

ALASKA LEGISLATURE COMMITTEE FILED, 2003 2004 0012

10964 HOUSE RESOURCES

HB

163

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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

HB163
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March 5, 2003

The Honorable Pete Kott
Speaker of the House
Alaska State Legislature
State Capitol, Room 208
Juneau, AK 99801-1182

Dear Speaker Kott:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that raises additional revenues for fish and wildlife management programs in Alaska.

Alaska's fish and wildlife is a public resource enjoyed by a variety of users from hunters, trappers and anglers to wildlife viewers, many of whom travel to Alaska to utilize our abundant resources. This legislation ensures that the cost of wildlife management is shared more broadly with those who use and enjoy our wildlife, and that the Alaska Department of Fish and Game has the resources necessary to manage Alaska's fish and wildlife resources.

Under this bill, wildlife viewers using certain commercial services will be required to help support management of Alaska's wildlife by purchasing a \$15 annual "wildlife conservation pass" unless they hold another qualifying license or permit. Funds generated will be deposited into a separate account of the general fund and may be used for wildlife management, research, education, and viewing programs.

Alaska is a world class visitor destination, and viewing wildlife is one of the primary visitor attractions. The abundance of wildlife throughout the state provides tremendous economic development opportunities. These user funds will help support wildlife management programs and in so doing will support Alaska's growing tourism industry. Funds from this bill will be used in part to match new federal dollars Alaska is receiving through the State Wildlife Grants Program.

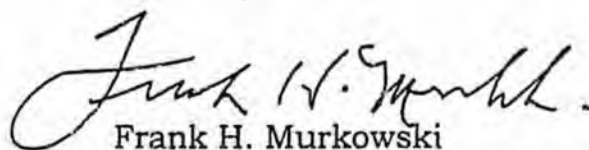
The Honorable Pete Kott
March 5, 2003
Page 2

This bill also raises the big game tag fees for non-resident and non-resident alien hunters to harvest caribou, moose, goats, and sheep. These increases bring Alaska's fees in line with fees charged in a number of other Western states for these or similar species. In general, hunters visiting our state are more oriented to a recreational experience than Alaska residents and it is important that they support the wildlife management that helps make these resources available.

The fees in this legislation will enhance revenues for a diversity of wildlife management programs. I urge your prompt and favorable action on this legislation.

I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in cursive script, reading "Frank H. Murkowski".

Frank H. Murkowski
Governor

23-GH1098VD
Utermohle
3/18/03

CS FOR HOUSE BILL NO. 163(RES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to an annual wildlife conservation pass; relating to nonresident and**
2 **nonresident alien big game tag fees; relating to a false statement or omission on an**
3 **application for a license, tag, permit, or wildlife conservation pass issued by the**
4 **Department of Fish and Game; and providing for an effective date."**

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

6 *** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
7 to read:

8 **FINDINGS.** The legislature finds that

9 (1) the opportunity to view wildlife is a unique and deeply valued part of the
10 experience of living and traveling in this state;

11 (2) the State of Alaska appropriates significant financial resources each year
12 for the purposes of wildlife management;

13 (3) a large portion of the financial resources expended by the state to maintain
14 healthy populations of wildlife directly benefits nonresidents who view wildlife;

1 (4) the \$15 fee charged to nonresidents for an annual wildlife conservation
 2 pass is less than or equal to Alaska residents' pro rata share of state revenue that is devoted to
 3 wildlife-related matters associated with nonconsumptive uses of fish and wildlife, including
 4 wildlife viewing;

5 (5) existing law requires hunters, fisherman, and other consumptive users of
 6 fish and wildlife to obtain the appropriate licenses and to pay the associated fees;

7 (6) existing law does not assess a fee for nonconsumptive uses of wildlife such
 8 as wildlife viewing;

9 (7) the opportunity to view wildlife is a significant component of the
 10 experience enjoyed by many Alaskans and visitors through the use of commercial guides,
 11 outfitters, tour operators, and providers of transportation in settings where wildlife is present;

12 (8) nonresidents who do not obtain a hunting or fishing license and employ a
 13 commercial provider for an opportunity to view wildlife should bear their fair share of the
 14 cost of wildlife management in this state.

15 * Sec. 2. AS 16.05.340(a)(15) is amended to read:

16 (15) Nonresident big game tags

17 A nonresident may not take a big game animal without previously purchasing a
 18 numbered, nontransferable, appropriate tag, issued under this paragraph. The tag must
 19 be affixed to the animal immediately upon capture and must remain affixed until the
 20 animal is prepared for storage, consumed, or exported. A tag issued but not used for
 21 an animal may be used to satisfy the tagging requirement for an animal of any other
 22 species for which the tag fee is of equal or less value.

- 23 (A) Bear, black, each \$225
- 24 (B) Bear, brown or grizzly, each 500
- 25 (C) Bison, each 450
- 26 (D) Caribou, each 400 [325]
- 27 (E) Deer, each 150
- 28 (F) Elk, each 300
- 29 (G) Goat, each 400 [300]
- 30 (H) Moose, each 450 [400]
- 31 (I) Sheep, each 500 [425]

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(J) Wolf, each 30

A nonresident is not required to have a nonresident wolf tag to take a wolf in a game management unit if the Board of Game has adopted an intensive management program under AS 16.05.255 for all or a portion of the game management unit.

(K) Wolverine, each 175

(L) Musk oxen, each 1,100

* Sec. 3. AS 16.05.340(a)(21) is amended to read:

(21) Nonresident alien big game tags

(A) Bear, black, each \$300

(B) Bear, brown or grizzly, each 650

(C) Bison, each 650

(D) Caribou, each 500 [425]

(E) Deer, each 200

(F) Elk, each 400

(G) Goat, each 500 [400]

(H) Moose, each 550 [500]

(I) Musk oxen, each 1,500

(J) Sheep, each 625 [550]

(K) Wolf, each 50

A nonresident alien is not required to have a nonresident alien wolf tag to take a wolf in a game management unit if the Board of Game has adopted an intensive management program under AS 16.05.255 for all or a portion of the game management unit.

(L) Wolverine, each 250

* Sec. 4. AS 16.05.350(a) is amended to read:

(a) Licenses, permits, [AND] tags, and the wildlife conservation pass required under AS 16.05.330 - 16.05.430, except biennial licenses, triennial licenses, the nonresident sport fishing licenses, the resident trapping license, the nonresident anadromous king salmon tags, the waterfowl conservation tag, and permits having a different specified expiration date, expire at the close of December 31 following

1 issuance.

2 * Sec. 5. AS 16.05.360(a) is amended to read:

3 (a) The commissioner or an authorized deputy shall issue each license, [AND]
4 tag, and wildlife conservation pass to a qualified person under written application
5 containing such reasonable information as required by the commissioner. The
6 commissioner shall designate the license, [AND] tag, and wildlife conservation pass
7 form or type. For purposes of the issuance of licenses and tags, the [THE] form or
8 type must be sufficient to identify and locate the applicant and establish the applicant's
9 status as to residency and citizenship. Each application shall be subscribed by the
10 applicant.

11 * Sec. 6. AS 16.05.380 is amended to read:

12 **Sec. 16.05.380. Commissioner may appoint agents.** The commissioner may
13 appoint state employees or other persons to take applications, issue licenses, permits,
14 [AND] tags, and the wildlife conservation pass, and collect fees. The commissioner
15 is not liable for defalcation or failure to account for the fees collected by any person so
16 appointed, but the commissioner shall require a bond in an adequate sum, conditioned
17 upon faithfully accounting for all money collected. However, the commissioner may
18 waive the bond requirements for the Alaska marine highway system and the
19 Alaska Railroad Corporation or for [OF] an instrumentality of the United States or
20 its agents and employees when the instrumentality or its agents or employees sell
21 licenses, permits, [OR] tags, or the wildlife conservation pass primarily to persons in
22 the armed forces. Each person, upon appointment by the commissioner, may
23 administer oaths on applications for licenses, permits, [AND] tags, and the wildlife
24 conservation pass.

25 * Sec. 7. AS 16.05.390(a) is amended to read:

26 (a) Except as provided in (e) of this section, the Alaska marine highway
27 system, the Alaska Railroad Corporation, or an agent appointed by the
28 commissioner under AS 16.05.380 to sell licenses, permits, [AND] tags, and the
29 wildlife conservation pass is entitled to

30 (1) retain five percent of the fee that is charged for a license, permit,
31 [OR] tag, or wildlife conservation pass or 25 cents for each license, permit, [OR] tag,

1 or wildlife conservation pass sold, whichever is greater; and

2 (2) compensation of \$50 per year or \$1 for each license, permit, [OR]
3 tag, or wildlife conservation pass sold during the year, whichever is greater.

4 * **Sec. 8.** AS 16.05.390(b) is amended to read:

5 (b) Each agent appointed to sell licenses, permits, [OR] tags, or the wildlife
6 conservation pass under AS 16.05.380 shall, as directed by the commissioner,
7 transmit the proceeds from the sales of licenses, permits, [AND] tags, and the wildlife
8 conservation pass, except the amount authorized to be retained under (a)(1) of this
9 section, together with a report of the sales, to the commissioner for deposit in the fish
10 and game fund or the general fund.

11 * **Sec. 9.** AS 16.05.390(c) is amended to read:

12 (c) On March 31, June 30, September 30, and December 31 of each year the
13 commissioner shall calculate the compensation earned by an agent under (a)(2) of this
14 section, minus the penalties assessed under (g) of this section. If the compensation
15 due exceeds \$50, the commissioner shall pay the compensation not later than 30 days
16 after the date for which the compensation was calculated. If the compensation due is
17 \$50 or less, the commissioner shall pay the compensation not later than January 30 of
18 the year following the year in which the compensation was earned. The commissioner
19 shall pay compensation only for sales of licenses, permits, [OR] tags, or the wildlife
20 conservation pass for which the commissioner has received the report and proceeds
21 required to be transmitted under (b) of this section.

22 * **Sec. 10.** AS 16.05.390(e) is amended to read:

23 (e) The provisions of (a) of this section do not apply to a state employee
24 appointed by the commissioner under AS 16.05.380 to sell licenses, permits, [AND]
25 tags, and the wildlife conservation pass.

26 * **Sec. 11.** AS 16.05.390(f) is amended to read:

27 (f) Proceeds and reports under (b) of this section shall be transmitted to the
28 commissioner by the last day of the month following the month in which the licenses,
29 permits, [AND] tags, and the wildlife conservation passes are sold, unless an
30 alternative reporting schedule has been established by contract.

31 * **Sec. 12.** AS 16.05 is amended by adding a new section to read:

1 **Sec. 16.05.417. Wildlife conservation pass.** (a) Without having a valid
2 wildlife conservation pass in actual possession, a person may not use the services of a
3 commercial provider for an opportunity to view public wildlife in this state.

4 (b) The fee for a wildlife conservation pass is \$15.

5 (c) A wildlife conservation pass is not required of

6 (1) a person under the age of 16 years;

7 (2) a resident who is 60 years of age or older and possesses a
8 permanent identification card issued under AS 16.05.400(b);

9 (3) a resident who possesses a permanent state identification card
10 issued under AS 18.65.310 or a resident who possesses a voter registration card issued
11 under AS 15.07.070, to the extent allowed by law;

12 (4) a person who possesses a valid, current year sport fishing license,
13 hunting license, trapping license, or a combination sport fishing, hunting, or trapping
14 license;

15 (5) a resident who possesses a valid commercial fishing license or
16 commercial fishing entry permit or interim-use permit;

17 (6) a resident who is a disabled veteran qualified to receive a free
18 hunting and sport fishing license under AS 16.05.341;

19 (7) a resident traveling on the Alaska marine highway system or the
20 Alaska Railroad;

21 (8) a person who is currently employed, and has verifiable proof of
22 employment, in the commercial provider or transportation industry and provides direct
23 services to tourists in Alaska.

24 (d) A commercial provider for an opportunity to view public wildlife may not
25 provide service, equipment, or facilities to a person who

26 (1) is required to possess a wildlife conservation pass under this
27 section; and

28 (2) does not have a valid wildlife conservation pass in actual
29 possession.

30 (e) Fees received from the sale of wildlife conservation passes shall be
31 deposited into a separate account in the general fund. The annual balance in the

1 account may be appropriated by the legislature for the purpose of fish and game
2 management, viewing, and education programs, or for other public purposes.

