

360

HCRA

HCR

125

HCRA

HCR

125

LETTER OF INTENT -- CSHCR 125

By the Community and Regional Affairs Committee

Testimony received by the Community and Regional Affairs Committee identified two provisions of regulations submitted by the Alaska Coastal Policy Council for which change is suggested. Both bear upon the desire of members of the committee to maintain the broadest possible opportunity for public participation in and understanding of the process of developing district and state coastal management programs. Specifically,

(1) in 6 AAC 85.120(b), it is the intent of the committee that, in addition to giving of notice of public hearing by newspaper advertisement, where no newspaper of general circulation exists within a community or region, general notice should be given by radio;

(2) in 6 AAC 85.140, it is the intent of the committee that broad public circulation through general notice or radio broadcast be given to recommendations of the Coastal Policy Council in its review of district programs, that the public at-large (rather than only those persons specifically served a written copy of the Council's recommendation) have opportunity to respond with written comments, and that the public at-large enjoy the opportunity to attend all subsequent sessions, including mediation sessions.

Language adopted by the Coastal Policy Council in each of sections cited complies with the letter of each underlying statute; the committee recommends reconsideration and change to more nearly accord with the spirit of public participation and understanding which is the basis of the coastal management program.

PART 6.
ALASKA COASTAL POLICY COUNCIL

Chapter

- 80. Standards of the Alaska Coastal Management Program
- 85. Guidelines for District Coastal Management Programs

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 regulations
- 20. Public participation and information
- 30. Program management and coordination

6 AAC 80.010. COVERAGE OF REGULATIONS. (a) This title contains guidelines and 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.

2
 ↗
 2
 .

(b) [Nothing in this chapter or in any district program may be construed as displacing or diminishing 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 shall 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 title annually.
 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 insure that, where reasonably requested, translation into appropriate Native language is provided.

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 will

(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 contained in AS 44.19.891(a)(1). Regional programs will

(1) assist the Council and districts in identifying uses of state concern¹ 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 shall be transmitted to the district through the Office of Coastal Management. District planning efforts shall 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.

Authority: AS 44.19.893
AS 46.40.040

1. "uses of state concern" is defined in AS 46.40.210(6).

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 dredge or fill material into coastal water shall, at a minimum, comply with Parts 320-323, Title 33, Code of Federal Regulations, Navigation and Navigable Waters.

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.

(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.

Authority: AS 44.19.893
AS 46.40.040

6 AAC 80.060. RECREATION. (a) 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.

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 OCS energy facilities shall be identified by the state in cooperation with districts.

Who in state?

(b) The siting and approval of major oil and gas facilities shall 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 specific uses of state concern. District programs and plans shall be consistent with such uses.

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 shall 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 shall 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.

Authority: AS 44.19.893
AS 46.40.040

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.

Authority: AS 44.19.893
AS 46.40.040

2
6 AAC 80.100. TIMBER HARVEST AND PROCESSING. (a) Commercial timber harvest activities in the coastal area shall be sited in areas where the management of reforestation, using the best available technology, will result in producing a sustained yield of merchantable timber unless the area is to be converted to a use other than timber harvest.

(b) Commercial timber harvest activities in the coastal area shall be conducted so as to meet the following standards:

(1) the location of facilities and the layout of logging systems shall be managed so as to minimize potential for adverse environmental impacts;

(2) assure unrestricted fish movement in coastal waters; and

(3) timber harvest and timber management activities shall be planned and implemented so as to protect streambanks and shorelines, prevent adverse impacts on fish resources and habitats, and minimize adverse impacts on wildlife resources and habitats as determined on a case-by-case basis by the Alaska Departments of Natural Resources, Environmental Conservation, and Fish and Game, districts, and appropriate federal agencies.

(c) Commercial timber transport, storage, and processing in the coastal area shall be conducted so as to meet the following standards:

(1) onshore storage of logs shall be encouraged where compatible with the objectives of the Alaska Coastal Management Program;

(2) sites for in-water dumping and storage of logs shall 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 shall be planned, designed, and constructed so as to minimize mass wasting, erosion, sedimentation, interference with drainage, and adequately maintained until such time as they are returned to their pre-road natural drainage pattern (put to bed); and

(4) stream crossings, including bridges and culverts, shall be kept to a minimum number, designed to withstand seasonal high water and flooding, and provide for unrestricted passage of fish.

(d) Upon the effective date of a regulation adopted under the authority of forest practices legislation establishing a standard corresponding to a standard in this section, the standard in this section will not be applicable.

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 shall 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.

Authority: AS 44.19.893

AS 46.40.040

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 shall have priority over all non-subsistence 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 shall be conducted and appropriate safeguards to assure subsistence usage shall be provided.

(e) Districts sharing migratory fish and game resources shall be required to submit compatible plans for habitat management.

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 shall 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) manage offshore areas as a fisheries conservation zone so as to maintain or enhance the state's sport, commercial, and subsistence fishery;

(2) manage estuaries 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) manage wetlands and tideflats 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) manage rocky islands and seacliffs so as to avoid the harassment of wildlife, destruction of important habitat, and the introduction of competing or destructive species and predators;

(5) manage barrier islands and lagoons 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) manage high energy coasts by assuring the adequate mix and transport of sediments and nutrients and avoiding redirection of transport processes and wave energy; and

(7) manage rivers, streams, and lakes 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 providing the following are established:

(1) significant public need for the proposed use or activity;

(2) no feasible and 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.

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, 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.

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.

Authority: AS 44.14.893
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.² Recommendations shall include the following information:

- (1) the basis or bases for designation pursuant to 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 authorities 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
2. "areas which merit special attention" is defined in AS 46.40.210(1).

(3) potential estuarine or marine sanctuaries.

(c) Management schemes for areas which merit special attention shall preserve, protect, enhance, or restore the value or values for which the area was designated.

Authority: AS 44.19.893
AS 46.40.040

ARTICLE 5.
GENERAL PROVISIONS

Section
170. Definitions

6 AAC 80.170. DEFINITIONS. In this chapter

(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;

*Real
Word?*

(2) "coastal water" means those waters adjacent to shorelines which contain a measurable quantity of seawater, including sounds, bays, lagoons, bayous, ponds, and estuaries, and the living resources which are dependent on these waters;

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

(4) "district" means coastal resource district as defined in AS 46.40.210(2);

(5) "district program" means district coastal management program;

(6) "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;

(7) "exposed high-energy coasts" means open and unprotected sections of coastline with direct exposure to ocean generated wave impacts and usually characterized by coarse sand, gravel, boulder beaches, and well-mixed coastal waters;

(8) "facilities related to commercial fishing and seafood processing" include hatcheries and related facilities, seafood processing plants and support facilities, marine industrial and commercial facilities, and aquaculture facilities;

(9) "geophysical hazards" include 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 waters, 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) "tideflats" 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, oil and gas pipelines, land and marine corridors, railways, highways, roadways, air terminals, water and sewage transfer, and facilities required to operate and maintain them;

(15) "upland" means drainages, aquifers, and land, the use of which would have a direct and significant impact on coastal waters;

(16) "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;

(17) "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; and

(18) "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 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 watertable changes.

Authority: AS 44.19.893
AS 46.40.040

CHAPTER 85.
GUIDELINES FOR DISTRICT COASTAL MANAGEMENT PROGRAMSARTICLE 1
PROGRAM ELEMENTS

Section

- 10. Needs, objectives and goals
- 20. Organization
- 30. Boundaries
- 40. Resource inventory
- 50. Resource analysis
- 60. Subject uses
- 70. Proper and improper uses
- 80. Policies
- 90. Implementation
- 100. Public participation

6 AAC 85.010. NEEDS, OBJECTIVES, AND GOALS. Each district program shall include a statement of the district's overall coastal management needs, objectives, or goals, or the district's comprehensive land and resource use plan.

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.020. ORGANIZATION. Each district program shall include a description of the district program organization for coastal management. Budgetary and staff needs and, where appropriate, a schedule for necessary reorganization shall be included.

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.030. BOUNDARIES. (a) Each district program shall include a map of the boundaries of the coastal area within the district subject to the district program.

(b) Prior to Council approval of the district program, initial boundaries shall be based on Biophysical Boundaries of Alaska's Coastal Zone,¹ and shall 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. available from the Office of Coastal Management, Division of Policy Development and Planning, Office of the Governor.

(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 coastal waters; and

(2) include all transitional and intertidal areas, salt marshes, saltwater wetlands, islands, and beaches.

(d) Providing that the criteria contained in (c) of this section are met, final boundaries of the coastal area subject to the district coastal management 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 shall be sufficiently compatible with those of adjoining areas to allow consistent administration of the Alaska Coastal Management Program.

What Mean?

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.040. RESOURCE INVENTORY. Each district program shall include a resource inventory which describes, in a manner, sufficient for program development and implementation:

(1) habitats contained in 6 AAC 80.130 that are found within and adjacent to the district;

(2) major cultural resources that are found within and adjacent to the district;

(3) major land and water uses and activities which are conducted within and adjacent to the district;

(4) major land and resource ownership and management responsibilities within and adjacent to the district; and

(5) major historic, prehistoric, and archaeological resources which are found within and adjacent to the district.

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.050. RESOURCE ANALYSIS. Each district program shall include a resource analysis which describes, in a manner sufficient for program development and implementation:

(1) significant anticipated changes in ^{elements listed under} sec. 40 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.

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.060. SUBJECT USES. Each district program shall include a description of the land and water uses and activities which are subject to the district program. The uses and activities contained in 6 AAC 80 shall, if applicable, be subject to the district program.

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.070. PROPER AND IMPROPER USES. Each district program shall 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 shall 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. 10 of this chapter, and shall be consistent with the standards contained in ch. 80 of this title.

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.080. POLICIES. Each district program shall 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. 70 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 shall be consistent with the standards contained in ch. 80 of this title and shall 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 program.

