.19.<sup>887</sup> (b)(1) authorizes the Director of D.P.D.P., with concurrence of the Governor, to contract on behalf of the state to carry out duties of the D.P.D.P. The Commissions could contract to provide planning for their respective subregions. This would include actual preparation and maintenance of the respective portions of the state comprehensive plan, provide assistance to local government bodies, review planning within state government, coordinate planning efforts on intra-and inter- subregional levels, and other functions performed by the D.P.D.P. The commissions would have substantial planning authority under the state contract, but they would not have implementation powers. It should be noted that although such a contract could not grant implementation powers, preparation of the comprehensive plan would include recommendations for plan implementation.

(3) A.S. 29.33.010(b) and 29.33.070-245 exclusively authorize areawide planning, zoning, adjustment, etc., to the Borough. Art. X §6 of the Alaska Constitution vests such authority in the unorganized boroughs to the state legislature. Since the areas in question fall into this category, it is possible for the state legislature to delegate these powers and responsibilities to the subregional planning commission. Depending upon the grant of the legislature, the Commissions could do the comprehensive planning: implementation; possesses platting, zones subdivision, and adjustment powers, which would include authority over variances, conditional use permits, etc. This option would vest in the commission maximum power granted under current state law. 29.33.245

Village Service Personnel

Page Two

February 15, 1979

(4) The effect of option #3 may be achieved by a more direct manner. A.S. 29.43.040 authorizes 1st and 2nd class cities outside organized boroughs to exercise planning, platting and zoning powers normally reserved for the boroughs. The statute, read literally, grants all the borough powers, including the exercise of such powers on an areawide basis. It is possible for the 2nd and 1st class cities to form the subregional commissions as inter-city planning councils. A.S. 44.19.880 requires the D.P.D.P. to "assist Alaska's local governments, government conferences and councils" in planning. Under this option, the commissions would be the prime regional planners with the normal powers of an organized borough without having to actually organize as boroughs. The commissions would only require the cities to pass authorizing and enabling ordinances.

# STATE OF ALASKA

## COASTAL POLICY COUNCIL

### AGENDA

#### LOCAL MEMBERS:

Roger Allington,  
Northern Southeast,  
Co-Chairman  
Stanley Anderson,  
Bering Straits  
Donald Gilman,  
Lower Cook Inlet  
Eben Hopson,  
Northwest  
Malcolm "Pete" Isleib,  
Prince William Sound  
John Nicori,  
Southwest  
Robert Sanderson,  
Southern Southeast  
Lidia Selkregg,  
Upper Cook Inlet  
Betty Wallin,  
Kodiak-Aleutians

#### STATE MEMBERS:

Frances Ulmer,  
Director of Policy  
Development &  
Planning,  
Co-chairman  
Robert Ward,  
Commissioner of  
Transportation &  
Public Facilities  
Charles Webber,  
Commissioner of  
Commerce &  
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Leo McAnerney,  
Commissioner of  
Community &  
Regional Affairs  
Ernst Mueller,  
Commissioner of  
Environmental  
Conservation  
Ronald Skoog,  
Commissioner of  
Fish & Game

NOVEMBER 1, 1979 MEETING OF THE ALASKA COASTAL POLICY COUNCIL

Shee-Atika Lodge, Sitka Alaska

9:00 AM Call to Order--Introductions

- A. Special Business: Election of New Public Member Co-Chairman
- B. Approval of August 1 Meeting Minutes
- C. Coordinator's Report--Meeting Overview--Correspondence (See Packet #1)
- D. Deadline Extension Requests From Districts--Council Action (Packet #2)
- E. Wetlands Project--Choosing a Direction (Packet #3)
- F. CEIP Resolution--By Request of Mayor Gilman, Held from Aug. 1. (#4)
- G. Changes to ACMP Regulations (Packet #5)
  - a) "Feasible and Prudent"--Dept. of Law
  - b) "Floodplains"--Cooperative Land Managers Task Force
  - c) "Local Approval Process"--OCM
- H. District Programs--Expectations (OCM anticipates having three, and possibly four district programs submitted just prior to the Nov. 1 meeting. These will be the North Slope Borough, Anchorage, Annette Islands and possibly Haines. If these programs arrive in a timely fashion, copies, along with OCM's preliminary findings, will be distributed at this meeting. No action will be required of the Council at this time, except for the planning of the January meeting in agenda item I below. Representatives of some of the districts may be on hand to make brief presentations to the Council as background information.
- I. Planning the January Meeting of the Council
- J. Rural Alaska Perspective--Presentations by staff from the Joint House and Senate Committee on Community and Regional Affairs, Harold Sparck of Nunam Kitlusi, and OCM. A draft bill for creation of special assemblies in unorganized borough regions will be presented for Council discussion. The Council may wish to take a position on this legislation. (Packet #6)
- K. Coordinator's Report Continued--(Because of the length of this agenda The Council may wish to set aside some of the items raised in the earlier report for later discussion if time permits. Among the items of interest will be the California-Interior Mediation proceeding.)
- L. Adjourn.

6241 Shee-Atika

747  
S.W. - Alaska  
S.M.L.





STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 12, 1979

The Honorable Clem Tillion  
President of the Senate  
Alaska State Legislature  
Juneau, Alaska 99811

Dear Mr. President:

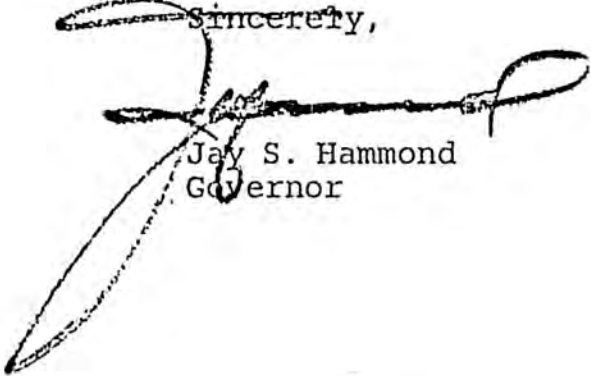
Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting to you a bill which would make certain amendments to the Alaska Coastal Management Act (AS 46.40). Those changes were recommended to me by resolution of the Alaska Coastal Policy Council at the council's December 14-15, 1978 meeting. The council is the administering body of the Coastal Management Program, and is composed of both state and local government representatives.

Under the Alaska Coastal Management Act, the council has established guidelines and standards for the preparation of local government coastal programs. These programs are then submitted to the council for its review to determine conformity with the guidelines and standards. This legislation would authorize an additional time period for preparation of local plans. Under current law, plans must be completed by December 1979 -- an unrealistic deadline for many local governments. The proposed amendments would afford an additional two years for preparation of plans if an adequate justification for the delay was presented to the council.

Under AS 46.40.080, the "Alaska Coastal Management Program" is effective only after approval by the legislature by concurrent resolution. A great deal of confusion has arisen as to what, in fact, constitute the components of the Alaska "program." In fact, the guidelines and standards for local program preparation were submitted to, and approved by, the legislature pursuant to that section last year. It has been suggested by some that, additionally, each local district program must, in addition to obtaining council approval, also obtain legislative approval under sec. 80. The suggestion makes no sense. Approval of local district programs is a quasi-judicial action of the council. AS

attendance areas. The Coastal Policy Council feels strongly that, in certain cases, these districts might be better drawn on rational cultural or geographic features, rather than educational attendance areas. Current law also provides that, in resource service areas which do not exercise planning and zoning powers, state agencies will be the sole implementing tool for the program. A change in the law proposed by the Department of Community and Regional Affairs would make it clear that within these service areas, those cities which in fact exercise zoning powers would implement the programs within their municipal boundaries.

Sincerely,



Jay S. Hammond  
Governor

COASTAL ENERGY IMPACT PROGRAM  
 FY 77-78 Funding - Round 2  
 Municipal Allocations for Planning

6-29-78

MUNICIPALITY	REQUEST	ALLOCATION FROM		REQUIRED LOCAL MATCH
		308(b)	308(c)	
CORDOVA (Rd. 1) Solid wastes plan	\$ 40,000	\$ 25,000		
*****				
KENAI PENIN. BOROUGH				
1) Facility siting study	\$160,000	\$160,000		
2) Comp. plan for Kenai City	80,000		\$ 58,000	\$ 14,500
3) Comp. plan for Seldovia	32,000		25,600	6,400
HOMER - Water system design	280,000	248,643		
SELDOVIA - Water system design	65,000	55,000		
KODIAK ISLAND BOROUGH				
Management plan	48,000		46,000	11,500
HOMER - Drainage plan	50,000		37,400	9,350
SUB TOTAL:			\$167,000	
PROGRAM ADMIN - C&RA	170,274		\$136,219	34,055
includes admin. of total CEIP: FY77 programs in progress plus FY78 funding: Planning grants: \$ 514,591 Loans 20,348,664 Env/Rec. grants 278,700				
TOTALS AWARDED:		\$488,643	\$303,219	
TOTALS AVAILABLE				
FY77 Sec. 308(b)		\$488,643		
FY78 Sec. 308(c)			\$303,219	
FY78 Sec. 308(b)		\$211,372		

DEFERRED PROJECTS

HOMER - Port & spit plan	\$120,000	Rd. 1
SEWARD - Port plan	180,000	
KENAI - Street design	125,000	Rd. 1
HOMER - Street surveys	45,000	Rd. 1
SELDOVIA - Mapping	42,000	
HOMER - Sewerage design	75,000	
HOMER - Community complex plan	50,000	
HOMER - Social serv. plan	15,000	
HOMER - Recreation plan	25,000	

REJECTED PROJECTS

SELDOVIA - Water exploration	\$ 34,000
YAKUTAT - Implementation planning	45,000

Department of Community  
 & Regional Affairs  
 Division of Community Planning  
 Pouch B  
 Juneau, Alaska 99811

ALASKA COASTAL ENERGY IMPACT PROGRAM

ROUND 2 ENVIRONMENTAL/RECREATIONAL GRANT AWARDS

Summary of Round 1 Awards:

Available E/R FY '77 funding	\$662,904
Amount awarded in Round 1	306,636
Available funding for Round 2	\$356,268

Round 2 Projects funded (listed in order of priority)

<u>Applicant</u>	<u>Project</u>	<u>Award</u>
1. City of Homer	Campground relocation/expansion Planning and design	\$230,000
2. City of Valdez	Salmon rehabilitation project study	13,244
3. City of Cordova	Long-range salmon planning	79,543
4. AK Dept. Fish/Game	Salmon stock evaluation	33,481 (partial)
		\$356,268

Round 2 Projects not funded--deferred projects

		<u>Request not funded</u>
5. AK Dept. Fish/Game	Broodstock selection	\$35,000
6. City of Yakutat	Oil spill contingency plan	\$75,000
7. City of Seldovia	Recreation plan for boardwalk	\$85,000
8. City of Seldovia	Park Plan for Beach	\$65,000

Round 2 Projects not funded--rejected projects

9. City of Kenai	Erosion Prevention	\$200,000
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THE FOLLOWING DOCUMENT(S) MAY NOT FILM  
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ORIGINAL.

2000-2001 CIP Grant Applications

Municipality or Agency	Project	Planning Requested	Grant Env./Trans. Secretary	Local Fund
City of Sitka	1) Water System Master Plan	37,500		
	2) Municipal Complex Plan	27,500		
	3) Water Storage Reservoir	77,500		
City of Sitka	4) Master Plan	40,000		
City of Homer	5) Roads and Street Master Plan	95,000		
	6) Sewer Treatment Plant Exp.	75,000		
	7) Port Feasibility Study	20,000		
	8) Community Complex Design	50,000		
	9) Recreation Plan	60,000		
Kenai Peninsula City of Kenai	10) Solid Waste Disposal Plan	50,000		
	11) Water Resource Study	20,000		
	12) Hospital & Emergency Services Study	53,000		
City of Seward	13) Air Quality Study	150,500		
	14) Hydroelectric Feas. Study	91,000		
City of Wrangell	15) CIP/OCS Planning	138,000		
City of Kodiak	16) Community Building Design	238,000		
	17) Contour Mapping	125,000		
C & ED	18) Cruise Facility Planning	24,242		
	19) Water & Sewer Line Design	22,500		
City of Sitka MIR/Perceps Municipal Anchorage	20) Recreation Resource Plan		110,000	
	21) Community Base Study	100,000		
	22) Soil Utilization Study	55,000		
	23) Water Supply Study	1,000,000		
	24) Wastewater Treatment Plan	100,000		
	25) Air quality Study	77,000		
	26) Surface Drainage Plan	165,000		
	27) Police Data Processing Plan	750,000		
	28) Green Resources Study	33,800		
	29) Terminal Facilities Study	210,000		
	30) Port Study	175,000		
	31) Water Utility Planning	200,000		
	32) Police Academy Design	75,000		
	33) CIP Master Plan	102,700		
			4,067,000	

Department of Community  
& Regional Affairs  
Division of Community Planning  
Floor B  
Juneau, Alaska 99811

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ORIGINAL

*Confidential*

# Coastal Management Corporation

Nelson Island • Toksook Bay, Alaska • 99637

March 29, 1979

Dr. Lidia Selkregg  
University of Alaska  
2651 Providence Drive  
Anchorage, Alaska 99504

Dear Lidia:

This is a follow-up letter per our discussion on March 16, 1979 regarding my inquiry for future training in land use planning and resource management for villages in the Coastal Management area.

In order to give you some idea why CMC is interested in future training, it is necessary to explain some of its history and desire to achieve an ultimate goal on behalf of the people it was organized to serve.

About fifteen years ago, the villages of Chefornek, Nightmute, Toksook Bay, Mekoryuk, Tununak and Newtok formed an organization called United Villages. This organization came to being because the above villages realized that the non-profit regional Native association, AVCP, was working with 52 villages and setting their priorities according to village populations. Realizing that the CMC villages were close to the bottom of the list for services, the villages realized they could not afford to wait for three or four years to pursue solutions to existing problems and needs. As a result, following the passage of the Alaska Native Claims Settlement Act, the Coastal Management Corporation came into being to be the overseer of the lands and monies from the Alaska Native Fund that the above seven village corporations would be entitled to. Refer to the attached management agreement between CMC and the respective village corporations.

Because the United Villages organization was somewhat inactive at the time CMC was organized, CMC inherited the responsibilities of the United Villages, Inc.

As discussed with you earlier this month, there is an immediate need for training and technical assistance in the field of land use planning and future management of resources. It is of great importance that the CMC villages become involved in planning for future use and management of their lands prior to some of the following outside agencies initiating enforcement of rules and regulations in the CMC area--1) OCS; 2) CZM; and 3) Effects of D-2 legislation. All of the CMC villages fall under the jurisdiction of rules and regulations resulting from the above and because the CMC villages are subsistence-oriented, negative effects can result if involvement of the people is not insured through land use planning and future management within the near future.

Planning Seminar  
March 29, 1979

As discussed with you earlier, the best time for training in our area is in the winter; however, the first part of June is also acceptable. If in fact, the training does materialize, it is highly recommended that the sessions be progressive -- starting with basics, reinforcing what was covered and moving on to another step in planning.

It is my belief that with your assistance in the field of planning and resource management that the people in the CMC area will have a much better opportunity to be involved in the process of planning land uses and manage those lands effectively in the future.

Your consideration of the above will be greatly appreciated. Should you have any questions of me please contact me by calling CMC at 243-1121 in Anchorage, or by writing CMC, P.O. Box 4-1168, Anchorage, Alaska 99509.

Respectfully,

COASTAL MANAGEMENT CORPORATION

*Charlie Kairaiuak*

Charlie Kairaiuak  
President

CK/hr

Enclosure: 1

# Planning & Applied Research Center

P.O. Box 2217  
Anchorage, Alaska 99510  
(907) 333-8260 or 263-1767

Consulting In:  
Planning  
Economic Studies  
Social Science  
Geology  
Local Government  
Architectural Design

July 5, 1979

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

TO: Bob and Dean  
FROM: Lidia  
SUBJECT: AHTNA "Model Region Program"

As per our meeting of July 3, 1979, following is an outline of events and documents to be prepared by the end of September to insure the development of a long range program for planning, coordination, and implementation of activities directed to the physical, social, and economic development of the AHTNA Region.

Because the region has no local planning capability or a recognized governmental structure that could initiate short and long range studies and coordinate the activities of state and federal agencies with programs in the region, AHTNA, as it has in the past, must take the leadership and develop a mechanism for interagency planning and funds allocation for this Region.

It is my recommendation that to accomplish the first step of a long range program of planning coordination and projects development, we prepare a "Feasibility Study" comprising papers prepared by experts in various topics. This study should be done as soon as possible.

The "feasibility study" will be prepared in a way as to satisfy the requirements of government applications of various agencies, including but not limited to HUD, EDA, DPDP, DNR, DCRA, BLM, DEC, Park Service, State Department of Transportation, Department of Energy, etc. I will get a copy of a standard feasibility study outline for EDA and HUD. I have prepared similar studies for both agencies; they are suitable as a general outline for federal, state, or private agencies.

A preliminary outline of a feasibility study and possible participants and contacts to be informed of the AHTNA intent is as follows:

1. Title - the AHTNA FUTURE - A Model for development of a mechanism of federal/state/private coordination to maximize the participation of various agencies in the development of the region.
2. Intent - It is the intent of AHTNA, INC. to initiate the interagency coordination necessary to develop a strategy for funding of studies directed to the development of a comprehensive plan including the following: transportation, mineral resources, timber, farming, fishing, subsistence, new concepts of economic developments, social needs, land status, future land use, environmental considerations, development of parks and tourism, future land use and governmental structure, community expansion and growth centers.
3. Description of the region - A brief summary will be presented mostly through maps and charts with a brief narrative (use previous material developed for AHTNA).

as exhibits papers on the following topics:

- a) Transportation - Roads, rails, airport - ports - (This will lead to the special study requested as part of the D-2 legislation - Denali Highway)

State contact: Commissioner Bob Ward

Possible Writer: Walt Parker (unless the state offers to do it).

- b) Mineral Resources - Evaluation of possibility of involving private and public interests in determining the mineral value of the region.

State contact: Ross Schoff, WGM Ted Foss (private)

Federal: USGS (?)

Writer: Ted Foss

- c) Natural Resources other than mineral - farming, fishing, timber, subsistence - This paper should point to the need of evaluating these resources in relation to the short and long range growth of the region. (see Section I)

State Contact: Ted Smith

Federal: Jimmy Fisher

Writer: Lidia, Dean

- d) New Concepts for Economic Development Strategies

Federal Representative: Clyde Courtnage

State Contact: Commissioner Webber

Writer: Dean

- e) Land Status - Land availability for trade and development, evaluation of state disposal policies.  
State Contact: Ted Smith  
Federal: Kirk McVee  
Writers: Bob, Herb, Lidia
- f) Social Structure and Present and Future Needs - An evaluation of needed statistical facts, citizen involvement, to arrive at delivery of federal and state programs - health, education and welfare.  
State Contact: Commissioner Beirne  
Federal: (?)  
Writer: AHTNA representative, Dean, Bob, Lidia
- g) Parks and Support Facilities - Prepare a document insuring AHTNA involvement in the implementation of D-2 legislation and developing overall coordination between Federal/State/private land use.  
State Contact: Terry McWilliams  
Federal: Janet McCabe, Fritz  
Writers: Fritz, McCabe, Selkregg
- h) Environmental Considerations - Evaluation of present laws; development of new methodologies for environmental protection and safety; evaluation of need for water/sewer studies.  
State Contact: Commissioner Muller  
Federal: EPA (?)  
Writer: Peg Tileston

i) Future Land Use and Growth Centers

State Contact: Fran Ulmer, Ted Smith

Federal: BLM, HUD (?)

Writer: Lidia, Dean

j) Governmental Structure - Need to evaluate future governmental systems - service areas - P/Z commission - others.

State contact: Department of Community & Regional Affairs (?)

All position papers will follow the same outline, tentatively listed below:

- (1) Present Conditions
- (2) Proposed Study Areas
- (3) Invisioned Applications and Results
- (4) Funding Agency - estimated time and cost of study
- (5) Methods for Interagency Coordination - Citizen participation and input - tentative schedule of meetings. Participating agencies' letters of support.
- (6) Time Table
- (7) Budget
- (8) AHTNA ability to perform the task - (Staff and consultants' resumes)

As stated at the July 3 meeting, this first effort should lead to funding for:

- (1) Establishing a permanent method for coordination among agencies and private interests in the Region.

(2) Specific projects and studies.

As shown in Fig. 1, regional development must be coordinated through one central planning and programming system (comprehensive plan). AHTNA could do this well with our assistance. It is a type of coordination that has occurred only once in the state - the development of the recovery programs that followed the 1964 earthquake. I participated and directed some of those programs and I feel we can develop a model that may lead to the formation of permanent "Regional Interagencies Coordination Systems."

The history of AHTNA from the beginning of the land selection process to the present involvement in this program reflects AHTNA has ability to perform as a coordinator for this project. I feel that we are going to be extremely successful. Both federal and state agencies are looking for new ways to improve their participation and coordination of planning projects' development and citizens' input.

As soon as possible, we must develop a schedule for:

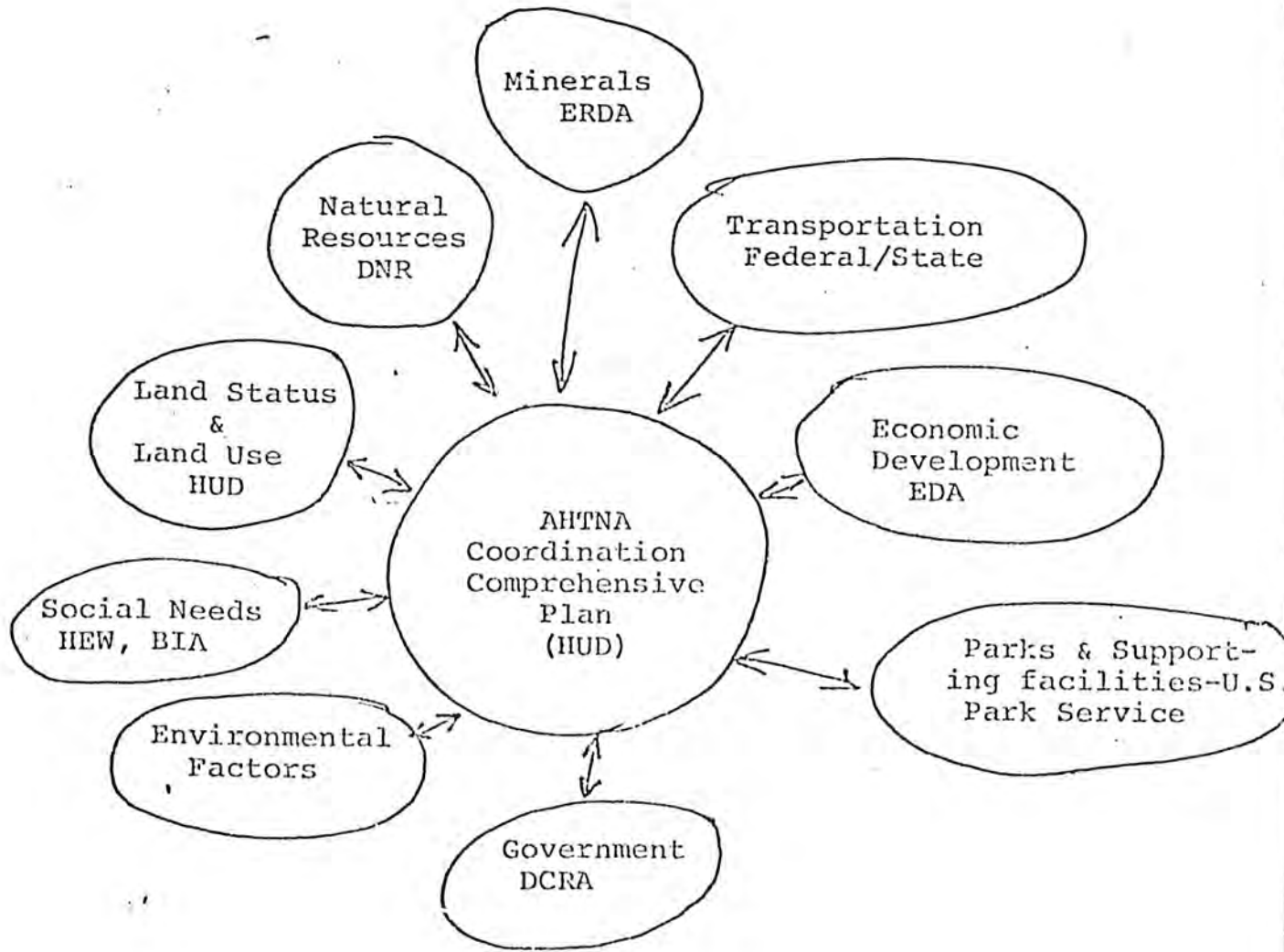
- (1) Develop a final budget and commitment of AHTNA participation,
- (2) Set a date for a meeting with selected federal and state representatives to explain this concept of a "Model Region" and ask their cooperation,
- (3) Contact writers and assign projects,
- (4) Develop a timetable of deadlines to meet specific dates.

I would appreciate reviewing this memo with you as soon as possible and finalize a strategy for future action.

jp

Fig 1

Possible funding from Participating Agencies



"Model Region Program"  
1979

Lidia Selkregg

## POLICY COUNCIL MEMBERS &amp; THEIR ALTERNATES

June, 1978

## POLICY COUNCIL MEMBERS &amp; THEIR ALTERNATES

## LOCAL

## STATE

Members

The Honorable Eben Hopson  
Mayor, North Slope Borough  
P.O. Box 69  
Barrow, Alaska 99723  
Phone: 852-2611 (office)

Mr. Robert Fagerstrom  
City Council Member  
P.O. Box 1064  
Nome, Alaska 99762  
Phone: 443-2058 (home)  
443-5296 (office)

Mr. Stanley Paukan  
City Council Member  
St. Mary's, Alaska 99658  
Phone: 368-8001

The Honorable Betty Nallin  
Mayor, Kodiak Island Borough  
P.O. Box 1246  
Kodiak, Alaska 99615  
Phone: 486-5736 (office)

Ms. Lidia Sellkregg  
Municipality Assembly Member  
Box 2217  
Anchorage, Alaska 99510  
Phone: 333-8260 (home)  
272-5522/279-9656 (offices)

The Honorable Donald Gilman  
Mayor, Kenai Peninsula Borough  
P.O. Box 850  
Soldotna, Alaska 99669  
Phone: 262-4441 (office)

Mr. Malcolm (Pete) Isleib  
City Council Member  
P.O. Box 139  
Cordova, Alaska 99574  
Phone: 424-3365

Mr. Roger Allington  
Borough Assembly Member  
1 Sealaska Plaza, Suite 400  
Juneau, Alaska 99801  
Phone: 586-1512 (office)

The Honorable Robert Sanderson  
Mayor, City of Hydaburg  
P.O. Box 57  
Hydaburg, Alaska 99922  
Phone: 285-3603 (home)  
285-3761 (office)

Alternates

Mr. Jon Buchholdt  
610 'H' Street  
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Mr. Caleb Pungowiyi  
Kawerak, Inc.  
P.O. Box 505  
Nome, Alaska 99762  
Phone: 443-5231

Mr. Stan Peters  
Emmonak, Alaska 99581

Michael Emmick, M.D.  
P.O. Box, 207  
Port Lions, Alaska 99550  
Phone: 454-2303

The Honorable Ron Larson, Mayor  
Matanuska-Susitna Borough  
Box B  
Palmer, Alaska 99645  
Phone: 745-3246

Mr. Erle Cooper  
Box 177  
Homer, Alaska 99603  
Phone: 235-8772 (home)  
235-8702 (office)

Mr. Ken Peavyhouse  
P.O. Box 307  
Valdez, Alaska 99686

Mr. Larry Nelson  
Box 188b  
Sitka, Alaska 99855  
Phone: 747-6261

The Honorable Marvin Yoder  
Mayor, City of Craig  
P.O. Box 23  
Craig, Alaska 99921  
Phone: 826-3241 (office)

Members

Ms. Frances A. Ulmer, Director  
Policy Development & Planning  
Office of the Governor  
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Juneau, Alaska 99811  
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The Honorable Phillip Hubbard  
Commissioner, Department of Commerce  
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The Honorable Lee McAnerney  
Commissioner, Department of Community  
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The Honorable Ernst W. Mueller  
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# LAWS OF ALASKA

1977

Source

CCS SCS CSHB 342

Chapter No.

84

## 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

### Chapter 84

- (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) Members appointed under (a) of this section may select one person to serve as a permanent alternate at meetings of the council. If the member appointed is unable to attend, the alternate may act in his place.

(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 there is a vacancy among the public members appointed under (a)(1) of this section, the governor shall make an appointment to become immediately effective for 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 35. THE ALASKA COASTAL MANAGEMENT PROGRAM.

ARTICLE 1. DEVELOPMENT OF ALASKA COASTAL MANAGEMENT PROGRAM.

Sec. 46.35.010. 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. 46.35.020. 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. 46.35.030. 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. 46.35.040. 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), within six months of the effective date of this Act, 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. 46.35.050. 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. 46.35.060. 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 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. 46.35.070. 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. 46.35.080. 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. 46.35.090. 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. 46.35.100. 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. 46.35.110. AUTHORITY IN THE UNORGANIZED BOROUGH. Under AS 29.07.020 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. 46.35.120. 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 and no later than six months from the effective date of this Act.

Sec. 46.35.130. 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. 46.35.140. 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. 46.35.150. 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. 46.35.160. 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. 46.35.170. 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.

(c) Before requesting the department to complete the district coastal management program under (b) of this

section, the council shall meet with the members of the coastal resource service area board to determine whether the board is able to complete a district coastal management program within the time limitations established in this section.

Sec. 46.35.180. APPROVAL OF PROGRAMS IN COASTAL RESOURCE SERVICE AREAS. (a) Before adoption by a coastal resource service area board, or by the Department of Community and Regional Affairs under sec. 170 of this chapter, a district coastal management program shall be submitted for review to each city or village within the coastal resource service area. The council of a city or traditional village council shall consider the program submitted for review. Within 60 days of submission, the council of a city or traditional village council shall either approve the program or enter objections to all or any portion of the program.

(b) If a city or village within a coastal resource service area fails to approve a portion of the district coastal management program prepared and submitted for approval under (a) of this section, the governing body shall advise the coastal resource service area board or the department, as applicable, of its objections to the proposed program and suggest alternative elements or components for inclusion in the district coastal management program. New matter submitted by a city or village which is substantially consistent with the guidelines and standards adopted by the council shall be accepted and the district coastal management program modified accordingly. If a city or village fails to provide objections and suggested alternatives within the time limits established in this section, the coastal resource service area board or the department, as applicable, may adopt the district coastal management program as initially offered.

(c) Objection by a city council under (b) of this section is limited to objection to elements of the program affecting resources or the use of resources within the corporate limits of the city. Objection by a traditional village council under (b) of this section is limited to objection to elements of the program affecting resources or the use of resources within the village or within two miles of the village.

(d) For purposes of this section, "village" means an unincorporated community where at least 25 persons reside as a social unit as determined by the Department of Community and Regional Affairs.

#### ARTICLE 3. GENERAL PROVISIONS.

Sec. 46.35.190. COOPERATIVE ADMINISTRATION. (a) A city within the coastal area which is not part of an adjacent coastal resource service area may include itself for purposes of this chapter within an adjacent coastal resource service area if its governing body, by resolution adopted by a majority of its membership, consents to the inclusion of the city and a copy of the resolution is filed with the commissioner of the Department of Community and Regional Affairs.

(b) Nothing in this chapter restricts or prohibits cooperative or joint administration of functions between a municipality and a coastal resource service area organized under the provisions of this chapter upon initiation of a mutual agreement for the purpose.

Sec. 46.35.200. STATE AGENCIES. Upon the adoption of the Alaska coastal management program, state departments, boards and commissions shall review their statutory authority, administrative regulations, and applicable procedures pertaining to land and water uses within the coastal area for the purpose of determining whether there are any deficiencies or inconsistencies which prohibit compliance with the program adopted. State agencies shall, within six months of the effective date of the Alaska coastal management program, take whatever action is necessary to facilitate full compliance with and implementation of the program, including preparation and submission of recommendations to the council for additional or amended legislation.

Sec. 46.35.210. DEFINITIONS. In this chapter, unless the context otherwise requires,

(1) "area which merits special attention" means a delineated geographic area within the coastal area which is sensitive to change or alteration and which, because of plans or commitments or because a claim on the resources within the area delineated would preclude subsequent use of the resources to a conflicting or incompatible use, warrants special management attention, or which, because of its value to the general public, should be identified for current or future planning, protection, or acquisition; these areas, subject to council definition of criteria for their identification, include:

(A) areas of unique, scarce, fragile or vulnerable natural habitat, cultural value, historical significance, or scenic importance;

(B) areas of high natural productivity or essential habitat for living resources;

(C) areas of substantial recreational value or opportunity;

(D) areas where development of facilities is dependent upon the utilization of, or access to, coastal waters;

(E) areas of unique geologic or topographic significance which are susceptible to industrial or commercial development;

(F) areas of significant hazard due to storms, slides, floods, erosion or settlement; and

(G) areas needed to protect, maintain, or replenish coastal land or resources, including coastal flood plains, aquifer recharge areas, beaches and offshore sand deposits;

(2) "coastal resource district" means each of the following which contains a portion of the coastal area of

the state:

(A) unified municipalities established under AS 29.68.240 - 29.68.440;

(B) organized boroughs of any class which exercise planning and zoning authority;

(C) home rule and first class cities of the unorganized borough or within boroughs which do not exercise planning and zoning authority;

(D) 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 under sec. 30 of this chapter;

(E) coastal resource service areas established and organized under AS 29.03.020 and secs. 110 - 180 of this chapter;

(3) "council" means the Alaska Coastal Policy Council;

(4) "department" means the Department of Community and Regional Affairs;

(5) "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

(A) the use, or activity associated with it, would have a net adverse effect on the quality of the resources of the coastal area;

(B) the use, or activity associated with it, would limit the range of alternative uses of the resources of the coastal area; or

(C) the use would, of itself, constitute a tolerable change or alteration of the resources within the coastal area but which, cumulatively, would have an adverse effect;

(6) "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:

(A) 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;

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(B) 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;

(C) 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;

(D) facilities serving statewide or interregional transportation and communication needs; and

(E) 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.

\* Sec. 5. AS 44.47 is amended by adding a new section to read:

Sec. 44.47.095. PLANNING ASSISTANCE FOR DEVELOPMENT AND MAINTENANCE OF DISTRICT COASTAL MANAGEMENT PROGRAMS. The department shall conduct a program of research, training, and technical assistance to coastal resource districts necessary for the development and implementation of district coastal management programs under AS 46.35. The technical assistance shall include the direct granting to the coastal resource districts of a portion of any funds received by the state from the federal coastal zone management program, in amounts to be individually determined for each coastal resource district by the commissioner. State agencies shall assist the department in carrying out the purposes of this section.

\* Sec. 6. The Administrative Regulation Review Committee established in AS 24.20.400 - 24.20.460 shall review the administrative regulations adopted by the executive departments of the state government which affect the resources and use of the resources of the state's coastal area. The committee shall, not later than January 20, 1979, make formal recommendation with respect to annulment of regulations adopted which, in the opinion of the committee, fail to implement, interpret or carry out the policies, objectives and standards of the Alaska coastal management program. The recommendations of the committee shall be transmitted to the first regular session of the Eleventh Alaska Legislature.

\* Sec. 7. This Act takes effect immediately in accordance with AS 01.10.070(c).

Public Participation in the Alaska Coastal Management Program

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## INTRODUCTION

I decided to write about my experiences with public involvement with coastal management in Alaska because I am concerned about the growing number of programs mandated to carry out public involvement efforts.

Most federal and state programs are required to have public involvement components. But the guidelines and rationale for such efforts are not usually well-defined. Effective and expanded public involvement, especially in Alaska, is very time-consuming and costly, yet every year more state agencies are required to do it.

When I submitted the abstract, Alaska's Office of Coastal Management had been carrying out public involvement projects for two and one-half years. Most projects were small in scope, did not involve much travel, and did not conflict with other state public involvement efforts. We were planning a series of statewide coastal workshops for the fall of 1977. As we began to set up the workshops, we realized that such factors as weather, distance, need for translators, other programs' public involvement efforts, and communication and media problems would complicate the project. Yet they had to be dealt with if our public involvement effort were to be successful. We saw how costly and time-consuming extensive public involvement is if it is to be effective.

In designing the fall program, we found ourselves facing the following questions time and again:

1. What constitutes public involvement?
2. How much should we coordinate our public involvement efforts with other state and federal programs?
3. How much participation is enough participation?
4. How much money and how many person months is it reasonable to expend?
5. Who are we trying to reach?
6. How is the information going to be used?

I would like to raise these questions and start some open dialogue about what a requirement for public involvement means. Given the federal and state mandates for public involvement in coastal management and the physical, cultural and governmental setting in modern Alaska, I would like to share with you Alaska's recent experience in coastal management public involvement.

### FEDERAL-STATE MANDATE (Quoting from the laws)

"...It is national policy to encourage the participation of the public, of federal, state, and local governments and of regional agencies in the development of coastal zone management programs." (Federal Coastal Zone Management Act of 1972)

"It is the policy of the state to 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." (Alaska State Coastal Management Act of 1977)

Both federal and state laws recognize the need for public involvement and require citizen participation in the planning process.

Our society supports public involvement. The need for public involvement in this country is upheld in the belief that the development of governmental programs affects individuals' lives; and therefore, people have a right to be involved in that development. In the case of coastal management, coastal planning by the state and federal governments affects people, their lands, surrounding natural resources, their livelihood, often their entire way of life. People expect, demand, and are granted the right to be involved in such planning.

People, particularly those who live and depend on the coast, need to be involved in the drafting of coastal plans if the plans are to be accurate, useful, and enforceable.

Public involvement programs have two components -- education and participation. Because of the technical nature of coastal management, an educational effort is particularly important. It should allow the public to learn enough to become involved in the planning process itself. Participation efforts should allow people with interests and special skills to take part actively in the planning process. Both educational and participation efforts are necessary if a public involvement program is to be successful.

There is no guarantee that public involvement will assure a coastal management program's development without controversy. In fact, just the opposite is likely to happen since such measures increase the visibility of coastal management, a highly volatile issue to many people. However, a citizen education and participation program does ensure that people have the opportunity to learn about and become involved in a program that affects their lives.

These two components are a part of coastal management programs throughout the country.

#### MODERN ALASKA

"Failure to anticipate will lead to tragedy in America. By the same token, long-range thinking that is unconnected to the ideas, energy, and imagination of our whole population, long-range thinking that is merely top-down and not equally

bottom-up, could also produce the end of democracy." Toeffler said this to a Senate subcommittee on December 15, 1975. His reference to America could be easily replaced by a reference to Alaska.

Alaska is an independent, isolated, and until recently, slow moving land. Weather, distance, intemperate seasons, and lack of roads and communication facilities have encouraged this way of life. For many years, even after statehood, the traditional native subsistence culture lived along side frontier homesteaders, commercial fishermen, and loggers. But times are changing and progress is coming, bringing with it people, technology and development.

Until recently, it was possible to live in Alaska away from government control. It was possible to do your own thing and not affect anyone else. In Alaska it was, and still is possible, to become isolated from the rest of the world. But it is becoming harder as growth and development come to Alaska. There are many reasons for this change of pace in Alaska -- mineral, oil and gas discoveries, Alaska native land claims, population growth, wilderness land selections (D-2).

Coastal management is planning that Alaska needs to do. Of her 418,000 people, 75% live within ten miles of the coast. There are about 200 coastal communities in Alaska. Not only do people live near the coast, many make their living from coastal resources. They are fishermen, loggers, oilmen and subsistence hunters. There are more than 47,300 miles of coastline. Most of it is still undeveloped and inaccessible. The coastline of Alaska ranges from mountainous fjords to marshy tundra, from often ice bound shores to temperate wetlands. Now is the time to decide how it should be used in the future.

The conflicts among uses of coastal resources are increasing as oil and gas discoveries are made, fishing and logging industries expand, and the population increases. Alaska has many choices to make about the use and protection of its coastal resources. Renewable resources have been the main-stay of Alaska and its economy since before the white man. People use the land and the sea for clothing, food, fuel and shelter. "Our coast is our grocery/drug/clothing store. It has been for many years." (Quote from mailed-in tabloid, Fall, 1977) Now non-renewable resources -- oil and gas -- are being discovered, extracted, transported and refined. They, too, are necessary to the state and the nation. Inevitably there are conflicts.

The development of a viable, well-balanced coastal management program can help to resolve some of these conflicts before irreparable damage has been done. Alaska needs to

plan if the government is to manage the resources, both renewable and non-renewable, and not be managed by them. Much of that planning can be done by the people, all of it must be done in response to the people.

There are many obstacles in involving citizens in government in Alaska, some are difficult to overcome. Alaska is isolated, both as a whole from the rest of the United States, and in part from other regions in the state.

Alaska spans five time zones from east to west; it is approximately four hours by jet from north to south. The distances are great and travel is time-consuming and expensive. Airplane is the most common mode of travel. Roads connect only major cities and many of the minor roads are still unpaved. Most of the state has only local roads near towns. Weather often stops all transportation for days, and in some places weeks at a time. Planning statewide public meetings is not feasible and regional ones not much better, unless the travel budget for participants is large.

The media does not cover the state well or equally. There is only one major newspaper. Many local newspapers are weeklies. There are many areas with no newspaper at all.

Live TV is now available via satellite in some parts of the state, but by no means in all. Cable TV is also available in selected areas. A handful of local stations have been established, but many areas still have no TV.

Many local AM and some FM radio stations now operate throughout the state, but their range is not far and their perspective is local. In some areas, news of national, and sometimes statewide significance is often incomplete and outdated.

Telephone service does not reach the entire state and is often intermittent, even between cities. It can take hours or days to get a call through from Barrow to "outside". Some villages only have one phone, and many still communicate by radio.

Culturally the state is divided in two: an urban and westernized society and a rural, predominantly native one. The gaps in transportation, media and communications between the two make the division more obvious.

There are language barriers in portions of rural Alaska. The three major native races are Eskimo, Indian, and Aleut. The Indian and Aleut peoples generally inhabit portions of the state closer to the urban areas and speak English fluently. But many of the Eskimos in the more rural areas still use their native language most often, and some of the older

Eskimos don't speak English at all. Translators must be used in many villages when government officials fly in to speak to the community. Translators must be selected carefully to ensure accurate translation. Modern terms and concepts often have no native equivalent. And if one desires to print in the native language, there is no standard written grammar.

One major government management problem in Alaska is the lack of municipal authority in a large portion of the state. Much of rural Alaska is so sparsely populated that there is no organized municipal government for vast stretches of land. The state is solely responsible for management of such areas. Of Alaska's 586,412 square miles, only about one-fourth is under some form of local government. Approximately 95% of Alaska's population live in that one-fourth of the state (398,472). Local government in Alaska consists of 10 boroughs, 11 home rule cities, 20 first class cities and 108 second class cities. With descending amounts of responsibilities and authorities, second class cities, in fact, do not exercise much local control. To comprehend the task before local coastal governments and the probable lack of resources, here are some statistics. The North Slope Borough with a population of 9,139 covers 88,281 square miles, which is an area 4,000 square miles larger than the state of Minnesota. The smallest borough, Bristol Bay Borough with a population of 1,311, covers 1,200 square miles and is approximately the size of Rhode Island. Local governments and their citizens need time, money and guidance to gain enough technical expertise to participate in programs such as coastal management.

The state government, responsible for Alaska's management, is located in Juneau. It is an hour and half by jet from Juneau to Anchorage and can be up to another three or four hours by air to one's final destination. The government is not often seen by the rural Alaskans that it governs. As a result, many native villages and small white rural communities do not trust government officials. Villagers have seen bureaucrats come and go, make and break promises. In many cases, people feel that they have been misled and misunderstood.

Many people came to Alaska to escape government interference in their lives and they are unhappy when they find it has followed them. They can tolerate it only if they have local control

Before statehood, the discovery of oil, the Alaska Native Claims Settlement Act, and other events it was possible for Alaskan government to be minimal, and difficult for it to be much more. But with today's increased population and conflicting pressures, government must develop as its function grows.

In the late 1950's, developers began to discover the non-renewable resources of the state, the first major discoveries since the Gold Rush. Large offshore oil and gas deposits were found off Alaska's shore to the south, the north, and the west. Industry began to discuss a pipeline from Prudhoe Bay to the South. Natives lobbied for settlement of the land claims dispute. Congress froze all development of lands until 1974 when the Alaska Native Claims Settlement Act was passed. This Act established native corporations, gave the natives 962,500 million dollars and title to approximately 40 million acres of land, and set aside another 80 million acres for conservation classification by the federal government.

During the 1960's and 70's the conflicts between development and conservation increased. After the passage of the Alaska Native Claims Settlement Act, the pipeline was built. The natives began selection of their lands and the federal government considered land selections for wilderness classification. This led to a new nationwide awareness of Alaska's scenic beauty.

People moved and are still moving to Alaska. Many come to make their fortunes, only a few come to stay. Community services, housing, roads, and schools have had to expand to meet the growing demands. An Alaskan court decided that a school must be provided for any area with a minimum of eight students. Somebody pays for this growth. Failure to anticipate such growth could lead to disaster in Alaska - economical, social and environmental.

Alaska must begin to plan comprehensively for the years ahead if it is to maintain any of the lifestyles which people here hold so dear. Coastal planning has become important to the nation just when the need for such planning has slowly begun to be recognized by Alaskans. In Alaska, planning may still be done before development occurs rather than after the fact.

People are trying to understand the effect of these issues on their lives and how each will interrelate. It is a difficult and slow process.

The state has attempted to explain its programs to the public, but each state agency has been concerned about its agencies' responsibilities. Foresight, mandate, staff, time and money have not encouraged coordination between state agencies' (and federal agencies' where applicable), public involvement efforts. Consequently the agencies have often found themselves part of a long string of "dog and pony" shows at public meetings in rural Alaska. People have complained about this lack of coordination between public involvement efforts and the amount of time they spend attending public meetings in their communities. Sometimes, people stop

attending. State agencies, too, are becoming aware of the duplication of public involvement efforts and the need for coordinating them, but their own deadlines, mandates and needs restrict such coordination.

These are the difficulties we faced and still face in designing an effective public involvement program for coastal management.

#### ALASKA COASTAL MANAGEMENT PROGRAM

The Alaska Coastal Management Program has existed for three years. In its effort to carry out a public involvement program it has had to deal with all the issues discussed here, providing education and opportunities for participation. From the first, we realized the need for education. We saw it and the public told us.

At first all involvement efforts were directed toward education. We had to create and produce our own materials. Other state and federal materials simply did not address the issues of coastal management in Alaska. Several movies were developed by our program and are available on request. They are about OCS and do not address coastal management as a whole. They were and still are borrowed, but only occasionally. The films have been seen by a limited number of people. There is not a well-established method for statewide advertising, due to the media situation discussed earlier.

Slide shows have been produced over the last few years, generally to be used by staff for workshops, but available to the public as well. Several slide shows are for general information, but one slide show on OCS was done by a native from the Yukon-Kuskokwim Delta in Yupik with an English translation. It is used frequently in his region. The director of the native environmental organization in the region (Nunam Kitlusisti) piggybacks the slide show on other scheduled meetings throughout the region. Generally, he does not schedule special meetings to show the program. He explained that villagers will not come to a meeting to watch a slide show about something they do not understand. However, if they are already at the meeting they will stay and watch. He estimates it will take two years for all the villages in his region to see the OCS presentation. This will be the first major education effort in the region on coastal management. There are 57 villages in that region. The villages often do not have telephones, TV's, or radios. They are not organized municipalities who have planning and zoning capability. They need to learn how they can participate in the governmental processes which rule over them. Effective public involvement involving everyone out there is nearly impossible and very expensive. That slide show shown over a period of two years is probably as effective a beginning

in educating rural Alaska about coastal management as any program we could have designed. And it is more successfully received than many since it was done by a native of the region.

Our office publishes a newsletter, "The Alaska Current-ly". It is distributed to legislators, state and federal agencies, native corporations, coastal cities and boroughs, special interest groups, and citizens. It carries articles on issues related to coastal management and on the development of our program. It announces opportunities for participation. Its purpose is to keep people informed and we have been told it does.

A series of informational newspaper articles was written by our staff, but due to the diversity and spread of the state's newspapers, our attempts to get them printed met with limited success.

Brochures and fact sheets have been drawn up as handouts for interested people to help them understand our program better.

We held coastal management workshops in Southeast and Southcentral Alaska during the spring of 1977. At that time participation in our program was totally voluntary for communities. We were simply explaining the program and offering technical and financial assistance to communities wishing to draft local coastal plans. Because these workshops were in urban areas we had no translation or advertising problems, but we did have the usual weather and transportation delays.

#### ALASKA COASTAL MANAGEMENT ACT

In June, 1977, the Alaska Coastal Management Act was signed into law, and the emphasis of Alaska's coastal management program changed. The program needed this legislative recognition of the importance of management of the coast if the program were to be successful.

For two years before the legislation passed, the Alaska Coastal Management Program had been working under a directive from the Governor on coastal planning for the state. Research and planning by state agencies had been the goal. With the new law, the focus changed to coordination of planning efforts of local, state and federal agencies with an emphasis on communities writing their own plans.

Communities with planning and zoning authorities are required to write coastal plans within thirty months of the signing of the law. State agencies will continue to be

responsible for overseeing state interest in the coastal program. Areas in the unorganized boroughs (areas without municipal government) can form coastal resource districts to make a coastal plan.

The legislation mandated the organization of the Alaska Coastal Policy Council to oversee the statewide planning effort. The council is made up of nine local government officials and seven state agency commissioners. The Office of Coastal Management became staff to the council. The council has two important assignments. It is to make sure that coastal communities write local coastal plans, which the council will review for compliance with state guidelines and standards and that state and federal agencies respect the local plans once they are completed and approved. To carry out the above, the council was required to draft a set of guidelines and standards which could be used by communities to write plans and by state agencies in their planning efforts. The legislation mandated involvement of the public in the accomplishment of these tasks, and we continued our efforts to involve the public in our program.

#### PUBLIC INVOLVEMENT AFTER LEGISLATION

A second set of workshops (20) was planned for the fall of 1977, with two objectives. The first was education - to provide coastal communities with information about coastal management and the new law and the second was participation - to gather comments and recommendations from the public on policies which the council was going to be adopting for management of coastal lands and waters.

With those goals, we established our budget and a timeline for project completion. Then we began organizational details. We selected communities as workshop sites and the neighboring communities for whom we would provide travel money. Communities were chosen that were of some size and that would be required to write local coastal plans under the new law. There are about 200 coastal communities in Alaska. About 20 of them have a population of 2,000 plus. We selected sixteen communities and were asked to do four more.

Dates for the workshops were set on the basis of hunting and fishing seasons and other community activities already scheduled. Throughout coastal Alaska, communities hunt and fish for their living. Meetings are not scheduled during hunting and fishing seasons. Smaller communities only have one large meeting facility and one hotel. Activities have to be scheduled carefully so as not to conflict. (A sidenote: we found that we were a part of a long series of public meetings

being held by various state and federal agencies in the fall. They too had been holding off until fishing and hunting seasons were over.)

Weather also had to be considered in selecting dates. Workshops had to be scheduled far enough apart to allow for bad weather and cancelled flights. The entire twenty workshops took two and a half months of steady travel to complete.

The device for giving information to the people and collecting their feelings had to be designed. We decided to use a tabloid with educational information and a pull out questionnaire. It had to be comprehensive and easily understandable, useable in rural and urban areas alike. This was a difficult assignment. It had to hold the interest of people fairly well-versed in the field and yet be understood by people unfamiliar with the subject.

The tabloid was distributed extensively statewide through the newspapers with larger circulations. The tabloid gave enough background information so that a newspaper reader could fill it out and mail it to us if he was unable to attend a workshop but wished to participate.

Advertising was also an interesting experience. A half hour TV program introducing coastal management and individual spot announcements for each region were cut and shown before the workshops to encourage people to attend. We also advertised in newspapers and displayed posters.

Unalaska, in the Aleutian Islands, has only one TV cable station, no radio station and no newspaper. However, the scheduling of the TV station is so informal that the city manager had the TV program run three nights in a row preceding the workshop. Because there is relatively little entertainment in Unalaska, it is likely that anyone who has a TV did learn something about coastal management even if he didn't attend the workshop. The schoolchildren took questionnaires home the day of the workshop and reminded their parents about the meeting that night.

The North Slope Borough encompasses the entire northern section of the state. A workshop was scheduled in Barrow, the borough office's headquarters. They ran the TV program and radio spots in Barrow. There is no newspaper. The school superintendent sent the TV program and the tabloids out through the school system. This meant that most of the major villages, where the people see relatively little of state government, had an opportunity to view the half hour program and fill out the questionnaire. Two months later, we received in the mail a set of filled-out, typed questionnaires

(not our original but a typed copy) from Kaktovik, Barter Island in the Arctic Ocean. There was an attached explanation from the teacher that the students had wanted to have their families participate in the survey and they had not received enough questionnaires so it had been typed and duplicated. Their comments included:

"We do not want our camp to be ruined. We usually hunt ducks and fish. We do not want our camp for nothing else but camping."

"Every family has a camp for fishing and hunting for some meat. We eat the food and we don't hang the antlers on the wall like the white man do."

In Kipnuk, a village of 300 Yupik Eskimos on the edge of the Bering Sea, three quarters of the meeting was held in Yupik. There is no TV or newspaper in Kipnuk and we did not schedule a workshop there. If we had, probably no one would have come. We were invited to be on the agenda of a meeting of the village leaders from the surrounding area. About 25 villages were represented. Village leaders, unlike our more urban elected officials will not express opinions for their village without first discussing it with their people - so our meeting was an education process with little input presented to us. They took questionnaires home and had their people fill them out and mail them in.

In the more urban communities, we had radio, TV and newspaper coverage. We faced a lot of objections to the tabloid. We were not completely successful in reaching both rural and urban audiences with the tabloid. It was too simple without enough alternatives for people in urban areas.

Generally, however, the process worked. People came to the workshops, asked questions, expressed their opinions verbally, filled out the questionnaire, learned and participated.

Council members attended the workshops. Summaries of each workshop were presented to the council to help them understand community desires in drafting statewide policies on coastal management. Regional and statewide summaries were made to clarify issues of greater than local concern. People who participated in the workshops were so concerned about the validity of the questionnaire results that we summarized workshop input separately from an analysis of questionnaire results. The interesting thing was that they supported each other.

Approximately 900 attended the twenty coastal management workshops.

- 699 people registered

- approximately 600 registrants were from communities in which workshops were held
- approximately 100 registrants were from other towns and villages
- 64 Alaskan communities were represented at workshops
- Coastal Policy Council members attended thirteen of the workshops
- 1,963 questionnaires were filled out and returned at the workshops and through the mail

1.

We wanted to continue communication with the public after the workshops. Summaries of the workshops were sent to participants with a letter noting they would be kept informed of progress of the Coastal Management Program. Their comments were used in developing the guidelines and standards.

Many people did not favor the idea of government planning for the coast. However, they were beginning to recognize the need for it and some were glad it was happening before many irrevocable commitments of lands and resources were made. At the workshops and on the questionnaires, people said they wanted to participate in the planning process. They know they will be affected and they want to be involved in the decision making. People who live in the unorganized area are trying to understand how they too can plan. Planning has never been done in the unorganized area on a local level so there are many problems to be worked out between the state and local people in this effort.

After the workshops, the staff began to draft the guidelines and standards. On January 14, the Council adopted a hearing draft. Public hearings on the draft were scheduled in fifteen of the communities where workshops had been held the previous fall. We faced all the same problems we had during the workshops.

Only two hearings per week could be covered in most cases by one person due to distance, weather, and flight schedules. Since we only had two weeks allotted for hearings, we had to use five different hearing officers.

1. "Alaska Coastal Management Workshops, Fall of 1977," Produced by Northrim Associates; December 1977.

Legal notices were published in the larger newspapers and posters were put up in towns where there were hearings. An article was published in "The Alaska Current-ly", our newsletter, announcing the hearing schedule.

The half-hour program summarizing the results of the workshops mentioned earlier was aired in some communities. We wrote public service announcements for radio and TV stations and press releases for newspapers. Over 2,000 public information bulletins on the review period were sent to our entire mailing list including all people who registered at our fall workshops. We arranged for translators in appropriate communities. Due to irregular mail service in Alaska, we sent copies of the hearing drafts for distribution to the city offices of each community where the hearings were scheduled.

About 340 people attended the public hearings. Coastal management is still a new concept to Alaskans. Many people who attended the hearings did not testify but came to ask questions about the program. As a result, all the hearings also included a public meeting for general discussion of the draft guidelines and standards and the coastal management program.

The guidelines and standards will be revised on the basis of comments received during the review period. The council is then expected to adopt the guidelines and standards and send them to the legislature for approval. Once the guidelines and standards have been approved, coastal communities will begin writing local coastal plans.

There are requirements in the guidelines and standards for local citizens to be involved in the local planning process. To assist communities in this effort, we will provide technical assistance and other material. We are thinking of organizing a training seminar for local planners and interested citizens on what they have to do to write a coastal plan.

As our program has progressed, we have tried to organize public involvement efforts to match the needs. Sometimes, the emphasis has been on education, sometimes participation.

Our public involvement effort has not been static but malleable, forming and reforming to meet the needs of the program at a particular place and time. The components of the public involvement program have not been that different from other states - education and participation, but the problems we have surmounted have been unusual in 20th Century America.

## CONCLUSION

In conclusion, I would like to say that I believe public involvement in state programs is important. I feel that as much as possible within our present situation, we are accomplishing our objectives of public involvement in the Alaska Coastal Management Program.

However, the more I work with the public and learn about the problems facing public involvement efforts, the more I feel that a study needs to be done on the actual goals and objectives of public involvement efforts. I feel that perhaps Alaska and other states should look at all their state programs before deciding which ones actually require individual public involvement programs. Then possibly, requirements for public involvement could be directed toward inter-agency coordination and less agency duplication of effort in public involvement programs.

Public involvement, particularly in Alaska, requires a technical expertise all its own. Differences in language, difficulties in transportation, gaps between rural and urban communities, the many ways of life - all contribute to making effective public involvement a time consuming, difficult, and challenging project. Possibly money and time could be better spent if government in Alaska were to develop more efficient ways of involving the public.

Many Alaskans (and I imagine other states have some of the same isolation problems) are far removed from the actual working of government, but they are concerned. They recognize their need for basic information about the government's actions. Alaskans know that land selections are being made by the state, local government and the native groups; that the federal government wants to put land into wilderness areas; that the oil and gas industry is expanding; that timber harvesting and the fishing industry are important; that the fishing limit is out to 200 miles and Alaskans will soon be bottom fishing; that Alaska is doing coastal management. What they do not know is how all these pieces go together, what their role ought to be, and how the program will affect them. And yet Alaska has no single, comprehensive and coordinated public information process underway. Each state agency is only responsible for public involvement in its programs.

I dare say that other states may have similar problems. How effective is public involvement in coastal management if it does not fit in with people's understandings or knowledge? How much time and money is wasted if public involvement efforts aren't coordinated?

The information we have gathered has been useful to the council in its newly appointed duties. Whether or not it was worth the time and energy it took to complete the project should be studied.

Just the twenty workshops we held last fall were estimated to have taken approximately twenty person months to accomplish. We have seven full time people and three temporary working on coastal management, including the public involvement phase, in our office. A consulting firm had to be hired to extend the staff for the public involvement project. Do all state programs required to carry out separate public involvement efforts actually need them? Could we have been a part of a larger and more comprehensive statewide effort and be more effective and cost efficient? I think possibly so. I feel public involvement is extremely important in government today, but I feel the method whereby it is carried out needs to be studied and improved.

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1 IN THE SENATE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 145

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to implementation of the Alaska  
7 Coastal Management Program."

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

9 \* Section 1. AS 46.40.050 is amended to read:

10 Sec. 46.40.050. ACTION AND SUBMISSION BY COASTAL RESOURCE DIS-  
11 TRICTS. Each coastal resource district shall make substantial progress,  
12 in the opinion of the council, toward completion of an approvable  
13 district coastal management program and shall complete and submit to  
14 the council for approval its program within 30 months of the effective  
15 date of this Act [JUNE 4, 1977] or within 30 months of certification  
16 of the results of the district's organization, whichever is later.  
17 If, in the opinion of the council, after receipt of a written request  
18 for extension from the district which includes the reasons for the  
19 extension, an extension is considered proper, the council may grant an  
20 extension to a date not to exceed 54 months of the effective date of  
21 this Act or within 54 months of certification of the results of the  
22 district's organization, whichever is later.

23 \* Sec. 2. AS 46.40.090(a) is amended to read:

24 (a) A district coastal management program approved by the council  
25 [AND THE LEGISLATURE] for a coastal resource district which does not  
26 have and exercise zoning or other controls on the use of resources  
27 within the entire coastal area of the district shall be implemented by  
28 appropriate state agencies, and by municipalities within the district  
29 which have and exercise zoning power. Implementation shall be in

1 accordance with the comprehensive use plan or the statement of needs,  
2 policies, objectives and standards adopted by the district.

3 \* Sec. 3. AS 46.40.120(b) is amended to read:

4 (b) The commissioner of the Department of Community and Regional  
5 Affairs may, after public hearings held in the area affected, consoli-  
6 date two or more regional educational attendance areas as a single  
7 coastal resource service area or set any other appropriate service  
8 area boundary according to geographic, cultural, or other features  
9 relevant to coastal planning

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

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

22 (3) if the commissioner determines that another boundary  
23 would be more appropriate to the needs of this chapter.

24 \* Sec. 4. AS 46.40.080 is repealed.  
25  
26  
27  
28  
29

# STATE OF ALASKA

JAY S. HAMMOND, Governor

## DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B—JUNEAU 99801

March 27, 1979

The Honorable Bill Parker, Chairman  
Committee on Community & Regional Affairs  
Alaska State House of Representatives  
Pouch V  
Juneau, Alaska 99811

Dear Mr. ~~Parr~~ Chairman:

In response to a request by Representative Parr, I have asked our staff member administering the Coastal Energy Impact Program (CEIP) to project possible funding of CEIP in Alaska over the next five to six years.

First, a word of explanation about the program: The bulk of funding for planning (or possibly for construction) comes from the formula grants section of the program (color red on the attached Figure 1). Formula grants are allocated among states based on activity during the prior fiscal year in the areas of: 1) Outer Continental Shelf (OCS) acreage leased (50%), 2) oil produced in the OCS off that state (25%) and 3) oil first landed on that state's shores (25%).

Barring an immediate major find in the Lower Cook Inlet with accompanying rapid development, we do not believe that the oil produced or oil first landed factors will come into play in determining the Alaska CEIP allocation in the next five years. For purposes of "guestimating," however, we have assumed low end-of-the-range allocations during the first four years and the high end-of-the-range allocation during the final year. Put another way, the Alaska entitlement will be based only on acreage leased through FY '83, but will rise somewhat in FY '84 as oil production begins.

Other assumptions are:

1. Federal appropriations over the five year period will remain constant\*, at the level of the FY '80 budget request:

Formula Grants	\$27,750,000 (same as FY '79--red on Figure 1)
Planning Grants	3,500,000 (green on Figure 1)
Environmental/Recreational	-0- (yellow on Figure 1)

\*Although the Office of Coastal Zone Management-CEIP, is considering requesting a doubling of formula grants in FY '81, an official there feels that such a request is not likely. This official has written an article for Practicing Planner (December 1978), in which he points out that "the anticipated energy boom town will be the exception," and that "few areas will be impacted by tremendous...growth and...increased demand for public facilities..."

The Honorable Bill Parker  
March 27, 1979  
Page 2

2. Congress will not pass an amendment to the Outer Continental Shelf Lands Act Amendments of 1978 to provide Alaska with a minimum of two percent of the total national CEIP formula grant appropriations each year. (The Department is working with the Congressional Delegation in an effort to insure that Alaska would receive at least the 2% minimum in years following years in which there is no OCS acreage leased.)

3. During the entitlement years, Alaska OCS acreage leased will account for between 20 and 40 percent of the total acreage leased nationally in any one year (Lower Cook Inlet sale in October 1977 covered 42% of acreage leased nationally in FY '78).

4. Lease sales shown on the Department of Interior March 1979 Planning Schedule will be held; thus, there will be a sale off Alaska in FY '80 (Beaufort Sea, Dec., '79), three sales in FY '81, none in FY '82, two in FY '83 and one in FY '84.

Under the above assumptions, formula grant funds, useable for planning or for construction, would be available as follows:

FY '79	\$4,234,000
FY '80	0
FY '81	\$2.8 million (20% x 50% x \$27.8 million) (FY '81 allocation dependent on questionable lease sale in FY '80.)
FY '82	2.8 million
FY '83	0
FY '84	<u>5.5 million</u> (40% x 50% x 27.8 million)

FY '80-FY '84 = \$11 million [Probable Range: \$10 million to \$25 million]

Although formula grants (red on Figure 1) may be used for construction, the amounts are so small that we have agreed with municipal officials that Alaska allocations should be limited to planning and design. A single grant for construction in even one of the smaller municipalities could require all or most of our available allocation of formula grant funds.

In addition to formula grants, it probably is reasonable to assume award of between \$300,000 and \$350,000 for each of the five years for planning grants (80% federal--green on Figure 1).

Please let me know if I can provide additional information.

Sincerely,

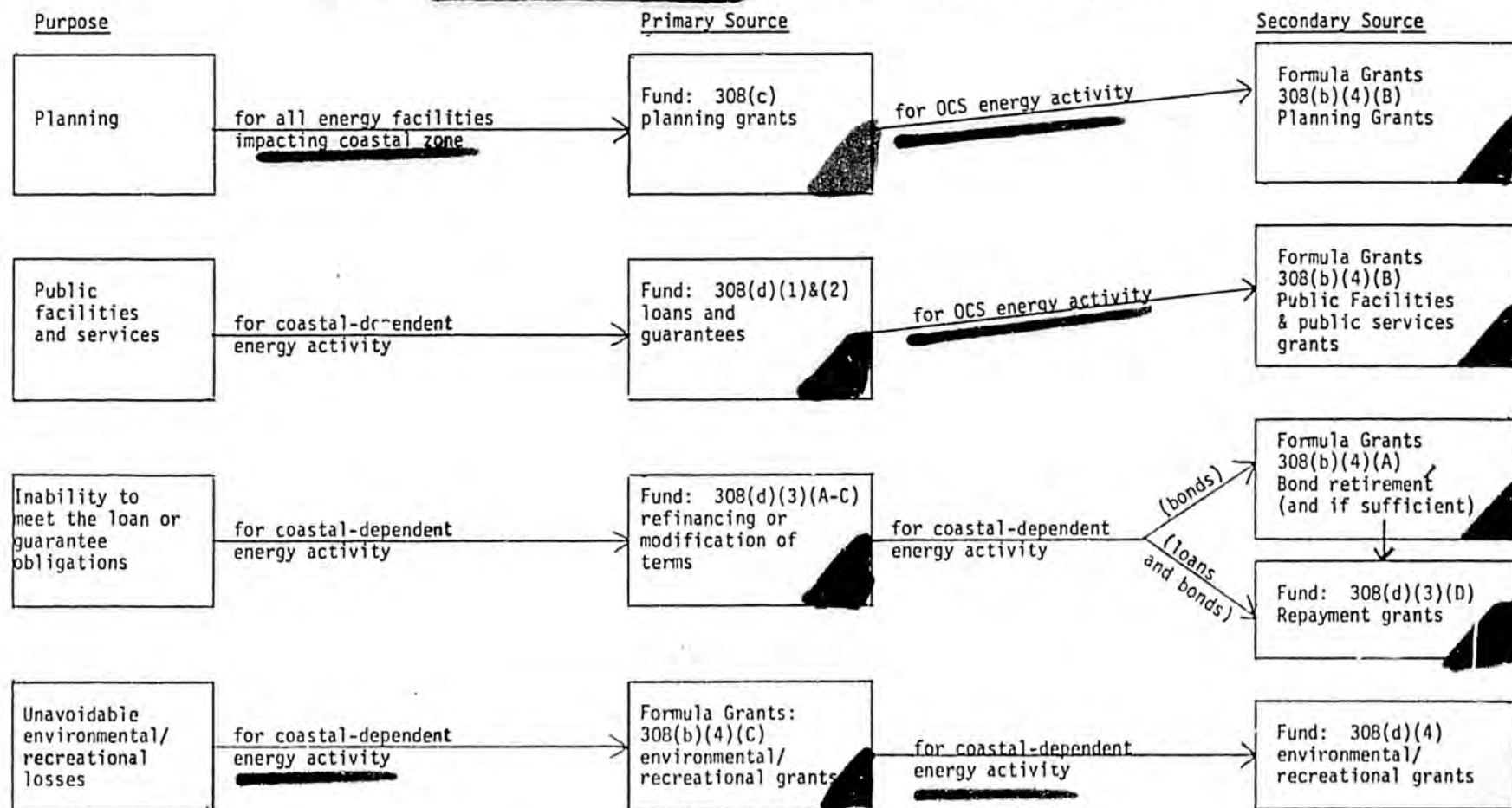
*lee*

Lee McAnerney  
Commissioner

Attachments

Figure 1

PL 94-370 Coastal Energy Impact Program: Primary and Fund 308(c) Planning Grants



		FY 77	FY 78	FY 79
Formula Grants		1,178,643	211,372	4,235,000
"Fund" (Credit Assistance)		48,612,973	20,348,664	0
Planning Grants (80% Federal)		365,466	303,219	0
Environmental/Recreational		662,904	278,700	0

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EXT. 211

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EXT. 210

ASSESSING  
EXT. 263

PLANNING DEPARTMENT  
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EXT. 249

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EXT. 265

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P. O. BOX 69  
BARROW, ALASKA 99723  
TELEPHONE (907) 852-2611

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EXT. 252

MAYOR EBEN HOPSON'S TESTIMONY BEFORE THE  
JOINT FINANCE - RESOURCE COMMITTEE HEARINGS  
ON THE JOINT FEDERAL/STATE BEAUFORT SEA LEASE SALE

MARCH 31, 1979

Mr. Chairman, I am thankful for this opportunity to discuss the politics of the joint Federal/State Beaufort Sea offshore lease sale planned for this coming December.

I do not expect the lease sale will be conducted as planned. We look for it to be put off, or at least greatly modified.

The Beaufort Sea lease sale must be viewed in the context of the expanding Prudhoe Bay area oil fields. And these fields must be viewed in the context of the entire Arctic oil and gas industrial region of North America. And this region must be viewed in relationship with other operational regions throughout the world. Most of the major oil corporations are organized to operate around the world on a regional basis.

Regional managers must compete with each other for the limited amount of money available to their corporations for oil field exploration and development.

The recent decision by Atlantic Richfield to invest \$350 Million in Kaparuk field development is an example where ARCO's Arctic regional management was able to compete successfully with other ARCO regional investment proposals.

Naturally, all Arctic regional managers want a Beaufort Sea sale, and they must maintain an optimistic and positive public attitude toward the Beaufort Sea sale. But privately, they are pessimistic about chances the sale will be held as planned. One senior Manager has predicted to us the sale will be delayed until at least 1982.

It begins to appear both the money market and the oil and gas market are not yet ready for U. S. Beaufort Sea operations. Even with Canada's many Arctic operational and tax advantages, the Dome/CANMAR OCS operations in the Mackenzie Bay, apparently Canada's most promising offshore project, is barely able to secure necessary investment, and has turned to Japan for money to continue.

The bankers are worried about the great economic cost of environmentally-safe Arctic offshore operations, and they see large technology gaps making Arctic offshore investment premature when compared to other oil field investment proposals from other regions, and when compared to Alaskan on-shore oil field investment. It was these on-shore alternatives to which Senator Ted Stevens referred when he became the first statewide political leader to publicly acknowledge the technical and economic prematurity of the Beaufort Sea sale. The fact Senator Stevens chose to take his public position against the sale in the currently depressed community of Fairbanks last month underscores the political importance for Alaska to adjust her offshore plans to meet the requirements of changed oil and gas, and money markets.

Senator Stevens' public acknowledgement of the technical, environmental and economic problems of the Beaufort Sea sale was much needed. I hope the Senator's example will be followed by our State administration and our regional oil and gas industrial managers. If there can be no sale, we ought to stop behaving as if there are no problems with it. It should be canceled, or it should be modified to include only tracts where safe operations can be conducted.

Because official policy continues to insist that the sale will be held, a number of difficult political and legal problems are developing for the North Slope Borough as well as the State of Alaska.

The North Slope Borough's policy toward the sale has been one of cautious cooperation aimed at insuring adequate protection of our subsistence hunting and fishing habitat and resources. We have channeled our cooperation through participation in the Outer Continental Shelf environmental assessment program, the coastal zone management program, and the Alaska Advisory Committee on Leasing. Our specific objective in this cooperation has been to convince State and Federal lease managers to either delay the sale, or at least restrict the sale to the environmentally safer nearshore tracts landward from the Barrier Islands, with buffers to protect the Kaparuk and Canning River Estuaries.

However, our ability to cooperate was badly politically damaged by the unfortunate Point Thomson lease sale announcement last summer. When our villages discovered the State could not be trusted to honor agreements and commitments made in our cooperative Beaufort Sea lease sale planning, they engaged the services of the Alaska Legal Services Corporation to resist any offshore operations on existing nearshore

leases, and to oppose any further offshore leasing, even in the nearshore area adjacent to existing leases from the 1969 sale.

Over the months since the aborted Point Thomson sale, through the work and community organization of Alaska Legal Services with the cities of Barrow, Nuiqsut and Kaktovik, widespread political opposition to any level of Borough cooperation with the Beaufort Sea lease sale has developed throughout the Borough, and my cooperative attitude is being maintained at increasing political cost.

And even my patience is wearing thin. Over the past month I have had to deal with a plot to suspend our planning and zoning authority at Prudhoe Bay and an unwarranted decision to extend pre-sale geophysical testing in spite of our opposition as well as that of the Department of Fish and Game, both justified as necessary for the Beaufort Sea lease sale.

Governor Hammond and I met yesterday to discuss the geophysical testing extension, and we were able to come to an agreement to restrict further testing to within the Barrier Islands where it will end before April 30th.

SOHIO-B.P.'s attempt to secure legislation restricting local planning and zoning authority must be viewed in national context. As SOHIO-B.P. moved against local planning and zoning in Alaska, it announced its abandonment of its California-Texas oil pipeline, blaming the Los Angeles Planning and Zoning Authority for failure of the project.

We were impressed with the national storm of political reaction against Los Angeles, and wonder if we can trust national rules to continue to trust and honor the strong American tradition of local government in the development of our national offshore oil and gas reserves. I'm hoping our State Legislature today is as strongly committed to strong local government as it was when I served in the Legislature.

I do not think I need to worry that an Alaskan Legislature will surrender local planning and zoning authority to accommodate the Federal government's Outer Continental Shelf program. As for me, so long as I am Mayor, the North Slope Borough will make a diligent effort to accommodate the great national interests vested in the Prudhoe Bay oil fields.

We have provided for this accommodation through the National Coastal Zone Management Program. Our District Coastal Management Plan will continue this accommodation by providing for effective and environmentally safe land and water uses of State concern.

This phrase "uses of State concern" will become a very familiar and controversial political term in the State Legislature, in future months and years.

We feel new national oil and gas legislation and policy will encourage the industry to try to consolidate the greater Prudhoe Bay on-shore oil fields into a single production system stretching between the eastern part of NPR-A eastward to include production within the national Arctic Wildlife Refuge.

We feel the industry investment will seek to maximize proven and producible reserves able to build corporate credit at the bank, and to strengthen deregulation of the oil and gas industry. It will take between 5 to 7 years to accomplish this scope of on-shore field development. Industrial interest in Arctic offshore leasing may well be high in 1982-83.

The ARCO Kaparuk field development begins this on-shore field consolidation. The process will include eastern NPR-A tract lease sales and U. S. Geological Survey-managed industrial exploration of certain lands within the Arctic Wildlife Refuge. For all of the controversy and environmental challenge this course of events will mean for us, I prefer this consolidation to any offshore Beaufort Sea leasing.

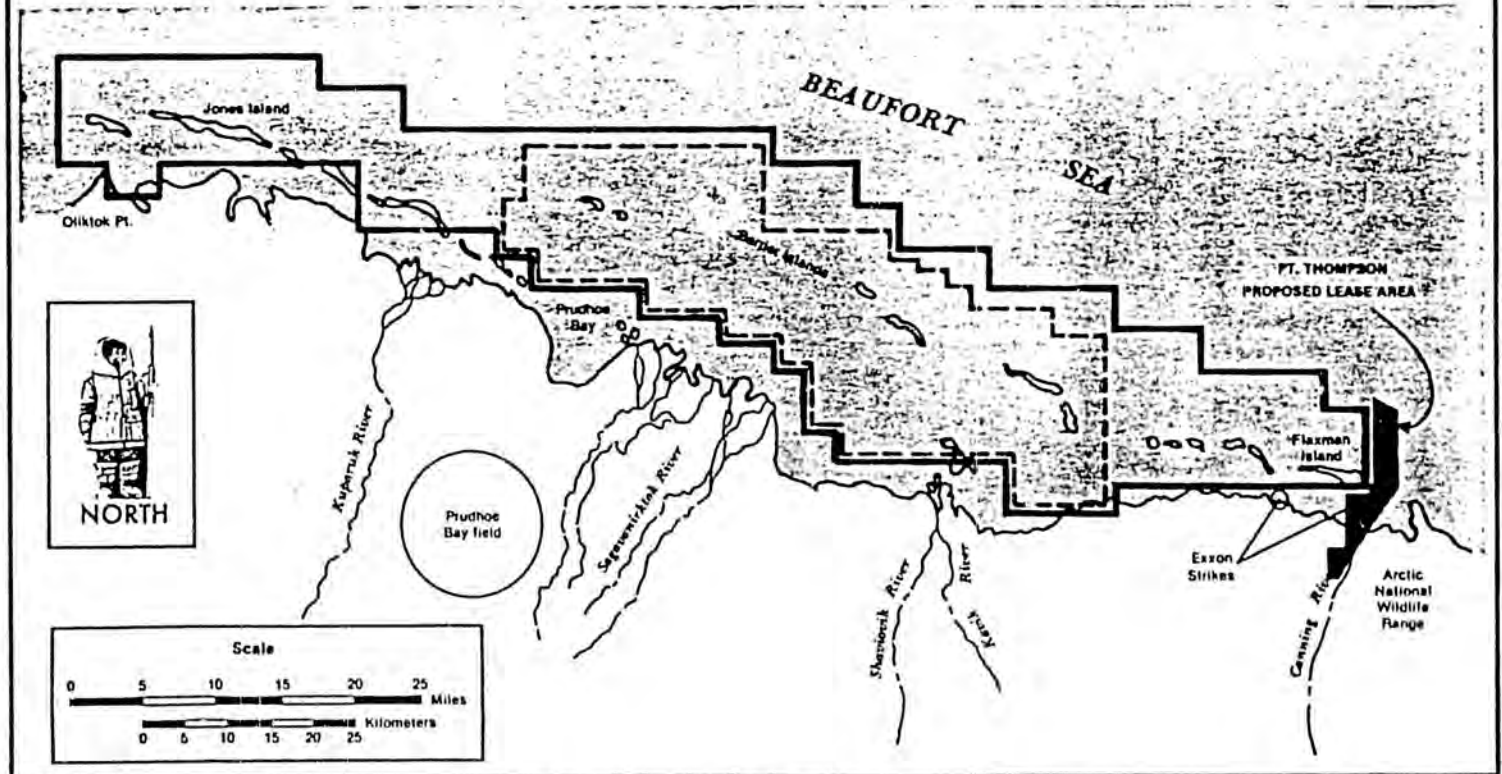
But if a Beaufort Sea lease is a political necessity in an oil-bust Alaskan economy, we must not lease beyond the Barrier Islands. Governor Hammond and I reached agreement on this point yesterday. And we have been assured of this by Guy Martin.

This all means we must stop wasting our time and energy preparing for premature Beaufort offshore operations, and devote it to meet the challenge of environmentally responsible on-shore oil field consolidation.

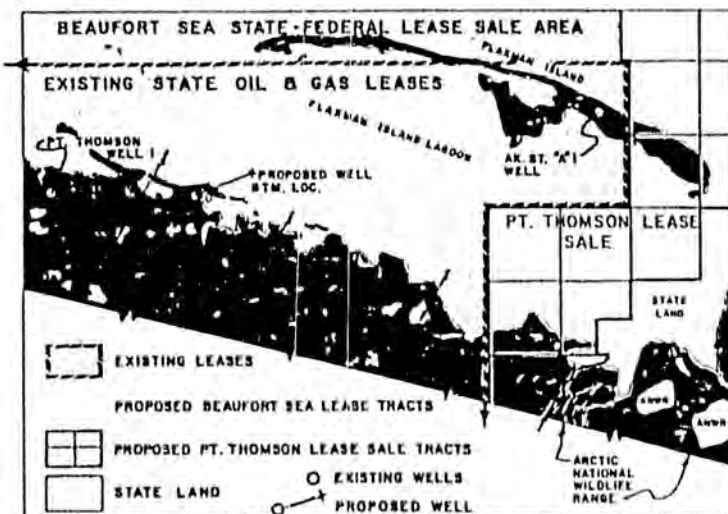
Mr. Chairman, on-shore consolidation will result in better short-term economic stimulation than would result from an offshore lease sale. And we will be better prepared for offshore operations in the 80's than we are now.

Thank you Mr. Chairman for hearing me today about my view of the Beaufort Sea lease sale.

## PROPOSED STATE/FEDERAL BEAUFORT SEA OIL AND GAS LEASE SALE



**JOINT STATE FEDERAL BEAUFORT SEA NEARSHORE LEASE SALE UNIT** — The solid line marks the boundaries of the joint State-Federal Beaufort nearshore sale unit. The dotted lines mark the area to which the NSB has asked first-round leasing be restricted to protect sensitive habitat areas in the Simpson-Lagoon-Gwydyr Bay area to the West, and the Maguire-Flaxman Island area to the East off Point Thomson. The black area is the State's Point Thomson "Exxon" sale area slated for lease this coming September. State and NSB CZM planners regard the Exxon sale to seriously compromise the State's ability to protect subsistence habitat values in the joint sale area, and a serious breach of faith. The State's decision to ignore NSB requests to protect the Maguire-Flaxman Island lagoon area is tied to Exxon's new oil field discovery on Flaxman Island and Pt. Thomson on leases bought in 1969. The State says adequate protection will be afforded through new protective lease stipulations.



This drawing was prepared for the Newsletter to illustrate the relationship of the Pt. Thomson Lease Sale tracts to the already leased Flaxman Island Lagoon; the sites of existing Exxon wells on Flaxman Island and across the lagoon on Pt. Thomson. The new lease sale tracts would narrow the development buffer protecting the Canning River Delta and outflow, and the Western Coast of the Arctic National Wildlife Refuge. The existing Flaxman Island Lagoon leases were made in 1969 when there were no protective pre-leasing regulations, and no protective lease stipulations. State oil and gas officials say tight new regulations and stipulations drawn up for the joint State-Federal Lease Sale next year will also govern all drilling in both the existing Flaxman Island Lagoon leases, as well as in the new Pt. Thomson sale area. Of course, NSB officials have expected this to happen anyway without regard to any new leasing in the Canning River area.

## STATE PT. THOMSON SALE COMPROMISES NEW ARCTIC OFFSHORE SAFEGUARDS

NSB CZM planners began to worry about U.S. Beaufort Canadian near-shore exploration in 1975 when the Western Arctic Inuvialuit asked NSB Mayor, Eben Hopson for help in resisting Canadian government approval of DOME/CAM-MAR'S deepwater wildcat operation off Tuktoyuktuk in the Mackenzie Bay. At the same time, the NSB was asked to

cooperate with Union Oil's East Harrison Bay Ice Island Project. The Department of Interior was planning to conduct a Beaufort Sea Sale in 1977. And Governor Hammond began talking about holding a State Beaufort Sea Lease Sale to raise money to make up for projected state revenue shortfalls caused by the delay in oil pipeline construction.

# Coastal Management Corporation

Nelson Island • Toksook Bay, Alaska • 99637

CONFIDENTIAL

March 29, 1979

Dr. Lidia Selkregg  
University of Alaska  
2651 Providence Drive  
Anchorage, Alaska 99504

Dear Lidia:

This is a follow-up letter per our discussion on March 16, 1979 regarding my inquiry for future training in land use planning and resource management for villages in the Coastal Management area.

In order to give you some idea why CMC is interested in future training, it is necessary to explain some of its history and desire to achieve an ultimate goal on behalf of the people it was organized to serve.

About fifteen years ago, the villages of Chefornek, Nightmute, Toksook Bay, Mekoryuk, Tununak and Newtok formed an organization called United Villages. This organization came to being because the above villages realized that the non-profit regional Native association, AVCP, was working with 52 villages and setting their priorities according to village populations. Realizing that the CMC villages were close to the bottom of the list for services, the villages realized they could not afford to wait for three or four years to pursue solutions to existing problems and needs. As a result, following the passage of the Alaska Native Claims Settlement Act, the Coastal Management Corporation came into being to be the overseer of the lands and monies from the Alaska Native Fund that the above seven village corporations would be entitled to. Refer to the attached management agreement between CMC and the respective village corporations.

Because the United Villages organization was somewhat inactive at the time CMC was organized, CMC inherited the responsibilities of the United Villages, Inc.

As discussed with you earlier this month, there is an immediate need for training and technical assistance in the field of land use planning and future management of resources. It is of great importance that the CMC villages become involved in planning for future use and management of their lands prior to some of the following outside agencies initiating enforcement of rules and regulations in the CMC area--1) OCS; 2) CZM; and 3) Effects of D-2 legislation. All of the CMC villages fall under the jurisdiction of rules and regulations resulting from the above and because the CMC villages are subsistence-oriented, negative effects can result if involvement of the people is not insured through land use planning and future management within the near future.

Planning Seminar  
March 29, 1979

As discussed with you earlier, the best time for training in our area is in the winter; however, the first part of June is also acceptable. If in fact, the training does materialize, it is highly recommended that the sessions be progressive -- starting with basics, reinforcing what was covered and moving on to another step in planning.

It is my belief that with your assistance in the field of planning and resource management that the people in the CMC area will have a much better opportunity to be involved in the process of planning land uses and manage those lands effectively in the future.

Your consideration of the above will be greatly appreciated. Should you have any questions of me please contact me by calling CMC at 243-1121 in Anchorage, or by writing CMC, P.O. Box 4-1168, Anchorage, Alaska 99509.

Respectfully,

COASTAL MANAGEMENT CORPORATION

*Charlie Kairaiuak*

Charlie Kairaiuak  
President

CK/hr

Enclosure: 1

# Planning & Applied Research Center

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July 5, 1979

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

TO: Bob and Dean  
FROM: Lidia  
SUBJECT: AHTNA "Model Region Program"

As per our meeting of July 3, 1979, following is an outline of events and documents to be prepared by the end of September to insure the development of a long range program for planning, coordination, and implementation of activities directed to the physical, social, and economic development of the AHTNA Region.

Because the region has no local planning capability or a recognized governmental structure that could initiate short and long range studies and coordinate the activities of state and federal agencies with programs in the region, AHTNA, as it has in the past, must take the leadership and develop a mechanism for interagency planning and funds allocation for this Region.

It is my recommendation that to accomplish the first step of a long range program of planning coordination and projects development, we prepare a "Feasibility Study" comprising papers prepared by experts in various topics. This study should be done as soon as possible.

The "feasibility study" will be prepared in a way as to satisfy the requirements of government applications of various agencies, including but not limited to HUD, EDA, DPDP, DNR, DCRA, BLM, DEC, Park Service, State Department of Transportation, Department of Energy, etc. I will get a copy of a standard feasibility study outline for EDA and HUD. I have prepared similar studies for both agencies; they are suitable as a general outline for federal, state, or private agencies.

A preliminary outline of a feasibility study and possible participants and contacts to be informed of the AHTNA intent is as follows:

1. Title - the AHTNA FUTURE - A Model for development of a mechanism of federal/state/private coordination to maximize the participation of various agencies in the development of the region.
2. Intent - It is the intent of AHTNA, INC. to initiate the interagency coordination necessary to develop a strategy for funding of studies directed to the development of a comprehensive plan including the following: transportation, mineral resources, timber, farming, fishing, subsistence, new concepts of economic developments, social needs, land status, future land use, environmental considerations, development of parks and tourism, future land use and governmental structure, community expansion and growth centers.
3. Description of the region - A brief summary will be presented mostly through maps and charts with a brief narrative (use previous material developed for AHTNA).

as exhibits papers on the following topics:

- a) Transportation - Roads, rails, airport - ports - (This will lead to the special study requested as part of the D-2 legislation - Denali Highway)

State contact: Commissioner Bob Ward

Possible Writer: Walt Parker (unless the state offers to do it).

- b) Mineral Resources - Evaluation of possibility of involving private and public interests in determining the mineral value of the region.

State contact: Ross Schoff, WGM Ted Foss (private)

Federal: USGS (?)

Writer: Ted Foss

- c) Natural Resources other than mineral - farming, fishing, timber, subsistence - This paper should point to the need of evaluating these resources in relation to the short and long range growth of the region. (see Section I)

State Contact: Ted Smith

Federal: Jimmy Fisher

Writer: Lidia, Dean

- d) New Concepts for Economic Development Strategies

Federal Representative: Clyde Courtnage

State Contact: Commissioner Webber

Writer: Dean

- e) Land Status - Land availability for trade and development, evaluation of state disposal policies.  
State Contact: Ted Smith  
Federal: Kirk McVee  
Writers: Bob, Herb, Lidia
- f) Social Structure and Present and Future Needs - An evaluation of needed statistical facts, citizen involvement, to arrive at delivery of federal and state programs - health, education and welfare.  
State Contact: Commissioner Beirne  
Federal: (?)  
Writer: AHTNA representative, Dean, Bob, Lidia
- g) Parks and Support Facilities - Prepare a document insuring AHTNA involvement in the implementation of D-2 legislation and developing overall coordination between Federal/State/private land use.  
State Contact: Terry McWilliams  
Federal: Janet McCabe, Fritz  
Writers: Fritz, McCabe, Selkregg
- h) Environmental Considerations - Evaluation of present laws; development of new methodologies for environmental protection and safety; evaluation of need for water/sewer studies.  
State Contact: Commissioner Muller  
Federal: EPA (?)  
Writer: Peg Tileston

i) Future Land Use and Growth Centers

State Contact: Fran Ulmer, Ted Smith

Federal: BLM, HUD (?)

Writer: Lidia, Dean

j) Governmental Structure - Need to evaluate future governmental systems - service areas - P/Z commission - others.

State contact: Department of Community & Regional Affairs (?)

All position papers will follow the same outline, tentatively listed below:

- (1) Present Conditions
- (2) Proposed Study Areas
- (3) Invisioned Applications and Results
- (4) Funding Agency - estimated time and cost of study
- (5) Methods for Interagency Coordination - Citizen participation and input - tentative schedule of meetings. Participating agencies' letters of support.
- (6) Time Table
- (7) Budget
- (8) AITNA ability to perform the task - (Staff and consultants' resumes)

As stated at the July 3 meeting, this first effort should lead to funding for:

- (1) Establishing a permanent method for coordination among agencies and private interests in the Region.

(2) Specific projects and studies.

As shown in Fig. 1, regional development must be coordinated through one central planning and programming system (comprehensive plan). AHTNA could do this well with our assistance. It is a type of coordination that has occurred only once in the state - the development of the recovery programs that followed the 1964 earthquake. I participated and directed some of those programs and I feel we can develop a model that may lead to the formation of permanent "Regional Interagencies Coordination Systems."

The history of AHTNA from the beginning of the land selection process to the present involvement in this program reflects AHTNA has ability to perform as a coordinator for this project. I feel that we are going to be extremely successful. Both federal and state agencies are looking for new ways to improve their participation and coordination of planning projects' development and citizens' input.

As soon as possible, we must develop a schedule for:

- (1) Develop a final budget and commitment of AHTNA participation,
- (2) Set a date for a meeting with selected federal and state representatives to explain this concept of a "Model Region" and ask their cooperation,
- (3) Contact writers and assign projects,
- (4) Develop a timetable of deadlines to meet specific dates.

I would appreciate reviewing this memo with you as soon as possible and finalize a strategy for future action.

jp

4-1-80  
1  
H.C.

Unorganized Borough      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	\$ 8,320	\$ 2,080	\$10,400
200 Travel	\$12,000	\$ 3,000	\$15,000
300 Contractual	\$56,080	\$14,020	\$70,100
400 Supplies	\$ 160	\$ 40	\$ 200
500 Equipment	<u>\$ 640</u>	<u>\$ 160</u>	<u>\$ 800</u>
Total	\$77,200	\$19,300	\$96,500

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 predominately Native and are served by Native non-profit organizations which functioned as catalysts in organizing the service area. Similar conditions are not found in all 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.

Though organization of coastal resource service areas in the Northwest Alaska (NANA) region and the Yukon/Kushokwim Delta region have commenced, concerns about subsequent stages in program development and implementation for these service areas and organizational problems anticipated in establishing other coastal resource service areas have prompted the Department of

Community and Regional Affairs to propose the attached work program.

The purpose of the study is to assess the coastal resource service area and examine options now available or possible to effectively plan for and manage coastal resources in the unorganized borough.

The study will 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 study will also evaluate coastal resource service areas and identify and assess planning and management options in the unorganized borough. An interim product under this agreement will be a "white paper" discussing major coastal resource planning and management issues 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 the agreement.

