

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

11317 SENATE RESOURCES



**DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND & WATER
SOUTHCENTRAL REGION**

MINERAL OPENING ORDER 603 Amend.#3

___ Closing Lands to Mineral Entry ___X___ Opening Lands to Mineral Entry

I. Name: Glacier/Winner Creek Drainage

- II. This mineral closing order is based upon the attached Finding for Mineral Opening Order No. 603 Amend.#3 and the written documentation contained in:

Mineral Opening Order No. 603 Amendment #3 casefile.

III. Legal Description:

Seward Meridian

Township 10 North 2 East

Sections 1-3: All

Section 4: N1/2NE1/4 east of Crow Creek Road, and those portions of SE1/4NE1/4 and E1/2SE1/4 within Chugach National Forest

Section 9: E1/2NE1/4NE1/4 within Chugach National Forest

Section 10: N1/2N1/2, N1/2NE1/4SE1/4NW1/4, N1/2SW1/4NE1/4, SE1/4SW1/4NE1/4, SE1/4NE1/4, N1/2NE1/4SE1/4,

E1/2SW1/4NE1/4SE1/4, SE1/4NE1/4SE1/4, NE1/4SE1/4SE1/4

Section 11: All

Township 10 North Range 3 East

Section 6: N1/2, N1/2SW1/4

Township 11 North Range 2 East

Section 33: SE1/4SE1/4 All land lying SE of Crow Creek Road

Section 34: SW1/4 All land lying East of Crow Creek Road, SE1/4 excluding mining claim recordations AA 56282 and AA 56283 and FS Special Use Permit granted to Crow Creek Inc.

Section 35: All, excluding the N1/2NE1/4, NE1/4NW1/4

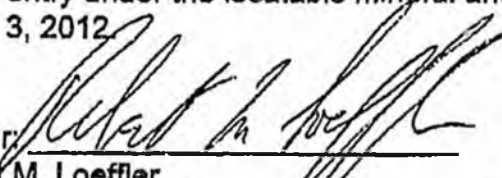
February 4, 2002
MOO 603 Amend. #3
Page 2 of 2

Township 11 North Range 2 East (con't)
Section 36: All, excluding the NW1/4NW1/4

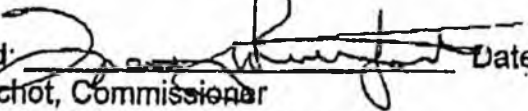
Township 11 North Range 3 East
Section 31: All
Section 32: W1/2

Totaling approximately 5,740 acres

IV. This order is subject to valid existing rights, easements and reservations and is issued under the authority granted by AS 38.05.185-38.05.275 to the Department of Natural Resources. The above described lands will reopen to entry under the locatable mineral and mining laws of the State of Alaska on April 3, 2012.

Concur: 
Robert M. Loeffler
Director, Division of Mining, Land & Water

Date: 2/4/02

Approved: 
Pat Pourchot, Commissioner
Department of Natural Resources

Date: 2/6/02

Finding Of The Commissioner

Mineral Closing Orders 593, 593 Amendments #1 and 3
Mineral Opening Orders 603 and 603 Amendments #1 and 3

AS 38.05.185(a)

Background: In April and December of 1991 then Commissioner of the Department of Natural Resources, Harold Heinze, authorized the closing to mineral entry of approximately 10,000 acres of state and municipal land in the upper Girdwood valley. This action was taken during the formulation of the Turnagain Arm Management Plan in response to a request from the Anchorage Assembly and to preclude the staking of new mining claims in the area under consideration for the establishment of a new ski resort. Prior to these lands being conveyed to the state from the federal government numerous claims were purchased by the Municipality of Anchorage so these mineral interests would not hinder resort development. Because of the uncertainty that a resort would be developed and the desire of the mining industry to see these potentially valuable mineral properties not be permanently closed, mineral opening orders were also adopted that would reopen the lands ten (10) years from the date the property was transferred to state ownership from the federal government. At that time a ten (10) term was believed adequate to reach a decision on future resort development. This timeframe has since proven to be insufficient. The winter tourism market has not expanded as quickly as hoped and a private developer has yet to step forward to pursue resort development in the upper valley.

The first acreage received by the state subject to these mineral closing orders (MCO's) and mineral opening orders (MOO's) was transferred in April of 1992. Title to other properties subject to these orders was received in April and September of 1993. Therefore some of these lands will reopen to mineral entry in April of 2002 and others in April and September of 2003. There were also several sections of land and portions of land in Townships 11N Ranges 2 and 3 East and one other small piece of land in Township 10N Range 3 East for which title has not yet been transferred. This proposed mineral closure extension will not apply to this acreage and the terms of the original closure orders will remain unchanged, i.e. the closure will remain in place for 10 years after the date of title transfer as provided in the original closure orders.

Lands not yet conveyed to state ownership and therefore not included in this extension are described as follows:

Seward Meriujan
Township 10 North Range 2 East
Section 4: N1/2N1/2 all land lying west of the Crow Creek Road

September 10, 2001
Commissioner's Decision Girdwood Valley Mineral Orders
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Township 10 North Range 3 East
Section 5: NW1/4NW1/4
Township 11 North Range 2 East
Section 25 S1/2SE1/4
Section 27 All
Section 33 All land lying north and west of Crow Creek Road
Section 34 N1/2, SW1/4 all land lying west of Crow Creek Road
Township 11 North Range 3 East
Section 20 SE1/4
Section 21 W1/2SW1/4
Section 28 W1/2W1/2
Section 29 All
Section 30 S1/2
Section 32 NE1/4
Section 33 NW1/4NW1/4

As stated in the 1991 finding of the commissioner, if the properties are open to mineral entry and claims are staked, it would interfere with the ability of a private developer to obtain funding for a future resort. There also is concern that mineral development could hinder the construction of lifts and ski runs and impact the aesthetics of the future resort area.

In March of 2001 a notice was distributed to the Municipality of Anchorage, Girdwood Board of Supervisors, Department of Fish and Game, Alaska Miner's Association and local residents requesting comment on a proposed extension of the closure to mineral entry. Reviewers were asked to comment on an extension of the mineral closing order and whether that extension should be for another ten (10) year term or be an indefinite extension until such time as a final decision is reached on future resort development. In response to this request the following comments were received:

- ADFG & ADOT had no comments or objections to a proposed extension of the closure to mineral entry;
- Municipality of Anchorage proposed extending the mineral closure for an additional 10 years;
- Girdwood Board of Supervisors commented that an indefinite closure was preferred to avoid a situation where a deadline was missed and the property reopened to mineral entry.
- Girdwood 2020 organization previously suggested the closure be extended for an additional five (5) years.
- Alaska Miners Association maintains their longstanding position that a sunset date is necessary to ensure due diligence on behalf of the parties who requested the closing order. A sunset date also affirms the agreed upon temporary nature of the closure in the absence of the development the closing orders were created to facilitate. An indefinite extension with an agreement to revisit the issue at some

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future time provides little or no assurance that the lands will be reopened to mineral entry if resort development does not occur. AMA supports a ten (10) year extension.

- Alyeska Resort staff commented that an automatic opening could result in a missed deadline that would reopen the land to mineral entry. The staking of new mining claims would then either bar new surface development or hold that development hostage for an unreasonable amount of money to purchase the claims. The resort would not like to see a repeat of the circumstances that occurred when the land was transferred from federal to state ownership. AMA could request the land be reopened to mineral entry at any time thereby initiating a review process to consider their request.

Concerns were also expressed that a mineral closure not interfere with gravel mining or preclude the establishment of a tourist gold panning business within the area closed to mineral entry. A mineral closure under AS 38.05.185 will not preclude either of these possible future uses.

Recommended Action: The subject mineral closing orders and mineral opening orders and their amendments will be extended for a ten (10) year period to allow additional time to evaluate development options for a ski resort in the upper Glacier Creek valley. As the original closure and opening orders were tied to the date title was received from the federal government and because title to these properties was received on three separate dates (April 3, 1992 and April 1, 1993 and September 8, 1993), it is recommended that all land currently owned by the state reopen to mineral entry on the same date to limit confusion about the exact date of future openings. Therefore it is recommended that all the property subject to this decision reopen to mineral entry on April 3, 2012.

Rationale: There is no disagreement among the affected parties in regards to the most important issue of keeping these lands closed to mineral entry so that the land remains free of third party interests that might preclude future development. Both state and municipal land use plans for the area have identified ski resort development as the preferred use of this property and it is the priority of this department to ensure the management intent of these plans does not change. The only dispute is in regards to the length of this closure. While at least one party has proposed a shorter duration, an additional ten (10) years is a compromise that will allow further time to evaluate resort development options and avoid a prolonged debate or appeal process that could extend beyond the existing scheduled mineral opening.

This proposed course of action was presented to all those who commented on this issue via an April 13, 2001 email and no further comments or objections were received. The reviewers never formally considered the suggestion that the opening dates be consolidated but the recommended date provides for a 10 year extension and will be easier to track than the three separate dates that resulted from the original closure/opening

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orders. This is a minor change that does not affect the agreements reached during review of this proposed action.

Formal public notice in accordance with AS 38.05.945 was conducted beginning on June 29, 2001 and ending on July 31, 2001. Advertisements were placed in the Anchorage Daily News and the Turnagain Times. Notices were posted in the Girdwood Post Office and the State of Alaska's public notice web page. Notices were directly mailed to all those who commented earlier in the review process. In response to this formal public notice three (3) additional written comments were received. All three written comments supported an extension of the mineral closure.

Decision: It is my decision that, in accordance with AS 38.05.185(a), that the best interests of the State of Alaska are served by extending for a ten year term the mineral closing/opening orders and amendments referenced above. It is also my finding that the related mineral opening orders and amendments listed above reopen the land to mineral entry on April 3, 2012. This will be accomplished by completing a third amendment to these orders specifying the properties subject to this extension. This third amendment will also exclude the acreages that are not affected by this extension because the land has yet to be conveyed to the state. These properties are described above in paragraph 2 of the background section.

Only state owned lands are affected by this extension, Amendment # 3 of MOO 603 and MCO 593. They are described as follows:

Seward Meridian

Township 10 North 2 East

Sections 1-3: All

Section 4: N1/2NE1/4 east of Crow Creek Road, and those portions of SE1/4NE1/4 and E1/2SE1/4 within Chugach National Forest

Section 9: E1/2NE1/4NE1/4 within Chugach National Forest

Section 10: N1/2N1/2, N1/2NE1/4SE1/4NW1/4,
N1/2SW1/4NE1/4, SE1/4SW1/4NE1/4, SE1/4NE1/4,
N1/2NE1/4SE1/4, E1/2SW1/4NE1/4SE1/4, SE1/4NE1/4SE1/4,
NE1/4SE1/4SE1/4

Section 11: All

Township 10 North Range 3 East

Section 6: N1/2, N1/2SW1/4

Township 11 North Range 2 East

Section 33: SE1/4SE1/4 All land lying SE of Crow Creek Road

Section 34: SW1/4 All land lying East of Crow Creek Road,
SE1/4 excluding mining claim recordations AA 56282 and AA
56283 and FS Special Use Permit granted to Crow Creek Inc.

Section 35: All, excluding the N1/2NE1/4, NE1/4NW1/4

Section 36: All, excluding the NW1/4NW1/4

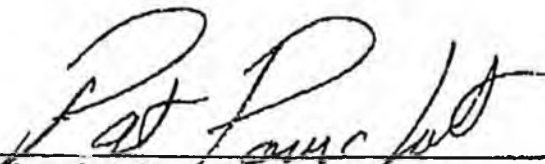
Township 11 North Range 3 East

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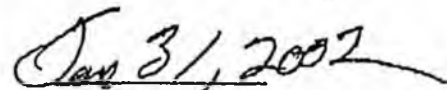
Section 31: All
Section 32: W1/2

Totaling approximately 5,740 acres

Appeal: This is the final administrative order and decision of the department for purposes of an appeal to Superior Court. A person adversely affected by this final order and decision may (1) appeal to Superior Court within 30 days in accordance with the rules of the court, and to the extent permitted by applicable law, or (2) first request reconsideration of this decision, in accordance with AS 44.37.011 and 11 AAC 02.020, to Pat Pourchot, Commissioner, Department of Natural Resources, 550 W 7th Avenue, Suite 1400, Anchorage, Alaska 99501-3561. Any such request for reconsideration must be received at that address, or received by being faxed to 1-907-269-8918, within 20 calendar days after the date of "delivery" of this decision, as defined by 11 AAC 01.040(c) and (d). Failure of the commissioner to act on a request for reconsideration within 30 days after delivery of this decision is a denial of reconsideration and is also a final administrative order and decision for purposes of an appeal to Superior Court. It may then be appealed to Superior Court within a further 30 days in accordance with the rules of the court, and to the extent permitted by applicable law. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources. This decision goes into effect 30 days after delivery unless the commissioner first orders reconsideration.



Pat Pourchot, Commissioner
Alaska Department of Natural Resources



Date

HB

191

SENATE COMMITTEE REPORT

DATE: 5/9/03

FURTHER:

DATE TURNED
IN TO OFFICE: 5-9-03

Resources Committee considered CS FOR HOUSE BILL NO. 191(FIN) am

HB 191 COASTAL MANAGEMENT PROGRAMS

"An Act relating to the Alaska coastal management program and to policies and procedures for consistency reviews and the rendering of consistency determinations under that program; eliminating the Alaska Coastal Policy Council; annulling certain regulations relating to the Alaska coastal management program; and providing for an effective date."

and recommends:

be replaced with _____ CS _____ (_____)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to _____ Committee

Senate Bill:

same title

new title

House Bill:

same title

technical title

new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DOR	4/17/03		✓	4
DEC	3/3/03		✓	2
F&G	3/5/03		✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Jaeger Seehorn</i>	✓			
<i>Ben Stevens</i>	✓			
<i>Thomas H. Wagoner</i>			✓	
<i>Ken ...</i>		✓		
<i>Debra ...</i>		✓		
<i>Paul ...</i>			✓	
CHAIR: <i>Chet ...</i>				✓

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						
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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 (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 ()						
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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 (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 Conservation

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 4
 Bill Version: CSHB 191(FIN)
 (H) Publish Date: 5/5/03

Revision Date/Time (Note if correction): 4/17/2003 Dept. Affected: Natural Resources
 Title: Coastal Management Programs BRU: Management and Administration
 Component: Office of Alaska Coastal Zone Mgmt
 Sponsor: Rules
 Requester: (H) RES 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	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	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	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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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	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
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
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)

See page 2.

Prepared by: Nico Bus Phone: 465-2406
 Division: Administrative Services Date/Time: 4/17/2003
 Approved by: Tom Irwin, Commissioner Date: 4/17/2003
 Agency: Natural Resources

FISCAL NOTE #4

CSHB 191(FIN)

Currently, the federal grant award is distributed to districts (\$1,166,600) for coastal community improvements, and the remaining funds support the efforts of Alaska Coastal Management Program (ACMP) (\$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 restructuring of the permitting system and the major revisions of the Coastal Management Program, the climate for resource based development activities and investment will improve.