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.090. IMPLEMENTATION. Each district program shall include a description of the methods and authorities which will be used to implement the district program. Methods and authorities must be adequate to insure program implementation and any additional methods or authorities which are required shall be specified. Methods and authorities 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 improvements programs; the purchase, sale, lease, or exchange of coastal land and water resources; cooperative agreements; tax exemptions for non-development purchase of development rights; memoranda of understanding; and coordinated project or permit review procedures.

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.100. PUBLIC PARTICIPATION. Each district program shall include evidence of effective and significant opportunities for public participation in program development, under sec. 120 of this chapter.

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

ARTICLE 2. GOVERNMENT PROCESS

Section

- 110. Submittals to Council
- 120. Public involvement
- 130. Coordination and review
- 140. Council review

6 AAC 85.110. 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 shall be submitted to the Council for approval. The Office of Coastal Management will 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 prior to their submittal to the Council. The district program as approved by the Council becomes effective upon adoption by the district.

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.120. PUBLIC INVOLVEMENT. (a) No less than two public meetings shall 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 shall be prepared by the district, made available to the public, and retained for inclusion in the record file referred to in sec. 140(c) of this chapter.

Radio also

(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 first publication of the notice. At the public hearing, each interested person shall be given the opportunity to present statements, arguments, or contentions, orally or in writing. Districts shall insure that, where reasonably requested, translation into 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 shall be submitted to the Council.

(c) In addition to the requirements of (b) of this section, districts shall provide publically advertised opportunities for public involvement in the development of all program elements contained in secs. 10 -- 100 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 such information may be obtained.

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.130. COORDINATION AND REVIEW. Districts shall provide opportunities for coordination and review by federal, state, and local governmental agencies, including adjacent districts, and others with a significant interest in coastal resources or which 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.

Authority: AS 44.19.893
AS 46.40.030
AS 46.40.040

6 AAC 85.140. 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. 120(b) of this chapter and all other material on which the district based its decision shall be submitted to the Council.

7
b
(b) Within 30 days of submission of the district program or amendment under (a) of this section, the Office of Coastal Management will issue a quasi-legislative 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 shall be identified in the recommendation. The recommendation 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 recommendation will be served on the district, the Council, and all persons who testified or submitted timely written statements at the public hearing held under sec. 120(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 will 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 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, AS 46.40.070, and matter 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, on all persons who submitted timely comments on the staff recommendation under (d) of this section, and 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 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.

(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, all persons who were served with the Council's decision under (e) of this section, and 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, and 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 adjudicator hearing pursuant to 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.

Authority: AS 44.19.893

AS 46.40.030

AS 46.40.040

ARTICLE 3.
GENERAL PROVISIONS

Section
150. Definitions

6 AAC 85.150. DEFINITIONS. In this chapter

(1) "beaches" means the area affected by wave action directly from the sea;

(2) "coastal water" has the same meaning as in 6 AAC 80.170(2);

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

(4) "district" means coastal resource district as defined in AS 46.40.210(2);

(5) "district program" means district coastal management program;

(6) "islands" means bodies of land surrounded by water on all sides; interior portions of major islands may be excluded if uses of these lands do not cause direct and significant impacts on coastal waters;

(7) "saltwater wetlands" has the same meaning as that contained in 6 AAC 80.170(18); and

(8) "transitional and intertidal areas" means areas subject to periodic or occasional inundation by tides, as, for example, coastal floodplains, storm surge areas, tsunami and hurricane zones, and washover channels.

ALASKA
STATE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

State Capitol

INTER-AGENCY ROUTING SLIP

TO: Annette

ATTN: _____

REMARKS: I think this should take care of the
problem with respect to the CZM regs
and their subsequent amendment by the
Coastal Policy Council.

FROM: jc

DATE: 5/2



AS 46.40.080 is amended to read:

Sec. 46.40.080. EFFECTIVE DATE OF ALASKA COASTAL MANAGEMENT REGULATIONS AND PROGRAM. The Alaska coastal management regulations adopted under sec. 40 of this chapter, the coastal management program adopted by the council, and any additions, revisions, or amendments of those regulations or of the program, take effect upon adoption of a concurrent resolution of approval adopted by a majority of the members of each house of the legislature or by a vote of approval of a 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.

SUMMARY OF COUNCIL CHANGES TO FINAL DRAFT,

ACMP GUIDELINES AND STANDARDS

This paper summarizes the major comments received from public hearings on the Hearing Draft of the Guidelines and Standards, and shows in a general way, how the Alaska Coastal Policy Council dealt with those comments. At its meeting on March 30 and 31, the Council was presented with a Staff Recommendations draft of the Guidelines. The Council used this and the hearing comments to produce their final guidelines which were then sent to the Legislature and the Attorney General in early April.

Since then, the Attorney General has examined the final guidelines and made a number of clerical and grammatical changes. A revised final draft is now available and attached which contains those changes.

HEARING COMMENTS

1. Guidelines are too vague, and could lead to interpretation problems. Conversely, others said that the guidelines were too strict and eliminated too many local options.
2. Unclear as to status of Guidelines, upon whom are they effective?
3. Timber harvest too strict.
4. All Standards (Art. 80.) sections contain undefined terms, or words which will be difficult to interpret.
5. Many sections contain redundant provisions.
6. Needs definitions.
7. Subsistence use needs more detail.

COUNCIL RESPONSE

The Council elected to retain more flexible language to protect local options. To protect from arbitrary interpretation, a careful review and approval procedure was devised and inserted at the end of Chapter 85.(85.140)

A new section, 80.010. was added to clarify the applicability of the guidelines.

This section has been slackened and reduced to allow more flexibility. (See 80.100)

All sections in Article 80 have been streamlined with interpretive words eliminated or replaced with court-tested phrases like "feasible and prudent".

A careful edit has eliminated this,

A definitions section has been added to the end of each of the two main chapters.

A substantial addition was provided for the subsistence section.

Legislative Intent - As part of the Resolution or separate
Letter of Intent

In approving the guidelines and standards as part of the coastal management program, the Legislature does not abrogate its right to annul any regulations in the future as it sees fit.

General Comments on Final Draft of Coastal Management
Guidelines and Standards

The final draft of the Guidelines and Standards was extensively rewritten during the Coastal Policy Council's meeting in Juneau March 30-31.

The revision was based essentially on the staff recommendations presented at the Council meeting. The recommendations were designed to reflect the comments and objections that had been made in regard to the previous draft through the public hearing process and written comments from the public.

In general, the final draft represents a shortened, less mandatory, and more forthcoming attitude towards economic activity than the earlier draft.

Two new sections were added: the first section on Coverage of the Regulations and additional sections on Definitions. These were added in response to public hearing comments.

Certain phraseology was either eliminated from the draft or rephrased in the interest of avoiding possible court tests. Phrases such as "to the maximum extent possible (or feasible)" have been eliminated. Mandatory language such as "districts shall avoid" or "actions shall not interfere with..." have also been modified

In place of phrases "to the maximum extent possible", the words "feasible and prudent" have been used extensively. The words "feasible and prudent" were chosen as preferable since they have been defined in federal court cases -- feasible meaning "technologically possible" and prudent meaning "economically and socially reasonable".

In place of wording such as "shall avoid" or "shall not interfere", new language such as "shall be managed so as to minimize potential for adverse impacts" has been substituted.

New flexibility has been put into the regulations under subsistence, for example, by using the phrasing "shall recognize and assure opportunities for subsistence usage" instead of the previous "shall assure subsistence" in an earlier draft. Districts are given the option of designating subsistence as the priority use in subsistence zones, but are not mandated to do so across the board as the earlier draft implied.

Attached are reference sheets to the sections of the Act pertaining to the guidelines and standards and definitions of "uses of state concern" and "areas which merit special attention."

Attachments

Annette Smith
5/2/78

ALASKA COASTAL MANAGEMENT ACT

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.

see p.3 (d)

COASTAL MANAGEMENT ACT

Definitions from the Act:

(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.

COASTAL MANAGEMENT ACT

Definitions from the Act:

(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 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 inter-regional 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.

M E M O

TO; Lisa FROM: Annette

May 1, 1978

SUBJECT: CZM Guidelines and Standards

I asked Murray Walsh of the Coastal Management Office to provide us with a one or two page summary of the major changes from the hearing draft of the guidelines to the final draft. Murray will also be here Wednesday morning to answer questions about the Guidelines. Mr. Allington also plans to attend.

Murray reported the Attorney General has made several changes in the final draft -- mostly clerical, he assures me. He expects to have the new final draft delivered to us tomorrow. I will distribute it to the members as soon as I get it.

Vivian Hegg of the League of Women Voters, paid a visit. She will be prepared to give testimony on the guidelines and standards on Wednesday. Her main concerns were that if the Legislature annulled some of the regulations, the Districts would be left at a disadvantage in developing their programs. She asked if there were problems areas if a letter of intent could accomplish the same purpose without annulling the regulations.

I can appreciate her point with regard to guidance for the local districts. However, I would be a bit concerned about the legal and political ramifications of a letter of intent to the effect that certain regulations need revision. Such a letter could be used as evidence in a suit for example. Better, a simple letter to the Council requesting revisions, though this is not as strong as outright annulment.

Ms Hegg also raised a possible problem with the guidelines and standards being accepted as part of the program and/or being approved by the full Legislature.

- 1) The Act does not state they are part of the program;
- 2) The Act does not state that they need approval by the Legislature;
- 3) Question of whether the Administrative Regulation Review Committee can review and recommend annulment of regulations once approved by the whole body;
- 4) What happens with future revisions and amendments to the regulations by the Council? Is Legislative approval needed before any changes can take effect?
- 5) Jack Chenoweth recommends clarifying the Act as to whether guidelines and standards will be part of the program or if not, how any future amendments to the regulations will be handled.