3 (f) In this section,

4 (1) "commercial provider for an opportunity to view public wildlife"
5 means a person that provides to an individual, for compensation or with the intent to
6 receive compensation, touring or recreational service, equipment, or facilities in the
7 field, or transportation to or in the field related to tourism or recreation; "commercial
8 provider for an opportunity to view public wildlife" includes a person who provides
9 outfitting, guiding, sightseeing, flightseeing, rafting, kayaking, touring, accompanied
10 hiking, bus and motorcoach service, cruise ship or charter service, railroad
11 transportation, or a similar opportunity for viewing public wildlife;

12 (2) "commercial provider industry" means those businesses that
13 provide services, equipment, and facilities as a commercial provider for an opportunity
14 to view public wildlife;

15 (3) "field" means

16 (A) an area in this state outside of

17 (i) established year-round dwellings, businesses, or
18 other developments usually associated with a city, town, or village;

19 (ii) permanent hotels or roadhouses on the state road
20 system or state or federally maintained airports;

21 (B) an area in this state used for public wildlife viewing within
22 or near a city, town, village, or year-round dwellings; and

23 (C) the territorial sea and internal waters of this state;

24 (4) "public wildlife" means fish and game;

25 (5) "transportation" means the carriage of persons by railroad,
26 automobile, bus, motorcoach, taxi, boat, ferry, snowmobile, cruise ship, air taxi,
27 aircraft, or another mode of transport; "transportation" does not include

28 (A) carriage by aircraft on nonstop flights between airports
29 listed in the Alaska supplement to the Airmen's Guide published by the Federal
30 Aviation Administration; or

31 (B) a method of transportation determined by the commissioner

1 by regulation not to have a significant opportunity for public wildlife viewing.

2 * Sec. 13. AS 16.05.420 is amended to read:

3 **Sec. 16.05.420. License, tag, [AND] permit, and pass violations.** (a) A false
4 statement of a material fact in an application for a license, tag, [OR] permit, or
5 wildlife conservation pass issued under AS 16.05.330 - 16.05.430 voids the license,
6 tag, [OR] permit, or wildlife conservation pass for which the application is made.

7 (b) A person may not make a false statement, or omit a material fact, in an
8 application for a license, tag, [OR] permit, or wildlife conservation pass issued under
9 AS 16.05.330 - 16.05.430. A person who without any culpable mental state makes a
10 false statement as to the person's identity or residency in an application for a license,
11 tag, [OR] permit, or wildlife conservation pass issued under AS 16.05.330 -
12 16.05.430 is guilty of a violation and upon conviction is punishable by a fine of not
13 more than \$300. A person who knowingly violates this subsection is guilty of a class
14 A misdemeanor. In this subsection, "knowingly" has the meaning given in AS
15 11.81.900.

16 (c) A person to whom a license, [OR] tag, or wildlife conservation pass has
17 been issued under this chapter may not alter, change, loan, or transfer the license or
18 tag. A person may not use a license, [OR] tag, or wildlife conservation pass that has
19 been issued under this chapter to another person.

20 * Sec. 14. Sections 2 and 3 of this Act take effect January 1, 2004.

21 * Sec. 15. Except as provided in sec. 14 of this Act, this Act takes effect July 1, 2003.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 163
(H) Publish Date: 3/5/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
Title: Annual wildlife conservation pass and BRU: Wildlife Conservation (147)
nonresident big game tag fee increase Component: CARA Implementation
Sponsor: Rules Committee
Requester: Governor Component No. 2564

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual	70.0	25.0	25.0	25.0	25.0	25.0
Supplies	25.0	10.0	10.0	10.0	10.0	10.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	95.0	35.0	35.0	35.0	35.0	35.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1004)	7,500.0	7,875.0	8,269.7	8,682.4	9,116.1	9,571.9
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1024 Fish and Game Fund	95.0	35.0	35.0	35.0	35.0	35.0
TOTAL	95.0	35.0	35.0	35.0	35.0	35.0

Estimate of any current year (FY) _____ t: 30.0
Mark this box (X) if funding for this _____ is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

Annual revenue estimates are based on the following assumptions:
 1) About 1.2 million nonresidents will travel to Alaska as tourists in FY04. Of these about 300,000 will purchase a hunting, fishing or trapping license and therefore would not be required to purchase an annual Wildlife Conservation Pass. Of the remaining 900,000 nonresidents (some of whom are under the age of 16), we project that approximately 500,000 would purchase the pass, generating about \$7.5 million in revenue.
 2) We project that the number of pass purchasers will increase by an estimated 5% annually based on current tourism trends.

Prepared by: Matt Robus, Acting Director Phone 465-4190
 Division: Wildlife Conservation Date/Time 3/6/03 10:01 AM
 Approved by: Kevin Duffy, Acting Commissioner Date 3/6/2003
 Agency: Department of Fish and Game

FISCAL NOTE #1

STATE OF ALASKA
2003 LEGISLATIVE SESSION

BILL NO. HB 163

ANALYSIS CONTINUATION

Note: The fiscal note does not include any projections of Wildlife Conservation Pass revenue related to Alaska residents as under this bill regulations exempting Alaskans will be adopted to the extent allowed by law.

The operating costs, including FY03 costs, associated with the wildlife conservation pass are for outreach to 1) prospective purchasers of the pass to inform them of these new requirements and 2) those who will be selling the passes (e.g., cruise ship companies, tour operators, etc). We expect to produce newspaper articles and radio and television public service announcements, develop fliers for vendors to post explaining the new program, a brochure describing how the funds will be used, and other materials to explain the program to vendors and participants. During the first year of implementation, costs will be significantly higher than in following years when materials have been produced and the program is in place. However, some outreach will continue to be necessary.

Note: The costs of printing the passes, administering the program, and providing compensation to vendors is included in the fiscal note submitted by the Department of Fish and Game, Division of Administrative Services.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: HB 163
 (H) Publish Date: 3/5/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title Annual wildlife conservation pass and BRU Administration
nonresident big game tag fee increase Component Administration
 Sponsor Rules Committee
 Requester Governor Component No. 479

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	20.0	20.0	20.0	20.0	20.0	20.0
Travel						
Contractual	555.0	570.0	596.0	623.0	653.0	683.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	575.0	590.0	616.0	643.0	673.0	703.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1024)	206.0	536.7	536.7	536.7	536.7	536.7
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Fish and Game Fund)	575.0	590.0	616.0	643.0	673.0	703.0
TOTAL	575.0	590.0	616.0	643.0	673.0	703.0

Estimate of any current year (FY2003) cost: 35.0

Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The number of vendors will increase since many of the tour guide operators and cruise ship companies do not currently sell licenses/tags. We will need an additional part-time employee to deal with the increase in mailings of stock to vendors, processing of revenue, and reconciliation of vendor accounts. Contractual costs are postage, printing of Pass and printing of vendor collection reports.

See Department of Fish and Game/Division of Wildlife Conservation's fiscal note for revenue projections. In addition to the contractual costs outlined above, AS16.05.390 entitles vendors to retain 5% of the fee that is charged. Retained fees the first fiscal year would be \$375.0. Net revenue would be \$7125.0.

Prepared by: Kevin Brooks, Director Phone 465-5999
 Division Administrative Services Date/Time 3/6/03 10:00 AM
 Approved by: Kevin Duffy, Acting Commissioner Date 3/6/2003
 Agency Department of Fish and Game

FISCAL NOTE # 2

STATE OF ALASKA
2003 LEGISLATIVE SESSION

BILL NO. HB 163

ANALYSIS CONTINUATION

AS16.05.390 also entitles vendors to receive \$1.00 for each pass sold. Additional compensation the first year would be \$500.0. The additional compensation is reflected in the contractual costs above.

FY03 costs will be incurred for preparation of the wildlife conservation passes and the distribution to vendors.

Note: The fiscal note does include any projections of Wildlife Conservation Pass expense related to Alaska residents as under this bill regulations exempting Alaskans will be adopted to the extent allowed by law.

Big Game Tag Fee Increase:

Assumption: The number of tag sales will remain constant.

Fish and Game Fund: The increase in Caribou, Sheep, Moose and Goat big game tags will result in a revenue increase of \$206.0 the first fiscal year based on the following: 1. Sales remain same as tags sold during January through June, 2002. The following fiscal years, the revenue increase is based on a full calendar year of tag sales, \$536.7. AS16.05.390 entitles vendors to retain 5% of the fee that is charged. Retained fees for the additional revenue raised would total \$10.3. Total revenue raised would then net the first year \$195.7. The following fiscal years, net would be \$509.9.

Contributions by hunters and anglers to fish and wildlife management

Wildlife conservation funding:

- The Federal Aid in Wildlife Restoration Act, popularly known as the Pittman-Robertson (P-R) Act, was approved by Congress in 1937.
- The purpose of the Act is to provide funding for wildlife management research as well as restoration, rehabilitation and improvement of wildlife habitat. The Act was amended in 1970 to include funding for hunter training programs and the development, operation and maintenance of public target ranges.
- Funds are derived from an 11% federal excise tax on sporting arms, ammunition, and archery equipment, and a 10% tax on handguns. These funds are collected from manufacturers by the U.S. Department of the Treasury and are apportioned each year to states on a formula basis. Funds for hunter education and target ranges are derived from one-half of the tax on handguns and archery equipment.
- The apportionment formula considers the total area of the state and the number of licensed hunters in the state. States must provide at least 25 percent of project costs from a non-federal source.
- In the more than 50 years since "P-R" began, over \$2 billion in federal excise taxes have been matched by more than \$500 million in state funds (chiefly from hunting license fees) for wildlife restoration.

Sport fisheries:

- The Federal Aid in Sport Fish Restoration Act, commonly referred to as the Dingell-Johnson (D-J) Act, passed in 1950, and was modeled after the Pittman-Robertson Act to create a parallel program for the management, conservation, and restoration of fishery resources.
- The Sport Fish Restoration program is funded by revenues collected from manufacturers of fishing rods, reels, creels, lures, flies and artificial baits, who pay an excise tax on these items to the U.S. Treasury.
- An amendment in 1984 (Wallop-Breaux Amendment) extended the excise tax to previously untaxed items of sport fishing equipment.
- State apportionment is based 60% on its licensed anglers (fishermen) and 40% on its land and water area. No State may receive more than 5 percent or less than 1 percent of each year's total apportionment.
- In the past 50 years, the Sport Fish Restoration Act has provided over \$3.6 billion to the states to fund research and inventory projects; to build or reclaim 1,200 fishing or boating access sites; and to purchase over 260,000 acres as fishing access areas, boat landings, piers, and fish production sites.

Representative
HUGH "BUD" FATE
Chair-Resources Committee
Energy Council
119 N. Cushman St. Suite 207
Fairbanks, Alaska 99701
(907) 452-6084
Fax: (907) 452-6096

Alaska State Legislature



While in Session
State Capitol, Room 128
Juneau, Alaska 99801-1182
(907) 465-4976
Fax: 465-3883
Toll Free:
1 866-465-4976

House District 7

House of Representatives

Fax

To: Norm Gorsuch

Fax #: (907) 463-3540

Number of pages including cover: 9

Fm: Jim Pound, Chief of Staff

Cc:

Date: April 14, 2003

Re: Cs for HB 163 (RES)

Should be read across today.

The information contained in this fax is **CONFIDENTIAL** and/or privileged. This fax is intended to be reviewed initially by only the individual named above. If the reader of this transmittal page is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination, or copying of this fax or the information contained herein is prohibited. If you have received this fax in error, please immediately notify the sender by telephone and return this fax to the sender at the above address.

Thank you

AMENDMENT

OFFERED IN THE HOUSE
RESOURCES COMMITTEE
TO: HB 163

BY

1 Page 1, following line 11:

2 Insert new material to read:

3 "(3) a large portion of the financial resources expended by the state to maintain
4 healthy populations of wildlife directly benefits nonresidents who view wildlife;

5 (4) the \$15 fee charged for nonresident wildlife viewing is less than or equal to
6 Alaska residents' pro rata share of state revenue that is devoted to wildlife-related matters
7 associated with non-consumptive uses of fish and game, including wildlife viewing;"

8

9 Page 1, line 12:

10 Delete "(3)"

11 Insert "(5)"

12

13 Page 1, line 14:

14 Delete "(4)"

15 Insert "(6)"

16

17 Page 2, line 2:

18 Delete "(5)"

19 Insert "(7)"

20

21 Page 2, line 5:

22 Delete "(6) individuals"

23 Insert "(8) nonresidents"

1 Page 2, line 6:

2 Delete "a portion"

3 Insert "their fair share"

Proposed amendments to HB 163

Amendment 1

Page 4, Line 11-12

The commissioner, Director of the Alaska Marine Highway System and the Director of the Alaska Railroad may appoint state....

Amendment 2

Page 4, Line 17

the bond requirements for the Alaska Marine Highway System and the Alaska Railroad or of an instrumentality....

Amendment 3

Page 4, Line 24

(e) of this section, the Alaska Marine Highway System, the Alaska Railroad, or an agent appointed

Amendment 4

Page 6, Line 12

[license;] license. Fees provided for in (b) of this section shall be applied to the purchase of these licenses and by relinquishing possession of the annual wildlife conservation pass.

Amendment 5

Page 6, Line 13

(5) a [person] resident who possesses a valid,...