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT/PERMITTING
ALASKA COASTAL MANAGEMENT PROGRAM

SOUTHCENTRAL REGIONAL OFFICE
550 W 7th AVENUE SUITE 1660
ANCHORAGE, ALASKA 99501
PH: (907) 269-7470 FAX: (907) 269-3891

CENTRAL OFFICE
302 GOLD STREET
JUNEAU, ALASKA 99801
PH: (907) 465-3562 FAX: (907) 465-3075

PIPELINE COORDINATOR'S OFFICE
411 WEST 4th AVENUE, SUITE 2C
ANCHORAGE, ALASKA 99501
PH: (907) 2857-1351 FAX: (907) 272-3829

May 8, 2003

The Honorable Gene Therriault
President of the Senate
Alaska State Legislature
State Capitol (MS 3100), Room 111
Juneau, AK 99801-1182

RE: CS for HB 191

Dear President Therriault,

During the House committee process, HB 191 was significantly amended to respond to testimony brought by local governments, coastal districts, industry representatives, and the general public. As stated in the Governor's transmittal letter, HB 191 is intended to retain to the state the benefits of the federal Coastal Zone Management Act, but eliminate the duplication and complexity built into the present Alaska Coastal Management Program (ACMP).

The Committee Substitute (CS) returns to the basic structure of the existing ACMP. It retains the four existing Coastal Resource Service Areas that are located in the unorganized borough. All existing coastal districts continue, and they retain the same structural authorities and responsibilities as under the current program. This CS also retains local enforceable policies and the statewide standards of the program. Furthermore, it ensures that all federal activities, activities requiring a federal permit, or an activity requiring a state permit occurring within the coastal zone will have a consistency review. In short, this CS ensures that the districts will retain their "seat at the table" as project decisions are made.

However, the CS does make significant changes to the program, attempting to retain the important elements, while addressing the problems previously identified. For instance, this CS eliminates the Coastal Policy Council and transfers its duties to the Commissioner of the Department of Natural Resources. It also places a sunset provision on the current statewide standards and current coastal district plans, and mandates that they be replaced within the next three years with standards that must be clear, concise, and not duplicative of otherwise existing requirements. The CS also clarifies that local enforceable policies found in district plans may not address a matter that is regulated or authorized by state or federal law, unless the policy relates specifically to a matter of local concern.

Furthermore, this legislation provides important improvements to the consistency review process in order to ensure more predictable timelines. These improvements include, clarifying the scope of the project that is subject to review, and when a project can proceed in phases. It also

"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."

encourages expanding the use of general authorizations. Finally, this CS clarifies that the Alaska Department of Environmental Conservation (DEC) permits and authorizations will constitute the consistency determination for activities regulated by DEC's statutes and regulations, and it insulates the ACM? consistency review process from delays associated with these permits and authorizations.

The Senate Resources committee has already heard HB 191's companion bill, SB 143. There have been five amendments to the CS for HB 191 that have been adopted by the House, and that differ from the Senate Resources CS for SB 143. I am attaching a brief summary of those amendments for your information and review (see Enclosure A).

I request your prompt and favorable action on this measure.

Sincerely,



William Jeffress
Director

Enclosures:

- Enclosure A - Comparison document
- Enclosure B - Key components of the Bill
- Enclosure C - Timeline
- Enclosure D - District Enforceable Policies

Enclosure A

Comparison between the Senate Resource Committee Substitute for SB 143 and CSHB 191(FIN) as adopted by the House

On Monday, April 28, the Senate Resources Committee had before it a Committee Substitute similar to CSHB 191(RES). The House made five amendments to CSHB 191(RES) since your last hearing. The Administration supported those amendments. The amendments are described below.

1. The House adopted an amendment to sec. 20 restoring the language in the existing statute at AS 46.40.096(d) that the reviewing entity request comments from "interested" as opposed to "affected" persons. The restoration of the "interested" language was made to avoid arguments that the section would not provide for the public notice required by federal law.

2. The second change is a clarifying amendment made by the House concerning the process used when only DEC permits are required for a project in the coastal zone. See sec. 22, AS 46.40.096(j). The amendment removes the references to AS 46.40.096(g) and AS 46.40.040(b) in the consistency review "trigger" provision of .096(j).

The change clarifies that under .096(g), DEC will exclude from the .096 review the activities subject to DEC permits, but DEC will evaluate the project under .096(k) to determine if there are any other activities that are the subject of a local district enforceable policy. If so, those other activities will be evaluated for consistency against the local policies and the statewide standards.

3. An amendment made in House Finance addresses exceptions to the 90-day consistency review deadline established in sec. 22, .096(n). This amendment to .096(o) provides that the 90 day deadline is suspended in three circumstances. The first is when an applicant has not adequately responded within 14 days of receipt of a request for additional information. The second is when the applicant requests that the review time be suspended. The third is when a draft consistency determination undergoes an administrative appeal within the department known as an elevation.

4. The fourth change was made on the House Floor concerning the transition provisions at sec. 46(b) & (c). The changes provide that the current ACMP regulations at 6 AAC 80 and 6 AAC 85, and the district programs remain in effect until they are amended through a DNR public process or they sunset under the bill's transition provisions.

5. The last change was new language added in House Finance to the transition provision at Section 47. The new subsection (b) provides that "Upon request, the Department of Natural Resources shall consult with coastal districts to identify plan amendments that will meet the standards and guidelines established under this Act."

Enclosure B

Key Components of the Bill

CS FOR HB 191/SB 143

Reasons for Coastal Management in Alaska:

- (1) State and local control on projects requiring a federal authorization
- (2) State and local influence on direct federal activities
- (3) Federal financial assistance ~ \$2,835,000

Problems Identified With the Current Coastal Management Program

- The consistency review process is unpredictable, it is overly broad in scope, can take too much time, and delays the issuance of permits.
- The statewide standards and local enforceable policies are vague, subject to multiple interpretations, and often duplicate or restate other state or federal requirements.
- Because of the unpredictable timelines and standards, developers lack the certainty needed to make capital commitments on future projects.

Key Components of the Committee Substitute

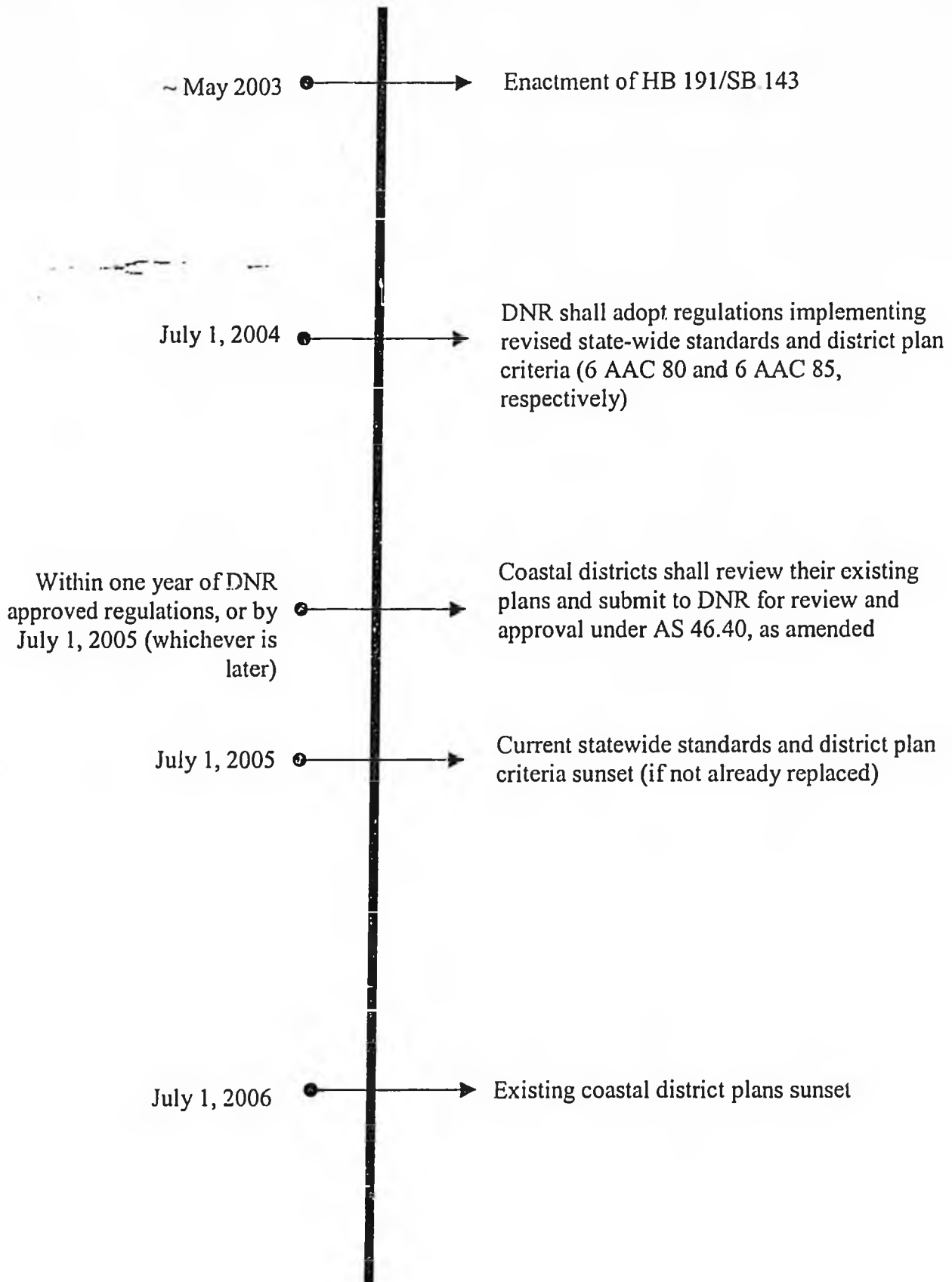
- Eliminates the Coastal Policy Council and transfers its duties to the Alaska Department of Natural Resources.
- Places a sunset on the current statewide standards and coastal district plans.
- Mandates the replacement of all current statewide standards and coastal district plans to ensure that all standards and local enforceable policies are clear, concise, not susceptible to subjective interpretation, and not duplicative of otherwise existing requirements.
- Clarifies that local enforceable policies may not address a matter regulated or authorized by state or federal law, unless the policy relates specifically to a matter of local concern.
- Provides important clarifications on the consistency review process to provide more predictable timelines and standards, including scope of the project that is subject to review, when a project can proceed in phases, and encourages expanding the use of general permits.
- Clarifies that the Alaska Department of Environmental Conservation permits and authorizations constitute the consistency determination for Air, Land, and Water quality and insulates the ACMP consistency review from delays associated with these permits and authorizations.
- Coastal Resource Service Areas remain intact.
- All coastal districts retain the same authorities and responsibilities as under the current program, including the same seat at the table for consistency reviews.
- District enforceable policies remain applicable to all projects subject to a consistency review, not just OCS and federal activities.

Topic	Current Coastal Management Program	Proposed Program – CS for HB 191 / SB 143
ACMP Administration	<ul style="list-style-type: none"> • Department of Natural Resources, as staff to the Alaska Coastal Policy Council (as of April 15, 2003) 	<ul style="list-style-type: none"> • DNR
Funding	<ul style="list-style-type: none"> • ~ \$5,130,000 (federal funds with state/local match) • Distributed to/for: <ol style="list-style-type: none"> 1. State agencies – consistency reviews, coastal program plan review 2. Coastal districts – consistency review/plan development 3. Special projects (i.e . ACMP information system, regulatory revisions) 4. Coastal Non-Point Source program (6217) 	<ul style="list-style-type: none"> • Same
Coastal Districts	<ul style="list-style-type: none"> • 35 approved districts <ol style="list-style-type: none"> 1. 33 approved district plans 2. includes 4 coastal resource service areas (CRSA's) serving the unorganized areas • Have a seat at the table during consistency review • Receive funding to participate in consistency reviews, develop & implement district plans 	<ul style="list-style-type: none"> • Same
Coastal Zone Boundaries	<ul style="list-style-type: none"> • Established in <i>Biophysical Boundaries for Alaska's Coastal Zone</i> (1978) • Modified by coastal resource districts during plan development and approved by the Alaska Coastal Policy Council 	<ul style="list-style-type: none"> • Same

Topic	Current Coastal Management Program	Proposed Program – CS for HB 191 / SB 143
Application of ACMP and Consistency	<ul style="list-style-type: none"> • Consistency review for <ol style="list-style-type: none"> 1. Federal activities 2. Activities in the outer continental shelf 3. Activities that require a listed federal authorization 4. Activities that require a listed state authorization • Consistency is determined by reviewing activities against the enforceable policies (see above) 	<ul style="list-style-type: none"> • Same
Enforceable Policies	<ul style="list-style-type: none"> • Statewide standards – 6 AAC 80 • Coastal district program enforceable policies <ol style="list-style-type: none"> 1) Do not duplicate state law 	<ul style="list-style-type: none"> • Statewide standards at 6 AAC 80 to be rewritten by July 1, 2004 • Coastal district plan policies to be rewritten and submitted to DNR for review and approval within one year after the effective date of the DNR regulations or July 1, 2005, whichever is later • Coastal district plan policies <ol style="list-style-type: none"> 1. Are clear and concise as to the activities and persons affected by the policies and the requirements of the policies 2. Use precise, prescriptive, and enforceable language 3. Do not address a matter regulated or authorized by state or federal law, unless a matter of local concern 4. Do not arbitrarily, unreasonably or unduly restrict or exclude a use of state concern

Topic	Current Coastal Management Program	Proposed Program – CS for HB 191 / SB 143
Review Process Specifics	<ul style="list-style-type: none"> • New regulations effective January 21, 2003, to address consistency review issues 	<ul style="list-style-type: none"> • Regulations to remain in effect, with amendments to address requirements in CS legislation • Specific consistency issues addressed: <ol style="list-style-type: none"> 1. Trigger point for consistency review 2. Scope of review 3. Phasing 4. Elevation 5. Exclusion of ADEC permits and authorizations 6. Time limitations and certainty for consistency reviews 7. ABC List, general permits 8. Definition of project

Enclosure C



STATE OF ALASKA

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL

FRANK H. MURKOWSKI,
GOVERNOR

1031 WEST 4TH AVENUE, SUITE 200
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May 5, 2003

Sectional Analysis of CSHB 191 (FIN)

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.

