

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 00/2

9381 HOUSE RESOURCES

19

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[SIGNIFICANT] amendment. A change or an amendment in the district program resulting from mediation under 6 AAC 85.170 [AS 46.40.060(b) AND 6 AAC 85.170(a) AND (b)] or from adjudication under AS 46.40.060(c) [AND 6 AAC 85.170(c)] takes effect 30 days after public notice of [UPON] the lieutenant governor's filing of the council's order under 6 AAC 85.170 [EITHER RATIFYING THE RESULTS OF THE MEDIATION OR DETERMINING THE ADJUDICATION]. Filing will take place after local adoption as provided in (b) of this section. (Eff. 3/2/84, Register 89; am // , Register )

Authority: [AS 44.19.160]  
AS 44.19.162  
[AS 46.40.010]  
[AS 46.40.030]  
AS 46.40.040  
[AS 46.40.060]  
[AS 46.40.070]

6 AAC 85 is amended by adding a new section to read:

**6 AAC 85.183. ANNUAL PROGRESS REPORT SUBMISSIONS TO COUNCIL.**

(a) After adopting a district program under 6 AAC 85.180, a district shall submit annually to the council a brief progress report concerning program implementation. The council will furnish a copy of the report to an interested party upon request. The district shall submit the report by August 15. The report must include

(1) a statement describing the district's progress in fulfilling a condition that the council placed upon approval of the district program or an amendment;

(2) a summary, on a form provided by the office, of significant district land and water use decisions and enforcement actions during the year;

(3) a description of minor program changes to the district program during the year;

(4) the district's response to a council recommendation; and

(5) identification of a problem encountered in implementing the district program and a recommendation to solve the problem.

(b) After adoption of the district program, the district shall submit to the council every five years an evaluation of the program's effectiveness and implementation, a presentation of new issues, and a recommendation for resolving a problem that has arisen.

(c) The council may require that a district amend the district program to resolve a problem with implementing the district program, or to update part of the district program that is outdated. (Eff. // , Register )

Authority: AS 44.19.161  
AS 44.19.162  
AS 46.40.010  
AS 46.40.040

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6 AAC 85.185 is amended to read:

**6 AAC 85.185. PETITION FOR AMENDMENT TO AN APPROVED DISTRICT PROGRAM REGARDING USES OF STATE CONCERN.** (a) A state agency or other interested party may submit a petition for amendment to a district program if there is substantial evidence that a use of state concern, as defined in AS 46.40.210(6), is arbitrarily or unreasonably restricted or excluded by the district program. The petitioner must submit the petition to the office [DIVISION OF GOVERNMENTAL COORDINATION (DGC), IN THE OFFICE OF MANAGEMENT AND BUDGET, OFFICE OF THE GOVERNOR,] and to the district. The petition must include the following information:

- (1) identification of a use [ONE OR MORE USES] of state concern that is [ARE] arbitrarily or unreasonably restricted or excluded by implementation of the program;
- (2) specific documentation of how the use of state concern is being arbitrarily or unreasonably restricted or excluded;
- (3) a description of a significant change in circumstances or new information that has arisen since program approval, which provides a reasonable basis for concluding that the district program arbitrarily or unreasonably restricts or excludes a use of state concern; and
- (4) the proposed program amendment.

(b) The office [DGC] will review the petition for completeness and distribute it to [APPROPRIATE] state agencies. Within 30 days after the petition is submitted, the office shall [TO DGC, DGC WILL], in consultation with the district [,] and the petitioner, attempt to resolve the petitioner's concerns without initiating a program amendment. The office [DGC] will extend the 30-day consultation period by 20 days at the request of the district, the [INVOLVED] state agencies, or the petitioner. The office may [DGC WILL, IN ITS DISCRETION,] extend the consultation period by up to 60 days [IF MORE TIME IS NEEDED FOR ALL PARTIES TO ASSEMBLE].

(c) If the concerns are not resolved through consultation and if the office [DGC], in consultation with the district, the [INVOLVED] state agencies, and the petitioner, determines that after original program approval a significant change in circumstances has occurred or new information has developed that might cause the program to arbitrarily or unreasonably restrict or exclude a use of state concern, the procedure described in (d) of this section applies.

(d) Within [IF THE CRITERIA IN (C) OF THIS SECTION ARE MET, THEN WITHIN] 20 days after [THE END OF THE] consultation period under [SPECIFIED IN] (b) of this section, the office shall [DGC WILL] distribute the petition, an [DGC'S] evaluation of the proposed amendment, and the district's response to the petition [,] to the council and to a party [ALL PARTIES] identified as having a significant interest in the district program, including a party [THOSE PARTIES] described in 6 AAC 85.140. The office's [DGC'S] evaluation shall [WILL] include:

- (1) a summary of the proposed [PROGRAM] amendment;
- (2) an analysis of the evidence that the requirements in (c) have been satisfied;

and

(3) an evaluation of the amendment's consistency with AS 46.40 and 6 AAC 80 [THE ALASKA COASTAL MANAGEMENT PROGRAM (ACMP)].

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(e) If the criteria established in (c) of this section are not met, then the office shall [DGC WILL] report this finding to the council. The office shall distribute its [DGC'S] finding [WILL BE DISTRIBUTED] to a person [ALL PARTIES] involved during the consultation period specified in (b) of this section and to the council. The office's [DGC'S] finding is subject to council review if a review is requested by a council member.

(f) The procedures set out in 6 AAC 85.150 [6 AAC 85.150(c)-(f)] for review of district programs apply to council review of a petition under this section.

(g) The procedures set out in 6 AAC 85.170 [FOR MEDIATION AND ADJUDICATORY HEARINGS] apply if the district is dissatisfied with the council's decision on the petition.

(h) An amendment to a district program approved by the council under (f) of this section takes effect [AS PART OF THE ACMP] upon the lieutenant governor's filing of the council's decision approving the amendment. If mediation or an adjudication occurs under AS 46.40.060 and 6 AAC 85.170 [ADJUDICATORY HEARING UNDER (G) OF THIS SECTION OCCURS], an amendment to a district program [RESULTING FROM MEDIATION UNDER AS 46.40.060(b) AND 6 AAC 85.170(a) AND (b) OR FROM ADJUDICATION UNDER AS 46.40.060(c) AND 6 AAC 85.170(c)] takes effect upon the lieutenant governor's filing of the council's order either ratifying the results of the mediation or determining the adjudication [, RESPECTIVELY]. (Eff. 8/23/86 , Register 99; am / / , Register )

Authority: [AS 44.19.160]  
AS 44.19.161  
AS 46.40.010  
AS 46.40.040  
AS 46.40.060

### **Article 3. Special Area Management Plans and Areas Which Merit Special Attention**

#### **Section**

**195. Special area management plans**

**205. Types of areas to be designated as areas which merit special attention**

**215. Areas which merit special attention inside districts**

**225. Areas which merit special attention outside districts**

6 AAC 85 is amended by adding a new section to read:

**6 AAC 85.195. SPECIAL AREA MANAGEMENT PLANS.** A coastal resource district may develop a special area management plan to manage a specific resource or activity within the coastal district. A special area management plan includes a harbor management plan, ocean resource management plan, public use management plan, recreation management plan, watershed management plan, and wetlands management plan. A special area management plan provides for increased specificity in protecting significant natural resources, coastal-dependent

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economic growth, improved protection of life and property in hazardous areas, and improved predictability in governmental decision making. Development and approval of a special area management plan must follow the procedures for approval of district programs or significant amendments as described in this chapter. (Eff. // , Register )

Authority AS 46.40.030

6 AAC 85 is amended by adding a new section to read:

**6 AAC 85.205. TYPES OF AREAS TO BE DESIGNATED AS AREAS WHICH MERIT SPECIAL ATTENTION.** (a) A coastal resource district may develop a program for an area which merits special attention. The development and approval of a program for an area which merits special attention is subject to 6 AAC 85.215 and 6 AAC 85.225.

(b) An area which merits special attention includes the following, in addition to the categories contained in AS 46.40.210(1):

- (1) an area important for subsistence hunting, fishing, food gathering, and foraging;
- (2) an area with special scientific value, including an area where an ongoing research project could be jeopardized by development or a conflicting use or activity; and
- (3) a potential estuarine or marine sanctuary. (Eff. // , Register )

Authority: AS 44.19.161  
AS 46.40.040

6 AAC 85 is amended by adding a new section to read:

**6 AAC 85.215. AREAS WHICH MERIT SPECIAL ATTENTION INSIDE DISTRICTS.** (a) A person may recommend to a district that an area inside the district be submitted to the council for approval as an area which merits special attention. A district may include in its district program, or submit for approval as a significant amendment to its program, a program for an area which merits special attention. A program for an area which merits special attention must include

- (1) the basis or bases for designation under AS 46.40.210(1) or 6 AAC 85.205;
- (2) a map showing the geographical location, surface area and, if appropriate, bathymetry of the area, along with a legal and narrative description of the boundaries and a justification of the size of the area which merits special attention;
- (3) a district program element described in 6 AAC 85.020 - 6 AAC 85.110;
- (4) a summary of the resource values and use conflicts, if any, in the area; and
- (5) analysis that the area which merits special attention designation is the district's preferred planning and management mechanism for meeting the objectives of the proposal and the Alaska Coastal Management Program.

(b) Council approval of areas which merit special attention inside districts will be in accordance with the procedures for approval of district programs, or significant amendments to

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district programs, as described in this chapter.

(c) A management plan for an area which merits special attention inside a district must preserve, protect, enhance, or restore the value or values for which the area was designated. (Eff. //, Register )

Authority: AS 44.19.161  
AS 46.40.040

Editor's Note. The substance of this section was originally codified at 6 AAC 80.158.

6 AAC 85 is amended by adding a new section to read:

**6 AAC 85.225. AREAS WHICH MERIT SPECIAL ATTENTION OUTSIDE DISTRICTS.** (a) A person may recommend to the council an that area within the coastal area but outside a coastal resource district be designated as an area which merits special attention. A recommendation to the council for an area which merits special attention outside a district must be submitted to the office, and must include

- (1) the basis for designation;
- (2) a map showing the geographical location of the area, as well as a legal and narrative description of the boundaries, and a justification of the size of the area which merits special attention;
- (3) a summary of the resource values and use conflicts, if any, in the area;
- (4) a statement of the purpose and objectives to be met through planning for an area which merits special attention;
- (5) a tentative schedule outlining time frames for completion of planning tasks and reviews;
- (6) the source of funding for developing the area which merits special attention program;
- (7) a list of parties with interests in or adjacent to the proposed area who may be affected by its designation, and a description of how these parties would be involved in plan development;
- (8) a letter from the affected districts commenting on the proposed area which merits special attention;
- (9) a written summary of the issues discussed and the participants involved in the meeting as defined under 6 AAC 85.135; and
- (10) an analysis that the area which merits special attention is the preferred planning and management mechanism for meeting the objectives of the proposal and the Alaska Coastal Management Program.

(b) A program for an area which merits special attention outside a district must preserve, protect, enhance, or restore the value or values for which the area is designated.

(c) Upon receipt of a recommendation for designation of an area which merits special attention outside of a district, the office shall place the recommendation on the council's agenda for consideration at its next regularly scheduled meeting, and shall give notice of a public

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hearing. The office shall give direct notice to a person identified in (a)(7) of this section. The office shall make the recommendation available for public inspection at the time of the notice of the public hearing. The council will make an initial finding, detailing its reasons to either authorize additional planning for the area which merits special attention, or to reject the recommendation. The council's authorization of additional planning does not constitute council approval of a final program.

(d) If the council decides to authorize additional planning under this section,

(1) public notice will be provided by advertisement in a news publication of general circulation in the affected area and in one of general circulation in the state. The office, with assistance from the person recommending the designation, shall compile a mailing list of state and federal agencies, affected cities and villages, landowners, and other interested parties and shall notify them that planning for the area which merits special attention outside the district is going to occur; and

(2) designation of an area which merits special attention outside of a district shall be in accordance with the procedures for approval of district programs as described in this chapter. For the purposes of this chapter, the person recommending the designation of the area shall be responsible for all applicable district program development requirements within this chapter.

(e) In addition to the applicable requirements of this chapter, the public hearing draft as described in 6 AAC 85.140 must also include the information required under (a) of this section and in 6 AAC 85.020 - 6 AAC 85.110.

(f) The council will approve or disapprove the designation of an area that merits special attention outside a district as described in 6 AAC 85.150. The council will disapprove the designation if designation would cause substantial irreparable harm to another interest or value in the coastal area. (Eff. // , Register )

Authority: AS 44.19.161  
AS 46.40.040

Editor's Note. The substance of this section was originally codified at 6 AAC 80.170.

## Article 4. General Provisions

### Section 900. Definitions

6 AAC 85.900 is repealed and readopted to read:

**6 AAC 85.900. DEFINITIONS.** Unless the context indicates otherwise, in this chapter

- (1) "area which merits special attention" has the meaning given in AS 46.40.210(1);
- (2) "beach" means an area affected by wave action directly from the sea;
- (3) "city" has the meaning given in AS 29.05.011;
- (4) "concept approved draft" means the draft document developed in 6 AAC 85.148,

and which has been approved, by the municipality's governing body or the coastal resource service areas board, for further development;

(5) "**council**" means the Alaska Coastal Policy Council;

(6) "**direct and significant impact**" means an effect of a project which will likely contribute or lead to a significant change in or alteration of the natural, social, cultural, or economic characteristics of a coastal resource district;

(7) "**district**" means a coastal resource district as defined in AS 46.40.210(2);

(8) "**district program**" means a district coastal management program;

(9) "**enforceable policy**" means those policies which are legally binding through constitutional provisions, laws, regulations, land use plans, ordinances, or judicial or administrative decisions, by which the State or municipalities exert control over private and public land and water uses and natural resources in the coastal zone;

(10) "**feasible and prudent**" has the meaning given in 6 AAC 80.900;

(11) "**governing body**" has the meaning given in AS 29.71.800;

(12) "**islands**" means bodies of land surrounded by water on all sides;

(13) "**local knowledge**" means a body of knowledge or information about the coastal environment or the human use thereof, including information passed down through generations, if that information is

(A) derived from experience and observations; and

(B) generally accepted by the local community;

(14) "**marine coastal water**" means water adjacent to shorelines which contains a measurable quantity of seawater, including sounds, bays, lagoons, bayous, ponds and estuaries, and the living resources which are dependent on these bodies of water;

(15) "**new matter**" means new language or deletions;

(16) "**office**" means the Division of Governmental Coordination established in the Office of Management and Budget established in the Office of the Governor;

(17) "**person**" means

(A) any individual;

(B) any corporation, partnership, association, or other entity organized or existing under the laws of the State;

(C) the Federal Government;

(D) any state, regional, or local government; or

(E) any entity of any such Federal, state, regional, or local government;

(18) "**public hearing draft**" means the draft document developed in 6 AAC 85.140 and 6 AAC 85.145;

(19) "**public need**" means a documented need of the general public and not that of any private individual or group of individuals;

(20) "**saltwater wetlands**" has the meaning given in 6 AAC 80.900(19);

(21) "**sensitivity**" means the tendency to be altered easily or to be vulnerable to changes from other forces, uses, or activity in the environment;

(22) "**service area**" means a coastal resource service area;

(23) "**significant amendment**" means an amendment to an approved district program

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which

(A) results in a major revision, addition or deletion to the policies or implementation methods or authorities included in the district program under 6 AAC 85.090 and 6 AAC 85.100;

(B) alters the district boundaries, other than by technical adjustments;

(C) designates an area which merits special attention or alters an existing area which merits special attention designation; or

(D) restricts or excludes a use of state concern not previously restricted or excluded;

(24) **"suitability"** means the fitness and appropriateness of the coastal environment to support a given use or activity.

(25) **"transitional and intertidal area"** means an area subject to periodic or occasional inundation by tides, including coastal floodplains, storm surge areas, tsunami and hurricane zones, and washover channels;

(26) **"village"** means an unincorporated community

(A) in which at least 25 persons reside as a social unit as determined by the Department of Community and Regional Affairs;

(B) has a traditional village council, IRA council, or community association; and

(C) with boundaries as follows, for the purposes of this chapter:

(i) the area within a three mile radius of the village post office; or

(ii) if there is no post office, the area within a three mile radius of a site designated by the commissioner of the Department of Community and Regional Affairs;

(27) **"zone of direct interaction"** means the portion of the coastal zone where physical and biological processes are a function of direct contact between land and sea; and

(28) **"zone of direct influence"** means the portion of the coastal zone extending seaward and landward from the zone of direct interaction. (Eff. 7/18/78, Register 67; am 8/18/79, Register 71; am 9/9/81, Register 79; am 3/2/84, Register 89; am //, Register )

Authority: AS 44.19.161  
AS 46.40.040

Author. ruffner@Alaska.NET (Robert Ruffner) at CC2MHS1

Date: 2/19/98 9:17 PM

Priority: Normal

TO: Representative Joe Green at LAA\_TRANS

CC: Representative Bill Hudson at LAA\_CAP, Representative Scott Ogan at LAA\_TRANS,

Representative Gene Therriault at LAA\_HTHR,

Representative\_Bill\_Hudson@legis.state.ak.us at CC2MHS1

Subject: HB 28

Dear Representatives,

Although none of you are in my district, I hope you will take the time to hear from an average Alaskan in Kenai/Soldotna. I will be brief!

HB 28 could significantly lessen the LOCAL control we currently have. I'm quite certian that my Rep would disagree with this, but I've seen it in other rural areas in the west. The scenerio goes as follows. If the local people don't take care of those sensative environmental areas, the feds will bring in big hammers to "help us out". I realize that the Rep. Therriault probably doesn't have much use for the CMP, but in Kenai, we really do!

This bill would lessen the flexibility currently in place that prevents damage to the Kenai.

I urge you not to support this bill.

My apologies to Rep. Therriault.

Thank you for considering my comments,

Robert Ruffner

PO Box 407

Soldotna



H  
FK 1128

February 27, 1998

MAR 02 1998

Representative Bill Hudson  
Alaska State House of Representatives  
State Capitol  
Mail Stop 3100  
Juneau, AK 99801-1182

Dear Representative Hudson:

I attended yesterday's House Resources Committee hearing via teleconference, but was not called upon to testify on CSHB 28. Apparently my name failed to appear on your list of teleconference attendees. I am writing today to enter my comments into the hearing record.

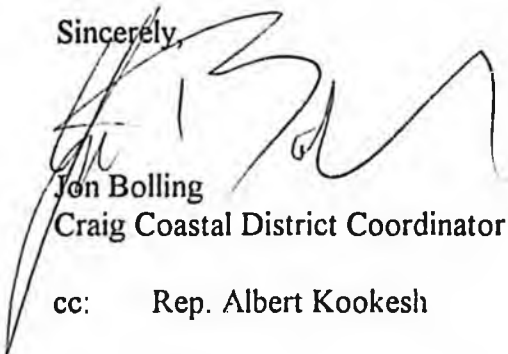
My comments are as follows.

