

The Role of Local Governments in the Alaska Coastal Management Program

Local Coastal Management Plans & the State Consistency Review Process



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**The Role of Local Governments in the Alaska Coastal Management Program
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by

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State Agency Survey and Results

Department of Environmental Conservation

Department of Fish and Game

Department of Natural Resources

Division of Governmental Coordination

Coastal Districts Survey and Results

Acronyms

AAC	Alaska Administrative Code
ACMA	Alaska Coastal Management Act
ACMP	Alaska Coastal Management Program
AG	Attorney General
AMSA	Area Meriting Special Attention
AS	Alaska Statute
BBCRSA	Bristol Bay Coastal Resource Service Area
BSCRSA	Bering Strait Coastal Resource Service Area
CAD	Concept Approved Draft
CBJ	City and Borough of Juneau
CFR	Code of Federal Regulations
CPC	Coastal Policy Council
CPQ	Coastal Project Questionnaire
CRSA	Coastal Resource Service Area
CZMA	Coastal Zone Management Act
DCED	Department of Commerce and Economic Development
DCRA	Department of Community and Regional Affairs
DGC	Division of Governmental Coordination
DEC	Department of Environmental Conservation
DFG	Department of Fish and Game
DNR	Department of Natural Resources
DOL	Department of Law
DOTPF	Department of Transportation and Public Facilities
EPA	Environmental Protection Agency
FEIS	Final Environmental Impact Statement
FWS	Fish and Wildlife Service
FY	Fiscal Year
KIB	Kodiak Island Borough
M&S	Mazmanian and Sabatier
NCRI	National Coastal Resources Institute
NMFS	National Marine Fisheries Service
NPDES	National Pollutant Discharge Elimination System
OMB	Office of Management and Budget
PFCS	Proposed Findings and Conclusions
PHD	Public Hearing Draft
RFAI	Request for Additional Information
RFCS	Revised Findings and Conclusions
SAMP	Special Area Management Planning
SCRP	State Consistency Review Process
SPCMP	Saint Paul Coastal Management Program
USC	United States Code

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Abstract

The Alaska Coastal Management Program (ACMP) is a networked program, using existing state and local authorities and intended to allow joint state-local management of coastal zone resources and uses. The State of Alaska has outlined broad program goals, and the local governments were to specify how those goals and additional local goals would be met through local coastal planning. The state coastal review process is the primary method used to ensure that state and local governments collaborate in coastal management decisions. But local governments are very frustrated with the review process and are concerned that state government routinely discounts or ignores local coastal goals and needs. Local governments appear to be correct in asserting that state government may not be fully meeting its requirements to implement local coastal plans and facilitate state-local decision making. The situation stems from: (1) strong centralized control over the review process and local resistance to state control, (2) local dislike or resistance to the inflexibility of the review process, (3) state and local implementors having misunderstandings about their roles and responsibilities with respect to the implementation (including enforcement) of local coastal policies, (4) local misunderstandings about the relationship between the ACMP and the CZMA, including the federal role in the state and local coastal programs, (5) local perceptions that the ACMP was suppose to provide more local influence and control over state and federal actions (including permitting) than it has, (6) generally mediocre to poor state-local communication and coordination, and (7) the fact that many local coastal policies are weak or poorly constructed, making them not amenable to straightforward, successful implementation at the state or local level.

Introduction

The ACMP was developed during the 1970's in response to the importance of the coastal zone and its resources to Alaskans and the incentives provided by the federal Coastal Zone Management Act (CZMA). The Alaskan program uses a networked approach to coastal management, relying on existing state agency authorities and permits and the land use planning powers of local governments. Program designers realized that the geographic, social, cultural, and economic variability of coastal areas along with the size of the Alaskan coastline greatly decreased the feasibility of a purely centralized program. Additionally, the strong tradition of home rule in Alaska makes state mandates for coastal management politically unpopular.

The ACMP was intended to function as a state-local partnership in coastal management. Initial problems with internal state agency coordination and communication and the frequent exclusion of local governments from coastal decision making led the State to

adopt a coordinated review process specifically for coastal projects and decisions. This process is consensus-based and includes state agencies and local governments in coastal management decisions. Responsibility for process oversight was placed in a newly formed division of the Governor's office.

The primary route for exercise of the ACMP's state-local partnership is through the state coastal review process. The primary goal of this research is to characterize the local role in that process and to compare that role with the intended local role. A secondary goal is to determine if the local role in the process should or can be improved. Indications of increasing frustrations and concerns about the review process and a lack of process evaluations form the need for this research.

First, background information on the ACMP and the review process is provided, along with the perceived problems that led to this research. Literature related to land use planning, policy development, and implementation analysis is also reviewed, serving as methodology guidance and helping to define the limits of an implementation analysis. Following the literature review is a description of the implementation model chosen and the methods used to gather and analyze data. Data are presented and briefly discussed in the results section. A detailed analysis of the results is located in the discussion section. Finally, the main recommendations and conclusions of the study have been outlined.

Background on the ACMP

The federal CZMA of 1972 provided an impetus for development of a statewide coastal management program in Alaska. The CZMA declared that the nation's coastal policy was to "preserve, protect, develop, and where possible, to restore, to enhance, the resources of the nation's coastal zone for this and succeeding generations" (CZMA, 1990, § 303(1)). This broad goal was to be reached by encouraging and assisting the coastal states in the preparation and implementation of state coastal management programs. State programs were to address coastal issues of national concern and provide for a balance between resource

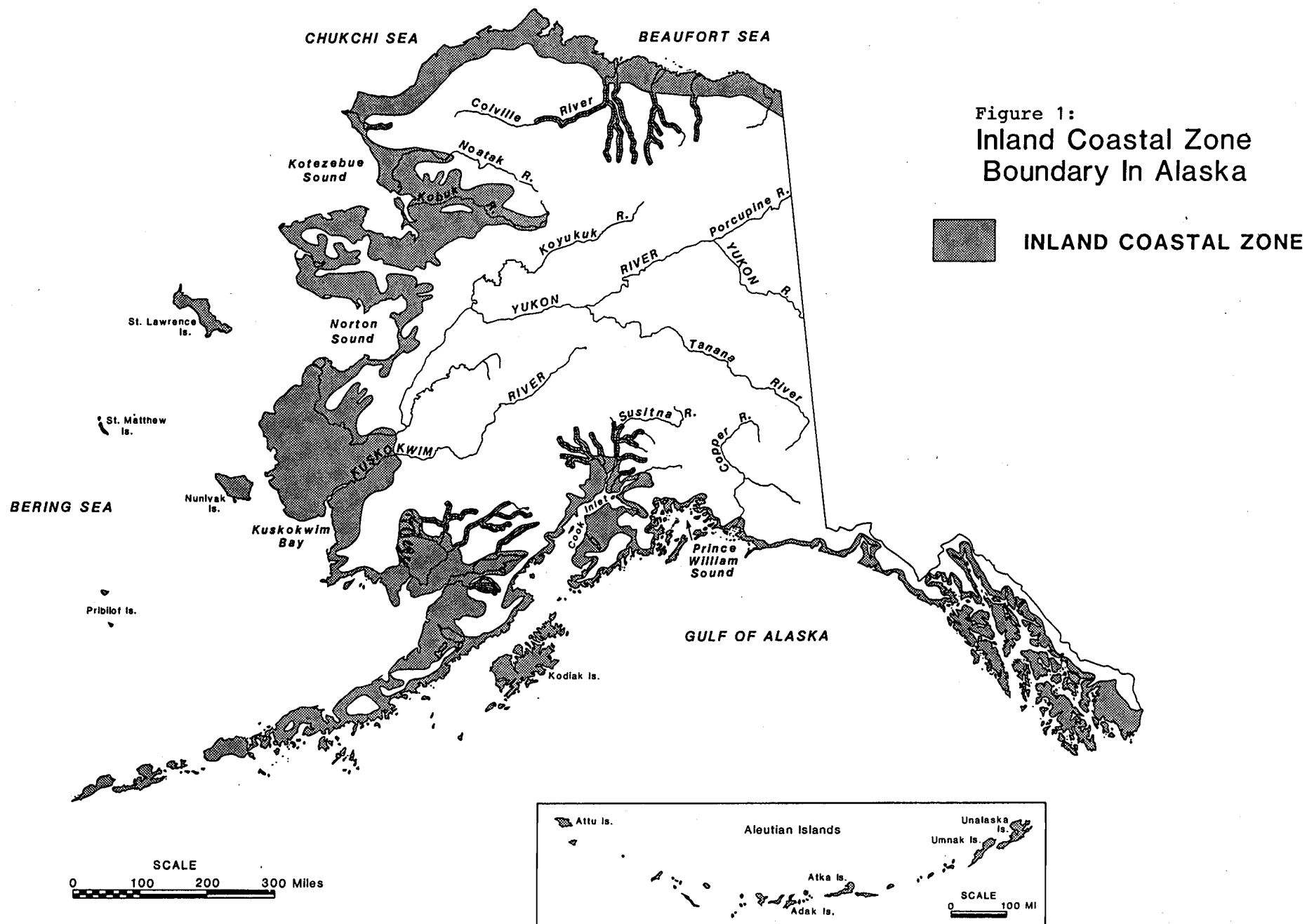
conservation and development.

In order to secure state participation in the federal coastal management program, the U.S. Congress designed the CZMA with three primary incentives. The foremost was the promise of funds directed to the states for coastal management program development and implementation. The second incentive was the discretion given to the coastal states about how to balance coastal zone uses and activities. A third and unique incentive was the Act's governmental coordination and cooperation provisions at § 307 (CZMA, 1990).

The CZMA, as amended in 1990, requires federal agency activities, approvals, or assisted projects to be conducted in a manner consistent with state coastal management programs to the maximum extent practicable. Practicable means "capable of being done" and when modified by maximum extent means consistent to "the fullest degree permitted by existing law". The CZMA regulations explain that the consistency obligation is strong and requires "substantive changes in federal agency decision making" (15 CFR § 930.32). The consistency provision applies to any federal activities that will affect any land or water uses or natural resources regardless of whether the activities will take place inside or outside of a state's coastal zone (CZMA, 1990, § 307(C)(3)(A)). This provision recognizes that state governments with approved coastal management programs have the authorities and interests necessary to manage coastal resources and helps to ensure that federal or federally-approved projects are conducted without undermining state coastal management programs.

Development of the ACMP

The state of Alaska began developing its coastal zone management program upon receipt of its first coastal zone management grant from the federal government in 1974. During program development, policy makers and resource managers had to consider the unique aspects of the Alaskan coastal zone that could potentially act as obstacles to effective coastal management. Program implementors must also consider these factors. Foremost among these is the enormous size of the Alaskan coastline, approximately 34,000 miles. To put the size in context, the entire U.S. Atlantic coast is approximately the same length as

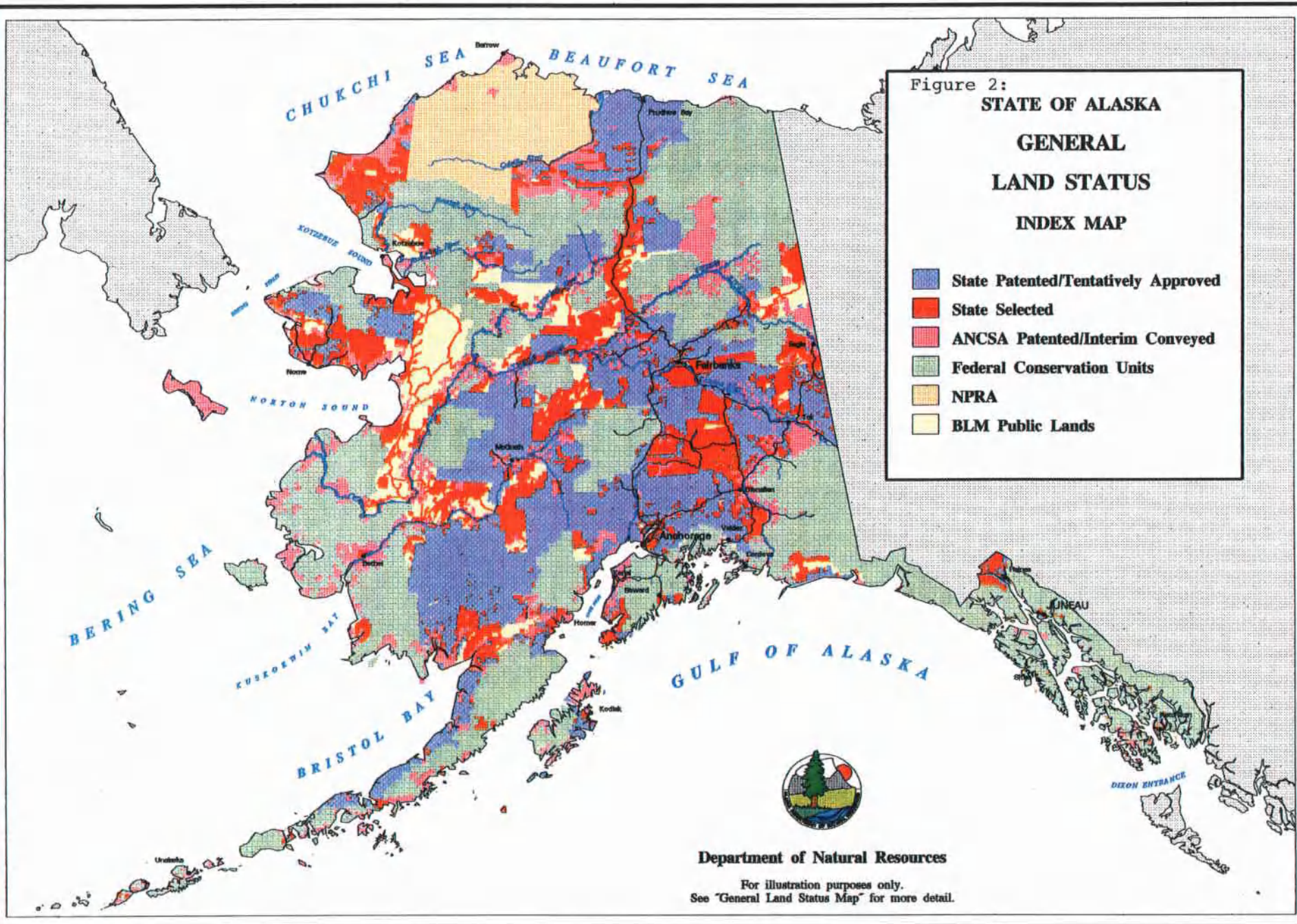


Alaska's coast (CURS, 1991). The sheer size of the Alaskan coastal zone, shown in Figure 1, creates other obstacles to coastal zone management. For example, information regarding the resources and uses of much of Alaska's coastal zone is sparse. The size of the state and remoteness of many areas also make communication difficult through any medium. Another element of the communication challenge is accounting for the differences in cultures and languages throughout the state.

The scale of the Alaskan coastal zone is but one of the challenges facing centralized attempts at coastal management. Approximately 75% of the State's population lives in or near the coastal zone, and many rely partially or totally on the coastal zone for a living. The diversity and value of Alaska's coastal resources are other factors that must be considered. Four major economic resources, fisheries, oil and gas, timber and tourism, are primarily located in the coastal zone (Gallagher, 1990, 180). In addition, the coastal zone provides many of the resources used by coastal Alaskan Natives to sustain a subsistence way of life. Not only is a subsistence way of life preferred by many Native Alaskans, it is also an economic and cultural necessity.

The mosaic of land ownership within Alaska adds to the difficulty of coastal management by increasing the number of actors in the management arena. Almost 90% of the coastal zone is public land, approximately 60% federal and 28% state lands. The Alaska Natives Claims Settlement Act placed nearly 12% of Alaska's lands in private, native ownership (Gallagher, 1990, 180). Since much of this land is in the coastal zone, another stakeholder joins the management scheme. The ownership patterns, illustrated in Figure 2, do not reflect natural geographic boundaries. Therefore, coastal management requires the participation of all land owners if regional issues and uses are to be addressed.

Land ownership in Alaska is not entirely determined, and settlement of land disputes could affect coastal zone management for years to come. The State continues to select lands from the federal reserved lands as agreed to under the Alaska Statehood Act of 1959. Native groups have not completed all of their land selections either. The State is also trying to



resolve disputes over land grants to the State university system and the so-called mental health lands. The latter deserves a brief explanation.