STATE
of ALASKA

MEMORANDUM

TO: Annette Smith
Administrative Assistant
House Community and Regional
Affairs Committee

DATE: May 1, 1978

FILE NO:

TELEPHONE NO:

FROM: Murray R. Walsh *MRW*
Coordinator
Alaska Coastal Management Program

SUBJECT: Summary of Changes to ACMP
Guidelines and Standards

As you requested I have written a short summary of the major areas of change between the January 1978 Hearing Draft of the ACMP Guidelines and Standards. The revision as per the Attorney General's review is not available this afternoon, but will be sent to you as soon as possible.

cc: Ben Harding
Senate Community and Regional
Affairs Committee

SUMMARY OF COUNCIL CHANGES TO FINAL DRAFT,
ACMP GUIDELINES AND STANDARDS

This paper summarizes the major comments received from public hearings on the Hearing Draft of the Guidelines and Standards, and shows in a general way, how the Alaska Coastal Policy Council dealt with those comments. At its meeting on March 30 and 31, the Council was presented with a Staff Recommendations draft of the Guidelines. The Council used this and the hearing comments to produce their final guidelines which were then sent to the Legislature and the Attorney General in early April.

Since then, the Attorney General has examined the final guidelines and made a number of clerical and grammatical changes. A revised final draft is now available and attached which contains those changes.

HEARING COMMENTS

COUNCIL RESPONSE

1. Guidelines are too vague, and could lead to interpretation problems. Conversely, others said that the guidelines were too strict and eliminated too many local options.

The Council elected to retain more flexible language to protect local options. To protect from arbitrary interpretation, a careful review and approval procedure was devised and inserted at the end of Chapter 85.(85.140)

2. Unclear as to status of Guidelines, upon whom are they effective?

A new section, 80.010. was added to clarify the applicability of the guidelines.

3. Timber harvest too strict.

This section has been slackened and reduced to allow more flexibility. (See 80.100)

4. All Standards (Art. 80.) sections contain undefined terms, or words which will be difficult to interpret.

All sections in Article 80 have been streamlined with interpretive words eliminated or replaced with court-tested phrases like "feasible and prudent".

5. Many sections contain redundant provisions.

A careful edit has eliminated this,

6. Needs definitions.

A definitions section has been added to the end of each of the two main chapters.

7. Subsistence use needs more detail.

A substantial addition was provided for the subsistence section.

STATE OF ALASKA
THE LEGISLATURE

POUCHY - STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3300

LEGISLATIVE AFFAIRS AGENCY


MEMORANDUM

March 28, 1978

SUBJECT: Opinion request: Review and approval of coastal management regulations

TO: Senator Joseph L. Orsini

FROM: John B. Chenoweth
Legislative Council



Your March 27th request of Bill Berrier with respect to the scope of legislative review of pending coastal management regulations has been referred to me for reply.

The scope of legislative review of regulations embodying guidelines and standards applicable to the adoption and implementation of coastal management programs by municipalities and service areas does not appear to me to differ from the scope of review authorized for other agency regulations under AS 44.62.320: the Legislature may, by concurrent resolution, annul an agency-adopted regulation. Nothing requires the Legislature to act on this body of regulations as a single unit, though that is, of course, one means by which the Legislature may proceed.

I am aware of the contention that the regulations required to be adopted by the Coastal Policy Council are ineffective until approved by adoption of a concurrent resolution or by vote of the members at a joint session of the Legislature. The argument presumably rests on AS 46.40.080:

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.

I cannot say that the section cited requires prior affirmative action of the council's regulations. Prior approval is mandated for "the coastal management program" and for "additions, revisions, and amendments of the [coastal management] program," which, in the context of the legislation (absent a definition of the term "program"), appears to include only the individual planning elements prepared by the municipalities and service areas. As AS 46.40 now reads, it is not certain that approval by the Legislature is a requisite to having the regulations take effect.

The Legislature may not directly rewrite or repromulgate administrative regulations. It may amend or repeal the underlying statutory authority, thereby necessitating review and repeal or revision of affected regulations.

Because prior legislative approval of the council submission is not required under the interpretation offered herein, your question regarding the propriety of approval followed by later legislative review (presumably for purposes of annulment of the regulation) is moot.

JBC:jpd

STATE OF ALASKA

COASTAL POLICY COUNCIL

January 23, 1978

LOCAL MEMBERS:

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


STATE MEMBERS:

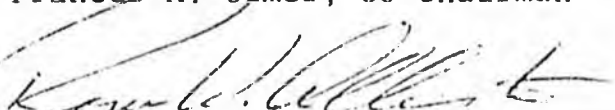
Frances Ulmer,
Director of Policy
Development &
Planning,
Co-Chairwoman
Donald Harris,
Commissioner of
Transportation &
Public Facilities
Philip Hubbard,
Commissioner of
Commerce &
Economic
Development
Robert LeResche,
Commissioner of
Natural Resources
Lee McAnerney,
Commissioner of
Community &
Regional Affairs
Ernst Mueller,
Commissioner of
Environmental
Conservation
Ronald Skoog,
Commissioner of
Fish & Game

Pursuant to your interest in the Alaska Coastal Management Program we are sending you a copy of the proposed Guidelines and Standards as approved for public hearing by the Coastal Policy Council at their January 13th-14th meeting. Statewide public hearings have been scheduled from February 15th through March 4th as indicated on the hearing notice attached.

If you have any questions, please call the Office of Coastal Management at 465-3541.

Sincerely,


Frances A. Ulmer, Co-Chairman


Roger W. Allington, Co-Chairman



ALASKA
COASTAL MANAGEMENT PROGRAM

NOTICE OF PROPOSED ADOPTION OF REGULATIONS

OF THE ALASKA COASTAL POLICY COUNCIL

Notice is hereby given that the Alaska Coastal Policy Council, under authority vested by AS 46.40.040(1) and AS 44.19.893(1), proposes to adopt regulations in Title 6, Part 5 of the Alaska Administrative Code to implement AS 46.40.040(1) and AS 44.19.893(1). These proposed regulations will constitute the guidelines and standards of the Alaska Coastal Management Program, for the use of and application by coastal resource districts and state agencies, and include comprehensive standards for the management of uses, activities, resources, and habitats in the coastal area and guidelines for the development of district coastal management programs.

The proposed regulations are organized as follows:

Chapter 80: Standards of the Alaska Coastal Management Program.

- Article 1: Government process.
- Article 2: Uses and activities.
- Article 3: Resources and habitats.
- Article 4: Areas which merit special attention.

Chapter 85: Guidelines for District Coastal Management Programs.

Notice is also given that any person interested may present oral or written statements or arguments relevant to the action proposed at hearings to be held at the following locations and times:

- Juneau 7:00 pm on Feb. 15 in the City-Borough Assembly Chambers.
- Kodiak 7:30 pm on Feb. 20 in the Borough Assembly Chambers.
- Sitka 7:00 pm on Feb. 20 in the Centennial Building.
- Barrow 7:30 pm on Feb. 20 in the North Slope Borough Building.
- Anchorage 7:00 pm on Feb. 22 in the Anchorage Historical and Fine Arts Museum.
- Nome 7:30 pm on Feb. 22 in the City Hall, Council Chambers.
- Unalaska 7:30 pm on Feb. 23 in the Unalaska School.
- Kotzebue 7:30 pm on Feb. 24 in the City Hall, Council Chambers.
- Cordova 7:30 pm on Feb. 28 in the Library Council Chambers.
- Dillingham 7:30 pm on Feb. 28 in the City Hall.
- Valdez 7:30 pm on Mar. 1 in the Council Chambers.
- Ketchikan 7:30 pm on Mar. 1 in the Council Chambers.
- Bethel 7:30 pm on Mar. 2 in the Courthouse/City Office Building, Council Chambers.
- Kenai 7:30 pm on Mar. 3 in the Kenai Peninsula Borough Building, Assembly Room.
- Homer 1:00 pm on Mar. 4 at the Homer Museum.

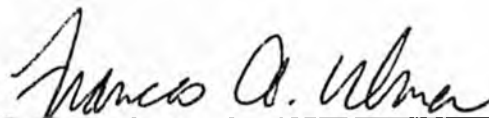
Copies of the proposed regulations may be obtained from municipal offices in the above listed locations or from the following address:

Coordinator
Office of Coastal Management
Division of Policy Development & Planning
Pouch AP
Juneau, Alaska 99811

Any person may file written statements or arguments relevant to the proposed action with the Coordinator, Office of Coastal Management, at the above address. Comments to be considered must be received at the above address on or before March 6, 1978.

The Alaska Coastal Policy Council may at any time after March 6, 1978 adopt the proposals substantially as described above without further notice.

DATED at Juneau, Alaska this 18 day of January, 1978.



Frances A. Ulmer
Co-Chairman
Alaska Coastal Policy Council

DRAFT

TITLE 6. GOVERNOR'S OFFICE

PART 5. ALASKA COASTAL POLICY COUNCIL.

Chapter

- 30. Standards of the Alaska Coastal Management Program
- 85. Guidelines for District Coastal Management Programs

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

ARTICLE 1. GOVERNMENT PROCESS

Section

- 10. Public participation and information
- 20. Program management and coordination

6 AAC 80.010. PUBLIC PARTICIPATION AND INFORMATION. (a) The Council will provide adequate, effective, and continuing opportunities for public participation from the beginning in the Alaska Coastal Management Program. The Council will give notice of when and where opportunities for public participation will be provided before the adoption of guidelines and standards, the review and approval of district coastal management programs, and the review and approval or adoption of amendments, revisions, or additions to the Alaska Coastal Management Program.

