

ALASKA LEGISLATURE COMMITTEE FILES 2012  
1258 SCRA COASTAL MANAGEMENT PLAN 1258



Official Business

# Alaska State Legislature

## Senate Committee on Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

March 8, 1980

Mr. Don Gilman, Co-Chair  
Coastal Policy Council  
Mr. John Halterman, Acting Co-Chair  
Coastal Policy Council

Dear Sirs,

I understand that the Coastal Policy Council will be meeting March 18-19 to discuss a variety of coastal zone management concerns. An issue has come to my attention which I feel might be appropriate for consideration at that time. Local coastal resource service districts are apparently required to provide a 20% match for planning assistance funds. The success of the Alaska Coastal Management Program rests in local districts completing their plans. There is concern that in unorganized areas which lack a tax base to use to provide the 20% match that this requirement is a significant barrier to initiation of the coastal zone plan and, therefore, is a barrier to a successful Alaska Coastal Management Program.

For example, at a hearing I held during the last interim, Mr. John Schaeffer, President of the Northwest Alaska Native Association said, "There are some areas the legislature could be very helpful in. The planning area is one. The biggest problem we have with regional planning is not that we cannot do it, but it is coming up with the local share without having a tax base from which to do it. Almost everything has a local share: 30 percent of regional strategy planning and 20 percent for coastal management studies . . ."

I would appreciate it if you would place this item on your agenda for your March 18-19 meeting and inform me of your findings and recommendations on this matter.

Sincerely,

A handwritten signature in cursive script, reading "Arliss Sturgulewski".

Arliss Sturgulewski  
Senator, District 10-H

cc: Senator Frank Ferguson  
M. Walsh

# STATE OF ALASKA

JAY S. HAMMOND, Governor

## OFFICE OF THE GOVERNOR

DIVISION OF POLICY DEVELOPMENT AND PLANNING

POUCH AP

JUNEAU, ALASKA 99811

(907) 465-3541 OR 465-3574

April 1, 1980

The Honorable John Sackett  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

*1 file w/  
Coastal zone  
management 4/*

Dear Senator Sackett:

Thank you very much for taking the time to listen to me this last Tuesday. As you suggested, I write now to expand upon the difficulties we have experienced in moving coastal management funds into the hands of local governments and coastal resource service areas in the unorganized borough.

We began last fiscal year with an allocation of \$2.5 million for local programs. In October of 1979, it became very clear that we would be unable to obligate that amount by the end of June 1980, and so we requested and received permission to dedicate \$500,000 of the local share to projects that would be undertaken on behalf of local governments, but not by them. As things stand now, we have obligated about one million dollars to the local programs, and hope to obligate another \$500,000 by the end of June. The remaining funds would have to be carried over to FY 81.

Now, however, things may change. As a result of Senator Sturgulewski's letter to the Coastal Policy Council, we have requested additional funds from the general fund with which to offset the local match requirement which now stands at 20% of the total amount for a work program. The Coastal Policy Council in its recent letter has asked for both a supplemental to our FY 80 budget, and a program increase for the FY 81 budget that would provide one half the local match requirement. This would mean that current grants and grants anticipated to be let during this fiscal year would require only a 10% match by the local governments and service areas. I am advised that if this occurs, the tempo of grant-making should increase dramatically, and we should be able to obligate almost a full one million dollars in addition to the amounts obligated already, instead of about half that as I mentioned above. Likewise, the



ALASKA  
COASTAL MANAGEMENT PROGRAM

01-A17LH

tempo should be speeded during the upcoming fiscal year as well.

If the Legislature does indeed fund this request of the Coastal Policy Council, then we would be well-advised to move additional funds into the local grants portion of our budget from the other areas. I am at your disposal any time to assist in this process if that is the direction the Legislature chooses.

We have also received a letter from Mauneluk Association which sets forth their position on the local match question specifically for the coastal resource service areas in the unorganized borough. I have attached this letter for your convenience. Mauneluk feels that all of the local match requirement for coastal resource service areas should be provided by the Legislature, rather than just half as the Coastal Policy Council has suggested. Without taking a position ourselves on Mauneluk's statement, I will only say that an additional \$100,000 would be needed per year to provide the entire local match requirement for the coastal resource service areas.

The amount of local match required probably has had some slowing effect on the rate at which we have been able to move funds into the hands of local governments. I do feel, however, that simply the relative novelty of the program, and the rather sudden increase in local grant funds last year contributed much more than just the 20% match requirement. We do anticipate an increased rate of local usage during FY 81 and 82 in any event as the program becomes more familiar to the various parties involved.

Again, thank you for seeing me the other day, and please call upon me at any time during your budget deliberations if I can be of assistance. I shall make every effort to stay in Juneau during the next few weeks so that I can be available.

Sincerely,



Murray R. Walsh, Coordinator  
Office of Coastal Management  
Division of Policy Development  
and Planning

CC: Representative Sarah J. Smith  
Senator Arliss Sturgulewski  
Commissioner McAnerney  
Frances Ulmer

# MAUNELUK ASSOCIATION

P. O. Box 256  
Kotzebue, Alaska 99752

Phone  
(907) 442-3311  
or  
(907) 442-3313

RECEIVED  
APR 1 1980  
O.C.M.

March 26, 1980

Michelle Shoo:  
Office of Coastal Management  
Pouch AP  
Juneau, Alaska 99811

Dear Michelle:

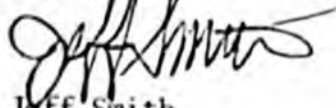
In answer to your request for our position regarding local matching funds in the unorganized borough, it is as follows:

In the organized areas of the State, the governing body appropriates money to operate the programs and services provided in that area. With the State legislature sitting as the borough assembly in the unorganized areas of the State, we feel they should provide the local match requirement the same as the assemblies in the organized areas do.

Sincerely yours,

MAUNELUK ASSOCIATION

Dennis J. Tiepelman, President



JEFF Smith  
Planning Director

cc: Mike Scott, Senator Ferguson's Office  
Dennis J. Tiepelman

jmt



MEMBER VILLAGES

Ambler, Buciland, Deering, Kiana, Kusilno, Kobuk, Kotzebue, Noutah, Nuvovich, Selawik, Shungook

STATE  
of ALASKA

# MEMORANDUM

*Margo -  
made copies  
see memo  
5.*

TO:  Margo Waring  
Administrative Assistant  
House Community & Regional  
Affairs Committee

DATE: April 4, 1980

FILE NO.

TELEPHONE NO.

*file  
1201*

FROM: Michelle Shook *ms*  
Project Assistant  
Office of Coastal Management

SUBJECT: Coastal Policy Action on  
Match Question

Pursuant to your request, the following is the verbatim transcript of the motion passed by the Coastal Policy Council at their March 18-19 meeting relative to the question of match:

The Coastal Policy Council requests the legislature to appropriate the funds necessary to pay for 10%, or one-half, of the required local match in the development of the local coastal management district programs, such funds to be made available to programs in development of fiscal year 1980 and all succeeding years.



Official Business

# Alaska State Legislature

## Senate

### Committee on Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

March 22, 1980

TO: Senator Frank Ferguson

FROM: Senator Arliss Sturgulewski *al*

*+ Sackett  
(see next pg.)*

On March 19, Margo Waring, a member of my staff, attended the Alaska Coastal Policy Council meeting in Anchorage and gave a presentation on the 20 percent match requirement for local programs. She requested the council to discuss and make recommendations regarding this subject. I am told that council discussion on this topic was lively and broad ranging. A number of related policy issues were discussed in terms of their relationship with the 20 percent match requirement, including questions of equity between organized and unorganized areas and between those who have already paid at the 20 percent rate and those who might not, if changes were made to the match requirement. Based on these considerations and C/RA's data indicating that there would be no difficulty among coastal resource service districts in meeting a 10 percent match requirement (part cash, part in-kind), the Coastal Policy Council passed a resolution supporting such a policy change. As soon as a copy of the resolution is received it will be forwarded to you. Apparently implementation of the resolution would require approximately \$187,500 for FY 1980 and \$312,500 for FY 1981.

Please let me know if this is something you would like to handle.

*sent  
4/7*

*Mobile check 35116  
3540  
transmitted  
1000 11/11/80*

*see if  
for legislation*

*mm  
28*

These sums can be added to either the Coastal Zone Management bill or to the budget for the Division of Community Planning in the Department of Community and Regional Affairs, which is the agency that administers the grants.

The council felt that if a match reduction was to be made by this means, the benefit should accrue to all coastal management efforts. Further, the council felt that current local planning efforts in coastal management should benefit from the reduction as well as efforts slated to begin next fiscal year.

March 28, 1980

The Honorable Clem Tillion

Alaska State Senate  
Pouch # 99811  
Juneau, Alaska 99811

Dear Senator Tillion:

In response to the attached letter from Senator Arliss Sturgulewski, the Alaska Coastal Policy Council met on March 18 and 19 to discuss the issue of local matching shares for federal grants available under the federal Coastal Zone Management program.

As a result of this discussion, the council passed a motion to request additional funds from the legislature for the purpose of offsetting a portion of the local match requirement. As you may know, there has been some difficulty at the local level in meeting the twenty percent local match which is required for local use of federal Coastal Zone Management funds. (In fact, all ACMP participants, including the Office of Coastal Management and the other state agencies, provide a twenty percent match.) This difficulty has been more acute for the Coastal Resource Service Areas which are now forming in the unorganized borough.

After considerable discussion, which included clarification that the districts, both regular and service area, could generate at least 10% of the total costs of developing local coastal management programs, the council voted to request the legislature to allocate monies from the general fund to pay for one-half of the local matching share, or ten percent of the total costs of the local development effort. The council further requests that monies be allocated in a supplemental to the Fiscal Year 1980 budget to offset half the local match for current work programs as well as for subsequent fiscal years.

The total local program effort for Fiscal years 1980 and 1981 is expected to be \$2,500,000 per year. Thus, a supplemental of \$250,000 would be needed for the current fiscal year and a program increase of \$250,000 would be needed for Fiscal Year 81.

These sums can be added to either the Coastal Zone Management BRU or to the budget for the Division of Community Planning in the Department of Community and Regional Affairs, which is the agency that administers the grants.

The council felt that if a match reduction was to be made by this means, the benefit should accrue to all the districts. Further, the council felt that current local planning efforts in coastal management should benefit from the reduction as well as efforts slated to begin next fiscal year.

We will deeply appreciate any consideration you can give to this request, and we will be very glad to assist in your deliberations in any way. We do hope that this request will receive favorable treatment, and we feel certain that the local coastal planning effort will be accelerated as a result.

Dear Representative Perkins:

Very truly yours,

In response to the attached letter from Senator Arthur Sturgis, the Alaska Coastal Policy Council is pleased to announce that the Council of Local Planning Agencies for Federal Coastal Zone Management

*Donald Gilman*  
Donald Gilman  
Co-Chairman  
Alaska Coastal Policy Council

*Frances A. Ulmer*  
Frances A. Ulmer  
Co-Chairman  
Alaska Coastal Policy Council

DG:FU:MW:pre

bcc: Ron Lehr, Division of Budget and Management



Official Business

# Alaska State Legislature

Senate  
Committee on  
Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

RECEIVED  
MAR 11 1980

March 8, 1980

Mr. Don Gilman, Co-Chair  
Coastal Policy Council  
Mr. John Halterman, Acting Co-Chair  
Coastal Policy Council

O.C.M.

Dear Sirs,

I understand that the Coastal Policy Council will be meeting March 18-19 to discuss a variety of coastal zone management concerns. An issue has come to my attention which I feel might be appropriate for consideration at that time. Local coastal resource service districts are apparently required to provide a 20% match for planning assistance funds. The success of the Alaska Coastal Management Program rests in local districts completing their plans. There is concern that in unorganized areas which lack a tax base to use to provide the 20% match that this requirement is a significant barrier to initiation of the coastal zone plan and, therefore, is a barrier to a successful Alaska Coastal Management Program.

For example, at a hearing I held during the last interim, Mr. John Schaeffer, President of the Northwest Alaska Native Association said, "There are some areas the legislature could be very helpful in. The planning area is one. The biggest problem we have with regional planning is not that we cannot do it, but it is coming up with the local share without having a tax base from which to do it. Almost everything has a local share: 30 percent of regional strategy planning and 20 percent for coastal management studies . . ."

I would appreciate it if you would place this item on your agenda for your March 18-19 meeting and inform me of your findings and recommendations on this matter.

Sincerely,

Arliss Sturquiewski  
Senator, District 10-H

cc: Senator Frank Ferguson  
M. Walsh

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

File  
Cubins  
Bridges  
Attack  
Munich  
JAN 15 1980

File  
Coastal  
zone

FOUCH V. STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465-3800

MEMORANDUM

January 15, 1980

SUBJECT: Letter of Fran Ulmer and Don Gilman of December 11, 1979, transmitting the text of a proposed amendment to the state's coastal management program statutes to provide for a continuing review role by coastal resource service area boards.

TO: Senator Arliss Sturgulewski

FROM: John B. Chenoweth  
Legislative Counsel

Subsections (a) and (b), as proposed, are points well taken if you agree that coastal service area boards should have a continuing role in implementation. The obvious objection, of course, is that with the amendment the service area boards take on more of the role of a municipality's planning authority, comparable to the latter's action on conditional use permits and the like for particular state projects not conforming to municipal ordinance. The policy decision here is, of course, for the legislature.

Subsection (c) is nice but not essential. AS 46.40.100(b)'s reference, in the first line, to "coastal resource district" covers, by definition, a coastal resource service area board. Clarification in the context of (a) and (b) may prove helpful.

Subsection (d) is, as presented, unnecessary. An alternative -- I do not necessarily endorse it -- would be to require a newly-organized municipality succeeding to a coastal resource service area to enforce the latter's coastal management program until alterations or amendments may be made by the new municipality.

Will you want a bill prepared, addressing one or all of these points?

JBC:ljb

*File*

MINUTES

Alaska Coastal Policy Council Meeting

Juneau Elk's Club Hall

February 21 and 22, 1980

Co-chairman Don Gilman called the meeting to order at 9:00 a.m. Members and alternates seated at the meeting table included:

Amos Mathews, DNR	John Halterman, DPDP
Pete Isleib, Prince William Sound	Jon Halliwill, Northern Southeast
Lee McAnerney, DCRA	Betty Wallin, Kodiak/Aleutians
Jon Buchholdt, Northwest	Bert Wagnon, DCED
Don Gilman, Lower Cook Inlet	Ernst Mueller, DEC
Dennis Dooley, DOT/PF	

The minutes of the last meeting were approved following a discussion in which Ms. McAnerney commented that the minutes were not as detailed as they should be, and Mr. Gilman amended the minutes to show that at the meeting on January 18 at nine a.m., only one Council member was present to chair the meeting, four people were in the audience, none of whom wished to testify, and the session lasted three minutes.

Mr. Walsh began the Coordinator's Report by announcing that the Legislative Community and Regional Affairs Committee would be in session at one this afternoon in Courtroom A of the Court Building.

There was a brief discussion of the "ALIVE" decision which was recently handed down by the Alaska Supreme Court. This decision could affect the Alaska Coastal Management Program (ACMP) as both Coastal Policy Council Regulations and Council approved local coastal programs are subject to legislative review.