In 1956, the Territory of Alaska was granted one million acres of land from the federal government which was to be used to generate monies for mental health programs. Lands along transportation routes and populations centers were selected by the State, and a portion of the lands were transferred to municipalities and the private sector. In 1978, the Alaska Legislature redesignated the mental health lands as general state lands and agreed to appropriate a percentage of the State's land and resource revenues to a mental health trust (DNR, Jan. 1991). When the Legislature failed to designate the monies, several of the mental health land beneficiaries filed suit.

The mental health court case was appealed to the Alaska Supreme Court, and the Court ordered the State to restore the mental health land holdings (DNR, Jan., 1991). The Court decision initiated the ongoing process of land exchanges to replace the mental health holdings with all unencumbered, original lands and new, replacement lands. Although state tidal and submerged lands are not available for exchange, other coastal lands are involved (DNR, Aug. 1991, 1-2). Municipalities, some of which are coastal districts or are inside the boundaries of a coastal district, will also be involved in the mental health land transfers. Although municipalities do not have to return mental health lands conveyed to them, they are given the option of returning those lands to the trust in exchange for other state lands within the local area (DNR, 1991, Oct.).

One advantage for Alaskan policy makers and resource managers is that much of the coastal zone is not yet developed. A proactive approach to coastal management is possible. In most coastal states, extensive coastal development preceded attempts at management. Alaska is able to make coastal management decisions without contending with a large number of irrevocable commitments made prior to program development. However, quality and informed decision making is critical if coastal problems are to be avoided or minimized in the future. Undoubtedly, the ACMP was at least partially developed to prevent the problems

evident in other coastal states from happening in Alaska.

During the first two years of program development, Alaska focused on defining coastal zone boundaries, looking at options for program structure, identifying coastal areas and resources of concern and determining what uses would be permissible in the coastal zone. Research was focused on the Gulf of Alaska and Cook Inlet regions, areas subject to outer continental shelf activities (FEIS, 1979, 485). In 1976, a coastal bill was introduced in the Legislature but received strong opposition and was subsequently withdrawn. According to the program's Final Environmental Impact Statement (FEIS), the first coastal bill did not win sufficient political support because the proposed program failed to involve local governments and the public in coastal management (1979, 485). Later in 1976, a joint legislative-administrative committee redesigned the State's strategy for coastal zone management.

A second coastal bill was introduced in the Legislature in January 1977, and the Alaska Coastal Management Act (ACMA) was passed in June of that year. The objectives of the Act (Table 1) are defined broadly and suggest that a balance between development and conservation is desired. Policy formulators structured the coastal program to encourage cooperation and coordination between state and local governments. The ACMA outlined a 'networked' management program with the following attributes: (1) designation of a lead agency with policy making and coordination responsibilities, (2) placement of the lead agency in the executive branch, (3) lead agency reliance on other state agencies and local governments for expertise and permitting, and (4) emphasis placed on improving and coordinating pre-existing authorities (Alaska Statute [AS] 46.40 and Born and Miller, 1988, 231).

The ACMA assigned program oversight responsibilities to two newly-formed entities - the Division of Governmental Coordination (DGC, formerly named the Office of Coastal Management) in the Governor's Office and the Alaska Coastal Policy Council (CPC). The main duties of the DGC are to: (1) serve as an information clearinghouse for local, state and

OBJECTIVES OF THE ACMP

- (1) the use, management, restoration and enhancement of the overall 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.

Table 1. The objectives for the ACMP listed in the ACMA require a balancing of development and conservation in the coastal zone. AS 46.40.020

federal governments, (2) act as the state coastal planning agency, (3) assist local governments with coastal planning and problems, (4) process federal and state consistency determinations, and (5) provide technical assistance and management strategies to the Governor and Legislature. In carrying out these functions, the DGC is required to consult with all levels of government and provide maximum coordination of its duties with other state agencies. In particular, the DGC is mandated to assist the DCRA in addressing local and regional development issues and to serve as staff to the CPC (AS 44.19.415).

The CPC is a joint public-state policy and rulemaking body comprised of nine public and seven state members as illustrated in Figure 3. The specific powers and duties of the CPC are outlined in AS 44.19.160 and the explanation of the CPC's powers located in Appendix A. Any additions, amendments or deletion from the ACMP must be approved by the CPC. The CPC is also directed to facilitate ongoing coordination among the state agencies and "assure continued provision of data and information to" local governments to facilitate the local role in the Alaska Coastal Management Program (ACMP) (AS 44.19.161 (2) and (3)). All CPC decisions require a quorum of four public members and three state members, and decisions are made by majority vote.

Instead of requiring a new coastal permit, the ACMP relies on existing permits and authorities of state and local agencies. In addition to the DGC and the CPC, the ACMA defined those parties with implementation responsibilities in the coastal program as the state resource agencies, the Alaska Departments of Environmental Conservation (DEC), Fish and Game (DFG) and Natural Resources (DNR), and local governments. Permits of the resource agencies and local land use powers are used to implement the ACMP. State agencies determined by the Act to have a strong interest in the ACMP but not a direct role in implementation are the Alaska Departments of Commerce and Economic Development (DCED), Community and Regional Affairs (DCRA), and Transportation and Public Facilities (DOTPF).

The enforceable standards and procedures of the ACMP were developed shortly after passage of the ACMA. The ACMP Standards further define how agency authorities fit into the coastal management framework. The air, land and water quality regulations of the DEC are incorporated as enforceable coastal policies. Similarly, the land and water management authorities of the DNR, as relating to coastal areas, are used to enforce the Standards. Neither the DEC or the DNR received increased authority or jurisdiction from the ACMP. In contrast, the DFG gained broader authority over coastal habitats and biological resources through the ACMP Habitat Standard. The agency's authorities over anadromous fish streams and tributaries and fish passage are also used to implement the program.

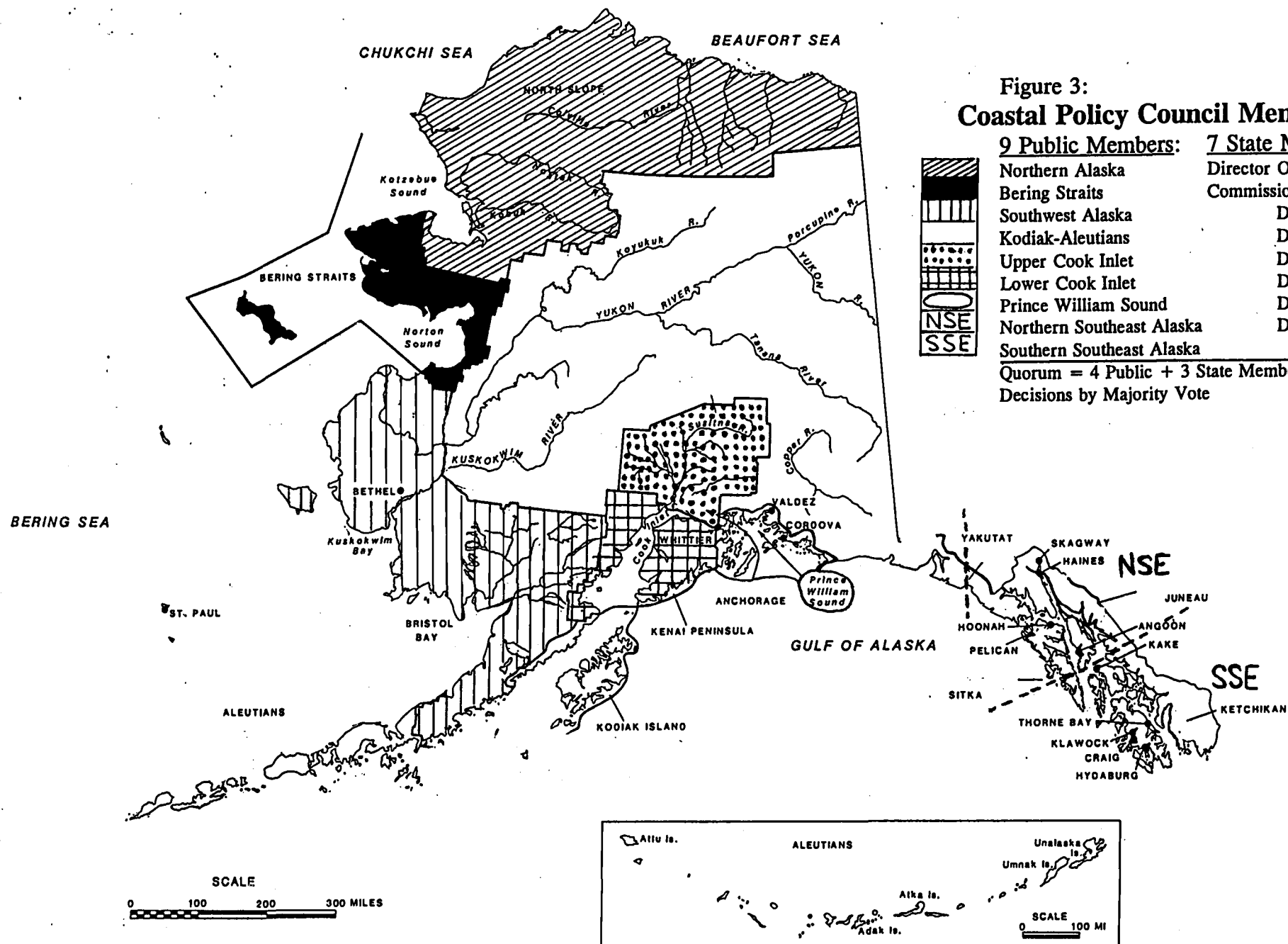


Figure 3:
Coastal Policy Council Membership

9 Public Members:

Northern Alaska
Bering Straits
Southwest Alaska
Kodiak-Aleutians
Upper Cook Inlet
Lower Cook Inlet
Prince William Sound
Northern Southeast Alaska
Southern Southeast Alaska

7 State Members:

Director OMB
Commissioners:
DCED
DCRA
DEC
DFG
DNR
DOTPF

Quorum = 4 Public + 3 State Members
Decisions by Majority Vote

The Role of Local Governments in the ACMP

The ACMP also relies on and expands the land use planning and regulatory powers of local governments. Local governments have and continue to develop coastal management plans, including enforceable policies, based on the ACMP Standards and Procedures. Local governments are required to accommodate uses of State concern but can otherwise develop coastal policies based on local priorities. Once completed and approved by state and federal governments, the policies of local plans become an enforceable component of the ACMP and have the same status under federal law as the State program. All federal, state and local decisions have to be consistent with the ACMP Standards and local enforceable policies. In other words, concurrence or objection to federal consistency determinations and issuance of state consistency determinations must be in accordance with state and local coastal policies.

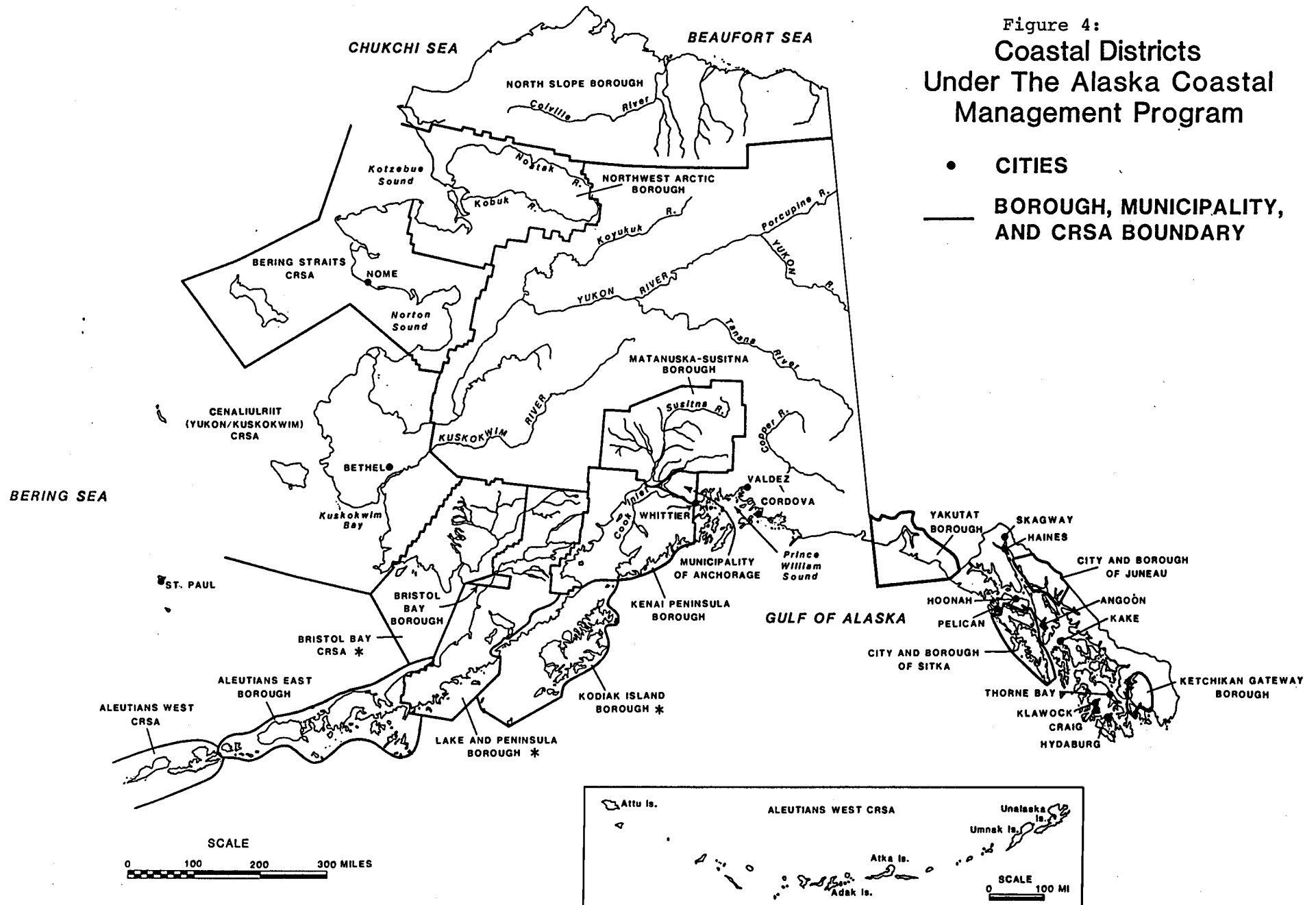
There are three primary differences between local powers before and after the ACMP (DOL, 1981). First, the state agencies are given a statutory role to participate in local land use planning. The primary incentive for participation is that the state agencies are required to conduct any actions in the coastal zone, including permit issuance, in a manner consistent with local coastal management programs once those programs are incorporated into the ACMP. This is the second difference between local land use powers in and outside the coastal zone under the ACMP. State and federal agencies are no longer immune from local controls. Since local programs become state law (i.e., part of the ACMP) and the CZMA requires federal consistency with state programs, local governments in the coastal zone potentially have greatly increased control over state and federal actions, including permit issuance. The third important factor about the local role under the ACMP is that unorganized areas of the state are given the ability to prepare coastal management programs which are implemented by the state agencies.

The state agencies were initially unsure about their responsibilities under the ACMP. In 1978, the DOL explained in guidance to the state agencies that AS 46 requires state agencies to implement both statewide and local coastal policies adopted as part of the program (DOL, 1978 8, 11). The program's FEIS explained that "an important function of

the ACMP is [the requirement for] state implementation of and consistency with the local programs when they are approved and have become part of the ACMP." State resource agencies were to "incorporate the district programs into their other criteria for permit issuance and other actions." (1979, 232). The state agencies are required to deny permits that conflict with state or local coastal policies, but the agencies must also deny permits that are consistent with coastal policies if the permit violates other agency standards (DOL, 1978, 17). In addition, the state resource agencies have partial implementation responsibilities for coastal district plans and are to provide coastal information and technical assistance to all coastal districts (1979, 226). Although the ACMA clearly called for governmental coordination, it did not outline a specific process. The only direction given by the act was that the DGC would concur or object to federal consistency determinations based on the expertise of the state resource agencies and local governments.