Amendment 6

Page 6, Line 15

(6) a [person] resident who is a disabled veteran....

New Text Underlined [DELETED TEXT BRACKETED]

Proposed Amendments to HB163 Page 2

Amendment 7

Page 6, Line 17

- (7) a [person] resident traveling on [a vessel of] the Alaska marine highway system[.] .or the Alaska railroad.

Amendment 8

Page 6, between Line18 and 19

- (8) a person who is currently and has verifiable proof of employment in the commercial provider or transportation industry, as provided for in (1) & (4) of this section and provides direct services to Alaska tourist.

Amendment 9

Re-number accordingly

Amendment 10

Page 7, Line 16

Taxi, boat, ferry, snowmobile, cruise ship,....

New Text Underlined [DELETED TEXT BRACKETED]

Background on H.B. 163 and S.B. 122: An act relating to an annual Wildlife Conservation Pass

Why a "Wildlife Conservation Pass"?

- The opportunity to view wildlife is one of the main reasons visitors come to Alaska. About 1.5 million visitors travel to Alaska each year.
- For nearly a century, hunters and anglers have borne most of the cost of wildlife management. While they are willing to pay their fair share to conserve wildlife populations, many have asked why other wildlife enthusiasts have not stepped up to the plate.
- During the last session of Congress, then-Sen. Frank Murkowski and Rep. Don Young sponsored legislation (known as "CARA") that would have provided a new stable source of funding for fish and wildlife management. In response to this proposed legislation, new federal dollars are coming to Alaska. Last year, Alaska received nearly \$4 million in new State Wildlife Grant money. This year we will receive an additional \$3 million.
- These new federal dollars generally must be matched 1:1 with state dollars. H.B. 163 and SB 122 provide a way for visitors who use and enjoy Alaska's wildlife, but do not purchase a hunting or fishing license, to help match these federal dollars and ensure that Alaska maintains healthy and productive wildlife populations.
- H.B. 163 and SB 122 require visitors who take a commercial tour to view wildlife to buy an annual Wildlife Conservation Pass. The cost of the Pass is \$15, less than the cost of 3-day nonresident sport fishing license (\$20) or a nonresident hunting license (\$85). We estimate it will raise about \$7 million in new revenue.
- Funds received from the sale of the passes will go into a special account in the general fund and may be appropriated for "fish and wildlife management, viewing, and education programs."
- The billion dollar tourism industry draws substantial revenue each year from marketing Alaska's wildlife. It's only fair that these visitors and the industry that most directly benefits from them help to sustain our fish and wildlife resources. Most visitors will be happy to know they are making a contribution to wildlife conservation in Alaska.
- One of the legislative priorities of the Alaska Travel Industry Association (ATIA) is "increased wildlife viewing opportunities." The ATIA "supports cooperative efforts to expand wildlife viewing opportunities throughout the state." These funds would enable the Alaska Department of Fish and Game to better respond to this need.

HB

187



Legislative Budget & Audit Committee

Representative Ralph Samuels, Chair

Sponsor Statement for House Bill 187 Extend Board of Storage Tank Assistance

Under AS 46.03.010(18), the Board of Storage Tank Assistance will sunset on June 30, 2003 unless the Legislature acts to extend the board. House Bill 187 would extend the board to June 30, 2007.

The board (BSTA) was created in 1990 to help the owners and operators of underground storage tanks (UST's) comply with state and federal regulations enacted in response to nationwide concern over possible contamination of drinking water from leaking tanks. These new regulations covered areas including the design, construction and installation of new tanks, and tightened standards for the retrofitting of existing tanks.

Board members have extensive UST knowledge and experience, allowing the board to act as a valuable liaison between the Department of Environmental Conservation and UST owner/operators. BSTA helped the DEC draft reasonable regulations and has helped owner/operators interpret and comply with regulations, saving the State the cost of seizing and cleaning up contaminated sites caused by non-compliance.

The DEC provides financial assistance to UST owner/operators, previously through grant programs, and now through a revolving loan fund, the Storage Tank Assistance Loan Fund. BSTA has been instrumental in mediating disputes between DEC and UST owner/operators over financial assistance determinations and allowable costs, helping avoid the need for formal appeals in some cases.

The Board of Storage Tank Assistance has a proven value, and it is in the best interest of UST owner/operators, the State and the general public to extend the board's sunset date for four years.

REPORT CONCLUSIONS

In our opinion, the Board of Storage Tank Assistance (BSTA) should be reestablished. The board plays an integral role in promoting compliance throughout the state with federal regulations related to specifications for underground storage tanks (UST). Ostensibly, such compliance is important in promoting public health in that it protects underground drinking water supplies from pollution and provides funding necessary to remediate pollution brought on by leaking USTs owned and operated by private sector interests.

Creation of BSTA grew out of palpable mistrust between many of the private sector UST tank owners/operators and state regulators. As an independent board, BSTA has been instrumental in mediating disputes between the Department of Environment Conservation (DEC) and UST owners/operators. BSTA has enhanced cooperation, which promotes compliance with governmental regulations related to underground tanks.

Since FY 98 the board has conducted eight formal hearings involving appeals of DEC actions. On numerous other occasions, board members or staff have been able to resolve disputes and concerns on an informal basis, which again assists in achieving the overarching public policy objective, bringing UST owners/operators into compliance with current federal tank regulations.

The board actively participates in the making of statutes and regulations pertain to USTs. The board is statutorily required to adopt regulations to be used by DEC to administer the UST financial assistance program. The board also reviews all DEC regulation proposals related to USTs. If it is fair to assume a significant number of UST owners and operators will be interested in participating, with DEC and BSTA in the development of procedures for the new loan program created by SB 128.

Although the December 22, 1998 federal deadline for tank compliance has passed, there are still tanks in Alaska that are out of compliance. Tank owners and operators continue to express a need and desire to maintain BSTA. The board has, and continues to, work with tank owners and operators to help them come into compliance with Environmental Protection Agency (EPA) regulations.

Currently, there is an informal agreement between EPA and DEC, stating that EPA will not assess fines for out of compliance tanks as long as the owner/operator signs a compliance order by consent (COBC) agreement. These agreements state that the tank owner is seeking funding from the State in order to come into compliance and that regardless of receiving that funding they will come into compliance. The ongoing presence and activity of BSTA in promoting statewide compliance, has been an important part of EPA's willingness to accept COBC agreements.

BSTA is needed to continue its role until procedures for the loan program have been established. The creation of the loan program and changes to the grant programs brought on by SB 128 has and continues to require a great deal of the board's time. As regulations and

procedures are established for the cleanup loan program, the board should consider including language in the regulations that would provide a process for tank owners and operators to follow if they wish to appeal a certain action or decision of DEC.

We recommend the legislature extend the board's termination date until June 30, 2003. Given the substantial changes to the UST program brought about by SB 128, and the timetable involved in establishing the regulations and procedures for the loan program, there is still a role, albeit perhaps a reduced one, for BSTA to play.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 187
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Environmental Conservation
 Title An Act extending the termination BRU Spill Prevention and Response
date of the Board of Storage Tank Assistance Component Contaminated Sites
 Sponsor House Rules by request of LBA
 Requester House Resources Component No. 2386

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	11.2	11.2	11.2	11.2	11.2	0.0
Contractual	40.2	40.2	40.2	40.2	40.2	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	51.4	51.4	51.4	51.4	51.4	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
1079 (Undergr. Stor. Tk. Revol. Loan Fund)	51.4	51.4	51.4	51.4	51.4	0.0
TOTAL	51.4	51.4	51.4	51.4	51.4	0.0

Estimate of any current year (FY2003) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill would extend the termination date of the Board of Storage Tank Assistance (BOSTA) for four years. Currently the Department expends \$51,400 per year in contractual money for BOSTA-related expenses and travel. It is assumed this level of annual funding would continue through the extension period which expires June 30, 2008.

Prepared by: Larry Dietrick, Director Phone 465-5250
 Division: Spill Prevention and Response Date/Time 3/24/03 3:30 PM
 Approved by: Kurt Fredriksson - Deputy Commissioner Date 3/24/2003
 Agency: Dept. of Environmental Conservation

HB

188

HOUSE COMMITTEE REPORT

(9)

Date Referred to Committee: March 12, 2003

FURTHER REFERRALS: State Affairs

Date of Committee Action: Feb 25th 2004

The RESOURCES Committee considered:

HB 188

HOUSE BILL NO. 188

BAIL SCHEDULE FOR SKIING VIOLATION

"An Act relating to the authority of the Department of Natural Resources to issue citations for certain skiing violations; relating to establishing a bail schedule for certain skiing violations and to procedures for issuing a citation for a skiing violation."

Recommends it be replaced with HCS or CS for _____ (_____)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 HSS
 LEG
 LAW
 LWF
 MVA
 DNR
 DPS
 REV
 DOT
 UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
CRT				✓

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Herzog				
	Grotz				X
	Lyon	X			
	Stepanich			X	
	Wolf				
	KerTulce	X			
	Guttenberg			X	
Chair:	Masek	✓			
Chair:	Dahlstrom	X			

Representative Mike Hawker

Alaska State Legislature



Session:

State Capitol
Juneau, AK 99801
907 465-4949 direct
800 478-4950 toll free
907 465-4979 fax

Interim:

716 W 4th Avenue
Anchorage, AK 99501
907 269-0244 office
907 269-0248 fax

Member:

House Finance Committee
Legislative Budget
& Audit Committee

House District 32:

Eagle River
Anchorage
Rainbow
Indian
Bird
Girdwood
Portage
Whittier
Sunrise
Hope

House Bill 188 Sponsor Statement

Enacted by the 18th Alaska State Legislature, the Alaska Ski Safety Act defines the rights and responsibilities of both ski areas and skiers. In accordance with the Act, House Bill 188 allows for citations to be issued in ski areas throughout the State and provides the Court with the necessary authority to adopt the bail forfeiture schedule for the violations included in the Statute.

House Bill 188 amends sections of the Alaska Ski Safety Act that have proven unenforceable. The proposed amendments are technical in nature; they clarify the statutes and are consistent with the original provisions of the Alaska Ski Safety Act. These measures will allow for full implementation and improved enforcement of the original Alaska Ski Safety Act.

Representative Mike Hawker

Alaska State Legislature



Session:

State Capitol
Juneau, AK 99801
907 465-4949 direct
800 478-4950 toll free
907 465-4979 fax

Interim:

716 W 4th Avenue
Anchorage, AK 99501
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House District 32:

Eagle River
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Bird
Girdwood
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Whittier
Sunrise
Hope

Sectional Analysis

House Bill 188-Bail Schedule for Skiing Violation

Section 1.

Amends AS 05.45.100-Duties and Responsibilities of Skiers

- (h) Allows the Commissioner of the Department of Natural Resources or a person authorized by the Commissioner to issue a citation within a ski area to a person in violation of this statute.

Section 2.

Amends 05.45.100-Duties and Responsibilities of Skiers

- (i) Adds a new subsection ordering the Supreme Court to establish a bail schedule.

Section 3.

Amends AS 12.25.190-When person to be given five-day notice to appear in court

- (c) Adds citations for skiing violations to the list of citations not required to give a written promise to appear in court by signing at least one copy of the citation.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE COMMISSIONER

FRANK H. MURKOWSKI, GOVERNOR

- 400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FAX: (907) 465-3886
- 550 WEST 7TH AVENUE, SUITE 1400
ANCHORAGE, ALASKA 99501-3650
PHONE: (907) 269-8431
FAX: (907) 269-8918

February 24, 2004

The Honorable Mike Hawker
Alaska State Legislature
State Capitol, Room 434
Juneau, AK 99801

Dear Representative Hawker:

My staff and I have reviewed House Bill 188, proposed changes to the Alaska Ski Safety Act. The revisions allow the Department of Natural Resources (DNR) employees to issue citations for certain skiing violations by establishing a bail schedule for these violations. The bill also extends this DNR authority to all Alaskan ski area operators. Currently DNR's authority is limited to those areas operating under state jurisdiction. Alaskan ski area operators have proposed similar revisions in the past, including HB 134 in 1999. The operators' primary concern is that DNR was never granted the authority to establish bail schedules for ski safety act violations and that all ski areas — those on state land and those on other lands — be treated equally in regards to enforcement of these violations.

When the Alaska Ski Safety Act was passed in 1994, DNR anticipated having the responsibility of issuing a citation for the infractions listed in AS 5.45.100 (c) and (g) for ski areas operating on state lands. However, when attempting to enact a bail schedule for these violations through state court officials it was determined the 1994 legislation lacked the specific direction the courts needed to establish a bail schedule. My staff and ski area managers are particularly concerned that skiers who violate closed areas and boundaries be subject to a fine sufficient to discourage this dangerous behavior. I believe this revision is an important safety concern for both the skiers who violate closed areas and the resort employees who must search for or rescue their customers.