Where appropriate, 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 March 31, a quarterly progress report.
2. By April 30, a draft of a "white paper" discussing issues in planning and management in the unorganized borough (to be shared with the Joint Senate and House Committee on the Regional Affairs, Local Government Study); detailing further areas of investigation to be undertaken by experts in law, finance, and public administration; and requesting contractual funds from the Office of Coastal Management for specific tasks during fiscal year 1980-1981.
3. By May 15, requests for proposals on investigations identified in the "white paper."
4. By July 1, 1980, conclusion of contracts for further study and publication of final version of the "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.

C. Costs and Contracts

	Federal Share	State Share	Total
Personal Services	\$ 8,320	\$ 2,080	\$10,400
Travel and per diem	\$12,000	\$ 3,000	\$15,000
Contractual	\$56,080	\$14,020	\$70,100
Commodities	\$ 160	\$ 40	\$ 200
Equipment	<u>\$ 640</u>	<u>\$ 160</u>	<u>\$ 800</u>
Total	\$77,200	\$19,300	\$96,500

The proposed budget would fund 3 person-months of a Planner IV position (range 19) and one person-month of a Clerk Typist III position. The planners assigned to this study would have educational background and professional experience in public administration and planning. Travel and per diem would be used to finance participation by rural residents in a series of informal meetings on planning and management in the unorganized borough.

Contractual services would enable the Division to (1) enter into small contracts with research institutes, non-profit organizations, 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. Evaluation of Coastal Resource Service Areas

- a. Summarize the organization as well as possible inducements and discuss problems with and alternatives to local match requirements.
- b. Identify problems of districts lying in the coastal resource service areas.
- c. Provide a summary of existing governmental structures, regional entities, other service delivery organizations and how they may be of use to the Coastal Resource Service Area.
- d. Provide a brief socio-economic overview, with pertinent information drawn from community profiles on major population centers in each Coastal Resource Service Area. Discuss how coastal resources are tied to socio-economic life of the area.
- e. Discuss likely development impacts (OCS, bottom fisheries, herring fisheries, ports, etc.) expected for each Coastal Resource Service Area over next 10 years.
- f. Develop scenario for Coastal Resource Service Area development

and completion of coastal management plans with specific recommendations for accomplishment within general time frame.

- g. Estimate costs for organization and plan development in each Coastal Resource Service Area and identify sources of assistance.
- h. Discuss possible effectiveness or ineffectiveness of existing implementation mechanisms for each of Coastal Resource Service Areas.
- i. Prepare an overview of problems common to all areas, recommendations on policy, legislative, and administrative changes which would facilitate Coastal Resource Service Area formulation, Coastal Zone Management planning and implementation, plus discussion of how coastal management would blend with regional government creation should that occur.

### 3. Identification of Planning and Management Options

The study will also 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.

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.

#### 4. 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 for the availability of funds should be evaluated 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 resources 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.

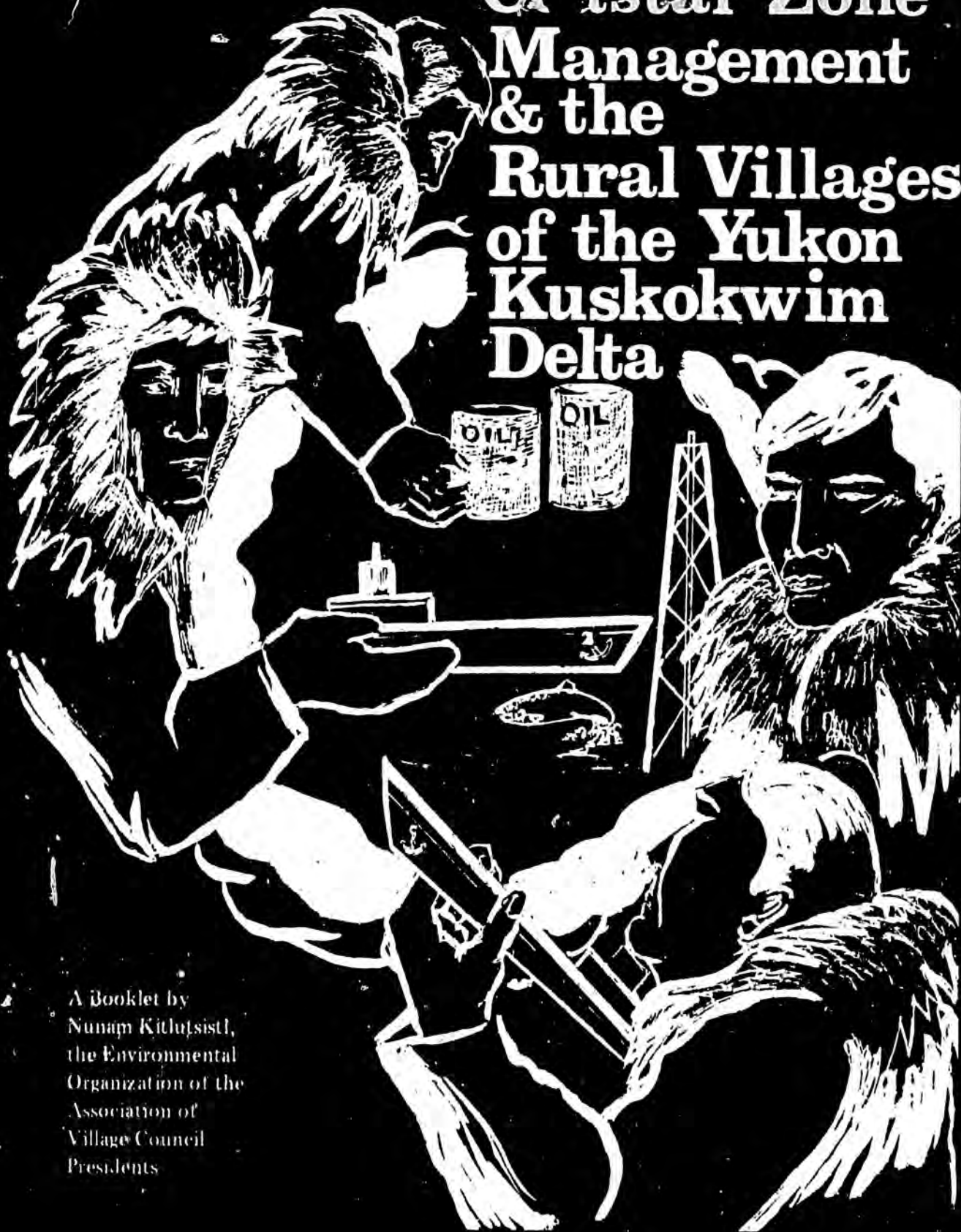
For an unorganized borough, public services such as schools, utilities, and fire protection are usually provided on a service area basis, and individual service areas are established to provide specific services.

In general, the rationale and purpose of the service areas vary, so do their boundaries and jurisdiction.

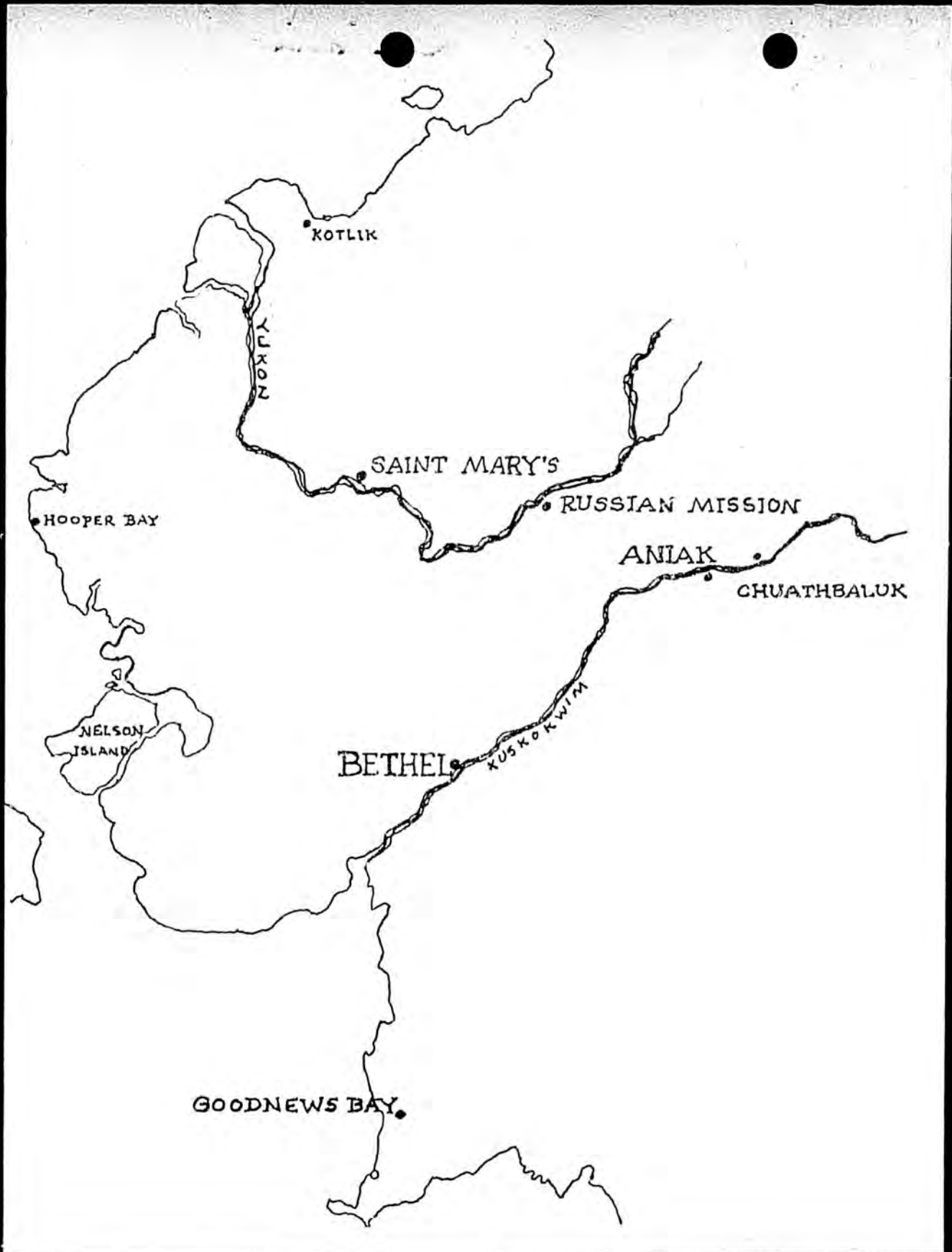
In identifying and evaluating possible planning structures for an unorganized borough, it is important to consider the logic and efficiency of the unit or area of service. The rationale for and the boundaries of existing service areas may not be appropriate for the delivery of planning services. Geographic 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.

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.

# Coastal Zone Management & the Rural Villages of the Yukon Kuskokwim Delta



A Booklet by  
Nunam Kitlutsistl,  
the Environmental  
Organization of the  
Association of  
Village Council  
Presidents



KOTLIK

LEKXOZ

HOOPER BAY

SAINT MARY'S

RUSSIAN MISSION

ANIAK

CHUATHBALUK

NELSON ISLAND

BETHEL

KUSKOKWIM  
XUSKOKWIM

GOODNEWS BAY

## Coastal Management Legislation

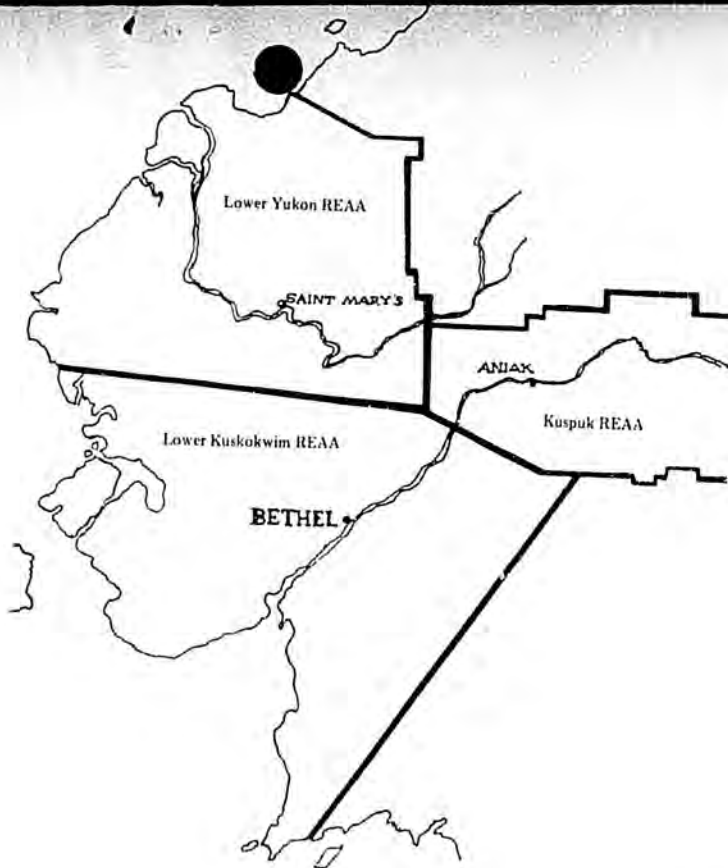
The State of Alaska passed its own Coastal Management legislation in 1977. Under this act, the State agreed to begin development of a comprehensive plan for the coastal area. An important ingredient of this plan is the description of the coastal zone. Marine or coastal weather and tides affect places as far upstream as Russian Mission on the Yukon River and Aniak on the Kuskokwim River.

This means the majority of the Association of Village Council Presidents area is within the coastal zone of the Yukon-Kuskokwim Delta.

## Coastal Management Act

In the AVCP region there is no locally elected borough government. The state law allows first class cities like St. Mary's and some second class cities like Bethel, which has its own planning commission, to do their own coastal planning. The remainder of the AVCP villages, however, as part of the unorganized borough, must take special steps to prepare for coastal planning in their area.

The State Coastal Management Act allows communities within the unorganized borough to form their own coastal resource service area organization. If an unorganized borough does not choose to form its own coastal resource service area organization, the State could develop a plan for the area and would be responsible for implementing the plan in the State's own time frame. If this would occur there would be less local supervision than if an unorganized borough chose to form a local CRSA with oversight. For these reasons, the AVCP voted in 1977 that it wanted a local CRSA formed and asked the Department of Community and Regional Affairs to begin the process to determine how and when a CRSA would be formed in the Yukon-Kuskokwim Delta.



Boundaries of Coastal Resource Service Area will follow REAA School District boundaries.

### Villages Have A Choice

Because there is no areawide local government within the AVCP region, the State Legislature made the Regional Educational Attendance Areas, (REAA's) the land areas to be used as building blocks for the Coastal Resource Service Areas (CSRA). Within the AVCP region, these include the Lower Yukon School District (REAA 3), the Lower Kuskokwim School District (REAA 4), and the Kuspuk School District (REAA 5). Villages within these three areas can state at public hearings to be held whether they want to be included in a CRSA, whether they want to be combined together, or whether they want to form a CRSA separate from the other REAA areas. Any combination made would be for coastal planning purposes only. School districts themselves would remain separate.

Once the public hearings are over, the Commissioner of the Department of Community and Regional Affairs will make a determination on the composition of CRSA in the AVCP region based on the testimony received.

Coastal Resource Service Area Est<sup>a</sup>blished by Vote

Once the Commissioner makes a decision, at least 25% of the villages within the areas outlined by the Commissioner's decision must pass a resolution to institute an organizational election for creation of a CRSA. When at least 25% of the villages pass the resolution the State Coastal Policy Council would notify the Lieutenant Governor of the State of Alaska and an organizational election would take place to determine if voters want to establish a CRSA 60 to 90 days later.

MODEL RESOLUTION

(City/Village) of \_\_\_\_\_, Alaska

RESOLUTION NO. \_\_\_\_\_

Resolution of the (City/Village) of \_\_\_\_\_, Alaska, calling for an election on the question of coastal resource service area organization.

Whereas, local participation in coastal management is essential for effective management of coastal resources, and;

Now, therefore, Be it resolved by the (city/village) council of \_\_\_\_\_ that the Lieutenant Governor conduct, an election on the question of organization of a coastal resource service area in REAA districts pursuant to the Alaska Coastal Management Act.

\_\_\_\_\_ (Mayor/President)

\_\_\_\_\_ (Councilmember)

\_\_\_\_\_ (Councilmember)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_\_.

Attest: \_\_\_\_\_

(Clerk)

PROPOSED SCHEDULE FOR COASTAL

SEPT. 1                      OCT. 1                      NOV. 1                      DEC. 1                      JAN. 1

Sept. 1: Distribution of information materials on Coastal Management, and Radio and TV interviews to publicize this subject, answer questions, and prepare residents for hearings on whether region should consist of one or more coastal resource service areas.

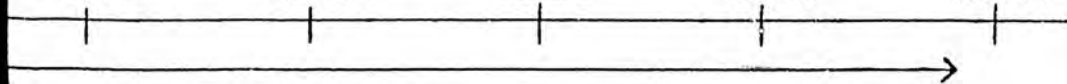
Oct. 20—Nov. 30: Public hearings help on whether the region should consist of one or more coastal resource service areas, if a coastal management would also be help to discuss organization procedures and introduce a sample resolution calling for an organization election.

Dec. 1—15: Commissioner of Community & Regional Affairs reviews comments from public hearings & other sources, & decides whether the region should consist of one or more coastal resources service areas.

Dec. 1—Jan 10: Re...  
ing for an organ...  
tion considered an...  
by villages within...  
The resolution mu...  
by at least 25% of...  
lage councils for a...  
be scheduled.

RESOURCE SERVICE AREA ORGANIZATION

FEB. 1                      MAR. 1                      APR. 1                      MAY. 1                      JUNE 1



Mar. 20: Organization election held.

Jan. 10-20: If passed, resolution sent to State Coastal Policy Council, which requests Lt. Governor to hold an organization election.

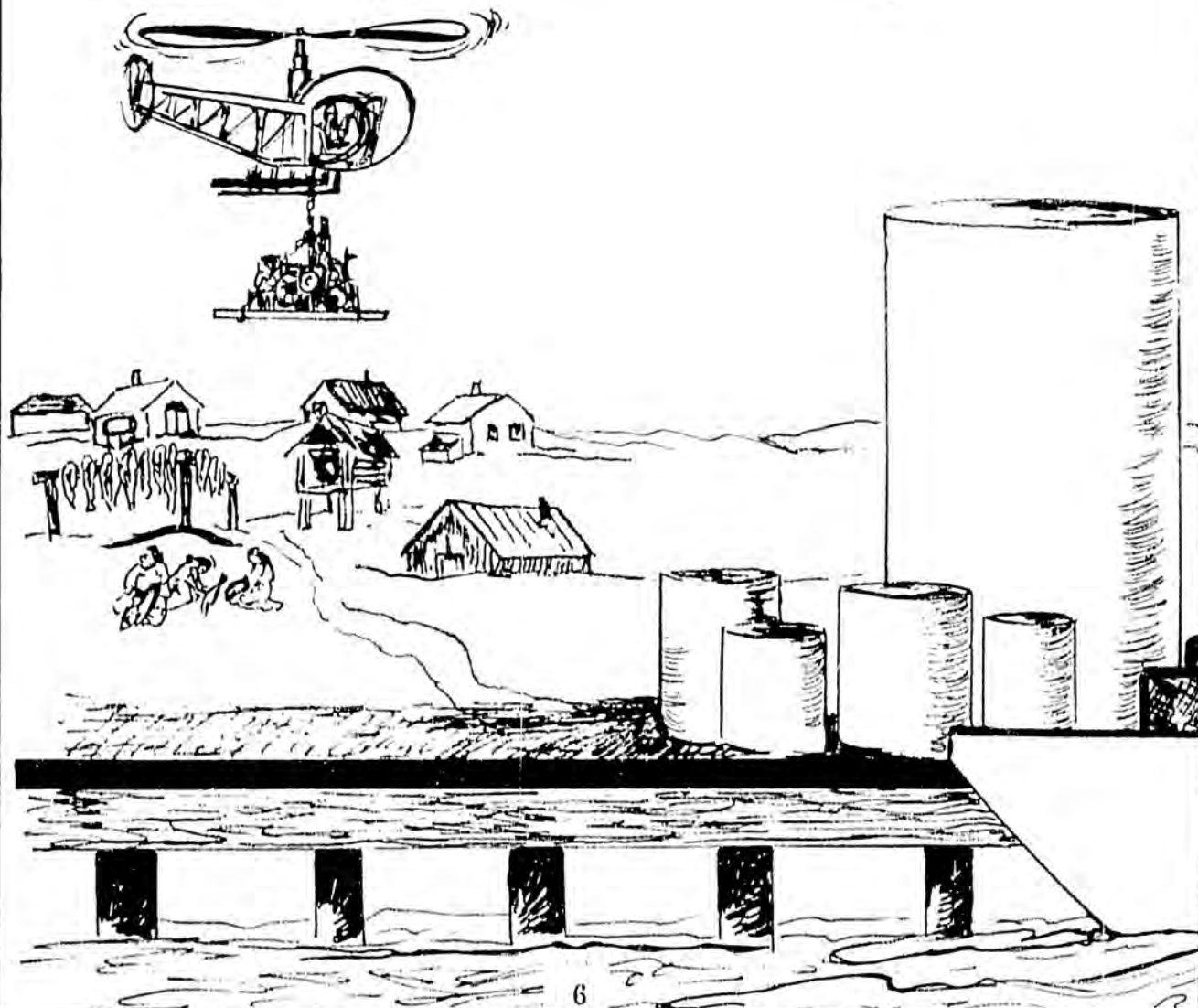
May 20: If organization election is successful, seven-member board to oversee Coastal Management Program is elected.

Resolution call-  
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the region.  
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election to



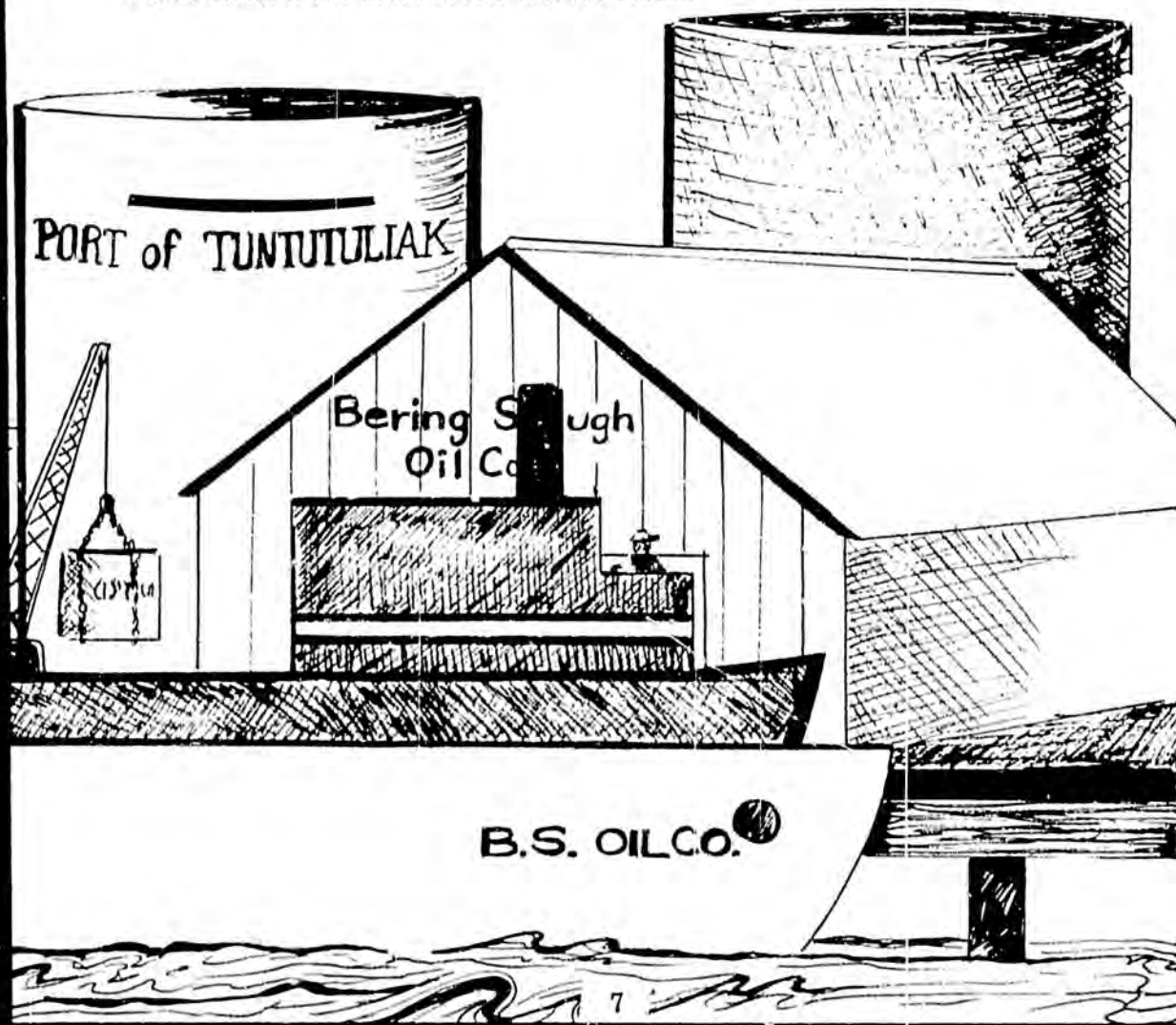
### Choosing a Board

If the election results support the creation of a Coastal Resource Service Area (CRSA), then a second election to elect a service area board would be called from 60 to 90 days after the organizational election's results are certified. People interested in serving on the 7 member Board would then have their names placed on the ballot similar to the REAA election system. After this election, the Board would begin to work on planning for the coastal zone in the AVCP region.



## AVCP Wants CRSA Formed

The Association of Village Council Presidents believes that a CRSA must be formed in the Yukon-Kuskokwim Delta. AVCP Resolution 77-11-03 resolves that a single body composed of at least REAA 3 and 4, the Lower Yukon and Lower Kuskokwim areas be formed. Unifying the district would improve communications and objectives of the Yukon, Kuskokwim, and Bering Sea coastal villages on common issues of future development. AVCP is specifically concerned that the Norton Sound Outer Continental Shelf (OCS) lease sale, scheduled for December, 1981, will bring new shoreline activities to the region. Unless the region is prepared in advance for the various development forms that onshore support of off-shore oil drilling brings, the region could lose out in the industry and government decisions as to the placement of the facilities, the scale, and at what pace these developments would occur in the AVCP shoreline areas.

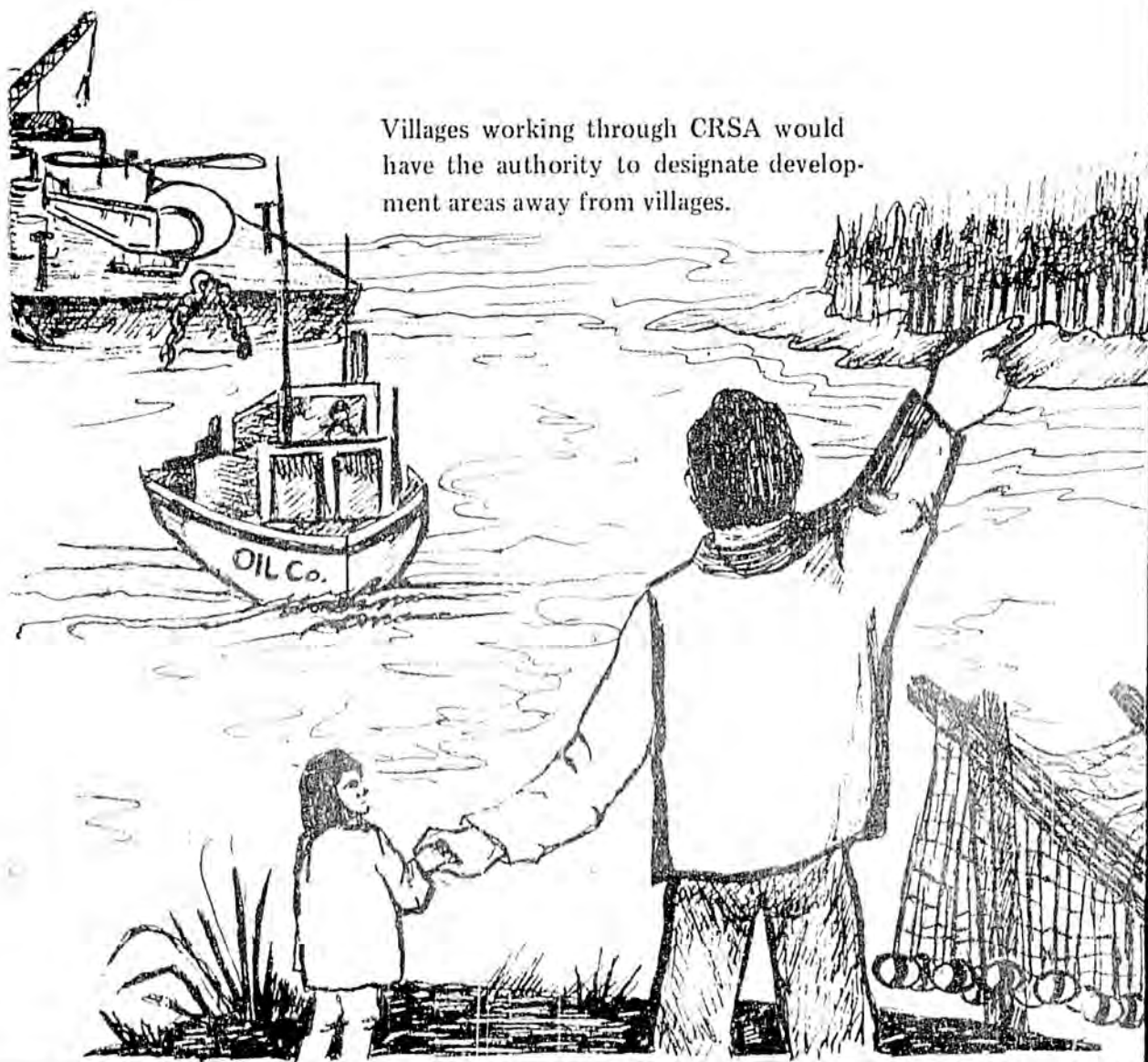


## CRSA Would Set On-shore Guidelines

The CRSA would be responsible for setting up the guidelines to locate, and control the scale of activities on-shore, where marine support bases would be located, how these bases can be used, marine traffic off-shore, and submerged or on-shore pipelines. Oil activities in Norton Sound may lead to off-shore oil/gas pickups by ice-breaking large tankers, or construction of an overland pipeline and highway across the delta, and through Aniak, which would become a major terminal for pipeline activities from Norton Sound.

The plan would control the coastline, and would attempt to prevent any disruption of subsistence habitat or wildlife by on-shore or off-shore activities in the AVCP region.

Villages working through CRSA would have the authority to designate development areas away from villages.



## PROPOSED HEARING SCHEDULE

LISTEN TO KYUK, KNOM AND KICY FOR NOTICE OF HEARING DATES.

Area	Location	Tentative Date
ADMINISTRATIVE UNIT 1	Alakanuk	
ADMINISTRATIVE UNIT 2	St. Mary's	
ADMINISTRATIVE UNIT 3	K.N.A. meeting	
ADMINISTRATIVE UNIT 4	Akiak	
ADMINISTRATIVE UNIT 5	Bethel	Nov. 17, 18, 19
ADMINISTRATIVE UNIT 6	Nunapitchuk	
ADMINISTRATIVE UNIT 7	Kipnuk	
ADMINISTRATIVE UNIT 8	Toksook Bay	
ADMINISTRATIVE UNIT 9	Chevak	
ADMINISTRATIVE UNIT <sup>10</sup>	Quinhagak	

Tentative Dates for travel will be between October 23 and November 30. Two days will be scheduled for each administrative unit. Villages in each Administrative Unit are asked to have their Council President or Mayor travel by boat or snow machine to the meeting to represent the village at the hearing. Contact Nunam Kitlutsisti for travel information and for more copies of this booklet, if needed in your village.

### CONTACT THE FOLLOWING ORGANIZATIONS FOR MORE INFORMATION:

Nunam Kitlutsisti  
Box 267  
Bethel, Alaska 99559  
543-2956

Association of Village Council Presidents  
Box 219  
Bethel, Alaska 99559  
543-3521

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

## Glossary of Coastal Management Terms

coastal zone (or coastal area): the coastal waters and adjacent shorelands strongly influenced by each other, including islands, transitional and intertidal areas, salt marshes, wetlands, and beaches

coastal management program: a comprehensive statement in words, maps, illustrations, or other media of communication, setting forth objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone

OCS: outer continental shelf (usually in reference to oil and gas resources present there, and on-shore and offshore effects associated with their exploitation)

area which merits special attention: a delineated geographic area within the coastal area which is sensitive to change or alteration and which, because of plans or commitments or because a claim on the resources within the area delineated would preclude subsequent use of the resources to a conflicting or incompatible use, warrants special management attention, or which, because of its value to the general public, should be identified for current or future planning, protection, or acquisition; these areas, subject to council definition of criteria for their identification, include:

(A) areas of high natural productivity or essential habitat for living resources;

(B) areas of substantial recreational value or opportunity;

(C) areas where development of facilities is dependent upon the utilization of, or access to, coastal waters

region: one of the nine coastal regions in Alaska from which Coastal Policy Council members are appointed by the Governor--these regions include: 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

regional planning: an interagency program of comprehensive coastal resource planning to be initiated by the Coastal Policy Council in each region

major economic development activity: 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 a 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

Design by James H. Barker

Graphics by Lynn Wiley

June 8, 1979

The Honorable Terry Miller  
Lieutenant Governor  
State of Alaska  
Pouch A  
Juneau, Alaska 99811

Dear Lieutenant Governor Miller:

Pursuant to AS 46.40.140(c), I have determined that the coastal resource service area for the Yukon/Kuskokwim Delta Region should be divided into election districts for the purpose of nominating and electing coastal resource service area board members.

The service area divisions to accommodate the required seven-member board are as follows.

- A: Kotlik  
Emmonak  
Alakanuk  
Sheldon Point
- B: Scammon Bay  
Hooper Bay  
Chevak
- C: Mountain Village  
Andreafsky  
St. Mary's  
Pitkas Point  
Pilot Station  
Fortuna Ledge (Marshall)  
Russian Mission
- D: Newtok  
Tununak  
Toksook Bay  
Nightmute  
Mekoryuk  
Chefornak
- E: Kipnuk  
Kwigillingok

The Honorable Terry Miller  
June 8, 1979  
Page 2

Kongiganak  
Tuntutuliak  
Akolmiut (Nunapitchuk & Kasigluk)  
Atmautluak

F: Napakiak  
Napaskiak  
Oscarville  
Kwethluk  
Akiachak  
Akiak  
Tuluksak

G: Eek  
Quinhagak  
Goodnews Bay  
Platinum

A map illustrating general boundaries of the election districts is enclosed for your reference. Additional back-up information is being conveyed directly to the Division of Elections with the carbon copy of this letter provided to Ms. Patty Ann Polley, Director.

I would welcome any questions or comments you might have on this subject.

Sincerely,

Lee McAnerney  
Commissioner

LMcA:MS:rw

Enclosure

cc: Ms. Patty Ann Polley  
Director  
Division of Elections

Mr. Murray Walsh  
Coordinator  
Office of Coastal Management

bc: Lawrence H. Kimball, Jr. ✓  
Mark Stephens ✓  
Veronica Clark ✓  
Palmer McCarter  
Eric Lee  
Harold Sparck

PO:Nunam Kitlutsisti, Inc. (CZM)

DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS

Patty Ann Polley  
Director  
Division of Elections

June 8, 1979

Lee McAnerney  
Commissioner

Election Districts in the  
Yukon/Kuskokwim Delta  
Coastal Resource Service Area

AS 46.40.140(c) allows the Commissioner of Community and Regional Affairs, after consultation with residents of a coastal resource service area, to divide the service area into sections for purposes of nominating and electing service area board members. This step was recently taken in the Northwest Coastal Resource Service Area (covering REAA 1) following the successful organization election held there April 3, 1979.

Preliminary indications are the outcome of the May 15, 1979 organization election held for the Yukon/Kuskokwim Delta Coastal Resource Service Area (REAA's 3 & 4) will also be favorable. Because extensive public meetings attended by staff of the Department of Community and Regional Affairs during November, 1978 indicated a widespread preference for establishing such election districts, I am, by way of the attached letter to Lt. Governor Terry Miller, establishing election district boundaries for the region. We have attempted to reflect preferences expressed by residents of the region in drawing these lines, but have been forced to set boundaries not entirely consonant with stated local desires because of the limitations imposed by the inflexible number of board members (seven) mandated by statute, and the need to maintain roughly equal population representation in each election district. We have also attempted to parallel boundaries of existing REAA election districts, and those of the 10 administrative units recognized in the region by the Association of Village Council Presidents (AVCP), the regional nonprofit corporation.

The attached map shows the service area and recommended election district boundaries. The individual districts are labeled "A" through "G." The boundary lines are not precise, but are rather intended to indicate which villages are located within each district. Precise lines are to be based upon election precinct boundaries. The districts are as follows. Population estimates are also provided.

A:	Kotlik	305	
	Emmonak	556	(1537 Total)
	Alakanuk	533	
	Sheldon Point	143	
B:	Scammon Bay	193	
	Hooper Bay	648	(1302 Total)
	Chevak	461	

C:	Mountain Village	537	
	Andreafsky	90	
	St. Mary's	436	
	Pitkas Point	84	(1851 Total)
	Pilot Station	301	
	Fortuna Ledge (Marshall)	210	
	Russian Mission	167	
D:	Newtok	154	
	Tununak	299	
	Toksook Bay	336	(1314 Total)
	Nightmute	135	
	Mekoryuk	186	
	Chefornak	204	
E:	Kispuk	356	
	Kwigillingok	148	
	Kongiganak	200	(1721 Total)
	Tuntutuliak	240	
	Akolmiut (Nunapitchuk & Kasigluk)	608	
	Atmautluak	186	
F:	Napakiak	307	
	Napaskiak	215	
	Oscarville	41	
	Kwethluk	444	(1784 Total)
	Akiachak	354	
	Akiak	192	
	Tuluksak	231	
G:	Eek	307	
	Quinhagak	451	(1064 Total)
	Goodnews Bay	248	
	Platinum	58	
			(10,573 Grand Total)

Population estimates were derived from State Revenue Sharing data when possible, and from a combination of U.S. Census data and other sources for unincorporated communities where revenue sharing estimates were not available. The City of Bethel is a separate coastal resource district, and is not included in the Yukon/Kuskokwim Delta Coastal Resource Service Area.

We feel confident that, based upon best available information, election districts A, B, C, and D represent logical units for the purpose of nominating and electing coastal resource service area board members. Each of these units is approximately equal in population, and each is characterized by considerable interaction and commonalities amongst their component villages. The only discrepancies with existing REAA

Patty Ann Polley

June 8, 1979

Page 3

election district boundaries are in the case of Russian Mission and Fortuna Ledge (Marshall) in the Yukon River drainage, and Cheforiak in the Nelson Island area. The former two communities simply lack the population (377) to stand alone as a separate area, and can logically be included with the villages immediately downriver. Cheforiak has ties with both the Nelson Island villages in D, and the Lower Kuskokwim River villages in E. For purposes of coastal resource service area board representation, we have included Cheforiak with Nelson Island villages because it is in the same AVCP administrative unit, and to effect a more balanced population with respect to other districts.

The remainder of the Lower Kuskokwim area presented a quandary to us. Several logical units are apparent. The villages of Kipnuk, Kwigillingok, Kongiganek, and Tuntutuliak have close ties, but the combined population (944) is insufficient to support an individual seat on the service area board. The same is true of the three-village grouping of Nunapitchuk, Kasigluk (which together with Nunapitchuk forms Akolmiut) and Atmautluak, where 794 people reside. The latter three villages are most closely tied to Bethel, the regional center. To include these villages with those upriver from and immediately surrounding Bethel would, however, result in too many individuals (over 2500) in a single district. The less than ideal solution to this dilemma was to place Nunapitchuk, Kasigluk and Atmautluak together with Kipnuk, Kwigillingok, Kongiganak and Tuntutuliak.

Remaining inland (Napakiak, Napaskiak, Oscarville, Kwethluk, Aki<sub>2</sub>chak, Akiak, and Tuluksak) villages were placed in district F, and remaining coastal villages to the south (Eek, Quinhagak, Goodnews Bay and Platinum) were included in district G. District G also represents a logical unit with respect to subregional ties, but its limited population (1064) makes it less desirable as an independent unit. The option of including other inland villages within G was foregone because such a step would have raised the possibility of majority representation on the service area board by individuals residing in inland, rather than coastal villages. Likewise, the option of creating a lesser number of districts with more than one board member elected from the most populous district(s) would raise the same specter.

Thus, while the boundaries arrived upon are less than ideal, especially with respect to the two sub-areas combined in E, and in terms of parity concerning comparative district populations, we feel the determination put forward is the best option available under the circumstances. We certainly would prefer to be able to devote more time and effort to receiving public input from affected residents, but the time frames contained in AS 46.40 simply do not allow for it. We feel the imperfect divisions drawn are preferable to none.

AS 46.40.140(c) does appear to provide for the service area board elected to propose adjustments in election district boundaries, subject to voter

Patty Ann Polley  
June 8, 1979  
Page 4

ratification. In addition, the 1980 census should provide more accurate and up-to-date demographic data, and may require reapportionment.

Please contact us should you have any questions on the preceding information. We look forward to the coastal resource service area board election expected to be held in the Yukon/Kuskokwim Delta Region, and offer any assistance we might be able to offer in your efforts there.

LMcA:MS:rw

Attachments

cc: Murray Walsh  
Office of Coastal Management

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

Mark Stephens  
Eric Lee  
Palmer McCarter ✓  
Veronica Clark ✓  
Harold Sparck

PO:Nunam Kitlutsisti, Inc., (CZM)

# STATE OF ALASKA

JAY S. HAMMOND, Governor

**OFFICE OF THE GOVERNOR**  
DIVISION OF POLICY DEVELOPMENT AND PLANNING

POUCH AP  
JUNEAU, ALASKA 99811  
(907) 465-3541 OR 465-3542

March 19, 1979

RECEIVED

MAR 21 1979

DEPT. OF COMMUNITY  
AND REGIONAL AFFAIRS

Federal, State and Private Agency Contacts  
and Coastal Policy Council Members

This is to inform you that the Unorganized Area of the Yukon-Kuskokwim Delta Region, which corresponds with Rural Education Attendance Area (REAA) 3 and 4 (see attached map), has submitted a resolution to this office for submittal to the Council pursuant to AS 46.40.130(a)(2) requesting that an election be held on the question of coastal resource service area organization in that area. A determination was issued by the Commissioner of Community and Regional Affairs on December 18, 1978 under AS 46.40.120(b) placing REAA's 3 and 4 in a single coastal service area. The resolution was approved by over one-fourth of the cities or traditional village councils within the coastal service area fulfilling the statutory requirement under AS 46.40.130(a)(2).

The region has 45 communities as indicated on the attached map. These include one first class city (St. Mary's); 30 second class cities, and 14 unincorporated villages. 21 city and village councils have passed the resolution. The second class cities which submitted resolutions are: Akiachak, Alakanuk, Chefnak, Chevak, Eek, Hooper Bay, Kotlik, Kwethluk, Mekoryuk, Pilot Station, Platinum, Mountain Village, Quinhagak, and Scammon Bay. The unincorporated villages which submitted resolutions are: Andreafski, Kasigluk, Kipnuk, Newtok, Oscarville and Nunapichuk.

AS 46.40.190(a) enables a city within the coastal area which is not part of an adjacent coastal resource service area to include itself in the coastal resource service area, i.e., a first class city. The first class city of St. Mary's pursuant to AS 46.40.190(a) passed a resolution to include itself within the service area and subsequently filed a resolution with the Commissioner of Community and Regional Affairs. The city of St. Mary's therefore will participate in the organization election.



ALASKA  
COASTAL MANAGEMENT PROGRAM

01-A17LH

AS 46.40.210(2)(d) enables a second class city which has a planning and zoning commission and in the opinion of the Commissioner of Community and Regional Affairs has the capability to prepare and implement a comprehensive district coastal management program to be a separate coastal resource district. The city of Bethel, a second class city, has a planning and zoning commission and was found by the Commissioner of Community and Regional Affairs to have the capability to prepare and implement a comprehensive district coastal management program. This means that the City of Bethel is a separate coastal resource district, and will not participate in the organization election, nor the subsequent service area board election if citizens vote in favor of organization.

The proposed schedule for organization of a coastal resource service area in the Yukon-Kuskokwim Delta Region:

March 15, 1979: Resolution calling for organization election and supporting materials submitted for Lieutenant Governor.

May 15, 1979: Organization election scheduled. If deemed desirable, election district boundaries for service area board election should be drawn by this time.

Mid-June, 1979: Certification of organization election.

If the organization election passes, the following schedule is in effect:

August, 1979: Nominations and declarations of candidacy for the Coastal Resource Service Area Board filed. (Deadline for nomination filing will be specified in the notice certifying the organization election.)

Mid-September, 1979: Coastal Resource Service Area Board election.

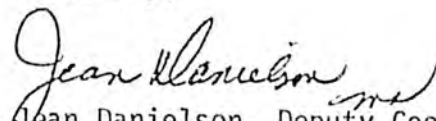
Upon successful completion of an organization election and a board election, the Yukon-Kuskokwim Delta Region will be an official coastal resource district and will then be responsible for developing a coastal management program.

The Department of Community and Regional Affairs and the Office of Coastal Management will work with the elected board to assist in drafting their plan.

Page 3  
March 19, 1979

If there are any questions or need of further information, please feel free to contact this office.

Sincerely,

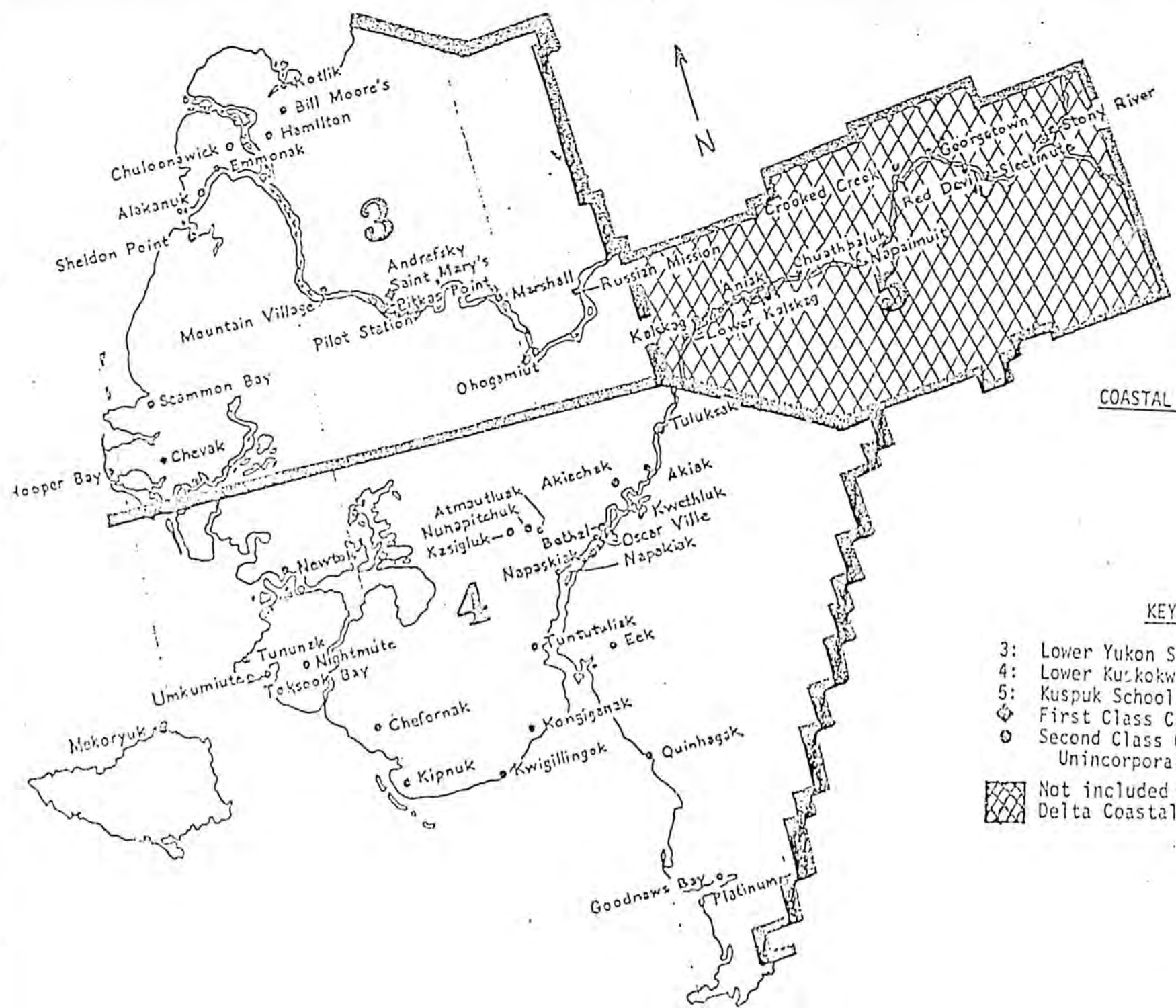
  
Jean Danielson, Deputy Coordinator  
for District Program Assistance

Enclosure

cc: Patty Ann Polley  
Division of Elections

Lieutenant Governor's Office

JD/MS/bjw



COASTAL REA'S

KEY

- 3: Lower Yukon School District
- 4: Lower Kuskokwim School District
- 5: Kuspuk School District
- ◆ First Class City
- Second Class City or Unincorporated Village
- ▨ Not included within Yukon/Keewatin Delta Coastal Resource Service

# STATE OF ALASKA

JAY S. HAMMOND, Governor

**OFFICE OF THE GOVERNOR**  
DIVISION OF POLICY DEVELOPMENT AND PLANNING

POUCH AP  
JUNEAU, ALASKA 99811  
(907) 465-3541 OR 465-3540

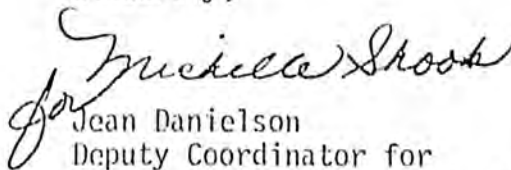
March 15, 1979

All Federal, State and  
Private Agency Contacts

Enclosed is a copy of the Scope of Services of the agreement with Nunam Kitlusisti, Inc. (Protectors of the Land). This is sent to you for informational purposes only as program development has not yet been initiated. An organization election is pending to organize the Yukon-Kuskokwim area as a coastal resource service area. If the election passes, a board will be elected and program development will begin. At this point, comment sheets will be mailed to you and the official district record file opened.

If you do wish to comment or become involved at this time, please contact either myself or Mark Stephens, CRA (Anchorage).

Sincerely,



Jean Danielson  
Deputy Coordinator for  
District Program Assistance

Enclosures  
cc: Mark Stephens  
JD/MS/bjw

RECEIVED  
MAR 15 1979

DEPT. OF COMMUNITY  
AND REGIONAL AFFAIRS



ALASKA  
COASTAL MANAGEMENT PROGRAM

01-A17L11

## APPENDIX "A"

### SCOPE OF SERVICES

#### INTRODUCTION:

During fall, 1978, the Department of Community and Regional Affairs embarked on a pilot project in the Yukon/Kuskokwim Delta Region to inform residents about the Alaska Coastal Management Program and explain to these residents how they might participate. This effort was mounted in response to a longstanding interest in coastal management in the region, and to a directive issued by the Alaska Coastal Policy Council for the Department to work with existing organizations already possessing areawide ties to facilitate coastal resource service area organization in the unorganized borough.

The Association of Village Council Presidents (AVCP) is an areawide organization made up of elected representatives from 56 member villages in the region. AVCP, through resolutions by its Board of Directors, has shown a high level of interest in and support of organization for coastal management. Nunam Kitlutsisti, Inc. (Protectors of the Land, Inc.), the environmental planning area of AVCP, has solid existing ties with villages in the region, has closely followed the Alaska Coastal Management Program from its inception, and has land and water planning and management expertise. The Department of Community and Regional Affairs entered into the Yukon/Kuskokwim Delta Region project jointly with Protectors of the Land, Inc. to take advantage of existing local interest, expertise, and experience to facilitate coastal resource service area organization.

During October, 1978, field personnel of Protectors of the Land, Inc. visited villages within the region to convey basic informational materials on coastal management, and confirm arrangements for a series of meetings and hearings to be conducted during November. Protectors of the Land, Inc. provided extensive publicity to inform residents about coastal management, and to notify them about procedures and options for organizing a coastal resource service area. Radio, television and direct mailings were employed.

In November, the Department, with assistance from Protectors of the Land, Inc. conducted public meetings in villages in each of the 10 administrative areas of the Calista Region (which roughly conforms with the area covered by regional educational attendance areas 3, 4 & 5--the Lower Yukon, Lower Kuskokwim and Kuspuks School Districts). This effort was designed to inform residents, respond to their questions, and to assist the Commissioner of Community and Regional Affairs in rendering a determination under AS 46.40.120(b) as to which, if any, existing regional educational attendance areas (REAA's) within the region ought to be combined for coastal management purposes.

Based upon input received through these public meetings, in addition to comments solicited from a wide range of public agencies and private organizations, and research conducted by Department of Community and Regional Affairs staff, the Commissioner issued a determination on December 18, 1978. This determination placed REAA's 3 & 4 in a single coastal resource service area, with REAA 5 remaining separate. (See attached map.)

The next step in organizing a coastal resource service area consists of obtaining a resolution from at least one-fourth of municipal and IRA or traditional councils calling for an organization election, as provided for under AS 46.40.130(a)(2). The Department furnished a model resolution to Protectors of the Land, Inc., and that organization distributed it to Yukon/Kuskokwim Delta Region communities. Upon passage of the resolution by at least one-fourth of municipal and IRA or traditional councils, and transmittal of a resolution so passed to the Lieutenant Governor by the Coastal Policy Council, the Lieutenant Governor is obligated to conduct an organization election in not less than 60 days, nor more than 90 days. If this election is successful, a second vote to elect a seven-member service area board is scheduled for not less than 60 days nor more than 90 days after certification of the organization election. Upon election of this board, coastal management program development can begin.

#### WORK PROGRAM:

As the next critical stages of coastal resource service area organization in the Yukon/Kuskokwim Delta Region are reached, Protectors of the Land, Inc. will continue to furnish support to the Department in informing residents of the service area about coastal management, and explaining the organization and service area board election procedures. Educational materials will also be presented to prepare residents for subsequent planning to be initiated in the event of a favorable organization election.

#### TASK 1

Protectors of the Land, Inc., with assistance from the Department, will produce radio and television shows to complement efforts carried out under the previous contract to further inform Yukon/Kuskokwim Delta residents about coastal management, and how the program might be applied in the region. At least four radio shows will be produced for broadcast over stations KYUK, KNOM, KDLG & KICY. At least two television shows will be produced for broadcast over KYUK (TV). Programs will be in both English and Yupik languages.

Publicity encouraging a large voter turn-out for the organization election will also be provided by Protectors of the Land, Inc. This will include radio and television messages, and mailings to city councils, traditional and IRA councils, village corporations, and other appropriate local, regional and subregional organizations, informing them of the election and seeking their support in notifying their constituencies. Notices for posting will also be distributed. Copies of all relevant correspondence will be furnished to the Department, along with a distribution list of mass mailings. Any materials to be printed must be reviewed and approved by the Department before printing occurs.

## TASK 2

Protectors of the Land, Inc. staff will furnish additional assistance to villages requesting more information prior to the organization election. Documentation of village visits and their results will be furnished to the Department.

In addition, staff will attend as many sessions as scheduling permits for: subregional fish and game advisory committee meetings (Lower Kuskokwim, Central Bering Sea, and Lower Yukon), Lower Kuskokwim Coast Corporation meetings, Village Land Managers Association meetings, Yugtak Corporation meetings, Calista Regional Corporation meetings, Nunam Kitlutsisti Board meetings, Association of Village Council Presidents Executive Committee meetings, and any other profit-making, non-profit regional, subregional, or village group meeting in which coastal management is an agenda item.

Efforts will be designed to inform a broad range of decision-makers within the villages of procedures for organizing a coastal resource service area.

By participating in meetings of various groups, representatives of more villages will be reached, since Protectors of the Land, Inc. staff members may not be able to visit all villages during the contract period. Documentation of attendance at these meetings and their results and copies of materials presented will be furnished to the Department. Travel will be coordinated with other programs to maximize direct contacts.

Particular emphasis in both Tasks 1 & 2 will be devoted to explaining organization and responsibilities of a coastal resource service area board, and to ensuring residents are fully informed as to how they can become candidates for a service area board election.

### TASK 3

In conjunction with activities described in Tasks 1 & 2, Protectors of the Land, Inc. will assist the Commissioner of Community and Regional Affairs in dividing the service area into sections for the purpose of nominating and electing service area board members, pursuant to AS 46.40.140(c). The series of public meetings held in the region during November, 1978 indicated a widespread preference for establishment of sections for nominating and electing board members, as opposed to having the seven board members elected entirely at large.

Protectors of the Land, Inc. will assist the Department by including the topic of section boundaries in informational materials disseminated through Task 1 and at meetings attended through Task 2, and by conveying any recommendations received to the Department. Boundaries, to the extent practicable, will be based on those established for electing regional educational attendance area school boards.

### TASK 4

Upon completion of the tasks listed in this work program, Protectors of the Land, Inc. will submit a summary report documenting work carried out, describing any major problems identified in the service area organization process, and presenting observations which would furnish guidance for actions taken subsequent to the election of a board for the coastal resource service area, and for efforts which might be undertaken in other portions of the unorganized borough to facilitate coastal resource service area organization. A draft of the summary report will be furnished to the Department for review 30 days before the end of the period of performance. The final version of the summary report, revised as necessary to reflect review comments by the Department, will be completed and submitted to the Department before the end of the period of performance.

The summary report must be in clear, nontechnical language, and must be reproducible by photocopy.

### BUDGET.

The budget is \$13,500, consisting of \$10,800 of grant funds and \$2,700 matching share furnished through cash or in-kind services. Expenditures will be in personal services and travel categories. The Director and Assistant Director of Protectors of the Land, Inc. will be assigned approximately one-half time.

Personal Services

Director	\$2,400/mo. x 2.5 mo.	=	\$6,000	
Assistant Director	\$2,000/mo. x 2.5 mo.	=	<u>\$5,000</u>	
			\$11,000	\$11,000

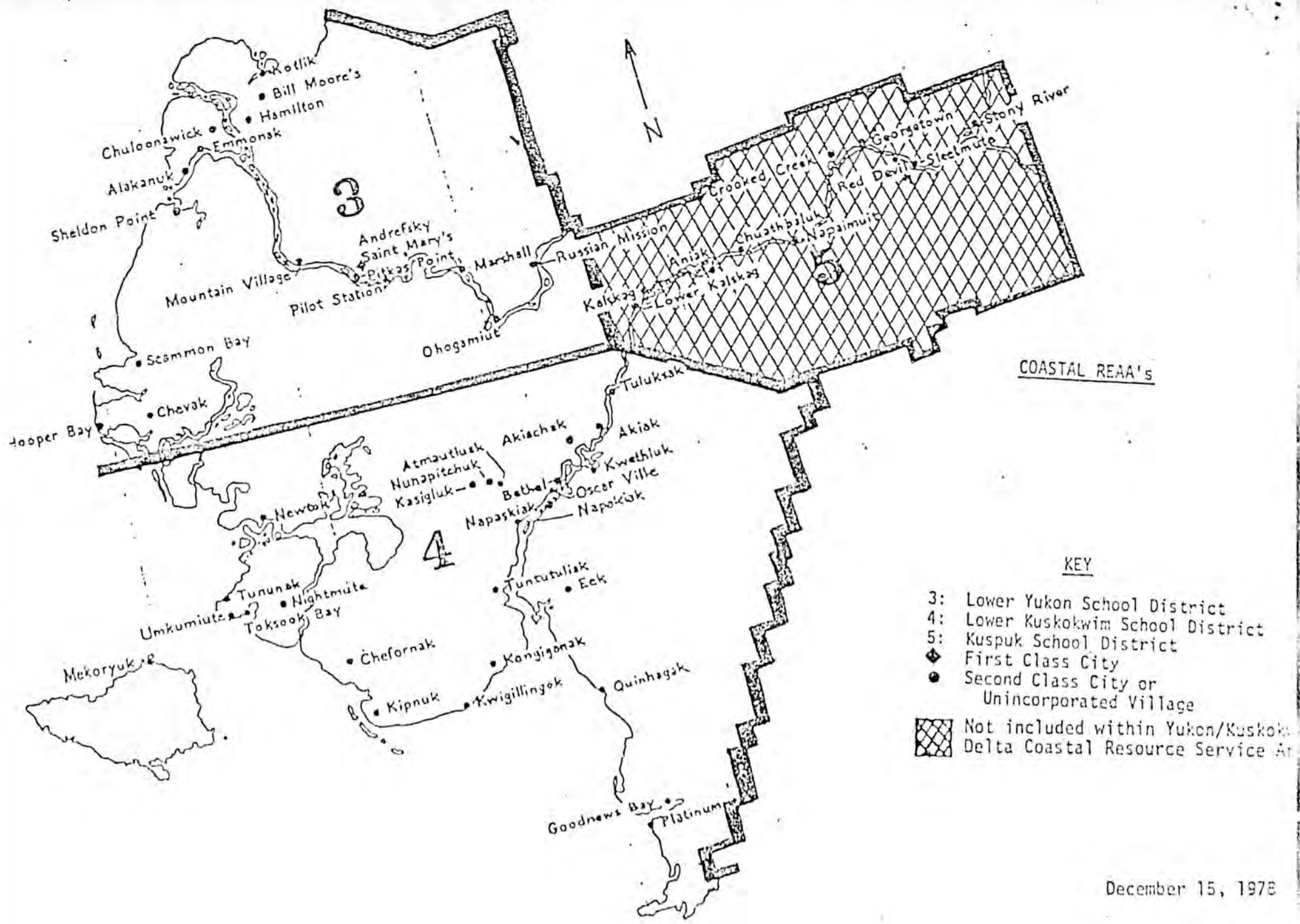
Travel

\$100/trip x 25 trips	=	<u>\$ 2,500</u>
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<u>TOTAL</u>		<u>\$13,500</u>
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SCHEDULE

The period of performance is from February 1, 1979 to May 31, 1979. All project billings will be submitted to the Department within two weeks of the close of the period of performance.



COASTAL REAA's

KEY

- 3: Lower Yukon School District
- 4: Lower Kuskokwim School District
- 5: Kuspuk School District
- ◆ First Class City
- Second Class City or Unincorporated Village
- ▨ Not included within Yukon/Kuskokwim Delta Coastal Resource Service Area

December 15, 1978

**STATE OF ALASKA**  
**DEPT. OF COMMUNITY & REGIONAL AFFAIRS**  
*OFFICE OF THE COMMISSIONER*

JAY S. HAMMOND, GOVERNOR

225 Cordova Street  
Building B  
Anchorage, Alaska 99501

November 16, 1978

COASTAL MANAGEMENT IN THE YUKON/KUSKOKWIM DELTA REGION

The Alaska Coastal Management Act of 1977 (AS 46.40) provides for creation of special service areas in the unorganized borough to allow development of regional coastal management programs. These service areas are to consist of one or more existing regional educational attendance areas (REAA's).

AS 46.40.120(b) allows the Commissioner of Community and Regional Affairs to include two or more coastal REAA's in a single service area. Because of strong regional ties which exist in the Yukon/Kuskokwim Delta Region, and because of longstanding interest in coastal management expressed by the Association of Village Council Presidents (AVCP), an existing regional organization, I am considering organizational options for coastal management there.

As shown on the attached map, three REAA's which fall at least partially within the coastal area are located in the region. During November, 1978, our department is conducting public meetings in each of 10 subareas within the region to inform local residents and obtain their views. Division of Community Planning staff members within our department are working with Nunam Kitlusisti, Inc. (Protector of the Land, Inc.), the environmental planning arm of AVCP, in carrying out this public outreach program to present organizational options and procedures for coastal management.

We view this effort as a pilot project for approaching coastal management on a regional basis in rural Alaska's unorganized borough.

Since inception of our work in the Yukon/Kuskokwim Delta Region, we have made several presentations to the State Coastal Policy Council. I am circulating this memorandum to ensure you are aware I am actively considering inclusion of two or more adjacent coastal REAA's in the Yukon/Kuskokwim Delta in a single coastal resource service area. I would be pleased to receive any questions or comments you might have. I am requesting that comments be furnished to me by December 4, 1978.

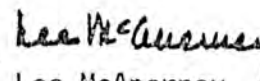
We have set this target date because considerable interest has been expressed within the region in organizing a service area, and initiating development of a coastal management program within the next year. In order for this to occur, we must adhere to the schedule outlined in a second attachment to this memorandum. Once I have determined whether there should be one or more service areas within the region, the next step toward actual organization of a service area (or areas) would be for at least one-fourth of city and village councils within a service area to approve a resolution requesting the State to conduct an election on the question of organization. If

November 16, 1978  
Page Two

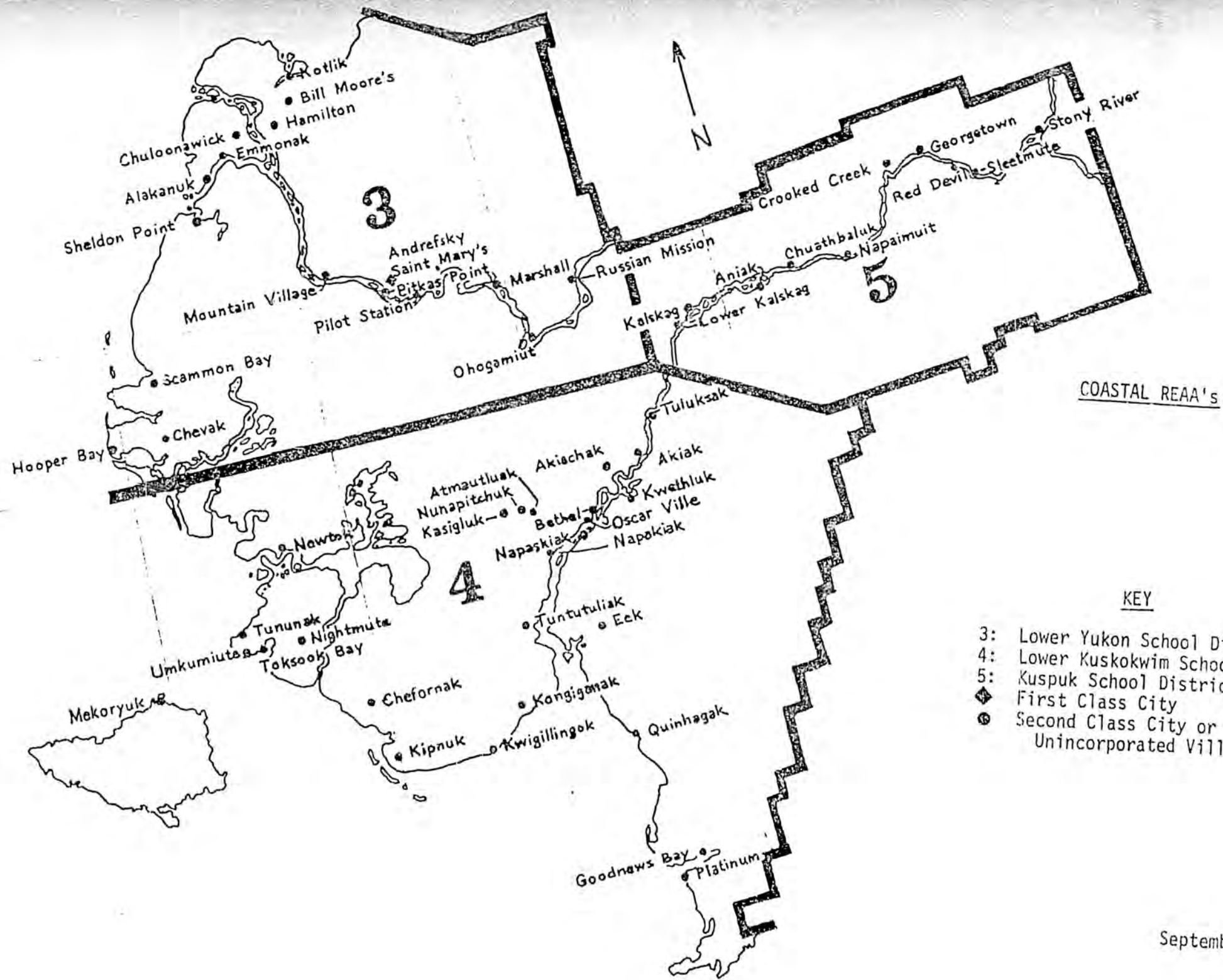
this occurs, and a majority of voters are in favor of organization, a seven-member service area board would then be elected to oversee the coastal program.

Should organization of a service area occur and a board be established, we anticipate a multi-year planning process which would require active coordination with a wide array of local, state, federal and private organizations. We therefore desire that your organization be informed and have an opportunity to be involved at an early stage.

Sincerely,

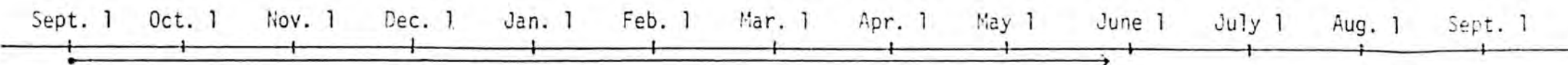
  
Lee McAnerney  
Commissioner

Attachments (2)



September 29, 1978

PROPOSED SCHEDULE FOR COASTAL RESOURCE SERVICE AREA ORGANIZATION



Sept. on: Distribution of informational materials on coastal management, and radio and TV broadcasts to publicize this subject, answer questions, and prepare residents for meetings on whether region should consist of one or more coastal resource service areas, and subsequent questions.

Early Dec.: Commissioner of Community and Regional Affairs reviews comments from public meetings and hearings and other sources, and decides whether the region should consist of one or more coastal resource service areas.

Nov.: Public meetings and hearings on whether the region should consist of one or more coastal resource service areas, if a coastal program is undertaken; informational meetings held to discuss organization procedures and introduce a sample resolution calling for an organization election.

Mid-Mar.: Organization election held.

Late May: If organization election is successful, seven-member board to oversee coastal management program is elected.

Mid-Dec. to Mid-Jan.: Resolution calling for an organization election acted upon by villages within a service area, and conveyed to State. The resolution must be passed by at least 25% of city and village councils for an election to be scheduled.

Early Fall: Service area board meets, and work begins.

DISTRIBUTION LIST:

LETTER ON COASTAL MANAGEMENT IN THE YUKON/KUSKOKWIM DELTA

Mr. Weymeth E. Long  
State Conservationist  
Soil Conservation Service  
U.S. Dept. of Agriculture  
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State & Private Forestry  
U.S. Forest Service  
U.S. Dept. of Agriculture  
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Environmental Officer  
Economic Development Administration  
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U.S. Air Force AAC/DEEV  
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Elmendorf AFB, AK 99506

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Alaska Operations Office  
Environmental Protection Coordinator  
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ADFG-Marine Coastal Habitat Mgt.  
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Fish and Wildlife Service  
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The Honorable Donald Harris  
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The Honorable Robert LeResche  
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The Honorable Ernst Mueller  
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The Honorable Ronald Skoog  
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Barrow, Alaska 99723

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Nome, Alaska 99762

Mr. Stanley Paukan  
City Council Member  
St. Mary's, Alaska 99658

The Honorable Betty Wallin, Mayor  
Kodiak Island Borough  
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Kodiak, Alaska 99615

The Honorable Donald Gilman, Mayor  
Kenai Peninsula Borough  
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Soldotna, AK 99669

The Honorable Marshall L. Lind  
Commissioner  
Department of Education  
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The Honorable Edmund N. Orbeck  
Commissioner  
Department of Labor  
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Rural Alaska Community Action  
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Anchorage, Alaska 99501

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Anchorage, Alaska 99503

Mr. Byron Mallott  
Alaska Federation of Natives  
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Anchorage, Alaska 99503

Dr. James W. Matthews  
Cooperative Extension Service  
University of Alaska  
Fairbanks, Alaska 99701

Mr. Lee Gorsuch, Director  
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Economic Research  
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Economic Development Administration  
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Mr. Malcolm Isleib  
City Council Member  
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Cordova, Alaska 99574

Mr. Roger Allington  
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Juneau, Alaska 99801

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City of Hydaburg  
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Hydaburg, Alaska 99922

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Alaska Oil and Gas Association  
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Anchorage, Alaska 99503

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Calista Corporation  
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Anchorage, Alaska 99501

Mr. M. P. Wennekens  
Alaska Conservation Society  
Upper Cook Inlet Chapter  
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Anchorage, Alaska 99510

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Chairman of the Board  
Association of Village Council Presidents  
Box 219  
Bethel, Alaska 99559

Mr. Harold Sparck, Director  
Nunam Kitlusisti, Inc.  
Box 267  
Bethel, Alaska 99559

Mr. Carl Jack, President  
Association of Village Council Presidents  
Box 219  
Bethel, Alaska 99559

Mr. LaVerne Etter, Superintendent  
Lower Yukon Schools  
Box 200  
Mountain Village, Alaska 99632

Mr. B. A. Weinberg, Superintendent  
Lower Kuskokwim Schools  
Box 305  
Bethel, Alaska 99559

Mr. Bob McHenry, Superintendent  
Kuspuk Schools  
Box 108  
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Patty Ann Polley  
Division of Elections  
Pouch AF  
Juneau, Alaska 99811

# Alaska Coastal Management Program

OFFICE OF THE GOVERNOR

POUCH AP

JUNEAU, ALASKA 99811

MURRAY WALSH, COORDINATOR,

JUDITH ANDEREGG, PUBLIC INFORMATION

465-3541

COASTAL MANAGEMENT

What is Coastal Zone Management?

Definition

Coastal management is a cooperative effort of the State of Alaska and local governments to do a better job of managing the valuable land and water resources along the Alaskan coast. The Program has three basic objectives:

- (1) to assist local governments in preparing plans and ordinances for their coastal areas;
- (2) to coordinate the activities of State and Federal agencies responsible for management of coastal resources; and
- (3) to give the State and local governments more influence in Federal decisions affecting the coast.

How did it come about?

THE FEDERAL COASTAL ZONE MANAGEMENT ACT

The Federal Coastal Zone Management Act was passed by Congress in 1972. The Act came about because of the recognition by Congress of the national interest in effective management, beneficial use, protection and development of the America's coast line. This interest stems from the importance of coastal living and non-living resources; of increasing and competing demands because of industry, commerce and population growth; of the need for energy production; and of natural, scenic and cultural values that are essential to the well-being of all U.S. citizens. In effect, Congress stated that the key to more effective protection and use of coastal land and water resources was to encourage the states to exercise their authority over lands and waters in the coastal zone. In cooperation with Federal and local governments, coastal states, including Alaska, are developing land and water use programs for the coastal zone, including unified policies, standards and processes for dealing with land and water use decisions.

The Secretary of Commerce was authorized by the Federal Coastal Zone Management Act to make annual grants to any coastal state for the purpose of developing land and water use programs. The 1972 Act specified that for every two

doars of Federal money given for planning, the state would put up one dollar. In 1976, the Act was amended, changing the ratio to four Federal dollars to one state dollar for coastal program development.

The state's planning effort must include an identification coastal boundaries, an inventory of coastal resource uses and activities, and a description of how the coastal land and water uses will be managed.

What is the Coastal Zone?

Defining the coastal zone is probably the most difficult part of the state's planning process. The definition given in the CZMA does not help much. In the Act, the coastal zone is defined as "coastal waters and the adjacent shorelands strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes transitional and intertidal areas, salt marshes, wetlands sand beaches. The zone extends . seaward to the outer limit of the United States territorial sea. The zone extends inland from the shoreline only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on coastal waters." So, we are left with subjective judgements of what should and what should not be included in the coastal zone.

Different states have defined it in different ways. Oregon chose a physical boundary: everything seaward of the crest of the state's coastal mountain range. Washington is using the 200-foot line landward from mean high water, except where an estuary or wetland extends further inland. Louisiana chose a three-mile inland limit for its coastal zone landward boundary. Texas is using coastal county lines for its landward boundary. So there is no set rule for what has to be part of the coastal zone.

Boundaries in Alaska will be based on an identification of those areas which are of importance to coastal residents, the state, and the federal government, because of their proximity to coastal waters and their potential for resource protection and economic development.

Why is it needed?

#### JURISDICTIONS

The coastal area is under the jurisdiction of the

State, the Federal Government, and, in many localities, local governments and private landowners.

Federal agencies will own over 60% of the State's land. Local governments (boroughs, municipalities and villages) will bear the brunt of large-scale change and growth. Rural residents (particularly in the unorganized borough) may fear State interference in their effort manage the development of their own lands. Citizen groups, both those who advocate rapid resource development, and those who fear destruction of the coast's fragile and intensely valuable living resources. The state must develop a program which recognizes and attempts to accomodate the needs and concerns of these groups.

Statistics:

1. How much coastline is there? (See Map A)

47,300 miles	Total	Alaskan coastline
30,000 miles	(63%)	Southeast Alaska
6,500 miles	(14%)	Cape Spencer to Cook Inlet
500 miles	( 1%)	Cook Inlet
7,500 miles	(16%)	Kodiak Island through the Aleutians
1,800 miles	( 4%)	Between Aleutians and Bering Straight
1,000 miles	( 2%)	Arctic shoreline
  
2. Population: Total Alaskans - 404,634 (1975)

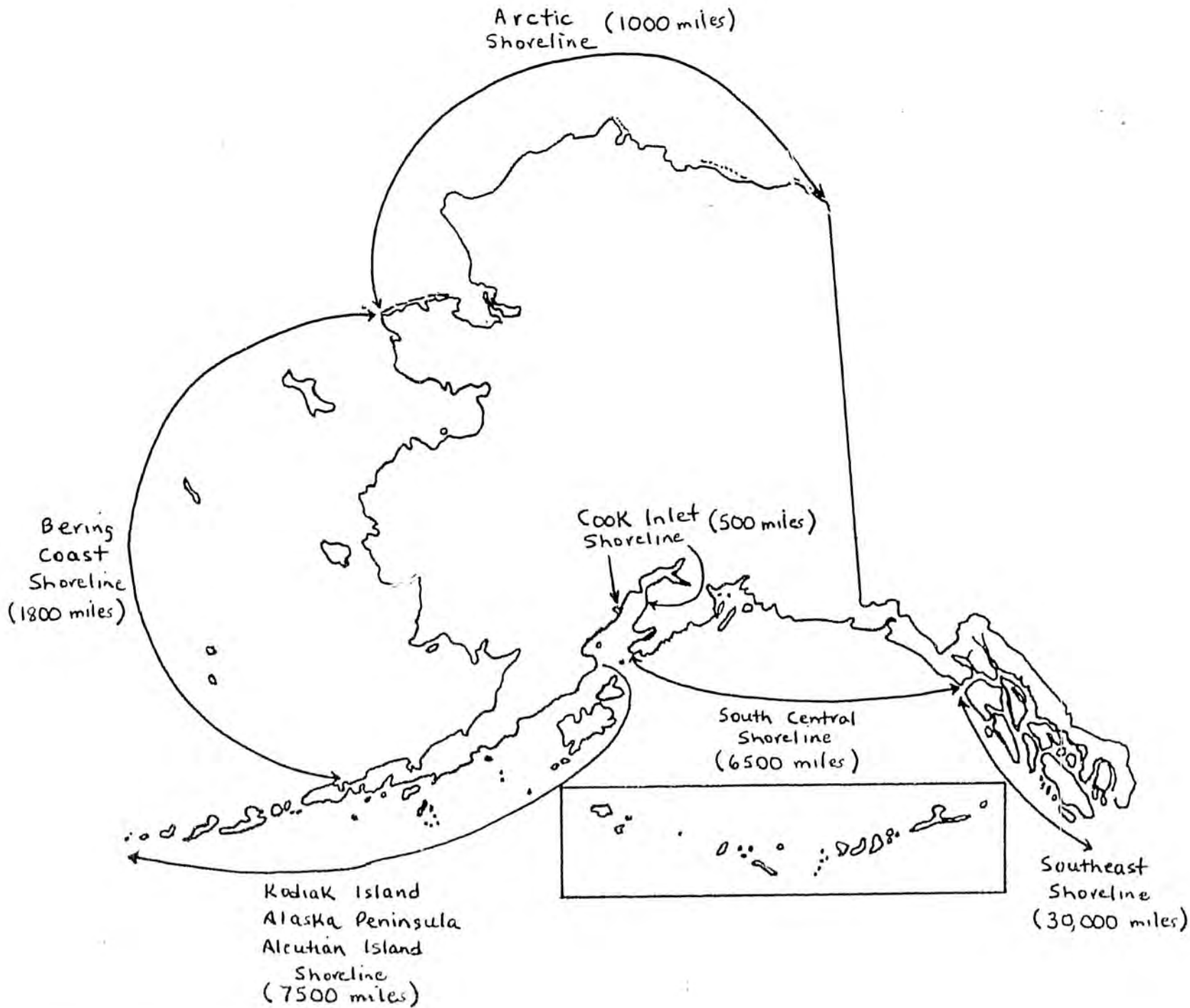
27% increase by 1970, may double by 1990  
75% (approximately) live within 10 miles of coast  
43% (approximately) live in Anchorage  
There are 14 coastal communities of 2,000+  
There are about 200 coastal communities in Alaska
  
3. Who owns lands in Alaska?

70% Federal ownership  
18% State ownership  
11% Native ownership  
1% Other - Private ownership
  
4. Who will own the land?

59% Federal ownership  
29% State ownership  
12% Native and other Private ownership

# How Much Alaska Shoreline

## MAP A



Fragmentation of Responsibilities

There are a number of Federal Agencies involved in the Coast:

- Department of Agriculture -
  - Soil Conservation Service
  - U.S. Forest Service
  
- Department of Commerce -
  - Maritime Administration
  - Economic Development Admin.
  - Nat. Marine Fisheries Service
  - Economic Development Admin.
  - Domestic & International Bus. Administration
  
- Department of Defense -
  - U.S. Navy
  - Corps of Engineers
  - U.S. Air Force
  
- Energy Research and Development Administration
  
- Environmental Protection Agency
  
- Federal Energy Administration
  
- Federal Power Commission
  
- Federal Regional Council
  
- General Services Administration
  
- Department of Health, Education and Welfare -
  - U.S. Public Health Service
  
- Department of Housing and Urban Development
  - Housing and Urban Dev.
  - Federal Disaster Assistance Administration
  - Federal Housing Admin.
  
- Department of the Interior -
  - Bureau of Outdoor Recreation
  - National Park Service
  - Bureau of Indian Affairs
  - Alaska Power Administration
  - U.S. Geological Survey
  - Bureau of Land Management
  - Bureau of Mines
  - Fish and Wildlife Service

- Interstate Commerce Commission
- Nuclear Regulatory Commission
- Department of Transportation -
  - Federal Aviation Administration
  - Alaska Railroad
  - Federal Highway Administration
  - U.S. Coast Guard

There are a total of 43 Federal Offices to be contacted for coastal management activities in Alaska. 24 offices are located in Alaska and 19 offices are located outside of the state.

There are a number of State Agencies involved in the coast:

- Division of Policy Development and Planning
- Department of Commerce and Economic Development
- Department of Community and Regional Affairs
- Department of Environmental Conservation
- Department of Fish and Game
- Department of Natural Resources
- Department of Public Works

There are approximately 56 different permits required in the area of land use for the state of Alaska.

DEC has 6, DFG has 3, DOT has 4, DNR has 43

STATUTORY AUTHORITY AVAILABLE TO COASTAL MANAGEMENT EFFORTS

GOVERNOR'S OFFICE  
Division of Policy Development and Planning

ENVIRONMENTAL CONSERVATION  
DEC Organization  
Environmental Conservation Policy  
and Powers  
Water Pollution Control  
Air Pollution Control  
Local Air Pollution Control Programs  
Pesticide Control  
Prohibited Acts and Penalties

NATURAL RESOURCES  
DNR Organization  
Alaska Land Act  
Land Registration Law  
Transfer of Tide/Submerged Lands  
Right of Way Leasing Act  
Parks and Recreation Facilities  
Geological and Geophysical  
Surveys  
Forest Land Regulation  
Water Use Act

FISH AND GAME  
DFG Organization  
DFG Code  
Fisheries and Fishing  
Regulation  
Anadromous Fish Protection Act  
State Game Refuges  
DFG Critical Habitat Areas  
Salmon Hatcheries

COMMUNITY/REGIONAL AFFAIRS  
CRA Organization  
Local Boundary Commission  
Development Cities

HEALTH AND SOCIAL SERVICES  
DHSS Organization  
Interference with Salmon Spawning  
Streams and Waters

COMMERCE  
DOC Organization

HIGHWAYS  
DOH Organization  
DOH Administration

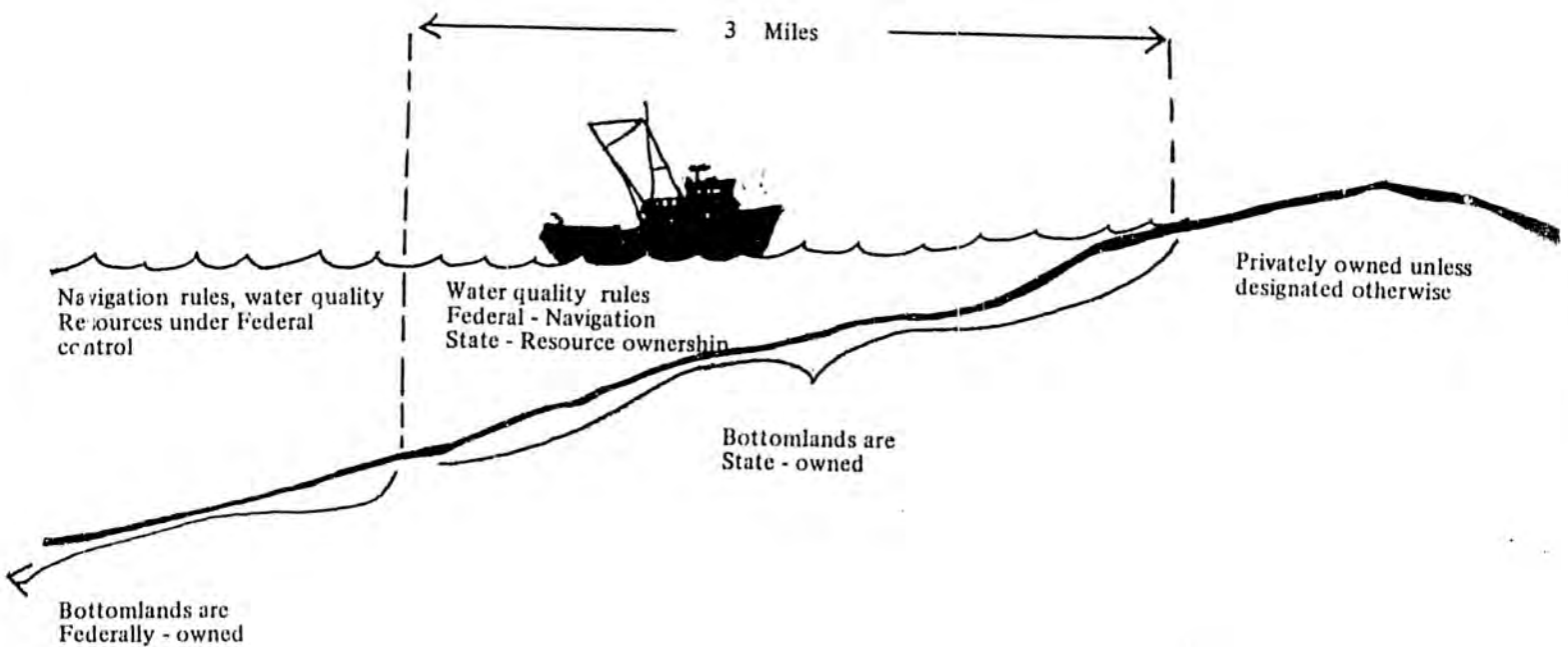
PUBLIC WORKS  
DPW Organization

COMMISSIONS  
ALASKA COMMERCIAL FISHERIES ENTRY COMMISSION Regulation of Entry into Alaska's Commercial Fishery  
3 Commissioners Appointed by Governor Pacific Marine Fisheries Compact  
Commission on the Conference of the Law Of The Sea Position on Marine Resources  
Borough Planning Commission and Assembly Areawide Borough Powers and Policy  
Zoning

There are overlapping jurisdictions among agencies (both Federal and State).

Example - Waters out to the three mile limit.

State has jurisdiction over the submerged lands and national resources within the three mile limit. Federal has control over navigational rules within three miles, and submerged lands and natural resources outside of three miles. There will be joint Federal/State management of Fisheries. Federal has control over commerce, power production and flood control.



Values of Resources

1. Location, Catch and Value of Fisheries by species (1975)  
(See Map B)

	<u>Catch</u>	<u>Value</u>
Salmon	137.6 million lbs.	\$55,302,000
Shellfish	246.9 million lbs.	\$55,272,000
Other fish	52.8 million lbs.	\$14,357,000
Total	437.3 million lbs.	\$124,931,000

\* The Russians and Japanese are estimated to have taken 4.3 billion lbs. of bottom fish. With the 200 mile limit and learned expertise on our part, we could vastly change our catch and value of fisheries.

Catch and Value of Fisheries by Region (1975)

	<u>Catch</u>	<u>Value</u>
Southeast	57.4 million lbs.	\$ 21,013,000
Central	256.8 million lbs.	\$ 60,971,000
Western	123.0 million lbs.	\$ 42,947,000
Total	427.2 million lbs.	\$124,931,000

2. Location and Amount of Timber Harvested (1975) (See Map C)

National Forest Lands	413,000,000 board feet
State Lands	33,500,000 board feet
Other	22,150,000 board feet
Total	468,750,000 board feet

Value of 468,750,000 board feet is approximately \$5.1 million.