The ACMA defines which local governments are considered "coastal resource districts" and thus have a legal standing in the ACMP. A coastal district may be: (1) a unified municipality, (2) an organized borough, (3) a home rule or first class city of an unorganized borough or a borough without planning and zoning powers, (4) a second class city in an unorganized borough or a borough without planning powers which the DCRA determines to be capable of preparing and implementing a coastal plan, or (5) a coastal resource service area (CRSA) (AS 46.40.210 (2)). The first four district types are characterized by the local planning and zoning powers granted under AS 29, the statute which outlines the home rule authorities of local governments. CRSAs lack local regulatory authority but are involved in coastal zone management. CRSAs boundaries follow regional educational service areas established by the State and are governed by a board elected by villagers from within the CRSA. The coastal plans of CRSAs are implemented entirely by the State in lieu of authority at the local level. Currently, there are 36 coastal districts see Figure 4), four CRSAs, 12 boroughs, 19 cities, and the Annette Island Indian Reservation. Annette Island is considered a coastal district in theory, but the State has no authority there.

Figure 4:
Coastal Districts
Under The Alaska Coastal
Management Program



The ACMA grants local governments a role in the state coastal management program, but it was the CPC through adoption of program regulations in 1978 that defined that role. The ACMP Standards address allowable uses and activities, protection of habitats and resources, and identification of and planning for important areas, uses and resources. Table 2 lists and briefly describes the ACMP Standards. (See also 6 AAC 80 in Appendix A). It is worth noting that the Standards are general and are not prioritized. Policy formulators felt that the large differences in local environments and socioeconomic conditions throughout the state demanded broad standards. "Local governments [would] determine what uses [would or would] not be allowed" based on the ACMP Standards (FEIS, 1979, 297.). The Standards direct the CPC to "provide adequate, effective and continuing opportunities for public participation" (6 AAC 80.20, 1978).

The ACMP Guidelines (6 AAC 85 - see Appendix A) cover the development and approval of local coastal management programs. Coastal districts must include all sections listed in Table 3 within their plans. A district planning process was developed to determine if local plans meet the ACMP requirements. The planning process is illustrated in Figure 5. Public involvement during local program development is required, and federal, state and local agencies, adjacent coastal districts and other parties with a "significant interest" in the local program must be given an opportunity to review draft plans (6 AAC 85.130-140). Theoretically, having this review requirement helps to assure that a broad range of issues and viewpoints is considered. Amendments must be carried out in accordance with procedures at 6 AAC 85.185.

The policies of coastal district plans become an enforceable part of the ACMP and must meet criteria listed at 6 AAC 85.090. First, the policies must be "comprehensive,...to apply to all uses, activities, and areas in need of management". Second, district policies have to be specific "to allow clear understanding of who will be affected...[and] how they will be affected. The last requirement is for the policies to be legally enforceable and thus defensible.

THE ACMP STANDARDS

Coastal Development - 6 AAC 80.040

priority given to (1) water-dependent uses, (2) water-related uses and (3) uses which are not water-dependent or related but for which there is no feasible and prudent inland alternative to meet the public need.

Geophysical Hazard Areas - 6 AAC 80.050

identification of known and potential geophysical hazard areas and siting, design and construction to minimize the potential for losses from natural hazards.

Recreation - 6 AAC 80.060

district designation of areas used for or with potential for public recreation. the State and districts must give high priority to maintaining and increasing public access to coastal areas.

Energy Facilities - 6 AAC 80.070

identification of sites suitable for energy facilities. siting and approval of major energy facilities contingent on criteria outlined in standard.

Transportation and Utilities - 6 AAC 80.080

transportation and utilities routes and facilities must be consistent with district programs and sited inland unless water-dependent or no feasible and prudent inland alternative exists to meet the public need.

Fish and Seafood Processing - 6 AAC 80.090

identification of sites suitable for seafood processing.

Timber Harvest and Processing - 6 AAC 80.100

incorporation of the state's forestry act and regulations. covers timber harvest, operations, and processing.

Mining and Mineral Processing - 6 AAC 80.110

activities must be consistent with the other ACMP Standards. Sand and gravel extraction is allowed if there is no feasible and prudent inland alternative to meet the public need.

Subsistence - 6 AAC 80.120

recognize and assure subsistence uses. district identification of areas where subsistence is the dominant use. districts can create subsistence zones.

Habitats - 6 AAC 80.130

specifies how coastal habitats, including important upland habitats, must be managed. uses that do not conform with the standard are allowed if there is no feasible and prudent inland alternative to meet the public need and if all feasible and prudent steps to minimize impacts to coastal habitats are taken.

Air, Land, and Water Quality - 6 AAC 80.140

incorporation of the DEC's air, land and water quality regulations.

Historic, Prehistoric, and Archaeological Resources - 6 AAC 80.150

identification of coastal areas with cultural resources.

Table 2: The ACMP Standards are the State's enforceable coastal policies. District policies are based on these broad standards. 6 AAC 80

REQUIREMENTS FOR COASTAL DISTRICT PLANS

Needs, Objectives and Goals - 6 AAC 85.020

statement of management needs and intents.

Organization - 6 AAC 85.030

organization of the district program, including local budgetary and staff needs. name and address of the local coastal contact.

Boundaries - 6 AAC 85.040

initial district boundaries must be based on the state- designated coastal zone boundaries. criteria given for acceptance of boundaries that diverge from state-designated boundaries. must include a map showing boundaries. boundaries must be compatible with adjoining areas.

Resource Inventory - 6 AAC 85.050

description of coastal habitats, land and water uses and activities, land and resource ownership and management, and cultural resources within the district.

Resource Analysis - 6 AAC 85.060

analysis of the resource inventory. description of significant anticipated changes, environmental capability and sensitivity, and present and anticipated needs and demands for coastal resources.

Subject Uses - 6 AAC 85.070

description of land and water uses and activities which are subject to the district program.

Proper and Improper Uses - 6 AAC 85.080

description of land and water uses and activities which are considered proper or improper under the district program. uses of state concern must be considered proper.

Policies - 6 AAC 85.090

standards that land and water uses or activities subject to the district program will be held against. policies must be comprehensive, specific, and enforceable. policies must be located in a single section of the plan.

Implementation - 6 AAC 85.100

description of the methods and authorities that will be used to implement the district program.

Public Participation - 6 AAC 85.110

explanation of the opportunities provided during the planning process for effective and significant public participation.

Table 3: The coastal management plans prepared by the coastal districts must address the information requirements outlined above. 6 AAC 85.

COASTAL DISTRICT PLANNING PROCESS

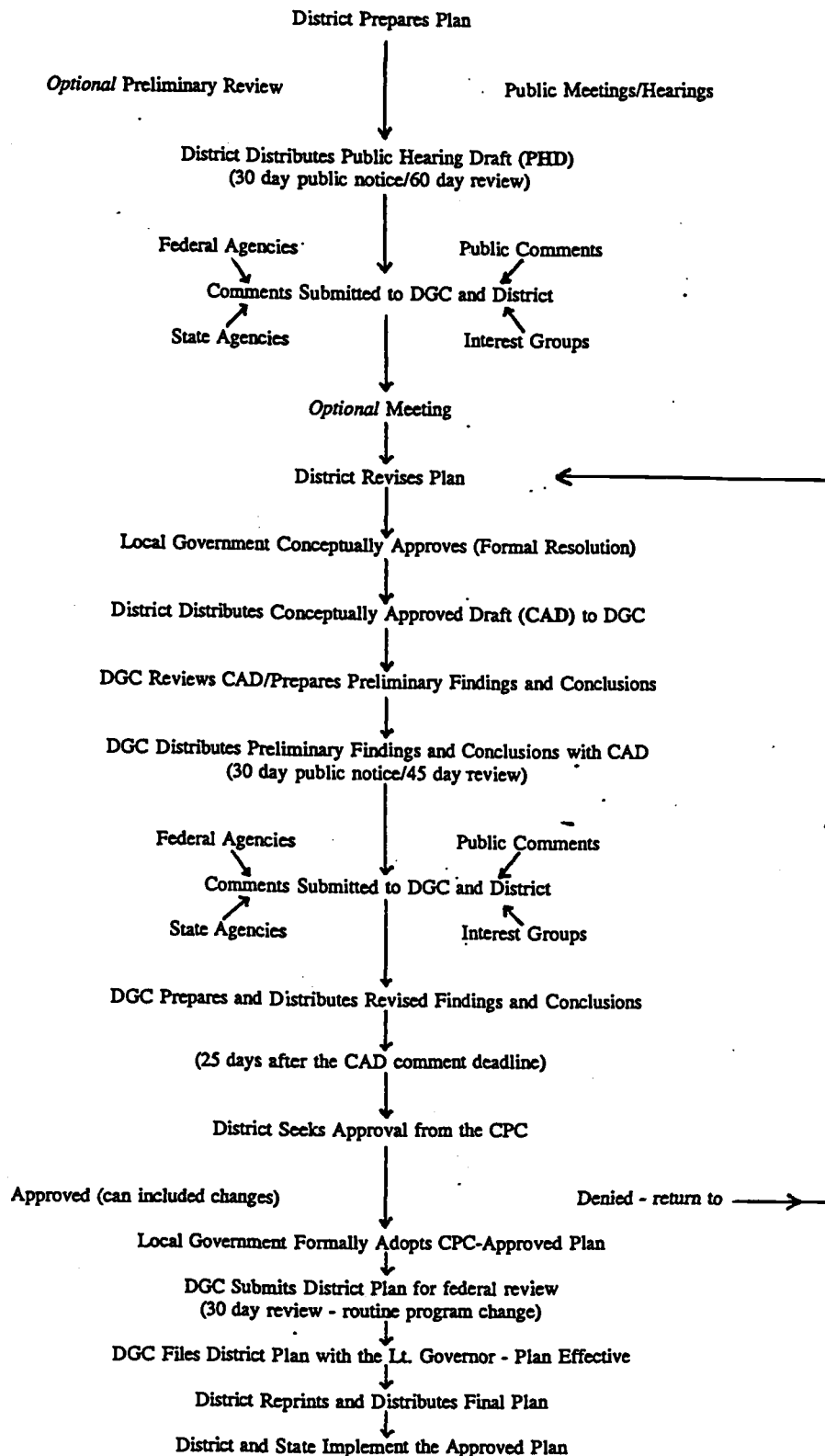


Figure 5: The ACMP planning process involves two main phases - review of PHD and CAD plans prepared and submitted by the coastal districts. The process involves federal, state and local agencies, interest groups and the general public. A district plan must be approved by the local government, the CPC and the federal Office of Ocean and Coastal Resources Management in the National Atmospheric and Oceanic Administration.

While the ACMA and program regulations speak to the intent for local government involvement in the ACMP, the program's FEIS provides the most explicit discussion. The FEIS states that the program would make a significant difference in coastal zone management by providing a role for local governments and villages in decisions of local, state and national significance (1979, 19-20). The FEIS explained that local governments were familiar with local conditions and coastal issues, including traditional land and resource uses and activities. The land use planning powers of local governments were seen as the appropriate tool for implementation of the ACMP (FEIS, 1979, 38)

Through local planning, the coastal districts decide how the ACMP Standards will apply within the local coastal area. A restriction placed on the districts is that their policies cannot unduly restrict uses of state concern as defined at AS 46.40.210 (6). There are five categories of uses of state concern: (1) uses of national interest, (2) uses of more than local concern, (3) siting of major energy facilities, (4) uses for statewide transportation or communication, and (5) public areas like parks, refuges, and recreation sites. When district plans are approved by the CPC, the state is upholding the district's interpretations of the state standards (DCRA, 1979, Book 4, 2). "District coastal management programs are the building blocks of the ACMP", and public involvement was to be ensured through the development and implementation of local plans. The "ACMP [was] intended to furnish coastal area citizens with improved opportunities to constructively influence...land and water management" decisions (FEIS, 1979, 81). By providing for local participation, policy makers hoped that district planning would raise public interest in and support of coastal management.

The State Consistency Review Process

The State further defined the local role in the ACMP through adoption of a state-local coordinated permitting process in 1984, five years after federal approval of the program. The State Consistency Review Process (SCRP) came in response to major permitting problems. Gallagher (1990,179-180) outlined the conditions that contributed to the need for a coordinated permit process. First, the number of coastal zone projects needing review was

overloading the system. Many of these reviews were related to coastal activities spurred by state and local government spending of oil revenues. Another factor which caused problems was the duration of the permit process. In many parts of Alaska, the construction season is short thus making the timing of permit application and issuance critical.

Disjointed decision-making was the biggest problem that the SCRP addressed (Gallagher, 1990, 182). Until the SCRP, local governments and state agencies reviewed coastal projects separately, often disagreeing about the consistency of projects. Another problem was that local governments often felt left out of the permitting process when the ACMA expressly provided them with a role in implementation. When state consistency determinations were appealed by local governments, the appeal process outlined in the State administrative procedures act frequently resulted in indefinite delays to projects. To make matters worse, the state resource agencies frequently could not reach consensus about project consistency and routinely wrote separate consistency determinations without consulting with other agencies. Disagreements over the consistency of projects often lead to appeals, again delaying projects. Also, when a state resource agency acted as both applicant and reviewer, other agencies and coastal districts often claimed that these reviews were biased.

The SCRP was developed to meet a number of coastal management objectives (DGC, 1987). First, the process eliminated repetitive reviews and decisions by establishing which state agency would prepare state consistency determinations. Second, the process was designed to provide assistance to applicants and to expedite the State's reviews of coastal projects. Another goal was for the process to assure adequate opportunities for local and public participation in state decision-making. The State hoped that increased participation and established review procedures would result in uniform decision-making and the balancing of costs and benefits. Decision making based on factual evidence was also an objective expressed by the DGC. A final and critical objective of the SCRP was to provide a mechanism for conflict resolution. The SCRP regulations define a process which is based on reaching consensus among applicants, the state resource agencies, and the affected coastal districts.

The SCRP regulations (6 AAC 50 - see Appendix A) expanded the DGC's role as the lead coastal management agency for the State. In addition to preparing the State's concurrences or objections to federal consistency determinations as assigned by the ACMA, the DGC was assigned the duty of rendering "all conclusive consistency determinations for any project requiring two or more state [resource] agency or [any] federal permits" (6 AAC 50.010 (1)(A) & (B)). If permits are needed from only one state resource agency, that agency is responsible for coordinating the State review and issuing the consistency determination. All projects are reviewed with the SCRP, but reviews of federal activities must be completed in accordance with the deadlines outlined in the CZMA regulations at 15 CFR 930 (6 AAC 50.020).

The SCRP regulations address various stages of the permitting process. The coordinating agency is required to provide pre-application assistance to applicants. Before requesting State review of a project, an applicant can request that the coordinating agency supply and explain necessary paperwork, explain the SCRP and ACMP, provide contact names for federal, state, and local agencies, and determine the scope of the project to be reviewed. Pre-application meetings between all levels of government and the applicant may be held, providing an applicant with the chance to explain the project and determine what information and approvals are necessary for a consistency review. For most projects, especially those that are complex, the pre-application discussions allow early detection and resolution of issues.

In order to determine what approvals an applicant will need, the State relies on a form called the Coastal Project Questionnaire (CPQ). Introductory material attached to the CPQ briefly explains the SCRP and provides state agency and local government contacts. The CPQ solicits information on the project proposed (i.e., project description, drawings and location) and the federal and state resource agency approvals required. In order for a review packet to be complete, an applicant must submit a completed CPQ and copies of all necessary permit applications. Once the coordinating agency determines that a review packet is complete, the State's review materials must be distributed to reviewers and interested

parties within two days (6 AAC 50.070 (e)).

The SCRP requires expedited reviews of 30 or 50 calendar days (not counting holidays) and adherence to various review deadlines. The review schedules and requirements are explained in Table 4.

STEPS IN THE ACMP CONSISTENCY REVIEW PROCESS*

STEPS	30-Day Review	50-Day Review
Start-Up: When the consistency review begins, a project is assigned a review number and review schedule.	Day 1	Day 1
Information Requests: Deadline for reviewers or coordinating agency to request additional information. The review may be stopped until that information is received.	Day 15	Day 25
Comment Deadline: Public, district and agency reviewer comments due.	Day 17	Day 34
Proposed Determination: The coordinating agency develops a proposed consistency determination that will be presented to the applicant and reviewers for concurrence.	Day 25	Day 44
Deadline for notification of elevation**	Day 29	Day 49
Conclusive Determination: A conclusive consistency determination will be issued upon agreement of the proposed determination by the applicant and reviewers unless an elevation is requested.	Day 30	Day 50
Elevation Process: If elevated, directors' determination	Day 45	Day 65
Elevation Process: If elevated again, commissioners' determination	Day 60	Day 80

* Some projects may require a different review process/schedule (such as federal activities which follow the deadlines specified in 15 CFR 930 and projects which involve a disposal of interest in State land or resources).

