

ALASKA LEGISLATIVE COMMITTEE FILES 1997-1998 00/2

9378 HOUSE RESOURCES

Appendix A

RECOMMENDATIONS APPROVED BY COASTAL POLICY COUNCIL

October 3, 1996

A. Maximize District Responsibility and Authority in ACMP Implementation

1. Recommendation: Revise 6 AAC 50.120 (a) to require the State agency proposing a consistency determination to give fair consideration to local knowledge supported in the project review comments submitted by a coastal district.

2. Recommendation: Revise 6 AAC 50.190 to include this definition of local knowledge:

"Local knowledge means a body of knowledge or information about the coastal environment, including information passed down through generations, from individual and group experience and observations. This body of knowledge is generally accepted by the local community."

3. Recommendation: Revise 6 AAC 85.100 to require a coastal district to identify procedures for using "local knowledge" when implementing their plan.

4. Recommendation: Revise 6 AAC 50.120 to allow a coastal district to determine local "public need" during a project review unless a state agency identifies that a "use of state concern." will be affected by the proposed project.

5. Recommendation: Acknowledge this definition advanced by existing legal precedent:

"public need" means a *documented* need of the general public and not that of any private individual or group of individuals.

6. Recommendation: Revise 6 AAC 85.100 to require a coastal district to specify in the implementation section of their coastal plan procedures for documenting local public need.

7. Recommendation: Direct DGC and DCRA staff to develop model procedures for documenting local public need including a minimum standard of acceptable documentation.

8. Recommendation: Revise AS 46.40.030 to: a) allow a city inside a borough or CRSA to develop coastal management policies inside the city as part of the district planning process; and b) provide for the delegation of planning responsibilities from the borough or CRSA to a city inside the CRSA - - at the district's discretion and if the city concurs.

9. Recommendation: Revise AS 46.40.090(b) to provide for the delegation of implementation responsibilities from a borough to a city inside the borough -- at the borough's discretion and if the city concurs.

10. Recommendation: Revise 6 AAC 85.030 to require the district program address the planning and implementation relationship of a city inside a borough or a CRSA, particularly if it is delegating ACMP planning or implementation responsibilities.

11. Recommendation: Revise 6 AAC 85.100 to require the district plan address, where applicable, how the district plan will be implemented by a city inside a borough or CRSA coastal district, specifically for:

- a) State consistency reviews and elevations;
- b) municipal appeals;
- c) planning and plan revisions;
- d) implementation through municipal land use regulations; and
- e) when municipal land use regulations will be reviewed for consistency with the district plan.

12. Recommendation: Have the Title 29/46 Committee examine how AS 46.40.180 may be revised to clarify that if the city wants elements of the district plan to be different, the CRSA must incorporate the changes. Specifically the Title 29/46 Committee is to consider how to give the city veto power over the CRSA's enforceable policies.

13. Recommendation: Support a Municipal District Consistency Option which allows or requires a municipal district to make the consistency determination on projects that do not affect a "Use of State Concern.". Direct the MDC Committee and the Steering Committee to make recommendations for Council action in December.

14. Recommendation: Have the Council address the Resolution on "Uses of State Concern" (Resolution 13) at the December meeting in light of recommendations on "public need" and a Municipal District Consistency Option. See Appendix C for an explanation of ongoing investigation into "Uses of State Concern."

B. Improve Coastal Districts Programs

1. Recommendation: Draft enforceable policy guidelines to aid districts in writing implementable and legally defensible policies that result in predictability and certainty for coastal districts, agencies, and applicants. Use these enforceable policy guidelines to review and approve coastal districts programs and any plan amendments.

2. Recommendation: Rescind Council Resolution #20 regarding district program amendments and annual reports. Replace it with a resolution that provides a more reasonable and practical interpretation of "routine program implementation" and "significant amendment" to encourage coastal districts to a) follow through with recommendations emerging from this

ACMP Assessment and b) keep their district plans current. After this measure is in place, proceed with Phase Two - Program Amendment Process as identified in Appendix C.

3. Recommendation: Direct the program amendment workgroup to, where possible, develop a 90-day approval process for "routine program implementation" (i.e., 90 days from district submittal of proposed change to filing with Lieutenant Governor).

4. Recommendation: Following the December Council meeting, have DGC proceed with drafting a model Implementation Chapter as presented in Appendix C.

5. Recommendation: Consider ways to encourage districts to focus planning on areas of particular concern, rather than try to address all possible coastal issues. Specifically, examine these options for Council action in December:

- a. Delete or reduce district plan requirements for such things as resource inventory and analysis.
- b. Allow municipalities to base their coastal policies on their comprehensive plan goals and objectives and inventory information.
- c. Make the requirements in 6 AAC 85 optional
- d. Eliminate AMSA's, inside and outside districts
- e. Add a requirement that if a policy is more appropriately incorporated into a municipal district's existing land regulations, then it cannot be in the district plan (for example building setbacks).
- f. Rather than have all actions go through consistency, require the district plan identify what actions will require a consistency determination.
- g. Provide a simple process (and criteria) for granting a variance of a district policy, provided the State and district both agree.

6. Recommendation: Preclude coastal districts from incorporating by reference state agency regulations into enforceable policies. Citing Regulations may be cited within a plan for information purposes.

C. Streamline Petitions and Elevations

1. Recommendation: Consider changes to the ACMP that eliminate actual or apparent appeal redundancy or duplications, taking into account parallel processes of state resource agencies and associated statutes.

2. Recommendation: Revise AS 46.40.100(b)(2) to clarify that "B2" programmatic petitions before the Coastal Policy Council may not hold consistency reviews in abeyance or reverse a consistency determination.

3. Recommendation: Revise 6 AAC 50.070(k) to allow the director-level elevation to be waived and proceed directly to the commissioner-level elevation when significant policy decisions are required and all parties agree.

4. Recommendation: Revise AS 46.40.100 (b) to clarify that if issues arise out of substantially similar facts or records, the hearings for agency appeals may be combined.

5. Recommendation: Examine the role of the coordinating agency including the transfer of ACMP, single agency reviews to DGC.

6. Recommendation: Direct DGC and state resource agencies to allow districts to join state resource agencies for the deliberative portion of "elevations." This policy directive does not conflict with 6 AAC 50.070(k). (In conjunction with Recommendation C 1, the Council expressed a clear intention that this process be modified to simplify administrative decision-making.)

D. Improve Program Enforcement

1. Recommendation: When an agency or municipality requesting a stipulation doesn't have a permit, the project reviewers within state agencies and coastal districts should suggest appropriate permits or approvals to use for enforcing the particular stipulation they are requesting. This should occur in conjunction with submitting comments to the coordinating agency.

2. Recommendation: Direct that stipulations arising from an ACMP consistency review are to be carried on the most appropriate permit or approval. In making this assignment for agencies or municipalities lacking a permit, the coordinating agency will seriously consider the suggestions made by project reviewers.

3. Recommendation: Revise 6 AAC 50.070 to require coastal districts exercising Title 29 planning and zoning authorities to identify applicable local permits or approvals that might also be used to implement appropriate stipulations.

4. Recommendation: Revise AS 46.40.100 to allow an eligible party to petition the Council if a city with Title 29 planning powers inside a CRSA has a pattern of not implementing, enforcing, or complying with the district coastal management plan.

Appendix B

Operating Principles of the ACMP as Reaffirmed through the Assessment

Diane Mayer, Director
Division of Governmental Coordination
November 20, 1996

Dialogue, active listening, and trust building have occurred throughout the committee discussions, roundtables, and worksessions connected to the ACMP Assessment. The level of understanding and education has risen in many areas as a result of this Assessment process. In some respects, this may be the most valuable outcome of the 1996 ACMP Assessment. To foster continued trust building, this section records the more significant "mutual understandings." Some of these "mutual understandings" reinforce principles of the ACMP that always existed, but perhaps lost their resonance and vitality through varying interpretations of different administrations.

While the Coastal Policy Council approved on October 3, 1996 the Assessment recommendations for change, it is also important to recognize these "mutual understandings" and preserve the "order amid the change." To compliment the Council's action to direct program changes, these "mutual understandings" are cast in the context of operating principles of the ACMP. No statutory or regulatory changes are needed to reinforce these principles; just formal acknowledgment.

The first set of operating principles relate to the established roles of coastal districts, state agencies and applicants in the consistency review process. Understanding roles in a complex program is critical to fostering an efficient ACMP responsive to the resource protection and development needs of Alaska. Here are the operating principles that relate to the respective roles within the ACMP:

1. What makes "due deference" work is our consensus approach which is built on mutual respect and communication with all involved parties. This will work as long as we maintain our willingness to discuss concerns that arise in the consistency review process.
2. "Local knowledge" as submitted by a coastal district, within the consistency review process, will be handled similar to agency's "best professional judgement."
3. Recognizing a district as the expert for interpretation and application of its program, does not necessarily mean that the district's position on a consistency review will prevail. The expertise and area of responsibility of state agencies does not necessarily mean the state's position on a consistency review will prevail.

Both the coastal districts and state agencies can enhance their position on a proposed consistency determination by providing factual evidence to support their assertions.

4. While it is appropriate for state agencies to raise concerns about compliance with a district's enforceable policies, it is the primary responsibility of districts, not state agencies, to raise the applicability of specific district enforceable policies during the consistency review process.
5. Coastal districts will strive to do a better job in submitting project specific comments and justifications for stipulations that reference enforceable policies.
6. In addition to public notice and comments on specific projects, citizens can express their views through their coastal district. In fact, citizens are encouraged to seek input into the process through their district as the coastal district should be representing the views of their citizenry as reflected in the district plan.
7. The Division of Governmental Coordination (DGC) plays a key role in mediation and negotiation of permitting disputes. As such, DGC staff will seek to enhance these skills.
8. It is most appropriate for applicants to pursue staff-level discussion on unresolved issues prior to elevation. Applicants have control over the timing of discussions and can, if it's in their interest, request time extensions to continue productive problem-solving.

The second set of operating principles pertain to **implementation and enforcement responsibilities**. The focus of these principles is not on roles but shared responsibilities to make the program work. These operating principles also foster efficiency and effectiveness of the ACMP:

9. The ACMP provides for expanded authority of all state agencies and coastal districts, and with this expanded authority comes expanded responsibility. This responsibility includes identifying and recommending during consistency reviews stipulations needed for a project to be consistent with state standards and district enforceable policies.
10. Recommitment to a "networked" program, in lieu of a coastal permit, means state agencies and municipalities enforce all ACMP stipulations attached to their permit or approval. In deciding which permit is most appropriate, the coordinating agency will consider the jurisdictional reach of each applicable permitting authority and the professional expertise of the affected agencies and/or coastal district. The coordinating agency will work to build consensus on the assignment of stipulations. Once assigned, then agency or municipality issuing the permit enforces the ACMP stipulation, regardless of its specific jurisdictional limits outside the ACMP. However, state agencies still retain their administrative

discretion in choosing project stipulations to monitor and enforce.¹

11. Monitoring and enforcement can be improved through teamwork and improved communication among coastal districts and state agencies. Agencies could provide districts with good project descriptions and districts could advise agencies of possible violations. This is particularly relevant in light of reduced budgets and staff.²
12. Districts exercising Title 29 planning and zoning authorities shall, as directed by AS 46.40.090, assume more implementation and enforcement responsibility, particularly for projects that do not affect a "Uses of State Concern."

The last set of operating principles affect internal **program administration** of the Assessment recommendations. These principles affirm priorities and establish a sideboard for acting on the Assessment recommendations:

13. The top priority for implementation of Assessment recommendations are those recommendations relating to district plan improvements, which includes the program amendment process (see section B of the approved Assessment Recommendations).
14. DGC staff will develop educational tools and publications to deliver to ACMP participants the program changes recently approved by the Coastal Policy Council. DGC will consider a variety of outreach methods including continued use of the newsletter.

The level of understanding and education about the ACMP has risen in many areas as a result of the Assessment and by recording these operating principles, it is hoped that understanding and education will continue.

◇ Acknowledged by Coastal Policy Council Resolution 96-2, December 10, 1996

¹ Operating principles #10 and #11 are the results of many engaging and often heated discussions on the question of "homeless stipulations". As such, these principles need to be fully understood by all affected parties. Please refer to Coastal Policy Council's Report on the ACMP Assessment, "Who Enforces The ACMP?", which elucidates these principles more fully.

² Same as Footnote 1.

Interview and Survey Insights
on the
Alaska Coastal Management Program

prepared for the
ACMP Assessment

by
Kathryn Troll
Project Analyst
Division of Governmental Coordination

January 17, 1996

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ACRONYM KEY

ACMP	Alaska Coastal Management Program
FEIS	Federal Environmental Impact Statement
CPC	Coastal Policy Council
CRSA	Coastal Resource Service Area
DEC	Department of Environmental Conservation
DNR	Department of Natural Resources
DGC	Division of Governmental Coordination
ADF&G	Alaska Department of Fish and Game
DOTPF	Department of Transportation and Public Facilities

INTRODUCTION

Purpose of the Interviews: To access the insights and knowledge of a cross section of ACMP participants in a manner that:

- * provides feedback on ACMP cornerstone issues (see page 7);
- * measures progress toward original goals as identified in the FEIS approving Alaska's program;
- * assists in determining the most important problem areas to be addressed in the second phase of the assessment; and
- * generates ideas on problem-solving

Interview Selection Process: The ACMP Working Group was asked to suggest names of *knowledgeable* persons from the past and the present, with policy and/or field experience in the ACMP. They were also asked to think of permit applicants, local and state government officials and members of the general public. After receiving suggestions, a list was developed using these criteria:

- * names that were repeated
- * mix of policy and field persons
- * mix of local and state
- * persons with multiple hats
- * input from different regions in the state
- * persons with a history of the program

The Steering Committee then reviewed this list. A few additions and changes were made to the list during the course of interviewing. These changes were made to expand the knowledge base and provide a better cross section. Availability of interviewee's time also affected the final persons selected to be interviewed.

Description of Persons Interviewed: These descriptions are given in alphabetical order and includes their current position and those past positions that brought them into the ACMP arena.

Lauri Adams - Regional Solicitor for the Department of the Interior; previously an attorney with Sierra Club Legal Defense Fund and an Assistant Attorney General with the State of Alaska where she served as legal counsel to the Coastal Policy Council.

Years associated with the ACMP - 3 years since 1980

Dan Albrecht - Marine Policy Specialist for Bering Sea Fishermen's Association; previously the coordinator for the Bristol Bay Buyback Coalition.

Years associated with the ACMP - 5 years since 1989

Roger Allington - Retired, but occasionally serves as a consultant; previously Director of Statewide Planning for DOTPF where he also served on the Coastal Policy Council; as Southeast Representative he co-chaired the Coastal Policy Council; lobbyist for Sealaska Corporation on the first Coastal Management Act before the Legislature.

Years associated with the ACMP - 7 years since 1977

Tom Hawkins - Senior Vice-President of Bristol Bay Native Corporation; previously the Deputy Commissioner of DNR where he served as an alternate on the Coastal Policy Council; Director of Lands with DNR; Lands Manager with Choggiung Native Corporation; served on the first CRSA Board for the Bristol Bay region.

Years associated with the ACMP - 12 years since 1981

Cindy Heil - Environmental Specialist III with the Air Quality Division of DEC.

Years associated with the ACMP - 4 years since 1990

Mary Kay Hession - Natural Resource Manager II with DNR; previously ACMP Coordinator for DNR; adjudicated large projects prior to consistency review regulations.

Years associated with the ACMP - 18 years since 1977

Jon Isaacs - Planning and Environmental Consultant - has assisted in the development of several coastal management plans around the state.

Years associated with the ACMP - 14 years since 1981

Beth Kerttula - Assistant Attorney General for Oil and Gas Section; previously assigned to the Natural Resources Section where her primary obligation was the ACMP.

Years associated with the ACMP - 5.5 years since 1989

Tom Lawson - Section Chief of the Division of Trade and Development in DCED; recently served on the Coastal Policy Council, previously worked with DNR on tideland leases for Southeast; served as the first District Coordinator in the Office of Coastal Management worked and Planning Department staff to the City and Borough of Juneau.

Years associated with the ACMP - 8 years since 1978

Tom Loman - Environmental Resource Specialist with the North Slope Borough; previously worked in the Borough's law department on ACMP matters.

Years associated with the ACMP - 8 years since 1987

Don McKay - Habitat Biologist for Southcentral Office of ADF&G.

Years associated with the ACMP - 14.5 years since 1981

Mike McKinnon - Chief of Planning for the Southeast Region of DOTPF; served on the Coastal Policy Council for one year; previously served as DOTPF representative on the ACMP working group; Section Chief for Permits in DOTPF.

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Harry Noah - Environmental Consultant on the AJ Mine; previously the Commissioner of DNR; independent contractor who worked on permits for these projects: Greens Creek Mine, Red Dog Mine, and the Trans-Alaska Pipeline; worked with Oil and Gas section of DNR.

Years associated with the ACMP - 15 years since 1980

John Oscar - IRA Council Member for the village of Tununak; Board of Directors for Cenaliurrit CRSA, Program Coordinator the Cenaliurrit CRSA.