DNR anticipates that this bill will cause a minor increase in workload and will have minimal impact on other DNR operations. DNR supports passage of HB 188.

Sincerely,



Thomas E. Irwin
Commissioner

cc: Bob Loeffler, Director, ML&W



Alaska Division
National Ski Patrol
PO Box 92207
Anchorage, Alaska 99509

February 21, 2004

House Resources Committee
Alaska State Capitol, Room 124
Juneau, Alaska 99801

Dear Co-Chair Dahlstrom and Co-Chair Masek,

The members of the Alaska Division of the National Ski Patrol urge you to adopt HB 188, providing an amendment to the Alaska Ski Safety Act. This correction is necessary to correct a major deficiency of the existing law.

In 1994, the 18th Alaska State Legislature enacted the Alaska Ski Safety Act which itemized the responsibilities of both the ski areas and the skiers and more clearly defined the rights and responsibilities of both parties. This is a good piece of legislation which well serves both the skiing public and the ski area operators.

The Alaska Supreme Court ruled that the language in the original legislation was not specific enough to give them the authority to establish a bail schedule.

In December of 1994 DNR requested the Courts to adopt a bail forfeiture schedule for specific violations of the Alaska Ski Safety Act as included in AS 05.45.100 (c) & (g).

The Alaska Supreme Court responded to this request by declining to create such a schedule because: "there is no clear authorization in the statute for such a schedule" based on the fact that Administrative Rule 43(a) states: "The Supreme Court will consider adopting a bail forfeiture schedule only when so authorized by statute . . .". The Court decided the language in AS 05.45.100 (h) is not an adequate authorization.

It should be noted that AS 05.45.100 (h) does contain a reference to AS 41.21.960 which is the Statute that pertains to "Form and Issuance of Citation". At the time the Alaska Ski Safety Act was written, it was thought that this would be adequate authority for the Courts to establish the bail schedule. Nonetheless, the Courts didn't feel that this gave them sufficient authority.

HB 188 provides specific language for a bail schedule to be created to enforce the safety provisions of the act. These changes are necessary to protect the safety and well-being of Alaskan skiers, protect others such as patrollers and resort personnel, and maintain consistency with the provisions of the Alaska Ski Safety Act. Skiers who act recklessly and do not observe closure areas can create extremely unsafe conditions for those who may be forced to rescue them.

The Alaska Division represents nearly 400 paid and volunteer ski patrollers across the State of Alaska.

Thank you for your careful consideration of this matter.

Sincerely yours,

Chris Ross
Division Director

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES



A Facility of Youth Exploring Adventure, Inc. A Non-Profit Organization
Dedicated in Developing Recreational Facilities for Our Alaskan Youth

Representative Mike Hawker
State Capital Building Rm 434
Juneau, Alaska 99801-1182

February 25, 2004

Dear Representative Mike Hawker

I have had time to review the proposed House Bill No.188 package that you sent me and would like to offer our support in making this important legislation happen. Without this legislation there are no consequences for persons that willfully and knowingly violate provisions already included in the Alaska Ski Safety Act. It is unfortunate that this detail was overlooked when the Alaska Ski Safety Act was initially passed. It is extremely important that this legislation pass for the safety of all those Alaskans that enjoy this wonderful outdoor recreation and abide by the rules. Without consequences for the people who do not abide by the guidelines, as set forth in the Alaska Ski Safety Act, many innocent people are at risk.

I am hopeful that House Bill No. 188 will be introduced, gain support and be passed in this legislative session. It is vital that our Legislators recognize the importance of having this tool available to those persons that are out there on the front lines enforcing safety.

Please let me know if there is anything more that I can do to help you in this effort.

Sincerely,

A handwritten signature in black ink that reads "Steven P. Remme". The signature is written in a cursive style with a large, prominent 'S'.

Steven P. Remme
CEO Hilltop Ski Area

February 19, 2004

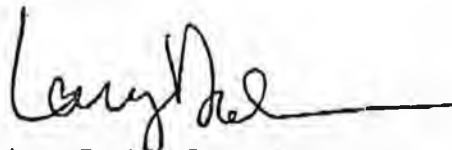
Representative Mike Hawker
State of Alaska

Fx. 907 465-4979

Alyeska Resort strongly supports the enactment of House Bill 188, which would allow for citations to be issued in ski areas throughout the State and provides the Court with the necessary authority to adopt the bail forfeiture schedule for the violations included in the Statute. These measures will allow for full implementation and improved enforcement of the original Alaska Ski Safety Act.

House Bill 188 amends sections of the Alaska Ski Safety Act that have proven to be unenforceable. The proposed amendments are technical in nature; they clarify the statutes and are consistent with the original provisions of the Alaska Ski Safety Act.

Thank you.



Larry Daniels, General Manager -

Skiing and Golf



Eaglecrest

Ski Area

February 20, 2004

The Honorable Mike Hawker
House of Representatives
Alaska State Capitol
Juneau, AK 99801-1182

Dear Representative Hawker:

Thank you for your support of the ski industry in Alaska. Your sponsorship of HB 188 is certainly appreciated. We feel this legislation will give Alaska ski areas an effective tool for dealing with violators of the Ski Safety Act.

The Alaska Ski Safety Act of 1994 allows the Commissioner of the Department of Natural Resources to designate authorized individuals who may issue citations. Unfortunately, the Alaska Court system determined that the bail schedule was not specified clearly in the Act and that there is not sufficient authority to establish the bail schedule. It is our understanding that this situation can be corrected by the legislative amendment you introduced. The bail schedule would specifically cover the following items noted in the ski safety act.

- AS 05.45.100(c)3 Crossing the uphill track of a surface lift or rope tow except at locations designated by the operator, or places an object in the uphill track.
- AS 05.45.100(c)4 Moving uphill on a tramway or use a ski slope or trail while the skier's mobility is impaired by the influence of alcohol or a controlled substance as defined in AS 11.71.900 or other drug.
- AS 05.45.100(c)5 Knowingly enter upon public or private land from an adjoining ski area when the land has been closed by an owner and is posted by the owner or by the ski area operator.
- AS 05.45.100(g) Except for the purpose of securing aid for a person injured in the collision, a skier involved in a collision with another skier or person that results in an injury may not leave the vicinity of the collision before giving the skier's name and current address to the other person involved in the collision and to an employee of the ski area operator or a member of the voluntary ski patrol. A person who leaves the scene of a collision to obtain aid shall give the person's name and current address as required by this subsection after obtaining aid.

155 S. Seward Street
Juneau, Alaska 99801

e-mail: ecrestak@alaska.net
www.skijuneau.com

(907) 586-5284
fax: (907) 586-5677

In December of 1994 the Department of Natural Resources, Division of Lands recommended the following bail schedule.

AS 05.45.100(c)1	Skiing on a closed slope or trail	\$150.00
AS 05.45.100(c)2	Use a ski w/out a stopping device	\$50.00
AS 05.45.100(c)3	Cross uphill track of surface lift	\$50.00
AS 05.45.100(c)4	Ski or ride lifts under the influence of alcohol or drugs	\$100.00
AS 05.45.100(c)5	Skiing in closed area	\$150.00
AS 05.45.100(g)	Skier involved in collision leaves the scene of an accident	\$150.00

It should be noted that this legislation carries out the original intent of the Ski Safety Act, which is very specific on what violations would be subject to citations. The proposed legislation does not address skiers or snowboarders who venture outside the ski area boundary, although the Ski Safety Act notes that skiers/snowboarders do so at their own risk.

Sincerely,



Gary Mendivil,
Business Manager

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB188-ACS-TC-2-20-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Bail Schedule for Skiing Violations BRU Alaska Court System
 Component Trial Courts
 Sponsor Representative Hawker
 Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 The court system does not anticipate any fiscal impact from the passage of HB188.

Prepared by: Doug Wooliver Administrative Attorney Phone 463-4750
 Division: Alaska Court System Date/Time 2/20/04 8:10 AM
 Approved by: Stephanie Cole Administrative Director by Doug Wooliver Date 2/20/2004
 Agency: Alaska Court System

Sec. ~~05.25.090~~. Penalties. [See delayed amendment note].

(a) Except as provided in (b) of this section, a person who violates a provision of this chapter or regulations adopted under this chapter is guilty of a class A misdemeanor.

(b) A person who violates

(1) AS 05.25.010, 05.25.020, 05.25.030(b), 05.25.060(2), or a regulation adopted under this chapter relating to AS 05.25.010 or 05.25.020 is guilty of a violation as defined in AS 11.81.900 and may be fined up to \$500;

(2) AS 05.25.055 is guilty of a violation as defined in AS 11.81.900 and may be fined up to \$50.

(c) The supreme court shall establish by order or rule a schedule of bail amounts for violations under (b) of this section that allow the disposition of a citation without a court appearance.

Sec. 05.45.100. Duties and responsibilities of skiers.

(a) A skier is responsible for knowing the range of the skier's own ability to negotiate a ski slope or trail and to ski within the limits of the skier's ability. A skier is responsible for an injury to a person or property resulting from an inherent danger and risk of skiing, except that a skier is not precluded under this chapter from suing another skier for an injury to person or property resulting from the other skier's acts or omissions. Notwithstanding any other provision of law, the risk of a skier's collision with another skier is not an inherent danger or risk of skiing in an action by one skier against another.

(b) A skier has the duty to maintain control of the skier's speed and course at all times when skiing and to maintain a proper lookout so as to be able to avoid other skiers and objects. However, a person skiing downhill has the primary duty to avoid collision with a person or object below the skier.

(c) A skier may not

(1) ski on a ski slope or trail that has been posted as "closed" under AS 05.45.060 (b)(5) and (d);

(2) use a ski unless the ski is equipped with a strap or other device capable of stopping the ski should the ski become unattached from the skier;

(3) cross the uphill track of a J-bar, T-bar, platter pull, or rope tow except at locations designated by the operator, or place an object in an uphill track;

(4) move uphill on a tramway or use a ski slope or trail while the skier's ability is impaired by the influence of alcohol or a controlled substance as defined in AS 11.71.900 or other drug;

(5) knowingly enter upon public or private land from an adjoining ski area when the land has been closed by an owner and is posted by the owner or by the ski area operator under AS 05.45.060 (e)(3).

(d) A skier shall stay clear of snow grooming equipment, vehicles, lift towers, signs, and other equipment on the ski slopes and trails.

(e) A skier has the duty to heed all posted information and other warnings and to refrain from acting in a manner that may cause or contribute to the injury of the skier or others. Evidence that the signs required by AS 05.45.050 and 05.45.060 were present, visible, and readable at the beginning of a given day creates a presumption that all skiers using the ski area on that day have seen and understood the signs.

(f) Before beginning to ski from a stationary position or before entering a ski slope or trail from the side, a skier has the duty to avoid moving skiers already on the ski slope or trail.

(g) Except for the purpose of securing aid for a person injured in the collision, a skier involved in a collision with another skier or person that results in an injury may not leave the vicinity of the collision before giving the skier's name and current address to the other person involved in the collision and to an employee of the ski area operator or a member of the voluntary ski patrol. A person who leaves the scene of a collision to obtain aid shall give the person's name and current address as required by this subsection after obtaining aid.

(h) A person who violates a provision of (c) or (g) of this section is guilty of a violation as defined in AS 11.81.900. The commissioner of natural resources, a person designated by the ski area operator who is authorized by the commissioner, or an employee of the Department of Natural Resources authorized by the commissioner may issue a citation in accordance with the provisions of AS 41.21.960 to a person who violates (c) or (g) of this section within a ski area over which the state has jurisdiction.

Sec. 12.25.190. When person to be given five-day notice to appear in court.

(a) When a person is contacted by a peace officer and the peace officer exercises the option provided for in AS 12.25.180 , the officer shall prepare a written citation and issue it to the person.

(b) The time specified in the notice to appear shall be at least five days after the alleged violation or the issuance of the citation, whichever is later, unless the person cited requests an earlier hearing.

(c) The person cited for the crime shall give a written promise to appear in court by signing at least one copy of the written citation prepared by the peace officer, and the officer shall deliver a copy of the citation to the person. The written promise requirement of this subsection does not apply to boating citations for which a bail schedule has been established under AS 05.25.090 (b), motor vehicle and traffic citations for which a bail or fine schedule has been established under AS 28.05.151 , fish and game citations for which a bail schedule has been established under AS 16.05.165 , citations issued under AS 04.21.065 , citations issued under AS 18.35.341 , citations issued in state park and recreational facilities under AS 41.21.960 , or littering citations issued under AS 46.06.080 .