Overview: The bill:

- clarifies the scope, applicability and requirements of the existing Coastal Management Program in AS 46.40;
- retains coastal resource districts and the current structure of how they operate under the ACMP.
- retains existing Coastal Resource Services Areas (CRSAs) in the unorganized borough but eliminate the creation of any new CRSAs.
- eliminates the Alaska Coastal Policy Council (CPC) and transfers its authority for the development of statewide standards of the ACMP and the approval of district coastal management plans to the Department of Natural Resources (DNR).
- requires DNR to adopt regulations within one year establishing clear and enforceable statewide standards of the ACMP and criteria for the approval of new district coastal management plans.
- requires coastal resource districts to submit new coastal management plans to DNR for approval. The plans must have enforceable policies that are clear, concise, provide greater uniformity throughout the state and do not duplicate state and federal requirements. The districts are

Re: Sectional Analysis of CSHB 191 (FIN)

May 5, 2003

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required to submit these new plans within one-year of the effective date of DNR's new regulations, or July 1, 2005, whichever is later.

- streamlines the ACMP by relying on the Department of Environmental Conservation's requirements at AS 46.03, AS 46.04, AS 46.09, AS 14 and their implementing regulations as the enforceable policies of the ACMP for those purposes and relying on DEC's implementation of those requirements in order to determine consistency for those parts of a development project.

Section 1 contains legislative findings on the need for reform of the ACMP.

Sections 2, 4-6 make conforming amendments to existing statutes reflecting the elimination of the Alaska Coastal Policy Council and the transfer of the CPC's functions to the Department of Natural Resources.

Section 3 reflects a change in terminology when referring to district coastal management programs. The CS refers to new district plans to distinguish them from the existing district programs and the statewide ACMP Program.

Sections 7 and 8 transfer from the CPC to DNR the authority to develop statewide standards and the criteria for adoption of district coastal management plans.

Section 9 directs coastal resource districts to develop and adopt coastal management plans and set forth the required contents of the plans. AS 46.40.030(b) states that enforceable policies of those plans must meet the requirements of AS 46.40.070 and may not duplicate, restate, or incorporate by reference statutes or administrative regulations adopted by state or federal agencies. The term "enforceable policy" is defined in section 43 of the bill.

Section 10 directs DNR to establish statewide standards for the ACMP and district coastal management plan criteria.

Section 11 establishes the Department of Environmental Conservation's statutes at AS 46.03, AS 46.04, AS 46.09, AS 46.14 and the regulations adopted thereunder as the exclusive policies of the ACMP of those purposes. This provision provides that the issuance of permits, certifications, approvals and authorizations by DEC constitute a determination of consistency with the ACMP for those purposes for those activities of a proposed project subject to those permits and other authorizations. Coastal Resource Districts could have

Re: Sectional Analysis of CSHB 191 (FIN)

May 5, 2003

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enforceable policies for activities of a project that are not addressed by the DEC standards. This language ensures that the ACMP consistency review process does not duplicate DEC's permitting process. This provision conforms with the provisions of the existing program at 6 AAC 80.140 and the federal Coastal Zone Management Act's requirement that these environmental standards be included in the state's coastal program.

Section 12 repeals and readopts AS 46.40.050 concerning submission of district plans by coastal resource districts. The section removes obsolete language from the initial creation of the program in 1977 and adds a new requirement that a coastal resource district must review and resubmit its plan for approval every ten years. This is to ensure that the district plans are regularly updated.

Section 13 amends the district plan review and approval provision at AS 46.40.060. It provides that the department may approve a district coastal management plan provided it meets the requirements of AS 46.40, the statewide standards adopted by DNR, and the district plan criteria adopted by the department. A district plan may not arbitrarily or unreasonably restrict or exclude uses of state concern. Uses of state concern are defined in AS 46.40.210(8) at section 42 of the bill.

Section 14 establishes specific requirements for department review and approval of district coastal management plans in AS 46.40.070. The department may approve a district plan under AS 46.40.060, if it meets the requirements of AS 46.40, AS 46.40.060 and the enforceable policies of the plan meet the requirements of .070(a)(2). 070(a)(2) requires that the enforceable policies be clear and concise, and use precise, prescriptive, and enforceable language. In addition, the enforceable policy may not address a matter regulated or authorized by state or federal law unless the enforceable policies relate specifically to a matter of local concern. "Matter of local concern" is specifically defined in the bill.

Section 15 makes conforming changes to AS 46.40.090 concerning how local district plans are implemented in the unorganized borough.

Section 16 amends existing AS 46.40.094 that describes how a project may be reviewed for consistency with the ACMP in "phases." This amendment would broaden the phasing statute to allow projects other than traditional oil and gas leasing projects to be reviewed in phases. The phasing test is changed from whether future information is "obtained in the course of a phase" to whether the information "was not available to the project applicant at the time of the previous phase." This change makes the language consistent with the federal coastal

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management regulations allowing for phasing of federal activities subject to a consistency review in 15 C.F.R. 930.36(d).

Sections 17-22 amend the existing statute providing for consistency reviews of development projects in the coastal zone.

Section 17 provides that DNR is to establish by regulation a consistency review process conforming to AS 46.40.096.

Section 18 clarifies that state consistency reviews are triggered by state resource agency authorizations.

Section 19 provides that DNR's consistency review regulations must provide for public notice, which is a requirement of the federal coastal zone management act.

Section 20 provides that "subsequent reviews" also known as "elevations" during the consistency review project are decided by DNR and that they are to be completed within 45 days after the initial request for review.

Section 21 amends AS 46.40.096(g) to exclude certain activities and permits from the consistency review process in AS 46.40.096. Consistent with federal law, an activity that is authorized under a general or nationwide permits previously determined to be consistent with the ACMP is not required to be reviewed a second time. As provided in section 11, DEC's review of an activity under AS 46.03, AS 46.04, AS 46.09, AS 46.14 and its implementing regulations is not included in the consistency review process in AS 46.40.096. Activities excluded from a consistency review under the existing provisions of the Forest Practices Act in AS 41.17 are excluded from a consistency review under AS 46.40.096.

Section 22 adds eight new subsections to AS 46.40.096 to clarify what permits or activities trigger a consistency review, the scope of the review once triggered and the geographic scope of the activities subject to a review.

New subsection (i) references DEC's separate consistency determination under AS 46.40.040(b).

New subsection (j) clarifies that, except as provided in the Forest Practices Act, the exclusions in (g) of .096, and for federal consistency reviews and certifications subject to federal law, a consistency review is triggered by an

Re: Sectional Analysis of CSHB 191 (FIN)

May 5, 2003

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activity that is subject to a state resource agency permit, lease, authorization, approval or certification.

New subsection (k) provides that except as provided in the phasing statute (AS 46.40.096) and the exceptions above, the scope of a consistency review is limited to activities subject to the permit or authorization and a coastal resource district policy approved by the department under the State Coastal Management Act.

New subsection (l) defines the geographic area where an activity triggers a consistency review and the geographic scope of the review once triggered. The consistency review process is to apply to activities within the coastal zone of the state (defined in AS 46.40.210), activities on the federal outer continental shelf or on federal lands that are the within the geographical boundaries of the state's coastal zone.

New subsection (m) adds the requirement that DNR establish in regulation the state resource agency permits and federal permits that trigger a consistency review. The subsection also directs DNR to establish by regulation categories and descriptions of uses and activities that are determined to be consistent with the ACMP or that would be made consistent with the inclusion of standard alternative measures. The existing list of such activities is known as the "A, B, C" list. The new legislation directs that these categories and descriptions of uses and activities be reviewed by DNR and made as broad as possible so as to minimize the number of projects that must undergo an individualized consistency review.

New subsections (n) and (o) establish a 90 day deadline for completing consistency reviews.

New subsection (p) expressly states that a consistency review under AS 46.40.096 need not be held up by a DEC or other permit excluded under AS 46.40.096(g).

Section 23 includes cross-references to existing requirements in the enforcement section of the Act.

Sections 24-28 are conforming amendments transferring authority from the CPC to DNR.

Sections 29-37 are amendments to the statutory provisions governing the creation and operation of coastal resource service areas (CRSAs) in the

Re: Sectional Analysis of CSHB 191 (FIN)

May 5, 2003

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unorganized borough. These sections are amended to retain existing CRSAs but to preclude the creation of new CRSAs.

Section 38 is a new savings clause clarifying that nothing in AS 46.40 diminishes state jurisdiction or affects state requirements as they apply to the federal government under a federal authorization or federal waiver of sovereign immunity. The savings clause also makes clear that the coastal zone act does not diminish the zoning or planning authority of municipalities under AS 29.

Section 39 is a conforming amendment concerning the use of the term district coastal management plan.

Section 40 amends the existing definition of consistency review to track the scope and applicability clarifications in the other sections of AS 46.40.

Section 41 defines department as the department of natural resources.

Section 42 amends the existing definition of "uses of state concern."

Section 43 adds new definitions of the terms "coastal use or resource," "coastal zone," "district management plan," "enforceable policy," and "project."

Section 44 repeals statutory references to the CPC and obsolete provisions of AS 46.40.

Section 45 annuls the existing statewide standards and district program guidelines in 6 AAC 80 and 6 AAC 85. This annulment takes effect on July 1, 2005 (see section 49).

Section 46 is a transition provision. First it directs DNR to adopt regulations implementing this Act no later than July 1, 2004.

Second, until the statewide standards and district program guidelines are annulled under section 45 or DNR adopts new regulations, the existing regulations remain in effect and DNR can implement and enforce the statewide standards and guidelines to the extent not inconsistent with this Act.

Third, district coastal management programs approved by the CPC stay in effect until July 1, 2006, unless DNR disapproves or modifies all or part of the program before July 1, 2006.

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May 5, 2003

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Fourth, consistency reviews pending on the day before the effective date of this Act may continue and be completed under the prior rules, at the applicants option exercised no later than 60 days after the effective date of the act.

Section 47 is a transition provision directing the submission of new district plans by coastal resource districts for initial implementation of this Act. All coastal resource district must submit revised district plans to DNR within one year after DNR adopts new regulations, or until July 1, 2005, whichever is later. Subsection (b) provides that upon request, the Department of Natural Resources will consult with coastal districts to identify plan amendments that will meet the standards and guidelines established under this Act. Subsection (c) provides that the 90-day review time in AS 46.40.070 does not apply to the submissions under (a) of the transition provision.

Section 48 contains revisor's instructions making changes in article headings and Alaska Administrative Code changes reflecting the transfer of the coastal management program from the CPC to DNR. Subsection (c) provides that if DNR's regulations are adopted before old CPC regulations are annulled, the old CPC regulations at 6 AAC 80 and 6 AAC 85 will be removed by the regulations attorney as obsolete.

Section 49 is the delayed effect date of section 45's annulment of 6 AAC 80 and 6 AAC 85 on July 1, 2005.

Section 50 provides that with the exception of section 49, the Act takes effect immediately under AS 01.10.070(c).

April 25, 2003

Examples of District Enforceable Policies that meet the requirements of CS FOR HB 191 / SB 143 (RESOURCES), AS 46.40.070 (a)(2)(A)-(B) (section 14)

The following are examples of district enforceable policies meeting the requirements of proposed AS 46.40.070(a)(2)(A)-(B) (section 14). Where applicable, the district enforceable policy would be supported by an analysis and justification within the plan itself of how the policy meets the "matter of local concern" test under AS 46.40.070(a)(2)(C).

These example policies are based upon existing district enforceable policies. Some of the language has been changed to meet the test of CS for HB 191/SB 143 (RES) (section 14). These enforceable policies have been selected based upon the current State and Federal regulatory regime and are recognized as filling areas that are not otherwise adequately addressed. However, if the State or Federal law is subsequently expanded to adequately address these areas, then these district enforceable policies would have to be repealed.

Specific Location Policies

1. Activities within the Sisoalik Spit Use Area, as designated on map A-1, shall avoid impacts to marine mammals and to the subsistence harvest of marine mammals.
2. The area within 1 mile of the Narrow Lake shoreline is designated as the "Narrow Lake Recreational Use Area" as described in the Resource Inventory. Activities located within the Narrow Lake Recreational Use Area shall maintain or enhance the recreational value of the area.
3. Floathomes shall be recognized as an approved use of private and state tidelands in all residential zones identified on Map 3-B where:
 - 1) Adequate sewage treatment (marine sanitation devices) and/or tidal flushing exists;
 - 2) The floathome is moored in at least 15 feet of water at mean low water;
 - 3) The presence of a floathome will not jeopardize access to another's upland property; and
 - 4) The floathome is not an obstruction to use of navigable waters.

4. All structures and foundations located adjacent to the important streams or lakes listed in Table 2 and identified as sensitive to development shall have a fifty-foot setback from each side of the stream or lake measured from the ordinary high water mark. Docks, bridges, culverts and public structures whose purpose is access to or across the stream or lake are not subject to this policy. Uses which must be in or adjacent to the stream or lake in order to function, such as mining activities, fish culturing, water supply intakes, and similar uses, are exempt from the setback requirement.

5. Development on barrier islands and in the marine and estuarine waters within 3 miles of the passes of Kasegaluk Lagoon intensively used by beluga whales, identified below, shall not interfere with subsistence use of beluga whales; shall not cause the whales to be displaced from these passes; and shall not jeopardize the continued use of these passes and lagoon system by beluga whales. The passes intensively utilized by beluga whales are Kukpowruk Pass, Akunik Pass, Utukok Pass, Icy Cape Pass, and Alokiakatat Pass (see Map 11 of the NSB Resource Atlas).

6. Offshore drilling and other development within the area of bowhead whale migration, identified on Map 2, during the migration seasons, described in Section 3 of the Resource Inventory, shall not interfere with subsistence activities nor prevent the continued availability of whales for subsistence purposes.

Generally Defined Portion of the Coastal Zone

7. Debris from offshore construction activities shall be removed to an approved onshore disposal site before completion of construction.

8. Oil produced in offshore areas shall be transported to shore for storage, unless it is determined that transport of the oil will have a greater potential for adverse environmental impact than offshore storage.

9. Dredged materials disposed onshore will be contained and stabilized in order to prevent erosion or leaching of dredged materials into fish bearing waters or the high value wetlands identified on map 2.

Subject: HB 191

Date: Fri, 9 May 2003 12:12:56 -0800

From: "Scott, Michael J. (PDPW)" <ScottMJ@ci.anchorage.ak.us>

To: "Senator_Scott_Ogan@legis.state.ak.us" <Senator_Scott_Ogan@legis.state.ak.us>

CC: "Wuerch, George P." <WuerchGP@ci.anchorage.ak.us>

Dear Senator:

We've been asked to clarify a statement made on the House floor on Wednesday by Representative Norm Rokeberg regarding the Municipality of Anchorage's position on the version of HB 191 that passed over to the Senate. Rep. Rokeberg made the comments on our behalf following the distribution of a letter objecting to the bill that contained an unauthorized signature of an employee of the Municipality endorsing the letter.

The Municipality of Anchorage currently issues wetland fill permits at our Permit Center which is a one-stop shop for developers. If HB 191 would transform our Coastal Management program to an extent that issuing the fill permits may come into question by federal wetland regulators, we wouldn't support HB 191. From our perspective, the real local control regarding development activities within our coastal resource area is the authority to issue the fill permits. As we have been assured and even the bill opponents have conceded, HB 191 will not be used to erode our ability to issue the permits at the local level, we supported the Governor's effort to move the Coastal Management program to the Department of Natural Resources (DNR).