Years associated with the ACMP - 6 years since 1989

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

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Years associated with the ACMP - 7 years since 1977

Kirsten Ballard - Environmental Specialist III in the Oil Spill Prevention Office of DEC.
Years associated with the ACMP - 4.5 years since 1991

Marlene Campbell - Coastal District Coordinator for the City and Borough of Sitka.
Years associated with the ACMP - 8 years since 1987

Dave Chambers - Mining Analyst for Sierra Club Legal Defense Fund.
Years associated with the ACMP - 5 years since 1990

Amy Crook - Environmental Specialist IV in the Division of Air and Water Quality of DEC.
Years associated with the ACMP - 10 years since 1985

Mark Dalton - Director of Environmental Services with HDR Engineering; previously the Coastal District Coordinator for the Municipality of Anchorage and a contract employee with the Municipality assigned to ACMP implementation.
Years associated with the ACMP - 11 years since 1984

Francis Degnan - Continues to serve on the Bering Straits CRSA Board of Directors.
Years associated with the ACMP - 15 years since 1980

Dave Dengel - Community Development Director with the City of Valdez; previously the Director of Public Works and Planning with the City of Cordova; City Planner with the City of Yakutat.
Years associated with the ACMP - 12 years since 1982

Wayne Dolezal - Habitat Biologist with the Southcentral Office of ADF&G.
Years associated with the ACMP - 10.5 years since 1984

Sue Flensburg - Coastal Management Program Director for the Bristol Bay CRSA.
Years associated with the ACMP - 10 years since 1985

Linda Freed - Community Development Director for the Kodiak Island Borough; previously the Coastal District Coordinator for the Kodiak Island Borough.
Years associated with the ACMP - 15 years since 1980

Don Gilman - Mayor of the Kenai Peninsula Borough; previously a State Senator who chaired the Community and Regional Affairs Committee and the Cook Inlet representative on the Coastal Policy Council where he served as the first co-chair.
Years associated with the ACMP - 15 years since 1977

Dave Hardy - Habitat Biologist with the Sitka Office of ADF&G.
Years associated with the ACMP - 15 years since 1980

Rick Harris - Vice-President of Resource Planning and Administration for Sealaska Corporation.
Years associated with the ACMP - 15 years since 1980

Tom Hawkins - Senior Vice-President of Bristol Bay Native Corporation; previously the Deputy Commissioner of DNR where he served as an alternate on the Coastal Policy Council; Director of Lands with DNR; Lands Manager with Choggiung Native Corporation; served on the first CRSA Board for the Bristol Bay region.
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Years associated with the ACMP - 15 years since 1980

John Oscar - IRA Council Member for the village of Tununak; Board of Directors for Cenaliurrit CRSA, Program Coordinator the Cenaliurrit CRSA.
Years associated with the ACMP - 6 years since 1989

Lisa Parker - Planning Director for the Kenai Peninsula Borough; previously directed governmental and environmental affairs for Cominco Inc. (Red Dog Mine); Executive Director of the Cook Inlet Regional Citizens Advisory Council; state coordinator for Alaska Land Use Council under ANILCA.

Years associated with the ACMP - 13 years since 1982

Steve Porter - Director of Exploration and Permitting for ARCO Alaska.

Years associated with the ACMP - 6 years since 1989

Pam Rogers - Natural Resource Manager II with the Division of Oil and Gas in DNR; previously hired to focus on ACMP work for the Division of Lands in DNR.

Years associated with the ACMP - 18 years since 1977

Bill Ross - Environmental Consultant; previously Commissioner of DEC; State Coordinator for Fisheries in the Environment in the Governor's D. C. Office; Deputy Director for the Office of Coastal Management, Associate Coordinator for the State Clearinghouse.

Years associated with the ACMP - 6 years since 1979

Arliss Sturgulewski - Businesswoman and Community Activist; previously State Senator who chaired Senate Resources; Anchorage City Assembly and Anchorage Planning and Zoning Commission.

Years associated with the ACMP - 10 years since 1978

Fran Ulmer - Lieutenant Governor; previously State Representative; Mayor of Juneau; Director of Division of Policy Development in Governor's Office where she served as the first co-chair of the Coastal Policy Council and administrator of the ACMP; Legislative Assistant to Governor Hammond; Juneau Planning Commission.

Years associated with the ACMP - 15+ years since 1975

Peter Van Tuyn - Litigation Director for Trustees of Alaska.

Years associated with the ACMP - 3.5 years since 1992

Nancy Wainwright - Private practice attorney in civil and environmental law; previously a staff attorney for Trustees for Alaska.

Years associated with the ACMP - 8 years since 1987

Murray Walsh - Community Development Director for the City and Borough of Juneau; previously Coordinator and Deputy Coordinator for the State's Office of Coastal Management; consultant on coastal management.

Years associated with the ACMP - 15 years since 1979

Abi Woodbridge - Vice-chair Aleutians West CRSA; assisted in writing the plan for Aleutians West; served on the Coastal Policy Council.

Years associated with the ACMP - 12 years since 1979

Marvin Yoder - Klawock City Administrator, previously Borough Manager for Ketchikan Gateway Borough; served as an alternate on the first Coastal Policy Council.

Years associated with the ACMP - 10 years since 1978

Interview Process - About half the interviews were conducted face-to-face; the rest were done over the phone. Most of the interviews took one hour and 15 minutes to conduct. While a standard format was used, interviewees were encouraged to wander and in the course of their wandering they were asked unique follow-up questions. It is in the wandering that I gained some of the most interesting insights. All the interviews were recorded because of my inability to transcribe fast enough. I listened to all the tapes to fill in the gaps of my notes. Any and all quotes in this report that are associated with an individual have been cleared with the interviewee through follow-up communication. To capture the flavor and insights of the interviews, I include numerous anonymous quotes.

Surveys Within the Interviews

To gauge collective perspectives on progress made toward the original goals of the ACMP (listed on page 19 of the FEIS approving Alaska's program) a survey was folded into the interviews. The goal statements were simplified into statements for rating and respondents were asked to evaluate the statements on a five-point Likert-type scale (where 5 = strongly agree, 4 = agree, 3 = neutral, 2 = disagree, and 1 = strongly disagree). Five survey statements from a consistency review survey done in 1989 were also included in the list of statements for respondents to rate. Agreement or disagreement with the statement as it applies today, not with the intent of the statement, was emphasized before the rating commenced.

In this (Likert-scale) type of survey scores, will run slightly positive. Scores between 3.0 and 3.5 should be read as neutral; scores between 3.5 and 4.0 indicate moderate agreement; scores between 4.0 and 4.5 as indicating high agreement and scores below 3.0 indicate disagreement. There are two exceptions to this reading. The first is statement # 4 which carries the leading term "substantially" (part of the original goal statement in the FEIS). Second is statement # 15 which carries the leading term "large measure" (part of the original goal statement in the FEIS). To offset the inclusion of leading positive terms the rating interpretation needs a downward adjustment. Hence, for these statements a rating greater than 3.0 should be read as moderate agreement, 2.5 to 3.0 as neutral and less than 2.5 should be read as disagreement.

Results on this survey are reported under the heading: **Progress toward goals**

In addition to survey questions related to goals, the interviewer also asked persons to respond to these statements related to resource development and protection. Interviewees were asked to simply identify whether they "agree", "disagree" or "don't know".

The ACMP is being used to stop development.

The ACMP is being used to promote a local development agenda.

The ACMP is being used to promote a state development agenda.

The ACMP balances resource development and protection interests.

The ACMP is a tool to develop resources in an environmentally sound manner.

The ACMP is about integrating economic and environmental concerns into coastal project decisions.

They were then asked which statement they agreed with most.

Results on this set of questions are reported under the heading: **Progress toward balancing.**

Through conferences and focus group discussions, ACMP participants have identified quite a few problem areas with the program. I simplified the problem statements into eight general statements. I then asked interviewees: "Based on your experience do you agree or disagree with these problem statements?" "Don't know" was also an acceptable response on these statements:

- a. Coastal districts need to be given more deference in consistency determinations.
- b. Socioeconomic aspects need more consideration in the ACMP decision-making.
- c. Coastal Policy Council needs to redefine their role.
- d. Enforceable policies in the coastal plans need to be clarified and improved.
- e. Large project reviews need to be clarified and improved.
- f. Monitoring and enforcing compliance with stipulations does not happen enough and there is confusion as to who is responsible.
- g. The geographic scope of the ACMP should be reconsidered, particularly the application of enforceable policies outside municipal boundaries.
- h. Coordination and communication of concerns needs to be improved in project review.

Results on this survey are reported under the heading: **Problem Areas with the ACMP.**

Cornerstone Issues

When sorting out how to get to resolution on the problem areas listed above, some key questions surface and rise to the top . . . cornerstone questions that must be resolved first. For example, before asking "what should due deference mean?" we need to answer "who should make the consistency determination, local districts or the state?" It also became apparent that some of these cornerstone questions touch on the program shifts made in 1984 under "permit reform". These cornerstone issues for the ACMP Assessment are the questions that need to be answered first:

#1. Program Structure (options provided under federal law)

Is the "networked system" of ACMP implementation through existing authorities still the preferred system? Should a "consistency permit", similar to the California Coastal Permit, be considered? Should consistency determinations (for non-federal actions or permits) be shifted to the coastal districts or should the State run process be amended to raise local district standing?

Interviewees were asked directly to respond to cornerstone question #1: These results are listed under the heading **Cornerstone Issue #1.**

#2. Relationship of Program Authorities

How do the ACMP authorities relate to the management and regulatory authorities of state agencies and local government? Who has the responsibility for enforcement of the consistency determination?

#3. Role of the Coastal Policy Council

Should the role of the CPC in establishing policy (e.g. plan approval, promulgation of

regulations) change? Should the role of the CPC in overseeing implementation and enforcement (e.g. petitions) change?

Since the agency "white papers" and the CPC working groups were to be the primary mechanism for answering these respective questions. The interview was not structured to specifically get at these questions. However, some questions prompted interviewees to comment in regards to these questions. These comments are included in the Composite and Summary section, pages 38 - 40, under the headings **Cornerstone Issue #2**, and **Cornerstone Issue #3**.

Associations Made for Analysis: Rather than just lump all the interview findings into one composite report, I thought it would provide more insight if the responses and quotes were presented and analyzed in these groups:

* **Living History** - Individuals that were very involved in the ACMP prior to 1980, but have retained or expanded their working knowledge of the program. Eight individuals were placed in this association. Together they offered insights from 86 years of association with the ACMP.

* **Local Government** - Individuals that currently serve with a local unit of government, including CRSA Boards. Planning Consultants to local government were included in to this group. As such, this group includes ten individuals representing 10 different regions of the state. Together they offered insights from 111 years of association with the ACMP.

* **State Government** - Individuals currently serving with a state agency. Ten individuals from five different state agencies were placed in this association. Together they offered insights from 115 years of association with the ACMP.

* **Public/Special Interest** - Individuals currently or previously employed by a non-profit special interest organization. Five individuals were placed in this association. Together they offered insights from 25 years of association with the ACMP.

* **Business Community** - Individuals currently in the private sector or who responded to the questions from a past industry association. Five individuals were placed in this association. Together they offered insights from 61 years of association with the ACMP.

To provide a composite perspective, I combined all the tabulated responses (as opposed to open-ended responses) into one section - **Composite and Summary Findings**. This section also notes the major areas of agreement and disagreement among the different groups. Comments related to cornerstone issues #2 and #3 are included in this section.

LIVING HISTORY RESPONSES

Living History - Individuals that were very involved in the ACMP prior to 1980, but have retained or expanded their working knowledge of the program. Eight individuals were placed in this association. Together they offered insights from 86 years of association with the ACMP.

What is the value and function of the ACMP?

- * initiated comprehensive coastal management planning - deciding ahead of time areas for resource development and areas for special protection
- * provided an opportunity for local and state influence over federal decisions -
- * gave us the means to access technical and financial resources for planning and implementation
- * to get larger governments to comply with the desires of smaller government
- * provides coordination role for local, state and federal government to resolve coastal issues

"Back in the 1970's Alaska embraced the CZM program essentially because of oil and gas prospects. The presumption was that there was going to be a lot of oil in the offshore areas and the ACMP was a way for communities to plan and guide the impacts while keeping OCS development on track."
Don Gilman

"With so much of Alaska under federal control, the ACMP was seen as a way to empower local and state government to have at least influence on federal land management activities."

"When you have such a big land area and a state as diverse as Alaska [in regards to local government] you need the ACMP. Without the ACMP all the permit discussions would just come into the Resources Cabinet."

"The federal dollars for planning and implementation was a big fat carrot, particularly when Alaska's coastal region faced the prospects of major impacts from offshore oil and gas development."

Progress toward goals

The rating follows the hyphen. Statements in **Bold** denote moderate agreement; statements in *Italics* denote *disagreement*. Statement in "plain" font denote a neutral response.

1. - 4.0 **The consistency review process helps local communities get involved in the project.**
2. - 3.9 **The consistency review process helps the various participants identify their interests and goals.**
3. - 3.2 The ACMP provides a common basis for coastal decisions.
4. - 3.3 **Protection of coastal land and water habitat are substantially improved by the ACMP.**
5. - 3.4 The consistency review process helps develop better solutions to problems.

6. - 3.6 **The planning element of the ACMP provides a capability to anticipate and manage impacts of large resource development projects, such as oil and gas.**
7. - 3.9 **The consistency review process helps coordinate agency permits.**
8. - 2.3 *The division of responsibility for management of coastal resources is clearly defined.*
9. - 3.4 The consistency review process helps prevent, or helps resolve, conflicts.
10. - 3.0 The consistency review process provides a unique role for involving local government in coastal decisions of local significance.
11. - 3.4. The consistency review process provides a unique role for involving local government in coastal decisions of state significance.
12. - 3.4 The consistency review process provides a unique role for involving local government in coastal decisions of federal significance.
13. - 3.6 **The consistency review process provides a unique role for involving state government in coastal decisions of federal significance.**
- 14 - 3.4 The planning element of the ACMP enables developers of coastal resources to gain more certainty about state and local attitudes on development sites.
15. - 2.5 The ACMP grants large measures of local control to unincorporated communities.
16. - 3.4 The ACMP provides for heightened and specific management for areas with extraordinary coastal values.
17. - 3.7 **Coastal uses of state and national significance cannot be unreasonably excluded.**

Progress toward balancing

* 86% of the respondents agreed with this statement:

The ACMP is a tool to develop resources in an environmentally sound manner.

* 86% of the respondents disagreed with this statement:

The ACMP is being used to promote a state development agenda.

Any surprise developments?

"Most local programs haven't gone as far as they could have gone. A fear of commitment [to take on more authority through local land use controls] seems to be rampant in Alaska".

"A wrong turn happened somewhere with the CPC. It is to be a policy body, not an implementation body. It's absolutely nuts for the CPC to be hearing specific project petitions."

"I never anticipated that local or special interest concerns would not be embraced or at least included in the district plans (reference to citizen petitions)."

"Through the adoption of the consistency review regulations in 1984, the state agencies usurped local government's right to make the consistency decision. The reversal in who makes the consistency determination was a major surprise."

"Sheffield put backbone into the state end of the program by strengthening the role of DGC."

"A lot of the ACMP is now after the fact. When I got back involved in 1991, I noticed the emphasis had shifted from planning to permit influence." Marvin Yoder

Cornerstone Issue #1

Is the "networked system" of ACMP implementation through existing authorities still the preferred system? Should a "consistency permit", similar to the California Coastal Permit, be considered?

*** All respondents favored keeping the existing "networked system" of implementation.** This is further substantiated by the positive rating on the goals related to the consistency review process. The respondents all agreed that the consistency review process helps local communities get involved in the projects; helps the various participants identify their interests and goals; and helps coordinate review of agency permits.

"Everything in Alaska has some federal connection so the consistency determination process enabled the state to weigh-in and play the broker role. DGC has been flexible to meet the needs of each administration. The network approach was and is the right choice for Alaska."

"The first Coastal Management bill was very state-oriented; somewhat after the California model. It generated fears of invasive government and was quickly modified. Given the diversity of Alaska, the network approach still makes sense."

Cornerstone Issue #1 continued

Should consistency determinations (for non-federal actions or permits) be shifted to the coastal districts or should the State-run process be amended to raise local district standing?

Only one interviewee favored shifting the responsibility for consistency determinations to the coastal districts. The rest favored keeping the State run process the same or modifying it slightly. One person suggested giving the aggressive coastal districts with planning and zoning authority the option of taking on the responsibility for making the consistency determination.

"The tension of state/local funding and power sharing has always been with the program. The make-up of the CPC and the establishment of the co-chairs was a direct response to this tension. The system of due deference was designed to give districts a "no" if the state said "yes" to development. Local governments with state approved plans were to have the last word to stop a project unless there was an overriding "use of state concern" which the districts could appeal to the CPC. This usually made the State Commissioners uncomfortable. To the best of my recollection, the deference system was not designed to give districts a "yes" if the state said "no". It was not to result in any transfer of permit authority. I know of no reading of the Act that would imply that the local government could force the state to issue a permit on an individual project."

Fran Ulmer

"Because ACMP process is a balancing act it's best to have the balancing happen at the local level because state agency personnel are too single-focused. Let locals make the decision and if state agencies have a problem, let them take it as a "use of state concern" to the CPC."

"If you shifted it to the districts, how would you deal with the maverick mayors or those local governments which may be dysfunctional?"

To gauge perception as to any shifts in the decision-making authority, respondents were asked a series of three questions:

A. "When you first became involved in the ACMP where did you perceive the decision-making arena to be on this scale in regards to making project decisions on ACMP consistency?"

1-----2-----3-----4-----5

- 1- completely within local government
- 3 - equal sharing of decision-making authority
- 5 - completely within state government

Collective Response: 3.3

B. "Where do you perceive the decision-making arena to be now on this scale?"

1-----2-----3-----4-----5

Collective Response: 3.4

"At the beginning I saw it as a 4; then when I worked in the Office of Coastal Management, I saw it as 3.5; then as Commissioner, I viewed it more at 2.5."

Bill Ross

C. "In which direction should the ACMP move toward?"

71% said keep it at the same spot

29% said move it in the direction of local government

"For the benefit of resource protection you must have either an aggressive local district dedicated to the ACMP or a strong state presence."

"Districts can move the decision-making needle now if they want to play the game."

Problem Areas with the ACMP

"Get the CPC out of the implementation role and back into the policy role."

"ACMP has not risen to a statewide level of recognition on key resource issues. If the ACMP is a key player I sure don't get that sense from reading the papers. The policy relevancy of the ACMP needs to be raised."

"The ACMP ended up being more redundant and bureaucratic than I expected. It's almost impossible to understand the layering of local, state, and federal regulatory controls."

"In the 1990's the ACMP is being used to delay development more than it ever has. It's listed in almost every environmental lawsuit."

"The Legislature made a mistake in SB 308 (bill passed in 1994) because it'll create more problems than it'll solve. It is the opposite of what the ACMP intended."

