

SCOMM

62:21

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: SB 540
PUBLISH DATE: 3/30/90

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Natural Resources
Title: Issuance of State Consistency BRU: Petroleum Management
Determinations
Sponsor: Rules Committee Components: Petroleum Management
Requestor: Governor

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

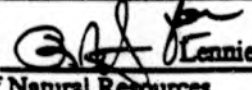
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared by: Larry Ostrovsky Phone: 465-2400
Division: Commissioner's Office Date: March 29, 1990
Approved by Commissioner:  Lennie Gorsuch Date: March 29, 1990
Agency: Department of Natural Resources

Distribution (by preparer) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

MEMORANDUM

April 11, 1990

SUBJECT: Title Problem in CSSB 540 (O&G)

TO: Senator Arliss Sturgulewski
Chair, Senate Rules Committee

FROM: Pamela Finley *Pam*
Assistant Revisor of Statutes

We sent CSSB 540(O&G) to the Senate this morning because it had already been read across. However, the title of CSSB 540 (Oil& Gas) does not reflect the contents of the bill. The first part of the title (page 1, line 6 through the middle of line 11) is intended to describe the current requirement for consistency determinations, which requirement is being removed. The next part of the title (page 1, from the middle of line 11 to the beginning of line 17) is intended to describe the requirement as amended by the bill.

Current law requires the OMB to render the state consistency determination when the project requires two or more state or federal permits, leases, or authorizations. The part of the title describing current law, however, covers only permits, leases, or authorizations of a single state resource agency (page 1, lines 10-11). The title describing the existing requirement omits that part of existing law that requires OMB to render the state consistency determination when a federal permit and a state permit are needed.

In addition, that part of the title describing the requirement as amended by the bill is wrong. It states that the OMB will render the state consistency determination if the project requires a federal permit, lease, or authorization (page 1, lines 16-17). However, the bill deletes any reference to federal permits as to state consistency determinations (page 3, lines 1-2).

Senator Arliss Sturgulewski
Page 2
April 11, 1990

The title should be amended as follows:

Page 1, line 10: Insert "state or federal" before "permits"

Page 1, lines 10-11: Delete "from a single state resource agency"

Page 1, lines 16-17: Delete ", or a federal permit, lease, or authorization".

If you have any questions about this, please call me or John Gaguine.

TBC:lmb
L10/065

CC: David Rogers

STEVE COWPER, GOVERNOR

OFFICE OF THE GOVERNOR

DIVISION OF GOVERNMENTAL COORDINATION

CENTRAL OFFICE

P.O. BOX AW
JUNEAU, ALASKA 99811-0165
PHONE: (907) 465-3562

SOUTHEAST REGIONAL OFFICE

431 NORTH FRANKLIN
P.O. BOX AW, SUITE 101
JUNEAU, ALASKA 99811-0165
PHONE: (907) 465-3562

SOUTHCENTRAL REGIONAL OFFICE

2600 DENALI STREET
SUITE 700
ANCHORAGE, ALASKA 99503-2798
PHONE: (907) 274-1581

NORTHERN REGIONAL OFFICE

675 SEVENTH AVENUE
STATION H
FAIRBANKS, ALASKA 99701-4596
PHONE: (907) 456-3084

April 6, 1990

The Honorable Drue Pearce
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Pearce:

Per your request, I have attached chronologies which list the steps in the state's previous reviews of the Endicott and Niakuk Offshore Development Projects. These reviews were to determine consistency with the state's coastal management program as defined by the state's resource agencies and applicable provisions of the North Slope Borough District Coastal Management Plan. The lists do not include prior state lease or exploration reviews or similar information for the Federal Environmental Impact Statement Review or any details pertaining to the process followed by the applicant to secure individual federal agency permit(s).

Please call if you have questions.

Sincerely,



Robert L. Grogan
Director

cc: Commissioner Collinsworth, DFG
Commissioner Kelso, DEC
Commissioner Gorsuch
Denby Lloyd, Office of the Governor

The following is a summary of the review schedules for issuing the conclusive consistency determinations for the Endicott and Niakuk oil and gas development projects.

Endicott

July 20, 1984	Review startup
August 14, 1984	Comment deadline extended to coincide with the Department of Natural Resources' Right-of-Way Lease review schedule.
September 14, 1984	Coastal consistency comment deadline.
September 25, 1984	Consistency review elevated to resource agency directors. Applicant notified that state agency consensus on project consistency can not be reached.
October 9, 1984	Conclusive Consistency Determination issued.