(b) The Council will not approve a district coastal management program or any amendment, revision, or addition thereto 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 the Alaska Coastal Management Program in understandable form, including but not limited to the following:

- (1) a guide for the development of district coastal management programs;
- (2) comprehensive policies to guide the management of coastal uses and activities as they occur in specific coastal areas;

DRAFT

(3) maps and narratives describing the physical and biological characteristics of coastal areas to be used in establishing boundaries;

(4) areas identified by state agencies and the public for Council designation as areas which merit special attention;

(5) a guide for the siting and development of major petroleum-related facilities in onshore and nearshore areas;

(6) an inventory of coastal fish and wildlife resources, with maps showing the location and range of species with commercial, recreational, or subsistence importance;

(7) an identification of major data and information sources concerning coastal management;

(8) a compilation and summary of information regarding coastal regions, including, where appropriate, a comprehensive list of issues and policies;

(9) summaries of public hearings and workshops;

(10) films and slide and tape programs;

(11) brochures, pamphlets, and tabloids summarizing and explaining the Alaska Coastal Management Program; and

(12) The Council's annual report to the legislature.

(d) At any public meeting concerning the Alaska Coastal Management Program, the Council will insure that, where necessary, translation into the appropriate Native language is provided.

6 AAC 80.020. PROGRAM MANAGEMENT AND COORDINATION. (a) The Office of Coastal Management, in its capacity as staff to the Council, shall be the designated lead agency for the Alaska Coastal Management Program. The Office of Coastal Management shall:

(1) present the official staff position regarding matters before the Council, including but not limited to the review and approval of district coastal management programs;

(2) apply for, receive, use, and distribute funds provided under all sections, except section 308, of the Coastal Zone Management Act of 1972, 16 USC 1451 et. seq., as amended, PL 94-370.

DRAFT

(3) coordinate the activities of state agencies participating in the Alaska Coastal Management Program and delegate tasks to a specific agency or agencies, as appropriate;

(4) determine the consistency of state actions with the Alaska Coastal Management Program, subject to Policy Council determination if requested by a Council member; and

(5) respond to federal agency determinations of the consistency of federal actions with the Alaska Coastal Management Program, subject to Policy Council response if requested by a Council member.

(b) The Council will identify and adopt management policies and practices for specific uses of state concern and areas of the coast where uses of state concern may be sited and managed.¹ The Council will direct the development of management policies and practices for uses of state concern by state agencies and coastal resource districts.

(c) The Council will initiate an interagency program of comprehensive resource management for each geographic region described in AS 44.19.891(a)(1). Regional programs shall be conducted to:

(1) assist the Council in identifying uses of state concern within specific areas of the coast and developing management policies and practices for these uses and areas;

(2) provide resource, social, and economic information on a coordinated regional basis as necessary for development and implementation of the Alaska Coastal Management Program; and

(3) assist the Council in identifying, avoiding, and minimizing existing or potential conflicts between coastal resource districts and state and national interests.

(d) The mechanics of coordinating district plans with state agency plans and recommendations developed as part of the regional program outlined in (c) of this section shall be as described herein. State agencies having jurisdiction within a district shall transmit their plans and recommendations to the district through the Coordinator of the Office of Coastal Management. District planning efforts shall demonstrate a review and consideration of state agency plans and recommendations. If the final district plan proposed does not agree with state agency plans and recommendations, the differences will be resolved by the Council

1. "Uses of state concern" is defined in AS 46.40.210(6).

DRAFT

in accordance with this Title and the Alaska Coastal Management Act.

(e) 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 plans.

ARTICLE 2. USES AND ACTIVITIES

Section

- 30. Offshore, shoreline, and waterfront development
- 40. Geophysical hazard areas
- 50. Recreation and tourism
- 60. Energy-related facilities
- 70. Transportation and utilities
- 80. Fishing and seafood processing
- 90. Timber harvest
- 100. Mining and mineral processing
- 110. Air, land, and water quality
- 120. Subsistence

6 AAC 80.030. OFFSHORE, SHORELINE, AND WATERFRONT DEVELOPMENT. (a) Development and activities related to development conducted in offshore, shoreline, and waterfront areas shall, to the greatest extent practicable, maintain and enhance:

- (1) the resource values and biological productivity of the coastal area;
- (2) access to coastal waters by the public;
- (3) the availability of sites for water-dependent or water-related uses and activities; and
- (4) the national and statewide interests in navigation.

(b) The provisions of 11 AAC 62.030, Protection of Fish and Game, shall apply to development and activities related to development in the coastal area.

(c) Dredging shall be conducted in a manner which minimizes bottom disturbance and adverse effects on mollusks, shellfish, marine and anadromous fish, marine birds and animals, and water quality.

(d) The placement of structures and the discharge of dredged or fill material into coastal waters, nontidal streams, lakes, and adjacent wetlands shall, as a minimum standard, be conducted

DRAFT

pursuant to Parts 320-323, Title 33, Code of Federal Regulations, Navigation and Navigable Waters, and AS 16.05.870, Protection of Fish and Game.

(e) In planning for and approving uses and activities in shoreline and waterfront areas, coastal resource 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 inland location.

6 AAC 80.040. GEOPHYSICAL HAZARD AREAS. (a) Coastal resource districts and appropriate state agencies shall identify or cause to be identified geophysical hazard areas in the coastal area, including but not limited to areas of potential flooding, tsunami run-up, landslides, snowslides, earthquakes, subsidence, severe erosion, and ice hazards.

(b) Development and related activities in geophysical hazard areas may not be approved until siting, design, and construction measures for avoiding or minimizing potential loss of life and damage to property have been provided. In areas of severe hazard potential where siting, design, and construction measures may not be sufficient to avoid or minimize potential loss of life and damage to property, development and related activities shall be prohibited.

6 AAC 80.050. RECREATION AND TOURISM. (a) Coastal resource districts and appropriate state agencies shall identify areas of the coast which:

- (1) have been designated as a unit of a local, state, or national park, refuge, or wilderness system;
- (2) receive significant use by persons engaging in recreational pursuits or are major tourist destinations;
- (3) have a potential for high quality recreational use because of unique physical, biological, ecological, or cultural features;
- (4) are important for recreational use because of their proximity to population centers or transportation systems;
- (5) provide access to recreational resources;

DRAFT

(6) are recognized for their scenic value;

(7) are listed or nominated for listing on the National Register of Historic Places; or

(8) are determined to be significant by the state historic preservation officer.

Areas so identified shall have as their dominant management value the protection and public use of the recreation, scenic, or heritage resource for which the area was identified and shall be managed consistently with that value.

(b) The development of recreation and tourism and facilities related to recreation and tourism in the coastal area shall be consistent with the preservation, protection, and enhancement of natural and cultural resources.

6 AAC 80.060. ENERGY-RELATED FACILITIES. Sites suitable for the development of major nearshore and onshore energy-related facilities shall be identified by the state in cooperation with coastal resource districts. The siting and approval of these facilities shall be based on the policies of the State of Alaska concerning the onshore and nearshore aspects of OCS development.² Coastal resource districts may use and apply these policies in the preparation of district coastal management programs.

6 AAC 80.070. TRANSPORTATION AND UTILITIES. (a) Transportation and utility routes and facilities in the coastal area shall, to the greatest extent practicable, be sited, designed, and constructed so as to:

(1) avoid adverse impacts on the resources and habitats identified in sec. 130 of this chapter;

(2) be compatible with adjacent uses and activities, local community goals and desires, and regional and statewide needs;

(3) combine more than one mode of transport or utility into common corridors;

(4) allow for the concurrent use of facilities; and

(5) maintain scenic values.

2. As adopted on 01/13/78 by the Alaska Coastal Policy Council; available from the Department of Community and Regional Affairs or the Office of Coastal Management.

DRAFT

(b) Land based transportation and utility routes and corridors and air-related transportation facilities shall be sited upland from beaches and shorelines unless access to the water is a primary goal or requirement of the route, corridor, or facility and no feasible inland alternative exists.

(c) Water-based transportation and utility routes shall be sited and designed so as to minimize interference with uses and activities related to the harvest of marine plants and animals.

(d) Air-related transportation routes and facilities shall be sited, designed, and constructed so as to minimize interference with wildlife migration, nesting, and breeding provided that such placement does not interfere with safety.

(e) Traditional navigation and transportation routes and aides to navigation shall have high priority for shoreline and in-water locations.

(f) Transportation and utility routes and facilities include but are not limited to power transmission lines, mineral slurry, oil and gas pipelines, land and marine corridors, railways, highways, roadways, air terminals, water and sewage transfer, and facilities required to operate and maintain them.

6 AAC 80.080. FISHING AND SEAFOOD PROCESSING. (a) The offshore waters within the state's jurisdiction are designated a fisheries conservation zone and uses and activities conducted in this area shall be managed so as to maintain and enhance the Alaska sport and commercial fishery. In the management of this area, the State shall coordinate, as appropriate, with the North Pacific Fishery Management Council, the National Marine Fisheries Service, the U.S. Coast Guard, and other federal agencies responsible for implementation of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265, April 13, 1976).

(b) Coastal resource districts and appropriate state agencies shall identify sites suitable for the location or development of facilities related to commercial fishing and seafood processing. Criteria for the identification of these sites are:

(1) avoidance of adverse impacts on resources and habitats identified in sec. 130 of this chapter;

(2) adherence to all federal and state water quality standards;

(3) minimization of obstructions to navigation; and

(4) compatibility with adjacent uses and activities and community goals and desires.

DRAFT

(c) Facilities related to commercial fishing and seafood processing include but are not limited to hatcheries and related facilities, seafood processing plants and support facilities, and marine industrial and commercial facilities.

6 AAC 80.090. TIMBER HARVEST. (a) Timber harvest is limited to areas where data and information indicate an absence of reforestation problems that would preclude that area from producing a sustained yield of merchantable timber unless the area is to be converted to a use other than timber harvest.