Annual Average Monthly Employment and Payrolls for Forest Products 1975


Monthly employment	3,378
Payrolls	\$63,200,000

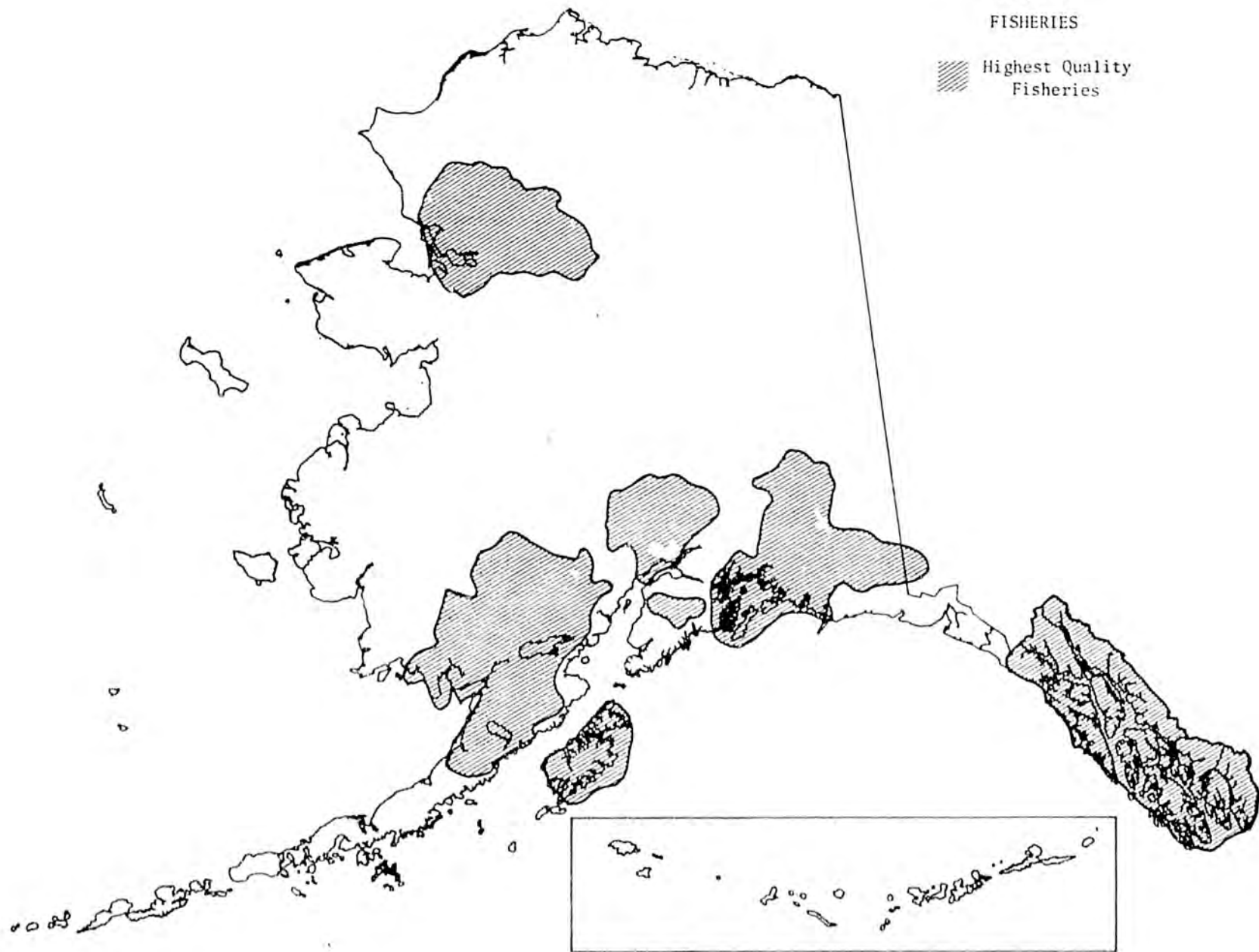
3. Location and Values of Mineral Production (See Maps D,E) 1975

Petroleum	\$360,371,000
Natural Gas	\$ 33,427,000
Sand & Gravel	\$100,041,000
Gold	\$ 2,866,000
Other Minerals	\$ 27,349,000
Total	\$524,054,000



Map B

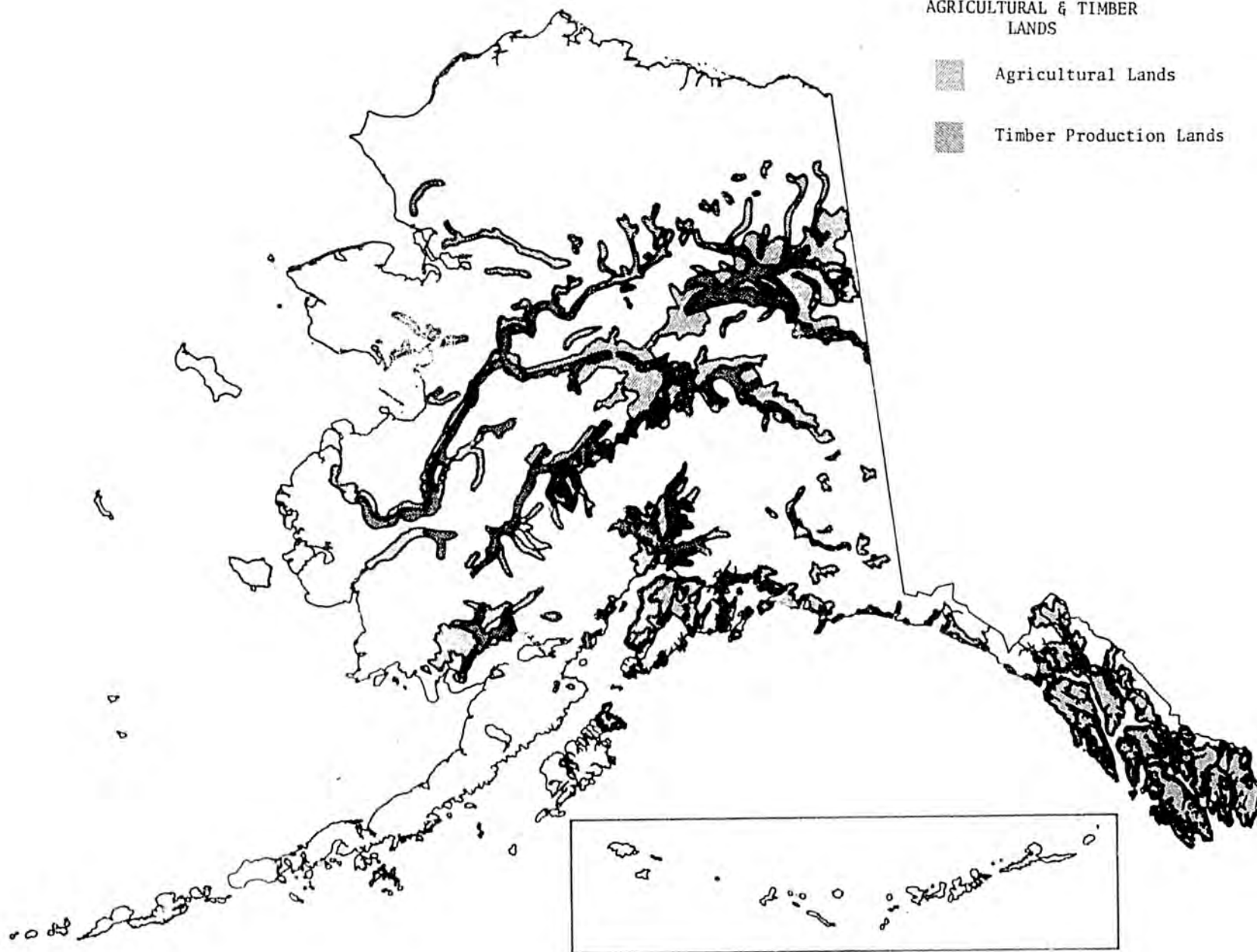
FISHERIES

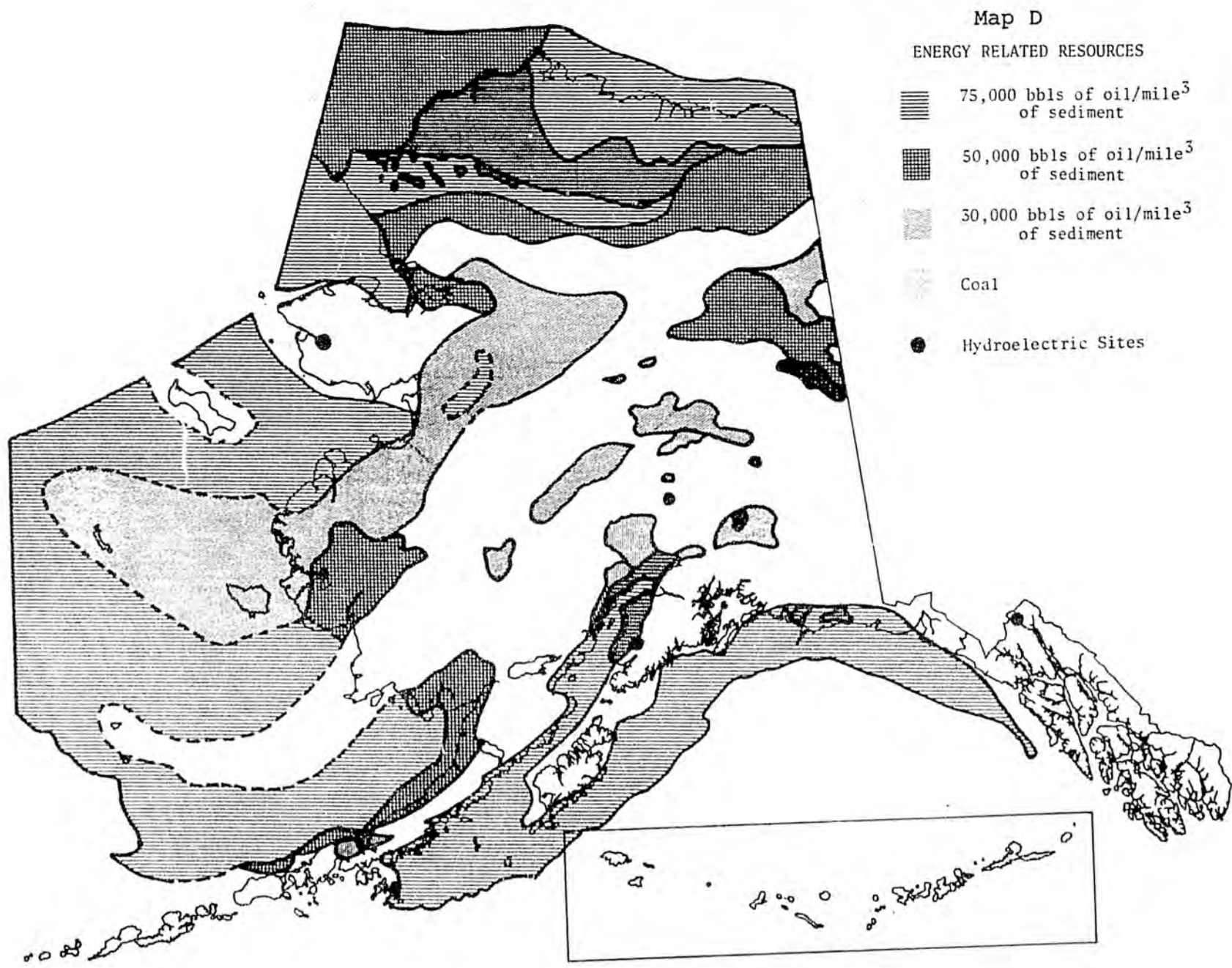
 Highest Quality Fisheries



Map C  
AGRICULTURAL & TIMBER  
LANDS






-  Agricultural Lands
-  Timber Production Lands



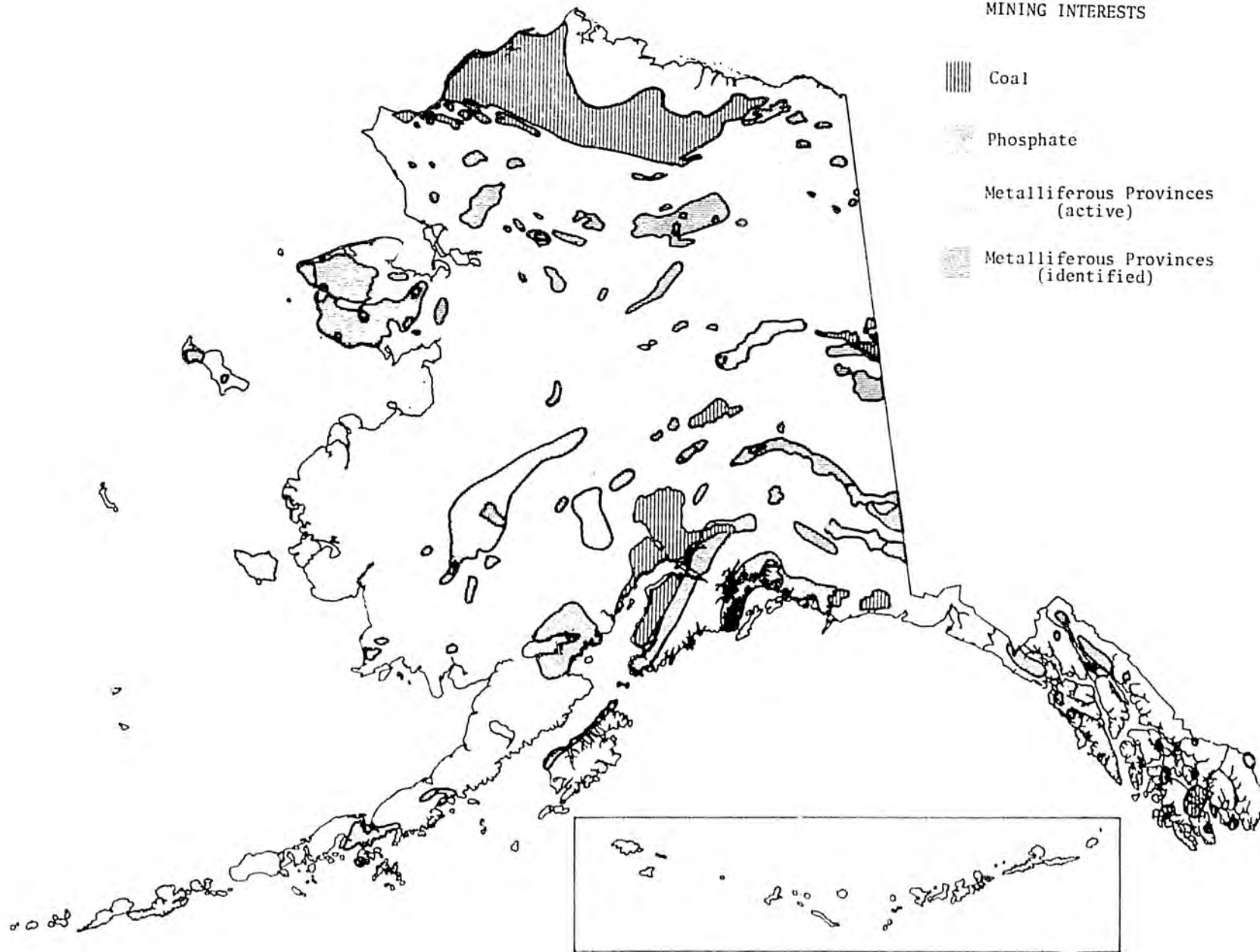


Map D

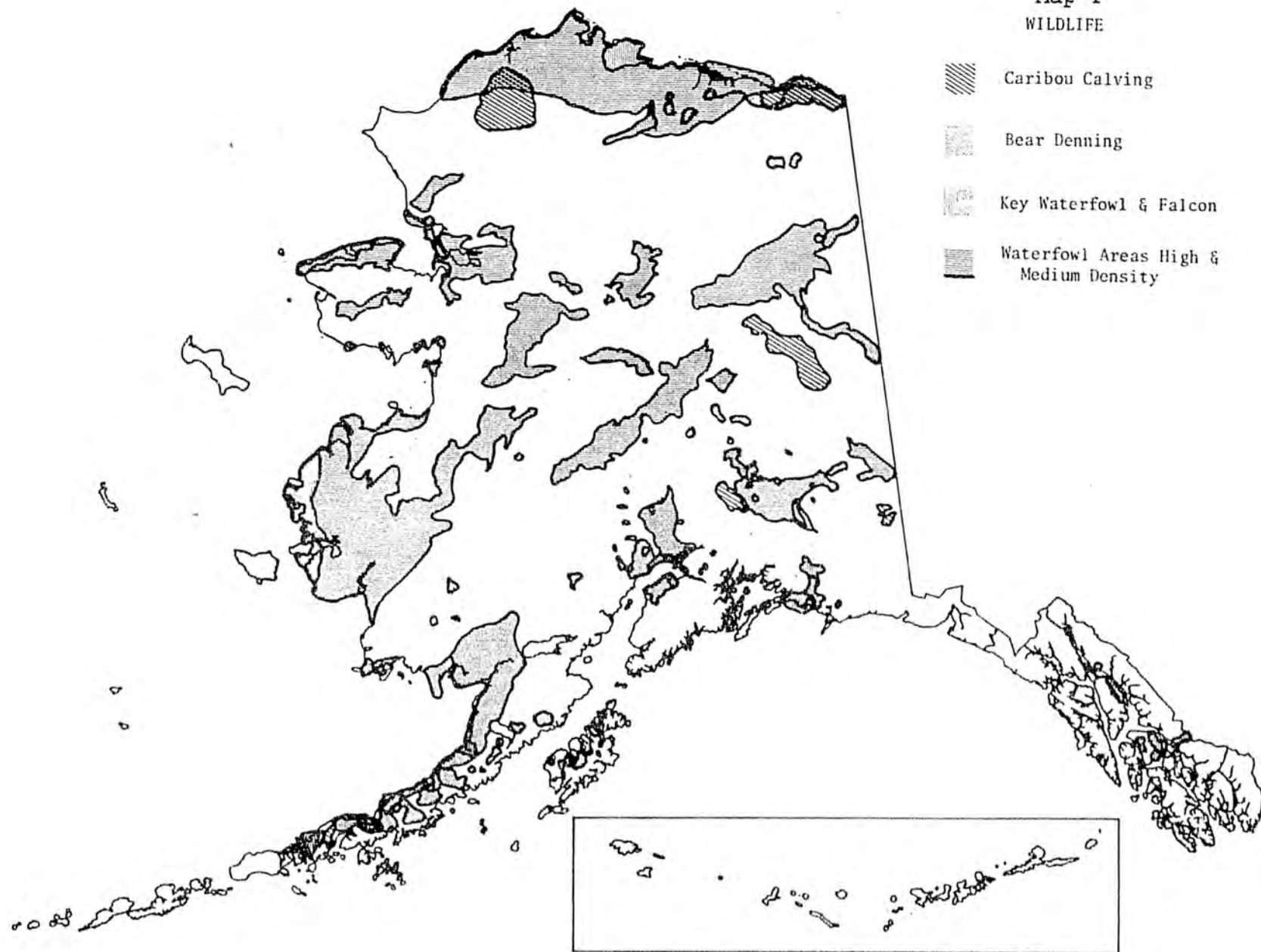
ENERGY RELATED RESOURCES

-  75,000 bbls of oil/mile<sup>3</sup> of sediment
-  50,000 bbls of oil/mile<sup>3</sup> of sediment
-  30,000 bbls of oil/mile<sup>3</sup> of sediment
-  Coal
-  Hydroelectric Sites

Map E  
MINING INTERESTS






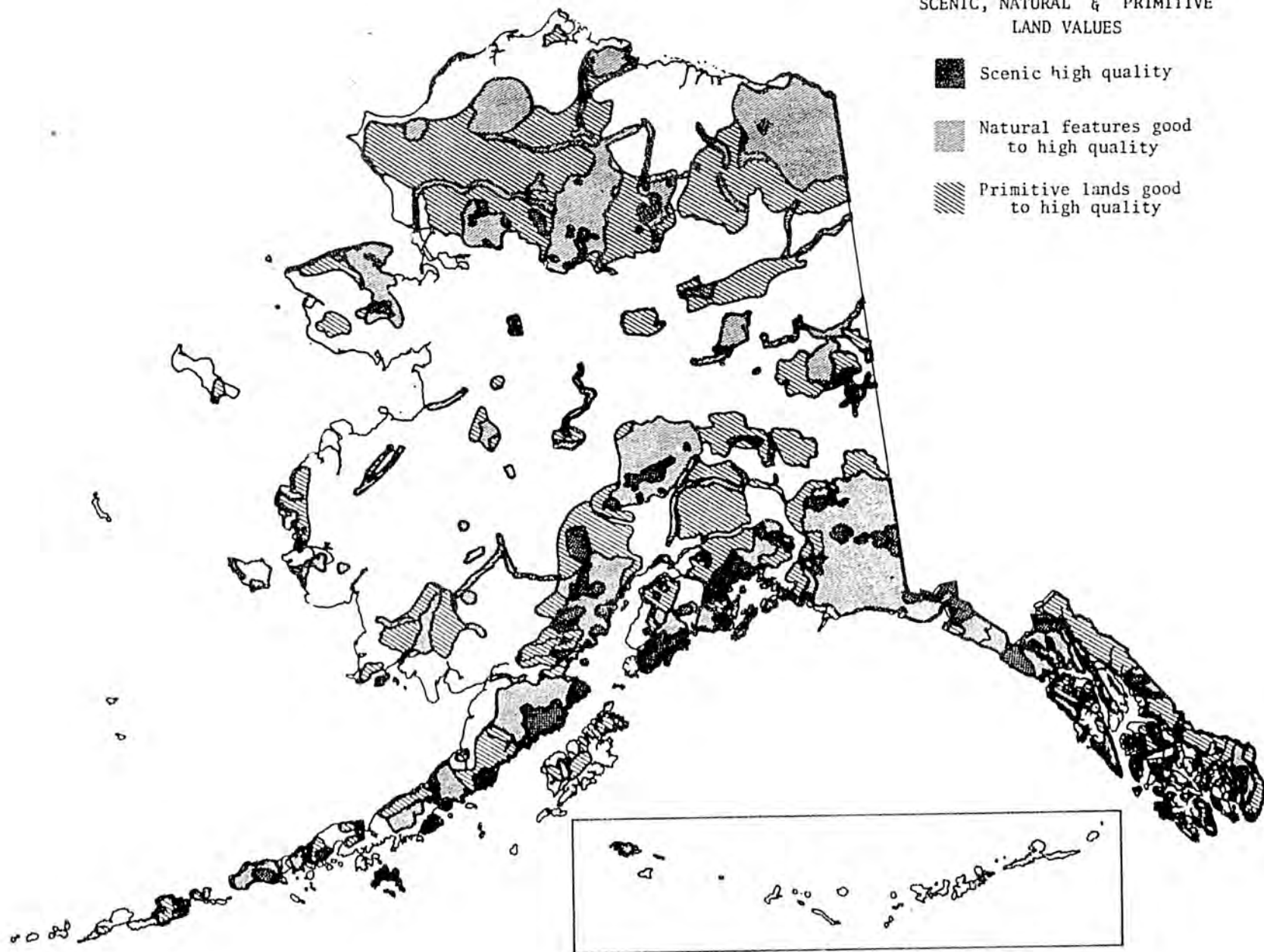
Map F  
WILDLIFE



Map G

SCENIC, NATURAL & PRIMITIVE  
LAND VALUES

-  Scenic high quality
-  Natural features good to high quality
-  Primitive lands good to high quality



4. Maps F & G show important wildlife, and scenic, natural and primitive values in Alaska.

Statistics are from The Alaskan Economy, Year-End Performance Report 1976 published by State of Alaska Department of Commerce and Economic Development

Maps are from University of Alaska Cooperative Extension Service Alaska's National Interest Lands (D-2) A Summary of Current Congressional Proposals

In Alaska, coastal resource management will be a state-local partnership in managing these coastal uses. When the state's program is completed the Secretary will review it to make sure that the state has adequate authority to manage coastal resources. Also, the Secretary checks to see that the state has consulted and coordinated with Federal agencies, local governments, and citizens.

When the state program has been approved by the Secretary of Commerce, the state is no longer eligible for planning funds, but may apply for implementation funds. These Federal dollars must also be matched by the state on a four-to-one basis. Once the state coastal management program is approved, the activities of Federal agencies must be consistent with the state coastal management program.

The stakes are high in the effort to assure that all resource values are considered in management Alaska's coast. It has been several years since mineral extraction surpassed in value the harvest of living resources. Nonetheless, fish, timber, and wildlife will continue to sustain coastal residents long into the future. The use of living coastal resources is also important for those who wish to maintain a rural or subsistence life style.

There is no shortage of issues or concerns. Establishing a process for resolving them, for dealing with those who have an inherent interest in Alaska's coast, will require great sensitivity, understanding, and effort. This is the reason for the coastal management effort in Alaska.

COASTAL MANAGEMENT ISSUES

(To be dealt with in the State Coastal Management Program)

TRANSPORTATION

Airports (and Air Traffic)  
Major Highways and the Marine Highway  
Bridges  
Port Development (Docks, floats and breakwaters)  
Navigation Channels and Traffic (Including oil spills)

URBAN/INDUSTRIAL

Sites necessary for water-related development (ports, boatyards, fish processing plants, energy facility sites, etc.)  
Large-scale waterfront commercial development  
Energy facilities (oil terminals, LNG plants, OCS service bases)  
Large subdivisions on shorelines  
Shoreline industrial

RECREATION

Parks and large recreation areas  
Shoreline access

AGRICULTURE AND FORESTRY

Pesticides and herbicides (application)  
Log rafting and storage (in coastal waters and tidelands)  
Forest practices along anadromous fish streams

FISH AND WILDLIFE PRODUCTION

Protection of spawning streams  
Critical habitat areas (ADF&G designations) (Local nominations)  
Aquaculture (sites and facilities)  
Subsistence areas (identification and management)

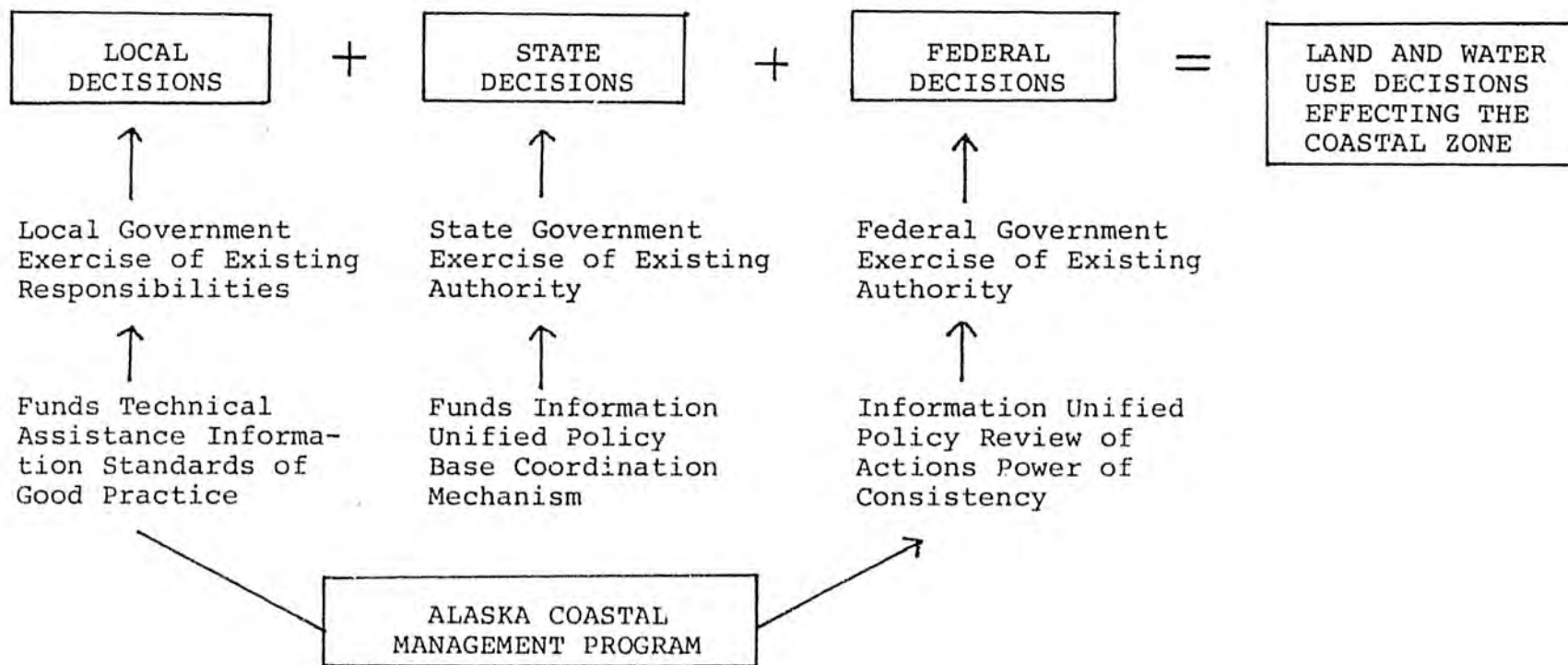
UTILITIES AND PUBLIC FACILITIES

Transmission lines  
Pipelines  
Sewage services  
Public water supply  
Dams  
Bank stabilization

MINING, DREDGING AND FILLING

Minerals mining  
Oil and gas drilling  
Dredge and fill in public waters and shorelines

WHAT DOES THE ALASKA  
COASTAL MANAGEMENT PROGRAM DO?



The Alaska Coastal Management Act of 1977

"Management of Coastal Resources"

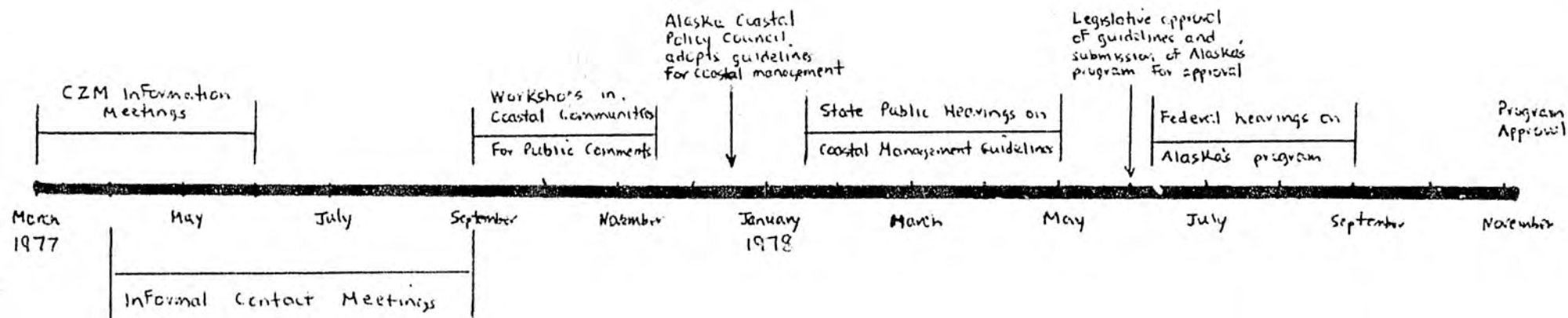
The Alaska Coastal Management Act resulted from several months of work by the Committee on Coastal Zone Management, established during the ninth session of the Legislature by House Concurrent Resolution No. 123.

The Act does three things:

1. A Coastal Management Policy Council is established. The Council has 16 members appointed by the Governor. Nine members are to be a mayor or a member of the assembly of a coastal municipality; seven members are commissioners of State departments. Each municipality representative will be from a different coastal region.
2. A system of coastal planning is established, which ties together State and local management of coastal resources. The Council will develop a set of guidelines for the management of coastal land and water uses. These guidelines will be used by municipalities to prepare local coastal plans. In many cases, the local plan may be the comprehensive plan which has already been prepared and adopted by the municipality. In another community, the local plan may need to be revised to meet the guidelines prepared by the Council. After approval by the Council, the State must respect the local plan in the granting of permits and other regulatory actions which affect coastal resources. State agencies must also coordinate their actions using the guidelines prepared by the Council.
3. In the unorganized borough, the legislation provides an opportunity for residents (within Rural Education Attendance Areas) to hold an election to form a "coastal area board". Once formed, the board would prepare a local coastal program. The Council would review and approve the plan from the local coastal area board in the same manner as it deals with plans from municipalities. However, the legislation does not give any zoning or other authority to the coastal area board to carry out the plan. The plan would be carried out by the State, but in a manner consistent with the locally-prepared plan.

The Act will provide for a single set of "rules" for the regulation of coastal resources by the State and local governments. Once Alaska's coastal program is approved by the Federal government, Federal agencies must respect the State program, and approved local plans.

The Council, acting through the Department of Community and Regional Affairs, would provide considerable technical and financial assistance to communities responsible for preparing local plans.



Basic Timeline For Formulation and Review of the Alaska Coastal Management Program

ALASKA COASTAL MANAGMENT PROGRAM PUBLIC PARTICIPATION SCHEDULE

The attached is a tentative schedule for the Alaska Coastal Management Program public information and participation effort. During the spring of 1977, ACMP held public information meetings in coastal Alaska communities to make preliminary community contacts, to disseminate information and to encourage public input.

During the summer of 1977, we have been establishing a communication network with interest groups, communities and other interested parties.

In the fall, workshops will be held in coastal communities to help formulate State coastal management policy. The Alaska Coastal Policy Council will use the results of public workshops to adopt guidelines for management of coastal land and water uses. These guidelines will be approved by the Legislature. The guidelines, along with the other component parts of the program (boundaries of the coastal zone, authorities for carrying out management responsibility, etc.), will be submitted to the Office of Coastal Zone Managment in the U.S. Department of Commerce, in June of 1978. The purpose of the Federal review is to insure that the State of Alaska has adequate authority to manage coastal resources, and that the State has coordinated with Federal and local governments.

After the draft document has been submitted to OCZM, public hearings again will be held, for further public review. The draft document submitted in June, 1978 will be revised based on comments from Federal and State agencies, and the general public. The document will then be re-submitted in final form to OCZM in September of 1978 for final approval.

# STATE OF ALASKA

JAY S. HAMMOND, Governor

TERRY MILLER  
LIEUTENANT GOVERNOR

## OFFICE OF THE LT. GOVERNOR

DIVISION OF ELECTION

POUCH AF-JUNEAU 99311

April 6, 1979

FOR YOUR INFORMATION:

### YUKON/KUSKOKWIM DELTA COASTAL RESOURCE SERVICE AREA

An election will be held on May 15, 1979 on the question of establishing a Coastal Resource Service Area in the Yukon/Kuskokwim Delta. This area includes REAA 3 and 4 in a single service area. The city of Bethel is excluded from the service area but the city of St. Marys is included in the service area. The precincts that will be voting are as follows: Alakanuk, Chevak, Emmonak, Fortuna Ledge, Hooper Bay, Kotlik, Mountain Village, Pilot Station, Pitkas Point, Russian Mission, Scammon Bay, Sheldon Point, St. Marys, Akiachak, Akiak, Atmautluak, Cheforok, Eek, Goodnews Bay, Kasigluk, Kipnuk, Kongiganak, Kwethluk, Kipnuk, Kongiganak, Kwethluk, Kwigillingok, Napakiak, Napaskiak, Newtok, Nightmute, Nunapitchuk, Nunivak Island, Platinum, Quinhagak, Toksook Bay, Tuluksak, Tununak, and Tuntutuliak.

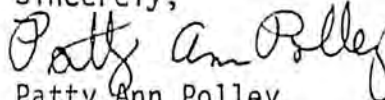
The election supervisors will be in contact with each precinct to establish an election board for the May 15th election. Absentee ballots by mail are available from Lieutenant Governor Terry Miller, Pouch AA, Juneau, Alaska 99811. A small supply of absentee ballot applications is attached for distribution to any interested persons. For further information on absentee voting locations, please contact Election Supervisor in Nome or Election Supervisor in Fairbanks. Jo Ann Crane, P.O. Box 577, Nome, Alaska 99762, phone: 443-5285 and Anne Speilberg, 675 7th Avenue, Fairbanks, Alaska, phone: 452-5111.

The organization election will be held under the general procedures as prescribed for a General Election.

If the voters approve the organization of a Coastal Resource Service Area, another election will be held to elect the members of the Coastal Resource Service Area board. If voters disapprove establishment of the Coastal Resource Service Area, no other elections will be held.

If you have additional questions, please do not hesitate to contact Lieutenant Governor Miller, the Director of Elections, or any Election Supervisor.

Sincerely,



Patty Ann Polley  
Director of Elections

YUKON/KUSKOKWIM DELTA COASTAL RESOURCE SERVICE AREA  
CANDIDATES FOR BOARD

The election for the seven member board of the Yukon/Kuskokwim Delta Coastal Resource Service Area, is scheduled for September 11, 1979. The filing deadlines for candidates is August 10, 1979. The nominating petitions must be received by the Election Supervisor, P.O. Box 577, Nome, Alaska 99762, Election Supervisor, 675 7th Avenue, Fairbanks, Alaska 99701, or by Lieutenant Governor Miller, Pouch AA, Juneau, Alaska 99811, no later than 4:30 p.m., August 10, 1979. Do not wait to mail the nominating petition. The seven seats in the Yukon/Kuskokwim Delta Coastal Resource Service Area, have been designated as follows:

- Seat 1    Kotlik, Emmonak, Alakanuk, and Sheldon Point
- 2        Scammon Bay, Hooper Bay, and Chevak
- 3        Mountain Village, Andraefsky, St. Mary's, Pitkas  
         Point, Pilot Station, Fortuna Ledge (Marshall),  
         and Russian Mission
- 4        Newtok, Tununak, Toksook Bay, Nightmute, Mekoryuk,  
         and Chefornak
- 5        Kipnuk, Kwigillingok, Kongiganak, Tuntutuliak,  
         Akolmiut (Nunapitchuk & Kasigluk), and Atmautuk
- 6        Napakiak, Napaskiak, Oscarville, Kwethluk,  
         Akiachak, Akiak, and Tuluksak
- 7        Eek, Quinhagak, Goodnews Bay, and Platinum

The seat number for which you are a candidate must appear on the nominating petition. A candidate must live in the designated area in order to run for that seat. The ten registered voters who sign the nominating petition must live in the area of the seat designation. For example, a candidate who lives in Section 1, must run for Seat 1, and must get ten registered voters from Section 1 to sign the petition.

# STATE OF ALASKA SAMPLE BALLOT

FOLD BALLOT TO THIS LINE

## NORTHWEST ARCTIC COASTAL RESOURCE SERVICE AREA BOARD ELECTION June 26, 1979

- Mark only by use of cross marks, "X" marks, checks or plus signs. Place marks in square at the left of the candidates.
- Marks must be inside or touching the square so as to indicate the intent of the voter. Erasures and corrections will invalidate only that part of the ballot in which it appears.
- Do not vote for more than the indicated number of names for each office. To vote for a person whose name is not printed on the ballot, you may write his or her name in the blank spaces provided. Stickers with candidates' names may be used in lieu of writing in the name.
- If you spoil or mar your ballot, you may return it to the election judge and receive another ballot. Your spoiled ballot will be destroyed in your presence.

### SEAT 1 (Vote for One)

BARR, SAMUEL P., SR. 406

(Candidates must reside in Kivalina or Noatak)

### SEAT 2 (Vote for One)

SMITH, MARTIN L. 39

WELLS, ALFRED, SR. 155

WESTLAKE, LARRY, SR. 246

(Candidates must reside in Kiina or Noorvik)

### SEAT 3 (Vote for One)

BLOWER, JOHN 85

CLEVELAND, LEVI 355

(Candidates must reside in Ambler, Kobuk or Shungnak)

### SEAT 4 (Vote for One)

CARTER, JOHN K., SR. 215

MOTO, RONALD R. 116

MOTO, TAYLOR, JR. 100

(Candidates must reside in Buckland, Deering or Selawik)

### SEAT 5 (Vote for One)

SCHAEFFER, JOHN W., JR. 401

(Candidates must reside in Kotzebue)

### SEAT 6 (Vote for One)

ADAMS, ALBERT P. 195

CONWELL, EVELYN L. 164

WHITE, GEORGE 91

(Candidates must reside in Kotzebue)

### SEAT 7 (Vote for One)

SCHUERCH, TONY 208

TIEPELMAN, DENNIS J. 238

(Candidates must reside in Kotzebue)

NORTHWEST ARCTIC COASTAL RESOURCE SERVICE AREA  
CANDIDATES FOR BOARD

The election for the seven member board of the Northwest Arctic Coastal Resource Service Area, is scheduled for June 26, 1979. The filing deadlines for candidates is May 25, 1979. The nominating petitions must be received by the Election Supervisor, P.O. Box 577, Nome, Alaska 99762, or by Lieutenant Governor Miller, Pouch AA, Juneau, Alaska 99811, no later than 4:30 p.m., May 25, 1979. Do not wait to mail the nominating petition. The seven seats in the Northwest Arctic Coastal Resource Service Area, have been designated as follows:

- |        |                          |
|--------|--------------------------|
| Seat 1 | Kivalina/Noatak          |
| 2      | Kiana/Noorvik            |
| 3      | Ambler/Kobuk/Shungnak    |
| 4      | Buckland/Deering/Selawik |
| 5      | Kotzebue                 |
| 6      | Kotzebue                 |
| 7      | Kotzebue                 |

The seat number for which you are a candidate must appear on the nominating petition. A candidate must live in the designated area in order to run for that seat. The ten registered voters who sign the nominating petition must live in the area of the seat designation. For example, a candidate who lives in Section 1, must run for Seat 1, and must get ten registered voters from Section 1 to sign the petition.

An information sheet which gives information on the Coastal Resource Service Area and the duties of the seven board member is attached. Other information is also attached.

# Coastal Management Corporation

Nelson Island • Toksook Bay, Alaska • 99637

CONFIDENTIAL

March 29, 1979

Dr. Lidia Selkregg  
University of Alaska  
2651 Providence Drive  
Anchorage, Alaska 99504

Dear Lidia:

This is a follow-up letter per our discussion on March 16, 1979 regarding my inquiry for future training in land use planning and resource management for villages in the Coastal Management area.

In order to give you some idea why CMC is interested in future training, it is necessary to explain some of its history and desire to achieve an ultimate goal on behalf of the people it was organized to serve.

About fifteen years ago, the villages of Chefornak, Nightmute, Toksook Bay, Mekoryuk, Tununak and Newtok formed an organization called United Villages. This organization came to being because the above villages realized that the non-profit regional Native association, AVCP, was working with 52 villages and setting their priorities according to village populations. Realizing that the CMC villages were close to the bottom of the list for services, the villages realized they could not afford to wait for three or four years to pursue solutions to existing problems and needs. As a result, following the passage of the Alaska Native Claims Settlement Act, the Coastal Management Corporation came into being to be the overseer of the lands and monies from the Alaska Native Fund that the above seven village corporations would be entitled to. Refer to the attached management agreement between CMC and the respective village corporations.

Because the United Villages organization was somewhat inactive at the time CMC was organized, CMC inherited the responsibilities of the United Villages, Inc.

As discussed with you earlier this month, there is an immediate need for training and technical assistance in the field of land use planning and future management of resources. It is of great importance that the CMC villages become involved in planning for future use and management of their lands prior to some of the following outside agencies initiating enforcement of rules and regulations in the CMC area--1) OCS; 2) CZM; and 3) Effects of D-2 legislation. All of the CMC villages fall under the jurisdiction of rules and regulations resulting from the above and because the CMC villages are subsistence-oriented, negative effects can result if involvement of the people is not insured through land use planning and future management within the near future.

ning Seminar  
rch 29, 1979

As discussed with you earlier, the best time for training in our area is in the winter; however, the first part of June is also acceptable. If in fact, the training does materialize, it is highly recommended that the sessions be progressive -- starting with basics, reinforcing what was covered and moving on to another step in planning.

It is my belief that with your assistance in the field of planning and resource management that the people in the CMC area will have a much better opportunity to be involved in the process of planning land uses and manage those lands effectively in the future.

Your consideration of the above will be greatly appreciated. Should you have any questions of me please contact me by calling CMC at 243-1121 in Anchorage, or by writing CMC, P.O. Box 4-1168, Anchorage, Alaska 99509.

Respectfully,

COASTAL MANAGEMENT CORPORATION

*Charlie Kairaiuak*

Charlie Kairaiuak  
President

CK/hr

Enclosure: 1

# Planning & Applied Research Center

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July 5, 1979

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

TO: Bob and Dean  
FROM: Lidia  
SUBJECT: AHTNA "Model Region Program"

As per our meeting of July 3, 1979, following is an outline of events and documents to be prepared by the end of September to insure the development of a long range program for planning, coordination, and implementation of activities directed to the physical, social, and economic development of the AHTNA Region.

Because the region has no local planning capability or a recognized governmental structure that could initiate short and long range studies and coordinate the activities of state and federal agencies with programs in the region, AHTNA, as it has in the past, must take the leadership and develop a mechanism for interagency planning and funds allocation for this Region.

It is my recommendation that to accomplish the first step of a long range program of planning coordination and projects development, we prepare a "Feasibility Study" comprising papers prepared by experts in various topics. This study should be done as soon as possible.

The "feasibility study" will be prepared in a way as to satisfy the requirements of government applications of various agencies, including but not limited to HUD, EDA, DPDP, DNR, DCRA, BLM, DEC, Park Service, State Department of Transportation, Department of Energy, etc. I will get a copy of a standard feasibility study outline for EDA and HUD. I have prepared similar studies for both agencies; they are suitable as a general outline for federal, state, or private agencies.

A preliminary outline of a feasibility study and possible participants and contacts to be informed of the AHTNA intent is as follows:

1. Title - the AHTNA FUTURE - A Model for development of a mechanism of federal/state/private coordination to maximize the participation of various agencies in the development of the region.
2. Intent - It is the intent of AHTNA, INC. to initiate the interagency coordination necessary to develop a strategy for funding of studies directed to the development of a comprehensive plan including the following: transportation, mineral resources, timber, farming, fishing, subsistence, new concepts of economic developments, social needs, land status, future land use, environmental considerations, development of parks and tourism, future land use and governmental structure, community expansion and growth centers.
3. Description of the region - A brief summary will be presented mostly through maps and charts with a brief narrative (use previous material developed for AHTNA).

s exhibits papers on the following topics:

- a) Transportation - Roads, rails, airport - ports - (This will lead to the special study requested as part of the D-2 legislation - Denali Highway)

State contact: Commissioner Bob Ward

Possible Writer: Walt Parker (unless the state offers to do it).

- b) Mineral Resources - Evaluation of possibility of involving private and public interests in determining the mineral value of the region.

State contact: Ross Schoff, WGM Ted Foss (private)

Federal: USGS (?)

Writer: Ted Foss

- c) Natural Resources other than mineral - farming, fishing, timber, subsistence - This paper should point to the need of evaluating these resources in relation to the short and long range growth of the region. (see Section I)

State Contact: Ted Smith

Federal: Jimmy Fisher

Writer: Lidia, Dean

- d) New Concepts for Economic Development Strategies

Federal Representative: Clyde Courtnage

State Contact: Commissioner Webber

Writer: Dean

- e) Land Status - Land availability for trade and development, evaluation of state disposal policies.  
State Contact: Ted Smith  
Federal: Kirk McVee  
Writers: Bob, Herb, Lidia
- f) Social Structure and Present and Future Needs - An evaluation of needed statistical facts, citizen involvement, to arrive at delivery of federal and state programs - health, education and welfare.  
State Contact: Commissioner Beirne  
Federal: (?)  
Writer: AHTNA representative, Dean, Bob, Lidia
- g) Parks and Support Facilities - Prepare a document insuring AHTNA involvement in the implementation of D-2 legislation and developing overall coordination between Federal/State/private land use.  
State Contact: Terry McWilliams  
Federal: Janet McCabe, Fritz  
Writers: Fritz, McCabe, Selkregg
- h) Environmental Considerations - Evaluation of present laws; development of new methodologies for environmental protection and safety; evaluation of need for water/sewer studies.  
State Contact: Commissioner Muller  
Federal: EPA (?)  
Writer: Peg Tileston

i) Future Land Use and Growth Centers

State Contact: Fran Ulmer, Ted Smith

Federal: BLM, HUD (?)

Writer: Lidia, Dean

j) Governmental Structure - Need to evaluate future governmental systems - service areas - P/Z commission - others.

State contact: Department of Community & Regional Affairs (?)

All position papers will follow the same outline, tentatively listed below:

- (1) Present Conditions
- (2) Proposed Study Areas
- (3) Invisioned Applications and Results
- (4) Funding Agency - estimated time and cost of study
- (5) Methods for Interagency Coordination - Citizen. participation and input - tentative schedule of meetings. Participating agencies' letters of support.
- (6) Time Table
- (7) Budget
- (8) AHTNA ability to perform the task - (Staff and consultants' resumes)

As stated at the July 3 meeting, this first effort should lead to funding for:

- (1) Establishing a permanent method for coordination among agencies and private interests in the Region.

(2) Specific projects and studies.

As shown in Fig. 1, regional development must be coordinated through one central planning and programming system (comprehensive plan). AHTNA could do this well with our assistance. It is a type of coordination that has occurred only once in the state - the development of the recovery programs that followed the 1964 earthquake. I participated and directed some of those programs and I feel we can develop a model that may lead to the formation of permanent "Regional Interagencies Coordination Systems."

The history of AHTNA from the beginning of the land selection process to the present involvement in this program reflects AHTNA has ability to perform as a coordinator for this project. I feel that we are going to be extremely successful. Both federal and state agencies are looking for new ways to improve their participation and coordination of planning projects' development and citizens' input.

As soon as possible, we must develop a schedule for:

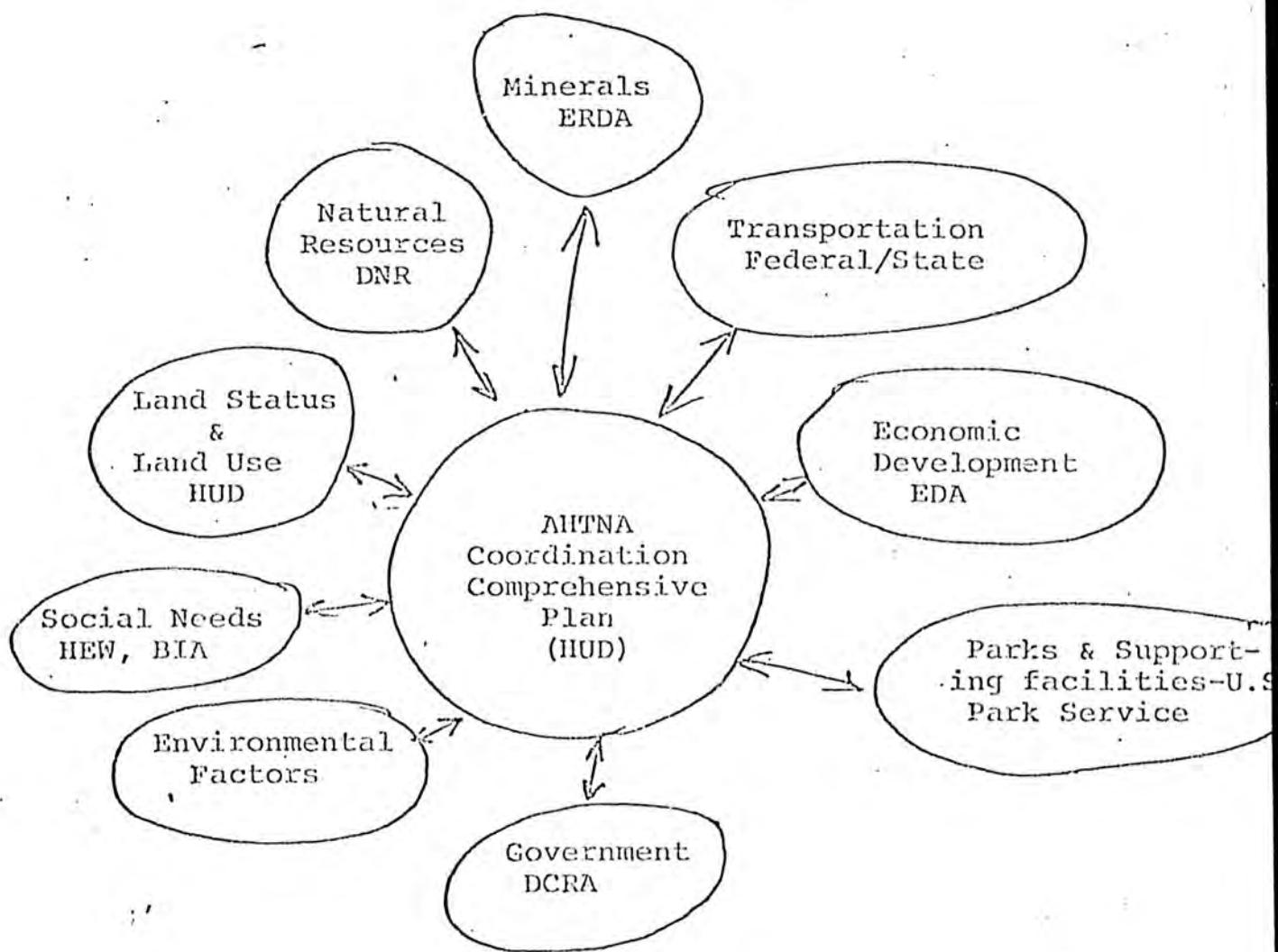
- (1) Develop a final budget and commitment of AHTNA participation,
- (2) Set a date for a meeting with selected federal and state representatives to explain this concept of a "Model Region" and ask their cooperation,
- (3) Contact writers and assign projects,
- (4) Develop a timetable of deadlines to meet specific dates.

I would appreciate reviewing this memo with you as soon as possible and finalize a strategy for future action.

jp

Fig 1

Possible funding from Participating Agencies



"Model Region Program"  
1979

Lidia Selkregg

ALASKA HOUSE OF REPRESENTATIVES

FIRST SESSION

1979  
ROLL CALL

ELEVENTH LEGISLATURE

L

YEA N-Y NAY

- Anderson \_\_\_\_\_
- Barnes \_\_\_\_\_
- Beirne \_\_\_\_\_
- Bettisworth \_\_\_\_\_
- Branson \_\_\_\_\_
- Brown \_\_\_\_\_
- Buchholdt \_\_\_\_\_
- Carney \_\_\_\_\_
- Chatterton \_\_\_\_\_
- Cotten \_\_\_\_\_

YEA N-Y NAY

- Duncan \_\_\_\_\_
- Eliason \_\_\_\_\_
- Freeman \_\_\_\_\_
- Fuller \_\_\_\_\_
- Gardiner \_\_\_\_\_
- Guy \_\_\_\_\_
- Halford \_\_\_\_\_
- Haugen \_\_\_\_\_
- Hayes \_\_\_\_\_
- Hurlbert \_\_\_\_\_

YEA N-Y NAY

- McKinnon \_\_\_\_\_
- Malone \_\_\_\_\_
- Martin \_\_\_\_\_
- Meekins \_\_\_\_\_
- Metcalfe \_\_\_\_\_
- Miles \_\_\_\_\_
- Miller \_\_\_\_\_
- Montgomery \_\_\_\_\_
- Moss \_\_\_\_\_
- Munson \_\_\_\_\_

YEA N-Y NAY

- O'Connell \_\_\_\_\_
- Osterback \_\_\_\_\_
- Parker \_\_\_\_\_
- Parr \_\_\_\_\_
- Phillips \_\_\_\_\_
- Randolph \_\_\_\_\_
- Rogers \_\_\_\_\_
- Schaeffer \_\_\_\_\_
- Smith \_\_\_\_\_
- Zharoff \_\_\_\_\_

*Cross*

Speaker

*adoption  
of CS. for  
ACR 12*

PROCEDURAL MOTIONS

- Amended \_\_\_\_\_
- Amended Senate \_\_\_\_\_
- Amended House \_\_\_\_\_
- Special \_\_\_\_\_
- Effective Date \_\_\_\_\_

TITLES

- Free Conf Comm Sub \_\_\_\_\_
- House Comm Sub \_\_\_\_\_
- Senate Comm Sub \_\_\_\_\_
- Comm Sub \_\_\_\_\_
- Sponsor Sub \_\_\_\_\_

TOTALS

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BILL NUMBER

DATE

HOUSE	SENATE	BILL	RESO.	DATE
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3000	300	30	3	Mar. 3
4000	400	40	4	Apr. 1
J'l.	500	50	5	May 2
• Conc.	600	60	6	June 3
• Quo.	700	70	7	July 4
• Mot.	800	80	8	Aug. 5
• 2nd R	900	90	9	Sept. 6
• 3rd R	000	00	0	Oct. 7
				Nov. 8
				Dec. 9

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# THE ARCTIC COASTAL ZONE MANAGEMENT NEWSLETTER

Issue No.: Nineteen

Date: April 1979

## The Borough Offshore Ordinances

### NSB Thwarts Industry Opposition

Culminating a 3-year effort by Mayor Eben Hopson to join formally with environmental groups to plan the environmental defense of the Arctic, the Borough employed the services of Trustees for Alaska to design a legal regime for implementing its Arctic Coastal Zone Management Program (see ACZM Newsletter, Oct., 1978). Trustees for Alaska (TFA) is Alaska's only public interest environmental law firm, a non-profit organization established in 1975 to serve as the legal arm of the environmental movement with a membership of about 1,000. TFA recently completed its draft ordinances designed to "fill in" until the Borough Assembly formally approves its Coastal Zone Management Program. These draft ordinances were circulated in the state for comment from industry and government officials.

Reaction to the proposed interim ordinances reached highwater when SOHIO-BP joined with the Alaska Department of Natural Resources in mid-March to seek legislation suspending the NSB's planning and zoning authority at Prudhoe Bay.

On Friday, March 9th, TFA attorney, Rob Mintz, notified NSB officials of rumors of a deal having been cut in Juneau to seek legislation to suspend NSB planning and zoning authority until the Borough's District Coastal Zone Management Plan could be approved by both the Alaska Coastal Policy Council, and the State Legislature. NSB officials confirmed the truth of these rumors over the weekend, and consulted with Senator Frank Ferguson (D-Kotz), whose Senate District includes all of the North Slope Borough. Acting with the quick strength for which he has reputation, Senator Ferguson put a stop to SOHIO's legislative plans by arranging for the defeat of Senate Concurrent Resolution 12, by holding the Resolution hostage upon notice of recon-

sideration.

NSB officials were disappointed by SOHIO-BP's tactics, but by the end of the week they were optimistic that the episode had forced oil industrial lawyers to finally sit down with TFA to discuss their anxieties about the NSB's assertion of planning and zoning authority over the Arctic oil fields. It was felt much of the negative reaction to TFA's draft ordinances could now be replaced with constructive cooperation leading to the introduction of planning and zoning ordinances all could support at public hearings of both the NSB Planning and Zoning Commission and Assembly.

#### Background

The national Coastal Zone Management Program began in California as a beach and water-front conservation program able to deal with both coastal resource development, coastal urbanization, and natural erosion. The California state program became the ideal model for what became the national Coastal Zone Management Program created by the Coastal Zone Management Act of 1972. Through later amendments, Federal coastal zone management emerged as important OCS facilitation legislation providing money for badly-needed planning necessary for State and local cooperation with the national Outer-Continental Shelf (OCS) oil and gas development program.

Alaska's legislation was slow and reluctant to enact the Alaska Coastal Management Act of 1977. CZM seemed to have high potential for political mischief, and to insure adequate legislative oversight over Alaska's new CZM program, the Legislation required all CZM

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regulations implementing the Act to be approved by both houses of the legislature. Drafting these regulations would be the first task of the new Coastal Policy Council, to which Governor Jay Hammond appointed NSB Mayor Eben Hopson and eight other elected local government leaders from throughout the State. These nine local government officials sat with seven cabinet-level State officials. The 18 person commission was presided over by Juneau Borough Assemblyman, Roger Allington, and Fran Ulmer, Director of the Governor's Division of Policy Development and Planning (DPDP), part of which became the new Office of Coastal Management (OCM). OCM staff served as staff for the Coastal Policy Council, and developed the draft regulations for the new A.S. 46.40, Water, Air and Environmental Conservation Chapter 40—The Alaska Coastal Management Program.

Most of the new coastal policy commission viewed CZM with the same suspicion in which it was held by the legislature.

This suspicion was fueled by the Act's misty definition of land "uses of state concern" (A.S. 46.40.210(6) ):

(6) "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 to their extent, include:

- (a) 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 dependent upon coastal locations;
- (b) 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;
- (c) 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 their effect on the economy of the state or surrounding area, are reasonably likely to present issues of more than local significance;
- (d) facilities serving statewide or inter-regional transportation and communication needs; and
- (e) uses in areas established as state parks, or recreational areas under A.S. 41.20 or state game refuges, game sanctuaries or critical habitat areas under A.S. 16.20.

As the Coastal Policy Council worked to write regulations to implement the State's new Coastal Management Program, it adopted the policy to steer clear of further definition of "uses of state concern," although at the specific request of SOHIO-BP the Council did include the following language in the regs: "Districts shall consider the uses authorized by the issuance of state leases for mineral and petroleum resource extraction are uses of state concern. District programs and plans must be consistent with those uses."

There was considerable debate over how the Alaska

Coastal Policy Council should deal with District CZM plans restricting or excluding land uses of state concern. This was particularly important for the NSB's desire to regulate the siting of oil field activity in order to protect and rehabilitate critical subsistence habitat from unnecessary harm.

The State's CZM law prohibits unreasonable or arbitrary restriction or exclusion of land and water use of state concern, and authorizes the Coastal Policy Council to reject District plans containing such exclusions or restrictions. However, Section 46.40.060 says that "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 restrictions or exclusion on an analysis showing that the proposed use is incompatible with the proposed site."

If the Coastal Policy Council were to find parts of the NSB's District CZM plan to be arbitrarily or unreasonably restrictive of uses of state concern, the law provides a mediation process involving public hearings. If a dispute about such restrictions cannot be settled through mediation, the law says that the Coastal Policy Council can call a hearing under the State's Administrative Procedures Act to arrive at findings of fact and issue an order to resolve the dispute. If necessary, the Council's order could be appealed in court.

With all this in mind, the NSB Planning Department began CZM planning early in 1977 by focusing upon the coastal area under pressure from proposed offshore lease sales between the Colville River to the West, and the Canning River to the East, the greater Prudhoe Bay area. Phase I of a proposed four-phase District CZM plan. This plan was prepared in close cooperation with State authorities, and was partly funded by Federal CZM planning grant funds from NOAA's Office of Coastal

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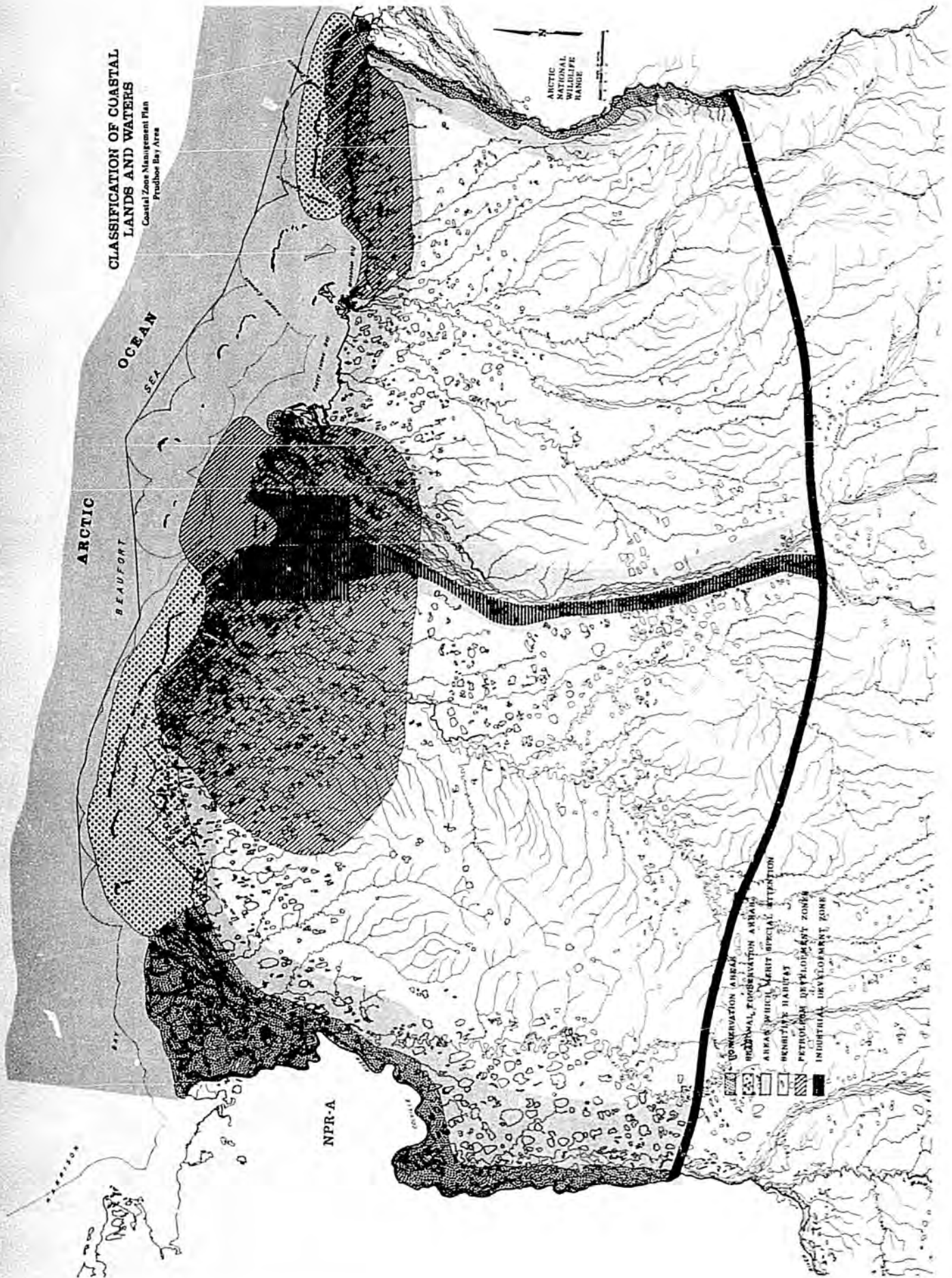
### The Text of Sohio's Language

Ed Note: SOHIO-BP's plan was to amend SB 145, a governor's bill aimed at amending Alaska's Coastal Management Program, by adding the following language to A.S. 46.40.100(a):

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.

If a coastal resource district exercising zoning or other controls has not received approval of its district coastal management plan from the Council and the Legislature, then the coastal resource district may not enforce zoning or other controls inconsistent with the Alaska Coastal Management Program, if such zoning or other controls relate to uses of state or national concern.

**CLASSIFICATION OF COASTAL  
LANDS AND WATERS**  
Coastal Zone Management Plan  
Prudhoe Bay Area



[continued from preceding page]

Zone Management funneled through the Alaska Department of Community and Regional Affairs.

The NSB's Prudhoe Bay area CZM planning document spoke of four land waters classifications: Conservation areas; seasonal conservation areas; areas meriting special attention; sensitive habitat; and zones of preferred development.

Under normal circumstances, this plan would have been the subject of public hearings and ultimate acceptance by both the NSF Planning and Zoning Commission and the NSB Assembly. But normal circumstances did not prevail due to the sudden announcement of the Pt. Thomson lease sale by Governor Hammond which obscured general reaction to the plan, and made NSB officials take a wait-and-see attitude before submitting it for

Assembly approval. It was clear that rules of the game were subject to change and it was deemed early to submit anything to the Alaska Coastal Policy Council. It wasn't clear the Council would approve plans covering only a portion of the Borough's coastline. And the Federal Office of Coastal Zone Management hadn't even approved the State's CZM statutes or regulations.

The Alaska Coastal Management Act established a 30-month deadline for submission of District CZM plans to the Coastal Policy Council. The deadline is December 4, 1979, just two weeks before the joint State/Federal Beaufort Sea Lease Sale scheduled for December 17, 1979. It was clear the Coastal Policy Council would not be able to act upon the NSB's District Plan in time for it to influence the lease sale. Even if the NSB

[continued on next page]

## Beaufort Sea Sale Coming

*Because it presents good insight into how the NSB's Arctic Coastal Zone Management Program is regarded by the oil industry, we have reprinted the following article as it appeared in the February 23rd issue of The Alaska Economic Report, edited by Mike Bradner of Fairbanks. Bradner was Speaker of Alaska's House of Representatives in 1975-76. In addition to publishing newsletters like The Alaska Economic Report, Bradner is a Juneau Lobbyist for Northwest Alaska Gas Pipeline. Mike Bradner is elder brother of SOHIO-BP lobbyist Tim Bradner who contributes to his brother's newsletter and may have written the following.*

### Borough Moves to Regulate Offshore

Industry leaders and some state officials are increasingly concerned over the direction that coastal zone management planning seems to be taking in the North Slope Borough.

The North Slope is a home-rule municipality covering Alaska's Arctic Slope area from the Canada border west to the Point Hope area, and from the Brooks Range continental divide to the Arctic coast. Of prime concern to petroleum officials is the fact that the borough includes the Prudhoe Bay field and some 160 miles of the trans-Alaska pipeline, as well as coastal areas planned for the State-Federal Beaufort Sea lease sale this December.

As a home-rule municipality, the borough has extensive zoning and planning powers as well as tax, utility and other powers common to municipal governments. Some 4,000 mostly Eskimo villagers make up the voting population of the borough, and although roughly another 4,000 industrial and government workers are included in the borough's official population figures for purpose of state and federal revenue-sharing, these people do not vote in borough elections.

#### The problem:

The problem that may be developing is that the borough, responding to state requirements that it draft a local coastal zone management plan as part

of the state coastal zone plan (legislation enacted in Juneau in 1975), has drafted an interim zoning ordinance that will regulate industrial activity and Beaufort Sea exploration through a strict zoning and permitting process.

What has industry and state officials concerned is that the ordinance is being drafted by Trustees for Alaska, an environmental legal-action group with a history for litigation in environmental-development conflicts in Alaska. Since the interim zoning ordinance is aimed primarily at the State-Federal Beaufort Sea lease sale, which will be a major environmental issue in Alaska late this year, state officials are concerned that the ordinance may not meet state coastal-zone guidelines. In fact, one North Slope Borough official, Jon Buchholdt, told the State Coastal Zone Council that the borough does not intend to submit a local plan drafted under the act, but intends to enact zoning and permitting requirements under its home-rule municipal authority.

#### The ordinance

At this point, the draft ordinance being worked on by Trustees for Alaska sets up a classification of special zones in the borough's coastal zone area. It would also require anyone wanting to drill or construct a facility in the coastal area to secure a permit from the borough's planning and zoning commission, as in other municipalities. If development activity is to take place within areas zoned for special classification, stipulations may be placed on the borough's permit.

In the ordinance, the borough would establish special "conservation areas," areas of "seasonal sensitivity" and "buffer areas." Development would either be prohibited, or be required to proceed under special stipulations. One other classification the borough has developed is a special "hazardous area" classification, which will be applied to all offshore areas north of the barrier islands in the Beaufort Sea. Borough officials will be working out the maps to define these special zone areas through this summer, with the idea being that the ordinance will be in place and effective at the time of the proposed December lease sale. The ordinance covers only the sale area.

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were to be able to submit a comprehensive CZM plan for its entire coastline by December 4, it would face weeks of Coastal Policy Council deliberations, and then it would have to be approved by the State Legislature next spring.

The NSB had early on decided to actively participate in the Federal/State CZM program because it seemed a good way to achieve State and Federal cooperation with the Borough's stated intention of bringing oil and gas activity under local control and regulation. Approved District CZM plans bring Federal and State "consistency" with local planning and zoning ordinances. State and Federal land and water uses would have to conform with NSB statutes and regulations under the terms of both the Federal and State CZM laws.

Faced with the rapidly-approaching Beaufort Sea lease sale, NSB Mayor Eben Hopson decided to begin drafting planning and zoning ordinances to enable his Planning and Zoning Commission to zone and regulate land and water use at Prudhoe Bay in the interim period until the Borough's District Plan could be approved next year. Working with the Alaska Dept. of Community & Regional Affairs, Federal CZM planning funds were secured to engage the public interest environmental law firm of Trustees for Alaska (TFA) to draft recommended ordinances based upon the Borough's Prudhoe Bar area CZM plan, with some modifications. A preliminary draft of these ordinances was circulated by TFA to State and Federal officials, and to oil and gas industrial leaders active in monitoring State and local CZM planning.

All of the several meetings of the Coastal Policy Council in 1978 were closely monitored by a rapidly-growing corps of oil corporation government relations people. The best of these were SOHIO-BP's Tim Bradner, Judy Tessier and attorney James K. Barnett III, a trio who have been watching the North Slope Borough closely.

Tim Bradner is regarded by NSB officials to be the most knowledgeable oil company employee regarding the history and political significance of the North Slope Borough. A long-time political reporter, Tim Bradner has been personally involved in this history and is regarded to be a friend, and enjoys safe conduct between all parties involved in the oil politics of the NSB. He counsels patience, trust and moderate behavior to his employer, SOHIO-BP. Judy Tessier is a one-time employee of the State Legislature where she became familiar with Alaskan bush problems, economics and politics. She and Tim Bradner work as a team.

Between them, they have sat through nearly every meeting ever conducted by both the NSB Assembly and the Alaska Coastal Policy Council. Bradner and Tessier work with Jim Barnett who is a active member of the Sierra Club in Alaska, as well as a staff attorney for SOHIO-BP. He appears to be in charge of building the oil industry's legal challenge to the NSB assertion of its planning and zoning authority over the oil field. TFA attorneys were asked by NSB officials to make a special effort to bring Barnett into their work in the development of legally-defendable planning and zoning ordinances for use in coastal management at Prudhoe Bay. Efforts were made, but SOHIO-BP adopted a prudent

wait-and-see attitude and Barnett kept his distance, choosing instead to participate formally in record-building fashion.

When TFA circulated their first rough-draft version of their proposed NSB planning and zoning ordinances, Barnett responded by writing a 25-page critique, which generally concluded that the ordinances would certainly lead to arbitrary and unreasonable restriction and exclusion of uses of state concern, and theorized that Alaska's Coastal Management Act of 1972 suspended NSB Planning and Zoning authority at Prudhoe Bay until such time as the legislature might approve the Borough's district CZM plan. Then he wrote to the Pacific Regional Manager of the Federal CZM program in Washington, D.C. in response to a formal environmental impact statement required before Federal approval of the Alaska Coastal Management Program. Barnett appears to have changed his mind about existing NSB planning and zoning authority when he wrote to the Federals: "We believe that significant authority has been ceded to local governmental entities under the present state enactment. Not only has the state delegated substantial authority to municipalities to control the future economic and environmental development of the State of Alaska in a manner essentially uncontrolled by the State, but the State has in fact given near control of its own operations to these entities pursuant to their local CZM programs. A.S. 46.40.200 requires 'upon adoption of the Alaska Coastal Management Program, State departments, boards, and commissions...within six months of the effective date of the Alaska Coastal Management program (to) take whatever action necessary to facilitate full compliance with the implementation of the program...' By allowing the adoption by local governmental entities of programs not adequate protecting 'uses of statewide or regional concern,' in which there may even be a national interest, and then requiring adherence by State governmental entities and agencies to those programs, the State of Alaska has granted a significant amount of economic control over the future of the State to these local governmental entities without adequate safeguards." Barnett asked the Federals to withhold approval of Alaska's CZM program until the State Legislature could remedy the problem.

As Barnett wrote to the Federals, subscribers to the highly-regarded *Alaska Economic Report* read about worried "industry leaders and state officials increasingly concerned over the direction that coastal zone management planning seems to be taking in the North Slope Borough."

While TFA circulated their draft ordinances and monitored reaction, the NSB Planning Department continued with CZM planning by documenting traditional use and other values requiring zoned protection throughout the greater Prudhoe Bay area. SOHIO-BP wanted NSB Planning Director Herb Bartel to indicate where restrictive zoning might take place, but Bartel refused, holding any linedrawing should be reserved for the Planning and Zoning Commission after the Assembly enacts legislation to give the Commission the tools it needs to zone in a reasonable, non-arbitrary manner.

The NSB Planning and Zoning Commission is comprised of respected leaders of the village communities, and they

[continued on next page]

## What Happened in Juneau — A Chronology

*It should be understood the following happened during a week of hectic political maneuvering which was necessary to move priority legislation into each House's Rules Committee by the 60th day of the current session of the Alaska State Legislature. Had this rush to meet this self-imposed deadline not existed, NSB officials doubt SOHIO-BP's Juneau strategy described below would have been attempted.*

February 26, 1979

SOHIO-BP attorney, James K. Barnett III, writes to Trustees for Alaska Lawyers questioning NSB's legal planning and zoning authority at Prudhoe Bay without a State-approved Coastal Resource District CZM plan, and says proposed NSB planning and zoning ordinances would illegally restrict land and water uses of State concern.

March 2, 1979

Barnett writes Federal Office of Coastal Zone Management to ask delay in approvals of Alaska's Coastal Management Program pending legislative changes in Alaska's CZM law to weaken municipal planning and zoning authority over land and water uses of State concern.

March 5-8, 1979

SOHIO-BP lobbyist, Tim Bradner, discusses legislation to restrict municipal planning and zoning authority by amending SB 145 in Senate Rules, without public hearing, a strategy apparently concurred with by key Resource Dept. and Coastal Management officials. But SOHIO-BP's suggested language is a bit raw, so the Dept. of Community and Regional Affairs works with Office of Coastal Management to write language delicate enough to snip NSB Prudhoe Bay planning and zoning authority without compromising municipal planning and zoning power statewide.

March 9, 1979

Tipped off by scandalized State employees, TFA contacts NSB officials who hear about SOHIO-BP's Juneau maneuver for the first time.

March 12, 1979

NSB officials in Juneau confirm SOHIO-BP's sponsorship of planning and zoning legislation amending SB 145, informs Senator Frank Ferguson, Kotzebue,

who termed the strategy "predictable."

March 13, 1979

Senator Frank Ferguson organized eight (8) other votes to defeat SCR 21 1C-9 (eleven (11) votes needed to pass) thus endangering new Coastal Management Program regulations sought by Federal OCZM as condition to Federal approval of Alaska CZM program, and millions of dollars in follow-on Federal CZM planning funds. Notice of reconsideration is made. Office of Coastal Management Director establishes first state contact with NSB regarding plot to amend SB 145, explains SOHIO-BP feels vulnerable to possible arbitrary and unreasonable restriction of oil field operations in the interim period until State approval of the NSB District CZM plan, and has threatened to sue to hold Federal approval hostage to secure remedial amendment with a Rules Committee substitute Senate Bill 145. But Ferguson has SCR 12 defeated with only one day to make a deal with the NSB or badly-needed CZM regulation revisions will remain defeated. After negotiated agreement to discuss problem, NSB asks Ferguson to permit passage of SCR 12.

March 14, 1979

Senate CRA Chairman Arliss Sturgulewski, former long-time chairman of the Greater Anchorage Area Borough Planning and Zoning Commission, asks Rules Committee to hold SB 145 pending resolution of SOHIO-BP's complaint to everyone's satisfaction. SCR 12 passes the senate 13-7.

March 16, 1979

All parties to the dispute meet in Anchorage to discuss SOHIO-BP's anxiety about NSB Planning and Zoning authority. SOHIO-BP feels there should be clear legislative authority for the State to over turn NSB's restrictions of land and water uses of State concern, but perhaps some kind of voluntary mediation process to be used until the State can approve NSB's District CZM plan will serve. Meeting ends with agreement to wait for SOHIO-BP to suggest any mutually satisfactory amendment to SB 145.

March 19, 1979

For the first time, serious talks begin between TFA and SOHIO-BP attorneys about proposed NSB planning and zoning ordinances. House CRA Chairman Bill Parker (D-Anchorage) begins CZM hearings on SCR 12 approving new State CZM regulations.

[continued from preceding page]

bring strong village subsistence-centered economic views to their work.

These views have become very sharp and critical toward the offshore plans of the oil and gas industry since the aborted Pt. Thompson offshore lease sale. This resulted in the retention of Alaska Legal Services, Inc. as counsel to the cities of Barrow, Nuiqsut and Kaktovik, and a broad Borough-wide community debate over NSB offshore oil and gas policy has continued. When Mayor Eben Hopson refused to join NSB with other plaintiffs in the Duck Island litigation to stop Exxon

from drilling on an existing nearshore State lease, Alaska Legal Services sought on behalf of their clients to force the NSB Assembly to override Hopson's decision, which was based upon the weakness of Alaska Legal Service's legal case rather than support for any offshore operations, even in the nearshore shallows. Two policy resolutions are being studied by the NSB Assembly, one submitted directly to the Assembly by the Barrow City Council. As a political fact of life, Mayor Hopson and the NSB Assembly must now deal with the views of a large number of NSB citizens who

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## The Report to the Legislature on the AEWG

In 1978, the Alaska Legislature appropriated \$250,000 to the University of Alaska's Arctic Environmental Information and Data Center (AEIDC) for disbursement to the Alaska Eskimo Whaling Commission (AEWC) and other entities to help insure whale stock viability. Studies were to:

- Gather data on the population, migration, and habitats of the bowhead whale;
- Monitor the subsistence harvest of whales;
- Reduce the number of whales struck and lost;
- Present data gathered and otherwise represent the interests of Alaska's subsistence whalers to the federal government and the International Whaling Commission (IWC).

On February 21, spokespersons for AEIDC submitted a report to the Legislature on the results of objectives. The written report is 17 pages plus an appendix containing 5 pages of the AEWG management plan. It is available from AEIDC, University of Alaska, 707 "A" Street, Anchorage, AK 99501.

The report begins with a brief history of traditional Inupiat subsistence whaling and the events that led up to the IWC's lifting of the aboriginal exemption and the formation of the AEWG. It makes the point that the conflict between the Inupiat whalers, now suing in court (*Hopson vs Kreps*, see February ACZM Newsletter), is of importance to all Alaskans:

The first question is one of welfare. The bowhead whales taken by Eskimos, in addition to their social and cultural value, are also an important nutritional resource. If this resource were for some reason unavailable, it would be difficult to replace...

It is conceivable that the State would be drawn into expensive programs to assist in meeting such a need. Assuming conservatively, on the basis of a report by the National Oceanographic and Atmospheric Administration (1978), that the 12 whales taken in 1978 provided an average 7.2 metric tons each of edible protein; 190,000 pounds of meat would be required to replace this harvest. At a conservative cost of \$3.00 per pound delivered to the whaling communities, such a program would involve costs more than \$500,000. Much testimony has also been presented to the effect that 12 bowhead whales are not enough to meet the nutritional needs of the whaling communities and that imported food does not replace whale meat.

In addition to the societal issues, there are also unresolved questions on the effects of industrial development on bowhead whales. Under the terms of Section 7 of the Endangered Species Act of 1973, as interpreted by current regulation, such activities as the various phases of oil and gas production cannot proceed until regulatory agencies have been assured that they will not cause the loss of a single bowhead whale. Even if this interpretation were relaxed within the framework of the

act, present knowledge is insufficient to determine what types of activities could be conducted without significant adverse effects on bowhead whales or their habitat... Until these problems are resolved, many industrial activities, particularly petroleum development, will be held in abeyance, and even the Beaufort Sea lease sale may not be possible.

The report then addresses the activities of the AEWG in the fields of legal and administrative services, cooperative research, bowhead management, and education and communication. The legal issues involved representing the whaling communities before the courts and the IWC. The AEWG also participated in several government research activities in 1978, including providing crews in several communities on the coast to aid the important National Marine Fisheries Services (NMFS) in order to assure the best possible count of the whales. The AEWG also helped fund the aerial surveys and undertook research on improving the whaling equipment.

Regarding management, the report noted:

AEWG, through its management plan and participation by its members, achieved a responsible leadership position that provided an equitable division of the bowhead quota between whaling communities. It also achieved a change in harvest methods and standards that brought about a dramatic reduction in the number of whales struck but lost. The strong leadership stance in implementing a management plan adopted by the whalers themselves was instrumental in reducing tensions and achieving a hunt within the framework of government regulations, and avoiding confrontation between enforcement officers and whalers.

The report also contains a report on the Bowhead Whale Conference (ACZM Newsletter, Feb., 1979) and a summary of bowhead whale knowledge, research programs, and concerns. The listing of major "data gaps" is impressive, pointing up how little is known about one of our largest mammals. The AEIDC report concludes with a plea supporting the Eskimo position, that future scientific efforts make full use of the local knowledge of the Inupiat whalers themselves:

We recognize that integration of such varied skills can be difficult. With the best intentions in the world, scientists pressed for time and funds find it difficult to undertake training and restructuring of crews during the field season. Future programs of this kind should, however, include time and funds for careful selection and training of participants. AEIDC believes coordination of research also requires that AEWG appoint a coordinator responsible for personnel selection and training and liaison between various research agencies.

### The IWC Subsistence Workshop

Although the legal question of IWC jurisdiction has been challenged in court by the Eskimos, the IWC is currently proceeding with the development of a regime for management of aboriginal subsistence whaling. This included a week-long workshop at Seattle in early February that included three panels: anthropology,

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**Whaling Commissioners Confer on Whale Allocation.** Captains from Alaska's whaling communities met in Barrow on February 19 to formulate AEWG policy for the coming whale season. Pictured seated, left to right are Waldo Bodfish, Wainwright; AEWG Chairman Jake Adams, Barrow; Herman Aishanna, Kaktovik; Winton Weyapuk, Jr., Wales; and AEWG Executive Director Dale Stotts, Barrow.

Photo by Bill Bacon.

## Alaska Eskimo Whaling Commission Proceeds With 2 Percent Regime

by Jacob Adams  
Chairman of AEWG

*Whaling Commissioners from across Alaska's northern coast met in Barrow February 19 to allocate the 45 whales allowed under the two percent regime determined last year. At the conclusion of the meeting, the following statement was issued.*

The Alaska Eskimo Whaling Commission, during its meeting, agreed to impose upon Eskimo whalers, a management plan whereby no more than two percent of the known number of bowhead whales would be killed in the 1979 season. As AEWG Chairman Jacob Adams explained, "This management scheme is consistent with the scheme that the AEWG and the United States Government agreed to last June and proposed to the International Whaling Commission. The action of the Commission today assures that there will be self-regulation of the bowhead whale hunt this season."

Eskimo whalers have said that they will not abide by the unfair and illegal quota imposed by the International Whaling Commission—a quota which would limit the nine Alaskan whaling villages to a total of 18 whales between them. As Adams explained: "Our people lived under an unjust and illegal quota last year in the hope that the outside world would learn about our hunt and act responsibly toward us. The U.S. Government did just that, but the IWC did not. We will abide by our original agreement with the U.S. Government for this whaling year."

The U.S. Government has established regulations to limit the bowhead hunt to 18 whales in order to carry out the International Whaling Commission quota. However, its own recommendations to the IWC were for a domestic management scheme that would have permitted harvest of not more than two percent of known stock size. This is the scheme which the AEWG will impose upon itself.

When asked what he expected the U.S. Government to do when more than 18 whales were landed, Chairman Adams said: "We have been assured that the U.S. Government will act reasonably and will not undertake heavy-handed enforcement actions as long as the Eskimos act reasonably. Since we are going to follow the government's own proposal, we will, by definition, be acting reasonably. We don't expect any trouble this spring. We will be cooperating with the government and they will be cooperating with us."

In response to those who claim that the Eskimo whaling villages will be breaking the law, Chairman Adams noted that it is the position of the Alaska Eskimo whaling communities that any regulations pursuant to IWC action are illegal. Therefore, the Eskimos will not be violating any valid laws. A federal district court in Anchorage refused in January to rule on whether regulation of Eskimo subsistence hunting by the International Whaling Commission was legal. The judge said he was without jurisdiction to decide the issue. Eskimo plaintiffs have appealed that decision and requested a federal court of appeals to find that the IWC has no jurisdiction over Eskimo subsistence whaling. It is unlikely there will be a decision before the spring hunt commences.

Asked how the AEWG was going to assure compliance with the two percent limitation, Chairman Adams said: "Each village has a view of its own needs and recognizes the need for other communities. As the hunt proceeds, AEWG commissioners will monitor its progress and discuss with the villages the actions which seem appropriate. We will have to balance hunting opportunity with subsistence need. A fixed village-by-village quota will not work, but we will stay within the overall limits."

In addition to the adoption of the 1979 interim regulations, the Commission also adopted research objectives that would insure both the needs of the Eskimos and the continued viability of the bowhead whale stock. In doing so, the Commission committed itself to cooperate with the bowhead research programs, such as the National Marine Fisheries Service Program and the Naval Arctic Research Laboratory's "Project Whales," being undertaken as part of the Beaufort Sea Assessment.

The major research objectives identified by the Commission are reproduction information, historical information on bowhead behavior from an Eskimo viewpoint, population count, biological dynamics, distribution and habits of the bowhead whale, according to Chairman Adams.

The meeting ended with great enthusiasm for the coming whaling season. [ ]

## Inupiaq Language Meeting Held at Barrow

The North Slope Borough Language Commission sponsored an All-Alaskan Inupiaq Workshop in Barrow from January 10 to 12. The purpose of the meeting was for Inupiaqs from around the state to gather and discuss the linguistics and writing system of their language, assisted by linguists from the Alaska Native Language Center in Fairbanks. Molly Pederson and Edna MacLean arranged the meeting to stress the importance of the Inupiaq language as a binding force which unifies Inupiaq people.

Representatives from other Inupiaq areas came to Barrow, including Elmer Jackson, Hannah Loon, Susie Sun, and Nita Towarak from the Northwest Region as well as Bernadette Alvanna, Marianne Davis, Albert Ningeulook, Edith Sagoonick, Margaret Seeganna, John Sinnok, and Elvina Swanson from the Bering Strait Region. In addition, the North Slope Borough School District brought their bilingual instructors and the staff of their Inupiaq Materials Development Center to the meeting. Other local participants included Rachael Craig and Janna Panigeo of Inupiat University.

The meeting began with presentations on linguistics by members of the Alaska Native Language Center. Larry Kaplan talked about Inupiaq consonant palatalization, followed by Jeff Leer, who discussed some special considerations of Seward Peninsula consonants. Edna MacLean presented an historical overview of the modern Inupiaq writing system and how it has changed since Roy Ahmaogak of Barrow and Eugene Nida designed it in 1946. Dr. Michael Krauss spoke last, talking about the status of Eskimo-Aleut languages in terms of the number of people who speak in them. He emphasized the fact that there are Eskimos living in Alaska, Canada, the U.S.S.R., and Greenland, and that exchanges among the various groups will promote the cause of unity among a people which has been artificially divided by international boundaries.

Dr. Krauss also stressed the negative influence which English language television has on native languages and the positive role which local broadcasts in Inupiaq

could play in keeping that language alive. Dave Fauske of the Arctic Slope Regional Corporation Media Center spoke to the group about possibilities for local production of television shows.

Throughout the conference, questions of orthography were brought up. The group recognized that some spelling differences which exist among Alaskan Inupiaq dialects are unnecessary, and greater consistency could be achieved by some minor spelling changes. For example, the word for "belt" is written *tavsi* on the North Slope and *tapsi* in the Kobuk and Seward Peninsula areas. A change of *v* to *p* on the North Slope would make the spelling of this and other words the same in all areas.

Canadian and Greenlandic Inupiaq spelling were also mentioned, since a common writing system internationally would allow a freer exchange of printed material and correspondence among all Inupiaqs. For example, the Inupiaq word for 'woman' is the same all over, yet this word is spelled *agnaq* in Alaska and *arnaq* in Canada and Greenland.

The purpose of this meeting was not to propose any changes nor make any decisions about spelling but to present linguistic information about Inupiaq writing across the Arctic. Presentations stressed the fact that a change in spelling does not in any way change pronunciation, and differences in dialects add to the richness of the Inupiaq language.

In all, the group expressed satisfaction with the exchange made possible by the meeting and the presentation of the greater international picture for the Inupiaq language. On the last day, meeting participants decided to form language commissions in the Northwest and Bering Strait regions in addition to the already existing North Slope Borough Language Commission. The three commissions will meet individually to discuss local language affairs and as a single body to take up matters of interest to all, especially concerning orthography and international exchange.

To further the goal of increased contact with other Inupiaqs, the North Slope Borough Language Commission has sent Martha Aiken, of the Inupiaq Materials Development Center, and Edna MacLean to Canada where they will attend a primary curriculum development workshop in Eskimo Point, followed by a Montreal meeting to work on Inupiaq high school grammar materials. ||

## Offshore Ordinances

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would oppose any cooperation with the oil industry's offshore program, including accomodation of "uses of State concern" in the NSB's District. Much of this polarization resulted from the community organization and legal conseling of Alaska Legal Service attorneys not bound by the NSB's political and legal constraints.

Caught between an important segment of the North Slope population which seeks a delay on all industry exploration in the Arctic and the attempts of industry to trim the Borough's planning and zoning powers by sneaking through legislation without a public hearing, NSB officials are more impressed than ever with the need for an effective Coastal Zone Management Program which may hold the only answer for reconciling the concerns of village residents and the Borough's Prudhoe Bay taxpayers. ||

## Report to Legislature

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nutrition, and wildlife. These panels prepared reports on aboriginal subsistence whaling including the possible use of alternative wildlife food resources.

The AEWG, because of its legal case, did not attend this workshop, and the absence of Inupiat whalers and others with expertise on the subjects considered greatly hampered the work. The panels recognized that because of time constraints and the absence of particular expertise, the reports prepared lacked scientific vigor. In spite of this, the wildlife committee concluded from a biological perspective, the quota should be reduced to zero. The focus on food alternatives such as other sea mammals raises further questions about the jurisdiction of the IWC in allocating migratory food resources already governed by U.S. and Alaskan law. ||

# The Pond Inlet Hearings

## CARC Testimony on the Norlands Proposal

Norlands Petroleum Ltd., a wholly-owned subsidiary of a U.S. utility—Northern Natural Gas, which operates out of Omaha, Nebraska—is applying to drill one exploratory well in Lancaster Sound, an internationally recognized area of biological importance. On October 18-19, the Canadian government held hearings to provide public input into the new Environmental Assessment and Review Process (EARP) at Pond Inlet in the Northwest Territories.

The proposal to drill in Lancaster Sound raises important questions not only for Canadians, but for all concerned about the Arctic. Is the risk to this unique area worth the possibility that oil might be found? Should the risk of finding oil be taken even though there is not proven technology for producing the oil should it be found? Should Canada entrust an international treasure to a corporate developer with no proven record or experience and with no revenue?

Among many other participants, the Canadian Arctic Resources Committee (CARC) offered testimony on the Norlands proposal. The following is a condensation of that testimony as reported in *Northern Perspectives*, Vol. 6, No. 6, 1979, published by CARC, 46 Elgin St. Room 11, Ottawa, Ont. K1P5K6.

This drilling proposal should not be viewed simply as the first pioneering venture of industrial man in a hostile frontier setting. It is one element of an ongoing series of intrusions by Europeans and Euro-Canadians into the lands of the Inuit peoples. The history of these intrusions is mixed—some have been beneficial to the Inuit whereas others have been disastrous. The whiteman has come and gone and come again according to the market fortunes and bureaucratic imperatives of the day. The Inuit people remain and live with the consequences all their lives.

From the South we tend to view various excursions into the North as isolated ventures—whether it's a hearing like this one or an exploratory drilling program like that proposed by Norlands. However, for the local residents and the environment the cumulative effect is of utmost concern. The Inuit know, as we know from our own experience in the South, that a process once started always seems to push forward, first by small increments then by larger ones, and the end result is never what it was originally intended.

### Tax Incentives

It is important here to understand fully the reasons that Norlands has for pursuing the action in Lancaster Sound. There is no question that the Lancaster Sound area holds some promise for hydrocarbon discoveries. But there are a number of other factors that compel this drilling to proceed as quickly as possible. First, the exploration permits (with work obligations) were for twelve years, and they expire in the early 1980's.

But perhaps most important is the tax incentive scheme. Norlands says that if there is a delay "there is some question whether Norlands will be able to take advantage of the Federal Tax incentive for frontier drilling which is scheduled to expire in April 1980." In essence, frontier work is a compelling tax shelter. And the financial incentive does not end there. The government recently announced plans for a three-year holiday for the progressive incremental royalty for any discoveries in the frontier region before 30 October, 1982. That royalty is for 40 percent tax on profits that can be taken wherever the company chooses after production begins.

These are all important ingredients of the government's "need to know policy," but they clearly conflict with the government's other policies related to the North, its environment and indigenous peoples, and hence the work of this panel.

