

SPECIAL AREA MANAGEMENT

UNDER THE

ALASKA COASTAL MANAGEMENT PROGRAM

*Summary Report
to the
District Planning Working Group*

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Division of Governmental Coordination
Juneau, AK
July 1994



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STATE OF ALASKA

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July 17, 1994

To: District Planning Working Group

Subject: Summary Report on Special Area Management Planning
under the ACMP

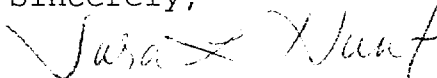
A report that summarizes the past year's research on Special Area Management Planning under the Alaska Coastal Management Program (ACMP) is enclosed for your review and comment.

Please provide comments by August 12 on the recommendations to improve the planning process, plan content, and plan implementation. Any suggested improvements you can offer on the content or presentation of material in the report would be helpful. I plan on revising the summary report and distributing it to all the coastal districts, Council members, ACMP working group and other interested parties.

I will be scheduling a district planning working group meeting in Anchorage the week of August 22. Ms. Heather Brakes will be contacting you to schedule the time and place. At the meeting, I propose to discuss comments on the report and recommendations, agree on recommendations, and select priorities tasks to undertake. A schedule of FY95 tasks and products, based on our Section 309 grant agreement with OCRM, is enclosed.

Your participation and recommendations throughout this project have been essential. I believe accomplishing the tasks outlined in the report will strengthen coastal management planning in Alaska. I will be out of the office July 15 - August 12. If you have any questions or concerns before I return, you can call Gretchen Keiser at 465-3541.

Sincerely,



Sara L. Hunt
District Program Coordinator

Enclosures: Report
Schedule

**ALASKA COASTAL MANAGEMENT PROGRAM
FY95 Schedule of Work Products**

SPECIAL AREA MANAGEMENT PLANNING GUIDANCE

Preliminary draft regulations	S. Hunt, DGC	Dec. 30, 1994
District/agency review of draft	" "	January 1995
Draft planning manual, relevant chapters	" "	Feb. 28, 1995
District review of manual	" "	March 1995
CPC approval to proceed with rulemaking	" "	Mar 30, 1995
Formal public review of draft regs	" "	Apr. 15, 1995
CPC approval of regulations	" "	June 15, 1995
Final planning manual, relevant chapters	" "	June 30, 1995
Final regulations submitted to Dept. of Law	" "	June 30, 1995

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TABLE OF CONTENTS

Table of Contents	i
Executive Summary	ii
Acknowledgements	vi
Acronyms	vii
Introduction	1
Chapter 1. Project Purpose and Methodology	2
Chapter 2. Federal and State Framework	7
Chapter 3. Comparison with Other States	20
Chapter 4. Analysis and Recommendations	28
Chapter 5. Summary of Recommendations	43
Bibliography	49
List of Figures	
Figure 1. Inland Coastal Zone Boundary In Alaska	10
Figure 2. Coastal Districts in the Alaska Coastal Zone Management Program	10
List of Tables	
Table 1. District Planning Working Group Members	6
Table 2. Coastal District Organization	10
Table 3. Municipal Implementation of Coastal Management Plans	12
Table 4. ACMP Special Area Management Plans	13
Table 5. Proposed Changes to Program Amendment Regulations	41
Appendix A. ACMP Statutes and Regulations (relevant sections)	
Appendix B. SAMP Questionnaire and Responses	
Appendix C. District Program Implementation Questionnaire and Responses	
Appendix D. District Planning Working Group Meeting Summaries	

EXECUTIVE SUMMARY

This report summarizes the findings and recommendations of a research project about special area management planning in Alaska. The Division of Governmental Coordination (DGC), Alaska Office of the Governor received funds for this special project from the federal Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration under the Coastal Zone Management Reauthorization Act Section 309 Enhancement Grants Program.

Study Objectives

The primary purpose of this project is to improve and update the Alaska Coastal Management Program (ACMP) special area management planning process and products. Specific project objectives are:

- to revise, as needed, the ACMP regulations governing special area management planning;
- to clarify the relationship between the use of area-specific management policies and Area Which Merits Special Attention (AMSA) planning and provide guidance on the appropriate approach to take;
- to prepare a planning manual that describes the ACMP planning process and required special area plan elements;
- to describe, in the manual, the relationship between ACMP planning and other planning efforts; and
- to describe, in the manual, the funding of special area planning under the ACMP and other possible funding sources.

The second phase of the project during State fiscal year 1995 will include developing regulatory changes to the ACMP and planning guidance to improve special area management planning. Additional research and other actions to improve the implementation of district plans and special area management plans are listed in Chapter 5. This summary report presents recommendations to the district planning working group.

Report Contents

The information in this report is derived from the review of State and federal regulations governing coastal management; review of historic program files on Alaska coastal district programs; telephone interviews with staff of 14 coastal states; review of regulations, planning guidance, and special area management plans provided by the 14 coastal states; review of literature on coastal management and special area management; the results of a questionnaire on coastal district planning and two questionnaires on the implementation of coastal district programs and special area management plans; and the discussions and recommendations of a District Planning Working Group formed to assist with this project.

This report is comprised of five chapters. Chapter 1 explains the project purpose and methodology. Chapter 2 explains the framework for special area management planning under the federal Coastal Zone Management Act and the Alaska Coastal Management Program. Chapter 3 discusses the coastal management structure and approach to special area management planning employed in other coastal states. Chapter 4 analyzes the results of the research efforts recommends ways to improve to coastal district planning. Chapter 5 summarizes the recommendations to improve special area management planning into categories: areas which merit special attention, plan content, planning process, recommended research, and public education and training. Under each category, avenues to accomplish improvements are grouped as regulatory revisions, planning manual guidance, grant management tasks, or recommendations to OCRM. Tasks to undertake during State fiscal year 95 are noted.

Background

A cornerstone of Alaska's coastal management statute and federally approved program is coastal land and water use planning at the local government level. Furthermore, districts are charged with identifying special management areas under Alaska Statute 46.40.030(7). Although the ACMP already provides for special area planning, the State's coastal program only minimally identifies what a good plan should include. Consequently, special area plans in the past varied considerably with respect to resource information, issues, conflicting uses analyses, enforceable policies, and implementation. Multiple plan reviews, difficult planning meetings, and questionable plan usefulness have, at times, resulted. Another issue is the relationship between ACMP special management planning and other planning efforts, particularly those at the local level. It has not always been clear that ACMP special area planning was the appropriate avenue for local planning efforts.

Special area planning undertaken by coastal districts follows the ACMP planning process outlined in the ACMP Guidelines for District Coastal Management Programs 6 AAC 85.120 - 180. The guidelines include specific requirements for public involvement and for coordination and review by federal, state and local governments. Required program elements that must be included in a special area plan are outlined in 6 AAC 80.160. Areas Which Merit Special Attention Inside Districts, 6 AAC 80.170. Areas Which Merit Special Attention Outside Districts, and in 6 AAC 85.010 - 110 Article 1. Program Elements.

Findings

In response to the questionnaires, some districts responded that AMSAs or special area management plans (SAMPs) provide greater "due deference" and local control for areas with high resource values and pressures of growth and development. Other benefits from participating in the development and implementation of a special area plan also identified were giving the area or resources special status that would be considered by state and federal agencies; providing more detail on resources, uses and activities; and improvements

to permitting. Another benefit is increased public participation and awareness of coastal management at the local level.

The predominant concerns raised about coastal district planning include: 1) the need for more involvement of state and federal agencies during plan development; 2) the length and complexity of the plan amendment process-- a deterrent to making plan revisions; 3) and myriad problems with plan implementation at the local and state level, including confusion about local, state and federal responsibilities, problems with policy interpretation, vague policy language, homeless stipulations, and monitoring and enforcement.

The results of this research indicate the aspects of the planning process most often raised as problematic include lack of participation of State and federal agencies in the early phases of planning; late comments on the review of the public hearing draft; reviewers raising late, substantive concerns during the council review phase; problems with implementation at the local and state level; and the lengthy and complex plan amendment process.

One of the most critical issues with the ACMP in general is implementation, and monitoring and enforcement of the ACMP and district programs, including AMSA plans. While all implementation issues are not within the scope of this project, improved enforceable policy language, clarification of the authorities, procedures, and responsibilities for implementation, monitoring and enforcement at the local, State and federal levels would undoubtedly improve implementation. A requirement to periodically review and revise the district programs and special area management plans would help make the plans more effective. Streamlining the plan amendment process would provide more flexibility to the cycle of plan development, analysis of effectiveness, and revision.

Recommendations

Several recommendations to improve the plan content, planning process, and plan implementation are presented in Chapters 4 and 5. Through regulatory revisions, preparation of a planning manual, improvements to grant management, and clarification of implementation responsibilities, special area management planning as well as basic coastal district planning can be enhanced. The combination of these tasks will clarify, strengthen, or provide guidance on:

- Criteria for AMSA designation
- Options for using AMSA plans or area-specific policies in the district program
- Elements for plan content
- Streamline and clarify the plan revision procedures
- Encourage a strategic planning approach
- Encourage periodic plan analysis and revision
- Local, State and federal implementation
- Clarify and provide guidance on the planning process
- Encourage early, substantive involvement of the State and federal agencies and the public to identify the issues and determine appropriate management tool

- Encourage substantive review of the public hearing draft phase

Some of the additional research is suggested to clarify or resolve certain implementation issues: the responsibilities and authorities of the State agencies and local districts, consideration of a socioeconomic standard, consideration of a variance procedure, the extent of the problem with "homeless stipulations", and a study of the effectiveness of local implementation tools.

ACKNOWLEDGEMENTS

I especially want to acknowledge the members of the District Planning Working Group for their invaluable contribution to this project. I am also grateful to my two colleagues at the Division of Governmental Coordination (DGC) who contributed to the research that supports this report. Ms. Christine Valentine spent many long hours reading the coastal district program files, summarized the results of the coastal district planning questionnaire, and also conducted two surveys on implementation of coastal district plans. Mr. Chas Dense spent many hours on the telephone interviewing several coastal states about their coastal programs and summarized the plethora of information the states sent to DGC. Ms. Heather Brakes was responsible for the onerous task of arranging the working group meetings. I am grateful for my ruthless editor, Ms. Gretchen Keiser, for her sage advise.

TABLE OF ACRONYMS

AAC	Alaska Administrative Code
ACMA	Alaska Coastal Management Act
ACMP	Alaska Coastal Management Program
AMSA	Area Which Merits Special Attention
AS	Alaska Statute
CFR	Code of Federal Regulations
CPC	Coastal Policy Council
CRSA	Coastal Resource Service Area
CZMA	Coastal Zone Management Act
DCRA	Department of Community and Regional Affairs
DGC	Division of Governmental Coordination
DNR	Department of Natural Resources
DPWG	District Planning Working Group
ET AMSA	Extra-territorial AMSA (outside a district)
FEIS	Final Environmental Impact Statement
FY	Fiscal Year
NOAA	National Oceanic and Atmospheric Administration
OCRM	Office of Ocean and Coastal Resource Management
RPI	Routine Program Implementation
SAMP	Special Area Management Plan
USC	United States Code

CHAPTER I. INTRODUCTION

This report summarizes the results of research about special area management planning supported by the Alaska Coastal Management Program (ACMP). The Alaska Division of Governmental Coordination (DGC), Office of the Governor received funds from the federal Office of Ocean and Coastal Resource Management (OCRM), National Oceanic and Atmospheric Administration (NOAA) to undertake a two-year effort to analyze and make improvements to special area management planning. The 1990 reauthorization of the federal Coastal Zone Management Act (CZMA) created a new Section 309 Enhancement Grants Program which provides the funding for coastal states to make improvements to their coastal programs to address several nationally recognized coastal issues, including special area management planning.

The first year effort during State fiscal year 1994 included:

- 1) an analysis of 12 recent Alaska coastal district plans and special area management plans,
- 2) review of coastal management regulations and planning guidance from 14 coastal states¹,
- 3) review of State and federal coastal management regulations
- 4) review of literature on special area management planning and coastal management,
- 5) analysis of responses to a questionnaire on special area management and coastal district planning,
- 6) review of the results of two questionnaires on implementation of coastal district plans completed in a separate research project² (Valentine 1994), and
- 7) the recommendations of a District Planning Working Group (DPWG) formed to assist the project.

The second phase of the project during State fiscal year 1995 will include developing regulatory changes to the ACMP and planning guidance to improve special area management planning. Additional research and other actions to improve the implementation of district plans and special area management plans are listed in Chapter 5. This report presents recommendations to the district planning working group.

¹Coastal states interviewed include California, Connecticut, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, and Washington.

²Christine Valentine, DGC staff person as a M.S. candidate at Oregon State University, conducted two surveys on the implementation of district coastal management plans. The first survey targeted state resource agencies and the second coastal districts.

CHAPTER 1. PROJECT PURPOSE AND METHODOLOGY

This first chapter provides the backdrop for special area management planning and summarizes relevant sections of the federal CZMA and the Alaska Coastal Management Program.

Need for the Project

The Alaska Coastal Management Program (ACMP) authorizes special area management planning, but the statutes and regulations identify only minimally what a plan should include. Specific guidance is lacking about what to expect in the ACMP planning process or how to prepare a special area management plan. As a consequence, a special area plan developed under the ACMP, most commonly known as an "Area which Merits Special Attention" (AMSA) plan, vary considerably in quality of resource information; depth of issues and conflicting uses analysis; and specificity in coastal district goals, enforceable policies, and implementation. The usefulness of these AMSA plans during the ACMP consistency review process is quite variable.

Another issue that surfaces during the planning process is the relationship between ACMP special management planning and other planning efforts, particularly those at the local level. According to the Alaska Coastal Management Act, coastal district planning must be based on existing local comprehensive planning, a new comprehensive resource use plan, or a comprehensive statement of needs and objectives governing resource use in the coastal area. In some instances, it is not clear whether ACMP special area planning is the appropriate vehicle for the local planning efforts undertaken by coastal districts. Non-traditional comprehensive land-use planning may better serve the purposes of the local government, unless the coastal district intends to develop specific special area policies (or, the enforceable standards used to review coastal projects), beyond what is already enforceable in their basic coastal program.

A special area planning manual would help coastal districts undertake a more focused and predictable planning process and prepare more usable planning products. State and federal agencies would also gain a better understanding of the planning process and plan requirements. From the ACMP perspective, special area planning is primarily intended to develop an information and policy framework within which coastal project decision making can occur during the consistency review process. The special area planning manual would clarify the relationship among the different planning efforts and guide coastal districts toward the most appropriate vehicle for their planning needs.

Project Purpose

The primary purpose of this project is to improve the ACMP special area management planning process and products. Specific project objectives are:

- 1) to revise, as needed, the ACMP regulations governing special area management planning;
- 2) to clarify the relationship between the use of AMSA planning and the use of area-specific management policies and provide guidance on the appropriate approach to take;
- 3) to prepare a planning manual that describes the ACMP planning process and required special area plan elements;
- 4) to describe, in the manual, the relationship between ACMP planning and other planning efforts; and
- 5) to describe, in the manual, the funding of special area planning under the ACMP and other possible sources.

Definition of terms

The following terms are used throughout this report. The definitions are for purpose of this report only.

Special area management plan: a plan which provides detailed resource inventory and analysis and enforceable policies beyond the general planning and regulatory system that is part of the coastal district management program or the Alaska Coastal Management Program. A special area management plan can include, but is not limited to an Area Which Merits Special Attention plan, a wetlands management plan, a recreation management plan, an erosion management plan, a watershed management plan, or a harbor management plan.

Identify: to describe an area in a basic coastal district program for future planning and designation as an area which merits special attention. The identification must include a brief description of how a potential AMSA fits the criteria in AS 46.40.210, 6 AAC 80.158, and 6 AAC 80. 160 - 170.

Nominate: to submit an area which merits special attention plan to the Coastal Policy Council for approval and designation. The AMSA plan must meet the requirements of 6 AAC 80.160 if within a coastal district or 80.170 if outside a coastal district, and the general requirements of 6 AAC 85.020 - 180.

Designation: approval of an AMSA plan by the Coastal Policy Council in accordance with 6 AAC 80.160 or 80.170 and 6 AAC 85.

District program: a coastal district's coastal management program, also referred to as a district plan.

Project Methodology

Historically, coastal districts prepare a general coastal land use management plan. Then, subsequent planning efforts have focused on a special area within the district. Special area planning procedures and content are the same as the ACMP procedures and requirements for basic coastal district planning. Therefore, this project analyzes the overall ACMP planning procedures this report addresses.

The methods used to analyze and recommend improvements to ACMP special area planning include the following:

1. Review of State and Federal Laws

The federal and State laws and regulations governing coastal management were examined. Chapter 2 provides an overview of these laws and their effect on the Alaska Coastal Management Program. In addition, literature on coastal management planning and special area management planning was reviewed to learn from the analysis of other successful special area management planning efforts.

2. Review of Other States Coastal Management Programs

Fourteen coastal states were selected for review of their coastal management programs, statutes, regulations, planning guidance, and where available, special area management plans. The states reviewed include California, Connecticut, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, and Washington. Selection was based on geographic distribution and a review of special area management planning descriptions previously submitted by coastal states as part of the federal Section 309 (CZMA) program. Telephone interviews with coastal program staff were conducted during November 1993 - April 1994. Questions were asked regarding their criteria for special areas, how their state programs were structured to manage these areas, the use of area-specific policies in the state program or local programs to manage these special areas, and the use of special area plans in coastal land use decision-making. Information was sought on planning guidance offered in regulation, Section 309 special area management planning projects, and planning manuals. Materials reviewed are listed in the bibliography.

3. Review of Coastal District Plans

Historical program files on district coastal management and special area management plans were reviewed to identify recurring problems with the plan content or planning process. Materials analyzed include public hearing drafts, concept approved drafts, public comments on the drafts, DGC's preliminary and final findings and conclusions, and DGC responses to comments. Ms. Christine Valentine, a graduate intern working on a Masters of Science Degree in Marine Resource Management, Oregon State University, reviewed the program files and summarized recurring problems or any evident need for guidance. Conclusions from the review of the program files are discussed in Chapter 4 under applicable ACMP standards. The twelve land-use plans reviewed include:

*Angeon Coastal Management Program (1992),
Kasilof River AMSA public hearing draft (1992),
Kenai Peninsula Borough Coastal Management Program (1990),
Mitchell, Hood and Chaik-Whitewater Bays AMSAs (1992),
Nushagak and Mulchatna Rivers Recreation Management Plan (1990),
Point MacKenzie AMSA (1993),
Port Graham/Nanwalek AMSA (1992),
Port of Skagway and Skagway River AMSAs (1992),
Sitka Public Use Management Plan (1993),
Thorne Bay Coastal Management Program (1991),
Valdez Duck Flats AMSA concept approved draft (1992), and
Whittier Harbor Plan public hearing draft (1991).*

4. Questionnaire

A written questionnaire on coastal district planning and special area management in Alaska was developed and distributed in Fall 1993 to the coastal districts, State and federal agencies, planning consultants, and environmental and industry representatives. Questions were asked about planning content, the planning process, adequacy and clarity of ACMP regulations (6 AAC 80 and 6 AAC 85), usefulness of coastal district programs and special area management plans, about plan implementation, and the need for and preferred content of a coastal district planning manual. About 135 questionnaires were distributed and 25 people responded— an 18% response rate. Responses from 11 of the 34 coastal district were received— a 33% response rate. Also responding were six State agencies, three federal agencies, three industries and two other interest groups. Because of the higher district response rate, the survey results are weighted toward district perspectives. The questionnaire responses are discussed in Chapters 2, 3, and 4. The questionnaire and a summary of the responses are presented in Appendix B.

Ms. Christine Valentine, in her research on the implementation of local coastal district programs in Alaska, also conducted two surveys. One survey targeted coastal districts and the other State agency implementors (participants in the ACMP consistency review process). Most surveys were conducted by telephone, although a few respondents submitted written comments. The first survey focused primarily on how the state uses and implements local coastal management plans and was administered to 25 state resource agency staff that implement the ACMP on a continual basis. Responses were received from 27 staff interviewed, exceeding a 100 percent response rate. The second survey, administered to 32 coastal districts, focused on the experiences of the coastal districts with the state consistency review process and plan implementation in general. A response rate of 59 percent was achieved, with 19 of the coastal district responding. Copies of the questionnaires and a summary of the results are included in Appendix C. Survey responses on the implementation of the coastal district plans are used to develop recommendations for improvements to the plans and planning process where appropriate.

5. District Planning Working Group

Membership was solicited early in the project for a working group formed to actively participate in this Special Area Management Planning project. The District Planning Working Group includes coastal districts, State and federal agencies, and planning consultants (Table 1). The purpose of the group is to assist in identifying problems with the planning process, plan content, and plan implementation; help identify solutions; and participate in subsequent rulemaking; provide guidance on and reviewing a draft planning manual; and initiate other recommended actions described in Chapter 5. The working group discussed results of the questionnaires and the analysis of coastal district plans and identified potential solutions or needed improvements. A summary of issues and possible actions to resolve them, developed during working group meetings, can be found in Appendix D.

Working group meetings were held in Anchorage on October 6, 1993; December 7, 1993; and May 31, 1994.

It is important to note here that many working group members felt some of the most critical issues with the ACMP are implementation, monitoring and enforcement. Concerns about these overall program aspects were also prevalent in discussions at two recent coastal district conferences, one regional workshop held in Anchorage in January 1994, and the Statewide ACMP Conference held in Juneau in 1994. In the working group and conference discussions about coastal district planning process, content and implementation, several recommendations were made that could enhance overall implementation of the ACMP. Some of these recommendations fit within the scope of this project, while others require further research or action. These recommendations are discussed in Chapters 2 - 5.

Table 1
DISTRICT PLANNING WORKING GROUP MEMBERS

Members

Coastal Districts

Sue Flensburg, Bristol Bay CRSA
Mary Pearsall, Kenai Peninsula Borough
Dave Dengel, Valdez
John Purcell/Walt Wrede, Lake and Peninsula Borough
Darcy Richards, Aleutians West CRSA
Thede Tobish, Anchorage

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Janet Burleson/Rob Walkinshaw, Department of Natural Resources
Sara Hunt, Division of Governmental Coordination
Beth Kerttula, Department of Law
Gabrielle LaRoche, Department of Commerce and Economic Development
Glenn Seaman, Department of Fish and Game
Nelda Warkentin/John Gliva, Department of Community and Regional Affairs

Federal Agencies

Tony DeGrange, U.S. Fish and Wildlife Service
Lloyd Fantor, U.S. Army Corps of Engineers
Maureen McCrea, Minerals Management Service

Planning Consultants

Nicole Faghin, Reid Middleton
Jon Isaacs, Jon Isaacs and Assoc.
Gordon Lewis, Community Planning

Participants

Other Participants

Chuck Degnan, Bering Straits CRSA
Carmen Denny, Division of Governmental Coordination
Chas Dense, Division of Governmental Coordination
Linda Freed, Kodiak
Gretchen Keiser, Division of Governmental Coordination
Louisa Rand Moore, Anchorage
Frankie Pillifant, Division of Governmental Coordination
Christine Valentine, Division of Governmental Coordination

CHAPTER 2. FEDERAL AND STATE FRAMEWORK

Federal Coastal Zone Management Act

The federal Coastal Zone Management Act (CZMA) of 1972 (16 U.S.C. § 1451 *et seq.*) set the stage for "the effective management, beneficial use, protection, and development of the nation's coastal zone". With federal funds administered by the National Oceanic and Atmospheric Administration (NOAA), coastal states are encouraged to develop and implement programs for managing their coastal areas. The CZMA addresses the conflict between development and the protection of the coastal ecosystem and identifies planning as the key to more effective protection and use of the land and water resources of the coastal zone.

The CZMA "encourages the preparation of special area management plans which provide for increased specificity in protecting significant natural resources, reasonable coastal-dependent economic growth, improved protection of life and property in hazardous areas, including those areas likely to be affected by land subsidence, sea level rise, or fluctuating water levels of the Great Lakes, and improved predictability in governmental decision-making." [CZMA § 303(3)]. Federal regulations 15 CFR Subpart C § 923.22-25. describe five different categories of areas that require special management attention that a state coastal program must address: geographic areas of particular concern, areas for preservation or restoration, other areas of particular concern, shorefront access and protection planning, and shoreline erosion/mitigation planning.

Areas of particular concern can be either generic (such as all wetlands or port areas) or site-specific, or both. The CZMA focuses on areas that are of particular concern because of their coastal values or characteristic, or because they may face pressures beyond what the general planning and regulatory system in a state's coastal management program can address. Emphasis is placed on designating areas of particular concern where a state's coastal management program policies and authorities are not sufficiently comprehensive or specific to effectively manage particular resources and uses. Federal criteria for the inventory and designation of areas of particular concern include:

- areas of unique, scarce, fragile or vulnerable natural habitat; unique or fragile physical figuration; historical significance, cultural value or scenic importance;
- areas of high natural productivity or essential habitat for living resources, including fish, wildlife and endangered species and the various trophic levels in the food web critical to their well-being;
- areas of substantial recreational value and/or opportunity;
- areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters;

- areas of unique hydrologic, geologic or topographic significance for industrial or commercial development or for dredge spoil disposal;
- areas or urban concentration where shoreline utilization and water uses are highly competitive;
- areas where, if development were permitted, it might be subject to significant hazard due to storms, slides, floods, erosion, settlement, and salt water intrusion;
- areas needed to protect, maintain or replenish coastal lands or resources including coastal flood plains, aquifers and their recharge areas, estuaries, sand dunes, coral and other reefs, beaches, offshore sand deposits and mangrove stands.

A state's coastal program must include guidelines on the purposes, criteria, and procedures for nominating areas of particular concern. The areas must be described (in writing or on a map) in sufficient detail so affected parties can determine if an activity or project is inside the boundaries. The coastal program must also describe the nature of the concern and the basis on which designations are made, how the program addresses and resolves the concerns, and must provide guidelines on priorities of uses, including uses of lowest priority.

Procedures must also be developed for designating special areas to preserve or restore them for their conservation, recreational, ecological or aesthetic values. States also have the option of including procedures for designating other areas of particular concern. Special planning attention is focused on shorefront access and protection and on shoreline erosion/mitigation. Special management attention for shorefront areas and erosion areas can be accomplished by designations as areas of particular concern or as areas for preservation or restoration.

Section 309 Enhancement Grants Program

In the 1990 reauthorization of the CZMA, Congress included a new Section 309 Enhancement Grants Program. Each coastal state is encouraged to improve its coastal management program in one or more of eight identified areas: coastal wetlands management and protection; public access to the coast; protection from coastal hazards; management of ocean resources; reduction of marine debris; assessment of cumulative and secondary impacts of coastal growth and development; special area management planning; and siting of coastal energy and government facilities. States are encouraged to achieve these objectives by strengthening their coastal management programs with new laws, regulations, or other enforceable mechanisms.

In its May 1991 guidance to coastal states on the Section 309 program, NOAA outlines the following criteria for selecting areas of the coastal zone subject to use conflicts that can be addressed through special area management planning.

- The area includes significant coastal resources that are being severely affected by cumulative or secondary impacts from coastal growth.
- There is a multiplicity of local and state and federal authorities, which prevents effective coordination and cooperation in addressing coastal development or an ecosystem basis.
- There is a history of long-standing disputes between local, state, or federal agencies over certain coastal resources which have resulted in protracted negotiations over the acceptability of proposed uses.
- There is strong commitment at all levels of government to enter into a collaborative planning process to produce definitive regulatory products.

Alaska Coastal Management Program

Summary

In 1977, in response to the need to engage in comprehensive land and water use planning for all of Alaska's coastal areas at the local level, the Alaska Legislature enacted the Alaska Coastal Management Act (ACMA, AS 46.40). Copies of relevant statutes and regulations are included in Appendix A. A primary purpose of the Act is to provide for local involvement in coastal development issues. The Alaska Coastal Management Program (ACMP) provides for shared state and local management of coastal areas and resources. The ACMP is a "networked" program which designates a lead agency in the executive branch and relies on improving and coordinating existing State authorities.

A sixteen member Coastal Policy Council (CPC) was created in the Act to provide guidance on the development of the ACMP. Over the years, the CPC has performed four primary functions: rulemaking, district program approval, policy direction, and program oversight. The Division of Governmental Coordination (DGC), Office of the Governor is designated as the lead agency for the Alaska Coastal Management Program [AS 46.40.100(a)].

Under the ACMA, coastal management plans with policies specific to a coastal district can be developed at the local level and then approved by the Coastal Policy Council. Once approved by the federal National Oceanic and Atmospheric Administration and filed with the Alaska Office of the Lt. Governor, the local program is incorporated into the ACMP. All state and local activities and regulatory approvals must be consistent with the local program and the ACMP.

The Coastal Policy Council developed regulations in 1978 (subsequently amended) that include standards for coastal development and guidelines for the development of detailed coastal management programs by local coastal resource districts. The ACMP final environmental impact statement (FEIS) states that these standards are the minimum

standards of review for local program development and for project consistency with the ACMP until more **detailed standards** are crafted in local district programs (Alaska 1979, p.55). The original ACMP envisioned an open planning and management process where interested parties could be brought together to resolve differences and achieve their goals for the use of Alaska's coastal resources. "District coastal management programs are intended to more equitably and efficiently apply the diverse array of existing federal, state and local authorities governing such competing interests." (Alaska 1979, p.81).

Local governments were a strong influence in shaping the Alaska Coastal Management Act. Because of the immense size of Alaska and regional differences in geography, coastal resources, development and settlement patterns, it was apparent the standards of the ACMP had to be general. Refer to Figure 1 for an illustration of the vast coastal zone in Alaska, which includes about 34,000 miles of coastline. Local governments were given the responsibility to tailor their district coastal management programs and provide the specificity to meet regional needs.

As a major effort at permit reform in 1984, the State developed regulations and the Council adopted the State consistency review process (6 AAC 50). The consistency review process provides for a coordinated State agency and coastal district review of proposed projects in the coastal zone, with agency permits issued shortly after the State's consistency determination is made.

Coastal Districts

Alaska differs from other coastal states because most of its land has not been organized into political subdivisions such as borough or counties. In Alaska, sixteen boroughs are the home of about 85 percent of the state's population, and include yet only about 40 percent of the state's land mass. The remaining portion of the state is classified as the unorganized borough. A 1988 report by the Alaska Department of Community and Regional Affairs estimates that 72 percent of Alaskan cities are located outside of the organized boroughs. Although some new boroughs have formed or expanded their boundaries since 1988, the figure is still high.

Title 29 of the Alaska Statutes defines the authority of cities and boroughs to provide for planning, platting and zoning, and determines whether these powers are mandatory or voluntary (Alaska Department of Community and Regional Affairs 1987). Planning powers are **mandatory** for first and second class boroughs, home rule cities and first class cities in third class boroughs or unorganized boroughs, and for home rule municipalities and boroughs unless limited by charter. Planning powers are **voluntary** for second class cities in third class boroughs or in the unorganized borough, and in a third class borough on a service area basis only (Haines Borough is the only third class borough in Alaska).