(b) Timber harvest and associated activities in the coastal area shall be conducted so as to meet the following standards:

(1) the location of facilities and the layout of logging systems shall not adversely impact sensitive areas and shall utilize land that has a minimum potential for water pollution and other adverse environmental impacts;

(2) blockage of and interference with fish movement and habitat in streams, lakes, wetlands, estuaries, and other bodies of water shall be avoided;

(3) shoreline management zones, including but not limited to buffer strips and riparian zones, shall be planned and established along all water courses, lake shores, and marine shorelines; the width of this zone shall be based on ability to withstand blowdown and prevent impacts on fish or wildlife resources as determined on a case-by-case basis by appropriate federal, state, and local expertise; resource values and environmental sensitivity shall determine whether and to what extent timber may be harvested from these zones;

(4) slash, logging debris, and other materials shall be treated so as to enhance reforestation, not constitute a fire hazard, and not interfere with wildlife and fish habitat; and

(5) minimal habitat to maintain game populations and key migratory routes shall be left in timber harvest areas.

(c) Timber transport, storage, and processing in the coastal area shall be conducted so as to meet the following standards:

(1) the onshore storage of logs shall be encouraged where compatible with other objectives of the Alaska Coastal Management Program;

(2) sites for the in-water dumping and storage of logs shall be selected and these activities shall be conducted

DRAFT

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 shall be planned, designed, and constructed so as to avoid mass wasting, minimize erosion, sedimentation, and interference with drainage, and adequately maintained for the entire period of timber processing or put to bed; and

(4) stream crossings, including bridges and culverts, shall be kept to a minimum number and designed to withstand seasonal high water and flooding and to prevent obstructions to the migration of anadromous and resident fish.

6 AAC 80.100. MINING AND MINERAL PROCESSING. (a) Mining and mineral processing in the coastal area, including but not limited to the development of mineral resources extracted in tidal rivers, coastal waters, and on continental shelves of the open sea, and found in surface, subsurface, and aqueous deposits, shall be sited, designed, and conducted so as to:

(1) avoid adverse impacts on the resources and habitats identified in sec. 130 of this chapter; and

(2) be compatible with adjacent uses and activities, local community goals and desires, and regional and statewide needs.

(b) Mining and mineral development in the coastal area shall conform to all applicable air and water quality standards and any rules, regulations, or statutes relevant to mining and mineral development conducted in coastal waters.

(c) Extraction of sand and gravel in the coastal area shall meet the following additional standards:

(1) all feasible alternatives, including upland alternatives, have been considered;

(2) extraction takes place only during that portion of the year when it will be least harmful to anadromous fish, marine fish, shellfish, mollusks, and marine birds and mammals affected by the extraction;

(3) extraction on marine beaches or offshore dune systems may not initiate or increase significant adverse erosion or deposition; and

DRAFT

(4) sand or gravel may be removed from estuaries only in areas of active shoaling, provided the shoal is not critical marine habitat. Only the accreted material may be removed.

6 AAC 80.110. AIR, LAND AND WATER QUALITY. Coastal resource districts and state agencies shall use and apply all applicable provisions of 18 AAC, Environmental Conservation, to maintain high standards of air, land, and water quality in the coastal area.

6 AAC 80.120. SUBSISTENCE. Coastal resource districts and appropriate state agencies shall recognize and assure subsistence usage of coastal areas and resources.

ARTICLE 3. RESOURCES AND HABITATS

Section

130. Resources and Habitats

6 AAC 80.130. RESOURCES AND HABITATS. (a) Natural resources and habitats in the coastal area that are subject to the Alaska Coastal Management Program include but are not limited to the following:

(1) offshore areas, including the submerged lands and waters seaward of the coastline extending to the continental shelf break;

(2) estuaries, including semi-enclosed bodies of water having an opening to the sea and containing greater than 0.5 ppt of salt, including but not limited to river mouths, deltas, fjords, inlets, bays, and tidewater glaciers;

(3) wetlands and tideflats, including lands shallowly submerged by water and characterized by vegetation complexes consisting primarily of sedges, rushes, and grasses; coastal wetlands are not strictly limited to the zone inundated by tides and are characterized by coastal marshes which generally have an extensive freshwater zone in the higher area and a tidally influenced saltwater zone in the lower area;

(4) rocky islands and seacliffs, including islands of predominantly volcanic or tectonic origin with rocky shores and steep faces, offshore rocks, capes, and steep rocky sea fronts;

(5) barrier islands and lagoons, including depositional coastal environments formed by deposits of sediments offshore which form a barrier of low-lying islands and bars protecting a salt-water lagoon with a free exchange of water to the sea;

DRAFT

(6) exposed high energy coasts, including relatively featureless sections of the coastline with direct exposure to ocean generated wave impacts and usually characterized by mixed sand and gravel beaches and an active surf zone;

(7) rivers and lakes; and

(8) coastal uplands, including those upland areas having a direct or significant impact on the coastal area.

(b) Coastal resource districts and appropriate state agencies shall identify and plan for the management of the resources and habitats listed in (a) of this section. The following are the standards which apply to the management of these resources and habitats:

(1) offshore areas - maintain the capacity of offshore areas to support anadromous fish, marine fish, shellfish, marine birds, marine mammals, and supporting species;

(2) estuaries - maintain the capacity of estuaries to support anadromous fish, marine fish, migratory birds, marine birds, mammals and supporting species; maintain adequate water flows and oxygen levels where fish populations overwinter; prohibit the discharge of toxic wastes and materials into estuaries in the winter;

(3) wetlands and tideflats - maintain wetlands habitat for migratory birds, anadromous fish, big game, small mammals, and supporting species;

(4) rocky islands and seacliffs - maintain the availability and quality of rocky island and seacliff breeding habitat for marine mammals, seabirds, and supporting species; avoid harassment, pollution, or the introduction of unnatural predators;

(5) barrier islands and lagoons - maintain the flow of sediments and water; prevent the alteration or redirection of wave energy; prevent the filling in of lagoons or the destruction of barrier islands; discourage activities which may cause polar bears to avoid denning on barrier islands;

(6) exposed high energy coasts - avoid the dumping of materials toxic or harmful to marine life, including but not limited to larvae and juvenile stages of crabs, shrimp, and razor clams, marine fish, and supporting species;

(7) rivers and lakes - maintain the capacity of rivers and lakes to support anadromous fish, migratory birds, small mammals, big game, and supporting species; and

DRAFT

(3) coastal uplands - maintain upland bird and big game populations.

ARTICLE 4. AREAS WHICH MERIT SPECIAL ATTENTION

Section

140. Areas Which Merit Special Attention

6 AAC 80.140. AREAS WHICH MERIT SPECIAL ATTENTION. (a) Coastal resource districts and appropriate state agencies shall recommend to the Council areas to be designated as areas which merit special attention.³ Recommendations shall include the following information:

(1) the basis or bases for designation pursuant to AS 46.40.210(1) or (c) 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 an adjacent to the area, if any;

(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 authorities which will be used to implement the proposed management scheme.

3. "Areas which merit special attention" is defined in AS 46.40.210(1).

DRAFT

(b) The Council will designate and establish management schemes for areas which merit special attention. Approval of a district coastal management program which recommends designation of an area pursuant to (a) of this section constitutes a Council designation.

(c) 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 but not limited to those where ongoing research projects could be jeopardized by development or conflicting uses and activities; and

(3) potential estuarine or marine sanctuaries.

(d) Management schemes for areas which merit special attention shall preserve, protect, enhance, or restore the value or values for which the area was designated.

DRAFT

CHAPTER 85. GUIDELINES FOR DISTRICT COASTAL MANAGEMENT PROGRAMS

Section

10. Program elements
20. Submittals to Council
30. Public involvement
40. Coordination and review

6 AAC 85.010. PROGRAM ELEMENTS. Each district coastal management program shall include the elements listed in this section.

(1) A statement of the district's overall needs, objectives, or goals, or the district's comprehensive land and resource use plan.

(2) A description of the district's administrative structure. This structure shall be sufficient for program development and implementation. Budgetary and staff needs, and, where appropriate, a schedule for reorganization shall be included.

(3) A map of the boundaries of the coastal area within the district which is subject to the district coastal management program.

(A) Prior to Council approval of the district program, interim boundaries shall be based on Biophysical Boundaries of Alaska's Coastal Zone¹ and shall include the zone of direct interaction and the zone of direct influence but shall exclude the zone of indirect influence.

(B) Final boundaries of the coastal area subject to the district coastal management program may diverge from the interim boundaries providing the final boundaries:

(i) 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 the coastal ecosystem; and

(ii) include all transitional and intertidal areas, salt marshes, islands, and beaches.

1. Developed by the Alaska Department of Fish and Game, Marine Coastal Habitat Management Program, 1977; available from the Office of Coastal Management, Division of Policy Development and Planning.

DRAFT

(C) Providing that the criteria contained in (B) of this subsection are met, final boundaries of the coastal area subject to the district coastal management 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.

(D) The Council will insure that the boundaries of an approved district program are sufficiently compatible with those of adjoining areas to allow consistent administration of the Alaska Coastal Management Program.

(4) A resource inventory which describes, in a manner sufficient for program development and implementation, the following:

(A) resources and habitats identified in 6 AAC 80.130 that are found within and adjacent to the district;

(B) major cultural resources that are found within and adjacent to the district, including but not limited to demographic, historical, and financial resources, utilities, and major facilities;

(C) major land and water uses and activities that are conducted within and adjacent to the district; and

(D) major land and resource ownership and management within and adjacent to the district.

(5) A resource analysis which describes, in a manner sufficient for program development and implementation, the following:

(A) significant anticipated changes in (4)(A)-(D) of this section;

(B) an evaluation of the environmental capability and suitability of resources and habitats, including cultural resources, for land and water uses and activities;

(C) an assessment of the present and anticipated needs and demands for coastal resources;

(D) geophysical hazard areas identified pursuant to 6 AAC 80.040;

(E) areas related to recreation and tourism identified pursuant to 6 AAC 80.050;

DRAFT

(F) sites suitable for the development of major nearshore and onshore energy related facilities identified pursuant to 6 AAC 80.060;

(G) sites suitable for the development of facilities related to fisheries enhancement and commercial fishing and seafood processing identified pursuant to 6 AAC 80.080;

(H) areas important for subsistence hunting, fishing, food gathering, and foraging, pursuant to 6 AAC 80.120.