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"Even in the Arctic, where great technological risks seem commonplace, the proposal to drill in Lancaster Sound has a science-fiction air about it."  
**Oil under the Ice, (CARC), 1976.**

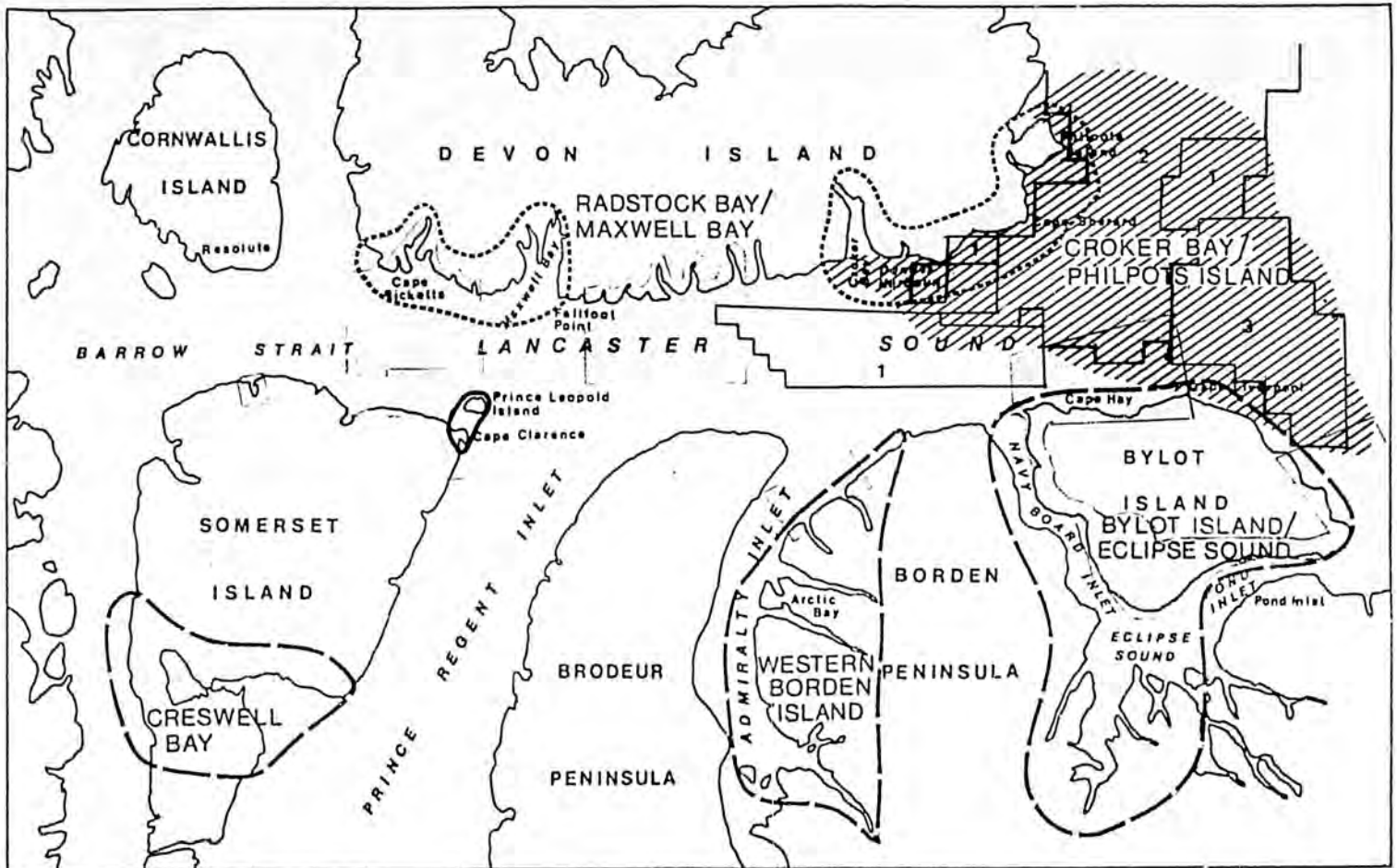
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Norlands has limited its project description to the drilling of a single well in the middle of Lancaster Sound. Norlands Petroleum wants to find oil—more specifically, it hopes to find a reservoir containing as much oil as the Prudhoe Bay field in Alaska. It says that crude oil, if found, could readily be shipped to eastern Canadian markets by tanker. Yet what we are asked to address is the environmental impact of only one solitary exploratory well!

### Blowout Debate

The odds of a "serious oil blowout" occurring are less than one in one million according to Norlands. (Note the careful use of the words "serious" and "oil.") In a recent publication entitled Environmental Protection Service (EPS) says that blowout probabilities range from 1.5 in one thousand per well for a blowout probably devoid of oil, to 2.3 in one million for one associated with a major uncontained oil discharge. EPS adds that drillship blowouts can be expected approximately *four times* as often as artificial island blowouts. In an EPS report entitled "A Study of Environmental Concerns, Offshore Oil and Gas Drilling and Production," written by Robert Baker, we are advised that in the North Sea, where the industry has considerable experience, about one well in every 200 is a blowout. Although the sediments are substantially

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- Oil & Gas Permit Area
- Map Courtesy of CARC
- 1 NORLANDS
- 2 PETRO-CANADA
- 3 SHELL
- Candidate N.A.C.S.
- N.A.C.S.
- N.S.C.S.
- //// Marine Park (preliminary identification)
- International Biological Programme Sites (proposed)
- Inuit land use not shown

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 different from Lancaster Sound, the chances of a blowout in the Beaufort have been estimated by F.G. Bercha and Associates Ltd. to be one in 200. Actual experience shows what Dome calls "controlled flows" (i.e. blowouts) in 25 percent of the wells spudded. The U.S. deputy assistant secretary of state for Canadian affairs has said that one of every 100 wells drilled in the state of Alaska (on and offshore) is a blowout.

Perhaps it would help if we knew what the probability of a major oil discovery were if we took the blowout risk, whatever it is, by drilling one hole as Norlands suggests. For instance, are we risking a unique and internationally important arctic environment for a one in one hundred or a one in a thousand or a one in ten thousand long shot? If this hole were unsuccessful, what is the probability that we would have to risk everything again for another try by Norlands or others? What is the probability of success after this single exploratory well or after the additional 10 or 20 more times we face the risk of environmental disaster that Norlands admits would accompany a blowout?

Russian roulette may be worth the risk if the rewards are very high and certain.

**Blowout Liabilities**

Looking back to the corporate structure of Norlands and the incentive schemes it is apparent that the government subsidy for Norlands' well drilling is about 200 percent. If there is a disaster, who will be expected to pick up a major portion of the clean-up costs?

Under current law, Norlands' liability is limited to \$10 million per well. There is no relief provided for non-Canadians (i.e. Greenlanders) and there is no incentive to clean up beyond the liability limit. Victims, such as the Inuit of North Baffin or Greenland and the fishermen of Labrador, must pursue civil remedies under common law. Their chances of success are doubtful.

Ten million dollars sounds like a lot of money, but it is trivial when it comes to a spill anywhere, to say nothing of the Canadian Arctic. The French government currently has a suit for about \$300 million

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for one tanker disaster off its coast. Baker quotes damage clean-up figures of up to \$1,000/ton of oil based on world-wide experience in a non-arctic environment. Assuming \$1,800 is applicable (it is probably too little in an arctic location) and taking Norlands' worst case blowout scenario of 6,000 barrels per day for one year, the cost can be expected to be at least \$500 million.

Norlands is a limited company with total listed assets of only \$20.335 million. Most of that is probably Lancaster Sound interest. Norlands has no revenue. Assuming that it could meet the maximum \$10 million liability for the well, that would still leave at least \$540 million unaccounted for. Who will pay? Will anyone, or will the area be simply left? Is Norlands being used as a corporate liability shelter by the participants in Magnorth Consortium? And what about Canada's international obligations? Certainly, no drilling should be allowed until these issues are resolved by the government.

### Can You Cleanup?

Having said all that, CARC is the first to recognize that the cost of clean-up in the Arctic is somewhat academic. There is nothing to indicate we can control or clean up an oil spill in the Arctic even with unlimited money.

The difficulty is that the public may be lulled into believing that a technological solution is likely to be forthcoming. The fact is that there is no likelihood of any technological capability to contain or to clean up an oil spill in the Arctic within any foreseeable time, and therefore the decision to continue drilling in Arctic waters is simply proceeding on the basis that the benefits outweigh the detriments that would result from the oil spills. That is the basis on which the issue should be addressed—not on some notion

that a few years' research will produce workable results or that booms or slickers are or not available to Norlands within half a day if a spill occurs.

The fact is that the experts pretty well agree that there is no acceptable technology for containing and cleaning up large oil spills anywhere, let alone in remote Arctic regions. At the moment, technology can deal only with minor spills in harbors or other areas where equipment is readily available and where there is no exposure to winds and tides of the open seas.

### Killing a Blowout

If a blowout does occur, the attempts to control and clean up the spill are important, but more important is the ability and time required to kill the blowout. CARC recognizes that blowout and relief well issues are complex. It is extremely difficult to obtain useful information from other Arctic operations. But the one lesson that can be learned is that the greatest cause of blowouts is human error. That is something that Norlands will certainly be plagued with and something it has not addressed properly. In his report Baker described the problem this way:

DINA reports that Canmar personnel (Beaufort Sea, 1976) had little or no Arctic experience. Many drillers were totally inexperienced with risers, tensioners, subsea BOP Systems and vertical pipe rackers, etc., although they did have land rig experience. Some of them had well control certificates that were over three years old. Crane operators and roughnecks also lacked experience. Many accidents (e.g. two minor blowouts and one death) and near-accidents occurred. In one instance the casing cementing

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The Inuit village of Resolute on the Barrow Strait, just west of Lancaster Sound. Resolute would be one of the communities impacted in the event of oil operations in Lancaster Sound. The UNESCO Man and the Biosphere Program has identified six regions in the Lancaster Sound area near here as significant biosphere reserves or world heritage sites (See map).



Brodeur Peninsula on Lancaster Sound. Lancaster Sound is regarded as supporting one of the richest bodies of marine life in the world including 50-60 percent of all eastern arctic birds such as northern fulmar, black-legged kittiwake, thick-billed murre and the dovekie. Among the marine mammals present are the beluga whale (30-40 percent of the North America population use the area), the narwhal (85 percent of the North American population), the bowhead whale, harp seal, ringed seal, and polar bear.

Photos by Bill Bacon.

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system was not used properly. The gauge tanks of the units were calibrated in 1/10 of a cubic meter but were being read as barrels. This discrepancy meant that cement casings only received 63 percent of the quantity of cement that was designated for them. It may have been the reason for the failure of the casing in the Kopanoar D-14 well.

Fire drills and BOP drills were seldom held as required and promised by Canmar. On board equipment training was inadequate. Safety and anti-pollution procedures were not aggressively enforced by supervisors. In fact, supervisors were not always aware of Canmar's own safety policies as laid down in their safety manual. Nor did they comply with many of the operating conditions attached to the drilling authority.

The oil company operating the runaway well in the North Sea admitted...that a vital piece of equipment (a blowout preventer) had been installed upside down. According to the Phillips Director of Engineering, Ekofisk field, there was a good possibility that the well could have been sealed if the blowout preventer had not been installed in an inverted position. "If something like this happens in the Beaufort Sea, I shudder to think what might happen," said Kennedy (a top U.S. expert in cleaning up oil spills)...

### "Need to Know"

If a meaningful assessment is to be made of Norlands' proposal to drill an exploratory well, it obviously

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"I am a little nervous about talking tonight because I feel that the future of our lives is at stake. It took me a few years to be in control of my own life. I used to feel that I had some amount of control over it, but now I am looking at the proposed drilling in Lancaster Sound and now I know that I do not have control over my own life...in fact, all of the people here do not have control over their own life, because there is a panel in front of us who is listening to everything we say and everything that Norlands and the scientists say and the panel is going to make a decision to present to the government. I know that the government will make the decision and it is very frightening because the wrong decision could destroy us. I can only say that I hope—that you will listen to what we have to say tonight and that you understand what we are trying to say."

—Maggie Allooloo, Hamlet Council

cannot be considered in isolation. Each proposal is not a mutually exclusive event for industry, for the environment, or for the people who live in the region.

The government has a "need to know policy." It is a policy dictated by very real national energy concerns. But what is deceptive in that policy is the implication that once we do know, the pace of subsequent events can be wisely decided or could be stopped. Our experience shows that that is not the case. Once hydrocarbons are found, there is a rush, and the industry quite understandably exerts irrestable pressure to have the hydrocarbons exploited. For example, the present gas bubble in Alberta has the industry clamoring for exports. They say this is vital to the continued health of the industry. Huge sums invested in exploration and development are cited as reasons to push ahead. Dome Petroleum is particularly adept at this kind of argument.

This kind of confrontation is the logical result of a hyperactive industry being led by conflicting policies. In a more direct sense it is the result of a complete lack of proper assessment and planning.

The "need to know policy" and the determination it has bred in the oil and gas industry are predicated on the basis of the "public (national) interest." It is assumed by some people that that policy takes precedence over Native interests, regional interests, environmental interests, and so on. But does it?

It is ultimately really in the national or even international interest to prejudice against these other interests? Who is this public? Is it this generation? The next? Who benefits? Who pays? And how?

Lancaster Sound is as good a place as any to start. It is right here that we can begin to assess the devastating implications of our unrestrained consumption on our own environment and natural resources.

### Wedge Edge

What we must understand is that the Norlands proposal if approved will be the first step in the establishment of a major hydrocarbon province in the eastern Arctic. This is not just one exploratory well. It is the thin edge of the wedge which when driven home may well see a great many exploration and production wells for both oil and gas. We can anticipate offshore structures, seabed flow lines, onshore storage facilities and processing plants. More people will flood into the area. Existing towns will grow and new towns will be built. Airports and communication facilities will be built and pipelines will be laid. Icebreakers and tankers will frequent the area.

### The Inuit Homeland

And there are other quite different but equally exciting plans. The Inuit people have occupied this area for thousands of years. The land is not just real estate—it is an identity, a culture, a way of life, a people. The Inuit have legal and moral rights that dominate our southern claims to their lands and resources. The courts and the Government of Canada now recognize that. The just resolution of aboriginal rights will see

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## Hopson, Biologists Protest ARCO Seismic Extension

In early March, it was learned that the Department of Natural Resources had ruled that seismic operations conducted by ARCO in the Beaufort Sea can continue until May 31. The department's action to extend five permits came despite protests from the Department of Fish and Game and other consultants who have warned about the effects of the seismic work on the local ringed seal population.

The Division of Game had reported that there are only half the number of ringed seals now in the area than in control areas. The seals have probably fled, rather than died, but the displacement constitutes harassment illegal under the Marine Mammal Protection Act of 1972.

Tom Cook, director of the Division of Minerals and Energy Management, defended the permit extensions on the basis that ice conditions prevented completion of the work before the March 20 deadline. "There will be some displacement," he is reported to have said in the *Anchorage Times*, "but they are not an endangered

species. And the seismic work is necessary if we're going to have a lease sale." The work is being carried on in the eastern end of the proposed sale area.

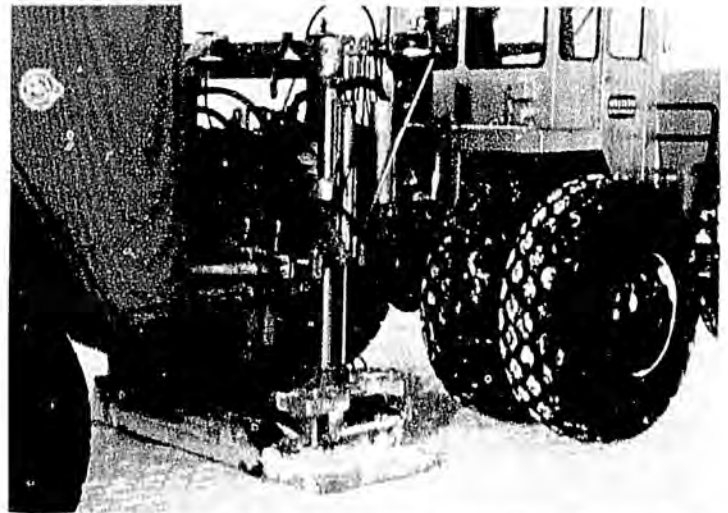
Among those who protested the action was the state marine mammal biologist Kathy Frost who spent parts of three winters on the ice examining seal population and birth rates. She claims the noise of the tests causes the mothers to desert their young before they are able to fend for themselves. "We did find the dens were reduced one half or more in seismically tested areas," she said.

Although the Beaufort above Barter Island is not noted for a heavy seal population, Frost estimated that as much as 10 percent of the state's ringed seal population could be affected.

On March 20, NSB Mayor Eben Hopson joined the protests in a telegram to Governor Jay Hammond calling for an end to the tests. In part, his message read: "Issuing special permits over the strong objections of the National Marine Fisheries Services, the Alaska Fish & Game Department and the North Slope Borough people without even an announcement, much less without a public hearing or notice, adds to the violations, mismanagements, and dictatorial procedures not called for." As the Newsletter is being printed, Hopson is conferring with Juneau officials there about the matter. □



Seismic equipment being used in the Prudhoe Bay area. Pictured are four "vibrasizing" units on the left and a detail of the vibrating plate on the right. This method sends sound waves through the land-fast ice and the rock beneath it. When they bounce back, sensors pick them up and technicians translate them into a sketch of the strata. Another method uses 120,000-pound machines called Thunder Wagons which drill four holes



in the ice and detonate guns to acquire the geologic information. The charges penetrate several thousand feet below the bottom. Both methods are said to be responsible for the displacement of the ringed seal which evacuate areas of any human disturbance. The tests were conducted with dynamite until 1970 when the practice was outlawed because it damaged marine life.

Photos by Bill Bacon.

## Hunger Knows No Law

### A Whaling Film

This 28-minute film documentary on the subsistence bowhead whale hunt at Barrow in the Spring of 1977 has been recognized as an important statement on the rights of traditional hunting societies. It carefully reveals the insights of members of a community still dependent on

subsistence hunting on their environment, their culture, and their times. Rental, \$10, purchase, \$350.00

Available at the Anchorage Office, North Slope Borough, 835 "D" St., Anchorage AK 99501. Phone: (907) 276-4374.

[continued from page 13]

the definition of new Inuit objectives and plans for this area that most of us cannot even imagine. The only thing that is certain is that the Native peoples will not allow us to push them aside, as in the past, so that we in the South can get what we want.

Parks Canada has only begun to explore the natural and cultural significance of the region and its marine resources. Parks Canada advises us that areas in Lancaster Sound will have potential for inclusion in the United Nations World Heritage list. The UNESCO Man and the Biosphere (MAB) Program gave rise to a ten-year international biological program (IBP) that identified six areas of significance in Lancaster Sound as shown on the attached map.

All of these considerations—those of the military, the Native peoples, industry, and conservation—represent exciting opportunities. But many of the elements of each will pre-empt or prejudice the others. It is apparent that even within one government department—Indian Affairs and Northern Development—there is no attempt to reconcile and plan that ministry's responsibilities for Native peoples, parks, and historic sites, renewable resources and non-renewable resources. The shocking thing is that most civil servants responsible for these areas are not even aware of the work of their colleagues even though their plans conflict.

### Conclusions

Lancaster Sound may contain hydrocarbon resources that will provide limited short term economic benefits to Canada.

The Lancaster Sound region now sustains the culture of a people and living resources that Canadians and the world cannot relinquish guiltlessly.

The compelling conclusion is that the benefits of stopping the drilling of one exploratory well outweigh the benefits of proceeding.

CARC therefore recommends that the Norlands project be rejected. Norlands is simply the wrong company with plans to do the wrong thing at the wrong

## Other Oil News

### Dome Petroleum in Trouble?

Dome Petroleum's exploration program in the Canadian Arctic is considerably ahead of adequate production technology for the ice-scaped region, too far ahead, some investigators think. Investment has sagged in recent months, but that trend could end shortly. Japan National Oil Co. has taken an interest in Dome's work and is apparently seeking to bolster the program.

—Offshore, January, 1979.

### Dome Contracts for New Icebreaker

St. John Shipbuilding and Drydock of New Brunswick is constructing a class-four icebreaker for Dome Petroleum for use in its Canadian Arctic operations. Completion is scheduled this September. Dome wanted a \$125 million class-ten vessel but could not obtain government participation in the financing and use of the unit.

—Offshore, February, 1979.

### Esso To Explore Eastern Arctic

If the government approves, Esso Resources Canada will begin exploratory drilling off the coasts of Newfoundland-Baffin Island early this year. Tentative plans call for the first hole to be spudded in April in the Flemish Pass. A second effort is expected to begin mid-July in the federal water off Davis Strait.

—Offshore, February, 1979.

### Arctic Island pipeline decision expected soon

Canada's National Energy Board is expected to rule soon on Polar Gas' application to build a 2,300 mile pipeline from the high Arctic Islands to the Canadian mainland. Five marine channels totaling 90 miles in length will have to be crossed, either by lay barge or bottom

WEST GREENLAND  
(Southern Upernivik)

A Little Song

I sing a little song,  
someone else's worn little song,  
but I sing it as if it were my own,  
my own dear little song.  
In this way, I play  
with a secondhand song,  
and give it life again.

—Translated by Tom Lowenstein



(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. (§ 4 ch 84 SLA 1977)

**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 June 4, 1977 or within 30 months of certification of the results of the district's organization, whichever is later. (§ 4 ch 84 SLA 1977)

**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 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. (§ 4 ch 84 SLA 1977)

**Sec. 46.40.070. Standards for council review and approval.** (a) The council shall approve a district coastal management program submitted

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(b) Notwi management guidelines an if it finds th

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**Sec. 46.40.09**

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NORTH SLOPE BOROUGH  
P. O. BOX 69  
BARROW, ALASKA 99723  
TELEPHONE (907) 852-2611

ARCTIC COASTAL ZONE  
MANAGEMENT PROGRAM

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# THE ARCTIC COASTAL ZONE MANAGEMENT NEWSLETTER

Issue No.: Fifteen

Date: October 1978

## Natives Win Pt. Thomson Scrimmage Offshore Projects Scrutinized

One of the important political results of the recently-aborted State Pt. Thomson lease sale is increased village-level sensitivity to offshore facility siting and operational plans of the oil and gas operators at Prudhoe Bay. Much of this sensitivity has resulted from the work of Alaska Legal Services attorneys Don Clockson in Anchorage and Michael Jeffries in Barrow, representing the villages of Nuiquist and Kaktovik.

NSB Mayor Eben Hopson has beefed up his Department of Conservation and Environmental security with the appointment of Lester Suvilu as the NSB Environmental Protection Officer; the transfer of Art Oomittuk to be the NSB Marine Mammal Protection Officer; and Flossie Hopson's transfer from the Planning Department to be the NSB Traditional Use Coordinator.

With the Pt. Thomson sale cancelled by Governor Jay Hammond in September (with one of the causes cited by the Governor being Native opposition to the sale), Suvilu and his associates are looking hard at existing and planned offshore operations at Prudhoe Bay, including ARCO's West Dock Causeway, EXXON's No. 1 Duck Island Unit; EXXON's proposed ice island experiment; and the proposed gravel island project near Niakuk Island.

### The ARCO West Dock

In 1973-74, ARCO built a new 4200-ft causeway and dock to receive barges bringing modular buildings and equipment for the new Prudhoe Bay oil field. In 1975-76, the causeway was extended another 5,000 ft. for a structure which today extends to a point 6300 ft. offshore to a depth of 9.5 ft.

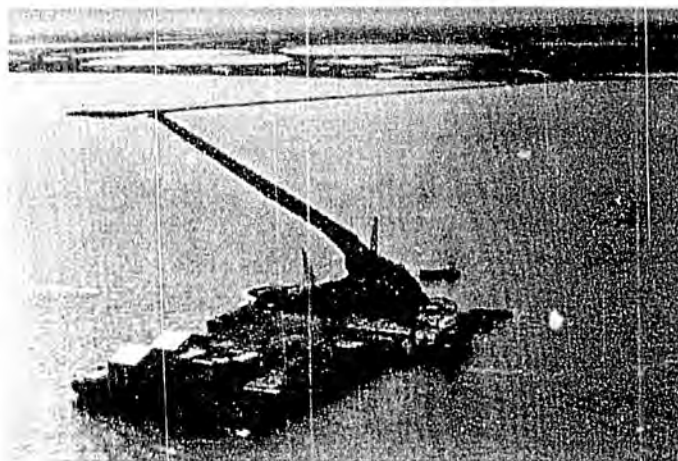
Apparently, more attention was given the West Dock extension in 1975 by state officials than was given to the dock's initial construction earlier. The extension was conditioned by stipulations giving the Alaska Department of Natural Resources the right to monitor the environmental impact of the causeway and to order its removal or modification if necessary.

In a letter to NSB Mayor Eben Hopson, attorney Michael Jeffries raised the question of the impact of the causeway upon coastal ecology, and NSB officials are investigating. The West Dock's impact upon fish migration, coastal currents, the move-

ment of detrital materials essential to the food chain, and coastal erosion has been closely monitored by both state and industrial earth scientists. Both are studying the need for a sea-culvert which was considered but not required by the DNR in 1975. ARCO has engaged the national science and engineering firm of Woodward-Clyde to carry out its own evaluation. According to Richard Firth of the firm's Anchorage office, 18 formal studies of the Dock's environmental impact have been funded by ARCO since 1974, including a fish movement study conducted by the Alaska Dept. of Fish and Game.

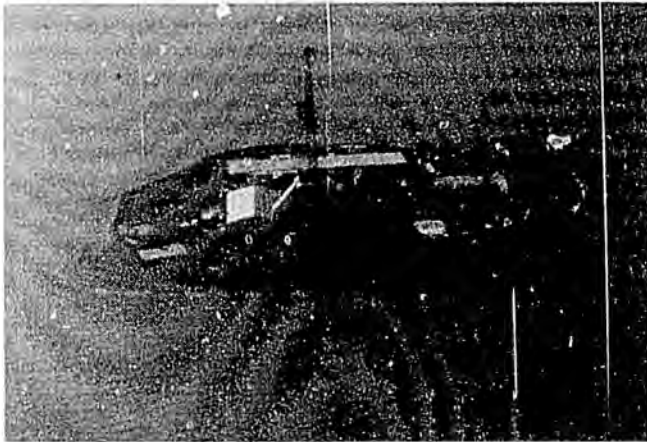
### EXXON No. 1 Duck Island Unit

Now sunken below water surface, Duck Island is located north of Sag (Sagavanirktok) River. Northeast of Duck Island at 70° 19' 22" EXXON has developed an artificial gravel island some 400 ft in diameter where exploratory drilling is underway (Continued on next page)



**ARCO WEST DOCK.** Built to handle barged freight, ARCO's West Dock is being studied to determine its impact upon fish migration and coastal erosion.

(See photo). This project was approved by the U.S. Army Corps of Engineers on February 27, 1978. Stipulations for the permit call for removal of the island when the island is abandoned. Regulatory stipulations for operations and management of the island are under supervision of the State Oil and Gas Conservation Committee of the Dept. of Natural Resources. When Sohio-BP dismantled its operations on its Sag No. 1 gravel island, after having plugged its two exploratory wells, the State ruled that because the island had become an important nesting ground, the island was not to be removed.



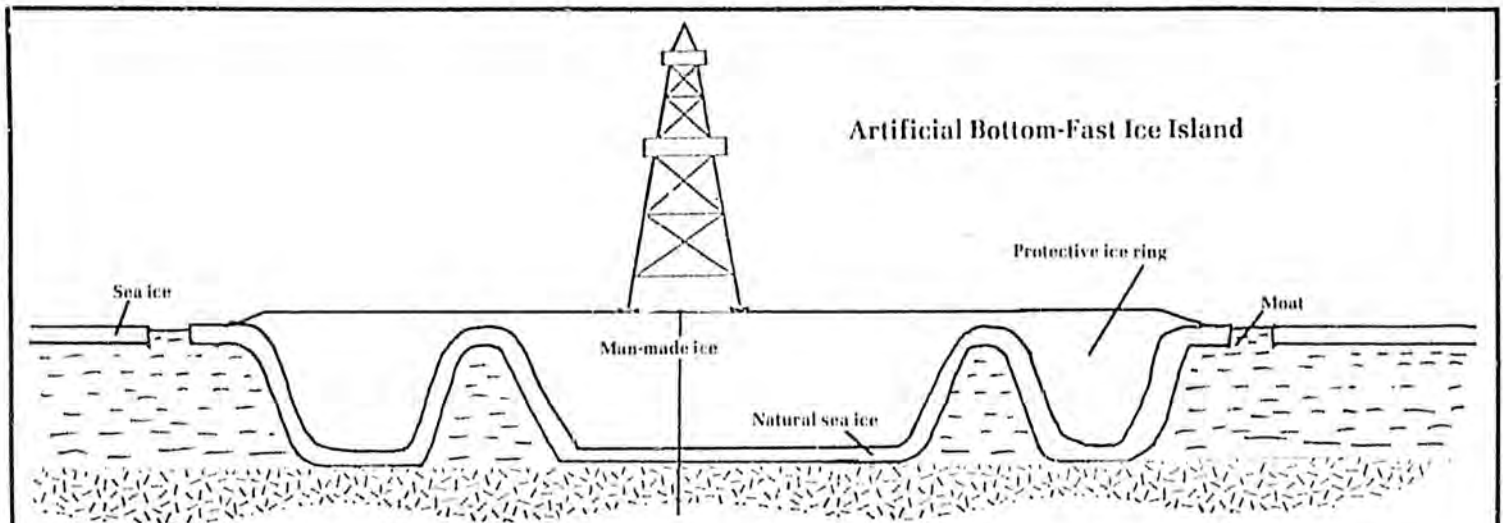
EXXON NO. 1 DUCK ISLAND UNIT. Authorized in Jan., 1977, the near shore gravel island was built on an existing lease this summer, and drilling was begun. The proposed BP gravel island would appear similar.



Union Oil's East Harrison Bay Ice Island near Thetis Island was the first man-made offshore structure in the U.S. Beaufort Sea. The well was plugged and the island melted in 1977. Union has not revealed the results of the exploration. The proposed EXXON experimental ice island would be larger, designed to survive annual breakup.

### EXXON's Experimental Ice Island

On September 20th, the U.S. Corps of Engineers issued public notice of its receipt of a permit application for the construction of a 1200-foot diameter ice island approximately 6 miles north of the ARCO East Dock and about 3 miles northeast of Gull Island in Prudhoe Bay (where ARCO has also drilled and plugged at least two exploratory wells. The findings of all the above-mentioned explorations will be kept confidential until after the joint Federal/State Beaufort Lease Sales.)



The structural properties of ice have long been known to be suitable for construction purposes. The construction of an ice island consists in pumping sea water from below the ice onto the pad site, flooding the area to a depth of a few inches, and waiting for the water to freeze. The process is repeated several times. As the weight of the man-made ice increases, the natural ice stretches down until it is firmly anchored on the sea-bottom.

Next, a huge bottom-anchored ring of ice and snow is built around the pad to receive the brunt of the lateral thrust of the ice.

Then a moat is excavated part way around the island to protect against any ice movement threatening the ring.

Finally, snow fences are constructed around the island to prevent blowing snow from covering the drill site.

Union's Harrison Bay ice island was built up to a height of 12 feet above the sea floor, 3 feet above the water. The outside diameter of the protective ring was 1,000 feet. The width of the moat was 11 ft.

The purpose of this ice island will be to determine if a permanent ice island can be built to permit 12-month operation in water up to 10 feet deep. In 1976, Union Oil was successful in constructing the first ice island in the Arctic in 9 feet of water off Thetis Island in East Harrison Bay. This island was only large enough to sustain a winter-only exploratory operation. EXXON's new ice island experiment would try to demonstrate the year-round potential of larger man-made ice islands and thus ease the offshore need for gravel, a scarce and expensive item in the Arctic. No drilling would occur on this island, scheduled for construction beginning November of this year.

### Sohio-BP Gravel Island

The Army Corps of Engineers received the application for the Sohio-BP gravel island operation in 10 ft of water 1 mile north of the Niakuk Islands. This project would begin in November with the removal of shore-fast ice and replacement with gravel. Rig-up would occur in January for stratigraphic core testing with a chance that oil or gas could be discovered in the process.

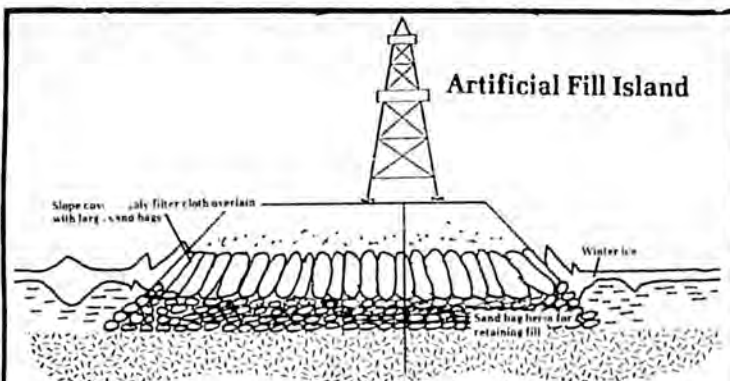
Sohio-BP has joined with the villages of Nuiqsut and Kaktovik in asking the Corps of Engineers to hold public hearings on this project, and the Corps has agreed. In the meantime, Sohio-BP has begun flying village leaders from the two villages to view the actual site before freezeup.

### Reindeer Island Stratigraphic Test

BP spokesperson Tim Bradner has acknowledged BP's desire to take over the proposed Reindeer Island stratigraphic test program for which state permit has been made by a small earth science consulting firm. BP would lead a consortium of 15 companies interested in drilling a stratigraphic test on an off-structural location where chances of hitting oil are nil.

The island is within the proposed joint Federal/State lease sale, and the test would yield geological data to be used to

plan how to bid in the sale, planned for late 1979. BP's consortium is asking the state to agree to keep its test results secret until after the sale is held, even if the sale is delayed. □



Artificial fill islands, constructed from sand, gravel, and silt, must be made strong enough to withstand tremendous lateral pressures caused by ice movements against the islands.

In construction of a typical island, a berm of 2 cu. ft. sandbags is built up to water level to retain the fill material. Then the fill is dumped in. After the island is built up to the desired height above water level, the slopes are protected with a layer of poly-filter cloth overlay with large 2 cu. yard sandbags. This provides the island armor against which the ice fails as it rides up the slope.

Oil companies have drilled exploratory wells from 16 artificial fill islands in Mackenzie Bay area. A typical island costs \$2.5 million to construct, requiring 48,000 cubic yards of fill material plus 50,000 2 cu. ft. sandbags and 8600 2 cu. yd. bags. Construction can often be accomplished in 30 days.

## EXXON Announces Results of Second Pt. Thomson Well

ANCHORAGE—Exxon USA announced today that the Pt. Thomson Unit No. 2 well on Alaska's North Slope has been completed after reaching a total depth of 14,117 feet.

A test of the interval from 11,580 to 11,678 feet flowed 21 degree API gravity oil at a rate of 248 barrels per day with a gas/oil ratio of 500 cubic feet per barrel, according to Rod L. Boone, manager of Exxon's Alaska Exploration District.

This well is located four miles west-southwest of the Pt. Thomson Unit No. 1 well on a farm-in from a group of companies including Phillips, Mobil, Pennzoil, Al-Aquitaine, Star Oil & Gas, Coastal States Gas, Gas Producing Enterprises, Forest Oil, Grace Petroleum, Newmont Oil, Sunlite International, and Trans-World Oil & Gas Limited. □

## Greenies, NSB Team Up

Culminating a 3-year effort by Mayor Eben Hopson to join formally with environmental groups to plan the environmental defense of the Arctic, the North Slope Borough has agreed to join in a comprehensive program of legal research with Alaska's only public interest environmental law firm, Trustees for Alaska,

in a Beaufort Sea Project. The research will include the review of the draft environmental impact statement for the joint Federal/State Beaufort Sea lease sale scheduled for December, 1979, and the review of the proposed Pt. Thomson lease sale stipulations developed this past summer by the Alaska Agency Advisory Committee on Leasing. This work will be followed with the design of a legal regime for implementing the Borough's Arctic Coastal Zone Management program.

Heading up this project for Trustees will be Robert E. Mintz, 30, an attorney specializing in environmental law. Mintz is a 1975 graduate of Yale Law School, and in the same year graduated from Princeton's Woodrow Wilson School of Public and International Affairs with a Masters degree in Public Affairs (Economics & Public Policy). After graduation, Mintz clerked for Federal Circuit Judge Robert P. Anderson in Connecticut for a year before joining the staff of Trustees for Alaska. Mintz has handled Trustees' Beaufort Sea work since it began in early 1978.

Mintz will be joined on the project by Susanne Weller, 26, a recent graduate from the University of Michigan Law School, specializing in environmental law.

Trustees for Alaska is a non-profit Alaska corporation established in 1975 to serve as the legal arm of the environmental protection movement in Alaska, and has a membership of about one thousand from both within and outside of Alaska. The Executive Director, attorney Wilson A. Rice, served with Alaska Legal Services, Inc. for five years before joining Trustees. □

## The Bowhead

# Weather Blocks Bowhead Hunt

The potential for conflict on America's arctic coast during the Fall hunt for the bowhead whale attracted the attention of the national news media when Alaska Eskimo Whaling Commission Chairman Jacob Adams announced his commission's decision to ignore the quota imposed by the International Whaling Commission (IWC) and to take over regulation of the whale from the National Marine Fisheries Service (NMFS).

But the contest over regulatory jurisdiction was called because of weather. Poor wind, fog, and ice conditions prevented Barrow whalers from challenging the IWC quota.

At Kaktocik, on Barter Island, whalers were successful in taking two whales this Fall, with one struck and lost.

The IWC had conceded another 4 to the 1978 quota of 12, bringing the quota for this year's hunt to 16. The NMFS had issued statements that no prosecutions would take place in the event of a violation, but merely that investigations would be made.

The following remarks are taken from Adams' September 13 press release.

"Those who don't live with my people can ask them to go hungry, but I cannot" said Jacob Adams at the conclusion of a meeting of Barrow whaling captains. During the last month the Alaska Eskimo Whaling Commission (AEWC) has worked out plans for the fall whaling season in northern Alaska. The fall hunt will be conducted in accordance with AEWC regulations on hunting methods. The level of harvest for the villages of Kaktovik and Nuiqsut is based on nutritional needs for 1978-79. The level of harvest for the village of Barrow is based on nutritional needs between the 1978 fall hunt and the 1979 spring hunt.

The Eskimos' attitude toward possible governmental attempts to enforce the IWC quota is not one of hostility but rather one of disbelief: "The U.S. government can't and won't enforce the illegal IWC quota. It's illegal and unfair; and our

government knows it. We are regulating ourselves. They can't take away our way of life," said one Eskimo whaling captain.

The Eskimos maintain their position that the IWC has no authority to regulate their whaling. A lawsuit was filed in the district court in Anchorage on July 14 to contest the jurisdiction of the IWC over aboriginal whaling. Attorneys in the case are not optimistic that the suit will be concluded before the fall hunt begins.

Eskimos are not conducting their own research on the Bowhead. They have adopted the maxim that if you want it done right, do it yourself. A vessel survey in the Beaufort Sea has been planned for the fall in conjunction with the Naval Arctic Research Lab, an institution with long-standing ties to the Eskimo community, located outside of Barrow. Joint research efforts with the National Marine Fisheries Service have run into some difficulties because of a lack of consultation with the AEWC. The AEWC is hopeful, however, that joint research which will not interfere with the hunt can be conducted. Eskimos are as convinced as ever that the results of research will bear out their knowledge about the whale and remove any pressures for outside regulation.

When asked for his reaction to the continuing attacks by preservationists on Eskimo culture and lifestyle, AEWC chairman, Jake Adams had this to say: "Our position is just and reasonable. Maintaining our way of life will not destroy the whale. We want to continue to live in harmony with our environment. Congress recognized our rights in the Marine Mammal Protection Act and we believe our position that the IWC has no jurisdiction will also be upheld by the courts. I have no need to respond to ignorant and misguided comments of those who waste their time and money attacking us when they should be directing their efforts against commercial whaling which caused the decline in the bowhead whale population to begin with."

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## Hopson Calls for Monitoring Native Media Relations

*The following is the text of North Slope Borough Mayor Eben Hopson's October 9th letter to Alaska Federation of Natives (AFN) President, Byron Mallot regarding the AFN's Media Relations Workshop scheduled as part of the Federation's annual Convention in Anchorage. The workshop was scheduled for October 25, 1978 at the Captain Cook Hotel.*

Thank you all at AFN for your work leading to the AFN Media Relations workshop.

The North Slope Borough is a co-sponsor for this workshop because of Barrow's first hand experience with the political and economic harm caused by press media distortion.

This distortion last year led to a visit to Barrow last year by the U.S. Department of Justice's, Community Relations Service (CRS) personnel, and the CRS has been assisting us to deal affirmatively with our problems with the press.

The problems with which we are dealing are not peculiar to us in rural Alaska. As you can see from the enclosed copy of Shashi Thakor's paper, our problem is suffered by village people all over the world. This problem of press distortion has become an important foreign relations problem for our country.

The international scope of our problems of press coverage was illustrated this past July when the Alaskan press media failed to report the Dome/CANMAR blowout in the Canadian Beaufort, a front page story in Canada. And, you may have noticed now little is reported in Alaska about Canada's land claims movement. We are working with the Associated Press (AP) in New York to determine how to overcome this news blockage across the border.

I'm hoping the AFN Media Relations workshop will become a permanent part of the AFN's annual Convention agenda. An annual review of press relations in our region will be helpful to all concerned with better reporting of news and life in rural Alaska.

Thank you for your help.

Sincerely,  
Eben Hopson, Mayor

# Inupiat Announce Barrow Museum

## 7th International Congress of Northern Libraries Paris September 19-23



**Silvio Zavatti, director of Polar Geographical Institute donates a collection of Arctic artifacts to future Barrow museum. Rachel Craig accepts.**

A group of Alaskans travelled to attend this conference last week and to speak on the status of resource information available on the Arctic in books, articles, news, films or information retrieval systems. Professor Jean Malurie, well-known French anthropologist, author, and paleoclimatologist hosted the 5-day event at the Center for Northern Scientific Research (CNRS) to about 100 research workers and Arctic librarians. Others from Scandinavia, Canada, Europe, and the Soviet Union also submitted reports and films representing their latest research and findings on the Arctic.

Rachel Craig, vice president of Inupiat University came from Barrow to address the Congress and to request that all institutions and librarians provide the Inupiat with current bibliographies and access to these materials. She cited the Elders Conference held in Kotzebue and Barrow as "our way of preserving oral history and identity as a people."

Tony Vaska, subsistence coordinator from the Bethel region expressed concern that traditional Native perspectives & knowledge of their own environment was not considered academic from the Western point of view, and emphasized that Native academics had to be developed and respected by all Western institutions and universities in the future.

Mrs. Craig also addressed curators of Arctic Museums who were represented at the Congress. She added that Barrow will be constructing a museum next Spring and has begun an artifacts acquisition task force with the North Slope Borough Commission on History and Culture. The University of Alaska Museum and Alaska State Museum will cooperate in this effort to make the Arctic a repository for Inuit artifacts to be studied by Inupiat. She said, "These artifacts are not just a curiosity to us. They are the materials and tools that our ancestors used in their survival in the harshest environment in the world. To retain a sense of identity with our past, it is essential that we have these artifacts to study from." She along with the help of others will negotiate with museums for permanent acquisition, loan, and study of Inuit artifacts. Professor Silvio Zavatti, director of the Polar Geographical Institute in Italy was moved

by this effort, and donated his entire collection to Inupiat University.

The last day of the Conference was devoted to the screening of Arctic films. Professor Jean Malurie premiered his film, "Inuit, the Universal Cry of the Eskimo." This hour and a half film paints an anthropological fresco of today's Eskimos from the circumpolar region and how they have been afflicted by the encroaching institutions of white society, anything from Campbell's soup to punk rock. Malurie's aim is to shock, and he does this very well. This film is to be followed by a series of 5 one-hour films produced for French television which goes into greater detail on Siberia, Canada, Greenland, and Alaska's Eskimos and their condition today as citizens of these respective countries and as circumpolar aboriginals.

The Soviet films shown on the Arctic avoided showing their Eskimos as much as possible, and instead showed films on natural wildlife, and one film about a day in the life of an island inhabited by seals. A Soviet first was a film featuring a nuclear powered ice breaker cracking its way through Russian refrains all the way to the North Pole. This impressive achievement was heralded by the planting of the Soviet flag and a bouquet of fresh daisies followed by a ring-around-the-flagpole promenade of the ship's crew and others who went along for the ride.

Filmmaker Bo Boudard presented two Inupiat-produced films, the first, "Inuit" which documents the first Inuit Circumpolar Conference, and the second called, "Hunger Knows No Law" about Spring whaling this year in Barrow. Both were enthusiastically received and valued as films whose approach was to see people speaking out for themselves rather than being examined. An excellent film was shown on the Saami, reindeer herders of northern Sweden. The Saami's plight is that Sweden's government is rapidly taking away their land by clearcutting forests, building dams for hydroelectric power for the south, and expanding recreational areas. The film is a sensitive portrait of a people whose land rights are being ignored and whose entire culture of reindeer herding is in jeopardy because of this injustice.

Boudard recommended that an International Arctic film library be started in order that these and other films be seen by more people, especially to those living in northern communities. J.M. Arnold, director of CNRS Films endorsed this idea and has offered this center as a future depository for films on the Arctic. Information regarding this Arctic Film Library can be addressed to:

J.M. Arnold  
CNRS  
Serddav-27, Rue Paul Bert      and  
94200 Ivry, France  
Tel: 672-4051

Jean Malurie  
Social Sciences  
6, rue de Tournon  
75006, Paris  
Tel: 325-58-38

or Arctic Films  
610 H Street  
Anchorage, Alaska 99501  
Tel (907) 274-2414  
279-3023

# abstracts

## Oil in the Arctic: Historical, Environmental and Regional Perspectives

Dr. David W. Norton, *The Geophysical Institute, University of Alaska, Fairbanks.*

Nowhere in the wealth of scientific information generated over the last few decades do we find reasons for considering the arctic regions of the world as mere northward extensions of temperate latitude systems in matters of environmental understanding. The Arctic is fundamentally and qualitatively different. The sea is dominated by ice; the seafloor underlain by relict permafrost of variable quality and quantity on the continental shelf; the system is occupied by biota of restricted variety which nevertheless occurs in local pockets in astonishing abundance—and hence is vulnerable to disturbance. Arctic systems are not simple, in contrast to early dogma.

Jurisdiction by five different sovereign powers with north-south communication and administration systems further fractionates and complicates our understanding of the whole Arctic basin. The oil industry's technological state of the art in the Arctic is presently too frail to guarantee a low acceptable level of risk of well blowouts, pipeline and tanker ruptures, or other massive petroleum catastrophes, in the face of arctic hazards.

A spill or accident in the Beaufort Sea could have greater adverse consequences than an equivalent spill at lower latitudes, because: 1. microbial attack and natural oxidation would be generally slower at the prevalent low temperatures; 2. potentially a far larger proportion of the biota would be directly affected if caught in zones of concentration such as leads in the ice, or areas of upwelling; 3. the capability for oil containment and cleanup simply does not exist, since it depends on either manpower or special technology neither of which are currently available in the Arctic; and 4. a blowout under the ice might continue unchecked for more than a year because drilling of a relief well could be prevented by adverse ice conditions.

Yet the specter of arctic oil spills is not the only problem that motivates scientific inquiries in the Arctic. Away from the coastal environment, lessons can be learned from the construction of the Alaskan pipeline. The building of the pipeline has caused massive environmental and ecological problems and has not with mixed success, just as North Sea oil developments have caused numerous environmental and human-centered problems without oil being spilled.

Gravel requirements for road and workpad construction on the pipeline threatened to put numerous streams and rivers out of action as productive fisheries habitats. Road and workpad encroachments on drainages also threatened permanently to block fish passage, notably of spawning grayling, and serious attention is still focused on whether the pipeline itself will intimidate barren ground caribou from crossing back and forth in their migratory movements.

Freshwater requirements in the Prudhoe Bay field has probably killed a significant proportion of the fish populations that concentrate during winter in that area. A continuing problem has been the "Walt Disney Mentality" which

makes construction workers think it is cute to feed wild creatures. It is expected that many of the same problems and resource conflicts will occur offshore. Arctic foxes, seal, and polar bear are naturally attracted to sewage wastes and then are shot as health and safety menaces. There have been no systematic inquiries into the problems of water quality for effluent and receiving waters in the Arctic or the consequences of massive removals of gravel from the nearshore areas for building causeways and construction pads.

Before we can evaluate the results of research into these areas, the author would like to review the present condition of the multidisciplinary environmental studies in the Arctic and the historical and political context in which they operate.

The same scientists who in the early 50s aided Native groups in opposing "Operation Plowshare," a U.S. proposal to detonate an atomic bomb at Cape Thompson, were also successful in defeating the proposed Rampart Dam on the Yukon and establishing in 1960 the Arctic National Wildlife Range. The National Environmental Policy Act of 1971 took much of its precedents from the Cape Thompson report as a model for future Environmental Impact Statements (EIS). The first major test of the NEPA law was the proposed Trans-Alaska Pipeline.

Alaskan opposition to the pipeline (and to the Vietnam War) became the occasion of then Secretary of Interior Wally Hickel's forced departure from the Nixon Administration. As that administration deteriorated, environmentalists succeeded in stalling the pipeline. The Alaska Conservation Society was the prime source of information for the national coalition that had formed. But the coalition and the scientists of the Tundra Biome of the International Biological Programme were lacking a sufficient biological model to hold the line for long. Congress gave the green light for the pipeline as industry stepped-up an anti-environmental offensive based on the Energy Crisis of 1973-74. It was Vice-President Spiro T. Agnew who cast the tie-breaking vote in the Senate to bring the Trans-Alaska pipeline into being.

Thus, at the beginning of 1974, a big share of the human resources of the sparse population of Alaska was about to be committed to responding to the onslaught of big money, big deals, high speed construction, and what environmental protection could be salvaged from this onslaught.

The scientists learn how ill-prepared they were to deal with high-speed construction. They often found themselves short of needed information such as "Does this stream contain fish?" As environmental policemen they had not been adequately forearmed. Fish and Wildlife had not done it; the Tundra Biome scientists had not done it; the pipeline industry had not been candid about high speed construction techniques; and last, the Environmental Impact Statement was a long-forgotten monument to irrelevancy.

The monumental state-wide problems of impact that were occasioned by the building of the pipeline were reflected in the disenchantment of Alaskan voters in 1974 with the election of Governor Jay Hammond, a bearded conservationist, poet, and Republican. With the Hammond administration, conservationists were able to become state policy-makers, in time to gird themselves to meet the challenges of "Operation Independence" that spurred the oil exploration of Alaska's Outer Continental Shelf. With its high potential of off-shore oil reserves, Alaska

# Inupiat Announce Barrow Museum

## 7th International Congress of Northern Libraries

### Paris September 19-23



**Silvio Zavatti, director of Polar Geographical Institute donates a collection of Arctic artifacts to future Barrow museum. Rachel Craig accepts.**

A group of Alaskans travelled to attend this conference last week and to speak on the status of resource information available on the Arctic in books, articles, news, films or information retrieval systems. Professor Jean Malurie, well-known French anthropologist, author, and paleoclimatologist hosted the 5-day event at the Center for Northern Scientific Research (CNRS) to about 100 research workers and Arctic librarians. Others from Scandinavia, Canada, Europe, and the Soviet Union also submitted reports and films representing their latest research and findings on the Arctic.

Rachel Craig, vice president of Inupiat University came from Barrow to address the Congress and to request that all Institutions and librarians provide the Inupiat with current bibliographies and access to these materials. She cited the Elders Conference held in Kotzebue and Barrow as "our way of preserving oral history and identity as a people."

Tony Vaska, subsistence coordinator from the Bethel region expressed concern that traditional Native perspectives & knowledge of their own environment was not considered academic from the Western point of view, and emphasized that Native academics had to be developed and respected by all Western institutions and universities in the future.

Mrs. Craig also addressed curators of Arctic Museums who were represented at the Congress. She added that Barrow will be constructing a museum next Spring and has begun an artifacts acquisition task force with the North Slope Borough Commission on History and Culture. The University of Alaska Museum and Alaska State Museum will cooperate in this effort to make the Arctic a repository for Inuit artifacts to be studied by Inupiat. She said, "These artifacts are not just a curiosity to us. They are the materials and tools that our ancestors used in their survival in the harshest environment in the world. To retain a sense of identity with our past, it is essential that we have these artifacts to study from." She along with the help of others will negotiate with museums for permanent acquisition, loan, and study of Inuit artifacts. Professor Silvio Zavatti, director of the Polar Geographical Institute in Italy was moved

by this effort, and donated his entire collection to Inupiat University.

The last day of the Conference was devoted to the screening of Arctic films. Professor Jean Malurie premiered his film, "Inuit, the Universal Cry of the Eskimo." This hour and a half film paints an anthropological fresco of today's Eskimos from the circumpolar region and how they have been afflicted by the encroaching institutions of white society, anything from Campbell's soup to punk rock. Malurie's aim is to shock, and he does this very well. This film is to be followed by a series of 5 one-hour films produced for French television which goes into greater detail on Siberia, Canada, Greenland, and Alaska's Eskimos and their condition today as citizens of these respective countries and as circumpolar aboriginals.

The Soviet films shown on the Arctic avoided showing their Eskimos as much as possible, and instead showed films on natural wildlife, and one film about a day in the life of an island inhabited by seals. A Soviet first was a film featuring a nuclear powered ice breaker cracking its way through Russian refrains all the way to the North Pole. This impressive achievement was heralded by the planting of the Soviet flag and a bouquet of fresh daisies followed by a ring-around-the-flagpole promenade of the ship's crew and others who went along for the ride.

Filmmaker Bo Boudard presented two Inupiat-produced films, the first, "Inuit" which documents the first Inuit Circumpolar Conference, and the second called, "Hunger Knows No Law" about Spring whaling this year in Barrow. Both were enthusiastically received and valued as films whose approach was to see people speaking out for themselves rather than being examined. An excellent film was shown on the Saami, reindeer herders of northern Sweden. The Saami's plight is that Sweden's government is rapidly taking away their land by clearcutting forests, building dams for hydroelectric power for the south, and expanding recreational areas. The film is a sensitive portrait of a people whose land rights are being ignored and whose entire culture of reindeer herding is in jeopardy because of this injustice.

Boudard recommended that an International Arctic film library be started in order that these and other films be seen by more people, especially to those living in northern communities. J.M. Arnold, director of CNRS Films endorsed this idea and has offered this center as a future depository for films on the Arctic. Information regarding this Arctic Film Library can be addressed to:

J.M. Arnold  
CNRS  
Serddav-27, Rue Paul Bert  
94200 Ivry, France  
Tel: 672-4051

and

Jean Malurie  
Social Sciences  
6, rue de Tournon  
75006, Paris  
Tel: 325-58-38

or Arctic Films  
610 H Street  
Anchorage, Alaska 99501  
Tel (907) 274-2414  
279-3023

# abstracts

stood in the limelight again.

To date, there has been no formal federal review or rethinking of the policy of providing the petroleum industry access to all of the nation's oil and gas as soon as possible for the short-term goal of lessening dependencies on foreign oil supplies. The State of Alaska, while not wishing to be uncooperative with national energy policy, foresees and extreme stress upon its renewable resources, leading it to question the underlying assumptions of Project Independence.

Moreover, the state specifically questions the utility of the environmental assessment program. The state agencies ask whether ongoing studies by the feds are going to lead to useful information for regulation or help the cause of conservation. The wisdom of many elements of the Outer Continental Shelf Environmental Assessment Program (OCSEAP) are continually questioned within the organization. This research generates intense internal debates.

This confusion is intensified by a general widespread disaffection for academic-based scientists. This distrust results in erosion of university contracts in favor of both consulting firms and direct research by federal agencies. And secondly, a larger amount of money tabbed for research is taken each year for an expanding science-management bureaucracy. All this is compounded by the traditional Washington view of Alaska as a colony to be exploited for natural resources. It is significant that the head office for the Alaskan environmental assessment effort is in Boulder, Colorado.

The circumpolar Native community has already served notice of its multinational intent to have a say in arctic oil development, beginning with a request for recognition of Arctic sciences as a regional industry, and continuing with proposed Native representation in the Law of the Sea Conference.

—*Interdisciplinary Science Reviews*, Vol. 2, No. 3, 1977  
Heyden and Son Limited, Septrum House  
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London NW4 3XX, England

## Informational Imbalances

by Shashi Thaoor

"Informational imbalances" are the international media's latest cause for concern, a concept referring to the lack of equilibrium in the structure of communication that results in the preponderance of Western, and specifically American sources of information in the world today. With the Third World's acquisition of an "international class-consciousness" these principles have come increasingly into question. While the United States has not quite succeeded in making the world safe for democracy, the less developed countries have begun to doubt whether democracy is quite safe for the world.

Democratic ideas like "the free flow of information" are thus being challenged not so much because they are in themselves unsupportable, but because they are seen as masking the reality of a "one-way flow" from the developed countries to the developing—with attendant deleterious effects on the latter's

economic, political and cultural independence.

The end of colonialism has not changed the hierarchical nature of the transnational power structure, which still involves the dominance of the developed West and the subjugation, even exploitation, of the former colonies. Historically and naturally, the news networks have developed in parallel with and depending on the transport and telecommunication resources. All three responded to commercial needs and today their patterns are still linked to their colonial origins.

The inequality of the relationship between the big transnational new agencies, perceived in the Third World as representatives of alien interests, and the average less-developed country, is astonishing. It has been estimated that a day's worth of resources of these multinationals often exceeds the total annual expenditure of many small countries in Asia. Competition is virtually inconceivable. The big agencies have developed financial and personal resources the developing countries cannot challenge. What is more, the inadequacy of alternative channels leads the smaller agencies around in a vicious circle: they have fewer subscribers because their services are more expensive, and in India, for example, are available only for two to four hours at night, while the transnationals are received around the clock. UPI, only the third largest of the multinational agencies, has 238 bureaus, is represented in 62 countries, employs a staff of over 10,000 and has over 6,500 subscribers, and circulates 4.5 billion words a day.

The economics of the situation is such that most of this free flow of information has been moving in only one direction—from the developed countries to the developing. It is a commonplace that mass media, whatever their forms, reflect the power-structure of the societies they emanate from. The principle of "free-flow" becomes the formal consecration of a laissez-faire marketplace in the informational field resulting in an out-of-context message whose content is determined by the logic of the market.

Commentators in undeveloped countries claim that western-oriented news is often harmful to the progress of development in these countries. The result is that cultural, economic, and political progress is steadily under-reported and indeed undermined by the concentration on wars, pestilence, murders, sensation. Such journalistic sensational values stressing aberration are actually counterproductive to development. That charge leads on to one of "cultural imperialism," the selling by western society of its lifestyles with a view to co-opting the cultural norms of the rest of the world.

The antidote to this problem is not seen in government censure, banning of publications, or expulsion of news agencies—which have a mere cosmetic effect—but in the demand that transnational media be placed within a framework of legal and social accountability which ensures that national developmental goals not be subverted. A new international information order is seen as vital as a new international economic order. International conferences have already been held seeking a decisive assault against these structures of misinformation and denigration.

—*The Fletcher Forum, A Journal of Graduate Studies in International Affairs*, Vol. 1, Spring, 1977, published by The Fletcher School, Tuft University, Medford, Mass. 02155

# Alcohol Abuse and the Police in Rural Alaska: The North Slope Borough and City of Barrow Experience

by Kim L. Moeller, Director  
NSB Department of Public Safety

In 1974 a landmark case that had originated on the streets of Barrow came to the attention of the Alaska Supreme Court. The case involved a person who had been arrested for Drunk in Public, was searched before being placed in detention, and afterwards charged with a felony crime as a result of stolen property found on his person.

The result of that court review struck down both the Drunk on a Public Highway (DOPH) and Drunk in Public (DIP) laws as infringements upon the right of the individual and treating an intoxicated person who had committed a crime by being drunk.

The decision was hailed throughout the state for decriminalizing intoxication and it took the huge burden off the shoulders of police departments of managing drunk tanks. It became a medical problem rather than a police problem.

But, while urban police cheered, rural police were puzzled. What were they going to do about intoxicated persons when no medical facilities were available? People in the Arctic, incapacitated ten steps from their front door, let alone out on the streets, would quickly freeze to death. Rural police knew they had to find another answer.

Kim Moeller, NSB head of public safety, writes in this paper of the creative responses of his department to the problem. For Barrow, the problem was particularly acute because the

## Hopson Re-elected

North Slope Borough Mayor Eben Hopson was sworn in the evening of Oct. 10 for another term as the mayor of the world's largest municipality. The Barrow Inupiat Eskimo told the Tundra Times in a telephone interview, "I got sworn in last night and feel pretty good about it."

Hopson defeated challenger Billy Neakok by a large 522 to 340 margin. Twelve bonding propositions on the ballot, totalling more than \$66 million, also received voter approval, along with a 13th proposition providing the Arctic Slope Regional Corporation with a bus transportation franchise for the North Slope Haul Road.

In his campaign, Hopson stressed the borough-wide accomplishments of the Borough Capital Improvements Program, a massive construction project that is building schools, housing, utilities, roads, and medical facilities for the people of America's Arctic Coast. □

## Sorry about that!

Apologies to Anthony Vasca and Michael Jeffries who were pictured over each other's captions on page 7 of the September Newsletter; to Herman Aishanna who was called Herbert on page 6; and to Marx Sims, Mayor of Kaktovik, whose real name is not Mark Sims, and who testified at the Point Thomson hearings on July 27, not June 27, as we printed on page 8.

## New Film on Bowhead Whaling Available

Alaskan filmmakers Bill Bacon and Bo Boudart were in Barrow this spring to film the spring whaling season and that community's reaction to the bowhead quota imposed by the International Whaling Commission.

The results of their work are now available in a 26-minute color film, "Hunger Knows No Law," produced by the Alaska Eskimo Whaling Commission.

For information concerning rental or purchase of the film, contact North Slope Borough, 835 D St., Anchorage, AK. 99501.

experience of both the fire department and the police in Barrow—later confirmed by compilation and review of statistics—showed a cause and effect relationship between alcohol on the one hand and fire deaths, suicide, and crime on the other.

Aided by new legislation that enabled police to "detain" inebriates if no medical treatment facility is available when it appears necessary for the protection of a person's health or safety, the department found a pragmatic answer clearly defined. The answer was in temporary detention, intervention between alcohol abuse and its ultimate anti-social effects.

With community support and work by a task force, the North Slope Borough began the new intervention program in January, 1977. The program, which did not involve alcoholism treatment or rehabilitation, is fully described in the paper. The administrative statute setting up the program is printed, along with important discussions on results, problems, costs, and evaluations. The findings will have significance for all communities in the rural North as shown in these impressive results:

1. No deaths occurred by freezing.
2. Two suicides occurred as compared to an annual average of five to seven.
3. An overall decrease in crime.
4. Arrests decreased by 35%.
5. Two fire deaths occurred as compared to an annual average of five.
6. A significant reduction in investigative case work allowing a huge increase in time available for the detention program.

A complete three-year data base analyzing alcohol abuse as it relates to the incidence of crime will be available by January of 1979.

Alcohol Abuse and the Police in Rural Alaska: The North Slope Borough and City of Barrow Experience. By Kim L. Moeller, Director, NSB Department of Public Safety. Published by the North Slope Borough, Barrow, Alaska, 1978. 59 pp. □

# reviews

## Prudhoe Bay CZM Program First Phase of NSB Plan Published

In recent years, coastal areas of the United States have experienced burgeoning populations and continued development. The results have been reflected in continuing and magnified conflicts among alternative land uses, especially between those of a business and industrial nature and those of an open space, recreation and conservation nature.

In response to these and other overwhelming coastal development activities throughout the United States, Congress passed the Coastal Zone Management Act of 1972, and the State of Alaska initiated its own coastal management program in 1974.

In the North Slope Borough, the conflicts that originally engendered Federal and State Coastal management programs are exemplified by the Prudhoe Bay experience. Just over 10 years ago, the Prudhoe Bay area was, for all practical purposes, one of America's last great wildernesses used by the indigenous Eskimo residents for fishing and hunting activities. Since that time, the country's largest domestic reserve of oil and gas has been discovered in the area, a road has been built connecting Prudhoe Bay to the rest of North America, and a multitude of oil industry support activities have been located in the area.

The prospect of new discoveries of petroleum offshore in Prudhoe Bay and adjacent areas and the possibility of opening the Haul Road to the public pose the very real possibility of additional development and degradation of the coastal environment. These actions could prove detrimental to the lands and waters of the coastal area and threaten the subsistence resources which are the basis of the age-old Inupiat culture and economy.

Because of these circumstances, the North Slope Borough has long recognized the need for a coastal management program and has actively participated in the Alaska Coastal Management Program since its inception. It was represented at the Association of Coastal Mayors Workshop, convened by the state Office of Coastal Management in 1976 to consider state rules and regulations for the Coastal Energy Impact Program and other coastal management issues, and it is represented on the Alaska Coastal Policy Council. The Borough planning staff has worked closely with the Department of the Interior's Beaufort Sea OCS program and with the NPR-A study team to ensure that Borough coastal management concerns are adequately represented.

The North Slope Borough's concern with the coastal environment extends beyond Borough, State and national boundaries. In response to oil and gas operations offshore Greenland, Canada, the Soviet Union, and the U.S., the Borough in 1976 set out to organize the circumpolar Inuit Community to work toward the development of an international Arctic policy by which all five Arctic states would agree to the same set of regulations governing industrial development in the Arctic. This



effort led to the first Inuit Circumpolar Conference in Barrow in 1977, at which Inuits from three nations adopted a program of Arctic environmental protection.

In 1976, the Borough issued a paper which stated that because of the great size of its coastal area, the coastal management program would be developed in four phases, each phase dedicated to a separate geographical area of the Borough. Phase one would focus on the Prudhoe Bay area, that space between the Arctic National Wildlife Range and the National Petroleum Reserve-Alaska. It was obvious that the immediate demands of industrial development in the Prudhoe Bay area, especially the forthcoming joint State/Federal oil lease sales, established this priority. Phase two would include the Kaktovik-Arctic National Wildlife Range area; phase three the area within the NPR-A; and phase 4, the western Point Hope area.

This publication presents the Coastal Zone Management Program for Phase One, the Prudhoe Bay area. The following is a brief description of that program.

Chapter one reviews the same matter as above, giving a more complete description of the authorizing legislation and the development of federal, state and local coastal zone programs.

Chapter II sets forth the North Slope Borough's rationale for determining coastal management boundaries and delineates the specific boundaries for the Prudhoe Bay Coastal Area. Chapter III, Assessment of Planning Activities and Needs, describes various studies being undertaken by the Federal, State and North Slope Borough governments that are relevant to the Borough's Coastal Management Program and relates these specifically to the Prudhoe Bay Area Coastal Management Program. Primary contacts within the various agencies are also identified. In addition, this chapter identifies areas that require further study.

Chapter IV enumerates and briefly analyzes local issues pertinent to coastal management in the North Slope Borough. In Chapter V, lands and waters of the Prudhoe Bay Coastal Area are classified according to their importance to the preservation of fish and wildlife resources and habitat and their suitability for development. Chapter VI, Objectives, Policies and Standards, sets forth the objectives of the North Slope Borough

in the management of the Prudhoe Bay Coastal Area, proposes policies or plans of actions for implementing these, and describes in general terms existing federal, state and local government standards available to effectuate North Slope Borough policies for the conduct of activities in the Prudhoe Bay Coastal Area. Strategies for implementing the Prudhoe Bay Area Coastal Management Program are described in Chapter VIII.

Chapter VIII, Prudhoe Bay Coastal Area Inventory, describes the natural and man-made environment of the study area and identifies traditional and current use of the land and its resources. In Chapter IX, the Prudhoe Bay Coastal Area is analyzed for its potential to accommodate several different uses—oil and gas development, tourism and recreation, mining, and fish and wildlife. Constraints and conflicts related to each potential use are also identified.

Chapter X, Forecast of Demands, Capabilities, and Impacts, discusses the demands that potential uses would place on the lands and waters of the Prudhoe Bay Coastal Area, assesses the capability of the lands and waters to accommodate these demands, and describes the impacts that are likely to occur as a result of each potential use.

Since NSB officials consider this document the basis for any discussion about development and planning in the crucial Prudhoe Bay area, the Newsletter will cover the above chapters in more detail in future issues. But a few of the more salient points of the program are the following.

1. **Need for additional studies.** In spite of the massive amount of research, study, and planning by local, state, and federal agencies, there are several issues not covered and which warrant further study: a. critical water and gravel resources, exploitation and impact; b. commercial fishery potential; c. bowhead whale management; d. Porcupine caribou herd management; and e. the "Narwhal Island Boulder Field" (pp 11-12).

2. **Need for a national and international Arctic policy** that would establish firm guidelines for all agencies involved in the Arctic and would treat the Arctic as a single ecosystem (pp 13-15, 30-32).

3. **Development of national alternatives to Arctic resources** (pp. 24-25).

4. **Protection of Inupiat subsistence lifestyle has a priority in all considerations.** Aggressive management of fish and wildlife should not be abandoned simply because petroleum development exists in that area. The Borough believes that management and programs of habitat improvement should be more intensive during this period of habitat consumption and fish and wildlife disruption. The bowhead whale and the peregrine falcon, two endangered species of international significance, are both threatened by North Slope industrial development. (p. 28).

5. A thorough set of stipulations dealing with noise pollution, erosion, siltation, gravel extraction, water usage and waste disposal should be included in lease side stipulations. The Borough considers strict regulation in these matters to be invaluable to the protection of the area (p. 29).

6. NSB standards developed at the local level, being the most comprehensive and structured to attain Borough goals must guide federal and state agencies in the attainment of those goals. (p. 32).

7. The Borough envisions that all lands and waters within the Borough, including the Prudhoe Bay area with the exception of the village selections will be zoned by the Borough as a **wildlife enhancement zone** requiring a conditional use permit for all industrial extraction activities, tourism, and recreation. Subsistence hunting and fishing would not require such a permit (p. 36).

North Slope Borough Coastal Management Program: Prudhoe

Bay Area prepared by Alaska Consultants. Barrow: The North Slope Borough, 1978. 118 pp. □

## 'Northern Transitions' Published

**Northern Transitions, Volume II: Second National Workshop on People, Resources and the Environment North of 60 Degrees** edited by Robert F. Keith and Janet B. Wright was published this month by the Canadian Arctic Resources Committee. The 470-page book containing the proceedings of the Second National Workshop of CARC held in Edmonton, Feb. 20-22 is available from the offices of CARC, 46 Elgin St., Rm. 11, Ottawa, Ontario K1P 5K6 for \$10.

Like the publication issuing from the first workshop in 1972 entitled **Arctic Alternatives**, this hefty volume will be an important textbook for all involved in the Arctic: Native groups, government agencies, and developers. Within the pages are the stormy controversies that engulfed the proceedings in Edmonton, mostly centering around the issue of Native land claims in Canada and CARC leadership. But within that framework, there appeared several papers that are genuine products of research and scholarship that should benefit all those involved in the Arctic.

**Northern Transitions** contains good presentations by Native groups on the status of the land claims settlements in Canada, working papers on science in the North, land use planning for frontier regions, renewable resource development, the political development in the North and marine transport on the Arctic seas, and the management of Caribou as a vital resource. The reactions of many northern residents to the positions taken in the conference are also recorded in detail. □

# letters

## Canadian Energy Official Plugs Labrador Oil Development

To the Editor:

Oil spewing uncontrollably over the ocean is an image that comes to the minds of many people when they first think about offshore oil and gas activity. It is an unfortunate impression, however, for when we look at statistics compiled by the U.S. Academy of Sciences, the Commonwealth Secretariat and the National Petroleum Council, we find that of all petroleum wastes dumped into the world's ocean, no more than 1.3% come from offshore oil production. This compares with the 34.9% contributed by the operation of oil tankers and the 31.1% that comes from urban areas, largely from automobile crankcases and industrial lubricants. Furthermore, much of the oil carried in tankers along the East Coast is refined, such as Bunker "C," which when spilled into the ocean is far more difficult to handle than the natural crude that would flow from an oil well blowout. Also, the quantity of oil dumped into the sea by a supertanker accident can be well over a million barrels, and this entire amount is frequently released over a very short time. By contrast, the rate of omission from an offshore well accident varies with subsurface pressure and the size of the bore hole, which would be approximately the size of a garden hose if compared to a supertanker. For example, the blowout at the Ekofisk - of which approximately 40% evaporated before landing on the sea surface - as compared with 100,000 tons for the Torrey Canyon and 220,000 tons for the recent accident of the

Amoco Cadiz). It becomes readily apparent from these figures that domestic offshore oil and gas production is environmentally preferable, as far as the supply of oil and gas is concerned, to the alternative of importing greater quantities of oil by tanker.

As regards exploratory drilling, it is extremely rare for exploration wells to "blowout." Because the drill-bit is penetrating an unknown structure where some surprises can be expected, safety procedures are most stringent and equipment, casings, and cement are of the highest capacity and standard. Well pressures which might indicate an oil or gas find are monitored constantly. If an increase in pressure develops, or if a "kick" is noticed, they are normally controlled by adjusting the density of drilling mud circulating around the drill pipe or by closing the blow-out preventers. Over 20,000 exploration wells have been drilled on the world's continental margins. More than 140 have been drilled in Canada's offshore alone, without a single significant pollution incident. The routine operation of offshore production wells linked to a web of collection and transportation systems, such as at Ekofisk, is rather different from exploratory drilling; the familiarity of routine procedures tends to increase the margin of human error and hence the nature of the risk they pose to the environment is quite different.

This is not to assert that offshore exploration is without some potential for causing environmental damage. No human endeavour is devoid of risk; certainly no form of energy development, be it nuclear, hydro-electric or coal.

Although the statistical probability of having a major oil spill associated with exploratory drilling is extremely small, officials are well aware that repercussions in local communities adjacent to such an incident could be extensive. It is for this reason that companies drilling off Labrador, for instance, are required to file with the Canadian government detailed contingency plans on how they will combat an oil spill should it occur. The plans are designed so that if the situation warrants, they can be coordinated with national and international contingency plans for the containment and clean-up of accidental spills. For this reason too, the government requires companies to carry pollution liability insurance that will pay for damages regardless of whether the operator can be shown to be at fault. New legislation introduced to Parliament for first reading on December 20, 1977, will make this arrangement a formal part of Canadian statute law. It may be worth noting at this point that only gas has been found so far off Labrador. Since gas dissipates quickly, it is not considered to be a pollution hazard.

Other studies to enable an assessment of possible biological effects should an oil spill occur have also been underway for a number of years by the Labrador Group of companies and by various government departments. These ongoing studies are being speeded up through the approximately \$1.5 million Offshore Labrador Biological Studies (OLABS) referred to in your February article. OLABS data, combined with what has already been collected, will make it possible to assess accurately the probable extent of biological risk inherent in oil and gas activity. After evaluating the evidence of marine pollution studies in other maritime regions, we feel confident that any threat from oil and gas activities to species in the Labrador Sea will be temporary and will lie within a range of acceptability. More biological information is necessary in order to fully describe the marine resources of the Labrador area, however, and that is the reason for proceeding more quickly with these ongoing studies.

Analysis of any such risks must also take into consideration the benefits to be derived from the activity. If exploration is successful off Labrador, we feel that the benefits could be quite substantial. Additional domestic supplies of petroleum would have advantages for the Canadian economy and especially the Maritime region which currently imports over \$1 billion

worth of oil annually.

Such things as weather information and rescue facilities will improve in the region of operation for the equal benefit of local fishermen. Increased commercial expenditures in the region combined with taxes and royalties from the operation will be available for reinvestment in alternative enterprises such as refitting and enhancing the Labrador fishery. For example, the government of Great Britain expects revenue from its sector of North Sea operations to be about \$8 billion/year in the 1980s. The Alberta Heritage Fund, which has grown from oil and gas royalties in that province, now stands in the neighborhood of \$4 billion and is being used to finance programs across the country. Local inflationary pressures and other socio-economic problems which can distort these benefits should be manageable if precautions that have been identified in other areas such as the North Sea, Alaska and the Canadian North are adapted and implemented in Labrador.

In the Labrador Sea area a time delay of approximately 6 to 8 years will affect any proposal for production if a commercial discovery is made. It has been estimated that this amount of time will be necessary to design, test and construct the equipment and installations required for offshore production in that area. This period will also provide considerable time for additional environmental studies and for Labrador to prepare to take advantage of the potential offered by oil and gas activities. If sufficient quantities of oil or gas can be found in the Labrador region, it can be managed to complement and to augment returns from the traditional, long-term renewable resources.

D.G. Crosby, Director-General  
Resource Management and Conservation Branch,  
Energy Mines and Resources Canada, Ottawa

## No Offense Intended

Dear Editor:

Recently you reprinted a satire column I wrote in support of Eskimo people in your newsletter. It was called, "Are Eskimos For Real?"

The point of that column, directed at non-Native people, was that Eskimo people are very real indeed whether or not television, magazines and non-Natives understand this to be true.

The column was written to make non-Natives realize that there are still people who live and hunt in the Arctic who do not have to watch Johnny Carson to learn how to live.

Eskimos may be the last real people on Earth.

My article was an attack on people who do not believe that Eskimos are real unless somebody on TV tells them this is true. These people think Kojak is real, Big Bird is real, but not Eskimos who hunt and fish. It was not an attack on Eskimos.

Some people on the North Slope did not understand my article this way. They think I am against the Eskimo, that I was writing that modern Eskimos are not real anymore.

This is not true. I have spent more than six years in work that took me into the homes and villages of many Eskimo people. I have fought for justice in the Bush during all of this time.

I would no more suggest that Eskimos are not real than suggest that my own mother and father were not real.

I apologize to those readers that misunderstood my column and especially to my friends on the North Slope who thought I betrayed them.

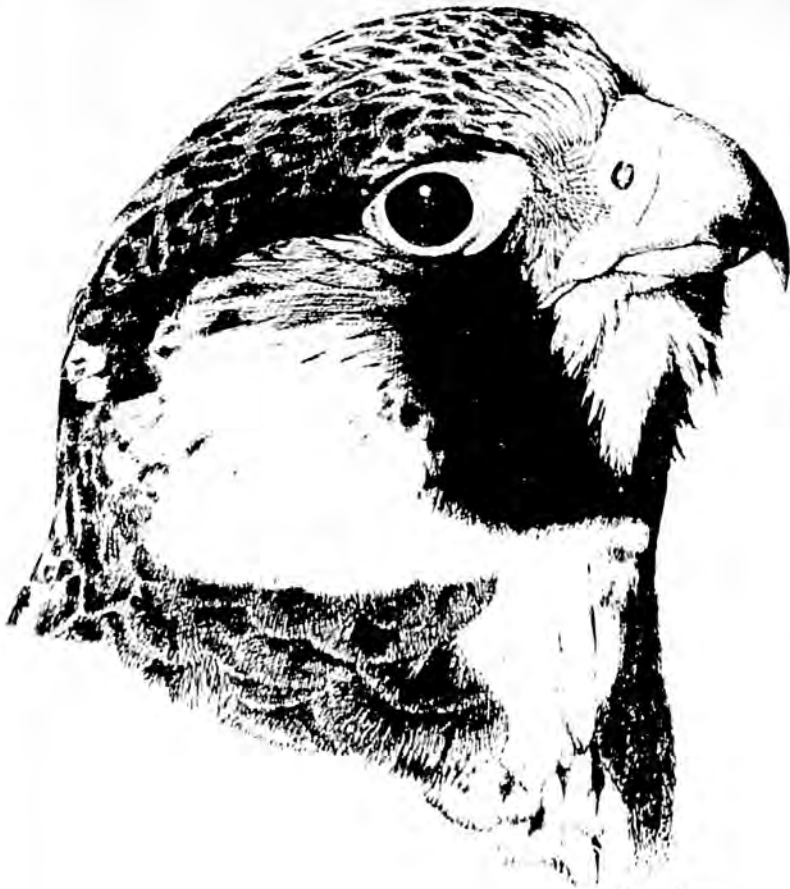
I would never betray Eskimo people by word or deed. I respect them too much.

Sincerely,  
Steve Conn  
Criminal Justice Center  
U. of A., Anchorage

# Tatilgak

(Copper Eskimo Man, Musk Ox Folk, Bathhurst Inlet)

## Bird Song



The great gull hovers  
 on wings spread wide  
 above us, above us.  
 He stares, I shout!  
 His head is white,  
 his beak gapes,  
 his small round eyes  
 look far, look sharp!  
 Qutiuk! Qutiuk!

And then there is the owl,  
 the great owl!  
 He hovers  
 on wings spread wide  
 above us, above us.  
 He stares, I shout!  
 His head is swollen,  
 his beak is hooked,  
 and his round eyes  
 have lids turned inside out,  
 red and heavy!

The great skua hovers  
 on wings spread wide  
 above us, above us.  
 He stares, I shout!  
 His head is black,  
 his beak gapes,  
 his small round eyes  
 look far, look sharp!  
 Ijoq! Ijoq!

Oroq! Oroq!

—Translated by  
Tom Lowenstein

The great raven hovers  
 on wings spread wide  
 above us, above us.  
 He stares, I shout!  
 His head is blue-black,  
 his beak is sharp  
 (does it have teeth?)  
 His eyes squint!  
 Qara! Qara!

The peregrine falcon, along with the bowhead whale, is listed on the endangered species list, a victim of DDT poisoning which softens its eggs and makes nesting difficult. On the North Slope, it nests on the banks of the Colville River, an area of concern to conservationists because of its proximity to oil development operations.

The Peregrine has long been a favorite bird of people everywhere. A symbol of strength and agility, it is the only bird known to overpower a bald eagle. In Nixon's day, Henry Kissinger used to send the CIA to Alaska to poach these birds for gifts for foreign potentates into falconry. A resolution was introduced into the Alaskan State Legislature demanding the falcons be returned or exchanged for non-resident pipeline workers.

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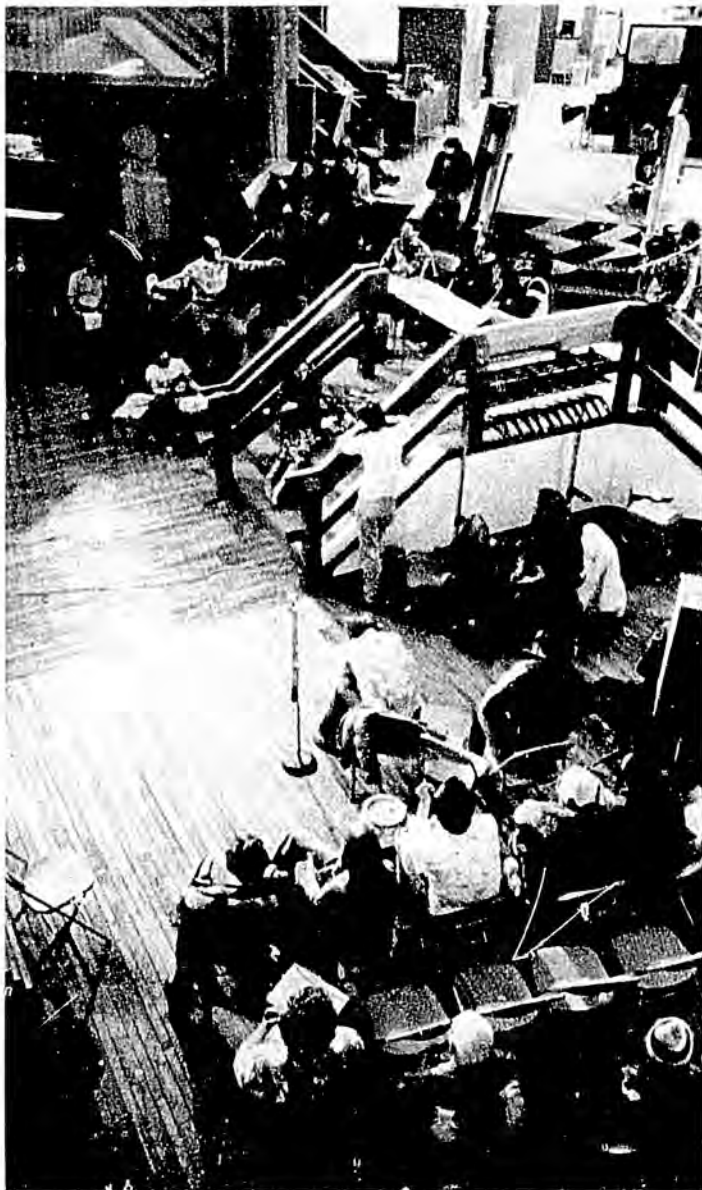
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# THE ARCTIC COASTAL ZONE MANAGEMENT NEWSLETTER

Issue No.: Twelve



Date: June 1978



Whalers, officials meet in Barrow. With the main speakers seated at a table on a stair landing, Eben Hopson, standing at left, spreads his arms as he addresses the crowd in the administration building of the North Slope Borough. At top right, Eddie Hopson shares the table with Richard Frank, Director of NOAA. (Photo: Alice Puster, Anchorage Times)

## THE BOWHEAD

### Villages Hit Hard as Quota Prevails Whalers Confront NOAA Chief

The 1978 Spring whaling season along America's Arctic coast should have been the best ever. Whales were seen in abundance--1700 counted! -- weather cooperating, and the ice conditions ideal. But tension ran high in all the eight whaling villages as whalers let the migrating herds pass unchallenged through the ice leads in observance of the quota imposed by the International Whaling Commission (IWC).

Ten whales were taken this year as compared to 27 last year and 48 the year before.

Both federal and local officials applauded the restraint of the whalers and the leadership of the Alaska Eskimo Whaling Commission in charge of implementing the regulations. All knew the hardship the quota imposed. It meant a loss of an average of 400 pounds of meat to many village families who are now apprehensive about legally obtaining enough food to get through the 10-month winter facing them. The high winter kill of the Western Arctic caribou herd and the menacing remarks of the National Fish and Wildlife Service about eliminating subsistence hunting of wildfowl has put them on notice once again that their culture is under serious attack.

But having bitten the bullet and proven their capacity for self-regulation, the Inupiat whalers are ready again to take their case before the court of world opinion and the IWC meeting in London late this month.

The season also proved to the whalers how little qualified are the government scientists of the National Marine Fisheries Service (NMFS) to regulate Inupiat whaling and how unnecessary and arbitrary was the IWC quota in the first place. The competence of the NMFS officials came under attack in early May when Barrow whalers took their fourth whale and other villages threatened to exceed their quotas by hunting another type of whale.

Richard Frank, Director of the National Oceanographic and Atmospheric Administration (NOAA) and U.S. Commissioner to the International Whaling Commission (IWC) flew to Barrow in the Coast Guard Commandant's personal jet to meet with the Alaska Eskimo Whaling Commission (AEWC) on Sunday, May 7th, to discuss a joint policy regarding further hunting of Ingutuk, a Right whale thought by many to be *Eubalaena Glacialis* or Black Right Whale, a species not

**INSIDE:** Whale quota impact alarms scientist, p.1 Prudhoe operators ugly again over village utilities, p. 10 Bowheads move west, p. 3 New study on U.S. Arctic Policy, p. 8 Alaska jumps the gun with Pt. Thomson oil lease, p. 4 Knud Rasmussen commemorated in Barrow by Greenland dignitaries, p. 9 Presbyterians honor Hopson, p. 14 And more.

covered by the recent Bowhead whale regulations. Such a whale had been counted by the National Marine Fisheries Service of NOAA against the Barrow quota of three, thus putting Barrow whalers one over their quota.

After a dispute with NMFS agents, some crews vowed to return to hunt more Black Right whales -- which biologists claim are easily distinguished from the larger Bowhead or *Balaena Mysticetus* -- after they learned that the IWC had restricted only their hunting of the Bowhead. NMFS agents called foul and threatened to arrest crews taking any more great whales, saying they were convinced *Eubalaena Glacialis* is not found in the Arctic, and that the Inupiat term for the other whale, "Ingutuk," referred to an adolescent Bowhead. They also asked AEWK Chairman, Jacob Adams, whose crew earlier had also taken an "Ingutuk", to call the whalers back, to refrain from all further whaling.

Frank, accompanied by AEWK attorneys, Lynn Sutcliffe and Ellen Partridge and other government officials, flew to Barrow to try to cool down what he regarded to be an honest difference of opinion and misunderstanding but which had been blown up by the national press to be an incident of defiance against the Federal Government. Arriving in Barrow Sunday morning, he moved smartly to set things right. He was immediately taken out on the ice by Jacob Adams where he inspected the NMFS research camp. Frank heard about the complaints about the NMFS Bowhead research program, and he wanted to see for himself how scientists counted whales. He learned that a lot of extrapolation had been used last year when only 350 Bowheads had been counted by the NMFS workers, a number that was then extrapolated to produce the IWC Technical Committee's Bowhead population estimate of 700-1300. This year, he was told, 600 whales had been counted from this station, and the run was just beginning. Three [3] whales were spotted and tallied during Frank's 30-minute visit to the research station. In normal times, he would have been able to visit with the crews out on the ice. But when Barrow's oldest whaler taped a plea from his sickbed for all crews to stop hunting and return, and this plea was broadcast by the local radio station, KBRW, they had all gone to the North Slope Borough offices with hundreds of their kinsmen to meet with Frank, the first U.S. Whaling Commissioner to visit Barrow.

It was an old-fashioned town-hall meeting filling most of the open space interior of the Borough building and Richard Frank conducted himself as a capable diplomat. He said that he wanted to be viewed as a friend who played no part of the seven-year campaign of NOAA during the Nixon administration to discredit Inupiat whalers, and which secretly negotiated the IWC regulation of Alaska's subsistence Bowhead whaling.

The controversy regarding the identity of the "Ingutuk" -- It is or is it not a Bowhead whale? -- was discussed at length, with both sides admitting the possibility of error and with the whalers agreeing to stop hunting the Ingutuk because of the possibility that it might be a type of Bowhead.

Frank told the crowd that he would work hard to separate subsistence whaling regulation from commercial whaling regulation and pointed to the increased tally of whales, together with the cooperation of the AEWK, as reasons why the IWC can be expected to relax its restrictions on Bowhead subsistence whaling.

By the end of May, the Inupiat whalers had harvested ten whales, and the National Marine Fisheries Service had counted 1700, and were setting about to determine what extrapolation of this figure should be made to arrive at an official U.S. estimate of the Bowhead population for use by the IWC's Scientific Committee when it meets during the week of June 19, in Cambridge, England.

The Alaska Eskimo Whaling Commission was planning strategy for use at the IWC meeting the week of June 26th, in London. An AEWK film documentation unit headed by famed Arctic Cinematographer Bill Bacon, had extensively photographed all aspects of the Spring hunt, and this film will be used to document the AEWK's position at the IWC meeting in London.

#### AEWK SEEKS RELATIONSHIP WITH IWC IN LONDON

The Alaska Eskimo Whaling Commission has reached agreement with Richard Frank and the U.S. IWC delegation on a common position to advance in London when the IWC turns to the Alaskan Bowhead controversy.

1. The IWC should organize itself to deal with aboriginal subsistence whaling separate and apart from commercial whaling.



Meat for the Winter. The villagers of the North Slope haul a large Bowhead onto the ice this April. The historic whaling season, first under the jurisdiction of the Alaska Eskimo Whaling Commission, supported the case for Native self-regulation. Whalers will seek an end to the quota at the IWC meeting in London this month.

2. All Native subsistence whaling should be self-regulated through whaler-controlled management regimes, such as the Alaska Eskimo Whaling Commission.

3. If there is need for setting quotas for any subsistence whaling species, they should be set and enforced by Native subsistence whaling management regimes.

Eben Hopson, along with AEWC Chairman Jake Adams and Arnold Brower, Chairman of the Barrow Whaling Captains Assoc., are preparing to fly to Washington, D.C. for a June 8 meeting of the U.S. IWC delegation to plan strategy for the IWC meeting in London June 26-30 at the Mount Royal Hotel. Part of that strategy will be to win world-wide support for Inuit participation in a second meeting to be held in Copenhagen, Denmark, July 4-7 to make plans and preparations for a future "Conference of Plenipotentiaries" to negotiate a new convention to replace the International Convention for the Regulation of Whaling (1946). It is the hope of Inuit leadership that the new convention contains special provisions for and recognition of aboriginal subsistence whaling.

## Elders Conference Reveals Possible Westward Shift Of Bowhead Breeding Habitat

Over forty (40) of the North Slope Borough's most respected Elders gathered in Barrow during the week of May 22-25, to attend the 1978 Elders Conference conducted by the North Slope Borough's Commission on History and Culture. The conference was held to help document traditional land use and subsistence values, important criteria for the NSB's land use planning and zoning ordinances. The conference was planned and coordinated by Flossie Hopson, Consultant to the NSB Planning Department.

According to Ernie Frankson, Chairman of the Commission of History and Culture, the Elders spoke of reports over the past two years of an apparent westward movement of the breeding habitat of the Bowhead whale.

The Elders spoke of seeing unusual numbers of Bowhead breeding and calving in the area between Kaktovik and Herschel Island, far west of their usual breeding habitat near Banks Island. They speculate two things could account for this: population growth or habitat displacement caused by Canadian Beaufort offshore oil and gas operations. Many claim this phenomenon argues strongly against any summer oil exploration or development activities.

### Native Subsistence Film Available

"Subsistence — A Way of Life is Dying" is a new 27-minute color 16 mm. film produced by the Bristol Bay Native Association. In the film, the people of Bristol Bay discuss the importance of preserving subsistence lifestyle and the many threats it now faces. For information regarding the film, contact:



Andrew Golia  
Bristol Bay Native Assoc.  
P.O. Box 179  
Dillingham, AK 99576  
Phone: (907) 842-5257

## "Hunger Knows No Law"

As NOAA Director Richard Frank was facing up to the whalers of Barrow, Sam Talak in the audience could no longer contain himself and interrupted with these remarks: "I thought you were aware of how to treat the pussycats! United States listens while Japan and Russia ask for 3500 whales. United States gave them 6000 whales to kill off, and you come here, look like a Christian, we're allowed to kill only 12. We have to feed my kids!