We support HB 191 as it passed the House. We understand that while the state will set common standards in several areas for projects and activities that may be different than some existing plans, local governments will still have the ability to influence their local plan amendments for special conditions not typically found in common statewide standards. As with any new initiative, there will be regular dialogue between the state and the Municipality as well as with the other Coastal Management Districts as DNR enacts its changes. We're confident that HB 191 will continue to safeguard coastal resources in Anchorage. In fact, federal law will allow no less.

We applaud the Governor for taking the initiative to address the issues contained within HB 191. We note that federal coastal management regulators aren't opposing HB 191. We support HB 191 in its current form.

Michael J. Scott

Executive Director

Planning, Development and Public Works

THE
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DOCUMENT(S)
ARE
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COPIES

Bering Straits Coastal Resource Service Area
P. O. Box 190
Unalakleet, Alaska 99684
(907) 624-3062
FAX 624-3833

May 9, 2003

Senator Scott Ogan
Chair, Senate
Natural Resources Committee
Juneau, Alaska 99811

Dear Mr. Chairman and Members:

Subject: HB191 and SB143.

We are concerned that the local input into projects that have impacts on our communities is being eliminated in at least two ways. Granting the Department of Natural Resources the authority to approve coastal management plans and eliminating the Alaska Coastal Policy Council. Perhaps a change of the Alaska Coastal Policy Council composition would be appropriate. It may be appropriate to only appoint public members from coastal districts, including membership from coastal resource areas.

Alaska is a very large and diverse state, with a wide range of climate and topography. It makes good public policy to have input from local citizens through their local coastal districts.

Please continue due deference to local coastal districts so that local, State and Federal officials continue to have access to local knowledge and expertise.

Hold public hearings in locations that have not received the benefit of your presence.

Sincerely,

Chuck Degnan
Program Director

City of Koyuk
P.O. Box 53029
Koyuk, Alaska 99753
Ph. (907) 963-3441
Fax (907) 963-3442

MAY - 7 2003

April 28, 2003

Senator Scott Ogan
Capital-State of Alaska
Juneau, Alaska 99801

RE: CZM S.B. 143

Dear Senator Ogan:

I gave my testimony on Friday, April 25, 2003 by calling in to the Senate Resource Committee and spoke on behalf of the Koyuk City Council and the City of Koyuk. I strongly voice my opposition to S.B. 143 for the following reasons as indicated below.

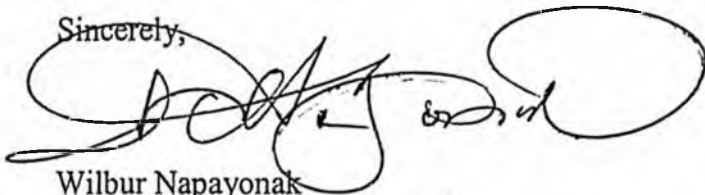
1. It is becoming increasingly difficult to secure any matching funds for our small Coastal community to become eligible and initiate Capital projects to provide an economical boost and stability, and to provide for the needs of our local residents.
2. All of our local concerns are derived from the residents in our community. Why do we need scientists/specialists to come and tell us what's important? The People of the land, our Elders, and local community residents are the voices that speak and address our local concerns.
3. I liken the DEC component of the Consistency review process to an engine. All necessary parts must be available and assembled in order for it to operate properly. eliminate a part, and it goes nowhere. I remember when Senators, and Senator elects would travel from village to village to listen to local concerns. Today, most of it is done through electronic mediums. Astronomical airfares prohibits many voices from a village to attend long distance meetings to voice local issues and concerns. The few strong voices that were able to affordably send is a minute portion of our people. Don't take away more than you already have. DEC is of vital importance to our Coastal Community.
4. When you set a timeline to a consistency review of any project or activity, you are neglecting to take into consideration the duration of absence of our community residents who utilize Mother Nature's time clock for subsistence gathering. Therefore our voices that speak, and the hands that build aren't available in our rural areas to fulfill your timeline requirements. We are continually requesting or filling for an extension for paperwork process and capital projects. There is a proper time and procedure to everything. So, subsistence is a survival priority to our existence. There is not enough revenue generating resources available in small rural areas from which to draw and secure monies to bring into fruition any activity or project. An increase in local match would result in

an economic collapse and devastation to City Administration and Operation. We struggle to survive in this money world.

So, I ask you "Why are you trying to get us to pay more when we are getting little to begin with?"

I am one voice who speaks for many to oppose S.B. 143.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wilbur Napayonak', with a large circular flourish at the end.

Wilbur Napayonak
Secretary, Koyuk City Council

City of Koyuk
PO Box 53029
Koyuk, Alaska 99753
Phone: (907) 963-3441
Fax: (907) 963-3442

Resolution 03-10

A resolution of the Koyuk City Council opposing House Bill 191 and Senate Bill 143 and to support the continuation of the Alaska Coastal Resource Service Areas.

WHEREAS, the ALASKA COASTAL MANAGEMENT PROGRAM provides a voice for the rural areas of the State of Alaska and

WHEREAS, the ALASKA COASTAL MANAGEMENT PROGRAM allows citizens of Coastal Resource Service Areas to comment on projects requiring Federal, State or Local permits and

WHEREAS, the citizens of the Coastal Resource Service Areas provide important local knowledge to State and Federal officials and

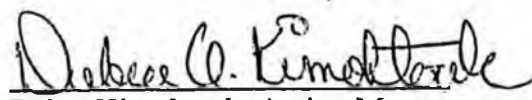
WHEREAS, the citizens of the Coastal Resource Service Areas are experts in living in their own local areas and

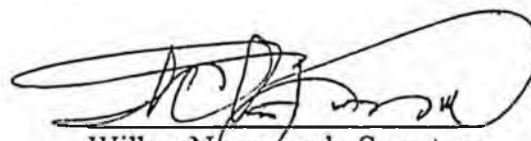
WHEREAS, subsistence rights is a high priority for the Native People of Koyuk who rely on clean air and clean water to procure waterfowl and marine life for sustenance and supplemental diet.

NOW THEREFORE BE IT RESOLVED the Koyuk City Council opposes the termination of Coastal Resource Service Areas.

BE IT FURTHER RESOLVED that the Coastal Management Program be left intact with the current regulations, which were recently adopted, by the State of Alaska and the U.S. Department of Commerce.

PASSED by a duly constituted quorum of the Koyuk City Council this 30th day of April 2003.


Debra Kimoktoak, Acting Mayor


Wilbur Napayonak, Secretary

May 6, 2003

MAY - 7 2003

Dear Alaska Legislators:

We, the following coastal districts, feel the drastic changes to the Alaska Coastal Management Program proposed in HB 191 and SB 143 are potentially devastating and directly impact public involvement. The speed of the legislative changes and amendments has denied communities the chance to fully understand its impacts. It appears these bills reduce the credibility of the program, limit local authority, delete local enforceable policies, require costly plan revisions and centralize control and authority in the Departments of Natural Resources and Environmental Conservation at the expense of the local districts.

The credibility of the Alaska Coastal Management Program is seriously endangered by eliminating the Coastal Policy Council because there is no equivalent representative body proposed under the DNR. This representative body provides a measure of legitimacy and assures the interests of Alaskans are considered in the administration of the program. In contrast, the legislation relies on the presumed wisdom and understanding of a single agency commissioner who can enforce his or her preferences on local communities for all decisions.

These bills further limit local control by making DEC statutes and regulations the "exclusive" enforceable policies of the coastal program for the purposes governed by these authorities. Coastal districts will only be able to develop enforceable policies that relate to matters not covered by DEC statutes or regulations. However, there are very few local coastal issues that would not be covered by these statutes and regulations. In addition, even if there is an approved local policy, applying the policy will be curtailed because these bills remove activities authorized by DEC from a project subject to a consistency review. Section 14 in the bills impose requirements that will establish an almost impossible threshold for DNR approval of coastal district enforceable policies, rendering coastal district plans unworkable. This will mean the coastal district/resource area "seat at the table" in State and Federal permitting will be lost.

This legislation applies a "one-size fits all" approach to resource planning and permitting decisions in the coastal zone of Alaska. The Alaska coastal zone is so large, and comprised of so many unique environments, that a "one-size fits all" approach cannot be appropriate for any one region or any one project. While the legislation as presented does not contain a fiscal note for the state, it represents a significant fiscal impact to the coastal districts who want to be able to bring an element of local knowledge to the permitting process. Alaskans believe in the regulation of fish and game resources on the basis of sound science and rely on local game board inputs. Why wouldn't coastal zone residents support the same approach to development permitting which has the potential to affect these same resources?

It is not feasible to rewrite all coastal plans within a one-year period. The public process would require multiple meetings and consensus building in communities spread out over

large geographical areas. Furthermore, the burden of substantiation by documenting usage or providing scientific evidence to justify a matter of local concern will severely limit the reach of coastal policies, effectively shrinking the coastal boundary to areas of special attention. Anything other than minimal documentation would be cost prohibitive. Imagine the state meeting the same thresholds if required by the federal government and the dollars that would need to be expended to do so.

Due deference to local communities and districts within coastal zones is essentially eliminated by this legislation. Alaska's long history of resource uses has resulted in local expertise and knowledge which is also represented in local coastal plans. The loss of due deference strikes at the heart of community voice in management of its coastal resources. Further these bills would remove local control and influence over the very lands and waters people depend on.

HB 191 and SB 143 have been rushed through the legislative hearing process with very little regard for coastal communities. In all the new "rewrites," these bills have not been presented in a timely manner to those affected by the changes. In some cases, we have not received the rewrites until the public hearing was in session. Governing bodies have not been given enough time to understand these issues and provide their comments to us as the coastal zone administrators. So in answer to our legislators that have proclaimed that they have not heard from their constituents one way or another on the ACMP issues, we are here to tell you that this issue is foremost on our minds and that we have not been allowed enough time to digest the information and understand the implications to form a credible opinion. We request that a committee be formed that includes the coastal zone districts as well as the legislators and give this legislation the attention it deserves over the interim.

Sincerely,

John Oocar

David D. KPB Coastal
Coordinator

Marin R. Smith LHPB

Karel Kukkumäe, AWCERSA

Andrew U. U. BB. CRSA

City and Borough of Juneau

Maria J. Campbell CB Sitka

City of Cordova

City's Borough of Yakutat

City of St Paul

Urban Burgeon City of Hyderabad

City of Nume
Municipality East Borough

James Day
James Day

North Slope Borough
City of Valley

Deanne Coth
East Smith

City of Cross

Jon Rollins

DeDe Vink
VIA FAX

Municipality of Andover
Coastal District Coordinator

Subject: Protect Coastal Communities - Vote "No" on HB 191 & SB 143

Date: 06 May 2003 03:27:18 -0000

From: kimf@gci.net

To: Senator_Scott_Ogan@legis.state.ak.us

Senator Scott Ogan
Alaska State Legislature
State Capitol, MS 3100
Juneau, AK 99801

Dear Senator Scott Ogan,

Dear Legislator -

Healthy coastal resources are essential to the social and economic well-being of Alaska's coastal communities. Since 1977, the Alaska Coastal Management Program has provided the needed balance between timely permit issuance and local control over local coastal resources.

HB 191 will take away this local control, and will amass permitting authority in the new mega-agency, DNR. This shift towards bigger state government at the expense of local communities is the wrong direction for Alaska.

Additionally, this legislation will foist huge unfunded mandates on local communities, requiring them to completely re-write existing coastal plans, hold numerous public hearings, and obtain state and federal plan approvals. With funding for education, roads and other services already tight, HB 191 will provide no new financial resources to coastal communities.

This complex legislation has sped through the legislature with little opportunity for the dialogue needed to support such sweeping, expensive and time consuming changes to our coastal management law. And importantly, there has been no factual evidence presented at any hearing to show the current program is broken.

Accordingly, I urge you to vote "no" on HB 191 & SB 143, and to work during the session break to include local communities and districts in creating a more fair and workable bill.

Thank you for your attention to this very important matter.

Sincerely,

kim fitzgerald
poBox 877357
Wasilla
Alaska, Alaska 99687

Subject: Protect Coastal Communities - Vote "No" on HB 191 & SB 143

Date: 06 May 2003 22:26:11 -0000

From: btlandon@excite.com

To: Senator_Scott_Ogan@legis.state.ak.us

Senator Scott Ogan
Alaska State Legislature
State Capitol, MS 3100
Juneau, AK 99801

Dear Senator Scott Ogan,

Dear Legislator -

Healthy coastal resources are essential to the social and economic well-being of Alaska's coastal communities. Since 1977, the Alaska Coastal Management Program has provided the needed balance between timely permit issuance and local control over local coastal resources.

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Accordingly, I urge you to vote "no" on HB 191 & SB 143, and to work during the session break to include local communities and districts in creating a more fair and workable bill.

Thank you for your attention to this very important matter.

Sincerely,

Timothy Landon
22621 Northwoods Dr
Chugiak, Alaska 99567

Subject: Protect Coastal Communities - Vote "No" on HB 191 & SB 143

Date: 06 May 2003 22:26:12 -0000

From: joekathy@gci.net

To: Senator_Scott_Ogan@legis.state.ak.us

Senator Scott Ogan
Alaska State Legislature
State Capitol, MS 3100
Juneau, AK 99801

Dear Senator Scott Ogan,

Dear Legislator -

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Thank you for your attention to this very important matter.

Sincerely,

Joe LeBeau
Box 872922
Wasilla, Alaska 99687

Subject: Protect Coastal Communities - Vote "No" on HB 191 & SB 143

Date: 06 May 2003 04:02:03 -0000

From: mlusch@pobox.alaska.net

To: Senator_Scott_Ogan@legis.state.ak.us

Senator Scott Ogan
Alaska State Legislature
State Capitol, MS 3100
Juneau, AK 99801

Dear Senator Scott Ogan,

Dear Legislator -

Healthy coastal resources are essential to the social and economic well-being of Alaska's coastal communities. Since 1977, the Alaska Coastal Management Program has provided the needed balance between timely permit issuance and local control over local coastal resources.

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Accordingly, I urge you to vote "no" on HB 191 & SB 143, and to work during the session break to include local communities and districts in creating a more fair and workable bill.

Thank you for your attention to this very important matter.

Sincerely,

Mark Lusch
PO Box 870634
wasilla, Alaska 99687

Subject: Protect Coastal Communities - Vote "No" on HB 191 & SB 143

Date: 06 May 2003 00:52:25 -0000

From: jrc@alaska.net

To: Senator_Scott_Ogan@legis.state.ak.us

Senator Scott Ogan
Alaska State Legislature
State Capitol, MS 3100
Juneau, AK 99801

Dear Senator Scott Ogan,

Dear Legislator -

Healthy coastal resources are essential to the social and economic well-being of Alaska's coastal communities. Since 1977, the Alaska Coastal Management Program has provided the needed balance between timely permit issuance and local control over local coastal resources.