A draft letter to the Attorney General, on the extent of the regulatory power of home rule municipalities in Alaska, was reviewed. A discussion followed. Ms. McAnerney felt the letter should be more specific and that it should not be limited to the North Slope Borough. All typographical errors were carefully pointed out by various Council members. Mr. Buchholdt related the experience of Chugach Electric Company vs. the Municipality of Anchorage with regard to electric utility poles. The final result of that conflict apparently demonstrated that "home rule" has no meaning. Mr. Buchholdt feels that the oil companies are saying the North Slope Borough has no planning and zoning authority. He did not want the council to request an Attorney General's opinion, because the problem is political.

Following a break, Mr. Gilman introduced Mr. LeResche, who replaced Mr. Mathews at the Council table.

Mr. Mueller explained that the issue of the extent of local government

control of air quality had come up several years ago. An Attorney General's opinion obtained at that time indicated that local governments can regulate air and water quality if local requirements are at least as rigorous as the requirements of the State and Federal governments. For that reason, Mr. Mueller felt that the air, land, and water quality question should be deleted from paragraph two of the draft letter. Mr. LeResche suggested that the issue should be left in the letter, and a copy of the earlier opinion should be attached.

During the public comment period, Mr. James Barnett, counsel for Sohio Alaska Petroleum Company, pointed out that the subject had been discussed by the oil industry during the comment period for the Draft Environmental Impact Statement. He referred the Council's attention to pages 501 through 504 of the Final Environmental Impact Statement where these comments were documented. He felt that the North Slope Borough should be informed of the legal status of this issue. Mr. Barnett presented some substitute language that he had drafted for the letter to the Attorney General.

Mr. Logan joined the Council members at the meeting table.

Ms. Wallin made a motion that the Council adopt the letter to the Attorney General. The motion was seconded. The motion was amended to substitute "home rule and other municipalities" for "home rule municipalities" in the letter. This amendment passed by roll call vote: Eleven yeas, one no and one abstaining.

The motion was amended to add Mr. Barnett's substitute language, amended to include both oil and gas activities, to the second page of the letter. This amendment passed by roll call vote: Twelve yeas, one no.

The motion was amended by Mr. LeResche to add "and Oil and Gas Conservation Commission". This amendment passed by roll call vote: Twelve yeas, one no.

The motion was amended by Mr. Buchholdt to change the date to May 18, 1980. This amendment did not pass by roll call vote: One yeas, twelve noes.

Mr. Gilman ruled that the amended words "oil and gas" would be technically amended to include minerals.

The motion on the floor was to adopt the draft letter to the Attorney General as amended. Ms. McAnerney moved that the motion be tabled until February 22 at nine a.m. The tabling motion passed by roll call vote: Ten yeas, 3 noes.

A motion was made and seconded to adopt Resolution 14. Mr. Gilman ruled that paragraphs one and five would be technically amended to refer to all municipalities.

Mr. LeResche amended paragraph two by adding "all existing and potential uses and activities in the coastal zone" between "adequately addressed" and "all applicable...." This amendment was further amended by the addition of "which are reasonably expected to occur" after the words, "coastal zone". This amendment passed by roll call vote: Ten yeas, and 2 noes.

Paragraph three was amended to delete "to the extent practical". This amendment passed on roll call vote: Eight yeas, four noes.

The resolution was amended to add paragraph six, "Recommends that the entire district coastal management program be developed at one time in order that all district development is consistent. The council expects that certain areas within the district will be treated with lesser degrees of comprehensiveness than others, as limited by the needs and information at hand". With Mr. Halterman chairing, this amendment passed by roll call vote: Eleven yeas, one no.

Paragraph two was amended to delete "submitted for council consideration have adequately", and to change "addressed" to "address" and "explained" to "explain". This amendment passed unanimously by roll call vote.

Paragraph two was amended to change "every aspect" to "the aspect.". This amendment passed by unanimous roll call vote.

The last paragraph of the resolution was amended to delete references to the North Slope Borough and to substitute "the districts". This amendment passed by unanimous roll call vote.

The preface of the resolution was amended to delete references to the North Slope Borough and to substitute references to districts. This amendment passed by unanimous roll call vote.

A motion was made to table action on the resolution until 9:00 a.m. on February 22. This motion passed unanimously by roll call vote.

A motion was made to direct staff to draft another resolution thanking the North Slope Borough. This motion passed unanimously by roll call vote.

The meeting adjourned at 12:00 noon.

COUNCIL MEETING  
February 22, 1980

The Council meeting was reconvened by Co-chairman Don Gilman at 9:00 a.m. on February 22. Members present at the meeting table were:

Lidia Selkregg, Upper Cook Inlet	Pete Isleib, Prince William Sound
John Nicori, Southwest	Lee McAnerney, DPDP
Don Gilman, Lower Cook Inlet	John Halterman, DCRA
Jon Buchholdt, Northwest	John Halliwill, Northern Southeast
Betty Wallin, Kodiak	Bert Wagnon, DCED
Amos Mathews, DNR	Ernst Mueller, DEC
Dick Logan, DFG	Dennis Dooley, DOT/PF

A motion was made to adopt the six resolutions of the Rural Cap Conference. Ms. McAnerney moved to table action on these resolutions until the March Council meeting to allow more time for study of the resolutions. The tabling motion was unanimously passed by a roll call vote.

There was a discussion of the packet of proposed legislation related to the Unorganized Borough. Action was tabled until later in the meeting.

Amy Kyle, OCM staff member, made a presentation on wetlands, and described the work plan that was developed by staff and the inter-agency working group. Consideration discussion followed. A recommendation was made to introduce a policy making element into wetlands management planning; perhaps by selecting a sub-committee of the Council to coordinate on a day to day level with the inter-agency working group.

A motion was made by Ms. Selkregg and recorded by Ms. McAnerney to accept the wetlands work plan.

A proposed amendment deleting item five of the work plan failed to pass on a roll call vote. A proposed amendment to delete item seven was withdrawn.

Mr. Halterman moved to amend item five to read: "Coordinate an inter-agency task force on wetlands to develop and carry out a State work plan which will specifically identify the critical values of wetlands in the State's coastal zone and identify those areas which should be preserved and additionally identifies a more efficient coastal management consistency determination process for projects in wetlands." The amendment passed, eight to five, on a roll call vote with Mr. Halliwill and Mr. Mathews dissenting.

The Council returned to the previously tabled motion to adopt the draft letter to the Attorney General on the regulatory authority of municipalities.

The re-drafted letter was amended to delete paragraph two on page two by roll call vote: Ten yeas, three noes, and one abstaining.

An amendment to Mr. Barnett's substitute language, "and mineral exploration and development," failed by roll call vote: Four yeas, ten noes.

An amendment to delete "greater burden upon that activity, such" and add "such additional habitat mitigation requirements" between the words "impose" and "as seasonal drilling" in Mr. Barnett's substitute language, passed by roll call vote: ten yeas and two noes.

The letter to the Attorney General, as amended, was accepted by roll call vote: Ten yeas and two noes.

Discussion of the motion to adopt Resolution 14, which was tabled on February 21, followed. By unanimous roll call vote, the first sentence of paragraph six was amended to read: "Recommends that a district coastal management program be submitted at one time for the entire coastal zone of the district in order that all district development is consistent."

Paragraph four was amended to read: "Recommend that performance standards used for program implementation be clearly and precisely written so they can be readily understood by the public." This amendment passed by roll call vote; thirteen voting yes, and one voting no.

The motion to adopt Resolution 14 passed by roll call vote: Ten voting yes and one voting no.

A motion to adopt Resolution 15, commending the North Slope Borough, passed by roll call vote, thirteen voting yes and one voting no.

Ms. Ginny Chitwood, from the Alaska Municipal League, made a presentation on proposed legislation that would impact the Alaska Coastal Management Program. A motion to postpone action on the legislative packet until a later date, passed by unanimous consent.

Mr. Walsh reviewed the proposed changes to the local program review procedure and indicated that OCM needs to know what the feelings of the Council are regarding the proposed changes. The public review period would be increased from thirty to forty five days and allowances would be made for bargaining with the local planners.

The basic question is whether staff should be involved at a local level, or as stated by Mr. Dooley, "does staff involvement in program development circumvent their participation in the role of reviewer?"

A motion was made and seconded to accept the draft outline of staff procedures for the review of local programs.

Ms. McAnerney suggested requesting that the Joint Legislative Regulatory Review Committee change the review period for staff findings and conclusions from ten to twenty five days.

With Mr. Halterman chairing, Mr. Gilman commented that he could foresee the development of some problems if OCM is involved in local programs before conceptual approval.

The outline was amended to delete the first action assigned to OCM. This amendment passed by roll call vote, ten voting for and three against the amendment.

The motion to accept the outline as amended passed by unanimous roll call vote.

With Mr. Gilman chairing again, a motion was made and seconded to change the meeting agenda to add discussion of the Kodiak Island Borough Resolution Supporting a "No Sale" Position on Lease Sale #46 as Outlined in the Draft Environmental Impact Statement. The motion passed unanimously with Ms. Walling abstaining.

A motion to adopt the resolution as submitted was made and recorded.

Ms. Wallin explained the history and purpose of the resolution and pointed out that hearings on the sale were scheduled for March 4 in Anchorage and March 6 in Kodiak. A hearing that had been scheduled for December was postponed. The people of Kodiak Island Borough feel there is conflict regarding the areas of oil and fisheries, and they want more time to evaluate potential impacts. They have commented on the sale, but their comments were not included in the draft environmental impact statement.

A substitute motion was made and seconded that the chairman be directed to work with Ms. Wallin to draft a letter to Secretary Andrus, with copies to Governor Hammond and OCM/BLS in Anchorage, expressing the Council's concern over evidence that the testimony and the position of the Kodiak Island Borough on issues of concern were not adequately considered during preparation for Lease Sale #46, and asking for assurances that the issues of concern will be addressed. The motion passed by unanimous consent, with Ms. Wallin abstaining.

Mr. Halterman made a motion for reconsideration of Agenda Item I. The reason is that task number five contains too much for staff to undertake. The motion was seconded and passed unanimously.

Mr. Halterman amended task number five to read: "Coordinate an inter-agency task force which will identify the critical values of wetlands in the State's coastal zone, and additionally, recommend a more efficient coastal management consistency determination process for projects in wetlands." The amendment passed by unanimous roll call vote.

Mr. Isleib requested that the OCS five year lease schedule be addressed by the Council at some future time. The meeting adjourned at 12:00 noon.

## OBJECTIVES

1. TO IDENTIFY THOSE AREAS IN NEED OF NEAR TERM PROTECTION AND OBJECTIVELY EVALUATED THEM TO DETERMINE THEIR SUITABILITY FOR INCLUSION IN A PROGRAM OF PROTECTION
2. COASTAL AREA DEVELOPMENT SHOULD PROVIDE LONG RANGE BENEFITS TO MAN AND HIS ECONOMIC PURSUITS WHILE ASSURING COMPATIBILITY WITH THE ENVIRONMENTAL GOALS FOR COASTAL AREAS.

Brief as this is I thought it may be useful to you in understanding the philosophy and methodology prescribed in the Anchorage CZM plan. If I can be of further assistance in any way please don't hesitate to contact me.  
(264-4229)

Sincerely,

Tony Burns

THE MUNICIPALITY RECOGNIZES THE PERTINENT ISSUES AND CONDITIONS THAT PREVAIL IN ITS COASTAL AREA AND HAS DEVELOPED CERTAIN BALANCED-USE OBJECTIVES IN PREPARATION OF ITS COASTAL MANAGEMENT PLAN.

THE BASIC METHODOLOGY UTILIZED TO DEVELOP THE ANCHORAGE COASTAL MANAGEMENT PLAN IS BASED UPON A DETAILED PROCESS THAT FOCUSES ON SPECIFIC AREAS OR PIECES OF GEOGRAPHY. THE ABILITY TO TAKE THIS APPROACH RESIDES IN A DETAILED RESOURCE INVENTORY AND ANALYSIS. MAPS GEOGRAPHICALLY INTER-RELATE THEMATIC DATA TO FORM AN ANALYTICAL BASE FOR COASTAL PLANNING AND MANAGEMENT PROCESSES. THE RESULTS OF THE INVENTORY AND ANALYSIS PERMITTED THE IDENTIFICATION OF SPECIFIC RESOURCE POLICY UNITS. THESE SUBUNITS COULD IN TURN BE GROUPED INTO THREE BROAD LAND USE SUITABILITY CLASSES OR ENVIRONMENTS CALLED PRESERVATION, CONSERVATION AND UTILIZATION. THIS CONCEPT PROVIDED THE BASIS FOR POLICIES AND OBJECTIVES DEVELOPED FOR THE PROGRAM. EACH RESOURCE POLICY UNIT WAS EXAMINED IN TERMS OF 1) WHAT EXISTING FEDERAL, STATE OR LOCAL REGULATIONS, STATUTES OR ORDINANCES APPLIED TO EACH SPECIFIC RESOURCE POLICY UNIT. THIS LEGAL REVIEW RESULTED IN THE ABILITY TO DEFINE WHERE ANCHORAGE WAS OR WAS NOT IN COMPLIANCE WITH THE STANDARDS AND GUIDELINES OF THE ACP. 2) AN ENVIRONMENTAL MATRIX WAS THEN USED TO DETERMINE LAND USE SUITABILITY FOR EACH RESOURCE POLICY UNIT AND AS A BASIS FOR PRESCRIBING WHAT TYPES OF USES COULD RESULT IN DIRECT AND SIGNIFICANT IMPACTS ON COASTAL WATERS. A WEIGHTING AND RANKING SCHEME WAS THEN USED TO MEASURE POTENTIAL IMPACTS THAT COULD RESULT FROM VARIOUS USES AND ACTIVITIES.

UTILIZING THESE TWO STEPS IT WAS THEN POSSIBLE TO DEVELOP OBJECTIVES AND GOALS FOR EACH RESOURCE POLICY UNIT AND FOR

Att. +  
Appendix A  
ACMP  
Map  
matrix  
detail  
(Homework)

EACH OF THE THREE ENVIRONMENTS (PRESERVATION, CONSERVATION AND UTILIZATION). THESE POLICIES ATTEMPT TO RESOLVE CONFLICTS WHERE POSSIBLE, AND TO ESTABLISH VALUES AND PRIORITIES FOR COASTAL RESOURCES AND AREAS IN ORDER TO HELP PREVENT CONFLICT IN THE FUTURE. THE EMPHASIS HERE IS ON ~~RELY~~ AND ENFORCING EXISTING REGULATORY TOOLS AND DEVELOPING NEW ONES ONLY WHERE NECESSARY.

MANY OF THE POLICIES DEVELOPED HAVE A BASE IN PRESERVING RICH AND VALUABLE COASTAL RESOURCES. THIS IS AN ECONOMIC AS WELL AS AN ENVIRONMENTAL POSITION. IF THIS WERE NOT THE PERSPECTIVE, OUR COASTLINE COULD LOSE ITS ABILITY TO ATTRACT TOURISTS, TO NURTURE VALUABLE RESOURCES, AS WELL AS PROVIDE FOR FUTURE ECONOMIC DEVELOPMENT.

THIS IS NOT TO IMPLY THAT COASTAL MANAGEMENT WILL PRECLUDE DEVELOPMENT. RATHER, GIVEN THE FRAGILE NATURE OF MUCH OF THE COASTAL ZONE, AND GIVEN THE EXISTENT PRESSURES FOR DEVELOPMENT, PRIORITIES FOR DEVELOPMENT AND CONSERVATION MUST BE ESTABLISHED.