"Take a good look at yourself white man, because I'm going to take a good look at myself. You come from a long ways off, but under the same token I live here.

"You gave Russia, Japan double what they asked for, and you're telling me 12 is too much for us, and you make an issue of it. Let there be peace in your conscience, man. I have to live by your comments. Hunger knows no law. Hunger — in our system, blubber — knows no law."

## Subsistence Study Attacks Whale Quota

U.A.A. SOCIOLOGIST SAYS THAT ARCTIC SUBSISTENCE LIFESTYLE THREATENED.

A study of eight subsistence whaling communities in the Arctic has determined that the bowhead quota "seriously threatens the subsistence lifestyle." Completing a report for the Dept. of Interior, University of Alaska, Anchorage sociologist Jack Peterson said that the cutback in whale meat would have a dramatic impact on the villagers' diets.

Peterson was contacted by the Department of Interior about the project which began in March and which was completed May 10. The study involved a survey of 217 heads of households of the eight whaling villages of America's Arctic: Gambel and Savoonga on St. Lawrence Island, Wales, Point Hope, Kivalina, Wainwright, Barrow, and Kaktovik. The Peterson survey found that 85 per cent of the sampling obtained more than half their food supply through subsistence hunting and fishing. More than 40 percent of those in Barrow, Wainwright and Kaktovik each received more than 400 pounds of whale meat in 1977, an average of eight to ten pounds a week.

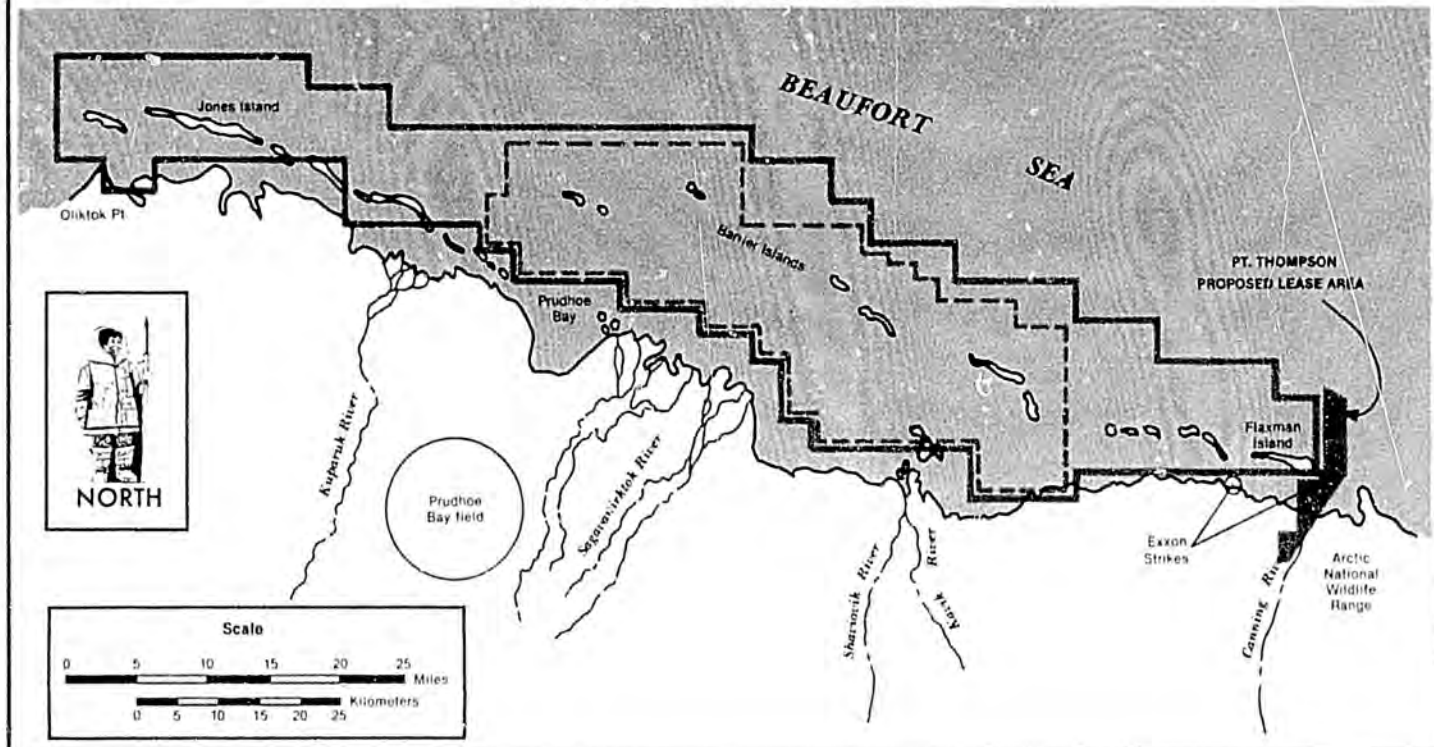
Peterson commented, "I find it pretty dramatic to take that much meat out of the diet each week. I know that much would make a big difference in my own family's diet."

The researchers also found that in none of the villages was whale the primary source of meat, although in most cases it ranked number 2. Northern villages eat more caribou and the Saint Lawrence villagers eat more ugruk, or seal, and walrus. Of particular concern to the villagers is whether enough food is legally available to feed everybody.

Peterson mentioned that he was "surprised" at the amount of caribou that was eaten in the northern villages. "If there is not enough caribou and there's not enough whale, it could be a real problem," he said. "The people there are in a double bind with both supplies limited. And I have heard that there was a large (wolf) kill of the caribou this last winter."

Regarding the Western Arctic Caribou herd, biologist Jim Davis of the state Department of Fish and Game said the average calf survival rate for the herd was 27 to 30 calves per 100 cows, compared with 51 calves to 100 cows last spring. The herd has been seriously depleted in the last ten years.

## PROPOSED STATE/FEDERAL BEAUFORT SEA OIL AND GAS LEASE SALE



**JOINT STATE FEDERAL BEAUFORT SEA NEARSHORE LEASE SALE UNIT** — The solid line marks the boundaries of the joint State-Federal Beaufort nearshore sale unit. The dotted lines mark the area to which the NSB has asked first-round leasing be restricted to protect sensitive habitat areas in the Simpson-Lagoon-Gwydyr Bay area to the West, and the Maguire-Flaxman Island area to the East off Point Thomson. The black area is the State's Point Thomson "Exxon" sale area slated for lease this coming September. State and NSB CZM planners regard the Exxon sale to seriously compromise the State's ability to protect subsistence habitat values in the joint sale area, and a serious breach of faith. The State's decision to ignore NSB requests to protect the Maguire-Flaxman Island lagoon area is tied to Exxon's new oil field discovery on Flaxman Island and Pt. Thomson on leases bought in 1969. The State says adequate protection will be afforded through new protective lease stipulations.



This drawing was prepared for the Newsletter to illustrate the relationship of the Pt. Thomson Lease Sale tracts to the already leased Flaxman Island Lagoon; the sites of existing Exxon wells on Flaxman Island and across the lagoon on Pt. Thomson. The new lease sale tracts would narrow the development buffer protecting the Canning River Delta and outflow, and the Western Coast of the Arctic National Wildlife Refuge. The existing Flaxman Island Lagoon leases were made in 1969 when there were no protective pre-leasing regulations, and no protective lease stipulations. State oil and gas officials say tight new regulations and stipulations drawn up for the joint State-Federal Lease Sale next year will also govern all drilling in both the existing Flaxman Island Lagoon leases, as well as in the new Pt. Thomson sale area. Of course, NSB officials have expected this to happen anyway without regard to any new leasing in the Canning River area.

## STATE PT. THOMSON SALE COMPROMISES NEW ARCTIC OFFSHORE SAFEGUARDS

NSB CZM planners began to worry about U.S. Beaufort Canadian near-shore exploration in 1975 when the Western Arctic Inuvialuit asked NSB Mayor, Eben Hopson for help in resisting Canadian government approval of DOME/CAMMAR'S deepwater wildcat operation off Tuktoyuktuk in the Mackenzie Bay. At the same time, the NSB was asked to

cooperate with Union Oil's East Harrison Bay Ice Island Project. The Department of Interior was planning to conduct a Beaufort Sea Sale in 1977. And Governor Hammond began talking about holding a State Beaufort Sea Lease Sale to raise money to make up for projected state revenue shortfalls caused by the delay in oil pipeline construction.

When President Carter was elected, he appointed Governor Hammond's Commissioner of Natural Resources, Guy Martin, to the job of Assistant Secretary of the Interior for Lands and Waters, with supervision over the Bureau of Land Management and its conduct of the National OCS leasing schedule calling for Beaufort Sea nearshore leasing in September, 1979. Martin was able to create a political climate at Interior within which the Hammond administration was able to negotiate the first joint State-Federal Offshore Lease Sale Agreement in U.S. history. The basis for cooperation was conflicting State/Federal claims to waters within and around the Beaufort Islands off the Prudhoe Bay oil field, still an issue in Federal court when the joint leasing agreement was reached.

Throughout all of this, the State was strongly involved in the work of the OCS Environmental Assessment Program (OCSEAP) which began its Beaufort Sea investigations in 1975. Dr. David Norton, of the Governor's Division of Policy Planning and Development has been assigned to the OCSEAP where he has impressed NSB CZM planners by his efforts to draw the NSB Planning Department into the work of OCSEAP. Norton has been a strong advocate for the NSB's subsistence habitat conservation policies and has fought for rights of local government in all aspects of offshore development.

Meanwhile, unknown to the NSB in 1975 Exxon discovered what appeared to be a large new oil field from a well on West Flaxman Island, but this discovery was kept secret until it was announced in November 1977. Earlier, a confirmation well was brought in four (4) miles west of the Flaxman Island discovery, (Pt. Thomson No. 1). The find was kept secret in the belief that Alaska would conduct a Beaufort Sea Sale in 1976, and Exxon wanted to keep lease bid competition as low as possible.

When Exxon disclosed the discoveries on Flaxman Island and Pt. Thomson No. 1, State negotiators were working on the joint lease sale agreement with Interior. The State tried to get the Pt. Thomson-Flaxman Island included in the joint sale area, but its inclusion was nixed by the Department of Interior for reasons unknown to the NSB.

In March 1978, Governor Hammond and Interior Secretary Andrus signed an agreement to jointly lease and manage the nearshore area of 650,503 acres between the Colville and Canning Rivers, and both the State and Federal government called for nominations and comments. Also, the State's Division of Minerals and Energy Management organized the Alaska Advisory Committee on Leasing (AACL) which included the NSB, to develop new lease stipulations for the joint sale, and select sensitive tracts for deletion from the sale.

When the State leased Prudhoe Bay oil field tracts in 1968, there were few environmentally protective lease stipulations, and Prudhoe Bay operators have been complaining about the State's restrictions on land, water and gravel use on their leaseholds, saying they should not be held to requirements not stipulated in their leases.

Under the leadership of Pat Dobej, the State's Petroleum Manager, the AACL was organized to draft stipulations on a tract-specific basis for the joint Beaufort nearshore sale. These would provide prior notice to bidders of the environmental obligations of lessors operating on their nearshore leases.

In preparing NSB comments, CZM planners consulted with the State Department of Fish and Game, the OCSEAP Leadership in Fairbanks, and Trustees for Alaska. All agreed the joint sale block includes the most biologically productive and sensitive areas in the Arctic.

Fish and Game identified three (3) "biologically sensitive" areas: The Narwhal Island boulder field inshore of Narwhal

Island for its rich benthic fauna; Cross Island, an Eider Duck habitat; and Colville River Delta/Simpson Lagoon, particularly rich habitat area for many species all the way up and down the fragile Arctic food chain. Fish and Game Commissioner, Skoog, however, said that even these biologically sensitive areas could be leased with "stringent" lease sale stipulations for resource protection.

NSB comments identified both the West and Eastern ends of the joint sale block as too sensitive to lease, and also, asked that there be no drilling permitted yet beyond the barrier islands.

Trustees for Alaska asked that none of the tracts in the Block be leased.

By the end of March, it appeared to NSB CZM planners the joint sale area would be reduced to protect both the Simpson Lagoon on the West, and the Maquire-Flaxman Island area to the East, based upon assurances from State employees working on the joint sale. It appeared to the NSB the State would convince BLM to take an environmentally conservative approach to Beaufort nearshore sale. But, NSB CZM planners failed to take Exxon's oil politics into account. On March 31, Governor Hammond announced he would hold a "Pt. Thomson" lease sale on fifteen (15) tracts abutting the Eastern border of the joint sale block, mostly in the nearshore waters inshore and seawards of the Western end of Flaxman Island and the Flaxman Island Lagoon, in the outflow of the Canning River next to the National Arctic Wildlife Refuge.

Moreover, Hammond announced the sale would be held in Mid-October, 1978 — in time for the fall gubernatorial election.

Apparently, Hammond made his decision without consulting those employed on the joint sale, and his announcement was viewed by State employees as compromising of their efforts to protect the most sensitive tracts in the joint sale. The NSB regards the Pt. Thomson sale to be a serious breach of faith, a politically inspired effort to evade the State's new protective leasing regulations and which dishonors the principles of "cooperative management" inherent in the OCSEAP Program, the State-Federal joint sale agreement, and the State's Coastal Zone Management Program. By the end of May, NSB CZM planners were referring to the Pt. Thomson sale as the "Exxon Sale" as other oil corporations pointed out only Exxon has adequate geophysical data upon which to base a bid.

Clearly embarrassed, State oil and gas employees began putting the best possible face on the affair, pointing out that most of the Flaxman Island Lagoon was leased earlier in 1969, and with the new Exxon discovery, the area is vulnerable to development anyway. State Petroleum Manager, Pat Dobej is trying to sell the "Exxon Sale" as a 1978 dress rehearsal for the joint sale in 1979, complete with the same tough lease stipulations which will result in better overall Arctic Offshore Management. NSB CZM planners were skeptical. And NSB Mayor, Eben Hopson asked Conrad Bagne, new NSB attorney, to draft the Borough's first zoning ordinance to try to zone drilling out of the Borough's most sensitive offshore habitat areas.

## Arctic Villages Respond to Beaufort Oil Plans

In April, the leadership of Kaktovik and Nuiqsut, responded to Interior's "Call for Nominations," which asked for tract proposals and comments on federal and state plans to proceed with lease sales of the near-shore areas in the Beaufort Sea next year. The following are the resolutions issued:

**CITY OF KAKTOVIK  
RESOLUTION NO. 78-01**

**WHEREAS**

our village has received no official notice, maps, or other materials about the "Call for Nominations" for the Beaufort Sea oil lease sale in our ocean, but we have been verbally advised by persons outside the government that the nominations are in process this month; and,

**WHEREAS**

we are the closest village to the proposed lease area, and we have hunted and fished throughout the proposed lease area for centuries and we depend on it at this time for our food and our life; and,

**WHEREAS**

because of our location, we would be the most directly and immediately hurt by any oil spill from development in the proposed lease area; and,

**WHEREAS**

there has not been sufficient evidence produced to show that any of the proposed activities can be safely carried on without any possibility of an oil spill, especially with the Arctic ice conditions of our coast; and,

**WHEREAS**

from the expert knowledge of our people about ice movements and the breeding and living conditions of the fish, birds, and animals in the proposed lease area, we believe that any oil spill would produce a catastrophe for these living creatures we depend on for our food and life and would therefore destroy the ability of our village to survive.

**NOW, THEREFORE,**

**BE IT RESOLVED THAT**

1. We oppose any drilling or other oil development activity in the proposed Beaufort Sea outer continental shelf oil lease area.
2. We demand that future hearings on the lease sale include formal hearings in our village so that we can give our opinions directly to the decision makers on this sale.
3. The federal, state, and local governments, especially the Alaska Outer Continental Shelf Office of the U.S. Bureau of Land Management in Anchorage should begin immediate education efforts to inform our people about the effects of oil development in the Beaufort Sea especially about oil spills and the dangers of ice movements for such operations.
4. We support the full partnership of local government in all aspects of the proposed oil leasing and activity.

DATED at Kaktovik, Alaska,  
the 4th day of April, 1978.

Marx W. Sims, Mayor

**KUUKPIK CORPORATION (NUIQSUT)  
NUIQSUT VILLAGE COUNCIL**

**JOINT RESOLUTION 78-1 (amended)**

**WHEREAS**, the native village of Nuiqsut is one of the closest villages to the proposed Beaufort Sea Outer Continental Shelf oil lease area, as we are only sixty (60) miles west of Prudhoe Bay. We have received no official notice, maps, or other materials about the "Call for Nominations" for the proposed sale, although we have heard from persons outside the government that comments can now be made; and,

**WHEREAS**, the people of our village have hunted and fished in the area covered by the proposed sale for centuries. Our people have seen how, near the mouth of the Colville River and eastward along the coast there are at this time plentiful fish, birds, eggs, migratory birds, sea mammals like seals and walrus. The bowhead whales also pass through the area each year on their way to their calving grounds in Canada; we depend on these living creatures for the food we need to survive; and,

**WHEREAS**, we know from our experience that the entire proposed lease sale area has strong ocean currents and sudden large ice movements in the nine (9) months of the year that it is covered with ice; and,

**WHEREAS**, we believe that any oil development would sooner or later cause oil spills, and even one such oil spill would destroy countless fish, birds, or sea mammals we depend on for food. In addition, there would be noise, drill mud pollution, use of scarce resources of gravel and fresh water, and changes to the sea bottom and beaches; and we feel these things would hurt the fish and wildlife in the area; and,

**WHEREAS**, we have no faith in the promises of the oil companies. When a test well was being drilled at Harrison Bay, near our village, Union Oil promised us that native people in our village would be hired for the project. None were in fact hired; and,

**WHEREAS**, we are the closest village to Prudhoe Bay, but the oil development has been of no benefit to our village. Our heating oil still costs between \$75.00 and \$130.00 a barrel and we need three barrels per month in the winter to heat each home. Only two of our villagers have jobs at Prudhoe Bay.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. we oppose any oil development activity in the proposed Beaufort Sea OCS oil lease area.
2. we call on the Governments of the United States, Alaska, North Slope Borough, as well as the Arctic Slope Regional Corporation and the Inupiat Community of the Arctic Slope, to use their funds to help bring people to our village to give us more information immediately about all aspects of the Outer Continental Shelf oil drilling in the Arctic Ice Area like the Beaufort Sea.
3. We demand that formal hearings be held in our village of Nuiqsut about any proposed oil development activity so that we can make our opinions known to the decision makers over the proposed sale.

DATED this 13th day of April, 1978, at Nuiqsut, Alaska.

Kuukpik Corporation  
President: Thomas Napaqak

Nuiqsut Village Council Mayor:  
Alice Woods

## Arctic Publications

### UNITED STATES ARCTIC POLICY

by  
Brian P. Smith  
Center for Oceans Law and Policy  
University of Virginia  
Published by  
The Mienie Company  
Charlottesville, Virginia  
January, 1978

When the NSB began its organized work with the Inuit Circumpolar Conference in 1976, Alaska's U.S. Senator Mike Gravel recommended the NSB work with John Morton Moore who had just recently resigned as head of the U.S. delegation to the Law of the Sea Conference. Senator Gravel had represented the Senate on the U.S. LOS delegation, and had come to know and respect Moore, and NSB Mayor, Eben Hopson invited Moore to Barrow in March, 1976 to participate in the International Planning Conference which led to the organization of the Inuit Circumpolar Conference in June, 1977.

Ambassador Moore advised the ICC planners of the need for well-developed national and international arctic policy, and the quest for such policy became important to the work of the NSB Environment Protection program, and of the Inuit Circumpolar Conference which passed ICC Resolution 77-06, a Resolution concerning Environment, policy (see box).

*United States Arctic Policy* is the first of a series of Oceans Policy Studies to be published for the Center of Oceans Law and Policy. Its author, Brian Smith, is a young San Francisco Lawyer who studied Canadian and Soviet Arctic policy as a law student before becoming a research fellow at the Center for Oceans Law and Policy.

*United States Arctic Policy* focuses upon international arctic environmental and strategic significance, and upon the need for strong national and international policy agreements capable of assuring safe and responsible arctic non-renewable resource development while protecting natural arctic subsistence values. From the point of view of Barrow, the study is somewhat spotty, or hit-and-miss, but it is the only such study known to detail, in recognizable terms, the need for strong national and international arctic policy development and cooperation.

## Who writes about the Arctic?

*Taken from U.S. Arctic Policy by Brian Smith*

1. ARCTIC  
1020 Pine Avenue West  
Montreal, Quebec  
Canada H3A 1A2

The journal of the Arctic Institute of North America. The periodical publishes research work on the full range of subjects relative to the Arctic. Descriptive materials concerning the extensive activities of the Institute and other developments in the region are included.

2. ARCTIC & ALPINE RESEARCH  
Institute of Arctic & Alpine Research  
University of Colorado  
Boulder, Colorado

A quarterly publication which began in 1969 with the support of a National Science Foundation grant. It generally publishes technical research papers or notes dealing with any scientific or cultural aspects of the arctic or alpine environment.

3. ARCTIC BIBLIOGRAPHY  
1020 Pine Avenue West  
Montreal, Quebec  
Canada H3A 1A2

The comprehensive annotated bibliography of Arctic literature. This is the standard reference work on all aspects of high-latitude research and development. Published in a multi-volume set by the Arctic Institute of North America.

4. ARCTIC BULLETIN  
Office of Polar Programs  
National Science Foundation  
Washington, D.C. 20550

Quarterly publication of the Interagency Arctic Research Coordinating Committee. Light scientific papers and materials concerning U.S. activities in the Arctic — including technological developments, research activities, strategic and economic development, etc.

5. ARCTIC COASTAL ZONE MANAGEMENT NEWSLETTER  
323 Fireweed Lane  
Anchorage, Alaska 99503

Monthly publication focusing on the interests of the residents of the North Slope Borough of Alaska. Outlines work in education, technology, resource exploitation, legislative activity, etc. — with the emphasis on offshore/coastal development.

6. CENTER FOR POLAR ARCHIVES  
National Archives and Records Service  
General Services Administration  
Washington, D.C. 20408

Depository of individual, institutional and United States government records, maps, documents, etc. relevant to U.S. activities in the polar regions. Presently engaged in a compilation of a comprehensive documentary history of all U.S. activities.

7. NORTHERN PERSPECTIVES  
Canadian Arctic Resources Committee  
46 Elgin Street, Room 11  
Ottawa, Ontario, Canada K1P 5K6

Publication of private Canadian citizen's group — intent is to provide independent, i.e., non-governmental perspective on critical issues related to northern development. Periodical contains work on a range of issues with the goal of providing sufficient background to stimulate and inform public constructive criticism.

8. POLAR RECORD  
Scott Polar Research Institute  
Cambridge University  
Cambridge, England CB2 1ER

The journal of the Scott Institute publishes research articles on the spectrum of Arctic subjects. Of particular note is the companion publication, *Recent Polar Literature*. Originally published as a supplement to the *Polar Record*, this periodical is now published separately as a fully indexed current bibliography of recent literature concerning polar subjects.

## Who's who in Arctic Policy Development

The Arctic Institute of North America  
3426 N. Washington Blvd.  
Arlington, Va. 22201

The Institute, a joint Canadian and American enterprise, is perhaps the leading private organization engaged in Arctic research and scholarly activities. The work of the Institute includes sponsorship of symposia, direct contract work for the U.S. government and publication of a sizeable body of literature on the Arctic.

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

The Center was established to gather, synthesize and disseminate environmental data. To achieve this end, the Center maintains extensive research information and data analysis services.

The Institute for Polar Studies  
Ohio State University  
125 South Oval Mall  
Columbus, Ohio 43210

These two University centers sponsor and direct research in a host of matters related to the Arctic region — including bioscience, earth science and physical science investigations.

The Institute of Arctic and Alpine Research  
University of Colorado  
Boulder, Colorado 80302

Canadian Arctic Resources Committee  
46 Elgin Street, Room 11  
Ottawa, Ontario  
Canada K1P 5K6

A rather unique organization, the Committee is an interested citizen's group dedicated to the investigation of Arctic issues, stimulation of public awareness and discourse, and suggestions as to the proper course for Canadian policy.

Scott Polar Research Institute  
Cambridge University  
Cambridge, England

The Scott Institute, established in 1926, is the focal point for stimulation of research and dissemination of information on polar subjects in Great Britain. The Institute offers a one — year program leading to a Diploma in Polar Studies.

From U. S. Arctic Policy, Brian Smith, Center for Oceans Law and Policy, University of Virginia.

## Kissinger's Arctic Policy Memo An Aborted Attempt At Arctic Policy Development Revealed

*In December, 1971, Henry Kissinger signed National Security Decision Memorandum 144 to establish the Interagency Arctic Policy Group, chaired by the U.S. Department of State. NSB officials first heard about this action in April, 1978 when the Memorandum was published in U.S. Arctic Policy, an oceans policy study published by the Center for Oceans Law and Policy.*

At no time during many conferences between NSB and State Department officials about the need for protective national and international Arctic policy was this policy group ever mentioned. The Interagency Arctic Policy Group is apparently dormant.

NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20506

December 22, 1971

National Security Decision Memorandum 144

TO:

The Secretary of State  
The Secretary of Defense  
The Secretary of Interior  
The Secretary of Commerce  
The Secretary of Transportation  
The Director, National Science Foundation  
The Chairman, Council on Environmental Quality

SUBJECT: United States Arctic Policy and Arctic Policy Group

The President has reviewed the NSC Under Secretaries Committee's recommendations, conclusions and report regarding United States Arctic policy and organizational arrangements for its implementation, as forwarded by Under Secretary Irwin on August 9, 1971.

The President has decided that the United States will support the sound and rational development of the Arctic, guided by the principle of minimizing any adverse effects to the environment; will promote mutually beneficial international cooperation in the Arctic; and will at the same time provide for the protection of essential security interests in the Arctic; including preservation of the principle of freedom of the seas and superjacent airspace.

In furtherance of this policy, the President has:

Directed that the NSC Under Secretaries Committee review and forward detailed action programs, including plans and specific projects (with budgetary implications as appropriate), for increasing mutually beneficial cooperation with Arctic and other countries in areas such as exploration, scientific research, resource development and the exchange of scientific and technical data; for improving the U.S. capability to inhabit and operate in the Arctic and the understanding of the Arctic environment; and for developing a framework for international

cooperation with particular attention given the Northlands Compact approach. (These action programs should be forwarded for the President's consideration not later than March 1, 1972.)

Directed that an Interagency Arctic Policy Group be established, chaired by the Department of State and including the Departments of Defense, Interior, Commerce and Transportation, the National Science Foundation, the Council on Environmental Quality and representatives of other agencies as appropriate. (The Department of State is responsible for providing the administrative support, including staff, necessary to enable the Arctic Policy Group to carry out its responsibilities.)

The Interagency Arctic Policy Group will be responsible for overseeing the implementation of U.S. Arctic policy and reviewing and coordinating U.S. activities and programs in the Arctic, with the exception of purely domestic Arctic-related matters internal to Alaska. In discharging these responsibilities, the Arctic Policy Group will report to and coordinate with the NSC Under Secretaries Committee. Any substantive policy issues requiring the President's decision will be referred to the NSC Senior Review Group for consideration.

Approved the development of a coordinated plan for scientific research in and on the Arctic, including possible cooperative projects with Arctic and other countries, and the investigation of the feasibility of developing a comprehensive transportation system capable of meeting U.S. requirements in the Arctic, with appropriate recommendations to be made to the Arctic Policy Group.

There should be no public statements concerning U.S. Arctic policy and the other decisions set forth herein pending the President's review of the action programs requested above.

Henry A. Kissinger

[Declassified: May 18, 1977]

## GREENLAND PRIME MINISTER VISITS NORTH SLOPE

SPIRIT OF KNUD RASMUSSEN DOMINATES  
ARCTIC TALKS:

EBEN HOPSON AND LARS CHEMNITZ PLAN INUIT  
CIRCUMPOLAR UNITY AND COOPERATION

When Knud Rasmussen, famed Inuit Arctic explorer, pulled into Barrow in the spring of 1924 on his famous dogsled trek from Greenland to Siberia, he bore living witness to the ancient Inuit tradition of the oneness and unity of the Circumpolar Inuit community of the North American Arctic. His message to the people of Barrow, and to all Inuit villages he visited during his historic three-year trek, confirmed what they had always known: they were but part of a Circumpolar Arctic Inuit homeland bound by common language, culture, and kinship. Rasmussen became a national folk hero in Greenland, and a symbol for the idea of the circumpolar Inuit homeland.

When the North Slope Borough hosted the first Inuit Circumpolar Conference in Barrow last summer, Greenland's delegation provided the leadership to establish the Inuit Circumpolar Conference as a permanent organization. Thus it was that Lars Chemnitz, chairman of Greenland's provincial



Greenlandic dignitaries visit Barrow. Standing in front of historic Cape Smythe Whaling and Trading Company (now Brower's Cafe) where Inuit explorer Knud Rasmussen was hosted in 1924 during his journey from Greenland to Siberia are: Jens Lyberth, President of the Canadian Inuit Development Corporation who served as translator; Lars Chemnitz, Chairman of the Greenland Land Council; Tom Brower, son of Charles Brower who hosted Rasmussen during his visit to Barrow; Jon Buchholdt, Assistant to Mayor Eben Hopson; Emily Nusunginya, Assistant to the Mayor for ICC Affairs; Alibak Steenholdt, Assistant to Lars Chemnitz; and Peter Frederick Rosing, News Director, Radio Greenland.

land council, and leader of government in Greenland at a time when home rule was negotiated with Denmark, responded to the invitation of North Slope Borough Mayor Eben Hopson to visit Alaska's Arctic slope to discuss cooperation between Greenland and Alaska, and build new strength for North America's Inuit Community of some 100,000 people. Forty thousand of these Inuit are in Greenland, where a new home rule government is being formed, an important political development for the other sixty thousand Inuit of Canada and Alaska.

Lars Chemnitz, 52, an educator before becoming leader of government in Greenland, arrived in Anchorage Tuesday, April 16, where he was met by Willie Hensley, who briefed him about the history of relations between the United States and her native American people in general, and with Alaska's Inuit community specifically. Hensley, a prominent Inuit land claims leader and businessman, and one of the principal architects of the Inuit Circumpolar Conference, provided Chemnitz with a thorough briefing on land claims developments in Alaska. Chemnitz and his party met with General Boswell, Commander of the Alaska Air Command, as he showed them around Elmendorf Air Force Base which supplies U.S. Air Force facilities in Greenland, strategically important in the North American Air Defense network.

On Wednesday, Chemnitz flew to Prudhoe Bay where he was given an intensive technical tour of all oil production facilities maintained by ARCO and SOHIO-BP. Northern Greenland and the Davis Strait between Greenland and Canada are regarded to be high in oil and gas potential, and Chemnitz will figure prominently in decisions relating to the exploration and development of these resources.

On Thursday, Chemnitz flew to Nuiqsut where he met with village leaders to get a sample of small village life alongside Arctic coastal oil and gas development. He was briefed about Nuiqsut's land selections and village development program following the settlement of the Alaska Native Land Claims in 1971. Unlike Greenland, where economics have required the closure of small coastal villages, in the North Slope Borough small villages like Nuiqsut have been reestablished and developed with new homes and community facilities, thanks to North Slope Borough tax revenue from Prudhoe Bay.

From Nuiqsut, Chemnitz flew across the National Petroleum Reserve under exploration by the Department of Interior to Barrow where he met Mayor Eben Hopson for the first time. He toured the Naval Arctic Research Laboratory. That night he was hosted by Thomas Brower, patriarch of Barrow's Brower family, founded by Charles Brower, who hosted Knud Rasmussen when he stopped over in Barrow in 1924. Chemnitz stayed where Rasmussen stayed, and pored over Tom Brower's scrap books containing photographs and mementos of Rasmussen's visit. Brower was a teenager when Rasmussen passed through, and Rasmussen left dogs in his care when he passed through on his return to Greenland.

On Friday, Hopson and Chemnitz spent the day in conference with topics ranging from strategy to use at the forthcoming meeting of the International Whaling Commission, to the development and operation of the North Slope Borough as the first Arctic regional home rule government in North America, to Greenland's participation in the Inuit Circumpolar Conference. Chemnitz invited Hopson to Greenland to address his land council during the week of October 10, 1978.

Friday evening, the North Slope Borough hosted a dinner reception for Chemnitz in the building in which Knud Rasmussen and his party were housed, now housing Brower's Cafe, where Chemnitz spoke of Knud Rasmussen as a symbol of the unity of North America's Inuit community, and answered questions about Greenland's new home rule charter and government now under development.

Chemnitz was accompanied to Alaska by his aide, Alibak Steenholdt, and by Peter Frederik Rosing, director of Greenland Radio's News Services, and by Jens Lyberth, president of the Inuit Development Corporation of Canada, but native of Greenland, who served as Chemnitz' English translator. Chemnitz' tour of the Arctic Slope was covered by Alaska Advocate Reporter-Photographer Ken Roberts. Also on the Arctic Slope to cover Chemnitz' visit as well as the Bowhead whaling story was Danish television's Jorn Mathiesen and Arqal K. Lyngø.

As if to emphasize Greenland's role in seeking circumpolar unity and cooperation among North America's Inuit communi-

ty, while Chemnitz was in Barrow meeting with Hopson, Gunnar P. Rosendahl and Hans Ollgaard, from the Greenland Technical Organization, visited Kotzebue to attend a housing conference, and 16 Greenlandic coastal village mayors met in Yellowknife with their counterparts from Canadian Inuit villages along the Arctic coast of the Northwest Territories.

Lars Chemnitz flew from Anchorage to Seattle to meet with the Danish consul before flying back to Greenland where he stayed but a few days before setting out again, this time to the Soviet Union where he visited Murmansk and Moscow with Denmark's Greenland minister, Jorgen Peder Hansen.

## OIL FIRMS OPPOSE NSB VILLAGE UTILITY SERVICES

In a move regarded by NSB officials as another constitutional attack by Prudhoe Bay oil firms on the Borough's taxing authority, ARCO and Sohio-British Petroleum have intervened in the Borough's application to operate an electrical utility service for seven North Slope villages. The objections of the oil companies, if supported by the Alaska Public Utilities Commission, would effectively make the cost of utilities prohibitive to North Slope residents and the systems themselves inoperable. Testimony offered by the firms before the PUC during a hearing May 16-17 in Anchorage indicated that they oppose the use of tax money to partially subsidize any public utility in that area.

This intervention was taken by the Prudhoe Bay firms, whose surface properties are taxed by the Borough under questionable limitations imposed by state law, in spite of the well-known fact that utilities provided by the companies in the Prudhoe Bay industrial district are themselves subsidized by the tax payers of the rest of the state. The oil field operators supply utilities to each other and charge exorbitant rates for the services. These costs, along with other overhead costs, are then deducted from the "wellhead value" of the oil upon which the state's 8 percent royalty is based.

Testifying before the Commission, ARCO property tax specialist Walter Webb stated that he believed his company's position was that the user of any utility provided by the Borough should pay the full cost of that utility. The reason given was that the Prudhoe Bay taxpayers were paying approximately 97 percent of the Borough property tax and that they did not feel that the Borough should provide electrical service, or any other service such as sewers or water at less than cost. It was the industry's position not to oppose the PUC granting of the franchise, but only that a stipulation be included that rates cover the full cost of the service.

On August 11, 1977, the Borough, doing business as the North Slope Borough Power and Light System, filed an application with the commission for a certificate of public convenience and necessity to operate an electric public utility service at Point Lay, Anaktuvuk Pass, Nuiqsut, Kaktovik, Point Hope, Atkasook, and Wainwright. NSBP&L noted in its application that the total revenues to be realized from the proposed rate structure probably would be insufficient to cover the cost of owning and operating the system. Presumably, any revenue deficiencies would be offset by tax levies or other forms of system subsidy. This application was made public on September 2, 1977. On September 29, the Commission received a statement of interest and a petition to intervene from Atlantic Richfield Company, and BP-Alaska, Incorporated (now Sohio-BP Alaska, Productions Division of Sohio

### THE LAST ANCHOR — NSB WHALING FILM SCORES HIGH

The 16 mm. color-sound 8-minute film on Inupiat aboriginal subsistence bowhead whaling has proven to be a valuable tool in fighting the IWC bowhead moratorium and also in making the case for conserving subsistence aboriginal lifestyles. The film is on loan for free and is also available for purchase for \$50.00. It is also available in 35 mm. and Super-8 sound prints. Those wishing to show or review the film should contact Whaling Film, 610 H St., Anchorage, Alaska 99501. Phone: 907/274-2414

Petroleum), noting that the applicant did not propose to provide electrical service at Prudhoe Bay, and while they did not directly oppose the application, they did express concern about the economic impact the proposed subsidization might have on the oil firms operating in Prudhoe Bay.

NSBP&L replied on October 2 that the PUC lacks jurisdiction to review and approve the rates of the utility, in as much as NSBP&L was exempt from rate regulation. Additionally, NSBP&L contended that a determination by a municipality to furnish services at less than cost was strictly within its own province.

On November 3 there was further response from ARCO and BP-Sohio, who noted, in part, "The economic structure of the applicant as regards its ability and means of financing the proposed service are an integral part of the determination of public convenience and necessity, which consideration is the foundation of the granting or denial of the certificate by the commission."

After reviewing this disagreement regarding the nature and extent of the requirements to be filled for certification, the Commission saw the need for "interpretation of statutory areas which to date have not been addressed." Accordingly, the petition to intervene was granted by a PUC order on February 10 of this year. This order contained a dissenting opinion by two commissioners who held that the decision by a municipality to provide services at less than cost was within its own province. They also contended that the rate-setting authority was given to the local government by the state legislature, and that the Commission should address itself only to the question of whether the applicant was fit, willing and able to provide the service and whether public convenience and necessity would served by the applicant. Finally, they contended that the level of the Borough's financial fitness was not affected by its intent to subsidize the proposed service.

Another order was issued April 13 inviting all parties concerned to the formal hearing on May 16. Charles Cranston, the attorney representing the NSB, began the testimony with a statement reiterating the NSB position that the setting of rates is within the jurisdiction of the Borough and not that of the PUC, and that the Commission should limit itself to the issue of whether the certificate should be issued. At issue was the power of the municipality to set its rates.

Cranston advised the commission that these matters have been raised numerous times by the intervenors going back to their opposition to the formation of the Borough itself and the suit brought against the Borough's powers to tax the Prudhoe Bay operators, with the argument that the tax base in Prudhoe Bay should not support the needs of other communities in the North Slope Borough. They lost "hands down" before the state Supreme Court which gave the Borough the power to incorporate, to tax the Prudhoe Bay firms, and to use that tax base to provide services for other areas. At that time, the oil operators indicated that they did not want Borough services. "We view this hearing here simply as an attempt to once again litigate before this commission an issue which has already been decided by the Supreme Court," Cranston said. "The fact the tax monies involved are going to be spent in part for utilities rather than for schools, roads, marine facilities, police and fire protection makes no difference. The ability of a municipality and particularly of a Borough, to furnish power and light and electric facilities on an area-wide basis is one title provided under Title 29 as are all the other municipal functions. There should be no distinction as to whether tax money can be spent for one and not the other."

Jeff Lowenfels, representing the Attorney General's office entered a caveat advising that the jurisdiction of the Commission did not cover matters of rate setting.

James Hendershot, a consultant to various utilities

# Inuit

"Inuit" is a 28 minute 16mm film in color produced by the North Slope Borough, the northernmost self-governing region of Eskimos in Alaska. Inuit means "the people" which all Eskimos call themselves.

The film depicts the issues and events of the first Inuit Circumpolar Conference held in Barrow, Alaska in June, 1977. The meeting is a political one. Inuit leaders from the U.S., Canada, and Greenland declared their solidarity in confronting governmental policies and industrial development threatening their culture and environment. United, they have declared their spirit: One hundred thousand strong and growing!

"Inuit" is a film about a people's declaration of rights. It is the story of their political awareness in our time. It is "Eskimo Power." The film also shows their celebration during this event with each nation's dancers and singers which reflect tradition and popular music. Their celebration includes the Spring Whaling Festival which is triggered by a successful hunt of the Bowhead whale. This festival is the soul of the Conference, for the whale gives life, feeling, and a constant renewal of what it means to be "Inupiaq"—the real people.



For further information regarding rental or purchase of "INUIT" contact:

**Inuit**  
610 H Street  
Anchorage, Alaska 99501  
Phone: 907/274-2414

throughout the state in matters of regulatory rates, testified at the hearing that the cost of producing electricity for sale on the North Slope would be at least 50 cents a Kilowatt hour, as opposed to 3 to 6 cents per KWH in urban communities of Alaska. Kent Grinage, NSB Director of Public Utilities testified that recent increases in the cost of oil have raised the cost of producing electricity in Anaktuvuk Pass to over 80 cents per KWH.

Walter Webb, the ARCO property tax specialist, testified that the annual combined deficit under the proposed rates would be \$437,656 and that the Prudhoe Bay taxpayers did not want to pick up the tab for that deficit, as they would not be receiving any of the benefits. When directly questioned by the NSB attorney, he admitted that his company's position was that the users should pay for the full cost of all NSB utilities, including water and sewage.

Commissioner Marvin Wetherly also questioned Webb on whether he concurred that rate-setting was a matter of social policy in which factors of social concern dictate that utility rates be set lower than cost and thereby subsidized. Webb stated that he was "not familiar with rate-setting of utilities and so forth."

Wetherly continued, "Then you do not know in all the other areas where Atlantic Richfield pays its property tax whether in fact there are rates established that are below cost for any utility service which might be subsidized by tax dollars of Atlantic Richfield?" "I don't know of any," stated Webb, a fifteen-year property tax employee of ARCO.

Wetherly pressed on: "Do you feel that the North Slope Borough has an obligation to their people, that in fact when cost of service exceeds the ability of the community to absorb those costs, they have an obligation as they do in water and as they do in sewage treatment facilities to take over that cost burden and subsidize the operation — not as a legal requirement but as a moral commitment to the people they represent?" Webb answered, "I would have to be in their position. I don't believe I could answer that."

When asked by Commission Chairperson Gordon Zerbetz, "It is your opinion from your being here on the scene since February (of this year) that your firm does not receive any benefits from the payment of taxes?" "It is, yes," Webb answered.

The PUC has yet to announce its decision regarding the application.

## THE CALGARY CONFRONTATION

### U.S. PRESBYTERIAN CHURCH HOLDS CONSULTATION IN CALGARY WITH INUIT AND ARCTIC OIL OPERATORS.

On April 23-25, the "Consultation on Oil and Gas Exploration and Development in the Circumpolar Region of Greenland, Canada, and Alaska" took place in Calgary, Alberta. While the main objective of the conference was not realized — obtaining oil company support for Canadian Inuit land claims — it did result in an important decision on the need for a comprehensive international Arctic policy which would govern all interested countries in their use of the Arctic.

When Inuit Circumpolar Conference planners developed their list of invitees, they worked with the Rev. Charles White, Ecumenical Metropolitan Ministries, Seattle, to involve representatives of mainline churches serving the Inuit as

observers at the first Inuit Circumpolar Conference in Barrow last June, 1977.

The Rev. Charles White was pastor of Barrow's Utkeagvik Presbyterian Church when the NSB was organized in 1972, and served as Chairman of the NSB Planning and Zoning Commission until family illness forced him to leave Barrow in 1974 to join Seattle's Ecumenical Metropolitan Ministries, a social action ministry jointly conducted by Seattle's mainline churches, all of whom have supported Arctic Alaskan missions.

Possibly no church has been more active in Alaska than the Presbyterian Church whose minister, Sheldon Jackson, presided over a large missionary operation in Southeast Alaska in the 1800's before becoming Alaska's Chief Territorial Educational Administrator, and presiding over the allocation of Native mission territory to all interested missionary denominations.

So it was that Sheldon Jackson sailed personally in 1887 to the Arctic Coast on a U.S. Revenue cutter to drop an Episcopal priest off at Point Hope, and a Presbyterian minister off at Barrow, to organize church, school and medical services. A strong relationship between Barrow and the U.S. Presbyterian Church has been maintained since.

In the late 1960's the Presbyterian's National Committee on the self development of people made two grants totaling \$95,000 to the Arctic Slope Native Association to finance land claims work. In 1972, the Presbyterian's Committee on Mission Responsibility Through Investment recommended investment in North Slope Borough revenue anticipation notes when NSB tax revenues were blocked by Prudhoe Bay oil and gas operators by court action. At the direction of the Presbyterian's General Assembly Mission Council, the Presbyterian Foundation purchased \$150,000 of these notes, providing early operating funds for the newly organized NSB government.

When land claims settlement and Prudhoe Bay tax funds began to flow to Barrow, the new Arctic Slope Regional Corporation voluntarily paid back the \$95,000 grant, and the tax anticipation notes were repaid with interest.

So it was natural for NSB Mayor, Eben Hopson to ask for Presbyterian help to organize mainline church support behind the organization and work of the Inuit Circumpolar Conference.

The churchmen observing the ICC met to agree on a resolution in support of the conference which was signed by the Rev. Menno Wiebe, Mennonite Central Committee (Canada); Provost Jens Christian Chemnitz, Lutheran Church of Greenland; Rev. Keith Lawton, Episcopal Church of Alaska; and five (5) Presbyterian Church observers.

Following the conference NSB Mayor, Eben Hopson engaged Seattle's Ecumenical Metropolitan Ministry and Charles White to work with the Presbyterian and other arctic mainline churches to get them to support the ICC and its program as detailed in seventeen (17) formal resolutions. Part of the work of White and EMM was to develop dialogue between the arctic oil industry and the ICC.

White began by engaging Seattle management consultant, Gary Mulhair, to prepare a detailed analysis of oil and gas exploration and development operators in the North American Arctic North, north of the Arctic Circle.

Mulhair's report (reviewed in the September 1977 issue of the Newsletter) was used to document need for the Presbyterian's National Committee on Mission Responsibility Through Investment (MRTI), and the Interfaith Center on Corporate Responsibility, to intervene in the board rooms of the largest oil and gas corporations operating in the Arctic.

MRTI and the Interfaith Center vote corporate stock held

by churches and friends to achieve sound social corporate management policies. In this case, the goal was to build communication and cooperation between the Inuit Circumpolar Conference and the Arctic oil and gas industry which has been generally hostile to Inuit land claims, local government organization, and has generally excluded Inuit from any real role in Arctic oil and gas development planning.

The corporations with the largest amount of Arctic land under lease or permit as of May, 1977 were Exxon/Imperial Oil, Gulf, Mobil, Phillips and Sun Oil, and these were invited to a consultation in Calgary on April 25 - 27, 1978.

ICC chairman, Eben Hopson, provided a detailed agenda for discussion of corporate responsibility of arctic operators toward the Circumpolar Inuit Community, but the organization of the consultation was the responsibility of the churches.

The consultation was meant to be a quiet, friendly affair, but by the end of March it had begun to cause controversy, for it was clear that Canadian Inuit land claims would be discussed. Hopson has suggested the Canadian arctic operators support Inuit land claims in Canada because they are just and proper, and because until they are settled Canadian arctic operators must be regarded as trespassing on Inuit lands, as was found to be true in Alaska in the case of *Edwardsen vs Morton*, now *U.S. vs ARCO*. Canadian reaction to the consultation began to sour in April as it began to be viewed as an exotic kind of American meddling in Canadian domestic politics, and this was sufficient to keep invited Canadian churches from accepting and it began to appear even Canadian Inuit land claims leaders would have to stay away.

In the weeks before the consultation, the only oil corporation reacting positively to the consultation as a good opportunity was Exxon and Canada's Dome Petroleum. Dome was not originally invited by the churchmen, but was later invited at their request.

Consultation planners had hoped to attract top corporation policy makers, but the winds of controversy transformed the consultation from an opportunity for communication into merely a public relations problem, and only four (4) middle ranking operations executives showed up: Robert Riddle, Exxon, Alaska; Roland Horsfield, Imperial Oil; Murray Todd, Dome/Cammar; and M. Holub, Sun Oil. The other eleven (11) oil and gas employees were public relations and employee relations people who were prepared only to talk about how many Natives were being hired in Arctic oil and gas operations.

The consultation provided Dome Petroleum with an opportunity to discuss their successful wild-cattling off Tuktoyuktuk, and this led to NSB Mayor Eben Hopson to ask Murray Todd why Dome organized its Beaufort Sea Community Advisory Committee against the Committee for Original Peoples Entitlement (COPE) and the Inuvialuit land claims. In the ensuing discussion, in which it was explained that COPE was "only" involved in land claims, while it was necessary for Dome to have a "representative" Native group for advice and counsel, Hopson began to realize the low political esteem in which the Inuit land claims are held by the Canadian government, and the Canadian oil and gas operators.

As if aware of how unpleasant the consultation would become, and busy with land claims organization and negotiations, Canada's Inuit were represented by only four, Mark Gordon of the Northern Quebec Inuit Association, who views oil and gas as Western Arctic politics far removed from his struggles with Hydro-Quebec, but is a strong supporter of the Inuit Circumpolar Conference; Peter Green, Inuvik, representing Sam Raddi of COPE; Peter Ernerk, member of the Northwest Territorial Legislative Assembly; and Jens Lyberth, President

of Canada's Inuit Development Corporation. Greenland was represented by Emil Abelsen, Oil and Gas Director for Greenland. Abelsen had visited Barrow and toured the Prudhoe Bay oil field as a guest of the NSB before flying to Calgary with Hopson. Greenland's Carl Christian Olson, in Barrow as an exchange teacher, also attended the consultation.

The Alaskans who attended the consultation were NSB Mayor Eben Hopson; Oliver Leavitt, Treasurer of the Arctic Slope Regional Corporation; Robert Newlin, President of NANA Corporation; Oscar Kawagley, President of Calista Corporation; George Charles, Vice-president in charge of Finance, Calista Operations, and Jon Buchholdt, NSB Mayoral Assistant.

It was hoped that the consultation would lead the oil companies to lend their political strength to the Canadian Inuit land claims movement, but this was strongly opposed by Imperial Oil's Roland Horsfield. He felt oil industrial support of the Inuit claims would be construed by Canada as outside U.S. interference in a domestic political issue, and thus backfire against the Inuit. On the other hand, Horsfield later said Imperial Oil is really an independent Canadian oil company, even though fifty-five percent (55%) of its stock is owned by Exxon, whose Alaskan representative (not from New York) remained prudently silent throughout the consultation, but played a sympathetic role in informal conversations during coffee breaks.

Halfway through the consultation, agreement was reached not to talk about the Canadian claims, and consultation moderator Stewart MacColl, Vice-Chairman of the Presbyterian General Assembly Mission Council led a search for something toward which all could agree to strive together.

Jens Lyberth suggested the need for comprehensive and international Arctic policy by which all the companies and countries involved in the Arctic would be governed by the same rules and made reference to Resolution 77-06 of the Inuit Circumpolar Conference (below) which also called for such a policy. The suggestion was unanimously approved, but the problem arose regarding who should take the responsibility of promoting such a policy. Recognizing the need for a respected third party, the oil representatives and the Inuit groups both looked to the church representatives to carry out the initiative.

On this note of agreement between the Arctic oil firms and their Inuit landlords, and with a feeling of great relief by all who participated, the consultation ended. Since then, plans have been laid to present the World Council of Churches a program promoting the goals of Resolution 77-06 regarding an international Arctic policy.

#### CALGARY CONSULTATION REACHES FIVE-POINT AGREEMENT ON ARCTIC POLICY NEED

In a May 11 memorandum to ICC chairman, Eben Hopson, Rev. Charles White, ICC Liaison for Church Relations, outlined five (5) points of agreement reached by the Calgary Consultation on oil and gas exploration and development.

1. The three nations involved, Denmark, Canada and the United States, currently lack comprehensive Arctic Environmental Policy, such as envisioned in ICC Resolution 77-06.
2. The three national governments, perhaps with the exception of Denmark, have consistently demonstrated a reluctance to develop such policy, either individually or jointly;

3. The environmental, social, cultural, economic and political welfare of the Circumpolar Region, including the interests of all involved in the Arctic, requires the development of a comprehensive Arctic Environmental Policy;

4. The Committee on Mission Responsibility Through Investment, UPCUSA, along with other national church bodies in the three countries should coordinate an initiative, among all with interests in the Circumpolar Region, that could lead to the development of Arctic Environmental Policy. It was felt this could probably best be done by the World Council of Churches, if possible; and

5. The Committee on Mission Responsibility Through Investment, UPCUSA, would develop a strategy to pursue the agreed upon initiative and, after adequate opportunity for consideration and comment by those at the consultation (a small steering committee might be formed), funding from all appropriate sources will be sought and when feasible the program will be initiated.

## Inuit Circumpolar Conference Resolution 77-06

### A RESOLUTION CONCERNING ENVIRONMENTAL POLICY

WHEREAS, the regions of the Inuit homeland are made up of numerous fragile ecosystems and environments; and

WHEREAS, the nations within the circumpolar region presently lack adequate environmental policies and legislation to protect these regions; and

WHEREAS, the Inuit have not been permitted full participation in the various decision-making processes, both in the private and public sectors, affecting these regions;

NOW, THEREFORE, BE IT RESOLVED that each nation in which the Inuit lives is vigorously urged to adopt by convention a common set of rules with respect to offshore and on-shore Arctic resource development, and that the Inuit community has a right to participate in this rule-making.

BE IT FURTHER RESOLVED that the rules for Arctic resource development will specifically provide for an Inuit-controlled technology assessment program; and

BE IT FURTHER RESOLVED that the rules of Arctic resource development will specifically provide for the determination of safe technology; an Arctic population policy; locally-controlled wildlife management and Arctic military-use policy; conservation of traditional use values; access to government information concerning the Inuit homeland; the development of an international Arctic coastal zone management program and a cooperative environmental impact assessment protocol detailing participation of the Inuit.

## TWO ALASKANS RECEIVE HONORARY DEGREES AT IOWA COLLEGE

Mayor Eben Hopson of the North Slope Borough and Rev. Henry Fawcett, Presbyterian minister and a native of Metlakatla, Alaska, received doctorates May 14 at Buena Vista College, Storm Lake, Iowa.

The commencement events also honored Alaskan pioneer Presbyterian missionary Sheldon Jackson. Jackson was a missionary from 1858 to 1900. After founding the churches in Jackson, Minnesota, and Prospect Hill, near Buena Vista College, he set out West to preach the Gospel.

He eventually arrived in Alaska where he worked with the Native people and was a leader in gaining civil government for Alaskans. In 1885, he convinced Congress to appropriate money for education and he was appointed the First Commissioner of Education. Jackson was successful not only in developing Native schools, but he also introduced reindeer herding into Alaska. Sheldon Jackson College in Sitka bears his name and carries on his work under the direction of the Board of National Missions of the United Presbyterian Church of the United States.

The influence of Jackson's work is still felt in Alaska. Among the Presbyterians of Alaska is Eben Hopson, Mayor of the North Slope Borough.

Hopson has become a leading spokesperson for Native Americans in Alaska. The Christian Science Monitor called him the "voice of 3,800 people and 88,218 square miles."



Eben Hopson, Mayor of the North Slope Borough was awarded an honorary Doctor of Laws degree from Buena Vista College during its Commencement May 14. Hopson is shown receiving his degree from Dr. Keith Briscoe, president of the Iowa college. The college accorded the honor to Hopson for his leadership of the Native peoples of Alaska. The citation read, "Eben Hopson, the Mayor of the North Slope Borough in Alaska, has shown the American system works for the people who need it." Buena Vista is an independent college affiliated with the United Presbyterian Church in the U.S.A.

The annual budget of the North Slope Borough, which Hopson helped found in 1971, is in excess of \$27 million and the Borough has undertaken \$140 million in capital improvements for schools, utilities, and homes. The North Slope Borough, the largest municipality in area anywhere, employs 525 people in municipal ad-

ministration, education, and construction. It enforces a strict local hire policy.

Hopson was one of the organizers of the Inuit Circumpolar Conference of 1977 and became its first chairperson. The ICC seeks to develop mutual programs of cultural, educational, and economic exchange among the Inuit peoples of Alaska, Canada and Greenland, as well as promote the development of an international policy to protect the integrity of their circumpolar Inuit homeland.

Reverend Henry Fawcett, pastor of the First Presbyterian Church of Jackson, Minnesota, is also a spiritual beneficiary of Sheldon Jackson. A native of Metlakatla, he began his formal education at the age of 15 at Sheldon Jackson College in the eighth grade and continued there through his college freshman year. Pastor Fawcett returned to Sheldon Jackson in 1954 to serve as a staff member until 1957, then he returned as a lay-preacher in his home town of Metlakatla.

In 1958 he began an eight-year ministry at the rural Hanover Presbyterian Church near Glenville, Nebraska. He was ordained to the Gospel Ministry in Metlakatla by the Presbytery of Alaska July 2, 1963.

Rev. Fawcett moved to Jackson, Minn., in 1968 and has served the church in various capacities including a position on the United Presbyterian Church Council on Church and Race. On August 1, Rev. Fawcett will begin a new ministry in Seattle. He will be Pastor-at-large in the Seattle area and a Synod consultant in regard to the church-related needs of Native Americans. He has also been appointed to be Stated Supply of the Queen Anne United Presbyterian Church, Seattle.

## Are Eskimos for real?

by Stephen Conn

Eastern Conservationists who have taken it upon themselves to protect the whale at all costs — including the social costs incurred by Eskimos who have the idiosyncratic habit of hunting a few of them to give their life meaning — have waged an effective propaganda campaign in the Eastern press.

The New York Times dismissed the controversy as one of the "great barren controversies of government." In her letter to the Times, Regina Bauer Frankenbert, president of the Committee for Humane Legislation, wrote:

"The Eskimo as 'primitive man' is extinct. Today, native Alaskans are U.S. citizens who have chosen to enter the 20th century by adopting modern weapons, education, medical care and Lower 48 food supplies."

The Greenpeace Foundation tells its followers that Eskimos only hunt whales to show off for the tourists.

Harper's Magazine runs an article which suggests that Barrow be removed because the people there have outlived their purpose and threaten the wildlife.

The reason for this success in convincing liberals and conservatives alike is simple. Easterners don't believe that Indians or Eskimos exist. They are something out of the backpages of history. They are movie extras in grease paint. They are next door neighbors who put on their war bonnets or skins to meet visiting politicians.

A century ago some Easterners knew that Indians and Eskimos were real. When you were getting killed by somebody on the plains and when your survival in the arctic depended on Indians or Eskimos they were real. You made a lot of promises, signed a lot of papers and moved over them.

But today what is real is different.

Marboro men are real. TV dinners are real. Farra Fawcett Majors is real. The Fonz and Barreta are real. Football players and football games are real. So are exorcists, robots, Big Bird and giant mechanical sharks.

Everyone knows that nobody hunts except to get out in the open on the weekend and away from your wife.

Everyone knows that supermarkets take care of food and jobs take care of self-esteem.

Animals are something conservationists take pictures of and record for the beautiful nature books and records you enjoy in your apartment. They bring the Great Wilds right into your home when you are afraid to go out at night.

It is particularly important to save the whales, the caribou, the sheep and the fish. They are minorities that don't talk back. When you offer a helping hand, they don't grab for more or, worse than that, bite it off.

Eskimos then are an annoyance. Why they have not been stuffed and placed in dioramas at the Museum of Natural History confounds many people.

Intelligent Easterners know that they are obviously not real people living in the Arctic, hunting and fishing, when they could be heating up a TV dinner. No school teaches people to do that. No TV program or best seller explains that it will make you live longer or spice up your sex life. There is no money in it.

Being an Eskimo is not "in" the way that leisure suits and drinking Billy Beer are "in." It has to be a scam. Eskimo villages have to be movie sets with the Disney people long departed. No entertainment conglomerate or politician is marketing Eskimo life.

So being an Eskimo is out. Esquire will probably report it shortly. It is unfashionable. Therefore it is not real.

Why don't Eskimos come clean and admit they do not exist?

Perhaps Johnny Carson could squeeze a confession in between a plug for one of the new sci-fi flicks, the revelations of a new honest movie star or an author who tells us how to get more out of multiple sex.

It might make everyone sleep better for the Eskimos to come clean.

On prime time.

*Mr. Conn is a poverty lawyer with a background in Native law. He is currently employed by the Criminal Justice Center of the U. of Alaska, Anchorage. The article is reprinted with permission of the Anchorage Daily News.*

**Beaufort Sea Study, Historic and Subsistence Site Inventory: A Preliminary Cultural Resource Assessment by Jon M. Nielson. Published by the North Slope Borough.**

The purpose of the *Beaufort Sea Study*, now available at the Planning Office of the North Slope Borough, is to offer an historical and cultural analysis of the Arctic coast lying between the Colville and the Canning Rivers, as well as the whole North Slope region likely to be affected by OCS development.

With the publication of the *Beaufort Sea Study*, the Arctic coast of the North Slope can no longer be viewed, as it has often been in the past, as a desolate wasteland devoid of human history and drama.

The book contains 47 pages of maps and tables detailing historic and subsistence sites, wildlife populations and migrations, and demographic and geographic information about the Slope. There are 15 pages of bibliography and copious critical references. It is a primer and handbook for all those concerned about planning on America's Arctic coast.



an old man on a bank of the Yukon  
where it embraces the sea  
stirring his cookpot  
fashioned from a 55 gallon drum

i am nourished by the whale  
the flesh of the whale  
strengthens my flesh  
the blood of the whale  
sustains my blood  
the spirit of the whale  
runs with my spirit  
& i travel ever deeper  
through the sea of my beginning  
i laugh with the clouds  
to feel the song of the whale  
thunder & whisper  
in my heart

smiling in his wrinkles  
of great beauty  
his eyes soft & deep as all the ages  
he silently sings.

— Tundra Boy is the author  
Published in the Tundra Times,  
Fairbanks, 12/7/77

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# THE ARCTIC COASTAL ZONE MANAGEMENT NEWSLETTER

Issue No: Five

Date: July - August 1977

**QUEBEC PROVOKES CLASH WITH INUIT** — (In their efforts to establish the dominance of the ethnic language of French-speaking Quebec, the government there has obstructed the efforts of the Inuit people who have been trying to do the same thing with their ethnic language. Having constructed a bi-lingual (Inuit-English) system for schools and commerce, the Inuit feel the imposition of French at this time would be a serious violation their own ethnic rights and traditions. — Ed.)

The secessionist government of Quebec is rapidly moving towards its first major crisis, a conflict involving the Inuit people of Northern Quebec. The confrontation regarding the neglect by the Quebec government in settling the Native land claims has escalated with the recent action of the government in eliminating Inuit language commitments in Bill 101 (the new charter of the French language in Quebec) made to the Inuit previously by Minister Camille Laurin.

The Northern Quebec Inuit Association declared on August 21 that it could no longer contain the reaction of the Inuit of the Northern communities in response to the government action. At the annual meeting of the Association in Sanikiluaq, Belcher Islands Northwest Territories, the regular agenda was set aside so that the representatives of the 13 Inuit Communities could hold a 2-day emergency caucus on what they held as a gross violation of basic human rights and another obstacle in the way of a land claims settlement.

As recent as one month ago, the Inuit accused the government of acting in bad faith for by-passing an agreed upon procedure to negotiate language legislation amendments. More recently, Quebec government officials have revealed that the minimal language protections included in Bill 101 will be cut back and that all further proposals will be flatly rejected.

These new language requirements imposed on the Inuit without their consent may prevent them from actively participating in many of the benefits to be granted to them through the settlement of Inuit Land Claims.

The language issue represents to the Inuit the latest of a growing number of grievances with the Government. A previous and continuing source of mistrust and ill-feeling is the Government's unwillingness to finalize Inuit land selections in accordance with the land claims agreement. Despite two years of land negotiations, no lands have yet been granted even though legal extinguishment of Inuit Aboriginal Rights is imminent. "Once again the

Government has lied to us and cheated us," says Zebedee Nungak of Payne Bay. "By leaving our Language Rights uncertain and our lands unsettled, Quebec is stripping us of two of our most basic rights."

Significant, too, is the role played by the Federal Government in the issue. Despite its clear trust obligation for Native people enshrined in Section 91 (24) of the British North American Act, the Federal Government remains conspicuously inert.

Charlie Watt, President of the Northern Quebec Inuit Association, stated, "The Inuit are slowly being pushed by Quebec past the point of no return. The Association may no longer be able to call for moderation on the part of the People and to contain their outrage."



*Greg Fiske, political consultant to the Northern Quebec Inuit Association, worked with Mark Gordon to negotiate the James Bay Agreement, a 5-party land claims settlement involving Quebec Inuit. A Canadian whose family left the U.S. for Quebec as Tory Sympathizers after the Revolutionary War, Fiske was formerly employed as a land use planner working on land selections for the Arctic Slope Regional Corporation in the early 1970's. He played a leading role in planning and logistics for the Inuit Tapirisat of Canada in the Inuit Circumpolar Conference. — Photo by Cyscusi.*

**NSB SEEKS WILDLIFE RANGE CLASSIFICATION FOR ENTIRE ARCTIC SLOPE** — Testifying before Congressional hearings in Fairbanks on August 20, NSB Mayor Eben Hopson called for Congress to classify the entire Arctic Slope as a wildlife range in the implementation of Section 17(d) (2) of the Alaska Native Claims Settlement Act. Hopson proposed "that all lands within the NSB, with the exception of village selections of surface estate under Section 12 of the Settlement Act, and the assorted DEW line sites, be zoned by the Borough and classified by other units of government as a wildlife range reserve allowing as the only human activities those associated with natural resource extraction, and traditional subsistence use." Criticizing all D-2 legislative proposals being considered for their lack of regional perspective, Hopson pointed out that the Arctic Slope was a distinct region of Alaska, and a sub-region of the larger North American Arctic region shared with Canada and Greenland. He asked that D-2 legislation provide for international Arctic coastal zone management cooperation with Canada, and for a common management system for the management of the entire Arctic Slope, integration with Canadian systems, and extension out onto the ice of the Beaufort Sea.

**NSB EXCHANGES TEACHERS WITH GREENLAND** — Educational exchange between the NSB School District and Greenland begins in September with the exchange of four prominent Inuit educators and leaders in the Inuit land claims movement. In August, the NSB School Board selected Annie Brower and Emma Mongoyak to go to Nuuk Teachers College, Nuuk, Greenland, and the Greenlanders sent Carl Christian Olsen and Ina Rasmussen Olsen, a teaching couple from Knud Rasmussen Hojskol, Sissimiut. It was in Annie Brower's living room that the circumpolar Inuit land claims movement began, and Mrs. Brower specialized in the politics of education in the Alaska Native land claims movement. She worked to organize the North Slope Borough, and became the first NSB School Board president in 1972, and was immediately faced with the organization of a regional school district from scratch. Since leaving the NSB School Board in 1975, she has been teaching in the system.

Amma Mongoyak has been with the NSB School District as a non-certified teacher and Inupiat curriculum materials developer since it was organized in 1972.

Both Brower and Mongoyak will fill dual roles as student and teacher at Nuk Teachers College in an exciting time in Greenland's political development toward democratic self-determination. Both Carl Christian and Ina Rasmussen are important personalities in the Greenland homerule movement.

**CARL CHRISTIAN OLSEN TO WORK IN BARROW** — Leading in the development of the NSB-Greenland educational exchange program by example, Carl Christian Olsen, a very prominent figure in Greenlandic homerule politics, has arrived in Barrow with his family to work for at least a year. Olsen, Director of International Programs at Knud Rasmussen Hojskol, has been active in circumpolar Inuit community organization for several years as a close student and colleague of Dr. Robert Peterson, senior Greenlandic academic at the University of Copenhagen's Institute of

Eskimology, and recognized as the leading expert in Inuit orthographics (writing systems.) Olsen became a Greenlandic homerule activist in Copenhagen while at the University, and has worked with the organization of the 1972 Arctic Peoples Conference in Copenhagen, the 1975 Indigenous Peoples Conference at Port Alberni, and the Inuit Circumpolar Conference in Barrow. He led the Greenland delegation at the ICC, and is a member of the 12-man Interim Committee of the Inuit Circumpolar Conference. His work in Barrow will enable him to work closely with NSB Mayor Eben Hopson, ICC Chairman, to focus upon education as the best opportunity for beginning the kind of international cooperation needed for effective Arctic Coastal Zone Management. NSB officials also expect that his work will stimulate Inupiat cultural curriculum development, and the instruction of land management skills necessary for effective Arctic Coastal Zone Management.

**ICC RESOLUTIONS DEFINE INUIT COMMUNITY CONCERNS** — The delegates to the first Inuit Circumpolar Conference expressed themselves through the passage of seventeen resolutions which run a wide-range of concerns that relate mostly with Arctic environmental security and the protection of Inuit aboriginal rights.

The first resolution, ICC 77-01, established the Inuit Circumpolar Conference as a permanent organization with a 12-man ICC interim committee to steer the organization to permanent charter ratification, and to continue circumpolar community organizational work in such areas as education, resource development, game management, transportation, housing, and the development of supportive Arctic policies. ICC 77-01 took three days to hammer out, after which the Conference broke into issue groups to hammer out resolutions proposals that were sifted by a resolutions committee, chaired by NANA's Willie Hensley, Kotzebue and Anchorage.

**CROSS-CULTURAL EDUCATIONAL POLITICS IN THE NORTH EXPLORED** — The second annual Seminar on Cross-Cultural Education in the Far North, planned and organized by the Center for Northern Education and Research (CNER) of the University of Alaska, was hosted by the Nuk Teachers College in Greenland just a few days after the Inuit Circumpolar Conference concluded in Barrow. Several of the Alaskan and Greenlandic members of the Nuk seminar had flown to Nuk immediately after the Barrow conference, and for them the seminar continued the political momentum of the Barrow conference.

It was clear from the Seminar, funded jointly by the Ford Foundation and the Danish government, and hosted by Nuk Teachers College and the Municipality of Nuk, that bi-lingual education and local control of education are political themes of common importance to all of the North American Indian and Inuit, and European Sami educators and political leaders. The Conference provided an opportunity final agreements to be reached on the educational exchange between the NSB and Greenland, reported elsewhere in this issue of the Newsletter. And NSB officials attending the Nuk seminar were able to initiate discussions with Nuk's municipal officials regarding mutual exchange in the area of public administration.

## NSB ASSERTS LEADERSHIP IN WHALING CONTROVERSY — U.S. Caught Between Environmental Politics and Aboriginal Rights

In customary disregard for the ancient hunting rights of Inupiat whalers, the U.S. delegation to the International Whaling Commission (IWC) over the past few years has carefully planned and worked toward the abolition of Native subsistence whaling in the Arctic. It was only through the intervention of the North Slope Borough that the U.S. abstained from voting on the controversial issue at the recent IWC meeting in Canberra, raising serious questions about the leadership of the U.S. in the attempts to abolish commercial whaling.

The NSB feels that the U.S. position in the IWC was unnecessarily clouded and weakened by bringing whale conservation into conflict with aboriginal rights and that the U.S. must disentangle these issues in order to re-establish its position of leadership. Furthermore, the NSB is building a record leading to a well-defined U.S. domestic and foreign policy in support of aboriginal rights and securing federal support of a comprehensive bowhead research and management program able to bring the bowhead whale under modern management — which will serve as a whale species management model for use with other whales thought to be threatened or depleted.

### Aboriginal Hunting Rights

It is the position of the NSB that subsistence whaling is an aboriginal right which the U.S. is constitutionally bound to honor and has the trust responsibility to protect from encroachment. As a general rule, international courts as well as the conduct of foreign relations tend to respect and protect aboriginal subsistence hunting rights.

When the IWC first called for the termination of commercial bowhead whaling, making specific exemption for subsistence whaling, the U.S. responded by placing the bowhead on its endangered species list. In 1972, the enactment of the Marine Mammal Protection Act created a moratorium on the taking and importation of all marine mammals exempting subsistence hunting by Native peoples but providing that subsistence hunting of species designated as "depleted" could be regulated. In 1973 the Endangered Species Act was amended to provide for regulation of native subsistence hunting by the Secretary of Interior where he finds need for it. In both cases, prior notice and hearings would be required before subsistence hunting regulations could be established.

The NSB has been seeking the assistance of the Secretary of the Interior to conduct a comprehensive bowhead stocks management program with early emphasis on undersea research into population size, biology, health, sociology, and long-term surveillance and communications systems development. If data in which the NSB can have confidence reveals the need for them, the NSB will develop bowhead subsistence whaling regulations in cooperation with the Secretary of the Interior. In the meanwhile, the Departments of State and Commerce as well as Interior have the overriding trust responsibility of the United States to protect Inupiat subsistence whaling.

### Environmental Politics

Opposition to subsistence whaling seems to have been initiated as a political tactic by the U.S. Over the past decade, the whale has become a symbol of conservationist political action and a symbol of U.S. leadership in responding to these politics. The U.S. was the first whaling nation to demobilize its commercial whaling fleet.

Responding to a growing public anthropomorphic view of dolphins and whales, the Nixon administration strengthened its participation on the International Whaling Commission by appointing Dr. Robert White, Administrator of the National Oceanographic and Atmospheric Administration (NOAA), which includes the National Marine Fisheries Service, to be the U.S. Commissioner to the International Whaling Commission. Nixon also appointed Alaska's former Congressman, Howard Pollock, to be Deputy Administrator of NOAA.

Whale conservation is a strong political issue in the United States, as well as in the other sixteen IWC contracting nations. In 1972, Dr. White was joined by Russel Train, special representative of President Nixon, who asked the IWC to call for a moratorium on all commercial whaling. Because the IWC had no hard data to prove sufficient whale species depletion which would justify a full moratorium, it responded instead by calling for sharply reduced quotas on the most threatened species.

Unemployment and economic dislocation caused by these quota reductions resulted in political controversy in Japan and South Africa, but whale politics were good politics for the Nixon-Ford Administration. The U.S. had no whaling industry to worry about, and very few worried about subsistence whaling.

### The Scientific Committee

Responding to charges by the whaling industry that concern for whale stocks depletion were not grounded on good scientific data, the IWC organized its Scientific Committee to help the commissioners in their work. It is made up of scientists from all seventeen IWC member nations, four of which — the U.S., the USSR, Iceland, and Denmark — have subsistence whaling. The U.S. was represented by one of Dr. White's subordinates at NOAA, Dr. William Aron, Chief of NOAA's Office of Ecology and Environmental Conservation. When White left office early in the new administration, Aron was appointed U.S. Commissioner to IWC.

From its beginning, the IWC Scientific Committee focused its attention on bowhead subsistence whaling. This was encouraged by the U.S. Scientific Committee members, Dr. Aron and his NOAA colleagues, who were able to use the Committee to lead their own Agency to intervene in Inupiat subsistence whaling. Some observers feel that NOAA failed to adequately respond to inquiries and concerns of the Scientific Committee in 1973, 1974, and 1975 because there was very little known about subsistence bowhead whaling. In 1973, the National Marine Fisheries Service of NOAA began placing biologists out on the leads off Barrow to count whales and observe whaling practices. This program was extended to Point Hope in 1974 and by 1977, the

spring whale hunt was observed by 12 government biologists.

In 1976, the Scientific Committee persuaded the IWC to urge subsistence whaling nations to begin regulating certain aspects of subsistence whaling, but once again, the U.S. was slow in responding. By that time, the NSB had developed a considerable presence in the Arctic and it was not a good year to begin regulating subsistence bowhead whaling in Alaska.



*Jon Buchholdt, assistant to NSB Mayor Eben Hopson, shown conferring with Hopson. Buchholdt was a principal planner of the Inuit Circumpolar Conference, and has been assigned by Hopson to work with the ICC organization for the coming year. Hopson is ICC Chairman. — Photo by Cyswski.*

Some progress was made by the NMFS toward moving the bowhead whale from the endangered species list to the "depleted species" category which would bring subsistence hunting under regulation. In February, 1977, NOAA's Marine Mammal Commission began asking the NMFS to declare the bowhead "depleted" without holding hearings — on the theory that all marine mammals on the endangered species list qualify for the "depleted species" designation under the terms of the Marine Mammal Protection Act. The NMFS balked, pleading the need to discuss all this with the Inupiat whalers and an argument began.

The NSB was notified that consideration was being given to declaring the bowhead depleted last January, and by March NMFS/NSB discussions were formally underway with the reluctant approval of NSB Mayor Eben Hopson who felt that NOAA/NMFS policies were hostile to Inupiat interests. Representing the Inupiat were Dale Stolls, NSB Game Management Coordinator, and Arnold Brower, Sr., President of the Barrow Whaling Captains' Association and spokesman for the Arctic Slope Regional Corporation. Meetings held in Alaska and Washington, D.C., reflected the stated policy of the NMFS to seek the cooperation of the Inupiat community in any necessary subsistence whaling regulation. The NMFS wanted to show the IWC that a cooperative subsistence whaling regulation program was under development. The NSB, while actively seeking

cooperative resource management agreements with the federal government, held back from the cooperation sought by NOAA and the Department of Commerce which had failed to respond to Aboriginal rights.

### The Inuit Circumpolar Conference

In order to deal with precisely the kind of international politics as those of the bowhead whale, the NSB had been working to organize the Inuit Circumpolar Conference as a part of its Conservation and Environmental Security Program. The overriding concern was that of national commitment to the defense of Inupiat aboriginal subsistence hunting rights on land and offshore.

As the NSB was engaged in final preparations for the Inuit Circumpolar Conference (ICC), it was learned that the Scientific Committee planned to recommend that the IWC withdraw hunting exemption from bowhead whaling regulation and that an "O" quota be set for bowhead subsistence whaling.

It should be noted that while only the Inupiat of Northwest Alaska and the Arctic Slope can legally hunt the bowhead, the bowhead whale ranges widely through the seas in the company of other species of whales which are commercially hunted. In the conduct of this commercial whaling, there occurs an "incidental" take of bowhead. An IWC fine of \$1,000 is exacted for each bowhead incidentally taken — in comparison with the \$5,000 to \$7,000 costs for each whale taken by Inupiat whalers. There are no reliable statistics on the number of bowhead whales "incidentally taken."

### The Canberra Conference

Dr. Aron insists that he was unprepared for the Scientific Committee's bowhead subsistence whaling recommendations and had little foreknowledge of them before they were made to the IWC in Canberra. When Aron arrived there and learned that these recommendations would be adopted by the Commission, he wired Washington, D.C. for instructions. He was inclined to vote yes, but to vote yes was to commit the U.S. to enforce the IWC resolution across uncertain legal ground cluttered with questions of due process and the old and developing doctrine of aboriginal rights, close American kin to the Carter Administration's emphasis on foreign "human rights." But to vote "no" would be to renounce U.S. leadership in the good fight to save the whale.

Aron's instructions to abstain from voting on the issue was the result of work in Washington D.C. of people like Anne Stevens, a long-time friend of Inupiat whalers, her husband, U.S. Senator Ted Stevens, and Assistant Secretary of State Patsy Mink who was familiar with Native rights doctrines from her work in Congress with Hawaii's Native land movement and who is viewed by NSB as sympathetic toward the Inupiat.

When Aron voted to abstain, many IWC delegates, notably the Danish Commissioner, rose to castigate the United States for its reluctance to practice what it preached for others. The U.S. was joined in abstaining by the USSR which conducts a gray whale subsistence hunt using a modern whaling vessel in behalf of Native people in Siberia.

## NSB ASSERTS LEADERSHIP IN WHALING CONTROVERSY — U.S. Caught Between Environmental Politics and Aboriginal Rights

In customary disregard for the ancient hunting rights of Inupiat whalers, the U.S. delegation to the International Whaling Commission (IWC) over the past few years has carefully planned and worked toward the abolition of Native subsistence whaling in the Arctic. It was only through the intervention of the North Slope Borough that the U.S. abstained from voting on the controversial issue at the recent IWC meeting in Canberra, raising serious questions about the leadership of the U.S. in the attempt's to abolish commercial whaling.

The NSB feels that the U.S. position in the IWC was unnecessarily clouded and weakened by bringing whale conservation into conflict with aboriginal rights and that the U.S. must disentangle these issues in order to re-establish its position of leadership. Furthermore, the NSB is building a record leading to a well-defined U.S. domestic and foreign policy in support of aboriginal rights and securing federal support of a comprehensive bowhead research and management program able to bring the bowhead whale under modern management — which will serve as a whale species management model for use with other whales thought to be threatened or depleted.

### Aboriginal Hunting Rights

It is the position of the NSB that subsistence whaling is an aboriginal right which the U.S. is constitutionally bound to honor and has the trust responsibility to protect from encroachment. As a general rule, international courts as well as the conduct of foreign relations tend to respect and protect aboriginal subsistence hunting rights.

When the IWC first called for the termination of commercial bowhead whaling, making specific exemption for subsistence whaling, the U.S. responded by placing the bowhead on its endangered species list. In 1972, the enactment of the Marine Mammal Protection Act created a moratorium on the taking and importation of all marine mammals exempting subsistence hunting by Native peoples but providing that subsistence hunting of species designated as "depleted" could be regulated. In 1973 the Endangered Species Act was amended to provide for regulation of native subsistence hunting by the Secretary of Interior where he finds need for it. In both cases, prior notice and hearings would be required before subsistence hunting regulations could be established.

The NSB has been seeking the assistance of the Secretary of the Interior to conduct a comprehensive bowhead stocks management program with early emphasis on undersea research into population size, biology, health, sociology, and long-term surveillance and communications systems development. If data in which the NSB can have confidence reveals the need for them, the NSB will develop bowhead subsistence whaling regulations in cooperation with the Secretary of the Interior. In the meanwhile, the Departments of State and Commerce as well as Interior have the overriding trust responsibility of the United States to protect Inupiat subsistence whaling.

### Environmental Politics

Opposition to subsistence whaling seems to have been initiated as a political tactic by the U.S. Over the past decade, the whale has become a symbol of conservationist political action and a symbol of U.S. leadership in responding to these politics. The U.S. was the first whaling nation to demobilize its commercial whaling fleet.

Responding to a growing public anthropomorphic view of dolphins and whales, the Nixon administration strengthened its participation on the International Whaling Commission by appointing Dr. Robert White, Administrator of the National Oceanographic and Atmospheric Administration (NOAA), which includes the National Marine Fisheries Service, to be the U.S. Commissioner to the International Whaling Commission. Nixon also appointed Alaska's former Congressman, Howard Pollock, to be Deputy Administrator of NOAA.

Whale conservation is a strong political issue in the United States, as well as in the other sixteen IWC contracting nations. In 1972, Dr. White was joined by Russel Train, special representative of President Nixon, who asked the IWC to call for a moratorium on all commercial whaling. Because the IWC had no hard data to prove sufficient whale species depletion which would justify a full moratorium, it responded instead by calling for sharply reduced quotas on the most threatened species.

Unemployment and economic dislocation caused by these quota reductions resulted in political controversy in Japan and South Africa, but whale politics were good politics for the Nixon-Ford Administration. The U.S. had no whaling industry to worry about, and very few worried about subsistence whaling.

### The Scientific Committee

Responding to charges by the whaling industry that concern for whale stocks depletion were not grounded on good scientific data, the IWC organized its Scientific Committee to help the commissioners in their work. It is made up of scientists from all seventeen IWC member nations, four of which — the U.S., the USSR, Iceland, and Denmark — have subsistence whaling. The U.S. was represented by one of Dr. White's subordinates at NOAA, Dr. William Aron, Chief of NOAA's Office of Ecology and Environmental Conservation. When White left office early in the new administration, Aron was appointed U.S. Commissioner to IWC.

From its beginning, the IWC Scientific Committee focused its attention on bowhead subsistence whaling. This was encouraged by the U.S. Scientific Committee members, Dr. Aron and his NOAA colleagues, who were able to use the Committee to lead their own Agency to intervene in Inupiat subsistence whaling. Some observers feel that NOAA failed to adequately respond to inquiries and concerns of the Scientific Committee in 1973, 1974, and 1975 because there was very little known about subsistence bowhead whaling. In 1973, the National Marine Fisheries Service of NOAA began placing biologists out on the leads off Barrow to count whales and observe whaling practices. This program was extended to Point Hope in 1974 and by 1977, the

### NSB Takes the Initiative

On July 11, the NSB Washington counsel filed a last-minute comment on the NMFS proposal to designate the bowhead whale a depleted species. Had the NSB not commented, the designation would have been made with no opposition. Many conservation groups had commented in favor of immediate designation. The NSB was the only party to defend Inupiat subsistence whaling rights and to assert the illegality of determining the bowhead to be a depleted species without following due process procedures. Because of this objection, the NMFS will have to hold hearings and offer scientific evidence that the bowhead is a depleted species.

In early July, the NSB had appealed to the Secretary of Interior for help and on July 22 Interior Undersecretary James Joseph hosted a meeting attended by other top Interior officials, Dr. Aron, and officials of NSB and the Arctic Slope Regional Corporation and their counsel. The Interior Solicitor entered the case in defense of Inupiat subsistence whaling rights, and Joseph promised his assistance in the development of the comprehensive bowhead research and management program sought by the NSB. This was the first time Dr. Aron had been required to discuss his bowhead plans with Inupiat whalers or Interior officials. They discussed filing an objection to the bowhead subsistence moratorium.

### Blocking the Moratorium

Under IWC rules, the U.S. can avoid enforcement of the moratorium by filing a formal objection with the IWC by October 21, 1977. Aron is opposed to this but the NSB feels that the U.S. need not lose any prestige objecting to the moratorium if it makes clear that it is merely exercising a prior responsibility for the protection of aboriginal hunting rights. The NOAA then could work on the reasons leading to the IWC action in cooperation with the Department of Interior and the Inupiat community.

The decision to file an objection will probably be made by the President if Commerce and Interior make conflicting recommendations to the State Department.

In the meantime, the NMFS and the President's Council on Environmental Quality will hold public hearings in Washington D.C., Barrow, and Kotzebue in September to determine the environmental impact of the IWC bowhead moratorium.

The NOAA and D.C. conservation lobbyists intend to use these hearings to gain public support of the moratorium, while the NSB counts on them to achieve the opposite effect. The U.S. was the first to demobilize its commercial whaling fleet. Now it must decide if it really wants to demobilize its subsistence whalers in Alaska.

**CHURCH MINISTERS OBSERVE ORGANIZATION** — ICC conference organizers went to some pains to provide for church participation in the Conference and their efforts were rewarded by the organization of Observers from Churches by the eight ministers who observed the Conference. The senior among them was Jens Christian

Chemnitz, head of the established Church of Greenland, a branch of the Danish State Lutheran Church. Chemnitz heads a church aware of the transition it must make under homerule. His participation at the conference was keen and active, and it was clear that the Greenlandic delegation was proud that he had come with them to Barrow.

He opened the Conference by reading the Lord's Prayer in Greenlandic and was a source of insight and understanding to the other minister-observers: Rev. Menno Wiebe, Mennonite Central Committee, Canada; Elder Earl Larson, United Presbyterian Church, USA, National Council of Churches, USA; Rev. Robert Mills, United Presbyterian Church, USA, Synod of Alaska Northwest; Rev. Gene Stratmeyer, Pastor, First Presbyterian Church, Fairbanks, Alaska; Elder Rex Okakok, Lay Preacher, First Presbyterian Church, Fairbanks, Alaska; Rev. Keith Lawton, Episcopal Church, Diocese of Alaska; and Rev. Charles R. White, Conference Liaison for Church Relations, Ecumenical Metropolitan Ministry, Seattle, Washington.

The NSB is working with Observers from Churches and Rev. Charles White, formerly pastor of Barrow's Presbyterian Church, to organize broad mainline Church support on the Inuit Circumpolar Conference and ICC efforts to secure a unified Arctic coastal zone management system for the entire North American Arctic. The goal is the organization of a distinct circumpolar ecumenical Arctic mission capable of organizing strong Church support of sound national Arctic policies in the U.S., Denmark and Canada.

**ALASKA ORGANIZES FOR COASTAL ZONE MANAGEMENT** — Armed with new State CZM legislation, Alaska's Office of Coastal Zone Management is entering into negotiations with the North Slope Borough and Kotzebue regional organizations to organize a bi-regional Arctic Coastal Zone Management Council, the members of which would be elected by the voters of both the NSB, and the Kotzebue region of the Northwest Alaska Native Association (NANA). This would be the first attempt on the part of the State of Alaska to develop an inter-regional Arctic land and resource management system. The State plans to join with the Department of Interior to conduct a joint nearshore lease sale in 1978. NSB officials are cautiously optimistic about the State's efforts to convene and sponsor inter-regional CZM cooperation between Barrow and Kotzebue, but hopes for some State initiative to bring Canadian government participation into Western Arctic Coastal Zone Management organization and planning.

Under the terms of Alaska's new CZM legislation, the bi-regional CZM district would have a 7-man elected board to make policy recommendations to the Alaska Coastal Resources Council, appointed by the Governor, to oversee the State's CZM program. This process for cooperative State/regional/local CZM cooperation is being set in place at a time when both State and Federal officials are looking for ways to accommodate State/local land use cooperation to ease public land management problems after final Federal Alaska land classifications are made next year.

**INUIT ASSERT CONTROL OVER ARCTIC** — *(The following report was written by Dalee Sambo, a young Inupiat woman living in Anchorage where she is a student. She works part-time for the NSB and served as staff assistant for the Inuit Circumpolar Conference. The article was first published in Common Ground, a publication of the Alaska Workers Alliance and is reprinted here with their permission. — Ed.)*

At the history making Inuit Circumpolar Conference held at Barrow, representatives of the Inuit peoples of Alaska, Canada and Greenland gave notice to the world that they intended to retain control of their Arctic environment. This control of their homeland is of a higher priority than other national claims.

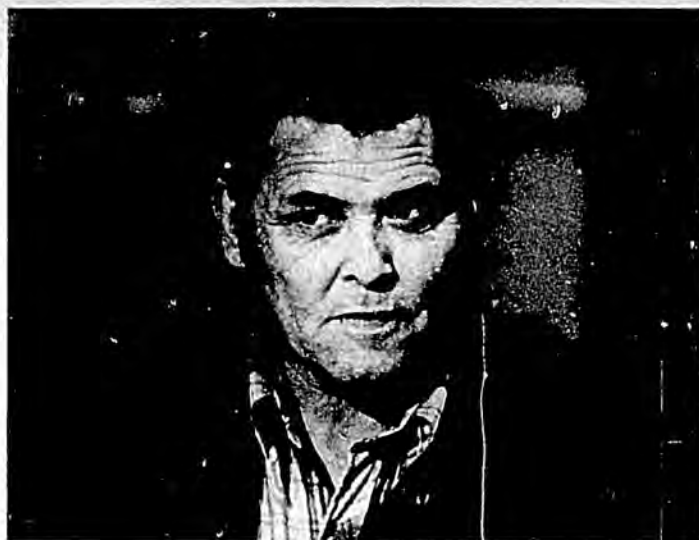


*Nelson Green led the Canadian Western Arctic Individual delegation to the Inuit Circumpolar Conference, Nelson works closely with Sam Raddi of the Committee for Original Peoples Entitlement (COPE), Inuit. He was instrumental in shaping the political compromise that resulted in the Canadian delegations support of a permanent ICC organization. — Photo by Roderick*

Over 300 people attended the five-day event hosted by the North Slope Borough Mayor Eben Hopson. The conference was held at Barrow School, where most participants brought their own sleeping bags. Cots were also set up.



*George Charles, Yupik ICC delegate from Bethel, Alaska, introducing the Bethel Dancher who performed at the Conference. Charles is an executive with the Calista Corporation, largest of the regional corporations established in the State by the Alaska Native Claims Settlement Act. He comes from a prominent Bethel family. Bethel is on the lower Kuskokwim River in Southwest Alaska. — Photo by Cyswski.*



*Bill Edmonds, President of the Labrador Inuit Association (LIA), was vice chairman of the Canadian delegation. Edmonds is from Nain, Labrador. — Photo by Roderick*

Opening speaker Mayor Hopson said 'we enjoy certain aboriginal rights as indigenous people of the Arctic, it is important that our governments agree about the status of these rights, if they are to be uniformly respected . . . without our central involvement, there can be no safe and responsible Arctic resource development . . . we are under constant involvement, there can be no safe and responsible Arctic resource development . . . we are under constant attack by oil corporations at Prudhoe Bay. I am hoping that we can plan peace with the oil industry at this conference.' Local home rule government in Canada, Alaska and Greenland is the only key to the protection of the delicate Inuit environment.

In the following days the historical movement began. After two days of disorganization and communication hassles the convention came up with the first resolution declaring the Inuit one people with an international voice. The resolution formed a permanent interim committee of four delegates for each country to begin working on the foundation of the new Circumpolar organization and a charter — completion hoped by July 1978.

Other major resolutions dealt with protection of aboriginal rights of the Inuvialuit of Canada's western Arctic region. The government of Canada issued permits to Dome/Can-Mar to do exploratory drilling in the Beaufort Sea in violation of Inuvialuit rights. Sam Radde, President of the Committee for Original People's Entitlement (COPE) made a brief appearance and asked for Inuit to support COPE's effort to a fair settlement of those rights. He left the following morning to begin negotiations with Prime Minister Trudeau.

In support of a resolution calling upon the International Whaling Commission to defend the Inuit right to hunt whales, Charlie Edwardsen, Inupiat from Barrow for the North Slope Borough Washington D.C. office said 'People who have called themselves conservationists have chosen not to conserve the Eskimo . . . our environment and our association with the whale is dependent on the survival of both communities: the whale as a specie and Inuit as a specie.' Whaling is an event which everyone of all ages in the community takes part and in which the food is shared among everyone. If

whaling rights are taken away from the community, severe damage will be done to the cultural fabric of the Inuit.

The Circumpolar Committee requested that the governments of Canada, U.S. and Denmark negotiate an agreement that will enable all Inuits to unrestricted



*Billy Neakok, NSB Director of Conservation and Environmental Security discusses ICC organization with Nelson Green, Committee for original peoples entitlement, Inuvik, NWT. Neakok worked closely with Green and the Inuvialut to negotiate the Canadian delegations approval of making the ICC a permanent organization. — Photo by Roderick*

travel and trade between the boundaries of U.S. and Canada. This is an aboriginal right important to the future circumpolar economic growth that they have not been able to enjoy.