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Accordingly, I urge you to vote "no" on HB 191 & SB 143, and to work during the session break to include local communities and districts in creating a more fair and workable bill.

Thank you for your attention to this very important matter.

Sincerely,

James R. Carter
P.O. Box 974
Willow, Alaska 99688



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599
BUSINESS (907) 262-4441 FAX (907) 262-1802

DALE BAGLEY
MAYOR

May 4, 2003

State of Alaska
Senate Resources Committee
Alaska State Capitol
Juneau, AK 99811-0001

RE: Proposed legislation; Senate Bill 143; Coastal management

Dear Senator Ogan,

I respectfully ask you to receive this as my written testimony for the record regarding Senate Bill 143.

The Kenai Peninsula Borough's direct reliance upon rich and varied natural resources for its economy is well established. The significant benefits for Kenai Peninsula Borough include direct income from natural or physical resource development, indirect benefits to economy through area tourism, and individual harvest activities. Management of these resources must rightly also involve meaningful local input. To this end, the borough Assembly adopted its coastal management plan in April of 1990.

The Kenai Peninsula Borough Coastal District has been following the proposed legislation under Senate Bill 143 and House Bill 191 that would substantially change the Alaska Coastal Management Program, and the Kenai Peninsula Borough Coastal Management Plan. This legislation has been moving rapidly through legislature with little opportunity for public input.

Given that the Kenai Peninsula Borough has seen beneficial results in the borough's participation in the Alaska Coastal Management Program; that the borough's participation in the Alaska Coastal Management Program allows the borough address resource management concerns without added permitting requirements; and that the proposed legislation will substantially change the borough's opportunities to comment on activities within its coastal district, the Kenai Peninsula Borough Coastal District requests that the State of Alaska Legislature provide for greater solicitation of input from all coastal districts, coastal resource service areas, municipalities, and constituencies affected by House Bill 191 and Senate Bill 143 prior to any passage of the bills.

Thank-you for the opportunity to comment,

Daniel Bevington, Coastal District Coordinator

CC: (email)
Senate Resources Committee
Dale Bagley, KPB -Mayor
Max Best, KPB -Planning Director
Pete Sprague, KPB -Assembly President
Coastal Districts



Alaska State Legislature

Please enter into the record my testimony to the

Senate Resources
committee name

Committee on

HB 191
bill # / subject

, dated

05/09/03
public hearing date

Please accept this Tribal Resolution into the record.

Signed:

Mich Johnson
Testifier

Kenaitze Indian Tribe, IRA
Representing (optional)

P.O. Box 988; Kenai, AK 99611
Address

(907) 283-3633
Phone number

KENAITZE INDIAN TRIBE, IRA
P.O. BOX 988 KENAI, ALASKA 99611
TEL: (907)283-3633 FAX: (907)283-3052

RESOLUTION NO. 2003-13

A TRIBAL RESOLUTION IN OPPOSITION TO HB 191 AND SB 143

WHEREAS, the Kenaitze Indian Tribe, IRA is a federally recognized Tribal Government reorganized under the statutes of the Indian Reorganization Act of 1934, as amended for Alaska in 1936, and in accordance with the preamble to the Tribal Constitution, "is responsible for the social welfare of its 1,149 Tribal Members and 1,750 Alaska Native residents of the Central and Upper southern Kenai Peninsula of Southcentral Alaska", and,

WHEREAS, the Kenaitze Indian Tribe, IRA has established long range goals which relate to the collective and individual, social and economic concerns of its service population; and,

WHEREAS, members of the Kenaitze Indian Tribe, IRA, since time immemorial, have pursued a way of life dominated by subsistence hunting and fishing on the Kenai Peninsula, and prior to Alaska Statehood depended upon a subsistence lifestyle for their very existence; and

WHEREAS, the Kenaitze Indian Tribe, IRA believes that it is of **vital importance** to protect and preserve the wild renewable resources in and around the Cook Inlet Basin and its tributaries; and,

WHEREAS, HB 191 and SB 143 have been introduced, and if passed by the Alaska State Legislature, will eliminate the local appeal process and completely erase the most important coastal protections in the state which have been provided by the Alaska Coastal Management Program and Coastal Management Council; and,

NOW THEREFORE BE IT RESOLVED, by the Executive Committee/Tribal Council, at its regularly scheduled meeting of May 9, 2003, that the Tribal Council, by a vote of Unanimous consent, strongly opposes HB 191 and SB 143.

CERTIFICATION

VOTING FOR:

VOTING AGAINST:

ABSTAINING:

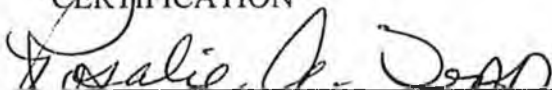
ABSENT:

4

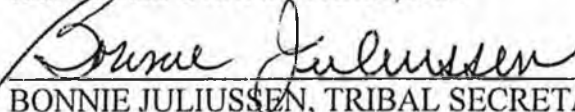
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2



ROSALIE TEPP, TRIBAL CHAIRPERSON
KENAITZE INDIAN TRIBE, IRA



BONNIE JULIUSSEN, TRIBAL SECRETARY
KENAITZE INDIAN TRIBE, IRA

5/9/03

DATE

HB 191 was significantly amended to respond to testimony of local govt, coastal districts, industry representatives and the general public.

Retains state benefits of the federal coastal zone management act but eliminates Duplication and the complexity found in the present ACMP

Eliminates the Coastal Policy Council and transfers its duties to DNR

HB 191 returns to the basic structure of the existing ACMP

Retains 4 existing coastal resource service areas, all existing coastal districts continue and they retain the same structural authority and responsibility as under the current program – including a seat at the table for consistency reviews

Insures that all federal activities, activities requiring a federal permit or an activity requiring a state permit within the coastal zone will have a consistency review

HB 191 does make significant changes to the program – it retains the important elements and addresses previously identified problems.

It places a sunset provision on the current statewide standards and coastal district plans and mandates they be replaced within the next three years with standards and local enforceable policies that must be clear, concise and not duplicative of otherwise existing requirements. Allows district plans to still address policies that relate specifically to matters of local concern

HB 191 clarifies that DEC permits and authorizations constitute the consistency determination for air, land and water quality - and insulates ACMP consistency reviews from delays associated with these permits and authorizations

Provides important clarity in the consistency review process to insure a more predictable timeline and standards, including the scope of a project that is subject to review, when a project can proceed in phases and encourages the use of general permits

CLERK'S OFFICE

APPROVED

Date: 5/13/03

Submitted by: Assemblymember Tremaine
Prepared by: Department of Assembly
For reading: May 13, 2003

ANCHORAGE, ALASKA
AR NO. 2603-149

1 A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY REQUESTING THAT THE LEGISLATURE
2 AND THE GOVERNOR POSTPONE FINAL ACTION ON HB 191/SB 143 THIS SESSION AND SET FORTH A
3 PROCESS THAT ALLOWS ALL AFFECTED PARTIES TO MEET AND JOINTLY WORK THROUGH THE
4 PROBLEMS WITH THE EXISTING PROGRAM
5
6

7 THE ANCHORAGE ASSEMBLY RESOLVES

8
9 WHEREAS, the ALASKA COASTAL MANAGEMENT PROGRAM provides a voice for all areas
10 of the State of Alaska by allowing citizens of Coastal Resource Service Areas to
11 comment on projects requiring Federal, State, or Local permits; and
12

13 WHEREAS, HB 191/SB 143 proposes to remove the Coastal Policy Council as the
14 decision-making body for approval of district plans and grant the Department of
15 Natural Resources (DNR) sole authority to approve or disapprove local plans; and
16

17 WHEREAS, this legislation limits local control by making the Department of
18 Environmental Conservation (DEC) statutes and regulations the "exclusive" enforceable
19 policies of the coastal program for the purposes governed by these authorities; and
20

21 WHEREAS, this legislation proposes to curtail application of local policies by
22 removing activities authorized by DEC from a project subject to a consistency
23 review; and
24

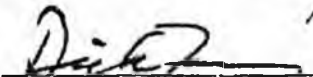
25 WHEREAS, this legislation would burden coastal districts by requiring revision
26 of their district plans within one year after DNR enacts regulations implementing
27 the changes to the coastal program.
28

29 NOW, THEREFORE, the Anchorage Municipal Assembly resolves
30

31 Section 1. That we request the legislature and governor postpone final action on
32 HB 191/SB 143 this session and, instead, set forth a process that allows all
33 affected parties to meet and jointly work through the problems with the existing
34 program.
35

36 Section 2. That this resolution shall take effect immediately upon passage and
37 approval.
38

39 PASSED AND APPROVED by the Anchorage Assembly this 13th day of May, 2003
40
41


Chair of the Assembly

42
43
44 ATTEST:

45
46
47 
48 Municipal Clerk
49
50
51
52

Subject: SB143/HB191;Coastal Management

Date: Wed, 14 May 2003 15:32:30 -0800

From: "Bevington, Dan" <DBevington@borough.kenai.ak.us>

To: "'Senator_Scott_Ogan@legis.state.ak.us'" <Senator_Scott_Ogan@legis.state.ak.us>

Dear Senator Ogan,

I hope that you are aware of the concerns of the Kenai Peninsula Borough Coastal District regarding SB143/HB191. We have consistantly asked the legislative committees for greater cooperation which includes affected districts in formulation of the new statues. From the local coastal district perspective, we concur with the findings in the recent Anchorage Assembly resolution, and ask you to provide such opportunity to have better involvement in the formulation of this important legislation.

Thank-you for your consideration,

Dan Bevington, KPB Coastal District Coordinator

<p>Dan Bevington (E-mail) <DBevington@borough.kenai.ak.us> Coastal District Coordinator Kenai Peninsula Borough</p>



State Of Alaska
Legislative Affairs Agency
Kenai LIO
145 Main St Lp, Ste 217
Kenai, AK 99611
907-283-2030

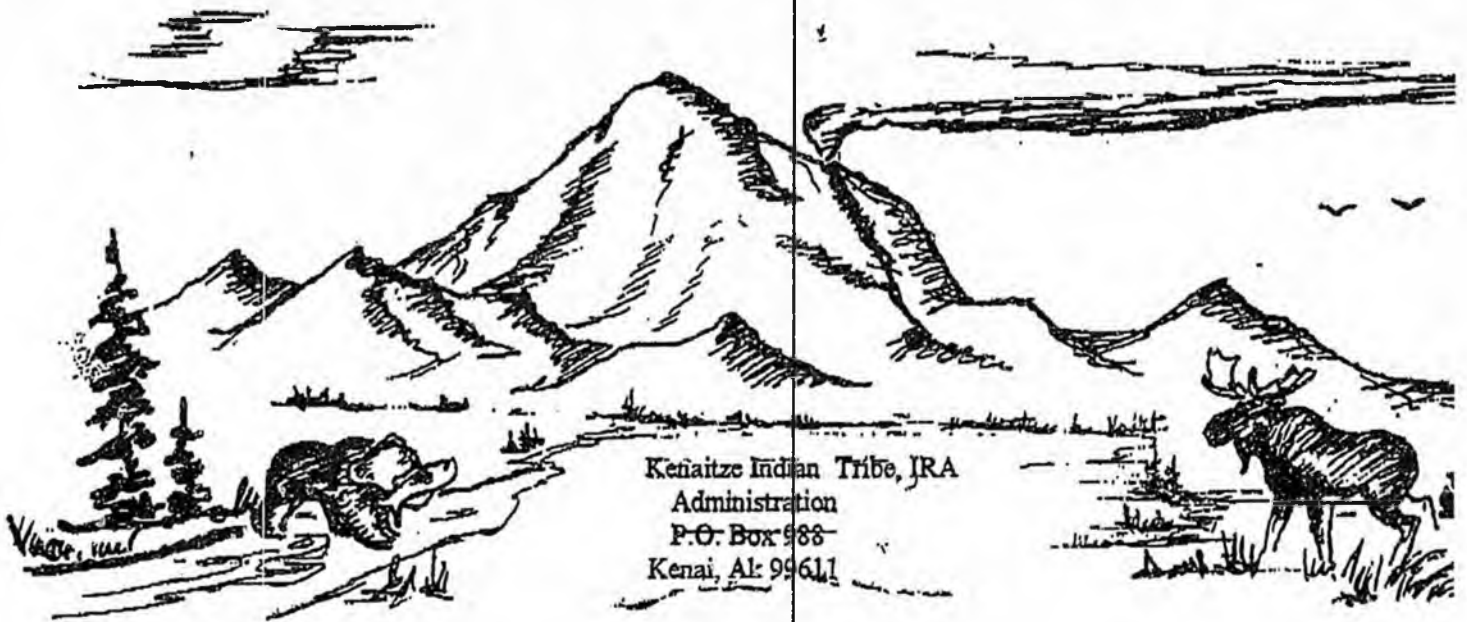
Date: _____ 05-09-03 _____

Please accept the enclosed original(s) of written testimony for the ___Senate Resources_____ teleconference hearing that was scheduled on ___05-09-03_____.

A copy of this testimony was transmitted to your committee via fax on _____05-09-03_____.

Thank You,

_____Kenai LIO_____



Kenaitze Indian Tribe, IRA
 Administration
 P.O. Box 988
 Kenai, Al: 99611

Phone Number: 907-283-3633

Fax Number: 907-283-3052

To: Office of Sen. Ogan

Fax Number: 907-465-3265

Attention: Sen. Ogan

Sender: Micah Johnson

Date: 05/12/03

Total pages including cover sheet 2

Comments: FYI - Kenaitze Indian Tribe, Resolution #2003-13.

KENAITZE INDIAN TRIBE, IRA
P.O. BOX 988 KENAI, ALASKA 99611
TEL: (907)283-3633 FAX: (907)283-3052

RESOLUTION NO. 2003-13

A TRIBAL RESOLUTION IN OPPOSITION TO HB 191 AND SB 143

WHEREAS, the Kenaitze Indian Tribe, IRA is a federally recognized Tribal Government reorganized under the statutes of the Indian Reorganization Act of 1934, as amended for Alaska in 1936, and in accordance with the preamble to the Tribal Constitution, "is responsible for the social welfare of its 1,149 Tribal Members and 1,750 Alaska Native residents of the Central and Upper southern Kenai Peninsula of Southcentral Alaska", and,

WHEREAS, the Kenaitze Indian Tribe, IRA has established long range goals which relate to the collective and individual, social and economic concerns of its service population; and,

WHEREAS, members of the Kenaitze Indian Tribe, IRA, since time immemorial, have pursued a way of life dominated by subsistence hunting and fishing on the Kenai Peninsula, and prior to Alaska Statehood depended upon a subsistence lifestyle for their very existence; and

WHEREAS, the Kenaitze Indian Tribe, IRA believes that it is of vital importance to protect and preserve the wild renewable resources in and around the Cook Inlet Basin and its tributaries; and,

WHEREAS, HB 191 and SB 143 have been introduced, and if passed by the Alaska State Legislature, will eliminate the local appeal process and completely erase the most important coastal protections in the state which have been provided by the Alaska Coastal Management Program and Coastal Management Council; and,

NOW THEREFORE BE IT RESOLVED, by the Executive Committee/Tribal Council, at its regularly scheduled meeting of May 9, 2003, that the Tribal Council, by a vote of Unanimous consent, strongly opposes HB 191 and SB 143.