THE INVENTORY AND ANALYSIS WAS CONDUCTED FOR THE ENTIRE COASTAL PLANNING AREA (TO THE 1,000 FOOT CONTOUR LEVEL). HOWEVER, AS A RESULT FOR THE RESOURCE ANALYSIS IT WAS DETERMINED THAT NOT ALL AREAS AND USES WITHIN THE 1,000 FT. PLANNING BOUNDARY COULD CAUSE OR RESULT IN DIRECT AND SIGNIFICANT IMPACTS TO COASTAL WATERS. THIS RESOURCE ANALYSIS PROCEDURE ALLOWED A REDEFINING OF THE MANAGEMENT BOUNDARY TO INCLUDE ONLY THOSE AREAS WHERE USES COULD RESULT IN DIRECT AND SIGNIFICANT IMPACTS. A LETTER TO THAT EFFECT (A CLARIFICATION) HAS BEEN SUBMITTED TO THE OFFICE OF COASTAL MANAGEMENT (SEE ATTACHED).

IN TERMS OF IMPLEMENTATION THE MUNICIPALITY HAS NOT, AT THIS TIME, DEVELOPED SPECIFIC ORDINANCES OR PERFORMANCE STANDARDS. INSTEAD, A SERIES OF ACTIONS WERE DEEMED NECESSARY PRIOR TO ORDINANCE DEVELOPMENT, SOME OF WHICH WILL REQUIRE ADDITIONAL RESEARCH AND STUDY. THE IMPLEMENTATION PLAN THUS CONSISTS OF A SERIES OF RECOMMENDATIONS INCLUDING ADOPTING THE COASTAL MANAGEMENT PLAN AS AN ELEMENT OF THE ANCHORAGE COMPREHENSIVE PLAN. THE TURNAGAIN ARM AND EAGLE RIVER COMPREHENSIVE PLAN ALREADY INCORPORATE THE POLICIES OF COASTAL MANAGEMENT.

BY RECOGNIZING THE VALUE OF EACH RESOURCE POLICY UNIT, THE POLICIES SET FORTH THE MEANS TO PROTECT THOSE VALUES AND ~~DIRECTLY, HOW AND WHAT TYPE OF DEVELOPMENT SHOULD OR COULD OCCUR IN EACH OF THEM.~~ THIS PROCESS WAS TAKEN INSTEAD OF PRESCRIBING SPECIFIC PERMITTED AND NON-PERMITTED USES. BECAUSE OF THE DIVERSITY OF ENVIRONMENTS ALONG ANCHORAGE'S COAST, IT WOULD BE ALMOST IMPOSSIBLE IF NOT INAPPROPRIATE TO PROVIDE A PREDETERMINED STATEMENT OF THE TYPES OF LAND AND WATER USES RESPONSIBLE FOR SIGNIFICANT IMPACTS IN COASTAL WATERS.

IN CONCLUSION, MANY OF THE EXISTING LAWS, REGULATIONS AND PLANS IN ANCHORAGE ARE FELT TO BE ADEQUATE TO IMPLEMENT COASTAL MANAGEMENT. IN MOST CASES, THESE REGULATIONS AND PLANS ARE DESIGNED TO PROTECT THE ENVIRONMENT AGAINST THOSE USES WHICH WOULD CAUSE OR RESULT IN DIRECT AND SIGNIFICANT IMPACTS, AND WHERE THEY DO NOT, NEW ORDINANCES AND REGULATIONS ARE RECOMMENDED, AS ARE CHANGES TO THE ZONING, IF NEEDED.

COASTAL MANAGEMENT IS AN ON-GOING PLANNING PROCESS AND AS SUCH, REVISIONS AND UPDATES TO THE PROGRAM WILL BE MADE.

*DETERMINING*  
*(At this time)*  
*will be*  
*mapping more*  
*detail 1-1-00*

*Handwritten scribbles*

*delet?* ( THE MANAGEMENT PROGRAM RECOGNIZES THAT ALASKA HAS BOTH  
STRONG LOCAL GOVERNMENT AND STRONG STATE GOVERNMENT.  
COASTAL MANAGEMENT WILL ALLOW BOTH STATE AND LOCAL  
GOVERNMENT PROGRAMS TO ACT IN A MORE COMPREHENSIVE,  
PREDICTABLE, AND TIMELY FASION.

THANK YOU FOR PROVIDING ANCHORAGE THE OPPORTUNITY TO  
PARTICIPATE IN THIS REVIEW PROCESS. STAFF WILL BE AVAILABLE  
TO ANSWER ANY QUESTIONS THE COUNCIL MAY HAVE.



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

ADMINISTRATIVE ORDER No. 54

FOR THE MANAGEMENT SYSTEM TO  
IMPLEMENT THE  
ALASKA COASTAL MANAGEMENT PROGRAM

Findings:

1. In 1977, the Alaska Legislature enacted the Alaska Coastal Management Act (AS 46.40) to provide for coordinated planning for the rational use of the coastal resources of the state. (AS 46.40.020);

2. A primary purpose of the Act is to avoid the creation of new regulatory structure, wherever possible, relying instead upon existing state and local authorities to implement the provisions of the Act. Accordingly, AS 46.40.040(1) provides that the Alaska Coastal Policy Council shall develop guidelines and standards "for the use of and application by" local governments and state agencies;

3. In establishing the Alaska Coastal Policy Council, the legislature recognized that there is both a local and state interest in coastal management and provided representation on the Council for officials of local governments and seven state agencies. Six state agencies in particular were deemed to have primary land and water use responsibilities in the coastal area--the Departments of Commerce and Economic Development, Community and Regional Affairs, Environmental Conservation, Fish and Game, Natural Resources, and Transportation and Public Facilities. Further, the legislature recognized that a seventh--Division of Policy Development and Planning--had a critical coordination responsibility. (AS 44.19.891(a)(2)(B)-(G));

4. On March 31, 1978, the Alaska Coastal Policy Council adopted the Alaska Coastal Management Program (ACMP) Guidelines and Standards for land and water use activities in the coastal area. A general provision in the standards requires that each state agency reviewing or considering a coastal land or water use or activity under its jurisdiction shall determine and assure that the use or activity is consistent with the ACMP Guidelines and Standards (6 AAC 80.010(b));

5. On June 18, 1978, House Concurrent Resolution No. 125, approving the ACMP Guidelines and Standards, was passed by the legislature, and the guidelines and standards took effect on July 18, 1978;

6. Because of the provisions of the Alaska Coastal Management Act, each state agency is responsible for administering land and water use regulations and controls in conformity with both the ACMP Guidelines and Standards, and, as required in AS 46.40.100, also in conformity with the coastal programs of local governments and coastal resource service areas which have been approved and are in effect;

7. Each state agency is responsible for insuring the implementation of the Alaska Coastal Management Program, and for determining whether there exists any impediment within the agency's statutes, regulations or procedures to the carrying out of that responsibility (AS 46.40.200). It must be recognized that in complying with this obligation, state agencies must first determine whether impediments exist for the carrying out of the ACMP Guidelines and Standards and then do so again for each subsequent local coastal program which takes effect;

8. In light of the purposes of the Alaska Coastal Management Act, it is of vital importance that the regulations and local coastal programs adopted by the Council are uniformly and coherently applied by state agencies making and reviewing coastal land and water use decisions, while at the same time making maximum use of existing expertise within each state agency, and avoiding time delays in evaluation of, and agency action upon, proposals for coastal land and water uses;

9. Upon approval of the Alaska Coastal Management Program under section 306 of the federal Coastal Zone Management Act, it will be necessary to review federal projects and permit and license applications for consistency with the Alaska Coastal Management Program under section 307 of the federal Act. The state must designate a single agency for making these determinations;

Order:

In light of the foregoing, I JAY S. HAMMOND, Governor of the State of Alaska, order and declare the following:

1. The foregoing cited responsibilities and obligations require the establishment of a system and procedures to

assure uniform, coherent and aggressive implementation of the Alaska Coastal Management Program, and further delineation of responsibility among the state agencies. Toward this end, this order creates and formalizes the ACMP management system;

2. Every state agency shall comply with applicable provisions of the order;

3. Each state agency represented on the Alaska Coastal Policy Council pursuant to AS 44.19.89(b)-(g) (hereafter "primary agency") shall, on or before June 30, 1979, prepare a written report describing how that agency shall carry out its responsibilities under this Order, 6 AAC 80.010(b), and AS 46.40.200. The report shall include existing or proposed procedures, regulations, and other material deemed necessary by the agency, and shall detail the coastal land and water uses and activities subject to that agency's authority, for which it will determine consistency with ACMP. The report shall also show how the agency plans to provide public comment opportunities in consistency determinations using existing public hearing and comment procedures to the maximum extent practicable. The agency shall forward a copy of the report to the Division of Policy Development and Planning (DPDP), which in turn will assure the reports are consistent.

4. Within 30 days of the execution of this order, each primary agency shall designate a coastal management liaison who will be responsible for communicating with DPDP and other ACMP participants on matters related to this order and other ACMP matters. Notification of this designation will be filed with DPDP.

5. In accordance with 6 AAC 80.010, each state agency, in authorizing--by permit, license or other approval--any use or activity having significant impact on the coastal area, shall grant the permit, license or other approval 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 standards contained in 6 AAC 80 and with approved local coastal programs. The provisions of this paragraph apply to any permit, license or other approval for which application is made after July 18, 1978, and which is for a use or activity located to be or located between the seaward limit of the United States territorial sea and the landward boundary of any applicable district program.

6. Upon the execution of this order, each state agency shall review each pending major land or water use project or plan in the coastal area being conducted, or wholly or partially financed, by that agency, to determine

whether the project or plan complies with the standards contained in 6 AAC 80 and approved district coastal programs. Agencies shall include lists of such activities in the report provided for in paragraph 3 above. A project is considered "major" if the agency determines that it is likely to significantly affect land or water resources in the coastal area. All uncompleted major projects are considered "pending" unless they have advanced beyond the conceptual stage and have been funded or approved by the legislature. After execution of this order, no state agency may make any fiscal or other resource commitment to (a) any pending major project, or (b) any major project initiated after execution of this order, unless the agency determines that the project is consistent with the standards contained in 6 AAC 80 with approved district coastal programs, and with other applicable state laws and regulations.

7. Within one year of the execution of this order, each state agency shall review all projects or plans of that agency which may affect land or water use in the coastal area, and make any changes in those plans that may be necessary to insure their consistency with the standards contained in 6 AAC 80 and with approved district coastal programs. Upon a determination under this paragraph that the plan is consistent with the standards contained in 6 AAC 80 and with approved district coastal programs, projects or plans specified as to their nature and location in the plan need not be approved under paragraph 6 of this order, unless significant changes in the project are made prior to its execution.

8. Each primary agency shall, within three months of the effective date of each district coastal management program, prepare supplementary reports to the initial report required under paragraph 3 of this order, showing agency actions necessary to assure full implementation of the district program. A copy of each supplementary report shall be forwarded to DPDP. DPDP will, in consultation with the agencies and the district, consolidate and finalize the supplementary report within three months and make necessary contractual arrangements to assure full implementation of the district program.

9. While, in most cases, consistency determinations can be most efficiently and properly made by the primary agencies responsible for them, there may be certain occasions when an agency concludes that it cannot properly make such a determination. In such cases, the agency, or I, may ask DPDP to make the consistency determination. When making such a request, the agency shall promptly transmit the application for a permit, license or other approval to DPDP for review. In the report required in paragraph 3 of this order, an agency may stipulate certain coastal land and water uses and activities on which it will routinely ask

DPDP to make the consistency determination. When making such a request, the agency shall promptly transmit the application for a permit, license or other approval to DPDP for review. In the report required in paragraph 3 of this order, an agency may stipulate certain coastal land and water uses and activities on which it will routinely ask DPDP to make the consistency determination. The agency shall provide reasonable time limits for DPDP's review, after which consistency shall be presumed in order to meet applicable review deadlines.

10. Should a dispute arise between or among state agencies, or between or among state agencies and DPDP, as to any matter relevant to consistency with the provisions of 6 AAC 80, the matter will be resolved by the Coastal Policy Council, if the matter falls under Council jurisdiction set forth in AS 46.40.100, otherwise I shall resolve the matter.

11. DPDP will be the responsible agency for all matters related to the federal consistency provisions of section 307 of the federal Act. DPDP shall utilize appropriate expertise of other state agencies, and the views of local governments, in discharging its responsibilities under this paragraph. The A-95 Clearinghouse will be used to process federal consistency matters concerning federal developments (307(c)(1)), (307)(c)(3)(A)), plans for the exploration or development of areas leased under the Outer Continental Shelf Lands Act (307)(c)(3)(B)), and applications for federal assistance (307)(d)). Standard clearinghouse procedures will be used to coordinate the review for each of these types of consistency matters.

12. In making federal consistency determinations, state agencies and DPDP shall consult with affected local governments, federal agencies, and other state agencies, and shall accord great weight to their views within their areas of expertise.

13. Nothing in this order may be construed as authorizing a state agency to defer action on any application for a permit, license or other approval beyond the time period otherwise provided by law.

14. In carrying out their obligations under the Alaska Coastal Management Act and the ACMP Guidelines and Standards, state agencies shall assure that uses of state concern, as defined in AS 46.40.210(6) and as may be later defined by the Council, are given full consideration. State agencies must participate in the development and review of district coastal programs so that the districts will be made aware of potential exclusions or restrictions of uses of state concern

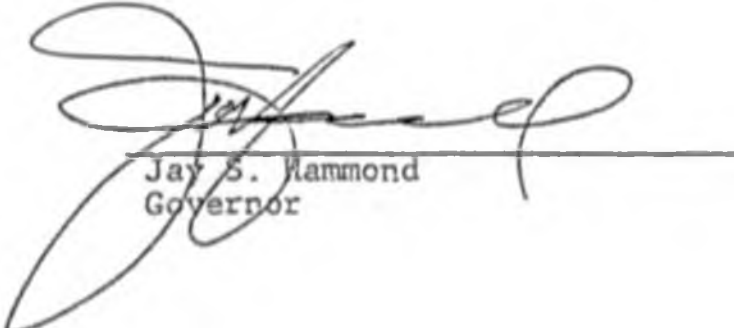
that might be caused by proposed provisions of district programs. Further, in carrying out their own planning functions related to ACMP, state agencies will avoid arbitrary or unreasonable exclusions of uses of state concern which might be caused by their own actions.

15. If any person, state agency, federal agency, or local government feels that a state agency is not making consistency determinations in accord with the provisions of the Alaska Coastal Management Program and this order, he shall submit to DPDP a written statement detailing the grounds for the complaint. DPDP shall review the statement and, if it appears that the complaint has merit, shall attempt to resolve the matter informally with the agency within 30 days of receipt of the statement. If resolution by this means fails, DPDP shall bring the matter to the attention of the Coastal Policy Council if the matter relates to development, approval, or implementation of a district program, and to me for all other matters.

16. Until applicable district coastal program boundaries are established, the boundaries delineated by 6 AAC 85.040(b) shall be the boundaries for purposes of this order. Boundaries of approved district programs will be used by state agencies.

17. This order is intended to assure interagency communication, coordination and effective implementation and management of ACMP. Nothing in this Administrative Order shall be construed as conferring standing upon any party, public or private, to institute litigation against the state government or an agency thereof for noncompliance with this order.

Done in Juneau on this 23rd  
day of April, 1979.