A strong feeling of unity and impressive performers from all over the Arctic made the conference not only a time for business but a major cultural exchange for the Inuit. Conference participants attended Nalukataq or whale feast which includes blanket toss and dancing in celebration of a spring whale catch. Greenland's 'Tukak Teatret,' the most real theatre I've seen, performed a dramatic Eskimo legend of how the white man has affected them. Throat chanters of Canada entertained the audience by producing sounds such as waterfalls, dogs and mosquitos. Saami people of Norway, Sweden and Finland's Arctic regions were present to observe the conference as well as entertain with folk songs. Young Inuit musicians such as Charlie Panogoniak and Ungusrasmus of Greenland were also on the stage. Last but not least Inuit dancers from all over Alaska performed.

When the first resolution declaring the Inuit one people was passed and signed unanimously everyone looked at each other, brothers and sisters clasped and raised their hands together, the Greenland delegation burst out in a song about the Inuit and how they will never give it up. No one could hold their tears. That moment was the beginning of a unified Inuit effort to protect their aboriginal rights and their way of life. A



*Hans Pavia Rosing and Dr. Oye Rosing Olsen happy during the closing hours of the Inuit circumpolar conference. Both are close friends and colleagues in the Greenland Homerule Movement that headed up during the 1960's when they were students in Copenhagen. — Photo by Roderick*

culture that has survived for thousands of years. 'Our language contains the intricate knowledge of the ice that we have seen no others demonstrate.' — E. Hopson. It is the Inuit people and no one else who must have jurisdiction over their Arctic domain.

**NSB INUPIAT LANGUAGE COMMISSION SEEKS BI-LINGUAL POLICY** — Guided by the University of Alaska's Edna Ahgeak MacLean, the NSB Inupiat Language Commission met August 18, 1977 to seek the formulation of bi-lingual policy. Two resolutions were passed calling for the development of bi-lingual staff at the North Slope Borough, and for Barrow public radio station, KBYR. In a letter to the Alaska Public Broadcasting Commission, MacLean asked that it require KBRW to use only bi-lingual announcers. And NSB Mayor Eben Hopson was asked to take affirmative action to develop Inupiaq literacy among his staff.

Edna MacLean, a staffer with the University of Alaska's Native Language Program, has been working in close cooperation with Greenland's Dr. Robert Peterson, Institut of Eskimologi, University of Denmark. Peterson, acknowledged to be the leading expert in Inuit dialects and orthography, is also prominent in the Greenlandic Homerule Movement, and was instrumental in the organization of the Inuit Circumpolar Conference. Greenland is totally literate in Greenlandic, very close to the Inupiaq dialect of Barrow and Kotzebue Alaska Inupiat community. Education and all other systems are operated in Greenlandic, with Danish the secondary language. Most young Greenlanders study English, and many are literate. MacLean is working with Peterson to develop a circumpolar Inuit orthography with which to follow Greenland's example in the North Slope Borough, and in other regions of the Inuit Homeland.

Hopson hopes that Inupiaq literacy training can be a unifying theme for cooperation between the Universities of Copenhagen and Alaska and the NSB School District and Inupiat University of the Arctic to support public and business administration within the NSB with higher education and vocational training.

The NSB regards Inupiaq to be an essential requirement for sound, long-term Arctic Coastal Zone Management, and the NSB's Inupiaq literacy training program will be aimed at the development of bi-lingual environmental protection, game management, and land use planning.

**SAAMILAND HOSTS WORLD COUNCIL OF INDIGENOUS PEOPLES**

The Second General Assembly of the World Council of Indigenous Peoples (WCIP), hosted by the Nordic Saami Council, met in Kuvuna, Sweden August 23-16, 1977.

Organized by Native people from 19 countries while meeting in Port Alberni, British Columbia, in 1975, the WCIP deals with problems of physical and cultural genocide, and is attempting to strengthen the security of aboriginal rights of indigenous people everywhere. This year's hosts, the Saami, have been very active in international indigenous community organization.

The WCIP General Assembly, which was attended by representatives of the NSB and the Inuit Circumpolar Conference, focused upon the rule of the United Nations in the protection of Native rights.

**HISTORIC JOURNAL PUBLISHED**

How does a young minister in the 30's visit members of his congregation when they are scattered along 450 miles of Arctic coast? By dogsled, of course!

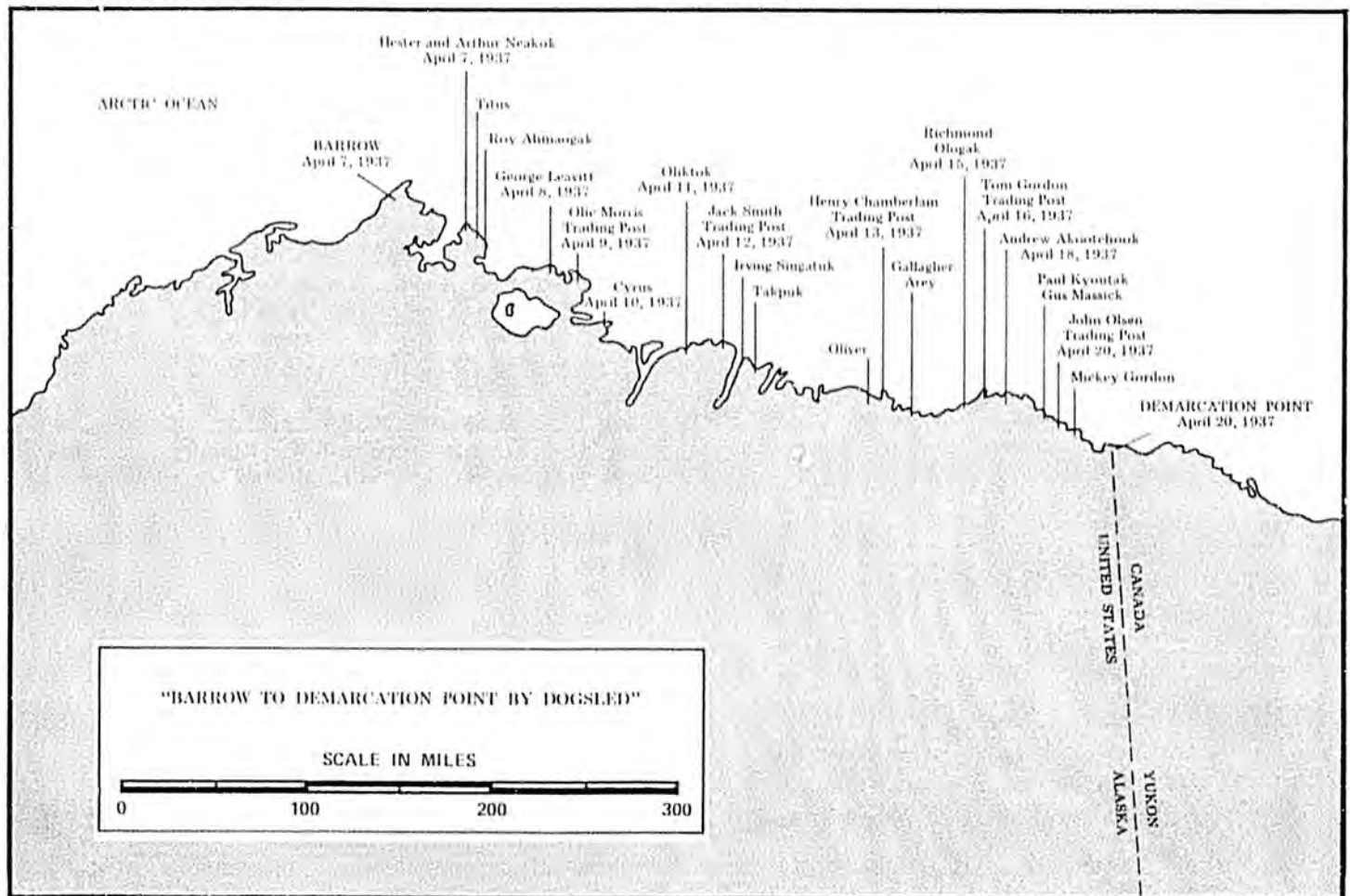
The story of this yearly trip has now been published by the Commission on History and Culture of the North Slope Borough.

Fred G. Klerekoper was the Presbyterian minister on the North Slope from 1936 to 1945. Almost every year during that period, he made a trip from Barrow to Demarcation Point on the Canadian border. He kept a diary which is now an important record of the families who live along the Beaufort Sea Coast. The minister's account of his first trip in 1937 was chosen for publication by the Commission because it is a "white man's" documentation of the traditional uses of the Arctic coast — which are now threatened by oil impact and offshore shelf development.

Rev. Klerekoper — who later cooperated in the development of a phonetic alphabet and dictionary for the Inupiat language — writes graphically and to the point about the rigors of Arctic sled travel, the beauty of the scenery, and shares a sensitive view of Inupiat family life and customs.

The Arctic, he suspects, is "God's own solitude," and "never monotonous." There is the tale of a ghost ship lifted up on an ice island and seen floating down the coast, stories of boys caught on the ice and frozen to death, and the endless round of marriages, baptisms, and confessions of which he admits, "I imagine they are no worse than the average white community in the problems of lust, envy, pride, etc. They are much more willing to admit these difficulties than our more sophisticated white brethren."

The publication of this early account is a remarkable addition to Alaskan literature and is available for \$3.00 from the offices of the North Slope Borough. The title is *Dogsled Trip from Barrow to Demarcation Point, April 1937: Diary of Fred G. Klerekoper.*



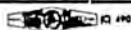
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# THE ARCTIC COASTAL ZONE MANAGEMENT NEWSLETTER

Issue No.: Six



Date: September 1977

## *Hopson Says Whalers WILL Hunt!*

### IWC HAS NO JURISDICTION OVER INUPIAT SUBSISTENCE WHALING RIGHTS

(Washington, D.C.) — Appearing with supporters from the Canadian Western Arctic, Labrador and Greenland, NSB Mayor Eben Hopson appeared before the National Marine Fisheries Service EIS hearings here on September 8 to say that regardless of the Government's decision on whether or not to object to the IWC's bowhead subsistence moratorium. Inupiat whalers will hunt the bowhead next spring because whaling is necessary to the survival of the Inupiat of the Arctic Slope. He cited the

strong aboriginal rights to subsistence bowhead whaling as basic human rights over which the International Whaling Commission had no jurisdiction. And Hopson called for a cooperative, comprehensive bowhead stocks research and management program to determine once and for all whether the bowhead is a depleted species in need of subsistence hunting restrictions.

### Native Language Rights Becoming an Important Arctic Political Issue



Charlie Watt, President, Northern Quebec Inuit Association, has become an important figure in the language politics of Quebec and the Canadian Federation. His defense of Inuit language rights in Northern Quebec has given courage to Quebec's large protestant English-speaking people to resist Quebec's new French language charter, Bill 101.

Watt has called upon the Canadian government to exercise its trust responsibility to defend Inuit language rights.

His resistance may lead Ottawa to stop viewing the land claims issue as "Separationist" politics inspired by the separatism of French Quebec, and see the Inuit as a nationally integrated community of loyal Canadians.

Watt is shown here at the Inuit Circumpolar Conference last June in Barrow. He serves on the ICC Interior Committee. In Northern Quebec, it is hydroelectrical development, not oil or gas, that is altering the Arctic Coastal Zone's environment. In future issues of the Newsletter, the huge James Bay Project of Hydro-Quebec will be reported. Charlie Watt and the Inuit of Northern Quebec are in the middle of the greatest Arctic Coastal Zone energy development project in the world, larger than Prudhoe Bay and the Trans-Alaska oil pipeline in scope and importance. — Photo by Roderick

When the U.S. Department of Commerce's Appeals Board Chairman Hugh Dolan failed to provide for Inupiat testimony at his subsistence whaling moratorium Environmental Impact Statement hearings in Barrow, he tripped into a simmering political issue that is rapidly coming to boil across the Arctic, and throughout all of rural Alaska. When Charles Edwardson led the Barrow whalers out of the hearings charging Dolan with attempting "English supremacy," he added a militant new phrase to what is known throughout the State as the "bi-lingual education" controversy. Edwardson and his colleagues on the Interim Committee of the Inuit Circumpolar Conference had to abandon Montreal for Ottawa because of Quebec's violation of Inuit language rights in Northern Quebec, and the volatile political climate that the entire French language charter has produced throughout Quebec. The politics of language are beginning to heat up in Alaska, also. Accompanying Assistant Secretary of State Patsy Mink in Barrow was

State Representative Thelma Buchholdt, Chairman of an interim legislative committee that is investigating the bi-lingual education controversy sparked last year when Civil Rights enforcement officers at the U.S. Department of Health, Education, and Welfare (DHEW) told State authorities that several millions in Federal education aid received annually by Alaska is endangered by widespread non-compliance of minimum Federal bi-lingual educational standards. She conducted hearings on this matter in Bethel and Nome in September, and will conduct hearings in Barrow in October. When she attended the University of Alaska's Cross-Cultural Educational Conference in Greenland last July, Buchholdt was impressed with the high degree of integration of Greenlandic in all walks of life, and believes that Greenland may be an important part of the solution to the question of language rights protection in the American Arctic. However, Rep. Buchholdt points out that Native language instruction has become a matter of controversy, with such urban constituencies as hers (Spenard) taking a completely different view of language rights and language instruction than rural Alaska. The NSB has been working with educators in Alaska, Greenland, and Canada to develop a comprehensive, circumpolar approach to this social problem. Part of this was the creation of the NSB Inupiaq Language Commission which recently asked NSB Mayor Eben Hopson to initiate Inupiaq literacy training for all NSB staff, including non-Inupiat who do not now know how to speak Inupiaq. Eben responded by agreeing to do so, and asked for instructions on how to best conduct this training. At the same time, the Language Commission, chaired by Edna Ahgeak MacLean of the U. of A.'s Native Language Program, wrote to the Alaska Public Broadcasting Commission to request they place bi-lingual conditions on its support of Barrow's public radio station KBRW. The Language Commission wants bi-lingual announcers, and, so important does it regard radio broadcasting to be in the defense of Inupiaq as a necessary language of Arctic survival.



PRESIDENTIAL REPRESENTATIVE TO ICC BARBARA BLUM — Barbara Blum, Deputy Administrator of the Environmental Protection Agency addressed ICC delegates, and offered her help in circumpolar Inuit community organization aimed at Arctic environmental security. NSB Mayor Eben Hopson has since asked for Blum's help in preventing the use of explosives in all Arctic OCS seismic surveying. — photo by Cysewski

**EDWARDSSEN ELECTED TO CHAIR ICC INTERIM COMMITTEE** — Charles "Etok" Edwardsen, Jr., NSB Washington, D.C. Liaison, was elected Chairman of the Interim Committee that will serve as the governing board of the Inuit Circumpolar Conference until a permanent ICC charter is adopted. Elected Vice-Chairman were Josie Kusuguk, Inuit Cultural Center, Eskimo Point, NWT, and Moses Olsen, leader of Greenland's majority Siumut political party, Nuk, Greenland. Elections were held during the first meeting of the Interim Committee in Ottawa September 8th.

**ICC INTERIM COMMITTEE SETS \$1.5 MILLION BUDGET GOAL** — NSB Mayor Eben Hopson, Chairman of the Inuit Circumpolar Conference, submitted a \$1.5 million ICC budget plan for the coming year. Over half of the money budgeted would be spent on transportation expenses necessary for a truly democratic, village-by-billage, region-by-region review and ratification of the ICC charter, being drafted by the ICC Interim Committee. The budget provides for a Canadian headquarters, and three separate national offices for Alaska, Canada and Greenland. The national offices would be housed within appropriate existing agencies in appropriate Arctic communities. Quiet solicitations are being made to selected oil and gas corporations, mainline Churches serving the Arctic, and interested foundations in Europe, Canada and the United States. The budget plan presented a "best-case" budget representing the most positive possible response to the ICC fund raising effort. Church and foundation solicitation is being assisted by the Metropolitan Ecumenical Ministry, Seattle.

**CONSERVATIONISTS JOIN INUPIAT IN DEFENSE OF BOWHEAD SUBSISTENCE WHALING** — When the Friends of the Earth representative, Pamela Rich, testified before the Washington, D.C. bowhead subsistence whaling EIS hearings on September 8th to support Inupiat bowhead subsistence whaling rights, and to request that the United States object to the IWC bowhead subsistence whaling moratorium, it was regarded by other conservationist organizations present to testify against an objection to be a major defection from the powerful D.C. Conservation lobby that was expected to support the National Marine Fisheries Service's efforts to ban Inupiat subsistence whaling. However, it appeared by deadline to have been merely leadership in a direction being taken by many other national and Alaskan conservationists, who have agreed with the Inupiat thesis that subsistence whaling is a necessary link in the Arctic food chain, and that the Inupiat are a necessary part of the natural Arctic ecological system along the Arctic coast of the United States. FOE has been joined by The Alaska Conservation Society, the Alaska Chapter of the Sierra Club, the Fairbanks Center for the Environment, and the Alaska Center for the Environment in Anchorage. The NSB hopes that this support from major environmentalist organizations will continue and build strength to become an important political coalition in support of the NSB's entire regional conservation and environmental security program.

Efforts to forge this kind of cooperation began in 1975, and came to bubble when NSB Mayor Eben Hopson met with the leadership of several National conservationist organizations at the D.C. Sierra Club headquarters in July, 1976. At that time, it appeared that the FOE were the best organized to help with Alaskan problems, with Jim Kowalski working full time to manage FOE affairs in Alaska, and Pam Rich working full time on Alaska land and resources politics in Washington, D.C. The NSB decided to funnel information to the conservationist community through Kolwaski and Rich. When the NSB chartered a jet to bring Greenlandic and Canadian delegates and observers to Barrow last June for the Inuit Circumpolar Conference, Pam Rich was on board as an important invited observer, and she played an important part in the work of the Conference. Since returning from Barrow to D.C., Rich worked hard to explain the Inupiat position to reluctant conservationists who had been influenced by the NMFS to regard Inupiat subsistence whaling very little differently than commercial whaling, and convincing the FOE board in D.C. to break what appeared to be solid conservationist ranks in support of the NMFS was a difficult, uphill fight.

The NSB's efforts to organize a strong cooperation with conservationists was inspired by the successful model provided by the Inuvialuit of the Canadian Western Arctic. There the Committee for Original Peoples Entitlement (COPE), under the leadership of Sam Raddi, has developed a strong working relationship with the Canadian Arctic Resources Committee (CARC), a prestigious national environmentalist organization which published *Oil Under the Ice* to reveal Canada's feckless Arctic oil development policy that threatens U.S. Arctic Coastal Zone environmental security due to the characteristics of the powerful Beaufort gyre. The NSB hopes to be able to work with national environmental organizations to bring public attention to the need for sound national and international Arctic policy development.

**ALASKA ESKIMO WHALING COMMISSION ORGANIZED AT HISTORIC GATHERING OF WHALING CAPTAINS IN BARROW** — 72 whaling crew captains from around the Arctic Coast gathered in Barrow on August 29th to discuss the IWC subsistence bowhead whaling moratorium, and develop defensive strategy. They were convened through the cooperation of the NSB, Arctic Slope Regional Corporation, and the Barrow Whaling Captains Association. It was an historic event that was completely ignored by the press. The whaling captains organized the Alaska Eskimo Whaling Commission, and authorized NSB Mayor Eben Hopson to speak for the Commission at the Washington, D.C. National Marine Fisheries Service EIS hearings. The Commission charged Hopson to be both open and firm about their intentions to whale next spring, moratorium or no. It is expected that the new Whaling Commission will be the vehicle for the development of any subsistence whaling regulations that might be developed given reliable evidence for their need. The NMFS, caught in political storms of reaction to its work leading to the IWC moratorium, and under fire for having no

reliable way of mutually respectful communications with the whaling captains, see the Alaska Eskimo Whaling Commission as evidence of progress toward cooperative management being sought by the International Whaling Commission, the absence of which may have caused the IWC to call for the moratorium in the first place. The NSB regards the organization of the Eskimo Whaling Commission to be an important milestone in Arctic Coastal Zone Management. It could pioneer in the complex politics of management of subsistence resources both on shore and off.

**U.S. EMBARRASSED BY POSITION IN WHALING CONTROVERSY** — In a dinner meeting with Assistant Secretary of State Patsy Mink, 9/23/77, NSB Washington, D.C. Liaison Charles Edwardsen learned that the Government is embarrassed by the entire Bowhead subsistence moratorium affair, and would like to get through it without objecting to the IWC moratorium, but also without banning bowhead subsistence whaling. By deadline it appeared that negotiations are underway with the IWC Scientific Committee to re-examine the entire issue in November, and that the Government might try to delay its response until the matter is laid before the IWC next summer in London. There is conjecture that Patsy Mink might replace William Aron as U.S. Commissioner to the IWC, and there is talk of appointing an Inupiat to serve as Deputy U.S. Commissioner. Edwardsen's opinion is that Asst. Sec. Mink takes seriously the NSB's call for national Arctic Policy development, and the bowhead issue has served to bring this need into sharp focus, and has brought other Arctic environmental problems to Mink's attention. Edwardsen feels on the basis of his conversation with Mink that the NSB's Arctic Coastal Zone Management Program may get the help it needs as a result of top-level attention to the Arctic caused by the bowhead whaling controversy.

**HEAT GENERATES LIGHT AT MEET BETWEEN HAMMOND AND HOPSON IN BARROW** — The Governor's press release described his visit to Barrow to testify in support of subsistence whaling as the first trip to Barrow by a governor not involved in an election campaign, but whatever, NSB officials are glad he came to Barrow when he did. As a result of his meeting with NSB and ASRC officials in the Borough's Assembly Chambers on Sunday afternoon, 9/11/77, in spite of the best efforts of Associated Press, strong foundations for good cooperation between Governor Hammond and NSB Mayor Eben Hopson were laid at the two-hour meeting in which Hopson set a tone that enabled everyone to speak strongly and frankly about the many problems between the NSB and the State of Alaska. Hammond promised to help the Borough with its State land selections at Prudhoe Bay, and help with any legislative program aimed at full restoration of the North Slope Borough's revenue authority lost in the special oil session of the State Legislature called by former Governor Egan in 1973.

Governor Hammond is a former Borough Mayor and has always insisted that he supports the NSB in its efforts to regain full revenue authority, and the NSB is

inclined to believe him. The meeting in Barrow, which included Attorney General Avrum Gross; Public Safety Commissioner Richard Burton; and other top staff aides, enabled frank exchange that cleared lines of communication that had been neglected in the past because of distrust. The Barrow meeting with Hammond was followed up with a meeting between Hammond and Lewis Dischner, the NSB's Juneau lobbyist, where Hammond instructed his staff to cooperate fully in aligning the NSB's legislative program with his own. The NSB, which has had to resort to last-minute parliamentary maneuvers to pass its legislative program through previous sessions of the legislature, will now be able to depend upon the Governor's office to help pass legislation badly needed by the NSB if rural Alaska is ever to be permitted to develop strong local government.

**NSB PLANNING DEPARTMENT LISTS PLANNING INITIATIVES** — In a memorandum to NSB Mayor Eben Hopson, NSB Planning Director Herb Bartel listed 14 projects under way as of August 30th, 1977. Several CZM-related projects are included on the list.

Project	Cooperating Agency
National Petroleum Reserve — A Historic and Cultural Sites inventory	National Park Service, Bureau of Indian Affairs, Bureau of Outdoor Recreation
NPR-A Land Use Plan	Bureau of Land Management Arctic
Coastal Management Inventory (Traditional use/developmental risk inventory maps, Beaufort Sea OCS area)	Environmental Information and Data Center, U. of A.
Coastal Management Plan (Beaufort Lease sale area)	Alaska Department of Community and Regional Development; Alaska Consultants, Inc.
Beaufort Sea Lease Sale Economic Analysis	Alaska Department of Community and Regional Development; Alaska Consultants, Inc.
D-2 Land Classification Plan	Alaska Consultants, Inc.
North Slope Borough Community Survey	Institute of Social and Economic Research, U. of A.
Analysis of NSB Jurisdiction and Alternatives: Fairbanks — Prudhoe Bay Haul Road	
Borough Land Use Ordinance Governing Major Resource Development Projects	

Overall Economic Development Plan	Department of Commerce, Economic Development Administration
Wainwright Master Plan	Alaska Consultants, Inc.
Wainwright Soil Survey	USDA soil Conservation Service
Barrow Off-System Roads Project	Alaska Department of Transportation
Barrow Public Transportation Demonstration Project	Alaska Dept. of Transportation; U.S. Dept. of Transportation



Karl Elias Olsen, Principal of Knud Rasmussen Højskol, Sisimiut, Greenland. Olsen was a principal architect of the agenda of the Inuit Circumpolar Conference. Olsen has been a strong advocate of Inuit Circumpolar Unity, and is prominent in the Greenland homerule movement. He is the only locally controlled school in Greenland and has been designated a Greenland cultural institute by the Greenland Land Council, the provincial legislature. — photo by Roderick

**GOVERNOR APPOINTS COASTAL POLICY COUNCIL** — Alaska Governor Jay Hammond announced his appointment of a 16-member State Coastal Policy Council, and an initial, introductory meeting of the CZM policy board was scheduled for September 29, 1977. The new Coastal Policy Council is made up of seven of the Governor's cabinet, and 9 elected local government officials from coastal communities. NSB Mayor Eben Hopson was one of the local government officials appointed to the Coastal Policy Council. The others were Nome City Councilman Robert Fagerstrom; St. Mary's City Councilman Stanley Paukan; Kodiak Borough Assemblywoman Betty Wallin; Anchorage Municipal Assemblywoman Lidia Selkregg;



Kristian Poulson now with the Greenland Post, attended the ICC Interim Committee meeting in Ottawa, and flew to D.C. to cover the Bowhead subsistence moratorium EIS hearings. Poulson has chronicled the Greenland homerule movement for many years, and is anxious to help Greenland establish strong political ties with Canada and Alaska. — Photo by Roderick

subsistence whaling rights. Olsen criticized the Danish government for voting for the moratorium in Australia in June. Green connected the bowhead subsistence whaling rights to the subsistence hunting rights being strongly asserted the Inuvialuit in the Western Arctic land claims negotiations with the Canadian government. The Inuit were joined by the Friends of the Earth, an influential national environmentalist organization headquartered in Washington, D.C. FOE clearly startled representatives of the other environmentalist organizations testifying at the D.C. hearings, and signaled widespread acceptance of the Inupiat argument that bowhead subsistence whaling is a necessary part of the Arctic ecological system.

**Racist Government Comments** — The NSB observers were shaken by the explicit racist comments made by those who would ban Inupiat subsistence whaling. The low point was sounded by Defenders of Wildlife lobbyist Tom Garrett, deputy U.S. Commissioner to the IWC, and a leader in the plot to ban subsistence whaling. Calling the Inupiat a "bastard culture," his testimony contained slander very similar to that of Barry Lopez in his article in the September Harper's magazine which appeared on the newstands a few days earlier. NSB attorneys are reviewing Garrett's testimony with a view toward seeking a public apology and a clarification of the Department of Commerce's policy toward the Inupiat community. NSB Mayor Eben Hopson has asked both Alaskan U.S. Senators, Mike Gravel and Ted Stevens, to help respond to Garrett's offensive testimony. NSB officials regard Garrett's attitude toward the Inupiat to fairly reflect that of all who have

worked behind the scenes so long to ban subsistence whaling, both in and out of government.

**The Barrow Hearings** — The Barrow hearings were attended by Assistant Secretary of State Patsy Mink, formerly U.S. Representative from Hawaii, who is familiar with the Native land claims movement from her work on the House Committee on Interior and Insular Affairs. Arriving in Barrow Sunday in the company of Alaska Governor Jay Hammond, Mink was warmly received at a dinner of Inupiat food served in the historic Cape Smythe Whaling and Trading Company building, now Brower's Cafe, in which Knud Rasmussen was once hosted on his historic Arctic trek from Greenland in 1928. After dinner, Mink thanked her hosts, and spoke about her role in answering the question of objecting to the IWC moratorium. Her powerful delivery encouraged Barrow's community leadership. It was said of Rep. Mink that no government official had ever displayed so much compassionate understanding of the social problems at issue in the subsistence whaling question. After dinner, Mink met with several whaling captains in the NSB Assembly Chambers where they answered her questions about bowhead whaling, and about other whales mentioned in the EIS as alternatives for subsistence harvesting.

The Barrow hearings began with Hearing Judge Hugh Dolan making a special point of the fact that no testimony would be accepted in Inupiat, the only language capable of scientific discussion of the Arctic environment. The NMFS had failed to provide for translators, a failure that observers thought fairly reflected the overall insensitivity of NOAA's entire handling of the bowhead subsistence issue. NSB Washington D. C. Liaison, Charles Edwardsen, rebuked Dolan harshly, charging "English supremacy", and invoked constitutional language rights of all non-English-speaking whalers wanting to testify. There was widespread disconcertion among State and Federal officials present when Edwardsen announced in Inupiat that he would hold Inupiat-language hearings in the NSB Assembly Chambers, and most present followed him out of the room. Hasty negotiations between Nolan



Carl Christian Olsen (Poujo), Director, International programs, Knud Rasmussen Højskol, Sisimiut, Greenland, speaking with Danish newsmen at Inuit Circumpolar Conference, Barrow, June, 1977.

Kenai Borough Mayor Donal Gilman; Cordova City Councilman Malcolm Islieb; Juneau Borough Assemblyman Roger Allington; and Hydraburg Mayor Robert Sanderson. Each member will be allowed to name an alternate. With the lack of any important work on the agenda for the first meeting of the Coastal Policy Council, NSB Mayor Eber Hopson decided to send his assistant, Jon Buchholdt, as his alternate. The NSB hopes to convince the Coastal Policy Council to organize a strong Coastal Zone Management program from parts that already exist, such as the Federal/State Outer Continental Shelf Environmental Assessment Program; the State's oil and gas leasing program; the Federal/State Land Use Planning Commission; the Federal/State National Petroleum Reserve — Alaska Task Force, and other State and Federal Programs already involved in coastal zone land and resource management in the Arctic and throughout the State. The NSB would like to see the Coastal Policy Council to get involved with the Beaufort nearshore and OCS lease and exploration programs; the development of Alaska/Canadian Arctic caribou research and management cooperation; the concept of aboriginal offshore jurisdiction as part of Native subsistence hunting rights; and the development of coastal zone leasing regulations.

**GAMBELL WHALERS MAKE ELOQUENT STATEMENT** — Twenty-two whaling captains from Gambell and Savoonga on St. Lawrence Island, traveled to Barrow to attend the Alaska Whaling Captains' meeting Sept. 26. The Gambell Boat Captains Association also met in Barrow to pass the following resolution:

Whereas we the people of Gambell, living in common bond from time immemorial in present Geographical location, Gambell, Alaska, and

Whereas our livelihood has been and still is dependent on the sea animal for food, clothing, equipment, and shelter, and

Whereas we the people of Gambell upon learning the bowhead whale has been identified as endangered species, and may be classified a depleted species and will no longer be hunted, and

Whereas our traditional ways and life style will be effected in our religious and customary traditions and practices and we the people of Gambell depend on the whale for (muntuk) for food and many customary (ceremonial) purposes and special community and family dinners, and

Whereas the sinew of the whale is used to sew our boat skins together, and to date nothing better has been discovered in its place, and

Whereas as our tobaggons used for hauling other game meats home are made from baleen of the whale, and

Whereas the keel runners of our boats are made from the Whale ribs and jawbones, and

Whereas we use the oil from the whale blubber for many purposes, and

Whereas we the people of Gambell hunting whale from time immemorial catch an average of two whales annually, and

Whereas the catch amount would not greatly affect the whale population; and

Therefore, the people of Gambell are opposed to the proposed ban on subsistence taking of bowhead whales. We urge the National Oceanographic Administration to recognize the vital importance of the bowhead whale culturally and dietarily, and to recognize the severe economic hardship such a ban would cause. Such a needless ban, as suggested here, threatens the destruction of our way of life.

**CONSERVATION LOBBYIST DENIES VALIDITY OF INUPIAT ABORIGINAL WHALING RIGHTS** — TOM GARRETT is a Washington, D.C. lobbyist employed by the Defenders of Wildlife, a respected national wildlife conservation organization. He also serves as Deputy U.S. Commissioner to the International Whaling Commission. His testimony before the Bowhead subsistence whaling moratorium EIS hearings in Washington, D.C. 9/8/77 introduced two important words into the debate between those who advocate or oppose U.S. objection to the IWC moratorium: "bastard" and "autochthonous", and his use of these words in his testimony brings back memories of notions of relative ethnic purity that surfaced briefly in last year's presidential election campaign.

Garrett's testimony presents an interesting review of the international politics of commercial whaling. He illustrated his narrative by quoting a Japanese newspaper article that appeared the day after the IWC reduced commercial whaling quotas in Canberra last June. The article explained that the Whaling Industry has insufficient political strength to force the Japanese government to object to the new IWC quotas because "America's opposition to whaling is based on President Carter's policy" and that a Japanese objection would "cause friction between Japan and the U.S., and that will spur criticism of trade with Japan." Garrett went on to say that an objection by the U.S. to the IWC bowhead subsistence moratorium would result in a rash or other objections from whaling nations hurt by the lowered commercial quotas. He also threatened massive political retaliation by "elements of the conservation community" that will seek "Congressional action designed to eliminate many of the special hunting and fishing rights which the native people now enjoy," if the U.S. should file an objection to the bowhead subsistence moratorium. Responding to questions by the hearing officer, Garrett had this to say about subsistence hunting and subsistence hunting rights:

MR. GARRETT: Let me say something about subsistence hunting. You know, the League of Nations in the 1931 Convention for the regulation of whaling is still listed as a treaty in force. That convention, as of January of this year, specifically prohibits the use of firearms in aboriginal whaling. It is clear that as parties to that convention, we have been flouting that particular international agreement for many years."

HEARING OFFICER DOLAN: Well, I think the domestic implementing legislation for the '31 convention was repealed.

MR. GARRETT: But nonetheless the treaty remains in force, and one assumes since the treaty is in force that some of the contents are implicitly included. In any case, it is quite true that the '36 enabling legislation was repealed.

HEARING OFFICER DOLAN: So you have any other comments on the regulation of subsistence hunting and the history of it?

MR. GARRETT: I would like to make a comment. I noticed in the last issue of Alaska magazine a statement by Arnold Brower — I don't suppose Arnold Brower regards me as a friend, but I have to regard Arnold Brower as a friend until he knocks me over the head or something. Arnold Brower said that "We have not depleted the bowhead whale." He is quite right. The Eskimos did not deplete the bowhead whale stocks. It was depleted initially by commercial whalers. Even if the bowhead stocks is now being depleted, it isn't being depleted by Eskimos in the sense that Arnold Brower uses the term "we," because it's not a hunt that's being conducted by Eskimos in tune with their autochthonous cultural roots. Rather, I think the increasing hunt is evidence of the dissolution of the Eskimo culture. I believe the hunt, as it is present being conducted, and its current expansion, are in fact nothing more or less than a function of dissolution of the Eskimo culture, which is tragic but which is none-the-less happening.

HEARING OFFICER DOLAN: What's the basis for that?

MR. GARRETT: Well, in the first place, the mode of whaling is not aboriginal. The mode of whaling is hybridized. It has elements of the original commercial whaling conducted in the area of the 1850s until 1921, or whenever the last coastal whaling for commercial reasons terminated. It uses the same archaic devices, the shoulder gun, and it is less efficient, of course, than the commercial whaling. Nonetheless, this is a sort of bastard culture, not used in the perjorative sense, of the methods that the commercial whalers brought in and the original Eskimo methods.

I think it's becoming increasingly degraded now because it's not being conducted even as it was being conducted fifteen or twenty years ago. Wastage is increasing; the blubber is no longer being utilized; the use of the shoulder gun, which the commercial whalers regarded as wasteful and which most of the captains forbade, most of the time at least, until after the animal had been hit with a harpoon, is increasing constantly; and inexperienced people are going out. Obviously the situation is out of control and obviously reflects less and less the autochthonous traditions of the Eskimo peoples.

HEARING OFFICER DOLAN: If there are no further questions, thank you very much, Mr. Garrett.

MR. GARRETT: I was expecting someone to nail me, but I guess they're not going to. (laughter.)

Garrett's testimony is quoted in the Newsletter because it fairly reflects what he and NOAA's William Aron have been telling the IWC and the IWC's Scientific Committee about the sanctity of Inupiat aboriginal subsistence whaling rights.

A check with the dictionary determines that "bastard" as Garrett used the word to describe the Inupiat whaling culture, is defined as "not genuine, sham, inferior." In short according to Garrett, not "autochthonous", from the word autotho, "sprung from the land itself; any of the earliest known inhabitants of a place; aboriginal." (Second College Edition, Websters, 1974).

The theme that aboriginal subsistence hunting rights erode through acculturation has been the theme of the American game management industry since its origination in early Colonial America, and Garrett's testimony merely restated an argument that resulted in the near annihilation of Native Americans during the 19th century. The NSB was started to hear this argument being used in public in 1977.



**HANS LYNGE RECALLS OLD FRIENDSHIP BETWEEN GREENLAND AND U.S.** — Hans Lyngé, (above) senior member of the Greenlandic ICC delegation, observed the historic importance of the Inuit Circumpolar Conference with a poem that recalls the history of an old friendship between his homeland and the United States. The poem was written in English, not translated to English. — photo by Roderick

**A POEM FOR THE CONFERENCE**

Icebergs run aground on shore  
Melting ice of frozen sea  
Moving slowly with current  
Sinking fog of springtime  
In front of blue sky  
Are all familiar to us  
The ice-filled sea is visible  
Between the towers and the big houses

In the middle of the peaceful settlement  
Stars and Strips is fluttering

It is the first time we visit  
the land of our protectors in the last war  
We feel it consoling to know  
That the flag hovers above us  
While we are sitting in the conference

Today it is proved  
That it was not empty words  
When the planners wrote  
That the Inuit of Greenland, Alaska and Canada  
Are one indivisible people

For the first time  
Representatives from the three countries confirmed  
That we so loved our countries  
That all smaller problems were to be set aside  
In order to protect  
Our culture environment and concerns

I feel proudness to witness  
That we Greenlandic people in good understanding  
Take the outstretched hand of Canada and Alaska

Let the commencing work  
Be continued in the same spirit

Hans Lyngé

## NATIONAL MARINE FISHERIES SERVICE CONDUCTS EIS HEARINGS ON SUBSISTENCE BOWHEAD WHALING MORATORIUM

Under the gavel of Hugh Dolan, Chairman of the Department of Commerce Appeals Board, the National Marine Fisheries Service (NMFS) conducted a series of Environmental Impact Statement (EIS) hearings on the risks associated with a decision to file a formal U.S. objection to the International Whaling Commission's (ICW) moratorium on Inupiat subsistence bowhead whaling. The hearings were held in Washington, D.C., on Sept. 8, in Barrow on Sept. 12, and in Kotzebue on Sept. 15. The U.S. government has until October 21 to file such an objection which would exempt it from the obligation to enforce the ban.

**The Government Position** — The hearings were also an outlet for the opposition. The NMFS presented a controversial edited draft of its environmental impact statement (EIS) to justify its 7-year effort to lead the IWC to call for the subsistence whaling moratorium. This is the first time the NMFS — a division of the National Oceanographic and Atmospheric Administration (NOAA) of the Dept. of Commerce — has had to present its case to the public.

The NMFS released two drafts of their EIS which had been prepared with no knowledge or input from Inupiat whalers or the Inupiat community. The second draft omitted much material contained in the first draft relating to Inupiat cultural integration of bowhead whaling and moratorium enforcement problems. This material was evidently deleted through pressure applied by militant, anti-Native whale conservationists both inside and outside government.

This second draft contained no hard data on the health and status of bowhead stocks. Considerable emphasis was given in the draft to the possible loss of U.S. prestige in the international politics of commercial whaling that would result from a U.S. objection to the bowhead subsistence moratorium. The Washington, D.C., attorneys of the NSB circulated both drafts of the NMFS EIS among national conservation groups, pointing out their scientific weakness, the deletion of the Inupiat cultural data and information about enforcement difficulties in the second draft, and the close anti-Native politics of the NMFS that led to the ICW ban.

**NSB Preparations** — In preparation for the hearings, the officials of the North Slope Borough produced an 8-minute film documentary (The Last Anchor: see related story) in which all aspects of subsistence whaling were compared with commercial fishing. The film was shown at the Washington, D.C., hearings and has been distributed nationally.

The NSB also joined with the Arctic Slope Regional Corporation (ASRC) to host a meeting of whaling captains from all around the Arctic coast from St. Lawrence Island to Kaktovik. Seventy-two whaling captains attended the August 29th meeting in Barrow that led to the organization of the Alaska Eskimo Whaling Commission. The new commission charged NSB Mayor Eben Hopson with the responsibility to deal firmly with the government on the issue and to make it



Nelson Green led the Canadian Western Arctic Inuvialuit delegation to the Inuit Circumpolar Conference. Nelson works closely with Sam Raddi at the Committee for original Peoples Entitlement (COPE), Inuvik. He was instrumental in shaping the political compromises that resulted in the Canadian delegations support of a permanent ICC organization. A member of the ICC Interim Committee, Green testified in the D.C. Bowhead whaling EIS hearings in support of the Inupiat whalers with whom the Inuvialuit trade and are closely related through the people of Kaktovik (Barter Island) — Photo by Roderick

clear that all whaling captains intend to hunt the bowhead next Spring, regardless of the government decision on the ban.

The following week, Hopson was in Ottawa to solicit the aid of the Interim Committee of the Inuit Circumpolar Conference (ICC) in opposing the ban. In addition to passing a resolution calling upon the U.S. to file an objection to the moratorium, the Interim Committee also decided to send most of its membership in company with Hopson to the Washington, D.C., hearings to be held on Sept. 8 and 9. Among them were Moses Olsen, leader of Greenland's majority Siumut Party; Kristian Poulsen, journalist from the Greenland Post; Ove Rosing Olsen, a Greenlandic businessman; Nelson Green, Inuvialuit land claims leader from Inuvik, N.W.T.; and Mary Sillit, representing Bill Edmonds, President of the Labrador Inuit Association.

**The Washington Hearings** — The first hearing took place in an old and crowded multi-purpose storage room in the basement of the Department of Commerce. It was SRO, with the observers competing for space with old furniture, film projectors, and a film crew with equipment and hot lights.

Moses Olsen and Nelson Green presented testimony supporting the inviolability of Inupiat

and Hopson yielded agreement that the Inupiaq testimony would be translated and transcribed in English by the NSB and be included in the EIS hearing record. The most significant testimony was delivered at these "rump" hearings, with all of Barrow's most respected elders taking opportunity to place their views on record. The hours of testimony were translated, transcribed and edited within days of the hearings and flown by priority pouch to Dolan and Mink in Washington, D.C. At the English hearings, Dolan heard Governor Jay Hammond ask for a U.S. objection to the moratorium, placing the State of Alaska in support of Inupiat subsistence whaling rights, and the Alaska Chapter of the Sierra Club and the active Fairbanks Center for the Environment joined the Friends of Earth in support of a U.S. objection to the moratorium. Nobody testifying in Barrow supported the subsistence whaling moratorium.

**The Kotzebue Hearings** — NSB Washington, D. C. Liaison Charles Edwardsen and NSB Game Management Coordinator Dale Stotts traveled to Kotzebue with the Barrow Dancers to help organize the NANA region to testify at the EIS hearings held on September 15th. Kotzebue has a large community of people from Pt. Hope. Pt. Hope is the source of muktuk and whale meat for the Kotzebue region and southward to Unalakleet. Once aroused, the people of Kotzebue turned out to testify at the hearings, now provided with a translator. Nobody in Kotzebue testified in favor of the moratorium.

The hearing record closed September 23rd, and now the government has until the end of October to decide whether or not to file a formal objection. The NSB has planned a national public information campaign in the hopes of securing widespread political support for filing such an objection.



Michael Amarook, President of the Inuit Tapirisat of Canada, led the Canadian delegation for the Inuit Circumpolar Conference, and addressed the Conference only in Inuktitut. — photo by Roderick

**NSB JOINS WITH CHURCH GROUPS TO DETAIL ARCTIC OIL INTERESTS** — When the Interim Committee of the Inuit Circumpolar Conference met in Ottawa September 10th, it reviewed a document produced for the NSB and the ICC by the Metropolitan Ecumenical Ministry, Seattle, Oil and Gas Exploration and Development in the Circumpolar Region of Alaska, Canada and Greenland — An Analysis of corporate Involvement. Authored by Seattle management consultant Gary Mulhair, the document presents a complete analysis of all corporations and consortia with leases or permits north of the Arctic circle in North America. The study reveals that there are 217 million acres (the size of Vermont, New Hampshire, Calif., Oregon, Wash. — combined) under lease or permit by a total of 134 different firms or partnerships. Of the 217 million acres tied up, 9.6 million acres are in the Alaskan Arctic, 205 million acres are in the Canadian Arctic, and 3.1 million are in Greenland. These figures include all Arctic OCS and nearshore acreage. Ten firms own 59% of the 217 million acres.

Corporation	Nationality	Percentage
1. Sun Oil	U. S.	15.4%
2. Pan-Arctic	Canada	15.0%
3. Aquatain & Elf	France	12.3%
4. Dome Petroleum	Canada	11.4%
5. Phillips	U. S.	7.4%R
6. Gulf	U. S.	7.2%
7. Mobil	U. S.	7.0%
8. Exxon	U. S.	5.4%
9. Siebons	Canada	5.3%
10. Shell	U. S.	5.1%

The other 124 firms own small parts of the remaining 41% of the Arctic acreage under lease or exploration permit. Of the entire 134 firms in the Arctic, 111 operate in only one country; 19 operate in two countries, and only four, BP, Cities Service, Gulf and Standard, operate in all three North American Arctic countries.

The report was produced under the direction of the Rev. Charles R. White, ICC Liaison for Church Relations, Metropolitan Ecumenical Ministry, Seattle. White was formerly pastor of the Presbyterian Church in Barrow. White met in Chicago with the Presbyterian's Committee on Mission Responsibility Through Investment to discuss how the Churches might use this report to develop dialogue and communication between the Arctic oil industry and the Inuit Circumpolar Conference and the NSB. The Committee voted to help organize the top ten Arctic oil operators through direct negotiations and by voting stock and proxies at annual stockholder meetings of these oil corporations and their financing institutions. Both the NSB and the ICC seek orderly negotiations with the Arctic oil industry to develop a common set of rules for all circumpolar offshore oil and gas exploration and operations.

Those interested in obtaining a copy of this Corporate Analysis should write to the Planning Department, North Slope Borough, Box 69, Barrow, Alaska 99723.



Uvilu Doyle, NWT, was the ITC translator, shown here introducing the Baffin Island throat chanters who performed in the cultural exchange conducted in the evenings during the Inuit Circumpolar Conference.

Photo by Roderick

**OCSEAP USERS PANEL MEETS IN SEWARD** — The NOAA-funded Outer Continental Shelf Environmental Assessment Program, headquartered at the U. of A's Geophysical Institute, Fairbanks, convened a three-day meeting of the OCSEAP Users' Panel in Seward on September 19 - 21. The Users' Panel is an innovation in consumerism in which 25 representatives of local, State and Federal agencies and conservationist groups meet from time to time to be briefed on the progress of preparations for Federal OCS lease sales. The OCSEAP is working with the lower Cook Inlet area, and the Beaufort Sea coastal area.

The Users' Panel reviewed and discussed the draft Beaufort Sea Synthesis Report. NSB reviewers of this impressively-detailed 219 typed page report were impressed by an important feature: the detailing of important information gaps that need to be filled before informed decisions about environmental risk can be made.

OCSEAP staff are enthusiastic about the rich biology of the nearshore lagoon areas behind the barrier islands east from Harrison Bay, and they are discovering what the Inupiat have known all along: the great importance of the Beaufort Sea nearshore areas to the overall Arctic food chain.

The OCSEAP program is favorably viewed by NSB officials because it has taken the time to establish helpful communications with the NSB, and to include the NSB in program planning and review. NSB Mayor Eben Hopson will ask the State's new Coastal Policy Council to recognize the OCSEAP program as an important existing component necessary for Sound Coastal Zone Management.

**NSB PRODUCES FILM TO HELP IN DEFENSE OF WHALING RIGHTS** — Produced for use in the NMFS EIS hearings on bowhead subsistence whaling, *The Last Anchor* is an 8-minute film that lays out all of the important issues at stake in the bowhead whaling controversy. Produced from stock footage on hand, the film was produced by the NSB to be used in the EIS hearings, and in a national campaign to gather public support for the defense of Inupiat subsistence bowhead whaling. Available in either 16mm or 35 mm, the film is free of charge to those wishing to display it if they contact the NSB in Barrow, Box 69, or dial (907) 852-2611 or 274-2414 in Anchorage. Copies of the film have been sent to major network news agencies in the U.S., Canada and Greenland. The film is fast-moving and exciting, and contains sequences from an actual hunt, kill, and sharing of a bowhead whale. It is of professional quality, suitable for movie audiences and television stations. Copies can also be purchased for \$50.



Jean Malurie, a French Americanist Anthropologist, shown discussing the ICC agenda with Eben Hopson, was invited to observe the Conference because of his keen interest in the Circumpolar Inuit Community. He has been producing a film about the Circumpolar Inuit Community, including the Yuit of Siberia, which Malurie was permitted to photograph by the Soviet government, which traditionally has favored French Scholars with cooperation. NSB officials and ICC leaders are hoping to view Malurie's film, and to be able to use it to aid in their work. — Photo by Cysewski

**ABOUT THIS NEWSLETTER . . . .** The NSB has received many inquiries about this Newsletter. Those wishing to subscribe can get their names on our mailing list by writing to the following address:

Arctic Coastal Zone Management Newsletter  
323 East Fireweed Lane  
Anchorage, Alaska 99503

You will be placed on our computerized mailing list. So far, our mailing list has 1580 active addresses, and is received by hundreds of readers in Canada, Greenland, Denmark, and several other European countries where interest in the Arctic runs high. The purpose of the Newsletter is to describe the Arctic Coastal Zone Management politics of the North Slope Borough. Those wishing to contribute to the Newsletter should send their material to the Office of the Mayor, North Slope Borough, Box 69, Barrow, Alaska.

# STATE OF ALASKA

**DEPT. OF COMMUNITY & REGIONAL AFFAIRS**

*DIVISION OF COMMUNITY PLANNING*

*JAY S. HAMMOND, GOVERNOR*

*225 CORDOVA, BUILDING B  
ANCHORAGE, ALASKA 99501*

October 22, 1979

## DISTRICT PROGRAM GUIDEBOOK SERIES

Alaska's coast contains a wealth of resources which provide food, energy, economic opportunity, and a place to live and recreate. Coastal management is a joint effort by local, State, and federal governments and the private sector to promote wise and balanced use and protection of coastal resources. In response to the growing importance of the Alaska Coastal Management Program, the State Department of Community and Regional Affairs has prepared the enclosed set of booklets. The booklets, which are called the District Program Guidebook Series, are intended to provide information about coastal management which will be useful to local participants (called coastal resource districts) and other interested parties.

Each guidebook deals with a different part of the Alaska Coastal Management Program. The guidebooks include:

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: Key to Coordination
5. Making a District Coastal Management Program Work
6. Appendix

The first guidebook is designed to give an overview of the subject. It touches on the reasons for coastal management, discusses both federal and State coastal management laws, and briefly describes the process for preparing coastal management programs in Alaska. The second guidebook shows how local, or district, coastal management programs are prepared in more detail. The guidebook refers to pertinent sections of State regulations, which are called Standards and Guidelines for the Alaska

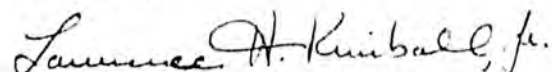
Coastal Management Program. "District" is defined, and guidelines for district programs are explained. The third guidebook provides information on ways to involve the public in preparing a district coastal management program. The fourth guidebook deals with "consistency," a new concept introduced by coastal management which requires that State and federal agencies conduct their activities in a manner which is compatible with local and State coastal management programs. The fifth guidebook describes techniques available to districts for carrying out their coastal management programs. The appendix contains the Alaska Coastal Management Act and the Standards and Guidelines for reference purposes.

The first two guidebooks and the appendix are the most basic references. If you would like additional copies of these or other guidebooks, they may be obtained by requesting them from the address above.

The guidebook series was produced through the intensive efforts of our staff and interested individuals from local governments, State and federal agencies, and the private sector. I would like to extend my thanks to all those who contributed towards the preparation of the guidebook series. I hope you will find them to be a valuable source of information.

Please be aware that much of the information contained in the guidebooks is subject to change over time. For that reason we have developed this series with the intent of expanding it to additional publications as important issues are identified and questions resolved. We will attempt to keep you up to date on new developments via the guidebook series.

Sincerely,



Lawrence H. Kimball, Jr.  
Director

# Coastal Management:

## What It Is and How It Works



Alaska Coastal Management Program

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

# Alaska Coastal Management Program

# 1

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

We would like to thank the many individuals who have offered constructive suggestions which have aided us in the preparation of these guidebooks.

This project was supported, in part, by Federal Coastal Zone Management Program Development Funds (P.L. 92-583, Sec. 305) granted to the State of Alaska by the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce. July 1979.

# Coastal Management: What it is and How it Works

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Coastal management is a joint effort by local, state, and federal governments and the private sector to manage coastal resources and promote their wise and balanced use. This guidebook is the first in a series designed to give an overview of the subject. It will touch on the reasons for coastal management and discuss both federal and State coastal management laws. Finally, it will briefly describe the process for developing coastal management programs in Alaska.

Citizens of coastal communities should be involved from the very start in all phases of their district program. This series will, we hope, prepare them to do so.

This guidebook covers the following major topics:

**Coastal Management: Why Do We Need It?**

**The Federal Coastal Zone Management Act: Where It All Began**

**The Alaska Coastal Management Program: The State's Challenge**

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## Coastal Management: Why Do We Need It?

### A Wealth of Resources

Alaska's coast contains a wealth of resources which provide food, energy, economic opportunity, and a place to live and recreate. The oil and gas, forest products, fishing, tourism, and transportation industries depend on the coastal area of Alaska, and 75% of all Alaskans live within ten miles of the coast. A few facts will show how important Alaska's coast is in economic terms.

### *Timber*

While only 16% of the State's total forested land area is coastal,<sup>1</sup> roughly 90% of potential commercial saw timber volume is within the coastal area (over 75% is in Southeast Alaska alone).<sup>2</sup>

### *Fish and Wildlife*

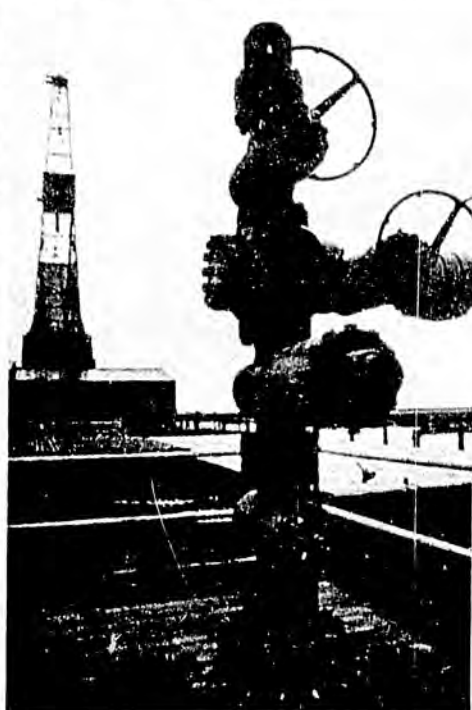
Recreation, subsistence, and commercial hunting and fishing play an important part in the lives of people using Alaska's fish and wildlife resources. As an example, the commercial fishing and processing industries had a total average monthly employment of over 11,000 in 1976 (about

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1. U.S. Forest Service, *RARE II* (Final Environmental Impact Statement), January, 1979.

2. Based on data in Arctic Environmental Information and Data Center Regional Profiles.

6,000 in seafood processing<sup>3</sup> and 5,000 in commercial fishing).<sup>4</sup> Peak figures were much higher: average employment for the month of July, 1976, was nearly 26,000.<sup>3,4</sup> Most of this employment was located in Southcentral Alaska; all was in the coastal area.



Photographs provided courtesy of the Office of Coastal Management

"The oil and gas, forest products, fishing, tourism, and transportation industries depend on the coastal area of Alaska . . ."

3. Alaska Dept. of Labor, *Statistical Quarterly*, 2nd Quarter, 1977.

4. George Rogers, "Commercial Fish Harvesting Employment Statewide - 1976" (Preliminary Estimates Provided 8/16/78). Unpublished table prepared for the Institute of Social and Economic Research, University of Alaska.

5. Alaska Dept. of Commerce and Economic Development, *Alaska Visitor Industry*, March, 1978.

*Oil and gas*

Oil and gas resources in Alaska and nearby waters are important to the nation and the world. With Prudhoe Bay production reaching 1.2 million barrels per day, Alaska ranks third among oil-producing states. All of the State's production is in the coastal area, mainly in Upper Cook Inlet and Prudhoe Bay.

The State and federal governments have proposed that 25 oil and gas lease sales be held in Alaska or its offshore waters between 1979 and 1985. Most of the proposed lease sale areas are coastal.

*Transportation*

Transportation is a key part of Alaska's economy. Two facts make the coast an area of intense activity for the transportation industry: more Alaskans live on the coast than inland, and water transportation tends to cost less than overland transportation. Industries such as timber and oil and gas depend on access to the coast and on tankers, barges, or log-rafting as means of transport. Residents of coastal communities depend on water transportation to import goods and move to and from other parts of the State and country.

*Tourism*

Alaska's visitor-related firms earned \$610 million in 1975 and employed 3,965 full time and 2,994 seasonal employees.<sup>5</sup> The coastal cities of Anchorage and Juneau were among the most popular cities to visit. Other coastal areas popular among tourists were Skagway, Ketchikan, Glacier Bay, Kotzebue, Nome, and Barrow.

**Increasing and Competing  
Demands for Coastal Resources**

Demand for resources found in Alaska's coastal area is increasing as population and needs for housing, recreation, wilderness, seafood, minerals, and oil and gas all increase. As an example, oil and gas in Alaska will continue to increase in national and international importance. As of 1973, proven oil and gas resources in Alaska were 27% of total U.S. oil reserves

"Demand for resources found in Alaska's coastal area is increasing as population and needs for housing, recreation, wilderness, seafood, minerals, and oil and gas all increase. Sometimes . . . demands may compete for the same resource."



and 13% of total U.S. natural gas reserves. Furthermore, the U.S. Geological Survey estimates that oil and gas resources not yet discovered in Alaska and nearby waters amount to one-third of the total undiscovered oil and gas resources in the country.

Sometimes, however, local, State, national, and international demands may compete for the same resource. Examples of increasing demands being placed on resources surround us, and the need for balanced management is evident. National defense may call for military use of ports when ports are also needed for State and local expansion into bottomfisheries. National and international demand for oil may compete with such uses as caribou calving and rearing and whale migration, all of which are important to subsistence cultures in the Arctic. Valuable mineral resources may be present in areas which are also valued for their recreational use, and for commercial fishing.

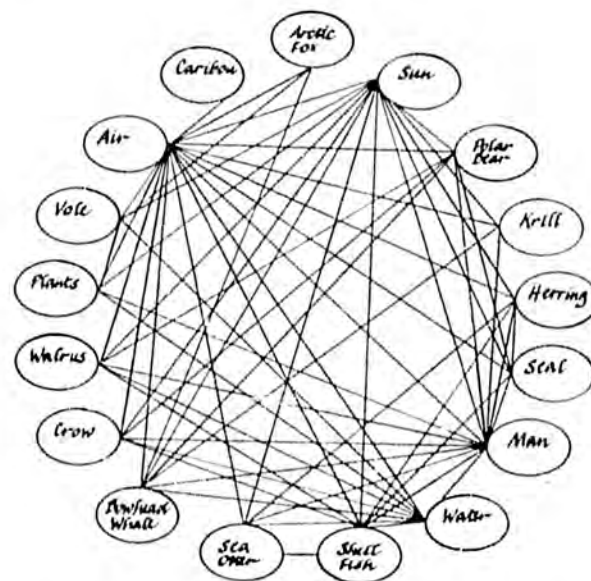
### *In summary*

Alaska's coast is of vast importance to the activities we mentioned, as well as to many we have not mentioned. However, one cannot forget that resources used by man are parts of coastal ecosystems and that these ecosystems do not function solely to serve man: they are the life-support systems for the entire living community, of which man himself is a part.

### Ecosystems and Their Limits

An ecosystem is the entire community of animals, plants, and bacteria and their physical and chemical environment. Since all parts of the system are connected, man's overuse of one part can impair other parts and thereby damage the system as a whole.

The Web of Life game shows how parts of an ecosystem depend on each other. Each player wears a sign identifying his or her part in the ecosystem. With a ball of string, each player is connected to elements directly related to that which he or she represents. Once all the related elements are connected by string, one or more players release their hold on the string to show what would happen if elements of an ecosystem were removed or severely damaged.

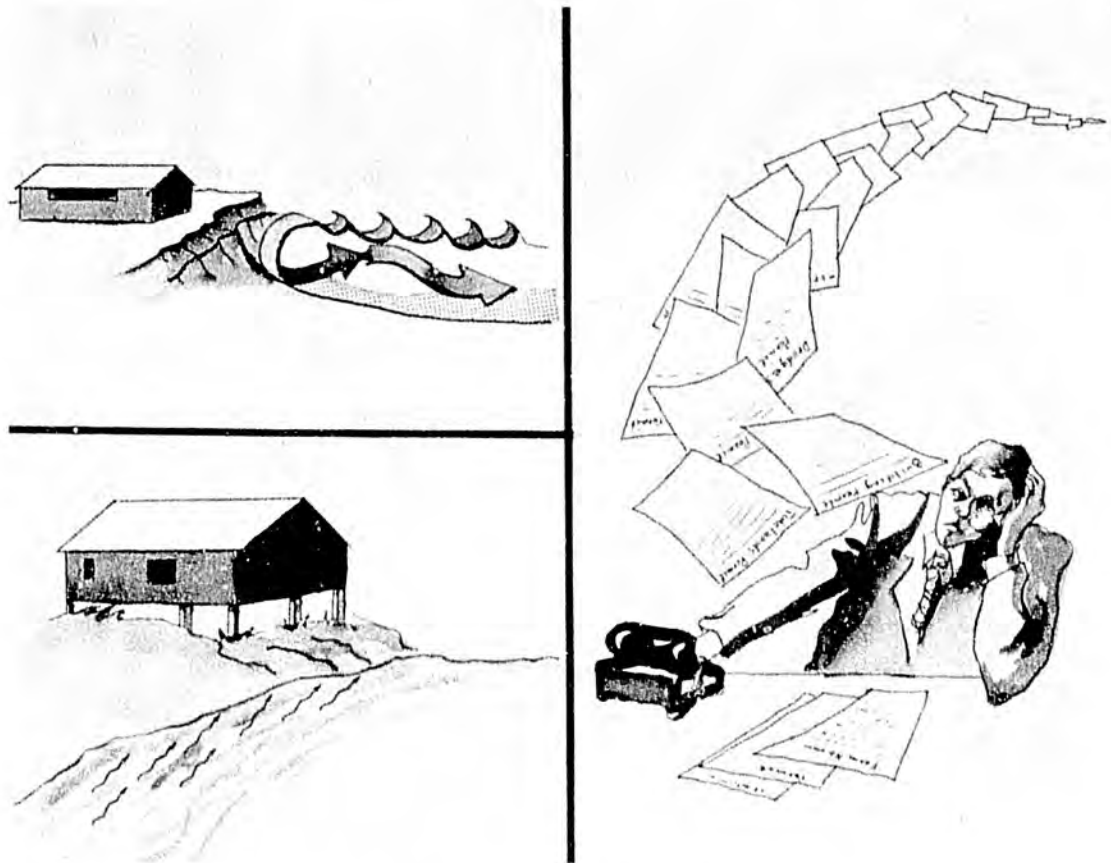


### *Bristol Bay fisheries disaster*

The 1974 Bristol Bay fisheries disaster is an example of a healthy, productive ecosystem damaged through careless management. Various factors, including over-fishing of the salmon resource, an uncontrolled high seas salmon fishery, and cold winters, caused a drastic decline in red salmon in Bristol Bay. In 1974 the fishery, which had at one time produced 22 million red salmon, was closed down and relief was sought. Stocks have since recovered.

*The need to understand coastal areas*

Preventing damage to ecosystems is a goal of coastal management; protecting human life, property, and economic well-being is also a goal of coastal management: all are achieved in part through understanding physical and biological processes of coastal areas. For example, building on well-drained, level uplands rather than in flood-prone areas can prevent unnecessary surface runoff, loss of life and property, and public expense. Similarly, discharging untreated liquid wastes into coastal waters may damage the fishery on which a coastal community depends. Such discharges might not only reduce the ability of the environment to support living resources but also injure the economic well-being of the community.



"Achieving balanced use of coastal resources is hard sometimes because there is too little control and at other times because there is so much control, duplication of effort, and uncertainty."

A Complex Problem

*Avoiding conflict . . .*

Achieving balanced use of coastal resources is hard sometimes because there is too little control and at other times because there is so much control, duplication of effort, and uncertainty. For example, a community with no land use controls would have little way of steering new buildings away from eroding shorelines or riverbanks. On the other hand, to build a port and cargo-handling facility in a borough or city which has many local ordinances, a developer may have to satisfy a large number of requirements, including those for local building permits, probably a tidelands lease or permit, a dredge and fill permit, and arrangements for power, water, and road access.

... and achieving  
coordination

**The Federal Coastal Zone  
Management Act:  
Where It All Began**

*Matching funds*

Both the federal Coastal Zone Management Act and the Alaska Coastal Management Act set up a system to coordinate federal, State, and private activities so that efforts are not duplicated and standards are consistent and known well in advance of a proposal. A coastal management program will also help us understand the results of choices we have to make when we decide how coastal areas should be used. Alaska's coastal management program, further, encourages local people to become involved in making decisions about how coastal areas should be used; in a state as varied as Alaska, where coastal regions differ greatly from each other, it is very important that local people become involved in developing their own coastal management program.

In 1972, recognizing the value of the coast and the many demands being put on coastal resources, the U.S. Congress passed the Coastal Zone Management Act. The Act calls upon states to use the nation's coastal resources in a way which protects natural systems and cultural values.

The Act provides funding to states and creates a new device known as *federal consistency*. States may choose to develop coastal management programs, but they are not required to do so. Funds are given to states on a matching basis, the states paying one dollar for every four dollars provided by the federal government. The State of Alaska provides funds to cities, boroughs, and service area boards on the same matching basis, so that they may develop local, or district, coastal management programs. District programs are described in more detail in the second guidebook.

Once a state has developed a program which is approved by the U.S. Secretary of Commerce, it may receive further funding.

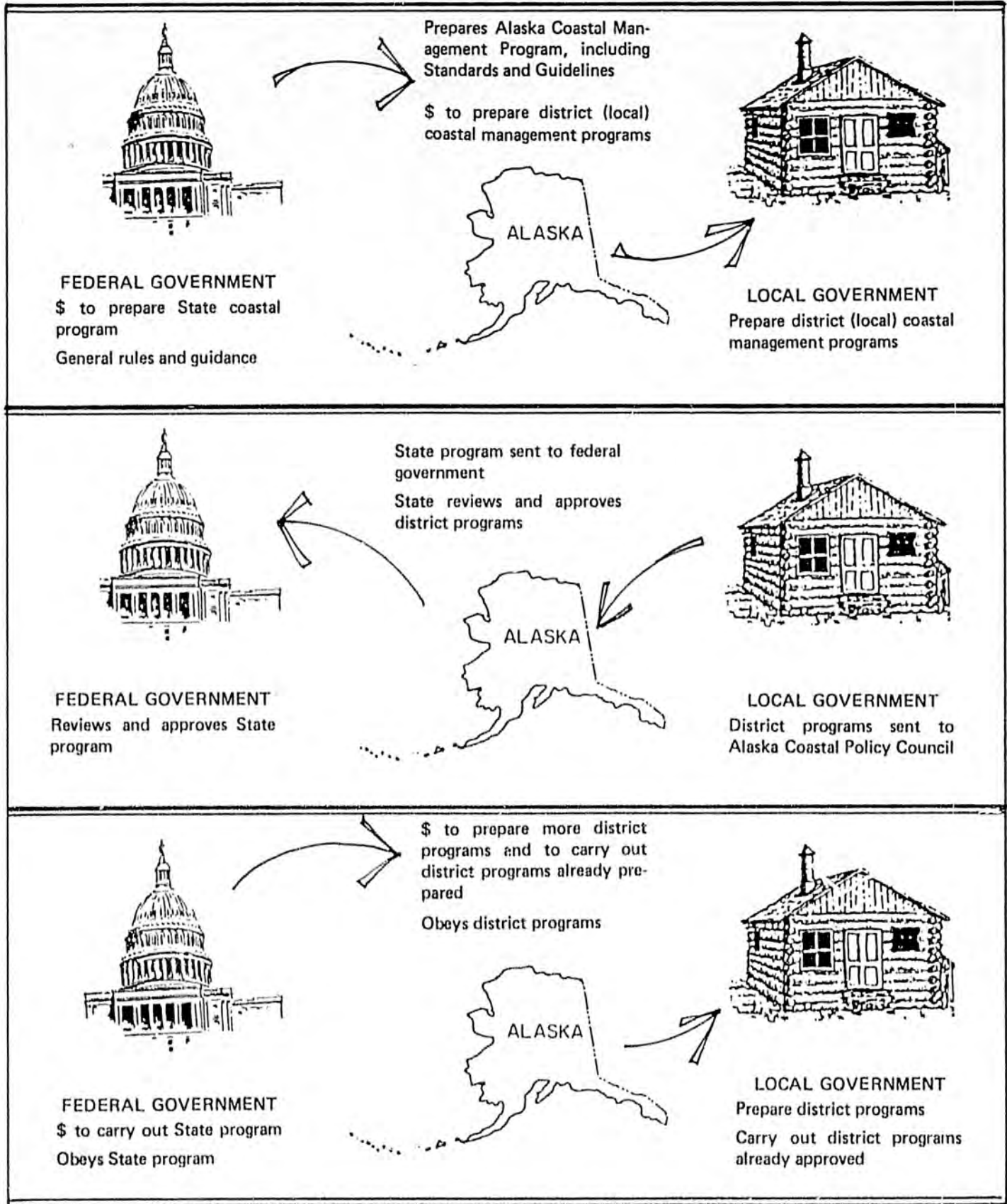
Every four dollars in federal funds  
must be matched by one dollar in  
non-federal funds.



*Federal consistency*

Also, once a state's program is approved by the U.S. Secretary of Commerce, federal actions must comply with the state coastal management program in most cases. Federal consistency may be an important new way for states and local governments to influence federal actions in coastal areas, but its value has not yet been tested. State and federal consistency is discussed more fully in the fourth guidebook.

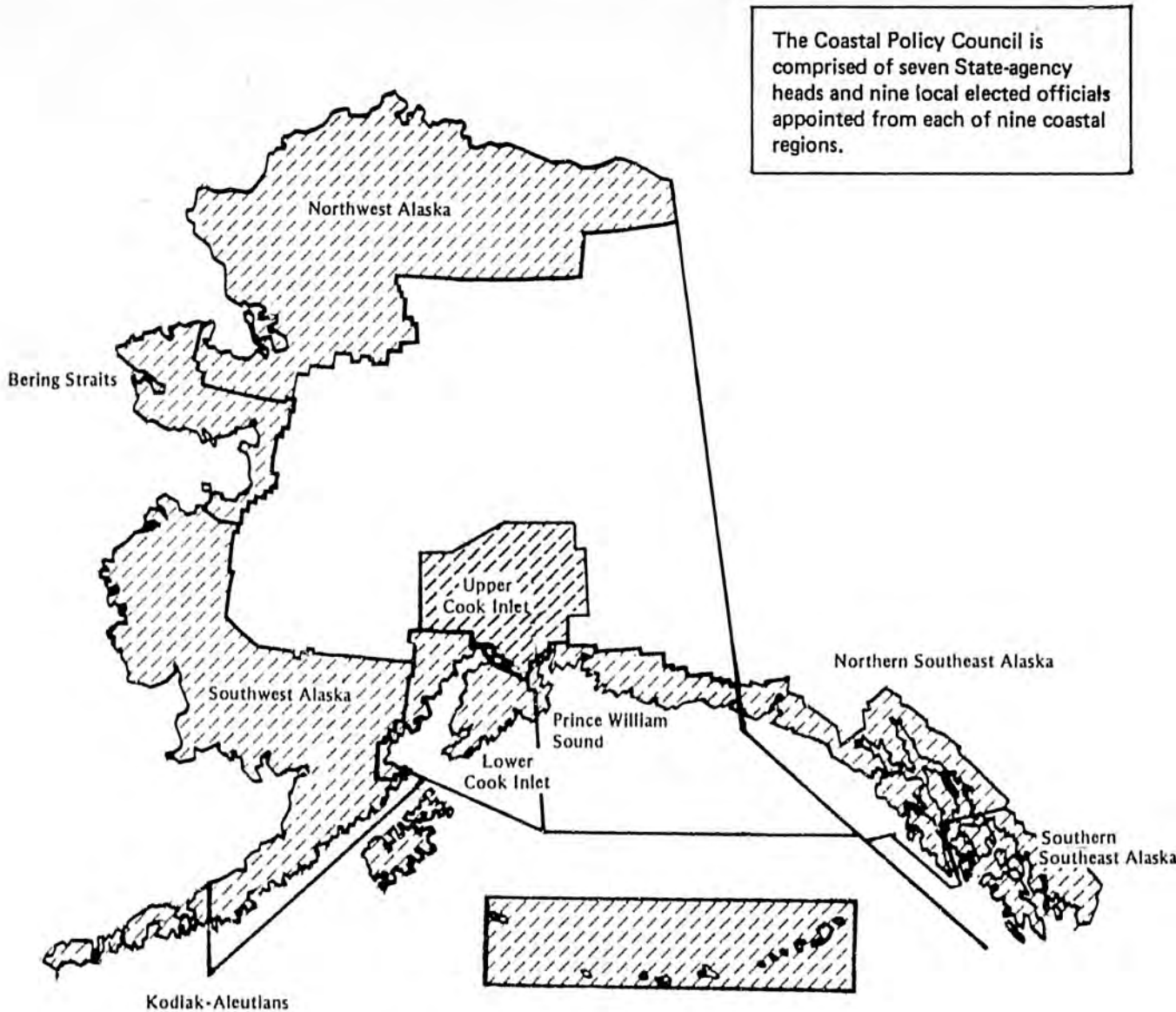
### ALASKA COASTAL MANAGEMENT PROGRAM DEVELOPMENT PROCESS



**The Alaska Coastal Management Program:  
The State's Challenge**

*Background*

In 1974, the State of Alaska began to develop a coastal management program. On June 4, 1977, the Alaska Coastal Management Act was passed by the State Legislature in response to the urgent need for better management of Alaska's coast. The Alaska Coastal Management Act, like the federal Coastal Zone Management Act, tries to balance human use of coastal resources with maintenance of natural systems.



**The Coastal Policy Council**

To guide the State coastal management program, the Alaska Coastal Management Act created a 16-member Coastal Policy Council comprised of seven State-agency heads and nine local elected officials whom the governor appointed from a list of names submitted by local officials in each of nine coastal regions defined in the Act. The Council has adopted standards for the Alaska Coastal Management Program and guidelines for developing district coastal management programs. These standards and guidelines have been approved by the legislature and adopted into the Alaska Administrative Code as regulations.

Standards and Guidelines

The standards adopted by the Council are the minimum requirements for coastal resource management. Standards have been established for coastal uses, activities, habitats, and other resources.

Uses and activities

Uses and activities to be managed in the coastal area include development, particularly in geophysical hazard areas; recreation; energy facilities; transportation and utility routes and facilities; facilities related to commercial fishing and seafood processing; timber harvest and processing; mining and mineral processing; and subsistence.

Resources

Resources to be managed in the coastal area include air, land, and water quality; and historic, prehistoric, and archaeological resources.

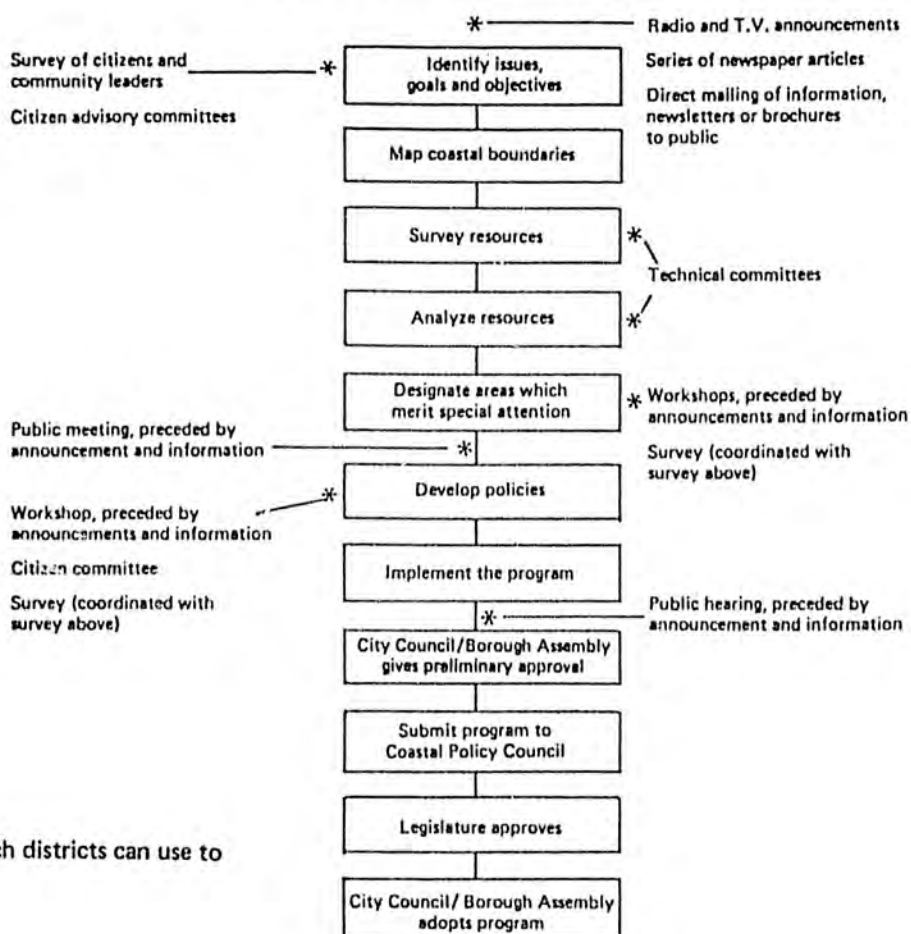
Habitats

Habitats to be managed include offshore areas; estuaries; wetlands and tideflats; rocky islands and seacliffs; barrier islands and lagoons; exposed high energy coast; rivers, streams, and lakes; and important upland habitat.

Areas meriting special attention

There is also a section on what are called *areas which merit special attention*. These areas demand greater attention because they have special values or very high development potential, or both.

FLOWCHART  
DISTRICT COASTAL MANAGEMENT PROGRAM



"The guidelines outline a planning process which districts can use to prepare their management program."

*Basic planning process*

The guidelines outline a planning process which districts can use to prepare their management program. This planning process can be simply outlined as follows: (1) define issues and state goals; (2) gather information from existing sources; (3) formulate alternative ways of reaching goals; (4) weigh alternatives; (5) decide how to use coastal areas and resources; and (6) carry out these decisions.

## District Programs

District programs will become the building blocks of the State's program.

*Coastal resource districts defined*

Coastal resource districts are defined in the Alaska Coastal Management Act (AS 46.40.210[2]) as

- unified home rule municipalities;
- organized boroughs that exercise planning authority;
- home rule and first class cities outside of boroughs that exercise planning authority;
- second class cities outside of boroughs that exercise planning authority and that have a city planning commission and, in the judgment of the Commissioner of Community and Regional Affairs, are able to develop and carry out a coastal program; and
- service areas formed in the unorganized borough for the purpose of developing and adopting a coastal management program. (A coastal resource service area may include one or more regional educational attendance areas.)

*A district's means of management*

A community can manage coastal resources by applying ordinances, including zoning and subdivision ordinances; building codes; land and water use plans; capital improvement programs; the purchase, sale, lease, or exchange of coastal land and water resources; cooperative agreements and memoranda of understanding; and coordinated project or permit review procedures. State and federal statutes and regulations may also be used to achieve wise management of coastal resources in a community.

*Consistency requirements*

The Alaska Coastal Management Act requires that State agencies comply with district programs, but it does not require agencies to turn over their management authority to districts. This means that if a State agency has authority over a resource within a district, the agency must comply with the district's coastal management program. Districts, on the other hand, cannot block agency operations without reason.

*Public involvement*

The public must be involved in all parts of a district's coastal management program. Also, districts must conduct at least two public meetings and one formal public hearing on the draft district coastal management program before the borough assembly or city council approves it.

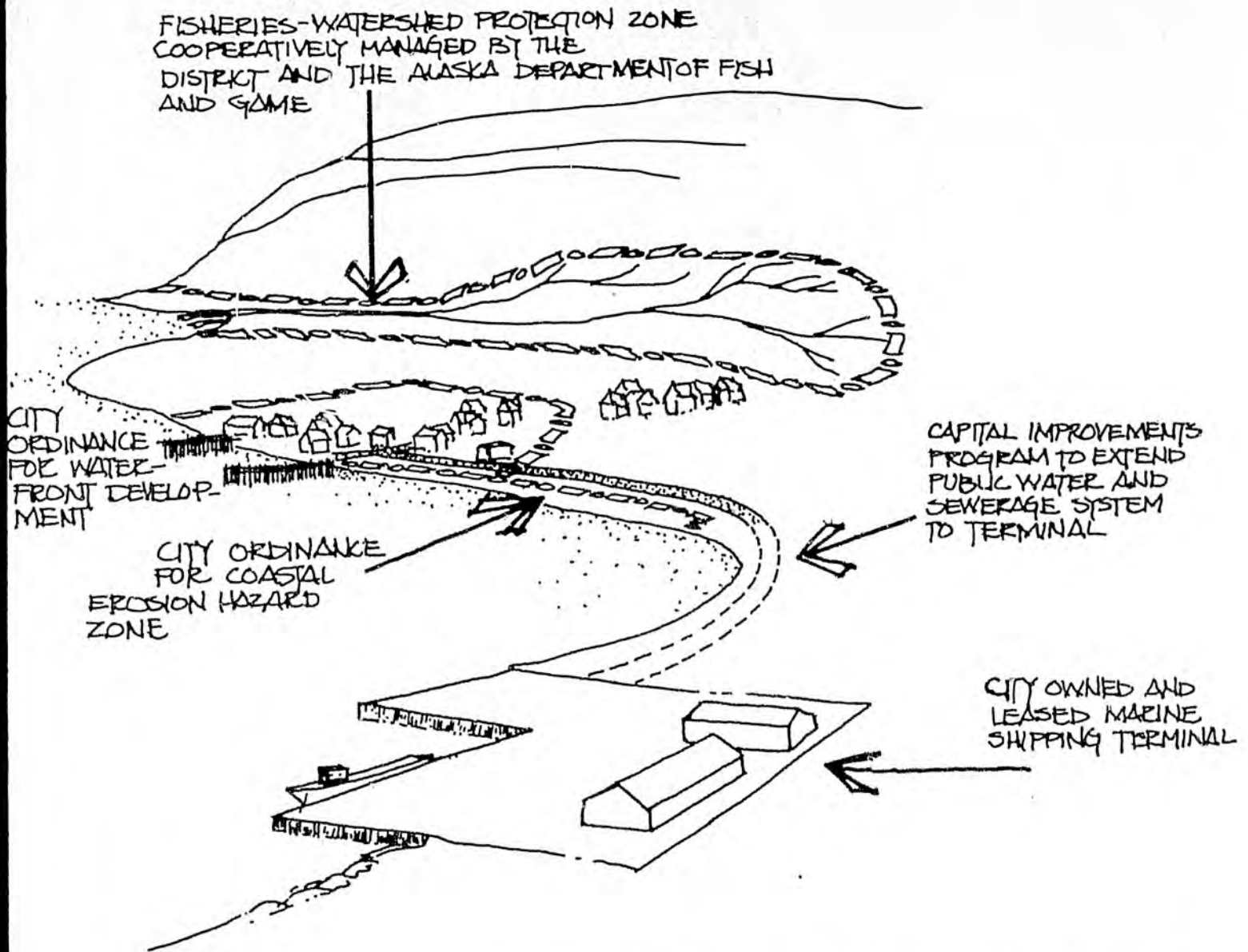
*Review and approval*

The Coastal Policy Council and the legislature will review and approve district programs before they become part of the State's coastal management program. For a more complete discussion, please refer to the second guidebook.

## Public Participation

*A high priority*

The Coastal Policy Council has placed a high priority on public participation, not only in district program development but also in its own work. The Council will provide opportunities for the public to participate in review and approval of district programs, changes in district programs, and changes in the Alaska Coastal Management Program.



The Office of Coastal Management, which furnishes staff to the Council, will provide information and educational materials concerning coastal management to the public. Such materials include coastal boundary maps prepared by the Alaska Department of Fish and Game; areas suggested for consideration as areas which merit special attention; maps showing the distribution and abundance of coastal fish and wildlife species with commercial, recreational, subsistence, or general ecological importance; and films and slide shows. For a more detailed discussion, please refer to the third guidebook.

## Contacts

THE ALASKA COASTAL POLICY COUNCIL represents you, the public, and is responsible for development of the Alaska Coastal Management Program. If you have questions or comments for Council members, you can contact them at the following addresses:

*Northwest Alaska*

- \* The Honorable Eben Hopson  
Mayor  
North Slope Borough  
Box 69  
Barrow, Alaska 99723

*Bering Straits*

- \*\*\* Mr. Stanley Anderson  
City Council Member  
Box 321  
Nome, Alaska 99762

*Southwest Alaska*

- \*\*\* The Honorable John Nicori, Sr.  
Mayor  
City of Kwethluk  
General Delivery  
Kwethluk, Alaska 99621

*Kodiak-Aleutians*

- \*\* The Honorable Betty Wallin  
Mayor  
Kodiak Island Borough  
Box 1246  
Kodiak, Alaska 99615

*Upper Cook Inlet*

- \*\* Ms. Lidia Selkregg  
Municipal Assembly Member  
Box 2217  
Anchorage, Alaska 99510

*Lower Cook Inlet*

- \*\* The Honorable Donald E. Gilman  
Mayor  
Kenai Peninsula Borough  
Box 850  
Soldotna, Alaska 99669

*Prince William Sound*

- \* Mr. Malcolm "Pete" Isleib  
City Council Member  
Box 139  
Cordova, Alaska 99574

*Northern Southeast Alaska*

- \*\* Mr. Roger Allington (Cochairman)  
Borough Assembly Member  
618 Gold Street  
Juneau, Alaska 99801

*Southern Southeast Alaska*

- \*\* The Honorable Robert Sanderson  
Mayor  
City of Hydaburg  
Box 57  
Hydaburg, Alaska 99922

*State Agencies*

Ms. Frances A. Ulmer (Cochairman)  
Director  
Policy Development & Planning  
Office of the Governor  
Pouch AD  
Juneau, Alaska 99811

The Honorable Charles Webber  
Commissioner  
Dept. of Commerce and Economic  
Development  
Pouch D  
Juneau, Alaska 99811

The Honorable Lee McAnerney  
Commissioner  
Dept. of Community and Regional  
Affairs  
Pouch B  
Juneau, Alaska 99811

The Honorable Ernst Mueller  
Commissioner  
Dept. of Environmental  
Conservation  
Pouch O  
Juneau, Alaska 99811

The Honorable Ronald O. Skoog  
Commissioner  
Dept. of Fish and Game  
Support Building  
Juneau, Alaska 99811

The Honorable Robert LeResche  
Commissioner  
Dept. of Natural Resources  
Pouch M  
Juneau, Alaska 99811

The Honorable Robert Ward  
Commissioner  
Dept. of Transportation and  
Public Facilities  
Pouch Z  
Juneau, Alaska 99811

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\* Term ends 1979

\*\* Term ends 1980

\*\*\* Term ends 1981

Public members may be reappointed.

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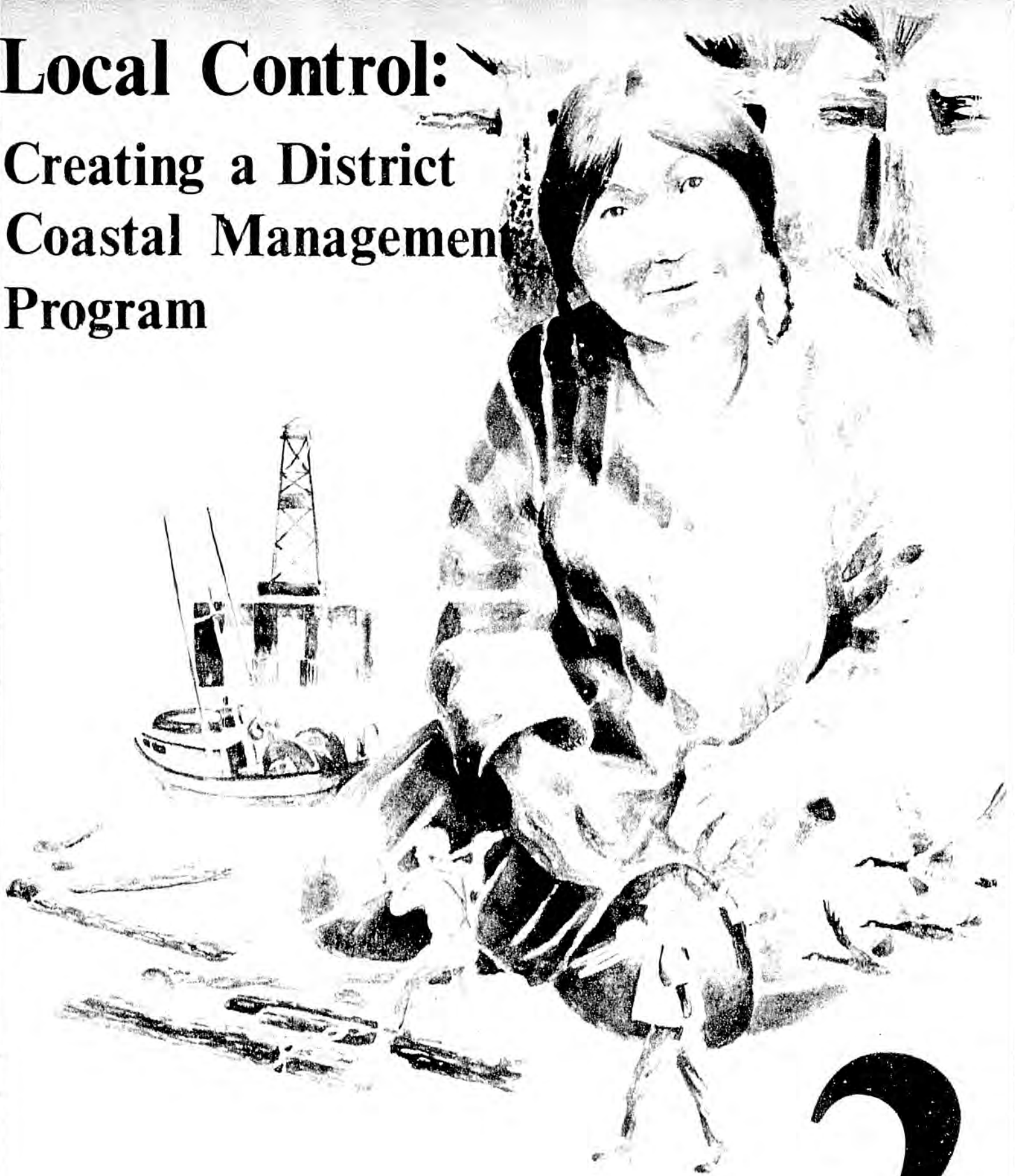
THE OFFICE OF COASTAL MANAGEMENT serves as staff to the Coastal Policy Council. Its main tasks are to act as the State's primary contact with the federal Office of Coastal Zone Management; to coordinate the State coastal management program and obtain approval of the State program from the federal Office of Coastal Zone Management; to work with the federal government on consistency requirements; to provide opportunities for public participation in the State's program; and to serve as a clearinghouse for information on Alaska's coast.

Coordinator  
Office of Coastal Management  
Policy Development and Planning  
Office of the Governor  
Pouch AP  
Juneau, Alaska 99811  
Telephone: (907) 465-3540

THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS, DIVISION OF COMMUNITY PLANNING, helps districts develop coastal management programs. Cooperatively with the Local Government Assistance Division, the Division of Community Planning also administers the Coastal Energy Impact Program (CEIP), which includes planning grants.

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

# Local Control: Creating a District Coastal Management Program



Alaska Coastal Management Program

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

2

# 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

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For additional copies and information, contact:

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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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# Local Control: Creating a District Coastal Management Program

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This is the second in a series of guidebooks on coastal management in Alaska. It shows how local, or district, coastal management programs can be prepared. To do so, this guidebook refers to pertinent sections of Chapter 6 of the Alaska Administrative Code (6 AAC). These State regulations are reproduced in the appendix to this guidebook series and are set off in the text by a small box on the right side of the page.