Coastal districts are the grass-roots of Alaska Coastal Management Program. To date, there are 35 coastal districts, including four existing coastal resource service areas, 12 boroughs, and 19 cities. Table 2 lists the coastal districts by category. Figure 2 graphically represents

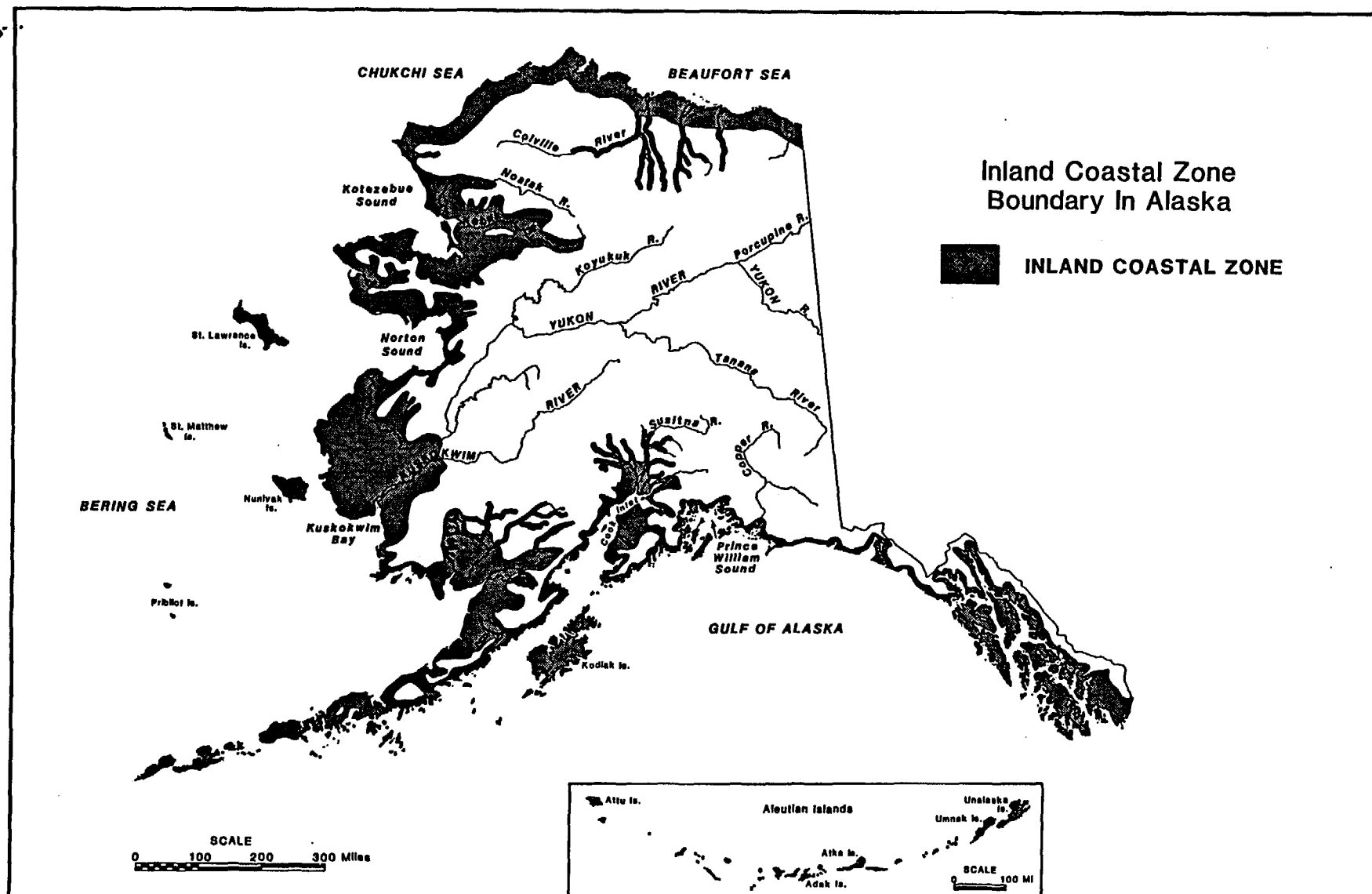


Figure 1

Table 2
COASTAL DISTRICT ORGANIZATION

Unified Home Rule Boroughs

Municipality of Anchorage
City and Borough of Juneau
City and Borough of Sitka

Home Rule Boroughs

Lake and Peninsula Borough
North Slope Borough
Northwest Arctic Borough
City and Borough of Yakutat

Second Class Boroughs

Aleutians East Borough	Bristol Bay Borough
Kenai Peninsula Borough	Ketchikan Gateway Borough
Kodiak Island Borough	Matanuska-Susitna Borough

Home Rule Cities

Cordova
Petersburg
Valdez
Wrangell

First Class Cities

Craig	Haines
Hydaburg	Kake
Klawok	Nome
Pelican	Skagway

Second Class Cities

Angeon
Bethel
Thorne Bay
Whittier
Saint Paul

Coastal Resource Service Areas

Aleutians West
Bering Straits
Bristol Bay
Ceñaliulriit

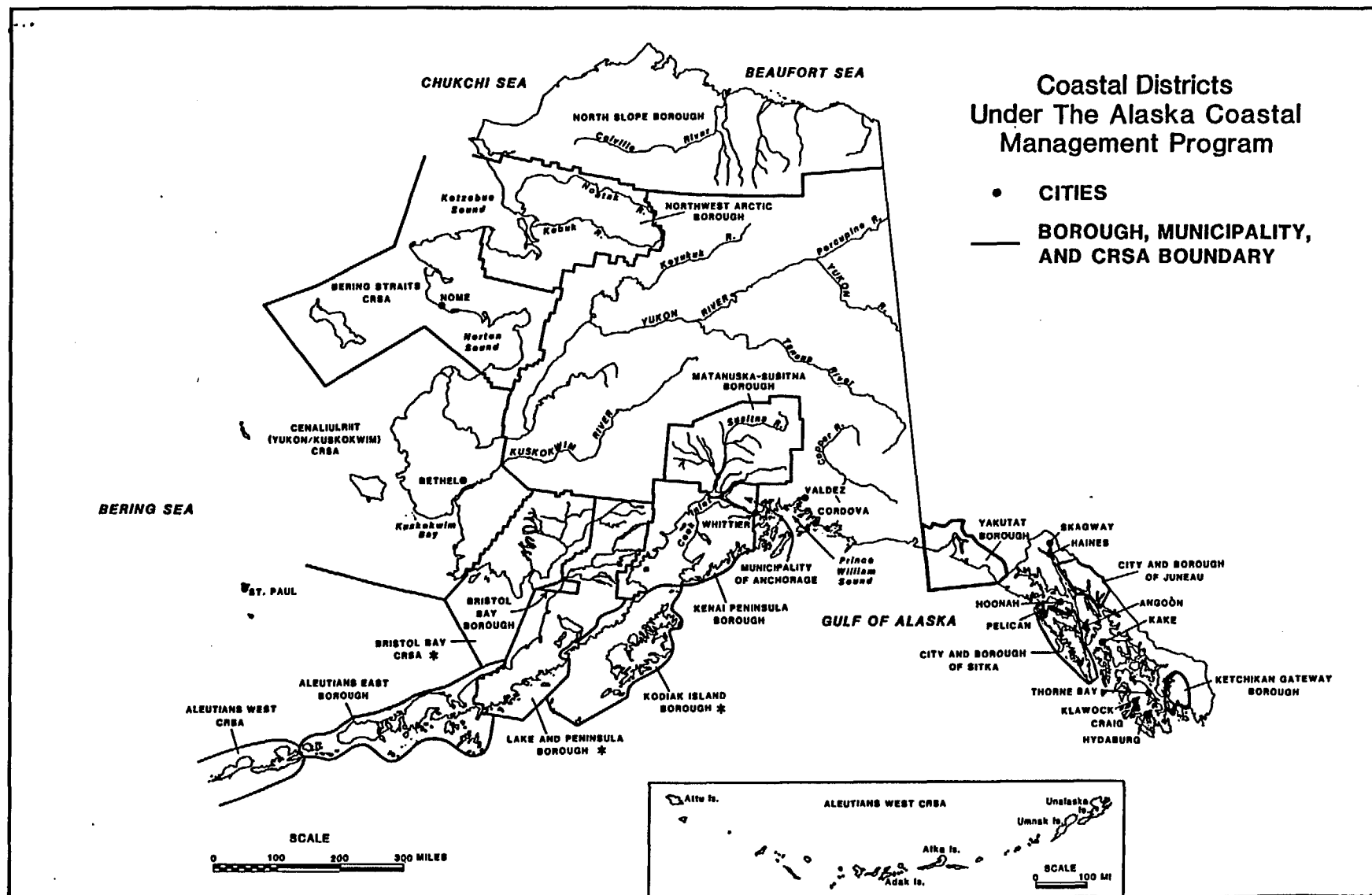


Figure 2

the location and relative size of each coastal district. As defined in AS 46.40.210, coastal districts are any of the following that include a portion of Alaska's coastal area:

- a unified home rule municipality or an organized borough that exercises planning authority;
- a home rule or first-class city, located outside a borough, that exercises planning authority;
- a second-class city, located outside a borough, that exercises planning authority. The city must have a planning commission and, in the judgement of DCRA, have the capability to develop and carry out a coastal program;
- a coastal resource service area (CRSA) formed in the unorganized borough.

The Alaska State Legislature provided for the creation of CRSAs to give residents in the unorganized borough the chance to undertake planning to manage their coastal resources. A CRSA is formed by a special election and is drawn along the lines of existing Rural Education Attendance Area (REAA) boundaries. Once a CRSA coastal management program is fully approved, the CRSA can participate in the consistency review process established in 6 AAC 50. Otherwise, the State resource agencies have the responsibility for implementation of the CRSA's coastal management program. Four coastal resource service areas occur for the purposes of coastal management: Aleutians West CRSA, Bering Straits CRSA, Bristol Bay CRSA and Ceñaliulriit (Yukon-Kuskokwim area). Another two CRSAs (NANA and Aleutians East) have formed boroughs since the mid-1980s.

AS 46.40.090 directs state agencies to implement district coastal management programs where a coastal resource district does not have and exercise zoning or other controls on the use of resources within its district. A coastal resource district which has and exercises zoning or other controls on the use of resources must implement its coastal management program. Municipalities and state agencies must also administer land and water use regulation or controls in conformity with approved district programs (AS 46.40.100). In State fiscal year 1992, coastal districts reported local implementation actions which include:

- adoption of new or revised zoning ordinances
- new or revised waterfront zoning districts
- comprehensive plan revisions
- amended land development code
- wetlands mapping and ordinance adoption
- improved permit filing systems

At the local level, municipal coastal districts are implementing their coastal district programs in a variety of ways under their Title 29 local government authorities. A 1992 survey by the Department of Community and Regional Affairs indicates active incorporation of coastal plans into local planning and decision-making. Of the 25 municipal districts responding, over half have incorporated their coastal program in their

local comprehensive plan. Ten municipalities reported that their zoning ordinance formally incorporates their coastal management policies, while six reported that the local subdivision ordinance includes their coastal policies. About half of the municipalities responding routinely review zoning changes and subdivision plats for consistency with their coastal policies. Table 3 includes a description of the various municipal implementation actions taken by the reporting districts.

Interpretation of Areas of Particular Concern

A cornerstone of Alaska's coastal management statute and federally approved program is coastal land and water use planning at the local government level. Furthermore, districts are charged with identifying Areas Which Merit Special Attention (AMSAs) under AS 46.40.030(7). AMSAs are analogous to the federal areas of particular concern the CZMA requires coastal states to identify. Three ways described in the FEIS for the ACMP to inventory and designate areas of particular concern on either a generic or a site-specific basis include:

- AMSAs inside a district boundaries,
- AMSAs outside a district's boundaries, and
- Special areas established by State agencies under authorities other than the ACMA (e.g., Critical Habitat Areas or State Parks).

The ACMP encourages the designation of AMSAs when the criteria for their definition [AS 46.40.210 (1) and 6 AAC 80.160(b)] are met. An AMSA is defined as *"a delineated geographic area within the coastal area which is sensitive to change or alteration and which, because of plans or commitments or because a claim on the resource within the area delineated would preclude subsequent use of the resources to a conflicting or incompatible use, warrants special management attention, or which, because of its value to the general public, should be identified for current or future planning, protection, or acquisition; ... "*

Areas which merit special attention include:

- areas of unique, scarce, fragile or vulnerable natural habitat, cultural value, historical significance, or scenic importance
- areas of high natural productivity or essential habitat for living resources
- areas where development of facilities is dependent upon the utilization of , or access to , coastal water
- areas of unique geologic or topographic significance which are susceptible to industrial or commercial development
- areas of significant hazard due to storms, slides, floods, erosion or settlement
- areas needed to protect, maintain, or replenish coastal land or resources, including coastal flood plains, aquifer recharge areas, beaches and offshore sand deposits
- areas important for subsistence hunting, fishing, food gathering, and foraging

Municipal Implementation of Coastal Management Plans
November, 1992

Municipality	Local Permit	Site Plan	Zone Ord	Zone Ord re/fe policies	Zone changes routinely rev'd/w policies	Subd Ord	Subd Ord re/fe policies	Plats routinely rev'd/w policies	Comp Plan	Comp Plan re/fe policies	New plans incorp policies	Approval/consistency req'd in these special areas					Approval/consistency req'd for these commercial activities					COE Gen Permit re/fe consult	Routine review CIP w/ policies	Monitor all dev in coast zone	Only monitor major acts in CZ	Can only issue stop work order	Can apply penalties
												Wetlands	Height	Avalanche	Historic	Flood hazard	Watershed	Land disposal	Timber sales	Mining	Guiding						
Alutians East Borough																							1		1		
Anchorage			1	1	1	1		1	1	1	1	1										1	1	1	1	1	1
Belhel	1	1	1	1	1	1		1	1	1	1	1	1									1	1	1	1	1	1
Bristol Bay Borough	1	1	1	1	1	1		1	1		1												1	1		1	1
Cordova	1	1	1	1	1	1			1			1												1		1	1
Craig	1	1	1	1	1	1	1		1	1	1	1		1				1	1						1	1	1
Halma	1	1	1	1	1	1	1	1	1	1	1	1		1	1	1								1			
Hoonah										1	1			1										1			
Hydeburg											1	1		1							1	1		1		1	1
Juneau	1	1	1		1	1		1	1	1	1	1	2		1	1		1		1	1	1	1	1	1	1	1
Kenai Peninsula Borough			1			1		1	1																		
Ketchikan Gateway Borough			1	1	1	1	1	1	1	1	1	1												1		1	1
Klawock	1		1	1	1			1	1	1	1												1	1		1	1
Kodiak Island Borough	1	1	1		1	1		1	1		1						1		1				1		1	1	1
Lake & Peninsula Borough										1																	
Nome	1	1				1	2	1			1			1		1	1		1	1	1	1	1	1	1	1	1
North Slope Borough	1		1	1		1			1	1														1		1	1
Northwest Arctic Borough	1	1	1	1					1	1		1		1					1	1		1	1			1	1
Pelican			1			1																	1				
Petersburg	1	1	1			1			1																		
Sitka	1		1		1	1		1	1	2	1						1				1	1	1				
Skagway	1		1		1	1			1	1				1		1							1		1	1	1
Thorne Bay			1			1			1														1	1			
Valdez	1	1	1		1	1		1	1	1	1													1		1	1
Whitler	1		1			1		1	1		1													1			
TOTALS	18	11	20	18	13	18	8	12	22	12	18	8	3	3	4	1	1	5	1	4	1	6	12	15	8	13	11
% of Total Number of Districts Reporting	64%	44%	80%	48%	52%	72%	24%	48%	88%	52%	68%	24%	12%	12%	18%	4%	4%	20%	4%	16%	4%	24%	48%	80%	24%	52%	44%
Total Number of Municipal Districts Reporting	28																										
NOTE: The following 6 districts did not report: Angoon, Kake, Metanulka-Suelina Borough, St. Paul, Wrangell, Yakutat																											
Districts also implement their plans by commenting on State and federal permits																											
Underlined 1 = pending																											

- areas with special scientific values or opportunities, including those areas where ongoing research projects could be jeopardized by development or conflicting uses and activities
- potential estuarine or marine sanctuaries

Alaska added three new categories in 6 AAC 85.158: subsistence areas, areas with special scientific values or opportunities, and potential estuarine or marine sanctuaries. Whereas the federal regulations describe a second category of areas subject to special management attention – areas for preservation or restoration – Alaska’s regulations (6 AAC 80.160 and 80.170) provide a blanket statement that *a management plan for an area which merits special attention inside/outside a district must preserve, protect, enhance, or restore the value or values for which the area was designated.*

The federal regulations require areas of particular concern to identify priorities of uses subject to the special area plan, including uses of lowest priority. The AMSA regulations in the ACMP do not clearly address this aspect, although some ACMP standards (6 AAC 80.040 Coastal Development, 6 AAC 80.060 Recreation, and 6 AAC 80.0120 Subsistence) include provisions for establishing priorities during planning. These standards, as appropriate, may be addressed in an AMSA plan or special area management plan. Review of the coastal district program files indicates that few districts have identified priority uses, although some have designated proper and improper uses that can occur in certain designated areas.

A 1980 publication by the Alaska Office of Coastal Management *Special Areas in the Alaska Coastal Zone: Abstracts of Proposals* includes 395 proposals for special management areas. These potential sites were identified as a guide for coastal districts to use as they developed their district plans. To date, there are 23 special area management plans in Alaska, as listed on Table 4.

Criteria for Funding Special Area Management Plans

Historically, the State has provided state and federal funds to coastal districts to prepare various specialized plans (e.g., AMSAs, public use management plans, and wetlands management plans) which are incorporated as significant amendments to local district plans into the ACMP. The State, through a competitive grants process, funds special planning efforts which rank highly according to several criteria:

- an existing or anticipated coastal conflict of greater than local significance
- a plan which will provide a tool that will improve local or State implementation
- district readiness; capability and performance
- broad support at the local, state and federal level for the planning effort

This grant selection process sets a high standard for encouraging the development of special area management plans.

Table 4
ACMP SPECIAL AREA MANAGEMENT PLANS

Municipality of Anchorage

Anchorage Wetlands Management Plan, 1982*

City of Angoon

Chaik/Whitewater Bay AMSA, 1992 (outside district)

Hood Bay AMSA, 1992 (outside district)

Mitchell Bay AMSA, 1992 (outside district)

Bristol Bay CRSA

Nushagak/ Mulchatna Rivers Recreation Management Plan, 1990 (also a DNR Management Plan)

City of Cordova

Eyak Lake AMSA, 1986

City of Haines

Port Chilkoot/Portage Cove AMSA, 1982

City of Hydaburg

Hetta Cove/EEK Inlet AMSA, 1983 (outside district)

Hydaburg River/Tidelands AMSA, 1983 (partially inside/outside district)

Jackson Island AMSA, 1983 (outside district)

McFarland Islands/Dunbar Inlet AMSA, 1983 (outside district)

Meares Passage/Arena Cove AMSA, 1983 (outside district)

Saltery Point/Crab Trap Cove AMSA, 1983 (outside district)

City and Borough of Juneau

Downtown Waterfront AMSA, 1985

Juneau Wetlands Management Plan, 1993*

Kenai Peninsula Borough

Port Graham/Nanwalek AMSA, 1992

Matanuska-Susitna Borough

Point MacKenzie AMSA, 1993

City of Skagway

Port of Skagway AMSA, 1991

Pullen Creek AMSA, 1983

Skagway River AMSA, 1991

Yakutania Point AMSA, 1983

City and Borough of Sitka

Sitka Public Use Management Plan, 1993*

Swan Lake AMSA, 1985

**These plans were adopted as significant amendments to the coastal district program and are not areas which merit special attention.*

Special Area Management Planning Process

ACMP regulations 6 AAC 80.160 and 80.170 include the criteria and process for identifying, nominating and designating areas which merit special attention inside districts and outside districts. AMSAs may be developed as a component of a district program or subsequently as a significant amendment to a district program, and must follow the procedures for program approval described in 6 AAC 85. Approval of the district program (or amendment to a district program) is based on AS 46.40.30, AS 46.60 - .070, 6 AAC 80.020 - 80.110 and 6 AAC 85. The organization of these AMSA requirements are like a Chinese puzzle box, leading back and forth from one section of regulation to another. The need for reorganization of these regulations was noted in questionnaire responses and is addressed in the recommendations in Chapters 4 and 5.

The current procedures for district program development or amendment and AMSA designation are:

AMSAs Inside Districts

An AMSA inside a district must include descriptions of the following (per 6 AAC 80.160):

- basis or bases for designation
- maps of the geographical location, surface area or bathymetry of the area
- written description of the boundaries
- justification of the size of the AMSA
- dominant physical and biological features
- existing ownership, jurisdiction, and management status
- existing uses and activities
- present and anticipated conflicts among uses and activities
- management plan that includes
 - description of and rationale for proper and improper uses and activities
 - enforceable policies
 - authority responsible for plan implementation

The management plan must preserve, protect, enhance, or restore the value or values for which the area was designated.

AMSAs Outside Districts

The Coastal Policy Council must authorize planning for an AMSA outside a coastal district (sometimes called an extra-territorial, or ET AMSA) before the sponsor of the ET AMSA may conduct the planning effort. A sponsor can be a coastal district or any other person. This process has been used infrequently, with six AMSAs designated outside the Hydaburg coastal district in 1983 and three AMSAs designated outside the Angoon coastal district in 1992.

The criteria for ET AMSAs are described in 6 AAC 80.170. The sponsor's recommendation to the Council for consideration and approval to proceed with planning must include a description of :

- basis or bases for designation
- maps of the geographical location, surface area or bathymetry of the area
- written description of the boundaries
- justification of the size of the AMSA
- resource values and use conflicts
- purpose and objectives to be met through AMSA planning
- tentative schedule of planning tasks and reviews
- list of affected parties
- how these parties would be involved in plan development
- justification that the AMSA is the preferred planning and management mechanism

Once the Council approves planning for an ET AMSA, the sponsor must prepare a public hearing draft which includes the elements described earlier for an AMSA inside a district AND:

- an evaluation of the potential impacts of the designation on the social, cultural, environmental, and economic features of the area and adjacent areas and
- a description of how the proposed management plan will be implemented.

The review and approval process for ET AMSAs is similar to the process for district programs or amendments, except additional public notice is required and the comment period for responses to DGC's preliminary findings and conclusions is 60 days instead of 45 days. Time limits are not specified for DGC's preparation of preliminary findings and for Council approval after comments are received on the preliminary findings. Obviously, an ET AMSA would not be adopted by a district.

The procedures for developing and approving a significant amendment (including and AMSA) or district program approval outlined in 6 AAC 85 include:

- 1) Development of a public hearing draft:
 - Public involvement in the development of program elements
 - At least two public meetings must be held
- 2) Contents of the district program or AMSA plan:
 - Needs, Objectives, Goals
 - Organization
 - Boundaries
 - Resource Inventory
 - Resource Analysis
 - Subject Uses (uses and activities in 6 AAC 80)

- coastal development
 - geophysical hazards
 - recreation
 - energy facilities
 - transportation and utilities
 - fish and seafood processing
 - timber harvest and processing
 - mining and mineral processing
 - subsistence
 - Proper and Improper Uses (must address uses of state concern)
 - Enforceable Policies (must be consistent with standards in 6 AAC 80)
 - Areas Which Merit Special Attention (identify or designate)
 - Implementation (Local, State and federal methods, monitoring and enforcement and appeals)
 - Public participation (document public participation in program development)
- 3) Review of public hearing draft:
- A minimum 60-day review
 - Review by all parties with a significant interest
 - Public notice of availability of the draft
 - Public hearing
 - Meetings (interagency, coordinated by DGC, if necessary)
- 4) Concept approved draft:
- District incorporates comments on the public hearing draft, as appropriate
 - District governing body conceptually approves the district program and adopts it by resolution
- 5) Coastal Policy Council review and approval:
- District must submit concept approved draft, recording or transcript of public hearing, list of names and addresses of those who testified, and all materials on which it based its decision (comments on public hearing draft), and produce sufficient copies of the concept approved draft to allow distribution by either DGC or the district.
 - 30 days after program submittal, DGC prepares findings and conclusions regarding Council approval
 - Concept approved draft and DGC's findings and conclusions are distributed for a 45-day review. Comments must be received within the 45 days to be considered.
 - Within 25 days of receipt of comments, DGC submits its response to comments and revised findings and conclusions to the Council and parties who commented on the original findings
 - Within 45 days after the comment period on the original findings and conclusions the Council must approve or disapprove the district program, in whole or in part.

- Procedures for mediation of a district program disapproved, in whole or in part, are included in 6 AAC 87.170.

6) Effective date and local adoption

- The coastal district must adopt the district program or amendment within 90 days of council approval, by ordinance or resolution, as appropriate.
- Although not described in 6 AAC 85, the district program or amendment must be approved by OCRM for incorporation into the ACMP either as a significant amendment or a routine program implementation. This step should occur before filing with the Lt. Governor's Office and before adoption by the coastal district so any changes required by OCRM are adopted by the district. The district program cannot be used for review of federal permits or federal actions until approved by OCRM.
- Following local adoption, the district program or amendment is filed with the Lt. Governor's Office and becomes effective on that date.

State Approval of District Program Amendments

Special area management plans or AMSA plans are considered significant amendments to the district program, unless the AMSA is included in the original district program. The district must obtain Council approval for any significant amendments to its district program [6 AAC 85.120(c)]. Significant amendments include:

- major revisions, additions, or deletions to policies, implementation methods, or authorities included in the approved district program
- altering the district boundaries, other than by technical adjustments
- designating or altering an AMSA
- restricting or excluding a use of state concern not previously restricted

Any changes to a district's approved program that are not significant are considered to be routine program implementation actions. For consistency purposes, DGC notifies the public of routine actions before they take effect. The Council must concur with the DGC's determination that a program change is routine. The routine program change (called a routine program implementation, or RPI) is submitted to OCRM for approval, adopted by the district by ordinance or resolution, as appropriate. The RPI then is filed with the Lt. Governor's Office.

According to 6 AAC 85.185, a State agency or other interested party can petition the Council to amend an approved district program if there is substantial evidence that a use of state concern, as defined in AS 46.40.210(6), is arbitrarily or unreasonably restricted or excluded by the program. To date, this has not occurred. 6 AAC 85.185 describes the criteria for submittal and the procedures for review of a petition and amendment of the district program. The district can pursue mediation or adjudication under 6 AAC 85.170 if dissatisfied with the Council's decision. The Alaska Superior Court can enforce the Council's decision [AS 46.40.060(c) and 40.100(e)].

Federal Approval of State Program Amendments

Once a state's coastal management program is approved by NOAA, revisions that occur may either further refine the program (called routine program implementation) or substantially change the program boundaries, subject uses, national interests, or procedures for designating areas of particular concern and are called significant amendments (15 CRF § 923.82 - 923.84). A significant amendment to a state's program is subject to National Environmental Policy Act procedures. Virtually all changes to the ACMP have been treated as RPIs, including the 1984 ACMP regulations 6 AAC 50 on consistency review procedures. A RPI entails a 30-day period for review and approval by NOAA. While the federal regulations are clear about the threshold for processing a state program amendment as a significant amendment, they do not outline a threshold for when a minor change needs to be approved as a RPI.

The NOAA and the ACMP should develop a memorandum of agreement on minor program changes that could be categorically approved by NOAA. The federal agencies, including NOAA, would have the opportunity to review state or district program changes and could flag concerns that indicate the higher threshold of a RPI was warranted. Such an agreement would eliminate about six weeks of the Alaska program amendment process (30-day review, and administrative time to prepare public notices, prepare and distribute materials).

Area-Specific Policies vs. Areas Which Merit Special Attention

Coastal districts are directed to conduct a resource inventory and analysis (6 AAC 85.050 and 85.060). This analysis enables the district to determine what coastal issues need to be addressed through policy development. In some cases, the analysis may conclude that certain areas within the district (e.g., harbors, beaches, anadromous streams, subsistence areas, villages, wetlands) differ in the value of coastal resources present, available information to support specific policy development, and the types of existing or potential uses and activities that can occur. District coastal management programs must include policies that are specific and enforceable (6 AAC 85.090). The Coastal Policy Council has approved several coastal district programs or program amendments that include detailed enforceable policies specific to the values, resources, and use conflicts within certain subareas of the district. This approach maximizes the use of information inventoried during district program development and enables the district to develop area-specific policies – in essence, a strategic planning approach. Some examples of district programs or district program amendments that include area specific policies follow.

- *Aleutians East Borough coastal management program* (1992) includes general use policies that apply throughout the borough and special habitat policies that apply to special habitat areas identified and mapped in the borough's coastal program.
- *Ceñaliulriit CRSA coastal management program* (1984) includes enforceable policies which apply only within village boundaries.

- *Juneau Wetlands Management Plan* (1993) classifies certain wetlands into four management categories and includes specific enforceable policies that guide their protection, development and restoration. This plan also establishes a mitigation bank.
- *City of Nome coastal management program* (1984) includes both district-wide policies and policies that apply within six subareas.
- *Sitka Public Use Management Plan* (1993) identifies site-specific recreation or subsistence use areas as special management areas subject to specific management guidelines or enforceable policies.

Federal regulations governing the designation of special management areas in a state's coastal management program emphasize that the need to designate special areas is directly related to the degree of comprehensive controls applied throughout a State's coastal zone [15 CFR 923.20(b)]. Hence, where a district's coastal management program contains specific information and policies about resources and uses, the designation of areas of particular concern may not be necessary. In some cases, it may be more appropriate for a district to revise its basic coastal plan to develop the specificity on resources and uses district-wide rather than undertake specialized management planning for a particular area.

An April 1986 Attorney General opinion discusses the relationship of specific policies within certain locations within a coastal district to the use of AMSAs as a planning tool (Alaska Department of Law 1986). The opinion concludes that "the use of specific policies for specific areas within a coastal district is implied in the purposes of the ACMP and is inherent to land use planning." AMSA designation allows the use of greater specificity in resource assessment and in management policies than is generally required for a district program. The Attorney General opinion recommended revising the ACMP regulations to clarify the use of area-specific policies and AMSA planning since the regulations do not provide guidance on when it is appropriate to develop an AMSA rather than area-specific policies in a district program.

In summary, certain changes to the ACMP regulations governing coastal district planning and special area management planning would clarify and streamline the procedures for plan development and amendment, clarify the use of area-specific enforceable policies, and strengthen the criteria for AMSA designation. These recommendations are discussed in Chapters 4 and 5 of this report.

CHAPTER 3. COMPARISON WITH OTHER STATES

Organization

The review of several states coastal management programs reveals some key differences from Alaska's coastal management program. One significant aspect is the political subdivision of the states. While most coastal states are organized into counties, townships, or boroughs, only 39 percent of Alaska is organized into boroughs. Because Alaska is not organized so the entire coastal zone is subject to local zoning controls, reliance on its nexus of State and local implementation techniques is essential. For some regions in Alaska, the Alaska Coastal Management Program offers the only opportunity for meaningful participation in State and federal decision-making.

The coastal states vary in whether the development of local coastal management programs are mandatory or voluntary. Several coastal states have enacted other planning laws, directing local comprehensive planning and zoning to achieve specific state goals. For example, the State of Oregon adopted Senate Bill 100 which mandates comprehensive land use plans by all cities and counties. As a result, every city and county has a state approved land use plan that provides direction on where and how development may occur (Oregon, no date).

Maine adopted a Mandatory Shoreland Zoning Act which establishes minimum standards for management of the shoreland zone. All municipalities are required to adopt zoning ordinances that meet the minimum standards of the Act. Comprehensive planning is also required under the Maine Comprehensive Zoning and Land Use Regulation Act.

New York's coastal management program, through the Waterfront Revitalization and Coastal Resources Act of 1981 and Waterfront Revitalization and Coastal Resources regulations (New York, no date), implements its local programs through Local Waterfront Revitalization Programs (LWRP) (New York 1990). Local conditions and needs are addressed in local programs which supplement state Coastal Policies.

Burby (1993) examined the impacts of state requirements for local comprehensive plans on local government's management of development. He concludes that while state planning mandates are effective in producing plans, they only have a modest effect on local development management. His recommendations underscore the need to increase planners commitment to state policy objectives and strengthen the link between plans and their implementation. Incentives for implementation as well as plan preparation should be provided.

Areas of Particular Concern

California includes a variety of geophysical characteristics and land uses in its interpretation of areas of particular concern. The most common types are environmentally sensitive areas (ESHAs). Because the California Coastal Act (CCA) requires detailed planning and policy development in coastal district programs (CDP) to protect coastal resources, California considers their CDPs to coincide with special area management plans.

The California Coastal Act and California Coastal Commission Administrative Regulations (CCR) allows local governments to submit coastal plans in separate geographic subunits (CCA Section 30511 and CCR Section 13506). The Commission must determine that the areas may be considered for potential cumulative impacts of development separately from the rest of the jurisdiction. By inference, these separate geographical areas could be considered special areas subject to a special area management planning process.