Of the problem area descriptions given to respondents these are the statements that most respondents clearly **agreed** with:

- * **Socioeconomic aspects need more consideration in the ACMP decision-making.**
- * **Enforceable policies in the coastal plans need to be clarified and improved.**
- * **Large project reviews need to be clarified and improved.**
- * **Monitoring and enforcing compliance with stipulations does not happen enough.**

Of the problem area descriptions given to respondents these are the statements that most respondents clearly *disagreed* with:

- * *The geographic scope of the ACMP should be reconsidered, particularly the application of enforceable policies outside municipal boundaries.*
- * *Coordination and communication of concerns needs to be improved in project reviews.*

Please Note: a few interviewees felt they were not current enough with the program to respond to these problem areas. Therefore the tabulations here are less reflective of this group.

LOCAL GOVERNMENT RESPONSES

Local Government - Individuals that currently serve with a local unit of government, including CRSA Boards. Planning Consultants to local government were included in this group. As such, this group includes ten individuals representing 10 different regions of the state. Together they offered insights from 111 years of association with the ACMP.

What is the value and function of the ACMP?

- * allows local municipalities an opportunity to comment on projects that they wouldn't be able to do otherwise;
- * brings in an interdisciplinary approach to resource management;
- * provides funding for plan development and implementation;
- * provides a vehicle for coordinating agency and local government comments on projects;
- * generates a network function [more than just the project review] for resource agencies and coastal communities;
- * extends influence of local government on offshore oil and gas development;
- * assists the community in developing projects that not only benefit the applicant but also enhances and protects the environment;
- * results in less court challenges;
- * provides problem-solving on permits

"The ACMP gives us some control of oil exploration and development and provides public input on management and protection of resources." Francis Degan

"The ACMP brings regulatory permittees and applicants together to develop solutions that are more in line with balancing development and protection."

Linda Freed

"Prior to ACMP, local government served only in a commenting role, and the ACMP allowed them to switch to a participatory role at the table."

Jon Isaacs

"Without state and federal funding it is unlikely that local districts would have a coastal management program."

"I value the flexibility of the program; it's painted differently in each community around Alaska."

Marlene Campbell

"Many districts overlook the importance of establishing trust and work relationships with the resource agencies. It's very important to making the ACMP work."

Progress toward goals

The rating follows the hyphen. Statements in **Bold** denote moderate agreement; statements in *Italics* denote disagreement. Statement in "plain" font denote a neutral response.

1. - 3.6 **The consistency review process helps local communities get involved in the project.** (In a 1989 survey, 17 district contacts rated this statement - 3.7)
2. - 4.0 **The consistency review process helps the various participants identify their interests and goals.** (In a 1989 survey, 17 districts contacts rated this statement - 3.9)
3. - 3.1 The ACMP provides a common basis for coastal decisions.
4. - 3.3 **Protection of coastal land and water habitats are substantially improved by the ACMP.**
5. - 3.4 The consistency review process helps develop better solutions to problems. (In a 1989 survey, 17 districts contacts rated this statement - 3.5)
6. - 3.1 The planning element of the ACMP provides a capability to anticipate and manage impacts of large resource development projects, such as oil and gas.
7. - 3.9 **The consistency review process helps coordinate agency permits.** (In a 1989 survey, 17 districts contacts rated this statement - 3.9)
8. - 2.2 *The division of responsibility for management of coastal resources is clearly defined.*
9. - 3.3 The consistency review process helps prevent, or helps resolve, conflicts. (In a 1989 survey, 17 districts contacts rated this statement - 3.6)
10. - 3.5 The consistency review process provides a unique role for involving local government in coastal decisions of local significance.
11. - 3.8 **The consistency review process provides a unique role for involving local government in coastal decisions of state significance.**
12. - 3.2 The consistency review process provides a unique role for involving local government in coastal decisions of federal significance.
13. - 2.7 *The consistency review process provides a unique role for involving state government in coastal decisions of federal significance.*
14. - 3.3 The planning element of the ACMP enables developers of coastal resources to gain more certainty about state and local attitudes on development sites.
15. - 3.0 The ACMP grants large measures of local control to unincorporated communities.
16. - 3.6 **The ACMP provides for heightened and specific management for areas with extraordinary coastal values.**
17. - 4.2 **Coastal uses of state and national significance cannot be unreasonably excluded.**

The only significant difference between this survey and the 1989 survey is the rating on statement #9. In 1989, the districts contacts agreed that the consistency review process helps prevent or resolve conflicts.

Progress toward balancing

* 89% of the respondents agreed with this statement:

The ACMP is a tool to develop resources in an environmentally sound manner.

*63% of the respondents disagreed with these statements:

The ACMP is being used to stop development.

The ACMP is being used to promote a local development agenda.

"If you have a strong and active local government then the integration of economic and environmental concerns happens in the ACMP."

Any surprise developments?

"Surprised at how much the federal government backed away from the consistency requirement; they are not involved in the process to the degree I thought they were obligated to play."

"I always had a strong belief that once a plan was approved, after a lengthy review, that the consistency determination would be made at the local level. Our plan got approved at the same time the consistency review regulations were promulgated in 1984, and that's when we got told that the coastal district didn't get the call; that we got deference instead. It's not that we (a community with the full slate of land use controls) never picked up the consistency ball. We were told by DGC back then that local government was not given the authority to put the ball in their court."

"I never realized how difficult it would be to resolve the balancing issues because I never anticipated that an industry or a special interest would dominate the local process."

"I was surprised about the lack of linkage between Title 29 and the ACMP. The lack of linkage goes two ways. The ACMP didn't provide enough tools and incentive for the municipality but the municipality didn't take advantage of what the ACMP had to offer."

"ACMP did not lead to compromises on federal initiatives that I thought it was designed to address under the intent to give consistency and flexibility to the states. Specifically I'm referring to wetlands and the Endangered Species Act. It's not as effective in influencing the big issues as I thought it would be."

Cornerstone Issue #1

Is the "networked system" of ACMP implementation through existing authorities still the preferred system? Should a "consistency permit" similar to the California Coastal Permit, be considered?

One person thought there was merit to looking at a single permit process for large projects; keeping the network approach for small projects. All other respondents clearly

avored the existing "networked system". This is further substantiated by the positive rating on the goals related to the consistency review process. The respondents all agreed that the consistency review process helps local communities get involved in the projects; helps the various participants identify their interests and goals; and helps coordinate agency permits.

"If a more central "coastal permit" can lead to the ACMP linking into the NEPA process, it should be further evaluated for large projects. The federal government is now starting to combine NEPA with Army Corps permits, but no one is looking at the next step of linking into the ACMP and all the state permits. This is an area that needs more strengthening."

"From what I understand about the California system it's a more difficult process for local government and industry."

"Let's keep the network system, but make it more truly networked. I know of one project that resulted in 3 separate reviews and public notices because of DNR's processes."

Cornerstone Issue #1 continued

Should consistency determinations (for non-federal actions or permits) be shifted to the coastal districts or should the State-run process be amended to raise local district standing?

Only one respondent favored shifting to the coastal districts. The rest of the respondents favored keeping the State-run process but modifying it to raise local district standing. One person also suggested giving the district the option of making the consistency determination, but went on to qualify this suggestion - "While some local governments have whined about the state's role when you get to the bottom line, they really don't want the responsibility."

"Any shift to coastal district should have strings of responsibility and accountability attached."

"Part of me says shift it to local government but the other part of me says the greater good must be helped so it needs to stay with the state."

"Considering finances, staffing and liability exposure, I'd rather modify the existing process."

To further gauge perception as to any shifts in the decision-making authority, respondents were asked a series of three questions":

A. " When you first became involved in the ACMP where did you perceive the decision-making arena to be on this scale in regards to making project decisions on ACMP consistency?

1-----2-----3-----4-----5

1- completely within local government

3 - equal sharing of decision-making authority

5 - completely within state government

Collective Response: 3.4

B. "Where do you perceive the decision-making arena to be now on this scale?

1-----2-----3-----4-----5

Collective Response: 4.1

C. "In which direction should the ACMP move toward?"

*** 100% said move it in the direction of local government**

"Due deference needs to be re-interpreted so coastal districts have the say unless the state agency can demonstrate "overriding use of state concern" or "irreparable harm to habitat" Right now some state agency persons hold "area of expertise" over coastal district heads."

"Here is long standing observation: the ACMP can indeed be used to modify a project and perhaps say no, but it can't be used to induce or force a state agency to issue their permit."

"Credible local knowledge needs to be as meaningful as science."

"We have this strange relationship where a state agency is reading our plan to us to express their state concerns on a project."

"My preference is to let the coastal districts have the say on what constitutes "public need", not ADF&G saying to a district there is no public need. Who better to define what the public need is for that community than the members of that community. ADF&G knows about habitat protection; not public need."

Problem Areas with the ACMP

"My biggest frustration is not with the state but with the federal government. They don't embrace the program and are unwilling to compromise. The lack of federal cooperation needs to be resolved."
Dave Dengel

"A lot of the problems people see in the program are the result of staff and resource reduction and turnover in the regulatory agencies which results in lack of time to sit down and communicate. I think more emphasis on training and communication would eliminate a lot of the problems being talked about."

"The program has fallen flat on it's face when it comes to educating residents about the ACMP."

"The program is real close to going down because of the high level of frustration with the petition process."

"Too many mixed messages about who gets to decide "

"SB 308 has destroyed the original intent of the program."

"The new changes in phased review [SB 308 passed in 1994] have an ambiguous set of guidelines that are difficult to apply to large projects."

Of the problem area descriptions given to respondents these are the statements that most respondents agreed with most:

- * Coastal district need to be given more deference in consistency determinations.
- * Socioeconomic aspects need more consideration in the ACMP decision-making.
- * Coastal Policy Council needs to redefine their role.
- * Enforceable policies in the coastal plans need to be clarified and improved.

There was only one problem statement that respondents tended to *disagree* with:

* *The geographic scope of the ACMP should be reconsidered, particularly the application of enforceable policies outside municipal boundaries.*

STATE AGENCY RESPONSES

State Government - Individuals currently serving with a state agency. Ten individuals from five different state agencies were placed in this association. Together they offered insights from 115 years of association with the ACMP.

What is the value and function of the ACMP?

- * promotes the state speaking with one voice - making sure one permit decision on a project is not contradicted by another state agency;
- * provides effective forum for involving local government in state decision-making beyond normal public input process;
- * consolidates and coordinates state permit review;
- * gives the state the ability to influence to some extent federal resource decisions in Alaska;
- * planted the seeds for local government to form in remote, rural areas;
- * gave ADF&G additional influence on resource development issues beyond strict regulatory authority;
- * gave agency permittees the time and place to ask others for their thoughts on specific projects.

"The federal consistency requirement, while not perfect, does let the state put their foot in the door on big projects and on major permits, such as NPDES permits. The ACMP is the only opportunity the state has to have any kind of say on federal projects like the Tongass Land Use Management Plan. While the state may not have much standing to challenge a federal decision, the ACMP makes them listen and justify their decisions."

"The best feature of the ACMP is the pre-project planning hosted by DGC."

"Before 1984 (the year the consistency regulations went into effect) agencies had to do a lot of coordination in addition to the technical aspects of permit review; now we focus more on the technical review."

"The ACMP taught Alaska the vernacular and the techniques employed in resource management and planning."

Progress toward goals

The rating follows the hyphen. Statements in **Bold** denote **moderate agreement**; statements in *Italics* denote *disagreement*. Statement in "plain" font denote a neutral response.

1. - 4.3 **The consistency review process helps local communities get involved in the project.** (In a 1989 survey, 17 state agency contacts rated this statement - 3.9)

2. - 4.0 **The consistency review process helps the various participants identify their interests and goals.** (In a 1989 survey, 17 state agency contacts gave this statement The same rating of 4.0)
3. - 2.9 *The ACMP provides a common basis for coastal decisions.*
4. - 3.1 **Protection of coastal land and water habitat are substantially improved by the ACMP.**
5. - 3.7 **The consistency review process helps develop better solutions to problems.** (In a 1989 survey, 17 state agency contacts rated this statement - 3.7)
6. - 3.4 The planning element of the ACMP provides a capability to anticipate and manage impacts of large resource development projects, such as oil and gas.
7. - 3.8 **The consistency review process helps coordinate agency permits.** (In a 1989 survey, 17 state agency contacts rated this statement - 3.9)
8. - 2.3 *The division of responsibility for management of coastal resources is clearly defined.*
9. - 3.6 **The consistency review process helps prevent, or helps resolve, conflicts.** (In a 1989 survey, 17 state agency contacts rated this statement - 3.7)
10. - 3.5 The consistency review process provides a unique role for involving local government in coastal decisions of local significance.
11. - 3.3 The consistency review process provides a unique role for involving local government in coastal decisions of state significance.
12. - 3.4 The consistency review process provides a unique role for involving local government in coastal decisions of federal significance.
- 13.- 3.7 **The consistency review process provides a unique role for involving state government in coastal decisions of federal significance.**
14. - 3.6 **The planning element of the ACMP enables developers of coastal resources to gain more certainty about state and local attitudes on development sites.**
15. - 2.9 The ACMP grants large measures of local control to unincorporated communities.
16. - 3.5 The ACMP provides for heightened and specific management for areas with extraordinary coastal values.
17. - 3.9 **Coastal uses of state and national significance can not be unreasonably excluded.**

The ratings made in the 1989 survey on the consistency review process were essentially duplicated in this survey of state agency contacts.

Progress toward balancing

* 90% of the respondents agreed with this statement:

The ACMP is a tool to develop resources in an environmentally sound manner.

*70% of the respondents disagreed with these statements:

The ACMP is being used to stop development.

“The ACMP is an imperfect consensus building process toward balance of development and protection of use.”

"Frequently, political influence tips the balance toward resource development at the expense of important coastal resources. In all my years with the program (10+) I never once saw a legitimate (applicant willing to work to re-shape the project) resource development project get rejected."
Don McKay

"If the ACMP were to go away, the balancing would still occur because we're all inoculated now and the public input process is institutionalized."

"When the parties are willing to negotiate, the goal of balancing resource development and protection is often met."

Any surprise developments?

"I was surprised to see communities themselves don't use or reference their own plan when commenting."

"Surprised to see the program evolve to where it's not entirely fair. Examples that come to mind:

- * when local communities are an applicant, they have more ownership in the project and exert and receive more influence than when they are just commenting on another applicant's permit;
- * treating after-the fact applicants the same as those that apply before commencing the project;
- * timber industry has a different standard and process than other industries; and
- * people who scream, shout and exert political pressure get treated differently."

"If an applicant forgets a permit, and oftentimes it's a minor permit, they must go through another ACMP review and then, to my surprise, I see these new stipulations being tacked on to the project; stipulations that weren't important enough for the earlier major permits."

"The ACMP is structured for fixed facilities but not for facilities that move like logging camps, and site clean-up barges. Consequently there is no way for the new locally affected area to comment on the facility's new location and activities. This Catch-22 was a surprise."

"First viewed standards has black and white; now I see them as grey with a lot of flexibility in how they get implemented."
Don McKay

"I was surprised that the CRSAs didn't turn to DNR to implement their plan through state land use designations; instead they turned to the state permit system to wield influence on projects."

"The transfer of problem-solving activities away from agencies and to DGC allowed the agencies to take more of a hard-line position on projects which resulted in extended time for permit approval."
Mike McKinnon

"In putting this coordinated review program together, I don't think anyone imagined how staff and budget reductions would impact the program."

"The lack of standard training comes to mind. Project reviewers in DGC don't have the comparable [to state agency permitters] technical background; making it hard for them to sit in judgement on projects."

Cornerstone Issue #1

Is the "networked system" of ACMP implementation through existing authorities still the preferred system? Should a "consistency permit", similar to the California Coastal Permit, be considered?

While the majority of respondents unequivocally favored the existing network system of implementation; three respondents thought there might be some merit to a central permit but doubted that the financial and political will existed to move in this direction. The majority viewpoint is further substantiated by giving most of the statements regarding the consistency review process a rating greater than 3.5. Specifically the respondents agreed that the consistency review process helps local communities get involved in the projects; helps the various participants identify their interests and goals; and helps coordinate agency permits. They also acknowledged that the consistency review process help to solve problems and resolve conflicts.

"The advantage to a coastal permit is then you can put enforcement behind it. Enforcement is the weak link in implementing the ACMP."

"While there are implementation problems with the ACMP, I can't think of a system that would work better for Alaska. We need to allocate the resources and staff to keep the coordination function running smoothly."
Dave Hardy

"If this were 1977 again, I would say we do need something like a coastal permit, but I recognize that policy and budget decisions are intertwined and we have no budget to do otherwise; therefore a coastal permit is not the right policy choice for Alaska in 1995."

Cornerstone Issue #1 continued

Should consistency determinations (for non-federal actions or permits) be shifted to the coastal districts or should the State-run process be amended to raise local district standing?

No respondents favored a shift to coastal districts; 3 persons favored modifying the State-run process; 7 persons wanted no change. One person suggested that coastal districts can take a third path toward exerting more influence on permits inside their jurisdiction - the example being Juneau's wetland plan that grants them control on "C" class wetlands.

"From the beginning, I was uneasy about giving so much power to local residents without requiring them to take on the responsibility of planning and zoning. Generally, it's unwise to separate authority and responsibility."
Mary Kay Hession

"Even if we shifted all the funding along with the decision-making authority to coastal districts, the level of technical review would be negatively impacted because there are a lot of agency reviewers who work on ACMP projects but are not funded by the ACMP. You can't shift authority without responsibility and you can't shift all the funding to carry out that responsibility."

"Shifting to coastal districts creates much more problems than it solves; particularly in regards to fairness. Applicants would be treated differently by individual communities."

To further gauge perception as to any shifts in the decision-making authority, respondents were asked a series of three questions:

A. "When you first became involved in the ACMP where did you perceive the decision-making arena to be on this scale in regards to making project decisions on ACMP consistency?"

1-----2-----3-----4-----5

- 1 - completely within local government
- 3 - equal sharing of decision-making authority
- 5 - completely within state government

Collective Response: 3.7

B. "Where do you perceive the decision-making arena to be now on this scale?"

1-----2-----3-----4-----5

Collective Response: 3.5

C. "In which direction should the ACMP move toward?"

- * 64% said keep it right where it is
- * 20% said move it in the direction of state government
- * 20% said move it in the direction of local government

"The authority of enforceable policies approved by the CPC should not have the same standing as statutes passed by the Legislature."