1. I support the comments made by Gail Ostrom of St. Marys at yesterday's teleconference regarding stripping Coastal Resource Service Areas (CRSA) of their current authority in Title 46. Doing so will only serve to eliminate local control and administration of the program, exactly the opposite approach that the municipalities that participate in the Alaska Coastal Management Program (ACMP) support.
2. I believe that if the authorities granted to CRSA's in Title 46 are eliminated as proposed by CSHB 28, the state risks losing federal funding of the ACMP. My understanding of the federal Coastal Zone Management Act requires that the state ACMP program explicitly grant such authority. Voiding that power as proposed in this bill will reduce federal grant funding.
3. I support the comments made during yesterday's teleconference by the planning director of the Kenai Peninsula Borough regarding the need for an administrative appeal process in the ACMP (known as petitions). Elimination of an appeal process, as proposed by CSHB 28, will only lead to more litigation on ACMP issues; that process is more divisive and costly than a built-in administrative appeal.
4. CSHB 28 will also reduce the state's ability to oversee federally sponsored activities in Alaska by reducing the size of coastal districts. One of the most attractive components of the ACMP is the authority it gives to the state to have legal standing in the review of federal actions. Why should the state voluntarily reduce that authority? Doing so is not in the best interest of Alaska.

It is my hope that CSHB 28 will not pass out of the House Resources Committee in its present form. Changes to the bill that address the issues raised above and in yesterday's hearing are needed.

Thank you for this opportunity to comment.

Sincerely,



Jon Bolling  
Craig Coastal District Coordinator

cc: Rep. Albert Kookesh

Author: rba@alaska.net (Roy Anderson) at CC2MHS1  
Date: 2/18/98 8:10 PM  
Priority: Normal  
TO: Representative Bill Hudson at LAA\_CAP  
Subject: CSHB 28  
To: The Honorable Bill Hudson and The Honorable Scott Ogan

Regarding: CS For House Bill 28

From: Roy Anderson, Resident - Kenai Peninsula Borough

I am writing to oppose CSHB 28, " An Act modifying the Alaska Coastal Management Program and the Responsibilities of the Alaska Coastal Policy Council".

I believe the act as written, would eliminate the ability of local Coastal Management Programs to protect valuable habitat within their boundaries.

I am one of four persons that recently appealed an arbitrary and capricious decision made by various governmental agencies to the Alaska Coastal Policy Council. We were successful in having the consistency finding remanded back to the agencies for further review. Removing the course of appeal as proposed, would leave petitioners with only the courts as an arbitrator of these capricious decisions. If a case was appealed to the courts and found successful, the state would pay the cost to defend it self and also pay the court costs of the petitioners. One law suit found in favor of the petitioners would cost more than the state's cost of maintaining an appeal through the elevation process of the Coast Management Program.

If the Coast Management Program is to be amended, then strength the appeals process, do not eliminate it. Currently because state employees sit on the Coastal Policy Council the Council is restricted to considering only if a petitioner's comments have been "fairly considered". This does not provide citizens of an affect district a fair appeal process when arbitrary and capricious decision are made by government agencies. My suggestion is that state employees be removed from the Coastal Policy Council and that the Council be given the powers through statute to consider appeals based on their merit.

I also disagree with removing the stipulation powers of the agencies. This would force all but the most benign projects to be denied because they could not be found consistent without the stipulations. Removal of the agencies ability to require stipulations for a consistency finding could result in the denial of reasonable development projects within in the coast zone boundary.

Also, shrinking the coastal zone boundary as proposed would not protect the up-river habitat of salmon producing rivers like the Kenai . Without these protections, significant harm will occur to the salmon populations in these rivers.

I am sorry that I could not testify at your teleconference tomorrow. You must realize that for many of us who work, attending a teleconference scheduled between 1 and 4 on a weekday is impossible.

I appreciate you consideration of my concerns.



# Alaska State Legislature

## Written Testimony Form

Please enter into the record my testimony to the HOUSE RESOURCES  
(committee name)

committee on HB 28, dated February 19, 1998  
(bill/subject)

Cordova District Fishermen United (CDFU) would like to register their support of the Alaska Coastal Policy Council and the Coastal Management Program. We do not want to see shrinkage of their powers, nor lessening of their authority. It has given coastal communities much needed avenues of input and has provided due process, an important component of the Alaskan democratic procedure. We are against modification of the Coastal Management Program. We are against House Bill 28

Signed: Jo Ellen Key

Testifier Name

Cordova District Fishermen United

Representing (Optional)

PO Box 939 Cordova, AK 99574

Address

907.424.3447

Phone Number

**HOUSE RESOURCES COMMITTEE PUBLIC TESTIMONY, FEBRUARY 26, 1998**

SUBJECT: CS FOR HB28

COMMENTOR: JIM GLASPELL  
19738 IVY HOME CIRCLE  
EAGLE RIVER, AK 99577  
694-2126  
[jdaspell@compuserve.com](mailto:jdaspell@compuserve.com)



Mr. Chairman and House Resources Committee Members:

My name is Jim Glaspell, 19738 Ivy Home Circle, Eagle River, and I am testifying on my own behalf. I have worked with ACMP issues in Alaska since 1981 and have serious concerns regarding this proposed legislation. Although the Committee Substitute before you does not call for outright elimination of the Alaska coastal management program, it imposes arbitrary and inappropriate limitations on district plan coastal boundaries, restricts local community involvement in plan development and resource protection policy application in a manner never envisioned in the enabling legislation, and eliminates petition processes originally intended to provide a procedure for coordinated state/community oversight of the implementation of the ACMP.

- Reducing the CZM boundary to only the zones of direct interaction and direct influence reverts to the "interim" or initial boundaries approved by the Coastal Policy Council back in 1979. At that time it was clearly recognized that the "interim" boundary was only a starting point, and specific criteria were identified for modifying the interim boundary during development of a district program. To arbitrarily change the coastal boundary to its starting point from nearly 20 years ago would ignore recognition of the critical interactions of development activities and resource uses on the state's coastal areas, habitats, and fish and wildlife populations. We only have to look to the status of salmon populations in Washington and Oregon to see a demonstrable effect of the importance of proactive coastal resource protection. In addition, it should not be assumed that all coastal district boundaries would be reduced under this proposed legislation since there are coastal districts where the current boundary encompasses an area smaller than the original "interim" boundary.
- The Coastal Policy Council has already directed coastal districts to avoid the adoption of state statutes and regulations by reference in local plans in the January 1997 "Drafting Principles for Enforceable Policies". District plan policies are intended to supplement, where appropriate, the regulatory framework provided by state and federal laws, and not to repeat them.

- A key component of the ACMP is the ability to protect coastal resources through a locally-developed plan, using enforceable policies that supplement existing state and federal regulations. For Coastal Resource Service Areas (CRSA) which do not have planning powers, the only way to implement their program standards is through inclusion on state permits and authorizations under the consistency review process. Municipalities and boroughs with planning powers do not generally attempt to establish their own standards for air, land, water, and habitat protection. The proposed change would preclude any district program policies or permit stipulations across a broad spectrum of local coastal resource issues for which the district does not or can not exercise authority. Limiting state agency involvement in the ACMP to only those areas in which they already have statutory authority ignores the knowledge and expertise of resource agencies in implementing district program policies which focus on coastal resource protection. The approach proposed in this legislation would restrict district program involvement and state agency participation in project consistency reviews to only those issues of coastal resource protection already existing in regulation.
- Elimination of B-1 (specific action) and B-2 (district program implementation) petition review processes will throw away an important tool in the system of checks and balances - the ability to elevate consistency decisions to the Coastal Policy Council (agency and community representatives) when a district, applicant, or citizen does not agree with a consistency decision or the implementation of a district program. The petition process does not duplicate the consistency review "elevation" process since elevations are directed to higher authority in the same agency that rendered the consistency decision at issue.

Overall, the arbitrary shrinking of the coastal boundary without justification, the limitation of agency or district involvement in the ACMP to only those areas where they have statutory authority, and elimination of the petition process for consistency determinations would effectively emasculate key components of the ACMP, almost to the same functional point that would be achieved by complete elimination of the Alaska coastal management program. At a time when the state is striving to give a greater voice to local knowledge and expertise, and to provide expanded opportunities for self-determination of coastal resource protection needs by local communities, this committee substitute for HB28, work draft "E" would significantly weaken the ACMP and the cooperative community/state management of resources in the coastal area. CRSAs in the unincorporated borough would be particularly hard hit by this approach (Bristol Bay, Aleutians West, Bering Straits, Cenaliulnit).

Thank you for the opportunity to provide comments to the committee



# Alaska State Legislature

Please enter into the record my testimony to the House Resources  
 committee name  
 committee on HB 28 Coastal Mngement dated 2/26/98  
 bill/subject

The Matanuska-Susitna Borough opposes the proposed HB 28. The borough's position is reflected in the position taken by the Alaska Municipal League regarding this proposal.

Signed: George Kenneth Hudson  
 Testifier  
Matanuska-Susitna Borough  
 Representing (Optional)  
350 East Dehlic Ave Palmer Alaska 99645  
 Address  
(907) 745-9865  
 Phone No.



# Southeast Alaska Conservation Council

SEACC 419 6th Street, Suite 328, Juneau, AK 99801

(907) 586-6942 phone (907) 463-3312 fax

info@seacc.org

Statement of the Southeast Alaska Conservation Council (SEACC)  
on HB 28  
before the House Resources Committee  
Alaska State Legislature  
February 26, 1998

Founded in 1970, SEACC is a coalition of fifteen local community, volunteer conservation groups in twelve Southeast Alaska communities, from Ketchikan to Yakutat. SEACC's 1200 individual members include commercial fishermen, Native Alaskans, hunters and guides, tourism and recreation business owners, value-added wood product manufacturers, and Alaskans from all walks of life. SEACC is dedicated to safeguarding the integrity of Southeast Alaska's unsurpassed natural environment while providing for balanced, sustainable use of our region's resources.

The Alaska Coastal Management Program is a valuable program which allows local citizens and communities to have a voice in management decisions affecting coastal resources. SEACC opposes this bill and any other attempts to weaken the public's involvement in the ACMP program. We are most concerned with Sections 2 and 6 of the proposed CS for this bill, or Work Draft "E." Under these sections, the State Legislature would reduce the coastal zone boundary to exclude the zone of indirect influence, and eliminate the process of petitioning a district program or proposed consistency determination.

Section 2 of this bill would force districts to reduce their coastal zones to only the "zone of direct interaction" and the "zone of direct influence" and exclude the "zone of indirect influence." By excluding the zone of indirect influence, this bill would limit the ability of coastal districts and their citizens to affect State and federal land management decisions in the coastal zone. Since Alaskan communities and citizens depend heavily on coastal resources, especially salmon, they must be allowed full participation in management decisions affecting these resources. Given the importance of anadromous fish habitat in the zone of indirect influence to coastal communities, the Legislature must allow coastal districts to have a say in management decisions in this zone.

By eliminating the petition process, Section 6 of this bill would hamstring public participation in the ACMP process. Without the petition process to make certain that public comments are adequately considered in the ACMP, the public would be required to use the courts to achieve this goal. Cutting out this important step in the ACMP process, then, would then end up costing the State more in legal fees and unnecessarily limit public involvement in this important program.

In conclusion, we urge you to withdraw this legislation.

Respectfully submitted,

Marc Wheeler  
SEACC

LYNN CANAL CONSERVATION, Haines • FRIENDS OF GLACIER BAY, Gustavus • FRIENDS OF BERNERS BAY, Juneau  
WRANGELL RESOURCE COUNCIL • ALASKA SOCIETY OF AMERICAN FOREST DWELLERS, Pt. Barrow • PELICAN FORESTRY COUNCIL  
ALASKANS FOR JUNEAU • NARROW'S CONSERVATION COALITION, Petersburg • TONGASS CONSERVATION SOCIETY, Ketchikan  
CHICHAGOI CONSERVATION COUNCIL, Tenakee • JUNEAU GROUP SIERRA CLUB • SITKA CONSERVATION SOCIETY  
TAKU CONSERVATION SOCIETY, Juneau • PRINCE OF WALES CONSERVATION LEAGUE, Craig • YAKUTAT RESOURCE CONSERVATION COUNCIL

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**Alaska Conservation Voice**  
*Speaking Out for Alaska's Future*

Juneau  
P.O. Box 22151  
Juneau, Alaska 99802  
phone: 907-463-3366  
fax: 907-463-3312  
email: unite@akvoice.org

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**Testimony on HB 28**  
**February 26, 1998**

The Alaska Conservation Voice is an organization comprised of twenty four member groups, which represent over 10,000 households statewide. ACV is strongly opposed to House Bill 28 because it is a direct attack on the rights of local residents in coastal areas to take charge of their own futures.

In areas where formation of boroughs has not been feasible, and may not be feasible in the immediate future, the Alaska Coastal Management Program (ACMP) provides a critical planning structure that is responsive to local and regional concerns. Over the years, it has provided a valuable means for local and regional interests to chart a balanced development course that protects highly valued resources and creates or preserves opportunities for a more stable livelihood.

House Bill 28 employs several devices which seriously undermine the ability of local people to plan for economic development, land use and civil infrastructure that are appropriate to their needs and circumstances.

Specifically in western Alaska, the provision to reduce the coastal zone contradicts the realities of both the natural environment and topography and the interaction of humans with the environment of this region.

The proposal to prohibit coastal districts from adopting state statutes for their plan is a sharp and unfair curtailment of local prerogatives. Any number of logistical or consensus-building issues might arise that would make this direction very appropriate for a district to take. It is inappropriate for the legislature to second-guess coastal district decision-makers.

The petition review process is one of the basic building blocks of the Coastal Zone Management process. Without an avenue for redress when their concerns have not been answered, citizens' participation in the CZM process can all too easily be neglected as government officials and industry realize there are no consequences to ignoring the concerns of local residents.

In conclusion, ACV cannot support any effort to further curtail the ability of local people in coastal Alaskan communities to affect management decisions on lands affecting coastal resources. The ACMP has been a cost-effective program providing numerous benefits to thousands of Alaskans. The ACMP does not need the overhaul required by HB28.



# City and Borough of Sitka

100 LINCOLN STREET • SITKA, ALASKA 99835

February 24, 1998

The Honorable Representative Bill Hudson, Co-Chair  
The Honorable Representative Scott Ogan, Co-Chair  
and Members of House Resources Committee  
Alaska State House of Representatives  
State Capitol  
Juneau, AK 99801-1182

Dear Co-Chairs Hudson and Ogan and Members of  
House Resources Committee:

I respectfully request that the following written testimony be substituted for my verbal testimony before House Resources Committee for your Thursday, February 26 hearing on House Bill 28. I attended your February 19 teleconference on HB28 but was not able to testify. This Thursday I cannot participate in person. Please also accept the attached Resolution No. 97-670 by the Assembly of the City and Borough of Sitka Supporting the Alaska Coastal Management Program and Opposing HB 28 To Repeal The Program, as well as the comments of Administrator Gary Paxton of the City and Borough of Sitka.

## TESTIMONY BY MARLENE CAMPBELL, COASTAL MANAGEMENT COORDINATOR CITY AND BOROUGH OF SITKA TO THE HOUSE RESOURCES COMMITTEE

Mr. Co-Chairs and members of the House Resources Committee:

My name is Marlene Campbell. I have been Coastal Management Coordinator for the City and Borough of Sitka for the past eleven years. The Sitka Coastal District encompasses the coastal areas of the 4,710 square mile City and Borough of Sitka. Over 90 percent of the City and Borough of Sitka is Tongass National Forest lands owned by the Federal government, and most of the tidelands are State-owned.

The Alaska Coastal Management Program (ACMP) permits the citizens of the City and Borough of Sitka to have an active voice in the management of our land and water coastal resources. This "seat at the table" with the Forest Service, Department of Natural Resources, and other State and Federal agencies has been extremely beneficial to all parties and enables the Municipality and our community to have a measure of local control which is very important to us.

House Resources Committee  
February 24, 1998  
Page 2

HB 28 as presently written would destroy the integrity of Sitka's highly successful Coastal Program. Our well-written and flexible enforceable policies emphasize working cooperatively within the ACMP and jurisdictions of State and Federal agencies to permit development while at the same time protecting our valuable resources. By reducing the coastal boundaries to zones of direct influence, much of our directly impacted coastal zone outside the zone of direct influence would be outside our authorities to comment on. Most of Sitka's enforceable policies relate to our authorities to have a role as a partner with the agencies and applicants under the ACMP, and if these were excluded, Sitka would lose its "seat at the table" on decisions affecting our coastal zone.

Sitka's Coastal Program has been a model statewide since 1981, providing a balanced approach to permitting needed economic development while ensuring our natural resources in the Coastal Zone are maintained. We have never had a petition to the CPC; we have been able to work out all problems with permits to enable projects to proceed while protecting the environment. This partnership has been good for all parties but would be lost if HB 28 were approved. The federal funding provided to coastal districts through the ACMP also permits our communities to provide on-site staff assistance on coastal management issues to our citizens on a daily basis.

We could not possibly complete a total rewrite of the Sitka Coastal Program including new boundaries in 180 days. Further, if the ACMP is "gutted", there would be little reason left to continue to participate in the Program, and our local involvement in decisions affecting our lands and waters would be severely compromised. Sitka's Title 29 authorities do not give the Municipality the ability to effectively influence especially Federal decision-making except through the ACMP.

The Alaska Coastal Management Program is not broken and does not need fixing. Please support Alaska's coastal communities by letting the Division of Governmental Coordination fine-tune Alaska's highly successful Coastal Management Program. Please do not support HB 28, which will emasculate this extremely valuable federally funded program so important to the future of our State.

Thank you for the opportunity to comment.