Areas of Particular Concern (APC) are called Sensitive Resource Areas (SRA) in Connecticut. The only Areas of Particular Concern noted in the supplied information are tidal wetlands and shellfish beds. A list of important coastal resources, including basic policies for managing those resources is included in the Connecticut Coastal Management Act (CCMA) and subsequent regulations. Generally, statutory policies for important resources provide the basis for managing coastal resources. In addition, local coastal programs may develop plans at sufficient detail to address areas of particular concern without the need to develop a Special Area Management Plan. Though not identified as areas of particular concern, municipalities with lands adjacent to Long Island Sound are legislatively required to consider ecosystem and habitat restoration or protection. The goal is to reduce hypoxia, pathogens, toxic contaminants, and floatable debris within the sound (Hart 1993).

Areas of Particular Concern in Maine are the shoreland zone from normal high water of saltwater bodies, wetlands, lakes, and ponds, inland for 250 feet and within 75 feet of a stream. These areas are subject to the Mandatory Shoreland Zoning Act which establishes minimum standards for management and requires all municipalities to adopt zoning ordinances that at least meet the minimum standards. No other areas are identified as Areas of Particular Concern (APC).

Massachusetts has a sophisticated and well-documented program that addresses Areas of Critical Environmental Concern (ACEC). The Massachusetts ACEC program has identified a purpose, goals, and a set of premises; developed a formal adoption process; adopted regulations directing the development of ACEC plans; and assembled a Geographic Information System (GIS) database. An excellent publication, *Areas of Critical Environmental Concern, Program Guide* is devoted to describing the state's ACEC program and provides summary information on each of the 22 designated areas (Massachusetts 1993). Besides ACECs, Massachusetts has done special area management planning for other areas including municipal harbors, Buzzards Bay, and the Massachusetts Bay Estuary Program.

Michigan has five types of areas of particular concern (APC). They include erosion areas, flood hazard areas, shoreline environmental areas, critical sand dunes, and underwater preserves. Although APCs can be nominated by the public, all APCs to date have been designated by the legislature. Michigan's coastal zone management program consists of six statutes that address either different areas of particular concern or management of state resources.

The New Hampshire program document identifies six general types of areas and two specifically named areas as geographic Areas of Particular Concern. The program also creates a designation for Areas for Preservation or Restoration which are areas of particular concern with unique features that may require preservation and restoration.

New Jersey's Areas of Particular Concern apparently are called Environmentally Sensitive Planning Areas (ESPA). Although ESPAs are defined to have one or more features from a list that includes coastal wetlands and prime forested areas, ESPAs are specific, identifiable areas that are incorporated into the State Development and Redevelopment Plan.

New York's areas of particular concern are identified as Significant Resource Areas (SRA). These areas are designated after meeting certain criteria and a specified process has been completed, including public involvement. Coastal policies in the Waterfront Revitalization and Coastal Resources Act (New York's coastal program legislation) provide guidance for each of three recognized types of Significant Resource Areas: significant habitats, significant scenic areas, and certain agricultural lands. Regulations for adding two more types of SRA are being developed. They are areas of concentrated development and outstanding natural coastal areas.

North Carolina's areas of particular concern are called areas of environmental concern (AEC). AECs are identified by definition, such as sand dunes, coastal wetlands, and high hazard flood areas rather than legal definition. Formal regulatory Rules provide comprehensive direction on the management of AECs.

Certain valuable coastal resources, such as estuaries and sand dunes, are addressed in Oregon's local city and county comprehensive plans. When approving the Oregon Coastal Management Program, the federal government considered the local comprehensive plans adequately addressed the intent of areas of particular concern so did not require APCs to be specifically identified (Oswalt, 1993).

Pennsylvania seems to follow the format and terminology of federal Coastal Zone Management Act requirements for areas of particular concern. Two types of geographic areas of particular concern (GAPC) are identified in Pennsylvania's program.

Rhode Island's coastal resource management program incorporates a state permit for nearly all activities along the coastal shoreline (Willis 1993). The program was adopted in 1978 and revised in 1983. Specific identification of Areas of Particular Concern in Rhode

Island's program document were not obtained. However, at least four Special Area Management Plans have been developed and adopted for specific coastal areas. These include plans for Providence Harbor, the Salt Pond Region, the Narrow River, and the Pawcatuck River Estuary and Little Narragansett Bay which was cooperatively developed with Connecticut.

Geographic Areas of Particular Concern, known as "areas of critical state concern", are the cornerstone of South Carolina's coastal zone management program. South Carolina's coastal zone management program as it relates to critical areas seems to closely parallel the Geographic Areas of Particular Concern requirements of the federal Coastal Zone Management Act.

Washington's definition for special area management planning is from 16 U.S.C. Section 1453(17): "A comprehensive plan providing for natural resource protection and reasonable coastal-dependent economic growth containing a detailed and comprehensive statement of policies; standards and criteria to guide public and private uses of lands and waters; and mechanisms for timely implementation in specific geographic areas within the coastal zone." (Washington 1993a. p. F-98) The Coastal Zone Management Act provides that management programs should encourage the preparation of special area management plans that provide for increased specificity in protecting significant natural resources, reasonable coastal-dependent economic growth, improved protection of life and property in hazardous areas, and improved predictability in government decision making.

Use of Special Area Management Plans

Coastal states have integrated the various state planning mandates to address areas of particular concern, in some instances. There appears to be a strong correlation between the specificity of the states' guidelines to manage coastal resources, uses and activities and the prevalence of special area management plans. Those states with particularly strong mandates for local planning and zoning achieve management of special areas through the local comprehensive plans, or growth management plans that include several specific policies for coastal areas or resources.

The California Coastal Act requires detailed planning and policy development in coastal district programs to protect coastal resources. Each county determines on resource maps which specific areas will be designated as environmentally sensitive habitat areas, then develops policies for each area. The policies are typically adopted into zoning codes.

Maine addresses Areas of Particular Concern through zoning ordinances. The requirements for the Shoreland Zoning Ordinance contain elements similar to planning: maps showing lands managed according to one of the six districts described above, policies on conformance and non-conformance, background resource information supporting each designation to a particular district, and policies on allowable or conditional uses both areawide and within each district (Maine 1992).

Another approach used in South Carolina is the South Carolina Coastal Council's direct permitting authority in areas of critical state concern, but not in other areas of the coastal zone (South Carolina 1977).

Michigan apparently does not conduct special area management planning, except for site-specific areas that are subject to development projects. Such plans provide resource information for managers so that operating standards can be implemented to minimize impacts during project development and operation. Local governments participate in management of areas of particular concern (APCs) through zoning ordinances. The core statutes provide considerable policy direction for management of APCs, thus minimizing the need for special area management plans.

Apparently, Michigan provides direction for APCs largely in statute, regulation, and local zoning ordinances rather than special area management plans. The Shorelands Protection and Management Act includes many directives on procedures for development within the three Areas for Protection or Restoration (APRs) the act addresses. Local governments are required to develop zoning ordinances for management of critical dune areas (Michigan 1976).

New Hampshire has no direction for special area management planning or coastal management planning other than some very general guidance that pertains to all types of plans, not necessarily specific to coastal management (Hartman 1993). New Hampshire has a networked state program and state plan. There are no coastal district programs. However, funding may be provided to develop local ordinances (such as for master plans, zoning, wetlands, open space planning, watershed protection, or well-head protection) to implement coastal management policies. Local communities participate voluntarily and must contribute 50 percent of costs either "in-kind" or cash to the project (Helm 1993).

Planning for ESPAs in New Jersey is primarily accomplished through local municipal or county comprehensive plans. There is little link between these local plans and the state coastal management program. Although the New Jersey Coastal Zone Management Program is the basis for implementing the State Development and Redevelopment Plan (SD&RP), the SD&RP is not an enforceable document under the state coastal program. The SD&RP does include a general intent that local comprehensive plans be consistent with it, so ESPAs do have a generalized, indirect link with coastal management. "Enforceable" policies for Areas of Particular Concern apparently are included in local comprehensive plans, which most likely serve as special area management plans. Additional areas can be included through municipal master plans in conjunction with what is called "cross-acceptance" or multi-agency coordination.

From the materials provided, it appears New York generally addresses management of Significant Resource Areas (SRAs) through state and local policies developed in Local Waterfront and Revitalization Programs. SRAs are generally relatively small and may not warrant the effort of conducting a full planning process to determine management priorities

for a single SRA. A variation of a special area management plan was completed for a series of 39 unique areas, most of which are designated Significant Coastal Fish and Wildlife Habitats, located along the tidally influenced section of the Hudson River (New York b 1990). Each site is described and mapped, and has "recommended actions", "incompatible uses", and "recommended uses" included as part of the analysis. The document does not describe the enforceability of these management recommendations, although local laws and regulations may be enacted by the individual local governments to implement relevant parts of the plan.

North Carolina does not develop separate plans for its areas of environmental concern (AECs). AECs are managed by policies contained in Coastal Area Management Act (CAMA), the CAMA Rules, and individual local land use plans (Crew 1993). The states that local land use plans shall serve as the criteria for the issuance or denial of development permits. The Act also directs that local plans "shall give special attention to the protection and appropriate development of areas of particular concern". Further, CAMA requires local governments to change existing ordinances that are inconsistent with any policies for AECs within its boundaries.

Oregon's local comprehensive plans are required to be consistent with 19 Statewide Planning Goals adopted by the Land Conservation and Development Commission. State law requires cities and counties to adopt zoning and subdivision ordinances necessary to implement their comprehensive plans. Special districts created by a local comprehensive plan and state agencies must also conform to the 19 goals (Oregon 1993). Oregon encourages the use of overlay zoning to apply specific policies to sensitive areas or resources.

Rhode Island primarily takes a watershed control approach when undertaking special area management planning (Willis 1993). Special area management planning is also associated with the growth and development of the state's harbors which has been associated with increasing pressures on different users and habitats. The Coastal Resources Management Council produced guidelines for developing municipal harbor management plans (Rhode Island 1988).

Criteria for AMSA Designation

The coastal states vary in their breadth of criteria for AMSA designation. In the interest of refining the ACMP criteria, which is very broad, some examples of more restrictive criteria are provided as follows:

California

The California Coastal Act identifies sensitive coastal resource areas that are to be identified by the California Coastal Commission using the following criteria:

- the area is of regional or statewide significance

- identification of significant adverse impacts that could result from development where zoning alone is not adequate to protect coastal resources or access

Massachusetts

The following factors are considered when evaluating an potential area of critical environmental concern:

- threat to the public health through inappropriate use
- quality of the natural characteristics (outstanding)
- productivity
- uniqueness of area (regional, state or national)
- irreversibility of impact (fragile resources)
- imminence of threat to the resource
- magnitude of impact (significant)
- economic benefits of the area
- other supporting factors

New York

The procedures for designating Significant Coastal Fish and Wildlife Habitats were developed in a project conducted in 1984 (New York a 1984). Approximately 225 candidate areas within New York's coastal zone were used as the basis for developing a rating system for evaluating an area for potential designation. The evaluation criteria in the rating system scores ecosystem rarity, species vulnerability, human use, population level, and replaceability. An area must meet a threshold score to be designated.

Outstanding Natural Coastal Areas (ONCA) are "geographic areas within the Long Island Sound coastal boundary and are generally composed of a variety of smaller individual ecological communities that together form a landscape of environmental, social, and economic value to the people of New York" (New York 1993). An ONCA must

- contain significant natural resources;
- have its resources at risk; and
- require additional management measures to preserve or improve the significant resources, or sustain their use.

Washington

The Washington Coastal Management Program environmental impact statement identifies the following criteria to designate areas of conservation, recreational, ecological, or aesthetic values (Washington 1993a).

- the area contains a resource feature of environmental value considered to be of greater than local concern or significance
- the area is identified as an area of particular concern by state or federal legislation, administrative and regulatory programs, or land ownership

- the area has the potential for more than one major land or water use or has a resource being sought by ostensibly incompatible users.

Planning Manual

The *Local Coastal Program Manual* is a guide to assist local governments to prepare regular coastal program plans that meet the requirements of the California Coastal Act (California 1979). The Manual outlines the general planning process, from issue identification to zoning actions and adoption by the California Coastal Council. The Manual also explains how the 14 policies in Chapter 3 of the CCA need to be addressed in a coastal district program (similar to 6 AAC 80 in Alaska).

Although not specifically targeted for special area plans, the document titled *Comprehensive Planning: A Manual for Maine's Communities* provides information on developing a comprehensive plan, planning elements, and identifying appropriate future land uses (Maine 1992). Comprehensive planning is required for all municipalities per the Maine Comprehensive Zoning and Land Use Regulation Act and the Growth Management Program.

Massachusetts has adopted guidelines for harbor planning. Although written specifically for communities involved in developing harbor plans, the guidelines essentially explain the steps for developing any resource related plan. Emphasis is provided for ensuring the recommendations are implemented (Massachusetts 1988). A separate publication provides guidance for public involvement while developing a municipal harbor plan. The guidance encourages the use of "open planning" which attempts to reach consensus by all interested parties. Although open planning is more costly and slower than more traditional planning, implementation should be easier because the various interests have had their concerns addressed and are more likely to support the plan's decisions.

The State of Washington's manual *Shoreline Management Guidebook, 2nd Ed., 1994* recently won merit awards from the American Planning Association and the Planning Association of Washington. Acclaimed both by state agencies and local governments as informative and user-friendly, this manual is a good model to consider for Alaska.

As discussed in the next chapter, examples from other coastal states support and provide good models for some of the suggested changes to the Alaska Coastal Management Program. In particular, other state's criteria for areas of particular concern, guidance on periodic plan analysis and updates, public involvement process, and some excellent models for planning manuals have provided useful information.

This chapter first discusses benefits and concerns about coastal district plans and special area management plans identified through 1) the Division of Governmental Coordination (DGC) analysis of various review phases of the plans, 2) responses to the DGC questionnaire on coastal district planning, 3) responses to two questionnaires specific to implementation of coastal district plans, and 4) discussions at the District Planning Working Group (DPWG) meetings. Improvements to Alaska Coastal Management (ACMP) planning are also suggested following the review of other states' coastal programs and a review of literature on coastal management and special area management planning. The remainder of the chapter is subdivided into three sections— plan content, planning process, and plan implementation. Detailed summaries of the responses to the questionnaires are included in the appendices.

Benefits and Concerns

Some districts responded that AMSAs or special area management plans (SAMPs) provide greater "due deference" and local control for areas with high resource values and pressures of growth and development. Other benefits from participating in the development and implementation of a special area plan also identified were giving the area or resources special status that would be considered by state and federal agencies; providing more detail on resources, uses and activities; and improvements to permitting. Another benefit is increased public participation and awareness of coastal management at the local level.

The predominant concerns raised include: 1) the need for more involvement of state and federal agencies during plan development; 2) the length and complexity of the plan amendment process— a deterrent to making plan revisions; 3) and myriad problems with plan implementation at the local and state level, including confusion about local, state and federal responsibilities, problems with policy interpretation, vague policy language, homeless stipulations, and monitoring and enforcement.

Plan Content

The elements of a special area management plan or coastal district plan that drew the most response include: resource inventory and analysis, criteria for AMSA designation, enforceable policies, and implementation.

6 AAC 80.160 - .170 AMSAs

Since the plan content and planning process for Areas Which Merit Special Attention is the same as that for coastal district programs, those subjects are not repeated in this section. A more detailed description and analysis of AMSA planning process and criteria is presented in Chapter 2.

Several respondents and the DPWG members felt that the AMSA criteria is too broad, and should be focused where conflicts occur or are likely occur. In response to the question "When is it more useful to develop a special area plan?", respondents to the questionnaire felt that SAMPs are appropriate when the issues or areas are complex, controversial, very unique or of high value. Responses to questions about when to do a special area management plan rather than develop area-specific policies in the district program varied. Special area planning is typically initiated when a detailed resource analysis is required. Review of the district program files and responses to the district planning and coastal district plan implementation questionnaires revealed the following common concerns.

Criteria

- Districts must explain the basis for designating an area as an AMSA site and clearly tie this to the ACMP AMSA criteria.
- The type or level of uses, any conflict and values that AMSA sites have need to be clearly identified to support designation
- Justify the size of the AMSA, and include adequate area and resources to manage the values for which it is selected.
- Confusion exists over the use of the terms identify, nominate and designate
- AMSAs should not be used as a planning tool in areas where there are not substantial conflicts, land ownership is simple (i.e. almost all federal or local) and future conflicts are unlikely.

Based on the review of other states program, responses to the questionnaires conducted through this project, and discussions among the DPWG, the following criteria for AMSA designation should be considered:

- Strong commitment at all levels of the government to enter into the SAMP planning process
- Uniqueness of the area (values of state or national concern)
- Conflicts of greater than local significance exist or are likely to occur
- Policies in the existing plan are insufficient to sustain, preserve, protect or restore the values or uses significant in the area
- Justification that an AMSA is the preferred planning and management mechanism

As discussed in Chapter 2, the AMSA regulations should be reorganized, and appropriate sections combined with the submittal to the council and resource inventory and analysis requirements. One section of the regulations should clearly identify the criteria for AMSA designation.

6 AAC 85.020 Needs, Objectives, and Goals

Identification of the local needs, objectives and goals defines the local intent for coastal management. Application of the enforceable policies that are built upon these goals and objectives sometimes is difficult if a policy is not linked to a goal or objective, or if the goals or objectives are vague. Review of district program files also unearthed some

confusion about the goals and objectives achievable under the ACMP. One misconception is that the ACMP can affect the allocation of sport, commercial or subsistence resources, which is the purview of the Alaska Boards of Fish and Game. Conflicting enforceable policies can also be the result of conflicting needs, goals and objects. Respondents to the district planning questionnaire also identified the need for a methodology for measurement of attainment of the districts' needs, goals and objectives. As discussed later in the implementation section, analysis of how effective the districts enforceable policies are in meeting the needs, goals and objectives is important to maintaining a vital program.

Most of the respondents to the district planning questionnaire supported the concept of "scoping", or bringing parties together early in the process to identify issues and the available means to address the issues before undertaking a special area management planning effort.

Once the local district agrees on the needs, goals and objectives, its efforts are channeled to gathering the information and developing the policies and management structure to achieve those goals. Sometimes the local issues become diffused or overridden by the assertion of State and federal agency goals. A local district should acknowledge and carry primarily those issues it believes should be addressed, for the district coastal management program is intended to have that local "flavor".

The Oregon Land Conservation and Development Commission adopted 19 Statewide Planning goals that must be followed by local government comprehensive plans and state agencies. Goal 2, Land Use Planning states that "All land-use plans shall state how the guidelines or alternative means are utilized to achieve the goals". Alaska should consider including this guideline in the ACMP standards for needs, goals and objectives.

6 AAC 85.030 Organization

Little response on this section was offered through the questionnaires. Review of coastal district program files revealed some "housekeeping" problems that could easily be remedied through a planning manual. Some of these problems include providing adequate orientation information for plan users, organizing all enforceable components of the plan into one section, inclusion of a bibliography, clarifying the district organization and contact for coastal management matters.

6 AAC 85.040 Boundaries

Boundaries are not always sufficiently described in draft plans. This includes a need to more clearly mark boundaries on maps, show the relationships of various types of boundaries, and provide a written description of the coastal zone boundaries. AMSA boundaries, in particular, must be shown in relation to the district program boundaries. Review of the consistency files and comments from ACMP implementers indicates problems occur when the coastal district boundary map is insufficient to determine whether a coastal project is inside, and subject to the district program. Guidance on an appropriate map scale and dominant features to include would be helpful.

AMSA regulations (6 AAC 85.160 and 85.170) require a justification of the area to be included within the AMSA boundary and requires a written and legal description of the boundary. In most cases, written descriptions are included, but often the lengthy legal descriptions are not. The federal regulations look for a description or adequate map to allow determination of whether a project or activity is located within the AMSA. If standards for an adequate scale map were developed, and an adequate narrative description provided, an lengthy legal description may not be necessary, or at most, could be included as an appendix.

Another frustration noted in file comments on the draft plans and in responses to the questionnaires is the need to show the AMSA boundary in relation to the district boundary and a municipal boundary, if appropriate. Confusion about the relationship of federal lands to the coastal zone boundary is also noted, and should be explained in a manual.

6 AAC 85.050 Resource Inventory and 6 AAC 85.060 Resource Analysis

Several respondents to the planning questionnaire asked for guidance on methodologies for how to prepare resource inventories and analyses. The requirement for comprehensive inventories has lead to a multitude of problems. Of these, perhaps the most critical are problems with obtaining up-to-date and accurate information about resources, uses, activities, etc.; providing adequate documentation for data in the inventories; and deciding how to present the data (i.e., maps, tables, and charts).

Gray (1993) in his report on the regulation of cumulative and secondary impacts in Alaska, recommends revisions to the Resource Inventory regulation (6 AAC 85.050) to provide more specific guidance on coastal resources and uses to be inventoried. The function of resources, if appropriate, and the value of the resources could be considered on a site specific basis. The proposed amendments differentiate between resources and uses, consider resource function and value, differentiate among types of resources, describe historic uses, and encourage a strategic planning approach.

Nearly all persons responding to the district planning questionnaire and the DPWG supported a strategic planning approach to conducting the resource inventory and analysis. A strategic planning approach would focus the inventory and analysis on resources and issues identified as important to the coastal district. Also, the resource inventory could be built on, or reference, existing information.

A municipality's comprehensive plan could be used as the foundation for the resource inventory, allowing more emphasis and research to be channeled into selected resources and activities, such as wetlands, nonpoint source pollution, seafood processing, or recreation management. A comprehensive plan is a compilation of policy statements, goals, standards, and maps for guiding the physical, social, and economic development, both private and public, of the first or second class borough, and may include, but is not limited to, the following: (1) statements of policies, goals, and standards; (2) a land use plan (3) a community facilities, plan, (4) a transportation plan; and (5) recommendations for

implementation of the comprehensive plan. [AS 29.33.085(a)]. According to AS 46.40.030, "the program adopted by a coastal resource district shall be based upon a municipality's existing comprehensive plan or a new comprehensive resource use plan or comprehensive statement of needs, policies, objectives and standards governing the use of resources within the coastal area of the district." Similarly, AMSA plans typically build on the coastal district program.

The recently formed City and Borough of Yakutat is taking the approach of concurrently developing its coastal management program and comprehensive plan. The Lake and Peninsula Borough is also developing its coastal management program close on the heels of its comprehensive plan. The City of Bethel, in its application for State FY95 funds, also expressed interest in revising the comprehensive plan to support revision of the district program.

AMSA planning efforts parallel this process, by focusing research efforts on specific resources, uses or activities where more data are needed to lead to and support management decisions. Often, these focused planning efforts are more costly than the development of the basic district program because of the need for specific research to gather resource information that leads to specific enforceable policies. For example, the Aleutians West CRSA initiated an Unalaska Bay AMSA planning effort in 1991 to address the pressures of the rapid growth of the fishing fleet service and seafood processing industries and to maintain productive fish and wildlife habitats, protect subsistence, personal use, and recreation activities, and resolve conflicts in the use of coastal resources. As the planning effort unfolded, it was determined there was a critical need for specific studies on habitats, water circulation patterns and water quality data. These research efforts added about 45% to the basic costs of developing the AMSA plan.

The Resource Analysis (6 AAC 85.060), which is based on the resource inventory, compares the resources and uses described in the inventory, then determines the most suitable uses for the area. Through the synthesis of resource inventory data, sensitive areas or sensitive coastal resources can be identified and specific policies developed to manage the areas or resource.

In North Carolina, the data collection and analysis is required partly to identify existing and potential areas of environmental concern. Included in the data collection and analysis and existing land use map is a review of present conditions, land suitability, carrying capacity analysis, and estimated demand for land and resources.

Following are the recommended changes to the resource inventory and analysis regulations based on Gray (1993) proposed language. Language that includes some of the resource inventory and analysis requirements for AMSAs at 6 AAC 80.160 - .170 is also included.

6 AAC 85.050. RESOURCE INVENTORY AND CAPABILITY ANALYSIS. (a)

Each district program must include a resource inventory for the areas within or adjacent to the district which describes, either in writing or on a map, in a manner sufficient for program development and implementation

(1) valuable natural resources such as forests, minerals, soils, wetlands, water, and fish and wildlife, including habitats [LISTED IN 6 AAC 80.130 THAT ARE FOUND WITHIN OR ADJACENT TO THE DISTRICT] and the function of these resources, if appropriate;

(2) major cultural, historic, prehistoric and archaeological resources [THAT ARE FOUND WITHIN OR ADJACENT TO THE DISTRICT]; and

(3) the value of other resources such as the potential for human settlement, recreation and transportation.

(b) [(3)] Each district program must describe, in a manner sufficient for program development and implementation

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

(2) [(4)] major land and resource ownership, jurisdiction and management responsibilities within or adjacent to the district. [; AND]

[(5) MAJOR HISTORIC, PREHISTORIC, AND ARCHAEOLOGICAL RESOURCES WHICH ARE FOUND WITHIN OR ADJACENT TO THE DISTRICT.]

(c) Each district program should identify the criteria used to determine the value of specific resources.

(d) Districts are encouraged to take a strategic planning approach which focuses on the most important resources, uses and activities. Where inventory information is contained in other published reports, the information may be briefly summarized and the documents referenced in the coastal program. (Eff. 7/18/78, Register 67)

6 AAC 85.060. RESOURCE SUITABILITY ANALYSIS. Each district program must include a resource analysis for areas within or adjacent to the district which evaluates [DESCRIBES], in a manner sufficient for program development and implementation

(1) significant anticipated changes in the matters identified under 6 AAC 85.050 including uses and activities likely to occur in the foreseeable future;

(2) [AN EVALUATION OF THE ENVIRONMENTAL CAPABILITY AND] the suitability of specific uses and activities with consideration of natural hazards, conflicting or competing uses;

(3) sensitivity of resources and habitats, including cultural, soil and water resources, [FOR LAND AND WATER USES AND ACTIVITIES; AND]

(4) [(3) AN ASSESSMENT OF THE] present and anticipated needs and demands for coastal habitats and resources.

(5) present and anticipated conflicts among uses and activities. (Eff. 7/18/78, Register 67)

Massachusetts also encourages mapping resource inventory and analysis data on a base map which will allow the information to be digitized and placed into the Massachusetts Geographic Information System (Massachusetts 1992). During State FY95, the Alaska Division of Governmental Coordination is conducting an investigation into the feasibility and usefulness of a GIS for coastal districts and state agencies participating in the ACMP. Should the project recommend the state proceed with a coordinated GIS, guidance on proper format should be provided in the resource inventory section of a planning manual.

To ensure compliance and enforcement activities, Massachusetts also requires a human use inventory that identifies both permitted and unpermitted activities. An inventory of unpermitted activities within an entire Alaska coastal district is potentially overwhelming, but could be feasible within an AMSA plan which encompasses less geographic area.

6 AAC 85.070 Subject Uses/6 AAC 85.080 Proper and Improper Uses

Review of program files reveals that in some cases subject uses were not addressed in the plan document. While in other cases, proper and improper uses were not discussed in the district plan, usually the canned statement that uses and activities that are consistent with the policies of the district program and the ACMP are proper, and those not consistent are improper is included. Also, the discussion of uses of State concern that are considered proper or improper is occasionally overlooked. Another purpose of this section is to analyze and justify the exclusion or restriction of a use of State concern, an important consideration for approvability of a coastal district program or special area management plan (AS 46.40.060 and AS 46.40.070). In response to the planning questionnaire, some districts suggested that the terms "subject uses, proper and improper uses" should be defined. Another suggestion was to combine these two sections. Guidance should be provided in a planning manual on the elements that should be included in this section of the plan, how uses of state concern should be addressed in the plan, and how local, State agency and federal agency permits subject to the program should be presented.

6 AAC 85.090 Policies

The enforceable policies are the heart of the district plan. The application of the enforceable policies also causes the most difficulty in program implementation. Review of the district program files indicated some recurring problems:

- Clarification or guidance is needed on enforceable language vs. administrative language
- In most cases, enforceable policies supplement the State standards, but the districts state that the policies replace the State standards - this is only true in limited cases.
- There is ongoing debate about whether the State standards should be repeated verbatim when districts choose to incorporate the standards.
- Often, the districts need to define terms used in the enforceable policies. At a minimum, definitions have to be revised.

- There is ongoing debate about whether enforceable policies should be specific or general. Some feel that specificity is necessary for the policies to be enforceable while others feel that this makes the policies too inflexible.
- When enforceable policies mention actions that must be taken during project reviews or for enforcement purposes, the policies need to state who is responsible for taking the action(s).
- If district policies reference a plan, ordinance, etc. that is to be an enforceable part of the plan, then these elements must be included in the plan. Otherwise, a clear reference to the appropriate document should suffice.
- When policies address requirements or subjects that are also addressed by State or federal regulations, the policies should state that these regulations may also apply.
- Often, terms used in policies need to be defined.
- AMSA and coastal management plan policies should not conflict.
- Clarify when AMSA policies supplement or replace the policies of the coastal management plan.

Most of these difficulties can be resolved through guidance in a planning manual and do not appear to need a regulatory fix. However, the policy section of the regulations should be revised to clarify that more detailed enforceable policies specific to sensitive resources or activities can be developed in the basic district program.

The following revision to 6 AAC 85.090 is recommended to clarify that area-specific policies for sensitive areas identified in the resource inventory and analysis may be developed within a coastal district program (new section c). Also, the third sentence in section a belongs in the implementation section of the regulations.

6 AAC 85.090. POLICIES. (a) *Each district program must include the policies that will be applied to land and water uses and activities subject to the district program, and the process which will be used to determine whether specific land and water uses and activities will be allowed. It shall be the general policy of the district to approve specific proposals for uses and activities within areas designated for those uses and activities under 6 AAC 85.080.*

[DISTRICTS SHALL USE EXISTING MEANS APPROPRIATE FOR THE EVALUATION OF SPECIFIC PROPOSALS TO THE GREATEST EXTENT FEASIBLE AND PRUDENT].

Policies and procedures under this section must be consistent with the standards contained in 6 AAC 80 and must meet the following criteria:

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

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

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

(b) All policies or enforceable rules and other enforceable components of the district program, including definitions and maps of areas subject to area-specific policies [OF THE DISTRICT PROGRAM] must be clearly identified and located in a single section of the program document. The identified policies or enforceable rules and other enforceable components will provide the basis for all determinations of consistency with the approved district program.

(c) For sensitive areas or resources identified in 6 AAC 85.060, districts may include enforceable policies that will be used to determine whether specific land and water uses and activities will be allowed. Areas subject to these policies must be mapped at a scale sufficient to determine whether a use or activity is located within the area. The maps must be referenced in the applicable enforceable policy and are enforceable components of the district program. (Eff. 7/18/78, Register 67; am 3/2/84, Register 89)

Performance Standards

The Washington Shoreline Management Act guides the development and content of local master programs which categorize the shoreline into environmental designations and utilize **performance standards** to regulate uses and activities in accordance with goals and objectives defined locally. This approach provides an "umbrella" environment class over local planning and zoning. (Washington, 1991). More detailed guidelines are then developed at the local level, similar to Alaska's approach.

In the guidebook *Regulating Sensitive Lands*, Jon Kusler (1980) concludes that state and local regulatory programs for sensitive areas are similar in several ways. Most regulatory efforts balance preservation and development through the establishment of performance standards rather than prohibition of all uses. Typically, these standards are coupled with zoning approaches at the local level.

Variance

Some coastal districts have recently experienced difficulty with implementation of restrictive specific enforceable policies. The City of Cordova's district program classifies the coastal district into four categories and specifies allowable and nonallowable uses for each—an approach similar to zoning. However, a recent development proposal, while possibly allowable under the zoning ordinances, was not clearly allowed in the district program. The City and Borough of Juneau was confronted with a similar problem, creating a conflict between its district program and zoning ordinance after revising local zoning. In another instance, the City of Hoonah was caught between two conflicting policies, one prohibiting the arbitrary or unreasonable restriction of a use of state concern (in this case, expansion of a harbor by the Department of Transportation), and a habitat policy that does not allow fill material beyond a certain depth. Recent discussions of how to resolve this problem have yielded out two preliminary options: 1) revise the plans and use performance standards, relying on the local zoning for specificity or 2) include variance procedures in the district programs. Another option discussed by DPWG meeting is to 3) develop specific policies where appropriate, and streamline the ACMP amendment process inject flexibility and quicker response to the resolution of implementation problems.