CERTIFICATION

VOTING FOR:

4

VOTING AGAINST:

0

ABSTAINING:

0

ABSENT:

2

Rosalie Tepp

ROSALIE TEPP, TRIBAL CHAIRPERSON

Bonnie Juliusen

BONNIE JULIUSEN, TRIBAL SECRETARY

KENAITZE INDIAN TRIBE, IRA

5/9/23

DATE



**LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE INFORMATION OFFICE
210 LAKE STREET, SITKA, AK 99835
Phone: 747-6276 Fax: 747-5807
Email: sitka_llo@legis.state.ak.us**

DATE: May 9, 2003

TO: Senate Resource Committee

FAX: 465-3265

2 pages, including cover sheet

FROM: Sitka Conservation Society

MESSAGE Please include this in written testimony for May 9th meeting



Sitka Conservation Society

PO Box 6533

Sitka, Alaska 99835

(907)747-7509

(907)747-6105 fax

home.gcl.net/~sitkawild

Testimony on HB 191 & SB 143

This testimony is provided by Page Else, Acting Director of the Sitka Conservation Society. The Sitka Conservation Society has worked for the last 30 years to protect the resources of Southeast Alaska. We believe that economic health depends on healthy land and waters. Our members include commercial fishermen, hunters, tour operators, and many others who rely on the bounty of our surroundings for their living and their enjoyment.

In the early 1980's I lived in Wrangell, Alaska. At that time I had a grant from the Governors office to work with local oyster farmers studying plankton supplies. Later I edited A Manual for Oyster Farmers in Alaska, published by the SeaGrant Program. During that period the biggest startup obstacle for the oyster farmers was the difficulty in identifying what permits were necessary for operation, and gridlock in getting the agencies to actually process and move applications forward. The agencies were unsure of what process to follow with these multi-jurisdictional applications. The Division of Governmental Coordination (DGC) was formed precisely because these development applications needed the clarity and streamlining provided by DGC. The system allows integration of the missions of different agencies and a system of checks and balances, with a clear resolution process. DNR does not have the staff or expertise to determine if a certain species of shellfish should be prohibited for import and culture because it might carry a dangerous parasite. Nor does DNR have the expertise or site-specific knowledge to determine if a mariculture operation will unnecessarily conflict with local subsistence users or commercial fisheries operations, and should be moved.

There is no evidence that the ACMP consistency review process unnecessarily delays important development projects. In fact it does the opposite by coordinating review. When delays occur, it is either because the proposed project could impact important fisheries or coastal resources and design adjustments are necessary, or because the project applicant has failed to provide the reviewing agency with sufficient information to conduct the review.

These bills are meant to streamline government but in fact they create more bureaucratic inefficiency. The State recently spent hundreds of thousands of dollars in a 3 year effort to amend ACMP consistency review rules; this legislation will waste that effort. Additionally, the federal oversight agency, NOAA, has indicated that such sweeping program changes will likely require a new Environmental Impacts Statement under NEPA, which is a costly and time consuming endeavor. Finally, the new process envisioned by the legislation will create much confusion and delay because DNR is not staffed or equipped to such a comprehensive, coordinated permitting role.

These bills undermine local control over local resources. The ACMP was originally passed because the state felt they needed more input and local control over federal actions in the coastal zone. The ACMP created local Coastal Districts because policymakers understood that locals have the most at stake and the best wisdom when making local resource decisions. These bills will strip away policies developed and enacted by local districts. These enforceable policies are the core of our Alaska Coastal Management Program and provide a way for local knowledge and priorities to be heard. Alaska's fish and subsistence resources deserve protection. Alaska has received high marks for its fisheries management programs, due in large part to the ACMP's fish and habitat protection provisions. While the ACMP may need some fine tuning, it does not need to be gutted.

Page Else
Page Else, Acting Director

Bering Straits Coastal Resource Service Area
P. O. Box 190
Unalakleet, Alaska 99684
(907) 624-3062
FAX 624-3833

May 9, 2003

Senator Scott Ogan
Chair, Senate
Natural Resources Committee
Juneau, Alaska 99811

Dear Mr. Chairman and Members:

Subject: HB191 and SB143.

We are concerned that the local input into projects that have impacts on our communities is being eliminated in at least two ways. Granting the Department of Natural Resources the authority to approve coastal management plans and eliminating the Alaska Coastal Policy

Council. Perhaps a change of the Alaska Coastal Policy Council composition would be appropriate. It may be appropriate to only appoint public members from coastal districts, including membership from coastal resource areas.

Alaska is a very large and diverse state, with a wide range of climate and topography. It makes good public policy to have input from local citizens through their local coastal districts.

Please continue due deference to local coastal districts so that local, State and Federal officials continue to have access to local knowledge and expertise.

Hold public hearings in locations that have not received the benefit of your presence.

Sincerely,


Chuck Degnan
Program Director

Subject: Senate Bill 143 - Coastal management

Date: Sun, 4 May 2003 13:06:38 -0800

From: "Bevington, Dan" <DBevington@borough.kenai.ak.us>

To: "'Senator_Scott_Ogan@legis.state.ak.us'" <Senator_Scott_Ogan@legis.state.ak.us>

CC: "'Senator_Thomas_Wagoner@legis.state.ak.us'" <Senator_Thomas_Wagoner@legis.state.ak.us>
"'Senator_Fred_Dyson@legis.state.ak.us'" <Senator_Fred_Dyson@legis.state.ak.us>,
"'Senator_Ralph_Seekins@legis.state.ak.us'" <Senator_Ralph_Seekins@legis.state.ak.us>,
"'Senator_Ben_Stevens@legis.state.ak.us'" <Senator_Ben_Stevens@legis.state.ak.us>,
"'Senator_Kim_Elton@legis.state.ak.us'" <Senator_Kim_Elton@legis.state.ak.us>,
"'Senator_Georgianna_Lincoln@legis.state.ak.us'" <Senator_Georgianna_Lincoln@legis.state.ak.us>
"Bagley, Dale" <DBagley@borough.kenai.ak.us>, "Best, Max" <MBest@borough.kenai.ak.us>

Please also find these comments attached.

Thank-you for your consideration, Dan Bevington

May 4, 2003<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

State of Alaska

Senate Resources Committee

Alaska State Capitol

Juneau, AK 99811-0001

RE: Proposed legislation; Senate Bill 143; Coastal management

Dear Senator Ogan,

I respectfully ask you to receive this as my written testimony for the record regarding Senate Bill 143.

The Kenai Peninsula Borough's direct reliance upon rich and varied natural resources for its economy is well established. The significant benefits for Kenai Peninsula Borough include direct income from natural or physical resource development, indirect benefits to economy through area tourism, and individual harvest activities. Management of these resources must rightly also involve meaningful local input. To this end, the borough Assembly adopted its coastal management plan in April of 1990.

The Kenai Peninsula Borough Coastal District has been following the proposed legislation under

Senate Bill 143 and House Bill 191 that would substantially change the Alaska Coastal Management Program, and the Kenai Peninsula Borough Coastal Management Plan. This legislation has been moving rapidly through legislature with little opportunity for public input.

Given that the Kenai Peninsula Borough has seen beneficial results in the borough's participation in the Alaska Coastal Management Program; that the borough's participation in the Alaska Coastal Management Program allows the borough address resource management concerns without added permitting requirements; and that the proposed legislation will substantially change the borough's opportunities to comment on activities within its coastal district, the Kenai Peninsula Borough Coastal District requests that the State of Alaska Legislature provide for greater solicitation of input from all coastal districts, coastal resource service areas, municipalities, and constituencies affected by House Bill 191 and Senate Bill 143 prior to any passage of the bills.

Thank-you for the opportunity to comment,

Daniel Bevington, Coastal District Coordinator

CC: (email)


Senate Resources Committee

Dale Bagley, KPB -Mayor

Max Best, KPB -Planning Director

Pete Sprague, KPB -Assembly President

Coastal Districts

 SB143_SenateResources.pdf	Name: SB143_SenateResources.pdf Type: Acrobat (application/pdf) Encoding: base64 Download Status: Not downloaded with message
---	--



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 09869-7599
BUSINESS (907) 262-4441 FAX (907) 262-1802

DALE BAGLEY
MAYOR

May 4, 2003

State of Alaska
Senate Resources Committee
Alaska State Capitol
Juneau, AK 99811-0001

RE: Proposed legislation; Senate Bill 143; Coastal management

Dear Senator Ogan,

I respectfully ask you to receive this as my written testimony for the record regarding Senate Bill 143.

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The Kenai Peninsula Borough Coastal District has been following the proposed legislation under Senate Bill 143 and House Bill 191 that would substantially change the Alaska Coastal Management Program, and the Kenai Peninsula Borough Coastal Management Plan. This legislation has been moving rapidly through legislature with little opportunity for public input.

Given that the Kenai Peninsula Borough has seen beneficial results in the borough's participation in the Alaska Coastal Management Program; that the borough's participation in the Alaska Coastal Management Program allows the borough address resource management concerns without added permitting requirements; and that the proposed legislation will substantially change the borough's opportunities to comment on activities within its coastal district, the Kenai Peninsula Borough Coastal District requests that the State of Alaska Legislature provide for greater solicitation of input from all coastal districts, coastal resource service areas, municipalities, and constituencies affected by House Bill 191 and Senate Bill 143 prior to any passage of the bills.

Thank-you for the opportunity to comment,

Daniel Bevington, Coastal District Coordinator

CC: (email)
Senate Resources Committee
Dale Bagley, KPB -Mayor
Max Best, KPB -Planning Director
Pete Sprague, KPB -Assembly President
Coastal Districts

City of Koyuk
P.O. Box 53029
Koyuk, Ak. 99753
Ph. (907) 963-3441
Fax (907) 963-3442

SURVEY

Governor Murkowski has introduced identical bills that will eliminate Coastal Resource Service Areas in the unorganized borough shown on map below. **This means that our subsistence resources will be eliminated.** Nominations and comments must be received by June 23, 2003. Please sign your name For or Against if you would like to see House Bill 191 and Senate Bill 143 passed.

For

Against

Georgianne [unclear]
Rosemary O'Hara
Sara Anasogak
Jeanne Swanson
Paul [unclear]
Bert & Fina [unclear]
Kathleen McDonald
Patrick Kinoktok
Tracy Kinoktok
Maria Adams
Agnes Anasogak
Luce Kith
Renee M. Cho

Grace Morris
Esther [unclear]
Robert & [unclear]
Emily [unclear]
Helga Adams
Janet Vanouk
Alice A. [unclear]
Rickie Adams
Dian Nassub
Fred S Dewey
Agnes [unclear]
Louise Dennis
Lucille Charles
Selma Willoya
Alice Charles
DON HENRY
Mary M. Apok
Leslie [unclear]

For

Against

Danny Adams

David O. Thompson

Wm. R. ...

Debbie O. Kimball

Lorena Nassuk

Jessie Masogah

Abraham Masogah Sr.

Idea R. Nakaral

Ethel Adams

Alfred Adams

Flora Hansen

Gilly Adams

Mats T. ...

Donald Dewey

Anne Marie Charles

William ...

Lily Maynard

Maggie M. Otter

mealyman

Kayna Nassuk

Field Otter

Wm. Kimball

Loren Nassuk

Don ...

Kenneth W. Dewey Sr.

...

For

Against

~~Anthony~~

Norma Kavanook

Kathy Thibault

Andrey G. Hadley

Morris Wojcinski

~~Edward~~

Edward Anasoyak

Cliff Brown

Leo Charbon

Becky Anasoyak

Don E. Kinsler

Evelyn Obitson

J. Deane

TOTAL = 69

Against = 69

For = 0



**NATIVE VILLAGE OF KOYUK
IRA COUNCIL**

**P.O. BOX 53030 * KOYUK, ALASKA 99753-3030
PHONE: (907) 963-3651 * FAX: (907) 963-2353**

RESOLUTION 03-04-23-01

**A RESOLUTION OF THE NATIVE VILLAGE OF KOYUK IRA COUNCIL OPPOSING THE ELIMINATION OF
COASTAL RESOURCE SERVICE AREAS**

WHEREAS, the ALASKA COASTAL MANAGEMENT PROGRAM provides a voice for the rural areas of the State of Alaska and

WHEREAS the ALASKA COASTAL MANAGEMENT PROGRAM allows citizens of Coastal Resource Service Areas to comment on projects requiring Federal, State or local permits and

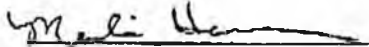
WHEREAS, the citizens of the Coastal Resource Service Areas provide important local knowledge to State and Federal officials and

WHEREAS, the citizens of the Coastal Resource Service Areas are experts in living in their own local areas

NOW THEREFORE BE IT RESOLVED that the Native Village of Koyuk opposes the termination of Coastal Resource Service Areas.

BE IT FURTHER RESOLVED THAT the Alaska Coastal Management Program be left intact with the current regulations which were recently adopted by the State of Alaska and the U.S. Department of Commerce.

Passed this 21st day of April 2003 with a vote of 6 for, 0 against, 0 abstain and 1 absent.


Merlin Henry, President


Leo Charles Sr, Treasurer

SUBSISTENCE AT RISK

Rec'd
3-27-03

TO: Local Tribes, Villages, And Municipalities
FROM: Bering Straits Coastal Resource Service Area Board of Directors
SUBJECT: House Bill 191 and Senate Bill 143
An Act Relating to the Alaska Coastal Management Program
DATE: March 19, 2003

Governor Murkowski has introduced identical bills that will eliminate Coastal Resource Service Areas (CRSAs) in the unorganized borough. This means that your ability to protect subsistence resources will be eliminated. As part of Gov. Murkowski's streamlining process, he wants the Alaska Department of Natural Resources (DNR) to have the ability to process permits for development, immediately and efficiently. **Murkowski's major development interest lies with oil, gas, mining, and timber.**

Under Murkowski's plan Bering Straits Coastal Resource Service Area and other CRSAs in Alaska will be eliminated along with their policies. The Federal Coastal Zone Management Act enabled local residents, like you and others in your community, to apply enforceable policies and regulations meant to protect subsistence resources by placing standards and measures to ensure their protection. Murkowski has already tied the hands of the Alaska Department of Fish and Game.

Without these protective measures under the CRSAs, the Department of Natural Resources will have the final say. This means that if your village lies outside a project, even if it will impact your subsistence resources, you will not be involved. The municipal governments are the only ones involved. Even so, if a project lies outside the municipality, residents within the municipality are not involved. The State says that local ordinances will be applied, but it will be up to DNR to decide how it wants to apply them.