Jay S. Hammond  
Governor

# STATE OF ALASKA

OFFICE OF THE GOVERNOR  
DIVISION OF POLICY DEVELOPMENT AND PLANNING

*Pam Rogers*  
JAY S. HAMMOND, Governor

POUCH AD  
JUNEAU, ALASKA 99811  
PHONE: 465-3512

November 30, 1979

*U.S. Army*  
Captain Michael Mahoney  
Alaska Corps of Engineers, *1st District*  
Regulatory Functions Branch  
P.O. Box 7002  
Anchorage, Alaska 99510

- Subject: Conoco Gwyder Bay Transportation Permit  
State I.D. No. TZ190-79092401FP, COE #071-0YD-4-790294

Dear Mr. Mahoney:

The Division of Policy Development and Planning in accordance with Public Law 92-583 and 94-370 and Alaska Statutes 46.40.010, has completed preliminary review of the consistency of the subject proposal with the Alaska Coastal Management Program (ACMP).

As currently planned, we have found the proposal to be inconsistent with ACMP. It will be consistent with the ACMP provided that the attached stipulations are met. We request that you inform us in writing within 30 days of receipt of this letter whether or not these stipulations are acceptable to you. Your notification to us of the acceptance of the stipulations is necessary before the state can issue its final concurrence regarding the consistency of your project with ACMP.

If you have any questions regarding this letter or the attached stipulations please contact:

Mr. Jerry L. Madden  
State-Federal Coordinator  
State Clearinghouse  
Division of Policy Development  
and Planning  
Office of the Governor  
Pouch AD  
Juneau, Alaska 99811  
(Phone - (907) 465-3577)

Sincerely,

*Frances A. Ulmer*  
Frances A. Ulmer  
Director

RECEIVED

DEC 6 1979

Div. of Minerals & Energy Mgmt.  
Anchorage, Alaska

Attachment

cc: Tom Barnes, OCM  
Kenneth L. Willits

STIPULATIONS NECESSARY TO ENSURE CONSISTENCY  
WITH ACMP

Conditions related to Conoco Gwydyr Bay Transportation Permit

(State I.D.# TZ190-79092401FP):

1. The drilling fluids reserve pit, sewage treatment plant effluent pit and fuel storage area(s) must be rendered impermeable.
2. All drilling activities shall cease by midnight March 31, 1980 unless a time extension is granted. The decision to grant such an extension shall be based on the prevailing ice conditions, the operator's demonstrated ability to operate safely, and the professional judgement of an inter-agency task force.
3. All activities at the site shall terminate by May 15, 1980 or spring break-up, whichever occurs first.
4. To avoid conflict with caribou utilizing the area as insect relief habitat, cleanup activities shall occur after August 1, 1980.
5. The applicant shall submit a written plan to rehabilitate and revegetate the area to the appropriate agencies for comment and approval prior to implementation.
6. Unless drilling operations are resumed under a revised plan of operation, the area must be rehabilitated after August 15, 1980, including:
  - a. Removal of camp and drill rig structures, equipment, drill mud compounds and debris.
7. Removal of all fuel tanks and waste hydro carbons from the storage area by May 15, 1980 or spring breakup, whichever occurs first.
8. By May 15, 1980 all waste hydrocarbons shall be incinerated or removed from the area.
9. All liquid effluents including, but not limited to, sewage treatment plant effluents, non-toxic drilling muds and fluids may be buried below the active zone.
10. By May 15, 1980 or spring breakup whichever occurs first all toxic materials must be removed to an upland disposal site approved by the Department of Environmental Conservation, or may be placed down the casing.
11. The applicant shall provide a site specific written plan which addresses the control and cleanup of an uncontrolled oil blowout.

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DEC 11 1979

Department of Environmental Conservation  
& Energy Mgmt.  
Anchorage, Alaska

November 29, 1979

Ten of the above stipulations represent agreements reached between the applicant and with Alaska Departments of Environmental Conservation, Fish and Game, and Natural Resources, along with the State Office of Coastal Management and the Fish and Wildlife Services Stipulation Number 11, although not discussed at the November meeting, is deemed essential by the resource agencies to ensure sound resource management. It is noted that the Department of Natural Resources, Division of Minerals and Energy Management, disagrees strongly with several stipulations and, in particular, Stipulation #2 which refers to a seasonal drilling restriction of March 31, 1980.

The Office of Coastal Management has reservations about certain stipulations insofar as they may reflect "best estimates" made at a point in time when data is necessarily not available because of yet to emerge varying seasonal conditions. Or, stipulation provisions may be based on best available but admittedly inadequate biological data. In either case, OCM believes that imposition of operating conditions must be flexible enough to allow for modification when further information is available. Ideally, decisions regarding deadlines for drilling, clean-up and rehabilitation activities, should be made on a site specific, case by case determination, aided by timely information derived from frequent field surveys. Only through this kind of approach can be gained the regulatory flexibility needed to make petroleum development operations as efficient and economic as possible while still maintaining the maximum in environmental protection.

Such flexibility has been allowed for in the stipulations developed for offshore operations in the Beaufort Sea where downstream decisions to be based on forthcoming data are to be assisted by a Biological Task force consulting with the Director of the Division of Minerals and Energy Management (State Stipulation No. 9). Under that provision exploratory drilling and testing, and other downhole exploratory activities may be extended to May 15, depending on the operator's demonstrated ability to operate safely and if ice conditions justify.

OCM believes that such an approach is appropriate for Gwydry Bay, Alaska. Conoco, Inc. Transportation Permit and that the Alaska Department of Environmental Conservation should review the restriction be modified to allow extensions based on an interagency task force advisement to the Director of Division of Minerals and Energy Management. The Corps of Engineers permit should provide for the Corp to deliver these extensions on the same basis as DMEM.

Review and possible modification of other provisions when additional biological data has been collected should be made at the suggestion of either the operator or relevant governmental agencies, with full consultation with all concerned agencies.

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

MINERALS AND ENERGY MANAGEMENT

703 W. NORTHERN LIGHTS BLVD.  
ANCHORAGE, ALASKA 99503

November 26, 1979

Murray Walsh, Coordinator  
Office of the Governor  
Division of Policy Development  
Office of Coastal Management  
Pouch AD  
Juneau, Alaska 99811

Re: Conoco - Gwydyr Bay  
State No. 1  
North Slope Alaska  
LO/NS 79-105  
C2M Consistency  
Determination

Dear Mr. Walsh:

This is to advise you that this Division has reviewed all pertinent information relative to drilling the Conoco - Gwydyr Bay State No. 1 proposed exploratory drilling operation. I have determined that the amended Plan of Operations, as modified by additional stipulations imposed by this Division, for this activity is consistent with the Alaska Coastal Management Program (ACMP).

The proposed Plan of Operations, including a Spill Prevention Control and Countermeasure Plan (SPCCP), for the subject well was filed with DMEM on July 13, 1979. The plan was amended July 26, 1979 with Camp and Drill Site Drawings, and August 30, 1979 with "Contingency Plan For Uncontrolled Blowout." It is proposed to drill this well on a lease issued by the State on October 1, 1969, which granted the lessee a bona fide right to explore for and develop potential hydrocarbon resources. Lessees made application for the Gwydyr Bay Unit Obligates the lessees to undertake this exploratory drilling which activity; the unit was approved by Commissioner LeResche on October 29, 1979. The proposal to drill the Gwydyr Bay State No. 1 well is in compliance with the Gwydyr Bay Unit agreement, which requires the lessees to spud a well by February 1, 1980 and drill diligently to completion. Failure to comply with this requirement will result in cancellation of the Unit agreement and the leases which are past their primary lease term expiration dates. The Plan of Operations for this well was approved on October 16, 1979, as modified by stipulations imposed by DMEM after consultation with the Alaska Department of Fish & Game, the Alaska Department of Environmental Conservation and the Division of Forest, Land and Water Management. A copy of the State's approval and stipulations are attached. This modified Plan of Operations is consistent with the ACMP guidelines and standards set out in 6 AAC 80, and the ACMP objectives stated in AS 46.40.020.

Murray Walsh  
Page 2

Furthermore, I find that the Gwydyr Bay State No. 1, is a use of state concern as defined in AS 46.40.210(6). Also AS 38.05.180 of the Alaska Leasing Law requires the development of the State's natural resources in an orderly manner. The captioned activity is consistent with the requirements of AS 38.05.180. I approved the Plan of Operations to drill the Gwydyr Bay State No. 1 because of the statewide public interest in developing the State's oil and gas resources, because oil and gas development is critical to the State's economy, and because its possible contribution to this nation's energy independence is a paramount concern. This well will be drilled as part of an orderly and sequential exploration program. It will be drilled pursuant to an approved unit which will permit the exploration of several leases without redundant or unnecessary drilling. Under the approved Plan of Operations, the exploration program can be accomplished with minimal adverse environmental impact.

You will note that the DMEM Plan of Operations approval letter with stipulation no. 3 for this well requires all activities to terminate no later than May 15, 1980. Mr. Scott Grundy's letter of October 31, 1979 to Mr. David L. Robbins, U.S. Army Corps of Engineers, (copy attached) had a more restrictive stipulation requiring all drilling activities to cease by midnight March 31, 1980. This stipulation was imposed outside the authorized State permitting procedure in spite of the fact that four wells have already been drilled in the immediate vicinity of the proposed location without any problems or noticeable adverse environmental effects, and that the stipulation, intended for offshore wells, is being applied to an upland well. This ill-informed request that drilling cease by March 31 springs from a lack of knowledge of the complex well drilling operation and a lack of understanding of the risks involved in such an operation. In view of the fact that this or any other stipulation can now be imposed, whether prudent and warranted or not, without any real recourse by the authorized permitting agency or the affected lessee, I wish to state for the record that DMEM, the authorized State permitting agency, has not imposed the March 31 cease drilling stipulation on this operation since it is not warranted.

Murray Walsh  
Page 3

A March 31 closing date imposes needless additional financial cost for the lessee and will result in an extra season of drilling which may, in fact, pose greater risk to the environment. For your information I have attached a "Position Paper" on arctic offshore seasonal drilling written by professionals, including several Alaskan registered professional engineers, experienced in all phases of arctic drilling.

Sincerely,



Tom Cook  
Director, DMEM

Attachment

cc: Robert LeResche, Commissioner, DNR  
Geoffrey Haynes, Deputy Commissioner, DNR  
Wilson Condon, Department of Law  
Scott Grundy, ADF&G  
Paul Bateman, ADEC  
Hoyle Hamilton, AO&GCC  
Ted Smith, ADFLWM  
Bill Copeland, ADFLWM/NCDO

CLEARINGHOUSE INFORMATION AND COMMENT FORM

TO: DMEM

ATTN: Pam Rogers

PROJECT: 80013108

DUE AT DNR A-95: 2/25

( ) Comment if you like - if no comment, sign and return form only:

( ) Your information

( ) As requested

(X) Required CZM consistency check

LEAD \_\_\_\_\_  
DNR coordinated response. Please, inform me of LEAD person.

If LEAD agency is indicated, it is responsible for

This document has been sent to the following:

( ) Commissioner  
(X) DFLW&M, Director  
(X) NCDO, District Manager  
(X) SEDO, District Manager  
(X) SCDO, District Manager  
(X) Adm. & Management, Director

(X) Parks SHPO  
(X) DMEM Coordinator  
(X) DGGS, Director  
(X) Agriculture, Director  
(X) State Pipeline Coordinator  
(X) Tech. Services, Director

Royalty Oil and Gas, Director, 6 1980  
Research & Development, Director  
Land and Resource Planning, Chief  
Policy Research/Land Entitlement, Chief  
Div. of Minerals & Energy Mgmt.  
Anchorage, Alaska

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Remarks/Comments \_\_\_\_\_

FROM: DNR A-95 Coordinator, Research & Development, 279-5577, Ext. 245. DATE: 2/5

To return to LNR A-95, fold, staple and place in distribution/mail system.

10-1033 9/79



Pub  
D.M.E.N  
N.C.O.D  
N.G.C.S  
2/25

JAY S. HAMMOND  
GOVERNOR

OFFICE OF THE GOVERNOR

DIVISION OF POLICY DEVELOPMENT AND PLANNING

POUCH AD - JUNEAU 99711  
PHONE 465-3577

February 01, 1980

RECEIVED  
FEB 06 1980

Mr. Bob Baldwin  
Department Of Natural Resources  
A-95 Coordinator  
323 East Fourth Avenue  
Anchorage, Alaska 99501

Div. of Minerals & Energy Mgmt.  
Anchorage, Alaska

Subject: SOHIO, PRUDHOE BAY OIL & GAS PAD C PERMIT  
Review: A C M P Consistency Determination

Dear Mr. Baldwin:

The subject project has been submitted to the State Clearinghouse for Alaska Coastal Management Program Consistency Determination. We request that your agency review the attached materials regarding the project against those A C M P Standards your agency is responsible for interpreting, as set out in Reimbursable Services Agreements with the Office of Coastal Management.

If your agency determines that there are any inconsistencies between this project and the A C M P Standards, please identify the standard(s) involved and if possible list mitigating measures or project changes which would enable the project to become consistent with A C M P. The final decision regarding consistency will be made by our office after the close of the review period.

The State Clearinghouse has assigned State I. D. No. FD280-80013108FP to this project. Please use this number in all future correspondence concerning this project.

To be considered your comments should reach the office by 02-28-80.

Sincerely,  
*Jerry L. Madden*

Jerry L. Madden  
State Federal Coordinator

Enclosure - with distribution list of reviewers

COMMUNITY AND REGIONAL AFFAIRS - SC 040

EDUCATION - SE 020

ENVIRONMENTAL CONSERVATION - SV 060

(Central Office)

Southeastern Region - SV 180

Southcentral Region - SV 190

Northern Region - SV 200

FISH AND GAME (Central Office) - SF 020

(indicate on central office memo what regions memos were sent to)

Juneau - SF 070

Anchorage - SF 01

Fairbanks - SF 050

TRANSPORTATION & PUBLIC FACILITIES - ST 060

LABOR - SL 030

LAW - SW 030

MILITARY AFFAIRS - SH 010

NATURAL RESOURCES - SN 010

PUBLIC SAFETY - SP 020

COMMERCE & ECONOMIC DEVELOPMENT - SD 040

REVENUE - SR 020

CRIMINAL JUSTICE PLANNING AGENCY - SG 020

ALASKA COURT SYSTEM - SJ 010

OFFICE OF COASTAL MANAGEMENT - SG 010

HEALTH AND SOCIAL SERVICES - SH 090

ADMINISTRATION - SA 010

BIA - FI 010

AFN - HS 202

BLM - FI 020

U.S. FOREST SERVICE - FA 010

U.S. PUBLIC HEALTH SERVICES - FW

CORPS OF ENGINEERS - FD 020

CITY OF: \_\_\_\_\_

NATIVE CORPORATION: \_\_\_\_\_

BOROUGH: North Slope Borough

MOA - BA 010

NORTHERN HSA - PD 090

SOUTHCENTRAL HSA - PZ 070

SOUTHEASTERN HSA - PH 060

(MOA and HSA's receive copy of cc sheet along with letter)

OTHER LETTERS: \_\_\_\_\_

BH010

letter only



DEPARTMENT OF THE ARMY

ALASKA DISTRICT, CORPS OF ENGINEERS

P.O. BOX 7002

ANCHORAGE, ALASKA 99510

REGULATORY FUNCTIONS BRANCH

(907) 279-4123

REPLY TO  
ATTENTION OF:

NPACO-RF-1  
Beaufort Sea 60

11 January 1980

## PUBLIC NOTICE

NPACO No. 071-OYD-4-790452

An application has been received in this office from Sohio Petroleum Company, Mail Pouch 6-612, Anchorage, Alaska 99502, for a Department of the Army permit under Section 404 of the Clean Water Act (Public Law 95-217) to place 9,000 cubic yards of gravel material in wet tundra to expand the existing well drill pad "C" in the North Slope Borough, Alaska, as shown on the plans attached to this notice.