"If there is a desire to move toward local government, I suggest focusing on the elevation process. Districts could have a vote and be in the room the whole time. I've seen people who you wouldn't have believed were capable of reaching consensus come together. The elevation process really works and is valuable to districts as well."

Problem Areas with the ACMP

"Number one on my list is the petition process. The regulations need to be in place. Petitions are the undertow that can pull the whole program down."

"The standards need to be more specific so that consistent resource protection can be provided."

"There needs to be more care and feeding in communication; particularly with the districts. Consistent communication would make the districts feel better about the program."

"The most controversial aspect of a project is the argument for "habitat loss", i.e. ADF&G found eelgrass. ADF&G needs to go to the Legislature and get statutory and regulatory authority for habitat standards."

"Need to give resource agencies the authority to enforce stipulations outside their existing authority."

"People are expecting to use the CPC as a court of law when the CPC was never given that authority. Issues before the CPC now should be the subject of litigation."

Of the problem area descriptions given to respondents these are the statements that most respondents agreed with most:

- * **Enforceable policies in the coastal plans need to be clarified and improved.**
- * **Monitoring and enforcing compliance with stipulations does not happen enough and there is confusion as to who is responsible.**
- * **Coordination and communication of concerns needs to be improved in project reviews.**

There was only one problem statement that respondents clearly *disagreed* with:

- * *Coastal districts need to be given more deference in consistency determinations.*

PUBLIC/SPECIAL INTEREST

Public/Special Interest - Individuals currently or previously employed by a non-profit special interest organization. Five individuals were placed in this association. Together they offered insights from 25 years of association with the ACMP.

What is the value and function of the ACMP?

- * promotes local involvement and awareness of coastal development issues;
- * integrated and coordinated review of permits;
- * serves as the major mechanism for encouraging planning on the coast;
- * gives state a "say" on federal projects;
- * formally sanctions local opinion to enter policy discussions

"Communities that are activists have more say and influence. So the potential of local government to have a say in the kinds of development they want still exists."

"The ACMP coordination process should be expanded to the rest of the state."

Progress toward goals

The rating follows the hyphen. Statements in **Bold** denote moderate agreement; statements in *Italics* denote *disagreement*. Statement in "plain" font denote a neutral response.

1. - 4.3 **The consistency review process helps local communities get involved in the project.**
2. - 3.4 The consistency review process helps the various participants identify their interests and goals.
3. - 3.8 **The ACMP provides a common basis for coastal decisions.**
4. - 3.6 **Protection of coastal land and water habitats are substantially improved by the ACMP.**
5. - 4.2 **The consistency review process helps develop better solutions to problems.**
6. - 3.8 **The planning element of the ACMP provides a capability to anticipate and manage impacts of large resource development projects, such as oil and gas.**
7. - 4.0 **The consistency review process helps coordinate agency permits.**
8. - 2.6 *The division of responsibility for management of coastal resources is clearly defined.*
9. - 4.0 **The consistency review process helps prevent, or helps resolve, conflicts.**
- 10.- 4.0 **The consistency review process provides a unique role for involving local government in coastal decisions of local significance.**
- 11.-4.0 **The consistency review process provides a unique role for involving local government in coastal decisions of state significance.**
- 12.- 3.8 **The consistency review process provides a unique role for involving local government in coastal decisions of federal significance.**
- 13.- 4.0 **The consistency review process provides a unique role for involving state government in coastal decisions of federal significance.**

- 14 - 3.6 **The planning element of the ACMP enables developers of coastal resources to gain more certainty about state and local attitudes on development sites.**
15. - 3.0 The ACMP grants large measures of local control to unincorporated communities.
16. - 4.2 **The ACMP provides for heightened and specific management for areas with extraordinary coastal values.**
17. - 3.2 Coastal uses of state and national significance cannot be unreasonably excluded.

Progress toward balancing

* All the respondents agreed with this statement:

The ACMP is a tool to develop resources in an environmentally sound manner.

* 4 of 5 of the respondents agreed with this statement:

The ACMP balances resource development and protection interests.

* All respondents *disagreed* with this statement:

The ACMP is being used to stop development.

Any surprise developments?

"It didn't result in as big a negative impact on coastal development as many had feared. The standards were not substantive enough to place consistent restrictions; they were open to interpretation and were applied on a case-by-case basis."

"I was surprised at how much the federal government could ignore the ACMP recommendations, even when supported by comments from the Governor."

"A communication gap between state and local government was a surprise. In particular, there is a lack of information to local governments on how they can use this program to their advantage."

"We were real surprised by SB 308. Just when we thought the ACMP was being implemented the right way, the Hickel administration went to the legislators to get it changed."

Cornerstone Issue #1

Is the "networked system" of ACMP implementation through existing authorities still the preferred system? Should a "consistency permit", similar to the California Coastal Permit, be considered?

Four of five respondents clearly prefer the existing "networked system" of implementation. The remaining person was neutral and had no preference. The majority viewpoint is further substantiated by giving most of the statements regarding the consistency review process a rating greater than 3.5. Specifically, the respondents agreed that the consistency review process helps local communities get involved in the projects; helps the

various participants identify their interests and goals; and helps coordinate agency permits. They also acknowledged that the consistency review process help to solve problems and resolve conflicts.

"Just a straight permit without the coordination function would just set the State back to where each agency stakes out a different position. Besides, the standards as written are too vague to be converted into a "consistency permit."

"The network system is a much more efficient approach, but there needs to be a lot more education of permitters to make it work consistently across the state."

Cornerstone Issue #1 continued

Should consistency determinations (for non-federal actions or permits) be shifted to the coastal districts or should the State run process be amended to raise local district standing?

Four of five cited the need to be practical when indicating a preference for modifying the State run process instead of shifting it to coastal districts. One respondent suggested that the State should try setting up a pilot program for a coastal district that may have the staff and financial resources to administer the consistency review process, i.e. create the "shift" option on a pilot program basis.

"I'm a big fan of self-determination but without the training and resources to make the district determination work, the state needs to keep a strong role in the process."

To further gauge perception as to any shifts in the decision-making authority, respondents were asked a series of three questions:

A. "When you first became involved in the ACMP where did you perceive the decision-making arena to be on this scale in regards to making project decisions on ACMP consistency?"

1-----2-----3-----4-----5

- 1 - completely within local government
- 3 - equal sharing of decision-making authority
- 5 - completely within state government

Collective Response: 4.2

B. "Where do you perceive the decision-making arena to be now on this scale?"

1-----2-----3-----4-----5

Collective Response: 4.2

C. "In which direction should the ACMP move toward?"

*** all respondents favored moving the decision-making arena toward local government**

"My reading of due deference says the state gets what it wants."

"The tipping of the balance should be toward those local governments that demonstrate how a particular project meets their plan. The burden of proof should be on the state, i.e. uses of state concern, to do otherwise."

"While I would like to see it move more toward local government, I recognize the need to keep the baseline of state standards and responsibility of agencies to administer the statutes. The key is opening the current administration to local government influence."

Problem Areas with the ACMP

"The most immediate problem is making the petition process workable. Make the petition process clear and unequivocal in allowing citizens of districts to appeal when they raise a significant coastal issue, such as a clear conflict between project and policy. The standard of appeal should be set to capture deliberate misapplication of plans - more than a NIMBY concern."

"I'd like to see the standards rewritten to make them more substantive."

"I think there needs to be clarification about the ability of local government to influence any development project that would impact their community."

"I'd like to see more cooperation among CRSAs and resource agencies to identify data gaps and research needs."

Of the problem area descriptions given to respondents these are the statement that most respondents clearly agreed with:

- * Coastal districts need to be given more deference in consistency determinations.
- * Coastal Policy Council needs to define their role.
- * Monitoring and enforcing compliance with stipulations does not happen enough and there is confusion as to who is responsible.

There was one problem statement that respondents clearly *disagreed* with:

- * *Socioeconomic aspects need more consideration in the ACMP decision-making.*

BUSINESS COMMUNITY RESPONSES

Business Community - Individuals currently in the private sector or who responded to the questions from a past industry association. Five individuals were placed in this association. Together they offered insights from 61 years of association with the ACMP.

What is the value and function of the ACMP?

- * provides coordinated review of permits and projects through DGC;
- * gives local people an opportunity to participate in region wide resource planning.
- * causes the state to speak with one voice on projects; particularly when federal permits are involved;
- * gives industry an ability to challenge a resource agency on a factual basis through a more friendly environment of discussion where give and take occurs.

"I think one of the most compelling reasons to embrace the ACMP is DGC's timeliness for issuing a State consistency determination and DGC's coordinating role with the permitting agencies and communities with approved district coastal programs. DGC serves as a facilitator to bring permitting issues into the focus and find resolution quickly and efficiently."

"I see no particular advantage with the ACMP, but I do see a definite advantage to the state maintaining a strong coordinating role on permits. The reason I say this is because the district plans are so general that they give almost no guidance to companies; but companies value the coordinated review of permits."

Progress toward goals

The rating follows the hyphen. Statements in **Bold** denote moderate agreement; statements in *Italics* denote *disagreement*. Statements in "plain" font denote a neutral response.

1. - 4.0 **The consistency review process helps local communities get involved in the project.** (In a 1989 survey, 10 large business applicants rated this statement - 3.7)
2. - 3.4 The consistency review process helps the various participants identify their interests and goals. (In a 1989 survey, 10 large business applicants rated this statement - 3.6)
3. - 3.0 The ACMP provides a common basis for coastal decisions.
4. - 3.6 **Protection of coastal land and water habitats are substantially improved by the ACMP.**
5. - 2.8 *The consistency review process helps develop better solutions to problems.* (In a 1989 survey, 10 large business applicants rated this statement - 3.0)
6. - 3.0 The planning element of the ACMP provides a capability to anticipate and manage impacts of large resource development projects, such as oil and gas.
7. - 4.5 **The consistency review process helps coordinate agency permits.** (In a 1989 survey, 10 large business applicants rated this statement - 4.3)
8. - 1.8 *The division of responsibility for management of coastal resources is clearly defined.*

9. - 3.0 The consistency review process helps prevent, or helps resolve, conflicts.
(In a 1989 survey, 10 large business applicants rated this statement - 4.0)
10. - 3.6 **The consistency review process provides a unique role for involving local government in coastal decisions of local significance.**
11. - 3.6 **The consistency review process provides a unique role for involving local government in coastal decisions of state significance.**
12. - 3.8 **The consistency review process provides a unique role for involving local government in coastal decisions of federal significance.**
13. - 3.4 The consistency review process provides a unique role for involving state government in coastal decisions of federal significance.
14. - 2.2 *The planning element of the ACMP enables developers of coastal resources to gain more certainty about state and local attitudes on development sites.*
15. - 2.6 The ACMP grants large measures of local control to unincorporated communities.
16. - 4.4 **The ACMP provides for heightened and specific management for areas with extraordinary coastal values.**
17. - 3.0 Coastal uses of state and national significance can not be unreasonably excluded.

The 1989 random survey of large business applicants showed a more favorable rating of the consistency review process. Large businesses agreed in 1989 that the consistency review process helps prevent or resolve conflicts and helps the various participants identify their interests and goals.

Progress toward balancing

* 100% of the respondents agreed with these statement:

**The ACMP is a tool to develop resources in an environmentally sound manner.
The ACMP balances resource development and protection interests.**

* Four out of five respondents also agreed with this response:

The ACMP is being used to stop or delay development. These respondents modified the original statement by adding in the word "or delay". All interviewees were given the prerogative to alter these statements to their liking. This was the only case where all the respondents in an analysis group offered the same modification.

Any surprise developments?

"I never imagined how legalistic it got to develop projects in an environmentally sensitive way. Instead of focusing attention on how to minimize risk to the environment, "elevations" became the answer and then the discussion would shift away from the value of the resource to these arcane procedural requirements."

"The appeals to the CPC are a totally surprise. I have not seen an appeal yet where the applicant actually stayed within the bounds of the appeal. They are requesting much more than the CPC can give them and they're providing new information which is not appropriate to that particular process."

"Sometimes the ACMP planning process can create an acrimonious relationship between the landowner and the community because industry is not invited into the early planning process and some of these plans end up being "bombs on the desk". Some districts use their plan as a club against us instead of coming to industry as part of their overall community development planning."

"In some cases I was surprised to see the comments of the local community get brushed over."

Cornerstone Issue #1

Is the "networked system" of ACMP implementation through existing authorities still the preferred system? Should a "consistency permit", similar to the California Coastal Permit, be considered?

All respondents unequivocally favored the existing network system of implementation. This is further substantiated by the fact that all agreed the consistency review process helps local communities get involved in the projects and helps coordinate agency permits.

"The California Coastal Commission is a bigger bogeyman than DGC."

"The California proposal almost blew the state apart back when it was first proposed."

"A coastal permit would not be satisfactory to industry unless other permits were eliminated and DGC became more of a super-agency."

Cornerstone Issue #1 continued

Should consistency determinations (for non-federal actions or permits) be shifted to the coastal districts or should the State-run process be amended to raise local district standing?

All respondents favored the existing system with no shifting or modifications to the state-run process.

"If you shift to local government, you no longer have that balancing act because it's no longer what's in the state's best interest. A shift to local government would have no support from the members of my industry."

"The diversity in Alaska is so vast that you can't just put it all at the local level because the level of implementation is so variable between areas."

To further gauge perception as to any shifts in the decision-making authority, respondents were asked a series of three questions:

A. "When you first became involved in the ACMP where did you perceive the decision-making arena to be on this scale in regards to making project decisions on ACMP

consistency?

1-----2-----3-----4-----5

- 1 - completely within local government
- 3 - equal sharing of decision-making authority
- 5 - completely within state government

Collective Response: 3.5

B. "Where do you perceive the decision-making arena to be now on this scale?"

1-----2-----3-----4-----5

Collective Response: 3.5

C. "In which direction should the ACMP move toward?"

- * 4 out of 5 respondents said keep it right where it is
- * 1 respondent wanted it moved back toward state government

"There is this fixation with "local knowledge"; but it's not universal in application and it can be misused."

"I want to see the needle move toward science being the driver over politics and emotions. Local interest groups already have substantial political influence over how the process works."

"Due deference is a good concept. Due deference doesn't change the decision point, it changes the presumption on the information. Influence should be proportionate to the expertise, knowledge and information you bring to the table."

"State resources are the economic engine of this state and if you acquiesce the authority to manage and develop these resources to the local government, there will be serious repercussions to the state's economy."

Problem Areas with the ACMP

"Fix the definition of the coastal zone. Make it more narrow in scope so that it doesn't apply 100 miles up the river."

"The CPC needs to stabilize their role."

"While the ACMP process allows for interaction which is good, it also is more open to abuse than other review processes."

"There are not enough general permits on low impact projects that result in standard stipulations being attached to permits. This would smooth out the paper process and put agency persons in the field where they can make the biggest difference."

"The ACMP is not broken - it just needs adjustments on the margins."

Of the problem area descriptions given to respondents, these are the statements that most respondents tended to agree with most:

- * **Coastal Policy Council needs to define their role.**
- * **Enforceable policies in the coastal plans need to be clarified and improved.**
- * **Large project reviews need to be clarified and improved.**
- * **The geographic scope of ACMP should be reconsidered, particularly the application of enforceable policies outside municipal boundaries.**

There were two problems statement that respondents tended to *disagree* with:

- * *Coastal districts need to be given more deference in consistency determinations.*
- * *Socioeconomic aspects need more consideration in the ACMP decision-making process.*

Please Note: A few interviewees felt they were not current enough with the program to respond to these problem areas. Therefore the tabulations here are less reflective of the group.

COMPOSITE and SUMMARY FINDINGS From All 38 Interviewees

To gauge collective perspectives on progress made toward the original goals of the ACMP (listed on page 19 of the FEIS approving Alaska's program) a survey was folded into the interviews. The goal statements were simplified into statements for rating and respondents were asked to evaluate the statements on a five-point Likert-type scale (where 5 = strongly agree, 4 = agree, 3 = neutral, 2 = disagree, and 1 = strongly disagree). Five survey statements from a consistency review survey done in 1989 were also included in the list of statements for respondents to rate. Agreement or disagreement with the statement "in practice" not "intent" was emphasized before the rating commenced.

In this (Likert-scale) type of survey scores, will run slightly positive. Scores between 3.0 and 3.5 should be read as neutral; scores between 3.5 and 4.0 indicate moderate agreement; scores between 4.0 and 4.5 as indicating high agreement and scores below 3.0 indicate disagreement. There are two exceptions to this reading. The first is statement # 4 which carries the leading term "substantially" (part of the original goal statement in the FEIS). Second is statement # 15 which carries the leading term "large measure" (part of the original goal statement in the FEIS). To offset the inclusion of leading positive terms the rating interpretation needs a downward adjustment. Hence, for these statements a rating greater than 3.0 should be read as moderate agreement, 2.5 to 3.0 as neutral and less than 2.5 should be read as disagreement.

Progress toward goals

The composite rating follows the hyphen. Statements in **Bold** denote moderate agreement; statements in *Italics* denote *disagreement*. Statement in "plain" font denote a neutral response.

1. - 3.8 **The consistency review process helps local communities get involved in the project.**

Living History: 4.0 Local Government: 3.6 State Government: 4.3
Public/Special Interest: 4.3 Business Community: 4.0
The state agency, public/special interest and "living history" groups all gave this statement their highest rating overall.

2. - 3.8 **The consistency review process helps the various participants identify their interests and goals.**

Living History: 3.9 Local Government: 4.0 State Government: 4.0
Public/Special Interest: 3.4 Business Community: 3.4

3. - 3.1 **The ACMP provides a common basis for coastal decisions.**

Living History: 3.2 Local Government: 3.1 State Government: 2.9
Public/Special Interest: 3.8 Business Community: 3.0

4. - 3.4 **Protection of coastal land and water habitat are substantially improved by the ACMP.**

Living History: 3.3 Local Government: 3.3 State Government: 3.1

Public/Special Interest: 3.6 Business Community: 3.6
State agencies gave this statement the weakest response; showing only mild agreement.