**Elevation Process: Elevation is an appeal process which allows further review by division directors and commissioners of the State resource agencies. Each elevation review lasts a maximum of 15 days unless a longer period is requested by an applicant.

Table 4: The State must complete the consistency reviews of projects within 30 or 50 days*. A 50-day review schedule will be used for projects with permits requiring a 30-day public notice. The review schedule may be extended as provided in 6 AAC 50.110(b).

The coordinating agency is required to address issues raised by project reviewers and must attempt to reach a consensus position among reviewers and the project applicant. In developing a consensus position, due deference must be given to each reviewer in accordance with area of expertise. However, this is not absolute deference; some discretion is given to the coordinating agency. Due deference is defined in regulation as "that deference which is

appropriate in the context of the commenter's expertise,...area of responsibility, and all the evidence available to support any factual assertions" (6 AAC 50.120).

The state resource agencies have expertise in, and thus receive due deference over, the resources and lands for which they are assigned management responsibilities. Determining due deference for coastal districts is not as straight forward, but the SCRP regulations attempted to enact the findings of an earlier state attorney general (AG) opinion on the matter. According to the AG's opinion, a coastal district has expertise in the "interpretation and application of its programs", and the state agency can only issue a consistency determination "contrary to the coastal...district's own interpretation of its approved program [when] the administrative record in support of the agency's finding [is] more substantial or..outweighs the district's comments" (DOL, 1981, 2).

Coastal districts can petition the CPC whenever they believe that the state agencies are not complying with, implementing or enforcing local coastal plans (DOL, 1981, 7). The applicant and all parties with legal standing (i.e., the state resource agencies and an affected coastal district) can elevate the proposed determination if they disagree with the coordinating agency's proposed finding. The elevation process is described in Table 4. With a maximum of 15 days for each level of appeal, even disputed projects can be finalized within 60 to 90 days. However, applicants can request a longer period for each level of appeal.

Once a consistency determination is finalized, the state resource agencies must issue permits within five days of that agency's receipt of the determination (6 AAC 50.130). An exception to this is allowed in cases where an agency commissioner determines that additional review is necessary to meet the agency's statutory responsibilities. Another exception is that state leases do not have to be issued within 5 days. Instead, leases must be issued in accordance with other legal requirements binding the permitting agency. However, a state lease cannot be issued before a conclusive consistency determination is issued. Similarly, federal permits, leases, and other approvals cannot be issued in the absence of a state consistency determination. This is a requirement of the CZMA, not the SCRP.

A project permit must contain any applicable stipulations required by the consistency determination. When a stipulation is authorized under the ACMP but is not within the authorities of the state resource agencies, this is termed a 'homeless' stipulation and must be enforced by the Alaska Department of Law (DOL). Homeless stipulations are placed on the consistency determination and any permits required from the state resource agencies. The goal of carrying the stipulations on multiple approvals is "to facilitate monitoring and enforcement" (DGC, 1991, 1). Permits may not contain any additional stipulations for the "sole purpose of ensuring consistency" with the ACMP (6 AAC 50.130). Permits can contain conditions required by agency authorities that are not under the umbrella of the ACMP.

The SCRP Report

Whether the SCRP had achieved its goals was evaluated in 1988, four years after adoption of the process. Gallagher (1990) surveyed project applicants, coastal district contacts, and project reviewers in the state resource agencies. A telephone survey was used to gather information about whether the SCRP goals were being achieved, how the process was working, if the process aided in issuance of federal and state permits and to determine if the process should be retained. Respondents were also asked to list the weak and strong points of the process. Gallagher's SCRP Report results are summarized below.

Overall, the SCRP Report survey respondents expressed support for the SCRP and for the DGC as the lead agency. Respondents strongly agreed that the process helped to coordinate permitting and expedite permit issuance, which saved time and money. Respondents also felt that the process increased communication among applicants and agencies. In particular, pre-application assistance was deemed useful in defining information needs. More local government and public involvement was indicated as a result of the SCRP, but there was disagreement about whether this was advantageous. Regardless, public and local participation was cited as a goal of the SCRP. DGC staff were viewed as very helpful by the majority of respondents. The state resource agencies did suggest that DGC staff needed more technical expertise to understand issues raised during reviews. Most

applicants stated that the process helped to resolve conflicts.

Responses to questions about SCRP review deadlines were mixed. Most respondents agreed that the process steps were fairly clear. Some expressed confusion regarding the deadlines, especially how the appeals process worked. With respect to the length of state reviews, responses were mixed. Applicants felt that the 30- and 50-day review periods were too long. However, many of the same respondents admitted that it normally took longer for federal permits to be issued than for state coastal reviews to be concluded. State resource agencies and coastal districts felt that the reviews should be longer.

The SCRP Report analysis did highlight several problems or concerns that respondents had with the process. In response to the statement "the SCRP develops better solutions", the majority of survey participants were neutral (Gallagher, 1990, 188). Only state agency respondents expressed that the SCRP resulted in the better decision making. Since the SCRP was designed, in part, to ensure improved decisions, it is important to note that respondents did not feel strongly about this point. Second, respondents argued for different processes for small versus large projects (Gallagher, 1990, 191). Many foresaw a need for shorter and longer reviews for small and complex projects, respectively. This has since been partially accomplished by the DGC's in-house adoption of a 15-day review for project alterations and additions. However, the project alteration policy has not been formalized in regulation, and the state resource agencies frequently complain about the short review periods under this policy. A third issue noted was the absence of monitoring and enforcement of consistency stipulations, a problem characteristic of most environmental regulation (Gallagher, 1990, 192). The DGC does not have the legal capability to monitor and enforce, and the state resource agencies and local governments lack sufficient funds to monitor and enforce. A last concern raised in the SCRP Report was the low amount of information available regarding Alaska's coastal zone and the absence of plans to rectify the situation. Decreasing budgets and the size of the coastal area work against data collection.

In addition to the SCRP Report, the DGC's project review statistics provide insight to

how the SCRP works. The number of reviews per fiscal year (FY) has been relatively stable, with an average of 480 reviews each year. The actual number of reviews per year and the general locations of projects under review are shown in Table 5. The types of projects under review generally can be divided as illustrated in Figure 6, with public works projects being most common and followed by fisheries-related projects.

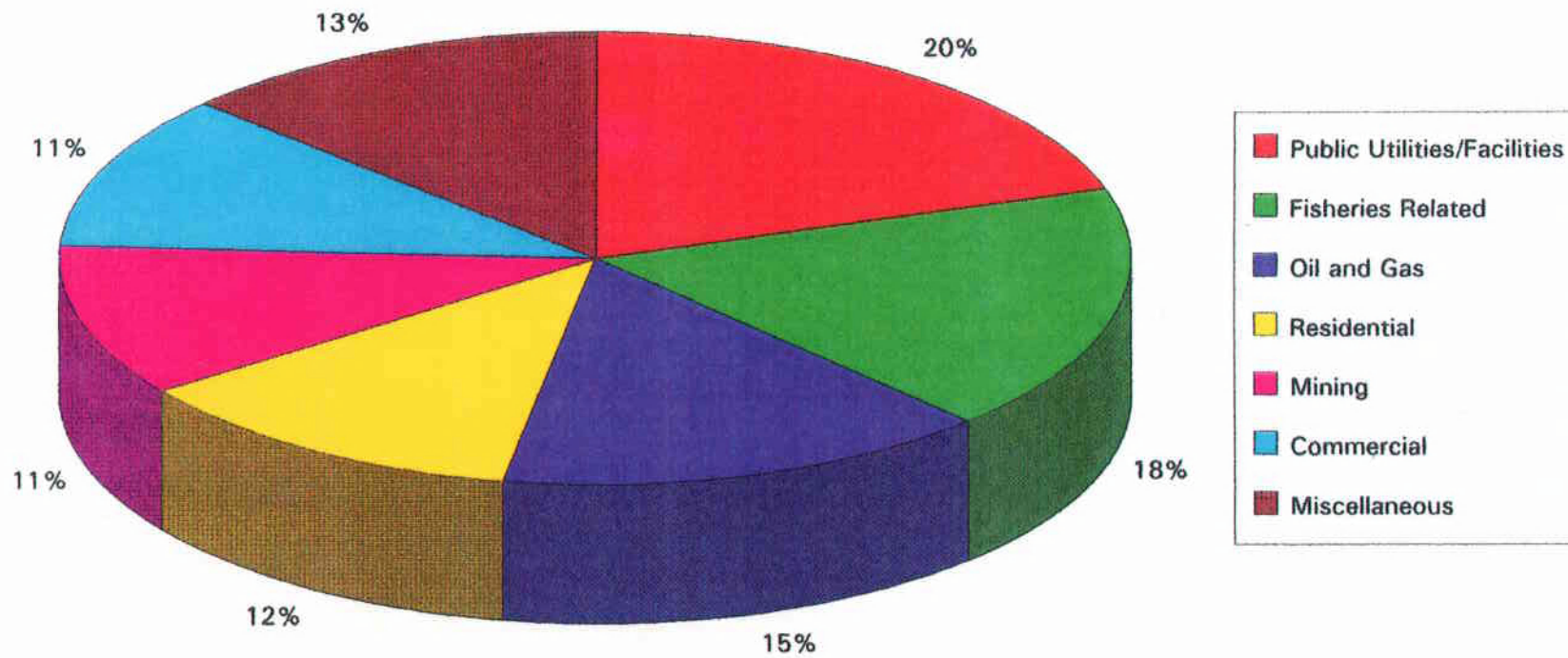
The State's consistency decisions can be broken into projects that are consistent as proposed, consistent with the stipulations, and inconsistent. The number of projects determined inconsistent is generally very low, as the FY92 and FY93 results indicate. However, the State generally finds over half of the projects reviewed consistent only if the applicant agrees to incorporate changes into the project design, i.e., consistent with stipulations. Table 6 shows the breakdown of consistency decisions for FY92 and FY93.

The review process appears to work well at bringing parties into agreement as is attested to by the low number of inconsistent projects and elevations (i.e., appeals). Because the process works well, the State utilizes the review process for non-consistency reviews. For example, the State reviews projects under the National Environmental Policy Act (NEPA) using the SCRP and conducts informational reviews for applicants which want to gain an understanding of the State's position on potential projects. A comparison, by review type, of reviews conducted by the DGC during FY92 and FY93 is shown in Table 7.

Table 5:
Alaska Coastal Management Program Reviews Coordinated by the
Division of Governmental Coordination: FY 1989 - FY 1993

<u>REGION</u>	<u>FY 1989</u>	<u>FY 1990</u>	<u>FY 1991</u>	<u>FY 1992</u>	<u>FY 1993</u>
<i>Southeast</i>					
• Consistency Reviews	111	127	159	104	112
• Other Reviews	<u>41</u>	<u>31</u>	<u>24</u>	<u>49</u>	<u>36</u>
Subtotal	152	158	183	153	148
<i>Southcentral</i>					
• Consistency Reviews	175	181	247	210	174
• Other Reviews	<u>15</u>	<u>6</u>	<u>21</u>	<u>20</u>	<u>12</u>
Subtotal	190	186	268	230	186
<i>Northern</i>					
• Consistency Reviews	127	127	90	115	18
• Other Reviews	<u>2</u>	<u>6</u>	<u>25</u>	<u>3</u>	<u>0</u>
Subtotal	129	133	115	118	18
<i>State Pipeline Coordinator's Office</i>					
• Consistency Reviews	-	-	-	-	18
• Other Reviews	-	-	-	-	<u>1</u>
Subtotal	-	-	-	-	19
<i>Statewide Office</i>					
• Consistency Reviews	-	2	-	4	4
• Other Reviews	-	-	-	12	4
SUMMARY					
• Consistency Reviews	413	437	496	433	326
• Other Reviews	<u>58</u>	<u>41</u>	<u>70</u>	<u>84</u>	<u>53</u>
TOTAL REVIEWS	471	478	566	517	379
ANNUAL AVERAGE: 482 reviews					

Figure 6:
Project Activities



Coastal Consistency Determinations for FY92 and FY93						
SCRCP	C		C/S		I	
SCHEDULES	FY92	FY93	FY92	FY93	FY92	FY93
50 - Day	11	12	0	0	35	23
30 - Day	11	13	0	0	18	30
15 - Day	9	7	0	0	6	7
Mariculture	2	5	0*	0	5	0**
Other	2	3	0	0	1	1
TOTAL %	35	40	0	0	65	61
AVERAGE %	37		0		63	

Table 6: The DGC's coastal consistency determinations are almost always C or C/S. During this two year period, only one project was determined to be inconsistent with the ACMP. 14 and 6 decisions were elevated during the two years, respectively. Based on information taken from the DGC's monthly reports for FY92 and FY93.

*% of 0.21 **% of 0.31

DGC-Coordinated Reviews by Type - FY92 and FY93		
REVIEW TYPE	FY92 - %	FY93 - %
Consistency	85	87
NEPA/Consistency	3	3
NEPA	6	6
Outer Continental Shelf	1	0
Other	5	4
TOTAL %	100	100
<p>Table 7: Most DGC-coordinated reviews are coastal consistency reviews, but 14% of the reviews for this two year period were other review types. Based on information taken from the DGC's monthly reports for FY92 and FY93.</p>		

Methods

Research Objectives

Almost fifteen years have elapsed since the ACMP was approved by the federal government, and nearly a decade has passed since the SCRP was adopted. The SCRP Report is the only detailed, evaluative study of the SCRP and does not focus on local government involvement in consistency process. Although the State has received federal CZMA funding to address a variety of coastal planning and resource issues, there is no funding to review the SCRP. This research aims to characterize the role of local governments in the State permitting process and determine if the process has acted as a successful implementation method for coastal district plans.

The intended role of the coastal districts in the SCRP and ACMP, as defined in the ACMA, ACMP regulations and the Program's FEIS, was discussed in the background section. These documents discuss a state-local partnership to coastal management. The primary research questions are:

- Does the SCRP encourage or establish a state-local partnership?
- If the partnership has not been achieved by the SCRP, which way has the power balance tipped, why, and what are the implications?
- How have lower-level implementors affected the enactment of district policies during consistency reviews?
- Can and should coastal districts enhance implementation success via the SCRP by improving their coastal management plans?
- Does the SCRP need to be altered to facilitate the local role in the process?
- Is the SCRP the best implementation method for encouraging local coastal management in Alaska?

The importance of the local role in the ACMP must also be remembered. The Alaskan coastal zone is much too large for the State to realistically manage the area on its own. The tradition of home rule is also very strong, and locals have information about the

coastal zone that the State does not possess. A purely centralized approach to coastal management would be financially and politically unfeasible.

Information Sources

To answer the research inquires about the implementation of coastal district plans, this study focused on all stages of the policy process, district planning, implementation, and, to some extent, enforcement and monitoring. Discussions with colleagues from the DGC, the state resource agencies and coastal districts helped to define research tasks by suggesting what types of information needed to be extracted from each information source.

Five sources of information formed the research database. First, program documents outlining the history and intent of the ACMP were examined to determine the intent for local government involvement in the state program. The information obtained was discussed earlier in the Background on the ACMP section. Second, information was extracted from literature on land use planning and public policy. The third and fourth information sources were found in the DGC's records. Draft plans of coastal districts' and comments submitted during review of those plans were available for analysis. The DGC's consistency review files were also accessible. Since much of the information required for this research was not contained in documents or files, surveys were utilized to gather detailed information about coastal district plan implementation. Survey results formed the fifth information source.

Literature Review

In order to characterize the coastal districts' role in the ACMP, it was necessary to consider their part in program development and implementation. Therefore, this research focused on district planning and the implementation of local plans. The first stage of research involved the review of literature on governmental coordination, land use planning, policy formulation and implementation. The relevant findings of the literature review are discussed here.

Governmental Coordination and Land Use Planning

The division of governmental powers among federal, state and local levels is a fundamental characteristic of American government. Land use planning powers are in part held by each level of government. The U.S. Constitution outlines the powers granted to the federal government. Those powers not granted to the federal government are reserved for the states. The only Constitutional provision that authorizes federal regulation of land use is the interstate commerce clause. Green (1973, 10) explained that the commerce clause is a limited source of authority but does account for federal regulation of navigable waters and land uses that affect more than one state. The federal government perhaps plays a stronger role in land use planning and regulation through taxing and spending.