The State of Washington includes a provision for variances and conditional uses in its Shoreline Management Act Guidelines. Each local master program must contain provisions covering conditional uses and variances. Any permit for a variance or a conditional use granted by local government must be submitted to the Department of Ecology for approval. (WAC 173-16-070).

Planning Process

The aspects of the planning process most often raised as problematic include lack of participation of State and federal agencies in the early phases of planning; late comments on the review of the public hearing draft; reviewers raising late, substantive concerns during the council review phase; problems with implementation at the local and state level; and the lengthy and complex plan amendment process.

The ACMP planning process was intended to be "open", involving the public, local and state and federal levels of government. The ACMP regulations encourage and provide opportunities for public participation. Some coastal states go further and specifically direct, or encourage the formation of a citizen's advisory committee or public advisory group that directs the efforts of the coastal plan or special area management plan. The City and Borough of Sitka successfully used a Coastal Management Citizens Committee to guide the development of a public use management plan. The Committee was used to identify the most outstanding, site-specific recreation or subsistence use areas within the Sitka coastal district and to develop management guidelines to maintain existing uses and limit use conflicts in those special areas (Sitka 1993).

In a recent article on state growth management, Mr. Scott Bollens recognizes that states are evolving from regulatory interventions to more collaborative planning models using local implementation of state goals and standards (Bollens 1992). A consensual group process in state growth management programs in Florida, Vermont, and New Jersey has been involved in problem framing, policy development, policy oversight and review, negotiations among competing interests and developing procedures for accomplishing complex new tasks (Innes 1992). A well-designed group process can be an effective way to accomplish key planning tasks.

6 AAC 85.110 Public Participation/6 AAC 85.130 Public Involvement/6 AAC 85.140 Coordination and Review

Early involvement by State and federal agencies, local residents, and other interest groups would help with several aspects of planning.

- 1) Pre-planning meetings could be held to identify the issues the district wants to address and to sort out the appropriate means to address them. Coastal management planning may or may not be the right choice for the community. In response to the planning

questionnaire, and in discussions with the DPWG, some other avenues include local zoning, comprehensive plan revisions, harbor management plans, or Department of Natural Resources (DNR) area plans.

- 2) Early identification of issues, and determining gaps in knowledge that warrant further research, would help focus the resource inventory and analysis, supporting a strategic planning approach, if appropriate. By involving other parties in this step, some of the discomfort with focusing on particular resources or uses may be allayed.
- 3) Preliminary discussions among the interested parties to resolve concerns with policy language and implementation especially would give the district more certainty that the concept approved draft is more likely to be approved without significant changes.
- 4) One method to address the problem of federal commitment to a coastal district plan or special area management plan is to involve the federal agencies early and often during the planning process. Because federal agencies have their own mandates, they can impose more stringent requirements on a project than might be required in a consistency review based on a coastal district program. State agencies also overlay their own authorities after the consistency determination and may further restrict or deny a project. However, a consensus based planning effort would encourage resolution of many multi-jurisdictional issues, and could significantly reduce the contentious nature of some projects.

Regulatory language could be crafted to encourage advisory groups, leaving the choice up to the district. At any rate, the coastal district should be encouraged to hold meetings early in the process to involve all parties. Due to declining state revenues, fewer agency staff are able to review draft plans, and inter-agency meetings have been held less frequently. This has resulted in more contentious reviews at the end of the planning process.

Rhode Island (1988) requires public participation with the additional use of a working group. The working group drafts various elements of the plan, directs the planning process, and disseminates information to the public. In Washington State, it is generally expected by the public and accepted by public agencies, that land use and resource management policy development will be carried out by or through public advisory committees (Canning 1993). All the coastal states have a public participation element in their coastal management programs or planning laws, but some are more directive about the depth of involvement of the public.

Coastal districts have expressed great frustration with certain aspects of the planning process. One of the foremost difficulties is the inconsistent State and federal participation during the initial development of a special area management plan or district program. Once a district has made revisions to the public hearing draft in response to comments, the revised plan is submitted to the planning commission and assembly, or Coastal Resource Service Area Board, as appropriate, for approval. Sometimes late comments are submitted

after the program is approved locally, or new substantive comments are brought up during the next critical phase of review, DGC review and recommendations for Coastal Policy Council review and approval. One technique to encourage State agency timely, substantive comments on the public hearing draft is through the use of fiscal incentives in the contract between DGC and an agency. The DGC has included this requirement in the FY95 contracts with the State agencies.

A close scrutiny of the regulations, compared with the historic district program files also revealed the need for some "housekeeping" changes. For example, the Office of Coastal Management referred to in the regulations was renamed the Division of Governmental Coordination. The regulations do not clearly state that the coastal district's governing body conceptually approves by resolution a district program, program amendment, or AMSA within its boundaries. Also, most often, Coastal Policy Council approval of a district program, amendment, or AMSA plan rarely occurs within 45 days of the receipt of comments on the preliminary findings and conclusions.

Plan Implementation

Once of the most critical issues with the ACMP in general is implementation, and monitoring and enforcement of the ACMP and district programs, including AMSA plans. The two questionnaires on the implementation of coastal district programs (see Appendix C) provide insight into a host of difficulties with the implementation of the district programs, and the ACMP in general. While all implementation issues are not within the scope of this project, improved enforceable policy language, clarification of the authorities, procedures, and responsibilities for implementation, monitoring and enforcement at the local, State and federal levels would undoubtedly improve implementation. A requirement to periodically review and revise the district programs and special area management plans would help make the plans more effective. Streamlining the plan amendment process would provide more flexibility to the cycle of plan development, analysis of effectiveness, and revision.

6 AAC 85.100 Implementation

The methods and authorities that will be used to implement the coastal district program must be described in the program and an Area Which Merits Special Attention. While few of the respondents to the planning questionnaire noted problems with interpreting the regulations, review of the district program files indicated several problems with the content of this section.

Contents

The most prevalent deficiency in district plans reviewed was the lack of detail or specificity about the local procedures for implementation, including the consistency review procedures. Descriptions of the State and federal implementation responsibilities and authorities also vary, indicating confusion about the networked structure of the ACMP.

- Need to clarify of implementation authorities for an AMSA outside district boundaries.

Periodic Plan Review/Revision

Periodic plan revisions are often necessary to resolve problems with policy language, the need to develop new policies to address emerging issues in response to State and federal issues and changes in the social and economic shifts affecting a community. In discussion of some of these issues, the DPWG encouraged a periodic analysis of the district program or special area management plan.

While the ACMP statutes and regulations do not mandate a periodic revision of a district program, there is direction to assess program implementation. The Coastal Policy Council must review the effectiveness of implementation of district coastal management programs (AS 46.40.010.(4)). One of the duties of the Council is to measure the progress of a coastal resource district in meeting its responsibilities under the ACMP [AS 46.40.040.(1)(G)]. Further, coastal districts must submit annual progress reports that includes

- a statement describing the district's progress in fulfilling any conditions stipulated at the time of the council's approval of the district program;
- a summary of significant land and water use decisions and enforcement actions;
- a description of routine program implementation; and
- any problems encountered with implementation.

State agencies are also required to report, on a quarterly basis, information on single agency project reviews, monitoring and enforcement actions, any problems with implementation of the ACMP (including district programs) and any changes to their authorities or organization that would affect the implementation of the program.

Some examples of requirements for periodic review and update of local coastal programs can be found in other coastal states regulations or guidance (e.g., Oregon, Rhode Island, and Massachusetts). North Carolina's local land use plans are to have a ten-year horizon but must be updated every five years. Updates are intended to identify and analyze emerging community issues and to reexamine policies. New data must be included in the update.

The ACMP regulation 6 AAC 85.120 (b) could be revised to require an assessment of the district's program effectiveness in achieving its needs, goals, and objectives, problems with implementation, or the need to address new issues every five or more years. Ceñaliulriit recently evaluated its coastal management program and developed a strategy for revising the plan to meet current local needs and new State and federal requirements (B & B Environmental and Isaacs, 1993). This program assessment has set the stage for program revisions and is proving a useful tool to direct those efforts. The Kodiak Island Borough

also focused early program revision efforts on analyzing problems with its coastal management program as a forerunner to program revision.

To facilitate these efforts to periodically analyze plan effectiveness, the District Planning Working Group developed several recommendations:

- Revise the quarterly and annual reporting requirements for districts to ask more specific, diagnostic questions about program effectiveness and problems with implementation. The DGC and DCRA should work with some coastal districts to develop this form and revise the reporting requirements.
- The State agency quarterly reports should be analyzed and problems summarized for the ACMP working group or Councils discussion and action. Revision of reporting requirements may be necessary.
- Districts should be required to periodically analyze and revise, if appropriate, its district program or special area management plan(s).
- DGC should maintain a database of noted problems with policy language and suggested language changes. This summary information should be disseminated to the districts and agencies.

A confusing aspect of the ACMP program amendment is the use of the terms routine program implementation and significant amendment, also used in the federal regulations. Most of the planning questionnaire respondents and nearly all of the DPWG participants emphatically requested that the program amendment procedures be streamlined. The district planning working group suggested breaking amendments into three categories. Table 5 describes some potential categories and procedures to streamline the amendment process. The ACMP should use simpler terminology– for example, **major changes, minor changes and technical corrections.**

Consistency Review

Description of the different local, State, and federal procedures for consistency review should be clear and explained in more detail in the district program or special area management plan. Some of the current frustration with the consistency review process revealed through the responses to the questionnaires, discussion at the recent coastal district conferences, and discussed at the DPWG meetings is due to lack of information about the procedures and authorities for the local and single agency consistency review. A clear description in the implementation section would help to a certain extent. However, much work remains to be done to facilitate communication, analyze the authorities and responsibilities, and correct procedures if necessary.

State agency compliance with the ACMP consistency review procedures has not been examined closely over the years. The DGC can, at its discretion, review agency consistency review procedures, files, or decisions [6 AAC 50.030(d)].

Table 5. Proposed Changes to Program Amendment Procedures

Change to District Plan or AMSA	TYPE	THRESHOLD	PROCESS
Major (significant amendment)	Boundary	If the change goes beyond the ACMP biophysical boundaries If, by annexation, new territory is covered by another plan with approved policies that are different	Local Process: 60 day public hearing draft, public notice, one or two public meetings, public hearing, Concept approve by resolution (18 to 24 months) DGC/CPC Process: CPC review and approval (minimum 120 days)
	New policies	New policies to address new uses and activities	Federal review and approval by OCRM (30 days)
	Major revision to current policies	Change to the intent or application of the policy	Local adoption
	Plan overhaul	Complete redo, major changes to policy section	Lt. Governor filing
	Uses of State Concern	Restrict or exclude	
	New AMSA	New plan	
Minor (RPI)	Update resource inventory, analysis	Update of information	Local process: 30 day review by agencies and district (may move up to major change if agencies or district disagree change is minor), public notice Adopt by ordinance, resolution if CRSA
	Annex additional territory	A modest annexation where existing policies would be applicable, similar resources; similar uses and activities	DGC/CPC Process: CPC review of 30 days to concur that change is minor (public, state and federal agencies review); public notice
	Minor change to policies	Policy revision to improve specificity or clarity, remove ineffective policies	NO formal federal review by OCRM Lt. Governor filing
	Implementation	CRSA to borough, city to borough, new borough formed	
Technical	Editorial changes, reprint		Editorial review by DGC, DCRA

Monitoring and Enforcement

Another thorny problem expressed at all levels of government is monitoring and enforcement. Declining state revenues and subsequent budget cuts only exacerbate the problem and underscore the urgency to resolve the issue. A special area management plan or district program is not very effective if its enforceable policies are not being implemented, monitored and enforced. Resolution of the problems with monitoring and enforcement will require some in depth analysis of the actual authorities and responsibilities of the State and federal agencies and the local governments and how to best fill the gaps. A 1982 report on state agency enforcement of the ACMP provides a summary of State agency mechanisms to monitor and enforce permits as well as unpermitted uses and violations of State laws (Alaska Office of the Governor 1982) .

The primary issues raised with monitoring and enforcement are the ability to enforce district policies that are more restrictive than State agency regulations and the enforcement of district policies carried as stipulations on an agency permit, but not directly under the agencies direct regulatory authorities. These policies, or stipulations, are dubbed "homeless stipulations". However, research on the occurrence of these stipulations and any noted violations has not been done to reveal the extent of the problem. As indicated in the 1990 Attorney General opinion, homeless stipulations are to be enforced by the Department of Law (Alaska Department of Law 1990). This issue needs to be revisited by the Department of Law, and the authority and responsibility of agencies clarified.

CHAPTER 5. SUMMARY OF RECOMMENDATIONS

Following is a summary of the recommendations to improve the planning content, process and implementation of special area management plans and coastal district programs . The recommendations are discussed throughout the preceding chapters. The second year effort of the special area management planning project cannot undertake all of these recommendations. Certain tasks are prioritized and selected for action under the Section 309 project. Other tasks will be presented as recommendations for the ACMP working group, the Division of Governmental Coordination, or for future research under Section 309 or 306 of the ACMP funds in the outyears. In particular, the DPWG is asked to respond to the priorities selected for action during State FY95, marked by an asterisk.

Areas Which Merit Special Attention

Regulatory Revisions

- * 1. Revise 6 AAC 85.80.160 and 6 AAC 85.80.170 to remove redundancy with the requirements in 6 AAC 80 and 6 AAC 85.
- * 2. Require justification for AMSAs inside districts similar to 6 AAC 80.170(a)(3-6).
- * 3. Define the terms identify, nominate and designate used in these regulations.
- * 4. Add criteria that AMSAs are appropriate where the coastal district program policies are not specific enough to assure effective management of particular coastal resources and uses.
- * 5. Restructure the regulations and move resource inventory/analysis requirements into 6 AAC 80.060 and 80.070, move AMSA approval procedures into 6 AAC 85.150, and create a new section that specifies criteria for AMSA designation.

Planning Manual

- * 6. Provide information and examples of various types of SAMPS and guidance on when AMSA plans are the appropriate management tool.
- 7. Provide information on sources of funding for special area management planning efforts.
- * 8. Provide guidance on elements required in a special area management plan.
- * 9. Provide guidance on the process for AMSA development and approval.

Planning Process

Regulatory Revisions

- * 10. Revise the regulations to streamline the process for district program amendments.
- * 11. Clarify that a concept approved draft, if incomplete can be returned to the sponsor for revision before being accepted for council review.
- * 12. Require substantive comments from agencies at the public hearing draft phase.

- * 13. Revise the timeframe for submittal to the CPC to reflect that fewer formal meeting to consider plan approvals are held each year.
- * 14. Require a preliminary analysis to identify the issues or conflicts with specific resources, uses and activities, to identify the options and select the best means to resolve the issues or conflicts (AMSA, local comprehensive plan, DNR plan, or other State, federal or local action) before a special area management plan is undertaken.
- * 15. Clarify in 6 AAC 85.180. Effective Date and Local Adoption. that the local district should adopt the district program or program amendment after federal approval (and within 90 days of Council approval, unless NOAA won't approve the program).
- * 16. Encourage use of a Public or Citizen Advisory Committee to participate in the planning process.

Planning manual

- * 17. Describe various options for specialized planning in a planning manual.
- * 18. Provide guidance on conducting a preliminary analysis before selecting a specialized planning or other management option. Provide diagnostic questions to guide the analysis.
- * 19. Outline the planning process to encourage full local, state and federal participation early in the plan development. Encourage development of a citizen's committee to guide the planning project.

Grant Management

- * 20. Prior to application for ACMP district grant funds, require districts to conduct a preliminary analysis (or scoping) to specify issues or conflicts to be addressed, the appropriate means to resolve the issues or conflict (AMSAs, local comprehensive plans, revised district programs), and to demonstrate local, state, and federal support of the selected planning effort.
- * 21. Require agencies to review and provide substantive comments on public hearing and concept approved plans in the reimbursable service agreements.
- * 22. Include the mandatory five year plan analysis as a priority task for funding in the district grant application process.

OCRM

- * 23. Identify categories of program changes that OCRM would give categorical approval to – similar to DGC's ABC List of project approvals. Pursue a memorandum of understanding on criteria and procedures for "categorical plan approvals".

Plan Content

Regulatory Revisions

- * 24. Define the terms "needs, goals and objectives" used in 6 AAC 85.020. Clarify that needs, goals and objectives should indicate the enforceable policies that are used to achieve the goals and objectives.

- * 25. Reorganize and combine the standard on subject uses (6 AAC 85.070) and proper and improper uses (6 AAC 85.080). Define the terms "subject uses" and "proper and improper uses".
- * 26. Revise regulations to provide for a "strategic planning" approach in district programs and special area plans in the resource inventory (6 AAC 85.050).
- * 27. Revise 6 AAC 85.050 and 85.060 regulations to clarify the resources, uses and activities to be inventoried and analyzed.
- * 28. Clarify whether or when the state standards (6 AAC 80) should be repeated in a district program or AMSA plan.

Planning Manual

- * 29. Provide guidance on the development of issues, goals and objective: a) describe what is achievable under the ACMP or other means and b) clarify how the enforceable policies should be linked to the issues, goals and objectives 3) discuss whether state and federal issues should be carried in the district program or special area plan.
- * 30. Provide guidance on the appropriate content of the section on organization (6 AAC 85.030).
- * 31. Provide guidance on the content and quality of maps to include in the boundary section. (6 AAC 040.).
- 32. Provide guidance on how methodologies that could be used to conduct a resource inventory and analysis. Provide examples of ideal, or useful, resource inventory maps. (May want to hire a consultant for this task).
- * 33. Provide guidance on when a strategic planning approach is appropriate, and on how to undertake such an effort.

Enforceable Policies

Regulatory Revisions

- * 34. Clarify that specific policies can apply to certain areas or resources within a district.
- 35. Consider developing criteria for allowing variances to enforceable policies in district programs.

Planning Manual

- * 36. Provide guidance on how to write clear, enforceable policies; provide examples and discuss when performance standards vs. specific (or design) standards should be used; and provide guidance on and examples of administrative policies.
- * 37. Provide guidance on how the enforceable policy section , or enforceable component of the plan should be organized. Provide guidance on whether the state standards should be repeated in the enforceable policy section of the district program or special area management plan.
- * 38. Clarify how the enforceable policies relate to State and federal requirements.
- 39. Clarify to what extent district policies can be more stringent than State agency regulations (may need DOL clarification first).

Implementation

Regulatory Revisions

- * 40. Require coastal districts to review and evaluate their district programs or special area plans about every five years, and amend them as appropriate. Revise 6 AAC 85.120 Submittal to Council.
- * 41. Require a time-table for the implementation program to meet the goals of the district plan.

Planning Manual

- * 42. Describe the implementation, monitoring and enforcement responsibilities at the local, State and federal level (may need clarification from DOL first).
- * 43. Describe how Title 29 (municipal government) powers and the ACMP interact at the local level. Describe how local zoning and enforceable policies interact. Provide a model description for inclusion in district programs and special area management plans.
- * 44. Describe and provide examples of local implementation options.
- * 45. Provide guidance on the plan amendment process and describe when a minor or major plan revision is required.

Grant Management

- * 46. Revise the district quarterly and annual reporting form to ask more detailed, diagnostic questions and use them to document successes and problems with plan policies or plan implementation.
- 47. Review and analyze successes and problems with implementation identified by the agencies in their quarterly reports. Revise the reporting requirements, if necessary, to ask more diagnostic questions.
- 48. Evaluate the priority for funding under the ACMP. Should more funds be allocated to coastal district for developing or revising district programs or special area management plans and for local monitoring and enforcement as a priority over State agency monitoring and enforcement?

Recommended Research

- 49. Identify and measure the success of local tools used by coastal districts to implement the ACMP. Evaluate means to strengthen implementation at the local level. Consider whether cities with planning powers located within CRSAs should adopt the district program by ordinance.
- 50. Evaluate and identify incentives for DFG, DEC, and DNR to participate in and implement the ACMP and coastal district programs.
- 51. Evaluate how the ACMP consistency review process and the State resource agency permit review procedures can be better aligned or combined. Examine state agency compliance with consistency review procedures.

52. Investigate further the problems with monitoring and enforcement. Clarify what the district and state agencies responsibilities are under the ACMP and their own authorities.
53. Investigate the extent of the real problem with monitoring and enforcement of homeless stipulations. If necessary, request clarification of the Alaska Attorney General Opinion on homeless stipulations.
54. Explore different approaches to implementation of the ACMP. Is it time to consider a shoreline or coastal permit, with appropriate monitoring and enforcement powers going to a single agency responsible for the ACMP? Or could a special permit for Areas Which Merit Special Attention be developed at the local or State level.
55. DGC should expand its database to collect information on district program implementation, specifically problems with policy language and any recommended language changes. Ad hoc information and quarterly and annual report information on policy language could be funneled into the database.
56. Clarify how "public need" is determined during consistency reviews, especially under the coastal development and habitat standards. Consider whether a new "Socioeconomic" standard is appropriate.

Public Education and Training

57. Provide more opportunities for training on coastal program development and implementation including the consistency review process.
58. Encourage cross-training among districts and state agencies on the local and single agency state consistency review process as well as the DGC-coordinated review.
59. Help coastal districts promote awareness and support for coastal management.

Conclusion

Several recommendations to improve the plan content, planning process, and plan implementation are presented in Chapters 4 and 5. Through regulatory revisions, preparation of a planning manual, improvements to grant management, and clarification of implementation responsibilities, special area management planning as well as basic coastal district planning can be enhanced. The combination of these tasks will clarify, strengthen, or provide guidance on:

- Criteria for AMSA designation
- Options for using AMSA plans or area-specific policies in the district program
- Elements for plan content
- Streamline and clarify the plan revision procedures
- Encourage a strategic planning approach
- Encourage periodic plan analysis and revision
- Local, State and federal implementation

- Clarify and provide guidance on the planning process
- Encourage early, substantive involvement of the State and federal agencies and the public to identify the issues and determine appropriate management tool
- Encourage substantive review of the public hearing draft phase

Some of the additional research is suggested to clarify or resolve certain implementation issues: the responsibilities and authorities of the State agencies and local districts, consideration of a socioeconomic standard, consideration of a variance procedure, the extent of the problem with "homeless stipulations", and a study of the effectiveness of local implementation tools.

Coastal districts responding to the questionnaire expressed a desire for the following types of information and guidance that could be included in a planning manual:

- policy writing
- information on new issues (nonpoint source pollution program, wetlands management, cumulative and secondary impacts)
- mapping
- methodologies for resource inventory and analysis
- references for regulations
- list of contacts (State and federal)
- implementation methods
- information on coastal resources
- examples, or models of plan elements such as policies, boundary and resource maps

AS 29 (Municipal Government)

AS 44.19 (State Government, Office of the Governor, Office of Management and Budget)

AS 46.40 (The Alaska Coastal Management Program)

6 AAC 80 (Standards of the Alaska Coastal Management Program)

6 AAC 85 (Guidelines for District Coastal Management Program)

15 CFR § 923 (Coastal Zone Management Program Development and Approval)

15 CFR § 932 (Coastal Zone Enhancement Grants Program federal regulations)

16 U.S.C. § 1451 et seq. (Coastal Zone Management Act, as amended November 5, 1990).

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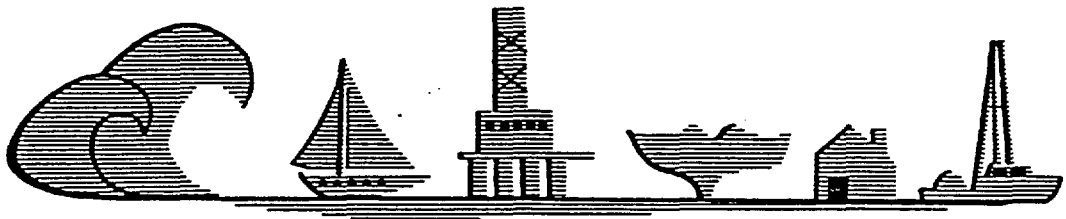
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Alaska Coastal Management Program

STATUTES AND REGULATIONS

September 1991



State of Alaska
Office of the Governor
Division of Governmental Coordination

Chapter 40. The Alaska Coastal Management Program.

Article

1. Development of Alaska Coastal Management Program (§§ 46.40.010 - 46.40.100)
2. Coastal Management Programs in the Unorganized Borough (§§ 46.40.110 - 46.40.180)
3. General Provisions (§§ 46.40.190 - 46.40.210)

Opinions of attorney general. - The activities of lessees, permittees and other private persons on nonexclusive federal coastal lands remain subject to state regulatory authority - including the coastal management program - unless the particular state regulation is preempted by, irreconcilably conflicts with or frustrates the purpose of another federal law. February 3, 1978, Op. Att'y Gen.

While federal land use decisions will not be governed or controlled by the state's coastal management program, they must, to the degree that they directly affect nonfederal coastal resources, conform to the state program to the maximum extent practicable. February 3, 1978, Op. Att'y Gen.

Article 1. Development of Alaska Coastal Management Program.

Section

10. Development of Alaska coastal management program
20. Objectives
30. Development of district coastal management programs
40. Duties of the Alaska Coastal Policy Council
50. Action and submission by coastal resource districts

Section

60. Review and approval by council
70. Standards for council review and approval
80. Effective date of Alaska coastal management program
90. Implementation of district coastal management programs
100. Compliance and enforcement

Collateral references. - 78 Am. Jur. 2d, Waters, §§ 59-116. 375-438.

65 C.J.S. Navigable Waters. §§ 10-18. 20-132: 93 C.J.S. Waters §§ 71-85.

Notes - Competitive sale of oil and gas development rights to offshore state land constituted a project requiring a review and finding by the Office of Management and Budget as to whether the project was consistent with the Alaska Coastal

Management Program. Trustees for Alaska v. State, Dept of Natural Resources. Sup. Ct. Op. No. 3573 (File No. S-2865), P.2d (1990).

Sec. 46.40.010. Development of Alaska coastal management program. (a) The Alaska Coastal Policy Council established in AS 44.19.155 shall approve, in accordance with this chapter, the Alaska coastal management program.

(b) The council may approve the Alaska coastal management program for a portion or portions of the coastal area before approving the complete program

under (a) of this section. Portions of the program approved under this subsection shall be incorporated into the Alaska coastal management program.

(c) The Alaska coastal management program shall be reviewed by the council and, when appropriate, revised to

(1) add newly approved district coastal management programs, or revisions and amendments to the Alaska coastal management program;

(2) integrate newly approved district coastal management programs, or revisions and amendments of district coastal management programs, with existing approved programs and with plans developed by state agencies;

(3) add new or revised state statutes, policies, regulations or other appropriate material;

(4) review the effectiveness of implementation of district coastal management programs; and

(5) consider new information acquired by the state and coastal resource districts.

(d) All reviews and revisions shall be in accordance with the guidelines and standards adopted by the council under AS 46.40.040. (§ 4 ch 84 SLA 1977)

Opinions of attorney general. - The doctrine of federal preemption, derived from the supremacy clause of the United States Constitution, Article VI, clause 2, would not apply to state regulation of outer continental shelf activities in the coastal zone. May 12, 1980 Op. Att'y Gen.

Reasonable restrictions on oil and gas activities embodied in a local coastal management plan, incorporated into the Alaska Coastal Management Program, would be enforceable against off-shore federal lessees. May 12, 1980 Op. Att'y Gen.

Municipal authority to regulate oil and gas activities of federal lessees depends upon whether the leases are on-shore or off-shore. In the case of the former, the doctrine of federal preemption may prohibit local coastal zone ordinances from affecting any measure of control. In the case of the latter, local coastal management programs which are approved by the Alaska Coastal Policy Council and thus part of the Alaska Coastal Management Program will become one of the touch-stones in the state consistency determination required by section 307(c)(3) of the Coastal Zone Management Act, 16 U.S.C. § 1451 et seq. May 12, 1980 Op. Att'y Gen.

A municipality enacting a local district coastal management program may restrict or exclude a use of state concern without falling afoul of the constitutional limitations in Alaska Const., art. X, § 11 on the exercise of municipal authority if that restriction or exclusion is reasonable, within the meaning of AS 46.40.070(c). May 12, 1980 Op. Att'y Gen.

The Alaska Oil and Gas Conservation Act, AS 31.05.005 et seq., which mandates the conservation of oil and gas and prohibits their waste, would not be contravened by a local coastal management plan which comports with the Alaska Coastal Management Program. May 12, 1980 Op Att'y Gen.

Sec. 46.40.020. Objectives. The Alaska coastal management program shall be consistent with the following objectives:

(1) the use, management, restoration and enhancement of the over-all quality of the coastal environment;

(2) the development of industrial or commercial enterprises which are consistent with the social, cultural, historic, economic and environmental interests of the people of the state;

(3) the orderly, balanced utilization and protection of the resources of the coastal area consistent with sound conservation and sustained yield principles;

(4) the management of coastal land and water uses in such a manner that, generally, those uses which are economically or physically dependent on a coastal location are given higher priority when compared to uses which do not economically or physically require a coastal location;

- (5) the protection and management of significant historic, cultural, natural and aesthetic values and natural systems or processes within the coastal area;
- (6) the prevention of damage to or degradation of land and water reserved for their natural values as a result of inconsistent land or water usages adjacent to that land;
- (7) the recognition of the need for a continuing supply of energy to meet the requirements of the state and the contribution of a share of the state's resources to meet national energy needs; and
- (8) the full and fair evaluation of all demands on the land and water in the coastal area. (§ 4 ch 84 SLA 1977)

Stated in *Hammond v. North Slope Borough*, Sup. Ct. Op. No. 2499 (File Nos. 5550, 5558), 645 P.2d 750 (1982).

Sec. 46.40.030. Development of district coastal management programs. Coastal resource districts shall develop and adopt district coastal management programs in accordance with the provisions of this chapter. The program adopted by a coastal resource district shall be based upon a municipality's existing comprehensive plan or a new comprehensive resource use plan or comprehensive statement of needs, policies, objectives and standards governing the use of resources within the coastal area of the district. The program shall be consistent with the guidelines and standards adopted by the council under AS 46.40.040 and shall include:

- (1) a delineation within the district of the boundaries of the coastal area subject to the district coastal management program;
- (2) a statement, list, or definition of the land and water uses and activities subject to the district coastal management program;
- (3) a statement of policies to be applied to the land and water uses subject to the district coastal management program;
- (4) regulations, as appropriate, to be applied to the land and water uses subject to the district coastal management program;
- (5) a description of the uses and activities which will be considered proper and the uses and activities which will be considered improper with respect to the land and water within the coastal area;
- (6) a summary or statement of the policies which will be applied and the procedures which will be used to determine whether specific proposals for land or water uses or activities shall be allowed; and
- (7) a designation of, and the policies which will be applied to the use of, areas within the coastal resource district which merit special attention. (§ 4 ch 84 SLA 1977)

Opinions of attorney general. - The adoption of forest practices regulations by the Department of Natural Resources in 11 AAC 95 has completely preempted the coastal policy council's regulations, 6 AAC 80.100, in regulating timber harvest and processing in the coastal area. April 20, 1981 Op. Att'y Gen.

The allocation of responsibility for administration of the forest practices regulations in coastal management consistency determinations is sufficiently unclear that it seems appropriate for

resolution by the adoption of regulations since differing policy consideration emphasized in the Forest Practices Act, the Coastal Management Act, and proposed permit reform regulations will be served to a greater or lesser extent by assigning responsibility for interpreting and applying the forest practices regulations to more than one agency and since a particular result is not compelled under the various pieces of authorizing legislation. April 20, 1981 Op. Att'y Gen.

Sec. 46.40.040. Duties of the Alaska Coastal Policy Council.