The applicant proposes to place 9,000 cubic yards of gravel material to expand to the south the existing well drill pad. The pad expansion will be used for placement of produced water exchange modules. This gravel will be hauled across existing gravel roads from the dead arm of the Kuparuk River or the Put River Oxbow borrow area.

A Certificate of Reasonable Assurance or waiver of certification is required for this activity under Section 401 of the Clean Water Act (Public Law 95-217). This certification, or waiver thereof, is issued by the Alaska Department of Environmental Conservation, Pouch O, Juneau, Alaska, telephone (907) 465-2670.

The Division of Policy Development and Planning, State of Alaska, is reviewing this work for consistency with the approved Alaska Coastal Management Program.

Preliminary determinations indicate the issuance of this permit is a major Federal action not significantly affecting the human environment, and an environmental impact statement is not required.

The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act (Public Law 95-217).

The National Register of Historic Places and the latest published version of the Federal Register have been consulted in regard to the proposed activity. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

NPACD-RF-P  
Beaufort Sea 60

Preliminary determinations indicate that the proposed activity will not affect an endangered species or their critical habitat designated as endangered or threatened pursuant to the Endangered Species Act of 1973 (87 Stat. 844). Formal consultation pursuant to Section 7 of the Act with the Department of Interior is not required for this proposed activity.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and, in general, the needs and welfare of the people.

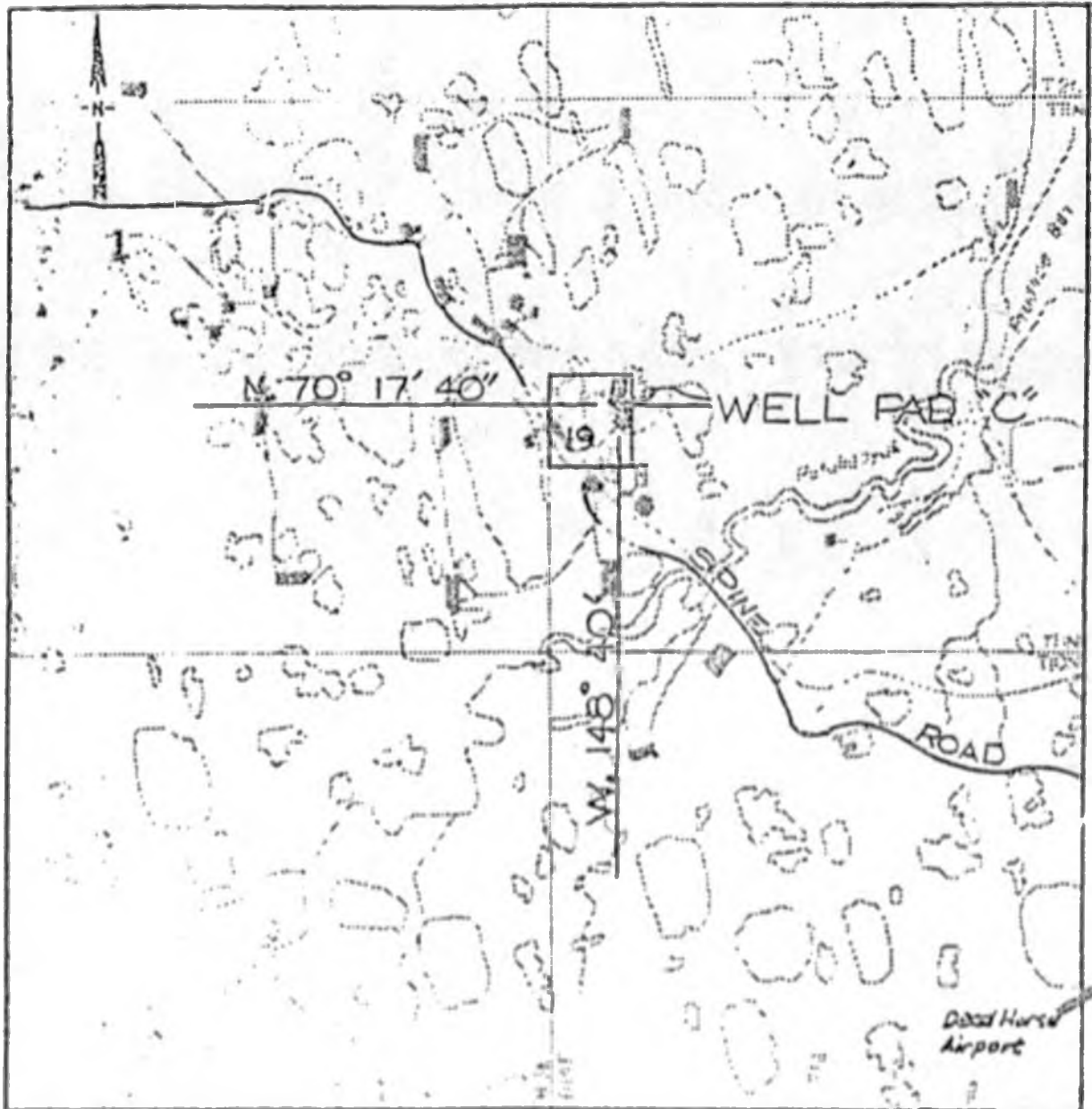
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before 11 February 1980 will become a part of the record and will be considered in the determination. Any response to this notice should be mailed to the Alaska District, Corps of Engineers, ATTN: Regulatory Functions Branch, P.O. Box 7002, Anchorage, Alaska 99510. If further information is desired concerning this notice, contact Mr. Frank Butler at (907) 752-4942 or (907) 279-4123.

FOR THE DISTRICT ENGINEER:

*David L. Robbins*  
DAVID L. ROBBINS  
Chief, Construction/Operations Division

- 3 Incl
- 1. Plan
- 2. ACMI Notice
- 3. 401 Notice



VICINITY MAP  
 scale: 1" = 2 miles

LOCATION OF GRAVEL SOURCE  
 LAT. N 70° 15' 30"  
 LONG W 148° 30' 30"

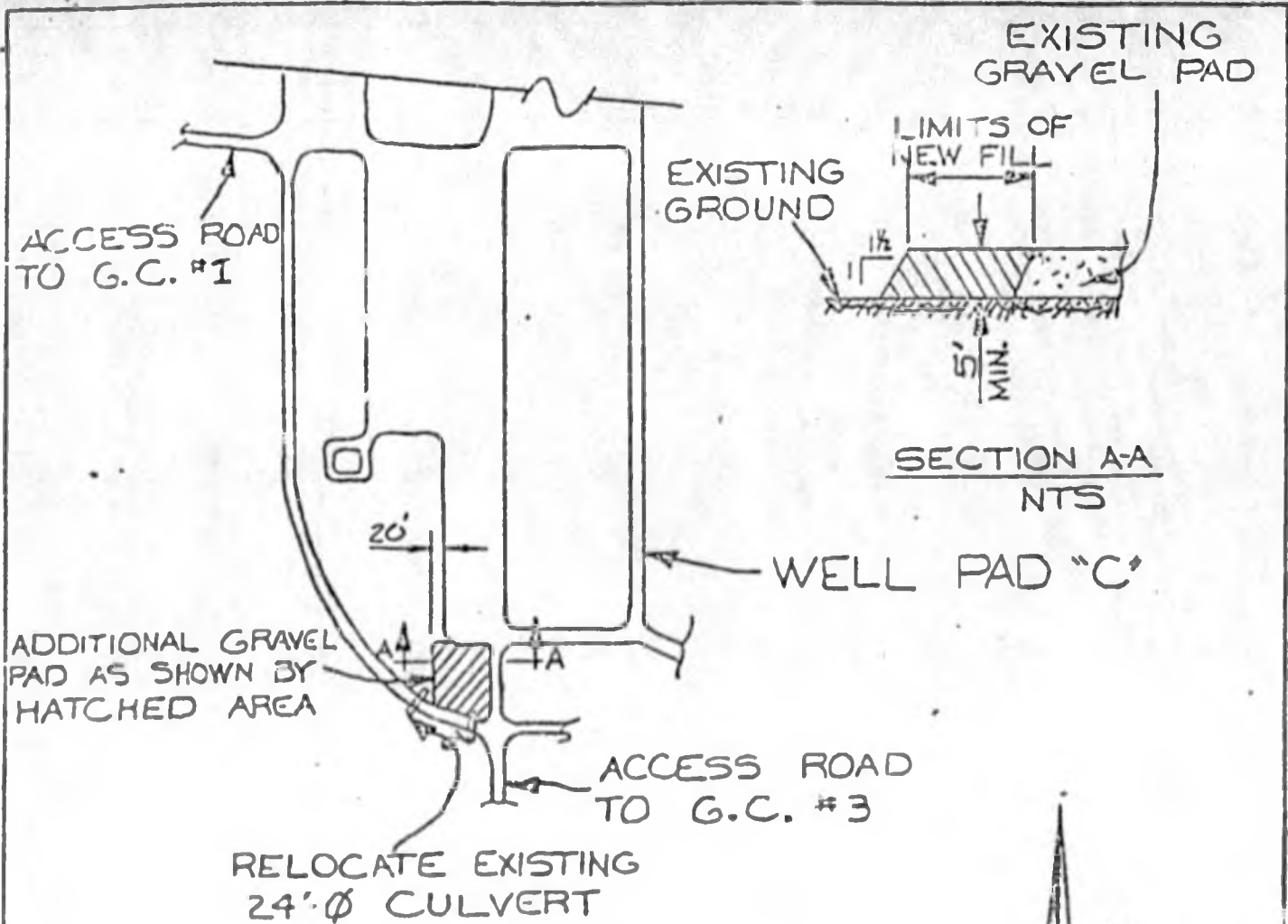
Location: NE ¼ SECTION 19,  
 Township 11 North, Range 14 East, Umiat Meridian  
 8 miles NW of  
 Dead Horse Airport

Beaufort Sea 60

Purpose: Oil Field Development  
 Datum: Mean Sea Level  
 Adjacent Property Owners: State Of  
 Alaska

WELL PAD "C" EXPANSION  
 PRODUCE WATER  
 EXPANSION PROJECT  
 At: Prudhoe Bay, Alaska  
 Application By: Sohio Petroleum Company

Date: 11-2-79  
 Sheet 1 of 2



PLAN VIEW  
SCALE: 1" = 400'

VOLUME OF GRAVEL  
 REQUIRED = 9,000 CY.

Purpose: Oil Field Development  
 Datum: Mean Sea Level  
 Adjacent Property Owners: State of Alaska

Beaufort Sea 80  
 WELL PAD "C" EXPANSION  
 PRODUCED WATER  
 EXPANSION PROJECT  
 At: Prudhoe Bay, Alaska  
 Application By: Sohio Petroleum Company  
 Date: 11-2-79  
 Sheet 2 of 2

# STATE OF ALASKA

OFFICE OF THE GOVERNOR  
DIVISION OF POLICY DEVELOPMENT AND PLANNING

JAY S. HAMMOND, Governor

Phone 465-3512

Pouch AD - Juneau 99811

## STATE OF ALASKA

### DIVISION OF POLICY DEVELOPMENT AND PLANNING

#### Notice of Application for Certification of Consistency with the Alaska Coastal Management Program

Notice is hereby given that a request is being filed with the Division of Policy Development and Planning for concurrence, as provided in Section 307 (c)(3) of the Coastal Zone Management Act of 1972, as amended (P.L. 94-370; 90 Stat. 1013; 16 U.S.C. 1456 (c)(3)), that the project described in the Corps of Engineers Public Notice No. 071-OYD-4-790452, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

Any person desiring to present views on considerations pertaining to the project's compliance or consistency with the Alaska Coastal Management Program may do so by providing his views in writing to the State Clearinghouse, Division of Policy Development and Planning, Office of the Governor, Pouch AD, Juneau, Alaska 99811, within 20 days of publication of this notice.

# STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

JAY S. PALMISTO, GOVERNOR

POUCH 0 - JUNEAU 99811

## Notice of Application for Water Quality Certification

Notice is hereby given that a request is being filed with the Department of Environmental Conservation for certification, as provided in Section 401 of the Clean Water Act of 1977 (PL 95-217), that any discharge to waters of the United States resulting from the project described in the Corps of Engineers Public Notice No. 071-OYD-4-790452 will comply with the Clean Water Act and applicable state laws.

Any person desiring to comment on the request in relation to water pollution considerations may do so by writing to the Department of Environmental Conservation, Attention: Permit Coordinator, Pouch 0, Juneau, Alaska 99811, within 30 days of publication of this notice.

780 FEB 7 AM 10 15  
**STATE OF ALASKA**

FEB 13 1980

**OFFICE OF THE GOVERNOR**  
DIVISION OF POLICY DEVELOPMENT AND PLANNING  
February 6, 1980

JAY S. HAMMOND, Governor  
*[Signature]*  
FEB - 7 1980  
POUCH AD  
JUNEAU, ALASKA 99811  
PHONE: 465-3512

CENTRAL FILE  
SUBJECT CODE  
E3.8  
*[Signature]*

Sohio Petroleum Company  
Mail Pouch 6-612  
Anchorage, Alaska 99502

Pads A, Y

Subject: Sohio, Prudhoe Bay Oil & Gas Access Road Permit.  
State I.D. No. FD280-79121811FP, COE #071-OYD-4-790435

Dear Sir:

2/7/80-cc: Al-Greene

The Division of Policy Development and Planning in accordance with Public Law 92-583 and 94-370 and Alaska Statutes 46.40.010, has completed preliminary review of the consistency of the subject proposal with the Alaska Coastal Management Program (ACMP).

As currently planned, we have found the proposal to be inconsistent with ACMP. It will be consistent with the ACMP provided that the attached stipulations are met. We request that the applicant inform us in writing within 30 days of receipt of this letter whether or not these stipulations are acceptable. This notification to us of the acceptance of the stipulations is necessary before the state can issue its final concurrence regarding the consistency of the project with ACMP.

If you have any questions regarding this letter or the attached stipulations please contact:

Mr. Jerry L. Madden  
State-Federal Coordinator  
State Clearinghouse  
Division of Policy Development  
and Planning  
Office of the Governor  
Pouch AD  
Juneau, Alaska 99811  
(Phone - (907) 465-3577)

Sincerely,  
*[Signature]*  
Fran Ulmer  
Director

Attachment

cc: Tom Barnes, OCM  
Loni Levy, Department of Law  
Jim Caruth, COE  
Paul Bateman, DEC

2/13/80 cc: J. A. Reeder  
R. Shafer  
R. Herrera

STIPULATIONS NECESSARY TO ENSURE CONSISTENCY  
WITH ACMP

CONDITIONS RELATED TO: Sohio, Prudhoe Bay Oil & Gas Access Road Permit

(STATE I.D. #: FD 280-79121811FP):

1. The Department of Environmental Conservation must first issue a Certificate of Reasonable Assurance stating that the proposed activity will comply with the requirements of Section 401 of the Federal Water Pollution Control Act Amendments of 1972 as modified by the clean Water Act of 1977.
2. Sufficient justification must be provided by the applicant indicating that the proposed access road from Well Pad A to Well Pad Y is a necessary component of a North Slope transportation system.

