

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9382 HOUSE RESOURCES

NORTHERN REGIONAL CONTACTS

DEPARTMENT OF NATURAL RESOURCES

Oil and Gas Activities

DNR/Oil and Gas
 Box 107034
 Anchorage, AK 99510-7034
 Phone: (907) 269-8700
 Fax: (907) 269-8907
 CONTACT: Jim Haynes

Mineral/Metal Mining Activities

DNR/Mining
 3700 Airport Way
 Fairbanks, AK 99709
 Phone: (907) 451-2793
 Fax: (907) 451-2751
 CONTACT: Fred Lee

Forestry Activities

DNR/Forestry
 3700 Airport Way
 Fairbanks, AK 99709
 Phone: (907) 451-2700
 Fax: (907) 451-2751
 CONTACT: Steve Clautice

Agriculture Activities

DNR/Agriculture
 3700 Airport Way
 Fairbanks, AK 99709
 Phone: (907) 451-2700
 Fax: (907) 451-2751
 CONTACT: Ed Arobie

Activities on State Park Lands

DNR/Parks & Outdoor Recreation
 3700 Airport Way
 Fairbanks, AK 99709
 Phone: (907) 451-2700
 Fax: (907) 451-2751
 CONTACT: Anna Plager

State Historic Preservation Office

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

Water Related Activities

DNR/Water
 3700 Airport Way
 Fairbanks, AK 99709
 Phone: (907) 451-2736
 Fax: (907) 451-2751
 CONTACT: Jack Korin

All Other Activities

Northern Regional Office
 DNR/Land
 3700 Airport Way
 Fairbanks, AK 99709
 Phone: (907) 451-2700
 Fax: (907) 451-2751
 CONTACT: Roselynn Smith

DEPARTMENT OF FISH AND GAME

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

Hatchery Permits

ADP&G/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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DEC
 610 University Avenue
 Fairbanks, AK 99709-3643
 Phone: (907) 451-2360
 Fax: (907) 451-2187 or 451-2188

COE/Wetlands Fill and Domestic Wastewater Disposal

Tim Wingarter 451-2116
Industrial Wastewater Disposal
 Pete McGee 451-2101
Solid Waste Disposal
 Kris McCumby 451-2154

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

Air Quality

Ron Chaitoff 269-3071
Oil Spill Contingency Plans
 Joe Seutner 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 McCrea 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

**COASTAL DISTRICT CONTACTS:
ALASKA COASTAL MANAGEMENT PROGRAM**

Aleutians East Borough
Ms. Tina Anderson
Coastal Coordinator
Aleutians East Borough
P.O. Box 349
Sand Point, AK 99661
Phone: (907) 383-2699
Telecopy: (907) 383-3496

Aleutians West CRSA
Ms. Mary Pearsall
Program Coordinator
Aleutians West CRSA
308 G Street, #225
Anchorage, AK 99501
Phone: (907) 272-6700
Telecopy: (907) 272-6707

Anchorage Municipality of
Mr. Thede Tobush
Department of Community
Planning and Development
P O Box 196650
Anchorage, AK 99519-6650
Phone: (907) 343-4261
Telecopy: (907) 343-4220

Angoon City of
Mayor Floyd Kookesh
P O Box 189
Angoon, AK 99820
Phone (907) 788-3653
Telecopy: (907) 788-3821

Annette Islands Indian Reserve
Ms. Saline Haven/Mr. Benson
Annette Island Metlakatla
Indian Community
P O Box 360
Metlakatla, AK 99926-0360
Phone (907) 886-4200
Telecopy (907) 886-7997

Bering Straits CRSA
Mr. Chuck Degan, Director
Bering Straits Coastal
Management Program
P O Box 190
Unaakleet, AK 99684
Phone (907) 624-3062
Telecopy (907) 624-3811

Bethel City of
Mr. Jim Hoppenworth
Coastal Coordinator
City of Bethel
P.O. Box 388
Bethel, AK 99559
Phone: (907) 543-4456
Telecopy: (907) 543-4171

Bristol Bay Borough
Ms. Cynthia Zuelow-Osborne
Administrative Assistant
Bristol Bay Borough
P O. Box 189
Naknek, AK 99633
Phone: (907) 246-4224
Telecopy: (907) 246-6633

Bristol Bay CRSA
Ms. Sue Flensburg
Bristol Bay CRSA
Nanvaq Building, Room 207
P.O. Box 849
Dillingham, AK 99576
Phone: (907) 842-2666
Telecopy: (907) 842-2776
Email bbersant@nushtel.com (no caps)

Cenaliulnit CRSA
Mr. George Owlituck
Program Director
Cenaliulnit CRSA
P.O. Box 357
St. Mary's, AK 99658
Phone: (907) 438-2638
Telecopy: (907) 438-2643

Cordova City of
Mr. Scott Janke, City Manager
Mr. George Keeney, Planner
City of Cordova
P.O. Box 1210
Cordova, AK 99574
Phone: (907) 424-6200
Telecopy: (907) 424-6000

Craig City of
Mr. Jon Bolling
Coastal Coordinator
City of Craig
P O Box 725
Craig, AK 99921
Phone (907) 826-3275
Telecopy (907) 826-3278

Haines City of
Mr. Tom Healy
City Administrator
City of Haines
P O. Box 1049
Haines, AK 99827
Phone: (907) 766-2231
Telecopy: (907) 766-3179

Hoonah City of
Mr. Robert Pinard
City of Hoonah
P.O. Box 360
Hoonah, AK 99829
Phone: (907) 945-3663
Telecopy: (907) 945-3445

Hydaburg City of
Ms. Jean Bland
City of Hydaburg
P.O. Box 49
Hydaburg, AK 99922
Phone: (907) 285-3761
Telecopy: (907) 285-3760

Juneau City and Borough of Juneau
Mr. Bill Smith, Planner
Community Development
Department
City and Borough of Juneau
155 South Seward Street
Juneau, AK 99801
Phone: (907) 586-5230
Telecopy: (907) 586-3365
Email Bill_Smith@mail.ci.juneau.ak.us

Kake City of
Mayor Lonnie Anderson
City of Kake
P.O. Box 500
Kake, AK 99830
Phone: (907) 785-3804
Telecopy: (907) 785-4815

Kenai Peninsula Borough
Ms. Glenda Landua
Coastal Coordinator
Kenai Peninsula Borough
144 N. Binkley Street
Soldotna, AK 99669-7599
Phone: (907) 262-4441
Telecopy: (907) 262-1892

Ketchikan Gateway Borough
 Ms. Jennifer Carman
 Coastal Coordinator
 Ketchikan Gateway Borough
 344 Front Street
 Ketchikan, AK 99901
 Phone: (907) 228-6610
 Telecopy: (907) 247-8439

Klawock City of
 Mr. Doc Waterman
 Coastal Coordinator
 P.O. Box 113
 Klawock, AK 99925
 Phone: (907) 755-2261
 Telecopy: (907) 755-2403

Kodiak Island Borough
 Ms. Linda Freed
 Community Development
 Department Director
 Kodiak Island Borough
 710 Mill Bay Road
 Kodiak, AK 99615-6340
 Phone: (907) 486-9360
 Telecopy: (907) 486-9376
 Email: lfreed@kib.co.kodiak.ak.us (no caps)

Lake and Peninsula Borough
 Mr. Walt Wrede, Manager
 Ms. Sheila Bergey, Planner
 Lake and Peninsula Borough
 P.O. Box 495
 King Salmon, AK 99613
 Phone: (907) 246-3421
 Telecopy: (907) 246-6602

Matanuska-Susitna Borough
 Mr. Ken Hudson
 Coastal Management Coordinator
 Matanuska-Susitna Borough
 350 E. Dahlia Avenue
 Palmer, AK 99645-6488
 Phone: (907) 745-9865
 Telecopy: (907) 745-9876

Nome City of
 Mr. Randy Romenesko
 City of Nome
 P.O. Box 281
 Nome, AK 99762
 Phone: (907) 443-5242
 Telecopy: (907) 443-5349

North Slope Borough
 Mr. Jon Dunham
 North Slope Borough
 P.O. Box 59
 Barrow, AK 99723
 Phone: (907) 852-0440 x266
 Telecopy: (907) 852-3991
 Email: jdunham@co.north_slope.ak.us

Northwest Arctic Borough
 Mr. Frank Stain
 Planning Director
 Northwest Arctic Borough
 P.O. Box 1110
 Kotzebue, AK 99752
 Phone: (907) 442-2500
 Telecopy: (907) 442-2930

Pelican City of
 Ms. Ginnie Porter
 Coastal Coordinator
 P.O. Box 737
 Pelican, AK 99832
 Phone: (907) 735-2202(wk)
 735-2259(hm)
 Telecopy: (907) 735-2258

Petersburg City of
 Mr. Leo Luzzak
 Planning Director
 City of Petersburg
 P.O. Box 329
 Petersburg, AK 99833
 Phone: (907) 772-4533
 Telecopy: (907) 772-4876

Sitka City and Borough of
 Mr. Gary Paxton
 Administrator
 City and Borough of Sitka
 100 Lincoln Street
 Sitka, AK 99835-7540
 Phone: (907) 747-1812
 Telecopy: (907) 747-7403

Ms. Marlene Campbell
 Coastal Management Coordinator
 City and Borough of Sitka
 100 Lincoln Street
 Sitka, AK 99835
 Phone: (907) 747-1855
 Telecopy: (907) 747-1856

Skagway City of
 Mr. Robert Ward
 City Manager
 City of Skagway
 P.O. Box 415
 Skagway, AK 99840
 Phone: (907) 983-2297
 Telecopy: (907) 983-2151

St. Paul City of
 Mr. John Merculief
 City Manager
 City of St. Paul
 P.O. Box 901
 St. Paul, AK 99660
 Phone: (907) 546-2331
 Telecopy: (907) 546-3199

St. Paul
 Ms. Char Kirkwood
 Coastal Coordinator
 31424 7th Place SW
 Federal Way, WA 98023
 Phone: (206) 946-5362
 Telecopy: (206) 946-0723

Thorne Bay City of
 Ms. Ginny Tierney
 City Administrator -
 City of Thorne Bay
 P.O. Box 19110
 Thorne Bay, AK 99919
 Phone: (907) 828-3380
 Telecopy: (907) 828-3374

Valdez City of
 Mr. David Dengel, Director
 Community Development
 City of Valdez
 P.O. Box 307
 Valdez, AK 99686
 Phone: (907) 835-4313
 Telecopy: (907) 835-2992

Whittier City of
 Mr. Dave Morgan
 City Manager
 City of Whittier
 P.O. Box 608
 Whittier, AK 99693
 Phone: (907) 472-2327
 Telecopy: (907) 472-2404

Wrangell City of
 Mayor Douglas Roberts
 P.O. Box 531
 Wrangell, AK 99929
 Phone: (907) 874-2381
 Telecopy: (907) 874-3952

Yakutat City and Borough of
 Mr. Tom Armour
 Borough Manager
 and Mr. Sam Flora, Planner
 City and Borough of Yakutat
 P.O. Box 160
 Yakutat, AK 99689
 Phone: (907) 784-3323
 Telecopy: (907) 784-3281

Coastal Project Questionnaire and Certification Statement

Please answer all questions. To avoid a delay in processing, please call the department if you answer "yes" to any of the questions related to that department. Maps and plan drawings must be included with your packet. An incomplete packet will be returned.

■ APPLICANT INFORMATION

1. _____ Name of Applicant _____ Address _____ City State Zip Code _____ Daytime Phone _____ Fax Number _____	2. _____ Agent (or responsible party if other than applicant) _____ Address _____ City State Zip Code _____ Daytime Phone _____ Fax Number _____
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■ PROJECT INFORMATION

	Yes	No
1. This activity is a: <input type="checkbox"/> new project <input type="checkbox"/> modification or addition to an existing project		
If a modification do you currently have any State, federal or local approvals related to this activity?	<input type="checkbox"/>	<input type="checkbox"/>
<i>Note. Approval means any form of authorization. If "yes," please list below:</i>		
Approval Type	Approval #	Issuance Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
2. Has this project ever been reviewed by the State of Alaska per the ACMP?	<input type="checkbox"/>	<input type="checkbox"/>
Previous State I.D. Number: AK _____	Previous Project Name: _____	

■ PROJECT DESCRIPTION

1. Attach the following: • a detailed description of the project and all associated facilities; • a project timeline for completion of all major activities in the proposal; • a site plan depicting all proposed actions; • other supporting documentation that would facilitate review of the project. Note: If the project is a modification, identify existing facilities as well as proposed activities on the site plan.

Proposed starting date for project: _____ Proposed ending date for project: _____

2. Provide a brief description of your entire project and ALL associated facilities (access roads, caretaker facilities, waste disposal sites, etc.)

■ PROJECT LOCATION

1. Attach a copy of the topographical map with the project location marked on it.
2. Location of project (include nearest community or name of the land feature or body of water. Identify township, range and section):
 Township _____ Range _____ Section _____ Meridian _____ Latitude/Longitude _____ / _____
3. The project is on: State Land* Federal Land Private Land Municipal Land
 *State land can be uplands, tidelands, or submerged lands to 3 miles offshore. See Question #1 in DNR section.
4. The project is located in which region (see attached map): Northern Southcentral Southeast
 State Pipeline Coordinator's Office
5. Is the project located in a coastal district? Yes No

 If yes, please contact the district representative listed on the attached sheet.
6. Identify the communities closest to your project location: _____

■ FEDERAL APPROVALS

1. Is the proposed project on U.S. Forest Service (USFS) land or will you need to cross USFS lands for access? Yes No

 Does the cost of the project exceed \$250,000?
 If yes, have you applied for a USFS permit or approval?
 Date of submittal: _____
2. Is the proposed project on Bureau of Land Management (BLM) land or will you need to cross BLM lands for access?
 Does the cost of the project exceed \$250,000?
 If yes, have you applied for a BLM permit or approval?
 Date of submittal: _____
3. Will you be constructing a bridge over tidal (ocean) waters, or navigable rivers, streams or lakes?
 If yes, have you applied for a U.S. Coast Guard permit for a bridge?
 Date of submittal: _____
4. Will you be dredging or placing structures or fills in any of the following:
 tidal (ocean) waters? streams? lakes? wetlands*?
 If yes, have you applied for a U.S. Army Corps of Engineers (COE) permit?
 Date of submittal: _____

(Note: Your application for this activity to the Corps of Engineers also serves as your application to DEC.)

*If you are not certain whether your proposed project is in a wetlands, contact the U.S. Corps of Engineers, Regulatory Branch at (907) 733-2720 for a wetlands determination (outside the Anchorage area call toll free 1-800-478-2712.)

5. Have you applied for a U.S. Environmental Protection Agency National Pollution Discharge Elimination System (NPDES) permit? Yes No
 Date of submittal: _____
(Note: For information regarding the need for an NPDES permit, contact EPA at (907) 271-5083.)
6. Will you have a putrescible waste discharge within 5 miles of any public airport? Yes No
 If yes, please contact the Airports Division of the Federal Aviation Administration at (907) 271-5440.
7. Does the project include a nonfederal power project affecting any navigable body of water or located on federal land? Or, is utilization of surplus water from any federal government dam proposed? Yes No
(Power projects consist of dams, water conduits, reservoirs, powerhouses, and transmission lines.)
 If yes, have you applied for a permit from the Federal Energy Regulatory Commission (FERC)? Yes No
 Date of submittal: _____
(Note: For information, contact FERC, Office of Hydropower Licensing, at (202) 208-0200.)
7. Have you applied for permits from any other federal agency? Yes No
- | AGENCY | APPROVAL TYPE | DATE SUBMITTED |
|--------|---------------|----------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

■ DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) APPROVALS

1. Will a discharge of wastewater from industrial or commercial operations occur? Yes No
 Will the discharge be connected to an already approved sewer system? Yes No
 Will the project include a stormwater collection/discharge system? Yes No
2. Do you intend to construct, install, modify, or use any part of a wastewater (sewage or greywater) disposal system? Yes No
 a) If so, will the discharge be 500 gpd or greater? Yes No
 b) If constructing a domestic wastewater treatment or disposal system, will the system be located within fill material requiring a COE permit? Yes No

If you answered yes to a or b, answer the following:

- 1) How deep is the bottom of the system to the top of the subsurface water table? _____
- 2) How far is any part of the wastewater disposal system from the nearest surface water? _____
- 3) Is the surrounding area inundated with water at any time of the year? Yes No
- 4) How big is the fill area to be used for the absorption system? _____

(Questions 1 & 2 will be used by DEC to determine whether separation distances are being met. Questions 3 & 4 relate to the required size of the fill if wetlands are involved.)

3. Do you expect to request a mixing zone for your proposed project? Yes No
(If your wastewater discharge will exceed Alaska water quality standards, you may apply for a mixing zone. If so, please contact DEC to discuss information required under 18 AAC 70.032.)

If you answered NO to ALL questions in this section, continue to next section.

If you answered YES to ANY of these questions, contact the DEC Regional office for information and application forms. Please be advised that all new DEC permits and approvals require a 30-day public notice period.

Based on your discussion with DEC, please complete the following:

Approval Type: _____ Date Submitted: _____

9. Does your project qualify for a general permit for wastewater or solid waste? Yes No
10. If you answered yes to any questions and are not applying for DEC permits, indicate reason below:
 _____ (DEC contact) told me on _____ that no DEC approvals are required on this project. Reason: _____
 Other: _____

■ DEPARTMENT OF FISH & GAME (DFG) APPROVALS

1. Will you be working in, or placing anything in, a stream, river or lake? (This includes work in running water or on ice, within the active flood plain, on islands, the face of the banks or the tidelands down to mean low tide.) (Note: If the proposed project is located within a Federal Emergency Management Agency Zone, a Floodplain Development Permit may be required. Contact the local municipal government for additional information and a floodplain determination.) Yes No
 Name of stream, river, or lake: _____
2. Will you do any of the following?
- Please indicate below:
- | | |
|--|--|
| <input type="checkbox"/> Build a dam, river training structure or instream impoundment? | <input type="checkbox"/> Alter or stabilize the banks? |
| <input type="checkbox"/> Use the water? | <input type="checkbox"/> Mine or dig in the beds or banks? |
| <input type="checkbox"/> Pump water out of the stream or lake? | <input type="checkbox"/> Use explosives? |
| <input type="checkbox"/> Divert or alter the natural stream channel? | <input type="checkbox"/> Build a bridge (including an ice bridge)? |
| <input type="checkbox"/> Block or dam the stream (temporarily or permanently)? | <input type="checkbox"/> Use the stream as a road (even when frozen), or crossing the stream with tracked or wheeled vehicles, log-dragging or excavation equipment (back-hoes, bulldozers, etc.)? |
| <input type="checkbox"/> Change the water flow or the water channel? | <input type="checkbox"/> Install a culvert or other drainage structure? |
| <input type="checkbox"/> Introduce silt, gravel, rock, petroleum products, debris, chemicals, or other organic/inorganic waste of any type into the water? | <input type="checkbox"/> Construct a weir? |
| | <input type="checkbox"/> Use an in-stream structure not mentioned here? |
3. Is your project located in a designated State Game Refuge, Critical Habitat Area or State Sanctuary?
4. Does your project include the construction/operation of a salmon hatchery?