Niakuk

July 26, 1988	Coastal Consistency Review begins.
August 19, 1988	Comment deadline extended for new information on water quality impacts requested from the Department of Environmental Conservation.
March 2, 1990	Review comment deadline based on new information received from applicant.
March 12, 1990	Consistency review elevated to the resource agency directors. Applicant notified that state agency consensus on the project consistency can not be reached at the regional level.
April 2, 1990	Conclusive consistency determination issued.

Adams

Amend the title of SB 540 to read:

An Act relating to the duties of the Office of Management and Budget with regard to coastal zone consistency determinations on projects requiring permits, leases or authorizations from two or more state resource agencies; defining "render" and "resource agency" for purposes of coastal zone consistency determinations; and providing for an effective date.

A M E N D M E N T

OFFERED IN THE SENATE

BY THE SENATE SPECIAL COMMITTEE
ON OIL & GAS

TO: SB 540

Page 1, line 6:

Delete "relating to issuance of state"

Insert "removing the requirement that the office of management and budget in the Office of the Governor render a conclusive state coastal zone consistency determination for a project that requires two or more state or federal permits, leases, or authorizations; requiring the office of management and budget in the Office of the Governor to render a conclusive state coastal zone consistency determination for a project that requires a permit, lease, or authorization from more than one state resource agency; defining "render" and "resource agency" for purposes of coastal zone"

Original sponsor(s): Rules/Governor

IN THE SENATE

BY THE SENATE SPECIAL COMMITTEE ON OIL & GAS

CS FOR SENATE BILL NO. 540 (Oil & Gas)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act removing the requirement that the office of management and budget in the Office of the Governor render a conclusive state coastal zone consistency determination for a project that requires two or more permits, leases, or authorizations from a single state resource agency; requiring the office of management and budget in the Office of the Governor to render a conclusive state coastal zone consistency determination for a project that requires a permit, lease, or authorization from more than one state resource agency, or a federal permit, lease, or authorization; defining "render" and "resource agency" for purposes of coastal zone consistency determinations; and providing for an effective date."

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

* Section 1. AS 44.19.145(a) is amended to read:

(a) The office shall

(1) provide technical assistance to the governor and the legislature in identifying long range goals and objectives for the state and its political subdivisions;

(2) prepare and maintain a state comprehensive development plan;

(3) provide information and assistance to state agencies to aid in governmental coordination and unity in the preparation of

1 agency plans and programs;

2 (4) review planning within state government as may be
3 necessary for receipt of federal, state, or other funds;

4 (5) participate with other countries, provinces, states, or
5 subdivisions of them in international or interstate planning, and
6 assist the state's local governments, governmental conferences, and
7 councils in planning and coordinating their activities;

8 (6) encourage educational and research programs that fur-
9 ther state planning and development, and provide administrative and
10 technical services for them;

11 (7) publish such statistical information or other documen-
12 tary material as will further the provisions and intent of AS 44.19.-
13 141 - 44.19.152;

14 (8) assist the governor and the Department of Community and
15 Regional Affairs in coordinating state agency [THE] activities that
16 [OF STATE AGENCIES WHICH] have an effect on the solution of local and
17 regional development problems;

18 (9) serve as a clearinghouse for information, data, and
19 other materials that may be helpful or necessary to federal, state, or
20 local governmental agencies in discharging their respective respon-
21 sibilities or in obtaining federal or state financial or technical
22 assistance;

23 (10) review all proposals for the location of capital im-
24 provements by any state agency and advise and make recommendations
25 concerning location of these capital improvements;

26 (11) render, on behalf of the state, all federal consistency
27 determinations and certifications authorized by 16 U.S.C. 1456 (Sec.
28 307, Coastal Zone Management Act of 1972), and each [A] conclusive
29 state consistency determination when a project requires a permit,

1 lease, or authorization from two or more state resource agencies [OR
2 FEDERAL PERMITS, LEASES, OR AUTHORIZATIONS].

3 * Sec. 2. AS 44.19.152 is amended by adding new paragraphs to read:

4 (3) "render" means to coordinate and issue;

5 (4) "resource agency" means

6 (A) the Department of Environmental Conservation;

7 (B) the Department of Fish and Game; or

8 (C) the Department of Natural Resources.

9 * Sec. 3. This Act is retroactive to March 11, 1984.

10 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

Original sponsor(s): Rules/Governor

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