5. - 3.4 The consistency review process helps develop better solutions to problems.
Living History: 3.4 Local Government: 3.4 State Government: 3.7
Public/Special Interest: 4.2 Business Community: 2.8
6. - 3.2 The planning element of the ACMP provides a capability to anticipate and manage impacts of large resource development projects, such as oil and gas.
Living History: 3.6 Local Government: 3.1 State Government: 3.4
Public/Special Interest: 3.8 Business Community: 3.0
7. - 3.9 **The consistency review process helps coordinate agency permits.**
All groups agreed with this statement but the business community strongly agreed and gave this statement their highest rating overall.
Living History: 3.9 Local Government: 3.9 State Government: 3.8
Public/Special Interest: 4.0 Business Community: 4.5
The business community gave this statement their highest rating.
8. - 2.2 *The division of responsibility for management of coastal resources is clearly defined.*
Living History: 2.3 Local Government: 2.2 State Government: 2.3
Public/Special Interest: 2.6 Business Community: 1.8
With four of five groups strongly disagreeing, this statement received the lowest rating overall.
9. - 3.4 The consistency review process helps prevent, or helps resolve, conflicts.
Living History: 3.4 Local Government: 3.3 State Government: 3.6
Public/Special Interest: 4.0 Business Community: 3.0
10. - 3.6 **The consistency review process provides a unique role for involving local government in coastal decisions of local significance.**
Living History: 3.0 Local Government: 3.5 State Government: 3.5
Public/Special Interest: 4.0 Business Community: 3.6
11. - 3.5 The consistency review process provides a unique role for involving local government in coastal decisions of state significance.
Living History: 3.4 Local Government: 3.8 State Government: 3.3
Public/Special Interest: 4.0 Business Community: 3.6
Of particular note is the strong rating given by local governments.
12. - 3.5 The consistency review process provides a unique role for involving local government in coastal decisions of federal significance.
Living History: 3.4 Local Government: 3.2 State Government: 3.3
Public/Special Interest: 3.8 Business Community: 3.8

13. - 3.5 The consistency review process provides a unique role for involving state government in coastal decisions of federal significance.
 Living History: 3.4 Local Government: 2.7 State Government: 3.4
 Public/Special Interest: 4.0 Business Community: 3.4
 The local government group gave this statement their second lowest rating.
14. - 3.3 The planning element of the ACMP enables developers of coastal resources to gain more certainty about state and local attitudes on development sites.
 Living History: 3.4 Local Government: 3.3 State Government: 3.6
 Public/Special Interest: 3.6 Business Community: 2.2
 The business community strongly disagreed; giving it their second lowest rating.
15. - 2.9 The ACMP grants large measures of local control to unincorporated communities.
 Living History: 2.5 Local Government: 3.0 State Government: 2.9
 Public/Special Interest: 3.0 Business Community: 2.6
 The "living history" group disagreed; giving it their second lowest rating.
16. - 3.6 The ACMP provides for heightened and specific management for areas with extraordinary coastal values.
 Living History: 3.4 Local Government: 3.6 State Government: 3.5
 Public/Special Interest: 4.2 Business Community: 4.4
 The business community gave this statement their second highest rating overall.
17. - 3.7 Coastal uses of state and national significance can not be unreasonably excluded.
 Living History: 3.7 Local Government: 4.2 State Government: 3.9
 Public/Special Interest: 3.2 Business Community: 3.0
 Of particular note is the rating of 4.2 given by local government; their highest rating overall.

In summary, there is overall recognition that these goals listed in the FEIS are being met:

- * To provides a common basis for coastal decisions. (While this statement by itself received a neutral rating, statements # 2 and #7 - relating to the consistency review process- all received ratings showing moderate agreement. These statements elucidated the term "common basis" and as such are included in evaluating this goal.)
- * To substantially improve the protection of coastal land and water habitats.
- * To provide a special process for heightened and specific management attention to areas with extraordinary coastal values.
- * To guard against the unreasonable exclusion of coastal uses of statewide and national significance.
- * To provide a role for local units of governments in coastal decisions of local significance.

There is clear recognition that this goal listed in the FEIS is not being met:

- * To clearly define the division of responsibility for management of coastal resources.

These remaining goals may or may not be met depending on one's perspective:

- * To provide a capability to anticipate and manage impacts of large resource development such as energy, timber mining and commerce.
- * To establish a process for resolving conflicts.
- * To provide a role for local units of governments in coastal decisions of state and federal significance.
- * To provide more certainty about state and local desires to entrepreneurs concerned with locating development sites.
- * To grant large measures of local control to unincorporated communities.

Progress toward balancing

- * 91% of the respondents agreed with this statement:

The ACMP is a tool to develop resources in an environmentally sound manner.

- * 61% of the respondents *disagreed* with this statement:

The ACMP is being used to stop development. The main exception is the business community who showed strong agreement with this modified statement: "The ACMP is being used to stop or delay development."

Cornerstone Issue #1

Is the "networked system" of ACMP implementation through existing authorities still the preferred system? Should a "consistency permit", similar to the California Coastal Permit, be considered?

85 % of the respondents favored keeping the existing "network system" of ACMP implementation. Most of the persons who indicated some preference toward a "consistency permit" (15%) couched their response as "may be worth looking at further". The positive

-35-
ratings of the consistency review process corroborates this strong majority favoring a "network system"

Cornerstone Issue #1 continued

Should consistency determinations (for non-federal actions or permits) be shifted to the coastal districts or should the State-run process be amended to raise local district standing?

- * **only 8% favored a complete shift to coastal districts; 92% favored no shift to coastal districts.**
- * Of the 92 % favoring the state retaining management of the consistency review process, 42% of the respondents did not want any change in the state-run process period.
- * Of the 92 % favoring the state retaining management of the consistency review process, 50% favored modifying the state-run process to raise local district standing.

To further gauge perception as to any shifts in the decision-making authority, respondents were asked a series of three questions:

A. "When you first became involved in the ACMP where did you perceive the decision-making arena to be on this scale in regards to making project decisions on ACMP consistency?"

1-----2-----3-----4-----5

- 1- completely within local government
- 3 - equal sharing of decision-making authority
- 5 - completely within state government

Group Responses:

Living History: 3.3	Local Government: 3.4	State Government: 3.7
Business Community: 3.5	Public/Special Interest: 4.2	

Collective Response: 3.6

B. "Where do you perceive the decision-making arena to be now on this scale?"

1-----2-----3-----4-----5

Group Responses:

Living History: 3.4	Local Government: 4.1	State Government: 3.5
Business Community: 3.5	Public/Special Interest: 4.2	

Collective Response: 3.7

The biggest perceived change is by the local government group. They clearly view the state as having gained more authority on consistency determinations. Contrary to this, the state agency group perceives modest movement toward local government authority on consistency determinations. The living history groups noted a slight shift toward local government, while the other two groups perceived no change in the decision-making arena.

C. "In which direction should the ACMP move toward?"

* 56 % of the respondents favored moving the decision-making arena toward local government. Generally the state agency and business community groups want status quo with the decision-making structure while the local government and public/interest groups want movement toward local government. This insight is also borne out by looking at how the groups responded to the problem statement on districts needing more deference.

Cornerstone Issue #2

How do the ACMP authorities relate to the management and regulatory authorities of state agencies and local government?

Indirect comments of interviewees:

"The Department of Commerce and Economic Development should be involved in elevations. This would inject socioeconomic aspects into state decisions."

Having agencies comment on the entire package - not just their permits is where I'd like to see the entire permit process go. I'd rather not have 23 separate permits. I'd rather have a plan of operations that the agencies comment on. That they approve the one plan of operations then write stipulations and you have a program that industry must abide by. Just lay out your entire project and how you intend to abide by the laws and regulations and let everyone say "yes", "no" or "maybe".

"I would like to see DGC create a general permit for remote camps. Whether it's for logging, tourism, or fishing you need to get 6-7 permits and every time, every year the permits come out with the exact same stipulations. But, meanwhile I've lost a lot of efficiency and cost to consultants and the agency is spending a lot time on routine paper processing and not in the field. Everyone loses by the current system."

"DEC has the most relevant permits for the ACMP."

"The Department of Community and Regional Affairs should be reinvented in the consistency review process. At a minimum they should be getting the notices and making calls to engage the coastal districts and be there as an advocate for coastal districts."

"Combine all the regulatory functions associated with the ACMP and put into DEC. DNR uses a proprietary process which is very tedious process; so DNR doesn't make sense and DEC has most of the regulatory responsibilities. Besides water is ubiquitous and knows no boundaries and is best managed through a regulatory process and not a proprietary process."

"I'd rather see the permit system oriented toward projects (what people do) rather than agency regulatory authorities - move toward one-stop project review and add in tideland leases."

"If the state agencies withdraw significantly from the DGC central coordinating process, the industry in a matter of months would be screaming for regulatory reform with a lead agency. We need to move toward more integration, not less."

"Have air quality notice the complete application instead of their permit. It does not make sense to hold up the entire process while DEC air division creates a draft permit so their 30 days can run at a different time frame."

Cornerstone Issue #3

Should the role of the CPC in establishing policy (e.g. Plan approval, promulgation of regulations) change? Should the role of the CPC in overseeing implementation and enforcement (e.g. petitions) change?

Indirect comments of interviewees

"CPC needs to get out of the implementation role and back into the policy role."

"CPC needs to get out of consistency determinations period."

"The relevancy and profile of the ACMP needs to be raised. There needs to be an active and visible (high profile) CPC. The CPC used to be the life, spice and breath of the program. When was the last time you saw Coastal Management in the paper? They should be charged to explore the issues of the day."

"Make the petition process clear and unequivocal in allowing citizens of districts to appeal when they raise a significant coastal issue, such as a clear conflict between a project and a policy. The standard of appeal should be set to capture deliberate misapplication of plans more than a NIMBY concern."

"The appeals to CPC are a totally surprise. I have not seen an appeal yet where the applicant actually stayed within the bounds of the appeal. They are requesting much more than the CPC can give them and they're providing new information which is not appropriate to that particular process."

"District are rightly committed to CPC having a role in petitions but if they get a vote in elevations these concern may be met."

"Giving districts a seat or a vote at the elevation table should not supplant the ability of districts to file petitions."

"CPC should review the standards and rewrite them so they are legally enforceable."

"In the context of pre-1984 regulations, districts were to be able to appeal a "no" on a project to CPC and then the CPC would consider if an "overriding uses of state concern" existed."

"CPC needs regulatory guidance on handling unforeseen "overriding uses of state concern."

Problem Areas with the ACMP

Based on their experience the respondents were asked if they agree/disagree with these problem statements. Here is the composite response from 32 interviewees:

- a. Coastal districts need to be given more deference in consistency determinations.
55% Agree 42% Disagree 3% Don't Know
- b. Socioeconomic aspects need more consideration in the ACMP decision-making.
53% Agree 38% Disagree 9% Don't Know
- c. Coastal Policy Council needs to redefine (or just define) their role.
63% Agree 6% Disagree 31% Don't Know
- d. Enforceable policies in the coastal plans need to be clarified and improved.
84% Agree 9% Disagree 7% Don't Know
- e. Large project reviews need to be clarified and improved.
59% Agree 25% Disagree 16% Don't Know
- f. Monitoring and enforcing compliance with stipulations does not happen enough and there is confusion as to who is responsible.
88% Agree 6% Disagree 6% Don't Know

g. The geographic scope of ACMP should be reconsidered, particularly the application of enforceable policies outside municipal boundaries.

31% Agree 45% Disagree 24% Don't Know

h. Coordination and communication of concerns needs to be improved in project review.

66% Agree 22% Disagree 13% Don't Know

Among the group responses there are a few differences and agreements worth noting. First, is the difference on statement "a". Both the business community and state agencies disagreed that the districts need more deference. When it comes to socioeconomic aspects getting more consideration there is another interesting split. The business community and the public/special interest groups both disagree that this is a problem, while the "living history" and the local government groups agreed it was a problem.

MEMORANDUM

STATE OF ALASKA

Office of the Governor

Division of Governmental Coordination

To: Alaska Coastal Policy Council

Date: March 29, 1995

File: Audit.395

Telephone: 465-3562

Telecopy: 465-3075

From: Diane Mayer *DM*
Division of Governmental
Coordination

Subject: Legislative Audit Report on
DGC Administration of the Alaska
Coastal Management Program

For your information, attached is a copy of an *Audit Report: Office of the Governor, Division of Governmental Coordination Administration of the Alaska Coastal Management Program*, recently completed by the Division of Legislative Audit, Alaska State Legislature.

This report provides a simple overview of the program and an objective review of its implementation. The Legislative Audit Report conclusions can be found on pages 11-16. In summary, the report concludes that:

- 1) The Alaska Coastal Management Program (ACMP) provides the State significant influence over federal actions in the coastal zone. Unlike NEPA where federal agencies are only required to *consider* State comments, coastal zone management requires that federal actions be consistent with State coastal management plans.
- 2) The ACMP also provides coastal districts unique benefits not provided in other programs. Under the ACMP, coastal districts gain formal status in the State and federal decision-making on resource management and coastal development activities.
- 3) The Division of Governmental Coordination (DGC) is the most appropriate agency to administer the ACMP. As an independent agency operating out of the Governor's Office, DGC is "...best positioned to build the consensus between competing resource agencies and coastal districts that is necessary for successful implementation of the program."
- 4) Discussions with agencies and an audit of consistency review files show that DGC has been successful in the role of facilitator and consensus builder. Files also show a considerable level of State agency and district participation in consistency reviews.

While a favorable audit of the ACMP is no surprise, neither is it reason to be satisfied. I look forward to hearing your ideas for program improvements and ways the ACMP can help build healthy Alaskan communities and meaningful jobs.

cc: Alaska Coastal Districts
ACMP Working Group
Marilyn Heiman, Governor's Office
John King, NOAA/OCRM
DGC Staff

Audit Report

OFFICE OF THE GOVERNOR
DIVISION OF GOVERNMENTAL
COORDINATION
ADMINISTRATION OF THE ALASKA
COASTAL MANAGEMENT PROGRAM

December 16, 1994



Audit Control Number:

01-4506-95

Division of Legislative Audit
P.O. Box 113300, Juneau, Alaska 99811-3300

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P. O. Box 113300
Juneau, AK 99811-3300
(907) 465-3830
FAX (907) 465-2347

December 16, 1994

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes, the attached report is submitted for your review.

OFFICE OF THE GOVERNOR
DIVISION OF GOVERNMENTAL COORDINATION
ADMINISTRATION OF THE ALASKA
COASTAL MANAGEMENT PROGRAM

December 16, 1994

Audit Control Number

01-4506-95

This audit addresses the Division of Governmental Coordination's administration and costs of the Alaska Coastal Management Program (ACMP), which is the Division's primary responsibility. We also address the unique benefits the ACMP provides to the State of Alaska that are not available through other federal or state programs.

The audit was conducted in accordance with generally accepted government auditing standards. Fieldwork procedures utilized in the course of developing the findings and discussion presented in this report are discussed in the Objectives, Scope, and Methodology section on page one of this report.



Randy S. Welker, CPA
Legislative Auditor

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OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Title 24 of the Alaska Statutes and a special request by the Legislative Budget and Audit Committee, we conducted a review of the Division of Governmental Coordination (DGC) in the Office of the Governor. The emphasis of our report is to evaluate DGC's coordination and administration of the Alaska Coastal Management Program (ACMP).

Objectives

The specific objectives of our review were to:

1. Determine if the ACMP provides any unique benefits to the State that are not duplicated by other federal or state programs.
2. Determine if DGC is the appropriate agency to coordinate and administer the ACMP.
3. Determine the ACMP's cost to the State's general fund.
4. Determine if DGC's coordination during the Hickel administration has inordinately influenced the consistency review process.

Scope and Methodology

The scope of our review focused on DGC's coordination and administration of the ACMP. However, implementation of the ACMP relies not only on DGC, but also the ACMP activities of the resource agencies and local districts. Due to this, we contacted individuals involved with the ACMP process from several state agencies¹ and local governments in the coastal districts.² Because our focus was DGC's coordination and administration of the ACMP, we limited our discussions with resource agencies and local districts to their interactions with DGC rather than their implementation of the ACMP. Accordingly, we did not review documentation for ACMP activities at resource agencies and local districts.

We interviewed DGC personnel concerning ACMP grant administration, the consistency review process, and financial documentation. Additionally, we interviewed representatives

¹The primary state agencies involved in the ACMP process are DGC and the state government resource agencies (Department of Natural Resources, Department of Environmental Conservation, and Department of Fish and Game). We also contacted other individuals at Department of Transportation and Public Facilities, Department of Community and Regional Affairs, Department of Military and Veterans' Affairs, and Department of Law.