Sincerely,

  
Marlene A. Campbell  
Coastal Management Coordinator/  
Special Projects Director

cc: Senator Robin Taylor  
Representative Ben Grussendorf  
Director Diane Mayer, DGC

Sponsor: Administrator

## CITY AND BOROUGH OF SITKA

### RESOLUTION NO. 97-670

#### A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF SITKA, ALASKA SUPPORTING THE ALASKA COASTAL MANAGEMENT PROGRAM AND OPPOSING HB 28 TO REPEAL THE PROGRAM

WHEREAS, the Sitka District Coastal Management Program has been an extremely effective opportunity for both citizens and the Municipality of the City and Borough of Sitka to have a strong local voice in decision-making affecting our coastal zone since its adoption in 1981; and

WHEREAS, developing the Sitka Coastal Program was a major citizen-based effort that encompassed long-range planning for the entire community and a site-specific determination of the major recreation and subsistence use areas in the entire Sitka Coastal District; and

WHEREAS, having gained state and federal approval of the Plan means state and federal agencies must recognize and be consistent with the local coastal Management policies, which has been of immense benefit to Sitka; and

WHEREAS, the Sitka Coastal Program has provided often the only opportunity for direct citizen involvement in setting policies which will permit appropriate development while at the same time protecting the resources our citizens most value; and

WHEREAS, the primarily federal dollars which fund the Alaska Coastal Management Program have provided hundreds of thousands of dollars over time to Sitka to fund staff and projects to permit Sitka to actively participate in the Coastal Management Program, to provide daily assistance to the public and agencies, and to comment on and facilitate permit reviews; and

WHEREAS, Sitka does not have automatic zoning and regulatory presence throughout its entire 4,710 square miles, and the Coastal Program provides the only involvement available to the Municipality for much development outside the zoned Sitka road system; and

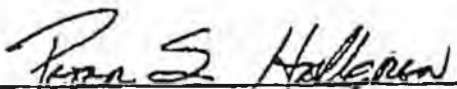
WHEREAS, the Alaska Division of Governmental Coordination has been of great

assistance to the City and Borough of Sitka recently to resolve agency conflicts with the permitting of two of its own large development projects, the Sitka Lightering Facility and the Sitka Water Export Project, and generally has provided a valuable project planning and coordination tool through the ACMP process,

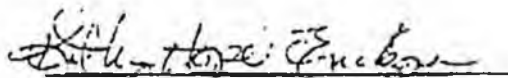
**NOW, THEREFORE, BE IT RESOLVED** by the Assembly of the City and Borough of Sitka, Alaska opposes HB 28 to repeal the Alaska Coastal Management Program.

**BE IT FURTHER RESOLVED** that the Assembly of the City and Borough of Sitka, Alaska supports the Alaska Coastal Management Program and wishes to continue to be an active participant in the program.

**PASSED AND APPROVED** by the Assembly of the City and Borough of Sitka, Alaska on this 11th day of March, 1997.

  
Peter S. Hallgren, Mayor

ATTEST:

  
Kathy Hope Erickson  
Municipal Clerk



# City and Borough of Sitka

100 LINCOLN STREET • SITKA, ALASKA 99835

## **CITY AND BOROUGH OF SITKA'S SUPPORT FOR THE ALASKA COASTAL MANAGEMENT PROGRAM**

**February 24, 1997**

The Sitka District Coastal Management Program has been an extremely effective opportunity for both the citizens and the Municipality of the City and Borough of Sitka to have a strong local voice in decision-making affecting the coastal zone of our City and Borough since its adoption in 1981. A major revision of the Sitka Coastal Program and the Sitka Public Use Management Plan have further enhanced the effectiveness and specificity of the Sitka Program. Developing the Sitka Program and its revisions was a major citizen-based effort that encompassed long-range planning for the entire community and a site-specific determination of the major recreation and subsistence use areas in the Sitka Coastal District. Gaining state and federal approval of the plan means state and federal agencies must recognize and be consistent with local Coastal Management policies. This local involvement in state and federal decision-making has been of immense benefit to Sitka.

Throughout the 16 years of Sitka's approved program, it has operated smoothly, providing often the only opportunity for direct citizen involvement in setting policies which will permit appropriate development while at the same time protecting the resources our citizens most value. There has been an opportunity to encourage project development with the least adverse impacts to resources or the community through the consistency review process. Many problems or conflicts have been solved through the review process. There has not been a single elevation by a Sitka project during the entire history of the Coastal Program.

The primarily federal dollars which fund the Alaska Coastal Management Program have provided hundreds of thousands of dollars over time to Sitka to fund the Coastal Management Coordinator part-time position. This local staff presence has facilitated the major amendments of the Sitka Program, provided daily assistance to the public and agencies, and permitted active municipal participation in permit reviews. The Coastal Management staff regularly works with individuals to help develop and comment on permit requests and with State and Federal agencies to assist them at the local level. Without this position, the City and Borough of Sitka would have no staff to provide all these services.

Hundreds of examples of the effectiveness of Sitka's Coastal Program exist. One example was a mariculture project proposed for an extremely popular recreation and subsistence use area close to Sitka. There was universal opposition to the project at this location but it would have been permitted anyway if not for the inconsistency finding of the Coastal Program. The Coastal Coordinator then worked with the applicant to find a less controversial location, and the project was subsequently permitted at the new site with NO opposition. This was ultimately a "win-win" situation. Usually, such problems can be eliminated before they occur if the applicant works with the Coastal Coordinator early on to resolve conflicts.

Sitka does not have automatic zoning throughout its entire 4,710 square miles. The Coastal Program provides the only involvement available to the Municipality for much development outside the zoned Sitka road system. Rather than developing new layers of regulations and additional municipal staff, the City and Borough of Sitka has relied on the Coastal Program to provide for reasonable, controlled development. The ACMP review enables projects to proceed with a single permit process rather than duplication and inconsistencies between agencies. If the Coastal Program were repealed, Sitka's only recourse to get direct involvement in project reviews would be through litigation.

The Alaska Division of Governmental Coordination (DGC) has been of great assistance to the City and Borough of Sitka recently to resolve agency conflicts with the permitting of two of its own large development projects: the Sitka Lightering Facility and the Sitka Water Export Project. Each of these proposals was "bogged down" by various agency concerns that proved specious, but the projects were finally moved forward to successful conclusion with the assistance of DGC. The ACMP process is a valuable project planning and coordination tool. While Sitka has occasionally had difficulties with DGC, these have generally been resolved equitably, and the agency's willingness to upgrade its services through the ACMP assessment process has been admirable.

In short, Sitka and its citizens have benefitted greatly from its involvement in the Coastal Management Program since 1981. The passage of House Bill 28 to repeal the Coastal Management Program would have major adverse impacts on our Municipality and our community and the lands and waters of the City and Borough of Sitka. The Coastal Management Program is our citizens' only real chance for involvement in the decisions affecting the coastal zone in which we all live. The City and Borough of Sitka opposes HB28 and hopes to continue to participate in the Coastal Management Program in the future.

Submitted by  
Gary L. Paxton, Administrator  
City and Borough of Sitka



# ALASKA MINERS ASSOCIATION, INC.

501 W. Northern Lights Blvd., Suite 203, Anchorage, Alaska 99503 FAX: (907) 278-7997 Telephone: (907) 278-0347

February 25, 1998

FEB 26 1998

Honorable Bill Hudson  
Honorable Bill Williams  
Co-Chairmen, House Resources Committee  
Capitol Building  
Juneau, AK 99801

RE: House Bill 28, Relating to Coastal Zone Management

Dear Representatives Hudson and Williams,

Thank you for the opportunity to comment on the Committee Substitute for House Bill 28(RES). The Alaska Miners Association is in strong support of what we understand as your purposes for this bill - to place some reasonable limits on the area of applicability of the coastal zone program and to correct the uncertainty now associated with the use of stipulations and the petition process.

There are primarily three arguments raised to support the need for the Coastal Zone Management Program (CZMP): (1) CZMP assures the State will have a formal voice in any federal actions along the coasts of the state. All significant decisions made by the federal government do however, require either an Environmental Assessment or Environmental Impact Statement and State and local involvement is required by this NEPA process. (2) CZMP provides a mechanism for input by local communities when decisions are being made in the coastal zone. This is especially important in areas of the unorganized borough. (3) The CZMP receives an annual pot of federal money that comes with acceptance of a CZMP. However, the question remains as to what percentage of the actual cost of the program is covered by the money received from the federal government.

We feel that the changes made to HB-28 by the Committee Substitute are appropriate and that the resulting changes should not adversely impact these three reasons for having the CZMP. We are not debating the justification for eliminating or retaining the CZMP but we feel that it is time to make some significant changes to the program. The changes proposed by CSIB-28(RES) are needed and are appropriate.

1. Area Covered by CZMP CSIB-28(RES) does a very good job of addressing the question of coverage of the CZMP. CZM should be limited to those lands and waters that are directly touched by salt water. CSIB-28(RES) does this by using the phrase "may include only a zone of direct interaction..." This clear definition of the landward extent of CZM is essential. Some CZM areas currently extend many miles and even hundreds of miles inland from the coastal zone. This is totally inappropriate. There are all manner of other laws and regulations that apply to inland

areas and there is no logical justification for such a far-reaching influence under CZM. The changes proposed will correct the problems that now exist in determining the inland extent of CZMP

2. Stipulations The changes proposed by the Committee Substitute addressing stipulations should help clarify an area of uncertainty. In various instances CZMPs have included stipulations that appear to be in conflict with State Statute. The change proposed by this bill should remove the uncertainty that now exists.

3. Role of DGC in Permitting Process An area that is not addressed in CSHB-2S(RES) that you may wish to consider deals with the role of the Division of Governmental Coordination (DGC). One possible suggestion would be to clarify that whenever a permitting approach like that used by DNR for large mines is being followed, the role of DGC (and CZM) would be defined in statute as one of the agencies providing comment to the DNR project coordinator. For mining projects the DNR, as specified in statute, must be the coordinating agency. This applies in coastal areas as well as in the uplands. If a similar approach is used for permitting in other industries, the role of DGC and CZM should be treated the same as with mining. The DNR model utilizes experienced resource managers as coordinators. This approach has proven to be flexible and effective and should be used whenever possible.

Thank you for the opportunity to comment on this extremely important bill. If there is anything we can do to assist you in seeing this bill become law please contact me.

Sincerely,



Steven C. Borell, P.E.  
Executive Director

cc Representative Gene Therriault  
Diane Mayer

# Alaska Oil and Gas Association

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121 W. Fireweed Lane, Suite 207  
Anchorage, Alaska 99503-2035  
Phone: (907)272-1481 Fax: (907)279-8114

January 19, 1998

The Honorable Gene Therriault  
Alaska State House of Representatives  
Room 511  
State Capitol  
Juneau, Alaska 99801-1182

## AOGA Comments on CSHB 28 & SB 186

Dear Representative Therriault:

In response to your September 17, 1997 letter, AOGA's permit streamlining task group is reviewing SB 186 and CSHB 28. Following are our initial comments and suggestions.

As you know, SB 186 interweaves permit streamlining processes with changes to the Alaska Coastal Management Program (ACMP). The result is a major revision of Alaska's permitting system that will require much more time for review and working through of the details.

Permit streamlining is an important goal for the state. A clearly defined, efficient, consistent permit system and a clearly defined, efficient, consistent coastal management program are both essential to the oil and gas business, or for that matter, any resource business in Alaska. Both are evolving systems and need periodic review by the Administration and the Legislature to ensure they are operating as intended.

Our industry's experience with the ACMP process has varied depending upon the operating environment and the nature of the projects for which permits have been sought.

On the North Slope, the ACMP process has generally provided the benefit of greater coordination among agencies reviewing applications for different permits required for a given project. In part this has as much to do with the development of effective working relationships among agency staffs, the North Slope Borough and industry representatives as it does with the ACMP process itself, aspects of which remain cumbersome. However, on other occasions, the ACMP process has led to many cases of duplicative procedures and added additional hurdles to the permit process. This is particularly true in the case of oil tanker vessel contingency plans, where the ACMP process has not been constructive.

Representative Gene Therriault

January 19, 1998

Page 2

Based on our experience, we believe that clarification of the role and powers of the ACMP is a necessary first step toward effective permit streamlining. Interestingly enough, the need for clarification of the role of the ACMP seemed to be broadly agreed upon by the participants at the state's Permit Streamlining Workshop on September 29, 1997.

We support the goal of introducing greater clarity and efficiency into the ACMP and we endorse the principles underlying CSHB 28 which we believe are important steps toward that goal. We believe that implementation of these steps would also greatly contribute to the objective of permit streamlining in general.

Following are our comments and suggestions with respect to these principles:

- We agree with the approach of clarifying coastal district boundaries to clearly defined areas of direct interaction and influence. District boundaries should identify both land and seaward limits.
- We believe it is necessary to have legislative clarification that the ACMP is not intended to expand the jurisdiction of local coastal districts over state permits beyond the existing authority or boundary of the local governments they represent.
- We agree that district programs should be prohibited from adopting state statutes and regulations into their local plans. We believe that an additional step is necessary to fully realize a goal of administrative efficiency and elimination of redundancy in permitting.

We propose that the ACMP be precluded from regulating matters which are already subject to the statewide standards or authority of state agencies. For example, we believe there should be no duplication or inconsistent patchwork of ACMP rules with respect to Department of Environmental Conservation regulations establishing statewide air, land and water quality standards. (Indeed, an existing regulation of the ACMP already recognizes this principle. 6 AAC 80.140.) We believe this principle should be extended to all other appropriate agencies engaged in statewide regulation. In short, the ACMP should not duplicate existing regulation.

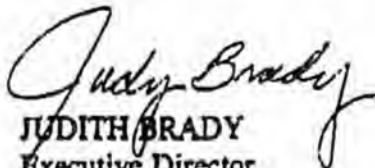
- We believe that the CSHB 28 clarification, limiting stipulations to existing agency authority, is an important and necessary measure.
- We believe that elimination of the existing petition review process to the Coastal Policy Council is important and necessary to implement the above principles.

Representative Gene Therriault  
January 19, 1998  
Page 3

We plan to provide comments on SB 186 to Diane Mayer, Director, Division of Governmental Coordination. We will forward a copy of those comments to you.

We appreciate the difficult task of crafting effective reform legislation and the commitment to this task demonstrated both by you and the Administration. We look forward to working with you and all other interested parties in resolving these important issues.

Sincerely,

  
JUDITH BRADY  
Executive Director

cc: Representative Joe Green  
Commissioner John Shively, DNR  
Commissioner Michele Brown, DEC  
Diane Mayer, Director, DGC  
Pat Pouchot, Legislative Director, Office of the Governor  
Mike Abbott, Economic Development Assistant, Office of the Governor



## KENAI PENINSULA BOROUGH

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MIKE NAVARRE  
MAYOR

December 1, 1997

Representative Gene Therriault  
119 N. Cushman, Suite 101  
Fairbanks, Alaska 99701

Dear Representative Therriault:

Thank you for sending the work draft of HB 28. As Program Coordinator for the Kenai Peninsula Borough (KPB) Coastal District, I have been following your bill and SB 186 with great interest. Although we appreciate your request for comments, we have not had the staff available to conduct an indepth review of the two bills. As time permits, we will be happy to provide comments.

Once again, thank you for the information.

Sincerely,

Glenda Landua  
Coastal Management Program Coordinator

Bering Straits Coastal Resource Service Area  
P.O. Box 190  
Uualakleet, Alaska 99684

(907) 624-3062  
FAX 624-3811

14 October 1997

Representative Gene Therriault  
119 N. Cushman, Suite 101  
Fairbanks, Alaska 99701

Dear Representative Therriault:

Subject: HB 28 work draft.

Thank you for the opportunity to comment on the work draft that would modify the Alaska Coastal Management Program. In reading the work draft, it is very nearly the same as your original HB 28 which would repeal the ACMP.

The current Alaska Coastal Management Program provides all citizens a voice in the process. The State of Alaska still has the strongest position in the process.

Sincerely,

  
Chuck Degnan

Program Director

cc: Pat Pourchot, Governor's Legislative Director



February 25, 1998

Representative Scott Ogan, Co-chair  
House Resources Committee  
State Capitol  
Juneau, Alaska 99811  
and  
Representative Bill Hudson, Co-chair  
House Resources Committee  
State Capitol  
Juneau, Alaska 99811

Re: HB 28

Dear Representatives Ogan and Hudson:

On behalf of the members of the Alaska Municipal League I am writing to oppose HB 28, which modifies the Coastal Management Program.

Amending boundaries to include only the zones of direct interaction and influence will require significant and extremely expensive boundary revisions for at least eleven coastal districts. The right to include zones of indirect influence was a hard fought battle and is critical for protection of the economic base (salmon and other seafood resources) of most of coastal Alaska.

If Section 5 is intended to remove districts' authority to stipulate and limit them to their own enabling authorities, such as Title 29, then an effective vehicle for local protection of resources upon which coastal economies are based will be lost.

While the League supports efforts to improve the Alaska Coastal Management Program, including the appeals petition process, we oppose legislation which would minimize the ability of coastal residents to protect critical resources which support the economies in their regions.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Ritchie'.

Kevin Ritchie  
Executive Director

FEB. 18. 1998  
OFFICE OF THE MAYOR  
P.O. Box 69  
BARROW, ALASKA 99723  
☎ 907 852-2611 or 0200  
Fax: 907 852-0337  
email: bnageak@co.north-slope.ak.us



17 February 1998

Representative Reggie Joule  
Alaska State Capitol  
Juneau, Alaska 99801-1182

RE: North Slope Borough comments regarding committee substitute for HB28

Dear Representative Joule:

The North Slope Borough has reviewed the proposed committee substitute for HB 28 and offers the following comments:

Sections 1, 4 & 5 - These amendments demonstrate a fundamental misunderstanding of the Alaska Coastal Management Program (ACMP) and its subparts, the Coastal Resource Districts Management Programs. Each coastal district management program becomes a part of the ACMP and visa versa. The State and district programs are intended to be interdependent and to separate the two would most likely require an extensive review by the National Oceanic and Atmospheric Administration to ensure the ACMP still meets federal requirements for the program. Triggering such a review by amending the ACMP in this manner may endanger immediate federal funding of the coastal district programs.

Section 2 - This amendment would require the North Slope Borough, as well as other coastal resource districts, to initiate a major program amendment without reimbursement for costs incurred to make the coastal boundary changes. Essentially this is an unfunded State mandate. This is a nonessential amendment for the North Slope Borough because the coastal boundary for the Borough has been in existence for 15 years without dispute.

Section 5 - This amendment again lacks the understanding that the individual coastal district programs are a part of the ACMP and should justifiably incorporate statutes and regulations whenever appropriate and necessary

Section 6 - Elimination of the petition process to the Coastal Policy Council reduces the avenue of appeal on consistency determinations to elevating an unacceptable or faulty decision to the same agency that made the decision. It leaves the coastal district at the mercy of the agency originally making the decision and reduces agency accountability. It

eliminates the only option for an unbiased review of the elevation/petition record before a challenge is mounted before the Alaska Superior Court. The goal in administrative appeals should be to reduce the likelihood of litigation by providing unbiased means for resolving disagreements.

Section 7 - Again, this amendment forces the coastal resource district into a major amendment process with 6 months to accomplish the amendment. It would be a onerous task for the North Slope Borough, forcing public hearings in 6 villages, none of which are accessible by road from Barrow. Even if the funding were available to conduct such an amendment, the time deadline would seriously cripple other work our coastal district has in the North Slope Oil fields.

I hope this will be helpful to you during the committee meetings on this proposed substitute. Please emphasis the onerous burden placed on all coastal resource districts by this bill. If you have any questions please call Jon Dunham, Deputy Director for Land Management at 852-0440. Thank you for your consideration.

Sincerely,

*L.C. Nageak*  
*Acting Mayor*

Benjamin P. Nageak, Mayor

cc: Marie Carroll, Chief Administrative Officer  
Becky Gay, Governmental Affairs  
Charles D N. Brower, Director, Wildlife Management  
files

Testimony of United Fishermen of Alaska  
on HB 28, Work Draft "E"  
before the House Resources Committee

Mr. Chairman and Members of the House Resources Committee, my name is Liz Cabrera and I am testifying on behalf of United Fishermen of Alaska. UFA is an umbrella organization representing over 20 commercial fishing organizations throughout the State.