HB

191

FRANK H. MURKOWSKI
GOVERNOR
GOVERNOR@GOV.STATE.AK.US



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

HB 191
P.O. Box 110001
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(907) 465-3500
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March 11, 2003

The Honorable Pete Kott
Speaker of the House
Alaska State Legislature
State Capitol, Room 208
Juneau, AK 99801-1182

Dear Speaker Kott:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to reform and streamline the Alaska Coastal Management Program (ACMP). This legislation is premised upon the statutory changes contained in Executive Order 106, which I presented to you on February 12, 2003. Executive Order 106 would transfer responsibility for the ACMP program from the division of governmental coordination in the office of management and budget to the Department of Natural Resources.

The Alaska Coastal Management Program was first enacted in 1977 in order to participate in the federal Coastal Zone Management Act of 1972. The federal program is voluntary, and encourages states to adopt coastal programs by providing federal funds and the opportunity for federal consistency review. Federal consistency review enables the state to apply its authorities to projects located on federal land and the federal outer continental shelf where otherwise it would be preempted by federal law.

The goal of this legislation is to create a new coastal management program that retains the benefits of the federal act but eliminates the duplication and complexity built into the present ACMP. This bill would achieve this goal by choosing the simplest of the three management techniques allowed by the federal act. The bill provides certainty and predictability to the ACMP process by clarifying the standards and responsibilities for program implementation.

The central streamlining concept of the bill is the reliance on existing state statutes and regulations as the enforceable policies of the ACMP. The current duplicative consistency review process in AS 46.40.096 and

The Honorable Ge: Therriault
March 11, 2003
Page 2

6 AAC 50 is eliminated by simply relying on the issuance of current state permits by the resource agencies as the means of determining whether an activity is consistent with the ACMP.

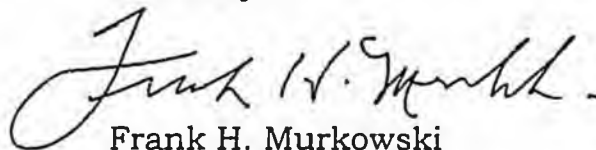
The bill would eliminate district coastal management enforceable policies but retains a local role in three ways. First, AS 29 municipalities would retain their existing land use authorities to regulate private activity within their jurisdiction. Second, the bill authorizes the Department of Natural Resources (DNR), as the implementing agency, to adopt local ordinances as enforceable policies to be applied in consistency reviews of federal projects and Outer Continental Shelf (OCS) development. The DNR would consult with the local government when interpreting and applying the local ordinance as part of a consistency review. Third, the bill would specifically adopt certain existing coastal district policies for federal OCS development as state enforceable policies.

Coastal resource service areas in the unorganized borough would no longer exist. However, municipalities within the unorganized borough could participate in both the funding and regulatory aspects of the program. Because the bill would affect the way coastal communities participate in the program, I have consulted with communities across the state and incorporated their suggestions into the legislation.

The bill would also eliminate the Coastal Policy Council, but would create a Coastal Program Evaluation Council to submit a report to the Governor on the implementation of these reforms. The council would sunset July 1, 2005.

I urge your prompt and favorable action on this measure.

Sincerely,



Frank H. Murkowski
Governor

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 14, 2003

SUBJECT: Coastal Management Program - HB 191
(Work Order No. 23-GH1069\A)

TO: Representative Paul Seaton
Attn: Cameron Yourkowski

FROM: Kathryn L. Kurtz *KK*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

Attached is a copy of a sectional analysis I received from the Department of Law. I hope this satisfies your needs; if you require anything else please call me.

KLK:lmb
03-081.lmb

Enclosure

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

Sectional Analysis of HB 191/SB 143

This legislation is premised upon the statutory changes contained in Executive Order 106 introduced by the Governor on February 12, 2003. Executive Order 106 transfers responsibility for the Alaska Coastal Management Program (ACMP) from the Division of Governmental Coordination to the Department of Natural Resources. The EO does not make substantive changes in the law. Rather it repeals existing statutes in AS 44.19 and readopts them in a new title AS 46.39.

This bill would repeal the existing Coastal Management Program in AS 46.40 and create a new program in AS 46.39.

Sections 1-9, and 11 make conforming amendments to existing statutes reflecting the creation of the new program in AS 46.39.

Section 10 revises a provision for distribution of ACMP funds to reflect the elimination of coastal resource service areas (CSRAs) and the addition, for purposes of funding eligibility, of additional cities within boroughs and within the unorganized borough.

Section 12 is a declaration of legislative intent in reforming and streamlining the ACMP.

Section 13 is one of the key operative provisions of the bill. Section 13 amends AS 46.39.010, which is moved from AS 44.19.145 by E.O 106.

Subsection (a) provides that DNR shall respond, on behalf of the State, to (1) federal agency consistency determinations and (2) consistency certifications made by applicants for federally administered permits and Outer Continental Shelf plans.

Subsection (b) authorizes DNR to adopt regulations to implement new AS 46.39.

Subsection (c) requires that DNR (1) consult with public and private persons in developing and implementing the new ACMP and (2) develop and maintain a program of technical and financial assistance, through federal coastal management funds, to aid coastal resource districts. Coastal resource district is defined in sec. 15 of the bill.

Subsection (d) requires that DNR develop a new coastal management program that complies with the federal Coastal Zone Management Act of 1972 (CZMA). Subsection (d) contains six requirements for development of the new program.

(1) The new program must use the direct state management technique recognized in 16 U.S.C. 1455(d)(11)(B).

(2) The program must apply, as authorized by the federal consistency review provision of the CZMA, to activities within the existing coastal zone boundaries and to activities on the federal outer continental shelf and on federal lands within the geographical boundaries of the state's existing

coastal zone.

(3) The program would be developed using appropriate statutes drawn from the list of statutes in (c)(3) and appropriate regulations adopted under those statutes as the enforceable policies of the ACMP. Under subsection (g) the department may, for purposes of the ACMP, limit the applicability of an enforceable policy to appropriate activities or to appropriate sectors of the area described in (d)(2).

(4) The program must use local ordinances adopted under (e) of this section as additional enforceable policies of the ACMP related to federal activities and private Outer Continental Shelf (OCS) plans.

(5) The program must use local policies included in (f) of this section as additional enforceable policies of the ACMP relating to federal activities on the OCS and private OCS plans.

(6) Consistency with the state law under the program would be determined solely by whether the applicant had complied with the permitting requirements under the statutes and regulations listed in (c)(3).

Subsection (e) of the bill is the mechanism described in .010(d)(4) through which the department may include local ordinances adopted by a municipality under AS 29 as enforceable policies for two types of federal consistency reviews: (1) federal consistency reviews for federal projects under 16 U.S.C. 1456(c)(1)&(2) and (2) federal consistency certifications for OCS plans under 16 U.S.C. 1456(c)(3)(B). A municipality could nominate an ordinance that the department may include as an enforceable policy for these purposes, after public notice and opportunity for comment, if the ordinance does not duplicate existing state requirements or unreasonably restrict uses of state concern. These terms are defined in AS 46.39.900 and are current requirements applicable to district coastal management plans.

Subsection (f) adopts former district management program enforceable policies relating to OCS development previously approved by the Coastal Policy Council. These policies would apply to two types of federal consistency reviews: (1) federal consistency reviews for federal projects under 16 U.S.C. 1456(c)(1)&(2) and (2) federal consistency certifications for OCS plans under 16 U.S.C. 1456(c)(3)(B).

Subsection (h) provides that DNR may apply for and receive funds, including federal coastal management monies and may provide grants directly or through the Department of Community and Economic Development to coastal resource districts.

Section 14 adds new sections to Article 2 entitled "Alaska Coastal Management Program Consistency Reviews." The first section, AS 46.39.055, requires the resource agencies, defined in AS 46.39.900 to be DNR, DEC and DF&G, to cooperate in the administration of the coastal management program.

AS 46.39.060, AS 46.39.065 and AS 46.39.070 describe the three mechanisms for consistency reviews under the new program.

AS 46.39.060, entitled "State consistency reviews," involves activities that do not trigger federal consistency reviews under 16 U.S.C. 1456. Subsection (a) provides that the issuance of state permits constitutes consistency with the ACMP. This is the self-executing concept of the new program, which avoids the use of state "policies" or procedures beyond those in the state's environmental laws. Subsection (b) provides that activities not subject to federal consistency review and needing no state permits require no further ACMP review.

AS 46.39.065 establishes a consistency review process for activities in coastal areas that require a federal environmental permit. The process set out in the federal law provides that the applicant for a federally administered permit certifies to the federal agency that its activity is consistent with the state's coastal management program. A copy of this certification must be provided to DNR. The certification is then reviewed by the state resource agencies responsible for the issuance of state permits implementing the state's enforceable policies under .010(d)(3). Within five days of the issuance of these permits, DNR would issue a written concurrence to the federal agencies. If any of the permits are denied, then the department would issue a consistency objection to the federal agencies. This process is similar to the self-executing process described in section 060.

Subsection (d) provides that except for an activity conducted by the federal government which is subject to a review under .070, an activity on federal land that is not subject to a federal permit listed in AS 46.39.080 and that does not require a state permit is conclusively determined to be consistent with the ACMP.

Subsection (e) provides that, except for an activity conducted by the federal government which is subject to a review under .070, an activity on federal land that requires only a federal permit, and requires no state environmental permits is conclusively determined to be consistent with the ACMP.

AS 46.39.070 sets out the consistency review process for federal activities and outer continental shelf plans provided for in 16 U.S.C. 1456.

Subsections (c) and (d) provide that federal activities are to be judged by the standards for state permits in .010(d)(3) and by the local standards adopted under .010(e) and (f). Subsection (d) provides that if DNR determines that a proposed federal activity or OCS plan is inconsistent with an enforceable policy then the DNR shall, if feasible, issue a conditional concurrence under 15 C.F.R. 930.4 setting out conditions that would render the federal activity or OCS plan consistent, thus avoiding formal mediation. If the proposed federal activity cannot be rendered consistent, the department must object to the consistency determination, and the parties then proceed to dispute resolution under federal law.

AS 46.39.072 is a savings provision concerning state jurisdiction and the zoning and planning authority of municipalities under AS 29. Neither state nor local jurisdiction under other

laws are diminished by this act.

AS 46.39.075 sets out the scope of consistency reviews under sections .060, 065 and 070. Subsection (a) establishes that consistency reviews are limited to the discrete activities proposed by the applicant for which approval is sought, regardless of whether the activities are part of a larger project or development that includes additional activities that may be subject to separate consistency reviews.

Subsections (b) and (c) provide that except for a modification of an existing activity, an activity is only subject to one consistency review. This codifies existing ACMP regulations.

AS 46.39.080 provides the list of the federal authorizations subject to a federal consistency review. Such a designation of permits is required by the federal CZMA. This list of permits is from existing ACMP regulations, with minor additions.

Subsection (b) codifies existing law which exempts from consistency reviews activities that only require a federally administered nationwide or general permits.

AS 46.39.085 requires DNR to ensure that the public notices issued by state resource agencies comply with the federal consistency review requirements in 15 CFR 930 if applicable. For federal activities and OCS plans, DNR must ensure public notice as required by 15 C.F.R. 930.61.

AS 46.39.900 sets forth definitions for the chapter. Many of the definitions are from AS 46.40.210. 900(2) removes coastal resource service districts from the definition of coastal resource district and, for purposes of funding eligibility, expands the definition to include additional cities within boroughs and the unorganized borough.

Section 16 of the bill repeals the former Alaska Coastal Management Program provisions in AS 46.40, eliminates the Coastal Policy Council and coastal resource service areas, and makes conforming changes.

Section 17 is a delayed repealer (see sec. 24) of section 19.

Section 18 annuls the existing ACMP consistency review procedures and standards set out in regulation.

Section 19 creates a temporary council in DNR entitled the Alaska Coastal Program Evaluation Council. The Council is to review the effectiveness of the new program and issue a report to the Governor. Sections 17 and 24 sunset the council on July 1, 2005.

Section 20 is a transition provision. Subsection (a) allows DNR to immediately proceed to adopt regulations. The regulations become effective no sooner than July 1, 2003. Subsection (b) requires the resource agencies to review the categorically consistent approvals and general concurrence determinations under the former program and no later than January 1, 2004, to the

extent feasible, create general permits similar to these authorizations, with appropriate modifications reflecting the changes in law made by this Act. Subsection (c) provides that consistency reviews initiated under the former program may continue, at the applicant's option.

Section 21 contains revisor's instructions making changes in article headings and Alaska Administrative Code changes reflecting the transfer of the coastal management program from the Division of Governmental Coordination to DNR.

Section 22 provides that the statutory changes are based upon EO 106 taking effect.

Section 23 gives the transition section 20 of the Act an immediate effective date.

Section 24 is a delayed repealer of the Alaska Coastal Program Evaluation Council (sec. 19) on July 1, 2005.

Section 25. Except for the sunset provision and transition section, section 25 gives the Act an effective date of July 1, 2003.