- | | | | |
|----|--|--------------------------|--------------------------|
| | | Yes | No |
| 5. | Does your project affect, or is it related to, a previously permitted salmon hatchery? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. | Does your project include the construction of an aquatic farm? | <input type="checkbox"/> | <input type="checkbox"/> |

If you answered "No" to ALL questions in this section, continue to next section.

If you answered "Yes" to ANY questions under 1-3, contact the Regional DFG Habitat Division Office for information and application forms.

If you answered "Yes" to questions 4-6, contact the DFG at the CFMD division headquarters for information and application forms.

Based on your discussion with DFG, please complete the following:

Approval Type: _____ Date Submitted: _____

7. If you answered yes to any questions and are not applying for DFG permits, indicate reason below:
- _____ (DFG contact) told me on _____ that no DFG approvals are required. Reason: _____
- Other: _____

■ DEPARTMENT OF NATURAL RESOURCES (DNR) APPROVALS

- | | | | |
|----|---|--------------------------|--------------------------|
| 1. | Is the proposed project on State-owned land or will you need to cross State-owned land for access? ("access" includes temporary access for construction purposes) | Yes | No |
| | | <input type="checkbox"/> | <input type="checkbox"/> |
| | <i>Note. In addition to State-owned uplands, the State owns almost all land below the ordinary high water line of navigable streams, rivers and lakes, and below the mean high tide line seaward for three miles.</i> | | |
| 2. | Do you plan to dredge or otherwise excavate/remove materials on State-owned land? | <input type="checkbox"/> | <input type="checkbox"/> |
| | Location of dredging site if other than the project site: _____ | | |
| | Township _____ Range _____ Section _____ Meridian _____ | | |
| 3. | Do you plan to place fill or dredged material on State-owned land? | <input type="checkbox"/> | <input type="checkbox"/> |
| | Location of fill disposal site if other than the project site: _____ | | |
| | Township _____ Range _____ Section _____ Meridian _____ | | |
| | Source is on: <input type="checkbox"/> State Land <input type="checkbox"/> Federal Land <input type="checkbox"/> Private Land <input type="checkbox"/> Municipal Land | | |
| 4. | Do you plan to use any of the following State-owned resources. | <input type="checkbox"/> | <input type="checkbox"/> |
| | <input type="checkbox"/> <i>Timber:</i> Will you be harvesting timber? Amount: _____ | | |
| | <input type="checkbox"/> <i>Materials such as rock, sand or gravel, peat, soil, overburden, etc.:</i> | | |
| | Which material? _____ Amount: _____ | | |
| | Location of source: <input type="checkbox"/> Project site <input type="checkbox"/> Other, describe: _____ | | |
| | Township _____ Range _____ Section _____ Meridian _____ | | |
| 5. | Are you planning to use or divert any fresh water? | <input type="checkbox"/> | <input type="checkbox"/> |
| | Amount (gallons per day): _____ | | |
| | Source: _____ Intended Use: _____ | | |

- | | Yes | No |
|--|--------------------------|--------------------------|
| 6. Will you be building or altering a dam? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Do you plan to drill a geothermal well? | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. At any one site (regardless of land ownership), do you plan to do any of the following? | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Mine five or more acres over a year's time? | | |
| <input type="checkbox"/> Mine 50,000 cubic yards or more of materials (rock, sand or gravel, soil, peat, overburden, etc.) over a year's time? | | |
| <input type="checkbox"/> Have a cumulative unreclaimed mined area of five or more acres? | | |
| If you plan to mine less than the acreage/amount stated above and have a cumulative unreclaimed mined area of less than five acres, do you intend to file a voluntary reclamation plan for approval? | | |
| | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Will you be exploring for or extracting coal? | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Will you be drilling for oil/gas? | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Will you be investigating or removing historical or archaeological resources on State-owned land? | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Is the proposed project located within a known geophysical hazard area? | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Is the proposed project located in a unit of the Alaska State Park System? | <input type="checkbox"/> | <input type="checkbox"/> |

If you answered "No" to ALL questions in this section, continue to certification statement.

If you answered "Yes" to ANY questions in this section, contact DNR for information.

Based on your discussion with DNR, please complete the following:

Approval Type: _____ Date Submitted: _____

14. If you answered yes to any questions and are not applying for DNR permits, indicate reason below:
- _____ (DNR contact) told me on _____ that no DNR approvals are required Reason: _____
- Other: _____

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.

Certification Statement

The information contained herein is true and complete to the best of my knowledge. I certify that the proposed activity complies with, and will be conducted in a manner consistent with, the Alaska Coastal Management Program.

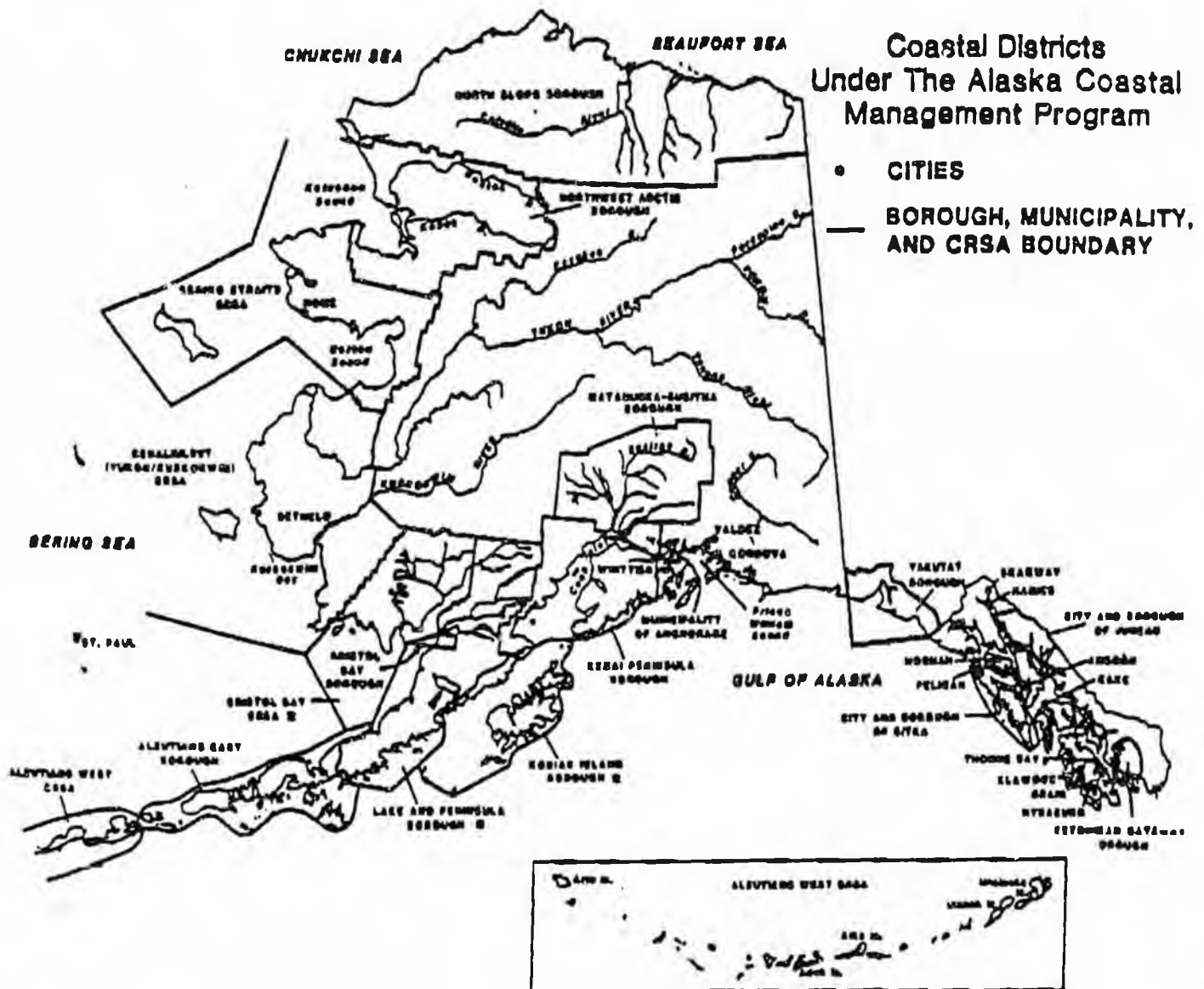
Signature of Applicant or Agent

Date

Note: Federal agencies conducting an activity that will affect the coastal zone are required to submit a federal consistency determination, per 15 CFR 930, Subpart C, rather than this certification statement.

This certification statement will not be complete until all required State and federal authorization requests have been submitted to the appropriate agencies.

- To complete your packet, please attach your State permit applications and copies of your federal permit applications to this questionnaire.



**Alaska Coastal Management Program
FY 1997 Reimbursable Service Agreements
between DGC and State Agencies**

DCED Trade & Development

RSA#170006 \$8,200.00 Federal
Section 306 Development & Implementation .06 FTE

DCRA Municipal & Regional Assistance

RSA#170007 \$214,000.00 Federal
Section 306 Development & Implementation 2.75 FTE

RSA#170008 \$1,077,000.00
District Financial Assistance \$967,900 Federal/\$109,100 State
District Funding 0 FTE

RSA#170014 \$42,636.00 Federal
FY 96 Carryforward Section 309 Rural District Policies .05 FTE

RSA#170034 \$15,000.00 Federal
Section 309 Assessment of the ACMP .17 FTE

RSA#170035 \$40,000.00 Federal
Section 309 Assessment of the ACMP - Districts Funding 0 FTE

RSA#170059 \$3,000.00 Federal
FY 96 Carryforward Section 6217 Non-point Source Pollution 0 FTE
Printing Solid Waste Manual

DEC Environmental Quality

RSA#170020 \$72,000.00 Federal
Section 306 Monitoring & Compliance .6 FTE

RSA#170022 \$100,000.00 Federal
Section 306 Development & Implementation 1.05 FTE

Air & Water Quality

RSA#170021	\$12,000.00 Federal
FY 96 Carryforward Section 309 Aquatic Habitat Restoration	.15 FTE
RSA#170024	\$3,000.00 Federal
FY 96 Carryforward Section 309 Federal Activities	.04 FTE
RSA#170025	\$4,565.00 Federal
FY 96 Carryforward Section 309 Rural District Policies	.04 FTE
RSA#170029	\$20,000.00 Federal
Section 309 Assessment of the ACMP	.23 FTE
RSA#170042	\$2,242.00 Federal
Section 309 Revision to Enhancement Grants Program Strategy	.04 FTE

DF&G . Habitat

RSA#170015	\$100,500.00 Federal
Section 306 Development & Implementation	1.44 FTE
RSA#170016	\$71,500.00 Federal
Section 306 Monitoring & Compliance	1.08 FTE
RSA#170017	\$20,000.00 Federal
Section 309 Assessment of the ACMP	.24 FTE
RSA#170018	\$1,800.00 Federal
FY 96 Carryforward Section 309 Rural District Policies	0 FTE
RSA#170019	\$87,700.00 Federal
FY 96 Carryforward Section 309 Aquatic Habitat Restoration	1.21 FTE
RSA#170043	\$44,750.00 Federal
National Estuarine Research Reserve Site Selection (NERRS)	1.39 FTE

DOL Civil

RSA#170011	\$120,000.00 Federal
Section 306 Development & Implementation	1.0 FTE

	Legal Service Operations	
RSA#170054	Section 309 Assessment of the ACMP	\$50,000.00 Federal .37 FTE
<u>DNR</u>	Land	
RSA#170009	Section 306 Development & Implementation	\$62,500.00 Federal .75 FTE
RSA#170010	Section 306 Monitoring & Compliance	\$109,500.00 Federal 1.25 FTE
RSA#170031	FY 96 Carryforward Section 309 Rural District Policies	\$2,000.00 Federal .03 FTE
RSA#170032	Section 309 Assessment of the ACMP	\$25,000.00 Federal .75 FTE
RSA#170033	FY 96 Carryforward Section 309 Aquatic Habitat Restoration	\$16,000.00 Federal .5 FTE
<u>DOT/PF</u>	Statewide Planning	
RSA#170012	Section 306 Development & Implementation	\$3,000.00 Federal .06 FTE
RSA#170030	Section 309 Assessment of the ACMP	\$5,000.00 Federal .05 FTE
	Engineering & Operations	
RSA#170013	FY 96 Carryforward Section 6217 Non-point Source Pollution Road, Highway, & Bridge BMP Manual	\$15,600.00 Federal .1 FTE
RSA#170023	FY 96 Carryforward Section 309 Aquatic Habitat Restoration	\$12,000.00 Federal .07 FTE

**Alaska Coastal Management Program (ACMP)
FY 98 Federal Funds**

Total Anticipated Funding \$2,690,000

<u>Break-down of Federal Dollars</u>	1:1 Match Requirement	No Match Requirement
ACMP Section 306	\$2,110,000	
ACMP Section 309		\$420,000
NERRS		<u>160,000</u>
	<u>\$2,110,000</u>	<u>\$580,000</u>

Break-down ACMP Section 306 Federal/Match(1:1)

	Federal	DGC Match	Other Match
34 Coastal Districts	\$ 967,900		\$225,000
State Agencies	\$ 762,800		\$590,500
DGC/CPC	<u>\$ 379,300</u>	<u>\$1,294,500</u>	<u> </u>
	<u>\$2,110,000</u>	<u>\$1,294,500</u>	<u>\$815,500</u>

Break-down ACMP Section 309 (No Match)

21 Proposals received for Section 309 Funding*	Federal
	\$420,000
Coastal Districts	9 proposals
DGC	1 proposals
State Agencies	15 proposals

*Note: Committee of Coastal Policy Council reviewing proposals; 5 - 10 projects anticipated to be funded.

Break-down NERRS (No Match)

	Federal
DGC	\$ 2,000
DNR	\$ 10,000
DF&G	<u>\$148,000</u>
	<u>\$160,000</u>

**Proposed FY 98 Distribution
Alaska Coastal Management Program
Section 306 Funding**

Anticipated Section 306 Funding Level: \$2,110.0 Federal/\$2,110.0 Match

34 Coastal Districts	\$967.9 Federal	\$225.0 Match
7 State Agencies	\$762.8 Federal	\$590.5 Match
DGC/CPC	\$379.3 Federal	\$1,294.5 Match

Proposed Distribution of Federal Funds among State Agencies:

DCED	8.2 Federal	8.2 Match
DCRA	189.2 Federal	60.4 Match
DEC	152.1 Federal	152.1 Match
DF&G	152.1 Federal	152.1 Match
DOL	106.1 Federal	62.6 Match
DNR	152.1 Federal	152.1 Match
DOT/PF	3.0 Federal	3.0 Match

FY 97 Section 306 Coastal Management Program

DCRA #170008: District Development and Implementation

The Division of Governmental Coordination (DGC) contracts through a reimbursable service agreement with the Department of Community and Regional Affairs (DCRA) for administration of local coastal district contracts for Section 306 funds.

The primary focus of ACMP funds will be to provide all districts with funds for required district program implementation tasks that include: 1) participation in local, State and federal ACMP-related consistency reviews and permitting activities; 2) municipal implementation using local land use regulations and field monitoring of coastal projects; 3) CRSA board elections and activity; and, 4) local ACMP liaison public awareness/education efforts.

Three coastal district regional representatives participate as members of the ACMP Working Group which is an interagency Working Group coordinated by DGC. This group tackles programmatic and procedural issues arising from the day-to-day implementation of the ACMP. District representatives are funded to attend Coastal Policy Council meetings and provide a district perspective.

DCED #170006, DCRA #170007, DEC #170022, DF&G #170015, DOL #170011, DNR #170009, DOT/PF #170012: *State Agency Development and Implementation*

The primary agencies participating in the ACMP implementation and district program development are DCRA, DEC, DF&G, DOL, and DNR. DCED and DOT/PF participate on a limited bases.

Each agency's ACMP coordinator are federally funded and serve as the agency contact for ACMP issues and information. Each coordinator:

- Facilitates department review of ACMP-related issues, documents and regulations,
- provides ACMP training to agency staff,
- represents their agency on the ACMP working group
- ensures department review of district planning documents,
- participates in the annual district conference and CPC meetings, and
- provides technical assistance to coastal districts.

During FY 97, the ACMP Working Group will participate in revising Alaska's Section 309 Strategy and continue to assist DGC on the substantial rulemaking underway to implement 1994 statutory changes to the ACMA.

The resource agencies, along with DGC, bear the major responsibility for review of district planning documents to ensure that uses of State concern are maintained, resource inventories are accurate, and district policies are workable and enforceable. The resource agencies also provide technical assistance when a district is evaluating complex projects for consistency with its local policies.

The DCRA administers the district grant contracts, provides local planning assistance and training, and helps organize new coastal districts and the election of boards.

The DCED and DOT/PF provide specific economic and transportation perspectives on statewide ACMP issues and are minimally funded to provide staff support to their agency Coastal Policy Council representative and participate in ACMP Working Group meetings.

The DOL attorney funded under the ACMP Section 306 funding provides legal assistance primarily to DGC and the CPC, and secondarily to other State agencies and coastal districts. The DOL represents the CPC in litigation and administrative proceedings.

DEC #170020, DF&G #170016, DNR #170010: *State Agency Monitoring and Compliance*

The ACMP establishes a coordinated review of proposed development projects in Alaska's coastal zone. The review process is designed to ensure that projects are consistent with the ACMP standards and district enforceable policies. DEC, DF&G, and DNR coordinates reviews for projects which require only a single agency's permits while DGC coordinates consistency reviews for projects requiring federal permits or multiple State agency permits.