We are primarily concerned with the portion of the bill which shrinks the coastal zone boundary to only include the zones of direct interaction and direct influence. We believe this provision would be detrimental to the health of our state's salmon resource and therefore we cannot support it.

In general, we find it ironic that the State works so hard to fend off federal management in different arenas but would be willing to give away our ability to affect management decisions on critical watersheds. The coastal zone management program gives local communities the opportunity to influence state and federal management decisions. For some communities, it represents the power to protect important anadromous fish habitat which supports Alaska's commercial, sport and subsistence fisheries. These fisheries make up the economic lifeblood of these communities.

Obviously, the Federal government does not willingly relinquish its absolute authority to make management decisions on their land. We, in Alaska, have seen countless examples. But, in eleven coastal districts throughout the state, the Federal government does have to listen and adhere to the priorities of the local citizenry.

In order to have zones of indirect influence included in their boundaries, each district had to provide evidence that activities within this zone would have a direct and significant impact on coastal waters. The reason they took the time and effort to do this is simple: they want to manage uses that are likely to have an affect on anadromous fish habitat.

We believe communities which rely on fishing should have the ability to influence the management of anadromous rivers, even if the headwaters are on federally managed lands. Continuing to allow these communities to act as stewards is in the best interest of the resource and in the best interest of the state.

Thank you for the opportunity to comment on this important issue.

FEB 26 1998 15:46 PETERSBURG LTD 507 112 5115 P.01  
February 26, 1998

To: House Resources Committee  
Fr: Liz Cabrera, United Fishermen of Alaska  
PO Box 232 Petersburg, AK  
772-9323

Pages: 2

Re: Testimony on HB 28

Unfortunately, I will be unable to testify in person because the teleconference system is fully booked for this bill. I would appreciate it if you could please submit the enclosed testimony for the record. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Liz Cabrera".



## Lake and Peninsula Borough

P.O. Box 495  
King Salmon, Alaska 99613

Telephone: (907) 246-3421  
Fax: (907) 246-6602



February 24, 1998

The Honorable Bill Hudson  
Co-Chair, House Resources Committee  
Capitol Room 108  
Alaska State Capitol  
Juneau, AK 99801

MAR 02 1998

Re: Work Draft - HB28

Dear Representative Hudson,

The House Resources Committee is now reviewing the proposed Committee Substitute on House Bill 28, Work Draft "E" submitted by Representative Gene Therriault. There are sections of the proposed bill that could adversely affect the Lake and Peninsula Borough and are as follows:

### **Reduce the coastal zone boundary by excluding the "zone of indirect influence"**

After careful consideration of the importance of coastal resources to be protected and the range of activities and uses which could potentially adversely affect anadromous fish habitat, the Lake and Peninsula Borough identified a coastal boundary which encompasses all lands and waters within the Borough, except for glaciers, volcanoes, and perennially snow capped mountains. In selecting this approach to delineation of our coastal boundary, the Borough Planning Commission considered the extent of documented anadromous fish habitat, limitations to comprehensive surveys for anadromous fish habitat, the drainage mosaic pattern created by the neighboring Bristol Bay CRSA in the use of coastal boundary corridors along anadromous fish streams and their tributaries, spillover impacts, and the realm of potential disturbances associated with development activities within the Borough. This inclusive approach to our coastal boundary was determined to be most reflective of the resource values and sensitivities of anadromous fish habitats, and concerns related to development impacts and resource uses. The zone of indirect influence in the Borough includes all lands and waters above the 1,000-foot elevation, except for perennially snow-capped peaks and glaciers. By cutting the zone of indirect influence from the Borough's coastal zone, planning staff would be excluded from participating in state and federal permitting decisions in many important areas of the Borough that support the livelihoods of its residents.

Additionally, this cut to our coastal zone would require that Lake and Peninsula Borough Coastal Management Program be amended within six months at great expense to the Borough, in essence causing an unfunded mandate. A plan amendment would require significant staff time from the Borough, as well as DGC, other state agencies, the Coastal Policy Council, and the federal government. It would also require new boundary descriptions be researched and depicted on maps that are expensive to produce. Due to last year's failure of the Bristol Bay and Chignik fisheries, the Borough faces significant cuts to our budget. We do not have available now or nor will we have in the near future, the staff or funds to accomplish this task.

**Reduce the Borough's ability to add stipulations to state and federal permits**

One of the proposed provisions is intended to clarify that the Alaska Coastal Management does not expand any agency's authority beyond that agency's statutory authority. It is not clear whether this provision would have any effect on coastal districts like the Lake and Peninsula Borough, since ACMP statutes themselves (Title 46) give the Borough the power to participate in consistency reviews and to suggest stipulations related to coastal uses, activities, and habitats for state and federal permits. If this provision has any effect at all, it would be to cancel the authority granted to the Borough under Title 46, thereby forcing the Borough to solely rely on its Title 29 powers when participating in a consistency review. One possible effect is that stipulations suggested by the Borough would have to be carried on a local permit, rather than on a state or federal permit. If the Borough had to rely on its Title 29 authority as a result of this provision, and could not suggest stipulations to be carried on state and federal permits, much of the value of the ACMP to the Borough would be lost.

**Eliminate the Borough's ability to appeal to the Alaska Coastal Policy Council when a state or federal permit decision did not "fairly consider" the Borough's interests**

This provision would eliminate the petition process for appealing a coastal consistency determination. The petition process is important to the Borough in that it allows us to appeal a consistency determination directly to the Alaska Coastal Policy Council, where its concerns are heard by nine elected officials from coastal communities and seven members of the Governor's Cabinet. This petition process assures that when the Borough raises concerns during the consistency review process, these concerns are "fairly considered" by the agency coordinating permit decisions for the state and federal governments. Eliminating this appeal process reduces the Borough's assurance that its concerns will be fairly considered before permits are issued. It is important to note that the Borough has never had to appeal a consistency determination. However, we feel it is very important that this process be available to our residents and the Borough, and should not be eliminated.

Thank you for the opportunity to comment on the proposed House Bill 28, changing the Alaska Coastal Management Program. If you need further information, please feel free to contact me at (907) 246-3421.

Sincerely,

*Sheila Bergey*

Sheila Bergey  
Community Development Coordinator

Cc: Senator Lyman Hoffman  
Representative Carl Moses  
Mark Hickey

Steve Beeson  
35277 Kenai Spur Rd  
Soldotna, AK 99669

March 3, 1998

House Resources Committee

Re: HB 28

I stand in opposition to this bill, and have stated so in previous written testimony. I recently used the petition process of the Alaska Coastal Zone Management Policy Council, and felt the system worked quite well. I feel this bill has several flaws to it.

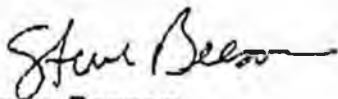
1). By shrinking the coastal zone boundary, you will remove local responsibility and input. Local issues will be largely ignored "the good old buddy system" will reign supreme.

2). Prohibiting agency input that is beyond statutory authority ignores the wealth of information that a given agency can provide. Point in case - I am involved in disputes of Kenai River 320. In this case, a developer wants to build a 4400 foot road, dividing a wetlands that has been identified as "the best of the best". Under statute, ADF&G would not have input because it does not involve an andromodous stream. However, due to the high nutrient value that this wetlands gives, not only through runoff, but through leaching through substrate base directly into the river, ADF&G should be allowed to comment and elevate the project. This is what is occurring in this case presently.

3). Eliminating the petition review process tosses disputes into the court system right off the bat. Needless litigation and high costs will either intimidate those challenging the developer or put the potential challenge out of reach for the average public.

To me, you are gutting the CZMP. Reform may be needed, but as this legislation is currently written, you are eliminating all the checks and balances that are currently being provided in the Plan. As I stated, I have gone through the process, and know personally that the system works.

Sincerely,



Steve Beeson  
(907)262-4401 Work  
(907)262-9026 Home  
(907)262-3525 Fax



# Alaska State Legislature

Please enter into the record my testimony to the HOUSE RESOURCES  
 committee name  
 committee on CS HB 28 , dated March 3rd, 1998  
 bill/subject

I wish to state that while I am not opposed to changes in the state's Coastal Zone Management Program that would have the effect of "streamlining" the permitting process, such as through the use of "one-stop" permitting, etc., I AM STRONGLY OPPOSED to any changes in the present laws that would have the effect of decreasing the area included and the ability of local governments to add stipulations to federal permits, etc. I am also STRONGLY OPPOSED to any changes that would weaken the powers of or diminish the authority of the Alaska Coastal Policy Council.

I have read the "Sectional Analysis of CS HB 28( ), workdraft "E", 3/6/97" and am not convinced of the necessity of the proposed changes.

I STRONGLY URGE that you give serious and thoughtful consideration to the position of the Prince William Sound Regional Citizens Advisory Council, the Kenai Peninsula Borough, and the Kodiak Island Borough, all of which I agree with, on this proposal.

I am absolutely opposed to legislation which would have the effect of denying local control over coastal zone management, as CS HB 28 would do. I do not understand why the legislature of the state of Alaska would take an action which would deny local residents the ability to protect their vital coastal areas, unless it is because industrial interests are afraid that their projects would be hampered by such local control. If this is the reason the sponsor (or sponsors, if any) of this proposal are pushing for it, they (you, to those who are doing it) ought to be ashamed of yourself (or selves, if this applies)!

Thank you for your consideration of this testimony. I hope that you will give it your most serious consideration.

Signed: Gerald R. Brookman

Testifier

Myself

Representing (Optional)

715 Muir Avenue, Kenai, Alaska 99611-8816

Address

283-9329

Phone No.

To: Rep. Hudson  
Co-Chair  
Resources



CITY OF UNALAKLEET

BOX 28  
ALASKA  
99884  
(907) 624-3531  
FAX (907) 624-3130

RESOLUTION 98-05

**A RESOLUTION OF THE CITY COUNCIL OF UNALAKLEET SUPPORTING THE EXISTING ALASKA COASTAL MANAGEMENT PROGRAM AND THE BERING STRAITS COASTAL MANAGEMENT PROGRAM AS THEY CURRENTLY FUNCTION, AND OPPOSING HB 28 AND CS HB 28.**

**WHEREAS**, the City of Unalakleet participates in the Alaska Coastal Management Program through the Bering Straits Coastal Resource Service Area; and,

**WHEREAS**, the Bering Straits Coastal Resource Service Area was formed under the laws of the United States of America and the State of Alaska; and,

**WHEREAS**, the Alaska Coastal Management Program and the Bering Straits Coastal Management Program provide for meaningful participation in reviewing development within the Bering Straits Coastal Resource Service Area; and,

**WHEREAS**, reviews of projects benefit all parties involved; and,

**WHEREAS**, the Alaska Coastal Management Program and the Bering Straits Coastal Management Program provide for local public participation in the review process.

**NOW THEREFORE BE IT RESOLVED THAT** the City Council of the City of Unalakleet supports the existing Alaska Coastal Management Program and the Bering Straits Coastal Management Program as they presently function, and opposes HB 28 and CS HB 28

**PASSED AND APPROVED** by a duly constituted quorum of the City Council of Unalakleet this 25<sup>th</sup> day of February, 1998.

Henry Ivanoff, Sr., Mayor

**ATTEST:**

Brad Gray, City Clerk



March 3, 1998

House Resources Committee  
1:00 p.m., March 3, 1998 Public Hearing  
HB 28, Modifying Alaska Coastal Management Program

I will be unable to attend today's teleconference at the Kenai LIO on HB 28, but thank you very much for notifying me.

PLEASE OPPOSE HB 28.

I have read am HB 28, Workdraft "B" dated 2/20/98, modifying the Alaska Coastal Management Program, and I am still opposed to this bill as the needs of the people and the resources of the coastal areas are not properly addressed. I ask all who represent our coastal areas and their vast natural resources to oppose HB 28.

I live in Cooper Landing, a small unincorporated village, located in the headwaters of the Kenai River. Tourism is the economic life blood of this area and tourism only exists because of our clean waters, fresh mountain air and the natural bounties that those produce. The waters of the Cooper Landing Area produce 20 to 30 percent of Kenai River sockeye salmon and thus are a major source of the Upper Cook Inlet commercial fisheries harvest.

Because we live in an unincorporated area we dependent on the Kenai Peninsula Borough for government. Through the Kenai Peninsula Borough Coastal Management Program local citizen can interact with Federal, State and KPB managers to best manage our coastal resource for the benefit of our area. If we lose the Coastal Management Program through the modifications recommended in HB 28, Workdraft "B", we will lose a large part of our ability to effect Federal and State decisions and those managers will lose the vast local knowledge that local citizens and governments bring to the table.

I want to thank you for this opportunity to participate and ask you to listen to the voices of Alaska's coastal people. Please leave the Alaska Coastal Management Program intact for the benefit of all Alaskans.

Thank You,



Bill Stockwell  
P.O. Box 721  
Cooper Landing, AK 99572

Phone and Fax: (907) 595-1540



02/26/98  
14:15:55

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (TESTIFIERS ONLY)  
TCN:80340 SCHEDULED FOR:02/26/98 13:00 TO 16:00  
PUBLIC HEARING HOUSE RESOURCES

LTN1150  
BY:JNU  
FOR:ALL

LOCATION: ANCHORAGE

HJR 52	TODD	OWENS ✓	RDC	TESTIFY
HB 28	JIM	GLASPELL ✓		TESTIFY
HB 28	KAROL	KOLEHMAINEN ✓		TESTIFY
<del>HB 394</del>	<del>JANICE</del>	<del>ADAIR</del>	DEC	TESTIFY

LOCATION: BARROW

HB 28	MR	JIM	VORDERSTRASSE ✓	CITY OF BARROW	TESTIFY
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LOCATION: DILLINGHAM

HB 28	MR.	PATRICK	GALVIN ✓		TESTIFY
HB 28	MS.	ALICE	RUBY ✓	BBCRSA/CHOG	TESTIFY
HB 28	MS.	SUE	FLENSBURG ✓	BBNA	TESTIFY
<del>HB 28</del>	<del>MR.</del>	<del>CHRIS</del>	<del>NAPOLI</del>	<del>BRISTOL FUELS</del>	<del>TESTIFY</del>

LOCATION: FAIRBANKS

HJR 52	MR.	STAN	LEAPHART ✓	CAC ON FED LANDS	TESTIFY
ALL ITEMS	REP.	IRENE	NICHOLIA ✓		TESTIFY

LOCATION: KENAI LIO

HJR 52	MR.	LEONARD	EFTA ✓	SELF	TESTIFY
HB 28	MS.	LISA	PARKER ✓	KPB PLANNING	TESTIFY

LOCATION: KODIAK

<del>HB 28</del>	<del>MS</del>	<del>LINDA</del>	<del>FREED</del>	<i>HAND TO LEASE</i>	KOD IS BOROUGH	TESTIFY
HB 28	MR	OLIVER	HOLMS			TESTIFY

LOCATION: KOTZEBUE

HB 28	MR	WILLIAM	SHELDON ✓	SELF	TESTIFY
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LOCATION: KETCHIKAN

HB 28	MS	JENNIFER	CARMAN ✓	KTN GATEWAY BOR	TESTIFY
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LOCATION: MATSU

HB 28	MR	THOMAS	LOGAN ✓	<i>Big Lake</i>	TESTIFY
HB 28	MR	KEN	HUDSON ✓		TESTIFY

LOCATION: NOME

HB 28	MR.	ROBERT	FAGERSTRUM ✓	SITNASUAK	TESTIFY
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02/26/98 13:04:17 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
MESSAGE FROM: LIOCJEN IN ANCHORAGE

LTN1120  
JNU

RE TCN: 80340 SCHEDULED FOR:02/26/98 13:00 TO 16:00  
SPONSOR: HOUSE RESOURCES PURPOSE: PUBLIC HEARING

MESSAGE TEXT: SAND POINT IS ON LINE HAD OPEN MIC-AND  
SOMEONE TO T ON HB 28

— TINA ANDERSON —

WE ONLY HAVE A FIRST NAME SORRY

02/26/98 13:22:34 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
MESSAGE FROM: LIOCJEN IN ANCHORAGE

LTN1120  
JNU

RE TCN: 80340 SCHEDULED FOR:02/26/98 13:00 TO 16:00  
SPONSOR: HOUSE RESOURCES PURPOSE: PUBLIC HEARING

MESSAGE TEXT: CHUCK DEGNAN, OF4, IS ON LINE FROM  
UNALAKLEET TO T ON HB 28

*Problem -  
Salmon  
upstream*

02/26/98 13:27:27 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
MESSAGE FROM: LIOCJEN IN ANCHORAGE

LTN1120  
JNU

RE TCN: 80340 SCHEDULED FOR:02/26/98 13:00 TO 16:00  
SPONSOR: HOUSE RESOURCES PURPOSE: PUBLIC HEARING

MESSAGE TEXT: GAIL ALSTROM, OF2, IN ST. MARYS IN ON  
LINE TO T ON HB 28

*Program Director -*



02/26/98 13:36:05 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
MESSAGE FROM: LIOCJEN IN ANCHORAGE

LTN1120  
JNU

RE TCN: 80340 SCHEDULED FOR:02/26/98 13:00 TO 16:00  
SPONSOR: HOUSE RESOURCES PURPOSE: PUBLIC HEARING

MESSAGE TEXT: ARNIE ERICKSON, NAKNEK-BRISTOL BAY BORO,  
MAY WANT TO T ON HB 28

*Not Here*

02/26/98  
14:38:23

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (ALL PARTICIPANTS)  
TCN:80340 SCHEDULED FOR:02/26/98 13:00 TO 16:00  
PUBLIC HEARING HOUSE RESOURCES

LTN1150  
BY:BAR  
FOR:BAR

LOCATION:BARROW

<del>HB 28</del>	<del>MR</del>	<del>JIM</del>	<del>VORDERSTRASSE</del>	CITY OF BARROW	TESTIFY
HB 28	MR	JOHN	DUNHAM	N SLOPE B	TESTIFY

Amendments should include

1) Cut appeal process  
(and counsel?)

2) Lead agency for  
each industry

3) Somehow streamline  
large vs. small  
projects...

~  
Unfortunately,

Both these timber  
businessmen have  
real problems with  
permitting redundancy...  
I'll talk to them  
about specifics.

# Coastal Project Questionnaire

Rogue staffers

- Increase individual agency  
percent
- Dealings of Federal  
Agency

You could ask him  
about the appeal  
process to the  
Council...

of study and public hearings, the Department of Natural Resources granted a lease to the City of Bethel and denied leases to the private landowners.

J. Bruce Crow and Lucy Crow own two of the affected parcels and have challenged the state's decision to lease the tidelands to the City of Bethel in two separate court actions. J. Bruce Crow filed an appeal to the superior court from the administrative decision on the lease of the tidelands and he and Lucy Crow have filed a multi-count complaint, including an action to quiet title, against DNR and Bethel claiming superior rights to the leased lands.