This Guidebook is organized around the following major topics:

**Definition of a District**

**Guidelines for District Programs**

**Submitting District Programs to the Coastal Policy Council**

**The Role of State Agencies**

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## Definition Of A District

A coastal resource district is any of the following which contains a portion of Alaska's coastal area:

- a unified home rule municipality or an organized borough that exercises planning authority;
- a home rule or first class city outside a borough that exercises planning authority;
- a second class city outside a borough that exercises planning authority, provided the city has a planning commission and, in the judgment of the Commissioner of Community and Regional Affairs, has the capability to develop and carry out a coastal program; or
- a coastal resource service area formed in the unorganized borough.

The chart on the next page shows a process a district could follow in preparing a coastal management program.

## Guidelines For District Programs

Identify Coastal Issues, Goals,  
and Objectives

*Issues . . .*

*. . . goals . . .*

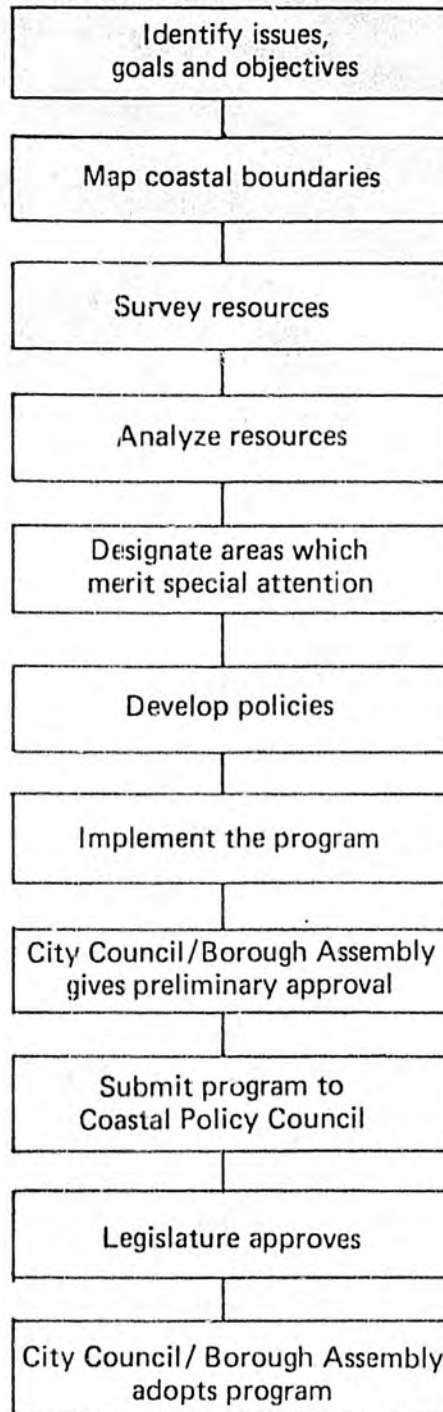
*. . . objectives*

6 AAC 85.020

An *issue* is anything which concerns the community. Issues should be identified early so that the district program can try to resolve them.

A *goal* is a general end which the community wishes to achieve. An *objective* provides more specific direction to help the community achieve its goals. Goals and objectives should be identified early to keep later work on track.

**FLOWCHART  
DISTRICT COASTAL MANAGEMENT PROGRAM**



"The guidelines outline a planning process which districts can use to prepare their management program."

Every day, persons living or working in an area discuss matters that concern them and imagine what they would like the community to become in the future. To identify issues, goals, and objectives, the community must uncover those concerns and desires for the future. Simply talking to people is one way of doing this, but unless one questions representatives of all pertinent interests in an objective manner the result may be biased or incomplete. Questionnaires, surveys, and other public participation techniques are therefore useful in defining issues, goals, and objectives. For more information on these techniques, consult the third guidebook in this series.

*Examples*

Issues	Goals	Objectives
Lack of steady employment because of fluctuating salmon harvest and little diversity in economy	A high level of employment and diverse economic opportunities	Encourage new economic activities, such as fish processing and harvest of bottom-fish
Subsistence, a valued way of life for many residents, is in increasing competition with other demands for coastal resources	An adequate resource base to support those seeking to continue a subsistence way of life	Protect salmon spawning and rearing areas
		Identify and protect areas where subsistence is the primary use
		Coordinate with other districts, State, and federal wildlife managers to insure adequate protection and availability of the wildlife resource

6 AAC 85.040

Map Coastal Boundaries

Inland and seaward coastal boundaries outline the area in which the district will *manage* uses and activities that have or are likely to have a direct and major effect on coastal waters.

*Zones of direct interaction . . .*

*. . . and direct influence*

A district should first obtain the legal description of its corporate limits (that is, the area over which the district has direct control). Second, within its corporate limits, a district must adopt boundaries for the coastal area. At the start of its program, a district must base its coastal area boundaries on the *Biophysical Boundaries for Alaska's Coastal Zone* and must include the zone of direct interaction and direct influence. The *zone of direct interaction* is that portion of the coastal area where physical and biological processes are a function of the direct contact between land and sea. The *zone of direct influence* is that portion of the coastal area which is next to the zone of direct interaction and is therefore influenced by that interaction.

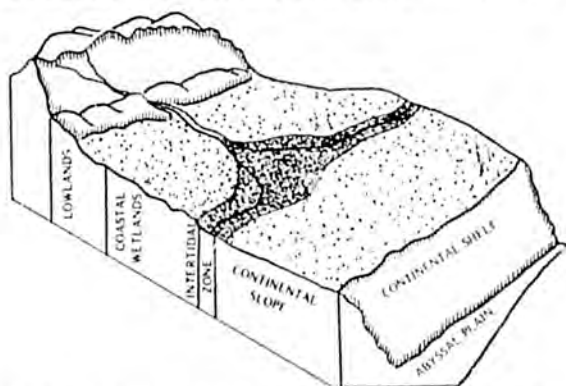
### Final boundary modification criteria

A district may change the boundaries of its coastal area if the new boundaries

- extend inland and seaward as far as is needed to manage uses and activities that have or are likely to have a direct and major effect on coastal waters; and
- include all transitional and intertidal areas, salt marshes, salt-water wetlands, islands, and beaches. (In some cases, inland portions of islands may be excluded if the islands are quite large.)

Thus, districts may draw boundaries which coincide with their political jurisdiction, watersheds, or other natural or man-made features, but only if the new boundaries meet these two conditions.

"At the start of its program, a district must base its coastal area on . . . the zone of direct interaction and direct influence."

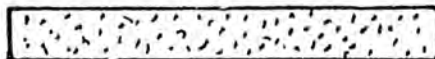


DIRECT INTERACTION

The portion of the coastal zone where physical and biological processes are a function of direct contact between land and sea has been defined as the zone of direct interaction.

This zone extends landward to the limit of waves, surf, tides, storm surges, and tsunami energy dissipation; to the limit of active calving of tidewater glaciers, coastal erosion, and mass wasting; to the limit of ice shove onto beaches; to the limit of critical shoreline habitat (e.g. seabird rookeries, marine mammal hauling out and pupping areas) and to the limit to which man-made structures along the shore are directly impacted by the dynamics of oceanic processes.

The zone extends seaward to the outer limit of the breaker zone generated by large waves, to the nearshore limit of initial mixing of land runoff and sea water, to the nearshore area within which benthic algae are anchored to the sea floor, to where ice scours the nearshore sediments, to where pack ice grinds against fast ice, to the seaward limit of seasonal beach drift and to the seaward extent of concentrated utilization of nearshore waters by nesting seabirds and marine mammals. This zone also includes nearshore rearing areas for anadromous fish, and nearshore spawning and rearing areas for marine fish and invertebrates.

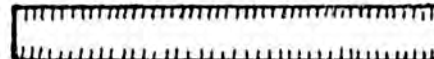


DIRECT INFLUENCE

The portion of the coastal zone extending seaward and landward from the zone of direct interaction has been termed the zone of direct influence. While this zone is not subjected to the dynamics of land/sea energy dissipation characteristic of direct interaction, it is closely affected and influenced by the close proximity between land and sea.

Landward, the zone extends to areas where coastal plant communities directly reflect the saltiness, high precipitation, or moderate temperatures of the ocean (e.g. wet tundra, marshes, Sitka spruce-hemlock forests and highbrush and floodplain alder and willow thickets), where shorebirds and waterfowl nest and feed in coastal wetlands, where certain marine mammals (e.g. belukha whales, harbor seals) frequently range inland via river systems, where anadromous fish such as salmon migrate up rivers to spawn, and where breakup conditions along the shore will induce extensive flooding of coastal lowlands.

Seaward, the zone extends to the offshore lands and waters of continental shelf where waves begin to "feel bottom" and refract in response to bathymetric features, where the brackish water initially formed nearshore seasonally controls the density structure of nearshore waters, where nutrient rich deep waters are "upwelled" along the coast, and to the extent marine species such as king crab, herring, pollock, or halibut will migrate seasonally or during a portion of their life history after utilizing the shoreline or nearshore environment for spawning or early rearing.



INDIRECT INFLUENCE

The outer portions of the coastal zone have been termed the zone of indirect influence. This zone extends to the limit where land/sea biological and physical processes are still identifiable. Within this outer zone human use activities may have a direct and significant impact on coastal processes.

Landward, this zone extends to the limit of overwintering in riverine springs by fish stocks which utilize the nearshore brackish waters in summer, and the extent of coastal watersheds which support stream habitats for anadromous fish and control the chemical and physical nature of estuaries.

Seaward, the zone of indirect influence is not easily delineated as the migrations of many coastal species are of hemispheric or global proportions. Natural phenomenon, such as the shoreward edge of oceanic boundary currents from which the net transport is directed towards the coast, and the seaward extent of a freshening of oceanic surface waters marking the transition between brackish/oceanic planktonic forms are taken as transitional criteria delineating the seaward extent of this outer zone.

Sources

Following are examples of available sources:

<p>Legal boundary descriptions for cities</p>	<p>Alaska Department of Community and Regional Affairs                  Division of Local Government Assistance                  150 Third Street (Community Building)                  Pouch B                  Juneau, Alaska 99811</p> <p>or</p> <p>225 Cordova Street, Building B                  Anchorage, Alaska 99501</p>
<p>Biophysical Boundaries for Alaska's Coastal Zone — Alaska Department of Fish and Game (The department will help districts use these maps.)</p>	<p>Arctic Environmental Information and Data Center                  707 "A" Street                  Anchorage, Alaska 99501</p>

G AAC 85.050

Survey Resources

Before a district can begin to manage coastal resources it must learn as much as it can about them — what they are, where they are located, their size, and their importance. Later, this information can be used to identify areas which hold special promise for future development or which may require special attention because of physical hazards or important habitat values.

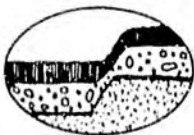
A NATURAL RESOURCE INVENTORY could include the following items:

*Topography*



Onshore and offshore land forms can be easily mapped to show such features as valleys, hills, mountains, and ledges. These features may limit the use of land or suggest new opportunities. For example, steep slopes may make building difficult and costly, and a subsea plateau may be an important area for fish rearing and feeding.

*Geology*



Through study of the geology of the coastal area a district can identify mineral resources and hazards associated with floods, earthquakes, slides, volcanoes, avalanches, erosion, and tsunami (loosely, "tidal waves").

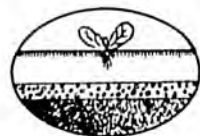
*Climate*



A survey of climatic records will give information on rain and snow, wind, sunlight, temperature, and storms.

*Water systems*

Streams, rivers, lakes, flood plains, aquifers (underground waterbearing layers), ponds, lagoons, wetlands, estuaries, and offshore waters should be mapped and described in terms of tides, currents, circulation patterns, water temperature, salinity (amount of salt), quality, flow, or potential yield. Water is vital to all forms of life in coastal areas and may limit growth in residential areas as well as in industries like seafood processing and petrochemical manufacturing. In some places, water could also be a source of energy.

*Soils*

A survey of soils provides information on their value for agriculture and timber production, their ability to support structures, the depth to water table and bedrock, and their ability to absorb wastes without harming water supplies.

*Vegetation*

By describing and mapping types of vegetation, a district can obtain information on wildlife habitat, timber resources, water table, and active hazard areas.

*Habitats*

The district should describe and map offshore areas, estuaries, wetlands and tideflats, rocky islands and sea cliffs, barrier islands and lagoons, exposed high energy coasts, rivers, streams, and lakes, and important upland habitat. The description of these habitats should include their value to people as well as to fish and wildlife and what is needed to keep them healthy, such as a steady supply of fresh water, quiet, and shade.

A CULTURAL RESOURCE INVENTORY could include the following items:

*Land and water uses*

The district program should describe present levels of human use of coastal land and water. Uses described should include coastal development, recreation, energy facilities, transportation and utilities, fish and seafood processing, timber harvest and processing, mining and mineral processing, and subsistence.

*Major land and resource ownership and management responsibility*

The district program should have a map showing who owns or has leased surface (land, water, timber) and subsurface (minerals, stream beds) resources. It should also describe who manages these resources. All parties who either own resources or manage them should be involved in developing the district program.

*Major historic, prehistoric, and archaeological resources*



These resources should be described and mapped with the aid of the State's Historic Preservation Officer (Department of Natural Resources, Division of Parks) so that Alaska's heritage is considered in the district program.

*Population*



Present population data and past trends coupled with a forecast of future employment and population-generating activities will help the district project population growth and the future demands which will be placed on coastal resources.

*Public access*



Access is of concern to people using the coast for recreation and commerce. The district should conduct a survey of public access to coastal land and water resources, and areas where public access may be needed in the future.

*Sources*

Following are examples of available sources:

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Alaska Coastal Land Status/Land Use Atlas – Alaska Department of Natural Resources

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

Bibliography of Products produced by the Alaska Office of Coastal Management – Arctic Environmental Information and Data Center

Bibliography of State Agency Information and Plans Applicable to the Coast of Alaska – Inter-Agency Regional Coastal Coordination Team, Office of the Governor, Division of Policy Development and Planning

Biophysical Boundaries for Alaska's Coastal Zone – Alaska Department of Fish and Game (The department will help districts use these maps.)

The Climatic Atlas of the Outer Continental Shelf Waters and Coastal Regions of Alaska (3 volumes)

Coastal Process Maps, with references – Alaska Department of Fish and Game (The department will help districts use these maps.)

Coastal Processes, Terrain, and Hazards – Alaska Department of Environmental Conservation

**A Fish and Wildlife Resource Inventory  
— Alaska Department of Fish and Game**

**Recreation and Heritage Resources of  
the Alaska Coastline — Alaska Department  
of Natural Resources**

**Sources of Water Pollution and Manage-  
ment in Alaska — Alaska Department  
of Environmental Conservation**

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<p><b>Climatological Summaries</b></p> <p><b>Local Climatological Data</b></p>	<p>U.S. Department of Commerce National Oceanic and Atmospheric Administration Environmental Data Service National Climatic Center Federal Building Asheville, North Carolina 28801</p>
<p><b>Geologic Maps (surficial and bedrock geology)</b></p> <p><b>Hydrologic Maps (water resources)</b></p> <p><b>Mineral Resource Maps</b></p> <p><b>Topographic Maps (refer to Index to Topographic Maps of Alaska)</b></p>	<p>Public Inquiries Office U.S. Geological Survey 508 W. Second Avenue Anchorage, Alaska 99501</p>
<p><b>Nautical Charts (refer to Nautical Chart Catalog 3)</b></p>	<p>National Oceanic &amp; Atmospheric Administration National Ocean &amp; Geodetic Survey Chart Sales and Control Data 701 "C" Street Anchorage, Alaska 99513</p>
<p><b>The Mineral Industry Location System (MILS) Data Bank</b></p>	<p>U.S. Bureau of Mines Liaison Office — Alaska 701 "C" Street Anchorage, Alaska 99513</p>
<p><b>Kardex file of all known mineral occurrences or prospects and of patented and unpatented claims on both federal and State land staked since 1953</b></p> <p><b>Land Status Plats</b></p>	<p>Alaska Department of Natural Resources Southeast District Office 206 Fourth Street (Scottish Rite Temple) Pouch M Juneau, Alaska 99811</p> <p>or</p> <p>Southcentral District Office 3327 Fairbanks Street Anchorage, Alaska 99503</p> <p>or</p> <p>Northcentral District Office 4420 Airport Way Fairbanks, Alaska 99701</p>
<p><b>Low Altitude Aerial Photographs</b></p> <p><b>Soil Surveys</b></p>	<p>U.S. Soil Conservation Service 2221 E. Northern Lights Blvd., Suite 129 Anchorage, Alaska 99504</p>

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Low Altitude Aerial Photographs	U.S. Forest Service 709 W. Ninth Street (Federal Building) Box 1628 Juneau, Alaska 99802
Soil Surveys	
High Altitude Aerial Photographs	Remote Sensing Data Library Geophysical Institute University of Alaska Fairbanks, Alaska 99701
Low Altitude Aerial Photographs	
NOAA Satellite and LANDSAT	
National Water Data Exchange (NAWDEX)	U.S. Geological Survey Water Resources Division 218 "E" Street Anchorage, Alaska 99501
Alaska Power Survey	Alaska Power Administration 709 W. Ninth Street (Federal Building) Juneau, Alaska 99802
Inventory of Potential Hydroelectric Sites in Alaska	
Low Altitude Aerial Photographs	
Flood Hazard Boundary Maps	Federal Insurance Administration 1321 Second Avenue Seattle, Washington 98101
Flood Insurance Rate Maps	
Flood Insurance Studies	
A Catalog of Waters Important for the Spawning and Migration of Anadromous Fishes	Alaska Department of Fish and Game Habitat Protection Section Support Building Juneau, Alaska 99801
Land Status Plats	U.S. Bureau of Land Management 701 "C" Street Anchorage, Alaska 99513
Townsite Plats	
Alaska Heritage Resources: Inventory	Alaska Department of Natural Resources Division of Parks 619 Warehouse Anchorage, Alaska 99501
Census Data (1970 census data is likely to be outdated, but 1980 data should be available by April 1981. After 1980, censuses in Alaska will be taken every five years.)	Alaska Department of Community and Regional Affairs Division of Local Government Assistance 150 Third Street (Community Building) Pouch B Juneau, Alaska 99811
Population Estimates for State Revenue Sharing (annual)	or 225 Cordova Street, Building B Anchorage, Alaska 99501
Statistical Quarterly	Alaska Department of Labor Research and Analysis Section Ninth Floor, State Office Building Box 1149 Juneau, Alaska 99811
Alaska Economic Trends	

**The Alaska Economic Information  
and Reporting System**

Alaska Department of Commerce and  
Economic Development  
Division of Economic Enterprise  
Ninth Floor, State Office Building  
Pouch EE  
Juneau, Alaska 99811

6 AAC 85.060

**Analyze Resources**

An analysis interprets information gathered in the inventory stage. District programs should include analyses of natural resources and habitats, cultural resources, existing land and water uses, and existing land and water management programs to help the district anticipate changes that might occur in the future and figure out how best to accommodate these changes.

*Two controlling factors*

The product of an analysis depends on the type, accuracy, and level of detail of available information and the scale of the analysis. Scale, for instance, is likely to be broader if the analysis covers an entire borough and more detailed if it centers on the waterfront area of a small community. Districts should keep these two factors in mind as they develop their process of analysis and determine the most useful products of the analyses.

*Elements and criteria*

Data can be analyzed in a number of ways. However, any analysis must include all necessary *elements* and clear and appropriate *criteria* if it is to be accurate and, above all, useful.

Elements are the parts of an analysis. Criteria are conditions of the elements which must be met to reach a certain conclusion. Examples of elements and criteria are presented in the following chart.

ELEMENTS	CRITERIA	CONCLUSION
Slope	less than 25%	
Depth to bedrock	more than 4 feet below surface	
Depth to water table	more than 4 feet below surface	Coastal uplands well-suited for residential development
Vegetation	could be easily cleared without causing erosion	
Hazards	absence of natural hazards	
Road access	existing road access	
Water, sewer, power	public water, sewer, and power available	

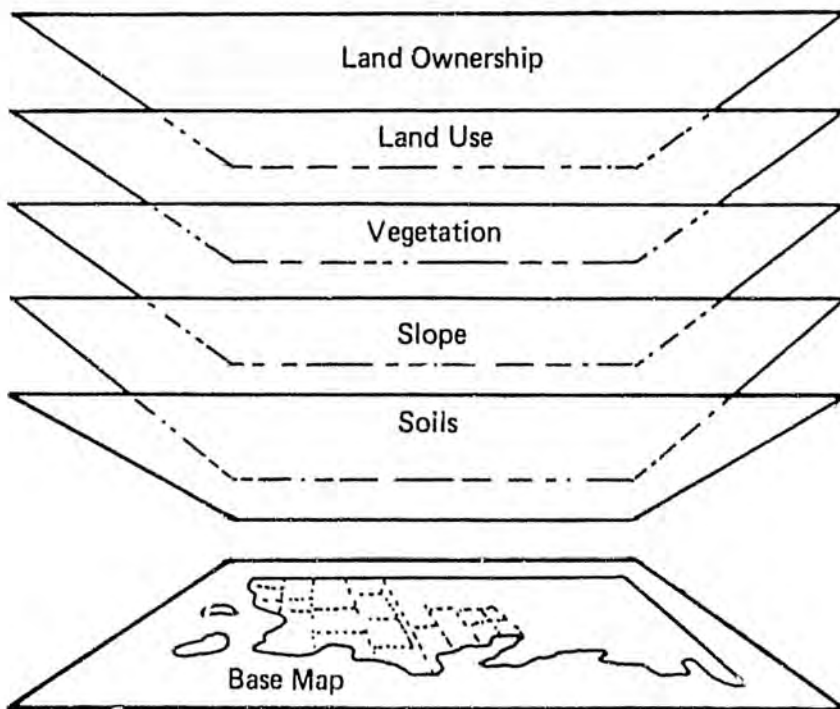
Some criteria indicate a level below which the use cannot occur. For instance, a water table at or within two feet of the surface would preclude residential development if onsite waste disposal is to be used. Likewise, the absence of minerals in commercial quantities would preclude mining as an economic activity in a district. Other criteria indicate levels which, if not met, would not preclude the activity but would call for some kind of

compensation. For example, good port facilities may be a criterion for siting a bottomfish processing plant, but if enough money were invested in building good port facilities in a community, this criterion could be met.

Each element of certain analyses could be mapped on a clear material with the criteria clearly printed in the legend. If on each map the areas which meet the criteria are colored in the lightest shade, then when all of the maps are put together the lightest areas would be those which best satisfy all the criteria.

*A method of analysis*

"Each element . . . could be mapped on a clear material with . . . the areas which meet the criteria . . . colored in the lightest shade, then when all of the maps are put together the lightest areas would be those which best satisfy all the criteria."



*Sources*

Professional planners are trained to analyze natural and cultural resource information to provide a basis for land and water management. The Division of Community Planning, Department of Community and Regional Affairs, can discuss various methods of analysis with district planners.

6 AAC 80.160

Designate or Recommend Areas Which Merit Special Attention

An area which merits special attention calls for management beyond that otherwise afforded in the district's program because it has unusual social, economic, or environmental value or because it is very sensitive to change.

*Designate . . .*

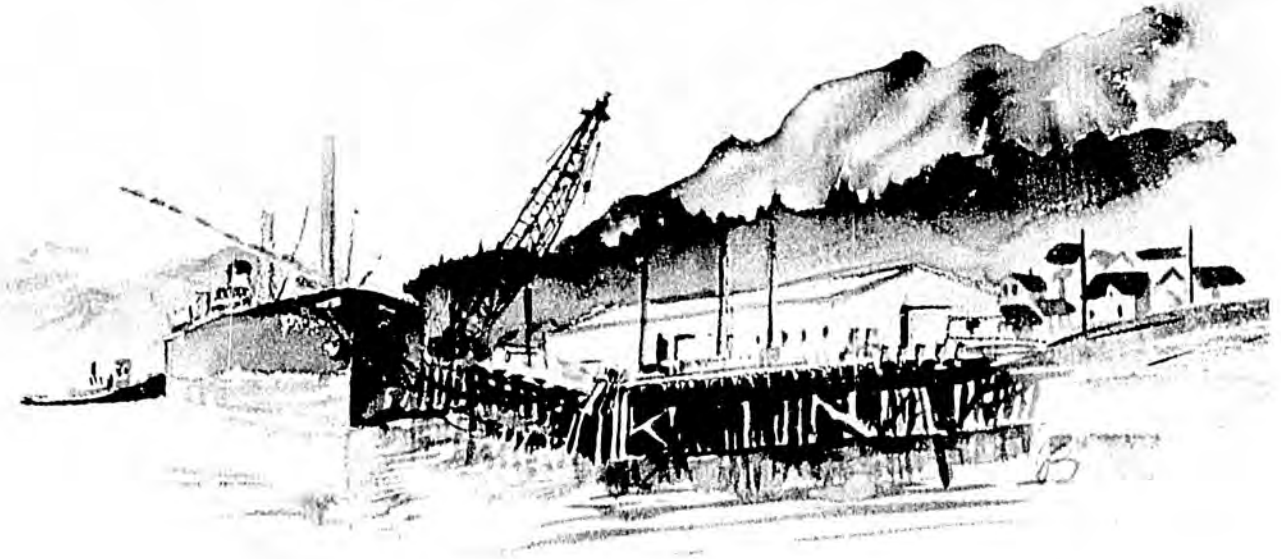
A district may *designate* areas within its boundaries as areas which merit special attention. Districts, State agencies, groups, or individuals may *recommend* areas not in districts for the Coastal Policy Council to designate as areas which merit special attention.

*. . . or recommend*

When a district designates or recommends an area which merits special attention, it must give the reason for choosing the area; map and describe it; describe who owns and controls it and adjacent areas and how they are managed; describe present or future conflicts; and submit a management plan.

*An example*

If a district has only one deep-water ice-free port site, which is also an important salmon habitat, it may wish to designate this an area which merits special attention and prepare a special management plan for the area. The plan would keep open the option for a future port and protect the salmon habitat as well.



"If a district has only one deep-water ice-free port site, which is also an important salmon habitat, it may wish to designate this an area which merits special attention and prepare a special management plan for the area."

6 AAC 85.070-.090

Develop Policies

A district's policies are guides for human activities in the coastal area. They help districts become well-informed and even-handed in deciding between competing uses of coastal resources.

*Function of policies*

Policies must address issues, goals, and objectives and comply with the standards of the Alaska Coastal Management Program. Because these standards are general, districts have flexibility in designing policies for their own management programs.

*Comprehensive . . .  
... specific*

A district's policies must be *comprehensive*, so that all uses, activities, and areas in need of management are covered. Policies should also be *specific*, so that it is clear who will be affected by the district program, how they will be affected, and whether specific proposed uses will be allowed. Finally, the policies should be *enforceable*, so that the district program can be implemented.

*... enforceable*

*Description of district program uses*

In their policies, districts must include a description of the land and water uses which are subject to the district program, the uses and activities that will be considered proper, and the uses and activities that will be considered improper within the coastal area.

*Importance of standards*

The subject uses must include at least those activities occurring in the district and for which the Coastal Policy Council has developed standards. Because the standards are so important for the policies of the district, we have included a brief discussion of them. Standards have been written for land and water uses and activities; coastal resources and habitats; and air, land, and water quality.

**6 AAC 80.040**

*Water-dependent and water-related uses and activities*

**COASTAL DEVELOPMENT.** This standard requires that top priority be given to *water-dependent* uses and activities, second priority to *water-related* uses and activities, and final priority to uses and activities which are neither water-dependent nor water-related but for which there is no prudent inland alternative location. Water-dependent activities require direct access to coastal waters. Fishing and port development are examples of water-dependent uses. Water-related activities do not require direct access to coastal waters, but without that access, the quality of goods or services they provide is reduced. Boat repair is an example of a water-related use.

*Examples*

Prime waterfront property is sometimes used for supermarkets, liquor stores, and offices, none of which depend on a coastal location. Where this occurs, uses such as air taxi services, fish processing plants, and boat repair shops may not be able to locate in the district, or they may be forced to locate in less accessible or desirable places. When districts apply this standard, they ensure that uses which need access to the coast will not be preempted by those that do not.

"Prime waterfront property is sometimes used for supermarkets, liquor stores, and offices, none of which depend on a coastal location." This photograph of the Post Office building in Ketchikan shows a non water-dependent facility sited on prime waterfront property.



Photograph courtesy of the Ketchikan Gateway Borough

Sometimes steep terrain or other natural features force development to the coast. Because coastal areas are lower than nearby uplands, systems which rely on gravity for transport of materials may benefit from a coastal location, even though they may be neither water-dependent nor water-related. For example, if a sewage treatment plant were located in coastal lowlands, the sewage system may be able to use the force of gravity to utmost advantage, thereby reducing reliance on costly and sometimes unreliable pump stations. In this instance, it may be unwise to locate the treatment plant inland.

*Dredge and fill*

The coastal development standard also says that structures placed in coastal waters and dredged or fill material discharged into them must comply with the standards in Parts 320-323, Title 33, Code of Federal Regulations. These standards are ones which must be met before the U.S. Army Corps of Engineers may issue a permit for various activities that occur in navigable waters.

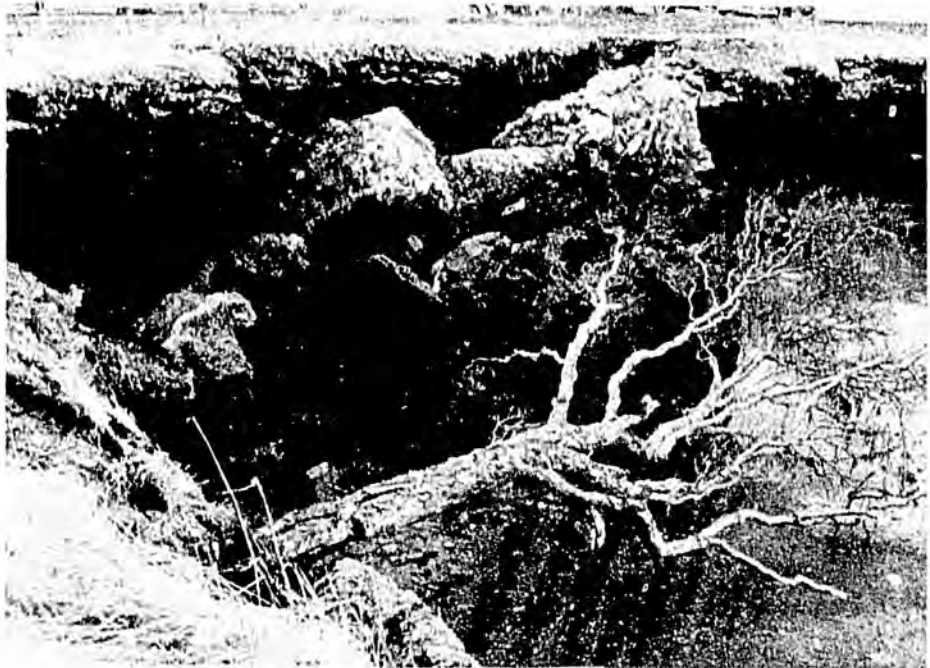
6 AAC 80.050

**GEOPHYSICAL HAZARD AREAS.** The power of natural forces in Alaska is awesome. When man and his activities are in the path of these forces, the results can be tragic and costly. The 1964 earthquake in South-central Alaska caused over \$300 million in damage and the loss of more than one hundred lives. Severe to moderate erosion problems have been reported in 46 coastal communities in Alaska, causing some of them to consider relocating to more stable, protected sites.

*Responsibility of districts*

The standard for geophysical hazard areas requires districts to identify areas subject to known hazards such as avalanches, earthquakes, tsunamis, floods, erosion, and volcanoes and also areas of high development potential where geophysical hazards may occur. Districts should channel development away from geophysical hazard areas, but where there is no choice

"The power of natural forces in Alaska is awesome. When man and his activities are in the path of these forces, the results can be tragic and costly." The photograph to the right shows erosion at Millers Landing in Lower Cook Inlet. Waves are undercutting bluffs. Erosion of bluff is encroaching on structures barely visible at the top of the photograph.



Photograph courtesy of the Division of Geological and Geophysical Surveys

districts must require that all development which locates in a known hazard area use siting, design, and building measures to reduce property damage and protect against the loss of life.

*Solutions to coastal flood hazard*

Floods have always plagued man. While we will never stop floods, there are ways to avoid or reduce damage. Structures could be raised above the highest flood level expected to occur, or kept out of the flood hazard area.



Photograph courtesy of the Alaska Department of Fish and Game

"For nearly all Alaskans, recreation is a highly valued use of coastal land and water." This photograph shows a Kenai Peninsula campground on Memorial Day weekend.

**6 AAC 80.060**

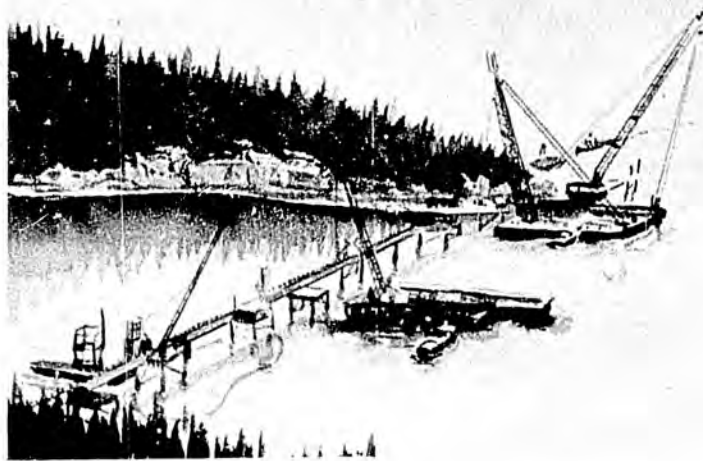
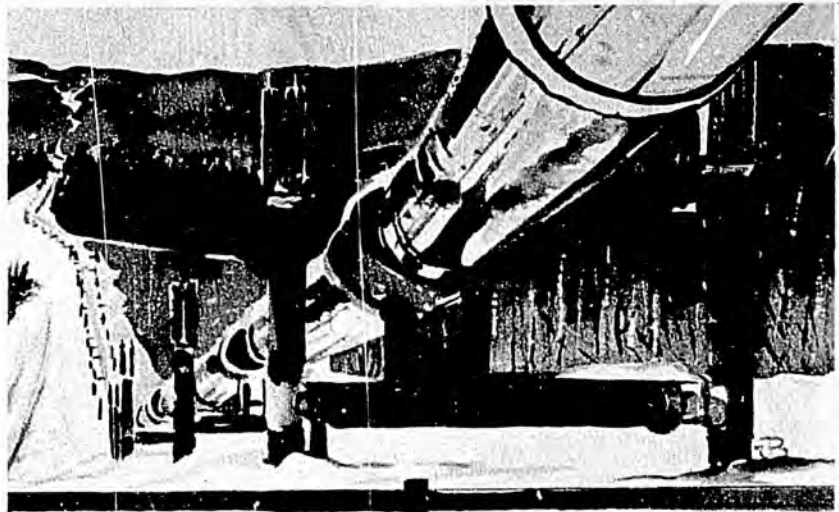
RECREATION. For nearly all Alaskans, recreation is a highly valued use of coastal land and water. The standard for recreation calls for districts to designate areas for recreational use and to maintain or increase public access to coastal waters. In this way, everyone will be able to enjoy recreation areas, beaches, and coastal waters.

**6 AAC 80.070**

ENERGY FACILITIES. Major energy facilities will affect community growth patterns, public costs, housing, land values, and environmental quality. The effects of siting an energy facility in one community may extend to other communities. For instance, to transport oil from the Prudhoe Bay field, an oil terminal was built in Valdez.

*Wide-ranging effects of energy facilities*

"Major energy facilities will affect community growth patterns, public costs, housing, land values, and environmental quality. The effects of siting an energy facility in one community may extend to other communities."



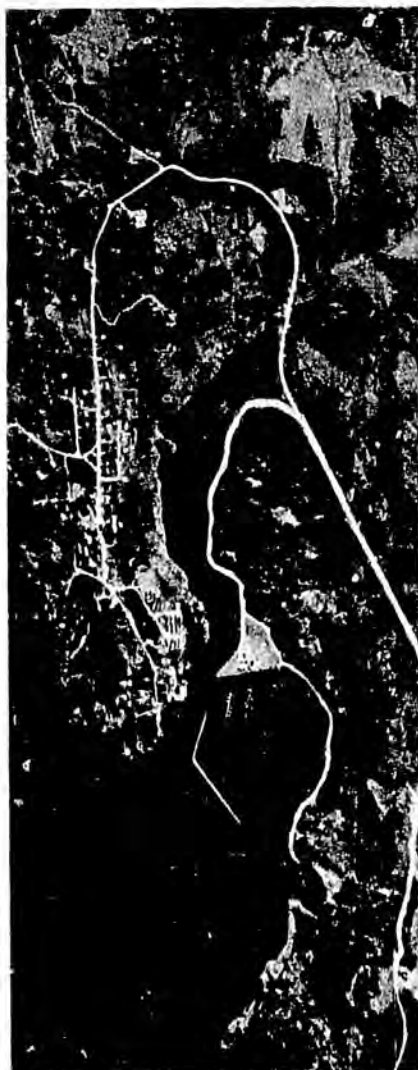
*Importance of identifying suitable sites*

The energy facilities standard requires districts and the State — in cooperation with districts — to identify sites suited for major energy facilities. Energy facilities most likely to affect Alaska's coast include the following:

- structures used to explore for and produce oil and gas
- shore bases and storage areas used to support energy development
- pipelines and rights-of-way
- facilities used to separate, treat, and store oil and gas and coal
- plants used to condense natural gas into a liquid and transport it
- ports used to transfer energy products
- yards used to build concrete platforms for offshore oil and gas production
- refineries and associated facilities
- petrochemical plants
- electric power plants, including hydroelectric projects
- transmission lines
- uranium enrichment or nuclear fuel processing facilities
- facilities used to convert energy from the earth's heat (geothermal) to power

When a district identifies a site for an energy facility, it should consider these policies:

- keep adverse effects low, but try to meet industry's needs
- see that energy facilities will be compatible with nearby land and water uses
- site facilities in one area, preferably one set aside for industrial use
- check to see if energy facilities, such as dock or storage area, could be used by the community or another company at the same time it is supporting energy development
- cooperate with landowners, developers, and federal agencies in developing facilities
- select sites with enough space to allow the facility to expand
- choose a site where roads, docks, and airstrips meet industry's needs
- select sites free from hazards to navigation
- use vessel traffic control and collision avoidance systems
- choose sites which call for little dredging, clearing, and building in productive habitats
- avoid shipping routes which would spoil fishing grounds, spawning grounds, and other productive habitats in the event of an oil spill or similar accident
- allow fish and wildlife to move freely
- protect areas of special scenic, recreational, environmental, or cultural value
- select sites where waste discharges and oil spills could be contained and their effects would be least damaging
- locate facilities where air emissions could be captured before escaping into the atmosphere
- steer industrial traffic away from population centers
- if a port site is needed, select one where new vessels will not cause overcrowding or interfere with fishing



Photograph courtesy of North Pacific Aerial Surveys, Inc.

"... unless transportation and utility routes or facilities depend on direct access to coastal waters, or there is no feasible and prudent inland alternative, they should be sited inland from beaches and shorelines." This photograph shows Sand Point's transportation routes.

*This standard's purpose*

6 AAC 80.080

**TRANSPORTATION AND UTILITIES.** Transportation and utility routes include roads, ports, ferry routes and terminals, airports, railways, rail terminals, power plants and transmission lines, and water and sewage transfer.

Transportation or utility routes or facilities on beaches or shorelines could unnecessarily cut off access to the coast by placing a physical barrier, such as a highway with chain-link fences, between residential areas and coastal recreation areas.

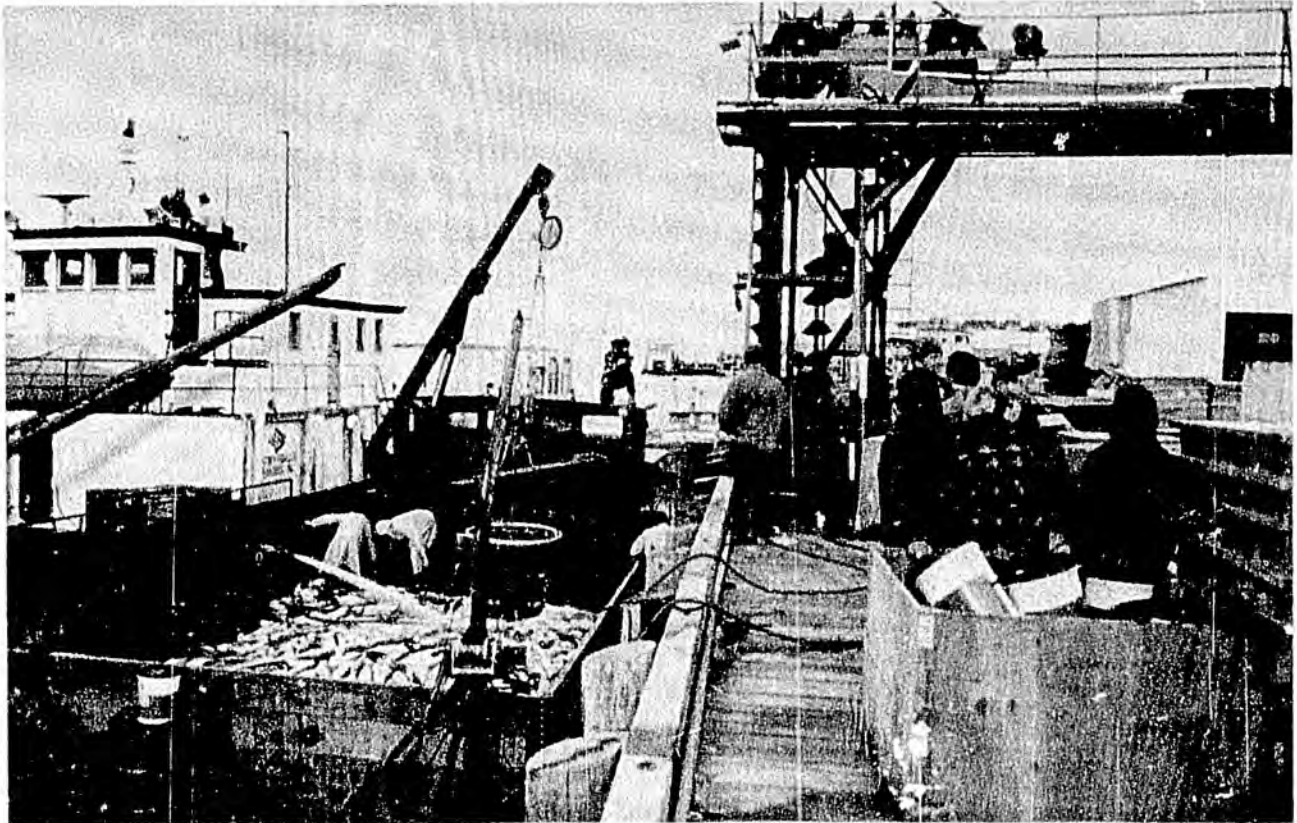
The transportation and utilities standard treats these two types of uses the same way the coastal development standard treats other coastal land and water uses. That is, unless transportation and utility routes or facilities depend on direct access to coastal waters, or there is no feasible and prudent

inland alternative, they should be sited inland from beaches and shorelines. By applying this standard, a district can reserve its coastline for activities that need to be close to water.

6 AAC 80.090

**FISH AND SEAFOOD PROCESSING.** Fish and seafood processing facilities include aquaculture facilities, hatcheries, seafood processing plants, and marine industrial and commercial facilities. The fish and seafood processing standard calls on districts to identify good coastal locations for these facilities and target them for future development.

*Certain facilities need to be on the coast*



Photograph courtesy of the Alaska Department of Fish and Game

"The fish and seafood processing standard calls on districts to identify good locations for these facilities and target them for future development." This photograph shows a seafood processing plant in Bristol Bay.

The success of a commercial operation will depend on having a suitable site which serves a productive fishing area. Suitability of the site will vary with the specific operation but will consist of such things as a protected harbor, adequate water depth at the dock, availability of good quality fresh water, level land for building, access to transportation, and existing power source or potential for self-contained power sources. Determinations of suitability must also consider the effect each activity would have on surrounding coastal habitats.

The Habitat Protection Section of the Alaska Department of Fish and Game can help districts identify potential aquaculture sites. Districts should also contact nonprofit aquaculture corporations, seafood processors, and fishermen's organizations when they develop policies under this standard.

6 AAC 80.100

*Avoiding negative impacts*

**TIMBER HARVEST AND PROCESSING.** In the southeastern and south-central parts of the State, timber harvest and processing are major sources of jobs and income. Timber harvest and processing can be designed to avoid adverse impacts on coastal environments. If not carefully designed and carried out, timber harvest may cause excessive soil movement, stream sedimentation, and stream blockages. This standard applies to commercial timber harvest and processing only.

Three policies apply to timber harvest activities:

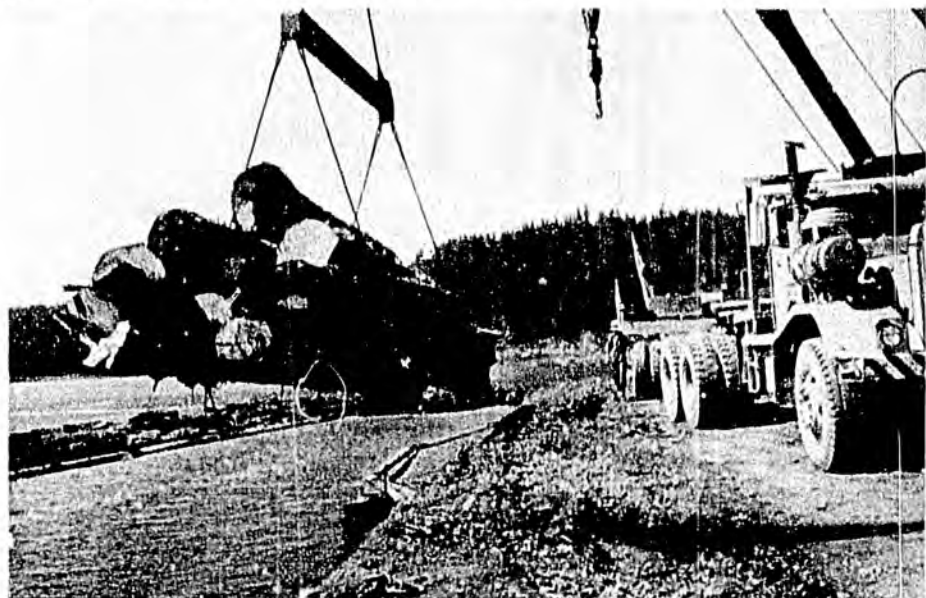
- site structures and plan logging so that adverse impacts are avoided;
- be sure fish can move freely; and
- protect streambanks and shorelines and avoid adverse impacts on fish and wildlife.

Four policies apply to timber processing:

- store logs onshore, if possible;
- site log dumping and storage areas where their adverse effects on the environment, recreation, and navigation are as low as possible, and they are safe from storms;
- plan logging roads so that they result in as little erosion and disruption as possible;
- maintain logging roads well until they are returned to their earlier condition; and
- construct the fewest possible stream crossings, and make sure those that are built can withstand high water and flooding and will allow free passage of fish.

The standards for timber harvest and processing will be replaced by regulations to be adopted under the State Forest Resources and Practices Act. These regulations will apply to timber operations on State, municipal, and private land, and may apply on federal land in some cases.

"Timber harvest and processing can be designed to avoid adverse impacts on coastal environments. If not carefully designed and carried out, timber harvest may cause excessive soil movement, stream sedimentation, and stream blockages." This photograph shows an offshore log dumping and storage area.



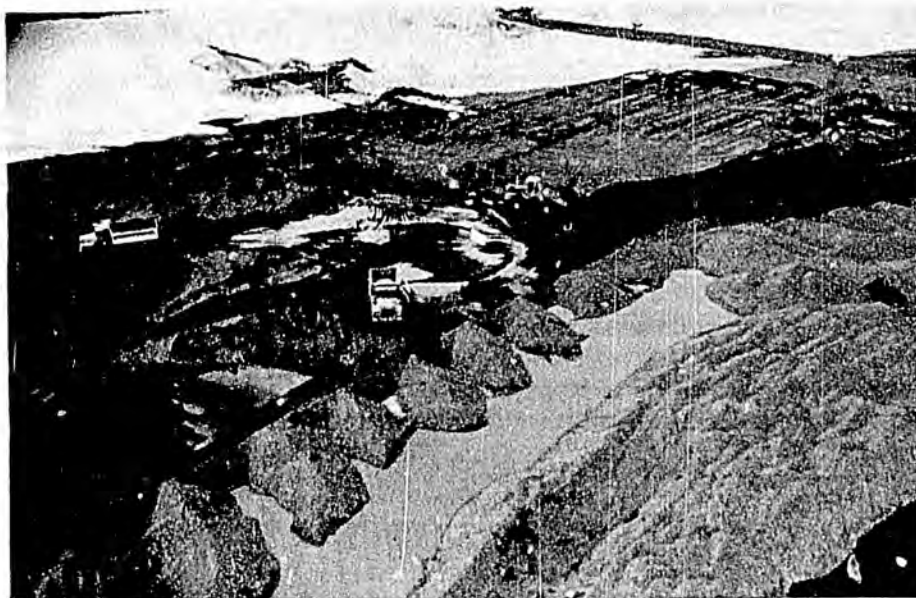
Photograph courtesy of USDA, Forest Service

6 AAC 80.110

*Requirements*

**MINING AND MINERAL PROCESSING.** This standard requires that mineral production be in accord with other standards, nearby uses and activities, regional programs, and Statewide and national needs, and that extraction of sand and gravel occur in coastal waters, intertidal areas, barrier islands, and spits only if there is no reasonable inland alternative which will meet the public need.

"Mining and associated processing are drawn to the coast for several reasons . . ." This photograph shows the Kuparuk River gravel pit on the North Slope.



Photograph by Robert Lewellen, courtesy of AEIDC

*Reasons for coastal siting*

Mining and associated processing are drawn to the coast for several reasons: (1) the location of mineral deposits in, near, or off the coast; (2) the location of communities on or near the coast; and (3) the need for access to the coast for transportation of products.

*Oil and gas*

Oil and gas are the most valuable minerals found in Alaska's coastal area. For some areas, such as Cook Inlet, Prudhoe Bay, and the Beaufort Sea, they may account for the greatest amount of mining activity.

*Sand and gravel*

Sand and gravel are the second most valuable minerals produced in the State. Sand and gravel are used for fill and concrete in most construction projects, including roads. Since the cost of transporting sand and gravel from their source to the project site increases with distance, deposits nearest the project site are usually the most desirable.

6 AAC 80.120

*A way of life . . .*

**SUBSISTENCE.** Because many Alaskans value a subsistence way of life, this standard requires that districts allow for continued use of coastal areas and resources for subsistence.

After consulting State agencies, Native organizations, and other groups, districts must identify areas where subsistence is the major use of coastal resources. Districts may then give subsistence priority over other uses and activities in these zones. If a district expects a proposed use to conflict with a subsistence zone, the effects of that use must be studied and safeguards imposed if necessary.

*Safeguards*

"Because many Alaskans value a subsistence way of life, this standard requires that districts allow for continued use of coastal areas and resources for subsistence." This photograph shows subsistence hunters towing a seal.



Photograph courtesy of the Office of Coastal Management

*Coordinating habitat management*

Fish and game species important to a subsistence life style do not respect political boundaries and some move from one area to another as their needs dictate. The subsistence standard, therefore, requires the plans of districts sharing migratory fish and game resources to agree with each other.

**6 AAC 80.130**

**HABITAT.** Habitats include offshore areas, estuaries, wetlands and tideflats, rocky islands and sea cliffs, barrier islands and lagoons, exposed high energy coasts, rivers, streams, lakes, and important upland habitat. Habitats are to be managed so as to maintain or enhance their ability to support life.

*Offshore areas*



Offshore areas must be managed as a fisheries conservation zone so as to maintain or enhance the State's sport, commercial, and subsistence fishery.

*Estuaries*



Estuaries must be managed so as to assure adequate water flow, natural circulation patterns, nutrients, and oxygen levels, and avoid discharge of toxic wastes, silt, and destruction of productive habitat.

*Wetlands and tideflats*



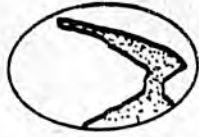
Wetlands and tideflats must be managed so as to assure adequate water flow, nutrients, and oxygen levels and to avoid adverse effects on natural drainage patterns, destruction of important habitat, and discharge of toxic substances.

*Rocky islands and seacliffs*



Rocky islands and seacliffs must be managed to as to avoid harassment of wildlife, destruction of important habitat, and introduction of competing or destructive species and predators.

*Barrier islands and lagoons*



Barrier islands and lagoons must be managed so as to maintain adequate flows of sediments, detritus (debris), and water, to avoid the alteration or redirection of wave energy which would lead to filling in lagoons or erosion of barrier islands, and to discourage activities which would decrease use of barrier islands by coastal species, including polar bears and nesting birds.

*High energy coasts*



High energy coasts must be managed by assuring the adequate mix and transport of sediments and nutrients and avoiding redirection of transport processes for these materials and wave energy.

*Rivers, streams, and lakes*



Rivers, streams, and lakes must be managed to protect natural vegetation, water quality, important fish or wildlife habitat, and natural water flow.

*Learning from other's mistakes*

Alaskans are fortunate to have many relatively untouched habitats which they can manage in a manner which can avoid mistakes made in the lower 48, where some states have lost more than half of their wetlands to parking lots, shopping centers, and landfills, and where entire fisheries are threatened by a loss of habitat.

*Flexibility of standards*

Districts may deviate from these standards for habitats and still obtain program approval if:

- there is a public need for the proposed use or activity;
- there is no feasible and prudent alternative to meet the public need for the proposed use or activity which would conform to the standards; and
- all feasible and prudent steps to conform with the standards will be taken.

**6 AAC 80.140**

**AIR, LAND, AND WATER QUALITY.** The Alaska Coastal Management Program has adopted regulations of the Department of Environmental Conservation as the standard for air, land, and water quality. Their purpose is to protect the public health and welfare from the adverse effects of air and water pollution.

*Role of the Department of Environmental Conservation*

The department's regulations can be found in Title 18 of the Alaska Administrative Code. Districts may develop their own air, land, and water quality standards as long as they have the same effect as the State's standards or aim at an even higher level of environmental quality.

6 AAC 80.150

**HISTORIC, PREHISTORIC, AND ARCHAEOLOGICAL RESOURCES.** This standard requires districts to identify areas of the coast which are important to the study, understanding, or illustration of national, State, or local history or pre-history. The object of this standard is to preserve the State's heritage to enrich present and future generations.

6 AAC 85.110, .130

**Involve the Public**

For planning to reflect the needs of people and be accepted by them, the people have to be involved in all phases of the planning process.

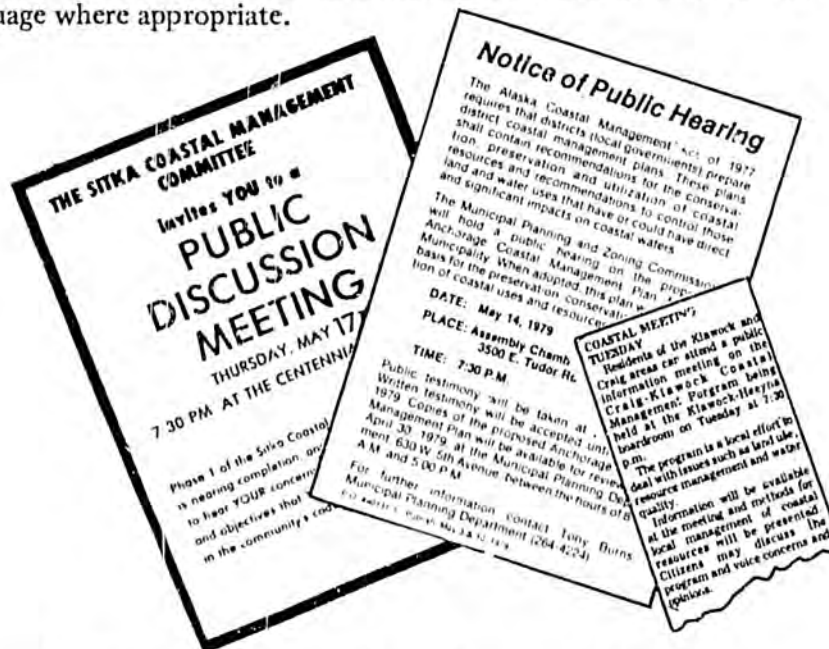
*Minimum requirements*

The Coastal Policy Council requires that at least two public meetings and one public hearing be held within a district during program development to inform the public and receive comments on the program. A summary of the matters considered at public meetings held is to be prepared by the district and made available to the public.

*Public notice*

At least 60 days before approving its program or a significant amendment to it, the district must give notice to the Coastal Policy Council, to any person who has asked to be notified, and to the general public through advertising in a newspaper of general circulation within the district, radio, and posting. The notice must state the time and place of the public hearing and where a copy of the district program document could be obtained. The public hearing must be held at least 30 days after the notice is first published. At the public hearing, interested persons present statements, orally or in writing. Statements should be translated into the Native language where appropriate.

"At least 60 days before approving its program or a significant amendment to it, the district must give notice to the Coastal Policy Council, to any person who has asked to be notified, and to the general public . . ."



*Informing the public*

Districts must also provide, at the start of the program and at each step from then on, information on the district coastal management program; how and when the public may participate in program development; what related information is available; and where this information may be obtained.

The third guidebook in this series details the many resources available to districts developing a public participation program.

6 AAC 85.140

## Coordination and Review

The Alaska Coastal Management Act and the regulations of the Alaska Coastal Management Program do not replace or reduce the authority of State agencies, but they do require that State agencies comply with approved district programs. The federal Coastal Zone Management Act requires federal agencies to comply with approved state programs and, in Alaska, also with district programs approved by the Coastal Policy Council and the State Legislature. Districts, in turn, must coordinate their efforts with those of State and federal agencies, as well as with adjoining districts. For more information on State and federal consistency, see the fourth guidebook in this series.

*Early coordination*

Early contacts between districts and State and federal agencies will help to avoid conflicts later on. The Office of Coastal Management maintains a district record file to record the exchanges; each district is also to maintain a record file.

*Coordination and review methods*

Districts will employ different means for coordination and review at the various stages of program development. At key points during program development a district should organize meetings of interested local residents, State and federal agencies, adjacent districts, and interest groups. Districts should explore the use of teleconferencing or conference telephone calls when input is desired from people who would like to attend a meeting but cannot because of the expense or the timing of the meeting.

*Getting input and feedback*

Early in the development of a district program, the district will be collecting information, so adjacent districts, agencies, and others should be asked to provide data, plans which have been adopted or are being prepared, and other pertinent information.

Later in the program, districts should request comments and then consult with reviewers to resolve differences, correct mistakes, or receive additional information.

Interested parties should also be given the opportunity to review and comment upon the final product.

Three rules of thumb are (1) to provide reviewers with an adequate explanation of what is expected of them, (2) to allow at least a month to review draft materials, and (3) to discuss ideas with them face to face.

*Sources*

The Division of Community Planning can help districts identify agency contacts and organize a working group of citizens and agency representatives to review and guide district programs.

6 AAC 85.030, .100

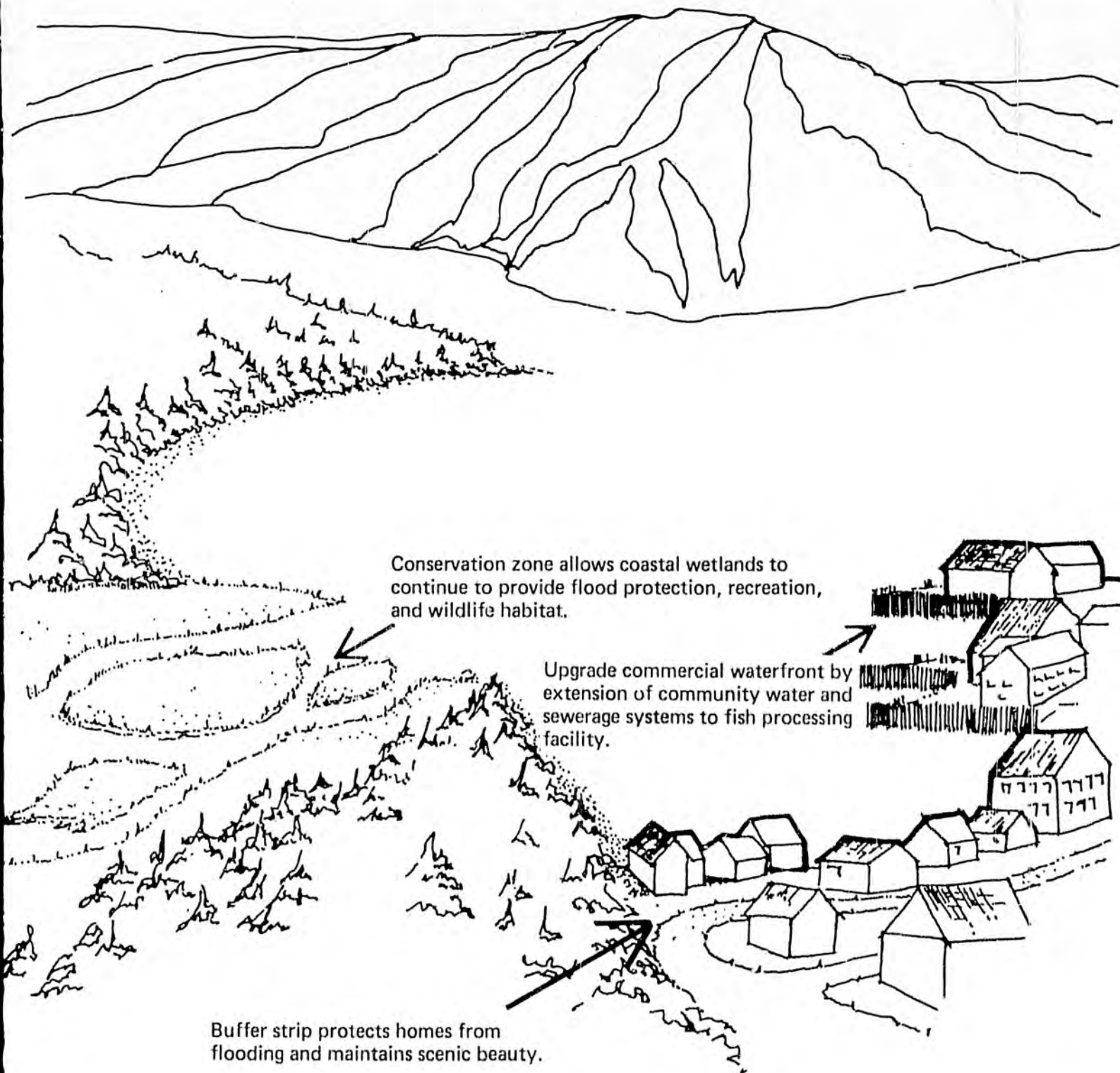
## Implement the Program

*Translating policies into actions*

A district coastal management program can be effective only to the extent that it includes a practical means of translating policies into actions. In addition to showing how its policies will be carried out, a district must demonstrate that staff and financial resources are adequate to perform the work.

*Methods*

Before approving the district program, the city council or borough assembly will want to carefully weigh recommendations and have them reviewed by the public.



Conservation zone allows coastal wetlands to continue to provide flood protection, recreation, and wildlife habitat.

Upgrade commercial waterfront by extension of community water and sewerage systems to fish processing facility.

Buffer strip protects homes from flooding and maintains scenic beauty.

"A district coastal management program can be effective only to the extent that it includes a practical means of translating policies into actions."

*Ordinances . . .*

Actions needed to implement policies may include new or streamlined ordinances. While by no means the only way a district can implement its coastal management program, zoning is one of the most powerful tools available to a community for directing growth. Districts can also use general municipal powers and, through coordination with federal and State agencies, federal and State laws and permits to implement their policies. For more information on implementation techniques, consult the fifth guidebook in this series.

*Municipal powers . . .  
and State and federal laws**Keeping in touch  
with the public*

A brief but thorough document which describes the district's policies and requirements for uses of the coastal area would give people advance knowledge of the district's recommendations. A summary of the program may achieve this purpose because of its brevity, where a lengthy technical document might prove too imposing to the casual reader.

*For example*

Development of a fish processing plant might be encouraged by extending community water and sewage systems to the site or by upgrading community-owned docking and storage facilities. Coastal wetlands which have overriding value for flood protection, recreation, wildlife habitat, and scenic beauty could be protected by zoning the wetland area and a buffer strip along its upland edge as a conservation zone. Certain uses might be permitted in the buffer strips if they did not alter the amount and quality of fresh water flow into the wetland, did not permanently disturb marsh vegetation, and if the uplands were to be revegetated after construction to stem further erosion.

*Sources*

The Division of Community Planning, Department of Community and Regional Affairs, can provide assistance upon request to communities wishing to draft ordinances or prepare other methods to implement their coastal management programs.

6 AAC 85.120, .150

**Submit District Programs  
to the Coastal Policy Council***Compliance with the  
standards and guidelines*

To maintain Statewide consistency, districts must comply with the standards and guidelines of the Alaska Coastal Management Program. The Council and the legislature are required by law to review and approve or reject district programs according to the standards and guidelines of the Alaska Coastal Management Program.

*After conceptual  
approval . . .  
. . . submitting to  
the Council . . .*

When a district program or major amendment to a program is approved by the district, the program or amendment, together with a transcript or recording of public hearings held and all other material on which the district based its decision, must be submitted to the Council.

All major amendments to the district program must be submitted to the Council for approval. The Office of Coastal Management will review proposed amendments to determine if Council approval is required. A Council member may request Council review of this determination.

Districts are to approve their programs and major amendments to them prior to submitting them to the Council. The district program as approved by the Council and State Legislature goes into effect when the district adopts it.



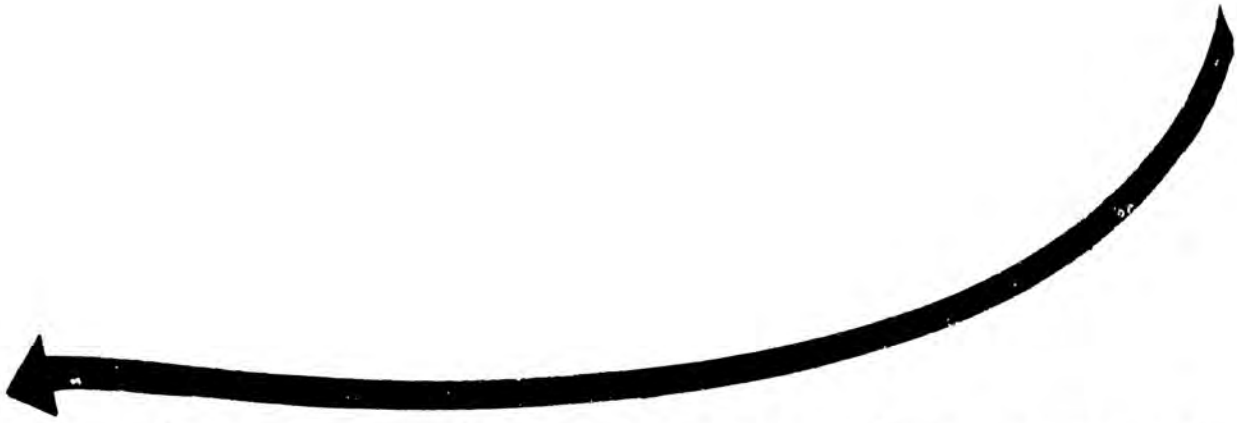
District gives public notice.



No sooner than 30 days, district holds public hearing.



No sooner than 60 days, district gives conceptual approval to program or significant amendment and submits it, together with transcript of public hearing, to Coastal Policy Council (CPC).



CPC receives district program or significant amendment.

Within 30 days, Office of Coastal Management (OCM) issues recommendation and gives public notice.

Within 30 days, any person may comment to CPC on recommendation.

Within 10 days after deadline for comments to CPC, OCM may submit additional information to CPC in response to comments.

Within the next 20 days, CPC approves or disapproves district program, in whole or in part.

(OCM responds to all comments within 30 days of receipt.)

*Office of Coastal Management recommendation*

Within 30 days after the district submits its program or amendment, the Office of Coastal Management will issue a recommendation. The recommendation will be broadly publicized and sent to the district, the Council, all persons who testified or submitted written statements at the public hearing(s), and anyone else who asked to receive such recommendations.

*Record file maintained*

A record file containing all matter submitted by the district, the Office of Coastal Management's recommendation, and all matters on which the recommendation was based will be maintained at the Office of Coastal Management and at a convenient location within the district. The record file should show that the public, State and federal agencies, and other interested parties have been given the chance to be involved in all elements of the district program as required by the standards and guidelines of the Alaska Coastal Management Program. The record file must also show the district's response to suggested changes, giving reasons for its actions.

*Deadlines*

Persons who submitted oral or written statements have 30 days to comment on the recommendation. The Office of Coastal Management then has 30 days to respond to these comments. The Coastal Policy Council has 20 days from this deadline to approve or reject the district program or parts of it. If the Council rejects all or part of a district program, mediation is to be initiated to resolve differences between the district and council.

If differences are not resolved through mediation, the Council, within 20 days after determining an impasse has been reached, is to call for a public hearing to resolve differences.

If a program takes more than one year to develop, the district must submit a brief annual progress report to the Coastal Policy Council. Following adoption of the district program, districts must submit to the Council a brief annual progress report concerning program implementation.

**The Role of State Agencies**

THE OFFICE OF COASTAL MANAGEMENT serves as staff to the Coastal Policy Council. Its main tasks are to (1) aid the Council in overseeing the Alaska Coastal Management Program and (2) act as a link between the State and the federal Office of Coastal Zone Management.

Coordinator  
Office of Coastal Management  
Policy Development and Planning  
Office of the Governor  
Pouch AP  
Juneau, Alaska 99811  
Telephone: (907) 465-3540

THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT can provide information on industrial and commercial development criteria and sites. With the Department of Environmental Conservation,

the department has developed the *Permit Directory*, which gives details about State and federal permits issued in Alaska.

Director  
Division of Economic Enterprise  
Department of Commerce and Economic Development  
Pouch EE  
Juneau, Alaska 99811  
Telephone: (907) 465-2020

THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS, DIVISION OF COMMUNITY PLANNING, assists communities in developing district coastal management programs by providing technical assistance and making grants. Grants require a local matching share.

Director  
Division of Community Planning  
Department of Community and Regional Affairs  
225 Cordova Street, Building B  
Anchorage, Alaska 99501  
Telephone: (907) 279-3636

THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, with the Department of Commerce and Economic Development, developed the *Permit Directory* which describes State and federal permits issued in Alaska. The department's water quality regulations have been adopted as the coastal management standards for air, land, and water quality. Department staff provide technical assistance to districts in dealing with such issues as solid waste management on-site sewage disposal, and extension of water and sewage systems. The department also participated in writing the "Coastal Land and Water Uses Guide."

Director  
Planning and Program Coordination  
Department of Environmental Conservation  
Pouch O  
Juneau, Alaska 99811  
Telephone: (907) 465-2672

THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES is involved in regional planning for transportation facilities and in construction of State facilities.

Director of Transportation Planning  
Department of Transportation and Public Facilities  
Pouch Z  
Juneau, Alaska 99811  
Telephone: (907) 465-2740

Central Regional Transportation Planning Manager  
Department of Transportation and Public Facilities  
4111 Aviation Avenue  
Pouch 6900  
Anchorage, Alaska 99502  
Telephone: (907) 266-1450

Interior Regional Transportation Planning Manager  
Department of Transportation and Public Facilities  
University Plaza East, Suite 1  
600 University Avenue  
Fairbanks, Alaska 99701  
Telephone: (907) 452-1911

Southeastern Regional Transportation Planning Manager  
Department of Transportation and Public Facilities  
6860 Glacier Highway  
Box 3-100  
Juneau, Alaska 99802  
Telephone: (907) 789-0841

Western Regional Transportation Planning Manager  
Department of Transportation and Public Facilities  
Box 220  
Nome, Alaska 99762  
Telephone: (907) 443-5266

THE DEPARTMENT OF FISH AND GAME has developed coastal process maps and coastal boundary maps for all of Alaska's coast and will assist districts in interpreting them. The maps include a list of further references. The department is also involved in writing the "Coastal Land and Water Uses Guide." The department provides information on the distribution, abundance, and relative value of fisheries and wildlife and their habitat. Technical assistance is available to districts to explore ways to manage or improve habitats.

Coordinator  
Marine and Coastal Habitat Management Project  
Habitat Protection Section  
Department of Fish and Game  
333 Raspberry Road  
Anchorage, Alaska 99502  
Telephone: (907) 349-3211

THE DEPARTMENT OF NATURAL RESOURCES can provide information and technical assistance on land status, land use, and State policies; classification, planning, and management of State lands; permits, leases, and material sales on State lands; acquisition and disposal of State lands; forest practices, timber sales, and policies on State lands; water resources and permits; agricultural potential and leases; geological information such as mineral potential and geophysical hazard areas (earthquakes, tsunamis [tidal wave], volcanoes, flooding, erosion, avalanches, landslides, and effects of ice); State parks, archaeological, prehistoric, and historic sites, recreational areas, shoreline access, scenic and scientific areas; and oil and gas potential and leases on State land. The department is involved in writing the "Coastal Land and Water Uses Guide." It is also drafting forest practices regulations. These regulations, when complete, will become the standard for timber harvest and processing. The department is planning for and classifying State lands, many of which are within or near districts.

Director  
Division of Research and Development  
Department of Natural Resources  
323 E. Fourth Avenue  
Anchorage, Alaska 99501  
Telephone: (907) 279-5577

# Guide to Public Involvement



**Alaska Coastal Management Program**

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

3

# 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

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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**

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## **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.

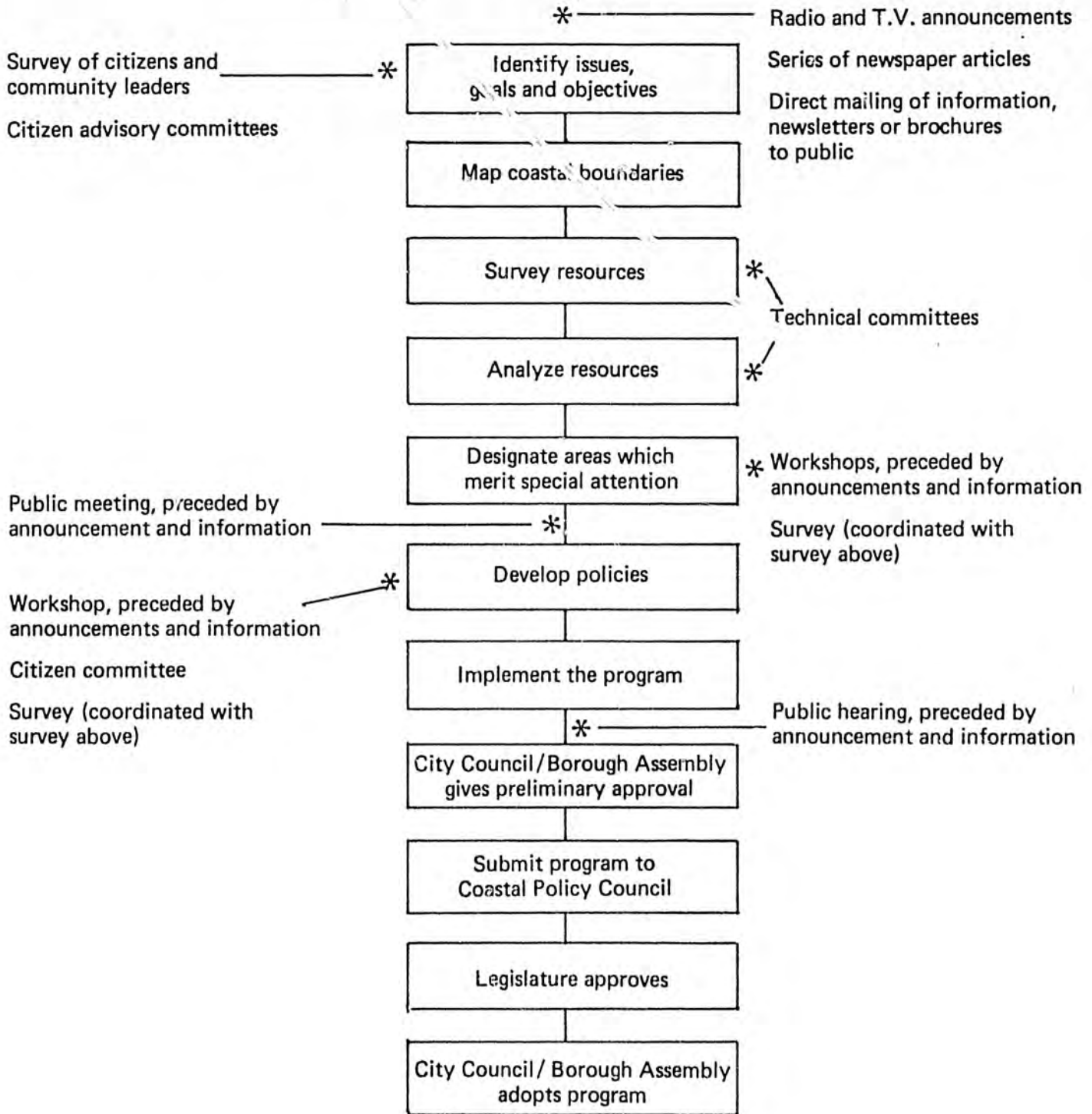
*Examples . . .  
Announcements*

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:

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COMMERCIAL RADIO STATIONS

KAMC  
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

Newspapers

Advantages: almost everyone reads newspapers

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..."

**Cordovans gather to discuss first draft of CZM plan**  
 Eighteen Cordovan... According to Lovett, city representatives felt that zoning regulations should not prevent private owners from...  
**Planners Critique Coastal Zone Regs**  
 By CRAIG MEDHEZ  
 Empire Staff Reporter  
 The environmental review of a management program has been sharply criticized by some members of the Juneau City Planning Commission...  
**Fat of Local Coast Under Study**  
 By JODI STEPHENS  
 Daily News Reporter  
 In an 80-minute meeting Monday night, the Anchorage Planning Commission...  
**Coastal zone plan approved by panel**  
 By JODI STEPHENS  
 Daily News Reporter  
 In an 80-minute meeting Monday night, the Anchorage Planning Commission...  
**Complain of government interference**  
**Resider is testify on use of coast**  
 By MARIE DAILEY  
 Staff Writer  
 "I feel there's a somethin' goin' on here," said one woman...  
**Public Hearing Tonight On Coastal Uses**  
 The committee is made up of...  
**Public Input Wanted**  
 The Coastal Planning Commission...  
**Coastal Zone Management is subject of May 14 hearing**  
 The Anchorage Planning and Zoning Commission will hold a public hearing on a proposal for a Municipal Coastal Management Plan April 14...  
**The City and Borough of Juneau cordially invites you to a PUBLIC DISCUSSION of the JUNEAU COASTAL MANAGEMENT PROGRAM**  
 Opportunity for you to participate in the conservation of your community's program of conservation of its coastal resources.

*People, materials,  
and costs*

Space in a newspaper may be free or obtained at a small cost. A news-worthy 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:

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Anchorage Daily News Box 1660 Anchorage, Alaska 99510	Cheechako News Drawer O Kenai, Alaska 99611
Anchorage Daily Times Box 40 Anchorage, Alaska 99510	Peninsula Clarion Box 1341 Kenai, Alaska 99611
Alaska Journal of Commerce 715 "L" Street Anchorage, Alaska 99501	Ketchikan Daily News Box 79 Ketchikan, Alaska 99901
Tundra Times 639 "I" Street Anchorage, Alaska 99501	New Alaskan Route 1, Box 677 Ketchikan, Alaska 99901
Tundra Drums Box 468 Bethel, Alaska 99559	Southeastern Log Box 79 Ketchikan, Alaska 99901
Cook Inlet Courier Box 687 Chugiak, Alaska 99567	Kodiak Times Box 631 Kodiak, Alaska 99615
Cordova Times Box 200 Cordova, Alaska 99574	Kodiak Daily Mirror Box 1307 Kodiak, Alaska 99615
Chugiak-Eagle River Star Box 1007 Eagle River, Alaska 99577	Kodiak Fish Wrapper Box 2516 Kodiak, Alaska 99615
Lynn Canal News Box 637 Haines, Alaska 99827	Caribou News Box 726 Kotzebue, Alaska 99572
Homer News Box 254 Homer, Alaska 99603	Bering Straights Box 968 Nome, Alaska 99762
Southeast Alaska Empire 235 Second Street Juneau, Alaska 99801	Nome Nugget Box 610 Nome, Alaska 99762
Totem Times Box 196 Hoonah, Alaska 99829	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

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## 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."

**NORTH SLOPE BOROUGH**  
P. O. BOX 48  
BARROW, ALASKA 99723  
TELEPHONE (907) 852 2411

**ARCTIC COASTAL ZONE MANAGEMENT PROGRAM**

**THE ARCTIC COASTAL ZONE MANAGEMENT NEWSLETTER**  
Issue No. Eight  
Date: December 1977

**Alaska Today**  
Yate-ne Tla Athlakame Nataramme

**THE ARCTIC COASTAL ZONE MANAGEMENT PROGRAM**

**OUTER CONTINENTAL SHELF**

**Caribou**  
Issue No. Sixteen

**WHALERS FACE-OFF OPPONENTS IN TOKYO FOR IWC SHOWDOWN**

**ARCTIC RADIO NEWS PROGRAM AVAILABLE**

**Alaskan Whalers Meet Japanese Whalers in Tokyo**

**Alaska Today**, a weekly 10-minute news broadcast is now being produced by the North Slope Borough. The purpose of the program is to familiarize listeners with the major problems facing those living in the Arctic, for example, oil and gas development, land claims issues, fish and game management, and subsistence lifestyles. The program is aimed at audiences both throughout Alaska and outside.

"Alaska Today" is currently being presented on KHAR in Anchorage Sundays at 9:00 p.m. and is being made available to commercial and regional radio stations. The first four programs are entitled "The Story of Oil in Alaska," "The Pipeline and Management and the Alaskan Village," "Energy Development and Small Communities," and "The development and Advocacy Planning Associates." The program is being produced under the direction of Marty Strauss of Advocacy Planning Associates. Mr. Strauss is a former VISTA worker with the Mauneluk Association where he worked as an environmental planner.

Stations interested in presenting the program should contact "Alaska Today," 610 11 Street, Anchorage, AK 99501, or call 907-271-2411.

At a hearing two residents came up in support of that program. The few caribou have "Anaktuvuk" is important to help staff organized Pass November Finkler and Herb Melby.

Government wanted to bargain increased sperm whale commercial quotas for a bowhead subsistence quota, and it was not clear that the Inupiat community should have anything to do with the Tokyo meeting. Some felt that Inupiat participation in the Tokyo IWC meeting would amount to de facto recognition of IWC jurisdiction over Inupiat subsistence whaling, especially if commercial quotas were to be traded for subsistence quotas. It wasn't until the last week in November that the delegation should attend the meeting. It was learned that the IWC's Scientific Committee had met earlier in Australia to reconsider the low North Pacific Sperm Whale quotas set at the regular meeting of the IWC in Sperm Whale population. Apparently the IWC had used biological data from the more depleted South Pacific Sperm Whale population for determining the maximum sustainable yield from the less depleted North Pacific Sperm Whale population, and the result was a quota reduction from 7,600 in 1976-77 to only 763 for 1977-78, a figure that would wipe out the Japanese and Russian Pacific whaling industry. Toward the end of November, it was announced that the IWC's Scientific Committee had recommended a North Pacific sperm whale quota of 6,444, only a 10% reduction from the 1976 quota.

Earlier NSH impressions were that the Japanese Government wanted to bargain increased sperm whale commercial quotas for a bowhead subsistence quota, and it was not clear that the Inupiat community should have anything to do with the Tokyo meeting. Some felt that Inupiat participation in the Tokyo IWC meeting would amount to de facto recognition of IWC jurisdiction over Inupiat subsistence whaling, especially if commercial quotas were to be traded for subsistence quotas.

NSH Strategy Takes Whalers to Tokyo When NSB Mayor Elva Hopson met with Vice President Walter Mondale at the White House on November 14, he was told that the U.S. would try to make up for its failure to file an objection to the IWC bowhead subsistence whaling moratorium by convincing the IWC to lift the moratorium at its special meeting on December 6th in Tokyo.

Earlier NSH impressions were that the Japanese Government wanted to bargain increased sperm whale commercial quotas for a bowhead subsistence quota, and it was not clear that the Inupiat community should have anything to do with the Tokyo meeting. Some felt that Inupiat participation in the Tokyo IWC meeting would amount to de facto recognition of IWC jurisdiction over Inupiat subsistence whaling, especially if commercial quotas were to be traded for subsistence quotas.

## 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.

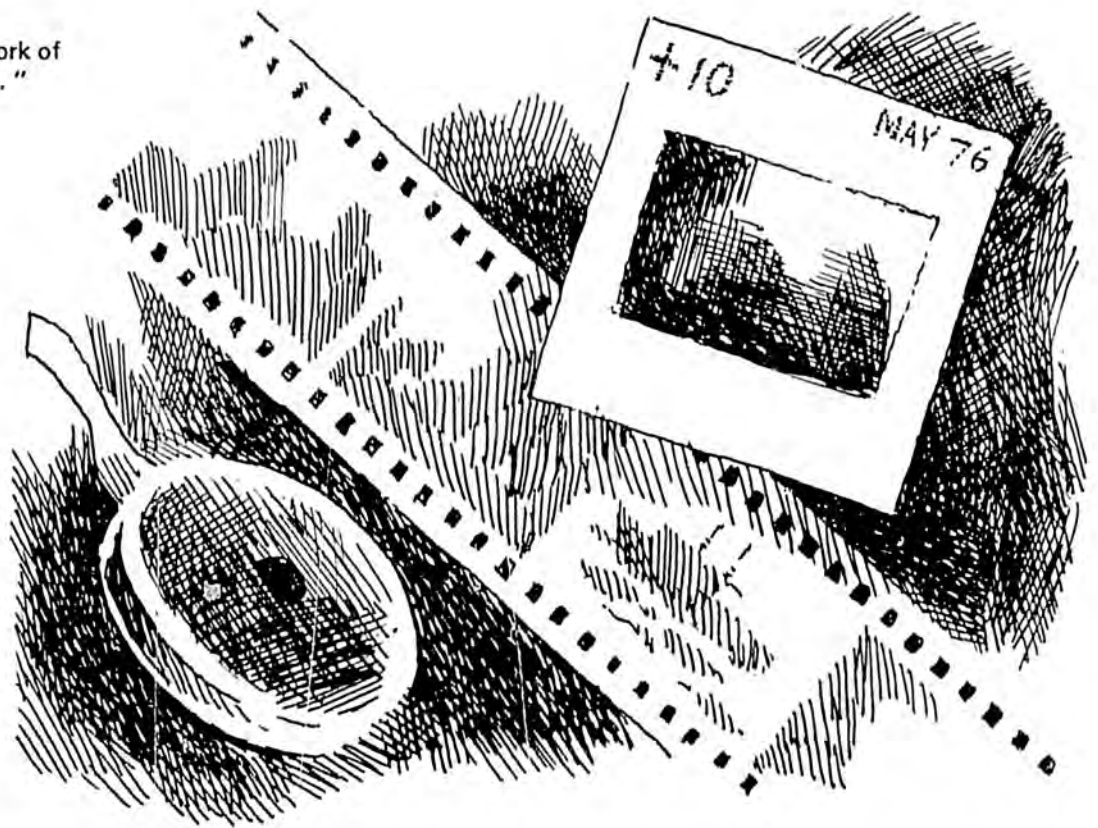
### *Example: a slide show*

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 ..."



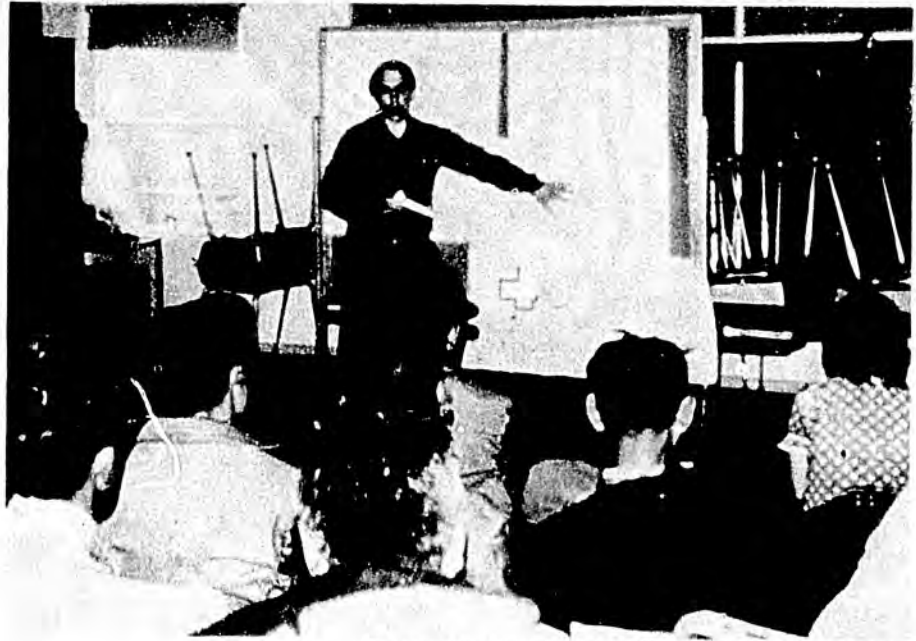
## Visual Displays and Information Site Visits

*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

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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

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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."

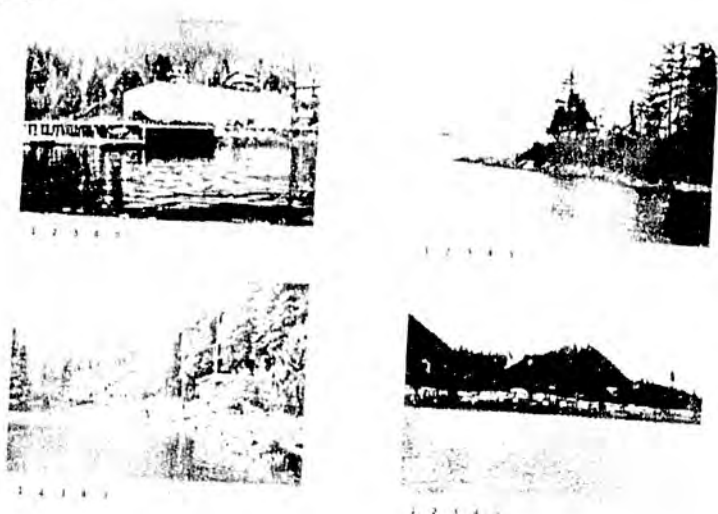
2. Assuming growth and development will occur in the City and Borough of Sitka, which of the following do you prefer? (Check one of each pair.)

- mobile home parks
  - fish cold storage
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
- or
- apartment buildings
  - oil tank farms or docks
  - boat harbors
  - hotels and restaurants
  - 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.)

Area	Values						
	recreational	wildlife	scenic	historical/ cultural	residential	commercial/ industrial	subsistence
Starrigavin Bay	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Crescent Harbor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sawmill Creek	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sitka National Monument	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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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**

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## **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.

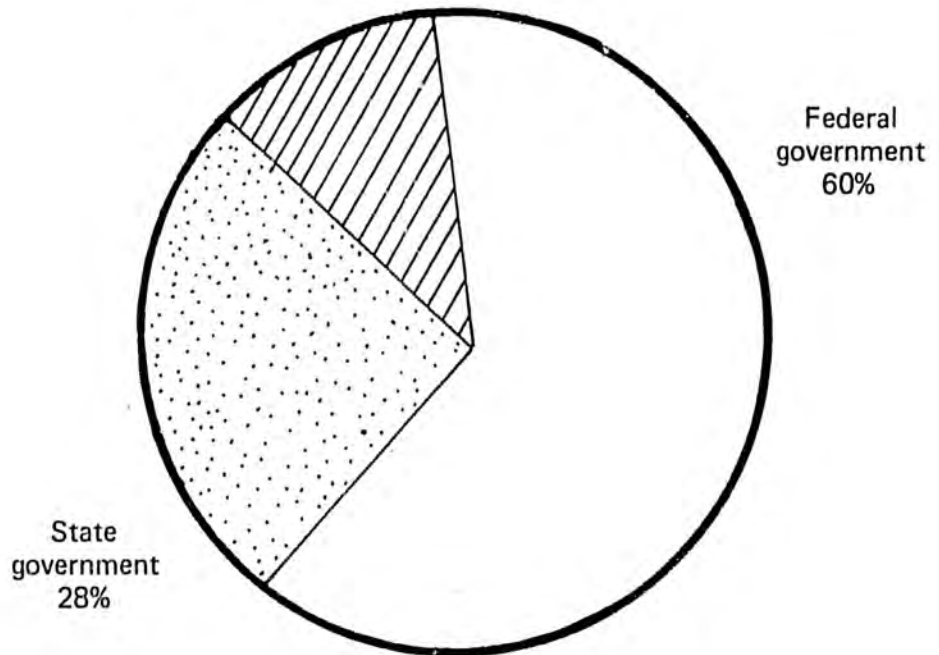
**Who Owns Alaska's Lands?**

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 ..."