The Bering Straits CRSA passed Resolution 2003-1 opposing the governor's executive order to move the CRSAs from the Department of Fish and Game to the Department of Natural Resources. Now Gov. Murkowski wants to abolish the CRSAs altogether and just let DNR decide who gets permits for development. Is DNR interested in how oil, gas, mining, and timber projects affect the natural habitats of wildlife? Their history shows that they are not. **Now is the time to once again get involved in protecting our subsistence resources.**

Contact your legislators. The best way to communicate with legislators is by letter, FAX, or phone. Since e-mails are often ignored, that should be your last choice. The best legislators to target are those who chair or sit on committees or who have expressed an interest in holding hearings and those whom you already know.

Call your relatives in the cities and have them call their senators and representatives to oppose HB 191 and SB 143. They also love their native foods from home!

To access House Bill 191 or Senate Bill 143 on the web go to <http://w3.legis.state.ak.us>

You can also submit your comments to the Nome Legislative Information Office at phone 443-5555 or FAX 443-2162

Bering Straits Coastal Resource Service Area: 907-624-3062

MMS Alaska OCS Region

News Release

For Immediate Release-
March 25, 2003

Robin Lee Cacy
907-271-6070
1-800-764-2627
www.mms.gov/alaska

MMS SEEKS INTEREST IN EXPLORING FRONTIER AREAS OF NORTON BASIN AND CHUKCHI SEA-HOPE BASIN FOR OIL AND GAS

The Minerals Management Service is asking companies about their interest in exploring the frontier areas of Norton Sound and the Chukchi Sea-Hope Basin for oil and gas. MMS seeks to foster exploration in these largely unexplored areas of the Alaska Outer Continental Shelf. Two separate Calls for Information and Nominations appear in the *Federal Register* today. They are both seeking expressions of interest and information – one regarding areas in the Norton Basin and the other areas in the Chukchi Sea-Hope Basin. These requests for interest are the first step in an 18-month process that the MMS proposed in its current 5-Year Program for Federal OCS tracts in frontier areas.

“The areas off Western Alaska, although largely unexplored, may contain substantial natural gas resources that could be used for local communities, as well as export. However, the high economic costs of development due to the distance from any infrastructure make it a challenging area to lease,” said MMS Alaska Regional Director John Goll. “Our objective through the “special interest” process is to encourage exploration in frontier OCS areas that might contain oil and gas for potential use in local communities as well as to meet national energy needs.”

Norton Basin: Sale 188, Norton Basin, is included in the MMS 5-Year Program and is now tentatively scheduled for fall 2004. The Call for the Norton Basin is similar to the one published last year. The area identified in the Call is located offshore Alaska in Norton Sound and the northern Bering Sea, west and south of the Seward Peninsula, and covers about 25 million acres ranging from three to approximately 320 miles offshore. Water depths in the area range from 25 feet to approximately 650 feet.

MMS estimates that conventionally recoverable natural gas may range from zero to 8.7 trillion cubic feet (mean 2.7 TCF). Estimates are small for oil – ranging from zero to 200 million barrels (mean less than 100 million barrels). The ranges reflect the 95% and 5 % probabilities.

Chukchi Sea-Hope Basin: Sale 193, Chukchi Sea and Hope Basin, is included in the MMS 5-Year Plan and is tentatively scheduled for fall 2004. The area identified in the Call is located offshore Alaska in the Chukchi Sea between Point Barrow south to Cape Krusenstern. The Chukchi Sea area covers about 34 million acres and extends from about 10 to 200 miles offshore. Water depths range from 32 feet to approximately 230 feet. A small portion of the northeast corner of the area slightly west of Point Barrow drops to a depth of approximately

include estimates for equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our submission for OMB approval. As a result of your comments, we will make any necessary adjustments to the burden in our submission to OMB.

Public Comment Policy: Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208-7744.

Dated: March 14, 2003.

E.P. Danenberger,
Chief, Engineering and Operations Division
(FR Doc. 03-7008 Filed 3-24-03; 8:45 am)
BILLING CODE 4310-MR-P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf (OCS), Alaska Region, Chukchi Sea/Hope Basin

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Call for information and nominations (Call).

SUMMARY: The Secretary's decision to consider offering the Chukchi Sea/Hope Basin planning area in the OCS Oil and Gas Leasing Program for 2002-2007 provides for an 18-month "special-interest" process beginning with publication of this Call. Based on the information and specific nominations received as a result of this Call, a

decision will be made whether to proceed with a sale.

DATES: Nominations and comments on the Call must be received no later than 90 days after publication of this document in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Please call Tom Warren at (907) 271-6691 in MMS's Alaska OCS Region.

SUMMARY INFORMATION: The objective of this "special-interest" leasing option is to foster exploration in a frontier OCS area of potential, but high economic cost, without investment of the considerable time and effort required for holding a typical lease sale. The general approach is to query industry regarding the level of interest in proceeding with a sale in the Chukchi Sea/Hope Basin where we would expect to offer focused areas of specific interest for exploration and to request nominations of such areas. However, we will proceed based on the comments and information we do receive. The lease sale is proposed to pursue the high resource potential of the Chukchi Sea area in conjunction with potential natural gas resources that may extend into the adjacent Hope Basin area. Comments are also being requested from the general public on this special-interest leasing process, including the terms and conditions of a sale. The MMS will consider all comments and nominations in the decision on whether and where within the Chukchi Sea/Hope Basin to proceed with leasing and on the terms and conditions of a lease sale proposal. A decision to offer a nominated area for leasing will be conditioned on an informal commitment from industry to explore the area leased within a specific time period.

This Call does not indicate a preliminary decision to lease in the area described below. If MMS decides to proceed with the sale process, MMS will make the final decision on the specific areas for possible leasing at a later date in the presale process and in compliance with the 5-year program and with applicable laws including all requirements of the National Environmental Policy Act (NEPA) and OCS Lands Act (OCSLA). The MMS may adjust the dimensions of a nominated area after discussions with the nominating company.

Call for Information and Nominations

1. Authority

This Call is published pursuant to the OCSLA, as amended (43 U.S.C. 1331-1356, (1994)), and the regulations issued thereunder (30 CFR part 256 and 30 CFR part 260); and in accordance with the

OCS Oil and Gas Leasing Program 2002-2007, approved June 27, 2002.

2. Purpose of Call

The purpose of the Call is to gather preliminary information, to request nomination of specific areas of interest to industry, and to request comments on the terms and conditions of offering these special interest lands. The Call also serves to initiate public outreach to assist in preparation of the NEPA analysis for this proposal. This proposal is in keeping with section 102(9) of the OCSLA Amendments of 1978, which states as a purpose of the statute, "to insure that the extent of oil and natural gas resources of the Outer Continental Shelf is assessed at the earliest practicable time." The objective of the "special-interest" leasing process is to encourage exploration in a frontier OCS area for the discovery of oil and gas. This area might contain natural gas for potential use in local communities, as well as oil to meet national energy needs. The sale would offer for lease both oil and gas.

Comments, information, and nominations on oil and gas leasing, exploration, and development and production within the Chukchi Sea/Hope Basin are sought from all interested parties. Comments are also being sought on the terms, conditions, and economic incentives of a sale in the Chukchi Sea/Hope Basin. Industry and other interested parties are strongly encouraged to contact the Alaska OCS Region with questions or to discuss interest in the area. This early planning and consultation step is particularly important to this special interest process. The MMS will base its decision on whether to proceed with the presale process and the terms and conditions of a sale on the nominations and other information received in response to this Call. This process will ensure a decision that considers the concerns of all respondents in future decisions in this leasing process pursuant to the OCSLA and regulations at 30 CFR parts 256 and 30 CFR part 260. Commenters are also encouraged to submit comments and suggestions on the "special-interest" leasing process in general.

This Call is being issued in accordance with the OCS Oil and Gas Leasing Program 2002-2007, approved June 27, 2002. The program offers two sales in the Chukchi Sea/Hope Basin during the 5-year program. If no interest is expressed in response to this first Call, MMS will defer the sale for one year and reissue the Call the following year. This process will continue throughout the 5-year program until there is sufficient interest to proceed

underway in the Alaska OCS Region since 1976, including studies in this area. The emphasis has been on geologic mapping, environmental characterization of biologically sensitive habitats, endangered whales and marine mammals, physical oceanography, ocean-circulation modeling, and ecological and socio-cultural effects of oil and gas activities.

The MMS has had two past sales in the Chukchi Sea area. In May 1998, Sale 109 was held and resulted in 350 leases being issued. In August 1991, Sale 126 was held and resulted in 28 leases being issued. There were four exploratory wells drilled, but all have been

permanently plugged and abandoned. All 378 leases have since been relinquished or have expired. For the Chukchi Sea Planning Area, it is estimated that undiscovered conventionally recoverable resources are 15.46 billion barrels of oil and 60.11 trillion cubic feet of gas. No lease sales have been held in the Hope Basin area. For the Hope Basin Planning Area, it is estimated that undiscovered conventionally recoverable resources are 0.09 billion barrels of oil and 3.38 trillion cubic feet of gas.

Information on the studies program, completed studies, and a program status report for continuing studies in this area

may be obtained from the Chief, Environmental Studies Section, Alaska OCS Region, by telephone request at (907) 271-6577, or by written request at the address stated under Description of Area. A request may also be made via the Alaska Region Web site at akwebmaster@mms.gov.

7. Tentative Schedule

If MMS receives specific nominations from industry in response to this Call and decides to proceed with the pre-sale process, the following is a list of tentative milestone dates applicable to a Chukchi Sea/Hope Basin sale in 2004:

	Tentative process milestones for proposed 2004 Chukchi Sea/Hope Basin Sale
Call published/public outreach initiated	March 2003.
Comments due on Call	June 2003.
Decision whether to proceed/Area Identification	July 2003.
NEPA analysis	January 2004.
Consistency Determination/Proposed Notice of Sale	April 2004.
Governor's Comments due	June 2004.
Final Notice of Sale published	August 2004.
Sale	September 2004.

Dated: March 19, 2003.

R.M. "Johnnie" Burton,
 Director, Minerals Management Service.
 [FR Doc. 03-7009 Filed 3-24-03; 8:45 am]
 BILLING CODE 4310-MR-P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf (OCS), Alaska Region, Norton Basin

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Call for information and nominations (Call).

SUMMARY: The Secretary's decision to consider offering the Norton Basin planning area in the OCS Oil and Gas Leasing Program for 2002-2007 provides for an 18-month "special-interest" process beginning with publication of this Call. Based on the information and specific nominations received as a result of this Call, a decision will be made whether to proceed with a sale.

DATES: Nominations and comments on the Call must be received no later than 90 days after publication of this document in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Please call Tom Warren at (907) 271-6691 in MMS's Alaska OCS Region.

SUPPLEMENTARY INFORMATION: The objective of this "special-interest" leasing option is to foster exploration in a high-cost frontier OCS area remote from oil and gas infrastructure without investment of the considerable time and effort required for holding a typical lease sale. The general approach is to query industry regarding the level of interest in proceeding with a sale in the Norton Basin where we would expect to offer focused areas of specific interest for exploration and to request nominations of such areas. However, we will proceed based on the comments and information we do receive. Norton Basin may contain quantities of natural gas, which might be used for western Alaska communities if economically feasible. Comments are also being requested from the general public on this special-interest leasing process, including the terms and conditions of a sale. The MMS will consider all comments and nominations in the decision on whether and where within the Norton Basin to proceed with leasing and on the terms and conditions of a lease sale proposal. A decision to offer a nominated area for leasing will be conditioned on an informal commitment from industry to explore the area leased within a specific time period.

This is the second Call issued for the Norton Basin for this 5-year program.

The first Call was published in the Federal Register on January 22, 2002. No interest was expressed; therefore, the process was stopped and deferred to this year. If no interest is expressed in response to this second Call, MMS will defer the sale for one year and reissue the Call the following year. This process will continue throughout the 5-year program until there is sufficient interest to proceed with the planning steps toward a sale. Only one round of lease issuance in Norton Basin would occur during this 5-year program.

This Call does not indicate a preliminary decision to lease in the area described below. If no interest is expressed, MMS will defer the sale for one year and reissue the Call the following year. If MMS decides to proceed with the sale process, MMS will make the final decision on the specific areas for possible leasing at a later date in the presale process and in compliance with the 5-year program and with applicable laws including all requirements of the National Environmental Policy Act (NEPA) and the OCS Lands Act (OCSLA). The MMS may adjust the dimensions of a nominated area after discussions with the nominating company(ies).

- Submission of an exploration plan within 8 years of lease issuance
- Economic incentives structured similar in form to those contained in the Proposed Notice of Sale for Beaufort Sea Sale 186 (68 FR 8306, February 20, 2003).

Incentives proposed for Beaufort Sea Sale 186 are:

- Royalty suspension volumes (RSV) for oil production (with possible consideration for gas)
- Subject to a price floor per barrel below which oil production that is royalty free does not count against the RSV
- Price ceiling per barrel above which production must bear full royalties

C. Relation to Coastal Management Plans. Comments also are sought on potential conflicts with approved local coastal management plans (CMP) that may result from the proposed sale and future OCS oil and gas activities. These comments should identify specific CMP policies of concern, the nature of the conflicts foreseen, and steps that MMS could take to avoid or mitigate the potential conflicts. Comments may be in terms of broad areas or restricted to particular blocks of concern. Commenters are requested to list block numbers or outline the subject area on the large-scale Call map.

5. Use of Information from Call

Information submitted in response to this Call will be used for several purposes. We will use responses to:

- Determine whether to proceed with a competitive oil and gas lease sale in Norton Basin
- Identify specific areas of interest for oil and/or gas exploration and development
- Identify environmental effects and potential use conflicts
- Assist in the public outreach for the environmental analysis
- Develop possible alternatives to the proposed action
- Develop lease terms and conditions and mitigating measures
- Identify potential conflicts between oil and gas activities and the Alaska CMP

6. Existing Information

An extensive environmental, social, and economic studies program has been underway in the Alaska OCS Region since 1976, including studies in this area. The emphasis has been on geologic mapping, environmental characterization of biologically sensitive habitats, endangered whales and marine mammals, physical oceanography, ocean-circulation modeling, and

ecological and socio-cultural effects of oil and gas activities.

The MMS has had one past sale in the Norton Basin area. In March 1983, Sale 57 was held and resulted in 59 leases being issued. There were six exploratory wells drilled, but all have been permanently plugged and abandoned. All 59 leases have since been relinquished or have expired. For the Norton Basin Planning Area, it is estimated that undiscovered conventionally recoverable resources are 0.05 billion barrels of oil and 2.71 trillion cubic feet of gas.

Information on the studies program, completed studies, and a program status report for continuing studies in this area may be obtained from the Chief, Environmental Studies Section, Alaska OCS Region, by telephone request at (907) 271-6577, or by written request at the address stated under Description of Area. A request may also be made via the Alaska Region Web site at akwebmaster@mms.gov.