Through the public hearing process and the recording of the minutes of the hearings, the Alaska Coastal Policy Council shall

(1) by regulation, adopt under the provisions of the Administrative Procedure Act (AS 44.62) not later than April 15, 1978, for the use of an application by coastal resource districts and state agencies for carrying out their responsibilities under this chapter, guidelines and standards for

(A) identifying the boundaries of the coastal area subject to the district coastal management program;

(B) determining the land and water uses and activities subject to the district coastal management program;

(C) developing policies applicable to the land and water uses subject to the district coastal management program;

(D) developing regulations applicable to the land and water uses subject to the district coastal management program;

(E) developing policies and procedures to determine whether specific proposals for the land and water uses or activities subject to the district coastal management program shall be allowed;

(F) designating and developing policies for the use of areas of the coast which merit special attention; and

(G) measuring the progress of a coastal resource district in meeting its responsibilities under this chapter;

(2) develop and maintain a program of technical and financial assistance to aid coastal resource districts in the development and implementation of district coastal management programs;

(3) undertake review and approval of district coastal management programs in accordance with this chapter;

(4) initiate a process for identifying and managing uses of state concern within specific areas of the coast;

(5) develop procedures or guidelines for consultation and coordination with federal agencies managing land or conducting activities potentially affecting the coastal area of the state. (§ 4 ch 84 SLA 1977; am § 1 ch 129 SLA 1978)

Cross references. - For regulations
for the Alaska Coastal Management Pro-
gram, see 6 AAC 80 and 6 AAC 85.

Sec. 46.40.050. Action and submission by coastal resource districts. Each coastal resource district shall make substantial progress, in the opinion of the council, toward completion of an approvable district coastal management program and shall complete and submit to the council for approval its program within 30

months of June 4, 1977 or within 30 months of certification of the results of the district's organization, whichever is later. If, in the opinion of the council, after receipt of a written request for extension from the district which includes the reasons for the extension, an extension is considered proper, the council may grant an extension to a date which is not later than December 4, 1981, or to a date which is within 54 months of certification of the results of the districts organization, whichever is later. (§ 4 ch 84 SLA 1977; am § 1 ch 66 SLA 1979)

Sec. 46.40.060. Review and approval by council. (a) If, upon submission of a district coastal management program for approval, the council finds that the program is substantially consistent with the provisions of this chapter and the guidelines and standards adopted by the council and does not arbitrarily or unreasonably restrict or exclude uses of state concern, the council may grant summary approval of the district coastal management program, or may approve portions of the district program which are consistent.

(b) If the council finds that a district coastal management program is not approvable or is approvable only in part under (a) of this section, it shall direct that deficiencies in the program submitted by the coastal resource district be mediated. In mediating the deficiencies, the council may call for one or more public hearings in the district. The council shall meet with officials of the coastal resource district in order to resolve differences.

(c) If, after mediation, the differences have not been resolved to the mutual agreement of the coastal resource district and the council, the council shall call for a public hearing and shall resolve the differences in accordance with the Administrative Procedure Act (AS 44.62). After a public hearing held under this subsection, the council shall enter findings and, by order, may require

(1) that the district coastal management program be amended to make it consistent with the provisions of this chapter or the guidelines and standards adopted by the council;

(2) that the district coastal management program be revised to accommodate a use of state concern; or

(3) any other action be taken by the coastal resource district as appropriate.

(d) The superior courts of the state have jurisdiction to enforce orders of the council entered under (c) of this section. (§ 4 ch 84 SLA 1977)

Opinions of attorney general. - The invalid provisions of AS 46.40.080 are severable from the remainder of the Coastal Management Act. Thus, council guidelines take effect when adopted in accordance with the Administrative Procedure Act, AS 44.62. The effective date of council action on district programs is governed by the council's regulations and this section. April 29, 1980 Op. Att'y Gen.

A municipality enacting a local district coastal management program may restrict or exclude a use of state concern without falling afoul of the constitutional limitations in Alaska Const., art. X § 11 on the exercise of municipal authority if that restriction or exclusion is reasonable, within the meaning of AS 46.40.070(c). May 12, 1980 Op. Att'y Gen.

Sec. 46.40.070. Standards for council review and approval. (a) The council shall approve a district coastal management program submitted for review and approval if the program is consistent with the provisions of this chapter and the guidelines and standards adopted by the council.

(b) Notwithstanding an inconsistency of a district coastal management program submitted for review and approval with the guidelines and standards adopted, the council shall approve the program if it finds that

(1) strict adherence to the guidelines and standards adopted would result in a violation of another state law or policy;

(2) strict adherence to the guidelines and standards adopted would cause or probably cause substantial irreparable harm to another interest or value in the coastal area of the district; or

(3) the inconsistency is of a technical nature and no substantial harm would result to the policies and objectives of this chapter or to the Alaska coastal management program.

(c) In determining whether a restriction or exclusion of a use of state concern is arbitrary or unreasonable, the council shall approve the restriction or exclusion if it finds that

(1) the coastal resource district has consulted with and considered the views of appropriate federal, state or regional agencies;

(2) the district has based its restriction or exclusion on the availability of reasonable alternative sites; and

(3) the district has based its restriction or exclusion on an analysis showing that the proposed use is incompatible with the proposed site.

(d) A decision by the council under this section shall be given within 90 days. (§ 4 ch 84 SLA 1977)

Opinions of attorney general. - Reading subsection (b) as vesting local officials with complete control over policy formulation would probably render the Alaska Coastal Management Act unconstitutional under Alaska Const., art. VIII, § 2. May 12, 1980 Op. Att'y Gen.

Reasonable restrictions on oil and gas activities embodied in a local coastal management plan, incorporated into the Alaska Coastal Management Program, would be enforceable against off-shore federal lessees. May 12, 1980 Op. Att'y Gen.

A municipality enacting a local district coastal management program may restrict or exclude a use of state concern without falling afoul of the

constitutional limitations in Alaska Const., art. X, § 11 on the exclusion of municipal authority if that restriction or exclusion is reasonable. within the meaning of subsection (c). May 12, 1980 Op. Att'y Gen.

The Alaska Oil and Gas Conservation Act, AS 31.05.005 et seq., which mandates the conservation of oil and gas and prohibits their waste, would not be contravened by a local coastal management plan which comports with the Alaska Coastal Management Program. May 12, 1980 Op. Att'y Gen.

Sec. 46.40.080. Effective date of Alaska coastal management program. The Alaska coastal management program adopted by the council, and any additions, revisions, or amendments of the program, take effect upon adoption of a concurrent resolution by a majority of the members of each house of the legislature or by a vote of the majority of the members of each house at the time

the houses are convened in joint session to confirm executive appointments submitted by the governor. (§ 4 ch 84 SLA 1977)

Opinions of attorney general. - Under the decision in *State v. A.L.I.V.E. Voluntary*, Sup. Ct. Op. No. 2022 (File No. 3670), 606 P.2d 769 (1980), that the use of legislative resolutions as a veto over regulations, programs or other actions or proposed actions is constitutionally impermissible except as expressly provided by the constitution, this section is invalid. March 6, 1980 Op. Att'y Gen.

The invalid provisions of section are severable from the remainder of the Coastal Management Act. Thus, council guidelines take effect when adopted in accordance with the Administrative Procedure Act, AS 44.62. The effective date of council action on district programs is governed by the council's regulations, and AS 46.40.060. April 29, 1980 Op. Att'y Gen.

Sec. 46.40.090. Implementation of district coastal management programs.

(a) A district coastal management program approved by the council and the legislature for a coastal resource district which does not have and exercise zoning or other controls on the use of resources within the coastal area shall be implemented by appropriate state agencies. Implementation shall be in accordance with the comprehensive use plan or the statement of needs, policies, objectives and standards adopted by the district.

(b) A coastal resource district which has and exercises zoning or other controls on the use of resources within the coastal area shall implement its district coastal management program. Implementation shall be in accordance with the comprehensive use plan or the statement of needs, policies, objectives and standards adopted by the district. (§ 4 ch 84 SLA 1977)

Sec. 46.40.100. Compliance and enforcement. (a) Municipalities and state agencies shall administer land and water use regulations or controls in conformity with district coastal management programs approved by the council and the legislature and in effect.

(b) On petition of a coastal resource district, a citizen of the district, or a state agency, showing that a district coastal management program is not being implemented, enforced or complied with, the council shall convene a public hearing to consider the matter. A hearing called under this subsection shall be held in accordance with the Administrative Procedure Act (AS 44.62). After hearing, the council may order that the coastal resource district or state agency take any action which the council considers necessary to implement, enforce or comply with the district coastal management program.

(c) In determining whether an approved district coastal management program is being implemented, enforced or complied with by a coastal resource district which exercises zoning authority or controls on the use of resources within the coastal area, the council shall find in favor of the district if

- (1) zoning or other regulations have been adopted and are being enforced;
- (2) variances are being granted according to procedures and criteria which are elements of the district coastal management program, or the variance is otherwise approved by the council; and

(3) procedures and standards adopted by the coastal resource district as required by this chapter or by the guidelines and standards adopted by the council and subsequently approved by the legislature have been followed and considered.

(d) In determining whether a state agency is complying with a district coastal management program with respect to its exercise of regulation or control of the resources within the coastal area, the council shall find in favor of the agency if

(1) the use or activity for which the permit, license or approval is granted is consistent with the district coastal management program and regulations adopted under it; and

(2) the use or activity for which the permit, license or approval is granted is consistent with requirements imposed by state statute, regulation, or local ordinance applicable to the use or activity.

(e) The superior courts of the state have jurisdiction to enforce lawful orders of the council. (§ 4 ch 84 SLA 1977)

Opinions of the attorney general. - For effective date of coastal management programs, see notes

under this heading following AS 46.40.080.

Beth's opinion

Article 2. Coastal Management Programs in the Unorganized Borough.

Section

110. Authority in the unorganized borough
120. Coastal resource service areas
130. Organization of coastal resource service area
140. Coastal resource service area boards
150. Elections in coastal resource service areas
160. Organizations at the direction of the council

Section

170. Preparation of district coastal management program by the Department of Community and Regional Affairs
180. Approval of programs in coastal resource service areas

Collateral references. - 78 Am. Jur
2d, Waters, §§ 59-116, 375-438.

65 C.J.S., Navigable Waters, §§ 10-18, 20-132;
93 C.J.S., Waters, §§ 71-85.

Sec. 46.40.110. Authority in the unorganized borough. Under AS 29.03.020 and AS 46.40.110 - 46.40.180, the legislature authorizes organization of coastal resource service areas in the unorganized borough and grants authority to the service areas which may be organized to perform the duties required under this chapter. (§ 4 ch 84 SLA 1977)

Sec. 46.40.120. Coastal resource service areas. (a) Except as otherwise provided in this section, each regional educational attendance area established under AS 14.08.031 containing a part of the coastal area may be organized as a coastal resource service area.

(b) The commissioner of the Department of Community and Regional Affairs may, after public hearings held in the area affected, consolidate two or more regional educational attendance areas as a single coastal resource service area

Article 3. General Provisions.

Section

190. Cooperative administration

200. State agencies

Section

210. Definitions

Collateral references. - 78 Am. Jur. 2d. Waters,
§§ 59-116, 375-438.

65 C.J.S. Navigable Waters, § 10-18, 20-132; 93
C.J.S., Waters, § 71-85.

Sec. 46.40.190. Cooperative administration. (a) A city within the coastal area which is not part of a coastal resource service area shall be included for purposes of this chapter within an adjacent coastal resource service area unless its governing body, by resolution adopted by a majority of its membership, chooses to exclude the city from an adjacent coastal resource service area and a copy of the resolution is filed with the commissioner of community and regional affairs.

(b) This chapter does not restrict or prohibit cooperative or joint administration of functions between a municipality and a coastal resource service area organized under the provisions of this chapter upon initiation of a mutual agreement for the purpose. A city which elects to be excluded from an adjacent coastal resource service area under (a) of this section shall enter into a mutual agreement for cooperative or joint administration of functions with the coastal resource service area board from the adjacent coastal resource service area. (§ 4 ch 84 SLA 1977; am § 3 ch 48 SLA 1980)

Sec. 46.40.200. State agencies. Upon the adoption of the Alaska coastal management program, state departments, boards and commissions shall review their statutory authority, administrative regulations, and applicable procedures pertaining to land and water uses within the coastal area for the purpose of determining whether there are any deficiencies or inconsistencies which prohibit compliance with the program adopted. State agencies shall, within six months of the effective date of the Alaska coastal management program, take whatever action is necessary to facilitate full compliance with and implementation of the program, including preparation and submission of recommendations to the council for additional or amended legislation. (§ 4 ch 84 SLA 1977)

Sec 46.40.210. Definitions. In this chapter, unless the context otherwise requires,

(1) "area which merits special attention" means a delineated geographic area within the coastal area which is sensitive to change or alteration and which, because of plans or commitments or because a claim on the resources within the area delineated would preclude subsequent use of the resources to a conflicting or incompatible use, warrants special management attention, or which, because of its value to the general public, should be identified for current or future planning, protection, or acquisition; these areas, subject to council definition of criteria for their identification, include:

- (A) areas of unique, scarce, fragile or vulnerable natural habitat, cultural value, historical significance, or scenic importance;
 - (B) areas of high natural productivity or essential habitat for living resources;
 - (C) areas of substantial recreational value or opportunity;
 - (D) areas where development of facilities is dependent upon the utilization of, or access to, coastal water;
 - (E) areas of unique geologic or topographic significance which are susceptible to industrial or commercial development;
 - (F) areas of significant hazard due to storms, slides, floods, erosion or settlement; and
 - (G) areas needed to protect, maintain, or replenish coastal land or resources, including coastal flood plains, aquifer recharge areas, beaches and offshore sand deposits;
- (2) "coastal resource district" means each of the following which contains a portion of the coastal areas of the state:
- (A) unified municipalities;
 - (B) organized boroughs of any class which exercise planning and zoning authority;
 - (C) home rule and first class cities of the unorganized borough or within boroughs which do not exercise planning and zoning authority;
 - (D) second class cities of the unorganized borough, or within boroughs which do not exercise planning and zoning authority, which have established a planning commission, and which, in the opinion of the commissioner of community and regional affairs, have the capability of preparing and implementing a comprehensive district coastal management program under AS 46.40.030;
 - (E) coastal resource service areas established and organized under AS 29.03.020 and AS 46.40.110 - 46.40.180;
- (3) "council" means the Alaska Coastal Policy Council;
- (4) "department" means the Department of Community and Regional Affairs;
- (5) "use of direct and significant impact" means a use, or an activity associated with the use, which proximately contributes to a material change or alteration in the natural or social characteristics of a part of the state's coastal area and in which
- (A) the use, or activity associated with it, would have a net adverse effect on the quality of the resources of the coastal area;
 - (B) the use, or activity associated with it, would limit the range of alternative uses of the resources of the coastal area; or
 - (C) the use would, of itself, constitute a tolerable change or alteration of the resources within the coastal area but which, cumulatively, would have an adverse effect;
- (6) "uses of state concern" means those land and water uses which would significantly affect the long-term public interest; these uses, subject to council definition of their extent, include:
- (A) uses of national interest, including the use of resources for the siting of ports and major facilities which contribute to meeting national energy needs, construction and maintenance of navigational facilities and systems, resource development of federal land, and national defense and related security facilities that are dependent upon coastal locations;
 - (B) uses of more than local concern, including those land and water uses which confer significant environmental, social, cultural, or economic benefits or burdens beyond a single coastal resource district;

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

Authority: AS 44.19.161
AS 46.40.040

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

Authority: AS 44.19.161
AS 46.40.040

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

Authority: AS 44.19.161
AS 46.40.040

Article 4. Areas Which Merit Special Attention

Section	Section
158. Types of areas to be designated as areas which merit special attention	170. Areas which merit special attention outside districts
160. Areas which merit special attention inside districts	

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

- (1) areas important for subsistence hunting, fishing, food gathering, and foraging;
 - (2) areas with special scientific values or opportunities, including those areas where ongoing research projects could be jeopardized by development or conflicting uses and activities; and
 - (3) potential estuarine or marine sanctuaries.
- (Eff. 6/9/85, Register 94)

Authority: AS 44.19.161
AS 46.40.040

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

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

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

(2) a map showing the geographical location, surface area and, if appropriate, bathymetry of the area, along with a legal and narrative description of the boundaries and a justification of the size of the area which merits special attention;

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

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

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

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

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

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

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

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

(b) A management plan for an area which merits special attention inside a district must preserve, protect, enhance, or restore the value or values for which the area was designated. (Eff. 7/18/78, Register 67; am 8/18/79, Register 71; am 6/9/85, Register 94; am 4/2/86, Register 97)

Authority: AS 44.19.161
AS 46.40.040

*

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

- (1) a map showing the geographical location of the area, as well as a legal and narrative description of the boundaries, and a justification of the size of the area which merits special attention;
- (2) a summary of the resource values and use conflicts, if any, in the area;
- (3) a statement of the purpose and objectives to be met through planning for an area which merits special attention;
- (4) a tentative schedule outlining timeframes for completion of planning tasks and reviews;
- (5) a list of parties with interests in or adjacent to the proposed area which merits special attention who may be affected by its designation, and a description of how these parties would be involved in plan development; and
- (6) justification that the area which merits special attention is the preferred planning and management mechanism for meeting the objectives of the proposal and the Alaska coastal management program.

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

(c) If the council decides to authorize further planning for an area which merits special attention, public notice will be provided by conspicuous advertisement, such as display notice, in a news publication of general circulation in the affected area and in one of general circulation in the state. DGC, with assistance from the sponsor, shall com-

pile a mailing list of state and federal agencies, affected municipalities and villages, landowners, and other interested parties and shall notify them that planning for the area which merits special attention is going to occur.

(d) The sponsor of the nomination is responsible for developing a public review draft for the area which merits special attention outside of a district. The review draft must include the information required under 6 AAC 80.160(a)(1) through (7), in addition to the following:

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

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

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

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

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

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

(i) DGC shall distribute the council review draft, along with its preliminary findings on the plan, to the mailing list compiled under (c) of this section. A person may submit comments on the area which merits special attention nomination to the council within 60 days

after this distribution. Comments that are not received within the 60-day review period will not be considered.

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

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

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

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

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

Authority: AS 44.19.161
AS 46.40.040

Article 5. General Provisions

Section 900. Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(22) "major energy facility" includes marine service bases and storage depots, pipelines and rights-of-way, drilling rigs and platforms, petroleum or coal separation, treatment, or storage facilities, liquid natural gas plants and terminals, oil terminals and other port development for the transfer of energy products, petrochemical plants, refineries and associated facilities, hydroelectric projects, other electric generating plants, transmission lines, uranium enrichment or nuclear fuel processing facilities, and geothermal facilities; "major energy facility" means a development of more than local concern carried out in, or in close proximity to, the coastal area, which meets one or more of the following criteria:

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

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

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

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

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

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

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

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

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

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

(24) "area which merits special attention" has the same meaning as in AS 46.40.210(1);

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

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

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

CHAPTER 85. GUIDELINES FOR DISTRICT COASTAL MANAGEMENT PROGRAMS

Article

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

Article 1. Program Elements

Section

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

Section

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

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

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

Authority: AS 44.19.161
AS 46.40.030
AS 46.40.040

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

Authority: AS 44.19.161
AS 46.40.030
AS 46.40.040

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

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

Authority: AS 44.19.161
AS 46.40.030
AS 46.40.040

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

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

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

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

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

(d) If the criteria in (c) of this section are met, final boundaries of the coastal area subject to the district program may be based on political jurisdiction, cultural features, planning areas, watersheds, topo-

graphic features, uniform setbacks, or the dependency of uses and activities on water access.

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

Authority: AS 44.19.161
AS 46.40.040



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

- (1) habitats listed in 6 AAC 80.130 that are found within or adjacent to the district;
- (2) major cultural resources that are found within or adjacent to the district;
- (3) major land and water uses and activities which are conducted within or adjacent to the district;
- (4) major land and resource ownership and management responsibilities within or adjacent to the district; and
- (5) major historic, prehistoric, and archaeological resources which are found within or adjacent to the district. (Eff. 7/18/78, Register 67)

Authority: AS 44.19.161
AS 46.40.030
AS 46.40.040



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

- (1) significant anticipated changes in the matters identified under 6 AAC 85.050;
- (2) an evaluation of the environmental capability and sensitivity of resources and habitats, including cultural resources, for land and water uses and activities; and
- (3) an assessment of the present and anticipated needs and demands for coastal habitats and resources. (Eff. 7/18/78, Register 67)

Authority: AS 44.19.161
AS 46.40.030
AS 46.40.040



6 AAC 85.070. SUBJECT USES. Each district program must include a description of the land and water uses and activities which are subject to the district program. The uses and activities mentioned in 6

AAC 80 are, if applicable, subject to the district program. (Eff. 7/18/78, Register 67)

Authority: AS 44.19.161
AS 46.40.030
AS 46.40.040

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

Authority: AS 44.19.161
AS 46.40.030
AS 46.40.040

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

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

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

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

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

Authority: AS 44.19.161
AS 46.40.030
AS 46.40.040

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

Authority: AS 44.19.161
AS 46.40.030
AS 46.40.040

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

Authority: AS 44.19.161
AS 46.40.030

Article 2. Government Process

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

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

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

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

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

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

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

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

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

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

Authority: AS 44.19.160
AS 44.19.162
AS 46.40.010
AS 46.40.030

AS 46.40.040
AS 46.40.060
AS 46.40.070

Editor's notes. — The Municipality of Anchorage's and the City of Haines' district programs took effect January 16, 1980.

The City of Skagway's district program took effect on December 18, 1980. Information regarding the effective dates of other district programs, and other infor-

mation concerning any district program, may be obtained by writing to:

Office of the Governor
Division of Policy Development and Planning
Office of Coastal Management
P.O. Box AP
Juneau, Alaska 99811

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

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

(c) Districts shall provide the public, in a timely manner and in understandable form, information explaining the district coastal management program, the requirements of public participation in program development, how and when the public may participate in program development, what information is available, and where that information may be obtained. (Eff. 7/18/78, Register 67; am 8/18/79, Register 71; am 3/2/84, Register 89).

Authority: AS 44.19.161
AS 46.40.040

6 AAC 85.140. COORDINATION AND REVIEW. District shall provide opportunities for coordination and review by federal, state, and local governmental agencies, including adjacent districts, and other persons with a significant interest in coastal resources or who are conducting or may conduct uses and activities that have or are likely to have a direct and significant impact on the district's coastal area. (Eff. 7/18/78, Register 67)

Authority: AS 44.19.161
AS 46.40.030
AS 46.40.040

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

(b) A public hearing draft of the district program must be distributed to all parties identified as having a significant interest in the district program, including those parties described in 6 AAC 85.140. The mailing list of these parties must be reviewed and approved by

the Office of Coastal Management. The public hearing draft must include all elements to be included in the district program when it is conceptually approved. At least a 60-day review period must be provided. A transmittal letter that states the comment deadline and the recipient of comments must be sent with the document. One or more review meetings may be sponsored by the Office of Coastal Management, with the concurrence of the district.

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

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

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

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

Authority: AS 44.19.161
AS 46.40.030
AS 46.40.040

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

(b) At least one copy of the district's conceptually approved program, including any changes made to the public hearing draft, and

the district's findings and conclusions or a written statement indicating that the district has elected not to prepare findings and conclusions, must be forwarded to the Office of Coastal Management as soon as practicable after conceptual approval. The district shall also submit a recording or transcript of the public hearing held under 6 AAC 85.145(d), a list of names and addresses of those who testified, and copies of all materials on which it based its decision.

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

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

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

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

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

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

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

its discretion, adopt the findings and conclusions of the Office of Coastal Management by reference.

(j) The council will serve its decision under this section on all persons who submitted timely comments on the staff recommendation under (g) of this section, to all persons who testified or submitted timely written statements at the public hearing held under 6 AAC 85.145(d), and to all persons who have requested a copy of the decision in writing. Notice of the council's action also must be published, at a minimum, in newspaper of general circulation in the district. Eff. 7/18/78, Register 67; am 1/22/81, Register 77; am 3/2/84, Register 89)

Authority: AS 44.19.160
AS 44.19.161
AS 46.40.010

AS 46.40.030
AS 46.40.040

Editor's notes. — The provisions concerning mediation contained in 6 AAC 85.150 before March 2, 1984 are located at

6 AAC 85.170, effective March 2, 1984, Register 89.

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

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

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

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

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

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

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

(c) If the council and the district do not reach an accord, the council will, within 20 days after a determination that an impasse has been reached, set the matter for an adjudicatory hearing under AS 46.40.060(c). Notice of the hearing must be served on the district and on all persons who were served with the council's decision under 6 AAC 85.150(i). Any person served with notice of the hearing under this subsection may intervene as a party to the hearing. (Eff. 3/2/84, Register 89)

Authority: AS 44.19.160
AS 46.19.167
AS 46.40.010

AS 46.40.030
AS 46.40.040

6 AAC 85.180. EFFECTIVE DATE AND LOCAL ADOPTION.

(a) A district program or significant amendment to a district program takes effect as part of the Alaska Coastal Management Program upon the lieutenant governor's filing of the council's decision approving the district program or significant amendment. A change or an amendment in the district program resulting from mediation under AS 46.40.060(b) and 6 AAC 85.170(a) and (b) or from adjudication under AS 46.40.060(c) and 6 AAC 85.170(c) takes effect upon the lieutenant governor's filing of the council's order either ratifying the results of the mediation or determining the adjudication. Filing will take place after local adoption as provided in (b) of this section.

(b) Within 90 days after the date a district program or significant amendment is approved by the council under 6 AAC 85.150, the district shall, by ordinance or resolution, whichever is required by other applicable provision of law, adopt the district program or amendment approved by the council. However, a coastal resource service area shall adopt the district program by resolution of the coastal resource service area board. In the same manner, a change in a district program resulting from mediation under AS 46.40.060(b) and 6 AAC 85.170(a) and (b) or from adjudication under AS 46.40.060(c) and 6 AAC 85.170(c) must be adopted by the district following the council's order under 6 AAC 85.170 (b) or (c) ratifying the results of the mediation or determining the adjudication. (Eff. 3/2/84, Register 89)

Authority: AS 44.19.160
AS 46.40.010
AS 46.40.030

AS 46.40.040
AS 46.40.060
AS 46.40.070

6 AAC 85.185. PETITION FOR AMENDMENT TO AN APPROVED DISTRICT PROGRAM REGARDING USES OF STATE CONCERN.

(a) A state agency or other interested party may submit a petition for amendment to a district program if there is substantial evidence that a use of state concern, as defined in AS 46.40.210(6), is arbitrarily or unreasonably restricted or excluded by the district program. The petitioner must submit the petition to the division of governmental coordination (DGC), in the office of management and budget, office of the Governor, and to the district. The petition must include the following information:

(1) identification of one or more uses of state concern that are arbitrarily or unreasonably restricted or excluded by implementation of the program;

(2) specific documentation of how the use of state concern is being arbitrarily or unreasonably restricted or excluded;

(3) description of a significant change in circumstances or new information that has arisen since program approval, which provides a reasonable basis for concluding that the district program arbitrarily or unreasonably restricts or excludes a use of state concern; and

(4) the proposed program amendment.

(b) DGC will review the petition for completeness and distribute it to appropriate state agencies. Within 30 days after the petition is submitted to DGC, DGC will, in consultation with the district, and the petitioner, attempt to resolve the petitioner's concerns without initiating a program amendment. DGC will extend the 30-day consultation period by 20 days at the request of the district, the involved state agencies or the petitioner. DGC will, in its discretion, extend the consultation period by up to 60 days if more time is needed for all parties to assemble.

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

(d) If the criteria in (c) of this section are met, then within 20 days after the end of the consultation period specified in (b) of this section, DGC will distribute the petition, DGC's evaluation of the proposed amendment, and the district's response to the petition, to the council and to all parties identified as having a significant interest in the district program, including those parties described in 6 AAC 85.140. DGC's evaluation will include:

(1) a summary of the proposed program amendment;

(2) an analysis of the evidence that the requirements in (c) have been satisfied; and

(3) an evaluation of the amendment's consistency with the Alaska Coastal Management Program (ACMP).

(e) If the criteria established in (c) of this section are not met, then DGC will report this finding to the council. DGC's finding will be distributed to all parties involved during the consultation period specified in (b) of this section and to the council. DGC's finding is subject to council review if a review is requested by a council member.

(f) The procedures set out in 6 AAC 85.150(g) — (j) for review of district programs apply to council review of a petition under this section.

(g) The procedures set out in 6 AAC 85.170 for mediation and adjudicatory hearings apply if the district is dissatisfied with the council's decision on the petition.

(h) An amendment to a district program approved by the council under (f) of this section takes effect as part of the ACMP upon the

lieutenant governor's filing of the council's decision approving the amendment. If mediation or an adjudicatory hearing under (g) of this section occurs, an amendment to a district program resulting from mediation under AS 46.40.060(b) and 6 AAC 85.170(a) and (b) or from adjudication under AS 46.40.060(c) and 6 AAC 85.170(c) takes effect upon the lieutenant governor's filing of the council's order either ratifying the results of the mediation or determining the adjudication, respectively. (Eff. 8/23/86, Register 99)

Authority: AS 44.19.160
AS 44.19.161
AS 46.40.010

AS 46.40.040
AS 46.40.060

Article 3. General Provisions

Section

900. Definitions

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

(1) "beaches" means the area affected by wave action directly from the sea;

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

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

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

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

(6) "islands" means bodies of land surrounded by water on all sides; interior portions of major islands may be excluded from the coastal area if uses of these islands do not cause direct and significant impacts on coastal waters;

(7) "saltwater wetlands" has the same meaning as that contained in 6 AAC 80.900(19);

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

(9) "feasible and prudent" has the same meaning as in 6 AAC 80.900;

(10) "including" has the same meaning as in 6 AAC 80.900; and

(11) "significant amendment" means an amendment to an approved district program which

OFFICE OF THE GOVERNOR

**OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF GOVERNMENTAL COORDINATION**

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September 10, 1993

To: Alaska Coastal Management Program Participants

Subject: Coastal District Planning Questionnaire

The Division of Governmental Coordination (DGC) is undertaking a project this fiscal year designed to revise, clarify and improve coastal district planning with an emphasis on special area management planning. The current Alaska Coastal Management Program (ACMP) coastal district and special area management planning process and regulations will be reviewed in conjunction with districts, state agencies, federal agencies and others, to prepare regulatory changes (at 6 AAC 80 and 6 AAC 85) and a planning manual. The project will draw from ACMP participant's experience with coastal management planning and implementation during the past decade. Other states' special area planning will also be evaluated.

Special area management planning includes several planning approaches to manage coastal resources and activities. Some of the techniques used in Alaska include Areas Which Merit Special Attention (specified in the ACMP statutes and regulations), public use management plans, wetlands management plans, harbor management plans, and recreation river management plans.

The enclosed questionnaire addresses the district planning process, plan content, and plan implementation and includes specific questions about special area management planning. Your responses to the enclosed questionnaire will help identify the successes of and suggest improvements to the district and special area management planning process and plan content. Your input will be used to help design a district planning manual and to revise, as needed, the ACMP district planning regulations.

For your convenience, I have enclosed a stamped, addressed envelop and a copy of relevant portions of the ACMP statute (AS 46.40) and regulations (6 AAC 80 and 85). Please return the questionnaire to me by **September 30, 1993**. Thank you for taking the time to respond. You may call me at 465-8788 if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Sara L. Hunt".