HB 191/SB 143
CONSISTENCY REVIEW PROVISIONS

Consistency Review Provision	What does it apply to?	State Standards	Local Standards applied by DNR	Federal Statutory Authorization	Federal CZMA Regulatory Process
AS 46.39.060 State consistency review	Activities in the coastal zone that only require a state permit.	AS 46.39.010(d)(3): Permits implementing listed state statutes and regulations	Not applied through the ACMP but direct applicability not affected. AS 46.39.072		
AS 46.39.065 Consistency review for federally-administered permits	Activities in the coastal zone, federal lands or OCS	AS 46.39.010(d)(3): Permits implementing listed state statutes and regulations	For OCS plans: See AS 46.39.070. Local ordinances would retain direct application in the coastal zone.	16 U.S.C. 1456(c)(3)(A)	15 C.F.R. 930 Subpart D -- Federal consistency certifications
AS 46.39.070 Consistency review for federal activities on land and in state waters	Activities of federal agencies in coastal zone or on federal lands	AS 46.39.010(d)(3): Permits implementing listed state statutes and regulations	AS 46.39.010(d)(4) local ordinances incorporated by DNR as provided in AS 46.39.010(e) and applied by DNR under AS 46.39.070(d).	16 U.S.C. 1456(c)(1)-(2)	15 C.F.R. 930 Subpart C -- Consistency for federal agency activities.
AS 46.39.070 Consistency reviews for federal activities on OCS and OCS plans	Activities of federal agencies on the OCS and applicants for OCS plans	AS 46.39.010(d)(3): Permits implementing listed state statutes and regulations	AS 46.39.010(d)(4) local ordinances incorporated by DNR as provided in AS 46.39.010(e) and applied by DNR under AS 46.39.070(d). AS 46.39.010(d)(5) OCS development provisions from former district coastal management plans incorporated by AS 46.39.010(f) and applied by DNR under AS 46.39.070(c).	16 U.S.C. 1456(c)(1)-(2) 16 U.S.C. 1456(c)(3)(B)	15 C.F.R. 930 Subpart C -- Consistency for federal agency activities. 15 C.F.R. 930 Subpart E -- Consistency for OCS exploration, development and production activities

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 191
 (H) Publish Date: 3/12/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title: Alaska Coastal Management BRU: Habitat and Restoration
 Component: Habitat
 Sponsor: Rules Committee
 Requester: Governor Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Under this legislation, the coastal program will change. In addition, Executive Order 107 moves most Title 16 coastal related permitting to DNR. With these two changes, the Title 16 authorities, both those that go to DNR (.840 and .870) and those that will remain at DFG (special areas), will constitute compliance with the ACMP. As such, Habitat Biologists will still have a role in the program, and their work could be funded by ACMP dollars that would no longer be needed for district plan development.

Also, while this legislation eliminates the Coastal Policy Council, it also creates an Evaluation Council, of which the DFG Commissioner is a member. As such, staff support that is currently provided to the Commissioner will still be needed to support his or her work on the Council. At the time the Evaluation

Prepared by: Kerry Howard, Acting Director Phone 465-4105
 Division: Habitat and Restoration Date/Time 3/5/03 9:22 AM
 Approved by: Kevin Duffy, Acting Commissioner Date 3/5/2003
 Agency: Department of Fish and Game

FISCAL NOTE #1

STATE OF ALASKA
2003 LEGISLATIVE SESSION

BILL NO. HB 191

ANALYSIS CONTINUATION

Council disbands, DFG may be able to show a cost savings.

It is assumed that under the implementation of EO 107 the DFG will have General Funds to help match federal dollars.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: HB 191
 (H) Publish Date: 3/12/03

Revision Date/Time (Note if correction): _____ Dept. Affected: DEC
 Title Alaska Coastal Management BRU Statewide Public Services
 Component Statewide Public Services
 Sponsor Rules Committee
 Requester Governor Component No. 2058

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The services provided by the Department will change, however the fiscal responsibilities will not.

Prepared by: Mary Siroky - Legislative Liaison Phone 465-5355
 Division Statewide Public Services Date/Time 3/3/03 2:34 PM
 Approved by: Kurt Fredriksson - Deputy Commissioner Date 3/3/2003
 Agency Department of Environmental Conservatcn

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: HB 191
 (H) Publish Date: 3/12/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Natural Resources
 Title: Alaska Coastal Management Program BRU: Management and Administration
 Component: Office of Alaska Coastal Zone Mgmt
 Sponsor: Rules
 Requester: Governor Component No.: 2680

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	0.0	0.0	(50.0)	(50.0)	(50.0)	(50.0)
Travel	0.0	0.0	(19.0)	(19.0)	(19.0)	(19.0)
Contractual	0.0	0.0	(4.0)	(4.0)	(4.0)	(4.0)
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	*	*	*	*
TOTAL OPERATING	0.0	0.0	(73.0)	(73.0)	(73.0)	(73.0)

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts			(36.5)	(36.5)	(36.5)	(36.5)
1003 GF Match			(36.5)	(36.5)	(36.5)	(36.5)
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	(73.0)	(73.0)	(73.0)	(73.0)

Estimate of any current year (FY2003) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time			(1)	(1)	(1)	(1)
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

* Further Fiscal Impacts/Reductions to be determined by the Alaska Coastal Program Evaluation Council.

Please See Attached Analysis.

Prepared by: Nico Bus Phone 465-2406
 Division: Administrative Services Date/Time 3/5/2003
 Approved by: Tom Irwin, Commissioner Date 3/5/2003
 Agency: Natural Resources

FISCAL NOTE #3

STATE OF ALASKA
2003 LEGISLATIVE SESSION

BILL NO. HB 191

ANALYSIS CONTINUATION

The Alaska Coastal Management Program offers the State of Alaska the ability to maximize the effectiveness of federal dollars through partnerships with state agencies and coastal communities to stimulate and approve development proposed in Alaska's Coastal Zone. The funding for this program is structured as follows:

A total of \$2,910,000 in federal funds is available to the State of Alaska through a grant award from the National Oceanic and Atmospheric Administration for the Alaska Coastal Management Program.

In order to receive the full federal grant award, matching funds totaling \$2,370,000 are required.

Within the Alaska Coastal Management Program's FY 04 operating budget the GF Match contribution is \$961,600; additional match is met through state agency and district contributions (ie: for eligible activities, personal services and other work within the coastal zone).

Currently, the federal grant award is distributed to districts (\$1,166,600) for coastal community improvements, and the remaining funds support the efforts of Division of Governmental Coordination (DGC) (\$909,700) and state agencies (\$833,700) in the management and development of Alaska's coastal resources. State agencies currently receiving funding through the Coastal Management Program include:

- Department of Community and Economic Development
- Department of Environmental Conservation
- Department of Fish and Game
- Department of Law
- Department of Natural Resources
- Department of Transportation and Public Facilities

Immediate savings based on Executive Order 106 (EO) transferring the function of DGC to the Department of Natural Resources (effective April 15, 2003) were realized in the Alaska Coastal Management Program's FY 04 Operating Budget as a reduction of \$342,400 in state general fund match and a loss of 5 full time positions and 1 temporary position.

In concert with the EO, this legislation addresses the function and intent of the Coastal Management Program and state permit review process. With the restructure of the permitting system and the major revisions of the Coastal Management Program, the climate for resource based development activities and investment will improve.

This improved climate for development activities and investment will result in an increase in project proposals and state permit reviews. The current program staff and funding levels must be maintained in order to effectively assist and implement the anticipated economic development within the coastal areas. With the EO reductions for FY04 already realized, further reductions could jeopardize the federal approvability of the Coastal Management Program, and the state's ability to receive the federal grant awards. Any further reduction in state general funds will result in a loss of an equal amount of federal grant award dollars.

Within this legislation, the current Coastal Policy Council is eliminated. An Alaska Coastal Program Evaluation Council is created under this legislation that is tasked with assessing the program's viability and needs. This Evaluation Council will convene itself for two years and require both financial and staff support through June 30, 2005. The existing funding and staff support for the Coastal Policy Council will be used to support the new Evaluation Council for two years. The assessment of the program and further programmatic and permit structure improvements is the mission of the Alaska Coastal Program Evaluation Council. As the council is charged with identifying further program efficiencies and cost reductions, potential savings will be identified in the final report submitted to Governor Murkowski.

The fiscal reductions in this note reflect the cost savings realized by the council's sunset.



217 Second Street, Suite 200 • Juneau, Alaska 99801
Tel (907) 586-1325 • Fax (907) 463-5480 • www.akml.org

April 16, 2003

Representative Hugh Fate
Chair, House Resources Committee
Room 128
Juneau, AK 99801

Re: CS for H.B. 191 – Alaska Coastal Management Program

Dear Representative Fate,

I am writing on behalf of the Alaska Municipal League (AML) to express the AML's concerns regarding the Committee Substitute (CS) for H.B. 191.

But I would be remiss if I did not first recognize the Administration's hard work over the last two weeks in reaching out to coastal communities, soliciting local government input, and in drafting the CS for H.B. 191. The AML worked closely with the Governor's office, DGC, and DNR to ensure that the concerns of Alaska's communities were heard. As the CS for H.B. 191 demonstrates, the drafters of the CS took those comments to heart.

The AML believes that streamlined, coordinated, and timely regulatory review processes are critical to effective economic development in Alaska. AML members support "clear and streamlined state and federal permitting systems based on sound science and economic feasibility." However, AML members remain concerned that the CS for H.B. 191 (1) may not give communities enough time to rewrite their plans; (2) may not provide adequate funding for the rewriting of plans; and (3) limits local government authority/participation.

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

Sincerely,

Kevin Ritchie
Executive Director



House Bill 191 ACMP Reorganization

APR 23 2003

810 N St, Ste 203, Anchorage Alaska 99501 / Ph. 907.258.6171 / Fax 907.258.6177
PO Box 22151, Juneau Alaska 99802 / Ph. 907.463.3366 / Fax 907.463.3312 / www.acvoters.org

To: House Resources Committee
Date: April 23, 2003

Dear Representative,

The mission of the Alaska Coastal Management Act in 1977 was to assure effective participation by the public, developers, municipalities, and state and federal agencies, in the coastal resource decision-making process. CSHB 191 shatters this idea, as it negates what the ACMP has set out to do: it strips the local districts of their participation in the protection of their natural resources.

Local knowledge is essential for maintaining subsistence resources and habitat standards, while allowing for development in specific areas of Alaska's coastal zone. With the passage of CSHB 191, the essential protection of Alaska's diverse coastal resources will be lost as only one general statewide standard is created.

Although in this new version of HB 191, the districts retain their seat at the decision-making table, CSHB 191 places a gag in their mouths by giving sole authority of the program to DNR. All decisions will be made solely by the agency focused on developing resources, leaving no voice of the public or districts for the protection of subsistence resources and habitat standards.

Complications with CSHB 191

1. **Guts the ability for local communities to develop and implement local enforceable policies.** Overly broad language in the bill hides the unreasonable criteria for enforceable policies to be accepted by DNR. Many, if not most, of the pertinent district enforceable policies will be removed from the program without the input of the public or the districts.

- DNR will develop statewide standards and criteria for the approval of district programs with no input from other agencies, the districts or the public process.
- DNR may approve districts plans, but is not required to do so. After a timely and expensive process to create their policies, districts may have their plans rejected.
- Districts may not create policies over a matter regulated by State or Federal law. Therefore, areas that may need more or less protection than state or federal standards will no longer be able to receive it.
- DEC air, water and land quality requirements will be established as the exclusive policies for those purposes. The DEC permits would then be the consistency review without necessary local participation and due deference.
- Criteria for acceptance of an enforceable policy in section 14, is overly broad, vague and could lead to the elimination of important policies in district plans.

Alaskans building a better future.

2. **Eliminates the Coastal Policy Council leaving no vessel for public and district voice.** Mentioned numerous times in public testimony, the removal of the council results in the abolition of the public process.

- The decision making process made with the expertise and diversity of the Council will be replaced by the sole discretion of the DNR Commissioner.
- The public process granted with the Council will not be replaced with a public hearing in DNR. The public will no longer be able to participate in the ACMP program.

This legislation was created without the participation of those who know the program best: district planners. CSHB 191 streamlines the permit process irresponsibly. Public and local participation is restricted to a bare minimum, if even given at all. We ask you to protect and develop our coastal resources in a responsible manner and oppose CSHB 191.

Sincerely,



Coileen Norman

Alaskans building a better future.

Cenaliulriit CRSA

PO Box 69
Mekoryuk, AK 99630
(907) 827-8748

April 16, 2003

Honorable Chairman Hugh Fate and Committee Members
State Capitol, Room 128
Juneau, AK 99801-1182

Cenaliulriit Coastal Resource Service Area is concerned with the following items of House Bill 191:

Elimination of the Alaska Coastal Management Program and Alaska Coastal Policy Council removes the ability of balanced decisions.