The DEC, DF&G, and DNR receive federal funds to undertake ACMP-related monitoring and compliance activities. Agency staff will conduct field inspections of projects for compliance with conditions of the ACMP consistency determinations placed on agency permits. While the emphasis of ACMP funding is enforcement activities, upon request, agencies will provide pre- and post-application assistance to a project applicant.

FY97 SECTION 309 ENHANCEMENT GRANT PROJECTS

DCRA #170014, DEC #170025, DFG #170018 & DNR #17003: *Rural Coastal District Policies and Participation in the ACMP*

Rural districts have concerns about the credence given local knowledge in the State's permitting processes. Additionally, different interpretations of coastal district policies affect how they are implemented. A task force of rural coastal districts and State agencies met to identify ways to: 1) use local knowledge as part of a cumulative impacts assessment and consistency determination, 2) ensure policies are written to meet the expectations of the coastal district, and 3) ensure that Native participation in the State consistency determination and appeals process is not undermined because of communication differences. A final report summarizing the task force findings and specific recommendations is being prepared.

DEC #170021, DFG # 170019, DNR #170033 & DOT/PF #170023: *Alaska Working Group on Aquatic Habitat Reclamation.*

The State of Alaska established a working group on Aquatic Habitat Reclamation to develop a consistent approach and facilitate cooperation, coordination and communication about aquatic habitat reclamation in Alaska. The working group includes State and federal resource management agencies, municipal governments, private industry, and others. Statewide and regional forums and technical working groups are being established to conduct research, examine technical and management issues, and implement aquatic habitat reclamation projects in Alaska. Technology transfer and standardization of agency aquatic habitat reclamation goals and policies will significantly streamline project design.

DEC # 170024: *Federal Activities*

Section 307 of the federal Coastal Zone Management Act requires that federal agencies conduct their activities that affect any land or water use or natural resource in the coastal zone in a manner which is consistent with a state's coastal management program. Given the tremendous amount of federal land ownership and management presence in Alaska's coastal zone, there is a need to identify the array of federal agencies, their activities, and federal consistency practices. Funds were disbursed to selected State agencies (including DEC) and coastal districts to help complete MOUs with Western Federal Lands Highway Division and the Corps of Engineers and review a draft report.

DEC # 170042: *Revisions to the §309 strategy*

Funds were expended to update the Geographic Information Systems map of the coastal zone and district boundaries as part the revisions to the §309 Enhancement Grants Strategy (EGS). The EGS is a federally funded effort that positions Alaska to receive 100% federal funding (no match requirement) for special projects.

DCRA #s 170034 & 170035, DEC # 170029, DFG #170017, DOL # 170054, DNR # 170032, & DOT/PF # 170030: *Assessment of the ACMP*

Alaska conducted an overall assessment of its coastal management program which resulted in the resolution of the following issues:

- Alaska's Coastal Management Program will continue to be implemented through existing permits and approvals issued by State and local governments.
- The State will continue to manage the consistency review process. However, the coastal district's standing and responsibilities will be clarified and improved. An option will be considered for municipal districts to make the determinations for consistency with their plans where there are not federal permits or direct federal actions or uses of state concern. Petitions to the Coastal Policy Council will be substantially simplified.

The RSAs support participation of state agencies and coastal districts to develop the mechanics of implementing assessment recommendations. Specifically work tasks include the development of revisions to the ACMP regulations or statute, and public education to inform the public, participating agencies and districts, and affected industries about the proposed program changes.

FY97 SECTION 6217 PROJECTS

DCRA # 170059: *Printing solid Waste Manual*

Funds were used to print a landfill design and operations manual, and to distribute the manual to all communities in western Alaska. The manual was prepared with FY96 §6217 funds by the Yukon-Kuskokwim River district to help villagers improve their solid waste disposal facilities.

DOT/PF # 170013: *Road, Highway, & Bridge Manual*

Funds were used to print a manual of Best Management Practices for the construction, siting, design, operation and maintenance of Alaskan roads, highways and bridges. The manual was prepared by DOT/PF with FY96 §6217 funds. The manual will help DOT/PF comply with Federal Highway Administration requirements, and will result in less polluted road runoff entering Alaskan streams, bays and lakes.

FY97 NERP'S PROJECTS BY RSA

DFG # 170011: *National Estuarine Research Reserve Site Selection*

Funds are being used to explore the desirability and feasibility of nominating a site in Kachemak Bay to the National Estuarine Research Reserve System.

FY97 SECTION 306DISTRICT SPECIAL PROJECTS

The Alaska Coastal Management Program provides funding for coastal districts (municipalities and coastal resource services areas formed within the unorganized borough) with funding to undertake special projects to address the management of coastal resources, uses and activities. The Division of Governmental Coordination works closely with the districts in managing these planning and implementation projects.

Aleutians West Coastal Resource Service Area

Unalaska Bay AMSA Plan (\$5,000). The Aleutians West CRSA will continue working with the agencies, industry and the City of Unalaska to resolve issues and seek consensus on enforceable policy language for the Unalaska Bay AMSA Plan. If issues are resolved, the CRSA board will give conceptual approval and the plan will be submitted to the Coastal Policy Council for review and approval.

Municipality of Anchorage

Chester Creek Watershed Wetland Profile (\$19,250). This project will produce information on existing and historic wetland coverage, wetland type and wetland relationship to flood control and water quality in the Chester Creek watershed, a highly urbanized area of the city. The municipality was awarded the money on October 16.

Bristol Bay Coastal Resource Service Area

Nushagak/Mulchatna Rivers Recreation Management Plan (\$22,000) The CRSA will work with the Department of Natural Resources and Native corporations to determine the "trigger points" for amending the NMRRMP by compiling available information on changes taking place in the planning area, such as development on private and public lands, resource use patterns and user conflicts. The information will be summarized and analyzed in a report that will be used in the out years to develop and evaluate proposed changes to the NMRRMP. A long range plan for coordinated management of private lands and State shore lands on the lower river will be developed in cooperation with DNR and Native corporations. The plan will complement the NMRRMP, and include goals and objectives for each landowner and recommendations on implementation tasks. Preliminary information should provide a useful data base to help determine the management direction for lands along the lower Nushagak River.

City of Cordova

Update coastal management plan (\$18,750). The update to the Cordova coastal management plan is proceeding. Cordova wishes to extend its influence outside its municipal boundaries, and is considering several options: 1) designate a "permit notification area" outside the district where developers must notify the district of planned activities, 2) sponsor an extraterritorial AMSA, 3) form a Prince William Sound CRSA or 4) form a Prince William Sound borough. Cordova has sponsored meetings to discuss the last three options with other communities in the

Sound. The city is anticipating submitting a concept approved draft in April.

City of Hoonah

Training/brochures (\$4,500) The City of Hoonah was provided \$2,500 to send Planning Commission members to the recent "Alaska Planning Association" training in Haines. Funding has also been provided (\$2,000) to hire a consultant to develop and print a user-friendly manual for use by the public, planning commission, and city council explaining the updated Hoonah Coastal Management Plan (scheduled for Alaska Coastal Policy Council approval in December 1996) and the City's Comprehensive Plan.

City and Borough of Juneau

Major Project Reviews(\$10,000) The Juneau Coastal District received funds to support staff involvement in consistency review processes for the A.I., Kensington, and Greens Creek gold mine projects. These three mine operations are the largest projects, with the greatest potential for impacts to coastal resources to be proposed in Juneau since approval of the Juneau Coastal Management Plan in 1986.

Kodiak Island Borough

Coastal Sensitivity Identification Update (\$49,000.) A contractor will interview residents to collect local knowledge about sensitive areas in the borough. This information will be compared with agency documents, and discrepancies will be resolved. The information will be mapped in a GIS format. The identified sensitive areas will become part of the Kodiak area oil spill contingency plan, and will prioritize areas in the event of an oil spill.

Northwest Arctic Borough

Plan update(\$32,900) Because of extensive comments that were received during the FY95-96 update of this plan, the update will continue into FY97. An "interim review draft" of the enforceable policies chapter will be distributed to all those who commented on the public hearing draft. This draft is expected to be distributed in November 1996. By December 1996, the Borough expects to conceptually approve the updated document. If all goes smoothly during the review of the concept-approved draft, the updated plan should go before the Alaska Coastal Policy Council for approval at a spring 1997 meeting.

City of Pelican

Comprehensive plan scoping project (\$3,500) The City of Pelican has been funded to hire a consultant to develop a scoping document that shall include the following elements: review of current planning documents pertaining to Pelican and outline a work plan for development of a comprehensive plan. The scoping document will indicate perceived need, and show written support of the city and the community for development of a

comprehensive plan. The work plan will contain the chapters of the plan and maps needed, time lines for development of the plan, and costs and funding sources. A contract will be in effect with a consultant by November 15, 1996 with a final scoping document due by January 1997.

St. Paul

Amend enforceable policies(\$16,200) - The City of St. Paul received funding to amend the enforceable policies in their coastal management plan which were originally effective in 1989. Revisions will address near shore ecology around St. Paul and in the Pribilof Islands in light of the rapid growth of the fishing industry and its potential effects on the coastal resources. The policies will also be made consistent with the 1996 Comprehensive Plan and the Master Land Use Ordinance also adopted in 1996. A public hearing draft with amended policies will be completed and distributed for review in April 1997. Following a 60-day review, the City will prepare a summary of comments and responses, revise the policies accordingly and conceptually-approve the draft by June 30, 1997.

Thorne Bay

Plan revision (\$19,000) - The City of Thorne Bay will update their 1992 Coastal Management Plan. Program revision will include updating enforceable policies, development of new base map for the district showing newly annexed lands and coastal district boundary, resource inventory of new lands, and review and amendment of program goals and objectives relative to the new coastal district area. Scoping document has been completed (October 1996); public hearing draft document due April 1, 1997. Following a 60-day review period, the district will provide a summary of comments received and a response to those comments, due June 30, 1997.

City and Borough of Yakutat

Update coastal district plan (\$8,000.) With the annexation of 5,875 square miles, the City of Yakutat recently became the City and Borough of Yakutat. They are in the process of completely revising and updating their coastal management plan. CBY expects to submit a concept approved draft to the state by December. Full approval is anticipated by June.

FY96 SECTION 306 DISTRICT SPECIAL PROJECTS

Aleutians West Coastal Resource Service Area

Cost \$11,900

Unalaska Bay AMSA Plan. The Aleutians West CRSA will continue working with the agencies, industry and the City of Unalaska to resolve issues and seek consensus on enforceable policy language for the Unalaska Bay AMSA Plan. The CRSA board will seek conceptual approval during the second quarter. Coastal Policy Council approval will be sought during the fourth quarter.

Benchmark

Completion Date

Conceptual Approval

12/31/95

Coastal Policy Council Approval

6/30/96

Municipality of Anchorage

Cost \$36,000

Resource Inventory and Analysis Revision - Wildlife Habitats. The Municipality of Anchorage will update the resource inventory and analysis for wildlife habitat within the district's coastal zone boundary. The update will use a systematic method to identify locations of important habitats and describe their existing and potential management. The Municipality anticipates this update will be an integral component for a future Anchorage Coastal Management Plan revision process. The project will provide a hard copy report containing descriptions of resources, their significance, land use activities and conflicts, existing and recommended management, and a bibliography. In addition, a set of ARC/INFO GIS maps depicting locations and boundaries of habitats and cross-referenced information will accompany the report.

Benchmark

Completion Date

Wildlife Habitats report and GIS maps

6/30/96

Cenaliulriit CRSA

Cost \$33,700

Special project funding was awarded for the Cenaliulriit Coastal Resource Service Area to revise their coastal management plan (original plan was effective in 1985). The district will produce a revised Public Hearing Draft document and hold public hearings. All comments received on this draft will be considered and changes to the draft plan will be incorporated into the concept-approved draft which will be printed and distributed to the Division of Governmental Coordination.

Benchmarks

Completion Date

Print and distribute PHD

10/31/95

Complete agency and public hearings

1/31/96

Print and submit CAD to DGC

4/15/96

City of Cordova

Cost \$40,000

Cordova Coastal and Area Which Merits Special Attention (AMSA) Plan Update. The City of Cordova will continue an update of the City's coastal management plan. At a minimum, the updated plan will combine the existing coastal management plan and the Eyak Lake AMSA plan into one document, expand the area covered by the 68 square miles recently annexed by the City, and bring the plan into compliance with current City zoning ordinances. This fiscal year will complete Phase II to include 1) preparation and distribution of a hearing draft pursuant to 6 AAC 80 and 6 AAC 85; 2) public hearings and agency meetings; 3) incorporation of comments into the concept approved draft; and 4) a camera-ready concept approved draft.

Benchmark

complete and distribute public hearing draft
camera-ready concept approved draft to DGC

Completion Date

10\31\95 (will be pre-PHD)
2\29\96

Hoonah

Cost \$42,500

The City of Hoonah received special project funding to revise their November 1984 coastal management plan. The public hearing draft document, including new maps, is due by January 15, 1996. A public hearing comment period will be held with a deadline for comments. Comments will then be considered and appropriate changes made. The concept-approved draft will then be produced towards the end of the fiscal year.

Benchmarks

Print and distribute PHD
Produce concept-approved draft

Completion Date

1/15/96
5/30/96

City and Borough of Juneau

Cost \$7,200

Major Project Reviews. The Juneau Coastal District received funds to support staff involvement in consistency review processes for the AJ, Kensington, and Greens Creek gold mine projects. These three mine operations are the largest projects, with the greatest potential for impacts to coastal resources to be proposed in Juneau since approval of the Juneau Coastal Management Plan in 1986. Quarterly reports will be submitted that summarize staff activity on the projects. Copies of correspondence, recommendations to the Planning Commission, and CBJ consistency determinations will be included in the quarterly reports.

Benchmark
Quarterly reports

Completion Date
Each quarter

Lake and Peninsula Borough

Cost \$10,800

Lake and Peninsula Borough Coastal Plan Preparation. The Lake and Peninsula Borough, incorporated in 1989, encompasses an area that was previously within the Bristol Bay Coastal Resource Service Area. This fiscal year the Borough will conclude development of the coastal management program after completing the concept approved draft. Tasks associated with the concept approved draft include 1) obtain conceptual approval of the program from the Borough assembly; 2) submit completed concept approved draft to DGC; and 3) work with DGC to complete any final changes to the concept approved draft prior to submitting the program to the Coastal Policy Council. This work will be completed pursuant to 6 AAC 80 and 6 AAC 85.

Benchmarks
Submit CAD to DGC
Presentation to Coastal Policy Council

Completion Date
9\20\95
4\30\96

Northwest Arctic Borough

Cost \$18,300

The Borough was awarded special project funding to continue the update of their coastal management plan. The original plan is dated December 1989. The district at that time was the NANA Coastal Resource Service Area. Since that time the district became a borough and in the process of borough formation received lands from the North Slope Borough. The updated plan will reflect this change. Because of the issues raised in comments received on the revised public hearing draft, the district is producing an interim revised draft that will be distributed to the NW Arctic Borough Planning Commission and to all agencies and organizations that submitted comments on the May 1994 public hearing draft. A camera ready copy of the concept-approved draft is expected by the end of the fiscal year.

Benchmarks
Interim revised draft
Camera ready CAD

Completion Date
11/30/95
6/30/96

Saint Paul

Cost \$16,900

Special project funding was award to St. Paul to assist with the completion and printing of their comprehensive plan. Tasks include completing final revisions to the text and maps, printing and distribution of the plan, and City adoption of the plan by ordinance. The

money will also support in the preparation of an updated zoning ordinance which will be based upon the comprehensive plan.

<u>Benchmarks</u>	<u>Completion Date</u>
Complete comprehensive plan;	12/31/95
Complete update to zoning ordinance	6/30/96

Sitka Cost \$7,750

The City and Borough of Sitka received special project funding to develop draft enforceable policies to guide the siting of proposed mariculture operations in Sitka Sound. Depending on the outcome of the project, the policies will be evaluated for inclusion in the Sitka coastal management program. Draft policies will be submitted to a mailing list of state and federal agencies and other interested parties. Comments will be considered and comments will be incorporated into final draft policies towards the end of the fiscal year.

<u>Benchmarks</u>	<u>Completion Date</u>
Draft policies	3/1/96
Final draft policies	5/15/96

City and Borough of Yakutat Cost \$30,400

City and Borough of Yakutat Coastal Plan Update. The new City and Borough of Yakutat enters the final phases for developing its coastal management program. This fiscal year the City and Borough will 1) review and consider comments on the public hearing draft; 2) consult with agencies to resolve issues; 3) prepare a preliminary concept approved draft for City and Borough consideration; 4) conduct a public hearing for the concept approved draft; and 5) transmit a camera-ready concept approved draft to DGC for developing findings and conclusions. These tasks will be conducted pursuant to 6 AAC 80 and 85.

<u>Benchmarks</u>	<u>Completion Date</u>
Camera-ready concept approved draft	2\20\96

Contingency Cost \$35,650

Contingency Funds. Funds are held in contingency for printing coastal management plan revisions and AMSA plans funded with special project monies; for coastal district representative travel to attend ACMP working group meetings; and other unanticipated costs. Districts' needs will be assessed in January to allocate the contingency funds.

ACMP ENHANCEMENT GRANTS PROGRAM

The Section 309 Enhancement Grants Program priority needs identified by Alaska covered four categories during state fiscal years 1993-1997:

- ◆ Energy Resources and Facilities
- ◆ Coastal Wetlands
- ◆ Special Area Management Planning
- ◆ Cumulative and Secondary Impacts

Following is a brief description of projects funded to pursue improvements to the Alaska Coastal Management Program in these four categories.

ENERGY RESOURCES AND FACILITIES

- 1) *Review of State and Federal Authorities Relating to OCS Oil and Gas Lease Sales, FY93 - \$78,000.* Division of Governmental Coordination/Department of Law.
 - Improve consistency procedures for reviews of OCS leasing sales and clarify state jurisdiction of offshore leasing activities
 - MOU completed with MMS and AK clarifies and better meshes state/federal procedures, timelines, phases of review and provisions for extended reviews
 - Draft regs would codify early state agency involvement in OCS lease sales with MMS and establishes a preconsistency review process for lease sale activities (public review was completed, draft regs are on hold)
 - Report: Kerttula, Elizabeth and LaRoche, Gabrielle. 1993. *Alaska Outer Continental Shelf Oil and Gas Lease Sale Review and Coastal Zone Management.* Alaska Department of Law and Alaska Office of the Governor, Division of Governmental Coordination. Juneau.