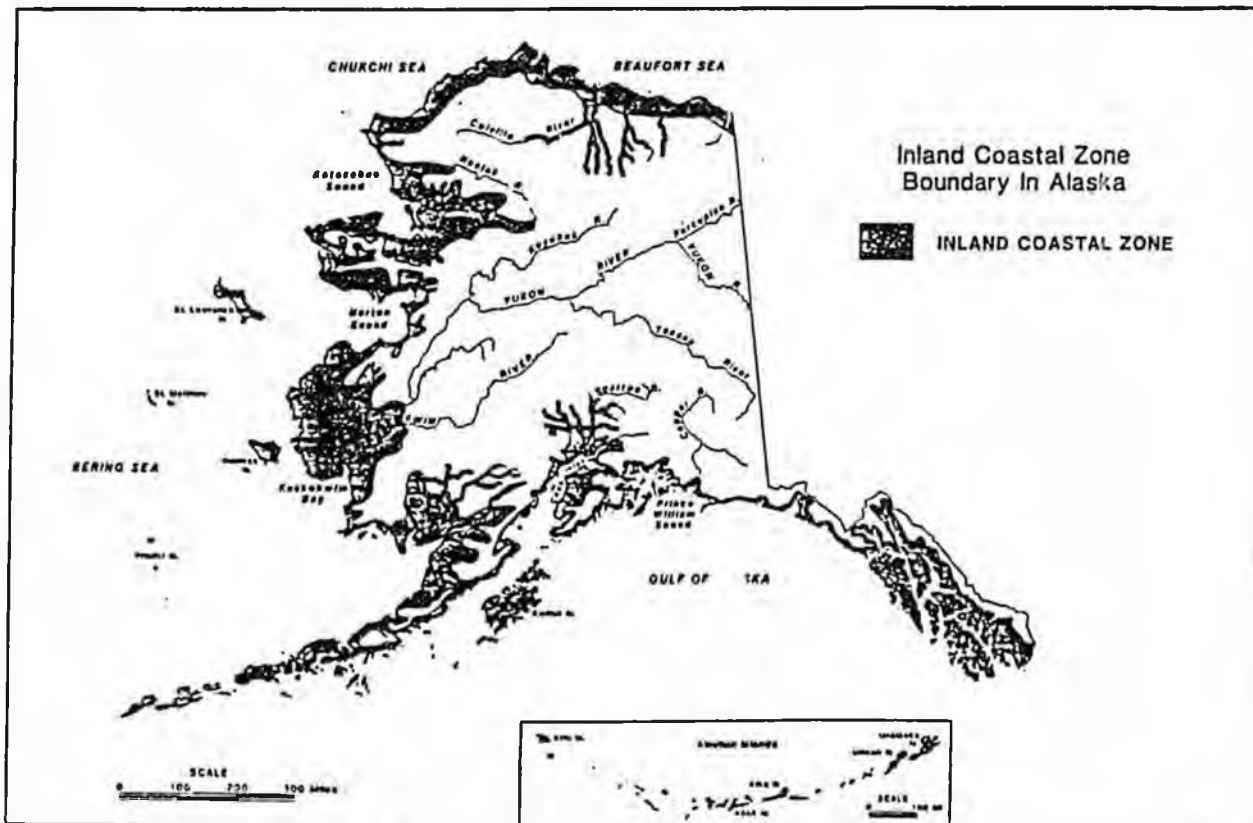
²See maps on pages 2 and 4 for identification of Alaska's coastal zone region and specific coastal districts.

of federal agencies familiar with the coastal management process. We attended a public meeting of the Coastal Policy Council where the participants assessed the ACMP process.

We reviewed the federal Coastal Zone Management Act of 1972 as reauthorized in 1990 and the Alaska statutes and regulations regarding the ACMP. Also other research and management reports regarding the ACMP, DGC and the state permitting process were reviewed.

We examined a representative sample of DGC consistency review files completed in FY 93 and FY 94. We tested for evidence of: (1) commenting by local districts and state resource agencies, (2) reasonableness of consistency determinations based on comments, and (3) accuracy of DGC's management information system data with file documentation.

DGC's accounting information for FY 91 through FY 94 was analyzed using the accounting data in AKSAS, the State's central accounting system, as well as other DGC records. Some information was utilized from annual financial reports to the federal funding agency, National Oceanic and Atmospheric Administration, Office of Coastal and Ocean Resource Management.



ORGANIZATION AND FUNCTION

Division of Governmental Coordination

The Division of Governmental Coordination (DGC) was established by AS 44.19 in the Office of the Governor under the Office of Budget and Management (OMB). Although its title might suggest a broader scope, DGC's primary responsibility for many years has been development, implementation, and administration of the Alaska Coastal Management Program (ACMP). At times the governor or a federal agency requests that DGC perform special projects not specifically included in the ACMP's scope. However, these projects have usually involved environmental and land use policy issues and coordination with the federal laws. These other activities have been less significant to DGC's operations, usually entailing less than 5-10% of the agency's expenditures.

As discussed in the Background Information section, the ACMP is Alaska's means of participating in the federal Coastal Zone Management Act (CZMA) of 1972. The purpose of CZMA is to promote effective management, beneficial use, protection, and development of the coastal zone nationwide. Administration of the program includes: (1) offering technical assistance with development of local district plans to 35 coastal districts (see map on next page); (2) providing staff support to the Alaska Coastal Policy Council (CPC); and (3) coordinating ACMP consistency reviews which involves consensus building among state agencies, coastal districts, and coastal project applicants.

The ACMP is driven by 33 coastal management plans from 35 coastal districts. Two of the coastal districts, Wrangell and Petersburg, have not developed coastal management plans. All of the completed plans were developed by local coastal districts to address specific regional concerns. Each plan has been approved by the Coastal Policy Council and the National Oceanic and Atmospheric Administration (NOAA). Proposed development projects in the coastal zone are reviewed for consistency with the coastal management plans and additional requirements associated with state and federal permits.

Of the 35 coastal districts, 31 are organized local governments with land use authority that can be used to implement their coastal plans. Four of the districts are coastal resource service areas (CRSAs), which do not have the powers of land use planning and rely on state agencies to enforce the conditions of their coastal plans. Projects reviewed in the two coastal districts without plans are subject to the statewide coastal management plan.

Each of the resource agencies (Department of Environmental Conservation, Department of Fish and Game, and Department of Natural Resources) is also involved in the ACMP process. Resource agencies review projects and set out conditions they feel should be included in the consistency determination. If the project applicant needs permits from just

one agency, then that agency is responsible for the ACMP consistency determination.³ In addition to commenting on projects, each of the resource agencies are also represented on the CPC and the ACMP Working Group.

The Alaska Coastal Policy Council

The CPC provides policy-level leadership for the implementation of the ACMP. Since the ACMP involves both state and local authorities, Council membership includes representatives from each group. The governor appoints nine elected local government officials. Six state agency commissioners, and OMB's director (see inset at right) are also included as members of the CPC. The CPC's duties include the following:

1. Adopting ACMP regulations and supporting resolutions,
2. Reviewing and approving local government coastal management programs, and
3. Providing the general policy leadership for implementation of the ACMP.

The Council also hears petitions from parties regarding compliance with, and implementation of,

district coastal management plans. Petitions are rare, averaging less than one per year since 1988. Recent statutory changes which have expanded the number of people given "standing"⁴ may increase this number. The CPC generally meets formally twice a year, with teleconferences held throughout the year as necessary.

ALASKA COASTAL POLICY COUNCIL MEMBERS

State Representatives

Director, Office of Management and Budget
 Commissioner, Dept. of Commerce and Economic Development
 Commissioner, Dept. of Community and Regional Affairs
 Commissioner, Dept. of Environmental Conservation
 Commissioner, Dept. of Fish and Game
 Commissioner, Dept. of Natural Resources
 Commissioner, Dept. of Transportation and Public Facilities

Current Public Representatives

Vacant
 Nome City Council Member
 Kotlik City Council Member
 Anchorage Assembly Member
 Mayor, City of Unalaska
 Kenai Pen. Borough Assembly Member
 Cordova City Council Member
 Haines City Council Member
 Ketchikan Borough Assembly Member

Coastal Region

Northwest
 Bering Straits
 Southwest
 Upper Cook Inlet
 Kodiak-Aleutians
 Lower Cook Inlet
 Prince Wm Sound
 Northern Southeast
 Southern Southeast

³However, for proposed projects requiring permits in various agencies, DGC provides "one-stop shopping" for those applicants. DGC also coordinates the consistency review of projects requiring federal permits or direct federal actions. DGC coordinates the permits and responses of the various agencies for the applicant.

⁴Coastal districts, state agencies, project applicants, and citizens of coastal districts who comment on consistency projects have the right to petition the CPC over compliance with or implementation of district plans.

ACMP Working Group

The ACMP working group was designed as a bridge between top level policy decisionmaking, which is the responsibility of the CPC and DGC as the grantee, and the day-to-day implementation of the program typically undertaken by agency permittees and DGC staff. Currently, the working group consists of senior level employees of the seven state agencies represented on the CPC, three representatives from coastal regions, and an assistant attorney general.

The ACMP working group was initially set up to include only members from state agencies. In FY 92, the group was expanded to also involve coastal district representatives. This expansion resulted from the recognition that a comprehensive working group needs the local expertise and input that can only come from local representatives.

The working group has been primarily responsible for an annual review of the ABC list,⁵ draft district plans, and draft regulations. The group also operates more formally as a device to prevent or resolve interagency conflicts which arise in ACMP. Working group members serve as the official conduit for agency and coastal district discussions of special project proposals and work programs, and act as a sounding board for new planning elements to be added to the ACMP process.

⁵ The ABC list classifies project types by the level of consistency review required. Generally, A-level projects are routine and can be found consistent without a review. B-level projects can be made routine with standardized stipulations. C-level projects are those that require full consistency reviews.

BACKGROUND INFORMATION

Alaska initiated Coastal Zone Management planning with federal "seed money" in 1974. The State formally launched its Alaska Coastal Management Program (ACMP) by statute in 1977, at that time choosing to participate in the federal Coastal Zone Management Act (CZMA) of 1972. The purpose of the CZMA is to promote effective management, beneficial use, protection, and development of the coastal zone nationwide. The Act encourages participation and cooperation by the federal, state and local governments, and the public, to achieve the goals of this program.

Federal legislation provides greater state, local control of environmental issues

As incentive to states to participate in the coastal management program, the federal CZMA provides the states some control over federal permitting and direct federal activities⁶ as well as federal financial assistance.

Federal agencies cannot issue a federal permit for a project if the State objects to the proposed activity due to inconsistency with its Coastal Management Plan (CMP). Direct federal activities in the coastal zone must be consistent with the CMP to the maximum extent practicable. Essentially federal agencies must comply with the CMP. The only exceptions are where national security or existing federal statutes mandate certain federal operations that prohibit compliance by the federal agency.

In 1990, the federal act was amended adding to the financial assistance available as well as program requirements for this program. Currently there are four sections of the CZMA with separate financial assistance provisions. See inset on following page for specific discussion of the various funding provision sections.

DGC coordinates ACMP highlighting local planning, aided by state and federal government

As a participating state, Alaska developed the Alaska Coastal Management Plan and a management program for implementation of the plan. The governor appointed the Division of Governmental Coordination (DGC) to administer the ACMP grant.⁷ DGC has performed as the coordinator and has provided oversight for the development and implementation of the ACMP which involves local governments, state resource, and federal agencies.

⁶A direct-federal activity is defined in 15 CFR 930.31(a) as "any functions performed by or on behalf of a federal agency in the exercise of its statutory responsibilities." Sale of timber from federal land by the federal government is an example of a direct-federal activity in Alaska.

⁷The federal statute requires the governor to appoint a single state agency to administer the ACMP grant.

Federal Financial Assistance Programs for the ACMP

Section 306 provides resource management grants for the implementation of the State's coastal management program. Until the 1990 reauthorization of the federal program, all of Alaska's federal funding was provided under this section. The State must match this federal assistance dollar for dollar.

Section 308 provides coastal management funds for special areas such as: projects addressing regional management issues; demonstration grants for improving coastal management, especially at the local level; and emergency grants to state coastal management agencies. These funds were available to the states for the first time in FY 95. There are no matching funds required for use of these funds.

Section 309 coastal zone enhancement grants address particular objectives as identified by the federal act and prioritized by the State. These projects must result in program changes that help achieve the coastal zone enhancement objectives. The State receives funding under this section based on a formula that is weighted by federal evaluation of proposed projects. States can also receive funding for "projects of special merit." For these funds, states must submit proposals to NOAA which compete with other state's proposals for funding. Obviously, the federal government exercises a great deal of control over the specific use of these funds, however no state matching funds are required for this section.

Section 6217 for protecting coastal waters funds development of the state coastal nonpoint source pollution program. These funds have a one-to-one federal/state match requirement. If the State does not have an approvable nonpoint pollution program submitted in 1995, increasing percentages of Section 306 funding will be withheld starting in FY 97. Additionally, federal funds received by the Department of Environmental Conservation may be withheld.

The ACMP is currently comprised of 33 local district plans from a total of 35 coastal districts. These plans were developed by local districts with technical assistance from state agencies and financial assistance from the federal and state government. Each plan has been approved, as required, by the Coastal Policy Council (CPC) and by the federal funding agency, National Oceanic and Atmospheric Administration. Each of these plans are designed to address specific issues of significance to the particular region covered by the plan.

Most of the coastal districts are organized local governments with zoning and other land use authority granted through Alaska Statutes, Title 29. These local governments are required through statute to implement their own district coastal management under that authority. Four coastal districts are not organized governments. These districts have formed Coastal Resource Service Areas (CRSAs) to participate in the ACMP. CRSAs do not have land use and zoning authority and must rely on the ACMP and state agencies to enforce their coastal district plans.

The initial development stage of Alaska's coastal management plan has been completed. However, during implementation of the consistency review process, weaknesses in the original management plans have been identified by local districts. For example, some districts found that their policies are too vague to enforce their land use priorities. Additionally coastal management issues have emerged and changed since many local districts completed their plans. In some cases, this has added to the weaknesses in local districts'

CMPs. In response to these identified needs, some local districts are now in the process of revising their plans.

Projects within the coastal zone require ACMP consistency reviews

Another cornerstone of the ACMP is the consistency review process. Proposed development projects⁸ in or affecting the coastal zone must be evaluated for consistency with the pertinent coastal management plans as well as with the statewide ACMP statutes and regulations. DGC is the central clearinghouse for consistency reviews on projects that require a federal permit or a permit from more than one state agency. State resource agencies handle the consistency review of projects requiring permits from only that state agency.

The consistency determination is not considered a permit itself, but the state permitting process must consider the consistency determination when issuing a permit for activity in the coastal zone. Also state permitting regulations are referenced in most local district plans. Therefore the consistency determination and state permitting processes within the coastal zone are usually difficult to separate.

As the clearinghouse, DGC gathers comments from (1) the coastal district, which reviews for consistency with its own coastal management plan; (2) state resource agencies which review for consistency with the ACMP including state permitting regulations; and (3) the public. Although an increasing number of projects require no modification to be found consistent with the ACMP, many projects are found consistent only if they meet certain additional conditions or stipulations. These stipulations must be supported by enforceable policies from local district management plans or state regulations. Examples of stipulations include requirements such as conducting activities only at certain times of the year, restoring land when the project is finished, or a variety of preventive measures to ensure that minimal damage is done to the area, habitat, and water quality.

As might be expected in today's politically charged environmental arena, applicants, resource agencies and coastal districts frequently disagree among themselves about the consistency of a particular proposed project with the ACMP or about specific stipulations. Especially in these cases, DGC's role is to act as consensus builder ensuring that appropriate due process is afforded to the project applicant, the coastal district, and the State. Many times, this involves arranging meetings and discussions between the parties, and negotiating the language of specific stipulations. The regulations require that "due deference" be given to the local district and each resource agency in its area of expertise. However, the goal of the consensus building process is to develop a determination which all parties can accept.

Two separate appeal processes exist to ensure that the rights and interests of involved parties are addressed. As a result of 1994 legislative action, residents of the affected coastal district

⁸Development projects in the coastal zone requiring consistency determinations vary greatly in size and scope. The following are some examples of typical projects: sale of timber, fill on wetlands, aquatic farms, mining, oil and gas development, and construction of residential and commercial driveways.

who commented during the public review period may also petition the CPC. Applicants, local districts, and state resource agencies can elect to either petition the CPC or elevate the consistency determination to the division director or commissioner level of the resource agencies.

Petitions to the CPC are to ensure appropriate and adequate consideration of all comments

The petition process allows parties with standing (applicants, coastal districts, resource agencies, and the general public who reside in the coastal district) the opportunity to have a proposed consistency finding reviewed by the CPC. As a majority of the CPC membership are local district representatives,⁹ petitioning can ensure that the local perspective is addressed.

The CPC reviews consistency decisions to ensure that a petitioner's comments on a project's consistency with the enforceable policies of a districts' coastal management plan were appropriately considered. Actions by the CPC are limited to approving the consistency finding or remanding the decision back to the agencies for further consideration.

If no consensus is reached, involved parties can "elevate" the consistency determination

After a consistency determination is reached, sometimes disagreements remain over the consistency decision or the stipulations that are attached to the project. Also the applicant may not agree with the consistency determination or stipulations.¹⁰ In these cases, the determination may be appealed or "elevated" to a panel of agency division directors (referred to as a director-level elevation). The applicant, coastal district, or any of the state resource agencies may initiate an elevation. In the elevation process, the directors review the regional level consistency finding and may uphold the finding, alter stipulations or conditions, or reverse the decision. After the director-level elevation, the same parties have the right to elevate the consistency determination to the commissioner level if the director-level determination proves unsatisfactory.

⁹See the Organization and Function section of this report for a detailed description of the CPC.

¹⁰The general public, whether or not they have commented, cannot request elevation of the consistency determination.

REPORT CONCLUSIONS

ACMP offers the State unique benefits not provided by other federal programs

The ACMP, by design, allows coastal districts decision making status through their coastal plans. Each of the plans is directed specifically to issues of particular importance to the region. These plans are then used as a basis to determine the nature and extent of development undertaken in the area. Implementation of the ACMP also provides the State with the only mechanism to control direct federal actions in the State. Through the consistency review process, the State has significant influence over federal actions within the coastal zone.

Additionally, the ACMP brings the local areas into the planning process. This is especially the case for the coastal resource service areas (CRSAs) which have no other land use planning and management authority than that provided through the ACMP process.

There are currently no other federal programs that guarantee the State or coastal districts a "seat at the table" in deciding on development in their region. Though other federal programs require public notice, no other program requires consistency with state and district-developed plans. The National Environmental Policy Act (NEPA) process is considered by some as a federal program that duplicates the ACMP. In fact, NEPA's scope is geographically broader than the ACMP, covering areas not in the coastal district. Though NEPA, like many other federal programs, has a specified public process, during which public notice is given and public testimony taken, there is no required participation from the State or from local districts. Federal agencies are only required to consider comments received.

The Superfund Amendment and Reauthorization Act (SARA) Title III, has also been pointed to as a federal program which may duplicate the ACMP process. While Alaska has responded to the SARA requirements that states develop plans for meeting local environmental emergencies,¹¹ SARA is much narrower than the ACMP in that it addresses only environmental emergencies. ACMP comprehensively addresses environmental issues in the coastal zone.

The ACMP provides unique benefits to the State and coastal districts. Among these are the ability to influence direct federal actions and the mechanism for the coastal districts to participate in the decision making process through their approved coastal plans. Most importantly, the ACMP allows the State the ability to review projects on state and federal lands in coastal districts.

¹¹ The State has met this requirement through the establishment of local emergency planning districts and committees similar to coastal districts.