The parties recently reached settlement and have signed a Settlement Agreement. Pursuant to the terms of the Agreement, the state will transfer the lands in question [ATS 1346] to the City of Bethel pursuant to AS 38.05.825. Public notice of the transfer of ATS 1346 has been published. A Stipulation to Stay Proceedings has been filed in both the administrative appeal and the quiet title action. Upon completion of the transfer, both actions will be dismissed with prejudice.

19. *Native Village of Koyuk v. Noah* (Barrow Superior Court No. 2NO-94-06 Civ. (Judge Jeffery); our file nos. 223-94-0338, 225-94-0100; state's attorneys: Steve Weaver, for Coastal Policy Council; Cameron Leonard, for DNR). This is an administrative appeal from a decision by the Coastal Policy Council (CPC) upholding the issuance of a permit by Department of Natural Resources (DNR) for construction of a trapping cabin within a "Permit Notification Area" of the Bering Straits Coastal Resource Service Area (Bering Straits CRSA). The appellants in this case were the Native Village of Koyuk and the Bering Straits CRSA, both represented by Eric Smith. Central issues included the adequacy of the factual findings, the meaning of "due deference" under the Alaska Coastal Management Program, and whether the CPC should review DNR compliance with the Northwest Area Plan. The superior court affirmed the CPC decision, except that the court reversed the determination that the CPC lacked jurisdiction over DNR compliance with the Northwest Area Plan. The superior court upheld the CPC's alternate finding that DNR complied with the Northwest Area Plan. Nancy Wainwright, the new counsel for the opposing parties, has appealed the decision to the Alaska Supreme Court; the state has cross-appealed on the issue of whether the CPC had jurisdiction to review DNR's application of the Northwest Area Plan, one of DNR's own comprehensive plans under Title 38. The appellants' brief was submitted in late November; the state's brief is due December 26, 1996, but a routine 45-day extension has been requested.

20. *Wilhelmsen v. Walsh* (Juneau Superior Court No. JU-95-880 Civ. (Judge Carpeneti); our file no. 223-95-0491; state's attorney: Steve Weaver). Wilhelmsen, a private citizen, filed a petition with the CPC, claiming that the Division of Governmental Coordination (DGC) erred in concluding that a tram project on Mount Roberts in Juneau was consistent with Juneau's coastal management program. In April 1995, the CPC found that DGC had fairly considered Wilhelmsen's public comments on the tramway, dismissed his petition, and permitted issuance of a final determination that the tramway was consistent with the Alaska Coastal Management Program and Juneau's coastal management program. Wilhelmsen sought an injunction against issuance of the final determination, which the superior court denied. On October 16, 1995, Wilhelmsen served the state with an "amended complaint." The complaint also named numerous individual state and city officials as defendants, seeking \$35 million in compensatory damages and over \$100 million in punitive damages for alleged violation of 42 U.S.C. § 1983. On October 30, 1995, Judge Carpeneti denied Wilhelmsen's second request for a temporary restraining order. The state filed its answer on November 27, 1995. Proper service of the individual parties did not begin until March 18, 1996. On April 9, 1996, the state filed a motion to dismiss Wilhelmsen's suit. The superior court heard oral argument on June 13, 1996. The state will answer on behalf of the individual defendants if the court does not dismiss them.

21. *Interior Airboat Ass'n v. State* (Fairbanks Superior Court No. 4FA-96-1494 Civ. (Judge Beistline); our file no. 221-97-0004; state's attorney: Lynn Levensgood). Interior Alaska Airboaters seek to invalidate 5 AAC 92.540(2)(j) which prohibits the use of airboats for moose hunting near Nenana. The parties have agreed to a schedule for summary judgment briefing which requires briefs to be filed by March 15, 1997.

22. *United Cook Inlet Drift Association v. State* (Kenai Superior Court No. 3KN-96-278 Civ. (Judge Brown); our file no. 223-96-0420; state's attorney: Steven Daugherty; UCIDA attorney: Arthur Robinson; intervenor Northern District Set Netter's Association's attorney, Geoffrey Parker). UCIDA amended its complaint November 21, 1996. UCIDA seeks declaratory and injunctive relief against the Board of Fisheries "guiding principles" for management of Cook Inlet salmon stocks, 5 AAC 21.363(d), and against the Northern district Coho Salmon Management Plan, 5 AAC 21.358. UCIDA argues that the guiding principles were not properly noticed, that the Board improperly relied on the principles before they became effective as regulation, and that the Northern District Coho Salmon Management Plan is arbitrary and unreasonable and does not provide a "fair and reasonable" opportunity for harvest by the central district drift gill net fishery. UCIDA's amended complaint added allegations that the Board's consideration did not

launching services at the Deep Creek State Recreational Area on the Kenai Peninsula. Hylan, an unsuccessful bidder for the competitive permit, claims that, among other things, the issuance of the permit failed to comply with the requirements for a concession contract under AS 41.21.027, and that the permit violates sections 3 and 15 of article VIII of the Alaska Constitution. Appellant filed his brief in October. The parties have stipulated to extend the due date of the state's brief until January 15, 1997 to facilitate settlement discussions.

25. *Martin v. State OMB* (Alaska Superior Court No. 3AN-96-1904 Civ.; our file no. 221-96-0752; state's attorneys: Robert C. Nauheim and Laura Bottger; appellant's attorney: Marc Nunn). Ed Martin has appealed a decision by the Division of Governmental Coordination determining that a bakery and brewhouse to be built by Mr. Martin in the Cooper Landing area of the Kenai Peninsula were not consistent with the applicable coastal zone management plan. Mr. Martin has alleged that the agency decision was arbitrary and capricious and that it violated numerous constitutional rights of Mr. Martin. Both parties have now filed their opening briefs; Martin's reply is expected any day.

26. *Terence and Donna Zeznock v. Clark Davis, State of Alaska, et al.* (Alaska Superior Court No. 3AN-95-6471 Civ. (Anchorage, Judge Michalski); state's attorney: Lisa B. Nelson; plaintiff's attorney: Richard B. "Rip" Collins). Terence and Donna Zeznock have filed a quiet title complaint to a small beachfront lot located in the town of Katalla, along the Gulf of Alaska, not far from Cordova. The state claims that a portion of the land claimed by the plaintiffs back from the mean high tide line was created by "avulsion," which by law would be state land. Avulsion is a "sudden and perceptible" addition or loss to land by the action of water or otherwise. In this case, the "or otherwise" was the 1964 Alaska Earthquake. Geological studies done shortly after the Earthquake showed that the Katalla coastline rose up 9 feet and shifted out approximately 1000 feet. Under the law, where land shifts by earthquake-generated avulsion, the old state and private boundaries, submerged or otherwise, survive. The plaintiffs claim that a certain portion of the land is accreted and belongs to them. We are waiting to review a new survey from the plaintiff demonstrating their position.

27. *State of Alaska, Department of Natural Resources v. Ed Ellis* (Alaska Superior Court No. 3AN-96-9064 Civ. (Anchorage, Judge Fuld); state's attorney: Lisa B. Nelson; defendant's attorney: none (pro se)). On behalf of the Department of Natural Resources, Division of Lands, we filed a Complaint for Trespass and Preliminary Injunctive Relief against Lake Creek miner Ed Ellis on November 15, 1996. Among other

salmon waste regulations or to allow sales of roe by hatcheries. Milford D. Sweat, a Yukon River fisherman represented by Alaska Legal Services, has moved to intervene and seeks to invalidate 5 AAC 93.320 and to obtain a declaratory judgment against the sale of salmon roe by hatcheries. Sweat also seeks a declaratory judgment prohibiting the commissioner from adopting emergency regulations where normal regulations have been adopted but are not yet effective.

29. *Villages of Port Graham & Nanwalek v. State, Office of Mgmt. & Budget, Div. of Governmental Coordination* (Alaska Superior Court No. 3AN-96-8541 Civ. (no judge assigned yet); our file no. 223-97-0166; state's attorney: Steve Weaver). This action is an appeal to the superior court from a determination by the Division of Governmental Coordination (DGC), on behalf of the state resource agencies, that the U.S. EPA's proposed renewal of an NPDES general permit for discharges of drilling muds from offshore oil platforms in Upper Cook Inlet was consistent with the Alaska Coastal Management Program. The Kenai Peninsula Borough submitted comments that the permit would also be consistent with the borough's district coastal management program (DCMP). Without first seeking review via a petition to the Coastal Policy Council, see AS 46.40.096, 46.40.100(b)(1), a number of Native and environmental groups have filed an appeal to the superior court under Alaska Appellate Rules 601-612. Appellants contend that by not requiring the platform operators to adhere to a policy of "zero discharge," the proposed NPDES permit violates a number of provisions of the ACMP and the Kenai Peninsula Borough DCMP. By stipulation of the parties, an abbreviated record has been transmitted in this case; and a briefing schedule is expected soon.

30. *Fish and Wildlife Enforcement Actions*. Two attorneys (Lance Nelson and Henry Wilson, each working half-time in this area) pursue various actions against those persons and companies that commit serious violations of the state's fish and game laws. These attorneys work closely with the Division of Fish and Wildlife Protection and the Department of Fish and Game. Some of their cases involve seizure of vessels and equipment and subsequent forfeiture actions. Other of the cases involve claims for damages for the value of illegally taken fish or damages for injury or loss to the fishery resources of the state. In addition, as time allows, these attorneys provide briefing, consultation, and other back-up assistance to the District Attorney Offices around the state in criminal cases involving violations of state fish and game laws. Monetary recoveries in these cases amount to several million dollars over the last few years, with part of that money going to the Fish and Game Fund and the remainder to the state's general fund. Recent activities include settlement of a civil action for vessel forfeiture and damages against Tyson Seafoods, Inc., successor to Arctic Alaska Fisheries Corp., a large Seattle-

In addition to the fact that the ACMP is not operating as intended, it should be noted that a number of environmental laws have been enacted in the ensuing 17 years which provide protection to coastal environmental resources in the same manner as the ACMP. These include the Clean Water Act with the Section 404 fill permit requirements, Title 16 ADF&G permitting requirements and the continuation of the National Environmental Policy Act (NEPA). In many instances the finding of conformity by DGC duplicates processes already required by other state and federal laws.

An investigation of the legislative history of the ACMP would show that the program now in place, where the state resource agencies make the initial determination of ACMP consistency, was initially proposed and rejected by the legislature. The program is not working as promised; i.e., local control of state and federal actions within the coastal area, and the process is duplicatory, which conflicts with AS 44.19.(d)(1), and adds to the cost of state government both in terms of dollars and time.

Perhaps it is time to re-evaluate the usefulness of the Alaska Coastal Management Program (AS 40 et seq.).

Submitted to DGC by:  
Roger Allington, Director  
Division of Planning, DOTPF .  
June 14, 1994

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000051

# Alaska State Legislature

REPRESENTATIVE  
**GENE THERRIAULT**

Mailing Address  
11111 Cutlerman Suite 101  
Fairbanks, Alaska 99701  
(907) 488-0862  
Fax (907) 488-4271



Washington  
State Capitol  
Juneau, Alaska  
99801-1152  
(907) 465-4707  
Fax (907) 465-3884

House District: 33

## House Of Representatives

### HOUSE BILL 28

"An Act repealing the Alaska Coastal Management Program and the Alaska Coastal Policy Council, and making conforming amendments because of those repeals."

**SPONSOR:** Representative Gene Therriault

### SPONSOR STATEMENT:

Alaska chose to participate in the federal voluntary Coastal Zone Management program by creating the Alaska Coastal Management Program (ACMP) approved by the Legislature in 1977. The ACMP is supported by federal and state matching funds and is designed as a "voice" for state and local interests to be addressed in decisions affecting the coastal areas.

Since 1977, there have been many state and federal laws such as the clean water act, spill prevention laws, and wetlands legislation affecting coastal districts diminishing the need for the ACMP. After 20 years of existence it is time for the Alaska State Legislature to determine whether the Coastal Zone Management program warrants Alaska's continued participation.

Concerns leading to the introduction of HB 28 include:

The ACMP allows state agencies to require stipulations on permitted activities beyond the agencies' statutory authority.

Some Coastal districts are not organized governments. They participate in the ACMP by forming Coastal Resource Service Areas (CRSA's). These quasi-governmental entities have no planning and zoning authority making them dependent upon state agencies to enforce the local plans.

A purported benefit of the ACMP is the requirement of cooperation among those involved in the development of Alaska's coastal resources. However, the ACMP standards are vague and open to differing interpretations by the state agencies and local districts eventually leading to expensive elevation hearings and appeals.

For the past four years, as the Finance subcommittee chairman of two resource agencies' budgets, I have heard from administration officials, business representatives and constituents that in the effort to continue to reduce budgets, we must also limit the agencies' statutory responsibilities. The ACMP has been criticized for being a cumbersome, duplicative review process that, in theory, may have some benefits however, in practice, does not work as intended.

The ACMP deserves a thorough review by this Legislature to determine if the purported benefits outweigh the expensive and time-consuming process that evolved from Alaska's participation in this program.

revised 2/6/97

JAN-14-1997 10:11 AM NOV 13 1996 424 3802 P.01  
Rep. Gene Therriault  
Alaska State Legislature  
Juneau, Alaska

January 14, 1997

Re: House Bill 28, Alaska Coastal Management Program.

Dear Rep. Therriault,

I am writing to offer my support for this bill. This month I just completed serving over four years as public co-chair of the Alaska Coastal Policy Council. As a result of this experience I have come to believe that the Alaska Coastal Management Program has evolved into a process that is redundant and seriously off course from it's original intent.

The original purpose of coastal zone management was to promote the wise use of coastal resources by seeking a balance between development and conservation. This was to be accomplished by PLANNING for the needs of our coastal areas and siting development projects in appropriate locations. The program has become one where very little planning is being done. Instead, the necessary decisions that need to be made through the planning process are ignored and left to a judicial or appeal process to sort out.

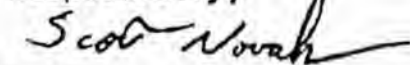
During the past two years the Coastal Policy Council along with the state resource agencies and the coastal districts have been conducting an assessment of the program in an attempt to make it work better. This assessment began with many good intentions and included an enormous amount of public involvement. It is now concluding without achieving two of the most important goals. Fixing the petition and appeals process and defining a use of state concern.

It is my belief that while the original concept of coastal management is still a good one, our current program has become overtaken by a desire to try to please every one while avoiding the real issue of making decisions based on sound planning.

There are sufficient authorities in Alaska Statutes titles 29 and 48 to achieve the original goals of good planning. The current CZM program is causing more frustration than good and it is time to move forward.

If I can be of assistance to your effort please don't hesitate to call. I am willing to testify before committees if needed.

Respectfully,



Scott Novak

Box 1703 Cordova, Alaska 99574

Phone: 424 3800  
Fax: 424 3802

June 1994

# Alaska Coastal Management Program

## Fifteen Years Later

In 1977 the Alaska Legislature enacted legislation (AS 46.40) creating the Alaska Coastal Management Program (ACMP) (Article 4, Chapter 84 SLA 1977). The ACMP was envisioned to be a locally developed program overseen by an Alaska Coastal Policy Council (ACPC). The first duties of the ACPC were to develop the Guidelines and Standards which are part of 6 AAC 80. In supporting legislation and developing the Guidelines and Standards, the primary thrust was to keep implementation of the ACMP at the local level to the maximum extent possible.

Essentially, the local governments acting in the capacity of a coastal resource district, were to develop and submit for approval the local coastal management plan. After approval of the plan by the ACPC, all state and federal agencies actions within the coastal district were to be consistent with the approved coastal plan. Although not specifically spelled out in the statutes and regulations, the intent was to have the local coastal plan an element of the local comprehensive land use plan. In fact AS 46.40.210(2) defines "coastal resource district" such that the district must have planning powers as a unified municipality, borough or municipality in the unorganized borough.

Unfortunately, over the years the ACMP has become another layer of bureaucracy that appears to serve little if any public good. The conformity determinations, which were to be made by local governments, are now being made by the state resource agencies. The Office of Coastal Management, which was intended to become involved in consistency determinations only when there was an appeal from a local government consistency determination, now takes 30 to 50 days to make such determination. (The federal statutes authorizing the ACMP require a single state entity be identified for consistency determinations; hence AS 44.19.145(a)(11) which provides for the Office of the Governor to make the determination. In the development of the Guidelines and Standards it was generally agreed that the "consistency determination" by the Governor's office would be pro-forma. Actual determinations would be by the local governments.)

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**Alaska Coastal Management Program  
Division of Governmental Coordination**

**Section 6217 Coastal Nonpoint Pollution Control Program**

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**Background**

- 1993** NOAA and EPA require coastal states to meet 55 objectives for reducing nonpoint source water pollution (pollution that doesn't come out of a pipe) from forestry, urban development, dams, channelized streams, harbors and agriculture.
- 1993-95** DGC networks with other agencies, local governments and industry to develop the Coastal Clean Water Plan, which shows how the state meets the federal objectives. The strategy is to provide technical assistance to communities and industry, rather than develop a new regulatory program.
- Alaska submits the Coastal Clean Water Plan Public Review Draft to NOAA and EPA in August 1995.
- 1994-96** Division of Governmental Coordination provides funds to districts for on-the-ground clean water projects, and provides funds to agencies to develop technical assistance manuals (see attached).
- Oct. 1996** NOAA and EPA preliminarily approve the state's plan with 10 conditions.
- 1997** The state is negotiating with NOAA and EPA to remove two of the conditions, and to agree to a reasonable work plan to meet the other conditions.





U.S. Department of Commerce  
National Oceanic and Atmospheric Administration



U.S. Environmental Protection Agency

OCT 09 1996

Diana Mayer, Director  
Division of Governmental Coordination  
Office of the Governor  
P.O. Box 110030  
Juneau, Alaska 99801-0030

Leonard Verrelli, Director  
Division of Air and Water Quality  
Alaska Department of Environmental Conservation  
410 Willoughby Avenue, Suite 105  
Juneau, Alaska 99801-1795

Dear Ms. Mayer and Mr. Verrelli:

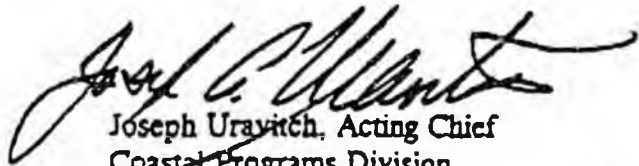
We are pleased to enclose a copy of the draft findings and conditions for the Alaska coastal nonpoint pollution control program under Section 6217(c)(1) of the Coastal Zone Act Reauthorization Amendments of 1990. These findings and conditions present the result of our review of the Alaska program. They highlight the strengths of the program and identify steps needed to obtain final approval of the program.