The states have the greatest powers for land use regulation. States are granted almost all governmental powers not denied them by the federal Constitution and their own constitutions. Traditionally, the states delegated land use planning powers to local governments. Delegation of land use planning authorities usually occurred through a state constitution, state statute, state enabling acts, or a combination of these methods (Delafons, 1977, 320-321). In Alaska, local governments are granted land use planning and regulation authorities under AS 29. Yet, since the 1960's, there has been a national trend for increasing state involvement in land use planning and regulation resulting partially from increased public awareness of environmental problems (Healy and Rosenberg, 1979, 248). Federal environmental mandates which require or encourage state control over land use have also contributed to the shift of control.

The federal government has increased its role in environmental regulation greatly over the past thirty years. Many federal programs require or encourage state participation. The CZMA and the ACMP are good examples. As was discussed, the federal government strongly encouraged state control over the coastal zone. The CZMA also encouraged states to coordinate their efforts with local governments. Alaska's first attempt to manage the coastal zone directly was rejected by local governments and the public who resisted any change in the local home rule tradition. Due to these objections, the ACMP was redesigned

to preserve local land use powers. But under the ACMP, the federal and state governments became involved in local management of the coastal zone.

Review of planning literature highlights that the ACMP approach, state involvement in but not total control over local land use regulation, is common. Many types of regulatory programs, including coastal zone management programs in California, Florida, Maine, Oregon, Washington and Wisconsin, take this state-local approach. Is this the best way to plan for and regulate coastal land uses? Healy and Rosenberg (1979, 249) state that "power over land use should be lodged with the level of government appropriate to the problem", a simple statement which does not reflect the difficulty of designing management programs. The choice of a regional, state, local, or combined approach to land use planning would depend on the land use issue, the management setting, and the availability of necessary resources.

Coastal systems, activities and, therefore, issues often ignore political boundaries. A regional approach to land use regulation, ranging from several states to county government or several communities, is sometimes necessary to get to the root of coastal problems. Stakeholders from all affected governments and communities should be involved in regional decisions. But according to Healy and Rosenberg (1979, 250), the lack of institutions for regional planning makes this difficult. Another problem is that the members of regional organizations often are too focused on local desires to commit to addressing regional issues. Finally, obtaining the information and financial resources to tackle regional problems may often be difficult.

State governments, like regional organizations, have a greater ability than local governments to look at land uses broadly. Local governments are usually concerned with the immediate area and ignore state concerns that conflict with local concerns. Four areas of land use management are identified by Healy and Rosenberg (1979, 251) as areas for state intervention. These are: (1) designation and protection of areas of critical state concern, (2) developments of regional impact or benefit, (3) regulation of areas currently not regulated by

local governments, at least until local adoption of control measures, and (4) developments affecting or affected by major state investments. Healy and Rosenberg (1979, 251) caution that state intervention should be limited to the "minimum needed to protect non-local interests." A state could impose state standards and criteria for local planning, make local planning mandatory, and review local land use decisions that will have a broad impact. The ACMP identifies state concerns and encourages local planning but allows local governments to design and protect areas of critical local concern. These areas are called Areas Meriting Special Attention (AMSA), the ACMP version of special management areas.

State planning mandates may not be an effective approach to coastal management according to Burby and Dalton (1993). They studied mandates for coastal planning in Florida, North Carolina and Texas and found that although state mandates are effective in producing local plans, the mandates have little effect on planners' commitment to state goals or on local development patterns. In other words, local governments complied with the state mandates only because of the legal requirement to do so, not because local planners had an increased concern for coastal development problems (1993, 1069). Yet, Burby and Dalton also recognized the need for local involvement in coastal management. Local governments have more information pertaining to land uses, ownership patterns, economic conditions, and public opinion than do state agencies. They suggest that state planning mandates can be improved if states recognize that local commitment to state goals, public interest in state goals, and the demand for activities, uses, or resources in the coastal zone are the most critical factors to address. The local relevance of state coastal goals must be emphasized through workshops, publications, or training. A related need is for the state to build strong constituencies with local governments, interest groups and the public (1993, 1081). If states don't address these factors, the link between plans and actual development practices will be weak.

The key to land use management seems to be finding the correct balance between state and local control. Popper (1981, 229-235) discussed six guidelines for how states could achieve the optimal balance. His guidelines will be discussed in the next few paragraphs.

First, state land use plans should not cover the entire state but instead focus on selected areas, for example the coastal zone. The reasoning for this is that a plan covering the entire state would be limited in its usefulness due to lack of detailed information and inability to establish specific guidelines. This ties into the second criteria for state land use control - the need for clear state standards and goals. If local governments are to accommodate state goals, they must be able to identify and understand them. Even though the ACMP focuses on a limited area of the state, the coastal zone is considerably large, and the Standards had to be general to apply to all areas. Third, the state should not be overly restrictive in its standards or procedures because this may stifle adaptation to local variations. This is critical if local governments are to be enlisted as the implementors with responsibilities for making sure state goals are reached. Whether the SCRP is an overly restrictive implementation method is examined by this research.

A fourth guideline for state land use control is that the state must ensure that there is continuing support for its land use goals. The public must be part of the planning process and must view the benefits of land use control as greater than the economic or other costs of control. Although the ACMP provides public input, the level of public support for and involvement in the program is unknown. A fifth guideline, minimizing program bureaucracy, aids in maintaining public support for land use management. Procedures and policies should be simple for easy understanding by applicants and the public. On the surface, the SCRP is a complex process involving detailed procedures and multiple parties. But the SCRP is designed to combine reviews of federal and state permits and encourages consensus building. In addition, decisions must be made within a reasonable timeframe.

The last two guidelines suggested by Popper the need for continued state support for economic and environmental research and the casting of land use control as growth management instead of environmental planning due to the broader public acceptance of the first. Alaska, the DGC in particular, occasionally grants funds to coastal districts for special projects, including environmental research. But most state monies available to local governments are not for research purposes. Growth management is not very appropriate for

the generally rural Alaskan coastal zone. Growth management could have limited usefulness in the larger coastal cities and in rapidly growing rural areas.

One reason for land use controls being placed in the hands of local governments is that the public has greater accessibility at this level. The public often has more trust of local government and believes that the state is too removed from local problems to understand and regulate local land uses. A common concern is that the state will disrupt or alter the local way of life. Many developers view state control as very objectionable and as an attack on free enterprise but are comfortable with local land use controls. This is because local governments are seen as more flexible and open to economic development. Local governments usually object strongly to state land use controls because this is viewed as an usurpation of local powers. This may lead local governments to find ways to limit the effectiveness of state intervention (Popper, 1981, 62-63). But local governments and the public are not always resistant to state land use management. Popper (1981, 65) mentioned that state involvement in land use is accepted in many western states where, like Alaska, the federal government owns and manages much of the land. State government is viewed as a lesser evil than the federal government. In addition, local governments may silently approve of state intervention when responsibility for land use controls is politically undesirable.

Policy Formulation

At all levels of government and for any type of land use plan, the policies are the enforceable and, therefore, the critical part of the plan. Theoretical advice on how to write policies is present in the public policy literature. Findings of the literature review are divided into two sections, the first on how to ensure that policies are legally enforceable and the second on constraints that affect policy design. Discussion about policy formulation has value because local governments under the ACMP may not fully comprehend how to write effective, enforceable policies. Conversely, the State may not fully consider or recognize the constraints facing local governments during policy development.

The rules of statutory construction apply to land use policies as well as statutes and regulations. Rosenbaum (1981, 64-65 and 69-70) outlined the two main principles of statutory construction - specificity and enforceability. Policies should be clear and specific regarding what behaviors, uses, or resources are being regulated. Any person targeted by a policy must be able to understand what is expected. Policies must clearly identify the geographic boundaries subject to regulation. The scope of regulation, including any exemptions, should also be addressed in policies.

The second principle of statutory construction, enforceability, is an essential element of public policy. Policies must be written to be legally enforceable and must be matched by an ability to enforce the mandates. The stringency of the policy should be based on the difference between desired behaviors and existing behaviors, with increasing stringency where greater change is necessary. Whether a policy is enforceable depends on target group resistance, the methods available for ensuring target group compliance, and the cooperation of all implementors.

The ACMP requires that local coastal policies be specific and enforceable. The program guidelines for policies list criteria at 6 AAC 85.090 (a)(1), (2), and (3). To recapitulate an earlier discussion of the policy criteria, the ACMP requirements are comprehensiveness, specificity, and enforceability. The DGC, through training provided to districts and review of draft coastal management plans, has stressed that local policies must meet these criteria (Bixby, 1993 and DGC, 1993,{1}). Coastal districts are asked to include enough information in their policies to make them comprehensive and understandable. In attempts to make policies specific, the DGC asks coastal districts to identify who needs to take actions required by policies, the permissible ways for them to take those actions, and the scope of the policy. The use of non-enforceable policy language, words like recommend, should, encourage and may, is discouraged by the DGC. Advisory policies are allowed but must be clearly marked as such.

The DGC emphasizes that coastal districts should take a comprehensive look at the proposed policies to determine that the policies are compatible and consistent with each other. For example, the coastal districts are reminded that they must consider the joint application of policies, i.e. that policies must not conflict with each other when applied concurrently to a project. Districts are also reminded that policies cannot identify more than one resource or issue as having top priority. Finally, coastal districts are advised to provide flexibility in their policies. Restrictive policies cannot compensate for unforeseen but desired land or resource uses or activities.

Ideally, planners could design policies that met all the specifications discussed so far. Realistically, there are many constraints placed on policy formulators. Perhaps the hardest design parameter for policy makers is development of clear and consistent goals and policies. Disagreements and compromises made during policy formulation almost always result in vague goals and policies. Ingram and Mann (1980, 20-21) cautioned that stated policy goals should not be taken too seriously because actual goals are often hidden. They also highlighted that some goals and policies may be purely symbolic, designed to show a willingness to act but not actually amounting to action. Browne and Wildavsky (1983, 209) stressed that the initial goals of policy formulators may change over time, and this must be considered even though the evolving goals are not formally defined. The view expressed by Goggin (1986, 331) was that "policies are, like advertisements for consumer products, promises" but not guarantees. One last problem arises when goals or policies are highly complex or are unrealizable. A high failure rate can be expected unless goals and policies are eventually clarified (Ingram and Mann, 1980, 17-19).

Another major hurdle for policy makers to overcome is deciding whether certain policies should be specific or general. According to Majone and Wildavsky (1979, 190), a more specific policy has a greater chance of resulting in the intended impact but is less likely to have a significant effect because it may not apply to many situations or may be highly resisted. They suggested that a general policy is more likely to be realized to some degree but not necessarily as intended. A general policy is adaptable to various circumstances and

is less likely to be resisted. Flexible policies based on performance standards may provide the adaptability but may compromise enforceability. Since a performance-based policy requires land uses that are environmentally feasible but does not determine how the use will be made that way, it provides the implementor the capability to look at project specifics. The problem with performance-based policies is that implementors may be inconsistent about the application of policies, resulting in arbitrary and capricious decisions. Arbitrary and capricious decisions will not withstand legal challenges. Yet, restrictive policies are limited by what can be foreseen. Of course, even general policies require periodic evaluation and revision since it is impossible to foresee the future, including whether policies will function as intended.

How much the policy formulator understands implementation and accounts for enforcement in policy design is a critical factor. Policies can help to define the implementation arena or can be constrained by an existing implementation scheme. Variables that must be considered by policy designers are: (1) the identification and roles of actors, (2) the decisions that will need to be made, (3) the tools available or selected for implementing policies, (4) information implementors will need to enact policies, and (5) unknowns that must be left to the discretion of implementors (Lowry et.al., 1993, 228-229; Majone and Wildavsky, 1979, 188). But even when policies address implementation concerns, foreseeing all situations is impossible. Implementation analysis will always be necessary to ascertain whether public policies are having the effect intended.

Policy Implementation

The coastal districts can implement their coastal management plans through two primary routes, through local land use powers or the State's coordinated review process. As mentioned earlier, CRSAs are restricted to implementation via the SCRP. Purely local methods of implementation currently include all the methods listed in Table 8. Local implementation methods are also outlined at 6 AAC 85.100. The variety of tools available to district with AS 29 powers is large and will not be explicitly discussed in this analysis. This study focuses on the implementation of local plans through the SCRP.

Municipal Implementation of Coastal Management Plans
November, 1992

Municipality	Local Permit	Site Plan	Zone Ord	Zone Ord ref's policies	Zone changes routinely rev'd/w policies	Subd Ord	Subd Ord ref's policies	Plats routinely rev'd/w policies	Comp Plan	Comp Plan ref's policies	New plans incorp policies	Approval/consistency req'd in these special areas						Approval/consistency req'd for these commercial activities				COE Gen Permit req's consist	Routine review CIP w/ policies	Monitor all dev in coast zone	Only monitor major act's in CZ	Can only issue stop work order	Can apply penalties
												Wetlands	Height	Avalanche	Historic	Flood hazard	Watershed	Land disposals	Timber sales	Mining	Guiding						
Aleutians East Borough																											
Anchorage			1	1	1	1		1	1	1	1	1											1			1	
Bethel	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
Craig	1	1	1	1	1	1	1		1	1	1		1					1	1						1	1	1
Haines	1	1	1	1	1	1	1	1	1	1	1		1	1	1										1		
Hoonah									1	1		1													1		
Hydaburg									1		1	1											1	1		1	
Juneau	1	1	1		1	1		1	1	1	1	1		1		1		1		1		1	1		1	1	1
Kenai Peninsula Borough			1			1		1	1											1		1	1		1	1	1
Ketchikan Gateway Borough			1	1	1	1	1	1	1	1	1													1		1	1
Klawock	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	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
Pelican			1			1																		1			
Petersburg	1	1	1			1			1																		
Sitka	1		1		1	1		1	1	1	1							1				1		1			
Skagway	1		1		1	1			1	1			1		1									1		1	1
Thome Bay			1			1			1															1	1		
Valdez	1	1	1		1	1		1	1	1	1												1	1			
Whittier	1		1			1		1	1		1													1		1	
TOTALS	16	11	20	10	13	18	6	12	22	13	15	6	3	3	4	1	1	5	1	4	1	6	12	15	6	13	11
% of Total Number of Districts Reporting	64%	44%	80%	40%	52%	72%	24%	48%	88%	52%	60%	24%	12%	12%	16%	4%	4%	20%	4%	16%	4%	24%	48%	60%	24%	52%	44%
Total Number of Municipal Districts Reporting	25																										
NOTE: The following 6 districts did not report: Angoon, Kake, Matanuska-Susitna Borough, St. Paul, Wrangell, Yakutat																											
Districts also implement their plans by commenting on State and federal permits																											
Underlined 1 = pending																											

Source: DCRA

The SCRP implementation process was investigated for several reasons. Foremost, the SCRP is the only implementation process that all coastal districts can use. Second, the SCRP is a uniform process whereas a local implementation method, such as zoning, can be used quite differently from district to district. Third, the SCRP involves both state and local government, allowing for investigation of the effectiveness of the state-local partnership. Fourth, the State has emphasized the consistency process as a means for effective coastal management. Finally, state and local participants in the SCRP have voiced frustrations and concerns regarding the process.

The first stage of implementation analysis was examination of the literature on policy implementation. The primary goal of this stage was to obtain guidance on how to analyze the SCRP. A secondary goal was to identify factors which could affect the implementation of coastal district plans, especially through the SCRP. The main theoretical concepts reviewed in the literature are presented here.

Two concepts of how the policy process works pervade the literature. The first, known as the "seamless web" concept, has as its foundation the idea that policy formulation and implementation cannot be separated. Majone and Wildavsky (1979, 178-180) stated that implementation must be seen as part of a cyclical process because as policies are implemented they are changed and often revised. Their view is that a new policy is only a potential policy which will be defined by the ways it is used. A review of 'fresh' policies would be useless because implementation will change them substantially. The fact that policies cannot foresee all implementation hurdles is stressed by Pressman and Wildavsky (1979, 213). Berman (1980, 206) equated the seamless web process with "muddling through" and emphasized that the concept assumes that there will be substantial lower-level control over implementation. In other words, it is based on the premise that those implementing policies will adapt and distort the initial policies.