DGC appears to be the most appropriate agency for administering the ACMP

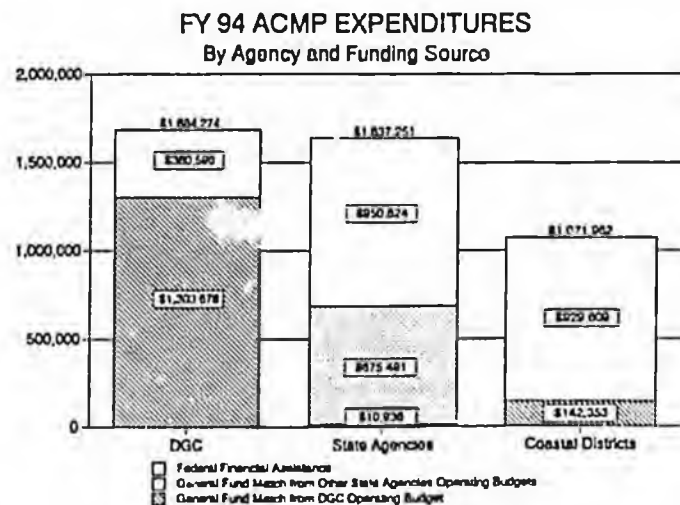
As discussed in the Background Information section, DGC's primary responsibility is the administration of the ACMP program. As the coordinating agency, it is DGC's responsibility to both coordinate consistency reviews and administer federal funds for the benefit of Alaska's coastal zone. Through this organizational arrangement, DGC fulfills the federal Coastal Zone Management Act (CZMA) requirement for each participating state to have a single designated agency to receive and administer federal funds.

Although there has been some discord over DGC's FY 95 allocation of federal funds to agencies, it does not appear that these allocations have been inappropriate. Although DGC's portion of the program has increased, they appear to have made their decisions based on the overall needs of the ACMP. As discussed in the Background Information section, there are several different types of federal funds available for allocation. Some of the funding types have very specific requirements for use and program products/outcomes. Specific special projects have been approved by the CPC and the federal agency. The federal agency determines the amount of each type of funding and requires a detailed budget of all activities prior to awarding the grant. For more detailed financial information, see appendices.

In our view, it is appropriate for the agency administering and distributing federal funds to be independent of the agencies competing for those funds. Additionally, we believe that DGC's placement in the Office of the Governor provides a more objective centralized oversight and coordination function for all state agencies.

ACMP activities have been financially supported by the federal and state governments

For the federal FY 94 ACMP grant, approximately \$4.4 million was spent on the ACMP. The funding for these ACMP expenditures was split fairly equally between the federal and state governments. All federal ACMP funding is received by DGC as the agency responsible for administering the federal grant. However, DGC distributes most of the federal dollars to other state agencies and local districts. Although DGC's activities provide the majority of the required state match, the other state agencies also provide significant match. During FY 95 some local districts, funded to undertake special projects, are providing some matching dollars (\$24,850). The table at right presents ACMP expenditures by expending agency category as well as funding source.



Certain factors make it impossible to determine the actual costs of ACMP involvement to the State. According to state resource agencies, state permitting activities in the coastal zone often cannot readily be separated from ACMP-related activities. Federal funds can be and are used, in part, for state activities in the coastal zone (i.e., state permitting, permit monitoring and compliance). It is our understanding¹² that the state resource agencies' match, in part, is also provided by these activities. Additionally, since some permitting divisions are not formally included in the ACMP process, their consistency review statistics and related ACMP costs are not available.

As an independent agency operating out of the Office of the Governor, DGC seems best positioned to build the consensus between competing resource agencies and coastal districts that is necessary for successful implementation of the program. Discussions with agency personnel and a review of consistency review files show that, generally, DGC has been successful in the role of facilitator and consensus builder. There have been a few projects in which consensus was either hard won or not achieved, but these have been the exception rather than the rule.

The elevation process can ensure that no one agency, reviewer, or applicant dominates the consistency review process. One example of the how the elevation process works is the Kachemak Bay 114 project (see inset, next page). This project was atypical in its complexity, but demonstrates that there are controls in place to ensure that the various views on projects are adequately considered.

Agency conflict with DGC has not impacted numbers of projects allowed to proceed

Resource agencies have alleged that, under the Hickel administration, the coordinating and facilitating nature of DGC has been less evident than during past administrations. Though this may make the relationships between agencies and DGC more strained, the percentage of projects eventually found consistent or consistent with stipulations, has not changed significantly (see table on page 15).

Fewer stipulations do not necessarily reflect a change in DGC's operating philosophy

During the last two years of the Hickel administration, only one project was found inconsistent. Further, as illustrated by the table on page 15, the number of projects found consistent without stipulations has steadily increased.

While the near absence of inconsistent projects is a small change from the three to four projects a year that were previously found inconsistent, the change is not necessarily indicative of a trend toward approval of otherwise inconsistent projects. It is possible, for

¹²Because our focus was on DGC operations and not on resource agencies, we did not request or review their documentation to support amounts claimed as match for federal funds. The amounts for match provided by state agencies were taken from the agencies' financial reports to DGC.

example, that as the program has matured, applicants have become more sophisticated and more likely to submit projects that can be found consistent with stipulations. It is also possible that DGC has become more proficient at building consensus, so projects that would have previously been found inconsistent can now proceed with stipulations.

An increase in the number of projects that are found consistent with no stipulations may also suggest more sophisticated applicants. From consistency review files, it is sometimes difficult to determine the amount of effort expended by resource agencies on comments. While some agencies comment extensively, others comment only briefly. Resource agencies report that agency general funding cuts have reduced their ability to comment on all projects, but most files contain some agency comments. It is possible that agencies are more inclined to find a project consistent than to devote the time associated with developing stipulations.

Consistency reviews are generally a consensus-building process which combine the expertise of all involved state agencies and coastal districts to render decisions. If agencies or districts believe that their comments have not been appropriately considered, the elevation process provides them an avenue to appeal consistency decisions. The fact that there has not been a significant increase in the number of elevations over the last two years suggests that the consensus building process among agencies and districts has been working as originally envisioned.

Elevations Provide Controls Over Review Process

Kachemak Bay 114 was a project involving placement of fill material on high-value wetlands. The U.S. Army Corps of Engineers had issued an after-the-fact Clean Water Act (CWA) permit for an existing fill which was placed without a permit and a new permit for fill to the new property line. The after the fact permit and the new permit expired in October, 1990. To complete the project, a new CWA permit must be issued. Under the provisions of CZMA regulations, a federal permit can not be issued until a project is found consistent with the enforceable policies of the State's Coastal management program.

DGC issued a regional-level proposed consistency finding on May 25, 1994, finding the project consistent with the ACMP. DFG, DEC, and the Kenai Peninsula Borough Coastal District (KPBCD) requested elevation of the regional-level determination to the director level. The elevation was based on procedural concerns related to DGC's finding of consistency contrary to the consensus of the resource agencies and the KPBCD that the project as proposed was inconsistent with the ACMP.

The State Attorney General's office determined that, because there was a consensus of the resource agencies and the coastal district to find the project inconsistent, if DGC had reservations regarding the finding, proper process would require DGC to address those issues with the agencies rather than issuing a consistency finding contrary to consensus. Through agreement of all parties that the consistency determination was flawed, the proposed consistent with stipulations determination was withdrawn.

The applicant then requested a director-level elevation. The directors found the project inconsistent with the ACMP. The applicant then elevated the review to the commissioner level. On review of the record, resource agency commissioners agreed with the applicant's certification that the project is consistent with the enforceable policies and standards of the ACMP provided certain stipulations are incorporated into the project.

Resource agencies and coastal districts have and usually use the opportunity to comment

Of 52 consistency review files, 41 contained comments from all involved resource agencies and the coastal district involved. This level of response to the consistency review process demonstrates that the process usually generates an appropriate level of participation. Though most coastal districts participate in consistency determinations, some districts feel disenfranchised from the ACMP.

Fiscal Year	Consistent		Consistent With Stipulations		Inconsistent		Elevations	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
1990	75	24%	240	75%	3	1%	6	2%
1991	105	28%	270	72%	1	0%	11	3%
1992	180	36%	317	64%	1	0%	15	3%
1993	153	43%	199	57%	0	0%	4	1%
1994	213	54%	178	46%	1	0%	5	1%

Source: Division of Governmental Coordination's Consistency Review Statistics

Coastal districts have reported difficulties dealing with both DGC and the resource agencies due to cultural differences. Language differences, views of subsistence issues, and attitudes toward land use patterns are only a few examples of how differences in culture may make agreement on project development more difficult. A perceived cultural insensitivity on the part of the State can make the consensus building more difficult and foster levels of mistrust between state agencies and coastal districts.

Complaints about being excluded from the program generally revolve more around representation on the Coastal Policy Council (CPC) rather than around actual consistency reviews. One view is that the public members of the CPC are disadvantaged in several respects. These public members are, generally, elected officials who may or may not have any particular expertise with the ACMP. Additionally, public CPC members typically represent a larger region than the one in which they reside. This representation suggests that public members may not be totally in touch with the needs of all of their constituents. Further, public members typically do not have the staff support and other resources that are available to the state representatives. Some public members may also feel overpowered by the state members, who are agency representatives that have some expertise in the ACMP realm.

Dynamic nature, multiple agencies, and various funding types complicate the ACMP

In summary, the ACMP program is a complex program which gives the State and local coastal districts significant influence over federal activities in the coastal zone. Although DGC is responsible for the overall administration of the ACMP, the necessary involvement of the many other frequently competing entities is a major factor in ACMP's complexity.

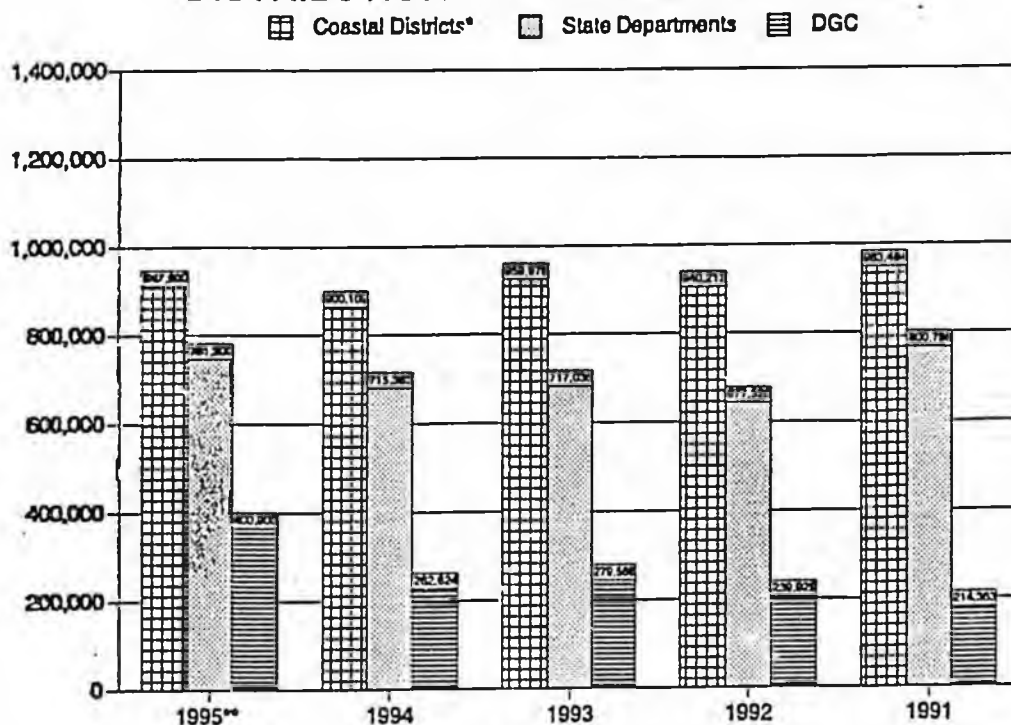
However, the complications arise not only from this myriad of entities involved in the process, but, also, from the dynamic nature of the program. As should be expected, ACMP has evolved from a program focused primarily on development of coastal management plans to one focused on implementation of the plans. However, the program's evolution has not

been limited to this transition. Emerging environmental issues and congressional additions to the CZMA have also necessitated continuous changes to the program. The resulting intricacies of the federal funding mechanisms and requirements ensure that administration of the ACMP will never be simple.

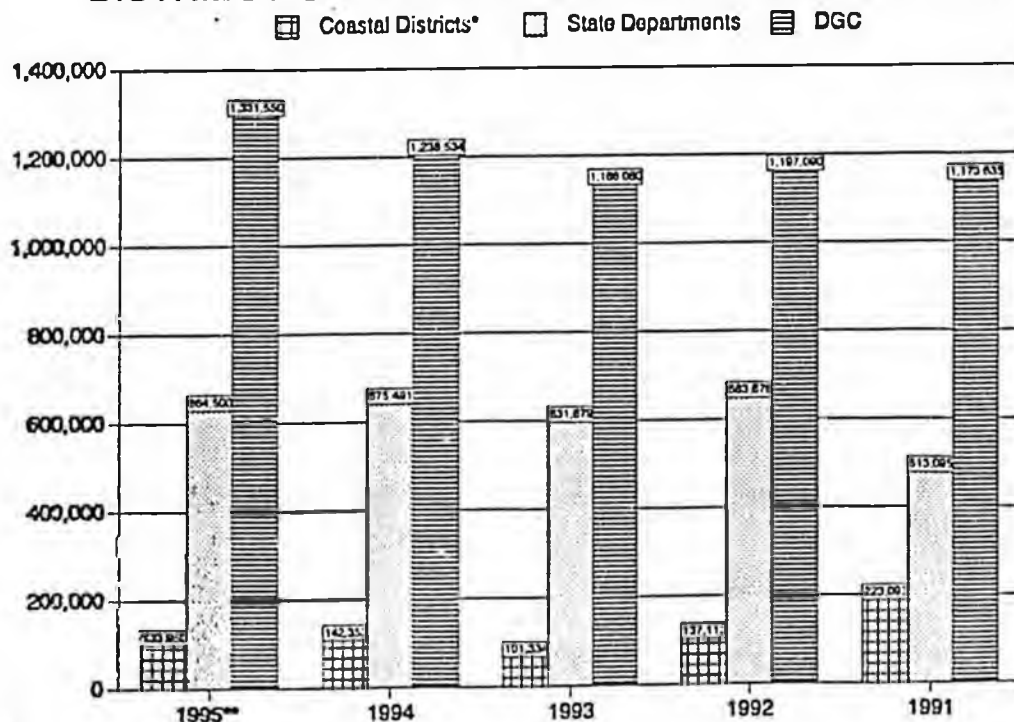
APPENDIX A

FIVE YEAR SECTION 306 ANALYSIS

DISTRIBUTION OF FEDERAL DOLLARS



DISTRIBUTION OF STATE MATCH EXPENDITURES

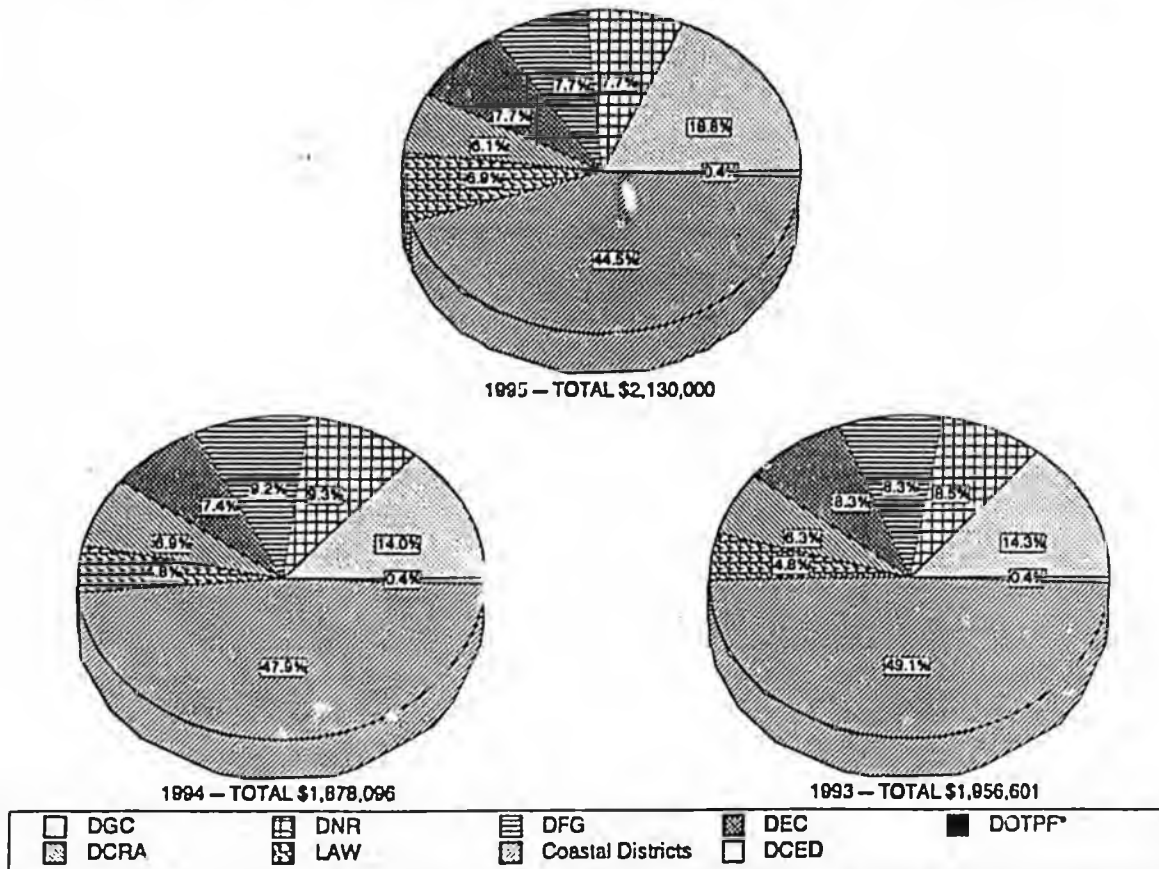


* Coastal districts match is general fund dollars granted from DCG's operating budget. Except in 1995, \$24,850 of \$133,950 is matching amounts that coastal districts must provide from own funds.