Sara L. Hunt
District Program Coordinator

Distribution List

Alaska Area Native Health Service, Anchorage
Alaska Center for the Environment, Anchorage
Coastal Environmental Activities, Anchorage
Kake Non-Profit Fishery Corporation, Kake
Murph Engineering, Petersburg
NSRAA, Sitka
Peratrovich, Nottingham & Drage, Inc. Juneau
R & M Engineering, Juneau
Seley Corporation, Ketchikan
SSRAA, Ketchikan
Toner-Nordling, Juneau
Wilson Engineering, Juneau
Mr. Frank Alby, City of Hydaburg, Hydaburg
Ms. Tina Anderson, Aleutians East Borough, Sand Point
Mr. Lonnie Anderson, City of Kake, Kake
Mr. Bruce Bachen, NSRAA, Sitka
Mr. Randolph Bayliss P.E., Juneau
Ms. Liz Benson, Anchorage
Ms. Patty Bielawski, Accord Environmental, Anchorage
Ms. Molly Birnbaum, Dept. of Natural Resources, Anchorage
Ms. Judith Bittner, DNR, Anchorage
Ms. Mary Bixby, Office of Management and Budget, Juneau
Mr. Jon Bolling, City of Craig, Craig
Mr. Steven Borrell, Alaska Miners Association, Anchorage
Mr. Tom Boullion, City of Bethel, Bethel
Ms. Judith Brady, Alaska Oil and Gas Association, Anchorage
Ms. Susan Braley, Dept. of Environmental Conservation, Juneau
Mr. Zacharias Brink, Cenaliulriit, Bethel
Ms. Susan Brook, Office of the Governor, Juneau
Mr. Jerry Brossia, DNR, Anchorage
Mr. Larry Bullis, Dept. of Natural Resources, Anchorage
Ms. Janet Burleson, Dept. of Natural Resources, Juneau
Ms. Marlene Campbell, Planning Department, Sitka
Mr. George Cannelos, B&B Environmental, Anchorage
Ms. Susan Cantor, Environmental Protection Agency, Anchorage
Ms. Jan Caulfield, Community Development Department, Juneau
Ms. Amy Crook, Dept. of Environmental Conservation, Juneau
Mr. Paul Day, City of Nome, Nome
Mr. Chuck Degnan, Bering Straits Coastal Mgmt. Program, Unalakleet
Mr. Tony DeGrange, US Fish and Wildlife Service, Anchorage
Mr. David Dengel, Community Development, Valdez
Ms. Carmen Denny, Office of Management and Budget, Anchorage
Mr. Chas Dense, Office of the Governor,
Mr. Larry Dugan, USFWS, Anchorage
Ms. Nicole Faghin, Reid Middleton, Anchorage
Ms. Sue Flensburg, Bristol Bay CRSA, Dillingham
Ms. Linda Freed, Community Development, Kodiak
Mr. Duane Gasaway, Wrangell
Mr. Chris Gates, Division of Economic Development, Juneau
Ms. Sally Gibert, Office of Management and Budget, Juneau

Mr. Jim Glaspell, Eagle River
Mr. John Gliva, Dept. of Community and Regional Affairs, Anchorage
Mr. Glenn Gray, Office of the Governor, Juneau
Mr. Andy Grossman, U.S. Fish & Wildlife Services, Juneau
Mr. Ken Hammons, Alaska Pulp Corporation, Sitka
Mr. Bill Hansen, Hansen Engineering, Juneau
Mr. Dave Hardy, Dept. of Fish and Game, Sitka
Mr. Tom Healy, City of Haines, Haines
Ms. Faye Heitz, Office of Management and Budget, Anchorage
Ms. Kerry Howard, Office of Management and Budget, Juneau
Mr. Ken Hudson, Matanuska-Susitna Borough, Palmer
Ms. Sara Hunt, Office of Management and Budget, Juneau
Mr. Jon Isaacs, Isaacs and Associates, Anchorage
Mr. Scott Janke, Bristol Bay Borough, Naknek
Ms. Besty Jensvold, Office of Management and Budget, Juneau
Mr. Nate Johnson, DTPF, Juneau
Ms. Pauline Johnson, Angoon
Mr. Robert Juettner, Aleutians East Borough, Anchorage
Mr. Glenn Justis, U.S. Army Corps of Engineers, Anchorage
Ms. Gretchen Keiser, Office of Management Budget, Juneau
Ms. Elizabeth Kerttula, Dept. of Law, Juneau
Mr. John King, NOAA/OCRM, Silver Spring
Dr. K. Koski, National Marine Fisheries Service, Juneau
Ms. Janet Kowalski, Office of Management and Budget, Juneau
Ms. Gabrielle LaRoche, DCED, Juneau
Mr. Tom Leavitt, Barrow
Mr. Gordon Lewis, Community Planning, Seattle
Mr. Robert Loescher, Sealaska Corporation, Juneau
Mr. Leo Luczak, City of Petersburg, Petersburg
Mr. Richard Madden, Ketchikan Pulp Company, Ketchikan
Ms. Elaine Maki, Pelican
Ms. Lorraine Marshall, Office of Management and Budget, Juneau
Ms. Caren Mathis, City of St. Paul, Anchorage
Mr. Jim McAllister, DNR, Juneau
Ms. Maureen McCrea, Dept. of Interior, Anchorage
Mr. Mike McKinnon, DOTPF, Juneau
Mr. Don McKay, Dept. of Fish and Game, Anchorage
Mr. Peter McKay, Dept. of Community and Regional Affairs, Juneau
Ms. Beth McKibben, City of Yakutat, Yakutat
Mr. Larry Merculief, City of St. Paul, St. Paul Island
Ms. Christy Miller, DCRA, Anchorage
Mr. Tom Mortenson, LCMF, Anchorage
Mr. Gary Munsterman, Ketchikan Gateway Borough, Ketchikan
Mr. David Nanney, Haines
Mr. Mike Neimeyer, Calista Corporation, Anchorage
Ms. Kris O'Connor, Dept. of Natural Resources, Anchorage
Mr. Robert Oja, U.S. Army Corps of Engineers, Anchorage
Mr. Al Ott, Dept. of Fish and Game, Fairbanks
Mr. Jeffrey Ottesen, DTPF, Juneau
Mr. Rodger Painter, Alaska Mariculture Association, Juneau
Mr. Gary Paxton, City & Borough of Sitka, Sitka
Ms. Mary Pearsall, Kenai Peninsula Borough, Soldotna
Mr. Duane Petersen, U.S. Dept. of Commerce, Juneau
Mr. Judd Peterson, Dept. of Natural Resources, Anchorage

Mr. Alan Phipps, Alaska Center for the Environment, Anchorage
Ms. Frankie Pillifant, Office of Management and Budget, Anchorage
Mr. Robert Pinard, City of Hoonah, Hoonah
Ms. Mary Lee Plumb-Mentjes, Corps of Engineers, Anchorage
Mr. Rich Poor, DOT/PF, Juneau
Mr. Steve Porter, ARCO Alaska, Inc., Anchorage
Mr. John Purcell, Lake and Peninsula Borough, King Salmon
Mr. Larry Reeder, Regulatory Branch, Anchorage
Ms. Darcy Richards, Aleutians West CRSA, Anchorage
Mr. Dan Robison, Environmental Protection Agency, Anchorage
Mr. Tim Rumfelt, Dept. of Environmental Conservation, Anchorage
Mr. Walter Russell, Planning Dept., Kotzebue
Ms. Janet Schempf, Dept. of Fish and Game, Douglas
Mr. Glenn Seaman, Dept. of Fish and Game, Anchorage
Mr. Stan Selmer, City of Skagway, Skagway
Ms. Elizaveta Shadura, Dept. of Natural Resources, Juneau
Ms. Barb Sheinberg, Juneau
Ms. Carrie Skrzynski, Office of Management and Budget, Juneau
Ms. Alyson Smith, Dames & Moore, Anchorage
Ms. Roselyn Smith, DNR, Fairbanks
Mr. Sam Sollie, Montgomery/Watson Engineering, Juneau
Mr. Ed Soto, Haida Corporation, Hydaburg
Mr. Tony Stigall, Stigall & Associates, Edmonds
Mr. Gordon Thompson, Annette Natural Resources Center, Metlakatla
Ms. Ginny Tierney, City of Thorne Bay, Thorne Bay
Mr. Thede Tobish, Municipality of Anchorage, Anchorage
Mr. Lance Trasky, DFG, Anchorage
Ms. Roxanne Turner, Juneau
Ms. Christine Valentine, Office of the Governor,
Mr. Glen Vernon, Lake and Peninsula Borough, King Salmon
Ms. Nancy Wainwright, Attorney at Law, Anchorage
Ms. Nelda Warkentin, DCRA, Anchorage
Mr. Randall Weiner, Anchorage
Mr. Gary Williams, City of Whittier, Whittier
Ms. Priscilla Wohl, Dept. of Environmental Conservation, Anchorage
Mr. Ronald Wolfe, Klukwan Forest Products, Juneau
Mr. Walt Wrede, City of Cordova, Cordova
Mr. Marvin Yoder, Klawock

Samp Distribution Question
September 9, 1993

QUESTIONNAIRE
Alaska Coastal Management Program
Coastal District Planning
September 10, 1993

Your responses to this questionnaire will be used to help the Division of Governmental Coordination identify any concerns with the ACMP district planning process or content of district plans and special area management plans. Your suggestions will be used to help design a District Planning Manual and revise the ACMP district planning regulations (6 AAC 80 and 85).

Name:
Address:

Do you want a copy of a summary report
on the responses to this questionnaire?
Yes No

Phone:
Telefax:

Please return this survey by **September 30, 1993** to:

Sara Hunt
Div. of Governmental Coordination
P.O. Box 110030
Juneau, AK 99811-0030
Phone (907) 465-8788
Fax (907) 465-3075

GENERAL QUESTIONS

1. Do you represent a: ☐ Coastal District ☐ State Agency ☐ Federal Agency
☐ Industry ☐ Environmental Group ☐ Citizen ☐ Other _____
2. How long have you been involved in coastal management?

PLAN CONTENT

3. Do you feel the ACMP Planning regulations (see 6 AAC 80 and 6 AAC 85 attached) provide clear guidance on the information that is required for the following subjects? Can you suggest any improvements?

Yes No a) AMSA Designation (6 AAC 80.160 and 170):

Yes No b) Needs, Objectives, Goals (6 AAC 85.020):

Yes No c) Organization (6 AAC 85.030):

Yes No d) Boundaries (6 AAC 85.040):

Yes No e) Resource Inventory (6 AAC 85.050):

Yes No f) Resource Analysis (6 AAC 85.060):

Yes No g) Subject Uses (6 AAC 85.070):

Yes No h) Proper and Improper Uses (6 AAC 85.080):

Yes No i) Policies (6 AAC 85.090):

Yes No j) Implementation (6 AAC 85.100):

Yes No k) Other:

4. Do you use the issues, goals and objectives and the resource inventory and analysis to develop and implement enforceable policies? How could these elements of the plan be improved?

5. How should you determine which resources and activities will be inventoried and analyzed?
6. How should you determine which uses/activities/issues will be addressed in the district coastal management plan?
7. What do you think about taking a "strategic planning" approach in the district coastal management plan which would focus on the most important resources, uses and activities and critical issues during the resource inventory and analysis, rather than a comprehensive review of everything?

ENFORCEABLE POLICIES

8. Has the use of the enforceable policies of district coastal management plans or special area management plans addressed the resource analysis and met the needs, goals and objectives identified in the plan(s)?
9. What do you see as a preferred approach to writing enforceable policy language?

PLANNING PROCESS

10. Please identify and explain any concerns you have with the ACMP planning process described in 6 AAC 85.120 - 185. (*The planning process includes submittal to the Coastal Policy Council as a significant amendment or routine implementation action, public involvement, public review, council review, mediation, effective date and local adoption.*)

11. Has it been your experience that the planning process follows the regulatory guidelines? Please explain.

12. How could the planning process be improved?

13. Should a scoping process to acquaint State and federal agencies with local concerns and to identify concerns or recommendations of State and federal agencies as well as local residents

be required early in the development/revision of district coastal management plans? If so, why.

SPECIAL AREA MANAGEMENT PLANS (SAMP) *(includes areas which merit special attention, wetlands plans, public use management plans, harbor management plans, recreation river management plans, etc.)*

14. (a) If you are referring to a particular SAMP in your response to these questions, please provide the name.

(b) How has planning in an area designated as a SAMP furthered the goals of coastal management at the local level?

(c) The criteria for AMSA designation are outlined in AS 46.40.210 (1) and 6 AAC 80.158 (attached). Do you feel this criteria is ____ Adequate ____ Too broad ____ Too limiting? Any suggestions?

15. Should the regulations be modified to refer to other forms of special area management planning besides Areas Which Merit Special Attention (AMSA)? Please explain.

16. Can you list benefits from participating in the development and implementation of a SAMP your district has experienced?

17. Should the nomination of an AMSA within a coastal district's boundaries include justification that the AMSA is the preferred planning and management mechanism to meet the coastal districts objectives? (See 6 AAC 80.170.(6). Please explain.

18. When is it more useful for a district to develop area or activity/resource specific policies in a district coastal management plan rather than develop a SAMP that focuses on a particular area of concern? For example, the City and Borough of Sitka developed a Public Use Management Plan which includes specific policies which apply to several special management areas within the borough. The Aleutians East Borough Coastal Management Plan includes special habitat policies that apply to designated special habitat policy areas within the borough.

19. When is it more useful to develop a SAMP?

20. Are there other State or local resource management plans or techniques that may be as or more effective than the SAMP at managing coastal resources and activities? Please describe.

PLAN IMPLEMENTATION*(plan implementation includes the ACMP consistency review process as well as othe local implementation techniques, such as shoreline, zoning, and subdidvision ordinances and building codes)*

21. Do you generally use the enforceable policies of the district coastal management plans or SAMPs in the ACMP consistency review process? If not, why not?

22. If you are a coastal district, how do you implement the district plan or SAMP at the local level?

23. Do you use the resource maps and resource inventory/analysis information included in the district coastal management plans and SAMPs? If not, why not?

24. What are other sources of information you use to make consistency determinations or recommendations?

25. What do you see as reoccurring problems with plan implementation including the consistency review process? Do you have suggestions for improvements?

ACMP PLANNING MANUAL

26. What type of information or guidance would be useful to include in an ACMP District Planning Manual?

27. Do you use the District Implementation Manual (by the Office of the Governor, Division of Governmental Coordination, 1988)?

OTHER

28. Any other comments?

Summary of Responses **QUESTIONNAIRE**

Alaska Coastal Management Program
Coastal District Planning
November 16, 1993

The Division of Governmental Coordination (DGC) solicited responses to this questionnaire during September and October 1993. The questionnaire was sent to coastal districts, state and federal agencies, industries, environmental groups, public citizens, and others (primarily planning consultants). The responses have provided us with insight regarding respondents' concerns about the ACMP district planning process and the content of district coastal zone and special area management (SAMP)/areas meriting special attention (AMSA) plans. In addition, the responses will aid in the design of a District Planning Manual and the determination of what, if any, revisions to the ACMP district planning regulations (6 AAC 80 and 85) are necessary.

Each question has been restated and is followed by a summary of the responses to it.

GENERAL QUESTIONS

1. Do you represent a: ☐ Coastal District ☐ State Agency ☐ Federal Agency
☐ Industry ☐ Environmental Group ☐ Citizen ☐ Other _____

We received responses from:

11 Coastal District 5 State Agency 3 Federal Agency 3 Industry
0 Environmental Groups 0 Citizen 2 Other TOTAL: 23

2. How long have you been involved in coastal management?

6 0-2 years 5 3-5 years 5 6-10 years 6 more than 10 years 2 no reply

PLAN CONTENT

3. Do you feel the ACMP Planning regulations (see 6 AAC 80 and 6 AAC 85 attached) provide clear guidance on the information that is required for the following subjects? Can you suggest any improvements?

Yes No a) AMSA Designation (6 AAC 80.160 and 170):

Most respondents stated that these regulations do provide clear guidance. However, a few concerns about extraterritorial AMSAs were raised by several respondents. This included the following responses: (1) the regulations

for AMSAs within and outside districts are confusing, (2) stronger justification is needed for extraterritorial AMSAs and (3) a suggestion that the Coastal Policy Council be responsible for preparing extraterritorial plans.

Yes No **b) Needs, Objectives, Goals (6 AAC 85.020):**

Respondents indicated that these regulations do provide clear guidance. Those respondents who felt the regulations could use some clarification asked that the **terms** needs, goals, and objectives be **defined** and that it be clearly stated what **types** of needs, goals, and objectives are **appropriate under the ACMP**. In addition, a few respondents stated that there is a need for **methodology** for needs/goals/objectives development and measurement of attainment.

Yes No **c) Organization (6 AAC 85.030):**

Except for a few concerns that the **funding and staff requirements** outlined in these regulations are confusing, most respondents stated that clear guidance is provided.

Yes No **d) Boundaries (6 AAC 85.040):**

Most respondents indicated that the boundaries regulations provide clear guidance. Areas indicated as being problematic included: the **relationship between coastal zone and municipal boundaries**, and the relationship of **federal lands/jurisdiction** to coastal districts and their boundaries.

Yes No **e) Resource Inventory (6 AAC 85.050):**
AND

Yes No **f) Resource Analysis (6 AAC 85.060):**

Respondents were **closely split** as to whether these regulations provide clear guidance. It was suggested that districts should be allowed to focus on resources/uses/activities that are most important to them instead of mandating a comprehensive approach (i.e. **strategic planning**). In addition, there was some desire for DGC to outline the **methodologies** that could be used for preparing the inventories/analyses. Industry respondents expressed concerns that economic factors were not required to be part of the inventories/analyses, but coastal economics do not fall under the ACMP.

Yes No **g) Subject Uses (6 AAC 85.070):**
AND

Yes No **h) Proper and Improper Uses (6 AAC 85.080):**

Most respondents stated that these regulations provide clear guidance.

However, those who disagreed focused on two areas: (1) subject and proper/improper uses need to be better defined, including a description of what uses fall under the ACMP and (2) the sections should be combined.

Yes No i) Policies (6 AAC 85.090):

The district respondents **did not identify any problems** with these regulations. All but two state respondents agreed that these regulations provide clear guidance. Concerns expressed by the state respondents were that the districts need to **clarify how policies relate to state and federal requirements and identify how the policies will be enforced at the local level**. One State respondent also felt that the regulations contained unnecessary language and should be rewritten.

Yes No j) Implementation (6 AAC 85.100):

Nearly all respondents stated that these regulations provide clear guidance. Those few respondents who disagreed indicated that problems are: (1) **unclear explanation of requirements**, (2) a need to indicate more **implementation methods** available to districts, and (3) conflicts over **policy interpretation**.

Yes No k) Other:

Few respondents had additional comments. However, one state respondent suggested that State and local **implementation, not regulations, is the problem**. This respondent was also concerned about DGC and the state resource agencies giving the districts **inconsistent advice** over time. Other state responses were that the **public participation requirements** need to be clarified and plans and policies should be tied to **public need**.

4. Do you use the issues, goals and objectives and the resource inventory and analysis to develop and implement enforceable policies? How could these elements of the plan be improved?

Districts **do use** the issues, goals, and objectives and the resource inventories/analyses to develop and implement their enforceable policies. Several districts did mention that they are **limited by finances, time and politics**. As for suggestions of how to improve these plan elements, the responses were highly variable.

5. How should you determine which resources and activities will be inventoried and analyzed?

AND

6. How should you determine which uses/activities/issues will be addressed in the district coastal management plan?

The districts gave three dominate answers to this question: (1) local input, including locals, local interest groups, and local government, (2) historical review, (3) thoroughly (comprehensively?) investigate resources/activities. The State respondents favored a strategic planning approach. The remaining respondents indicated that selection should be based on existing state laws and regulations, local input, and the availability of financial and informational resources.

7. What do you think about taking a "strategic planning" approach in the district coastal management plan which would focus on the most important resources, uses and activities and critical issues during the resource inventory and analysis, rather than a comprehensive review of everything?

The majority of respondents expressed strong support for a strategic planning approach. Most indicated that this approach was critically needed due to limited financial and other resources for planning. However, several respondents expressed a concern that certain types of resources would be completely excluded when maybe they should be discussed to a lesser degree. Several respondents strongly stated that comprehensive resource inventories/analyses are needed.

ENFORCEABLE POLICIES

8. Has the use of the enforceable policies of district coastal management plans or special area management plans addressed the resource analysis and met the needs, goals and objectives identified in the plan(s)?

Respondents were closely divided as to whether issues, goals and objectives have been met via implementation of district enforceable policies. The problem areas indicated by respondents are: (1) policy interpretation, (2) extraterritorial AMSAs, (3) unenforceable policies, and (4) policies are not always linked to the needs, goals and objectives.

9. What do you see as a preferred approach to writing enforceable policy language?

The most frequent response given was that policies need to be written in clear, concise, and simple language. Other suggestions included: (1) back up policies with strong definitions, (2) clearly tie policies to objectives, and (3)

clearly state how the policies will be implemented/enforced. Concerns about using "canned" language for policies and that enforcement, not the policies, is the biggest problem were also expressed by respondents.

PLANNING PROCESS

10. Please identify and explain any concerns you have with the ACMP planning process described in 6 AAC 85.120 - 185. (*The planning process includes submittal to the Coastal Policy Council as a significant amendment or routine implementation action, public involvement, public review, council review, mediation, effective date and local adoption.*)

The dominate concerns respondents raised about the ACMP planning process is that it takes too much **money and time** in relation to what is available. Another prominent concern is that the **amendment process** is too complex and confusing. A criticism from both the districts and various state respondents is that the districts learn about **agencies' concerns too late in the planning process** and then do not have enough time to respond. Other suggestions were that the State and districts should **meet more often - to improve coordination/cooperation**, **deadlines** should be extended due to agency/staff shortages, **federal involvement** needs to be increased and DGC must be more aware that **policy rewrites** often do not reflect the districts' intent for the policies.

11. Has it been your experience that the planning process follows the regulatory guidelines? Please explain.

Most respondents indicated that the planning process does follow regulatory guidelines. However, comments submitted to the districts past specified **deadlines** were mentioned as a problem by several respondents.

12. How could the planning process be improved?

Responses to this question were highly variable. The most common response was that districts need **more money** and want the process to take **less time**. Several other respondents agreed that the process takes too long. Additionally, districts would like reviewers to **submit comments on time** and suggest changes earlier in the process. Both the districts and state felt that **issues need to be discussed early** in the process and a interagency/district meeting might be an appropriate means for doing this. One state respondent also suggested that DGC concentrate **more resources on fewer plans**. One district suggested that all **plans need to be updated** to incorporate new events, issues or regulations.

13. Should a scoping process to acquaint State and federal agencies with local concerns and to identify concerns or recommendations of State and federal agencies as well as local residents be required early in the development/revision of district coastal management plans? If so, why.

Almost all respondents expressed support for a scoping process. This was viewed as a route for the state/federal agencies to be made aware of the local perspective and a way to involve the local community and expertise. However, some respondents suggested that this could be an optional stage, with the choice left to the districts. One district felt that this was unnecessary and that the plan should just reflect the needs the district identified.

SAMPs (includes AMSAs, wetlands plans, public use management plans, harbor management plans, recreation river management plans, etc.)

14. (a) If you are referring to a particular SAMP in your response to these questions, please provide the name.

(b) How has planning in an area designated as a SAMP furthered the goals of coastal management at the local level?

In general, those districts that responded stated that AMSAs/SAMPs provide greater local control for areas with high resource values/growth. Those who indicated that goal achievement has been hindered cited enforceable policies and state/federal agency implementation as the problems.

(c) The criteria for AMSA designation are outlined in AS 46.40.210 (1) and 6 AAC 80.158 (attached). Do you feel this criteria is ____ Adequate ____ Too broad ____ Too limiting? Any suggestions?

6 District, 2 Federal, 2 Industry, 1 Other = 11 Adequate

1 District, 2 State = 3 Too Broad

1 District, 1 Other = 2 Too Limiting

15. Should the regulations be modified to refer to other forms of SAMPs besides AMSAs?. Please explain.

Respondents were almost evenly divided as to whether the AMSA regulations should allow other forms of SAMP. Respondents expressed interest in SAMPs for watersheds (i.e drinking water), wetlands, recreation areas, and important

use or single issue areas. Those who do not want the regulations modified stated that there are already too many types of AMSAs, the guidelines need to be improved first, and suggested that many local district can prepare and implement SAMPs without it being an AMSA.

16. Can you list benefits from participating in the development and implementation of a SAMP your district has experienced?

Districts listed the following benefits: (1) **greater local control/participation**, (2) **special status** to be considered by state/federal agencies, (3) **greater level of detail in plan** and (4) **facilitates permitting**. Other respondents stated that the increased local control and status given to areas are the greatest benefits.

17. Should the nomination of an AMSA within a coastal district's boundaries include justification that the AMSA is the preferred planning and management mechanism to meet the coastal districts objectives? (See 6 AAC 80.170.(6). Please explain.

Most respondents indicated that AMSAs should be justified. In particular, they felt that districts should clarify why this was the best method and how the plan would relate to their coastal zone management plans. Some districts felt that local support should be sufficient.

18. When is it more useful for a district to develop area or activity/resource specific policies in a district coastal management plan rather than develop a SAMP that focuses on a particular area of concern? For example, the City and Borough of Sitka developed a Public Use Management Plan which includes specific policies which apply to several special management areas within the borough. The Aleutians East Borough Coastal Management Plan includes special habitat policies that apply to designated special habitat policy areas within the borough.

There were highly variable responses to this question. Some respondents seemed to indicate that the decision is highly situation-dependent. Several respondents stated that AMSAs were never really necessary.

19. When is it more useful to develop a SAMP?

There was more agreement among respondents to this question than to the previous question. Many respondents felt that SAMPs are appropriate when **issues/areas are complex, controversial, very unique, or are of high value**. In these cases, respondents indicated that detailed resource analyses and policies are usually required.

20. Are there other State or local resource management plans or techniques that may be as or more effective than the SAMP at managing coastal resources and activities? Please describe.

Most districts stated that there are **not better techniques** than SAMPs. Other respondents stated that other local implementation methods, particularly **local comprehensive plans, DNR area plans, and zoning**, were preferable in many cases.

PLAN IMPLEMENTATION (*plan implementation includes the ACMP consistency review process as well as other local implementation techniques, such as shoreline, zoning, and subdivision ordinances and building codes*)

21. Do you generally use the enforceable policies of the district coastal management plans or SAMPs in the ACMP consistency review process? If not, why not?

The districts strongly indicated that they **do use** the enforceable policies. One state respondent indicated that the agency **relies on district input** during reviews because the agency is not an expert on the local plans.

22. If you are a coastal district, how do you implement the district plan or SAMP at the local level?

The primary methods used are: (1) **zoning/ordinances**, (2) **local consistency reviews**, (3) **responses to the State** regarding permits/project reviews, and (4) **local permits**. Other methods cited included public meetings, on-site reviews, and development comprehensive land use plans.

23. Do you use the resource maps and resource inventory/analysis information included in the district coastal management plans and SAMPs? If not, why not?

Most respondents stated that they **use this information**. Several districts stated that they did not use the information regularly or that it needed to be revised. All other respondents, with the exception of a state respondent, indicated that the plans are a **good information source**. The state respondent stated that the agency relies on district input and expertise instead of consulting plans.

24. What are other sources of information you use to make consistency determinations or recommendations?

The districts use the following sources of information: (1) **public hearings**,

(2) agency advice, (3) applicant input, (4) other local plans/regulations and (5) input from the local government. Other respondents indicated that they use agency advice, regulations, policies, guides, and documents.

25. What do you see as reoccurring problems with plan implementation including the consistency review process? Do you have suggestions for improvements?

A variety of problems were identified by respondents. The districts identified policy interpretation, lack of jurisdiction on surrounding lands, lack of public support, and insufficient staff as recurring problems. State and federal respondents indicated that district implementation and enforcement are problems. One state respondent also highlighted "homeless" stipulations as an enforcement problem. A federal respondent sharply criticized that projects are always found to be consistent with the ACMP and district plans. One consultant stated that locals often do not understand coastal zone management, and this serves as an impediment to local implementation.

ACMP PLANNING MANUAL

26. What type of information or guidance would be useful to include in an ACMP District Planning Manual?

Districts expressed a desire for the following types of information and guidance to be included in the planning manual: (1) policy writing, (2) new issues, (3) mapping, (4) methodologies for resource inventories/analyses, (5) references for regulations, (6) list of contacts, (7) implementation methods, (8) sections on various types of planning considerations (ex. cultural resources). The remaining respondents suggested that DGC include information on coastal resources, examples of all plan elements, and examples of ideal boundary and resource maps.

27. Do you use the District Implementation Manual (by the Office of the Governor, Division of Governmental Coordination, 1988)?

Few respondents use the manual. In addition, many respondents indicated that they had never seen the manual.

OTHER

28. Any other comments?

There were few additional comments and those offered were highly variable.

TELEPHONE SURVEY
COASTAL DISTRICTS

Christine Valentine 465-3177 Fx. 465-3075
DGC/P.O. Box 110030/Juneau 99811

Background Info:

Name (optional): _____

District Type: _____

Years in Coastal Zone Mgmt.(CZM): _____

(A) State Consistency Review Process (SCRП):

(1) Is the SCRП the primary method your district uses to implement its coastal plan or plans? Yes No Please explain:

(2) EXCEPT CRSAs, what other methods are used and have they been more successful than the SCRП for your district? Please explain:

(3) Can you highlight any project types (for example, dealing with particular resources, activities or uses) for which consistency reviews have been problematic for the district? Yes No Don't Know Please explain:

(4) Based on your experience, can you list any obstacles to successful

use/implementation of your district policies via the SCRP? Please explain:

(5) Can you offer any suggestions on how the SCRP could be changed to better facilitate the needs of the coastal districts?

(6) Would you agree or disagree that consistency stipulations are being enforced and monitored within your district. agree disagree

Please explain: _____

(B) Coastal District Policies:

(1) Have your district's enforceable policies covered the projects/problems and issues that have been prevalent within the district? Yes No Don't Know

Please explain _____

(a) If No, can you give examples of types of policies or issues that the district would like its plan to include? _____

(2) Has interpretation of your enforceable policies been a problem at either the local or state level? Yes No Which? _____ Please explain:

(3) Has the district had any trouble with conflicting, non-prioritized policies that apply concurrently to projects? Yes No Don't Know Please explain:

(a) IF YES, how do you decide what has top priority? _____

(4) Has your district discovered that any of its policies are based on inaccurate assumptions about the cause of a problem and the means required to alleviate the problem? (For example, having a policy that protects fish habitat to eliminate or slow the decline of a particular fish species when in fact the problem might be degraded water quality as well as loss of habitat which is not addressed by a policy.
Yes No Don't Know Please explain:

(5) Does your district have any enforceable policies that require various actions on its part or by the applicant (ex. review of documents, site visits, studies, etc.)?
Yes No Don't Know

(a) IF YES, Have you had problems taking the required actions or having applicants take the required actions? _____

(c) How are your staff trained about the district's CZM goals, policies and the SCRP/ACMP?

(3) Information:

(a) Has your district had problems using/implementing its enforceable policies via the SCRP because of insufficient baseline information (for example inadequate review packets, inadequate resource or use info. in resource inventories and other sources, inadequate info. on likely impacts, etc.)?

Yes No Don't Know Please explain:

(4) Other:

(a) Would you say that the local support, including community members and the local government, for CZM and your district's participation in the SCRP is: very strong strong adequate low very low

Please explain: _____

(b) Do you feel that there is a need for more public education (including community members, local government, staff, etc.) in regard to CZM issues or the SCRP within your district? Yes No Don't Know

Please explain: _____

(c) Are there any special interest groups or industries who are actively involved in coastal activities or management within your district - for ex. frequent project applicants or those who frequently comment on projects

within your district? Yes No Don't Know Please explain:

(d) Have any major socioeconomic changes occurred in your district since its plan and policies were adopted and if so, has this affected the district's participation in the SCRP? Yes No Don't Know

Please explain:

(D) Closing Questions:

(1) Has your district ever conducted a formal evaluation of the results of participation in the SCRP Yes No Please explain:

IF YES,

(a) Can I receive a copy of this report? Yes No

(2) Can you quickly list a few benefits that your district has received from preparing and implementing policies via the SCRP?

(3) Can you quickly list a few costs that your district has incurred from preparing and implementing policies via the SCRP?

(4) Would you agree that the district has furthered its CZM goals and objectives by participating in the SCRP? agree disagree

(5) Do you have any other comments, concerns, or suggestions?

That's the end - Thanks for your time!!!!

revised 1/7/94

SUMMARY OF RESULTS - COASTAL DISTRICTS SURVEY
Implementation via the State Consistency Review Process

Background Info:

District Type:

	10 = City	OR	58.82 % (Total of 17)
	06 = Borough	OR	54.55 % (Total of 11)
	<u>03 = CRSA</u>	<u>OR</u>	<u>75.00 % (Total of 04)</u>
Totals:	19	OR	59.38 % (Total of 32)

Years in Coastal Zone Management (ACMP or other):

04 = 00-05

12 = 06-10

03 = 11-15

(A) State Consistency Review Process (SCRCP):

(1) Is the SCRCP the primary method your district uses to implement its coastal plan or plans?