Ingram (1990, 471) suggested that implementation analysis must be based on the seamless web concept. She stated that any implementation analysis must consider the factors

that shape policies, particularly what she calls the information and negotiation costs of policy design. Information costs stem from efforts to determine the cause(s) of environmental or management problems and how governmental action through policies can affect solutions. Negotiation costs are the costs of determining what values and interests policy players champion and the costs of reaching agreement about policies. Under the ACMP, these costs are shared by the coastal districts and state agencies during the planning process.

Other policy analysts view policy formulation and implementation as distinct stages in the policy process. Implementation is viewed as only those activities occurring after policies are adopted. Brewer and de Leon (1983, 256) disliked the seamless web concept and stated that it discounts policy formulators' intent for policies and the fact that planners can exert control over implementation through policy design. Another point of contention raised by Brewer and de Leon is that policy success under the seamless web concept is equated to policy survival instead of whether initial goals were reached. They define policy implementation as "distinct from policy initiation and selection [with] an unique set of causes and conditions" (1983, 254).

Sabatier and Mazmanian (1983, 7-10) also suggest that the policy process occurs in distinct stages of policy formulation and adoption, implementation and reformulation. They agreed with seamless web proponents that policies are transformed during implementation but maintain that, in most cases, there is a distinction between formulation and implementation. Several reasons for maintaining the stage distinctions were given. First, the seamless web concept does not allow evaluation of whether policy goals have been reached. Sabatier and Mazmanian argued that without the goals as a guide, one could never determine if the program or policy generated the intended outcomes. Also, policy goals often serve as the basis for cost-benefit analyses of public policy programs. Second, Sabatier and Mazmanian claimed that not viewing the policy process in stages distorts the division of authority between elected officials (i.e. policy makers and legislators) and the career officials that implement the policies. The last point made by Sabatier and Mazmanian was that the reformulation stage accounts for policy changes. Linder and Peters (1990) and Putt and

Springer (1990) also offered support for the stages concept, at least for analytical purposes.

The debate about whether the policy process is a seamless web or a process with distinct stages is carried through to theoretical discussions on how to structure or analyze implementation. Two distinct approaches to designing and evaluating implementation are presented in the literature. The principal disagreement is about who exerts greatest control over implementation. Discussion and comparison of the two approaches reveals a multitude of constraints or factors that can affect policy implementation.

Those who support the seamless web concept also tend to support what has been called a backward mapping, bottom-up, or adaptive approach to implementation. Backward mapping starts with the lower-levels of an implementation system and attempts to determine how actors at these levels affect implementation. The critical assumption is that those closer to problems or target group activities have a greater ability to influence the behaviors of target groups. The focus is placed on how local politics, behaviors of lower-level implementors and the actions of those outside the implementation realm (i.e., target groups, the public, or special interest groups) impact implementation (Browne and Wildavsky, 1983, 208). The influence of lower-level implementors also depends on the specificity of policy guidance.

The proponents of the bottom-up approach do not discount that policy makers and the central government have a strong interest in implementation. But they do question if the central, higher-level policy makers and implementors exert the dominant influence over implementation. Whether a well-structured implementation process and clear policy mandates will result in successful (i.e., as intended) implementation is also questioned (Berman, 1979-80, 604). Backward mapping supporters note that policy goals are rarely clear, and, therefore, discretion must be given to the implementors assigned to reach those vague goals.

A backward mapping analysis focuses on a few fundamental questions about how

discretion at the lower levels affects implementation. First, how do lower-level implementors affect the management program and target group compliance? Second, what resources, incentives, or sanctions are needed to produce the implementation results desired by the upper level program proponents? A third question is what major influences affect lower-level implementors? Note the bottom-up proponents do not believe that policies would act as the dominant influence.

An important aspect of the backward mapping approach is that lower-level implementors can very often undermine the intent of a policy initiative or management program. Majone and Wildavsky (1979, 179) stressed this point and stated that peripheral implementors often adapt policies or programs to fit their own interests and needs. Incentives for compliance with program or policy intent are usually necessary, especially if bottom levels view a program as "outside [their] primary role" or "consider it politically...unpopular" (Brewer and de Leon, 1983, 272). The key is to convince all implementors that a program and its policies are in their best interest. The central government must also determine how much direct involvement is necessary to guide bottom levels. Herein lie the difficult tasks of trying to determine what implementation problems will arise and addressing these problems during policy formulation, including the policy specificity needed to ensure that outcomes match intentions. Bottom-up proponents insist that these are impossible tasks.

Winter (1990) and Elmore (1979-80) discussed the role of lower-level implementors in detail. A problem recognized as nearly universal is that lower-level implementors, or street-level bureaucrats as Winter called them, always claim that their resources are chronically insufficient to meet the demands of centralized management programs. This assumption leads street-level bureaucrats to develop coping devices which often simplify or distort the aims of policy makers and the central government. 'Tricks' in the lower-level implementor's bag include: (1) using decision points as a means to stop, delay, or re-direct process, (2) not taking all assigned actions, often due to misperceptions of workload, (3) limiting the availability of exclusive information, (4) concentrating on selected clients, types

of issues, or solutions and ignoring others covered by policies, (5) giving priority to easy cases at the expense of complex, time-consuming actions/decisions, (6) passing problems on to other decision makers, either temporarily or permanently, (7) only making decisions that will be politically popular, and (8) downgrading or ignoring stated policy objectives.

Is absolute control over lower-level implementors by a central government a requirement for successful implementation of centralized programs? The answer is no; even if this were possible, it probably would not ensure successful implementation. Centralized subordination of street-level bureaucrats often backfires because lower-level implementors are able to form coalitions, have information and expertise that is needed, and can take many actions that are invisible from the center (Winter, 1990, 29). Elmore (1979-80, 605) stated that successful implementation of a central program by lower-level implementors depends on giving maximum discretion to street-level bureaucrats and designing the program with enough controls to guide the use of that discretion. Berman (1980, 210) warned against overly specific procedures or other attempts to excessively control the lower-levels. The optimal amount of discretion should be based on what is known about management problems and the expertise of street-level implementors, with greater discretion given when there is high uncertainty or when implementors possess a high level of expertise. (Ingram, 1990, 472). The variety of issues dealt with by lower-levels should also be considered; they need to have enough discretion to deal with the range of problems occurring at their level.

Those who champion a 'forward mapping, top-down or programmed' view of implementation do not agree that street-level bureaucrats play such an important role in implementation and view policy formulation and implementation as distinct stages. The basic premise of the top-down advocates is that implementation problems can be eliminated or at least minimized through central government programming of implementation via policy design (Berman, 1980, 205). In other words, forward mapping analysis assumes that policy makers and the central government can sufficiently control lower-level implementors by pre-defining their role in the implementation process. The initial policies are viewed as the correct approach to the management problem. The measure of implementation success then

becomes the achievement of policy goals and objectives.

A forward mapping analysis of implementation would focus on initial policies and implementation structure. Questions to examine include: (1) do implementation outcomes match the policy goals and objectives, (2) are implementation procedures outlined in the policies being followed, (3) what factors affect implementation outputs/impacts, and (4) has implementation revealed that policies need reformulating. A variety of factors are expected to cause implementation problems. Unclear and non-prioritized policy goals and objectives are viewed as a major hinderance to implementation because implementors lack the centralized guidance needed to reach the intended outcomes. Top-downers suggest that the number of actors involved with implementation must be minimized to reduce the number of decision points where the process can be disrupted or derailed. Another suggestion is to make sure implementors are supportive of policies and program goals. A forward mapping approach insists that implementors can be kept in line by limiting discretion, monitoring behaviors, providing adequate incentives or sanctions, and making sure they can function efficiently. Implementation programming is even expected to anticipate the unwanted actions of implementors and account for these (Berman, 1980, 208-209).

Mazmanian and Sabatier (1983, 41-42) identified six conditions that they believe are necessary for implementation success. Three of these conditions are related to policy design. The first condition is that policy objectives be clear and consistent. At a minimum, criteria for resolving conflicts should be incorporated into initial policies. A requirement for a sound causal theory is the second condition. Policies must be based on a correct understanding of management problems and the means required to alleviate or reduce those problems. If theoretical assumptions or technological requirements are not valid or achievable, implementation will likely fail. Included is the requirement that the selected management solution(s) be achievable - i.e., implementors must have the jurisdiction and authorities to carry out the solutions. The third prerequisite for successful implementation is structuring of the implementation process to maximize the likelihood of implementor and target group compliance with policies. Factors to be considered are assignment of program

responsibilities to supportive entities, providing sufficient resources for implementation, building in sanctions and incentives for implementor and target group compliance, and adequately integrating the actions of relevant actors.

Implementors and the implementation process are the focus of Mazmanian and Sabatier's second set of conditions. The commitment and skill levels of implementors are important factors. Implementors must be committed to policy goals and objectives and must possess both administrative and political skills. Mazmanian and Sabatier explained that this is important because of the discretion given to implementors. The fourth condition for successful implementation is the presence of political sovereigns or interest groups to support the program and its goals. The continuing support of outsiders is necessary because implementation is a long process and requires on-going injections of financial and political backing. The last condition is that changes in socioeconomic conditions must not undermine the program or generate conflicting public policies.

A slightly different view of the policy process is held by Brodtkin (1990). She defines implementation as "policy politics" - the "continuation of conflicts...[and] the contest to determine what policy should be" (1990, 107). The policy politics approach recognizes that social politics is pervasive throughout policy formulation and enactment. The effect of politics on policy design is the production of vague policy goals which then affects implementation. During implementation, competition over policies and goals may restrict options and control outcomes. The political agendas and strategies of all players in the implementation arena must be understood to design or analyze implementation. Brodtkin also pointed out that political institutions are chronically poor at resolving the 'big' issues that are the focus of social politics and competition. She suggests that the reason for this is that "value issues, not technical questions" which can eventually be answered definitively, tend to be politicized (1990, 111, 115).

The policy politics approach to implementation is essentially a combination of the top-down and bottom-up strategies. Brodtkin (1990) advocated that neither policies or

implementors are predominate in implementation. A few other political theorists agree with a combined approach or suggest that whether a forward or backward mapping framework is appropriate depends on the situation. As Winter (1990, 23) put it, implementation sometimes fails because "policies are impossible to implement from the outset" but failures can also result from non-policy factors. Linder and Peters (1990, 52-53) agreed and stressed that policies and management programs cannot anticipate all obstacles which requires learning by trial and error. Studying lower-level implementation as the building block for a better understanding of centralized implementation programs is the approach suggested by Scheirer and Griffith (1990, 163). They also warned that forward and backward mapping may be focusing on fundamentally different problems of program design and administration versus implementation, respectively (1990, 167). And, as Berman (1980, 206) stated, most policy situations are so complex that both concepts must be considered. This suggests that an implementation analysis should first look at policy formulation and implementation as distinct stages but then evaluate any connections.

How should the choice of an implementation 'strategy' be made? The answer lies in looking at the policies, implementation process, and relevant actors. Berman (1980, 214-220) identified five factors which can help one determine whether a top-down or bottom-up approach is best suited to the situation. The first factor is the scope of change required by policies. If the amount of change required is small, it will be easier to gain implementor compliance, and programmed implementation can be expected to work. An adaptive approach is best when policies require a major change to operating procedures. Implementors will be resistant and find ways to avoid new requirements. A second variable is the certainty of the causal theory on which policies are based. When the causal theory is uncertain, it may be difficult and foolish to overly structure the implementation process. Instead, implementors must be given the discretion to adjust to unique and unpredictable problems or new information. If the causal theory is known to be valid, a centralized, top-down approach to implementation may work. Berman's third factor is the level of goal agreement. If all actors agree on the desired goals, forward mapping should work. When agreement cannot be reached, the likelihood that implementors will have hidden and perhaps

conflicting goals is high. In this case, centralized 'carrot and stick' tactics often won't work and a bottom-up approach to implementation is required.

The implementation environment is the focus of the last two factors identified by Berman (1980). The policy arena or institutional setting is an important element. When all the implementing agencies and governmental levels are highly coordinated, it is reasonable to expect that forward mapping is a good choice. Berman (1980, 219) cautioned that without coordination a "[programmed] setting can lead to...symbolic compliance and coaptation" with implementors adapting the policies or program to meet their needs. To avoid this situation, implementors should be given discretion to encourage bargaining and local adjustments. The fifth consideration is the stability of the implementation environment. How will outside forces affect implementation? If continuing political or financial support is uncertain or if there are many political unknowns, it may be best to take a backward mapping approach. Forward mapping is only advisable when the implementation environment is relatively stable.

Even Sabatier, who along with Mazmanian, strongly advocated programmed implementation, later admitted that forward mapping is not always the best approach. Based on twenty studies of social and environmental policy programs using the Mazmanian and Sabatier (M&S) framework (previously discussed), Sabatier (1986) discovered and reported some flaws in the top-down approach. The biggest error of the M&S implementation guide was that it overestimated the need for clear and consistent policy goals. Since so few programs met this criterion but had some degree of success, this was not a good measure of success. M&S also focused too much on program and policy proponents while not emphasizing opponents enough. Not accounting for other actors made long-term analysis impossible. Finally, the M&S framework only worked when there was a dominant statute or agency. Unlike backward mapping, the M&S guide cannot be used to look at the combined results of multiple programs because it places little emphasis on the dynamics of lower-level implementation.

Even though he admitted that a programmed approach to implementation was not

perfect, Sabatier (1986, 34-35) continued to be critical of the bottom-up approach to implementation. His major contention with backward mapping was that it is not based on a theory of what factors affect implementation. Instead, Sabatier viewed backward mapping as a haphazard approach of looking at everything in hopes of finding something. Another problem mentioned was that backward mapping ignores the fact that the central government can influence lower-level implementors. Any attempts at structuring the implementation process are neglected. Yet, Browne and Wildavsky (1983, 229-230) claimed that forward mapping mistakenly focuses on policy design and not implementation. They warned that a top-down perspective does not address the effectiveness of implementation; instead it requires that the conditions necessary for effective implementation be predetermined. The question posed by Browne and Wildavsky was should implementation analysis aim at improving the design of policies and programs to address implementation or should the goal be to improve the implementation of policies and programs as they exist?

Although the choice would be situation dependent, in most cases a combination of the top-down and bottom-up approaches is necessary to thoroughly analyze implementation. This is especially true for evaluating the ACMP, especially the SCRP. Both are strongly controlled by the State but also give discretion to local governments and lower-level implementors in state agencies. The State cannot realistically control the actions of local governments. Not only is it politically unacceptable, the Alaskan coastal zone is also too large for the State to oversee all local actions. In addition, the lower-level state implementors, staff at the DGC and the state resource agencies, are given a great deal of discretion and invisibility in their actions. Policy makers and high-level agency executives are removed from the day-to-day implementation of the ACMP. Usually, higher-level bureaucrats are not involved until a controversial situation becomes highly publicized or until approached by a lower-level staff member. Higher-level bureaucrats do not have the time to be involved in program implementation, and they may also lack the interest in the detailed workings of the program. Yet, even with the large degree of discretion, state and local implementors are constrained by the programmed procedures of the SCRP. Most notable are the requirements to make decisions within specified time frames and to reach a consensus

position among the applicant and all reviewers with legal standing.

Winter's Implementation Model

Based on the structure of the SCRP, an implementation model proposed by Winter was chosen as the most applicable for this analysis. Winter (1990) outlined a comprehensive methodology which recognizes five key factors: (1) policy formulation, (2) organizational and interorganizational behaviors during implementation (i.e., program administration), (3) street-level bureaucrats, (4) target group compliance and response, and (5) socioeconomic changes. Each factor deserves some discussion.

Winter (1990, 23-25) recognized that in an ideal world policies and goals would be clear and consistent, would be based on a valid causal theory, and would be supported by all important actors. Policies often do not meet those conditions; reasons for the failure were mentioned in the earlier discussion of policy formulation and included disagreements and compromises regarding policies and goals, symbolic versus action policies, and the attention level policies receive during the design stage. Winter termed the problem encountered when policies receive too little attention as the "garbage can" effect, where connections between participants, problems, and solutions are left to chance. The resulting policies prove hard to implement. The ACMP planning process aims to avoid the situation of poor policies by subjecting coastal districts' policies to a broad-based review.