(I) areas to be recommended for designation as areas which merit special attention pursuant to 6 AAC 80.140; and

(J) an assessment of present and anticipated power and economic development requirements, including but not limited to designation of areas or sites suitable for the development of uses, activities, and facilities, as deemed appropriate by the district.

Existing data and information, including but not limited to data and information listed in 6 AAC 80.010, shall be utilized to the greatest extent practicable in the preparation of the resource inventory and analysis. Appropriate state agencies shall assist coastal resource districts in preparing the resource inventory and analysis.

(6) A statement, list, or definition of the land and water uses and activities which are subject to the district coastal management program. The uses and activities contained in 6 AAC 80.030 - 6 AAC 80.120 shall, if applicable, be subject to the district coastal management program. A district coastal management program may consider uses and activities which are conducted outside of the district if these uses and activities have or could have a direct and significant impact on the district.

(7) A description of the uses and activities, including uses of state concern,² that will be considered proper and the uses and activities that will be considered improper with respect to the land and water within the coastal area. This description shall be based upon the district's statement of overall needs, objectives, or goals, or the district's comprehensive land and resource use plan, and shall be consistent with the standards of the Alaska Coastal Management Program contained in 6 AAC 80 and the Alaska Coastal Management Act.

(8) A summary or statement of the policies and regulations that will be applied to the land and water uses and activities subject to the district coastal management program and the policies and procedures which will be used to determine whether

2. "Uses of state concern" is defined in AS 46.40.10(6).

DRAFT

specific proposals for land and water uses and activities may be allowed. It shall be the general policy of the coastal resource district to approve specific proposals for land and water uses and activities which are consistent with the district coastal management program. Districts shall utilize existing forums and procedures appropriate for the determination of specific proposals to the greatest extent practicable, including but not limited to forums and procedures related to planning and zoning. Policies, regulations, and procedures shall be consistent with the standards of the Alaska Coastal Management Program contained in 6 AAC 80 and shall meet the following criteria:

(A) comprehensibility, so as to provide for all uses, activities, and areas in need of management;

(B) specificity, so as to allow clear understanding of who will be affected by the district coastal management program, how they will be affected, and whether specific proposals for land and water uses and activities may be allowed; and

(C) enforceability, so as to insure implementation of and adherence to the district coastal management program.

(9) A description of the methods and authorities that will be used to implement the district coastal management program. Methods and authorities must be adequate to insure program implementation. Additional methods and authorities which are required shall be specified. Methods and authorities may include but are not limited to land and water use plans, municipal ordinances and resolutions, including shoreline ordinances, zoning ordinances, subdivision ordinances, and building codes, state and federal statutes and regulations, capital improvements programs, the purchase, sale, lease, or exchange of coastal land and water resources, cooperative agreements, memoranda of understanding, and coordinated permit or project review procedures. Coastal resource districts may enter into cooperative management agreements with parties conducting uses or activities outside of the district in conformity with the Alaska Coastal Management Program and this Title.

(10) Evidence of effective and significant public involvement in program development, pursuant to sec. 030 of this chapter.

DRAFT

6 AAC 85.020. SUBMITTALS TO COUNCIL. (a) During program development, coastal resource districts shall submit brief annual progress reports concerning program development to the Council.

(b) Following approval of the district coastal management program by the Council and adoption of the program by the district, coastal resource districts shall submit brief annual progress reports concerning program implementation to the Council. The Council will review annual progress reports to insure that the district is making adequate progress in complying with the Alaska Coastal Management Act, this Title, and the adopted district coastal management plan.

(c) All significant additions, amendments, and revisions to the district coastal management program shall be submitted to the Council. The Office of Coastal Management shall review proposed additions, amendments, and revisions to determine if Council approval is required. This determination is subject to review by the Council when requested by a council member.

(d) Coastal resource districts shall give conceptual approval to the district coastal management program and significant additions, amendments, and revisions to the district coastal management program prior to their submittal to the Council. Following Council approval, the district shall adopt the program, addition, amendment, or revision.

6 AAC 85.030. PUBLIC INVOLVEMENT. (a) At least two public meetings shall be held within the coastal resource district during coastal management program development to inform the public about and to solicit public comments concerning the program. A brief summary or report of the matters considered shall be prepared by the district and made available to the public following each meeting.

(b) At least 30 days before giving conceptual approval to the district coastal management program or significant additions, amendments, or revisions thereto, the coastal resource district shall give public notice of the proposed action. At least one public hearing shall be held during the period of the notice. At the public hearing, each interested person shall be given the opportunity to present statements, arguments, or contentions, orally or in writing. Districts shall insure that, where necessary, translation into the appropriate Native language is provided. The district shall consider all relevant matter presented to it. A written transcript, minutes, or an electronic recording of the public hearing shall be submitted to the Council as an element of the district coastal management program.

DRAFT

(c) In addition to the requirements of (b) of this section, coastal resource districts shall provide opportunities for public involvement from the beginning in the development of all program elements.

(d) Coastal resource districts shall provide to 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, and what information is available.

6 AAC 85.040. COORDINATION AND REVIEW. Coastal resource districts shall provide opportunities for coordination and review by federal, state and local governmental agencies and other parties with a significant interest in coastal resources within or adjacent to the district or which are conducting or may conduct uses and activities that have or are likely to have a direct and significant impact on the coastal resource district.

DRAFT

--referred to in 6 AAC 80.060--

Policies of the State of Alaska Concerning
the Onshore and Nearshore aspects of OCS Development¹

Policy 1. Optimum location. The state shall ensure that the siting of major onshore and nearshore petroleum-related² facilities minimizes adverse environmental and social effects while satisfying industrial requirements. Where possible, siting decisions will not foreclose other land and water uses.

1a. Preliminary siting criteria. The state shall develop preliminary siting criteria for major nearshore and onshore petroleum-related facilities.³ These criteria should consist of basic siting considerations that would capitalize on the public benefits of OCS development and reduce its adverse effects.

1b. Information needs for evaluating proposals. In order to adequately evaluate major development proposals, the state requires from developers at least the information listed in Table 5.2.⁴

Policy 2. Consolidation. Major petroleum-related facilities shall be consolidated to the maximum extent feasible unless consolidation produces greater adverse environmental or social consequences.

2a. Planning provisions. The state shall encourage industrial facility planning that allows for reasonable expansion and offers adequate assurance that other operators and necessary support industries could share the facility.

2b. Exceptions. Consolidation of onshore facilities shall be discouraged if the capacity of existing facilities cannot be expanded in an environmentally and socially acceptable way. Instances when this might occur include, but are not limited to, the following:

(1) Affected communities oppose the expansion of existing facilities.

1. As adopted by the Alaska Coastal Policy Council 01/13/78.

2. Major nearshore and onshore petroleum-related facilities include: a) marine service bases; b) air transport facilities; c) pipelines and rights-of-way; d) separation, treatment and storage facilities; e) LNG plants; f) transfer terminals related to petroleum production; g) concrete platform fabrication yards; h) refineries; and i) petrochemical plants.

3. Table 5.1, Appendix A.

4. Appendix B.

(2) Additional harbor activities would seriously jeopardize marine safety.

(3) Water supply is insufficient for future demand.

(4) Environmental protection measures (e.g., ballast treatment facilities and solid waste disposal sites) at existing facilities could not be expanded to handle new loads.

(5) Air and water quality problems would be compounded to a point where projected environmental degradation would exceed allowable air and water quality standards.

Policy 3. Compatibility. Industrial and commercial use of land shall be compatible with adjacent uses, projected community needs and high standards of environmental quality.

Policy 4. Concurrent use, reuse, conversion and removal. The state shall encourage the concurrent use of petroleum-related facilities for other economic or public uses if possible, the reuse or conversion of these facilities when no longer needed for petroleum-related activities, and the removal of the facility if it cannot be used for other purposes. The state shall further encourage reclamation and restoration of disturbed areas upon termination of active use.

4a. Study possibilities. The state shall investigate possibilities for concurrent use, reuse and conversion of petroleum-related facilities and incorporate these findings in state land use, economic and public facility planning.

4b. Lease stipulations. Where appropriate, the state will specify concurrent use, reuse, conversion or removal of facilities as stipulations on leases of state uplands, tidelands, submerged lands and shorelands. The state shall also require reclamation or restoration of disturbed areas upon termination of active use on these lands.

Policy 5. Protection of environmental quality. The state shall in all cases consider the effect of development upon: a) vulnerable or unique populations and habitats, b) renewable resources having a high commercial, recreational, cultural and/or aesthetic value, c) areas of high biological productivity and/or diversity, and d) areas of high development hazard. The effect of development on these features of the natural and human environment must be considered in determining optimum locations of development activities (Policy 1), appropriate design of facilities, and compatibility of the proposed development with maintenance of a high level of environmental quality (Policy 3).

5a. Sensitive areas. The state shall protect ecologically sensitive areas, including but not limited to: estuaries, wetlands river deltas, fish spawning grounds, intensive use habitat, bird nesting areas, waterfowl and shorebird staging areas, migration routes, wildlife wintering habitat, and sea mammal rookeries and hauling out grounds, by requiring environmentally acceptable technology or, if necessary, recommending alternate sites.

5b. Facility design. These state shall encourage design, construction, and operation of facilities to maintain a high level of environmental quality through, for example:

- (1) use of existing facilities and consolidation of new facilities;
- (2) minimizing dredge and fill, clearing, and other surface alteration;
- (3) use of environmentally safe technology;
- (4) adherence to Alaska's environmental protection laws and regulations pertaining to air quality, water use, water quality and solid waste disposal;
- (5) proper burial of submarine pipelines, particularly in trawling areas;
- (6) operation of helicopters at sufficient altitudes above seabird colonies and other noise-sensitive habitats to minimize disruption; and
- (7) reclamation or restoration of disturbed areas upon termination of active industrial use.