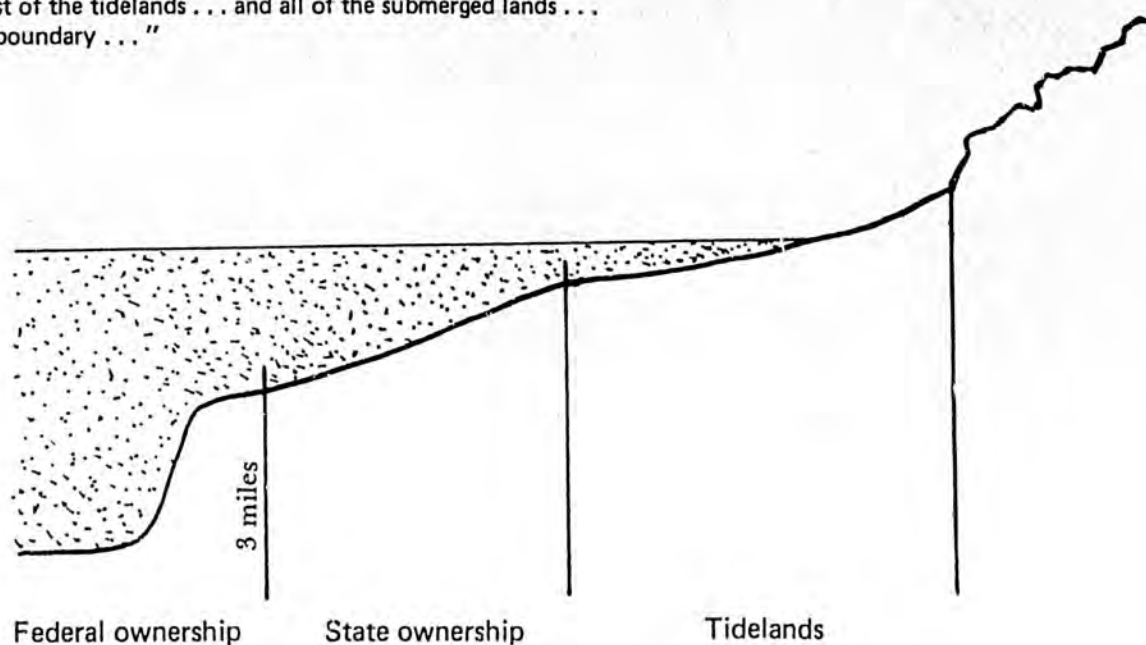
Private entities or  
Local governments  
12%



*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.

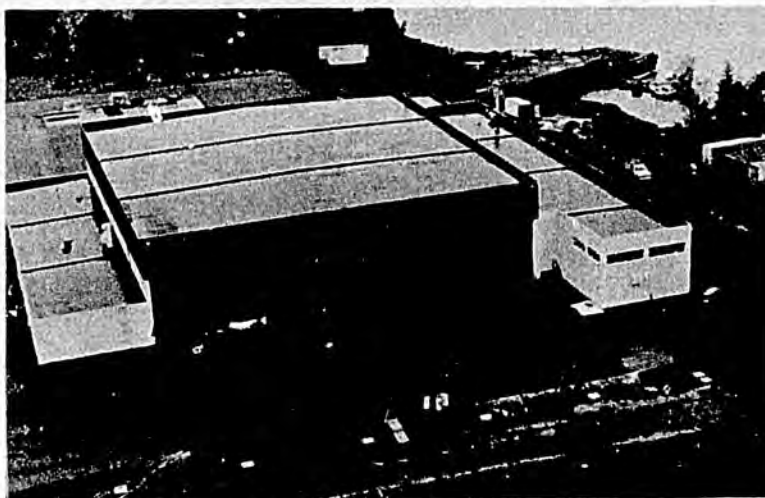
*District programs . . .*

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.

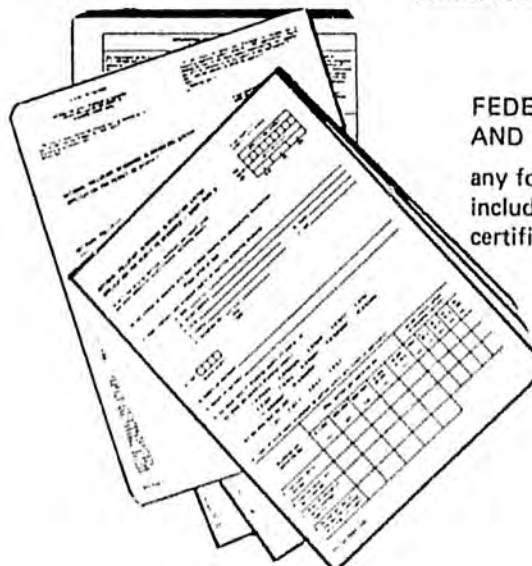


Official Coast Guard Photograph

**OUTER CONTINENTAL SHELF ACTIVITIES**

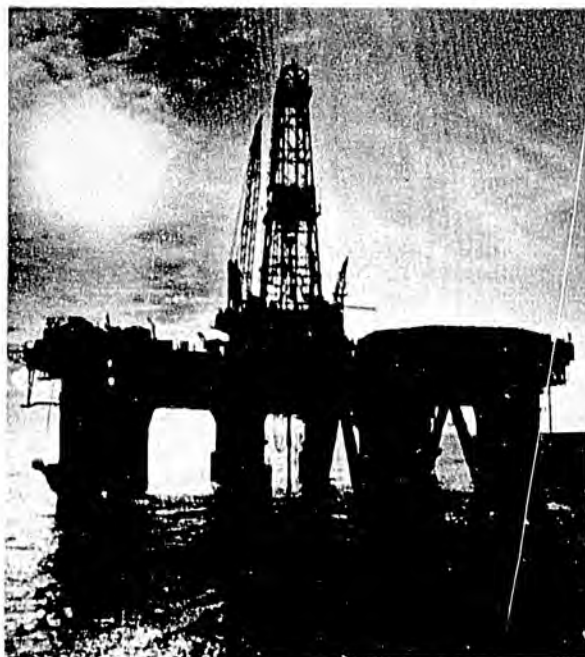
federal licenses and permits for activities described in detail in Outer Continental Shelf (OCS) plans submitted to the U.S. Secretary of the Interior

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



**FEDERAL LICENSES AND PERMITS**

any form of permission, including authorization, certification and approval



Photograph courtesy of Atlantic Richfield Company



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.

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#### **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)

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#### **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*

*State and federal  
governments as aids  
to districts*

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.

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)

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**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)

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**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)

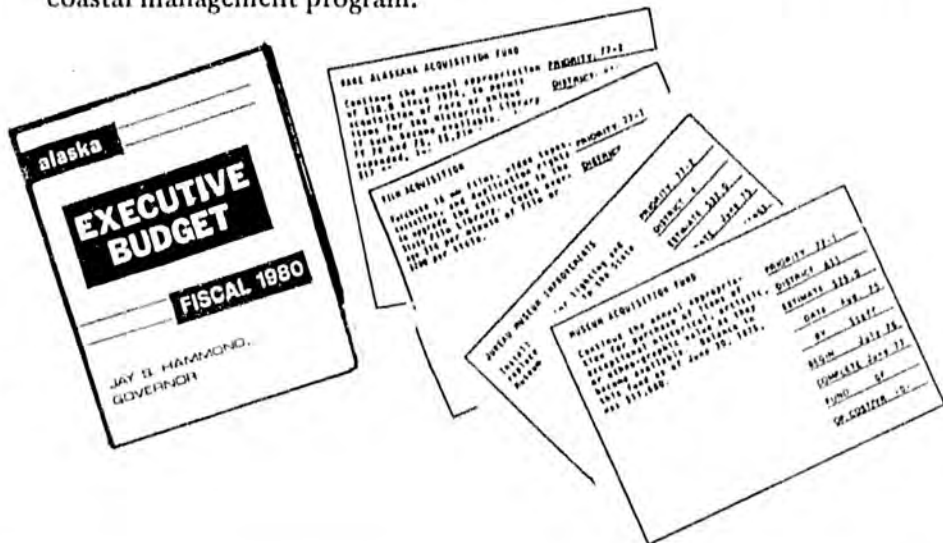
**Department of Transportation and Public Facilities**

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:

<b>Department of Agriculture, U.S. Forest Service (USFS)</b>	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)
<b>Department of Commerce, Office of Coastal Zone Management</b>	Permits within Marine Sanctuaries under 33 U.S.C. 1401-1444
<b>Department of Defense, Army Corps of Engineers</b>	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)
<b>Department of Energy, Federal Energy Regulatory Commission</b>	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])

<b>Department of the Interior</b>	<p>Permits and licenses for drilling and mining and related facilities on public lands (Bureau of Land Management)</p> <p>Permits for pipeline rights-of-way on public lands and the outer continental shelf</p> <p>Permits and licenses for rights-of-way on public lands</p> <p>Permits and licenses required for drilling and mining on OCS lands (U.S. Geological Survey)</p>
<b>Department of Transportation, U.S. Coast Guard</b>	<p>Permits for construction or modification of bridge structures and causeways across navigable waters</p> <p>Permits for siting, construction, and operation of deepwater ports.</p>
<b>Environmental Protection Agency</b>	<p>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)</p> <p>Permits required under Section 405 of the 1972 Federal Water Pollution Control Act and amendments, authorizing disposal of sewage sludge</p> <p>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</p> <p>Exemptions granted under the Clean Air Act to stationary sources</p>
<b>Nuclear Regulatory Commission</b>	<p>Permits and licenses for the siting, construction, and operation of nuclear facilities</p>

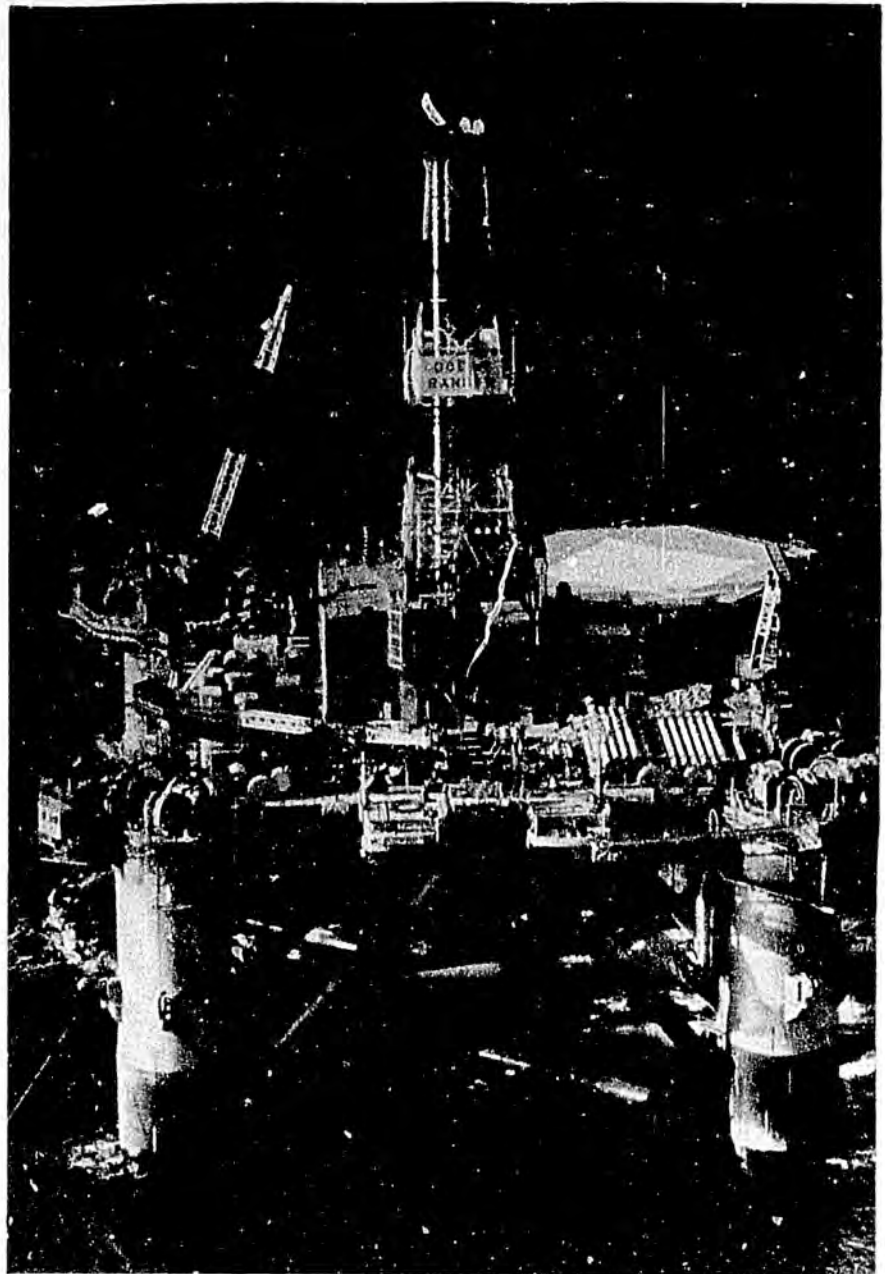
*Outer continental shelf activities*

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*.

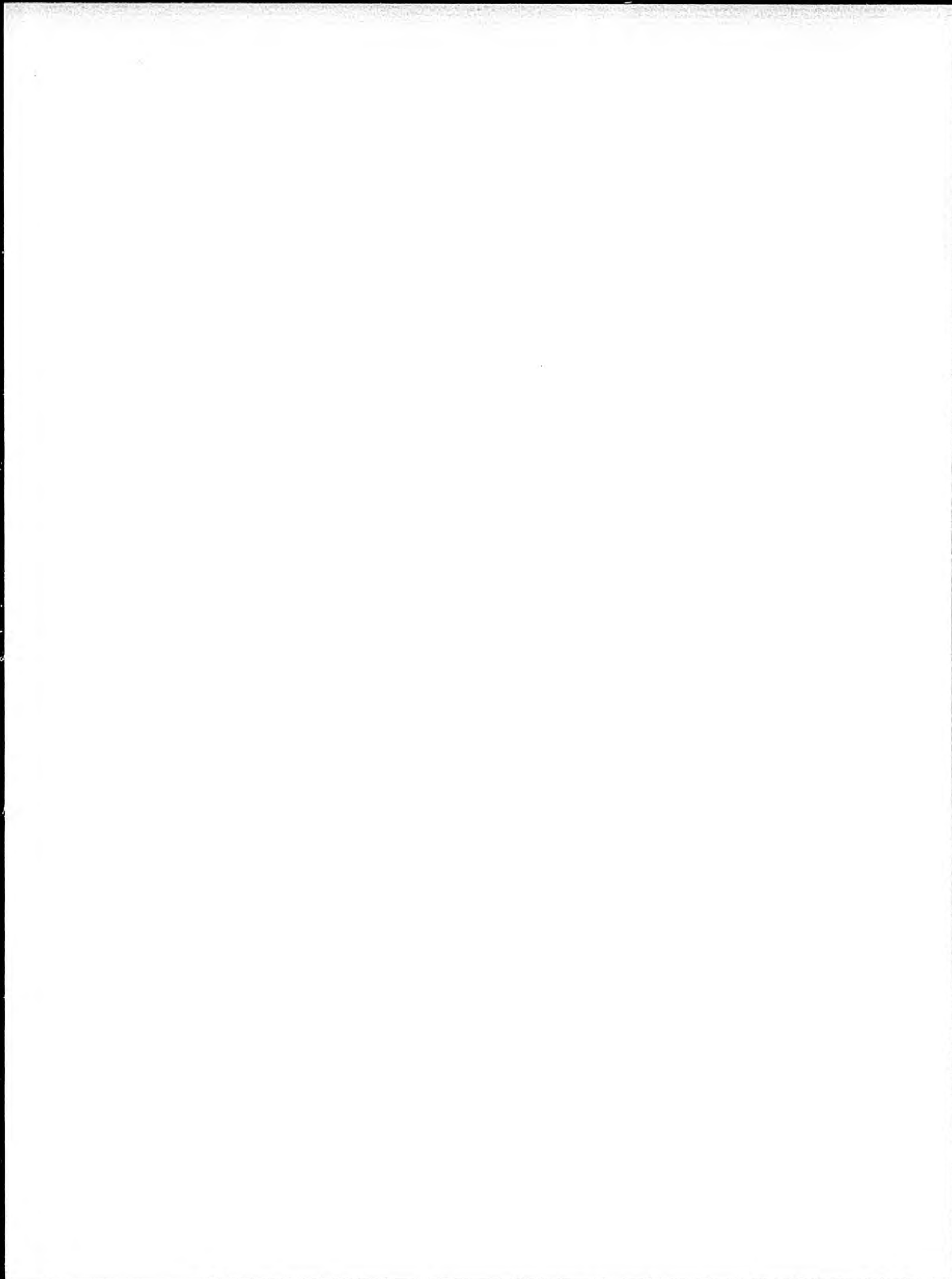
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<b>Department of Agriculture</b>	10.405	Farm Labor Housing Loans and Grants
	10.409	Irrigation, Drainage, and Other Soil and Water Conservation Loans (exception: loans to grazing associations to develop additional pasturage and loans for purchase of 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
<b>Department of Commerce</b>	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

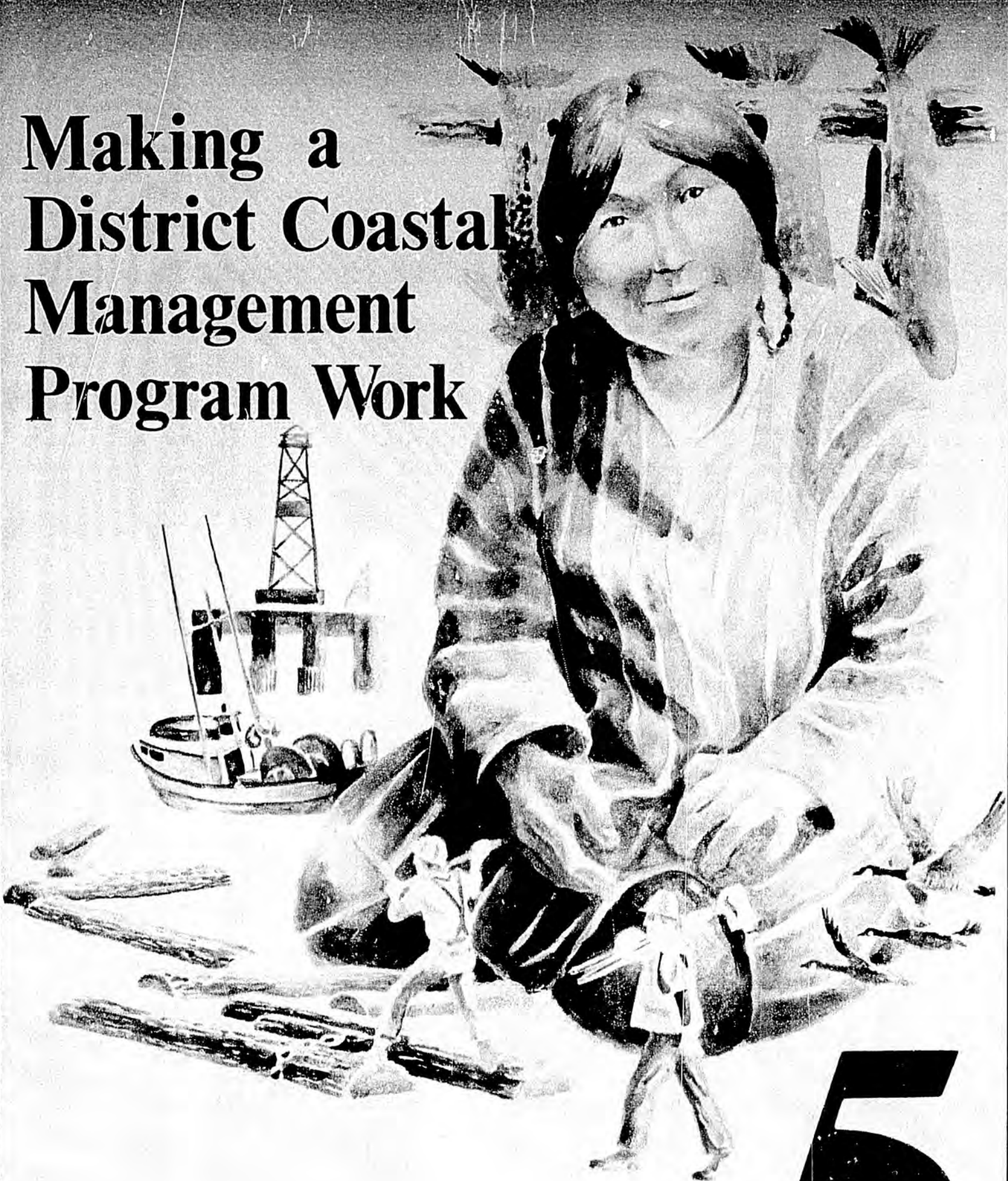
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	11.418	Coastal Zone Management Program Administration
	11.420	Coastal Management – Estuarine Sanctuaries
	11.421-	
	.424	Coastal Energy Impact Program
<b>Department of Health, Education, and Welfare</b>	13.237	Mental Health – Hospital Improvement 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
<b>Department of Housing and Urban Development</b>	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
<b>Department of the Interior</b>	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

<b>Department of Transportation</b>	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
<b>Environmental Protection Agency</b>	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	
<b>Veterans Administration</b>	64.005	Grants to States for Construction of State Nursing Home Care Facilities
<b>Water Resources Council</b>	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

5

# 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:

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

## Acknowledgement

We would like to thank the many individuals who have offered constructive suggestions which have aided us in the preparation of these guidebooks.

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# Making a District Coastal Management Program Work

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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**

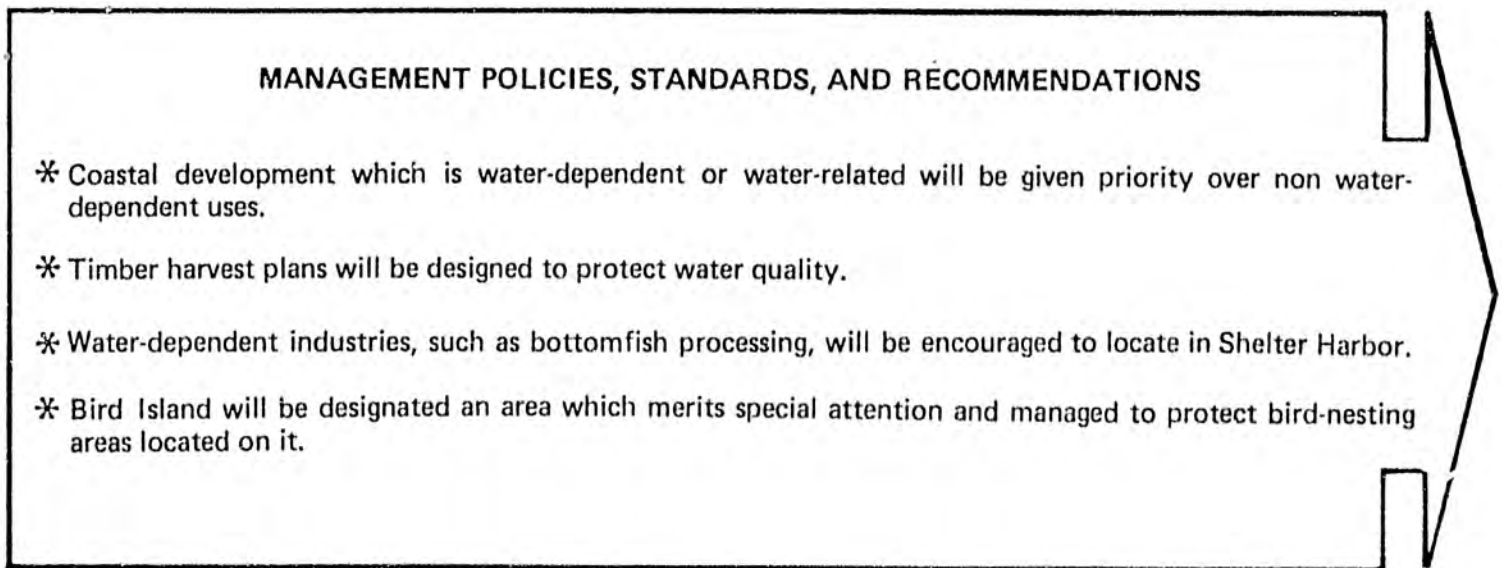
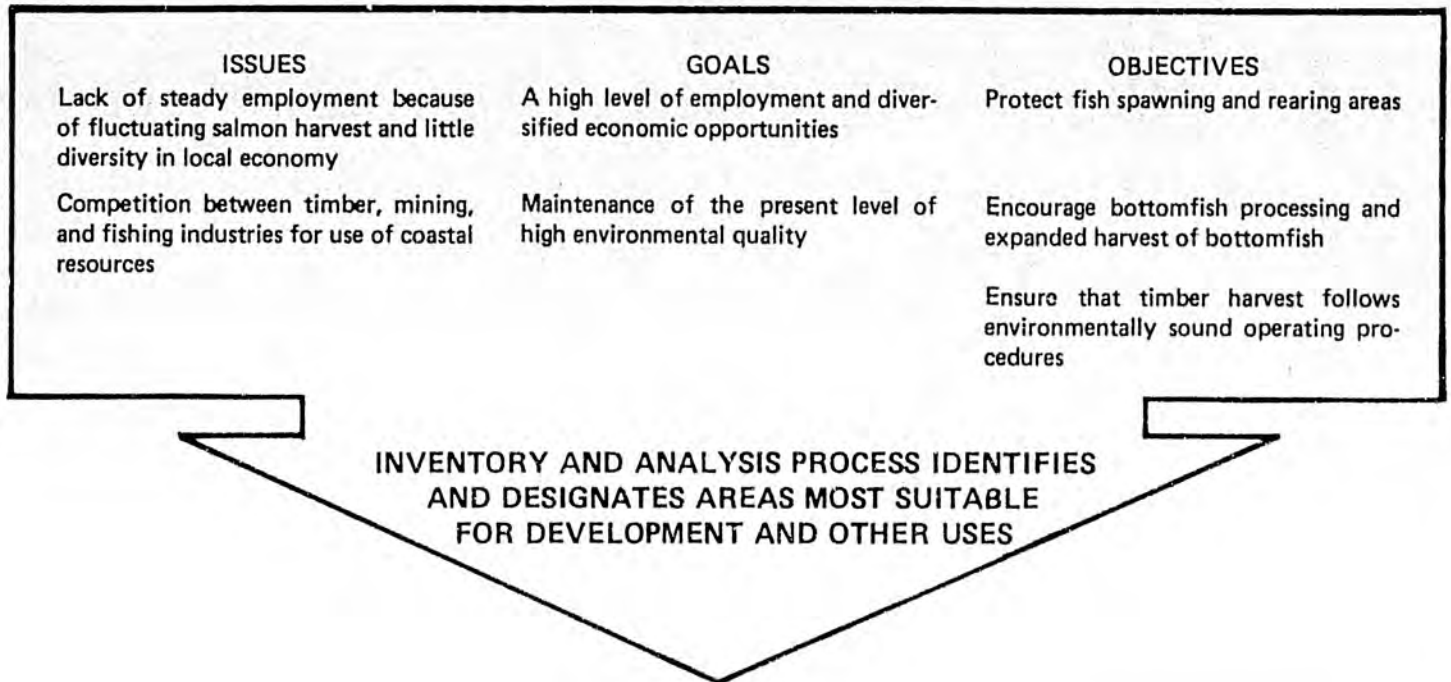
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## Four Examples of Local Management

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.

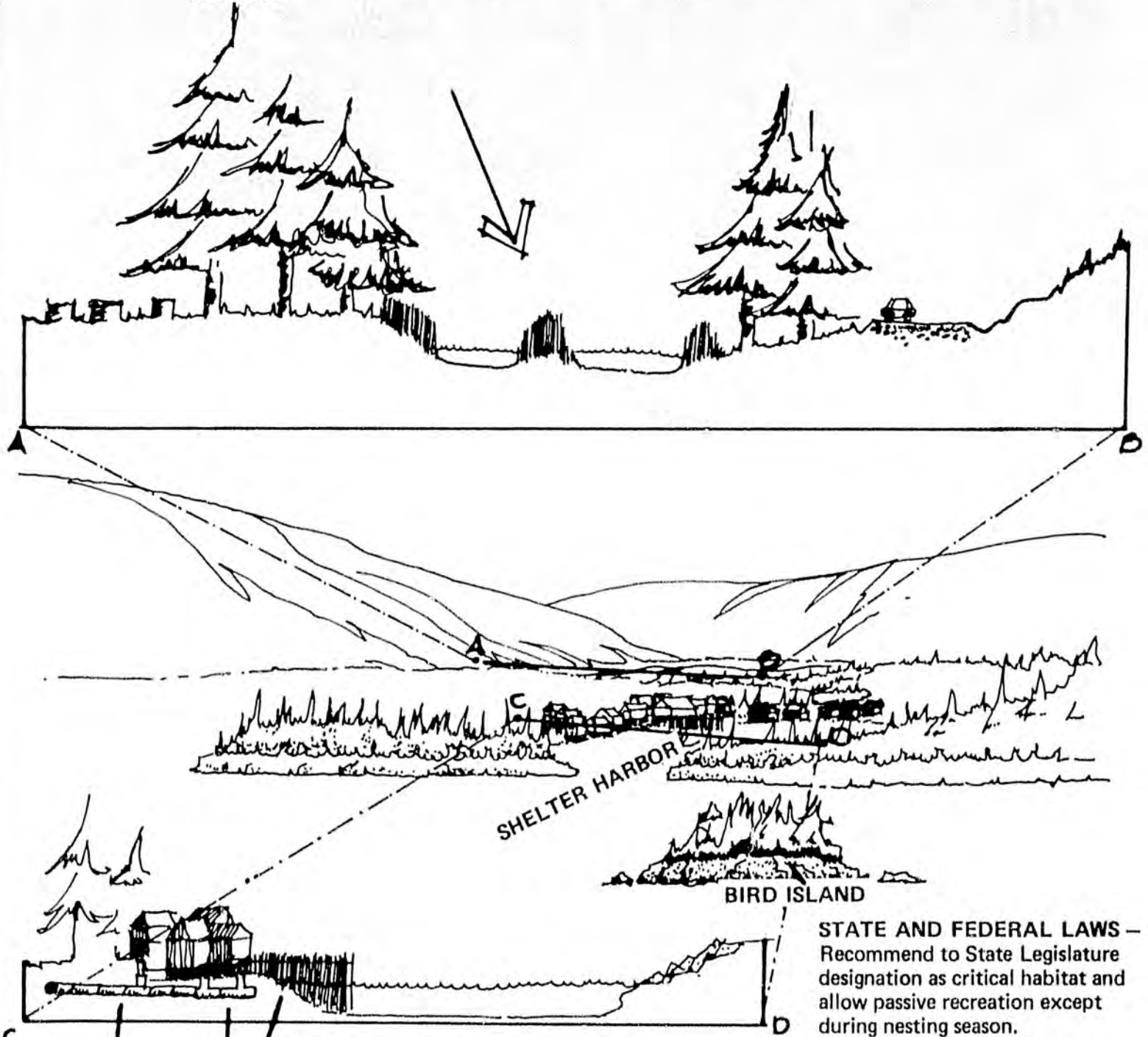
The first case study is of an area where *commercial logging, fishing, and related processing* are the prime economic activities, yet the economy is not stable year around. In the second case study, *subsistence* is a major use of coastal resources. An *urban waterfront* is the setting of the third case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



# 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

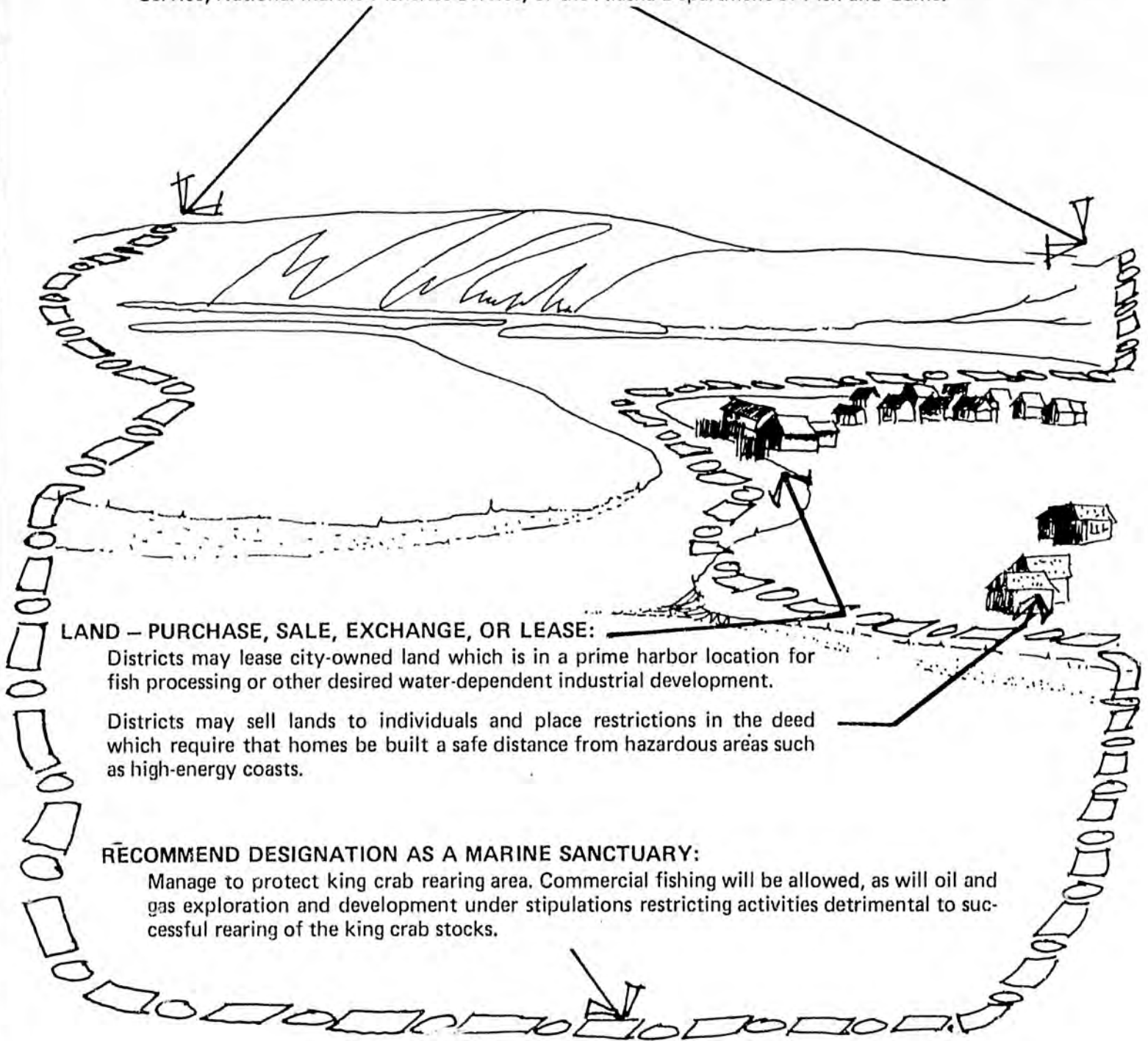
INVENTORY AND ANALYSIS PROCESS IDENTIFIES AND DESIGNATES AREAS MOST SUITABLE FOR DEVELOPMENT AND OTHER USES

**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.



**LAND – PURCHASE, SALE, EXCHANGE, OR LEASE:**

Districts may lease city-owned land which is in a prime harbor location for fish processing or other desired water-dependent industrial development.

Districts may sell lands to individuals and place restrictions in the deed which require that homes be built a safe distance from hazardous areas such as high-energy coasts.

**RECOMMEND DESIGNATION AS A MARINE SANCTUARY:**

Manage to protect king crab rearing area. Commercial fishing will be allowed, as will oil and gas exploration and development under stipulations restricting activities detrimental to successful rearing of the king crab stocks.

**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:

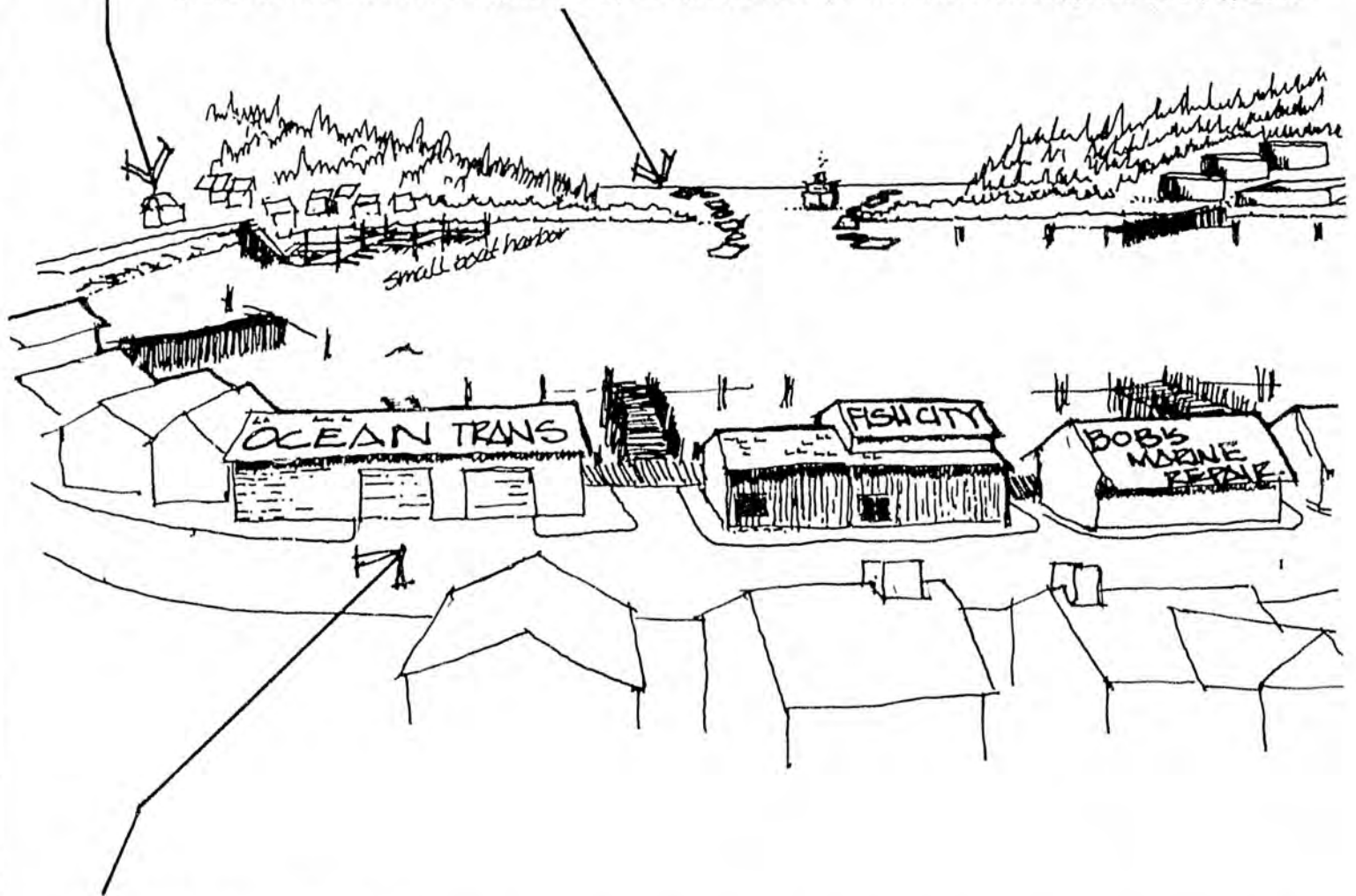
Districts may arrange land exchanges for uses which need to locate on the water but would conflict with other waterfront uses because of the size of vessels, vessel traffic and storage space requirements. In return, the city may receive useful harbor space elsewhere for other uses, such as a small boat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

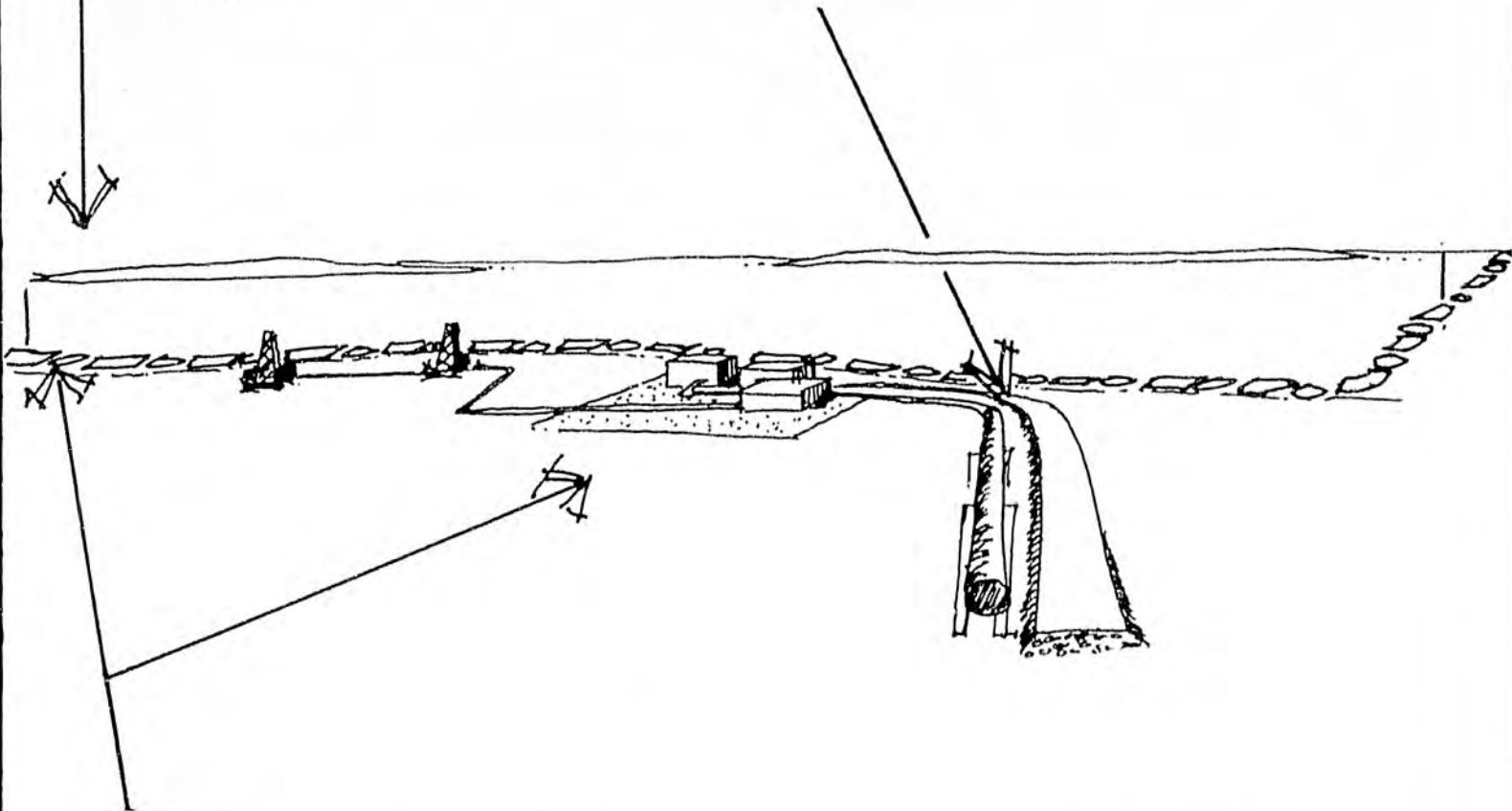
# IMPLEMENTATION

## 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*

- Advantages* 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.
- Caution* 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.
- Functions* 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.
- Example: flood plain district zoning* 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.
- Advantages* Special zoning districts can prevent hazards to human life and property and maintain open space, water quality, and wildlife habitat.
- Caution* 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.
- Defined* 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.
- Advantages*

*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**

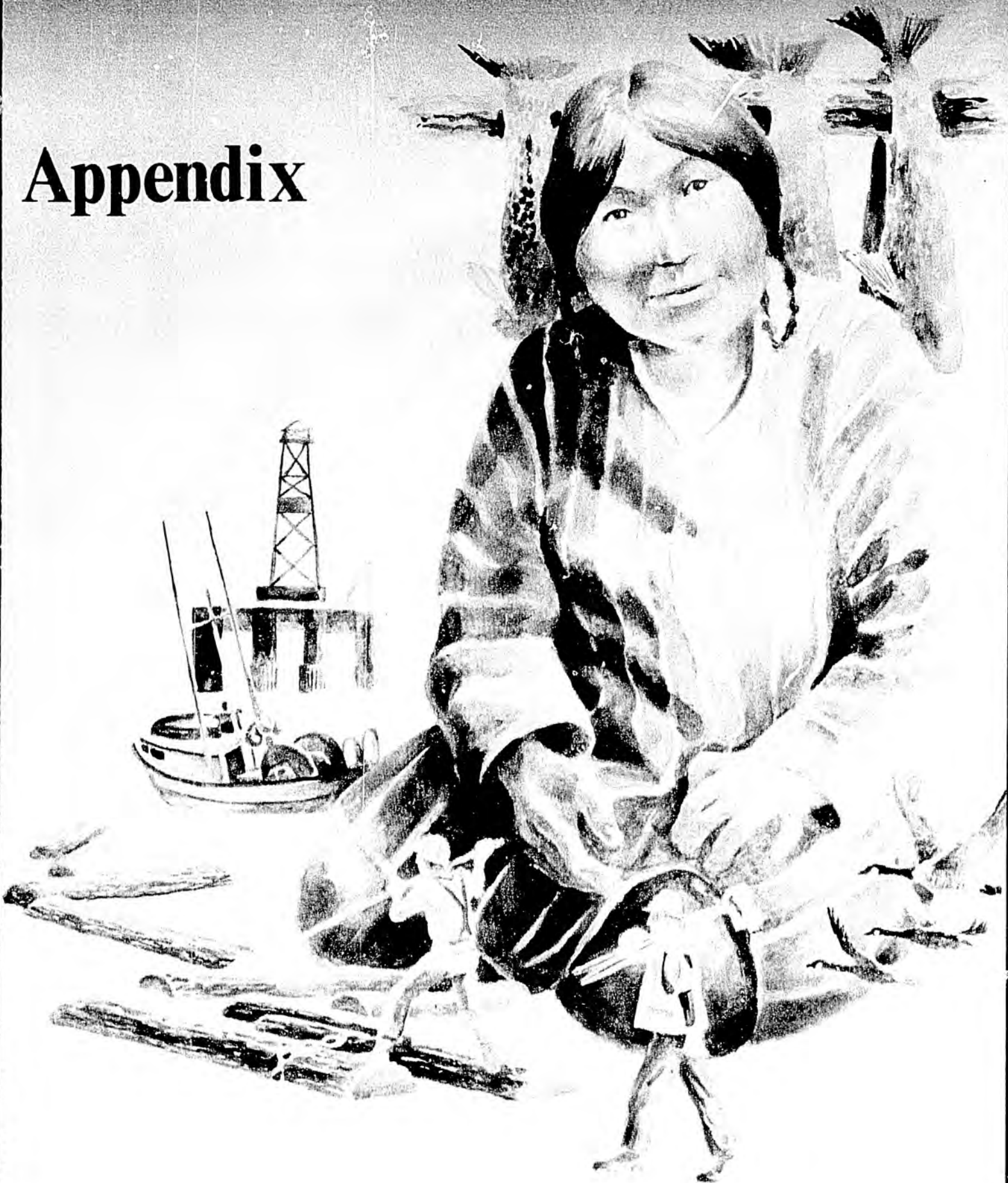
**We will help you identify State,  
Federal and Local agencies that  
you should contact and the  
permits that may be required  
for your particular project.**

**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

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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.

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**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

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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.

(c) Before requesting the department to complete the district coastal management program under (b) of this section, the council shall meet with the members of the coastal resource service area board to determine whether the board is able to complete a district coastal management program within the time limitations established in this section.

Sec. 46.40.180. APPROVAL OF PROGRAMS IN COASTAL RESOURCE SERVICE AREAS. (a) Before adoption by a coastal resource service area board, or by the Department of Community and Regional Affairs under sec. 170 of this chapter, a district coastal management program shall be submitted for review to each city or village within the coastal resource service area. The council of a city or traditional village council shall consider the program submitted for review. Within 60 days of submission, the council of a city or traditional village council shall either approve the program or enter objections to all or any portion of the program.

(b) If a city or village within a coastal resource service area fails to approve a portion of the district coastal management program prepared and submitted for approval under (a) of this section, the governing body shall advise the coastal resource service area board or the department, as applicable, of its objections to the proposed program and suggest alternative elements or components for inclusion in the district coastal management program. New matter submitted by a city or village which is substantially consistent with the guidelines and standards adopted by the council shall be accepted and the district coastal management program modified accordingly. If a city or village fails to provide objections and suggested alternatives within the time limits established in this section, the coastal resource service area board or the department, as applicable, may adopt the district coastal management program as initially offered.

(c) Objection by a city council under (b) of this section is limited to objection to elements of the program affecting resources or the use of resources within the corporate limits of the city. Objection by a traditional village council under (b) of this section is limited to objection to elements of the program affecting resources or the use of resources within the village or within two miles of the village.

(d) For purposes of this section, "village" means an unincorporated community where at least 25 persons reside as a social unit as determined by the Department of Community and Regional Affairs.

#### ARTICLE 3. GENERAL PROVISIONS.

Sec. 46.40.190. COOPERATIVE ADMINISTRATION. (a) A city within the coastal area which is not part of an adjacent coastal resource service area may include itself for purposes of this chapter within an adjacent coastal resource service area if its governing body, by resolution adopted by a majority of its membership, consents to the inclusion of the city and a copy of the resolution is filed with the commissioner of the Department of Community and Regional Affairs.

(b) Nothing in this chapter restricts or prohibits cooperative or joint administration of functions between a municipality and a coastal resource service area organized under the provisions of this chapter upon initiation of a mutual agreement for the purpose.

Sec. 46.40.200. STATE AGENCIES. Upon the adoption of the Alaska coastal management program, state departments, boards and commissions shall review their statutory authority, administrative regulations, and applicable procedures pertaining to land and water uses within the coastal area for the purpose of determining whether there are any deficiencies or inconsistencies which prohibit compliance with the program adopted. State agencies shall, within six months of the effective date of the Alaska coastal management program, take whatever action is necessary to facilitate full compliance with and implementation of the program, including preparation and submission of recommendations to the council for additional or amended legislation.

Sec. 46.40.210. DEFINITIONS. In this chapter, unless the context otherwise requires,

(1) "area which merits special attention" means a delineated geographic area within the coastal area which is sensitive to change or alteration and which, because of plans or commitments or because a claim on the resources within the area delineated would preclude subsequent use of the resources to a conflicting or incompatible use, warrants special management attention, or which, because of its value to the general public, should be identified for current or future planning, protection, or acquisition; these areas, subject to council definition of criteria for their identification, include:

(A) areas of unique, scarce, fragile or vulnerable natural habitat, cultural value, historical significance, or scenic importance;

(B) areas of high natural productivity or essential habitat for living resources;

(C) areas of substantial recreational value or opportunity;

(D) areas where development of facilities is dependent upon the utilization of, or access to, coastal waters;

(E) areas of unique geologic or topographic significance which are susceptible to industrial or commercial development;

(F) areas of significant hazard due to storms, slides, floods, erosion or settlement; and

(G) areas needed to protect, maintain, or replenish coastal land or resources, including coastal flood plains, aquifer recharge areas, beaches and offshore sand deposits;

(2) "coastal resource district" means each of the following which contains a portion of the coastal area of the state:

(A) unified municipalities established under AS 29.68.240 - 29.68.440;

(B) organized boroughs of any class which exercise planning and zoning authority;

(C) home rule and first class cities of the unorganized borough or within boroughs which do not exercise planning and zoning authority;

(D) 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 under sec. 30 of this chapter;

(E) coastal resource service areas established and organized under AS 29.03.020 and secs. 110 - 180 of this chapter;

(3) "council" means the Alaska Coastal Policy Council;

(4) "department" means the Department of Community and Regional Affairs;

(5) "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

(A) the use, or activity associated with it, would have a net adverse effect on the quality of the resources of the coastal area;

(B) the use, or activity associated with it, would limit the range of alternative uses of the resources of the coastal area; or

(C) the use would, of itself, constitute a tolerable change or alteration of the resources within the coastal area but which, cumulatively, would have an adverse effect;

(6) "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:

(A) 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;

(B) 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;

(C) the siting of major energy facilities, activities pursuant to a state oil and gas lease, 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;

(D) facilities serving statewide or interregional transportation and communication needs; and

(E) 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.

\* Sec. 5. AS 44.47 is amended by adding a new section to read:

Sec. 44.47.095. PLANNING ASSISTANCE FOR DEVELOPMENT AND MAINTENANCE OF DISTRICT COASTAL MANAGEMENT PROGRAMS. The department shall conduct a program of research, training, and technical assistance to coastal resource districts necessary for the development and implementation of district coastal management programs under AS 46.35. The technical assistance shall include the direct granting to the coastal resource districts of a portion of any funds received by the state from the federal coastal zone management program, in amounts to be individually determined for each coastal resource district by the commissioner. State agencies shall assist the department in carrying out the purposes of this section.

\* Sec. 6. The Administrative Regulation Review Committee established in AS 24.20.400 - 24.20.460 shall review the administrative regulations adopted by the executive departments of the state government which affect the resources and use of the resources of the state's coastal area. The committee shall, not later than January 20, 1979, make formal recommendation with respect to annulment of regulations adopted which, in the opinion of the committee, fail to implement, interpret or carry out the policies, objectives and standards of the Alaska coastal management program. The recommendations of the committee shall be transmitted to the first regular session of the Eleventh Alaska Legislature.

\* Sec. 7. This Act takes effect immediately in accordance with AS 01.10.070(c).

CHAPTER 80.  
STANDARDS OF THE ALASKA  
COASTAL MANAGEMENT PROGRAM

Article

- 1. Government Process
- 2. Uses and Activities
- 3. Resources and Habitats
- 4. Areas Which Merit Special Attention
- 5. General Provisions

ARTICLE 1.  
GOVERNMENT PROCESS

Section

- 10. Coverage of chapter
- 20. Public participation and information
- 30. Program management and coordination

6 AAC 80.010. COVERAGE OF CHAPTER.

(a) This chapter contains standards for the use of and application by districts and state agencies in carrying out their responsibilities under the Alaska Coastal Management Act (AS 46.40, and AS 44.19.891 – 44.19.894).

(b) Nothing in this chapter or in any district program displaces or diminishes the authority of any state agency or local government with respect to resources in the coastal area. Uses and activities conducted by state agencies in the coastal area must be consistent with the applicable district program and the standards contained in this chapter. In authorizing uses or activities in the coastal area under its statutory authority, each state agency shall grant authorization if, in addition to finding that the use or activity complies with the agency's statutes and regulations, the agency finds that the use or activity is consistent with the applicable district program and the standards contained in this chapter.

(c) At a minimum, the council will review this chapter annually. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.040

6 AAC 80.020. PUBLIC PARTICIPATION AND INFORMATION.

(a) The council will provide adequate, effective, and continuing opportunities for public participation from the beginning of the Alaska coastal management program. The council will give notice of when and where opportunities for public participation will be provided before adoption of guidelines and standards, review and approval of district

programs and amendments to district programs, and amendments to the Alaska coastal management program.

(b) The council will not approve a district program or significant amendment of a district program unless evidence of significant opportunities for public participation at the district level has been provided.

(c) The council will make available to the public information and educational materials concerning coastal management, in understandable form, including

(1) a guide for the development of district programs;

(2) maps and narratives describing physical and biological characteristics to be used in establishing boundaries of coastal areas;

(3) areas recommended for council designation as areas which merit special attention;

(4) maps showing the distribution and abundance of coastal fish and wildlife species with commercial, recreational, subsistence, or general ecological importance;

(5) an identification of major data and information sources concerning coastal management;

(6) a summary of information regarding coastal regions;

(7) summaries of public hearings and workshops;

(8) films and slide programs;

(9) written material summarizing or explaining the Alaska coastal management program; and

(10) the council's annual report to the legislature.

(d) At public meetings concerning the Alaska coastal management program, the council will ensure that, when requested and reasonably necessary, translation into the appropriate Native language is provided. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.040

**6 AAC 80.030. PROGRAM MANAGEMENT AND COORDINATION.** (a) The Office of Coastal Management is the designated lead agency for the Alaska coastal management program. The Office of Coastal Management shall

(1) present the staff position regarding matters before the council;

(2) coordinate the activities of state agencies participating in the Alaska coastal management program; and

(3) review state and federal actions for consistency with the Alaska coastal management program, subject to council review.

(b) The council will initiate an interagency program of comprehensive resource management for each geographic region listed in AS 44.19.891(a)(1). Regional programs will

(1) assist the council and districts in identifying uses of state concern and developing management policies for these uses;

(2) provide resource, social, and economic information on a coordinated regional basis; and

(3) assist the council and districts in identifying, avoiding, or minimizing existing or potential conflicts.

(c) Plans and recommendations developed as part of the regional program described in (b) of this section must be transmitted to the district through the Office of Coastal Management. District planning efforts must demonstrate review and consideration of these plans and recommendations. If the final district program proposed does not agree with the regional program plans and recommendations, the differences will be resolved by the council.

(d) The council will prepare a manual of standards for the management of land and water uses in the coastal area to assist in the

development of district and state agency programs. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.040

## ARTICLE 2. USES AND ACTIVITIES

### Section

- 40. Coastal development
- 50. Geophysical hazard areas
- 60. Recreation
- 70. Energy facilities
- 80. Transportation and utilities
- 90. Fish and seafood processing
- 100. Timber harvest and processing
- 110. Mining and mineral processing
- 120. Subsistence

**6 AAC 80.040. COASTAL DEVELOPMENT.** (a) In planning for and approving development in coastal areas, districts and state agencies shall give, in the following order, priority to

(1) water-dependent uses and activities;

(2) water-related uses and activities; and

(3) uses and activities which are neither water-dependent nor water-related for which there is no feasible and prudent inland alternative to meet the public need for the use or activity.

(b) The placement of structures and the discharge of dredged or fill material or fill material into coastal water must, at a minimum, comply with Parts 320-323, Title 33, Code of Federal Regulations (Vol. 42 of the Federal Register, pp. 37133 - 47 (July 19, 1977)). (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.040

**6 AAC 80.050. GEOPHYSICAL HAZARD AREAS.** (a) Districts and state agencies shall identify known geophysical hazard areas and areas of high development potential in which there is a substantial possibility that geophysical hazards may occur.

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On May 29, 1979, 6 AAC 80.040(b), COASTAL DEVELOPMENT, was amended to read:

(b) The placement of structures and the discharge of dredged or fill material into coastal water must, at a minimum, comply with the standards contained in Parts 320-323, Title 33, Code of Federal Regulations, (Vol. 42 of the Federal Register, pp. 37133--47 (July 19, 1977)).

(b) Development in areas identified under (a) of this section may not be approved by the appropriate state or local authority until siting, design, and construction measures for minimizing property damage and protecting against loss of life have been provided. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.040

**6 AAC 80.060. RECREATION.** Districts shall designate areas for recreational use. Criteria for designation of areas of recreational use are

(1) the area receives significant use by

persons engaging in recreational pursuits or is a major tourist destination; or

(2) the area has potential for high quality recreational use because of physical, biological, or cultural features. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.040

**6 AAC 80.070. ENERGY FACILITIES.** (a) Sites suitable for the development of major onshore, nearshore, offshore, and outer continental shelf energy facilities must be identified by the state in cooperation with districts.

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On May 29, 1979, 6 AAC 80.060, RECREATION, was amended by adding a new subsection to read:

(b) Districts and state agencies shall give high priority to maintaining and, where appropriate, increasing public access to coastal water.

On May 29, 1979, 6 AAC 80.070, ENERGY FACILITIES, was amended to read:

(a) Sites suitable for the development of major energy facilities must be identified by districts and the state in cooperation with districts.

(b) The siting and approval of major energy facilities by districts and state agencies must be based, to the extent feasible and prudent, on the following standards:

(1) site facilities so as to minimize adverse environmental and social effects while satisfying industrial requirements;

(2) site facilities so as to be compatible with existing and subsequent adjacent uses and projected community needs;

(3) consolidate facilities;

(4) consider the concurrent use of facilities for public or economic reasons;

(5) cooperate with landowners, developers, and federal agencies in the development of facilities;

(6) select sites with sufficient acreage to allow for reasonable expansion of facilities;

(7) site facilities where existing infrastructure, including roads, docks, and airstrips, is capable of satisfying industrial requirements;

(8) select harbors and shipping routes with least exposure to reefs, shoals, drift ice, and other obstructions;

(b) The siting and approval of major oil and gas facilities must be based on the policies of the State of Alaska concerning the onshore and nearshore aspects of oil and gas development.

(c) Districts shall consider that the uses authorized by the issuance of state leases for mineral and petroleum resource extraction are uses of state concern. District programs and plans must be consistent with those uses. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.040

**6 AAC 80.080. TRANSPORTATION AND UTILITIES.** (a) Transportation and utility routes and facilities in the coastal area must be sited, designed, and constructed so as to be compatible with local community goals and desires as expressed in district programs and local comprehensive plans.

(b) Transportation and utility routes and facilities must be sited inland from beaches and shorelines unless the route or facility is water-dependent or no feasible and prudent inland alternative exists to meet the public need for the route or facility. (Eff. 7/18/78, Reg. 67)  
Authority: AS 44.19.893  
AS 46.40.040

(9) encourage the use of vessel traffic control and collision avoidance systems;

(10) select sites where development will require minimal site clearing, dredging and construction in productive habitats;

(11) site facilities so as to minimize the probability, along shipping routes, of spills or other forms of contamination which would affect fishing grounds, spawning grounds, and other biologically productive or vulnerable habitats, including marine mammal rookeries and hauling out grounds and waterfowl nesting areas;

(12) site facilities so that the design and construction of those facilities and support infrastructures in coastal areas of Alaska will allow for the free passage and movement of fish and wildlife with due consideration for historic migratory patterns and so that areas of particular scenic, recreational, environmental, or cultural value will be protected;

(13) site facilities in areas of least biological productivity, diversity, and vulnerability and where effluents and spills can be controlled or contained;

(14) site facilities where winds and air currents disperse airborne emissions which cannot be captured before escape into the atmosphere;

(15) select sites in areas which are designated for industrial purposes and where industrial traffic is minimized through population centers; and

(16) select sites where vessel movements will not result in overcrowded harbors or interfere with fishing operations and equipment.

(c) Districts shall consider that the uses authorized by the issuance of state and federal leases for mineral and petroleum resource extraction are uses of state concern.

6 AAC 80.090. FISH AND SEAFOOD PROCESSING. Districts shall identify and may designate areas of the coast suitable for the location or development of facilities related to commercial fishing and seafood processing. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.040

6 AAC 80.100. TIMBER HARVEST AND PROCESSING. (a) Not approved by Legislature under AS 46.40.080.

(b) Commercial timber harvest activities in the coastal area must be conducted so as to meet the following standards:

(1) the location of facilities and the layout of

logging systems must be managed so as to minimize potential for adverse environmental impacts;

(2) unrestricted fish movement in coastal water must be assured; and

(3) Not approved by Legislature under AS 46.40.080.

(c) Commercial timber transport, storage, and processing in the coastal area must be conducted so as to meet the following standards:

(1) onshore storage of logs must be encouraged where compatible with the objectives of the Alaska coastal management program;

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On May 29, 1979, 6 AAC 80.080(a), TRANSPORTATION AND UTILITIES, was amended to read:

(a) Transportation and utility routes and facilities in the coastal area must be sited, designed, and constructed so as to be compatible with district programs.

On May 29, 1979, 6 AAC 80.100, TIMBER HARVEST AND PROCESSING, was amended to read:

(a) Commercial timber harvest activities in the coastal area must be conducted so as to meet the following standards:

(1) the location of facilities and the layout of logging systems must be sited so as to minimize adverse environmental impacts;

(2) free passage and movement of fish in coastal water must be assured; and

(3) timber harvest and timber management activities must be planned so as to protect streambanks and shorelines, prevent adverse impacts on fish resources and habitats, and minimize adverse impacts on wildlife resources and habitats.

(b) Commercial timber transport, storage, and processing in the coastal area must be conducted so as to meet the following standards:

(1) onshore storage of logs must be encouraged where compatible with the objectives of the Alaska Coastal Management Program;

(2) sites for in-water dumping and storage of logs must be selected and these activities conducted so as to minimize adverse effects on the marine ecosystem, minimize conflicts with recreational uses and activities, be safe from storms, and not constitute a hazard to navigation;

(3) roads for log transport and harvest area access must be planned, designed, and constructed so as to minimize mass wasting, erosion, sedimentation, and interference with drainage, and must be adequately maintained until they are returned to their pre-road natural drainage pattern (put to bed); and

(4) stream crossings, including bridges and culverts, must be kept to a minimum number, designed to withstand seasonal high water and flooding, and must provide for unrestricted passage of fish.

(d) Not approved by Legislature under AS 46.40.080. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.040

**6 AAC 80.110. MINING AND MINERAL PROCESSING.** (a) Mining and mineral processing in the coastal area must be permitted, designed, and conducted so as to be compatible with the standards contained in this chapter, adjacent uses and activities, regional programs, statewide and national needs, district programs, and local comprehensive plans.

(b) Sand and gravel may be extracted from coastal waters, intertidal areas, barrier islands, and spits, when there is no feasible and prudent alternative to coastal extraction which will meet the public need for the sand or gravel. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.040

(2) sites for in-water dumping and storage of logs must be selected and these activities conducted so as to minimize adverse effects on the marine ecosystem, minimize conflicts with recreational uses and activities, be safe from storms, and not constitute a hazard to navigation;

(3) roads for log transport and harvest area access must be planned, designed, and constructed so as to minimize mass wasting, erosion, sedimentation, and interference with drainage, and must be adequately maintained until they are returned to their pre-road natural drainage patterns (put-to-bed); and

(4) stream crossings, including bridges and culverts, must be kept to a minimum number, designed to withstand seasonal high water and flooding, and must provide for free passage and movement of fish.

On May 29, 1979, 6 AAC 80.110(a), MINING AND MINERAL PROCESSING, was amended to read:

(a) Mining and mineral processing in the coastal area must be regulated, designed, and conducted so as to be compatible with the standards contained in this chapter, adjacent uses and activities, statewide and national needs, and district programs.

6 AAC 80.120. **SUBSISTENCE.** (a) Districts and state agencies shall recognize and assure opportunities for subsistence usage of coastal areas and resources.

(b) Districts shall identify areas in which subsistence is the dominant use of coastal resources.

(c) Districts may, after consultation with appropriate state agencies, Native corporations, and any other persons or groups, designate areas identified under (b) of this section as subsistence zones in which subsistence uses and activities have priority over all nonsubsistence uses and activities.

(d) Before a potentially conflicting use or activity may be authorized within areas designated under (c) of this section, a study of the possible adverse impacts of the proposed potentially conflicting use or activity upon subsistence usage must be conducted and appropriate safeguards to assure subsistence usage must be provided.

(e) Districts sharing migratory fish and game resources must submit compatible plans for habitat management. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.040

### ARTICLE 3. RESOURCES AND HABITATS

#### Section

- 130. Habitats
- 140. Air, land, and water quality
- 150. Historic, prehistoric, and archaeological resources

6 AAC 80.130. **HABITATS.** (a) Habitats in the coastal area which are subject to the Alaska coastal management program include

- (1) offshore areas;
- (2) estuaries;
- (3) wetlands and tideflats;
- (4) rocky islands and seacliffs;
- (5) barrier islands and lagoons;

- (6) exposed high energy coasts;
- (7) rivers, streams, and lakes; and
- (8) important upland habitat.

(b) The habitats contained in (a) of this section must be managed so as to maintain or enhance the biological, physical, and chemical characteristics of the habitat which contribute to its capacity to support living resources.

(c) In addition to the standard contained in (b) of this section, the following standards apply to the management of the following habitats:

(1) offshore areas must be managed as a fisheries conservation zone so as to maintain or enhance the state's sport, commercial, and subsistence fishery;

(2) estuaries must be managed so as to assure adequate water flow, natural circulation patterns, nutrients, and oxygen levels, and avoid the discharge of toxic wastes, silt, and destruction of productive habitat;

(3) wetlands and tideflats must be managed so as to assure adequate water flow, nutrients, and oxygen levels and avoid adverse effects on natural drainage patterns, the destruction of important habitat, and the discharge of toxic substances;

(4) rocky islands and seacliffs must be managed so as to avoid the harassment of wildlife, destruction of important habitat, and the introduction of competing or destructive species and predators;

(5) barrier islands and lagoons must be managed so as to maintain adequate flows of sediments, detritus, and water, avoid the alteration or redirection of wave energy which would lead to the filling in of lagoons or the erosion of barrier islands, and discourage activities which would decrease the use of barrier islands by coastal species, including polar bears and nesting birds;

(6) high energy coasts must be managed by assuring the adequate mix and transport of sediments and nutrients and avoiding redirection of transport processes and wave energy; and

(7) rivers, streams, and lakes must be managed to protect natural vegetation, water quality, important fish or wildlife habitat and natural water flow.

(d) Uses and activities in the coastal area which will not conform to the standards contained in (b) and (c) of this section may be allowed by the district or appropriate state agency if the following are established:

(1) there is a significant public need for the proposed use or activity;

(2) there is no feasible prudent alternative to meet the public need for the proposed use or activity which would conform to the standards contained in (b) and (c) of this section; and

(3) all feasible and prudent steps to maximize conformance with the standards contained in (b) and (c) of this section will be taken.

(e) In applying this section, districts and state agencies may use appropriate expertise, including regional programs referred to in sec. 30(b) of this chapter. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.040

**6 AAC 80.140. AIR, LAND, AND WATER QUALITY.** Notwithstanding any other provision of this chapter, the statutes pertaining to and the regulations and procedures of the Alaska Department of Environmental Conservation with respect to the protection of air, land, and water quality are incorporated into the Alaska coastal management program and, as administered by that agency, constitute the components of the coastal management program with respect to those purposes. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.040

**6 AAC 80.150. HISTORIC, PREHISTORIC, AND ARCHAEOLOGICAL RESOURCES.** Districts and appropriate state agencies shall identify areas of the coast which are important to the study, understanding, or illustration of national, state, or local history or prehistory. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.040

#### ARTICLE 4. AREAS WHICH MERIT SPECIAL ATTENTION

##### Section

##### 160. Areas which merit special attention

**6 AAC 80.160. AREAS WHICH MERIT SPECIAL ATTENTION.** (a) Districts and appropriate state agencies shall recommend to the council areas to be designated as areas which merit special attention. Recommendations must include the following information:

(1) the basis or bases for designation under AS 46.40.210(1) or (b) of this section;

(2) a map showing the geographical location, surface area and where appropriate, bathymetry of the area;

(3) a description of the area which includes dominant physical and biological features;

(4) the existing ownership, jurisdiction, and management status of the area, including existing uses and activities;

(5) the existing ownership, jurisdiction, and management status of adjacent shoreland and sea areas, including existing uses and activities;

(6) present and anticipated conflicts among uses and activities within or adjacent to the area, if any; and

(7) a proposed management scheme, consisting of the following:

(A) 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 land and water within the area;

(B) a summary or statement of the policies which will be applied in managing the area; and

(C) an identification of the authority which will be used to implement the proposed management scheme.

(b) In addition to the categories contained in AS 46.40.210(1), areas which merit special attention may include the following:

(1) areas important for subsistence hunting, fishing, food gathering, and foraging;

(2) areas with special scientific values or opportunities, including those where ongoing research projects could be jeopardized by development or conflicting uses and activities; and

(3) potential estuarine or marine sanctuaries.

(c) Management schemes for areas which merit special attention must preserve, protect, enhance, or restore the value or values for which the area was designated.

(d) As used in this section, "areas which merit special attention" has the same meaning as in AS 46.40.210(1). (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.040

## ARTICLE 5. GENERAL PROVISIONS

Section  
900. Definitions

6 AAC 80.900. DEFINITIONS. Unless the context indicates otherwise, in this chapter

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On May 29, 1979, 6 AAC 80.160(a), AREAS WHICH MERIT SPECIAL ATTENTION, was amended to read:

(a) Any person may recommend to a district or to the council areas to be designated as areas which merit special attention. Districts shall designate in district programs areas which merit special attention. Areas which are not in districts and which merit special attention shall be designated by the council with the concurrence of appropriate state agencies, municipalities, and villages affected by the designation. Designations must include the following information:

(1) the basis or bases for designation under AS 46.40.210(1) or (b) of this section;

(2) a map showing the geographical location, surface area and, where appropriate, bathymetry of the area;

(3) a description of the area which includes dominant physical and biological features;

(4) the existing ownership, jurisdiction, and management status of the area, including existing uses and activities;

(5) the existing ownership, jurisdiction, and management status of adjacent shoreland and sea areas, including existing uses and activities;

(6) present and anticipated conflicts among uses and activities within or adjacent to the area, if any; and

(7) a proposed management scheme, consisting of the following:

(A) 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 land and water within the area;

(B) a summary or statement of the policies which will be applied in managing the area; and

(1) "barrier islands and lagoons" means depositional coastal environments formed by deposits of sediment offshore or coastal remnants which form a barrier of low-lying islands and bars protecting a salt-water lagoon with free exchange of water to the sea;

(2) "coastal water" means all water bodies in the coastal area, including wetlands and the intertidal area;

(3) "council" means the Alaska Coastal Policy Council;

(4) "district" means a coastal resource district as defined in AS 46.40.210(2);

(5) "district program" means a district coastal management program;

(6) "estuary" means a semiclosed 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;

(7) "exposed high-energy coasts" means open and unprotected sections of coastline with exposure to ocean generated wave impacts and usually characterized by coarse sand, gravel, boulder beaches, and well-mixed coastal water;

(8) "facilities related to commercial fishing and seafood processing" includes hatcheries and related facilities, seafood processing plants and support facilities, marine industrial and commercial facilities, and aquaculture facilities;

(9) "geophysical hazards" includes potential flooding, tsunami run-up, landslides, snowslides, severe faults, and ice hazards;

(10) "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;

(11) "offshore areas" means submerged lands and waters seaward of the coastline;

(12) "rocky islands and seacliffs" means islands of volcanic or tectonic origin with rocky shores and steep faces, offshore rocks, capes, and steep rocky seafronts;

(13) "tidflats" means mostly unvegetated areas that are alternately exposed and inundated by the falling and rising of the tide;

(14) "transportation and utility routes and facilities" include power transmission lines, mineral slurry 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 or facility;

(15) "upland" means drainages, aquifers, and land, the use of which would have a direct and significant impact on coastal water;

(16) "uses of state concern" has the same meaning as in AS 46.40.210(6);

(17) "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;

(18) "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;

(19) "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 .5 parts per thousand salt content and not exceeding three meters in

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(C) an identification of the authority which will be used to implement the proposed management scheme.

On May 29, 1979, 6 AAC 80.900(9), was amended to read:

(9) "geophysical hazard areas" means those areas which present a threat to life or property from geophysical or geological hazards, including flooding, tsunami run-up, storm surge run-up, landslides, snowslides, faults, ice hazards, erosion, and littoral beach process;

depth; "saltwater wetlands" means those coastal areas along sheltered shorelines characterized by halophytic hydrophytes and macroalgae extending from extreme low tide to an area above extreme high tide which is influenced by sea spray or tidally induced water table changes. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.040

**CHAPTER 85.  
GUIDELINES FOR DISTRICT COASTAL  
MANAGEMENT PROGRAMS**

**Article**

1. Program Elements
2. Government Process
3. General Provisions

**ARTICLE 1.  
PROGRAM ELEMENTS**

**Section**

10. Coverage of chapter
20. Needs, objectives, and goals
30. Organization
40. Boundaries
50. Resource inventory
60. Resource analysis
70. Subject uses
80. Proper and improper uses
90. Policies
100. Implementation
110. Public participation

On May 29, 1979, 6 AAC 80.900, DEFINITIONS, was amended to read:

6 AAC 80.900, DEFINITIONS. Unless the context indicates otherwise, in this chapter

(20) "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":

(21) "including" means including but not limited to;

(22) "major energy facility" includes 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; "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:

(1) a facility required to support energy operations for exploration or production purposes;

(2) a facility used to produce, convert, process, or store energy resources or marketable products;

(3) a facility used to transfer, transport, import, or export energy resources or marketable products;

(4) a facility used for in-state energy use; or

(5) a facility used primarily for the manufacture, production,

**6 AAC 85.010. COVERAGE OF CHAPTER.**

(a) This chapter contains guidelines for the use of and application by districts in carrying out their responsibilities under the Alaska Coastal Management Act (AS 46.40 and AS 44.19.891 - 44.19.894).

(b) At a minimum, the council will review this chapter annually. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.030  
AS 46.40.040

**6 AAC 85.020. NEEDS, OBJECTIVES, AND GOALS.** Each district program must include a statement of the district's overall coastal management needs, objectives, or goals, or the district's comprehensive land and resource use plan. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.030  
AS 46.40.040

**6 AAC 85.030. ORGANIZATION.** Each district program must include a description of the district program organization for coastal management. Budgetary and staff needs and, where appropriate, a schedule for necessary reorganization must be included. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.030  
AS 46.40.040

**6 AAC 85.040. BOUNDARIES.** (a) Each district program must include a map of the boundaries of the coastal area within the district subject to the district program.

(b) Before council approval of the district program, initial boundaries must be based on *Biophysical Boundaries of Alaska's Coastal Zone* (published by the Office of Coastal Management and the Alaska Department of Fish and Game, 1978, a copy of which is on file with the Office of the Lieutenant Governor, and which is available from the Office of Coastal Management) and must include the zone of direct interaction and the zone of direct influence.

(c) Final boundaries of the coastal area subject to the district program may diverge from the initial boundaries if the final boundaries

(1) extend inland and seaward to the extent necessary to manage uses and activities that have or are likely to have a direct and significant impact on marine coastal water; and

(2) include all transitional and intertidal areas, salt marshes, saltwater wetlands, islands, and beaches.

(d) If the criteria in (c) of this section are met, final boundaries of the coastal area subject to the district program may be based on political jurisdiction, cultural features, planning areas, watersheds, topographic features, uniform setbacks, or the dependency of uses and activities on water access.

(e) The boundaries of the district must be sufficiently compatible with those of adjoining areas to allow consistent administration of the Alaska coastal management program. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.030  
AS 46.40.040

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or assembly of equipment, machinery, products, or devices which are involved in any activity described in (1) - (4) of this paragraph;

On May 29, 1979, 6 AAC 85.040(a), BOUNDARIES, was amended to read:

(a) Each district must include a map of the boundaries of the coastal area within the district subject to the district program. Boundaries must enclose those lands which would reasonably be included in the coastal area subject to the district program if they were not subject to the exclusive jurisdiction of the federal government.

**6 AAC 85.010. COVERAGE OF CHAPTER.**

(a) This chapter contains guidelines for the use of and application by districts in carrying out their responsibilities under the Alaska Coastal Management Act (AS 46.40 and AS 44.19.891 - 44.19.894).

(b) At a minimum, the council will review this chapter annually. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.030  
AS 46.40.040

**6 AAC 85.020. NEEDS, OBJECTIVES, AND GOALS.** Each district program must include a statement of the district's overall coastal management needs, objectives, or goals, or the district's comprehensive land and resource use plan. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.030  
AS 46.40.040

**6 AAC 85.030. ORGANIZATION.** Each district program must include a description of the district program organization for coastal management. Budgetary and staff needs and, where appropriate, a schedule for necessary 1978, a copy of which is on file with the Office of the Lieutenant Governor, and which is available from the Office of Coastal Management) and must include the zone of direct interaction and the zone of direct influence.

(c) Final boundaries of the coastal area subject to the district program may diverge from the initial boundaries if the final boundaries

(1) extend inland and seaward to the extent

reorganization must be included. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.030  
AS 46.40.040

**6 AAC 85.040. BOUNDARIES.** (a) Each district program must include a map of the boundaries of the coastal area within the district subject to the district program.

(b) Before council approval of the district program, initial boundaries must be based on *Biophysical Boundaries of Alaska's Coastal Zone* (published by the Office of Coastal Management and the Alaska Department of Fish and Game, necessary to manage uses and activities that have or are likely to have a direct and significant impact on marine coastal water; and

(2) include all transitional and intertidal areas, salt marshes, saltwater wetlands, islands, and beaches.

(d) If the criteria in (c) of this section are met, final boundaries of the coastal area subject to the district program may be based on political jurisdiction, cultural features, planning areas, watersheds, topographic features, uniform setbacks, or the dependency of uses and activities on water access.

(e) The boundaries of the district must be sufficiently compatible with those of adjoining areas to allow consistent administration of the Alaska coastal management program. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.030  
AS 46.40.040

or assembly of equipment, machinery, products, or devices which are involved in any activity described in (1) - (4) of this paragraph;

On May 29, 1979, 6 AAC 85.040(a), BOUNDARIES, was amended to read:

(a) Each district must include a map of the boundaries of the coastal area within the district subject to the district program. Boundaries must enclose those lands which would reasonably be included in the coastal area subject to the district program if they were not subject to the exclusive jurisdiction of the federal government.

**6 AAC 85.050. RESOURCE INVENTORY.** Each district program must include a resource inventory which describes, in a manner sufficient for program development and implementation

(1) habitats listed in 6 AAC 80.130 that are found within or adjacent to the district;

(2) major cultural resources that are found within or adjacent to the district;

(3) major land and water uses and activities which are conducted within or adjacent to the district;

(4) major land and resource ownership and management responsibilities within or adjacent to the district; and

(5) major historic, prehistoric, and archaeological resources which are found within or adjacent to the district. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.030  
AS 46.40.040

**6 AAC 85.060. RESOURCE ANALYSIS.** Each district program must include a resource analysis which describes, in a manner sufficient for program development and implementation

(1) significant anticipated changes in the matters identified under sec. 50 of this chapter;

(2) an evaluation of the environmental capability and sensitivity of resources and habitats, including cultural resources, for land and water uses and activities, and

(3) an assessment of the present and anticipated needs and demands for coastal habitats and resources. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.030  
AS 46.40.040

**6 AAC 85.070. SUBJECT USES.** Each district program must include a description of the land and water uses and activities which are subject to the district program. The uses and activities mentioned in ch. 80 of this title are, if program. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.030  
AS 46.40.040

**6 AAC 85.080. PROPER AND IMPROPER USES.** Each district program must include a description of the uses and activities, including uses of state concern, that will be considered proper, and the uses and activities, including uses of state concern, that will be considered improper within the coastal area, including land and water use designations. This description must be based on the district's statement of overall needs, objectives, or goals, or the district's comprehensive land and resource use plan, under sec. 20 of this chapter, and must be consistent with the standards contained in ch. 80 of this title. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.030  
AS 46.40.040

**6 AAC 85.090. POLICIES.** Each district program must include a summary or statement of the policies that will be applied to land and water uses and activities subject to the district program and the process which will be used to determine whether specific proposals for land and water uses and activities will be allowed. It shall be the general policy of the district to approve specific proposals for uses and activities within areas designated for those uses and activities under sec. 80 of this chapter. Districts shall use existing means appropriate for the evaluation of specific proposals to the greatest extent feasible and prudent. Policies and procedures under this section must be consistent with the standards contained in ch. 80 of this title and must meet the following criteria:

(1) comprehensiveness, so as to apply to all uses, activities and areas in need of management;

(2) specificity, so as to allow clear understanding of who will be affected by the district program, how they will be affected, and whether specific proposals for land and water uses and activities will be allowed; and

(3) enforceability, so as to insure implementation of and adherence to the district applicable, subject to the district program. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.030  
AS 46.40.040

**6 AAC 85.100. IMPLEMENTATION.** Each district program must include a description of the methods and authority which will be used to implement the district program. Methods and authority must be adequate to insure program implementation, and any additional methods or authority which are required must be specified. Methods and authority include land and water use plans, municipal ordinances and resolutions, (including shoreline, zoning, and subdivision ordinances and building codes), state and federal statutes and regulations, capital improvement programs, the purchase, sale, lease, or exchange of coastal land and water resources, cooperative agreements, tax exemptions for nondevelopment purchase of development rights, memoranda of understanding, and coordinated project or permit review procedures. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.030  
AS 46.40.040

**6 AAC 85.110. PUBLIC PARTICIPATION.** Each district program must include evidence of effective and significant opportunities for public participation in program development under sec. 130 of this chapter. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.030

## ARTICLE 2. GOVERNMENT PROCESS

### Section

- 120. Submittals to council
- 130. Public involvement
- 140. Coordination and review
- 150. Council review

### **6 AAC 85.120. SUBMITTALS TO COUNCIL.**

(a) During program development, districts shall submit brief annual progress reports concerning program development to the council.

(b) Following adoption of the final program, districts shall submit brief annual progress reports concerning program implementation to the council.

(c) All significant amendments to the district program must be submitted to the council for approval. The Office of Coastal Management shall review proposed amendments to determine if council approval is required. This determination is subject to council review when requested by a council member.

(d) Districts shall give conceptual approval to district programs and significant amendments to district programs before their submission to the council. The district program as approved by the council becomes effective upon adoption by the district. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.030  
AS 46.40.040

**6 AAC 85.130. PUBLIC INVOLVEMENT.** (a) No less than two public meetings must be held within the district during program development to inform the public and receive comments concerning the program. A brief summary or report of the matters considered at the public meeting held under this subsection must be prepared by the district, made available to the public, and retained for inclusion in the record file referred to in sec. 150(c) of this chapter.

(b) At least 30 days before giving conceptual approval to the district program or significant amendment to the district program, the district shall give public notice of the proposed action by conspicuous advertisement in a newspaper of general circulation within the district. The notice must specify the time and place of a public hearing on the proposed action. The public hearing under this subsection may be held not sooner than 10 days after publication of the notice. At the public hearing, each interested person must be given the opportunity to present statements, arguments, or contentions, orally or in writing. Districts shall ensure that, where reasonably requested, translation into the appropriate Native language is provided. The district shall consider all relevant matter presented to it. A written transcript or electronic recording of the public hearing must be submitted to the council.

(c) In addition to the requirements of (b) of this section, districts shall provide publicly advertised opportunities for public involvement in the development of all program elements contained in secs. 20 - 110 of this chapter.

(d) Districts shall provide the public, in a timely manner and in understandable form, information explaining the district coastal management program, the requirements of public participation in program development, how and when the public may participate in program development, what information is

available, and where that information may be obtained. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.030  
AS 46.40.040

**6 AAC 85.140. COORDINATION AND REVIEW.** Districts shall provide opportunities for coordination and review by federal, state, and local governmental agencies, including adjacent districts, and other persons with a significant interest in coastal resources or who are conducting or may conduct uses and activities that have or are likely to have a direct and significant impact on the district's coastal area. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.030  
AS 46.40.040

**6 AAC 85.150. COUNCIL REVIEW.** (a) When a district program or significant amendment to a district program is given conceptual approval by the district, the program or amendment, together with the transcript or recording of the public hearing held under sec. 130(b) of this chapter and all other material on which the district based its decision, must be submitted to the council.

(b) Within 30 days after submission of the

district program or amendment under (a) of this section, the Office of Coastal Management shall issue its recommendation. The recommendation may be based, in whole or in part, on matters not submitted by the district under (a) of this section. Any matters so used must be identified in the recommendation and placed in the record file under (c) of this section. The recommendation must contain findings and conclusions based on this chapter, the standards contained in ch. 80 of this title, AS 46.40.060, and AS 46.40.070. The recommendation must be served on the district, the council, and all persons who testified or submitted timely written statements at the public hearing held under sec. 130(b) of this chapter.

(c) A record file containing all matter submitted by the district under (a) of this section, the Office of Coastal Management's recommendation under (b) of this section, and all matters on which the recommendation was based must be maintained at the Office of Coastal Management and at a convenient location within the district.

(d) Within 30 days after service of the recommendation, any person served with the recommendation may serve upon the council comments on the recommendation. Within 10 days after the deadline for serving comments on

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On May 29, 1979, 6 AAC 85.130(b), PUBLIC INVOLVEMENT, was amended to read:

(b) At least 60 days before giving conceptual approval to the district program or significant amendment to the district program, the district shall give written notice to the council and any person who has requested notice in writing, as well as public notice of the proposed action by conspicuous advertisement in a newspaper of general circulation within the district. In addition, notice must be given by radio and by posting in villages and municipalities within the district. The notice must specify the time and place of a public hearing on the proposed action and the availability for review of the proposed district program document or significant amendment to the district program. The public hearing under this subsection may be held not sooner than 30 days after notice is given. At the public hearing, each person must be given the opportunity to present statements, arguments, or contentions, orally or in writing. Districts shall insure that, where appropriate, translation into the appropriate Native language(s) is provided. The district shall consider all relevant matter presented to it. A written transcript or electronic recording of the public hearing must be submitted to the council.

the council under this subsection, the Office of Coastal Management may submit additional matter to the council in response to the comments. All comments served and all additional matter submitted under this subsection will be placed in the record file.

(e) Within 20 days after the deadline for the Office of Coastal Management's submission of additional matter to the council under (d) of this section, the council will approve or disapprove the district program, in whole or in part. The council's decision will contain findings and conclusions based on this chapter, the standards contained in ch. 80 of this title, AS 46.40.060, and AS 46.40.070. The council's findings and conclusions will be based upon matters contained in the record file. The council will, in its discretion, adopt the findings and

conclusions of the Office of Coastal Management by reference. The council will serve its decision under this subsection on the district and on all persons who submitted timely comments on the staff recommendation under (d) of this section, and will place the decision in the record file.

(f) If the council's decision under (e) of this section disapproves, in whole or in part, the district program, the decision will specify the date and location for the initial mediation session under AS 46.40.060(b). Mediation sessions will be held within the district and will be scheduled with due regard for the convenience of the participants. Any person served with the council's decision under (e) of this section may attend mediation sessions.

On May 29, 1979, 6 AAC 85.150, COUNCIL REVIEW, was amended to read:

(a) (((No changes.)))

(b) Within 30 days after submission of the district program or amendment under (a) of this section, the Office of Coastal Management shall issue its recommendation. The recommendation may be based, in whole or in part, on matters not submitted by the district under (a) of this section. Any matters so used must be identified in the recommendation and placed in the record file under (c) of this section. The recommendation must contain findings and conclusions based on this chapter, the standards contained in ch. 80 of this title, AS 46.40.060, and AS 46.40.070. The recommendation must be served on the district, the council, all persons who testified or submitted timely written statements at the public hearing held under sec. 130(b) of this chapter, and all persons who have requested the recommendation in writing. Broad public notice of the recommendation must be given.

(c) (((No changes.)))

(d) Within 30 days after service of the recommendation, any person served with the recommendation may serve on the council comments on the recommendation. Within 30 days after public notice of the recommendation, any other person may serve on the council comments on the recommendation. Within 10 days after the deadline for serving comments on the council under this subsection, the Office of Coastal Management may submit additional matter to the council in response to the comments. All comments served and all additional matter submitted under this subsection will be placed in the record file. The Office of Coastal Management shall respond to all comments within 30 days of receipt.

(e) (((No changes.)))

(g) If the council and district reach accord in mediation sessions held under (f) of this section, the council will, within 20 days after reaching accord, serve its modified decision on the district and all persons who were served with the council's decision under (e) of this section, and will place the modified decision in the record file. The modified decision will contain findings and conclusions, based on the record file and additional matters adduced during mediation, necessary to demonstrate that the modified decision does not violate this chapter, the standards contained in ch. 80 of this title, AS 46.40.060, or AS 46.40.070.

(h) If the council and the district do not reach an accord, the council will, within 20 days after its determination that an impasse has been reached, set the matter for an adjudicatory hearing under AS 46.40.060(c). Notice of the hearing under AS 44.62.370(c) will be served on the district and all persons who were served with the council's decision under (e) of this section. Any person served with notice of the hearing under this subsection may intervene as a party to the hearing. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
 AS 46.40.030  
 AS 46.40.040

**ARTICLE 3.  
 GENERAL PROVISIONS**

**Section**

**900. Definitions**

**6 AAC 85.900. DEFINITIONS.** Unless the context indicates otherwise, in this chapter

(1) "beaches" means the area affected by wave action directly from the sea;

(2) "marine coastal water" means water adjacent to shorelines which contains a measurable quantity of seawater, including sounds, bays, lagoons, bayous, ponds and estuaries, and the living resources which are dependent on these bodies of water;

(3) "council" means the Alaska Coastal Policy Council;

(4) "district" means a coastal resource district as defined in AS 46.40.210(2);

(5) "district program" means a district coastal management program;

(6) "islands" means bodies of land

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On May 29, 1979, 6 AAC 85.150(f), COUNCIL REVIEW, was amended to read:

(f) If the council's decision under (e) of this section disapproves, in whole or in part, the district program, the decision will specify the date and location for the initial mediation session under AS 46.40.060(b). Mediation sessions will be held with due regard for the convenience of the participants. Any person may attend mediation sessions.

surrounded by water on all sides; interior portions of major islands may be excluded from the coastal area if uses of these islands do not cause direct and significant impacts on coastal waters;

(7) "saltwater wetlands" has the same meaning as that contained in 6 AAC 80.900(19); and

(8) "transitional and intertidal areas" means areas subject to periodic or occasional inundation by tides, including coastal floodplains, storm surge areas, tsunami and hurricane zones, and washover channels. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.893  
AS 46.40.030  
AS 46.40.040

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On May 29, 1979, 6 AAC 85.900, DEFINITIONS, was amended by adding new subsections to read:

(9) "feasible and prudent" has the same meaning as in 6 AAC 80.900;

(10) "including" has the same meaning as in 6 AAC 80.900.