The Habitat Standard is not found anywhere in the bill, that has served to protect important subsistence and traditional fish and wildlife resources. Traditional and experiential knowledge has always served to offer scientists valuable information to balancing development.

Due deference is nonexistent, while the department still has last say to everything under the sun.

The Department of Environmental Conservation will be the only consistency reviewer to Land, Air & Water Quality Standards. Single agency reviews by DNR and others would be the same. The ability of Alaska's local community may become voiceless.

Submission of district plans by coastal resource districts every 5 years is not reasonable, while the current requirement is 10 years. Rewrite of whole programs to less stringent and less specific standards and policies will eventually create a "rubber-stamp" program, or elimination for programs that are not being "implemented" as determined by the department. The department after all "may" decide to disapprove the rewritten plans to begin with. Cenaliulriit has 44 villages and understaffed to successfully meet all the requirements.

The Cenaliulriit finds this new revised bill to be questionable and offers much uncertainty, which basically eliminates the whole program in the end eventually every 5 years.

NORTHWEST ARCTIC BOROUGH

**P.O. BOX 1110
KOTZEBUE, AK 99752
(907) 442-2500 / FAX 442-2930**

April 16, 2003

State of Alaska
Office of the Governor
P.O. Box 110001
Juneau, AK
99811-0001

Attention: Mr. William Jeffress

RE: Proposed Legislation; House Bill 191 (revised)

Dear Mr. Jeffress:

The Northwest Arctic Borough continues to have concerns regarding the revised version of House Bill 191. The current Coastal Management Program provides us with a structured partnership of shared state and local management responsibility. The "seat at the table" is provided in the revision of House Bill 191, yet our responsibility and role is significantly reduced. Furthermore the revisions will make it difficult for our district to develop and implement our local enforceable policies.

The current bill considers providing developers a set of policies that allows for predictability in the permitting process, yet it provides an uncertainty to the coastal districts on the authority provide to us. Additionally our authority, derived, in part, from our local district plans, will be questioned and revised every five years regardless of the effectiveness of the local district plans.

This bill will result in the loss of federal, state, and borough invested resources, time and expertise in developing and implementing our Coastal Management Program. Furthermore, it will not provide the financial assistance needed to start from scratch, much less the assistance needed every five years for the mandated review.

As I have stated in earlier testimony, the Northwest Arctic Borough can serve as a model where our district plan, which strives to protect our subsistence resources, can allow for

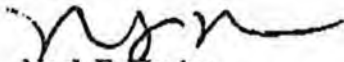
**Ambler, Buckland, Central, Deering, Kiana, Kivalina, Kobuk, Kotzebue, Nectak,
Noorvik, Selawik, Shungnak**

major economic development and for the protection of our subsistence resources. Our district plan, coupled with our title 29 planning authority, provides the leverage needed to promote, balance and mitigate responsible economic development.

Evidence has yet to be presented that would result in the gutting the current coastal management program for the revised program provided in House Bill 191. We are opposed, and will continue to show opposition to any bill that will remove the balance of the current partnership provided by the current program. Before any action is taken on this bill, we request that a representative of the State of Alaska meet with our Assembly to discuss the changes to this very important program.

The Northwest Arctic Borough will likely provide additional comments or testimony upon our thorough review of the draft Committee Substitute (CS) for HB 191.

Sincerely,



Noah F. Naylor
Planning Director/Coastal Coordinator



City

APR 22 2003

of

Pelican

BOX 737 - PELICAN, ALASKA 99832 - PHONE: 735-2202/2203 - FAX: 735-2258 - E-MAIL: pelikan@ptialaska.net - WEBSITE: www.pelican.net

EMAIL: coastal@pelicancity.net

April 16, 2003

Governor Frank Murkowski
P.O. Box 110001
Juneau, Alaska 99811

Re: CS for HB 191

Dear Governor Murkowski:

The City of Pelican presented oral testimony at today's public hearing in The House Resources Committee on the CS for HB191. We would like you to be aware of our concerns.

The City of Pelican appreciates the changes made to HB 191 in response to the concerns of local coastal districts. Pelican has supported its own district program since 1984. Our plan with enforceable policies allows us to address issues of local concern that are unique to this area, and it is important for that to continue.

Our concerns with the CS as presented are:

Sec. 12. Submission of district plans by coastal resource districts. This provides that a district must review and resubmit its coastal management plan for reapproval every 5 years. This will place too much of a burden on our district. We request that this update not occur more often than every 10 years.

Sec. 47. Submission of plans by coastal resource districts that are first class cities. This will give us only 6 months to draft a new plan that will conform with the newly implemented regulations by DNR. This seems like a very short period in which to get the work done. We will need close cooperation and dialog with DNR as it is working on changes that will affect our plan. Our district is short-staffed and will be looking to ACMP to help with resources to get our plan into compliance.

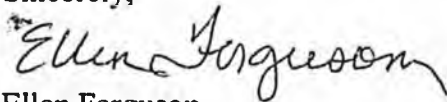
Sec. 3. Planning assistance for development and maintenance of district coastal management plans. Pelican must continue to be given due deference when it comes to coastal issues in this area. We provide local expertise to assist the State in its decisions concerning Coastal Management. But as a small community, The Pelican Coastal District relies on help from the State as well. We use ACMP Guidebooks to assist with preparing and implementing our Coastal Management Program. The knowledgeable and

experienced staff at DGC helps us with questions that come up concerning projects that could impact our area. The conferences that occur are valuable in providing our staff with a better understanding of ACMP as a whole. These resources must continue to be provided for our plan to function.

Coastal communities are the ones hardest hit financially because of problems with the fisheries. That puts us in a difficult position by requiring us to rewrite our plan, with all of the processes that would be included. Please assure us that funds as well as other assistance will be available for the initial rewrite of our plan, and maintenance funding for future reviews under Sec. 12.

In your State of the State address you stated, "We will work with our coastal communities to insure their interests are protected...". Pelican would like to be included in the process of crafting final legislation. Please keep us fully informed, and let us know how we can be of assistance to you.

Sincerely,



Ellen Ferguson
Coastal Coordinator
Pelican Coastal District

cc: Representative Hugh Fate, Chair, Natural Resources Committee
Representative Peggy Wilson
Senator Robin Taylor
Mr. Bill Jeffress, Director, Office of Project Management and Permitting



Alaska State Legislature

Please enter into the record my testimony to the House Resources
committee name

committee on C.S. for HB 191, dated April 16, 2003
bill/subject

This bill is virtually as bad as HB 191, keeping the public out of coastal district and community decisions and clearly favoring development over protection. The current ACMP, while needing some fine tuning, is adequate and balanced. I urge you not to pass CS 191 and rather work to maintain or improve protection for our precious coastal habitat and resources which I've seen deteriorate steadily over my 42 years in Alaska.

Signed: Anne Wieland

Testifier

Self

Representing (Optional)

PO Box 1395 Homer 99603

Address

Phone No.

Cenaliulriit CRSA

PO Box 69
Mekoryuk, AK 99630
(907) 827-8748

April 16, 2003

Honorable Chairman Hugh Fale and Committee Members
House Resources Committee
State Capitol, Room 128
Juneau, AK 99801-1182

Cenaliulriit Coastal Resource Service Area is concerned with the following items of House Bill 191:

Elimination of the Alaska Coastal Management Program and Alaska Coastal Policy Council removes the ability of balanced decisions.

The Habitat Standard is not found anywhere in the bill, that has served to protect important subsistence and traditional fish and wildlife resources. Traditional and experiential knowledge has always served to offer scientists valuable information to balancing development.

Due deference is nonexistent, while the department still has last say to everything under the sun.

The Department of Environmental Conservation will be the only consistency reviewer to Land, Air & Water Quality Standards. Single agency reviews by DNR and others would be the same. The ability of Alaska's local community is voiceless with this bill.

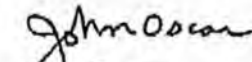
Submission of district plans by coastal resource districts every 5 years is not reasonable, while the current requirement is 10 years. Rewrite of whole programs to less stringent and less specific standards and policies will eventually create a "rubber-stamp" program, or elimination for programs that are not being "implemented" as determined by the department. The department after all "may" decide to disapprove the rewritten plans to begin with.

Cenaliulriit has 44 villages and understaffed to successfully meet all the requirements.

The Cenaliulriit finds this new revised bill to be questionable and offers much uncertainty, which basically eliminates the whole program in the end eventually.

Thank you for the opportunity to comment.

Respectfully,


John Oscar
Program Director

Sitka Conservation Society

PO Box 6533
 Sitka, Alaska 99835
 (907)747-7509
 (907)747-6105 fax
 home.gci.net/~sitkawild

**COMMITTEE SUBSTITUTE (CS) FOR HOUSE BILL 191
 AN ACT RELATING TO THE ALASKA COASTAL MANAGEMENT PROGRAM**

The Sitka Conservation Society believes the following important points make HB 191 a poor bill. The current ACMP system is better than the attempts the legislature has made to change it. There has been no showing the extreme changes proposed are needed. Testimony to the House Fisheries Committee has shown that projects receive timely approvals under the existing ACMP.

This bill takes a different tack than the original bill, but it will have a similar effect. The Administration withdrew the previous bill because coastal communities strongly objected to losing local control over local coastal decisions. Again this new bill essentially eliminates the ability of local communities to develop and implement local enforceable policies.

Like the previous bill, this bill has not received sufficient review by coastal districts, CRSA's and local communities. This bill proposes sweeping changes to the ACMP which will significantly change local control over local coastal decisionmaking. Coastal districts and communities have had little time to review and digest the dramatic changes proposed. The State should engage local districts and communities in a meaningful dialogue designed to refine the existing law without throwing out its important elements for local decisionmaking.

This bill is too biased towards centralized authority over the local knowledge and local control of development. The CS offers to retain local community authorities but it makes the process so rigorous and complex, the result will be that few if any localities will have meaningful enforceable policies. Furthermore, the CS prohibits local districts from adopting standards that are more protective than state standards or that address issues also dealt with by state or federal law. In effect, the CS substantially reduces the role and usefulness of coastal standards. In Sitka for instance, we have a multi million dollar herring fishery. Our district should have the right to enact local standards to protect that herring habitat and fishery that may not be needed or desirable elsewhere.

This bill removes balance from coastal management. Under existing law, the Coastal Policy Council provides members of coastal districts a seat at the decisionmaking table. The CS will give DNR sole discretion to make important coastal resource decisions, and Districts will be relegated to submitting comments on important issues which DNR may or may not adopt. As a result, the bill replaces local knowledge and decisionmaking with top-down, state-driven controls. Furthermore, by shifting responsibility for the ACMP from the Coastal Policy Council to DNR, the CS puts the coastal program in the hands of an agency whose statutory mission is to develop the state's resources, not to protect them. This removes the element of balance between

development and protection which exists in the current ACMP, and which is mandated by the Alaska constitution.

This bill gives DNR authority to strike down local policies during the program transition period. It gives DNR sole discretion to disapprove or modify all or part of local plans and enforceable policies if they are inconsistent with the strict and confusing standards laid out in the CS. A lot of people put serious work into Sitka's plan. It responds to our needs and conditions. DNR should not have the authority to just trash it.

The CS allows DNR to develop statewide standards and criteria for the approval of district programs, with no input from other agencies, the districts, and the public through a comment and hearing process. It ignores the expertise and perspectives these stakeholders have developed working with the ACMP. This lack of transparency, independence, and accountability will create mistrust at the local level, and foster a lot of public opposition.

The CS makes substantial changes to the consistency review process, including the scope of projects subject to review, the timing for "phased" projects, and an expanded use of general permits. Yet these issues were addressed by a recently-concluded 3-year regulation review process that involved full public, industry, and district participation. New rules just took effect in January. This bill would waste the hundreds of thousands of dollars the state spent for this process, and would ignore the input of the many stakeholders and professionals who have worked on all sides of the program for many years and produced the revised regulations.

This bill unravels the current system for meaningful coastal oversight. The CS creates enormous gaps in the coastal management program by substantially narrowing the scope of consistency reviews, restricting consistency reviews to activities that require a state resource permit, and prohibiting any kind of consistency review for activities authorized by ADEC.

This bill will entail substantial costs to the State. The CS proposes sweeping changes to the ACMP which will likely require a costly and time consuming Environmental Impact Statement in order to receive NOAA approval. In addition, the CS imposes substantial costs on DNR and the coastal districts by requiring the development of entirely new enforceable statewide and district policies. With state and local budgets under considerable strain, this new spending initiative makes little sense.

This bill puts substantial costs on our community, but it provides no implementation funds. First, it requires local districts and CRSA's to throw away their existing programs (because the law is so strict few if any elements of existing local programs will survive the new law) and draft new plans for DNR review. Second, local districts and CRSA's will have to review local plans and submit them to DNR every 5 years, regardless whether such plans need review. Why should we have to go through this unnecessary beauracracy?