Policy 6. Shoreline development. The state shall encourage reservation of the shoreline for water dependent or water related uses.

Policy 7. Resident employment preferences. Alaskan residents shall receive preference for employment. Resident employment preference shall apply to retention as well as hiring.

7a. Voluntary agreements. The state will encourage the petroleum industry and related companies to adopt resident employment preference policies.

7b. Lease stipulation. As a stipulation on all state leases, the state will require that employment preference be given to Alaskan residents.

Policy 8. Manpower training. The state shall encourage manpower training programs that would qualify the existing resident labor force for jobs in the petroleum industry.

Policy 9. Public costs. Public costs resulting from OCS-related activities shall be shared by state and local governments, the federal government, the petroleum industry and other private developers.

Policy 10. Public facilities. The state shall promote full use of public facilities⁵ while ensuring high standards of public service.

10a. New facilities. Before the state plans, funds or constructs new public facilities, they must be justified by the level of economic activity and stable population growth expected through at least the production phase of OCS development.

10b. Temporary facilities. The state shall encourage temporary means of expanding public facilities to handle increased demands of a temporary nature.

Policy 11. Public services. The state shall provide new or expanded public services⁶ in a timely fashion.

Policy 12. Public information and opinion. Early in the OCS development process the state shall inform the public about OCS development and obtain public opinion on industrial growth and technological options.

12a. Attitudinal surveys and workshops. The state will encourage and participate in the dissemination of public information on OCS development and the conduct of attitudinal surveys and workshops early in the OCS development process.

12b. Local coastal management programs. The state will encourage the development of local coastal management programs in OCS-affected coastal communities. An approved local coastal management plan will be recognized as an expression of community views regarding industrial growth.

5. Public facilities include, but are not limited to, sewerage and water systems, ports, airports, roads, schools and hospitals.

6. Public services include, but are not limited to, education, health care, child care, planning, manpower training, social services, and the criminal justice system.

DRAFT

12c. Orientation of non-resident employees. The state will encourage development companies to conduct orientation programs for non-resident employees on community values and the results of attitudinal surveys to minimize misunderstandings between temporary residents and permanent members of a community.

Policy 13. Local management. The state shall seek to strengthen local planning, fiscal and management roles, including human resources planning and program development. The state shall also offer assistance to communities in coping with the adverse effects of development.

13a. Technical assistance. The state will assist communities in directing growth according to local preferences. In rendering assistance, the state will emphasize consideration of state-wide, regional and minority interests.

13b. State land disposal. The state will to the maximum extent feasible lease, sell or exchange state land in the vicinity of existing communities: a) if such actions enhance local control over development and the site satisfies the state's siting criteria; and b) an approved municipal plan establishes the desirability of expansion onto state-owned parcels and provides for phased growth. Although local preference is a significant factor in deciding whether to lease, sell or exchange state land near existing communities, it is not the only factor. Additional considerations are specified in the Alaska Statutes and Administrative Code.

Policy 14. State-local coordination. Where a community makes a concerted effort to develop and act on its position regarding OCS development, the state shall adapt its actions (e.g. capital investments, leasing, permit issuance) to community preference to the extent that such actions also respect state-wide, regional and minority interests.

Policy 15. Coordination among state agencies. The state shall seek to coordinate at the outset the actions of all state agencies that must eventually act on major development proposals.

15a. Interagency review. The A-95 Clearinghouse should coordinate review of major state actions related to development of the outer continental shelf.

15b. Major state actions. The state shall establish a process through which all major state actions regarding OCS development are coordinated.

15c. Information exchange. The state shall establish a system for improving the transfer of information among state agencies and between them and the public.

Policy 16.. State-federal coordination. The state shall seek to coordinate state and federal development decisions.

16a. Pipeline transportation plan. The state should prepare a comprehensive plan regarding pipeline transportation and encourage the participation of appropriate federal agencies (e.g., FPG, ICC, BLM, Department of Transportation).

16b. Coastal management. The state's OCS policies will be incorporated into the state's coastal management program. When Alaska's coastal management program receives federal approval, these policies will significantly influence federal coastal decisions.

Policy 17. Cooperative management and development. The state shall seek to cooperate with landowners, developers and government agencies in the development and management of OCS-related onshore facilities.

APPENDIX A

TABLE 5.1

PRELIMINARY SITING CRITERIA
FOR
MARINE SERVICE BASES
OIL TERMINALS
LNG PLANTS

Onshore vs. offshore. Site facilities onshore until alternatives offshore are proven safe and environmentally acceptable.

Expansion. Select sites with sufficient acreage to allow for reasonable expansion of facilities. (1)

Infrastructure. If possible, site facilities where existing infrastructure (e.g., roads, docks, airstrips) is capable of satisfying industrial requirements. (1)

Navigational safety. Avoid harbors and shipping routes with reefs, shoals, drift ice, and other obstructions that might jeopardize safe navigation.

Site preparation. Select sites where development would entail minimal site clearing, dredging, and construction in productive wetlands, estuaries, deltas, and other sensitive areas. (1)

Tsunami. Site fuel, crude oil, and LNG storage tanks at elevations sufficiently above mean sea level to escape the highest tsunami run-up.

Pipelines. Align pipelines away from active faults and areas of subsidence.

Shipping routes. Site oil terminals so as to minimize the probability of oil spills affecting fishing grounds and spawning grounds.

Fire and explosion. Site fuel, crude oil and LNG storage and transfer areas downwind from populated areas to reduce the hazard of fire and explosion to human populations.

Resource protection. Site facilities so that unique environments and areas of particular scenic, recreational, and cultural value will be protected.

Water quality. Site facilities in areas of least biological productivity, diversity, and vulnerability, and where effluents and spills can be controlled or contained easily.

DRAFT

Air quality. Site facilities where winds and air currents freely disperse pollutants, thereby reducing their concentrations.

Compatibility. Select sites designated for industrial purposes or well separated from residential, commercial, and institutional land uses, where industrial traffic will not pass through population centers, and vessel movements will not result in overcrowded harbors or interfere with fishing operations and equipment.

(1) Application of site preparation, expansion and infrastructure criteria requires basic information on harbor dimensions, acreage and infrastructure needs.

	SERVICE BASE	OIL TERMINAL	LNG PLANT
Harbor depth (ft. below MLLW)		-----	-----
Access channel	20	66	46
Turning basin	19	61	42
Berthing area	18	58	40
Turning Basin (diameter in ft.)	420-840	2,000-4,000	2,100-4,200
Level land near waterfront (ac.)	4-20 (1-2 berths) 63-88 (10 berths)	70-500	40-500
Infrastructure			
Airstrip (ft.)	5,000	5,000	5,000
Dock (ft.)	200-2,000	1,000	1,000
Road network connecting dock, airstrip and community	yes	yes	yes

APPENDIX B

TABLE 5.2

INFORMATION NEEDS

1. Type of facility proposed, e.g., service base, marine terminal, LNG plant.
2. Location of all facilities and activities associated with or expected to be attracted to the proposed development, e.g., helicopter operations, construction camps, motels.
3. Description of proposed facility, e.g., acreage, site plans.
4. Expansion: probability of additional demand on the proposed facility in the future; provisions for expansion and sharing of the facility with other companies.
5. Schedule: proposed construction schedule and anticipated operational timetable over the life of the facility, e.g., type and level of seasonal activities, anticipated years of peak usage.
6. Land status and ownership of development site and other land affected by the proposal, e.g., private, public, unpatented, in litigation.
7. Management of the project, e.g., an oil company, a Native corporation, joint management.
8. Contractors and subcontractors for all or portions of the project.
9. Resource requirements: quantities and probable sources of power, water, gravel, and other materials.
10. Transport: frequency and routes of boat and aircraft movements and expected level of vehicular traffic in the region resulting from construction or operation of the facility.
11. Employment: anticipated number of persons to be employed by job description, tenure (permanent/temporary), and place of employment.
12. Population: approximate addition to the population of Alaska by place.
13. Public services: extent of need for and means of providing public services, e.g., roads, sewers, water, solid waste disposal, medical care, police and fire protection, and other health and social services
14. Environmental implications: potential environmental benefits,

DRAFT

conflicts and mitigative measures, particularly concerning solid waste management and air and water quality.

15. Siting and design features to compensate for natural processes (e.g., floods, earthquakes, storms, erosion and sedimentation), to provide for safe and effective management of sewage and solid waste; and to minimize noise and visual impacts.
16. Economic implications, e.g., public cost and revenues resulting from the proposed project; potential conflicts with existing industry; anticipated expenditures by Alaska by place.
17. Social implications, e.g., training programs, local hiring policy, housing.
18. Arrangements for reducing environmental, economic, and social conflicts, e.g., traffic control systems, oil spill contingency plan, compensation plan.
19. Alternative sites for the required facilities and operations, and reasons for rejecting alternative sites.

MEMORANDUM

State of Alaska

TO: Rep. Lisa Rudd, Chairman
Community and Regional Affairs
Committee

DATE: 1 February 1978

FILE NO:

TELEPHONE NO:

FROM: Glenn Akins, Coordinator
Alaska Coastal Management Program

SUBJECT: Guidelines & Standards

One of the questions I felt we could have answered better today was your concern about what "state" meant within the guidelines and standards.

The Alaska Coastal Management Act identifies specific tasks for the Department of Community and Regional Affairs (providing technical and financial assistance to the districts, consolidating service areas). All other tasks are to be carried out by other state agencies, coordinated by the Council and the "Office of Coastal Management". I would have preferred to use the "Division of Policy Development and Planning" in the guidelines and standards, but the Council wanted to single out OCM. In my opinion, OCM is not separate in any way from DPDP.