We believe that sharing our draft findings and conditions will provide an opportunity to discuss remaining questions with you and determine the most reasonable and environmentally sound approaches for meeting and implementing the requirements of Section 6217. In the next week, our staffs will arrange for a conference call with your staffs to discuss the draft findings and conditions for your program. After these discussions and any appropriate follow-up with you, we will finalize the findings and conditions, and provide a 30-day public comment period for both the draft findings and for an Environmental Assessment prepared to comply with the National Environmental Policy Act.

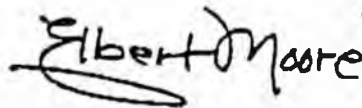
Section 6217 provides NOAA and EPA with six months to review each State's program. The question has been raised whether the penalty provisions of Section 6217(c)(3) will be invoked at the end of this six-month period. Section 6217 directs that grants penalties be assessed where NOAA and EPA find that a coastal State has failed to submit an approvable program. Therefore, we assure you that no such penalties will be automatically triggered six months after you submitted your program. The penalty provisions of section 6217 will only become operative at the time a final decision is made on the program's approvability, i.e., at the end of the conditional approval period.

We appreciate the effort that your staffs have expended to develop your coastal nonpoint program during the past several years and look forward to continuing to work with you in this important endeavor. Please do not hesitate to call us at any time if you have any questions. (Joseph Uravitch 301-713-3155, Elbert Moore 206-553-4181, Geoff Grubbs 202-260-7040)


Sincerely,



Joseph Uravitch, Acting Chief  
Coastal Programs Division  
Office of Ocean and Coastal Resource Management  
National Oceanic and Atmospheric Administration



Elbert Moore, Director  
Office of Ecosystems and Communities  
Environmental Protection Agency, Region X



Geoffrey H. Grubbs, Director  
Assessment and Watershed Protection Division  
Environmental Protection Agency

Enclosure



U.S. Department of Commerce  
National Oceanic and Atmospheric Administration



U.S. Environmental Protection Agency

Diana Mayer, Director  
Division of Governmental Coordination  
Office of the Governor  
P.O. Box 110030  
Juneau, Alaska 99801-0030

**DRAFT**

Leonard Verrelli, Director  
Division of Air and Water Quality  
Alaska Department of Environmental Conservation  
410 Willoughby Avenue, Suite 105  
Juneau, Alaska 99801-1795

Dear Ms. Mayer and Mr. Verrelli:

Thank you for developing and submitting the Alaska coastal nonpoint pollution control program to the National Oceanic and Atmospheric Administration and to the U.S. Environmental Protection Agency. We are pleased to inform you that NOAA and EPA approve Alaska's program in accordance with Section 6217(c)(1) of the Coastal Zone Act Reauthorization Amendments of 1990, subject to the enclosed conditions.

We recognize and appreciate the substantial effort that your two staffs have made to develop your program during the past few years. Your submission reflects the participation and input of many different groups that will be key to your success in implementing your program, including other State agencies, local communities, and interested and affected members of the public. We commend the extensive effort that you expended to develop the program as well as your plans to continue to work closely with these groups in implementing the program.

As you know, reducing coastal nonpoint pollution presents considerable technical, economic, and institutional challenges to us all. Yet it is of the utmost importance that we meet these challenges if we are to restore and maintain the physical, chemical, and biological health of our nation's coastal waters. NOAA and EPA look forward to working closely with Alaska as partners in your effort to successfully complete and implement the coastal nonpoint source program conditionally approved today and achieve your goal of restoring and protecting the coastal waters of Alaska.

Sincerely,

Jeffrey R. Benoit, Director  
Office of Ocean and Coastal Resource Management  
National Oceanic and Atmospheric Administration

Charles C. Clarke  
Regional Administrator  
U.S. Environmental Protection Agency

Enclosure: Findings and Conditions

cc: Susan Brook  
Susan Braley

ALASKA COASTAL NONPOINT PROGRAM  
FINDINGS AND CONDITIONS

INTRODUCTION

The U.S. Environmental Protection Agency (EPA) and the National Oceanic and Atmospheric Administration (NOAA) approve the coastal nonpoint pollution control program submitted by the State of Alaska pursuant to Section 6217(a) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA), subject to certain conditions.

This document provides the specific findings used by NOAA and EPA as the basis for the decision to approve the State's program. It also provides the rationale for the findings and includes the conditions that have been established for Alaska to receive final approval of its program. We recognize that Alaska has already proposed changes for its program that would, if finalized, ensure the implementation of the management measures in conformity with the 6217(g) guidance. In those cases, the conditions are based on the State's proposed changes.

NOAA and EPA have written this document as succinctly as possible. The references in this document to page numbers and text refer to the Alaska Coastal Clean Water Plan, August, 1995 ("program submittal"). We have relied upon, but do not repeat here, the extensive information that the State included in the program submittal. Further information and analysis is contained in the administrative record for this approval decision and may be reviewed by interested parties at the following locations:

EPA/Office of Wetlands, Oceans and Watersheds  
Assessment & Watershed Protection Division  
Nonpoint Source Control Branch  
401 M St., SW (4503-F)  
Washington, DC 20460  
Contact Kristen Martin (202/260-8077)

NOAA/Office of Ocean and Coastal Resource Management  
Coastal Programs Division  
SSMC-4, N/ORMS  
1305 East-West Highway  
Silver Spring, MD 20910  
Contact John King (301/713-3105, x188)

U.S. EPA Region X  
Office of Ecosystems and Communities  
Geographical Implementation Unit  
1200 6th Avenue  
Seattle, WA 98101  
Contact Michael Rylko (206 533-4014)

## I. BOUNDARY

**FINDING:** Alaska's proposed boundary is sufficient to control the land and water uses that have, or are reasonably expected to have, a significant impact on the State's coastal waters.

**RATIONALE:** Alaska proposes to use its existing coastal zone boundary, which extends from 2,000 feet to 250 miles inland, as the 6217 management area boundary. This boundary is not as extensive as the coastal watershed boundary recommended by NOAA, however, it does encompass land and water uses that have or are reasonably expected to have a significant impact on coastal waters.

In determining the coastal zone boundary, the State identified three distinct biophysical regions: the zone of direct interaction, the zone of direct influence, and the zone of indirect influence. The boundary was refined during the development of local coastal programs, but still includes the zones of direct interaction and direct influence. In addition, local coastal program boundaries must encompass the uses and activities that have, or are likely to have a direct and significant impact on marine coastal waters (6 AAC 85.040). Marine coastal waters is broadly defined to include not only the water bodies themselves but also the living resources dependent these waters (6 AAC 85.900(2)). These requirements help ensure that the coastal zone boundary includes areas that are likely to have a significant impact on coastal waters.

In addition, most of the State's population and development activities are situated along the coast, within the existing coastal zone boundary. The remaining uses outside of the coastal zone are either minor in nature, or so far removed from the coast that it is unlikely that they do, or could, have a significant impact on coastal waters.

## II. AGRICULTURE

**FINDING:** Alaska has provided sufficient justification for a categorical exclusion of agriculture.

**RATIONALE:** Crop farming, fertilizer application, and pesticide application occur on only a small amount of land in coastal Alaska, and no water quality impairments due to agriculture have been identified in the State's 305(b) water quality assessment. Of Alaska's 365 million acres, only 100,000 acres are identified as cropland. The use of agricultural chemicals is also very low in Alaska.

In 1994, fertilizers were applied to approximately 10,000 acres, and pesticides and herbicides to approximately 2,000 acres of the estimated 30,000 acres of cropland within the coastal zone. Currently only 5 facilities (dairies) in the entire 6217 management area meet the applicability for the large and small confined animal facilities management measures, and agricultural livestock production is declining in the State. Alaska does have a large amount of rangeland, but average stocking rates of 70 acres per animal are very low and have not resulted in any identified impacts.

Irrigation occurs on less than 1,000 acres. The small acreage devoted to agriculture compared to the large land area in Alaska's 6217 management area demonstrates that agriculture is generally not a significant contributor of pollutants to Alaska's coastal waters.

### III. FORESTRY

**FINDING:** Alaska's program includes management measures in conformity with the 6217(g) guidance and includes enforceable policies and mechanisms to ensure implementation throughout the 6217 management area, except it does not include management measures for preharvest planning or the protection of streamside management areas in all water bodies within the coastal management area. Alaska has provided sufficient justification to support the sub-categorical exclusions of Management Measures F (Site Preparation and Forest Regeneration), G (Fire Management), and I (Forest Chemical Management).

**CONDITION:** Within two years, Alaska will include management measures in conformity with the 6217(g) guidance for preharvest planning and streamside management areas throughout the 6217 management area.

**RATIONALE:** The Alaska Forest Practices Act (AS 41.17) and Forest Resources and Practices Regulations (Sec. 11 ACC 95.185 et. seq.) include enforceable policies and mechanisms to implement the forestry management measures. These authorities also specify best management practices that are in conformity with the management measures, except for preharvest planning and streamside management areas.

Operators or landowners are required to submit a detailed plan-of-operations (DPO) to the Department of Natural Resources before commercial operations begin on forest lands (AS 41.17.090). The contents of the DPO are specified in the Forest Resources and Practices Regulations (Sec. 11 AAC 95.185 et. seq.), but do not include all information required by the 6217(g) management measures for preharvest planning. The current requirements for information on locations of water bodies, sensitive areas, and roads are limited to those features where they are "known" to the operator (11 AAC 95.220). In many cases, water bodies and other features to be protected according to the 6217(g) guidance are not indicated on existing maps or otherwise known, and therefore may not be protected or managed according to the applicable management measures. To be effective, information included in a DPO on these key features must be complete, which may require actual field reconnaissance conducted at a time of the year when it is appropriate to identify features that require protection. Failure to do so may result in the degradation of water quality and the incremental loss of important aquatic resources. NOAA and EPA encourage Alaska to pursue efforts to improve the process for identifying all water bodies, sensitive areas, and roads in DPO. NOAA and EPA are available to work collaboratively with Alaska to achieve this objective.

The Alaska Forest Practices Act requires the protection of riparian areas from the significant

adverse effects of timber harvest activities on fish habitat and water quality (AS 41.115.115). Alaska requires SMA's for some surface water bodies in conformity with the 6217(g) guidance; however, they do not require such SMA's along water bodies that are not catalogued or determined by Fish and Game to contain or exhibit evidence of anadromous fish. On private lands, Alaska does not require SMA's for some streams that are catalogued or determined to contain or exhibit evidence of anadromous fish. These limitations can be relaxed subject to general and site specific variances. The inconsistencies between those water bodies which require SMA's and those which do not are based on land ownership and other variables not related to nonpoint source pollution control. SMA protection is especially critical for streams that are tributary to anadromous streams and/or high value resident fish streams. The sediment contribution from these streams will have significant detrimental impacts on water quality and habitat for anadromous and high value resident species when sedimentation is increased as a result of land disturbing activities such as timber harvesting and road construction.

Sufficient justification has been provided to support the sub-categorical exclusions for Management Measures F, G, and I. The following summarizes justifying information provided by the State of Alaska in its submission. Mechanical site preparation and artificial reforestation is rarely conducted in Southeast Alaska. Prescribed fires have not been set on forest lands in Southeast Alaska for at least the past six years, and wildfires are infrequent due to high precipitation. The use of forest chemicals in Alaska's coastal zone is "virtually non-existent" and no herbicide or insecticide permits have been issued in the last five years.

#### IV. URBAN

##### A. NEW DEVELOPMENT

**FINDING:** Alaska's program does not include management measures in conformity with the 6217(g) guidance. Alaska's program includes enforceable policies and mechanisms to ensure implementation of the measures throughout the 6217 management area.

**CONDITION:** Within three years, Alaska will develop alternative management measures that achieve the maximum level of conformity with the management measures that is economically achievable given Alaska's unique conditions.

**RATIONALE:** Under contract with the State, Montgomery Watson undertook a study on the effectiveness and economic achievability of best management practices for stormwater control, and documented its findings in a report entitled Assessment of Stormwater Controls in Alaska. Based on the analysis and findings of this report, Alaska has determined that the 6217(g) management measures for new development are neither practical nor economically achievable. Sedimentation ponds are not effective in capturing fine particulates from runoff, which accounts for more than 20% of the total suspended solid load in Alaska's low intensity storms. The methods for removing the remaining unsettlable fraction involve chemical or physical treatments.

that would not be economically achievable. Therefore, the State concluded that the new development management measure is not attainable, even with the BMP judged most cost-effective for Alaska's communities. Alaska also states that the second element of the new development measure, to maintain post-development peak runoff rate and volume at pre-development levels, cannot be met in northern and western regions of the State.

Alaska has proposed an interim measure that "by design or performance, after construction has been completed and the site is permanently stabilized, reduce turbidity and settleable solids to the maximum extent practicable." However, Alaska currently lacks data to demonstrate the effectiveness of these measures. The State should develop performance objectives for stormwater runoff reflecting the maximum level of post-development control economically achievable in Alaska.

The State has several enforceable policies and mechanisms that could be used to ensure implementation of the stormwater measures. Alaska's Wastewater Disposal Code requires a permit for any person who disposes of non-domestic wastewater, including stormwater runoff into or onto land, surface water, or ground water (18 AAC 72 500). Projects requiring State or federal permits, must also meet requirements to maintain the physical, biological and chemical characteristics of identified habitat types including: estuaries, wetlands, tideflats, rivers, and streams (6 AAC 80 130).

## **B. WATERSHED PROTECTION AND EXISTING DEVELOPMENT.**

**FINDING:** Alaska's program includes management measures in conformity with the 6217(g) guidance for watershed protection. Alaska does not include management measures in conformity with the 6217(g) guidance for existing development. Alaska's program includes enforceable policies and mechanisms to ensure implementation throughout the 6217 management area.

**CONDITION:** Within three years, Alaska will include in its program management measures in conformity with the 6217(g) guidance for existing development.

**RATIONALE:** The ACMP includes several enforceable policies and mechanisms to ensure that the management measures are implemented. For example, the ACMP requires local governments to develop district coastal management programs (AS 46 40 030). These programs are designed to protect natural values and natural systems or processes, "areas which merit special attention", wetlands, estuaries, and geophysical hazards. The programs must also manage rivers, streams and lakes to protect natural vegetation, water quality, important fish or wildlife habitat, and natural water flow. These programs must be approved by the Alaska Coastal Policy Council (CPC), and are implemented through enforceable policies that are applied to projects requiring State or federal permits (6 AAC 50). To ensure consistency with the ACMP, State agencies attach enforceable stipulations to required permits. In addition, local governments are required to

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implement land and water use controls in conformity with their coastal management program (AS 46.40.100).

Alaska's program does not address the existing development management measure. The proposed watershed protection framework for identifying pollutant reduction opportunities provides a foundation for implementing the existing development measure

**C. SITE DEVELOPMENT, CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL, CONSTRUCTION SITE CHEMICAL CONTROL**

**FINDING:** Alaska's program includes management measures in conformity with the 6217(g) guidance for the first, second, and fourth elements of the site development management measure. Alaska does not include management measures in conformity with the 6217(g) guidance for the third element of the site development management measure, construction site erosion and sediment control, and construction site chemical control. Alaska's program includes enforceable policies and mechanisms to ensure implementation throughout the 6217 management area.

**CONDITION:** Within three years, Alaska will include in its program management measures for (1) the third element of the site development measure, (2) construction site erosion and sediment control, and (3) construction site chemical control in conformity with the 6217(g) guidance

**RATIONALE:** As described in more detail under section B. above, the ACMP includes several enforceable policies and mechanisms to ensure that the management measures are implemented, except as noted in the Finding. In addition, the regulations for Nondomestic Wastewater and System Plan Review (18 AAC 72.500 - 600) provide the DEC with the authority to control erosion and offsite movement of sediment from project. These policies, however, do not specifically ensure preparation and implementation of an approved erosion and sediment control plan. They also do not necessarily limit land disturbing activities including clearing and grading and cut and fill to reduce erosion and sedimentation. NOAA and EPA encourage the State to continue to implement elements of the Action Plan described in Chapter 6 (pp 12 -14) of the program submittal to ensure that nonpoint pollution impacts are evaluated and the measures are developed and applied

Alaska has several authorities for implementing construction site chemical controls in a proactive manner. For example, discharge of petroleum products is prohibited except by permit (AS 46.03.070). Regulations at 18 AAC 90.430 prohibit the improper use, storage, and disposal of pesticides. Under the Department of Fish and Game's Title 16 authority, construction activities that could pollute fish-bearing waters must submit a plan that protects the fish and their habitat. Because most coastal streams in Alaska support anadromous fish, this authority has broad geographic applicability.

The State, however, has not described BMPs or developed a comprehensive program to ensure

proper storage, transport, and disposal of a variety of chemicals on construction sites. NOAA and EPA encourage the State to update and expand BMP manuals for roads, highways and bridges (such as the Alaska Highway Maintenance and Operations Manual) to include all construction sites throughout the 6217 management area.

**D. ONSITE DISPOSAL SYSTEMS (OSDS)**

**FINDING:** Alaska's program includes management measures in conformity with the 6217(g) guidance, except it does not include a provision for inspection of existing OSDS. Alaska includes enforceable policies and mechanisms for the new OSDS measure except exemptions in Alaska's program preclude the State from implementing the measure throughout the 6217 management area. The State does not have enforceable policies and mechanisms to implement the existing OSDS management measure.

**CONDITION:** Within three years, Alaska will include in its program provisions for the inspection of existing OSDS in conformity with the (g) guidance and enforceable policies and mechanisms to ensure implementation of the new and existing OSDS management measures throughout the 6217 management area.

**RATIONALE:** Through the Wastewater Disposal Code (18 AAC 72), Alaska has a well-crafted program for OSDS that meets the intent of the 6217(g) guidance, except the State's program does not ensure periodic inspection of OSDS to identify improperly functioning systems.

The State reviews and approves for construction, installation and modification the operation of OSDS serving either (1) more than 3 units or (2) single family or duplex conventional OSDS if similar systems in nearby areas have failed or the OSDS is located in areas where failure is expected (18 AAC 72.210 - 235). The requirement for registered engineering plans provide for implementation of the design, siting, and installation of OSDS in conformity with the 6217(g) guidance. For example, the State requires a minimum vertical separation distance of 4 feet from high water tables and minimum horizontal setbacks from surface waterbodies. In cases where nitrogen loadings may impact drinking water aquifers, OSDS planning and design must prevent aquifer contamination where private water systems (wells) are used. The State also has the authority to require alternative systems or system modification where additional treatment is necessary to protect the public health or environment. The permitting and engineering plan requirements, however, do not apply throughout the 6217 management area.

The State is currently in the process developing regulations addressing inspection requirements for the operation and maintenance of package treatment plants but does not have a program to require periodic inspection of single-family OSDS. The State does have a voluntary mechanism

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to encourage some OSDS inspections. Through DEC's audit stamp program lending institutions are encouraged to require OSDS inspection by a qualified engineer as a condition for loan approval.