	City	5 = Yes	5 = No
	<u>Borough</u>	<u>3 = Yes</u>	<u>3 = No</u>
Totals:		8	8

Please explain:

- *** ●local land use powers used more or as frequently
- *** ●local land use powers better method
- *** ●yes but supplement with local land use powers
- *** ●no local land use powers
- coastal policies incorporated in local land use code
- not enough staff to adequately review projects through SCRCP

CRSAs offered the following suggestions about making the SCRCP work well:

- need to have 1st class cities adopt plan in ordinances
- need good working relationships with state resource agency staff

(2) EXCEPT CRSAs, what other methods are used and have they been more successful than the SCRCP for your district?

All 16 non-CRSA respondents answered

Please explain:

- *** ●local code - zoning, subdivision ordinances, development permits, building standards, GP for wetlands
- *** ●no methods other than SCRCP
- *** ●SCRCP and local methods equally effective/used in conjunction
- *** ●local methods more effective - more specific and local control, state not concerned with local issues

- potential for local implementation not yet realized in district

(3) Can you highlight any project types (for example, dealing with particular resources, activities or uses) for which consistency reviews have been problematic for the district?

City	6 = Yes	2 = No	2 = Don't Know
Borough	6 = Yes	0 = No	0 = Don't Know
<u>CRSA</u>	<u>2 = Yes</u>	<u>1 = No</u>	<u>0 = Don't Know</u>
Totals:	14	3	2

Please explain:

ISSUE-RELATED:

- *** ●oil and gas - leases, plans, development, energy facilities, oil spill contingency plans
- *** ●wetlands fill projects, including unauthorized fills
- dredge/fill projects - local process is complex
- airport projects - trouble with applicant compliance with local policies
- mariculture
- subsistence - state has little/no respect for Native knowledge, expertise, concerns
- erosion repair/bank stabilization
- stream setbacks - have ACMP and non-ACMP setback policies
- water quality permits - local policies stronger than state regulations

PROCESS-RELATED:

- SCRIP does not really allow public participation
- DNR does reviews of single permits when should be DGC review
- resource agencies forget to contact districts during single-agency reviews
- state often forgets to contact districts - about reviews or other
- sometimes don't hear about project until Corps public notice or SCRIP
- one case when city needed state aid to enforce

(4) Based on your experience, can you list any obstacles to successful use/implementation of your district policies via the SCRIP?

17 (of 19) respondents answered

Please explain:

- *** ●local policies are vague and open to interpretation
- *** ●insufficient resources for state and local implementation/monitoring
- *** ●state agencies don't use or respect local policies
- *** ●state agencies misuse local policies - take authority away from locals
- state agencies always want very specific stipulations/local policies don't allow
- state agencies need native employees
- communication with state resource agencies is poor
- only DFG uses district plans and contacts districts
- low public awareness and education about coastal issues in district

- local goals, issues and objectives need revision
- local politics interferes with coastal management
- local ordinances not completely consistent with local coastal plan
- review deadlines too short
- local permitting timelines ignored by state
- projects do not always receive thorough attention with SCRP
- district can't enforce on native lands
- federal government controls coastal zone management

(5) Can you offer any suggestions on how the SCRP could be changed to better facilitate the needs of the coastal districts?

16 of 19 respondents answered

Please explain:

- *** ●increase local control over SCRP and ACMP, in general - due deference is not given
- *** ●process is too complex and cumbersome - simplify where possible for ex. same procedures for all lands
- *** ●process needs more flexibility - allow extensions or longer deadlines
- *** ●obtaining information can be a problem - agency comments and other
- *** ●improve relationships between districts and state resource agencies - districts need to receive state resource agency comments, needs these comments sooner to respond, agencies misuse local plans, agencies ignore local authority, clarify what the agencies implementation responsibilities are
- *** ●difficult to coordinate local and SCRP review - can't always complete local review in time to submit consistency comments/state should follow local timeline
- list local permits on CPQ
- DGC needs to better coordinate with Corps review process
- need to highlight SCRP issues for applicants - use checklist
- place more emphasis on preapplication meetings
- give DGC role to DCRA - DCRA more sensitive to local problems
- DGC expects districts to respond to many non-local projects

(6) Would you agree or disagree that consistency stipulations are being enforced and monitored within your district?

10 = agree 7 = disagree 2 = don't know

Please explain:

- *** ●state resource agencies do little monitoring/enforcement
- *** ●state and local governments financially incapable of much monitoring and enforcement/need staff/bigger problem as budgets shrink
- *** ●do not monitor/enforce locally
- *** ●local enforcement and monitoring occurs
- few district stipulations on consistency determinations, etc.
- stipulations only enforced when applicant agrees to follow

- try to have project changed instead of stipulating changes

(B) Coastal District Policies:

(1) Have your district's enforceable policies covered the projects/problems and issues that have been prevalent within the district?

City	6 = Yes	3 = No	1 = Don't Know
Borough	1 = Yes	4 = No	1 = Don't Know
<u>CRSA</u>	<u>3 = Yes</u>	<u>0 = No</u>	<u>0 = Don't Know</u>
Totals:	10	7	2

Please explain

- *** ●old plan - need to add policies
- *** ●old plan - need to revise all policies because vague/non-enforceable
- not applicable because plan is new
- DGC does not accept local policy interpretation
- want to expand boundaries to incorporate an AMSA
- wanted policies stronger than state standards - not allowed
- have general policies that help locals support projects - specific policies would need to be updated too often

(a) If No, can you give examples of types of policies or issues that the district would like its plan to include?

- *** oil and gas related
- *** subsistence - state standard should address allocation
- water quality impacts from urban development
- floodplains
- public access
- waterfront/port projects
- nonpoint source pollution
- cumulative and secondary impacts
- wetlands fills

(2) Has interpretation of your enforceable policies been a problem at either the local or state level?

City	2 = Yes	7 = No	1 = Don't Know
Borough	5 = Yes	1 = No	0 = Don't Know
<u>CRSA</u>	<u>1 = Yes</u>	<u>2 = No</u>	<u>0 = Don't Know</u>
Totals:	8	10	1

Please explain:

Borough

- *** ●state resource agencies misinterpret district policies and then cite in comments
- DGC overrides and manipulates local interpretation of policies
- state agencies ignore local goals and objectives found in plan

- apply plan differently during purely local reviews - unclear how local land use powers and ACMP mesh
- stream setbacks - local ACMP and non-ACMP policies conflict

City/CRSA

- ***
- state interprets policies differently than locals
 - problems with subsistence policies
 - new plan but has some vague policies that could cause problems
 - problems with AMSA that is part inside and part outside district boundaries

(3) Has the district had any trouble with conflicting, non-prioritized policies that apply concurrently to projects?

4 = Yes 11 = No 3 = Don't Know 1 = No Answer

Please explain:

- ***
- some goals and objectives conflict - either with each other or with State standards
- ***
- policies are not prioritized so potential for problems
 - mariculture reviews - existing uses

(a) IF YES, how do you decide what has top priority?

- ***
- case-by-case application - use common sense
 - local needs have top priority

(4) Has your district discovered that any of its policies are based on inaccurate assumptions about the cause of a problem and the means required to alleviate the problem? (For example, having a policy that protects fish habitat to eliminate or slow the decline of a particular fish species when in fact the problem might be degraded water quality as well as loss of habitat which is not addressed by a policy.)

City	0 = Yes	8 = No	2 = Don't Know
Borough	3 = Yes	3 = No	0 = Don't Know
<u>CRSA</u>	<u>0 = Yes</u>	<u>3 = No</u>	<u>0 = Don't Know</u>
Totals:	3	14	2

Please explain:

Borough

- no factual basis for many policies
- buffers addressed separately from timber policies
- can't foresee future - policies often inaccurate
- policies are general - don't have such specific problems

City/CRSA

- this should be answered at planning stage
- state has not provided information on fisheries cycles

- unenforceable policies are the biggest problem
- new plan - no problems yet

(5) Does your district have any enforceable policies that require various actions on its part or by the applicant (ex. review of documents, site visits, studies, etc.)?

11 = Yes 5 = No 2 = Don't Know 1 = No Answer

Please explain:

- ***
- combination of local and applicant actions required
 - state agency has tried to require too much of applicants based on local stream policy

(a) IF YES, Have you had problems taking the required actions or having applicants take the required actions?

4 = Yes

- understaffed
- local politics interferes
- federal agencies change stipulations without notifying local government
- biggest problem is people who do not apply for any permits

4 = No

- enforce if necessary
- potential - can require studies

2 = No Answer

(C) Implementation Resources:

There are many types of resources that are necessary for implementation of policies to be successful. I am going to ask you a few questions about the availability of some of the more basic resources. The goal is to identify which resources are most abundant and most scarce relative to each other.

(1) Financial Resources: Are these:

4 = adequate 12 = inadequate

3 = No Answer

(a) If you were given more \$ and could use it for one or more of the following tasks, which would you characterize as the greatest and lowest priorities for your district? If you feel that all areas are in equal need of \$ resources, then please indicate this. If you are not sure, then please indicate this.

18 of 19 respondents answered

City

#1 Priority = implementation via local methods

#2 Priority = policy/plan amendments & monitoring and enforcement

#3 Priority = implementation via the SCRP

Borough

#1 Priority = policy/plan amendments

#2 Priority = implementation via local methods/monitoring and enforcement

#3 Priority = implementation via the SCRP

CRSA

No Dominate Response

- ***
- would only amend if could do locally - state process too time and financially intensive/another said need to amend but process too cumbersome and time consuming
 - plan needs to assist in development of local land use regulations
 - two districts asked for \$ for special studies or issue projects
 - one districts asked for \$ for hiring more staff
 - local controls easier to apply and more useful
 - monitoring and enforcement is rare - district can't do often

(2) Knowledge/Skills and Availability of Staff:

(a) Does your district require particular skills or knowledge of staff hired for positions involving the SCRP?

City	3 = Yes	6 = No	1 = No Answer
Borough	5 = Yes	1 = No	0 = No Answer
<u>CRSA</u>	<u>2 = Yes</u>	<u>1 = No</u>	<u>0 = No Answer</u>
Totals:	10	8	1

Please explain:

- ***
- planning experience
- ***
- on-the-job training
 - diverse experience
 - knowledge of local concerns/traditions

(1) Have you been able to secure staff with this knowledge/these skills?

8 = Yes 2 = No

(b) Is the lack of adequate staff to implement your policies via the SCRP a problem?

8 = Yes 9 = No 1 = Don't Know 1 = No Answer

Please explain:

- ***
- inadequate funding provided by local government
- ***
- challenge to participate/can't fully participate
 - local politics does not allow hiring additional staff
- ***
- need to increase staffs technical knowledge as well as # - too much reliance on state agencies
 - staff training/travel not covered by CZM grants

(c) How are your staff trained about the district's CZM goals, policies and the SCRP/ACMP?

17 of 19 respondents answered

- *** ●staff review local plans and ACMP
- *** ●meetings/trainings held by DGC and DCRA
- *** ●on-the-job training
- *** ●a few districts stated that staff are not trained

(3) Information:

(a) Has your district had problems using/implementing its enforceable policies via the SCRP because of insufficient baseline information (for example inadequate review packets, inadequate resource or use info. in resource inventories and other sources, inadequate info. on likely impacts, etc.)?

8 = Yes 11 = No 0 = Don't Know

Please explain:

- *** ●if review packets are inadequate, request information
- *** ●no local resources to obtain information when needed
- *** ●review packets sometimes contain insufficient information
- review packet should contain analysis of likely impacts as well as resource/use information
- state agencies rely on antidotal information - say will monitor and enforce but don't or use as reason to be restrictive
- baseline information insufficient
- too much emphasize on wetlands - ignores non-wetlands habitats in districts that are more important
- need to update plan's resource inventory
- need more pre-application meetings to obtain information

(4) Other:

(a) Would you say that the local support, including community members and the local government, for CZM and your district's participation in the SCRP is:

1 = very strong (some respondents gave more than one answer)

2 = strong

_____ 13.64% of responses

11 = adequate

6 = low

3 = very low

_____ 86.36% of responses

Please explain:

- *** ●greater support from local government than public
- *** ●greater support from public than local government

- *** ●public/local government lack of interest or understanding
- *** ●depends on issue/project
- locals think district should have more control over SCRP
- public supports unless NIMBY or person's own project
- public/government interested in issues not SCRP

(b) Do you feel that there is a need for more public education (including community members, local government, staff, etc.) in regard to CZM issues or the SCRP within your district?

16 = Yes 1 = No 1 = Don't Know 1 = No Answer

Please explain:

- *** ●locals don't understand or value district plan
- *** ●try to educate through local methods - ex. public hearings, neighborhood meetings, DCRA sponsored trainings, develop management measures for local creek, planning commission trainings
- *** ●important but not district's highest priority
- public will always be opposed to governmental regulations
- local government resists education attempts
- state/federal agencies need education about local concerns
- other local departments submit projects that are not consistent with local coastal policies

(c) Are there any special interest groups or industries who are actively involved in coastal activities or management within your district - for ex. frequent project applicants or those who frequently comment on projects within your district?

11 = Yes 6 = No 1 = Don't Know 1 = No answer

Please explain:

- *** ●industrial groups - timber, fisheries-related, oil and gas
- *** ●environmental groups
- *** ●native corporations
- state and federal public works agencies
- real estate developers
- local chamber of commerce

(d) Have any major socioeconomic changes occurred in your district since its plan and policies were adopted and if so, has this affected the district's participation in the SCRP?

City	6 = Yes	2 = No	1 = Don't Know	1 = No Answer
Borough	3 = Yes	3 = No	0 = Don't Know	0 = No Answer
<u>CRSA</u>	<u>1 = Yes</u>	<u>2 = No</u>	<u>0 = Don't Know</u>	<u>0 = No Answer</u>
Totals:	10	8	1	1

Please explain:

- *** ●more development/growth - ex. local government broke, increased development of private lands, development more widespread than anticipated
- *** ●certain types of project have increased - ex. non-timber projects, timber, oil and gas, tourism-related
- plan only covers small area so changes haven't affected role in SCRP
- reduction in conflicting land uses accomplished through coastal management
- increased road access increases the potential for major changes
- economic recession and population loss - lower local and state resources but fewer projects

(D) Closing Questions:

(1) Has your district ever conducted a formal evaluation of the results of participation in the SCRP?

0 = Yes 19 = No

(2) Can you quickly list a few benefits that your district has received from preparing and implementing policies via the SCRP?

17 of 19 respondents answered

- *** ●more local involvement and influence over state/federal reviews
- *** ●district informed of projects, issues
- *** ●early identification of projects, problems, controversies
- *** ●improved protection for coastal resources, uses, or activities
- *** ●have developed relationships with state agencies - receive input
- *** ●expedites/coordinates review process - more efficient and better for applicants, including preapplication meetings
- keeps local public informed of projects near district

(3) Can you quickly list a few costs that your district has incurred from preparing and implementing policies via the SCRP?

16 of 19 respondents answered

- *** ●financial costs of staff/resources necessary to participate in SCRP
- *** ●level of funding low
- *** ●difficult to process all the SCRP/DGC paperwork
- *** ●state agencies do not give due deference
- plan amendments are too time and financially intensive
- inconsistencies between state and local standards
- project sometimes take too long - strung out
- process either works or fails - no medium
- local politics - public doesn't like government interference

(4) Would you agree that the district has furthered its CZM goals and objectives

by participating in the SCRP?

17 = agree 1 = disagree 1 = No Answer

(5) Do you have any other comments, concerns, or suggestions?

- State needs to strengthen standards for high growth areas
- no one looking at CSIs of projects outside districts
- new district staff need training either at conferences or remotely through video, written materials, or helpline
- regulations often not sensible - for ex. oil and gas liability requirements
- amending plan is too complex and restraining - state and federal governments override local intent/ideas
- SCRP - successful paper implementation but not necessarily successful on the ground
- districts not given role outlined in ACMP
- state does not recognize/respect differences in cultures
- DGC inconsistent with advice - ex. local stipulation once allowed and once not with rationale being whether DGC director allowed, not sure about using stipulations that mirror state regulations - locally feel necessary to alert applicant, can district review project beyond scope outlined in Corps public notice.

TELEPHONE SURVEY
PROJECT REVIEWERS/REVIEW COORDINATORS
DEC, DFG, DNR, DGC
SE, SC, and N Offices

Please Return to:
Christine Valentine
DGC P.O. BOX 110030
Juneau, AK 99811

(A) Background Information:

(1) Name (optional): _____

(2) Agency/SE SC N: _____

(3) # years working w/ consistency reviews: _____

(4) # years in Coastal work: _____

(B) District Plans/Policies

(1) When proposed projects are within the boundaries of coastal districts (which have approved coastal management plans), do you use these plans in any way during project reviews?

(a) NO

(1) Why don't you use the plans? _____

(2) What would have to change for you to use the plans during project reviews?

(b) YES (includes sometimes or always)

(1) Can you estimate the % of reviews during which you use district plans in some way (it is OK to give a range - i.e. 15-30%)

YES - % _____

NO - would you say that you use them:

frequently ½ time rarely don't know

(2) In what review situations or for what types of projects are you most likely to use district plans?

(3) Do you use certain district plans more than others?

_____ YES

(a) What districts?

(b) Why these districts or plans?

_____ NO

_____ DON'T KNOW

(4) Do you use both general coastal and Area Meriting Special Attention plans?

_____ YES _____ NO

(a) IF YES, in your experience, has either type of plan (and its policies) been more useful?

(5) Do you use district enforceable policies during project reviews?

_____ YES Please explain:

(a) IF YES, Based on your use of the policies, would you agree that they are clearly written and easy to interpret and implement?

_____ YES _____ NO _____ DON'T KNOW Please explain:

_____ NO, please explain why you don't use the policies?

DEC/DFG/DNR ONLY - IF YES:

(b) Do you ever cite them in your comments? _____ YES _____ NO

(c) Do you ever base comments on them? _____ YES _____ NO

(6) During project reviews, do you ever use particular sections of district plans, for example maps, boundary information, resource inventories or resource analyses?

_____ YES _____ NO _____ DON'T KNOW

(a) IF YES, what sections:

(7) During project reviews, do you contact districts:

always frequently ½ time rarely never don't know

(a) Can you give one or more reasons why you would contact a coastal district during a project review?

(8) During project reviews, do the districts contact you:

always frequently ½ time rarely never don't know

(a) Can you give one or more reasons why you a district would contact you during a project review?

(C) The following statements refer to the coastal districts in general. Please give an answer of strongly agree, agree, neutral, disagree, strongly disagree, or don't know. Additional comments are welcome.

(1) The districts usually agree with/don't object to the consistency comments you submit during DGC or single agency reviews.

(2) Coastal districts generally expect State agency staff or DGC to raise any concerns instead of carefully reviewing the projects themselves.

(3) The responsibility for using and implementing coastal districts' enforceable policies lies with the districts, not with State agency staff or DGC.

(4) Coastal districts' enforceable policies have been effectively used/implemented during State consistency reviews.

(D) DGC/Coordinating Agencies Questions:

(1) What role, if any, do you think DGC or the coordinating agency should play in the implementation of district policies via the State consistency process?

(a) Does this differ from the current role of DGC or the coordinating agency? _____ YES _____ NO _____ DON'T KNOW

(1) IF YES, how does it differ?

(2) Should DGC or the coordinating agency be responsible for ensuring that district plans and policies are used/checked during State consistency reviews?
_____ YES _____ NO _____ DON'T KNOW

(3) Can you suggest any ways that coastal district plans and policies could be improved to ensure that they can be effectively used and implemented during State consistency reviews?
_____ YES _____ NO _____ DON'T KNOW

(4) What do you see as the biggest obstacle or obstacles to the successful implementation of district policies via the State consistency review process?

(5) On occasion, State agency and DGC staff are assigned draft plans to review. This should occur at the PHD and CAD stages in the planning process. I would like to ask you a few questions about these procedures:

(a) Have you ever reviewed draft plans? _____ YES _____ NO

(1) IF YES, Do you feel that this process was useful?
_____ YES _____ NO Please Explain:

(2) IF YES, Can you list any problems that have or may hinder this process?

_____ Yes _____ No

(E) Do you have any other comments, concerns or suggestions?
(IF SO PLEASE ANSWER ON BACK OF THIS PAGE OR ATTACH SHEET!)

THANK YOU FOR ANSWERING THIS SURVEY/YOUR INPUT IS GREATLY APPRECIATED!!!!

SUMMARY OF SURVEY RESULTS
DEC - PROJECT REVIEWERS
Implementation of Coastal District Plans

(A) Background Information

Distribution of Respondents:

2 = SE

3 = SC

1 = N

Total: 6

Years Working with Consistency Reviews:

3 = 0-3

1 = 4-7

0 = 8-11

2 = 12-15

Years in Coastal Work (ACMP or other):

2 = 0-3

2 = 4-7

0 = 8-11

2 = 12-15

0 = 16-19

(B) District Plans/Policies

(1) When proposed projects are within the boundaries of coastal districts (which have approved coastal management plans), do you use these plans in any way during project reviews?

(a) 4 = NO* - SC/N

(1) Why don't you use the plans?

*** ●districts responsibility to use plans/policies - they are the experts

*** ●only use our own regulatory authorities

●don't have copies of the district plans

(2) What would have to change for you to use the plans during project reviews?

*** ●never would use - not DEC responsibility/expertise

*** ●don't have enough staff/time

●don't have the authority to implement district plans/policies

*some respondents indicated in answers to a later question that they do use the maps and resource info. in district plans. Also one respondent indicated that districts are contacted if a project appears to be controversial or otherwise problematic

(b) If Yes, how often and when?

2 = YES (includes sometimes or always) - SE

- 1 = always
- 1 = frequently
- 0 = 1/2 time
- 0 = rarely
- 0 = never
- 0 = don't know

(2) In what review situations or for what types of projects are you most likely to use district plans?

Two respondents answered

4 = N/A (see (1) (b))

Please explain:

- when there is a DEC permit - use as reference for info. about special area designations, land uses, etc.
- always before project begins and if developing stipulations

(3) Do you use certain district plans more than others?

1 = YES 1 = NO 4 = N/A

(a)&(b) What districts and why those districts?

- Sitka often - district is very active
- Klawock when there are questions regarding their dredge/fill policy
- those with more DEC permit activity

(4) Do you use both general coastal and Area Meriting Special Attention plans?

1 = YES 0 = NO 1 = DON'T KNOW 4 = N/A

(a) IF YES, in your experience, has either type of plan (and its policies) been more useful?

1 = GENERAL

- few development projects in AMSAs
- few enforceable policies in AMSAs
- AMSAs more for designating land uses

(5) Do you use district enforceable policies during project reviews?

2 = YES 0 = NO 4 = N/A

Please explain:

- only those that are useful/some old
- sometimes districts did not have policies to cover DEC issues
- consider when will be stipulations or denying permit
- also look at district zoning ordinances

(a) IF YES, Based on your use of the policies, would you agree that they

are clearly written and easy to interpret and implement?

1 = YES 1 = DON'T KNOW 4 = N/A

Please explain:

- yes but water quality policies are often general and the districts defer to DEC
- tried to help districts clarify policies during planning process
- some policies are clear but not what district intended
- some policies are not clear

DEC/DFG/DNR ONLY - IF YES:

(b) Do you ever cite them in your comments? 2 = YES 4 = N/A

(c) Do you ever base comments on them? 2 = YES 4 = N/A

(6) During project reviews, do you ever use particular sections of district plans, for example maps, boundary information, resource inventories or resource analyses?

2 = YES 0 = NO 4 = N/A

(a) IF YES, what sections:

- resource inventories
- maps
- all sections

(7) During project reviews, do you contact districts:

- 0 = always
- 0 = frequently*
- 1 = ½ time
- 2 = rarely
- 3 = never*
- 0 = don't know

*one respondent frequently contacted districts in the past but no longer contacts districts because of a lack of time/high workload

(a) Can you give one or more reasons why you would contact a coastal district during a project review?

All 6 respondents answered

- *** ●only contact when DEC-coordinated review
- *** ●controversial project
- district policy might conflict with proposal
- clarification about district plans/policies

- in past, use to contact to discuss most projects

(8) During project reviews, do the districts contact you:

- 0 = always
- 0 = frequently*
- 0 = ½ time
- 6 = rarely
- 0 = never
- 0 = don't know

One respondent does contact certain districts frequently but contacts the majority of district rarely.

(a) Can you give one or more reasons why you a district would contact you during a project review?

All 6 respondents answered

- *** ●district wants technical advice
- *** ●certain districts are more active:
 - SE - Juneau/Sitka
 - SC - Kenai, Aleutians East and West, Bristol Bay CRSA, Kodiak, Mat-Su
 - N - no specifics

(C) The following statements refer to the coastal districts in general. Please give an answer of strongly agree, agree, neutral, disagree, strongly disagree, or don't know. Additional comments are welcome.

(1) The districts usually agree with/don't object to the consistency comments you submit during DGC or single agency reviews.

- 0 = strongly agree
- 4 = agree
- 1 = neutral
- 0 = disagree
- 0 = strongly disagree
- 1 = don't know

Comments:

- district stipulations that DEC/district don't have authority for
- disagree when DEC stipulations/agree when no stipulations

(2) Coastal districts generally expect State agency staff or DGC to raise any concerns instead of carefully reviewing the projects themselves.

- 2 = strongly agree

- 1 = agree
- 0 = neutral
- 0 = disagree
- 0 = strongly disagree
- 3 = don't know

Comments:

- defer to DEC on technical issues
- depends on district

(3) The responsibility for using and implementing coastal districts' enforceable policies lies with the districts, not with State agency staff or DGC.

- 5 = strongly agree
- 0 = agree
- 0 = neutral
- 1 = disagree
- 0 = strongly disagree
- 0 = don't know

Comments:

- ***
- DEC doesn't have authority to enforce district policies
 - can't enforce CRSA policies that are stronger than DEC authorities both are responsible

(4) Coastal districts' enforceable policies have been effectively used/implemented during State consistency reviews.

- 0 = strongly agree
- 2 = agree
- 1 = neutral
- 0 = disagree
- 0 = strongly disagree
- 3 = don't know

Comments:

- when district is active/takes strong position
- agree for Aleutians West

(D) DGC/Coordinating Agencies Questions

(1) What role, if any, do you think DGC or the coordinating agency should play in the implementation of district policies via the State consistency process?

All 6 respondents answered

Please explain:

- ***
- clearinghouse/facilitator - be there to help resolve issues/no more
 - more actively use district plans/policies

(a) Does this differ from the current role of DGC or the coordinating agency?

3 = YES 1 = NO 2 = DON'T KNOW

(1) If Yes, how does it differ?

- ***
- DGC questions district and state comments too much
 - DGC not actively using district plans/policies

(2) Should DGC or the coordinating agency be responsible for ensuring that district plans and policies are used/checked during State consistency reviews?

1 = YES 5 = NO

Please explain:

- ***
- districts' responsibility - keep in local hands
 - districts aware of local issues/plan not DGC
 - only for major projects
 - need to more actively use district plans/policies

(3) Can you suggest any ways that coastal district plans and policies could be improved to ensure that they can be effectively used and implemented during State consistency reviews?

4 = YES 1 = NO 1 = DON'T KNOW

Please explain:

- periodic updates/amendments to district plans
- make plans more user-friendly - enforceable policies separate, plan summary
- make sure district policies are enforceable
- clarify who has authority to implement what
- strengthen ACMP standards
- districts need training about the process and technical issues

(4) What do you see as the biggest obstacle or obstacles to the successful implementation of district policies via the State consistency review process?

All 6 respondents answered

Please explain:

- ***
- lack of district input/participation
- ***
- non-enforceable district policies
 - frustrated districts - especially those without zoning powers
 - lack of technical expertise at local level
 - state/local conflicts over policy interpretation

- lack of staff at the state level

(5) On occasion, State agency and DGC staff are assigned draft plans to review. This should occur at the PHD and CAD stages in the planning process. I would like to ask you a few questions about these procedures:

(a) Have you ever reviewed draft plans?

4 = YES 2 = NO

(1) IF YES, Do you feel that this process was useful?

4 = YES

Please Explain:

- can point out unenforceable and/or unpractical policies
- good for areas with high permit activity because familiar with area
- ex. Aleutians West - needed DEC technical expertise

(2) IF YES, Can you list any problems that have or may hinder this process?

2 = YES 2 = NO

Please explain:

- *** ●low priority - consistency deadlines are higher priority
- *** ●time constraints

(E) Do you have any other comments, concerns or suggestions?

- process is complex and burden to process
- process is not that useful for the districts
- agency has less time now to communicate with districts
- district staff need training
- need better communication between State agencies
- districts often want role in non-ACMP issues/permit reviews
- DGC needs to have stronger role in providing technical expertise to districts

SUMMARY OF SURVEY RESULTS
DFG - PROJECT REVIEWERS
Implementation of Coastal District Plans

(A) Background Information

Distribution of Respondents:

4 = SE

2 = SC

2 = N

Total: 8

Years Working with Coastal Consistency Reviews:

1 = 0-3

2 = 4-7

1 = 8-11

4 = 12-15

Years in Coastal Work (ACMP or other):

1 = 0-3

2 = 4-7

0 = 8-11

4 = 12-15

1 = 16-19

(B) District Plans/Policies

(1) When proposed projects are within the boundaries of coastal districts (which have approved coastal management plans), do you use these plans in any way during project reviews?

(a) 0 = NO

(b) If Yes, how often?

8 = YES (includes sometimes or always)

0 = always

4 = frequently*

1 = ½ time

3 = rarely

0 = never

0 = don't know

*one respondent frequently contacts districts when projects being reviewed are within districts but rarely contacts districts otherwise - logged as a frequently response since this study is looking primarily at projects inside district boundaries)

(2) In what review situations or for what types of projects are you most likely to use district plans?

All 8 respondents answered

- *** ●know plans/policies are useful
- *** ●project is inside a district
- not familiar with the area - look over plan/policies
- controversy or of interest to state or local government
- seaplane/airplane facilities
- roads/culverts
- seafood waste disposal
- mining
- tideland and wetlands fills
- docks/ports

(3) Do you use certain district plans more than others?

6 = YES (4 SE, 1 C, 1 N) 2 = NO (1 SC, 1 N)

(a)&(b) What districts and why those districts?

SE: Sitka, Craig, Juneau -most
 Hoonah, Thorne Bay, Haines, Kake - next most
 SC: Mat-Su Borough
 N: Bering Straits, NW Arctic

Please explain:

- *** ●activity concentrated here
- *** ●only district(s) in area or other districts don't have plans
- *** ●other districts have weak/non-specific plans
- *** ●base use on where projects are*

*also given as a reason for answers of YES

(4) Do you use both general coastal and Area Meriting Special Attention plans?

4 = YES 4 = NO

(a) IF YES, in your experience, has either type of plan (and its policies) been more useful?

3 = YES 1 = NO

SE (ex. Sitka Swan Lake, Angoon, Thorne Bay, & Hydaburg AMSAs)

2 = GENERAL

- *** ●policies not very enforceable - just indicates that area is important
- *** ●not many projects within AMSAs
- AMSAs enforced more through local processes

SC (ex. Bristol Bay CRSA Nus.-Mul. Rivers AMSA)

1 = AMSA

- more detail/specific policies

(5) Do you use district enforceable policies during project reviews?

8 = YES 0 = NO

Please explain:

- districts familiar with - i.e projects concentrated in
- when don't have T16 authority - use district policies with Habitat standard
- discuss policies with districts before giving DFG approval
- sometimes defer to district instead of approving project
- in controversial situations
- whenever they apply

(a) IF YES, Based on your use of the policies, would you agree that they are clearly written and easy to interpret and implement?

4 = YES 6 = NO (2 responses were both YES and NO)

Please explain:

- *** ● certain plans/policies are clear - mainly the more recent
- *** ● not specific - vague/weak and open to interpretation
- link between goals and objectives and policies is often missing
- some policies reference outdated State regulations
- loop holes in many of the more enforceable policies
- no enforcement of homeless stipulations
- ignored by state and districts to further other agendas

DEC/DFG/DNR ONLY - IF YES:

(b) Do you ever cite them in your comments? 7 = YES 1 = NO

(c) Do you ever base comments on them? 7 = YES 1 = NO

(6) During project reviews, do you ever use particular sections of district plans, for example maps, boundary information, resource inventories or resource analyses?