COASTAL WETLANDS

- 2) *Assessment and Development of Guidelines for Restoration and Enhancement of Aquatic Habitat, FY93 - \$89,000; FY94 - \$85,000.* Department of Fish and Game.
 - Analysis of 25 restoration and enhancement projects in Alaska
 - Project recommends districts incorporate mitigation policies and develop mitigation/restoration plans. Identification of projects for the ACMP B- List is not practical at the regional level, but could be pursued at the district level
 - Juneau, Anchorage, Unalaska following these recommendations in their current planning and project development efforts.

- Reports: Parry, Betsy; Celia Rosen; and Glenn Seaman. 1993. *Restoration and Enhancement of Aquatic Habitats in Alaska: Project Inventory, Case Study Selection and Bibliography*. Technical Report No. 93-8. Alaska Department of Fish and Game. Juneau, AK.
- Parry, Betsy; Celia Rosen; and Glenn Seaman. 1993. *Restoration and Enhancement of Aquatic Habitats in Alaska: Case Study Reports, Policy Guidance and Recommendations*. Technical Report No. 94-3. Alaska Department of Fish and Game. Juneau, AK.
- 3) *North Slope Gravel Pit Performance Standards Project, FY93 – \$59,000*. Department of Fish and Game.
 - Project developed decision matrixes to guide gravel pit siting and operation
 - Technical performance guidelines for reclamation. Now being applied in Bering Straits CRSA and North Slope Borough (no district policies yet)
 - Conceptual North Slope Borough coastal district policies
 - Reports: McLean, Robert F. 1993. *North Slope Gravel Pit Performance Guidelines*. Technical Report No. 93-9. Alaska Department of Fish and Game. Fairbanks.
 - Roach, S.M. 1993. *ADF&G Flooded Gravel Mine Studies Since 1986 and an Arctic Grayling Experimental Transplant Into a Small Tundra Drainage. A Synthesis*. Technical Report No. 93-6. Alaska Department of Fish and Game. Juneau.
- 4) *Juneau Wetlands Mitigation Project: Site Selection and Design Guidelines, FY93 – \$55,000*. City and Borough of Juneau.
 - Lists of projects to serve for off-site compensatory mitigation (formerly high quality salmon habitat, esp. rearing)
 - Guidelines for minimizing wetland losses, restoring or rehabilitating wetlands functions, and for designing effective compensatory mitigation projects
 - Identify funding sources for mitigation projects and long-term monitoring
 - Project is an implementation component of Juneau Wetlands Management Plan
 - Report: Schempf, Janet Hall. 1993. *Recommendations for a Juneau Wetlands Strategy*. Technical Report No. 93-7. Juneau.
- 5) *ACMP Regulations to Identify and Protect High Value Wetlands, FY94 –\$25,000*. Division of Governmental Coordination.
 - Guidance on how state should proceed to addressing wetlands within existing ACMP guidelines. Bibliography and synthesis of literature of use to coastal districts.

- Results indicate no need for a new state standard; districts need guidance on wetlands classification and identification and planning, access and training in use of data, and support from state and federal agencies
- Ethno-botanical and subsistence uses of wetlands in AK should be further researched
- Report: Three Parameters + and Natural Resources Consulting. 1994. *Program to Identify and Protect High Value Wetlands in Alaska Coastal Districts*. Wasilla, AK.

SPECIAL AREA MANAGEMENT PLANNING

- 6) *Special Area Management Planning Guidance*, FY94 –\$35,000; FY95 – \$42,000; FY96 – \$23,000. Division of Governmental Coordination.
- Purpose is to improve special area planning process and products. Expanded to include planning in general and include ACMP Assessment tasks
 - Several recommendations for regulation changes, guidance, grant management practices, further research
 - Amended district grant application process to encourage "scoping of issues"
 - Recommendations of District planning working group, T29/46 working group, Enforceable Policy Guidelines Working Group, and Routine Program Amendment Working Group incorporated into ACMP Assessment
 - Enforceable policy guidance approved by the Council in December 1996
 - Draft language to amend 6 AAC 80 and 85 to be completed for public review by June 30, 1996
 - Report: Hunt, Sara. 1994. *Special Area Management Under the Alaska Coastal Management Program. Summary Report to the District Planning Working Group*. Alaska Office of the Governor, Division of Governmental Coordination. Juneau.

CUMULATIVE AND SECONDARY IMPACTS

- 7) *Analysis of Existing State Authorities Regarding Cumulative and Secondary Impacts of Development*, FY93 – \$25,000. Division of Governmental Coordination.
- Final report recommends revisions to the ACMP Guidelines for Resource Inventory (6 AAC 85.050), Resource Analysis (6 AAC 85.070), and Policies (6 AAC 85.090) and to project consistency regulations (6 AAC 50)
 - Report recommends a definition of cumulative and secondary impacts
 - Report recommends management tools (i.e., checklists, use of GIS, planning, guidance to districts, development thresholds)
 - Report: Gray, Glenn. 1993. *Regulation of Cumulative and Secondary Impacts in Alaska*. Office of the Governor, Division of Governmental Coordination. Juneau, AK.

8) *Assessment and Control of Cumulative and Secondary Impacts of Coastal Uses on Fish Habitat along the Kenai River, FY93 - \$95,000; FY94 - \$114,000; FY95 - \$122,500.* Department of Fish and Game.

- Kenai River drainage supports largest recreational fishery in AK & is major contributor to the Cook Inlet commercial sockeye salmon fishery (\$80 million in 1994). Near shore waters of mainstem provide critical rearing habitat for over 90% of chinook salmon. Nearshore waters and shorelands altered by commercial, residential, and recreation uses and activities
- This project has elicited support and involvement from all sectors within the Kenai Peninsula Borough. Private and public funds directed to Kenai River habitat issues. Municipalities are looking at tax incentive programs, education programs
- Project developed cumulative impact assessment methodology (GIS and HEP)
- Standard stipulations to maintain and enhance fish habitat for routine projects (done this last month) (floating docks, bank restoration, ladders and steps, dredging)
- KPB initiated a Kenai River Policy working group in 1994 to develop enforceable policies. Kenai is also discussing a zoning ordinance to regulate activities on private lands. Although agreement not reached, first time parties are talking
- Third year evaluates effectiveness of mitigation measures and develops a program for continued assessment. Will result in more B-Lists, enforceable policies, and MOUs

• Reports: E3 Consulting. 1994. *A Socioeconomic Assessment of Kenai River Fish Production on the Regional Economy.* Produced for Kenai Peninsula Borough. Anchorage, AK.

Fink, Mark, Celia Rosen and Glenn Seaman. 1993. *Non Regulatory Mechanisms for Habitat Protection.* Alaska Department of Fish and Game. Anchorage.

John Isaacs and Associates. 1994. *Kenai River Fish Habitat Cumulative Impacts Project.* Report to the Policy Working Group and the Kenai Peninsula Borough. Anchorage, AK.

Leipitz, Gary and Muhlberg, Gay. 1993. *The Assessment and Control of Cumulative Impacts of Coastal Uses on Fish Habitat of the Kenai River, Alaska.* Technical Report No. 94-6. Alaska Department of Fish and Game. Anchorage.

Seaman, Glenn. 1995. *The Continued Assessment and Management of Cumulative Impacts on Kenai River Fish Habitat.* Technical Report No. 95-6. Alaska Department of Fish and Game. Anchorage.

- 9) *Regulations to Consider Cumulative and Secondary Impacts During Project Renewals and Modifications*, FY94 – \$20,000. Division of Governmental Coordination.
- Project clarifies review procedures and a predictable review process for project renewals or modifications
 - Project summary of information from other states, consideration of CSI, threshold question of "significance"
 - Draft regulations completed public review – currently on hold for completion of ACMP Assessment
 - Need to complete other fundamental CSI work first, need legal questions answered on "grandfathering", need to complete ACMP Assessment and governor's streamlining effort
 - Report: Dense, Chas. 1993. *Procedures to Consider Cumulative and Secondary Impacts During Project Renewal and Modification*. Alaska Office of the Governor, Division of Governmental Coordination. Juneau.
- 10) *Assessment and Control of Cumulative and Secondary Impacts of Coastal Growth and Development at Selected Areas of the Kenai Peninsula*, FY94 – \$63,000. Department of Natural Resources.
- Project resulted in a single-agency perspective of problems with land management and monitoring and enforcement in general. The report is based on interviews with DNR permittees and visits to developed sites on the Kenai Peninsula. The report concluded that improving day-to-day implementation of the ACMP must occur before program changes would be successful.
 - Report: Walkinshaw, Rob. 1994. *Cumulative and Secondary Impacts and the Alaska Coastal Management Program*. Alaska Department of Natural Resources, Division of Lands. Anchorage.
- 11) *Cumulative Impacts in Alaska: Where They Occur and How Agencies and Districts Address Them*, FY95 – \$126,000. Division of Governmental Coordination.
- DGC and a project team inventoried the extent of cumulative impacts in AK and how state and federal agencies and coastal districts consider and control them.
 - A report summarizes the areas with Cumulative impacts and assesses methodologies and recommends improvements. A series of inter and intra agency and district meetings were held to discuss selected questions from the project survey and build consensus about CSIs in AK.

- Reports: HDR Engineering. 1995. *Cumulative Impacts in Alaska, Where They Occur and How Agencies and Districts Address Them*. Anchorage, AK.

- Dames and Moore. 1995. *Cumulative Impacts in Alaska: Where They Occur and How Agencies and Districts Address Them, Group Discussion Project*. Anchorage, AK.

- 12) *Geographic Information System Support for the Assessment of Cumulative Impacts in Coastal District Planning and ACMP Consistency Reviews*, WF, FY95 – \$60,000. Department of Environmental Conservation/Division of Governmental Coordination.
 - Assess the usefulness and demonstrate the application of a GIS to identify and control Cumulative impacts during planning and consistency reviews
 - Consultant did a Southeast based demo project
 - Recommends a GIS approach housed out of DC
 - DGC considering recommendations and is contracting with a consultant to maintain and update a GIS data base for coastal district boundaries and other district plan maps
 - Report: Resource Data, Inc. 1995. *Geographic Information System Assessment and Demonstration for the Alaska Coastal Management Program*. Juneau, AK.

- 13) *Analysis of Direct Federal Activities in Alaska*, FY95 – \$45,600; FY96 – \$61,500. Division of Governmental Coordination.
 - Assess the federal agency activities and States ability to minimize Cumulative impacts through the ACMP consistency review process
 - Examine each agencies practices.
 - Evaluate and consider the need to review federal land use planning and rulemaking for consistency with the ACMP
 - Develop model MOUs (USFS, MMS, FHA, CORPS, NPS)
 - Prepare an ACMP Implementation manual for federal agencies that includes the ACMP consistency review procedures, ACMP standards, all coastal district enforceable policies and boundary maps
 - Reports: Garland, Andrea. 1995. *Federal Requirements for Assessing Cumulative Impacts in Alaska*. Alaska Office of the Governor, Division of Governmental Coordination. Juneau, AK.

 - Garland, Andrea. 1995. *Coastal States' Definitions of Cumulative Impacts*. Alaska Office of the Governor, Division of Governmental Coordination. Juneau, AK.

- 14) *Rural Coastal District Policies and Participation in the ACMP*, FY96 - \$72,500 (In progress). Department of Community and Regional Affairs.
- How to consider Cumulative impacts in the rural coastal districts
 - Subsistence area- Cumulative impacts to coastal resources are important
 - Concerns about local knowledge given consideration during State permitting
 - Concern about differences in interpretation of policies - do they meet district's expectations
 - To be completed by December 31, 1996
- 15) *Major Project Reviews*, FY96 - \$29,000. Division of Governmental Coordination.
- Evaluate ACMP consistency process to improve major project reviews (e.g., A-J Gold Mine)
 - Identify any obstacles to assessment of cumulative impacts
 - Identify processes or procedures used by other jurisdictions
 - Develop criteria to distinguish large and small projects
 - Determine if regulations are appropriate
 - Report: Gallagher, Tom. 1996. *An Evaluation of Large Project Permitting in Alaska*. University of Alaska Southeast. Juneau.
- 16) *A Coastal Indicator System for Sitka*, FY96 - \$87,600. Department of Environmental Conservation/City and Borough of Sitka.
- Develop a coastal indicator system for Alaska using Sitka as a model
 - Coastal indicators are variables or estimates taken from natural resource, environmental social, or economic data that can be used in a decision making context to show patterns, or trends in the condition of coastal resources over time.
 - Phase one is a test model in Sitka. Sitka is using selected indicators to track land development and use trends, to assist with project reviews, land use planning, and determine trends in use of coastal wilderness areas.
 - Reports: McDowell Group. 1996. *Sitka Coastal Indicators Project*. Juneau, AK.

Powell, Jim. 1996. *Sitka Coastal Indicators Pilot Project*. DEC. Juneau, AK.
- 17) *Aquatic Habitat Reclamation Working Group*, FY96 - \$146,000 (In progress). Department of Fish and Game.
- Statewide working group on Aquatic Habitat Reclamation will be established to enhance interagency consistency and facilitate closer cooperation among all parties on reclamation, restoration and enhancement
 - Will use state and regional forums to conduct research, examine technical and

- management issues and implement aquatic habitat reclamation project in AK
 - Could result in changes to district enforceable policies, MOUs and standard B List stipulations. Project in progress, to be completed by June 31, 1997
- 18) *Kenai River Wetlands Indicators*, FY97 – \$45,000 (in progress). Department of Environmental Conservation.
- Wetland indicators will be developed to assess change and cumulative impacts to wetlands in the Kenai River watershed.
 - A MOU will be developed among DEC, DGC, DOT, DFG, the CORPS and the Kenai Peninsula Borough regarding the use of wetland indicators in the Kenai River Special Management Area
 - Reference sites will be identified to assist in rehabilitation, mitigation, and planning context for wetlands management decisions in the Kenai River watershed
 - Project to be completed by June 30, 1997
- 19) *Assessment of the ACMP*, FY97 – \$370,000 (In progress). Division of Governmental Coordination/State Agencies/Coastal Districts.

During state fiscal year 1997, the lion's share of the Section 309 Enhancement Grants Program funds, about \$370,000, will be dedicated to continuing the Assessment of the ACMP work. The work tasks will be led by DGC with integral participation of state agencies and coastal districts. Some of these work tasks will require further research which may be completed by consultants or state agencies, as appropriate. Each component of the ACMP will include work tasks that ultimately result in written guidance, revisions to the ACMP regulations or statute, and a public education element to inform the public and participating agencies and districts about the proposed program change, build support for the change, how it works, and how to effectively participate. The primary components of the ACMP that will be addressed during FY97 include:

- A. *Coastal District Participation*
1. Address how local knowledge is integrated with scientific or professional knowledge during consistency reviews
 2. Provide guidance on how public need is determined and when uses of state concern come into play
 3. Give districts a seat at the table when project decisions are elevated to the resource agency directors
 4. Strengthen implementation at the local level
- B. *State Agency Enforcement Authority*
1. Clarify and strengthen state agencies' authority to enforce the ACMP
 2. Provide for civil penalties for violation of ACMP stipulations on permits
 3. Develop good enforcement tools

C. *Coastal District Plans*

1. Improve coastal district plans through guidance on enforceable policies and the planning process
2. Improve the planning process through strengthening involvement of state agencies and others during the planning process, and streamlining the plan amendment process
3. Develop model implementation chapters that address the relationships of cities in boroughs and CRSAs and local consistency determinations

D. *Coastal Policy Council Oversight*

1. Revise the petition process so it focuses on coastal district and state agency systematic implementation and enforcement of the ACMP and coastal district plans.
2. Address project specific issues through improvements to the consistency review and elevation process that focus on mediation and raise the standing of the coastal districts.

E. *Public Education and Outreach*

1. DGC will produce publications to educate agencies, coastal districts, industry, and the public about the ACMP and proposed changes to build support and consensus on the changes. Publications may include brochures or newsletters, advertisements, or other media types.
2. DGC will participate in other forums such as the Alaska Municipal League, American Planners Association, or Resource Development Council to educate and reach out to the public that participates in or is affected by coastal management. Participation could include managing an information booth, hosting workshops, or speaking at the conferences.

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

Section 6217 Coastal Nonpoint Pollution Control Program

Technical Assistance and On-the-Ground Projects funded by DGC

- Forestry** \$15,000. to DNR Division of Forestry for FPA implementation monitoring.
- Urban/Community** \$25,000. to ADOT&PF for Best Management Practices for Construction, Maintenance and Operations Activities manual.
- \$10,000. to Cenaliurrit Coastal Resource Service Area for landfill siting and operation manual for western Alaska.
- \$26,000. to Wrangell to install stormwater controls in a parking lot adjacent to a salmon and crab harvest area.
- \$8,500. to Haines to replace culverts and stabilize banks of a fish stream that flows through town.
- \$37,600. to Municipality of Anchorage to test environmentally-friendly dust control products on unpaved roads.
- \$10,100. to ADF&G to bring together land owners and managers to discuss how to improve water quality and fish habitat in Unalaska Lake and Iliuliuk River.
- Harbors** \$12,500. for Best Management Practices for operation and maintenance of Alaskan harbors.
- \$22,300. to Aleutians West Coastal Resource Service Area for a public education campaign to reduce improper bilge pumping in Dutch Harbor/Unalaska.
- \$27,600. to Aleutians East Borough to collect wave data to determine circulation characteristics of a proposed harbor.
- \$15,000. to ADOT&PF to develop environmentally sound tidal grid designs, included in *Harbor Design Procedures Manual*.
- \$8,500. to ADOT&PF to develop environmentally sound engineering practices, included in *Harbor Design Procedures Manual*.