** 1995 figures are budgeted amounts; 1991-1994 are actual expenditures.

APPENDIX B

FEDERAL SECTION 306 BY INDIVIDUAL AGENCY



* During 1995 and 1994, DOTPF received .1% and .2% respectively, in federal 306 funds which is not discernable on the graph above.

The allocation of the Section 306 federal funds for the basic ACMP program remained fairly constant between years. The bulk of the ACMP program is funded by Section 306. After the 1990 reauthorization of the federal CZM Act, other federal funding became available under other sections of the CZMA. See the Background Information section for more information regarding these federal funds. See Appendix D for trend information about the other section's funding.

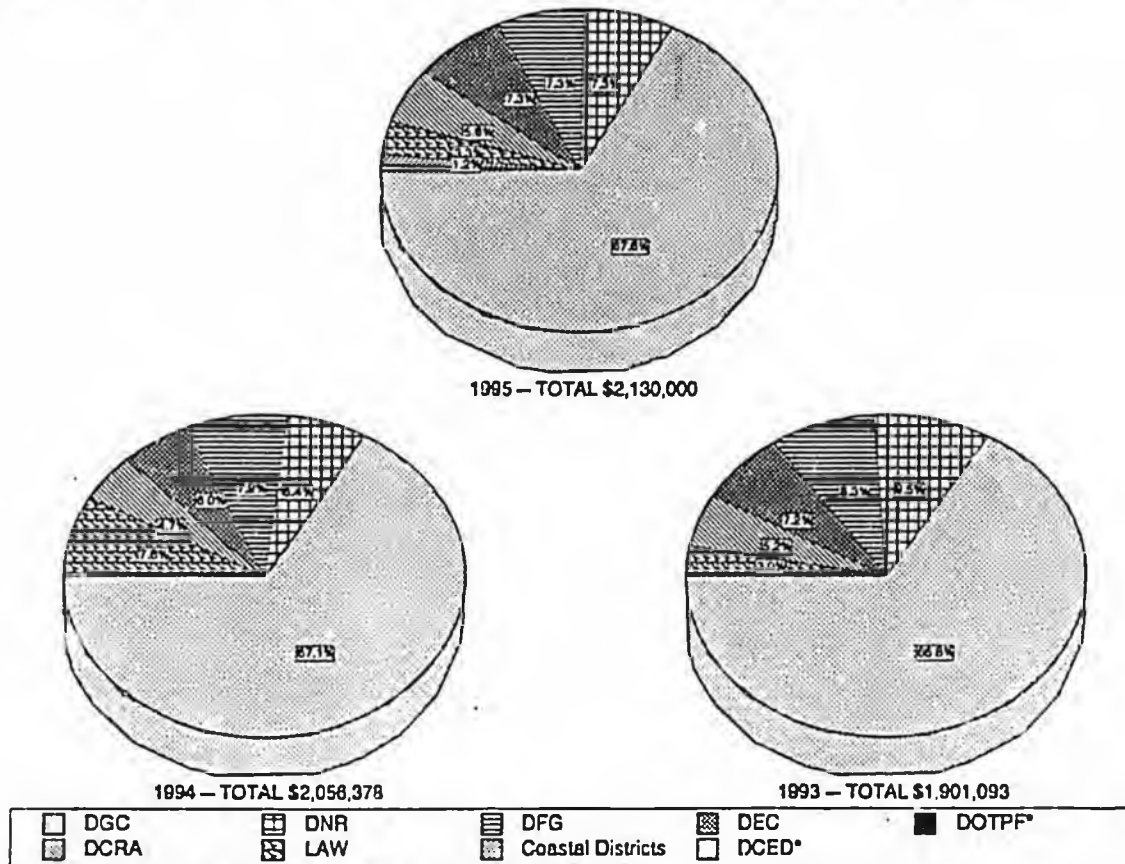
Almost half of the Section 306 federal funds go to the coastal districts. The percentage of federal funding to coastal districts has decreased some in the last two years. However, total funding to coastal districts for ACMP Section 306 has remained fairly constant due to state funding provided by DGC.

DGC's percentage of federal funding increased almost 5% from 1994 to 1995. Two factors appear to have caused this change. First, the increasing costs of administering the Section 309 program could no longer be supported by DGC's state match (general funds) as done in prior years. Secondly, new federal requirements requiring public notices of federally permitted projects become effective in FY 95. This caused additional contractual costs for DGC.

The 1995 amounts are budgeted figures; 1993 and 1994 are based on actual expenditures.

APPENDIX C

MATCH SECTION 306 FUNDS BY INDIVIDUAL AGENCY



* During 1995, DOTPF provided .1% matching funds. During 1995 and 1994, DCED provided .3% matching funds. These amounts are not on the graph above.

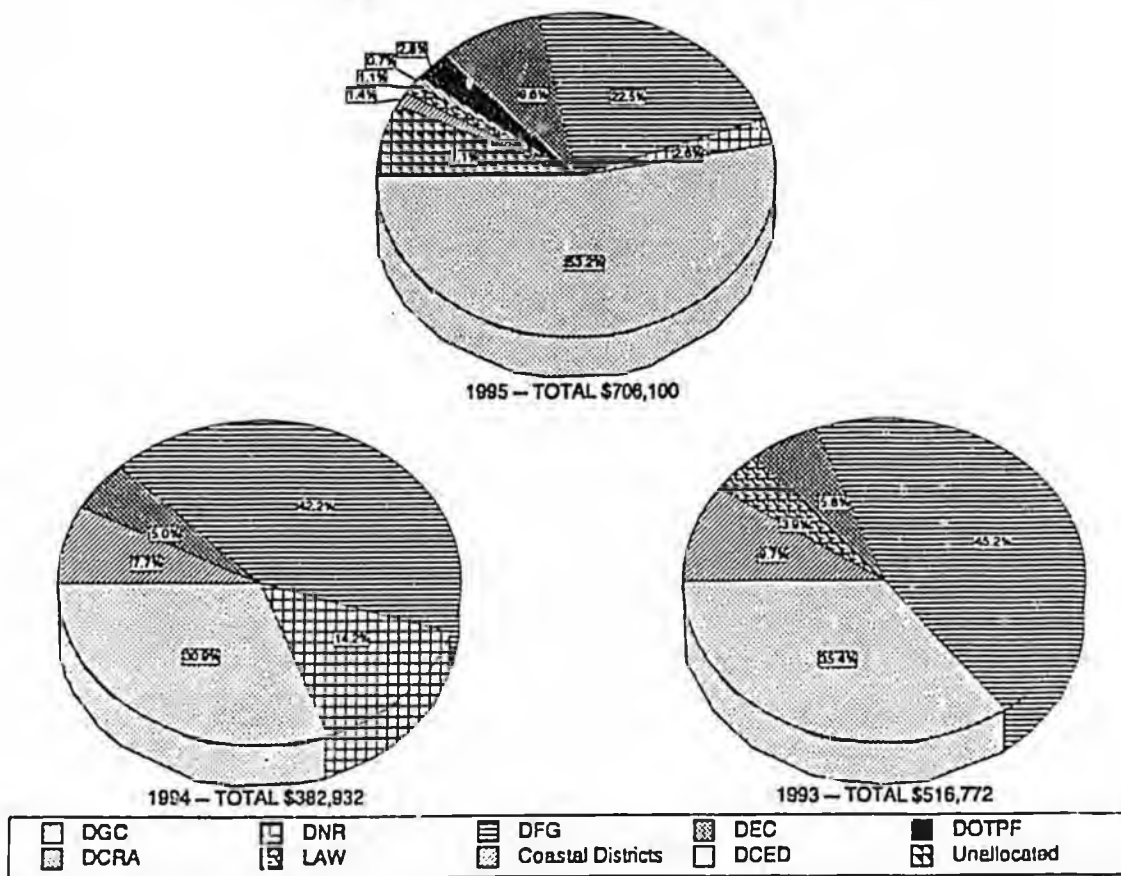
DGC's operations consistently provided the majority of the required state match for the basic ACMP program. The required match for Section 306 funds is 50%. Until FY 95 DGC's operating budget supplied all matching funds for federal funds granted to the coastal districts. In FY 95, some coastal districts funded for special projects are providing \$24,850 in match.

DGC's match includes general fund grant dollars to the coastal districts for their ACMP programs totally \$109,100, \$142,353, and \$101,334, respectively for FY 95, FY 94, and FY 93.

Match amounts provided by state resource agencies vary from agency to agency and from year to year. However, the total percentage provided by the resource agencies has remained fairly constant. Many of the state agencies have not provided match equal to the Section 306 funds received. However, the percentage has been increasing and DGC expects that most state agencies will be required to match dollar for dollar starting in FY 96. Historically, DGC has met the additional match required from their operations.

APPENDIX D

OTHER ACMP FEDERAL FUNDS



During FY 93 - FY 95, the ACMP has received federal funding in addition to Section 306 for the basic program. The purpose of these other funds is very specific and project-oriented. The federal requirements are constricting as to allowable activities and more demanding on program outcomes. See the Background Information section for more about these other ACMP federal funding sections.

DFG and DGC have had the significant projects during the three years present here. FY 95 shows that more agencies are now receiving these other funds. This appears to be due to more familiarity with these new federal sections and development of eligible projects over time.

For some projects the State has contracted with private consultants. These are typically administered by DGC. During 1995, almost 37% (\$137,000) of DGC's other federal funds represent private consultant's contracts.

The 1995 amounts are budgeted; 1993 and 1994 are based on actual expenditures.

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

OFFICE OF THE GOVERNOR

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February 7, 1995

Mr. Randy S. Welker
Legislative Auditor
Division of Legislative Audit
P.O. Box 113300
Juneau, AK 99811-3300

RECEIVED
FEB 07 1995

LEGISLATIVE AUDIT

Subject: *Preliminary Audit Report on Office of the Governor, Division of Governmental Coordination, Administration of the Alaska Coastal Management Program, December 16, 1994*

Dear Mr. Welker:

Thank you for the opportunity to review and comment on the above-referenced preliminary audit report. I commend your staff on its thorough audit of the division's administration of the Alaska Coastal Management Program (ACMP). I believe the written description of the coastal program, participants, consistency review process, and federal funding is correct. The report captures the key aspects of this program.

I concur with the report's conclusions, particularly that the ACMP offers the State unique benefits not provided by other federal programs, and that this division, as part of the Governor's Office, is "... best positioned to build the consensus between competing resource agencies and coastal districts. . ." and "... has been successful in the role of facilitator and consensus builder." We also agree with your assessment that the ACMP is a dynamic and complex program. Forging a consensus among the diverse project applicants, local communities, State agencies, and the public about coastal development and resource protection in Alaska is not a simple task.

As noted in the audit report, the funding mechanisms under the federal Coastal Zone Management Act (CZMA) are intricate, and various CZMA sections fund different program elements with different requirements. While the report generally captures the funding picture quite well, I would like to clarify some program funding information provided in the appendices.

Federal Section 306 Funding (Appendix B). It is important to note that the ACMP funding to local coastal districts consists of both federal 306 and State General Fund monies in DGC's budget. While the percent of federal 306 funds allocated to coastal districts have declined since

FY93 (as noted in the report), the total State and federal funding passed through to districts has not changed significantly (i.e., \$1,075,000 in FY93 and \$1,058,000 in FY95).

In FY95, the federal 306 funds allocated to the Department of Law increased to provide greater legal assistance to DGC and the Alaska Coastal Policy Council, and secondarily to coastal districts and other State agencies involved in Alaska's coastal program. Federal 306 funds kept by DGC increased in FY95 to cover some personal services costs to administer the new federal Sections 308 and 309 programs. The division does not capture any "administrative overhead" from the Section 308 and 309 special project funding, which totals \$506,000 in FY95.

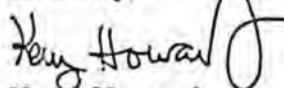
In FY95, DGC -- as lead agency administering the federal NOAA grant to Alaska -- retained less than 19 percent of the federal 306 funding. According to NOAA data, the lead agency of other coastal states with similarly structured coastal programs retain considerably more of their federal 306 funds: Maine (24%), Florida (29%), Pennsylvania (42%), Oregon (64%), New York (100%), and Massachusetts (100%). In comparison, DGC's portion of Alaska's federal 306 funds is considered "lean."

Match Section 306 Funds (Appendix C). Except for the Department of Law, the matching fund required from State agencies has increased in recent years. In FY95, the State agencies have identified, on average, about 90 ¢ in State general fund monies as match for every \$1.00 in federal 306 dollars they receive. Often, the identified State agency match dollars pay for permitting and local government tasks routinely carried out by the agencies. We anticipate the State agency 306 match requirement will reach 1:1 in the future if federal 306 funds increase and DGC's State general fund monies are fully committed.

Other ACMP Federal Funds (Appendix D). The large percentage of other federal funds portrayed as allocated to DGC in FY95 should be clarified. As noted in the report, DGC is often the contract manager for special projects performed by private consultants. In FY95, over half of the Section 308 and 309 funds attributed to DGC (i.e., \$137,000 of \$261,000) are currently under contract to consultants. To be clear, DGC is not building a coastal management empire with these funds. The unallocated funds depicted in the pie chart are currently earmarked for additional Section 309 and 6217 tasks identified midway through the fiscal year.

Again, I commend your staff for their efforts in accurately portraying the Alaska Coastal Management Program in the audit report

Sincerely,



Kerry Howard
Acting Director

cc: Governor Tony Knowles
Mike Nizich, Division of Adm. Services

ALASKA'S COASTAL MANAGEMENT PROGRAM

Linking People, Resources, and Information

The federal Coastal Zone Management Act (CZMA) empowers state and local governments to manage their coastal areas. The Alaska Coastal Management Program (ACMP) is Alaska's tool for exercising the rights granted to the State by the federal government. The Division of Governmental Coordination (DGC) implements the ACMP on behalf of the State.

THE PROGRAM

- ◆ The Alaska Coastal Management Act is a voice for local and state participation in decisions affecting coastal areas.
- ◆ The CZMA requires federal agencies to address Alaska's coastal concerns.
- ◆ Coastal district programs address local issues.
- ◆ ACMP regulations establish basic standards for coastal projects.

BENEFITS

- ◆ The ACMP gives State and local governments a more equal partnership with the federal government.
- ◆ The ACMP requires cooperation among those involved in the development of Alaska's coastal resources.
- ◆ The ACMP gives coastal communities a seat at the table when state or federal agencies make permit decisions.
- ◆ The ACMP brings regulators and applicants together to resolve project issues.
- ◆ The ACMP encourages early consultation among communities, industry, Native and private interests, agencies, and the public.
- ◆ The ACMP provides a streamlined review of proposed development projects.
- ◆ The ACMP brings approximately \$2.7 million in federal grant monies which are distributed to local governments and state agencies.

SERVICES

- ◆ DGC assists communities developing coastal programs tailored to local resources and issues.
- ◆ DGC coordinates permitting among agencies, applicants, and coastal communities.
- ◆ DGC consolidates multi-permit reviews into a predictable schedule.
- ◆ DGC provides notice and opportunity for Alaskans to participate in coastal project reviews.
- ◆ DGC offers pre-application and continuing assistance to permit applicants.
- ◆ DGC ensures all project participants have accurate and up-to-date information.
- ◆ DGC builds consensus among applicants, agencies, coastal communities, and the public.
- ◆ DGC coordinates the State review of federal projects affecting Alaska's coast.



Map of Alaska showing Coastal Management Districts (CMDs) and their corresponding Coastal Zone Management Act (CZMA) plans.

ACMP PROJECT REVIEW SUMMARY

FY97 to Date

(7/1/96 to 12/31/96)



FY96



FY95



Division of Governmental Coordination
Review Statistics by Activity Type
FY 97 to Date (7/1/96 - 12/31/96)

	Total	Consistent	Consistent With Stipulations	Inconsistent	NEPA/ Other Review Types	Withdrawn
ARMED FORCES ACTIVITIES NONWETLANDS	2	1	1			
COMMERCIAL - GENERAL	4	1	3			
FISHERIES	28	6	19		1	2
HYDROELECTRIC	5	2			3	
MINING	17	5	9	2	1	
OIL AND GAS	17	6	8		3	
OTHER/MISCELLANEOUS	13	3	5	1	4	
PUBLIC FACILITIES/UTILITIES	47	10	23		5	9
TIDELANDS - COMMERCIAL/INDUSTRIAL	10	1	7			2
TIDELANDS - PRIVATE RESIDENTIAL	16	5	8			3
TIMBER	18		12		5	1
WASTE DISPOSAL	3	2				1
WASTEWATER DISPOSAL	3		2			1
WATERS OF THE U.S. FLOATING FACILITIES	4	4				
WETLANDS - COMMERCIAL/INDUSTRIAL	17	4	11			2
WETLANDS - PRIVATE RESIDENTIAL	14	2	9			3
Totals	218	52	117	3	22	24

Division of Governmental Coordination
Review Statistics by Activity Type
FY96

	Total	Consistent	Consistent With Stipulations	Inconsistent	NEPA/ Other Review Types	Withdrawn
ARMED FORCES ACTIVITIES NONWETLANDS	6	3	1			2
COMMERCIAL - GENERAL	17	4	12			1
FISHERIES	53	33	13		4	3
HYDROELECTRIC	9	4			4	1
LAND MGMT. PLAN	2				2	
MINING	19	9	6		2	2
OIL AND GAS	28	10	13		2	3
OTHER/MISCELLANEOUS	41	21	16		4	
PUBLIC FACILITIES/UTILITIES	108	31	61		10	6
TIDELANDS - COMMERCIAL/INDUSTRIAL	18	11	6	1		
TIDELANDS - PRIVATE RESIDENTIAL	21	11	10			
TIMBER	53	8	23		21	1
WASTE DISPOSAL	10	1	8		1	
WASTEWATER DISPOSAL	13	2	8		1	2
WATERS OF THE U.S. FLOATING FACILITIES	4		3			1
WETLANDS - COMMERCIAL/INDUSTRIAL	36	16	17		1	2
WETLANDS - PRIVATE RESIDENTIAL	46	9	25	2	2	8
Totals	484	173	222	3	54	32

Alaska Coastal Management Program

ANNUAL REPORT

Fiscal Year 1990

February 1991

**State of Alaska
Office of the Governor
Division of Governmental Coordination
Juneau, Alaska**

Walter J. Hickel, Governor