Administrative behaviors can affect policy implementation in several ways (Winter, 1990, 26-31). Fundamentally, implementation will be unsuccessful if participants do not have compatible interests. Is there agreement between levels and sections of government regarding what the policy goals are? Without agreement, implementation success is unlikely even if policy direction is clear and specific. In addition, implementors or important political figures with influence over implementors must not give higher priority to other goals that conflict with policy goals. An ACMP example would be placement of agency goals over program goals by a state resource agency implementor. Finally, Winter mentioned that the power struggles between governmental levels and individual implementors must be

considered since the implementation structure of a program can rarely be created from scratch. The networked ACMP relies heavily on pre-program structure of the state and local governments.

Much of Winter's (1990, 31-32) explanation of street level bureaucrats was covered under the previous discussion of backward mapping. To briefly summarize, Winter discussed the various tricks that lower-level implementors can use to intentionally or inadvertently affect the implementation process. His implementation model recognizes that the actions of lower-level implementors cannot be ignored. However, Winter did not view street-level bureaucrats as the determining factor. Lower-level implementors were recognized as one of several important factors affecting implementation. Within the SCRP, implementors possess a fair amount of discretion, yet the regulations outline specifics of the process to which state implementors must adhere.

The last two factors identified by Winter (1990, 33-35) were target group behaviors and socioeconomic conditions. An implementation analysis should recognize that public policies are not the only factors that determine how people will behave. Winter argued that, in many cases, policy is probably not the overriding factor in determining human behavior. Education levels, social background, and societal or personal norms probably have more influence over target group actions. But the policy can be an important element if the target group perceives a likelihood of inducements or sanctions being applied by the government. An implementation study should pose the question does the target group or the public know what their rights and duties are under a particular program. Lack of awareness probably equates to lack of compliance with the policies regardless of the inducements and sanctions offered by the government. Finally, changes in socioeconomic conditions can generate variations in target group and public support for policies. Alterations in population, pressures on resources, uses or activities, and local economies are particularly important. Focusing events like disasters or public controversies can also alter public or target group support for program policies or goals.

Even though Winter's implementation model combines both backward and forward mapping, the model is simplified in that it does not cover all the variables potentially affecting implementation. The theoretical debate over implementation analysis has resulted in the identification of numerous factors which affect implementation success. These factors have been divided into three categories: (1) policy formulation, (2) implementation structure (i.e., program administration), and (3) non-policy factors. The important point is that there are many variables that can affect implementation, and no one study can hope to look at all variables.

Winter's implementation model and the implementation factors identified during the literature review formed the initial research framework, but the number of variables to be investigated was reduced to allow an achievable scope of analysis. Narrowing of the research variables was accomplished through conversations with state and local coastal managers and determining the availability and feasibility of obtaining information. Winter's first three categories of implementation variables, policy formulation, program administration and street level implementors, were selected as the primary topics to be investigated. The other two categories, target group response and socioeconomic change, were given less attention because of the greater difficulty and cost of analyzing those variables. However, the range of possible implementation factors were considered during data analysis.

Data Collection

Data relating to the implementation of coastal district plans via the SCRP were extracted from existing information sources and through survey administration. Since policy formulation and enactment are intrinsically linked although often considered distinct phases of land use control, the development of coastal district plans was investigated as well as the SCRP implementation process. Two existing information sources, draft versions of local plans and corresponding plan reviewers' comments, and a survey focusing on coastal planning provided data on the ACMP planning process. Administration of the SCRP and use of local coastal plans were investigated partially through investigation of the DGC's consistency review files. Surveys directed at state agency and local street-level implementors

were developed to provide additional information about program administration, especially the local role in the process. Quarterly reports submitted by the coastal districts and conference notes from a state-local meeting were analyzed for supplemental information.

The Draft Plan Review

Coastal districts must submit at least two drafts of their coastal management plans at early and final stages of the planning process. These are called the public hearing draft (PHD) and the concept approved draft (CAD). The planning process was explained earlier (refer to Figure 5), but it is necessary to elaborate here. When a PHD is completed, the coastal district distributes the plan for review by the DGC, other state, federal, and local agencies, the public and other interested parties. Plan reviewers submit comments to the coastal district. The district incorporates any accepted changes and seeks conceptual approval at the local level. When the local planning body or government approves the coastal management plan, the district issues a CAD. The DGC prepares preliminary findings and conclusions (PFCS) on the CAD which highlight parts of the plan that are not in compliance with the ACMP Guidelines and Standards, any parts that may cause controversy during the approval process, and items that need clarification. PFCS are distributed to plan reviewers along with the CAD plan. A second set of comments is forwarded to the coastal district for consideration. In the meantime, the DGC prepares revised findings and conclusions (RFCS). RFCS usually contain all changes that will be made before a coastal district plan is finalized and presented to the CPC and eventually the federal government for approval.

Copies of draft versions of district coastal management plans, comments on draft plans, and the DGC's findings and conclusions are retained as part of the agency's coastal district records. This information was easily accessible and provided insight to the ACMP district planning process, including recurrent problems or issues. The draft plan review aimed to determine which planning concepts, coastal issues, and procedural requirements routinely caused difficulty or confusion at the local level. A second goal was to determine if the state reviewers gave unified and consistent direction to coastal districts during the

planning process. The end product was a summary of the primary ACMP planning issues and problems. The draft plans and associated comments reviewed during this research phase are listed in Table 9. District selection criteria will be explained later.

Coastal District Planning Survey

A survey focusing on the ACMP planning regulations and process provided additional information about coastal district planning. Although the survey was developed as part of a federally-supported project on special area management planning (SAMP), it covered many elements of district planning since the ACMP process is the same for both types of planning. However, the SAMP survey was designed and administered outside of this research project, and survey content, format and distribution could not be controlled. A summary of responses to the SAMP survey was prepared as part of this research, leading to familiarity with the survey as well as respondents' concerns.

The scope of the SAMP survey included federal, state and local governments, special interest groups (including environmental and industrial targets), and planning consultants. This was a broader scope than this research which is mainly concerned with the state-local relationship. The SAMP survey, included in Appendix B, asked respondents to explain whether the ACMP planning regulations provide clear guidance about what local coastal plans must cover and, if not, to suggest regulatory changes. Other questions focused on how districts should or do identify, inventory and analyze resources, uses and activities to be covered by their plans. Another question was how should or do districts develop issues, goals, objectives and policies based on information made available during plan development. Recommendations about how to improve the ACMP planning process were also solicited. Finally, respondents were asked to discuss the implementation of coastal district plans, including how local consistency decisions were or should be made. Part of this inquiry was a request for information about what types of information are used or needed by local and state staff in making consistency decisions.

COASTAL DISTRICT DRAFT PLANS & COMMENTS

City of Angoon

Angoon Coastal Management Plan, June 1992

AMSAs - Mitchell, Hood and Chaik-Whitewater Bays, June 1992

Bering Straits CRSA

Bering Straits Coastal Management Program, June 1991

Bristol Bay CRSA

Bristol Bay CRSA Coastal Management Program, June 1992

AMSA - Nushagak/Mulchatna Rivers Recreation Management Plan, August 1990

City and Borough of Juneau

City and Borough of Juneau Coastal Management Program, November 1986, with an amendment in 1992

Kenai Peninsula Borough

Kenai Peninsula Borough Coastal Management Program, June 1990

AMSA - Port Graham/Nanwalek, March 1992, Kasilof River, on hold

City of Klawock

Klawock Coastal Management Program, June 1984

Kodiak Island Borough

Kodiak Island Borough Coastal Management Program, June 1988

Matanuska-Susitna Borough

AMSA - Point MacKenzie, May 1993

City of Saint Paul

Saint Paul Coastal Management Program, June 1988

City and Borough of Sitka

AMSA - Sitka Public Use Management Plan, November 1993

City of Skagway

Skagway Coastal Management Program, May 1991

AMSAs - Port of Skagway and Skagway River, February 1992

City of Thorne Bay

Thorne Bay Coastal Management Program, June 1991

City of Valdez

AMSA - Valdez Duck Flats AMSA, on hold

City of Whittier

AMSA - Whittier Harbor Plan, on hold

Table 9: The District Draft Plan Review included the draft plans (PHDs and CADs), preliminary and revised findings and conclusions, and comments prepared as part of the planning process for the plans listed above. All dates listed are the dates of the final documents and not the effective date of the district programs.

Consistency Review Files

Although the SAMP survey briefly touched on implementation, the amount of implementation data gathered was not sufficient to fulfill the purposes of this research. Files from DGC-coordinated consistency reviews were the first source analyzed for detailed information about the actual state-local relationship established by the SCRP. Reviews coordinated by the state resource agencies and DGC-coordinated reviews for informational or other non-consistency purposes were not included in this study. Reviews coordinated according to non-standard procedures were also excluded. Mariculture and annual placer mining applications were the only reviews straying from traditional consistency review procedures. Although coastal districts participate in these reviews, analyzing the extra projects and variations in procedures was beyond the scope of this analysis. All consistency reviews of projects located inside the boundaries of selected districts and occurring within a two year time period were examined. The file review encompassed 124 consistency reviews started in FY92 and FY93 (i.e., July 1991 to July 1993). The state identification numbers, file names and coastal district are listed in Appendix B.

Consistency review files contain project-specific information, including drawings, copies of permit applications, occasionally copies of the permits issued, and project descriptions of varying detail. Correspondence between the DGC, the applicant and project reviewers is also retained in the files. The correspondence includes the consistency comments submitted by the reviewers (i.e. state resource agencies and coastal districts) and the DGC's consistency determinations. Phone logs located at the front of each file contain additional records of state-local communications. The major constraint on use of the review files is that the information recorded is partially a reflection of the thoroughness and diligence of DGC staff in recording and preserving relevant information. Although it was anticipated that some of the information exchanged between state and local staff was not recorded, there was not another information source that contained as much written documentation of the SCRP. In addition, consistency review files were readily accessible. Files from coastal reviews coordinated by the state resource agencies and permits issued by federal and state agencies for coastal projects were not accessible.

Examination of the consistency review files focused on extracting three categories of information: (1) local participation in the SCRP, (2) adherence to procedures, and (3) case studies highlighting aspects of the state-local relationship. A checklist was developed to record relevant information from the files, and information requiring analysis was copied. Data about local participation in the SCRP found in review files included: (1) whether districts participated by submitting consistency comments, (2) the quality of districts' consistency comments, (3) evidence of communication and coordination between the state agencies and local governments, and (4) determination of how often the State and districts agreed about the consistency of projects with the ACMP and local plans, in particular.

The frequency of district participation was determined by the percentage of reviews in which coastal district submitted comments. The failure of DGC staff to record verbal consistency comments from districts in the review files was a possible source of error in the frequency determinations. The second topic, quality of districts' comments, required a more subjective analysis using the quality parameters explained in Table 10. The quality parameters were extracted from written guidance that the DGC has provided to the coastal districts regarding preparation of consistency comments (DGC, 1993, {2} and DGC, 1988). Lower quality comments may or may not have stated a project's consistency with the ACMP and coastal district plan and did not provide any rationale or discussion of the district plan. The highest quality comments stated whether a project was consistent and then provided rationale for the decision based on local policies and supporting information.

Files were analyzed for evidence of state-local communication and coordination. For example, files could contain state-local written correspondence, recorded phone conversations, references to state-local communication in consistency comments, or other correspondence. In particular, state resource agency comments were reviewed for references to coastal district plans and policies, and coastal district comments were reviewed for references to the state resource agencies.

CONSISTENCY COMMENTS - QUALITY PARAMETERS

- The consistency recommendation must be clear and based on enforceable local coastal policies or the ACMP standards.
- Supporting information for the decision must be given. This information must be clear, comprehensive, & ACMP-related.
- Non-ACMP information or recommendations must be marked as advisory.
- Stipulations must be complete (i.e., the requirement, the rationale and the authority), clear, and ACMP-related.
- Rationale for stipulations must provide the reason for the stipulation, must explain what part of a project must be modified, and must explain how the change(s) will bring the project into compliance with the district plan or the ACMP Standards.
- Comments must be submitted by the comment deadline.
- The state project identification number and project name should be listed.

Table 10: The DGC expects the consistency comments submitted by the coastal districts and state resource agencies to meet the criteria listed above. The highest and lowest quality comments would meet all and none of these criteria, respectively.

Correspondence was also the source of information for the fourth local participation topic. Coastal districts' consistency comments and the consistency determinations issued by the DGC were examined for compatibility. Any differences in the proposed district and state findings were noted. Differences in the stipulations or the overall findings proposed by state and local participants were recorded and analyzed. Once again, results were subject to error due to the absence of all review information in the files.

In addition to information about local participation, the consistency review files were analyzed for data relating to SCRP procedures and deadlines. Since each file contains a cover sheet with process deadlines, it was possible to determine if districts submitted comments on time and if DGC staff issued consistency determinations in accordance with deadlines. Each file was reviewed for deviations from SCRP procedures. This included DGC, state resource agency or local misuse or misunderstandings about the process. All of this information helped characterize how the SCRP was working during the two FY examined.

Case studies of a few project reviews from each study district were the third means of deriving information from the consistency review files. Projects which presented an interesting procedural issue or illustrated the local role in the SCRP were identified. For districts with a limited number of reviews over the two year period, the choice of examples was constrained. Variations between districts will be discussed and compared. Case study subject matter ranged from small misunderstandings about the consistency process to major state-local disagreements about the consistency of project proposals.

Review of the draft coastal management plans and the consistency review files was a potentially overwhelming task. A review of all draft plans and related comments available or review of all of the DGC's consistency review files from two FY could not have been completed in a suitable timeframe. Therefore, a set of coastal districts was selected based on the following criteria: (1) inclusion of a few districts from each government type (i.e. borough, municipality, city, CRSA), (2) selection of districts to reflect the geographic variability of the state, (3) selection of districts with local differences in resource development or development pressures, including dominant coastal zone issues, and (4) variation in the level and sophistication of local coastal planning experiences and capabilities. The coastal districts selected and their characteristics are listed in Table 11. The great degree of variability among these districts is one factor that the ACMP and the SCRP must contend with. Please note that the review of draft plans included additional districts because that analysis was also used as an information source for the SAMP project (mentioned previously) which required the review of many AMSA plans and several general plans.

Survey Methodology

In order to gain more detailed and perhaps more accurate information on the local role in the SCRP, two surveys were prepared. The decision to conduct surveys was based on the fact that those who work with the SCRP possess detailed information about the state-local relationship. Street-level implementors have the insight and detailed, undocumented information about how coastal district plans are implemented via the SCRP. As Putt and

CHARACTERISTICS OF THE STUDY DISTRICTS

City of Angoon

Location: SE
Population: 705
District Type: 2nd Class City
Incorporation Date: 1963
Age of Program: 1990
Date of Latest Revision: 1992

Kodiak Island Borough

Location: SC
Population: 15,535
District Type: 2nd Class Borough
Incorporation Date: 1963
Age of Program: 1984
Date of Latest Revision: 1988

Bering Straits CRSA

Location: NW
Population: 4012
District Type: CRSA
Incorporation Date: N/A
Age of Program: 1989
Date of Latest Revision: 1991

City of Saint Paul

Location: W
Population: 771
District Type: 2nd Class City
Incorporation Date: 1971
Age of Program: 1989
Date of Latest Revision: N/A

Bristol Bay CRSA

Location: SW
Population: 8288
District Type: CRSA
Incorporation Date: N/A
Age of Program: 1987
Date of Latest Revision: 1992

City of Skagway

Location: SE
Population: 735
District Type: 1st Class City
Incorporation Date: 1900
Age of Program: 1982
Date of Latest Revision: 1991

City and Borough of Juneau

Location: SE
Population: 29,251
District Type: Unified Municipality
Incorporation Date: 1970
Age of Program: 1986
Date of Latest Revision: 1993

City of Valdez

Location: SC
Population: 4,360
District Type: Home Rule City
Incorporation Date: 1901
Age of Program: 1987
Date of Latest Revision: N/A

City of Klawock

Location: SE
Population: 758
District Type: 1st Class City
Incorporation Date: 1929
Age of Program: 1985
Date of Latest Revision: N/A

Table 11: Information on the coastal districts was obtained from the Alaska Municipal Officials Directory, DCRA, 1993, the DCRA and coastal district plans (referenced in Table 9). Population numbers do not include persons residing in a district on a seasonal basis.

Springer (1989, 141) explained "the information core of much policy research comes from...conversations with knowledgeable persons or seeing events take place in person" instead of from highly scientific techniques.