**TITLE 6. GOVERNOR'S OFFICE
DIVISION OF GOVERNMENTAL COORDINATION**

**CHAPTER 50. PROJECT CONSISTENCY WITH
THE ALASKA COASTAL MANAGEMENT PROGRAM**

Section

- 10. Purpose of regulations
- 20. Federal consistency determinations
- 30. State permit consistency determination
- 40. Preapplication assistance
- 50. Expedited review by categorical approval
- 60. Scope of project to be reviewed
- 70. Consistency review process

Section

- 80. Confidential information and fees
- 90. Emergency expedited review
- 100. Public Participation
- 110. Review period deadlines and extensions
- 120. Conclusive consistency determinations
- 130. Issuance of project permits
- 190. Definitions

6 AAC 50.010. PURPOSE OF REGULATIONS. The regulations in this chapter are intended to implement, interpret, and make specific

(1) the responsibility of the office of management and budget (OMB) to implement the Alaska Coastal Management Program (ACMP) by rendering on behalf of the state

(A) all responses concurring in or objecting to a federal consistency certification or determination which is required or authorized by sec. 307 of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. \p1456, (CZMA), and

(B) all conclusive consistency determinations for any project requiring two or more state agency or federal permits as required by AS 44.19.145(a)(11); and

(2) the responsibility of resource agencies to implement the ACMP by making conclusive consistency determinations for projects requiring the permit of a single state agency and no federal permit, and to expedite their permit review procedures, to the extent permitted by law, by coordinating their own procedures with the consistency review of a project.

(Eff. 3/11/84, Register 89)

Authority: AS 44.19.145(a)
AS 46.40.100(a)
Art. III, sec. 1, Ak. Const.
Art. III, sec. 16, Ak. Const.
Art. III, sec. 21, Ak. Const.

6 AAC 50.020. FEDERAL CONSISTENCY DETERMINATIONS. The division of governmental coordination (DGC) of the office of management and budget will coordinate a consistency review and render a response concurring in or objecting to a federal consistency certification or determination which is required or authorized by sec. 307 of the CZMA. DGC will coordinate the review in the manner provided in this chapter and will render a response in the time and manner prescribed in the CZMA or in the regulations implementing that Act.

(Eff. 3/11/84, Register 89)

Authority: AS 44.19.145(a)

6 AAC 50.030. STATE PERMIT CONSISTENCY DETERMINATIONS. (a) DGC will coordinate the review and render a determination for a project which requires the permits of two or more state agencies or a federal permit, in the manner provided in this chapter.

DGC
coordination

(b) A resource agency shall coordinate the consistency review and render a conclusive consistency determination for a project which requires only the permits of a single state agency and no federal permit. The agency shall coordinate the review and render its determination in the manner provided in this chapter.

Single agency
review

(c) DGC will participate in a single-agency consistency review in the same manner as the other resource agencies participate. DGC will also, on request of the coordinating agency, act as a facilitator to attempt to resolve any disputed issues. If the project includes a disposal of interest in state land, DGC will either concur in the determination or require modifications necessary for its concurrence.

(d) DGC will, in its discretion, at any time, with reasonable notice, review the consistency review procedures, files, or decisions of a coordinating agency.

(Eff. 3/11/84, Register 89; em am 5/1/90 - 8/9/90, Register 114)

Authority: AS 44.19.145(a)
AS 46.40.100(a)
Art. III, sec. 1, Ak. Const.
Art. III, sec. 16, Ak. Const.
Art. III, sec. 24, Ak. Const.

6 AAC 50.040. PREAPPLICATION ASSISTANCE. DGC will, on request, assist a potential applicant for a state permit for a project by providing and explaining the coastal project questionnaire and the consistency review process as described in 6 AAC 50.070, identifying persons to contact in other state or federal agencies, determining the scope of activities which comprise the project, and providing any other assistance or information at its disposal to facilitate review and approval of the applicant's proposed project. A resource agency shall, on request, provide similar assistance and shall also provide application forms for its own permits. DGC and all resource agencies will attempt to regularly inform each coastal resource district of proposed projects which may have significant and direct impacts on that district. (Eff. 3/11/84, Register 89)

Authority: AS 44.19.145(a)
AS 46.40.100(a)
Art. III, sec. 1, Ak. Const.
Art. III, sec. 16, Ak. Const.
Art. III, sec. 24, Ak. Const.

6 AAC 50.050. EXPEDITED REVIEW BY CATEGORICAL APPROVAL AND GENERAL CONCURRENCE DETERMINATIONS. (a) The consistency review of a project will be expedited as provided in (b) or (c) of this section if the project meets the requirements of one of those subsections.

(b) A project which requires one or more state or federal permits, each of which appears on the list published under (e) of this section listing permits which have been categorically approved by DGC as being consistent with the ACMP, is considered to have been conclusively determined by DGC to be consistent with the ACMP. A permit will be categorically approved if DGC determines that the activity authorized by the permit will have no significant impact in the coastal zone.

Categorical
approval

(c) A project which requires one or more state or federal permits not categorically approved as provided in (b) of this section will be considered consistent without further review, if it meets the requirements of a general concurrence determination contained on the list published under (e) of this section. A "general concurrence determination" is a consistency determination for a type of project which includes only routine activities, and which can be effectively made consistent with the ACMP by imposing standard stipulations on the applicable permit. If a subsequent project of any applicant fits the

General
concurrence

description in a general concurrence determination, the project will be considered consistent with the ACMP if it complies with the stated standard stipulations.

(d) A project which requires one or more state or federal permits, and which is not within the categories described in (b) or (c) of this section, is subject to review as an individual project as provided in this chapter.

(e) DGC will publish a list of permits which have been categorically approved as being consistent with the ACMP, and a list of general concurrence determinations, and will identify on each list those permits or projects for which a coastal project questionnaire is not necessary. DGC will amend these lists as necessary on its own initiative, or on the request of a coastal resource district or a resource agency based on new information regarding the impacts of these activities, including cumulative impacts. Before publishing or amending these lists, DGC will distribute the proposed lists or amendments for comment in the manner provided in 6 AAC 50.070 for a project consistency review. (Eff. 3/11/84, Register 89)

Individual
project
review

List of
permits

Authority: AS 44.19.145(a)
Art. III, sec. 1, Ak. Const.
Art. III, sec. 16, Ak. Const.
Art. III, sec. 24, Ak. Const.

6 AAC 50.060. SCOPE OF PROJECT TO BE REVIEWED. The scope of activities which are to be reviewed for consistency with the ACMP as part of a project will be determined based on statements of the applicant, the information provided in the coastal project questionnaire, and any additional information which DGC or a resource agency finds necessary to request. If there is disagreement among the agencies, DGC will make the final decision. If DGC determines that a project under review by a resource agency is one requiring a federal permit, or the permits of two or more state agencies, DGC will immediately notify the applicant and the resource agency that the consistency review will be coordinated by DGC, and will commence as provided in 6 AAC 50.070 when DGC has received completed applications for all necessary permits and a completed coastal-project questionnaire. (Eff. 3/11/84, Register 89; em am 5/1/90 - 8/9/90, Register 114)

Authority: AS 44.19.145(a)
Art. III, sec 1, Ak. Const.
Art. III, sec. 16, Ak. Const.
Art. III, sec. 24, Ak. Const.

6 AAC 50.070. CONSISTENCY REVIEW PROCESS. (a)

Except as provided in 6 AAC 50.050(e) or in (b) of this section, DGC on request, or a resource agency which receives an application for a permit for a coastal project, shall give the applicant a project questionnaire provided by DGC. Based on the information provided by the applicant in response to the questionnaire, the agency shall identify all state resource agencies which the applicant must contact regarding the project before submitting an application for a permit.

Project
questionnaire

(b) A project questionnaire is not required for placer mining activity which is authorized by an annual application known as the "tri-agency placer mining application." These applications must be submitted to the Department of Natural Resources (DNR). DNR will distribute these applications to initiate the consistency review of the projects as provided in this chapter.

Placer
mining

(c) For a project requiring a federal permit or the permits of two or more state agencies, the applicant shall submit a packet including all necessary state permit applications, copies of all necessary federal permit applications, and the project questionnaire to DGC, except that confidential information or fees must be handled as provided in 6 AAC 50.080. The coordinating agency may require the applicant to provide additional copies of maps or other documents which may not be conveniently duplicated.

Completed
packets

(d) For a project requiring only the permits of a single state agency, the applicant shall submit a packet including all necessary applications and the project questionnaire to the agency.

(e) Immediately upon receipt, or within 7 days if the packet includes an oil discharge prevention and contingency plan submitted under 18 AAC 75, the coordinating agency shall review the packet and shall inform the applicant if it appears to be sufficient for public review. If the packet appears to be sufficient for public review, and the project does not include a disposal of interest in state land, the coordinating agency shall immediately assign a project number, and note the date as Day 1 of the consistency review process. If public notice is required, the coordinating agency will assign Day 1 as that day on which all required notices have been published. For a project which includes a disposal of interest in state land, the consistency review will begin at a date which DGC and DNR agree will most effectively allow for both the consistency review and DNR's own statutory responsibilities. Acceptance of the packet does not preclude an agency from requesting additional information or applications from the applicant as necessary for its consistency review or its own statutory responsibilities. On or before Day 2, the coordinating agency will distribute copies of the packet to all

Day 1

Copies
distributed

review participants, and other interested parties. For a 30-day review, the distribution may be limited in the discretion of the coordinating agency but must, if requested in writing, include any affected coastal district with an approved program. Along with the packet, the coordinating agency will distribute a review schedule establishing a comment deadline at Day 34, or at Day 17 in a 30-day review period, or later if the review period is extended as provided in 6 AAC 50.110. The review schedule under this section will also state the applicable time limit, if any, imposed by the federal law or regulation.

**Review
schedule**

(f) If the coordinating agency determines that the public notice, if any, provided by the resource agencies as part of their review of a permit is not adequate to inform the public about the project and the consistency review process, the coordinating agency shall, as soon as possible, publish a public notice in a newspaper or on radio or television in the affected areas, describing the project and the consistency review process. In evaluating the need for public notice of a project, the coordinating agency shall consider the magnitude of likely impacts, including cumulative impacts on the affected area, but may not unreasonably require public notice for a project for which notice is not statutorily required. DGC will encourage the joint public notice of project reviews when a permit from more than one agency is required.

**Public
notice**

(g) The coordinating agency, on its own initiative or at the request of a review participant, may request from the applicant on or before Day 25, or Day 15 of a 30-day review period, additional information relevant to the proposed project, which is necessary for its consistency review or its own statutory responsibilities.

**Request for
additional
information**

(h) Comments must be received by the coordinating agency on or before the comment deadline established by the coordinating agency. Each commenter shall also send copies of its comments to the resource agencies. Verbal comments must be confirmed by written comments postmarked within five working days after the verbal comments. If the commenter recommends stipulations on the consistency determination, a brief written justification must be provided by the commenter for each stipulation. Upon request, the coordinating agency shall send copies of comments to other interested parties.

Comments

Stipulations

Justification

(i) The coordinating agency shall encourage and facilitate consideration of comments received and discussion among the review participants. The coordinating agency shall determine whether there is a consensus among the resource agencies regarding a proposed consistency determination. The coordinating agency shall notify the review participants, the applicant, and other commenting parties, on or before Day 44, or Day 24 in a

**Proposed
determination**

30-day review period, of the proposed determination or the issues to be resolved.

(j) If a resource agency, an affected coastal resource district with an approved program, or the applicant does not concur with the proposed consistency determination, it may request elevation of the review by submitting a written statement which describes its concerns and includes a proposed alternative consistency determination which would meet its concerns. That party shall distribute this statement so that all review participants, the applicant, other commenting parties, and DGC will receive a copy on or before Day 49, or Day 29 in a 30-day review period, or within five days after receiving notice of the proposed determination, whichever is later. This requirement may be satisfied by transmitting the substance of the statement to the coordinating agency by telephone or other telecommunication device and sending written confirmation to all parties by mail or courier on or before the deadline under this subsection.

Request for
elevation

(k) The coordinating agency shall issue a conclusive consistency determination on or before Day 50, or Day 30 in a 30-day review period, if it has not received a request to elevate the review. If the coordinating agency receives a request, the agency shall elevate the review as necessary to the division directors, and then commissioners of the resource agencies, and may extend the decision deadline in accordance with 6 AAC 50.110(b)(7). If the review is elevated, the coordinating agency, or DGC on request, shall arrange meetings and shall mediate among the resource agencies, the affected coastal resource districts with approved programs, and the applicant, for the purpose of attempting to resolve any disputed issues and to formulate a mutually acceptable consistency determination. If no consensus is reached, the coordinating agency shall render a determination consistent with any policy direction given by the commissioners or the governor. (Eff. 3/11/84, Register 89; em am 5/1/90 - 8/29/90, Register 114; am 5/20/93, Register 126)

Authority: AS 44.19.161
AS 46.40.010
AS 46.40.040

6 AAC 50.080. CONFIDENTIAL INFORMATION AND FEES. An application for a state permit requiring information which must by law be held in confidence, and any fee associated with a state permit, must be submitted by the applicant directly to the agency with responsibility for issuing the permit. The agency shall delete the confidential information from any copy of

the application which is distributed for a consistency review under this chapter. (Eff. 3/11/84, Register 89)

Authority: AS 44.19.145(a)
Art. III, sec. 1, Ak. Const.
Art. III, sec. 16, Ak. Const.
Art. III, sec. 24, Ak. Const.

6 AAC 50.090. EMERGENCY EXPEDITED REVIEW. If, due to an emergency as described in AS 26.23 or AS 46.04.080 or other applicable law, an applicant needs an expedited agency permit or consistency review, or if the head of the coordinating agency finds that an expedited review is necessary for the preservation of the public peace, health, safety, or general welfare, the head of the coordinating agency may modify the review process established in this chapter as necessary to meet the emergency. Any modifications in the review process made under this section must be made in writing by the head of the coordinating agency, based upon clear and convincing evidence of a need for the modification. (Eff. 3/11/84, Register 89)

Authority: AS 44.19.145(a)
Art. III, sec. 1, Ak. Const.
Art. III, sec. 16, Ak. Const.
Art. III, sec. 24, Ak. Const.

6 AAC 50.100. PUBLIC PARTICIPATION. (a) Any person may comment on a proposed project by submitting written comments to the coordinating agency on or before the comment deadline. The coordinating agency shall provide a copy of the project packet to any person on request.

(b) If the coordinating agency receives a request for public hearing regarding a project by Day 34, or Day 17 of a 30-day review period, and finds that the request is based on concerns not already adequately addressed in the review, the coordinating agency shall schedule and hold a hearing in the area affected by the project.

(c) Within seven days after receiving a request under (b) of this section, the coordinating agency shall decide whether or not to hold a public hearing.

(d) At least 15 but no more than 30 days before the date of a public hearing, the coordinating agency shall give notice of the time and place of the hearing.

(1) by publication in a newspaper which is circulated in the area to be affected by the project;

Public
hearing

(2) by written notice to the governing body of an affected coastal resource district; and

(3) if the project is to be located in the unorganized borough, by radio or television announcements.

(e) If new information or issues are presented at a public hearing that have not been considered or resolved by project reviewers, the coordinating agency shall summarize those portions of the hearing testimony and distribute the summary to other resource agencies, affected coastal resource districts, and the applicant, within five days following the hearing. Recommendations for a proposed determination based on the summary may be submitted to the coordinating agency in writing within seven days after receipt of the summary.

(Eff. 3/11/84, Register 89)

Authority: AS 44.19.145(a)

Art. III, sec. 1, Ak. Const.

Art. III, sec. 16, Ak. Const.

Art. III, sec. 24, Ak. Const.

6 AAC 50.110. REVIEW PERIOD DEADLINES AND EXTENSIONS. (a) The coordinating agency shall complete a review by either Day 30 or Day 50 unless it extends the applicable decision deadline as provided in (b) or (c) of this section. Each resource agency shall, after consultation with DGC, establish standards for determining whether a 30-day or 50-day decision deadline will apply. DGC will complete a review by Day 30 only if all required permits must by statute or regulation be issued within 30 days.

30-50 day
review

(b) An associate director within OMB or a division director within the coordinating agency may grant an extension of a consistency review as long as the consistency determination is made within any time limit imposed by federal law or regulation. An extension and the reasons for it must be stated in writing and, except for an extension granted under (1) of this subsection, must be based on clear and convincing evidence of the need for the extension. The coordinating agency will notify the review participants and the applicant of the terms of an extension. The limits on extensions are

Extension of
review

(1) for a project located in the unorganized borough, the coordinating agency may, without a request, extend both the comment and decision deadlines by 10 days;

(2) if a commenting agency requests time to perform a field review, the coordinating agency may extend the remaining deadlines by up to 10 days;

(3) if the project involves a disposal of interest in state land or

resources and DGC is the coordinating agency, it will, on DNR's request, extend both the comment and decision deadlines for a period necessary to most efficiently coordinate the consistency review and the DNR disposal process;

(4) for a project which is subject to the Surface Mining Control and Reclamation Act of 1977, P.L. 95-87, 91 Stat. 445 (1977), 30 U.S.C. § 1201 et seq., the consistency review deadlines will be extended as necessary to conform to the requirements of that Act and AS 27.21;

(5) if a public hearing is held as part of the consistency review process, or as part of a resource-agency review of a necessary permit, the coordinating agency may extend both the comment and decision deadlines as necessary;

(6) if the coordinating agency requests additional information from the applicant as provided in 6 AAC 50.070, the agency may extend the remaining deadlines until the requested information has been received and deemed adequate by the requesting review participant. Within 7 days of receipt of the information by the requesting review participant, that participant shall notify the coordinating agency whether the information is adequate to find the project packet complete;

(7) if the coordinating agency determines that a consensus among the resource agencies, any affected coastal resource district, and the applicant cannot be reached within a 50-day review period, it shall state in writing the issues or conditions which require additional time for review, and may extend the remaining deadlines for up to 15 days for each higher level of review provided in 6 AAC 50.070(k);

(8) if the applicant requests an extension, the coordinating agency may extend the remaining deadlines as requested;

(9) if the coordinating agency determines that the project involves unusually complex issues, it may extend the deadlines as necessary; if the deadline is extended under this paragraph, the agency shall by Day 50, or Day 30 of a 30-day review period, distribute to the review participants, the applicant, and other commenting parties a written statement of the issues which remain to be resolved; the coordinating agency shall notify all interested parties promptly as issues are resolved.

(c) All time periods in this chapter must be calculated using calendar days. An action required to be taken on a Saturday, Sunday, or state or federal holiday must be taken on or before the next working day. (Eff. 3/11/84, Register 89; am. 5/20/93, Register 126)

Authority: AS 44.19.161
AS 46.40.010
AS 46.40.040

6 AAC 50.120. **CONCLUSIVE CONSISTENCY DETERMINATION.** (a) In rendering a conclusive consistency determination, the coordinating agency shall give careful consideration to all comments, and shall give due deference to the comments of resource agencies and affected coastal districts with approved programs. "Due deference" means that deference which is appropriate in the context of the commenter's expertise and area of responsibility, and all the evidence available to support any factual assertions. A coastal resource district whose district program has been incorporated into the ACMP is considered to have expertise in the interpretation and application of its program. If the coordinating agency rejects a stipulation or recommendation requested by a commenting resource agency or affected coastal resource district with an approved program, within its respective area of expertise, the coordinating agency shall make a written finding stating the reasons for rejecting the stipulation.