8 = YES 0 = NO

(a) IF YES, what sections:

- *** ● boundary info.
- *** ● maps
- *** ● resource inventories
- not the resource inventories - have better info. available
- implementation section
- definitions

(7) During project reviews, do you contact districts:

- 1 = always
- 2 = frequently
- 2 = ½ time
- 1 = rarely
- 2 = never
- 0 = don't know

(a) Can you give one or more reasons why you would contact a coastal district during a project review?

7 respondents answered

- *** ●questions about interpretation of district policies
- *** ●district is active/responsive
- need local info./expertise
- want local support for DFG position
- the project is important to state or district
- only way to get district input - rarely comment on projects
- only for DFG-coordinated reviews

(8) During project reviews, do the districts contact you:

0 = always (one respondent gave two answers)

1 = frequently

4 = ½ time

4 = rarely

0 = never

0 = don't know

(a) Can you give one or more reasons why you a district would contact you during a project review?

7 respondents answered

- *** ●want resource info./technical expertise
- *** ●district is active/responsive
- *** ●controversial project
- want to know DFG position

(C) The following statements refer to the coastal districts in general. Please give an answer of strongly agree, agree, neutral, disagree, strongly disagree, or don't know. Additional comments are welcome.

(1) The districts usually agree with/don't object to the consistency comments you submit during DGC or single agency reviews.

0 = strongly agree

6 = agree

1 = neutral

1 = disagree

0 = strongly disagree

0 = don't know

Comments:

- *** ●issue dependent and district dependent

(2) Coastal districts generally expect State agency staff or DGC to raise any

concerns instead of carefully reviewing the projects themselves.

- 1 = strongly agree
- 2 = agree
- 2 = neutral
- 1 = disagree
- 0 = strongly disagree
- 2 = don't know

Comments:

- *** ●district/issue dependent
- DFG has to raise district attention

(3) The responsibility for using and implementing coastal districts' enforceable policies lies with the districts, not with State agency staff or DGC.

- 0 = strongly agree
- 2 = agree
- 0 = neutral
- 4 = disagree
- 2 = strongly disagree
- 0 = don't know

Comments:

- *** ●both state and local government are responsible
- not state responsibility but do need familiarity with district plans
- should be state and local responsibility but state doesn't implement

(4) Coastal districts' enforceable policies have been effectively used/implemented during State consistency reviews.

- 1 = strongly agree
- 1 = agree
- 2 = neutral
- 2 = disagree
- 2 = strongly disagree
- 0 = don't know

Comments:

- disagree that policies have been implemented by the districts

(D) DGC/Coordinating Agencies Questions

(1) What role, if any, do you think DGC or the coordinating agency should play in the implementation of district policies via the State consistency process?

All 8 respondents answered

Please explain:

- *** ●be familiar with district plans/policies but give due deference - let district

use

- consolidate comments only
- watchdog - over use of district policies

- more of a lead role - check/use district policies for districts that don't
- as defined in 6 AAC 50
- coordinate preapplication meetings, reviews and facilitate discussion between parties involved

(a) Does this differ from the current role of DGC or the coordinating agency?

3 = YES 4 = NO 1 = DON'T KNOW

(1) IF YES, how does it differ?

- DGC sometimes tries to interpret policies and/or questions agency expertise
- political projects - DGC advocates a particular position instead of coordinating
- SAR - state regulations take prevail over district policies

(2) Should DGC or the coordinating agency be responsible for ensuring that district plans and policies are used/checked during State consistency reviews?

3 = YES 5 = NO

Please explain:

- *** ● encourage/assist districts
- *** ● role of State resource agencies and districts
- both state and districts should
- for districts that won't
- yes but this never happens

(3) Can you suggest any ways that coastal district plans and policies could be improved to ensure that they can be effectively used and implemented during State consistency reviews?

8 = YES 0 = NO

Please explain:

- *** ● clear/strong enforceable policies - designate limits, areas, etc.
- *** ● need stronger district role - give more control over program
- *** ● update plans regularly and more frequently than now do
- revise older plans - vague and open to interpretation
- increase district participation
- make sure that policies are linked to goals/objectives
- increase funding for implementation
- issue a coastal consistency permit

(4) What do you see as the biggest obstacle or obstacles to the successful implementation of district policies via the State consistency review process?
All 8 respondents answered

Please explain:

- *** ●lack of district participation
- *** ●districts need/want more power - plan/policy approval, implementation, enforcement and monitoring
- *** ●interference of local politics - see plan as impediment so don't follow or consult, new district staff without understanding of how plan developed and what compromises were made, "political" implementation
- state and local governments ignore coastal policies to further political agendas
- incompatibility of State/local CZM needs/goals
- costs of implementation/lack of adequate funds
- lack of state staff to implement program
- too many activities found to be categorically consistent or generally

concurrent

(5) On occasion, State agency and DGC staff are assigned draft plans to review. This should occur at the PHD and CAD stages in the planning process. I would like to ask you a few questions about these procedures:

(a) Have you ever reviewed draft plans?

8 = YES 0 = NO

(1) IF YES, Do you feel that this process was useful?

7 = YES 1 = NO

Please explain:

- *** ●helped to clarify/improve policies and resource info.

(2) IF YES, Can you list any problems that have or may hinder this process?

Please explain:

- workload/time
- not a high priority
- comments/concerns not incorporated
- hard to determine district intent
- draft plans and State regulations do not always mesh

(E) Do you have any other comments, concerns or suggestions?

- if districts won't participate and implement plan, remove funding and let DGC do
- need to understand districts agendas
- clarify who has what authority

SUMMARY OF SURVEY RESULTS
DGC- PROJECT REVIEW COORDINATORS
The Implementation of Coastal District Plans

(A) Background Information

Distribution of Respondents:

2 = SE

5 = SC/N

Total: 7

Years Working with Coastal Consistency Reviews:

5 = 0-3

1 = 4-7

1 = 8-11

0 = 12-15

years in Coastal Work (ACMP or other):

1 = 0-3

3 = 4-7

2 = 8-11

1 = 12-15

0 = 16-19

(B) District Plans/Policies

(1) When proposed projects are within the boundaries of coastal districts (which have approved coastal management plans), do you use these plans in any way during project reviews?

(a) 0 = NO

(b) If Yes, how often and when?

7 = YES (includes sometimes or always)

1 = always

3 = frequently

1 = ½ time

1 = rarely

0 = never

1 = don't know

(2) In what review situations or for what types of projects are you most likely to use district plans?

All 7 respondents answered

Please explain:

- **** ● know district won't participate and/or won't check policies
- questions about interpretation of district policies
- new coastal district contact and need to educate about policies
- district has useable plan

fills

- when state or district comments reference a district policy
- know district interested in project/issue
- when unfamiliar with district plan or applicable policies
- residential development projects
- waterfront development - water dependent/related policies and intertidal

(3) Do you use certain district plans more than others?

5 = YES 1 = NO 1 = DON'T KNOW

SE - **Sitka, Juneau, Ketchikan, Hoonah, Thorne Bay

SC/N - **Kenai, Anchorage, Mat-Su, North Slope, Valdez

(**more than 1 respondent listed)

(a) Why these districts or plans?

- *** ● projects concentrated in certain districts
- *** ● district plans/policies are well written
- *** ● know districts participate in process
- district participation is higher quality/more professional

(4) Do you use both general coastal and Area Meriting Special Attention plans?

5 = YES 2 = NO

(a) IF YES, in your experience, has either type of plan (and its policies) been more useful? 4 = YES 1 = NO

SE (examples - Hydaburg & Sitka Swan Lake AMSAs)

1 = GENERAL CZMPs

- AMSAs don't provide protection districts' wanted

1 = SAME

- few SE projects inside AMSAs

- State does seem to give projects near AMSAs special consideration

SC/N (examples - Ship Creek AMSA)

3 = AMSAs

- *** ● specific policies for smaller areas with use/resource conflicts

- *** ● more info. on resource/use functions and values

(5) Do you use district enforceable policies during project reviews?

7 = YES 0 = NO

Please explain:

- *** ● see which might apply at beginning of review
- *** ● "watchdog" role - check to see if policies used correctly
- determine policy intent but defer to districts

(a) Based on your use of the policies, would you agree that they are

clearly written and easy to interpret and implement?

1 = YES 6 = NO

Please explain:

- *** ● need to be more clear and specific for stipulations
- *** ● open to interpretation
- districts adopt/adapt policies from other plans that are not applicable to their situations or just aren't good
- draft policies need more extensive review
- majority are good/poor ones have been discussed at conferences

(6) During project reviews, do you ever use particular sections of district plans, for example maps, boundary information, resource inventories or resource analyses?

7 = YES 0 = NO

(a) If YES, what sections:

- *** ● maps/boundary info.
- *** ● resource inventories - useful info. on district
- *** ● rarely resource inventories/analyses

(7) During project reviews, do you contact districts:

- 2 = always*
- 3 = frequently
- 1 = ½ time
- 2 = rarely*
- 0 = never
- 0 = don't know

*one respondent answered always and rarely for districts active and inactive in the process, respectively

(a) Can you give one or more reasons why you would contact a coastal district during a project review?

All 7 respondents answered

- *** ● district needs to clarify/improve comments - rationale, etc.
- *** ● need local info. from district
- *** ● district is active
- know district is interested in review/issue
- interpretation questions (district policy) - especially smaller districts
- discuss concerns/objections of others (state, applicant, etc.)
- make sure district received info.

(8) During project reviews, do the districts contact you:

- 0 = always
- 2 = frequently

4 = ½ time
1 = rarely
0 = never
0 = don't know

(a) Can you give one or more reasons why you a district would contact you during a project review?

All 7 respondents answered

- *** ●process questions
- *** ●check on status of review - is State aware of, when will review begin, what info does the state have?
- *** ●discuss project - concerns, comments, stipulations
- *** ●responding to DGC inquires and correspondence
- *** ●more active districts contact DGC

(C) The following statements refer to the coastal districts in general. Please give an answer of strongly agree, agree, neutral, disagree, strongly disagree, or don't know. Additional comments are welcome.

(1) The districts usually agree with/don't object to the consistency comments submitted during DGC reviews.

3 = strongly agree
4 = agree
0 = neutral
0 = disagree
0 = strongly disagree
0 = don't know

Comments:

- work out problems with agencies before gets to DGC

(2) Coastal districts generally expect State agency staff or DGC to raise any concerns instead of carefully reviewing the projects themselves.

0 = strongly agree
2 = agree
1 = neutral
2 = disagree
0 = strongly disagree
2 = don't know

Comments:

- depends on the district and the situation

(3) The responsibility for using and implementing coastal districts' enforceable policies lies with the districts, not with State agency staff or DGC.

- 1 = strongly agree
- 2 = agree
- 0 = neutral
- 2 = disagree
- 2 = strongly disagree
- 0 = don't know

Comments:

- all agree that the State has some responsibility - how much varies

(4) Coastal districts' enforceable policies have been effectively used/implemented during State consistency reviews.

- 0 = strongly agree
- 3 = agree
- 1 = neutral
- 0 = disagree
- 0 = strongly disagree
- 3 = don't know

Comments:

- district dependent
- paperwork has been correct but no monitoring

(D) DGC/Coordinating Agencies Questions

(1) What role, if any, do you think DGC or the coordinating agency should play in the implementation of district policies via the State consistency process?

All 7 respondents answered

Please explain:

- *** ●encourage district participation - provide the opportunity
- *** ●"watchdog" - policy interpretation and process
- use district plans/policies but give district due deference
- encourage state agencies to use district plans/policies
- increase district control over program

(a) Does this differ from the current role of DGC or the coordinating agency? 1 = YES 5 = NO 1 = DON'T KNOW

(1) IF YES, how does it differ?

- DGC does not use district plans/policies as much as should

(2) Should DGC or the coordinating agency be responsible for ensuring that district plans and policies are used/checked during State consistency reviews?

4 = YES 3 = NO

Please explain:

- *** ●but don't always have the time
- some plans/policies are not useable
- when the district does not comment
- when district comments are "off the wall"
- when projects are "important"
- as way to encourage district participation
- need policies to be more user friendly - computerize
- give districts more control over program
- encourage state agencies and districts to use plans/policies
- only responsible for distributing info.

(3) Can you suggest any ways that coastal district plans and policies could be improved to ensure that they can be effectively used and implemented during State consistency reviews?

6 = YES 1 = NO

Please explain:

- *** ●make vague, unenforceable policies clear, concise and enforceable
- *** ●periodic plan amendments - either parts or whole
- need more performance-based policies
- improve maps - larger, more features marked, clarify what type of boundaries are shown, have keys
- need more direct involvement between district and applicants
- need better communication between state and districts
- keep records of problems with plans/policies
- make review of draft plans/policies a higher priority for coordinators
- not just plans/policies - districts without planning powers will have difficult time with implementation
- DGC/state should not tell the districts how to write plans/policies

(4) What do you see as the biggest obstacle or obstacles to the successful implementation of district policies via the State consistency review process?

All 7 respondents answered

Please explain:

- *** ●district contacts/staff need more training about ACMP and own plan
- *** ●districts that don't participate and/or have bad attitudes about the process/ACMP
- state agencies don't use district plans/policies
- need to improve state/district communication
- coordinators need to review comments and stipulations more critically
- state should not interpret district policies - this is role of districts

(5) On occasion, State agency and DGC staff are assigned draft plans to review. This should occur at the PHD and CAD stages in the planning process. I would

like to ask you a few questions about these procedures:

(a) Have you ever reviewed draft plans?

5 = YES 2 = NO

(1) IF YES, Do you feel that this process was useful?

4 = YES 1 = DON'T KNOW

Please Explain:

- state can highlight policies that would be problematic from consistency process standpoint
- works well when districts open to comments

(2) IF YES, Can you list any problems that have or may hinder this process?

4 = YES 1 = DON'T KNOW

Please Explain:

- ***
- don't have time to review/review adequately
 - not set high priority for coordinators
 - need to be more involved in entire planning process
 - state changes district intent

(E) Do you have any other comments, concerns or suggestions?

- contact frequent applicants/consultants about experiences with districts
- talk to those who crafted ACMP regarding intent for district participation
- talk to previous coordinators

SUMMARY OF SURVEY RESULTS
DNR - PROJECT REVIEWERS
Implementation of Coastal District Plans

(A) Background Information

Distribution of Respondents:

2 = SE
2 = SC
1 = N
1 = Statewide

Totals: 6

Years Working with Coastal Consistency Reviews:

3 = 0-3
1 = 4-7
1 = 8-11
1 = 12-15

Years in Coastal Work (ACMP or other):

2 = 0-3
1 = 4-7
2 = 8-11
1 = 12-15
0 = 16-19

(B) District Plans/Policies

(1) When proposed projects are within the boundaries of coastal districts (which have approved coastal management plans), do you use these plans in any way during project reviews?

(a) 1 = NO

(1) Why don't you use the plans?

● solicit district comments instead

(2) What would have to change for you to use the plans during project reviews?

● more time and more staff

(b) If Yes, how often?

5 = YES (includes sometimes or always)

0 = always
1 = frequently
0 = ½ time
4 = rarely*
0 = never
0 = don't know

*one respondent frequently uses plans during DNR-coordinated reviews but rarely uses them during DGC-coordinated reviews.
Logged as rarely since this study focuses on DGC-coordinated reviews

(2) In what review situations or for what types of projects are you most likely to use district plans?

5 respondents answered

1 = N/A

Please explain:

- *** ●DNR coordinated reviews but rarely during DGC coordinated reviews
- know issue/use is controversial in district
- tideland uses - look for restricted areas
- new material sales
- mining and exploration projects

(3) Do you use certain district plans more than others?

5 = YES 0 = NO 1 = N/A

SE: Sitka, Juneau - most

Hoonah, Pelican - rarely

SC: Bristol Bay CRSA, Kenai, Kodiak, Valdez, Mat-Su

N: North Slope, NW Arctic, Bering Straits, Nome, Cenuiliarit

(a) Why these districts or plans?

- *** ●projects concentrated in these districts

(4) Do you use both general coastal and Area Meriting Special Attention plans?

4 = YES 1 = NO 1 = N/A

(a) IF YES, in your experience, has either type of plan (and its policies) been more useful? 4 = Yes 0 = No

SE/N (ex. Sitka Swan Lake, Angoon AMSAs)

3 = GENERAL

- AMSAs for areas with no projects/conflicts

SC (ex. Bristol Bay CRSA Nus.-Mul. Rivers AMSA)

1 = AMSA

- more specific than general plan/policies

(5) Do you use district enforceable policies during project reviews?

4 = YES 1 = NO 1 = N/A

Please explain:

- rarely - no enforcement mechanism for district stipulations
- floathouse policies

(a) IF YES, Based on your use of the policies, would you agree that they are clearly written and easy to interpret and implement?

4 = NO 0 = YES 1 = N/A

Please explain:

- *** ●vague/not specific and open to interpretation

- performance standards interpreted differently for each project
- district policies not stringent - if consistent with state regulations then consistent with local plan

DEC/DFG/DNR ONLY - IF YES:

(b) Do you ever cite them in your comments? 3 = YES 1 = NO 1 = N/A

(c) Do you ever base comments on them? 3 = YES 1 = NO 1 = N/A

(6) During project reviews, do you ever use particular sections of district plans, for example maps, boundary information, resource inventories or resource analyses?

4 = YES 2 = NO

(a) If Yes, what sections?

- *** •boundary info.
- *** •maps
- resource inventories/analyses

(7) During project reviews, do you contact districts:

- 1 = always
- 1 = frequently
- 0 = ½ time
- 4 = rarely
- 0 = never
- 0 = don't know

(a) Can you give one or more reasons why you would contact a coastal district during a project review?

7 respondents answered

- clarify district policy/intent
- discuss resource uses in district
- need local expertise
- project is inside a district
- resolve a local issue
- answer district correspondence

(8) During project reviews, do the districts contact you:

- 1 = always
- 2 = frequently
- 0 = ½ time
- 2 = rarely
- 1 = never
- 0 = don't know

(a) Can you give one or more reasons why you a district would contact you during a project review?

6 respondents answered

- respond if project inside district
- respond to DNR coordinated reviews
- districts only contact DGC
- when district wants stipulations placed on DNR permit

(C) The following statements refer to the coastal districts in general. Please give an answer of strongly agree, agree, neutral, disagree, strongly disagree, or don't know. Additional comments are welcome.

(1) The districts usually agree with/don't object to the consistency comments you submit during DGC or single agency reviews.

- 2 = strongly agree
- 3 = agree
- 0 = neutral
- 0 = disagree
- 0 = strongly disagree
- 1 = don't know

(2) Coastal districts generally expect State agency staff or DGC to raise any concerns instead of carefully reviewing the projects themselves.

- 1 = strongly agree
- 0 = agree
- 1 = neutral
- 3 = disagree
- 0 = strongly disagree
- 1 = don't know

Comments:

- some districts don't even understand/know their plans

(3) The responsibility for using and implementing coastal districts' enforceable policies lies with the districts, not with State agency staff or DGC.

- 1 = strongly agree
- 2 = agree
- 0 = neutral
- 2 = disagree
- 1 = strongly agree

Comments:

- both are responsible
- agree but state should listen to district concerns
- DGC must assure that projects are consistent with district plans - at least for districts that aren't organized boroughs

(4) Coastal districts' enforceable policies have been effectively used/implemented during State consistency reviews.

0 = strongly agree

5 = agree

0 = neutral

0 = disagree

0 = strongly disagree

1 = don't know

Comments:

- usually consistent with district plan if consistent with state regulations

(D) DGC/Coordinating Agencies Questions

*one respondent did not answer any questions in this section

(1) What role, if any, do you think DGC or the coordinating agency should play in the implementation of district policies via the State consistency process?

5 respondents answered

Please explain:

- ***
- coordinate review/consult with districts
 - actively use district plans but give due deference to districts
 - ensure that proposed stipulations are necessary

(a) Does this differ from the current role of DGC or the coordinating agency?

1 = YES* 4 = NO *no explanation of yes response

(2) Should DGC or the coordinating agency be responsible for ensuring that district plans and policies are used/checked during State consistency reviews?

3 = YES 2 = NO

Please explain:

- ***
- DGC or coordinating agency should just contact the districts

(3) Can you suggest any ways that coastal district plans and policies could be improved to ensure that they can be effectively used and implemented during State consistency reviews?

3 = YES 2 = NO

Please explain:

- ***
- state resource agency staff need to develop good relationships with district

staff

- ***
- state reviewers need training in use/updates of plans/policies - including a need to receive updates
 - need "good" representatives for each district

- make plans shorter and more readable

(4) What do you see as the biggest obstacle or obstacles to the successful implementation of district policies via the State consistency review process?
5 respondents answered

Please explain:

- ***
- process is complex
 - better communication between state agencies
 - incompatible state and local CZM goals/needs
 - agencies using/viewing consistency process as just regular permit process
 - workload - can't review adequately, can't meet deadlines
 - DGC holds up complete applications for too long before starting review

(5) On occasion, State agency and DGC staff are assigned draft plans to review. This should occur at the PHD and CAD stages in the planning process. I would like to ask you a few questions about these procedures:

(a) Have you ever reviewed draft plans?

5 = YES 0 = NO

(1) IF YES, Do you feel that this process was useful?

5 = YES 0 = NO

Please explain:

- ***
- chance to comment/be involved early in process

(2) IF YES, Can you list any problems that have or may hinder this process?

1 = YES 3 = NO

Please explain:

- state rewrites/requires changes in district intent

(E) Do you have any other comments, concerns or suggestions?

- districts want but don't have authority to enforce in zone of influence
- ABC list is often ignored
- ACMP has centralist bias
- clarify how authorities mesh
- federal/state/local CZM goals may not be compatible
- district energy/interest can be decreased by promise of power that isn't there

**DISTRICT PLANNING WORKING GROUP
MEETING SUMMARY
December 7, 1993**

Following is an outline of issues identified and some preliminary recommendations developed at the District Planning Working Group meeting held in Anchorage on December 7, 1993.

Criteria for AMSAs

1. Districts need better understanding of the options for specialized planning, whether ACMP vehicles or otherwise. Also need to consider other sources of funding.
2. Justification for AMSAs: need a better description in the regulations and statutes. Need to consider whether there are conflicts and multi-jurisdictional issues.
3. Sometimes districts prefer a local plan over an ACMP plan because of the lengthy ACMP process. Some municipalities can assert zoning on federal lands. CRSAs and some smaller communities do not have this option.
4. Also need to consider whether there is local commitment or support for the planning effort before ACMP funds are committed. One form of local commitment is a district funding match requirement.
5. Need flexibility for districts to allow the planning to evolve (such as Unalaska Bay AMSA). Sometimes the problems and issues change during the planning process, or the need for more detailed research is identified.
6. A planning manual should have a process or diagnostic questions to force an analysis and identification of the problem planning would address.

Funding

7. Should do an upfront, preliminary analysis (scoping process) to look at possible impacts, existing policies, and determine which is the best way to go for further planning: revise the basic coastal management plan, do an AMSA plan, or other specialized planning.
8. Need for better indication of local support/implementation for specialized planning. [Review funding criteria/applications for the district grant process]

9. Should have a district grant pre-application planning meetings with districts, State and federal agencies to identify need/support for the plan. State and federal agencies may have recommendations on where else to go for solutions to problems, or for funding.
10. Mid-year district contingency funds: need to improve the language in the district grant process about what is eligible for funding.
11. Should we reallocate funding from monitoring and compliance to district planning? We need to set ACMP program priorities. Should also consider doing fewer, but more detailed plans.

Planning Process

12. The ACMP planning process is too lengthy, especially the amendment process. Districts are reluctant to revise or undertake plans for this reason. Need to consider revising the regulations to streamline the amendment process.
13. When you are dealing with controversial issues, the planning process is more lengthy (such as wetlands plans).
14. A major concern for the districts is that all substantive comments are not made by the agencies on the public hearing draft. They are often faced with late, substantive comments after the municipality has conceptually approved a draft. Require agencies to give substantive comments at this phase.
15. DGC should do its preliminary findings on the public hearing draft so districts have more assurance the document has met the ACMP criteria for approval.
16. If the district has made significant changes to the public hearing draft, it should prepare a pre-concept approved draft.
17. Need more meetings during the planning process to resolve issues and agree on policy language.

Federal Commitment

18. Federal commitment to district plans is a problem for coastal districts. Federal agencies can deny or modify projects/permits under their own authorities regardless of the district plan intent.
19. One way to improve federal participation and commitment is to hold early meetings before the planning process begins. Better communication does help.

31. District policies can be more restrictive than the ACMP standards, but you may end up with a "homeless stipulation" problem.

Implementation

32. The implementation section needs to better describe the implementation, monitoring and enforcement responsibilities at the local, state and federal levels. Need to identify who is responsible for taking enforcement actions. Could you develop a matrix for each policy?
33. Better communication among the agencies and districts would improve plan implementation. Agencies respond to active districts.
34. How should Title 29 powers and ACMP interact at the local level? How do local zoning and district policies interact? Need to provide guidance for districts and agencies.
35. We need to do more research on implementation of district plans at the local level - and better describe implementation options.

Participants

Chuck Degnan, BSCRSA
Rick Thompson, DNR
Darcy Richards, AWCERSA
Linda Freed, KIB
Maureen McCrea, MMS
Sara Hunt, DGC
Christine Valentine, DGC
Janet Burleson, DNR
Rob Walkenshaw, DNR
Carmen Denny, DGC
Nicole Faghin, Reid Middleton
Sue Flensburg, BBCRSA
Jon Isaacs, Jon Isaacs & Assoc.
Beth Kerttula, DOL
Mary Pearsall, KPB
John Purcell, LPB
Glenn Seaman, DFG
Thede Tobish, MOA
John Gliva, DCRA
Gretchen Keiser, DGC

DISTRICT PLANNING WORKING GROUP

Summary of 5/31/94 Meeting

Planning

1. Define what the problems (key issues) are with the district's plan before a plan amendment is initiated. Conduct an analysis of the plan, and identify the best way to address the problems identified. Also need to consider what other problems are occurring in the district that are not a function of plan implementation or should be addressed through means other than a district plan.
2. Require districts to do a complete plan analysis every 3-5 years. Given the length of time it takes to complete a plan, a resource inventory/analysis could be 7+ years old if you wait 5 years for a review.
3. Interact with the implementors (district and agency staff) early in the planning process. Ground truth proposed policies. Review draft plans for "workability". The ACMP coordinators and DGC have some responsibility for involving agency permitting staff and DGC project review coordinators in plan reviews. District staff should also talk to the permittees.
4. Hold agency/district meetings early in the planning process, before the public hearing draft goes out for review. Be sure that participants have written materials (draft issues, goals, objectives) before a meeting.
5. The lengthy amendment process is a deterrent to revising plans. Streamline the process.
6. Develop a tracking system (or use existing DGC RBase) to document problems with specific policies. Need to define what is meant by the success or failure of a policy. Consider the policy language, how active the district is, and how agencies respond to district recommendations for stipulations based on policies.
7. Develop guidance on strategic planning. Do the regulations need to be modified to allow strategic planning? AMSAs or SAMPs usually focus on more defined areas within a district, or on specific resources or activities. Strategic planning may be appropriate in those instances. Strategic planning may also be an appropriate approach in a new or revised basic district plan. Also explore using the comprehensive plan as the foundation for a district plan.
8. If a district plan contains more specific policies, the district may also want to include a variance or exemption procedure or special exception to a policy. Need very specific criteria so a variance procedure is not misused. Consider a variance procedure that could either be policy specific, or plan specific. Should agencies be

involved in the variance procedure as part of the consistency review?

9. Consider development of a "socioeconomic" standard. A socioeconomic standard may highlight or strengthen the district's ability to define public need for a project. Currently, socioeconomics are discussed as part of the public need considerations under the Coastal Development and Habitat standards, or where the term feasible and prudent occurs in a policy. A socioeconomic standard could also be used to review and mitigate the socioeconomic impacts of major development projects (such as mining or oil and gas development), or to support a cost/benefit analysis of a proposed project.
10. Need to clarify the relationship between ACMP district plans and DNR area plans.

Plan Implementation

11. Revise the district annual reporting form to ask more detailed, diagnostic questions and use them to report problems with plan policies or plan implementation.
12. Agencies should review/analyze problems with plan implementation in their quarterly reports to DGC.
13. DGC should summarize the district and agency comments on problems with implementation of the ACMP and district plans, give feedback, and take appropriate action. Some of the issues could be brought to the ACMP working group for discussion and resolution.
14. What are the specific problems districts have with how DNR, DEC, DFG implement the district plans?
15. Identify and assess the success of other local implementation tools, besides the consistency review process. Do different local tools affect how a coastal plan should be developed?
16. Improve the local/state coordination of consistency reviews. Redundancy sometimes occurs when both the local district and the DGC or other agency conducts a consistency review. Part of the problem is a different scope of review. Clarify and strengthen the local implementation tools in the district plan.

General ACMP Implementation

17. Improve communication among districts and agency permittees.
18. Identify and recognize the different perspectives of DEC, DFG, DNR, DGC, and the districts on how the ACMP fits into the big picture of issuing permits, leases and other authorizations.

19. What are the incentives for DEC and DNR to participate in the ACMP? DFG and the districts access more power, or standing through the process. What incentives can be offered to DNR and DEC? DNR sees the ACMP as "circumventing" its process in some cases. Can the DEC, DFG, or DNR and ACMP review processes be better aligned or combined?
20. The ABC list is underutilized and moving projects from the C to the B list would help streamline the consistency review process.
21. Clarify the current implementation, monitoring and enforcement that occurs at the local and state level. What are the district and agencies' authorities and responsibilities and how does each agency conduct consistency reviews? Do we need an official ACMP enforcement procedure in statute or regulation. Are the currently available enforcement mechanisms too difficult or expensive to apply?
22. Investigate further the problems with monitoring and enforcement. Are homeless stipulations really a significant problem? The problem with monitoring and enforcement is a larger issue than the ACMP.
23. Explore different approaches to implementation of the ACMP. Is it time to consider a shoreline or coastal permit, with appropriate monitoring and enforcement powers going to a single agency?
24. Because of dwindling budgets, agencies are prioritizing what they will review under the ACMP. Either projects are not being reviewed by all agencies, or in some cases permits or other authorizations are being waived. Need to keep this fact in mind. Also, can DGC take more responsibility for reviewing projects?

Participants

Louisa Rand Moore	Jon Isaacs
Walt Wrede	Frankie Pillifant
Glenn Seaman	Sara Hunt
Susan Braley	Gabrielle LaRoche
John Gliva	Darcy Richards
Sue Flensburg	Mary Pearsall
Maureen McCrea	Christine Valentine
Thede Tobish	Rob Walkinshaw
Gordon Lewis	Nicole Faghin
Beth Kerttula	

20. Consider developing MOAs with the federal agencies to secure commitment.
21. Need to consider that the different levels of government have different perspectives/agendas at the district, regional or headquarters level. Make sure you involve the right people at the right time.

Plan Content

22. Should consider a "strategic planning" approach, especially for special area plans, to focus on specific issues or conflicting uses. Determine the information needed by the agency whose authority addresses the problem - that's the information to focus on in the district planning process. Do you want quantity or quality? Analyze the problem to discover the data you need.
23. Do need to consider that a complete resource inventory is important for the consideration of cumulative impacts. Need to consider historical uses and activities.

Policies

24. Need to be clear and specific in the policy language. If language is unclear, it could be considered arbitrary in court.
25. Performance based policies need to be more specific, yet allow flexibility to fit the circumstance.
26. Refer to the Department of Law manual for drafting regulations for guidance on policy language.
27. Who get deference on the interpretation of policies? Should agencies use stipulations based on district policies (for example, habitat stipulations) or their own authorities, or should the district develop the stipulations? Need to clarify these responsibilities.
28. Should district plans reference or incorporate local ordinances? If ordinances, or ordinance like policies are incorporated in the plan, the ACMP amendment process must be followed if the district wants to revise policy language, or revise the ordinances.
29. District policies should match the "issues, goals, and objectives" section of the plan.
30. Should "state or federal" issues be carried in the district plans, or should the plans be focused on locally driven issues?