#### E. POLLUTION PREVENTION

**FINDING:** Alaska's program includes management measures in conformity with the 6217(g) guidance.

**RATIONALE:** The State has developed a variety of pollution prevention laws and public outreach material that adequately addresses the requirements of the 6217(g) guidance for this management measure. For example, AS 46.06.031, establishes a solid waste reduction and recycling program that is run by DEC. The ACMP developed public service announcements in both English and Yup'ik to promote coastal clean water. DEC also provides grants for hazardous waste reduction under AS 46.03.317.

#### F. ROADS, HIGHWAYS, AND BRIDGES

**FINDING:** For roads, highways and bridges (RHBs) subject to Alaska Department of Transportation and Public Facilities (DOTPF) jurisdiction, Alaska's program includes management measures in conformity with the 6217(g) guidance except for the runoff systems management measure. For other RHBs, Alaska's program does not include management measures in conformity with the 6217(g) guidance. Alaska includes enforceable policies and mechanisms to ensure implementation of the measures throughout the 6217 management area.

**CONDITION:** Within three years, Alaska will include in its program management measures in conformity with the (g) guidance for local RHBs and, for RHBs under DOTPF jurisdiction, management measures for runoff systems.

**RATIONALE:** Alaska meets the management measure for planning, siting and developing RHBs for those RHBs within the jurisdiction of DOTPF. DOTPF has adopted American Association of State Highway Transportation Officials (AASHTO) guidelines and standard contract specifications which require practices in conformity with the 6217(g) guidance. Alaska does not have similar programs in local areas not under DOTPF jurisdiction. The Alaska Coastal Management Program and Alaska Department of Environmental Conservation review RHB plans for bridges and projects to minimize impacts to surface waters (e.g., in highly erodible areas and wetlands) (6 AAC 80.050 and 6 AAC 80.130).

Alaska's DOTPF has developed standard contract plans and specifications to assure

implementation of the construction site erosion and sediment and chemical control management measures on its RHB projects. DOTPF also includes programs for operation and maintenance (O&M), including an O&M manual that addresses water quality issues. These programs conform to the management measures. For local RHB construction, Alaska has identified a need for erosion and sediment control plans to be developed but does not identify program elements. Also, Alaska does not include management measures for O&M for local RHBs.

Alaska identifies federal funding and scheduling provisions to meet the runoff systems management measure, but does not identify a program to use these provisions to improve runoff management practices along State and local roadways.

DOTPF uses contract clauses as enforceable policies to ensure implementation of the measures as well as environmental review requirements in a variety of legislation. Alaska Administrative Code Title 18 Chapter 72 can ensure implementation in local areas as it requires a permit issued by Department of Environmental Conservation for disposal of all nondomestic wastewater, including storm water runoff. NOAA and EPA encourage Alaska to improve its programs to ensure inspection of the construction site measures. NOAA and EPA commend Alaska's plans to include an inspection checklist in Alaska-specific methodologies and Best Management Practices Guidance under development.

#### **V. MARINAS AND RECREATIONAL BOATING**

**FINDING:** For the siting and design of marinas, Alaska's program includes management measures in conformity with the 6217(g) guidance and includes enforceable policies and mechanisms to ensure implementation, except that it does not include a management measure for storm water runoff. For operation and maintenance of marinas, Alaska's program does include the management measure for solid waste, but does not include the remaining operation and maintenance management measures. The program includes enforceable policies and mechanisms to ensure implementation throughout the 6217 management area.

**CONDITION:** Within three years, Alaska will include in its program management measures for the storm water measure, and the operation and maintenance measures in conformity with the 6217(g) guidance.

**RATIONALE:** Alaska's program includes management measures in conformity with the 6217(g) guidance, but does not include management measures for the storm water runoff measure, and operation and maintenance activities, with the exception of the solid waste measure. Alaska is proposing to supplement its program by developing a manual for Coastal and Harbor Design Procedures. The manual will detail the siting and design management measures and include best management practices for the marinas. This manual is intended as basic information to promote awareness of environmental concerns at Alaskan harbors. The State also proposes to launch a program for harbor cleanup and disposal of solid waste and liquid and petroleum spills. This

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program will include workshops for marina operators and harbor masters on how to prepare oil spill response plans and how to comply with Alaska's regulations and harbor management agreements. NOAA and EPA encourage the State to complete its Coastal and Harbor Design Manual in a timely manner.

Alaska has also developed a best management practices manual for operation and maintenance activities including management practices for: solid and liquid waste; fish waste, petroleum control, boat cleaning; and maintenance of sewage facilities. The State has not yet incorporated the manual into its program, but expects to do so within a few months. NOAA and EPA commend the State on completing this manual, and encourage its adoption.

The vast majority of marinas and harbors are State-owned facilities administered by the DOTPF; there are only 7 private marinas in the entire State. For State-owned facilities, DOTPF can negotiate Harbor Management Agreements (HMA) with local jurisdictions for the operation of marinas and harbors. DOTPF can include appropriate rules and regulations in HMAs with supplemental conditions as needed; it also has authority to ensure compliance with the HMA. State, local, and federal regulations applicable to harbor operation are incorporated into the HMA.

Siting and design activities requiring state or federal permits can also be addressed through the ACMP permitting process, which applies to both public and private marinas. New or expanding marinas would likely require nondomestic wastewater permits (18 AAC 72.500), and or DFG permits under AS 16.05.870. Permit stipulations can be added to State permits to ensure compliance with the standards of the ACMP. For operation and maintenance activities, the State has several authorities to ensure implementation of the measures at non-DOTPF facilities. Harbors and marinas must obtain a solid waste permit (18 AAC 60.015, .025, .200). The State also has authority to address hazardous liquid wastes, petroleum products, and maintenance of sewage facilities (for example: AS 46.06.021; 18 AAC 62; AS 46.03.740, 18 AAC 72). The State needs to develop a process to ensure that the measures contained in the manual discussed above will be applied to non-DOTPF harbors.

## VI. HYDROMODIFICATION

**FINDINGS:** Alaska's program includes management measures in conformity with the 6217(g) guidance, and includes enforceable policies and mechanisms to ensure implementation of the management measures, except. Alaska does not include management measures and enforceable policies and mechanisms to implement erosion and sediment controls for activities involving maintenance of dams, and to manage the operation of dams to protect surface water quality and instream and riparian habitat.

**CONDITIONS:** Within three years, Alaska will include in its program management measures and enforceable policies and mechanisms to ensure widespread implementation of erosion and

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sediment controls for activities involving maintenance of dams, and to manage the operation of dams to protect surface water quality and instream and riparian habitat

**RATIONALE:** Alaska requires permits for both new channelization activities and modification of existing channels (AS 16 05.870). Permit applications are reviewed for impacts on fish passage, habitat, water quality and quantity of natural water flow (6 AAC 80.130). The State has completed an analysis of channel modification effects on habitat on the Kenai River, and is applying the methodology to other altered waterways to identify opportunities to improve surface water quality and instream and riparian habitat through the operation and maintenance of existing modified channels.

Alaska implements management measures for erosion and sediment control at dams through Natural Resources Regulations in the Alaska Administrative Code (11 AAC 93 171). The regulations require Erosion and Sediment Control Plans for activities involving construction of new dams, and demolition of existing dams. However, Alaska's erosion and sediment control program does not apply to activities involving maintenance of dams throughout the 6217 management area

Alaska implements management measures for chemical and pollutant control at dams by requiring permits for the proper use of toxic materials, and by requiring proper storage, handling, and disposal of solid waste, hazardous waste, and other construction-related wastes (18 AAC 60 and 62). Conditions on permits from the Alaska Department of Fish and Game for dam construction and modification can restrict application of toxic materials and fertilizers (AS 16 05 870).

Alaska implements management measures for protection of surface water quality and instream and riparian habitat from the effects of dams by adding conditions to permits for new dam construction which stipulate the protection of habitat, fish migration and propagation, and water quality (AS 16 05.870). The State conducts periodic inspections of operating dams, but the checklist of observations completed by the Dam Safety Program deals only with issues relating to engineering integrity. As acknowledged by the State, its program does not include a process to manage the operation of existing dams to protect surface water quality and instream and riparian habitat. The State intends to address this by developing a database which records and categorizes aquatic and terrestrial habitat problems from the construction, operation, and maintenance of dams, and use this to review BMP's which can be attached to permits for dam operation. The State implements management measures for excessive surface water withdrawals by adding conditions to water appropriation permits to maintain instream flows to protect fish and wildlife habitat and water quality (AS 46 15 030 - 035).

To protect anadromous fish habitat and other natural resources, Alaska requires permits for projects involving streambank and shoreline stabilization, and the State encourages proper design of structures while giving preference to vegetative controls (AS 16 05 870). Projects must also

comply with standards of the ACMP, which require coastal areas and shorelines to be managed to protect important habitats, preserve natural vegetation, and avoid adverse effects on natural drainage patterns (6 AAC 80.130). A very small portion of the State's streambanks and shorelines are impacted by humans, and demonstration streambank stabilization projects have helped to increase public awareness about the destruction of streamside habitat due to human activities in waterfront areas. Additional demonstration projects are planned.

## **VII. WETLANDS, RIPARIAN AREAS AND VEGETATED TREATMENT SYSTEMS**

**FINDING:** Alaska's program includes management measures in conformity with the 6217(g) guidance, and includes enforceable policies and mechanisms to ensure implementation.

**RATIONALE:** AS 46.03.100 requires a permit for any action involving the disposal of liquid or solid waste material into the waters or on to the lands of the State. This includes dredge and fill activities within wetlands, estuaries, and inland and coastal marshes. Also, under AS 16.05 construction activities that could pollute fish-bearing waters, including wetlands, must submit a plan that protects the fish and their habitat. Projects requiring State permits are subject to the ACMP. Under the ACMP, projects in wetlands and riparian areas are reviewed for impacts on biological, physical and chemical characteristics of the habitat (6 AAC 80.130, 6 AAC 80.140). Under the Forest Practices Act (AS 41.17), timber harvest is prohibited within 100 feet of anadromous streams, or high value streams, on State, federal, and private land in Alaska (except private lands in southeast Alaska, where timber can be harvested within 66 feet of streams in these categories). DEC also evaluates a project's potential impacts on water quality before issuing a water quality certification. These certifications are enforceable under State law (AS 46.03.850(a)).

The municipalities of Anchorage and Juneau have implemented wetlands management plans which identify sensitive wetlands, specify practices for protection and restoration of high-value wetlands, and contain enforceable policies requiring compensation for wetland damages from development. Similar plans for wetlands management and conservation are anticipated for other populated areas of the State's coastal region.

Management measures promoting restoration of wetland and riparian areas are implemented through the State's coastal management and fish habitat programs which require restoration for mitigation of wetlands loss or degradation (6 AAC 80.130 and AS 16.05.870). Restoration is already a key component of wetlands management plans in Anchorage and Juneau, as well as in the plans under development for other population centers. A work group comprised of government, industry, and indigenous peoples of the North Slope are developing a mitigation strategy which will emphasize restoration.

Management measures promoting vegetative treatment systems are implemented through government and industry who are assessing the performance, effectiveness, and durability of

existing demonstration projects. The use of constructed wetlands and filter strips as nonpoint source controls for runoff is promising, but limited in the State's environment, due to cold climate, short growing season, and locally heavy rates of precipitation.

## VII. ADMINISTRATIVE COORDINATION

**FINDING:** Alaska's program establishes mechanisms to improve coordination among State agencies and between State and local officials.

**RATIONALE:** Alaska has several existing mechanisms for promoting intergovernmental coordination. For example, the coordinated consistency review process (6 AAC 50), establishes a coordinated State/local project review process. In addition, there is a statutory requirement (AS 46.40 200) that requires all State agencies, boards and commissions to examine their authorities and take whatever actions are necessary to ensure compliance with the Alaska Coastal Management Program. The submittal describes the various agencies' authorities and roles in the implementation of the management measures. To further enhance coordination, the State has committed to complete a statewide nonpoint source pollution needs assessment and action plan within the next 18 months. This will help set a common agenda and improve coordination.

## IX. PUBLIC PARTICIPATION

**FINDING:** Alaska's program provides opportunities for public participation in the development and implementation of the coastal nonpoint program.

**RATIONALE:** Chapter 2 of the State's program submittal describes activities that provide opportunities for public participation in the coastal nonpoint program. The State established a 6217 Task Force consisting of State and local government representatives to help give local coastal districts an opportunity to guide the development and implementation of the program. The State undertook an outreach and education campaign to promote public participation in program development. The State has also held informational sessions for affected parties such as port administrators and the municipal league. The State intends to continue these activities as part of its efforts to ensure strong implementation of its 6217 program.

## X. TECHNICAL ASSISTANCE

**FINDING:** Alaska has included programs that will provide technical assistance to local governments and the public for implementing additional management measures.

**RATIONALE:** Chapter 2 of Alaska's submittal details a variety of technical assistance initiatives available to local government and the public, as well as an ongoing action plan to provide for continued technical assistance. For example, DGC initiated the Coastal Clean Water grant

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**Program.** This program provides small grants to local governments to support efforts (e.g., data collection, education, demonstration projects) that will lead to better implementation of management measures. The Department of Community and Regional Affairs supports an electronic library of local ordinances relating to surface runoff and other water pollution problems. To address the Alaska specific issue of tidal grids, DOTPF is developing best design practices for tidal grid layout and design and use minimize water quality impacts.

After the State completes its section 319 Nonpoint Source Pollution needs assessment, it plans to convene a series of meeting involving affected parties. The purpose of these meetings will be to refine and coordinate technical assistance and public outreach efforts.

## **XL CRITICAL COASTAL AREAS**

**FINDING:** Alaska's program does not identify and include a process for the continuing identification of critical coastal areas adjacent to impaired and threatened coastal waters.

**CONDITION:** Within two years, Alaska will identify and include a process for the continuing identification of critical coastal areas

**RATIONALE:** Although the program does not identify critical coastal areas, it does describe initial efforts to complete this requirement (Chapter 11). The program also includes a preliminary list of impaired and threatened waters and coastal waters of concern. The program also commits the State to a consultative process to identify critical coastal areas and delineate appropriate boundaries.

## **XII. ADDITIONAL MANAGEMENT MEASURES**

**FINDING:** Alaska's program does not provide for the identification and the continuing revision of additional management measures applicable to critical coastal areas and cases where (g) measures are fully implemented but water quality threats or impairments persist.

**CONDITION:** Within two years, Alaska will develop a process for developing and revising management measures to be applied in critical coastal areas and in areas where necessary to attain and maintain water quality standards

**RATIONALE:** Alaska's program includes a commitment to develop and implement additional management measures once the identification of critical coastal areas and land uses is completed. However, the program does not include a continuing process, including milestones for implementing, evaluating, and, as necessary, revising the additional management measures

### XIII. MONITORING

**FINDING:** Alaska's program does not yet include a plan to assess over time the success of the management measures in reducing pollution loads and improving water quality.

**CONDITION:** Within one year, Alaska will finalize its plan that enables the State to assess over time the extent to which implementation of management measures is reducing pollution loads and improving water quality.

**RATIONALE:** Alaska proposes a one-page "action plan" to develop a monitoring program for section 6217. The brief plan identifies six tasks, including a survey of existing monitoring efforts in the State, establishment of watershed monitoring objectives, identification of monitoring needs, an assessment of gaps in current monitoring efforts, an evaluation of options to fill the gaps, and implementation of the program. Alaska plans to complete most of these tasks by July, 1996. Thus, Alaska has not yet formulated its strategy to assess over time the success of the management measures in reducing pollution loads and improving water quality.

Alaska should include in its plan information regarding the number and location of monitoring stations, the types and frequency of water quality data being collected, and the analytic approaches that will be employed in conjunction with existing monitoring efforts to assess the success of management measures in achieving water quality objectives. The State should include some inexpensive tracking of management measure implementation in conjunction with water quality monitoring, as such information is needed to assess the success of management measures in achieving water quality objectives.



## Coastal Zone Management Program

Coastal Zone  
Management

National Estuarine  
Research Reserves

National Marine  
Sanctuaries



### Coastal Zone Management Program



## Texas Coastal Management Program Approved!!



Congratulations to Texas - the 30th approved coastal management program

- OCRM Publishes Final Environmental Impact Statement for Texas Coastal Management Program
- Press Release announcing OCRM approval of Texas Coastal Management Program
- Federal Register Notice (January 10, 1997)
- Summary of Texas Coastal Management Program

### Mission

The National Coastal Zone Management (CZM) Program is a voluntary partnership between the Federal government and U.S. coastal states and territories authorized by Coastal Zone Management Act of 1972 to:

- Preserve, protect, develop, and where possible, restore and enhance the resources of the Nation's coastal zone for this and succeeding generations;
- Encourage and assist the states to exercise effectively their responsibilities in the coastal zone to achieve wise use of land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and esthetic values as well as the needs for compatible economic development;
- Encourage the preparation of special area management plans to provide increased specificity in protecting significant natural resources, reasonable coastal-dependent economic growth, improved protection of life and property in hazardous areas and improved predictability in governmental decision-making;

Encourage the participation, cooperation, and coordination of the public, Federal, state, local, interstate and regional agencies, and governments affecting the coastal zone.

Since 1974, with the approval of the first state CZM program in Washington, 25 coastal states and five island territories have developed CZM programs. Together these programs protect 94 percent of the nation's 95,000 miles of oceanic and Great Lakes coastline. Four of the five remaining eligible states - Georgia, Indiana, Minnesota, and Ohio - are now developing CZM programs for Federal approval.

Reflecting the diverse natural environment of the coastal zone and the varied uses of coastal lands and waters, the CZM program focuses on balancing often competing land and water uses while protecting sensitive resources. The CZM program is made up of several elements which provide comprehensive resource management.

Programs are expected to consider or undertake the following:

- Protection of natural resources
- Manage development in high hazard areas
- Manage development to achieve quality coastal waters
- Give development priority to coastal-dependent uses
- Have orderly processes for the siting of major facilities
- Locate new commercial and industrial development in or adjacent to existing developed areas
- Provide public access for recreation
- Redevelop urban waterfronts and ports, and preserve and restore historic, cultural, and esthetic coastal features
- Simplify and expedite governmental decision-making actions
- Coordinate state and Federal actions
- Give adequate consideration to the views of Federal agencies
- Assure that the public and local government has a say in coastal decision-making
- Comprehensively plan for and manage living marine resources

A unique aspect of coastal zone management is "Federal Consistency" which ensures that Federal actions that are reasonably likely to affect any land or water use or natural resource of the coastal zone be consistent with the enforceable policies of a coastal state's or territory's federally approved coastal zone management program.

In 1990, Congress created a new program under the Coastal Zone Management Act, called the Coastal Zone Enhancement Program. The Coastal Zone Enhancement Program provides incentives for states and territories to make changes in any of eight areas of national significance.