Due
Deference

(b) The coordinating agency shall render a written conclusive consistency determination before the decision deadline under 6 AAC 50.070 or 6 AAC 50.110. The agency shall distribute its determination to the applicants and to all resource agencies, all other agencies which commented on the project, and all affected coastal resource districts. The determination must describe the scope of the project which was reviewed. If the project is determined to be consistent with the ACMP, the determination must state any conditions or stipulations and must identify the state or federal permits in which each stipulation must be included to ensure that the project is consistent with the ACMP. If a resource agency is the coordinating agency, it may include the determination in its approval or denial of each permit required for the project. (Eff. 3/11/84, Register 89; em am 5/1/90 - 8/9/90, Register 114)

Conclusive
consistency
determination

Authority: AS 44.19.145(a)
Art. III, sec. 1, Ak. Const.
Art. III, sec. 16, Ak. Const.
Art. III, sec. 24, Ak. Const.

6 AAC 50.130. **ISSUANCE OF PROJECT PERMITS.** A resource agency shall issue a permit which is necessary for a project, except a lease, within five days after it issues or receives the conclusive consistency determination for that project, unless the commissioner of that agency finds that additional review is necessary to fulfill statutory responsibilities. A resource agency shall issue a lease at the time and in the manner provided by applicable law, regulation, and agency procedure, but not before

Permits issued
within 5 days

it issues or receives a conclusive consistency determination for the appropriate project. For a project which is deemed consistent, by either categorical approval of all necessary permits or a general concurrence determination, an agency shall issue a required permit as soon as possible in the time and manner prescribed by applicable statutes or regulations. A project permit must contain any applicable conditions or stipulations required by the conclusive consistency determination, and may not contain any additional condition or stipulation for the sole purpose of ensuring consistency. (Eff. 3/11/84, Register 89)

Authority: AS 44.19.145(a)
Art. III, sec. 1, Ak. Const.
Art. III, sec. 16, Ak. Const.
Art. III, sec. 24, Ak. Const.

6 AAC 50.190. DEFINITIONS. In this chapter and in AS 44.19.145(a)(11) (1) "ACMP" means the Alaska Coastal Management Program, as amended, which was developed as provided in AS 46.40, 6 AAC 80, and 6 AAC 85, and approved by the Secretary of the United States Department of Commerce under authority of sec. 305 of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. \p 1454;

(2) "affected coastal resource district" means a coastal resource district as defined in AS 46.40.210(2) in which a project is proposed to be located, or which may experience a direct and significant impact from a proposed project;

(3) "approved program" means a coastal resource district program that has been approved by the Alaska Coastal Policy Council and filed by the lieutenant governor's office;

(4) "consistency" means compliance with the standards of the ACMP, including the enforceable policies of an approved coastal resource district program;

(5) "coordinating agency" means the agency responsible for coordinating and facilitating the review and rendering the determination;

(6) "CZMA" means the federal Coastal Zone Management Act of 1972, as amended, 16 U.S.C. \p 1451 et seq.;

(7) "DGC" means division of governmental coordination within the office of management and budget in the Office of the Governor;

(8) "DNR" means the Department of Natural Resources;

(9) "determination" or "consistency determination" or "conclusive consistency determination" means

(A) a document issued by the coordinating agency containing a brief description of the project, and the findings of the

consistency review together with any stipulations, conditions, or modifications to the project which must be attached to the applicable permits, and a brief justification for those necessary modifications, conditions, or stipulations, and includes

(B) a response to a consistency certification or determination required or authorized under the CZMA;

(10) "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;

(11) "disposal of interest in state land" means the sale, lease, or other disposition of state-owned or state-managed land or resources by the Department of Natural Resources;

(12) "OMB" means the office of management and budget in the Office of the Governor;

(13) "permit" means a permit, lease, authorization, license or any other determination necessary for completion of a project or a discrete phase of a project;

(14) "project" means an activity or use which will be located in or may affect the coastal zone of Alaska and which is subject to consistency review under sec. 307 of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. § 1456), or which requires the issuance of one or more state permits; when a land or water activity is developed or authorized in discrete phases, and each phase requires agency decisions regarding permits, each phase is considered a "project";

(15) "resource agency" means the Alaska Department of Environmental Conservation, or the Alaska Department of Fish and Game, or the Alaska Department of Natural Resources;

(16) "review" or "consistency review" means the evaluation of a project against the ACMP standards.

(17) "review participant" means resource agencies, other state agencies on request and affected coastal districts; when a project includes an oil discharge prevention and contingency plan, "review participant" includes an affected regional citizens advisory council as defined in 33 U.S.C. 2732(d). (Eff. 3/11/84, Register 89; em am 5/1/90 - 8/9/90, Register 114; am 5/20/93, Register 126)

Authority: AS 44.19.161
AS 46.40.010
AS 46.40.040

**TITLE 6. GOVERNOR'S OFFICE
ALASKA COASTAL POLICY COUNCIL**

**CHAPTER 80. STANDARDS OF THE ALASKA
COASTAL MANAGEMENT PROGRAM**

Article

1. Government Process (6 AAC 80.010-6 AAC 80.030)
2. Uses and Activities (6 AAC 80.040-6 AAC 80.120)
3. Resources and Habitats (6 AAC 80.130-6 AAC 80.150)
4. Areas Which Merit Special Attention (6 AAC 80.158-6 AAC 80.170)
5. General Provisions (6 AAC 80.900)

Article 1. Government Process

Section

10. Coverage of chapter
20. Public participation and information
30. Program management and coordination

6 AAC 80.010. **COVERAGE OF CHAPTER.** (a) This chapter contains standards for the use of and application by districts and state agencies in carrying out their responsibilities under the Alaska Coastal Management Act (AS 46.40, and AS 44.19.155 -44.19.162).

(b) Nothing in this chapter or in any district program displaces or diminishes the authority of any state agency or local government with respect to resources in the coastal area. Uses and activities conducted by state agencies in the coastal area must be consistent with the applicable district program and the standards contained in this chapter. In authorizing uses or activities in the coastal area under its statutory authority, each state agency shall grant authorization if, in addition to finding that the use or activity complies with the agency's statutes and regulations, the agency finds that the use or activity is consistent with the applicable district program and the standards contained in this chapter. However, if the district program and the standards in this chapter both address the same operational subject or issue, the provisions of the district program are controlling.

State/local
authorities

District program

(c) At a minimum, the council will review this chapter annually. (Eff. 7/18/78, Register 67; am 9/9/81, Register 79)

Authority: AS 44.19.160
AS 46.40.040
AS 46.40.100

6 AAC 80.020. PUBLIC PARTICIPATION AND INFORMATION. (a) The council will provide adequate, effective, and continuing opportunities for public participation from the beginning of the Alaska coastal management program. The council will give notice of when and where opportunities for public participation will be provided before adoption of guidelines and standards, review and approval of district programs and amendments to district programs, and amendments to the Alaska coastal management program.

(b) The council will not approve a district program or significant amendment of a district program unless evidence of significant opportunities for public participation at the district level has been provided.

(c) The council will make available to the public information and educational materials concerning coastal management, in understandable form, including

- (1) a guide for the development of district programs;
- (2) maps and narratives describing physical and biological characteristics to be used in establishing boundaries of coastal areas;
- (3) areas recommended for council designation as areas which merit special attention;
- (4) maps showing the distribution and abundance of coastal fish and wildlife species with commercial, recreational, subsistence, or general ecological importance;
- (5) an identification of major data and information sources concerning coastal management;
- (6) a summary of information regarding coastal regions;
- (7) summaries of public hearings and workshops;
- (8) films and slide programs;
- (9) written material summarizing or explaining the Alaska coastal management program; and
- (10) the council's annual report to the legislature.

(d) At public meetings concerning the Alaska coastal management program, the council will ensure that, when requested and reasonably necessary, translation into the appropriate Native language is provided.

(Eff. 7/18/78, Register 67)

Authority: AS 44.19.161
AS 46.40.040

6 AAC 80.030. PROGRAM MANAGEMENT AND COORDINATION. (a) The division of governmental coordination of the Office of Management and Budget is the designated lead agency for the Alaska Coastal Management Program. The division of governmental coordination of the Office of Management and Budget shall

DGC
lead agency

(1) present the staff position regarding matters before the council;

(2) coordinate the activities of state agencies participating in the Alaska coastal management program; and

(3) review state and federal actions for consistency with the Alaska coastal management program, as provided in 6 AAC 50.

(b) The council will initiate an interagency program of comprehensive resource management for each geographic region listed in AS 44.19.155. Regional programs will

Regional program

(1) assist the council and districts in identifying uses of state concern and developing management policies for these uses;

(2) provide resource, social, and economic information on a coordinated regional basis; and

(3) assist the council and districts in identifying, avoiding, or minimizing existing or potential conflicts.

(c) Plans and recommendations developed as part of the regional program described in (b) of this section must be transmitted to the district through the division of governmental coordination. District planning efforts must demonstrate review and consideration of these plans and recommendations. If the final district program proposed does not agree with the regional program plans and recommendations, the differences will be resolved by the council.

(d) The council will prepare a manual of standards for the management of land and water uses in the coastal area to assist in the development of district and state agency programs. (Eff. 7/18/78, Register 67; am 10/28/84, Register 92)

Authority: AS 44.19.145(a)
AS 44.19.161
AS 46.40.040

Article 2. Uses and Activities

Section

- 40. Coastal Development
- 50. Geophysical hazard areas
- 60. Recreation
- 70. Energy facilities
- 80. Transportation and utilities
- 90. Fish and seafood processing
- 100. Timber harvest and processing
- 110. Mining and mineral processing
- 120. Subsistence

6 AAC 80.040. COASTAL DEVELOPMENT. (a) In planning for and approving development in coastal areas, districts and state agencies shall give in the following order, priority to:

- (1) water-dependent uses and activities;
- (2) water-related uses and activities; and
- (3) uses and activities which are neither water-dependent nor water-related for which there is no feasible and prudent inland alternative to meet the public need for the use or activity.

Public need

(b) The placement of structures and the discharge of dredge¹ or fill material into coastal water must, at a minimum, comply with the standards contained in Parts 320-323, Title 33, Code of Federal Regulations (Vol. 42 of the Federal Register, pp. 37133 - 47 (July 19, 1977)). (Eff. 7/18/78, Register 67; am 8/18/79, Register 71)

Dredge/Fill

Authority: AS 44.19.161
AS 46.40.040

6 AAC 80.050. GEOPHYSICAL HAZARD AREAS. (a) Districts and state agencies shall identify known geophysical hazard areas and areas of high development potential in which there is a substantial possibility that geophysical hazards may occur.

(b) Development in areas identified under (a) of this section may not be approved by the appropriate state or local authority until siting, design, and construction measures for minimizing property damage and protecting against loss of life have been provided. (Eff. 7/18/78, Register 67)

Siting/Design

Authority: AS 44.19.161
AS 46.40.040

6 AAC 80.060. RECREATION. (a) Districts shall designate areas for recreational use. Criteria for designation of areas of recreational use are

(1) the area receives significant use by persons engaging in recreational pursuits or is a major tourist destination; or

(2) the area has potential for high quality recreational use because of physical, biological, or cultural features.

(b) Districts and state agencies shall give high priority to maintaining and, where appropriate, increasing public access to coastal water. (Eff. 7/18/78, Register 67; am 8/18/79, Register 71)

Public access

Authority: AS 44.19.161
AS 46.40.040

6 AAC 80.070. ENERGY FACILITIES. (a) Sites suitable for the development of major energy facilities must be identified by districts and the state in cooperation with districts.

(b) The siting and approval of major energy facilities by districts and state agencies must be based, to the extent feasible and prudent, on the following standards:

(1) site facilities so as to minimize adverse environmental and social effects while satisfying industrial requirements;

(2) site facilities so as to be compatible with existing and subsequent adjacent uses and projected community needs;

(3) consolidate facilities;

(4) consider the concurrent use of facilities for public or economic reasons;

(5) cooperate with landowners, developers, and federal agencies in the development of facilities;

(6) select sites with sufficient acreage to allow for reasonable expansion of facilities;

(7) site facilities where existing infrastructure, including roads, docks, and airstrips, is capable of satisfying industrial requirements;

(8) select harbors and shipping routes with least exposure to reefs, shoals, drift ice, and other obstructions;

(9) encourage the use of vessel traffic control and collision avoidance systems;

(10) select sites where development will require minimal site clearing, dredging and construction in productive habitats;

(11) site facilities so as to minimize the probability, along shipping routes, of spills or other forms of contamination which would affect fishing grounds, spawning grounds, and other biologically productive or vulnerable habitats, including marine mammal rookeries and hauling out grounds and waterfowl nesting areas;

(12) site facilities so that design and construction of those facilities and support infrastructures in coastal areas of Alaska will allow for the free passage and movement of fish and wildlife with due consideration for historic migratory patterns and so that areas of particular scenic, recreational, environmental, or cultural value will be protected;

Fish
passage

(13) site facilities in areas of least biological productivity, diversity, and vulnerability and where effluents and spills can be controlled or contained;

(14) site facilities where winds and air currents disperse airborne emissions which cannot be captured before escape into the atmosphere;

(15) select sites in areas which are designated for industrial purposes and where industrial traffic is minimized through population centers; and

(16) select sites where vessel movements will not result in overcrowded harbors or interfere with fishing operations and equipment.

(c) Districts shall consider that the uses authorized by the issuance of state and federal leases for mineral and petroleum resource extraction are uses of state concern. (Eff. 7/18/78, Register 67; am 8/18/79, Register 71)

Authority: AS 44.19.161
AS 46.40.040

6 AAC 80.080. TRANSPORTATION AND UTILITIES. (a) Transportation and utility routes and facilities in the coastal area must be sited, designed, and constructed so as to be compatible with district programs.

(b) Transportation and utility routes and facilities must be sited inland from beaches and shorelines unless the route or facility is water-dependent or no feasible and prudent inland alternative exists to meet the public need for the route or facility. (Eff. 7/18/78, Register 67; am 8/18/79, Register 71)

Authority: AS 44.19.161
AS 46.40.040

6 AAC 80.090. FISH AND SEAFOOD PROCESSING. Districts shall identify and may designate areas of the coast suitable for the location or development of facilities related to commercial fishing and seafood processing. (Eff. 7/18/78, Register 67)

Authority: AS 44.19.161
AS 46.40.040

6 AAC 80.100. TIMBER HARVEST AND PROCESSING. AS 41.17, Forest Resources and Practices, and the regulations and procedures adopted under that chapter with respect to the harvest and processing of timber, are incorporated into the Alaska coastal management program and constitute the components of the coastal management program with respect to those purposes. (Eff. 7/18/78, Register 67; am 8/18/79, Register 71; am 3/30/84, Register 89)

Authority: AS 44.19.161
AS 46.40.040

(Note: AS 41.17 was amended in 1990. The revised FPA regulations were incorporated into the ACMP effective August 4, 1993.)

6 AAC 80.110. MINING AND MINERAL PROCESSING. (a) Mining and mineral processing in the coastal area must be regulated, designed, and conducted so as to be compatible with the standards contained in this chapter, adjacent uses and activities, statewide and national needs, and district programs.

(b) Sand and gravel may be extracted from coastal waters, intertidal areas, barrier islands, and spits, when there is no feasible and prudent alternative to coastal extraction which will meet the public need for the sand or gravel. (Eff. 7/18/78, Register 67; am 8/18/79, Register 71)

Sand/gravel
extraction

Authority: AS 44.19.161
AS 46.40.040

6 AAC 80.120. SUBSISTENCE. (a) Districts and state agencies shall recognize and assure opportunities for subsistence usage of coastal areas and resources.

(b) Districts shall identify areas in which subsistence is the dominant use of coastal resources.

(c) Districts may, after consultation with appropriate state agencies, Native corporations, and any other persons or groups, designate areas identified under (b) of this section as subsistence zones in which subsistence uses and activities have priority over all nonsubsistence uses and activities.

(d) Before a potentially conflicting use or activity may be authorized within areas designated under (c) of this section, a study of the possible adverse impacts of the proposed potentially conflicting use or activity upon subsistence usage must be conducted and appropriate safeguards to assure subsistence usage must be provided.

(e) Districts sharing migratory fish and game resources must submit compatible plans for habitat management. (Eff. 7/18/78, Register 67)

Authority: AS 44.19.161
AS 46.40.040

Identified
areas

Article 3. Resources and Habitats

Section

130. Habitats

140. Air, land and water quality

150. Historic, prehistoric, and archaeological resources

6 AAC 80.130. HABITATS. (a) Habitats in the coastal area which are subject to the Alaska coastal management program include

- (1) offshore areas;
- (2) estuaries;
- (3) wetlands and tideflats;
- (4) rocky islands and seacliffs;
- (5) barrier islands and lagoons;
- (6) exposed high energy coasts;
- (7) rivers, streams, and lakes; and
- (8) important upland habitat.

(b) The habitats contained in (a) of this section must be managed so as to maintain or enhance the biological, physical, and chemical characteristics of the habitat which contribute to its capacity to support living resources,

(c) In addition to the standard contained in (b) of this section, the following standards apply to the management of the following habitats:

(1) offshore areas must be managed as a fisheries conservation zone so as to maintain or enhance the state's sport, commercial, and subsistence fishery;

(2) estuaries must be managed so as to assure adequate water flow, natural circulation patterns, nutrients, and oxygen levels, and avoid the discharge of toxic wastes, silt, and destruction of productive habitat;

(3) wetlands and tidelands must be managed so as to assure adequate water flow, nutrients, and oxygen levels and avoid adverse effects on natural drainage patterns, the destruction of important habitat, and the discharge of toxic substances;

(4) rocky islands and seacliffs must be managed so as to avoid the harassment of wildlife, destruction of important habitat, and the introduction of competing or destructive species and predators;

(5) barrier islands and lagoons must be managed so as to maintain adequate flows of sediments, detritus, and water, avoid the alteration or redirection of wave energy which would lead to the filling in of lagoons or the erosion of barrier islands, and discourage activities which would decrease the use of barrier islands by coastal species, including polar bears and nesting birds;

(6) high energy coasts must be managed by assuring the adequate mix and transport of sediments and nutrients and avoiding redirection of transport processes and wave energy; and

(7) rivers, streams, and lakes must be managed to protect natural vegetation, water quality, important fish or wildlife habitat and natural water flow.