Sincerely

Page Else

Page Else, Research Director

A M E N D M E N T

OFFERED IN THE HOUSE RESOURCES
COMMITTEE

BY _____

TO: HB 191(RES) 03-0069 bil2.doc. 4/22/2003 1:30 pm

1 Page 8, line 10:

2 Delete "a new subsection"

3 Insert "new subsections"

4 Page 8, line 13 following "purposes." through line 22:

5 Delete all material and insert:


6 "For those purposes only,

7 (1) the issuance of permits, certifications, approvals, and authorizations
8 by the Department of Environmental Conservation establishes consistency with the
9 Alaska coastal management program for those activities of a proposed project subject to
10 those permits, certifications, approvals, and authorizations;

11 (2) for a consistency review of an activity that does not require a
12 Department of Environmental Conservation permit, certification, approval, or
13 authorization because the activity is a federal activity or the activity is located on federal
14 lands or the federal outer continental shelf, consistency with AS 46.03, AS 46.04, AS
15 46.09, and AS 46.14 and the regulations adopted under those statutes shall be established
16 on the basis of whether the Department of Environmental Conservation finds that the
17 activity satisfies the requirements of those statutes and regulations.

18 (c) For a consistency review described in (b)(?) of this section, the department, in
19 addition to its review under AS 46.40.096 of all other enforceable policies applicable to
20 the project, shall coordinate with the Department of Environmental Conservation and
21 issue the Department of Environmental Conservation's finding of whether the activity

1 satisfies the requirements of the statutes and regulations described in (b)(2) of this
2 section.”



Alaska Coastal

MANAGEMENT PROGRAM

*for a vibrant
productive coast*



**From
the
Governor**

Dear Alaskan:

The Knowles/Ulmer Administration is committed to working with all Alaskans to make sure our economy remains healthy, Alaskans have good jobs which pay enough to support their family and our communities are safe and healthy. Environmentally responsible resource development, based on sound science, prudent management and an open public process, is essential if we are to reach these goals:

Doing development right requires a predictable process relying on good science, conservation principles and providing communities a strong voice in decisions which directly affect them. No program within state government mirrors these goals more closely than the Alaska Coastal Management Program (ACMP). Almost 20 years since the inception of the ACMP, Alaskans continue to show America that good jobs and a clean environment can coexist.

A healthy environment is not possible without a strong economy, nor are good jobs possible without strong environmental protections. The nations which have failed to protect their environment are the same ones where people are willing to forsake their environment to scratch out a living.

The ACMP is a proven way to accomplish both development and protect environmental values. The ACMP provides coastal communities, state resource agencies, and developers the tools for responsible development of our coastal resources. Prudent development today provides for the jobs and healthy economy we need for our children tomorrow.

Sincerely,

Table of Contents

Benefits of the Alaska Coastal Management Program 1

Why Alaska needs coastal management 2

How coastal management began in Alaska 5

How coastal management has improved since 1977 8

How coastal management works in Alaska's coastal districts 10

25 years of coastal management 12



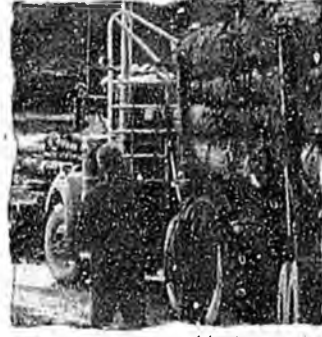
A float plane in Anchorage



Digging for clams



1989 Coastal District Conference



A logging operation



Seafood processing

Benefits of the

Alaska Coastal MANAGEMENT PROGRAM

Alaskan Residents

- The tools necessary for shaping the nature of development in our coastal areas.

Coastal Communities

- Funding for local coastal management and special projects.
- Public notice of and formal standing in the state's review of proposed development projects.
- The community's need for a project plays a role in the state's review.

Coastal Project Applicants

- Only one application package needs to be submitted to the Division of Governmental Coordination (DGC) for multi-permit projects.*
- Pre-application assistance from DGC can pave the way for permit approvals.
- Multi-permit applications are processed in a predictable, timely way.
- DGC's review process clearly documents resolution of conflicts which can reduce litigation over the long term.
- Pre-approval for routine activities.

State Resource Management Agencies

- One point of entry for multi-permit coastal development applications.
- Coordinated review process and categorical approval for routine projects.
- Better prepared proposals due to pre-application assistance provided by DGC.
- Strengthened role in federal decision-making in the coastal zone.
- Joint public notices coordinated by DGC.

State of Alaska

- The right to require that federal actions proposed in the coastal zone must be consistent with state and local coastal management plans.
- Receipt of federal funding that supports coastal zone management and coordinated, streamlined review of coastal projects.

Federal Government

- A state coastal management program consistent with the federal Coastal Zone Management Act.

*Multi-permit projects are those which require a federal permit or require permits from more than one state resource management agency.



Why Alaska needs coastal management

*"The key is
finding a balance
that keeps the
coast healthy
and useful over
generations."*

-1995 Brochure
NOAA, U.S. Dept. of Commerce

Sportfishing for
salmon outside
Juneau

If you walked one thousand miles a year, it would take forty-four years to hike Alaska's coastline. Along the way you would have the chance to meet almost three-quarters of the state's population who choose to live in Alaska's coastal communities. You would also see industries that produce over 70% of the state's gross economic product. Your forays into coastal towns would be separated by long stretches of coastline so raw and untamed the pressures of modern-day life would fade and seem almost unreal.

For some, the sheer size and wildness of much of Alaska's coastline seems to dilute the need for coastal management. Yet there are a number of reasons why coastal management is key to a prosperous future for all Alaskans.

Change is inevitable

Alaska is different than other states and yet is really no different at all. Alaska is just at an earlier point along the continuum of population and economic growth. Growth, however, is inevitable. The difference is, Alaska has the opportunity to prepare for this growth.

Coastal management gives Alaskans the opportunity to prepare for change and shape how their communities will look like in ten, twenty... even fifty years.

Competition for coastal resources will only increase with the passage of time

As the population increases and industries grow, competition for coastal resources and potential for conflicts will only intensify. For example, conflicts can occur between oil development and fisheries; timber production and tourism; mineral development and water quality; yet all these uses are valuable to Alaskan communities.

Coastal management provides the tools necessary for resolving conflict and striking a healthy balance of uses

On one hand Alaskans value stunning scenery, almost limitless opportunities for outdoor recreation, clean air and oceans, easy access to surrounding areas, subsistence, and hunting/fishing opportunities. At the same time residents value good jobs, profitable business ventures and thriving community economies. The unique quality of life found in Alaska's coastal communities is achieved by balancing these values.

Coastal management allows communities to maintain their unique quality of life and a stable economic base

Communities who work to achieve this dynamic balance will reap the benefits. People are willing to pay more to live in communities with clean beaches, unpolluted waters, opportunities for outdoor recreation, and stable economies. Conversely, coastal areas in the Lower 48, hard hit by rapidly increasing populations and short-sighted development, have suffered significant declines in property values. Now some of these communities are faced with the expensive and time-consuming task of correcting coastal problems in an attempt to reclaim the quality of life and economic stability they once enjoyed.

Healthy coastal resources are key to Alaska's long term economic health

In Alaska the top four industries—oil and gas, timber, seafood harvest, and tourism—are all heavily dependent on the health and productivity of the coastal zone. Wise management of coastal resources is absolutely critical to the long term health of these industries which represent over 70% of Alaska's gross economic product.

Nationally, it has been shown that for every federal dollar spent on coastal management, there is an increase of

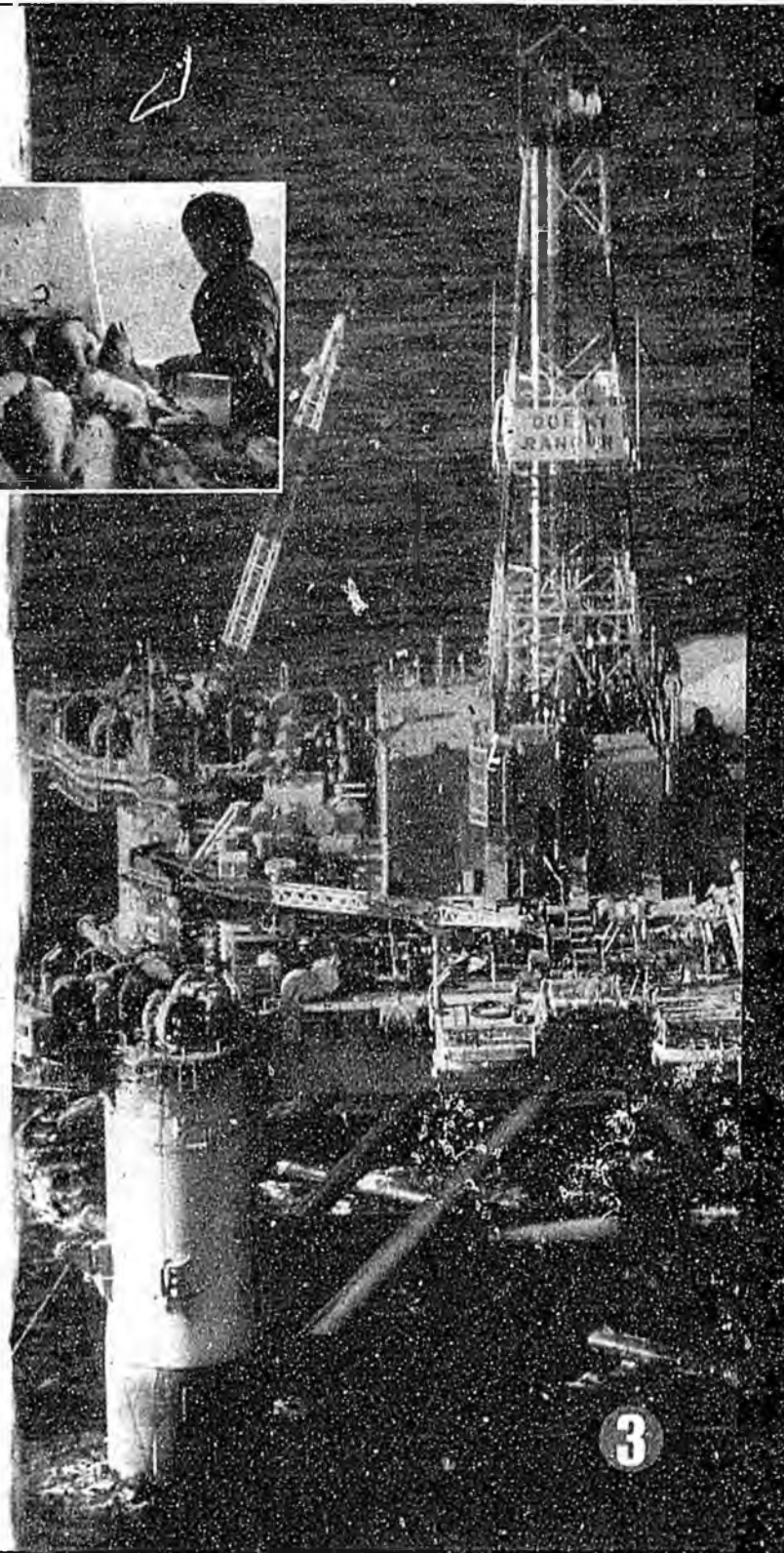
Small Photo
A tote of salmon is
unloaded for processing



Large Photo
An offshore oil rig

"Without the energy and dedication you (DGC) put into this project, it is unlikely that we would have secured the needed approvals in the timeframe needed to allow start-up and completion of a winter drilling operation."

—Eric M Luttrell
Vice President Alaska Exploration
and New Developments, regarding
the Sourdough #3 Exploration Well





"... we watch our coast to see that nothing is violated, we are the hunters that hunt to feed our families... we depend on the ocean for food."

*-Ray Koonuk, Sr.
Public Coastal Policy Council Member
Northwest Region*

Subsistence hunters on the lookout for whales along the coast of Northwestern Alaska

\$25 to \$337 in the coastal gross product due to coast-dependent activities. Certainly Alaska, with its heavy economic dependence on coastal resources, is not the exception to this nationwide trend. Although economic data is not available to measure this relationship in Alaska, we can document the annual addition of millions of dollars in federal funding for coastal management since the Alaska Coastal Management Act was passed in 1977.

A tool for coastal communities

Most coastal communities want to be involved in the planning and decision-making process that will shape their future. The Alaska Coastal Management Program (ACMP) provides the tools and funding necessary for development of local coastal management programs which then shape the nature of development within that coastal district.

"Because of funds provided by the Alaska Coastal Management Program, the Borough has been able to acquire baseline data to use in resource development decision-making. (This) financial support has been important to the development planning for the port at Point McKenzie."

*-Ken Hudson, 1997
Chief of Code Compliance
Matanuska-Susitna Borough*