Comment:

The primary concern which the ACMP has in the case of this permit is whether the proposed access road is a matter of necessity as opposed to one of convenience, since both pads are already accessible from the spine road. The filling of productive wetlands should be advanced only when no feasible and prudent alternatives exist. The mere existence of a transportation system to both well pads would suggest that a feasible and prudent alternative does in fact already exist-the continued utilization of the existing system to both pads. Thus, it seems incumbent upon the the applicant to provide sufficient justification as to the necessity for an interconnecting access road between the two drill pads.

Sheets 1 through 3, attached to the Corps of Engineers Public Notice No. 071-0YD-4-790435 depicting the placement of the road reveal that access to both pads is already provided by spur roads connected to the spine road.

Alaska Coastal Management Program (ACMP) Standard 6 AAC 80.040(b) ( Coastal Development) states:

- (b) The placement of structures and the discharge of dredged or fill material into coastal water must, at a minimum, comply with the standards contained in 320-323, Title 33, Code of Federal Regulations, (Vol.42 of the Federal Register, pp 37133-47 (July 19, 1977). (Eff. 7/18/78, Reg. 67)  
Authority: AS 44.19.893  
AS 46.40.040

Item 'b) under Section 323.4 (Discharges permitted by this regulation) of Part 323 (Permits for Discharges of Dredged or Fill material into Waters of the United States) of Title 33 states, in part:

- (5) Discharges in wetlands areas should be avoided
- (7) Discharges into breeding and nesting areas for migratory waterfowl should be avoided; and
- (9) All temporary fills should be removed in their entirety.

The ACMP recognizes exploratory drilling and the development of proven oil and gas fields requires the existence of necessary transportation routes to facilitate various oil and gas activities. It is likewise recognized that the conditions which dictate the quality and type of transportation system employed may vary. Economics and environmental considerations are the two most likely factors to influence such a system.

The area generally defined as the North Slope of Alaska is extremely fragile environmentally as well as extremely productive biologically and economically. All of these concerns should be addressed.

The ACMP advocates a sound oil and gas development program in Alaska, however, it should be balanced by economic and environmental considerations.

The Senate Committee will appreciate comments from interested parties on the following concerns:

1. Coastal districts have divided their districts into "study" areas and "planning" areas. Do approved local policies apply to study areas and, if so, who is responsible for their implementation outside the planning area? How does level of local government (class of borough) effect this situation?
2. Can the legislature approve a plan if there are no implementing ordinances?
3. Districts have developed their plans at considerable time, expense and local involvement. What assurances are there that state and federal agencies will consistently and fully implement these plans? Are relationships between implementors systematized?
4. Apparently, state agencies have not been full participants in the district program planning process. What solutions are needed to this problem?
5. Other related issues which the public wishes to bring to the attention of the Committee.

2 areas of concern:

1. What is the ability a legal mem has to open of class on req for state leave <sup>act</sup> <sub>79c</sub>  
(Title 29)  
ac's office in making a  
call -
2. Consistency - of who/what?? - what's my problem  
w/ state or fed. agency

Adm Dir 154  
Ferry for DP



KCM # 980-00

February 13, 1980

The Honorable Arliss Sturgelewski, Chairman  
Committee on Community and Regional Affairs  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Dear Senator ~~Sturgelewski~~ <sup>Arliss</sup> Sturgelewski:

I am not sure I will be able to attend either of your C & RA hearings on Coastal Management, so I will provide input via this correspondence. If I am able to attend either the 21st or 28th, I will provide further testimony. I am, of course, available for questions when I am in Juneau, but right now that appears to be after March 3 at the earliest.

The following comments refer to the "issues questions" proposed in the C & RA Coastal Management hearing notice.

1. This is a non-issue. The Alaska Coastal Management Act clearly provides exactly what the Legislature intended; no coastal management planning can be effectuated unless it is done by the local district to which the planning applies! Approved local policies can only apply to the resource district developing said policies. All planning outside the resource district boundary (extra territorial planning) is solely for the purpose of indicating desires to the rightful planning entity. In all cases of extraterritorial planning to date the "study area" is in the unorganized borough. In 1979, we attempted to gain amendments to the Coastal Management Act which would have allowed the Coastal Policy Council to approve extraterritorial planning until a resource service area was formed and developed an official local plan. That proposed legislation never got off the ground due to negative legislative pressure.

The Coastal Management Program as it now exists requires State agencies to follow the Act and the Guidelines and Standards in the unorganized borough where no service area is in existence. This also applies to the Haines Borough as it does not have planning powers at this time. In following the Guidelines and Standards, the State agencies have wide latitude because the Council, following the legislative lead, provided the greatest possible interpretive latitude for local governments. Hence, until a "local government" (resource service area or organized municipality) interprets the Guidelines and

Ltr, Senator Sturgelewski  
Feb 13, 1980 Page Two

Standards, the State agencies are allowed to interpret these regulations.

This is why, for instance, it is imperative a resource service area be formed in the Aleutians as soon as possible. Without a comprehensive coastal management plan in the Aleutians, the State agencies and private industry are free to do as they please within the broad latitude of the Guidelines and Standards. Once a resource service area is established, a plan can be developed by local people (with due concern for "uses of State concern") to allocate the various marine resources among the developing pressures of fisheries and oil.

In summary, the law is quite clear, "study" areas have no standing at all. To try to give them standing would undermine the whole coastal management program in Alaska.

2. The intent of the Coastal Policy Council in adopting the Guidelines and Standards was to have the local governing agency approve a local plan by motion or resolution prior to forwarding it to the Policy Council and Legislature, to assure that the local official body had in fact approved the plan. The Council did not want an ordinance, as changes recommended to the plan by the Council or Legislature would then require another ordinance to implement. It was the Council's intent that after Council or Legislative approval, the local government would then implement their plan by enacting an ordinance.

I still think this is a good idea which should be implemented. However, the Attorney General's office should probably comment on the legality of this procedure, although I think they have already approved the process as outlined in the Guidelines and Standards.

3. Local governments will be the ones to assure State and federal compliance with local plans. After Council and Legislative approval, if a State agency does not comply with the local plan (and is obstinate) the local government could file a suit in court to get compliance. I seriously doubt such action would be necessary. After U.S. Department of Commerce approval, the federal agencies would have the same obligation to comply and the local government would have the same recourse to the courts.

In all truth, the fact the State and federal agencies are required to comply with a single plan should result in a more coordinated plan of action as it affects a municipality. No longer (theoretically) will two agencies be able to thwart development by insisting on divergent policies. The Coastal Management Act requires State

Ltr, Senator Sturgelewski  
Feb 13, 1980 Page Three

agencies, for instance, to bring their individual regulations into conformance with the Coastal Management Program, of which the local plans are the essential building block.

4. Before the Policy Council can approve a program, the district must show that an opportunity was given for State and federal comment. If these agencies choose not to comment, I see no reason to hold up the district approval. The solution is to proceed as the Council has been and approve plans where comments have been solicited. When the agencies get "burned" enough they'll take coastal management seriously!

From what I've heard regarding the Anchorage and Haines plans, I believe the program is being implemented as was intended by the 1977 legislature. I do believe the unorganized borough in Southeast will have to be addressed legislatively. I am not prepared to recommend "extraterritorial planning" approval authority to the Council. If the unorganized boroughs program is enacted, many of the Southeast problems will (or can) be solved when the Commissioner "draws the lines".

In short, I believe the program should be allowed to work as is, with no changes for a couple of years, instead of changing the rules in mid-stream.

Sincerely yours

KRAMER, CHIN & MAYO, INC.



Roger W. Allington, P.E.  
Chief Engineer, Alaska Group

RWA:pag

# Alaska MUNICIPAL League

TELEPHONES  
(907) 586-1325  
586-6526

204 N. FRANKLIN ST.  
JUNEAU, ALASKA 99801

February 21, 1980

To: Senate CRA Committee  
From: Ginny Chitwood, AML Executive Director  
Re: Amendment to Coastal Policy Act

At the annual meeting of the Alaska Municipal League, held last fall in Sitka, the members adopted the following paragraph as part of the 1980 policy statement:

The League supports the concept of "extra-territorial" planning by municipalities in the unorganized borough with statutory provisions to permit the Alaska Coastal Policy Council to adopt said "extra-territorial" planning as part of the Alaska Coastal Management Program until such time as a resource district plan is adopted.

The enclosed bill, which is a starting point for implementing this section, and the memo from the Ketchikan Gateway Borough were endorsed by the AML Legislative Committee in December.

We believe it is very important that the concerns of adjacent areas be addressed in each coastal management plan that is approved. An amendment to the act, along the lines of this proposal, will help to achieve that goal.

Since you are looking at various aspects of coastal management, we would appreciate it if you would include this notification concept, along with making the notification reciprocal, on your list of topics to be discussed. We have also asked the Coastal Policy Council for its recommendations on this matter.

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

ELEVENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to filing of notice of interest by adjoining cities or boroughs regarding proposed district coastal management plan in unorganized boroughs and providing opportunity to be heard prior to approval of district coastal management plan by Alaska Coastal Policy Council; and providing for an effective date.

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

\* Section 1: AS 46.40.180 is amended by adding new subsections thereto to read:

(e) Any organized city or borough which claims to have an interest in the manner in which resources, or the use of resources, in any unorganized borough adjacent to its boundaries are developed shall notify the Department of Community and Regional Affairs of the nature and extent of such interest. Before adoption by a coastal resource service area board, or by the Department of Community and Regional Affairs under Section 170 of this chapter, a district coastal management program shall be submitted to each organized city or borough which has filed a notice of interest with the Department of Community and Regional Affairs.

(f) The council shall not approve a district coastal management program unless it finds that each organized city or borough that has filed a notice of interest under (e) above has received notice and an opportunity to present its concerns regarding such plan at a public hearing before the coastal service area board or the Department of Community and Regional Affairs which concerns shall become part of the record regarding such plan.

\* Section 2: This Act takes effect immediately in accordance with AS 01.10.070(c).



## KETCHIKAN GATEWAY BOROUGH

344 FRONT STREET  
KETCHIKAN, ALASKA 99901

**TO:** Legislative Committee of  
Alaska Municipal League

**THRU:** Judith A. Slajer  
Borough Manager

**FROM:** Marvin Yoder *my*  
Economic Development Specialist

**SUBJECT:** Extraterritorial jurisdiction in Coastal  
Management district

Working with our municipal attorney, Mr. Walker, we decided that the basic need of organized districts was to be able to have input into plans being compiled in adjacent resource service areas.

The two options available are for the organized municipalities to use its resources to physically inventory and plan for those areas that have direct influence on the municipality or to simply state that the impact exists and then request an opportunity to determine the extent of the impact when the resource service area begins to formulate its plan. After discussing these concepts with individuals involved in Coastal Management programs, we chose the latter option.

The second decision was whether the proposed new language should be added to the State statutes or to the regulations. In the statutes AS 46.40.180 describes the requirements necessary for a resource district to have its plan approved. The proposed addition stipulated that concerns expressed by adjacent districts must be addressed by public hearings and records of these hearings are to be documented in the permanent record of the district.

The second approach would be to amend the regulations. This would be done by the Alaska Coastal Policy Council with the legislative concurrence. Section 6 AAC 85.140 provides opportunities for other government agencies to coordinate and review coastal plans and specifically mentions adjacent districts.

Our recommendation is to attempt to change the statutes and assume that the regulations will be changed to conform to the intent of the act.

Legislative Committee of  
Alaska Municipal League  
December 10, 1979  
Page two

On November 30, 1979 the proposed amendment was placed before the Policy Council and received favorable comments; however no formal action was taken. It is my opinion as a member of the Council that if there is a statute change, the Policy Council will change the regulations to reflect that change.

MLY:jw

attachment

A SHORT HISTORY OF THE  
ALASKA COASTAL MANAGEMENT PROGRAM  
1974 - 1980

The Alaska Coastal Management program (ACMP) began with receipt of a grant from the federal Office of Coastal Zone Management in 1974. These grants, intended for the purpose of developing state coastal management program, were authorized by the federal Coastal Zone Management Act of 1972. This federal Act declares that the nation's coastal resources are in need of affirmative management for a variety of important issues. The Act further exhorts the several states to prepare management programs. The Act provides significant financial and managerial incentives to states which respond. There is no penalty for not responding to the federal law.

From 1974 until 1977, ACMP was a series of grants and studies, although some attempts to create legislation were made. In late 1976, a committee composed of members of the Legislature and representatives from the state Administration met and drafted the Alaska Coastal Management Act. That Act passed the Legislature in the spring of 1977. The Act calls for attention to coastal concerns through the preparation of coastal management programs by the local governments in the state, and provides overall state coordination and leadership through the creation of the Alaska Coastal Policy Council.

The Council receives and reviews the local government coastal programs or plans. If the local programs are approved by the Council, they are sent on for final approval by the Legislature. Once fully approved, the local plans take on the power of state regulation and must be followed by state agencies as well as the local governments themselves. Thanks to the management incentive commonly known

as federal "consistency", which is provided by the federal coastal law, a fully approved local program must be generally adhered to by federal agencies as well.

The local program thus becomes the common resource management denominator for all three levels of government. With the detail and precision that can only be established at the local level through exercise of standard local planning powers, the local coastal program offers all persons concerned with coastal resources greater assurance and predictability as to how the coastal resources will be utilized.

In order to provide a general management umbrella, and, more importantly, to provide criteria for the Council's review of local coastal programs, the Council was given a quasi-rule-making authority. To carry out its charge, the Council may adopt regulations, and has done so. These regulations do not take effect, however, until they have also been approved by the Legislature. This also has occurred; once in 1978 for the initial set of regulations, and again in 1979 for a substantial series of amendments and additions.

Thus far, two regular local programs have been submitted to and approved by the Coastal Policy Council and are now before the Legislature for approval. A third program has also been approved by the Council for the Annette Islands Indian Reserve. This is not a regular local program in the legal sense because federal Indian reservations are outside the state's coastal management authority. A larger number of local programs are anticipated during 1980, and a still larger number in 1981. By 1982, nearly all of the existing local governments along the coast should have completed programs.

A special provision in the Alaska coastal law allows REAA's in the unorganized borough to plan on a limited basis for coastal issues. This is happening in five REAAs.

# STATE OF ALASKA

## COASTAL POLICY COUNCIL

December 11, 1979

### LOCAL MEMBERS:

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

### STATE MEMBERS:

Frances Ulmer,  
Director of Policy  
Development &  
Planning,  
Co-chairman  
Robert Ward,  
Commissioner of  
Transportation &  
Public Facilities  
Charles Webber,  
Commissioner of  
Commerce &  
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

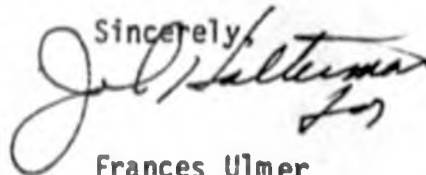
The Honorable Arliss Sturgulewski  
Chairman, Senate Community &  
Regional Affairs Committee  
2957 Sheldon Jackson Street  
Anchorage, Alaska 99501

Dear Senator Sturgulewski:


The attached draft amendment to the Alaska Coastal Management Act was prepared by the Coastal Policy Council staff in response to a request presented by representatives of Nunam Kitlusiisti at the Council meeting in Sitka on November 1. It is anticipated that the Council will vote on the amendment at our next meeting on January 16. We would appreciate it if you would review the draft and provide us with your comments in time for that meeting.