(d) Uses and activities in the coastal area which will not conform to the standards contained in (b) and (c) of this section may be allowed by the district or appropriate state agency if the following are established:

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

(2) there is no feasible prudent alternative to meet the public need for the proposed use or activity which would conform to the standards contained in (b) and (c) of this section; and

Offshore areas

Estuaries

Wetlands

Islands and seacliffs

Barrier islands
and lagoons

High energy coasts

Rivers, streams
and lakes

(3) all feasible and prudent steps to maximize conformance with the standards contained in (b) and (c) of this section will be taken.

(e) In applying this section, districts and state agencies may use appropriate expertise, including regional programs referred to in 6 AAC 80.030(b). (Eff. 7/18/78, Register 67)

Authority: AS 44.19.161
AS 46.40.040

6 AAC 80.140. AIR, LAND, AND WATER QUALITY. Notwithstanding any other provision of this chapter, the statutes pertaining to and the regulations and procedures of the Alaska Department of Environmental Conservation with respect to the protection of air, land, and water quality, in effect on August 18, 1992, are incorporated into the Alaska coastal management program and, as administered by that agency, constitute the components of the coastal management program with respect to those purposes. (Eff. 7/18/78, Register 67; am 5/20/93, Register 126)

Authority: AS 44.19.161
AS 46.40.010
AS 46.40.040

6 AAC 80.150. HISTORIC, PREHISTORIC, AND ARCHAEOLOGICAL RESOURCES. Districts and appropriate state agencies shall identify areas of the coast which are important to the study, understanding, or illustration of national, state, or local history or prehistory. (Eff. 7/18/78, Register 67)

Authority: AS 44.19.161
AS 46.40.040

Article 4.
Areas Which Merit Special Attention

Section

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

160. Areas which merit special attention inside districts

170. Areas which merit special attention outside districts

6 AAC 80.158. TYPES OF AREAS TO BE DESIGNATED AS AREAS WHICH MERIT SPECIAL ATTENTION. An area to be designated as an area which merits special attention may include the following, in addition to the categories contained in AS 46.40.210(1):

(1) areas important for subsistence hunting, fishing, food gathering, and foraging;

(2) areas with special scientific values or opportunities, including those areas where ongoing research projects could be jeopardized by development or conflicting uses and activities; and

(3) potential estuarine or marine sanctuaries. (Eff. 6/9/85, Register 94)

Authority: AS 44.19.161
AS 46.40.040

Editor's Note. Before 6/9/85, Register 94, the substance of 6 AAC 80.158 was contained in 6 AAC 80.160. The history of AAC 80.160 is not reflected in the history note for 6 AAC 80.158.

6 AAC 80.160. AREAS WHICH MERIT SPECIAL ATTENTION INSIDE DISTRICTS. (a) A person may recommend, to a district, areas inside the district to be nominated to the council as areas which merit special attention. A district may nominate, in a district program or as a significant amendment to its program, areas which merit special attention. Council designation of areas which merit special attention inside districts will be in accordance with the procedures for approval of district programs, or significant amendments to district programs, as described in 6 AAC 85. A nomination of an area which merits special attention must include the following information:

District
nomination

(1) the basis or bases for designation under AS 46.40.210(1) or 6 AAC 80.158;

Basis for
designation

(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 description of the area which includes dominant physical and biological features;

(4) the existing ownership, jurisdiction, and management status of the area, including existing uses and activities;

(5) the existing ownership, jurisdiction, and management status of adjacent shoreland and sea areas, including existing uses and activities;

(6) present and anticipated conflicts among uses and activities within or adjacent to the area, if any; and

(7) a proposed management plan, consisting of the following:

(A) a description of the uses and activities that will be considered proper, and the uses and activities that will be considered improper, with respect to land and water within the area, and the rationale for the designate of proper and improper uses;

(B) a statement of the specific, enforceable policies that will be applied in managing the area; and

(C) an identification of the authority that will be used to implement the proposed management plan.

(b) 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. 7/18/78, Register 67; am 8/18/79, Register 71; am 6/9/85, Register 94; am 4/2/86, Register 97)

Authority: AS 44.19.161
AS 46.40.040

6 AAC 80.170. AREAS WHICH MERIT SPECIAL ATTENTION OUTSIDE DISTRICTS. (a) A person may recommend to the council an area that is within the coastal area but outside a coastal resource district, to be designated as an area which merits special attention. A recommendation to the council of an area which merits special attention outside a district must include the following information:

Recommendation to
Council

(1) 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;

Justification

(2) a summary of the resource values and use conflicts, if any, in the area;

(3) a statement of the purpose and objectives to be met through planning for an area which merits special attention;

(4) a tentative schedule outlining timeframes for completion of planning tasks and reviews;

(5) a list of parties with interests in or adjacent to the proposed area which merits special attention who may be affected by its designation, and a description of how these parties would be involved in plan development; and

(6) justification 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) Upon receipt of a recommendation for an area which merits special attention outside of a district, the division of governmental coordination (DGC) of the office of management and budget shall place the recommendation on the council's agenda for consideration at its next regularly scheduled meeting, and shall give notice of a public hearing. DGC shall give direct notice to the affected parties identified in (a)(5) of this section. DGC 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 outside a district, or to reject the recommendation. The council's determination to authorize additional planning for the area which merits special attention may not be construed as council approval of the merits of the final plan.

Council
consideration

(c) If the council decides to authorize further planning for an area which merits special attention, public notice will be provided by conspicuous advertisement, such as display notice, in a news publication of general circulation in the affected area and in one of general circulation in the state. DGC, with assistance from the sponsor, shall compile a mailing list of state and federal agencies, affected municipalities and villages, landowners, and other interested parties and shall notify them that planning for the area which merits special attention is going to occur.

(d) The sponsor of the nomination is responsible for developing a public review draft for the area which merits

Public review
draft

special attention outside of a district. The review draft must include the information required under 6 AAC 80.160(a)(1) through (7), in addition to the following:

(1) an evaluation of the potential impacts of the designation on the social, cultural, environmental, and economic features of the area and adjacent areas;

(2) The proposed management plan required under 6 AAC 160(a)(7) must include a description of how the proposed management plan will be implemented.

(e) A management plan 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.

(f) The sponsor shall provide opportunities for consultation on and review of the proposal by appropriate state, federal, and local governmental agencies, affected landowners, and other persons who have been identified as interested parties under (c) of this section. The sponsor shall hold no less than two public meetings during plan development to inform the public and receive comments concerning the plan.

Public
meetings

(g) The sponsor of the area which merits special attention shall distribute a public review draft to all parties identified under (c) of this section. The public review draft must contain all elements listed in (d) of this section, as well as evidence that the public participation requirements of this section have been satisfied. The sponsor shall provide at least a 60-day review period. The sponsor shall send with the public review draft a transmittal letter that identifies the comment deadline and the recipient of comments. The sponsor shall publish notice of the availability of the public review draft for review and comment, including advertising in news publications that are circulated in the area affected by the nomination and in news publications that are circulated statewide. The sponsor shall also post a notice prominently in municipalities and villages affected by the proposal.

(h) After the close of the public review and comment period, the sponsor of the area which merits special attention shall revise the public review draft as necessary to incorporate comments received. Council review of the area which merits special attention will begin upon the sponsor's submission of the revised draft to the council.

Revised
draft

(i) DGC shall distribute the council review draft, along with its preliminary findings on the plan, to the mailing list compiled under (c) of this section. A person may submit comments on the area which merits special attention nomination to the council within 60 days after this distribution. Comments that are not received within the 60-day review period will not be considered.

(j) DGC shall prepare a summary of and a response to comments received on the council review draft and, if necessary, revise its recommendations. DGC shall distribute these materials to all parties who commented on the draft. All comments and additional material submitted will be placed in a record file maintained by DGC.

(k) The council will, after public notice, hold a public hearing on the designation of the area which merits special attention.

Council
designation

(l) The council will approve the designation of an area which merits special attention if it (1) is substantially consistent with the requirements of this section; (2) does not arbitrarily or unreasonably restrict or exclude uses of state concern, except as allowed in AS 46.40.070(c); (3) does not violate another state law; and (4) does not cause substantial irreparable harm to another interest or value in the coastal area. The council's decision to designate, or not designate, the area which merits special attention outside of a district will contain findings and conclusions based on the requirements listed in this subsection.

(m) DGC shall provide public notice of the council's action designating an area which merits special attention outside of a district by distributing a copy of the council's order to all persons who testified or submitted timely written statements during public review, and to all persons who requested a copy of the order in writing. DGC shall also publish notice of the council's action, at a minimum, in news publications that are circulated within the affected region and in news publications that are circulated statewide.

Public notice
of action

(n) The council's designation of an area which merits special attention outside of a district takes effect for state law purposes as part of the Alaska coastal management program upon the lieutenant governor's filing of the council's order approving the designation. (Eff. 6/9/85, Register 94; am 4/2/86, Register 97)

Authority: AS 44.19.161
AS 46.40.040

CORRECTION

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



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

(j) DGC shall prepare a summary of and a response to comments received on the council review draft and, if necessary, revise its recommendations. DGC shall distribute these materials to all parties who commented on the draft. All comments and additional material submitted will be placed in a record file maintained by DGC.

(k) The council will, after public notice, hold a public hearing on the designation of the area which merits special attention.

**Council
designation**

(l) The council will approve the designation of an area which merits special attention if it (1) is substantially consistent with the requirements of this section; (2) does not arbitrarily or unreasonably restrict or exclude uses of state concern, except as allowed in AS 46.40.070(c); (3) does not violate another state law; and (4) does not cause substantial irreparable harm to another interest or value in the coastal area. The council's decision to designate, or not designate, the area which merits special attention outside of a district will contain findings and conclusions based on the requirements listed in this subsection.

(m) DGC shall provide public notice of the council's action designating an area which merits special attention outside of a district by distributing a copy of the council's order to all persons who testified or submitted timely written statements during public review, and to all persons who requested a copy of the order in writing. DGC shall also publish notice of the council's action, at a minimum, in news publications that are circulated within the affected region and in news publications that are circulated statewide.

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Authority: AS 44.19.161
AS 46.40.040

(j) DGC shall prepare a summary of and a response to comments received on the council review draft and, if necessary, revise its recommendations. DGC shall distribute these materials to all parties who commented on the draft. All comments and additional material submitted will be placed in a record file maintained by DGC.

(k) The council will, after public notice, hold a public hearing on the designation of the area which merits special attention.

Council
designation

(l) The council will approve the designation of an area which merits special attention if it (1) is substantially consistent with the requirements of this section; (2) does not arbitrarily or unreasonably restrict or exclude uses of state concern, except as allowed in AS 46.40.070(c); (3) does not violate another state law; and (4) does not cause substantial irreparable harm to another interest or value in the coastal area. The council's decision to designate, or not designate, the area which merits special attention outside of a district will contain findings and conclusions based on the requirements listed in this subsection.

(m) DGC shall provide public notice of the council's action designating an area which merits special attention outside of a district by distributing a copy of the council's order to all persons who testified or submitted timely written statements during public review, and to all persons who requested a copy of the order in writing. DGC shall also publish notice of the council's action, at a minimum, in news publications that are circulated within the affected region and in news publications that are circulated statewide.

Public notice
of action

(n) The council's designation of an area which merits special attention outside of a district takes effect for state law purposes as part of the Alaska coastal management program upon the lieutenant governor's filing of the council's order approving the designation. (Eff. 6/9/85, Register 94; am 4/2/86, Register 97)

Authority: AS 44.19.161
AS 46.40.040

Article 5. General Provisions

Section
900. Definitions

6 AAC 80.900. DEFINITIONS. (a) Unless the context indicates otherwise, in this chapter

(1) "barrier islands and lagoons" means depositional coastal environments formed by deposits of sediment offshore or coastal remnants which form a barrier of low-lying islands and bars protecting a salt-water lagoon with free exchange of water to the sea;

(2) "coastal water" means all water bodies in the coastal area, including wetlands and the intertidal area;

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

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

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

(6) "estuary" means a semiclosed coastal body of water which has a free connection with the sea and within which seawater is measurably diluted with freshwater derived from land drainage;

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

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

(9) "geophysical hazard areas" means those areas which present a threat to life or property from geophysical or geological hazards, including flooding, tsunami run-up, storm surge run-up, landslides, snowslides, faults, ice hazards, erosion, and littoral beach process;

(10) "mining and mineral processing" means the development of mineral resources extracted in tidal rivers, coastal water, and on continental shelves of the open sea, and found in surface, subsurface, and aqueous deposits;

(11) "offshore areas" means submerged lands and waters seaward of the coastline;

(12) "rocky islands and seacliffs" means islands of volcanic or tectonic origin with rocky shores and steep faces, offshore rocks, capes, and steep rocky seafronts;

(13) "tidflats" means mostly unvegetated areas that are alternately exposed and inundated by the falling and rising of the tide;

(14) "transportation and utility routes and facilities" include power transmission lines, mineral slurry lines, oil and gas pipelines, land and marine corridors, railways, highways, roadways, air terminals, water and sewage transfer, and facilities required to operate and maintain the route or facility;

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

(16) "uses of state concern" has the same meaning as in AS 46.40.210(6);

(17) "water-dependent" means a use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body;

(18) "water-related" means a use or activity which is not directly dependent upon access to a water body, but which provides goods or services that are directly associated with water-dependence and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered;

(19) "wetlands" includes both freshwater and saltwater wetlands; "freshwater wetlands" means those environments characterized by rooted vegetation which is partially submerged either continuously or periodically by surface freshwater with less than .5 parts per thousand salt content and not exceeding three meters in depth; "saltwater wetlands" means those coastal areas along sheltered shorelines characterized by halophilic hydrophytes and macroalgae extending from extreme low tide to an area above extreme high tide which is influenced by sea spray or tidally induced water table changes;

(20) "feasible and prudent" means consistent with sound engineering practice and not causing environmental, social, or economic problems that outweigh the public benefit to be derived from compliance with the standard which is modified by the term "feasible and prudent";

(21) "including" means including but not limited to;

(22) "major energy facility" includes marine service bases and storage depots, pipelines and rights-of-way, drilling rigs and platforms, petroleum or coal separation, treatment, or storage facilities, liquid natural gas plants and terminals, oil terminals and other port development for the transfer of energy products, petrochemical plants, refineries and associated facilities, hydroelectric projects, other electric generating plants, transmission lines, uranium enrichment or nuclear fuel processing

facilities, and geothermal facilities; "major energy facility" means a development of more than local concern carried out in, or in close proximity to, the coastal area, which meets one or more of the following criteria:

(A) a facility required to support energy operations for exploration or production purposes;

(B) a facility used to produce, convert, process, or store energy resources or marketable products;

(C) a facility used to transfer, transport, import, or export energy resources or marketable products;

(D) a facility used for in-state energy use; or

(E) a facility used primarily for the manufacture, production, or assembly of equipment, machinery, products, or devices which are involved in any activity described in (A) - (D) of this paragraph;

(23) "significant amendment" means an amendment to an approved district program 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) "area which merits special attention" has the same meaning as in AS 46.40.210(1);

(25) "village" has the same meaning as in AS 46.40.180(d).

(b) In AS 44.19.155, "deputy commissioner" includes assistant commissioners of state agencies. (Eff. 7/18/78, Register 67; am 8/18/79, Register 71; am 9/9/81, Register 79; am 6/9/85, Register 94; am 10/16/87, Register 104)

Authority: AS 44.19.160(4)
AS 44.19.161
AS 46.40.010(c)
AS 46.40.030
AS 46.40.040
AS 46.40.060
AS 46.40.070

**TITLE 6. GOVERNOR'S OFFICE
ALASKA COASTAL POLICY COUNCIL**

**CHAPTER 85. GUIDELINES FOR DISTRICT
COASTAL MANAGEMENT PROGRAMS**

Article

1. Program Elements (6 AAC 85.010-6 AAC 85.110)
2. Government Process (6 AAC 85.120-6 AAC 85.185)
3. General Provisions (6 AAC 85.900)

Article 1. Program Elements

Section

- 10. Coverage of chapter
- 20. Needs, objectives, and goals
- 30. Organization
- 40. Boundaries
- 50. Resource inventory
- 60. Resource analysis

Section

- 70. Subject uses
- 80. Proper and improper use:
- 90. Policies
- 100. Implementation
- 110. Public participation

6 AAC 85.010. COVERAGE OF CHAPTER. (a) This chapter contains guidelines for the use of and application by districts in carrying out their responsibilities under the Alaska Coastal Management Act (AS 46.40 and AS 44.19.891 - 44.19.894).

(b) At a minimum, the council will review this chapter annually. (Eff. 7/18/78, Register 67)

Authority: AS 44.19.161
AS 46.40.030
AS 46.40.040

6 AAC 85.020. NEEDS, OBJECTIVES AND GOALS. Each district program must include a statement of the district's overall coastal management needs, objectives, or goals, or the district's comprehensive land and resource use plan. (Eff. 7/18/78, Register 67)

Authority: AS 44.19.161
AS 46.40.030
AS 46.40.040

6 AAC 85.030. ORGANIZATION. (a) Each district program must include a description of the district program organization for coastal management. Budgetary and staff needs and, where appropriate, a schedule for necessary reorganization must be included.

(b) The district program must clearly state the name and address of the individual or organization within the district that is assigned to receive from the state notice of proposed activities and authorizations affecting the district, and that is responsible for responding to the state on consistency reviews. (Eff. 7/18/78, Register 67; am 3/2/84, Register 89)

Authority: AS 44.19.161
AS 46.40.030
AS 46.40.040

6 AAC 85.040. BOUNDARIES. (a) Each district must include a map of the boundaries of the coastal area within the district subject to the district program. Boundaries must enclose those lands which would reasonably be included in the coastal area and subject to the district program if they were not subject to the exclusive jurisdiction of the federal government.

(b) Before council approval of the district program, initial boundaries must be based on Biophysical Boundaries of Alaska's Coastal Zone (published by the Office of Coastal Management and the Alaska Department of Fish and Game, 1978, a copy of which is on file with the Office of the Lieutenant Governor, and which is available from the Office of Coastal Management) and must include the zone of direct interaction and the zone of direct influence.