Many of the responsibilities in the guidelines and standards may be assigned to a specific state agency. We will have to do this in the management program document (to be submitted to the Department of Commerce in June). Some agency responsibilities are not clear to us now, however. We are due reports from three state agencies which will enable us to identify more clearly what agency will be responsible for each part of the guidelines and standards. But, at present, it is left to the Council, and its staff, to sort that out.

THE FOLLOWING PAGES WERE TREATED AS
A UNIT IN THE ORIGINAL FILE.

State of Alaska
Position on OCS-Related
Onshore and Nearshore Activities

April 1977

The position in this report concerns state actions regarding onshore and nearshore activities associated with development of the outer continental shelf (OCS). It has been adopted for the Administration by the Coastal Management Policy Committee and the Governor. The policies are one component of the general policy base for the Alaska Coastal Management Program (ACMP). By virtue of their adoption, these policies are now the interim operating policies for the state and shall guide all state actions dealing with OCS-related onshore and nearshore activities until the full coastal management policy base is formulated and approved. Because of the immediate need for a unified state position on OCS-related onshore and nearshore activities, and because of the complexity and importance of the subject area, these policies have been developed in advance of the remainder of ACMP policy. Federal approval of ACMP under the provisions of Section 306 of the Coastal Zone Management Act of 1972 is scheduled for June of 1978. At this time, the OCS policies will take on added significance as they relate to federal coastal decisions on OCS matters.

The state's position regarding OCS-related onshore and nearshore activities consists of goals, findings, policies and procedures for carrying out the policies. Goals are broad statements of long-term end results the state wishes to achieve; findings are facts, observations and concerns specific to OCS-related onshore development; and policies are guidelines for state actions. The state's goals, findings and policies are presented under six headings: industrial facility planning, resource management, employment, public expenditures, local self-determination and coordination.

GOALS

1. INDUSTRIAL FACILITY PLANNING: Optimum location and efficient use of industrial facilities in terms of the public interest.
2. RESOURCE MANAGEMENT: Balanced development and protection of natural and human resources.
3. EMPLOYMENT: Increased employment opportunities for the resident labor force.
4. PUBLIC EXPENDITURES: A fiscally sound and equitable approach to public expenditures.
5. LOCAL SELF-DETERMINATION: Support of life-style preferences and local management of OCS-related activities.
6. COORDINATION: Timely, coordinated development decisions.

FINDINGS AND POLICIES

INDUSTRIAL FACILITY PLANNING

Findings

Public involvement in facility siting. Public involvement in the siting of industrial facilities is customarily triggered by specific development proposals. Waiting until a proposal is well developed reduces uncertainty regarding the location, design and operation of a facility. A firm proposal, however, tends to restrict public comment to the pros and cons of establishing a facility at a particular location, thereby foreclosing the option of siting the facility at an alternative site. A preferable approach to facility siting is to ensure protection of the public interest through early public assessment of potential development sites and later public scrutiny of specific proposals.

Information. Accurate assessments of oil and gas reserves, employment and demands on local resources such as water, electricity and sewage treatment are essential to planning for onshore activities. Notices of support activities (Stipulation 5) and development plans (OCS Order 15), required of all operators in the northern Gulf of Alaska, provide some of this information. There is, however, no mechanism for verifying this information. Furthermore, the notices of support activities and development plans are not made public in sufficient time to influence the planning that must be undertaken by state and local governments, and other affected parties. This information essentially reports on industrial planning that has already taken place. What is needed is advance information

about development options so that the public is involved early in the facility siting process.

Consolidation. In the strictest sense, consolidation refers to a) the development and operation of an industrial facility as a unit by a single company or group of companies (unitization) or b) the sharing of the same facility. Broadly, however, consolidation refers to the concentration of different industrial activities in a single location, as in an industrial park.

Consolidation of petroleum facilities offers several benefits. The greatest public advantage of consolidation is that the effects of development - visual, environmental, social and economic - are concentrated in the fewest different locations. Cost savings may be realized from reduced capital and operating expenditures and avoidance of delays in processing necessary permits. Fewer sites imply less complicated and less costly systems of monitoring and of providing basic services such as fire and police protection.

Incompatible land uses. Industrial activities may not be compatible with neighboring land uses. An important mechanism for ensuring compatibility with existing and projected land uses is zoning. Most local governments in Alaska can exercise zoning powers, as can the state in certain instances. These powers are not always exercised, however.

Concurrent use, reuse and conversion. In many Alaskan communities there is a need for better port facilities. With proper planning, concurrent use of industrial facilities for community purposes could alleviate such shortages. Service bases offer the greatest potential for concurrent use, particularly as a general cargo dock, because of a similarity of purpose and vessel size.

If a facility's operations are replaced by similar activities, only minor rehabilitation and structural alterations might be necessary. Many facilities including docks, fuel storage tanks, warehouses, outside storage yards, office buildings, onshore pipelines and repair shops could be reused in this manner.

The use of warehouses, office buildings and other structures for radically different activities such as seafood processing, tourism or recreation would require substantial interior redesign. If ultimate uses of facilities are anticipated and desired, siting decisions and arrangements for conversion could be made when the facility is first designed.

Reclamation or restoration. Specialized oil and gas facilities such as crude oil storage tanks and liquefaction plants usually are not directly reusable or easily converted. If no appropriate ultimate use is determined for these facilities, they should be removed and the site reclaimed or restored. Land disturbed temporarily by construction activities should also be reclaimed or restored. Since this will be costly, provisions for ensuring and financing site reclamation or restoration should be specified in stipulations to leases or permits.

Policies

Policy 1. Optimum location. The state shall ensure that the siting of major onshore and nearshore petroleum-related facilities* minimizes adverse environmental and social effects while satisfying industrial requirements. Where possible, siting decisions will not foreclose other land and water uses.

To ensure that the most suitable sites are chosen, the petroleum industry, government and the local communities must cooperate closely. An informed public must be involved early in the industrial siting process, before firm proposals are presented. A constructive way to influence industrial siting decisions would be for the public to develop and communicate its preliminary siting criteria. Later public scrutiny of specific proposals will be most efficient, thorough and equitable if the public also conveys its information needs.

1a. Preliminary siting criteria. The state shall develop preliminary siting criteria for major nearshore and onshore petroleum-related facilities. These criteria should consist of basic siting considerations that would capitalize on the public benefits of OCS development and reduce its adverse effects.

*Major nearshore and onshore petroleum-related facilities include: a) marine service bases; b) air transport facilities; c) pipelines and rights-of-way; d) separation, treatment and storage facilities; e) LNG plants; f) transfer terminals related to petroleum production; g) concrete platform fabrication yards; h) refineries and i) petrochemical plants.

Preliminary siting criteria have been developed for service bases, oil terminals and LNG plants. They are listed in Table 5.1. These criteria were designed for the Gulf of Alaska, and reflect resource management concerns, consideration of the facilities likely to be built in the Gulf, and also specific conditions there such as earthquakes. As types of facilities, conditions and our understanding of OCS facility siting change, we can expect these preliminary siting criteria to change also.

1b. Information needs for evaluating proposals. In order to adequately evaluate major development proposals, the state requires from developers at least the information listed in Table 5.2.

TABLE 5.1

PRELIMINARY SITING CRITERIA
FOR
MARINE SERVICE BASES
OIL TERMINALS
LNG PLANTS

Onshore vs. offshore. Site facilities onshore until alternatives offshore are proven safe and environmentally acceptable.

Expansion. Select sites with sufficient acreage to allow for reasonable expansion of facilities. (1)

Infrastructure. If possible, site facilities where existing infrastructure (e.g., roads, docks, airstrips) is capable of satisfying industrial requirements. (1)

Navigational safety. Avoid harbors and shipping routes with reefs, shoals, drift ice, and other obstructions that might jeopardize safe navigation.

Site preparation. Select sites where development would entail minimal site clearing, dredging, and construction in productive wetlands, estuaries, deltas, and other sensitive areas. (1)

Tsunami. Site fuel, crude oil and LNG storage tanks at elevations sufficiently above mean sea level to escape the highest tsunami run-up.

Pipelines. Align pipelines away from active faults and areas of subsidence.

Shipping routes. Site oil terminals so as to minimize the probability of oil spills affecting fishing grounds and spawning grounds.

Fire and explosion. Site fuel, crude oil and LNG storage and transfer areas downwind from populated areas to reduce the hazard of fire and explosion to human populations.

Resource protection. Site facilities so that unique environments and areas of particular scenic, recreational, and cultural value will be protected.

Water quality. Site facilities in areas of least biological productivity, diversity and vulnerability, and where effluents and spills can be controlled or contained easily.

Air quality. Site facilities where winds and air currents freely disperse pollutants, thereby reducing their concentrations.

Compatibility. Select sites designated for industrial purposes or well separated from residential, recreational, commercial, and institutional land uses, where industrial traffic will not pass through population centers, and vessel movements will not result in overcrowded harbors or interfere with fishing operations and equipment.

Local acceptance. Site facilities at locations acceptable to local communities provided there is no overriding and opposing state-wide, regional or minority interest.

(1) Application of site preparation, expansion and infrastructure criteria requires basic information on harbor dimensions, acreage and infrastructure needs.

	SERVICE BASE	OIL TERMINAL	LNG PLANT
Harbor depth (ft. below MLLW)		-----	-----
Access channel	20	66	46
Turning basin	19	61	42
Berthing area	18	58	40
Turning Basin (diameter in ft.)	420-840	2,000-4,000	2,100-4,200
Level land near waterfront (ac.)	4-20 (1-2 berths) 63-88 (10 berths)	70-500	40-500
Infrastructure			
Airstrip (ft.)	5,000	5,000	5,000
Dock (ft.)	200-2,000	1,000	1,000
Road network connecting dock, airstrip and community	yes	yes	yes