7. Tentative Schedule

If MMS receives specific nominations from industry in response to this Call and decides to proceed with the pre-sale process, the following is a list of tentative milestone dates applicable to a Norton Basin sale in 2004:

	Tentative Process milestones for proposed 2004 Norton Basin Sale
Call published/public outreach initiated.	March 2003.
Comments due on Call	June 2003.
Decision whether to proceed/ Area Identification.	July 2003.
NEPA analysis	January 2004.
Consistency Determination/ Proposed Notice of Sale.	April 2004.
Governor's Comments due ...	June 2004.
Final Notice of Sale published.	August 2004.
Sale	September 2004.

Dated: March 19, 2003.
 R. M. "Johnnie" Burton,
 Director, Minerals Management Service.
 [FR Doc. 03-7010 Filed 3-24-03; 3:45 am]
 BILLING CODE 4310-MR-P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

March 18, 2003.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation contact Darrin King on 202-693-4129 or E-Mail: King.Darrin@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ETA, Office of Management and Budget, Room 10235, Washington, DC 20503 (202-395-7316), within 30 days from the date of this publication in the Federal Register.

The OMB is particularly interested in comments which:

- * Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- * Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- * Enhance the quality, utility, and clarity of the information to be collected; and
- * Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Employment and Training Administration (ETA).

Type of Review: Extension of a currently approved collection.

Title: Claims and Payment Activities

OMB Number: 1205-0010.

Affected Public: State, Local, or Tribal Government.

Type of Response: Reporting.

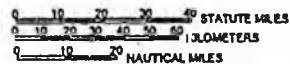
Frequency: Monthly.

Number of Respondents: 53.

Norton Basin Sale 188

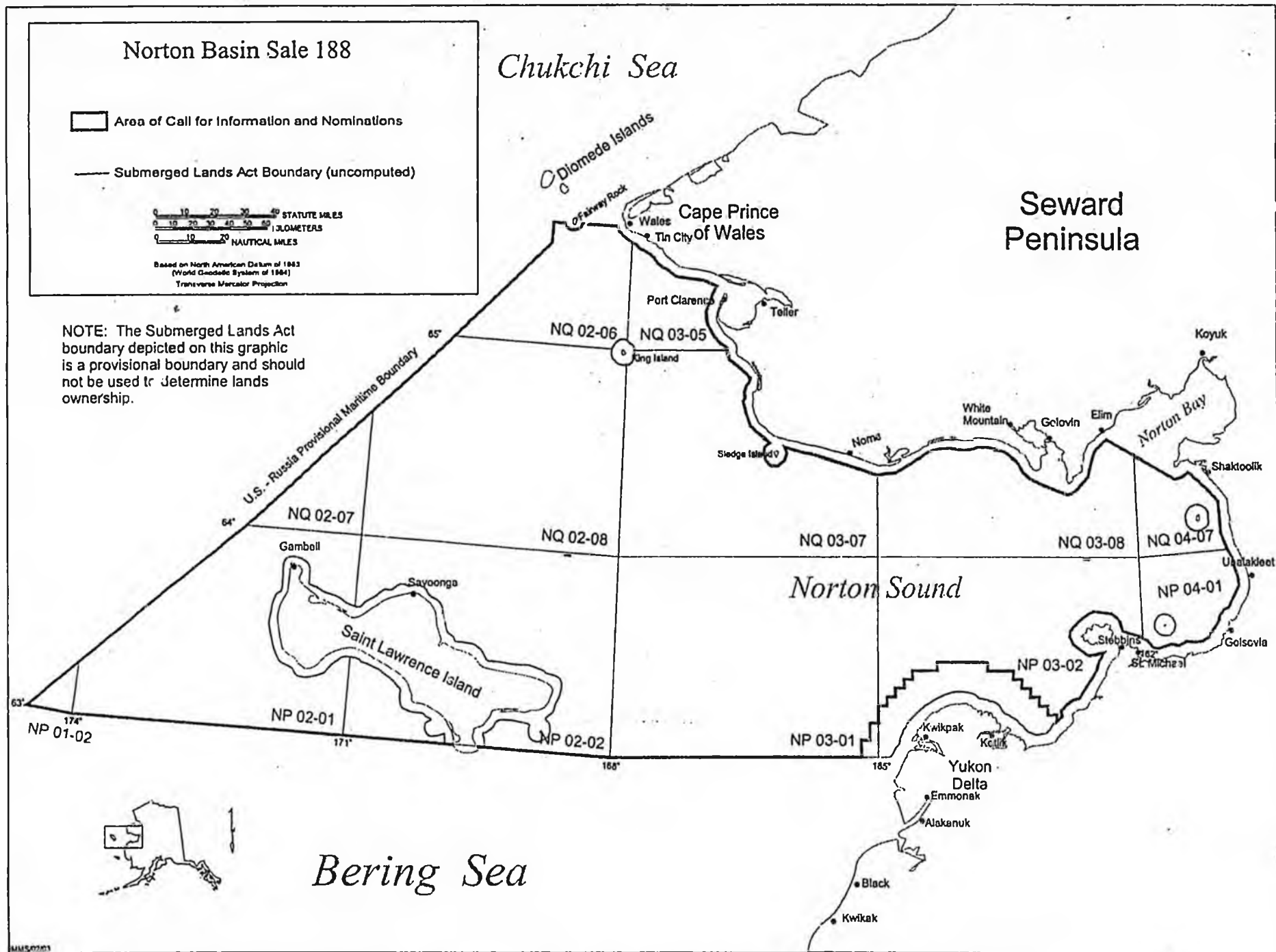
 Area of Call for Information and Nominations

 Submerged Lands Act Boundary (uncomputed)



Based on North American Datum of 1983
 (World Geodetic System of 1984)
 Transverse Mercator Projection

NOTE: The Submerged Lands Act boundary depicted on this graphic is a provisional boundary and should not be used to determine lands ownership.



HB

1966

SENATE COMMITTEE REPORT

DATE: 5/17/03

FURTHER:

DATE TURNED
IN TO OFFICE: 5-6-04

Resource ; Committee considered CS FOR HOUSE BILL NO. 196(RES)

HB 196 CARBON SEQUESTRATION

"An Act relating to carbon sequestration; and providing for an effective date."

and recommends:

be replaced with S CS CSHB 196 (RES)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to _____ Committee

Senate Bill:

same title

new title

House Bill:

same title

technical title

new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DIOR	5/4/04		✓	
DEC	5/4/04		✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
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<i>[Signature]</i>	✓			
CHAIR: <i>[Signature]</i>				✓



SENATOR SCOTT OGAN

23RD Alaska State Legislature

Senate District H Lazy Mountain * Butte * Chugiak * Peters Creek * Fairview Loop

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FACSIMILE TRANSMITTAL SHEET

TO: <u>D. Bullock</u>	FROM: <u>Linda Hay S. Resources</u>
COMPANY: <u>Leg Legal</u>	DATE: <u>5-6-04</u>
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER: <u>1</u>
PHONE NUMBER:	RE: <u>CS</u>

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Senate Resources adopted work draft # 23-LS0762Q (4/12/04) as the CS for HB 196 - Please prepare a final - no changes were made.

If there are questions - I can be CONTACTED @ 4907

Thank you

23-LS0762\Q
Bullock
4/12/04

SENATE CS FOR CS FOR HOUSE BILL NO. 196()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES BERKOWITZ, Gara, Guttenger, Kerttula, Hawker, Kott, Wilson, Lynn

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to carbon sequestration; and providing for an effective date."**

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

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

5 **LEGISLATIVE FINDINGS; INTENT.** (a) The legislature finds that

6 (1) there is a growing interest in national and international forums for
7 implementing measures to slow and reverse the buildup of atmospheric gases such as carbon
8 dioxide; these measures may potentially include the establishment of systems of trading in
9 credits for adoption of practices, technologies, or other measures that decrease net emissions
10 of carbon dioxide;

11 (2) improved agricultural, forest, and soil management and conservation
12 practices and other methods of stewardship of soil and other land resources have great
13 potential to increase carbon sequestration on state and private lands and help offset carbon
14 dioxide emissions from other sectors of the economy; and

15 (3) it is in the interests of the state, private landowners, and the public in

1 general that the commissioner of natural resources investigate the potential for carbon
2 sequestration associated with agricultural, forestry, and soil management systems and land
3 uses occurring on state and private land in Alaska.

4 (b) It is the intent of the legislature that efforts to investigate the potential for carbon
5 sequestration on state and private lands enhance the ability of the state to participate in any
6 system of carbon sequestration marketing or trading.

7 * **Sec. 2.** AS 44.37 is amended by adding new sections to read:

8 **Sec. 44.37.200. Carbon sequestration studies and recommendations.** (a)

9 The commissioner of natural resources, in consultation with the commissioner of
10 environmental conservation, shall conduct research, surveys, and appropriate studies
11 relating to carbon sequestration.

12 (b) The commissioner of natural resources, in consultation with the
13 commissioner of environmental conservation, shall

14 (1) prepare the reports required by this chapter and conduct the
15 assessment described in AS 44.37.210;

16 (2) recommend policies or programs to enhance the ability of the state
17 to participate in systems of carbon trading; the recommendations may include
18 potential policies or programs designed to optimize economic benefits to private
19 landowners participating in carbon transactions; the policies or programs may include
20 identifying existing nonprofit organizations or other public or private entities or the
21 potential of creating nonprofit organizations or other public or private entities capable
22 of serving as assemblers of carbon credits or as intermediaries on behalf of producers
23 in carbon-trading systems;

24 (3) encourage the production of educational and advisory materials
25 regarding carbon sequestration on state and private land and participation in systems
26 of carbon emissions trading;

27 (4) identify and recommend areas of research needed to better
28 understand and quantify the process of carbon sequestration; and

29 (5) review the carbon sequestration programs and policies of other
30 states.

31 **Sec. 44.37.210. Assessment by the commissioner.** (a) In consultation with

1 the commissioner of environmental conservation, the commissioner shall make efforts
2 to assess state and private land in the state for past carbon sequestration and future
3 carbon sequestration potential. The assessment shall seek to quantify carbon
4 sequestration associated with agricultural, forest, soil, and land management systems
5 in this state. From time to time, the commissioner may update the findings as
6 advancements in understanding of the processes of carbon sequestration and new data
7 become available.

8 (b) The assessment described in this section shall be conducted in a manner
9 that provides a means for the state and owners of private land to estimate past and
10 future net carbon sequestration resulting from agricultural and forestry practices,
11 conservation measures, management systems, and land uses.

12 **Sec. 44.37.220. Definitions.** In AS 44.37.200 - 44.37.220,

13 (1) "carbon sequestration" means the long-term storage of carbon in
14 forests, soils, the ocean, and other carbon sinks;

15 (2) "commissioner" means the commissioner of natural resources.

16 * **Sec. 3.** AS 44.37.200, 44.37.210, and 44.37.220 are repealed June 30, 2009.

17 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
18 read:

19 **REPORT TO THE LEGISLATURE.** Within one year after the effective date of this
20 section, the commissioner of natural resources, in consultation with the commissioner of
21 environmental conservation, shall prepare and submit a report to the legislature regarding
22 carbon sequestration. The report may include a discussion of

23 (1) the potential for and potential forms of carbon dioxide emissions
24 regulation;

25 (2) the potential for development of a system or systems of carbon emissions
26 trading or markets for carbon sequestered on state and private land;

27 (3) agricultural, forest, and soil management systems or land uses that increase
28 stored soil carbon;

29 (4) methods for measuring and modeling net carbon sequestration associated
30 with various agricultural, forestry, and soil practices, management systems, or land uses
31 occurring on state and private land;

1 (5) areas of scientific uncertainty with respect to quantifying and
2 understanding carbon sequestration associated with soil and forest management activities;

3 (6) recommendations developed under AS 44.37.200;

4 (7) the assessment as described in AS 44.37.210.

5 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 **DIRECTION TO SEEK FUNDING SOURCES.** (a) The Department of Natural
8 Resources shall seek and apply for funding of the activities that would be authorized by secs.
9 2 and 4 of this Act by contacting the United States Department of Energy, The Pew Charitable
10 Trusts, and other appropriate federal and private sources.

11 (b) The Department of Natural Resources shall notify the revisor of statutes of the day
12 on which the department receives approval for funding under (a) of this section that is
13 sufficient to cover the costs of the activities that would be authorized by secs. 2 and 4 of this
14 Act.

15 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
16 read:

17 **CONDITIONAL EFFECT OF SECTIONS 2, 3, AND 4 OF THIS ACT.** Sections 2,
18 3, and 4 of this Act take effect only if the Department of Natural Resources receives the
19 approval for funding described in sec. 5(b) of this Act.

20 * **Sec. 7.** If, under sec. 6 of this Act, secs. 2, 3, and 4 of this Act take effect, they take effect
21 on the date that the Department of Natural Resources receives the approval for funding under
22 sec. 5(b) of this Act but not later than the date set out in sec. 3 of this Act on which
23 AS 44.37.200, 44.37.210, and 44.37.220 are repealed.

24 * **Sec. 8.** Sections 1, 5, and 6 of this Act take effect immediately under AS 01.10.070(c).

AMENDMENT

*discussed
but not
referred*

OFFERED IN SENATE RESOURCES

TO: CSHB 196 (RES)

Page 2, line 2: Delete "document and quantify"
Insert ""investigate the potential for"

Page 2, line 5: Delete "quantify and verify"
Insert "investigate the potential for"

Page 2, line 16: Delete "required"
Insert "described"

Page 2, line 18: Delete "must"
Insert "may"

Page 3, line 2: After "shall" insert: "make efforts to"

Page 3, line 9: Delete "assessment required"
Insert "assessment developed"

Page 3, line 19: Delete "On or before the first day of the Second Regular Session of the
Twenty-Third Alaska State Legislature"
Insert: "Within nine months after the effective date of this section"

Page 3, line 21: After "prepare" insert "and submit"

Page 3, line 22: After "legislature" insert "regarding carbon sequestration"

Page 3, line 22: Delete "must"
Insert "may"

Page 4, line 4: Delete all material and insert:

"*Sec. 4. The uncodified law of the State of Alaska is amended by adding a new section to read:

DIRECTION TO SEEK FUNDING SOURCES. (a) The Department of Natural Resources shall immediately seek and apply for funding of the activities that would be authorized by secs. 2 and 3 of this Act by contacting the federal Department of Energy, the Pew Charitable Trust, and other appropriate federal and private sources.

(b) The Department of Natural Resources shall notify the revisor of statutes of the day on which the department receives approval of an application or applications under (a) of this section that would result in receipt of \$91,600 or more from federal or private sources.

***Sec. 5.** Sections 1 and 4 of this Act take effect immediately under AS 01.10.070(c).

***Sec. 6.** Sections 2 and 3 of this Act take effect on the day on which the department receives approval of an application or applications under sec. 4(a) of this Act that would result in receipt of \$91,600 or more from federal or private sources for the activities that would be authorized by secs. 2 and 3 of this Act. “