(c) Final boundaries of the coastal area subject to the district program may diverge from the initial boundaries if the final boundaries

(1) extend inland and seaward to the extent necessary to manage uses and activities that have or are likely to have a direct and significant impact on marine coastal water; and

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

(d) If the criteria in (c) of this section are met, final boundaries of the coastal area subject to the district program may be based on political jurisdiction, cultural features, planning areas, watersheds, topographic features, uniform setbacks, or the dependency of uses and activities on water access.

(e) The boundaries of the district must be sufficiently compatible with those of adjoining areas to allow consistent administration of the Alaska coastal management program. (Eff. 7/18/78, Register 67; am 8/18/79, Register 71)

Authority: AS 44.19.161
AS 46.40.040

6 AAC 85.050. RESOURCE INVENTORY. Each district program must include a resource inventory which describes, in a manner sufficient for program development and implementation

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

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

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

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

(5) major historic, prehistoric, and archaeological resources which are found within or adjacent to the district. (Eff. 7/18/78, Register 67)

Authority: AS 44.19.161
AS 46.40.030
AS 46.40.040

6 AAC 85.060. RESOURCE ANALYSIS. Each district program must include a resource analysis which describes, in a manner sufficient for program development and implementation

(1) significant anticipated changes in the matters identified under 6 AAC 85.050;

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

(3) an assessment of the present and anticipated needs and demands for coastal habitats and resources. (Eff. 7/18/78, Register 67)

Authority: AS 44.19.161 AS 46.40.040
AS 46.40.030

6 AAC 85.070. SUBJECT USES. Each district program must include a description of the land and water uses and activities which are subject to the district program. The uses and activities mentioned in 6 AAC 80 are, if applicable, subject to the district program. (Eff. 7/18/78, Register 67)

Authority: AS 44.19.161
AS 46.40.030
AS 46.40.040

6 AAC 85.080. PROPER AND IMPROPER USES. Each district program must include a description of the uses and activities, including uses of state concern, that will be considered proper, and the uses and activities, including uses of state concern, that will be considered improper within the coastal area, including land and water use designations. This description must be based on the district's statement of overall needs, objectives, or goals, or the district's comprehensive land and resource use plan, under 6 AAC 85.020, and must be consistent with the standards contained in 6 AAC 80. (Eff. 7/18/78, Register 67)

Authority: AS 44.19.161
AS 46.40.030
AS 46.40.040

6 AAC 85.090. POLICIES. (a) Each district program must include the policies that will be applied to land and water uses and activities subject to the district program, and the process which will be used to determine whether specific land and water uses and activities will be allowed. It shall be the general policy of the district to approve specific proposals for uses and activities within areas designated for those uses and activities under 6 AAC 85.080. Districts shall use existing means appropriate for the evaluation of specific proposals to the greatest extent feasible and prudent. Policies and procedures under this section must be consistent with the standards contained in 6 AAC 80 and must meet the following criteria:

(1) comprehensiveness, so as to apply to all uses, activities, and areas in need of management;

(2) specificity, so as to allow clear understanding of who will be affected by the district program, how they will be affected, and whether specific proposals for land and water uses

and activities will be allowed; and

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

(b) All policies or enforceable rules of the district program must be clearly identified and located in a single section of the program document. The identified policies or enforceable rules will provide the basis for all determinations of consistency with the approved district program. (Eff. 7/18/78, Register 67; am 3/2/84, Register 89)

Authority: AS 44.19.161
AS 46.40.030
AS 46.40.040

6 AAC 85.100. IMPLEMENTATION. Each district program must include a description of the methods and authority which will be used to implement the district program. Methods and authority must be adequate to insure program implementation, and any additional methods or authority which are required must be specified. Methods and authority include land and water use plans, municipal ordinances and resolutions, (including shoreline, zoning, and subdivision ordinances and building codes), state and federal statutes and regulations, capital improvement programs, the purchase, sale, lease, or exchange of coastal land and water resources, cooperative agreements, tax exemptions for nondevelopment purchase of development rights, memoranda of understanding, and coordinated project or permit review procedures. (Eff. 7/18/78, Register 67)

Authority: AS 44.19.161
AS 46.40.030
AS 46.40.040

6 AAC 85.110. PUBLIC PARTICIPATION. Each district program must include evidence of effective and significant opportunities for public participation in program development under 6 AAC 85.130. (Eff. 7/18/78, Register 67)

Authority: AS 44.19.161
AS 46.40.030

Article 2. Government Process

Section

- 120. Submittals to council
- 130. Public involvement during program development
- 140. Coordination and review
- 145. Review of public hearing draft
- 150. Council review of district programs
- 170. Mediation
- 180. Effective date and local adoption
- 185. Petition for amendment to an approved district program regarding uses of state concern

6 AAC 85.120. SUBMITTALS TO COUNCIL. (a) During program development, districts shall submit brief annual progress reports concerning program development to the council.

(b) Following adoption of the final program under 6 AAC 85.180(b), districts shall submit brief annual progress reports concerning program implementation to the council. The council will furnish copies of annual progress reports to any interested party upon request. An annual progress report must be submitted by December 31 of each year and must include

(1) a statement describing the district's progress in fulfilling any conditions stipulated at the time of the council's approval of the district program;

(2) a summary, on forms provided by the Office of Coastal Management, of significant district land and water use decisions and enforcement actions taken during the year;

(3) a description of routine program implementation during the year;

(4) additional details of the district program implementation, including the district's response to council recommendations made either at the time the district program was approved or as part of the council's continuing review after approval of the program; and

(5) identification of any problems encountered in implementing the district program and recommendations for solution of the problems.

(c) After conceptual approval as described in (d) of this section, a district program must be submitted to the council for approval as provided in 6 AAC 85.150, and a significant amendment to a district program must be submitted to the council, through the Office of Coastal Management, for approval. The Office of Coastal Management will review proposed amendments to determine if council approval is

District annual reports

Significant amendment

required. The coastal resource district may make a recommendation on whether council approval of a proposed amendment is required when the amendment to the district program is submitted to the office. If the office determines that council approval is required, the procedures set out in 6 AAC 85.150 apply. The office's determination is subject to council review when requested by a council member or the coastal resource district. Amendments to the district program determined not to require council approval are matters of routine program implementation. Matters of routine program implementation will be considered incorporated into the district program without further council action. Timely notification of matters of routine program implementation will be made to the council and appropriate state and federal agencies by the Office of Coastal Management.

Routine program
implementation

(d) Before submitting a district program or a significant amendment to a district program for approval, a district shall conceptually approve the district program or amendment by resolution of the district's governing body. However, a coastal resource service area shall conceptually approve the district program or amendment by resolution of the coastal resource service area board. (Eff. 7/18/78, Register 67; am 5/2/81, Register 78; am 9/9/81, Register 79; am 3/2/84, Register 89)

Conceptual approval

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

6 AAC 85.130. PUBLIC INVOLVEMENT DURING PROGRAM DEVELOPMENT. (a) Districts shall provide publicly advertised opportunities for public involvement in the development of all program elements contained in 6 AAC 85.020 - 6 AAC 85.110.

(b) No less than two public meetings must be held within the district during program development to inform the public and receive comments concerning the program. A brief summary or report of the matters considered at the public meeting held under this subsection must be prepared by the district, made available to the public, and retained for inclusion in the record file referred to in 6 AAC 85.150.

(c) Districts shall provide the public, in a timely manner and in understandable form, information explaining the district coastal management program, the requirements of public participation in program development, how and when the

public may participate in program development, what information is available, and where that information may be obtained. (Eff. 7/18/78, Register 67; am 8/18/79, Register 71; am 3/2/84, Register 89)

Authority: AS 44.19.161
AS 46.40.040

6 AAC 85.140. COORDINATION AND REVIEW.

Districts shall provide opportunities for coordination and review by federal, state, and local governmental agencies, including adjacent districts, and other persons with a significant interest in coastal resources or who are conducting or may conduct uses and activities that have or are likely to have a direct and significant impact on the district's coastal area. (Eff. 7/18/78, Register 67)

Authority: AS 44.19.161
AS 46.40.030
AS 46.40.040

6 AAC 85.145. REVIEW OF PUBLIC HEARING DRAFT. (a) This section applies to district programs and significant amendments to district programs.

(b) A public hearing draft of the district program must be distributed to all parties identified as having a significant interest in the district program, including those parties described in 6 AAC 85.140. The mailing list of these parties must be reviewed and approved by the Office of Coastal Management. The public hearing draft must include all elements to be included in the district program when it is conceptually approved. At least a 60-day review period must be provided. A transmittal letter that states the comment deadline and the recipient of comments must be sent with the document. One or more review meetings may be sponsored by the Office of Coastal Management, with the concurrence of the district.

60 day review

(c) Public notice of the availability of the document must be given to any person who has requested it in writing, and through conspicuous advertisement in a newspaper of general circulation within the district. Notice must also be posted in villages and municipalities within the district. Comments received by the deadline must be considered by the district and,

Public notice

where appropriate, incorporated into the plan before conceptual approval.

(d) A public hearing on the district program must be held before conceptual approval is given and no sooner than 30 days after distribution and notice of the public hearing draft under (b) and (c) of this section. Notice specifying time and place of the hearing must be provided to all who were provided the public hearing draft, and also by conspicuous advertisement in a newspaper of general circulation within the district and by advertisement in a newspaper of general circulation within the state. Notice must be given at least 30 days before the hearing is held.

Public hearing

(e) At the public hearing, each person must be given the opportunity to present statements orally or in writing. Districts shall insure that translation into the appropriate native languages is provided. A written transcript or electronic recording of the public hearing must be provided to the council. Comments offered at the hearing must be considered by the district and, where appropriate, incorporated into the plan before conceptual approval.

(f) Districts must give conceptual approval to their district program before the program is submitted to the council. District programs must be adopted by resolution of the district's governing body except that coastal resource service area plans must be adopted by resolution of the board. (Eff. 3/2/84, Register 89)

Conceptual approval

Authority: AS 44.19.161
AS 46.40.030
AS 46.40.040

6 AAC 85.150. COUNCIL REVIEW OF DISTRICT PROGRAMS. (a) A district may prepare findings and conclusions on its program, based on AS 46.40.030, 46.40.060, 46.40.080, and the standards set out in this chapter.

(b) At least one copy of the district's conceptually approved program, including any changes made to the public hearing draft, and the district's findings and conclusions or a written statement indicating that the district has elected not to prepare findings and conclusions, must be forwarded to the Office of Coastal Management as soon as practicable after conceptual approval. The district shall also submit a recording or transcript of the public hearing held under 6 AAC 85.145(d), a list of names and addresses of those who testified, and copies of all

Concept-approved
draft

materials on which it based its decision.

(c) Within 30 days after the district's submission to the Office of Coastal Management under (b) of this section, the office will prepare findings of fact and conclusions based on authorities cited in this section, to comprise its recommendation on the program. Any material on which the recommendation is based must be cited and placed in the district record file described in (f) of this section.

Preliminary
findings

(d) Before the Office of Coastal Management will submit a program to the council review, the district must submit copies of its conceptually approved program to the office in sufficient number to allow distribution to the office's mailing list, the council, and persons who testified at the public hearing or presented written comments on the public hearing draft.

(e) The Office of Coastal Management will distribute the district program, its recommendations, and the district's recommendations, if any, to those identified in (d) of this section and to any other person who has requested this material in writing. This material will be distributed as soon as practicable after the 30-day period allowed in (c) of this section.

(f) A record file containing all material submitted by the district under this section, the Office of Coastal Management's recommendations under this section, and all material on which the recommendation was based must be maintained at the office and at a convenient location within the district.

45 day
review

(g) Within 45 days after the distribution of the Office of Coastal Management's recommendation, any person may submit comments on the recommendation. Comments which are not received within the 45-day period will not be considered.

(h) Within 25 days after the deadline for submitting comments to the council under (g) of this section, the Office of Coastal Management will submit its response to the comments and, if appropriate, revised findings and conclusions to the council and to all who responded to the original findings and conclusions. All comments and additional material submitted must be placed in the record files.

Revised
findings

(i) Within a total of 45 days after the deadline in (g) of this section, the council will approve or disapprove the district program, in whole or in part. The council's decision will contain findings and conclusions based on this chapter, the standards contained in 6 AAC 80, AS 46.40.060, and 46.40.070. The council's findings and conclusions will be based on material contained in the record file. The council will, in its discretion, adopt the findings and conclusions of the Office of Coastal Management by reference.

Council's
decision

(j) The council will serve its decision under this section on all persons who submitted timely comments on the staff recommendation under (g) of this section, to all persons who testified or submitted timely written statements at the public hearing held under 6 AAC 85 145(d), and to all persons who have requested a copy of the decision in writing. Notice of the council's action also must be published, at a minimum, in newspaper of general circulation in the district. (Eff. 7/18/78, Register 67; am 1/22/81, Register 77; am 3/2/84, Register 89)

Authority: AS 44.19.160 AS 44.19.161
 AS 46.40.010 AS 46.40.030
 AS 46.40.040

Notice of action

6 AAC 85.170. MEDIATION. (a) If the council's decision under 6 AAC 85.150(i) disapproves, in whole or in part, the district program, the disapproved portion must be submitted to mediation as required by AS 46.40.060(b). Before the initial mediation session, the council will, in its discretion, call for one or more public hearings in the district concerned, for the purpose of discussing those portions of the program subject to mediation. Public hearings must be preceded by 30 days' notice. If public hearings are held, districts shall insure that, where reasonably requested, translation into the appropriate Native languages is provided. All public hearings must be electronically recorded. Oral or written testimony may be submitted, except that unduly repetitious testimony may be excluded. The oral testimony and written submissions constitute the hearing record, which must be transmitted to the mediator. Mediation sessions will be conducted as follows:

(1) The parties to the mediation will be the council and the district. The parties shall, within 10 days after the date of the council's decision under 6 AAC 85.150(i), agree upon the selection of a mediator. If the parties cannot agree, they shall immediately, in writing, ask the Federal Mediation and Conciliation Service to appoint a mediator. If that mediator is unacceptable to either party, that party shall request the Federal Mediation and Conciliation Service to submit to the parties the names of three qualified mediators. Upon receipt of these names, each party shall strike one name from the list and the remaining name will be the mediator. A mediator shall perform his or her duties in a manner consistent with the standards of conduct set out in the Code of Professional Conduct for Labor Mediators, referred to in and set out as an appendix to 29 C.F.R. 1400.735-20.

(2) Mediation sessions must be held within the district. The mediator shall schedule the sessions, with due regard for the convenience of the parties, upon at least seven days' notice, except that the parties may, by mutual consent, waive the notice period. The parties shall mutually agree upon the place of the meeting.

Mediation held
in district

(3) The mediator shall schedule the first mediation session to be held as soon as possible after he or she has been selected. At the initial session, the mediator shall establish reasonable rules of procedure. Mediation sessions must be conducted in a manner so that the parties will have the assurance and confidence that information disclosed to the mediator will remain confidential. The mediator shall determine the length and frequency of mediation sessions; however, if an accord is not reached within 60 days after the initial session, an impasse will be declared by the mediator. By mutual consent of the parties and the mediator, this deadline may be extended for a period not to exceed an additional 30 days.

Accord or
impasse

(4) If the mediator determines that an impasse has been reached, he or she shall notify the parties in writing within 10 days after the determination is made.

(5) If the mediator determines that an accord has been reached, he or she shall direct the parties to set out in writing the terms of the agreement. This agreement, to be signed by the parties, signifies the final settlement of outstanding disputes, subject to ratification at a public meeting by the official bodies of each party. With the approval of the parties, mediation may be used to resolve any differences which may arise as the result of the public meetings. After ratification under (a)(5) of this section, the agreement may be set aside only for fraud, misconduct, or gross mistake.

Terms of
agreement

(b) If the council and the district reach accord in mediation sessions held under (a) of this section, the council will, within 20 days after ratification by both parties, serve its modified decision, in the form of an order, on the district and all persons who were served with the council's decision under 6 AAC 85.150(i), and will place the modified decision in the record file. The modified decision will contain findings and conclusions, based on the record file and additional material presented during mediation necessary to demonstrate that the modified decision is consistent with this chapter, and the standards contained in 6 AAC 80, AS 46.40.060, or 46.40.070.

(c) If the council and the district do not reach an accord, the council will, within 20 days after a determination that an impasse has been reached, set the matter for an adjudicatory hearing under AS 46.40.060(c). Notice of the hearing must be

Adjudicatory
hearing

served on the district and on all persons who were served with the council's decision under 6 AAC 85.150(i). Any person served with notice of the hearing under this subsection may intervene as a party to the hearing. (Eff. 3/2/84, Register 89)

Authority: AS 44.19.160 AS 46.40.030
AS 46.19.167 AS 46.40.040
AS 46.40.010

6 AAC 85.180. EFFECTIVE DATE AND LOCAL ADOPTION. (a) A district program or significant amendment to a district program takes effect as part of the Alaska Coastal Management Program upon the lieutenant governor's filing of the council's decision approving the district program or significant amendment. A change or an amendment in the 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. Filing will take place after local adoption as provided in (b) of this section.

Lt. Governor
filing

Local adoption

(b) Within 90 days after the date a district program or significant amendment is approved by the council under 6 AAC 85.150, the district shall, by ordinance or resolution, whichever is required by other applicable provision of law, adopt the district program or amendment approved by the council. However, a coastal resource service area shall adopt the district program by resolution of the coastal resource service area board. In the same manner, a change in 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) must be adopted by the district following the council's order under 6 AAC 85.170 (b) or (c) ratifying the results of the mediation or determining the adjudication. (Eff. 3/2/84, Register 89)

Authority: AS 44.19.160 AS 46.40.040
AS 46.40.010 AS 46.40.060
AS 46.40.030 AS 46.40.070

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 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 one or more uses of state concern that 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) 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) DGC will review the petition for completeness and distribute it to appropriate state agencies. Within 30 days after the petition is submitted to DGC, DGC will, in consultation with the district, and the petitioner, attempt to resolve the petitioner's concerns without initiating a program amendment. DGC will extend the 30-day consultation period by 20 days at the request of the district, the involved state agencies or the petitioner. 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 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) If the criteria in (c) of this section are met, then within 20 days after the end of the consultation period specified in (b) of this section, DGC will distribute the petition, DGC's evaluation of the proposed amendment, and the district's response to the petition, to the council and to all parties identified as having a significant interest in the district program,