Thank you in advance for your help.

Sincerely,



Frances Ulmer  
Co-chairman



Donald Gilman  
Co-chairman

Attachment



ALAS 6  
COASTAL MANAGEMENT PROGRAM

12/24/79 Let to Margie Gossard / Some material for  
comment.

DRAFT AMENDMENT OT THE ALASKA COASTAL MANAGEMENT ACT

(This amendment has been proposed as a result of a request by Nunam Kitlusiiti made to the Alaska Coastal Policy Council. At issue is the role of coastal resource service area planning boards after the coastal programs for the districts have been approved. As written, the Alaska Coastal Management Act does not specify what the role of such boards would be after approval of the programs, or even if they would continue to exist. The proposed amendment would provide for continued existence and a review and comment role for pending state and federal agency actions.)

The Alaska Coastal Management Act is amended by adding the following new section:

Sec. 46.40.185. COASTAL RESOURCE SERVICE AREA BOARDS AFTER APPROVAL OF DISTRICT PROGRAMS FOR THE SERVICE AREAS. (a) Coastal resource service area boards will participate in the implementation of their districts' coastal management program by reviewing and commenting on the actions and pending actions of the state agencies as those agencies carry out their responsibilities under section 46.40.090. (a) of this chapter.

(b) All state agencies shall inform the coastal resource service area boards of actions which would significantly affect the coastal resources of their respective districts and shall provide reasonable amounts of time for the boards' review and recommendations on the proposed actions. When a state agency's decision differs from the recommendation of a coastal resource service board, the coastal resource service area board recommendation and the basis for the differences will be included in the decision.

(c) The coastal resource service area board may act on behalf of the coastal resource district for the purpose of implementing, enforcing or complying with the district coastal management program as provided in

sec. 46.50.100(b) of this chapter.

(d) Should the area, or a portion thereof, included in a district coastal management program developed by a resource service area board become organized to assume planning powers provided in AS 29.33.070-29.33.245 the district coastal management program may by ordinance be adopted by the organized municipality.



Official Business

# Alaska State Legislature

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

Co-Chairmen

Senator Arliss Sturgulewski  
Representative Bill Parker

Address all  
correspondence to:

LOCAL GOVERNMENT ST

Pouch Y  
State Capitol  
Juneau, Alaska 99801

FROM: [unclear]  
TO: [unclear]  
DATE:

Vic Fischer, Consultant. 272-2381

Marjorie Gorsuch

and Gene Waisn

465-3759 or  
586-1714

~~12/17/79~~ ~~12/19/79~~ ~~12/20/79~~

12/22/79

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

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

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

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

All best,

Attached is copy on legislative proposals. This is subject to review and concurrence by Arliss, Bill, Jack, you all, et al.

By oversight, I omitted sending the attached page on symposium items. It belongs with stuff transmitted yesterday.

Am holding public hearing part pending receipt of Delta info.

Best regards,

Here's material on hearings .....

All in your hands now; with me, it's 'out of sight, out of mind'!!!!

Bill and Arliss have copies.

Best wishes with production. I'll pick up whatever needs to be done upon return, if necessary.

I'll be in Juno for const conv comm mtg Fri, Jan 11.

*A SEASON'S GREETINGS*

PS with this done, can now start thinking about Christmas and packing .....

////////// a few items that might be worth mentioning somewhere  
but don't quite fit into regional study report//////////

Recognition of Existing Governments

The question of recognition of IRA and Tribal Councils was raised. with the question being asked if the Constatution would need to be changed to accomplish this. The point was made that tribal councils are recognized by Federal government but not by state government for contacting.

REAA highly successful. Time consuming board but results evident. Programs are better. Superior to SOS, Less frustration, and red tape. Better maintenance of schools.

Village understnad their dependency on each other.  
If rural Ak. falls, Anch. will feel it.

WANTED TO USE THIS, BUT DIDN'T  
live in the hinterland by choice, realize their situation and are prepared to  
provide their own basic services or are able and willing to do without them  
FIND APPROPRIATE PLACE

FORT YUKON;

David Shewfelt, City Council Member

"We are like an emerging nation out here. The level of sophistication has changed ~~so~~ much in the last 20 <sup>years</sup> yrs. that it is almost unbelievable, and so many people who are new to Alaska and especially in the urban do not realize the process which is happening out here and how rapidly we are changing. ~~And if I could say one thing to you people, our legislators from the urban areas, ..one thing you have to do is to have patience and allow the rural areas to jell their ideas. They may be a little slow in doing it. Listen carefully to the bush people, the bush legislators, they're not screaming for nothng. They are screaming because things are happening out here and it requires your constituency to be more patient. Don't knock it-the village high schools. Give them a chance. They're going to work. Even if it is costing, they're going to work. The children have a right to have them. We may be a little slow in forming boroughs and we may not be quite as sophisticated as you would like to see us, but the rate of change is so tremendous that if you haven't seen it for 10 yrs. or more you don't realize what's happening. ~~if you find people who ar.....~~~~

We're no different than the emergigg nations of the world, and we're emerging into the 20th Century late, but the rate at which we're e emerging is tremendous. ~~It is something that~~ I think you have to have some patience with, and your constituents need to be told, and by you people, be patient with them." The money you are putting in, the money the state is putting in, the things that are being done out here are going to reap dividends in the end. It's going to be a little slow, and it will seem like it is "down the tube", but it isn't. The changes are stupendous out here."

"THE MOST IMPORTANT THING IS THAT WE DO CREATE BOROUGHS,  
EVEN IF THEY HAVE TO BE IMPOVERISHED BOROUGHS"

BETHEL:

Harold Napoleon <sup>0</sup> ... (any title or identifications)

I think we are talking about a political question which has to be answered politically and it has to be done on a local level. I think that the concerns that we've heard here are for money and how things are going to be done. In other words, people are worried about how we are going to do all this, about where the money is going to come from. And in an area like this, if that's the total question, there will never be enough money to have self-government. I think the most important thing is that we do create boroughs, even if they have to be impoverished boroughs. Otherwise we're going to be ruled by state and federal agencies, and they are their own little governments.

Irregardless of what the village people want to do, there is no mechanism for them to respond with any amount of power as long as they are dependent on state and federal agencies for money. In other words, money should become the secondary question, not the primary question.

I think that once the fear of being poor is taken away from these village people and they have a little taste of power, of real self-determination, I think they will go for it even if there is no money. First, I think you should make them form a government and then let them worry about where the money is coming from... I'm sure we'll find it. If we sit and haggle about little ways of doing things, then we are going nowhere, and it will take us a hundred years to accomplish what we are trying to do.

It is not a bureaucratic question--not a question of how the legislature is going to decide for us. The question should be thrown at us and we answer it "yes" or "no": "Do you want self-government? If we want self-government, you assume the responsibility of being poor. As long as we depend on someone else for money we will never have self-government and we will never have self-rule."

BETHEL:

Carl Jack, Pres. of AVCP

"During my tenure working with AVCP during the last three years, I have seen a broad general awakening of the people from this region in addressing constructively a number of external forces that continually impinge upon the people of this region. And also the recognition that the people in this area can't sit idle and do nothing--that we would in effect be foregoing our responsibilities to our people and letting these external forces control us in the future. That is to say, we are getting people who are showing some real responsibility. We have shown participation in pushing for SB 35 and in creating REAAs and also in pushing for implementation of coastal zone management in 1977...

On this note AVCP goes on record, with the Joint Committee, in its sincerity to have the opportunity to speak to you on the question of 'Organizing the unorganized boroughs', on the issue of borough government. AVCP, by Convention Resolution, is on record to explore the potential impact, whether it is positive or negative, of borough government through the means of doing a feasibility study for the viability of the borough government. The results of the study would be submitted to the people at the Convention level, so the people of the area can make a determination whether we are to look into the borough government.....

...Let me submit to you that AVCP does not foreclose the establishment of the borough, but will only act only by the result of a feasibility study."

"The Committee stated earlier that one of the major areas that you would be working on would be the question of boundaries. I think that the state is probably the most guilty one in creating a lot of confusion to the citizens of this state as depicted by the so called "spaghetti maps"..... Therefore, the respective boundaries we suggest to you this Committee strongly consider and adopt the boundaries that were promulgated under the Alaska Native Claims Settlement Act, as the most external boundaries for the regions. ~~It may be true that these boundaries may conceivably be subdivided but I think that at this time, as far as though it~~ ~~subdivision of these boundaries, cannot be determined at this time~~ whether this would be along the REAA boundaries or the coastal resource service area boundaries....."

"WE DON'T KNOW MUCH ABOUT THE LOCAL GOVERNMENT, ~~XXXXXXXX~~  
BUT WE HAVE TO BE PREPARED"

It has not been easy. We tried to move from a completely subsistence economy way of life and jump into the mainstream of America by studying government, by studying law, by trying to take advantage of acts of Congress and trying to make it work for us. But there are a lot of stumbling blocks along the way. A lot of the things we have started we are still working on because of bureaucratic red tape and other forces which would try to keep us back from obtaining our goal. But nevertheless, we are pushing ahead...

We listen to the people, we get the instructions from the people. We try to keep the old ways of our people and try to live with the modern ways...

We don't know very much about the local government, but we have to be prepared. But I guarantee you this: we are ready to sit down and talk with you and try to figure out something that will mean something to the people, for the long range, for the benefit of the people.

You ask us what we think about local government. This is my idea, this is the people's idea: We're part of the Tanana Chiefs, we're part of the Yukon Flats people, we speak the same language, we have the same culture... We are ready in the future to help our own people. We are ready to work with Doyon. We are ready to work with the state government. We are working with the Tanana Chiefs. We are ready to work with the ~~Switchea~~ Gwitcha Gwitch'in Ginkhye corporation and the rest of the villages in the Yukon Flats. We must all stick together. But we must accomplish one thing at a time, by working together and supporting one another, as one people, as one tribe.

Venetie: Edward John, IRA Council member

FINANCING PROBLEM...REGIONWIDE SERVICES

There are some areas the legislature could be very helpful in. The planning area is one. the biggest problem we have with regional planning is not that we can't do it, but it is coming up with the local share without having a tax base from which to do it. Almost everything has a local share: 30 percent for regional strategy planning and 20 percent for coastal management studies...

Some other areas... like providing services on a regionwide basis. For instance, I have always been an advocate of a regional police system for an area like this, because I think that can help solve most of the problems you have with retention of people, training, backup, etc...

Kotzebue: John Schaeffer, President,  
NANA Regional Corporation



LOCAL GOVERNMENTS, SERVICES... an adequate funding mechanism must be found to eliminate current inequities in local and state funding sources ... frightened by fear of taxes if organized borough is formed ... source of income needed to have borough ... services needed now ... if we don't organize, pipeline dollars from area might be used for all unorganized boroughs ~~XXXXXXXXXXXXXXXXXXXX~~... maybe sharing of localized resource is necessary ... oil won't last forever, so pipeline won't be worth much of there's no oil going through it ... if organize, when oil companies die someday, we'll be stuck with having to support established bureaucracy via taxes ... small tax base ... few areas have found alternatives to property-type taxation; need to implement a municipal income tax system ... providing local match money is a very real problem for areas where there is no economic base ... provide a minimum level of state revenue sharing -- \$25,000 -- to all small cities. many small cities received \$6,000 yearly and it takes more than that to apply for and properly monitor expenditures of ~~XXXXXXXX~~ shared revenues ... taxes on what? ... YET: ~~XXXXXXXXXXXX~~ it is vital that the revenues for a local government be furnished at least in part from local sources. otherwise local governing units tends to think of outside revenues (e.g. state or federal) as "someone else's money" and there is less care in its expenditure than if it is locally generated money. I Yes, surprisingly as it may sound, I'm advocating local taxation, but only that which is absolutely necessary as determined by a local assembly ...

REGIONAL PLANNING IS SEEN AS A NECESSITY FOR MANAGING REGION AND

MAKING DECISIONS ABOUT BOROUGH ORGANIZATION: feasibility study must be done before a borough is organized. legislature should provide help to check feasibility ... inventory of resources needed. premature to create borough without this information. transportation, land status, and future projections need to be included ... potential of borough government should be explored ... people need to know the consequences of organizing borough, not organizing ... develop fact sheets -- pros and cons of organization ... economic resource planning needs to be done ... planning grants need to be available on an ongoing basis ... in regard to planning legislation, there needs to be teeth in the legislation; mandate that the local people get involved in fiscal planning ... land issues need to be settled before there is any planning and zoning ...

need to have planning and zoning under control of local people... you can't trust the Department of Natural Resources to look out for our interests... without a coastal zone plan we will have total disaster... planning and zoning capability should allow for the enactment of ordinances which would exempt whole areas from development... under present planning and oil leasing schedules, leasing will occur before plans are finished... it's absolutely necessary to have planning authority this year... it doesn't do you any good to plan if it's too late & already...

borough must have its own staff (rather than just working with Community and Regional Affairs), with state funding for that staff... coastal resource service area boards could act as the planning authority for borough assemblies; they should have zoning and platting authority ...

//////how much of above re coastal mgt needs to be in???????

5

ORGANIZED BOROUGH GOVERNMENT, WHILE NOBODY OBJECTS TO DIVIDING THE STATE

INTO REGIONAL UNITS, OPINION ON ESTABLISHING REGIONAL GOVERNMENTS VARIES. ~~NEW~~

SOME ARE IN FAVOR, ~~XX~~ SOME OPPOSED ~~WHY~~ don't create a half-measure for the

unorganized borough -- mandate a borough ... no boroughs should be ~~mandated~~

mandated. the people are not ready for an organized borough ... there are

vast unorganized areas, and at some point in time they must organize and

take the responsibility to govern themselves ... don't want any part of the

borough idea. don't want to be bribed into being a borough ... it's one way

of getting government closer to the people, <sup>get</sup> regional distribution of money ...

government control is unwanted: people moved to area to get away from

government ... don't create another level of bureaucracy ... BUT MOST ~~PEOPLE~~ ARE

UNSURE, NOT READY TO DECIDE. ~~WHEN ASKED TO RESPOND TO THE IDEA OF BOROUGH GOVERNMENT~~ <sup>we are</sup> being asked to

respond to the idea of borough government, when in fact it's a new concept

for the people. they have no basis for comparison between the effectiveness

of state and borough government, as they know nothing of the latter. they

would need a chance to review the borough idea, explain it to their tribal

members, sit down and discuss it in their own language ... don't really know

long-term effects of borough formation; what will be the economic base when

the pipeline can't be depended on? ... support idea of organized borough

government, but scared of a borough and the taxation that must follow of

people who cannot afford it ... AND A LOT OF QUESTIONS: how would villages

benefit? how would services be delivered when you are spread out along

highway? <sup>how would representation work? can we have elections by districts, not at large?</sup> how would organization affect taxes? what will support from state

drop to? effect of any incorporation on REAA? relationship of school board

and assembly? what revenues might be available? would area get less if

regional government is created? if area doesn't organize, can it be absorbed

by an existing borough? what positive impacts would borough have? can

borough be voted out once it's voted in? what is the alternative if you

don't have a borough? ... AND A FEW GENERAL SUGGESTIONS: remove all mandatory

aspects of proposal ... initiative to form an organized borough should come from

within an area, not from outside area ... assembly should be given power to provide

for referendum to upgrade status. ~~WHY~~ ||

regional government approach might be an acceptable one, but concerned whether or not villages will be heard ...