Another important component of coastal zone management programs is the developing Coastal Nonpoint Pollution Control Program (under construction). Authorized by section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990, this amendment requires states and territories with approved coastal zone management programs to develop and implement coastal nonpoint programs. Coastal states were required to submit their coastal nonpoint programs to NOAA and the Environmental Protection Agency (EPA) for approval in July 1995. Submissions have been received from 28 of 29 state CZM programs. Once approved, these programs will be implemented through changes to the state nonpoint source program approved by EPA under section 319 of the Clean Water Act and through changes to the state coastal zone management program. Management measures to control the addition of pollution to coastal waters have been developed by EPA for five source categories of nonpoint pollution: agricultural runoff, urban runoff, forestry runoff, marinas, and hydromodification. Measures were also developed for wetlands, riparian areas, and vegetated treatment systems. (A 6217 program status section of this homepage is under construction.)

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## Scope

## FAX TRANSMITTAL

STATE OF ALASKA  
OFFICE OF THE GOVERNOR

TONY KNOWLES  
GOVERNOR

FRAN ULMER  
LIEUTENANT GOVERNOR



DIVISION OF GOVERNMENTAL  
COORDINATION  
PO BOX 110030  
JUNEAU, AK 99811-0030

Telephone: (907) 465-3562  
Fax: (907) 465-3075

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Date: 2/6/97  
From: Diane Mayer  
Telephone: 907-465-8800  
E-Mail: [diane\\_mayer@gov.state.AK](mailto:diane_mayer@gov.state.AK)  
Pages: 16

To: Sara Fisher

Fax No.: 465-3884

Comments: Coastal Project Questionnaire (CPQ)

Note that the first half of the FAX is instruction on process and contact lists by region

The last 8 pages are the actually CPQ. Each question targets specific criteria that triggers an agency permit. We work with applicants and agencies in the "yes" categories to determine which permit applications are needed. A completed CPQ also provides applicants a record that will protect them from any late attempts to require additional permits.

Call if you have questions.

If you received this FAX in error, please immediately notify the sender by telephone, and return this FAX to the sender at the above address. Thank you.

# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

TONY KNOWLES, GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET  
DIVISION OF GOVERNMENTAL COORDINATION

SOUTHCENTRAL REGIONAL OFFICE  
3601 C STREET  
SUITE 370  
ANCHORAGE, ALASKA 99503-5930  
PHONE: 269-7470  
FAX: (907) 561-6134

CENTRAL OFFICE  
240 MAIN, SUITE 500  
P.O. BOX 110030  
JUNEAU, ALASKA 99811-0030  
PHONE: 463-3662  
FAX: (907) 465-3075

PIPELINE COORDINATOR'S OFFICE  
411 WEST 4TH AVENUE  
SUITE 2-C  
ANCHORAGE, AK 99501-2343  
PHONE: 271-4317  
FAX: (907) 272-0690

### ALASKA COASTAL MANAGEMENT PROGRAM CONSISTENCY REVIEW INSTRUCTIONS COASTAL PROJECT QUESTIONNAIRE (CPQ)

Dear Applicant or Federal Project Proponent:

The State of Alaska uses a multiple agency coordinated system for reviewing and processing all resource-related permits which are required for proposed projects in or affecting coastal areas of Alaska. This system, called "project consistency review," is based on the Alaska Coastal Management Program (ACMP) and is designed to improve management of Alaska's coastal land and water uses. Project proposals are reviewed to determine the project's consistency with the standards of the ACMP and enforceable policies of approved district coastal management programs.

Participants in the State's review process include:

- You, the applicant;
- State resource agencies (Alaska Departments of Environmental Conservation (DEC), Fish and Game (DFG), and Natural Resources (DNR));
- The Division of Governmental Coordination (DGC);
- The affected local coastal community; and
- Other interested members of the public.

Your answers to this Coastal Project Questionnaire (CPQ) will determine State and federal permitting requirements as well as which State agency will coordinate the consistency review. Please be advised that the CPQ identifies permits subject to a consistency review. You may need additional permits from other agencies or local governments to proceed with your activity. DGC will coordinate the review if:

- The project is a federal activity;
- The project requires a federal government approval; or
- The project requires permits from more than one State agency.

All other reviews will be coordinated by the State agency responsible for issuing those permits.

The State considers all aspects of a proposed activity in a single consistency review. Your answers to the questions must reflect all elements of the activity, and all applications for the entire project must be

submitted together. This approach eliminates repetitive ACMP reviews and decisions on the same project. However, you should be advised that individual permits may still need further review by issuing agencies for non-ACMP concerns upon completion of the ACMP consistency review.

Before you finalize project plans and submit your application, the State can arrange a preapplication meeting among review participants and yourself to review your draft plans. This meeting identifies concerns, information needs and promotes a mutual understanding of your project. To arrange a preapplication meeting, contact the coordinating agency. In lieu of a meeting, the coordinating agency can distribute materials to review participants for preapplication assistance.

For all projects proposed by applicants and federal agencies the consistency review begins upon receipt of your complete application packet by the coordinating agency. A complete application packet includes:

- A completed, signed CPQ;
- Copies of any necessary State and/or federal applications, topographic maps and plan drawings required by the approving agency(ies) (ORIGINALS go to the State or federal issuing agency. Fees associated with a State permit must be submitted to the issuing agency.); and
- Any additional pertinent information, including public notices from agencies.

You must submit the completed packet to the regional office where the proposed project is located. Attached are a list of regional agency contacts and a map of the coastal area with the regions delineated. All packets must be submitted to DGC, with the following exceptions:

- If your application packet includes an application which contains confidential information, submit that application ONLY to the applicable State agency, and the remainder of the packet to the coordinating agency.
- If the project involves placer mining, submit an Annual Placer Mining Application (instead of the CPQ) to DNR, Division of Mining.
- If you need permits from only one State agency and no federal agencies, submit the entire packet to that State agency.
- If you are applying to grow shellfish or aquatic plants, you must submit an aquatic farm application packet to DNR during the annual 60-day aquatic farm district opening.

Some projects that will have no significant impact on coastal resources, or that are routine activities, may be exempt from individual consistency review requirements. These projects are called "categorical permits" or "general concurrence determinations," respectively. The State maintains a list identifying permits and projects that qualify for these categories of expedited review. The list is referred to as the "Classification of State Agency Permits" (ABC List). Applicants must complete the CPQ so the State can determine whether a proposed project qualifies for an expedited review. Contact DGC for more information.

**REVIEW OF YOUR PROJECT WILL BEGIN WHEN THE COORDINATING AGENCY HAS DETERMINED THAT THE APPLICATION PACKET IS COMPLETE.**

The State must complete the consistency review of your project within 30 or 50 days\*. A 50-day review schedule will be used for projects with permits requiring a 30-day public notice. The review schedule may be extended as provided in 6 AAC 50.110(b). The provisions include extensions requested by the applicant and requests for additional information by a review participant.

	30-Day Review	50-Day Review
<b>Start-Up:</b> When the consistency review begins you will receive a review number and review schedule.	Day 1	Day 1
<b>Information Requests:</b> Deadline for reviewers to request additional information. The review may be stopped until that information is received.	Day 15	Day 25
<b>Comment Deadline:</b> Public, district and agency reviewer comments due.	Day 17	Day 34
<b>Proposed Determination:</b> The coordinating agency will develop a proposed consistency determination that will be presented to you and reviewers for concurrence.	Day 25	Day 44
<b>Deadline for notification of elevation and/or petition**</b>	Day 29	Day 49
<b>Final Determination:</b> A final consistency determination will be issued upon agreement of the proposed determination by you and reviewers unless an elevation and/or petition is requested.	Day 30	Day 50
<b>Elevation Process:</b> If elevated, directors' determination	Day 45	Day 65
<b>Elevation Process:</b> If elevated again, commissioners' determination	Day 60	Day 80
<b>Petition to the Coastal Policy Council</b>	Council decision in 30 days.	Council decision in 30 days.

\*Some projects may require a different review process/schedule (such as federal activities and projects which involve a disposal of interest in State land or resources).

\*\***Elevation/Petition Process:** Elevation is an appeal process which allows further review by division directors and commissioners of the State resource agencies. Each elevation review lasts a maximum of 15 days. The petition process allows the applicant, resource agencies, an affected coastal district, or citizen of an affected coastal district to seek Coastal Policy Council review of the proposed determination. Each petition review lasts a maximum of 30 days.

**Permits:** State agencies issue permits covered by the conclusive consistency determination within five days after the final determination is issued, unless an agency finds that additional review is necessary to fulfill its statutory requirements. DGC can provide you with more information on additional permit reviews that may be necessary for your project.

If your project requires a federal approval and you disagree with the State's final conclusive consistency determination, you may also appeal to the U.S. Secretary of Commerce in Washington, D.C., as provided in 15 CFR 930.125(h). DGC can provide you information on this appeal process upon request.

PLEASE DETACH AND KEEP THE INSTRUCTION SECTION AND CONTACT LIST OF THIS FORM.

**SOUTHEAST REGIONAL CONTACTS**

**DEPARTMENT OF  
NATURAL RESOURCES**

**Oil & Gas**

DNR/Oil and Gas  
Frontier Building  
3601 C Street, Suite 1380  
Anchorage, AK 99503-5948  
Phone: (907) 269-8775  
Fax: (907) 562 3852  
CONTACT: Jim Haynes

**Mineral/Metal Mining**

DNR/Mining  
Box 107016  
Anchorage, AK 99510-7016  
Phone: (907) 269-8400  
or 1-800 478-2154  
Fax: (907) 563-1853  
CONTACT: Mitch Henning

**Forestry**

DNR/Forestry  
400 Willoughby Avenue  
Juneau, AK 99801-1796  
Phone: (907) 465-2491  
Fax: (907) 586-3113  
CONTACT: Jim McAllister

**Agriculture**

DNR/Agriculture  
P.O. Box 949  
Palmer, AK 99645-0949  
Phone: (907) 745-7200  
Fax: (907) 745-7112  
CONTACT: Jay Kartula

**Activities on State Park Lands**

DNR/Parks & Outdoor Recreation  
400 Willoughby Avenue  
Juneau, AK 99801-1796  
Phone: (907) 465-4563  
Fax: (907) 465-5330  
CONTACT: Bill Garry

**State Historic Preservation Office**

DNR/SHPO  
3601 C Street, Ste. 1278  
Anchorage, AK 99510-7001  
Phone: (907) 269-8715  
Fax: (907) 269-8908  
CONTACT: Judith Bittner

**Water**

DNR/Water  
400 Willoughby Avenue  
Juneau, AK 99801-1796  
Phone: (907) 465-2533  
Fax: (907) 586-2954  
CONTACT: John Dunker

**Aquatic Farming**

DNR/Land  
Box 107005  
Anchorage, AK 99510-7005  
Phone: (907) 269-8546  
Fax: (907) 269-8913  
CONTACT: Janetta Pritchard

**All Other Activities**

Southeast Regional Office  
DNR/Land  
400 Willoughby Avenue  
Juneau, AK 99801-1796  
Phone: (907) 465-3400  
Fax: (907) 586-2954  
CONTACT: Elizaveta Shadun

**DEPARTMENT OF  
FISH AND GAME**

**Area Offices**

ADF&G/Habitat and  
Restoration Division  
P.O. Box 240020  
Douglas, AK 99824-0200  
Phone: (907) 465-4290  
Fax: (907) 465-4272  
CONTACT: Clayton Hawk 65-4299  
Ben Kirkpatrick . . . . . 465-4288

ADF&G/Habitat and  
Restoration Division  
2030 Sealevel Drive,  
Room 205  
Ketchikan, AK 99901  
Phone: (907) 225-2027  
Fax: (907) 225-3756  
CONTACT: Jack Gustafson

ADF&G/Habitat and  
Restoration Division  
P.O. Box 271  
Klawock, AK 99925-0271  
Phone: (907) 755-2485  
Fax: (907) 755-2440  
CONTACT: Jim Durst

ADF&G/Habitat and  
Restoration Division  
304 Lake Street, Room 103  
Sitka, AK 99835  
Phone: (907) 747-5828  
Fax: (907) 747-6239  
CONTACT: Dave Hardy -  
Chatham Area (Admiralty, Baranof, and  
Chichagof Islands)  
CONTACT: Phil Mooney -  
Sitikine Area (Petersburg, Wrangell, Kasilof  
Hoban Bay, Yakutat and Takliago Areas)

**Hatchery Permits**

DFG/CFMD Division  
1255 West Eighth Street  
P.O. Box 25526  
Juneau, AK 99802-5526  
Phone: (907) 465-4160  
Fax: (907) 465-4168  
CONTACT: Steve McGee . . 465-6152  
Kevin Duffy . . 465-6151

**Regional Office**

ADF&G/Habitat and Restoration  
Division  
P.O. Box 240020  
Douglas, AK 99824-0200  
Phone: (907) 465-4287  
FAX: (907) 465-4272  
CONTACT: Lena Shea Flanders

**DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION**

**DEC**

410 Willoughby Ave., Suite 105  
Juneau, AK 99801  
Phone: (907) 465-5350  
Fax: (907) 465-5274

**COE/Wetlands Fill**

Dave Sturdevant . . . . . 465-5276

**Solid Waste Disposal**

Ed Emawiler . . . . . 465-5353

**Air Quality**

Jim Baumgartner . . . . . 465-5108

**Oil Spill Contingency Plans**

Dan Hopson (Irmamat/Isak Irmat) 465-5368  
Steve Provost (Staimede/Marrie Yasuki)  
(in Valdez) . . . . . 835-4698

**DEC**

610 University Avenue  
Fairbanks, AK 99709-3643  
Fax: 451-2187

**Domestic Wastewater Disposal**

Tim Wingerter . . . . . 451-2116

**Industrial Wastewater Disposal**

Pete McGee . . . . . 451-2101

**OFFICE OF  
MANAGEMENT AND BUDGET**

Division of Governmental  
Coordination  
240 Main, Suite 500, P.O. Box 110030  
Juneau, AK 99811-0030  
Phone: (907) 465-3362  
Fax: (907) 465-3075  
CONTACT: Karen Esary . . 465-2142  
Jennifer Garland . . 465-3177  
Lorraine Marshall 465-8790  
Jackie Timothy . . 465-8798

**SOUTHCENTRAL REGIONAL CONTACTS**

**DEPARTMENT OF NATURAL RESOURCES**

**Oil and Gas Activities**

DNR/Oil and Gas  
Frontier Building  
3601 C Street, Ste. 1380  
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Phone: (907) 269-8775  
Fax: (907) 562-3852  
CONTACT: Jim H. Juel

**Mineral/Metal Mining Activities**

DNR/Mining  
3601 C Street, Ste.  
Anchorage, AK 99510-7016  
Phone: (907) 762-2109  
Fax: (907) 562-3587  
CONTACT: Mitch Henning

**Forestry Activities**

DNR/Forestry  
400 Willoughby Avenue  
Juneau, AK 99801-1796  
Phone: (907) 465-2491  
Fax: (907) 586-3113  
CONTACT: Jim McAllister

**Agriculture Activities**

DNR/Agriculture  
P.O. Box 949  
Palmer, AK 99645  
Phone: (907) 745-7200  
Fax: (907) 745-7112  
CONTACT: Jay Kerttula

**Activities on State Park Lands**

DNR/Parks & Outdoor Recreation  
Frontier Building  
3601 C Street, Suite 1200  
Anchorage, AK 99503-5921  
Phone: (907) 269-8700  
Fax: (907) 269-8907  
CONTACT: Dave Stephens

**State Historic Preservation Office**

DNR/SHPO  
3601 C Street, Suite 1200  
Anchorage, AK 99510-7001  
Phone: (907) 269-8715  
Fax: (907) 269-8908  
CONTACT: Judith Bittner

**Water Related Activities**

DNR/Water  
3601 "C" Street, Suite 822  
Anchorage, AK 99503  
Phone: (907) 269-8642  
Fax: (907) 562-1384  
CONTACT: Kallie Litzen

**Aquatic Farming Activities**

DNR/Land  
3601 C Street, Suite 1080  
Anchorage, AK 99503-5937  
Phone: (907) 269-8546  
Fax: (907) 269-8913  
CONTACT: Janetta Pritchard

**All other Activities**

Regional Office, DNR/Land  
Frontier Building  
Southcentral District Office  
3601 C Street, Suite 1080  
Anchorage, AK 99503-5937  
Phone: (907) 451-2751  
Fax: (907) 269-8913  
CONTACT: Ali Iliff

**DEPARTMENT OF FISH AND GAME**

ADF&G/Habitat and Restoration Division  
333 Raspberry Road  
Anchorage, AK 99518-1599  
(South central except as noted below)  
Phone: (907) 267-2284  
Fax: (907) 267-2464  
CONTACT: Don McKay

Kuskokwim (above Sleetmute) and Yukon (above Paimput) River drainages:

ADF&G/Habitat and Restoration Division  
1300 College Road  
Fairbanks, AK 99709  
Phone: (907) 451-6192  
Fax: (907) 456-3091  
CONTACT: Al Ott

Coastal Gulf of AK drainages East of Cape Suckling:

ADF&G/Habitat and Restoration Division  
304 Lake Street, Room 103  
Sitka, AK 99835  
Phone: (907) 747-5828  
Fax: (907) 747-6239  
CONTACT: Phil Mooney

**Hatchery Permits**

ADF&G/CPMD Division  
1255 West Eighth Street  
P.O. Box 25526  
Juneau, AK 99802-5526  
Phone: (907) 465-4160  
Fax: (907) 465-4168  
CONTACT: Steve McGee . 465-6152  
Kevin Duffy . . 465-6151

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

DEC  
555 Cordova Street  
Anchorage, AK 99501  
Phone: (907) 269-7500  
Fax: (907) 269-7652

**COE/Wetlands Fill**

Gary Saupa . . . . . 269-7567

**Solid Waste Disposal**

Laura Ogar . . . . . 269-7590

**Domestic Wastewater Disposal**

Robert Dolan . . . . . 269-7565

**Industrial Wastewater Disposal**

Pete McGee (in Fairbanks) . . 451-2101

**Air Quality**

Ron Chaitoff . . . . . 269-3071

**Oil Spill Contingency Plans**

Joe Saumer . . . . . 269-7539

**OFFICE OF MANAGEMENT AND BUDGET**

Division of Governmental Coordination  
3601 C Street, Suite 370  
Anchorage, AK 99503-5930  
Phone: (907) 269-7470  
Fax: (907) 561-6134  
CONTACT: Front Desk . . . 269-7470  
Jeff Davis . . . . . 269-7474  
Maureen McCrem 269-7473  
Arlene Murphy 269-7475

**State Pipeline Coordinator's Office**  
(for oil and gas, onshore/state waters only)

DGC Liaison  
411 W. 4th Avenue, Suite 2-C  
Anchorage, AK 99501-2343  
Phone: (907) 271-4317  
Fax: (907) 272-0690  
CONTACT: Molly Birnbaum

**(for oil and gas, offshore OCS only)**  
DGC

P.O. Box 110030  
Juneau, AK 99811-0030  
Phone: (907) 465-8792  
Fax: (907) 465-3075  
CONTACT: Glenn Gray