REGIONAL BOUNDARIES: WIDE SUPPORT FOR DIVIDING STATE INTO ~~REGIONS~~, THOUGH

SOME CONCERNS: ~~do~~ do boundaries around whole state ... your proposal to create ~~unorganized~~ unorganized boroughs to correspond to REAA boundaries is very sensible. certainly the people in an REAA have common interests and it makes a very logical boundary ... regional corporation boundaries should be considered. once boundaries are established, everyone should adhere to them -- feds, state administration, agencies ... concern about "piece meal" annexation: must keep enough area to have a good borough if ultimately have one ... provision for community to vote to change boundaries should be included ... establish boundaries around existing boroughs so that organized boroughs <sup>the</sup> don't take over/unorganized areas ... ~~concern~~ concern that the Delta/Greeley REAA might be consumed by another area in the formation of local government ... also Delta: REAA boundary as presently delineated is artificial and should have related to natural watersheds ...

STATE v. LOCAL -- A BASIC ISSUES. STATE HAS AN INTEREST IN LOCAL SELF-

GOVERNMENT, PEOPLE WANT A VOICE; ~~if~~ if there is no self-government, then the alternative is for state agencies to continue to go out into the rural areas and do what rural people should be doing ... until local governments are established throughout Alaska, the state will have to play an ever increasing role to satisfy residents' demands for services ... state agencies face difficulties with unorganized districts that cover large geographic areas to accomplish goals and objectives of various programs. an example here is -- what is the state's rural policy and who develops it? ideally, the rural areas should participate in developing this policy and work with the government to implement it ... a state agency cannot be expected to support regional interests ... community and regional affairs department should be responsible for lending assistance, but they're not adequately funded now to assist communities ... protection from CRA is what is needed. all kinds of direction from state and federal agencies is unwanted ...

how best can people get a voice in government? ... sovereignty is the issue ... which level of government should provide municipal type services? the question is self-answering: municipal services should be provided by cities and boroughs ... more municipal control over things that affect citizens' lives ... ~~ex~~ the rural areas want to make their own choices, take responsibility for their own future; that is, to have an opportunity at last to govern themselves and to manage their coastal zones and resources ... municipalities and boroughs should be able to manage their own area the way they see fit ... the home rule concept is workable ... the question should be put to area residents: "do you want self-rule, or do you want the state to continue to rule you?"

note extra  
dots

Final recommendations of the Joint Committee <sup>have been</sup> ~~are~~ greatly affected by what the ~~representatives~~ people had to say. Their views, together with those of the highly diverse group of Local Government Symposium participants, are ~~maximally~~ reflected both in the substance of and approach to individual action proposals. Thus, the concentration is on providing the tools by which people can deal with their needs <sup>if and when they want to utilize</sup> these tools. Emphasis is placed ~~on~~ exercising greater state initiative in providing services and financial support in a more equitable and better coordinated fashion. And the concept of home rule is pursued to strengthen <sup>the</sup> state policy of <sup>maximum</sup> local self-government and self-determination.

Highlights of the comments ~~received by the committee from its members and participants~~ about and related to the Joint Committee's program are given here. ~~The people~~ <sup>People also</sup> spoke about many specific problems and needs of their communities, and these are covered by ~~separate~~ a separate report <sup>being</sup> provided to legislators and state agencies.

?  
NOTE

?????///// as i mentioned previously, the type in this whole part of the report can be smaller than that for legislative proposals. in fact, if necessary, could make it smaller than ~~legislative~~ introductory material on the left; could make it more condense if it gets too tight. i don't have feel at this point about space requirements/////

~~this is section on public hearings. if don't want to use lead in as below,~~  
could use the quote in a box, as title, <sup>use</sup> something like 'going out to the people' (1)

### "FINALLY WE GOT SOMEONE TO LISTEN TO US"

October 27 six members of the Joint Senate and House Community and Regional Affairs Committee came to Glennallen and held a meeting on a local government study and they made it plain that they were out here to find out what we want in the way of government, not what we are going to get. Now that's not saying we will get what we asked for as the rest of the Senate and House will vote on this committee's recommendations, but they did a good job of listening to every one that wanted to speak and I feel that for once some of our tax money was put to good use and whole heartedly approve of the money it took this committee to go to the rural areas and listn to what people in the bush want.

Marge Brittain, Kenny Lake (from letter to the editor, Anchorage Times, November 11, 1979)

Major issues pursued by the interim Joint Committee deal with the problems and needs of rural Alaska. The committee, therefore, decided to consult with the people who ~~would~~ be most directly affected by the action program that was evolving from committee work and <sup>from</sup> the Local Government Symposium.

Joint Committee members traveled to ~~various~~ regional centers, small communities, and villages in many parts of the state: Aleknagik, Bethel, Delta Junction, Dillingham, Fort Yukon, Glennallen, Hooper Bay, Kotzebue, McGrath, New Stuyahok (sp?), Noorvik, and Venetie. (any omitted?) In addition to ~~various~~ meetings and discussions in these communities, Joint Committee activities and directions were reviewed at the Alaska Municipal League convention in Sitka, and written comments were received from a variety of sources.

Wherever we went, the people were outspoken in their views about local and regional needs and about inadequacies in service delivery by the state and federal governments. They responded seriously and constructively to the concerns and questions of committee members. Above all, they were everywhere truly hospitable, and they appreciated the committee coming out to see them and obtain their views.

As a result, committee members were greatly enriched by the experience and learned a ~~great deal~~ <sup>much</sup> about ~~various~~ conditions and attitudes in rural Alaska.

WORDS IN OLD TYPE

ARLISS Valdez?

STATE OF ALASKA  
THE LEGISLATURE

POUCH V. STATE CAPITOL  
JUNEAU ALASKA 99811  
907-465-3806

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 26, 1980

SUBJECT: Legislative role in approving coastal management programs.

TO: Senator Arliss Sturgulewski, Chairman  
Senate Community and Regional Affairs Committee  
Attn: Margo Waring, A.A.

FROM: Tamara Brandt Cook *TBC*  
Legislative Counsel

AS 46.40.080 simply provides for adoption by the legislature of coastal management programs which have already been reviewed and approved by the council. Clearly under the terms of this statute the legislature may approve the program or disapprove the program. Although the statute does not provide for the situation involving legislative approval of only part of a program, there is also no clear requirement that the legislature approve or disapprove the entire program. In fact, the legislature has done just that on previous occasions, so there is some precedent for the proposition that under the terms of AS 46.40.080 the legislature may approve a program in part and disapprove it in part. SLA 1978, Legislative Resolve Number 41.

Under AS 46.40.060 all district coastal management programs are submitted to the Alaska Coastal Policy Council for review and approval. Standards for council review are itemized in AS 46.40.070. In view of these provisions, an argument could be made that the legislature should not disapprove a program or part of a program that has been adopted by the council unless it finds that the council failed to properly apply the standards set out.

Since there is no case law on point and the language of the statute does not specifically restrict the legislative role, the legislature appears to be free to approve a management program, disapprove a program, or approve it in part and disapprove it in part. Note that the recent case, State of Alaska, and Department of Revenue v. A.L.I.V.E. Voluntary, No. 2022, February 19, 1980 casts considerable doubt upon the ultimate effect of legislative resolutions.

TBC:ljb

OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU ALASKA 99811  
907-465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 26, 1980

SUBJECT:           Constitutionality of legislative approval  
                  or disapproval by resolution of agency  
                  regulations.  
                  (Work Orders No. 8190, 8191, 8192, and 8193)

TO:                Senator Arliss Sturgulewski, Chairman  
                  Senate Community and Regional Affairs  
                  Committee

FROM:             Tamara Brandt Cook  
                  Legislative Counsel

AS 44.62.320(a) which provides that the legislature, by a concurrent resolution, may annul a regulation of an agency or department, was recently held to be unconstitutional. State of Alaska, and Department of Revenue v. A.L.I.V.E. Voluntary, No. 2022, February 19, 1980. Essentially, that case held that specific provisions of the Alaska Constitution set out in Article II, sections 13, 14, and 18 must be complied with before the legislature can make new law. Additionally, the governor must have the opportunity to veto any new law. In view of these mechanics, the Supreme Court has concluded that the legislature may not create new law through resolution. The proposition that administrative regulations are not the same as bills and ought not to be subject to the same requirements was specifically presented and rejected by the Court. "Such regulations are laws in every meaningful sense, and annulling any one of them effects a change in the law." State of Alaska, and Department of Revenue v. A.L.I.V.E. Voluntary, *supra*, 21.

The Court recognized that the legislature may delegate law-making power to an administrative agency, and that the delegation could be made subject to a condition. But the condition must be lawful. Making a delegation subject to later change by the legislature through informal action (resolution) was held to be an unlawful condition. The Court reasoned that whenever the legislature exercises its law-making power, it must do so pursuant to the mechanics

Miss Sturgulewski

July 26, 1980

set out in the constitution. While an agency may adopt regulations without following any of the same mechanics, the legislature may not act as an agency itself.

In view of this broad holding, AS 46.40.080, requiring approval of amendments to the state coastal management program by adoption of concurrent resolution or by majority vote while both houses are convened to confirm executive appointments, is questionable constitutionally since both these methods constitute informal law-making on the part of the legislature. Although this case did not deal with AS 46.40.080 specifically, it is significant to note that AS 46.40.080 was identified in the dissenting opinion as another example of a statute similar to the one held to be unconstitutional. State of Alaska, and Department of Revenue v. A.L.I.V.E. Voluntary, supra, 46.

TBC:ljb

Enclosure

# Acknowledgements

The development of ACMP to this point is largely a credit to the sixteen members of the Alaska Coastal Policy Council and the Alaska legislature. The legislature provided the structure and authority for ACMP, and the Council filled in the policies and procedures with the ACMP Guidelines and Standards. The members and affiliations of the Council are:

## LOCAL MEMBERS:

Roger Allington,  
Northern Southeast,  
Co-Chairman

~~Roger Fagerstrom~~, *VACANT*  
Bering Straits

Donald Gilman,  
Lower Cook Inlet

Eben Hopson,  
Northwest

Malcolm "Pete" Isleib,  
Prince William Sound

~~Stan Pauken~~, *VACANT*  
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

Bob Ward  
Commissioner of  
Transportation & Public  
Facilities

~~Phillip Hubbard~~, *CHUCK WEBER*  
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



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
Rockville, Maryland 20852

January 18, 1979

MEMORANDUM TO: Congressional Staff Members  
FROM: Dan Hoydysh *Dan Hoydysh*  
SUBJECT: Review and Comment on Interim Coastal Energy  
Impact Program Regulations -- Section 308 of  
the Coastal Zone Management Act.

Attached is a copy of the draft regulations that the Office of Coastal Zone Management is proposing to make in the Coastal Energy Impact Program (CEIP) implementing regulations. These changes are mandated in part by the recently passed OCS Lands Act Amendments and in part by our desire to improve CEIP operating procedures.

Attachment



**Federal Register**

**MUNDAY, JANUARY 15, 1979  
PART IV**



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**DEPARTMENT OF  
COMMERCE**

**National Oceanic and  
Atmospheric  
Administration**

**IMPLEMENTATION OF  
THE COASTAL ENERGY  
IMPACT PROGRAM**

**Proposed Administrative  
Procedures Regarding Grants and  
Credit Assistance**

SENATE JOURNAL  
SENATE LETTER OF INTENT

SENATE CONCURRENT RESOLUTION NO. 12

Testimony received by the Community and Regional Affairs Committee indicated the need for a change in the Alaska Coastal Policy Council's regulations. Specifically:

(1) 6 AAC 80.100 (a)(3) timber harvest and timber management activities must be planned so as to protect streambanks and shorelines, prevent adverse impacts on fish resources and habitats, and minimize adverse impacts on wildlife resources and habitats.

The testimony indicated the need:

following words "streambanks and shorelines,"  
delete "prevent" insert "minimize"

A representative from the Alaska Coastal Policy Council and a representative from the Office of Coastal Management concurred with the need for this change.

It is the intent of this committee that the words "minimize adverse impacts" should apply to both fish resources and habitats and wildlife resources and habitats.

The Committee urges the Alaska Coastal Policy Council to consider and adopt this change at its earliest convenience.

Adopted as a Senate Letter of Intent March 13, 1979  
by unanimous consent



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
~~Beckley, West Virginia 26002~~

Office of Coastal Zone Management  
Washington, D. C. 20235 CZ1:PGC

JAN 25 1979

RECEIVED  
JAN 30 1979

Ms. Frances A. Ulmer  
Director  
Division of Policy Development  
and Planning  
Office of the Governor  
Pouch AP  
Juneau, Alaska 99811

POLICY DEVELOPMENT  
& PLANNING

Dear Ms. <sup>From</sup> Ulmer:

I would like to take this opportunity to commend you and the other members of the Alaska Coastal Policy Council for the approval, at your December 14-15, 1978 meeting, of the proposed revisions to the Guidelines and Standards for the Alaska Coastal Management Program (ACMP). As I noted in my letter to you of November 17, 1978, we believe that the specificity and comprehensiveness contributed to the ACMP by these revisions should go far to assure the ultimate approvability of the Program. With adoption of the revisions, the Council has taken a very important step in the direction of Federal approval of the Alaska Program.

At the same time, we recognize that the Council's action is only the first of two critical steps that must occur in order to make these changes effective. Adoption of the proposed revisions by the Alaska Legislature is essential before they can be considered fully a part of the Program that is before me for approval. Although the ACMP and Draft Environmental Impact Statement have been circulated for public review and comment, the authorities upon which my preliminary determination of approvability is based include the revisions now before the Legislature. In order that the public may review the Program in its final form, and because it would be presumptuous to anticipate approval of the proposed revisions in the guidelines and standards by the Legislature, I do not intend to release the Final Environmental Impact Statement until the Legislature acts to establish the guidelines and standards in final form.

The need to await this final action raises another issue discussed in my November 17 letter: Federal support of the Alaska Program with funds during the interim period. We are sensitive to the need for adequate Federal funding of many of the important tasks of state and local governments under the ACMP between now and approval of the



Program, when the State becomes eligible for the substantial increase in funding available under Section 306 of the Federal Act. Alaska's share of the limited Federal program development funding is scheduled to be exhausted by June 30, 1979. Given the time needed for final program distribution and approval, we foresee the need for legislative action on the proposed Guidelines and Standards amendments, before April 30, 1979.

In the interests of smooth transition of the Alaska Coastal Management Program into the implementation stage, I urge you and Governor Hammond to use your good offices to encourage early action by the Legislature. We recognize that if circumstances force a lapse in Federal assistance, much valuable momentum toward sound coastal management by state agencies and local coastal communities will be lost. If I am able to assist you in any way to help us all meet our schedule, including testimony before the Legislature, I am at your service. We look forward to your success.

Sincerely yours,



Robert W. Knecht  
Assistant Administrator



Official Business

# Alaska State Legislature

Senate

Committee on

Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

February 7, 1979

TO: Billy G. Berrier, Director  
Division of Legal Services

FROM: Arliss Sturgulewski  
Chairman

RE: Alaska Coastal Policy Council

Please draft the appropriate resolution (concurrent or joint) "Approving regulations adopted by the Alaska Coastal Policy Council" using the attached rough draft resolution and material. We would like to submit this to the Senate as soon as possible. Thank you.

Attachments