Surveys may be conducted through a variety of methods from highly standardized questionnaires to free form interviews. Communication options include written, telephone or face-to face encounters. Advantages and drawbacks of survey devices were compared by Putt and Springer (1989, 199). As shown in Table 12, telephone surveys were given consistently high scores. Their recommendation, in conjunction with the advice of co-workers at the DGC who had conducted surveys in the past, lead to the choice of structured telephone surveys as the primary survey method and communication device for this analysis. The goal of a structured survey was to increase the likelihood of gaining the desired information and keeping respondents from diverging on too many tangents. And through verbal discussions with respondents, correct interpretation of survey questions was more certain. To enhance the clarity of the surveys, each was pretested each on a few potential respondents and subjected to peer review.

ADVANTAGES OF VARIOUS SURVEY TECHNIQUES

<u>MEASURE</u>	<u>FACE TO FACE</u>	<u>TELEPHONE</u>	<u>WRITTEN</u>
Response Rate	++	++	-
Avoidance of Interviewer Bias	-	+	++
Detailed, Complete Responses	++	+	-
Motivating Participants to Reply	++	+	-
Quality of Information Obtained	++	+	-
Widely Dispersed Participants	-	++	++
Simplistic Administration	-	+	++
Speed of Information Collection	-	++	+
Low Costs	-	+	++

Table 12: ++ = good, + = fair, - = poor Source: Putt and Springer, 1989.

The information gathered through surveying was expected to be moderately variable even with a structured questionnaire given the potential differences of the respondents experiences with the SCRP and coastal district plans. Another constraint was that most response categories could not be pre-determined due to the large number of variables that can affect implementation. Therefore, the majority of survey questions had to be open-ended. Since open-ended questions are harder to analyze, these questions were mixed with nominal (yes/no) and a few ordinal questions. The ordinal questions were Likert-type statements which required respondents to answer on a scale of strongly agree to strongly disagree. Perceptions about the SCRP were examined with the Likert-type statements. Although several question-formats were used, the dominance of open-ended questions meant that the data obtained would be non-quantitative and not amenable to statistical analysis. Putt and Springer (1989, 157) explained that the consistency of responses is the measure of accuracy for open-ended questions. When consistency of responses is high, an accurate portrayal of the situation can be expected.

To maximize response rates, four guidelines suggested by Putt and Springer (1989, 153-54) were followed. First, a uniform introduction to the study, including its purpose and affiliation with the DGC, was prepared and read at the beginning of each telephone call. Second, arrangements for administering the surveys were made for the convenience of respondents; respondents were not forced to answer the survey immediately. The third attempt at maximizing response rate was to offer a second option for responding to the surveys. When respondents were hesitant to discuss the survey verbally, they were provided with the option of preparing a written response. Giving potential respondents this option was seen as a way to potentially increase response rates by accounting for respondent unwillingness to respond to or uncomfortableness with telephone surveys. The fact that most respondents were not familiar with the interviewer potentially increased respondent hesitancy toward verbal conversation. The last technique was to use follow up telephone calls or survey reminders for those answering with a written survey.

Survey of State Agency Implementors

The first survey developed and administered focused primarily on how state reviewers use and implement local coastal management plans. The state survey was administered to the lower-level implementors of the state resource agencies and the DGC. Due to very limited resources, a purposive sampling frame was utilized. The state resource agencies have offices in southeast, central and northern Alaska. The sampling goal was to have two representatives from the southeast, central and northern offices of each state resource agency respond, a total of six respondents from each agency for a total of eighteen resource agency respondents. A cross-section of potential respondents was selected based on the knowledge of co-workers and the coastal program liaisons in the state resource agencies regarding the responsibilities of staff. The DGC has offices in southeast and central Alaska, and staff there handle southeast and central/northern project reviews, respectively. Since only seven DGC staff members routinely work with SCRP, all were viewed as essential respondents. In summary, the total number of potential respondents was twenty-five state agency implementors, a small but representative sample population.

Survey of Coastal District Implementors

The second survey designed and administered as part of this research project focused on the experiences of the coastal districts with the SCRP and plan implementation in general. The coastal district survey was distributed to all districts with approved coastal management plans. Two districts, Petersburg and Wrangell, have not developed local coastal plans. Another district, the Lake and Peninsula Borough, is in the process of developing a coastal plan and has not participated in the SCRP. These three districts were not included in the survey sampling frame. A handful of districts were not expected to respond due to the newness of their coastal staff or the low number of projects occurring within district boundaries. Although twenty five districts were viewed as likely respondents, the survey was administered to all thirty two districts with approved coastal management plans.

Supplemental Information

Two information sources were analyzed as supplements to data collected from consistency review files and surveys. Quarterly reports submitted to the DGC by all districts receiving state financial assistance describe permit and other coastal zone activities in which the districts participated during a particular fiscal quarter. However, it was quickly determined that the reports did not contain very detailed or useful information, and no additional reports were analyzed. Supplemental information was also obtained from the agenda and conference notes from the 1994 Southcentral and Northern District Conference. This conference covered a geographic area including nineteen coastal districts, and was attended by staff from the state resource agencies, the DGC, the DCRA, planning consultants, and district representatives. Although the conference notes are sketchy at times, the topics discussed at the meeting could be discerned. This information was compared to survey results. Unfortunately, the Southeast Annual District Conference was canceled; this would have involved fifteen coastal districts and state staff in southeast offices.

Results

Data from all information sources was examined and compared where appropriate. Since land use planning generally precedes policy and program implementation, the results of the draft plan review and SAMP survey will be discussed prior to other data. The findings of the draft plan review and SAMP survey are combined and categorized under the ACMP Guidelines. The ACMP Standards are discussed under the guideline for policy development since the Standards outline the topics that district policies can address. Following the planning results are the implementation results, including statistical information and case studies from the consistency review files, and survey findings from part of the SAMP survey and all of the state agency and coastal district surveys. The survey findings represent the primary responses of participants unless otherwise indicated. Responses particular to categories of respondents are noted.

Coastal District Planning

The Needs, Goals, and Objectives of Local Plans

Coastal districts must define local needs, goals and objectives for coastal zone management within their plans (6 AAC 85.020). Basically, the districts outline the intent for their coastal management programs in this plan section. The draft plan review indicates that there have been substantial problems with this plan section. A pronounced problem was that those reviewing draft plans often could not determine district intent. By not clearly explaining the intent of management goals and objectives, the coastal districts had to spend time during the planning process clarifying the intent of goals and objectives. This step should have been significantly completed before detailed planning began. Districts were often forced to clarify their intent when plan reviewers suggested changes to policies that were contrary to local intent. Whether these proposed changes were intentional or purely the result of unclear goals, objectives, and policies could not always be discerned. However, misunderstandings about program intent sometimes led reviewers to request changes to draft policies late in the planning process. Coastal districts then faced unexpected work near plan completion.

How can districts ensure that the intent of their coastal management plans is clear? Part of the on-going problem with this plan section was that districts often did not clearly link goals and objectives to identified issues, or they did not develop goals and objectives for all issues mentioned. A related problem was the occasional inclusion of conflicting goals and objectives or development of policies that were not consistent with the districts' stated issues, goals or objectives. Plan reviewers also expressed concern when districts failed to develop policies to address all goals and objectives outlined in their coastal plans. However, most of the confusion or misunderstandings stemmed from goals and objectives that were not clear and specific.

Although the review of draft plans indicated that perhaps the districts were not given clear guidance about the needs, goals and objectives requirement, all but two districts responding to the SAMP survey indicated that the ACMP regulations are clear. Nearly all districts stated that they develop coastal policies based on the goals and objectives identified during the planning process. Only one district asked for methodologies for developing goals and objectives and

measuring attainment. A few non-district respondents mentioned that the terms needs, goals and objectives should be better defined to clarify if needs and issues are the same thing. Overall, districts do not perceive the same problems with this plan section as the draft plan review revealed.

The most striking dilemma faced by districts in developing needs, goals and objectives was determining what issues could be addressed through the ACMP. It appears that the State did not provide detailed pre-planning guidance to districts regarding what goals and objectives and subsequently policies are achievable under the ACMP or that the districts did not heed or understand any guidance given. The ACMP Standards (6 AAC 80) offer districts with only a general outline of the resources, uses and activities that can be addressed in local coastal management plans. Districts had to expend the effort of developing non-ACMP goals, objectives and policies before discovering that the issues covered were not appropriate.

The Organization of Coastal District Plans

The second guideline for coastal district plans is Organization (at 6 AAC 85.030). There are two main requirements placed on districts under the organization guideline. First, the districts must describe the organization of their coastal management programs including financial and staff arrangements. Second, the name and address of the local contact for the coastal program must be listed in the plans. Coastal districts responding to the SAMP survey did not indicate that they were confused regarding the requirements of the Organization Guideline.

The draft plan review revealed a few, recurring problems under the organization guideline. Most of the comments relating to organization of district plans focused on making sure district plans are user-friendly. DGC staff and other reviewers expressed some concern about inadequate orientation information for plan users. Districts were also asked to number policies sequentially and consolidate enforceable policies in a distinct section, either in the plan or in an appendix. The purpose of consolidation is to allow users to quickly find legally-binding policies without wading through goals, objectives and advisory policies. Another common organization concern was that many districts initially forget to include a bibliography of sources

referenced in the plan. A few districts forgot to reference the sources of information included in their coastal plans. Even more common was for districts to forget to include the coastal contact's name and address within the document.

Coastal District Boundaries

Guideline 6 AAC 85.040 pertains to the boundaries of coastal districts and how they must be addressed within coastal district plans. Districts are directed to include a map of their coastal zone boundaries and to discuss the compatibility of their boundaries with adjacent areas. Initial boundaries must correspond to those mapped in the State's atlas of coastal zone boundaries. Final boundaries can diverge from the initial boundaries if certain criteria are met and the CPC approves the change. But the draft plan review indicates that the coastal districts rarely pursued coastal zone boundaries different than those initially proposed by the State, a fact that is supported by a coastal district boundary analysis by Seaman (1991, 686). The exception occurred in the development of a few AMSAs (i.e., SAMPs). Commenters frequently complained that the districts did not justify the size of the coastal zone boundaries proposed for these AMSAs.

Approximately one third of the SAMP survey participants voiced that the ACMP regulations covering coastal zone boundaries are not clear. In particular, respondents mentioned that the relationship between municipal and coastal zone boundaries is confusing and that the relationship of the coastal zone to federal lands was unclear. A state respondent agreed that clarification about federal lands in the state coastal management scheme was needed. All other respondents indicated that the regulations provide clear guidance to coastal districts.

The draft plan review revealed that coastal districts frequently had inadequate descriptions of their coastal zone boundaries in their plans, at least according to plan reviewers. Districts were routinely asked to provide more detailed, written descriptions of the boundaries and to more clearly mark boundaries on maps. This included requests to illustrate the relationships of the districts' coastal zone boundaries to other boundaries. Specifically, districts often needed to clarify the relationship of their coastal zone and municipal boundaries. Plan reviewers also

frequently asked districts to discuss the compatibility of their coastal zone boundaries with those of adjacent districts and federal lands.

In addition to not understanding how much boundary information to include in their plans, the coastal districts appeared to be considerably confused about the exemption of federal lands from the coastal zone and what that meant for implementation of their plans. Part of the confusion stemmed from the fact that, although federal lands are not technically inside the coastal zone, federal activities must be consistent with local coastal management plans approved by the CPC and federal government. Several districts mentioned federal lands as an unclear topic in their responses to SAMP survey although once again, the majority said the regulations provide clear guidance on this subject.

Resource Inventories and Analyses

District plans must contain resource inventories and analyses. According to 6 AAC 80.050, the inventories must describe habitats, cultural resources, land and water uses and activities, and land and resource ownership and management. Anticipated significant changes in the topics covered by the inventory, the environmental capability and sensitivity of the local coastal zone, and present and anticipated coastal zone needs and demands must be discussed in the resource analyses. Districts responding to the SAMP survey indicated that decisions about what to include in their resource inventories were predominately based on input from local citizens, the local government and special interest groups. The districts also relied on historical review of coastal zone uses and activities and the requirements of the ACMP Guidelines when preparing inventories. One district responding to the SAMP survey asked that the State provide methodologies for preparation of the inventory.

Data gathered from the draft plan review indicated that resource inventories and analyses were often the most difficult and time-consuming sections of coastal management plans for districts to complete. Chronic problems that districts faced were obtaining up-to-date and accurate information about the coastal zone, providing adequate documentation for data, dealing with disagreements with plan reviewers over data interpretation, and presenting data in a useful

form (i.e. written, maps, tables, figures). The types of information that were the subject of the majority of reviewers' comments pertained to fish and wildlife resources, past, present and future land uses, and land ownership and management. Documenting land ownership appeared to be especially problematic for districts. Districts frequently had inaccurate or incomplete information about federal lands in the coastal zone (previously discussed), state tide and submerged lands, state land selections, and native lands.

The multitude of problems confronted by districts in preparing resource inventories and analyses stemmed from the fact that the regulations require comprehensiveness. Is it reasonable to ask districts to cover so much information in plan inventories and analyses? Or should districts be allowed to concentrate on resources, activities and uses that are important locally? This topic was addressed by the SAMP survey. A little over half of the survey respondents expressed support for a strategic planning approach, indicating that this was critical due to the limited financial resources available for coastal planning. Dissenting respondents, including several districts, felt that resource inventories and analyses should be comprehensive. These respondents suggested that perhaps some resources, uses or activities could be discussed in less detail but should not be excluded. Clearly, the ACMP participants want the choice of a comprehensive versus strategic planning approach to be a district decision not a centralized mandate.

Subject Uses/Proper and Improper Uses

The ACMP Guidelines require districts to identify all land and water uses and activities that will be subject to their coastal programs and then discuss which of those uses will be considered proper and improper (6 AAC 85.070 and 85.080). The description of subject and proper and improper uses must also cover uses of state concern. Both sections should be based on the districts' stated needs, goals and objectives as well as the activities, uses and resources covered by local coastal policies.

The draft plan review highlighted that districts have had significant troubles complying with the Subject and Proper and Improper Uses Guidelines. Two problems stand out. First,

districts sometimes forgot to identify subject uses, including if the uses were considered proper or improper. The second problem was that districts frequently excluded uses of state concern from the list of subject or proper uses. State reviewers frequently reminded the coastal districts that uses of state concern cannot be unduly restricted. Usually, this was in the form of a state agency telling the district that it must list certain uses as proper uses. There were occasional debates between reviewers or reviewers and districts about whether uses should be classified as proper or improper. In response to the SAMP survey, several districts asked that the terms subject, proper and improper be better defined. One district participant stressed that proper and improper uses can be hard to enforce but did not elaborate.

The Enforceable Policies of Coastal District Plans

District coastal management plans must include policies that meet certain criteria; the requirements were discussed previously and are found at 6 AAC 85.090. In response to the SAMP survey, all districts reported that the ACMP regulations provide clear guidance on policy requirements. Yet, during plan reviews, district policies received the most scrutiny and variation of comments compared to other plan sections. Battles over how policies should be written and what they should cover were readily evident. The attention level results directly from the fact that the policies become legally enforceable.

Many of the factors mentioned in the policy formulation section of the literature review are evident in the ACMP district planning process. Enforceability of coastal district policies is one topic that consistently generated debate between districts and plan reviewers. Districts routinely received comments telling them why policies were not enforceable and how to make the policies enforceable. Usually, these comments focused on pointing out the use of nonenforceable policy language such as should, may, or encourage. Districts were always told that nonenforceable policies would act as advisories rather than standards against which projects would be reviewed. Those policies marked by reviewers as advisories included those which covered non-ACMP issues. Reviewers also advised districts against defining a highest priority in their policies since uncertainty could make the policies difficult to enforce. Districts were also told not to define more than one highest priority in policies since multiple priorities may

end up conflicting with each other. Another common occurrence was districts being told that maps, ordinances, or other items mentioned in policies and intended to be enforceable parts of their programs had to be incorporated into their plans. The DGC discouraged districts from incorporating any ordinances or other items that the district may need to update frequently in the future since the district plan, including the incorporated item, would have to be revised at the state level. If the items were not meant as an enforceable component, then a clear and complete reference was usually needed. A minor problem was the need for some districts to consolidate or delete repetitive policies.

A second major problem with the enforceability of district policies related to the definition of policy terminology. Some districts failed to define terms used in policies until prompted by comments submitted during the planning process. Most districts remembered to define some terms but failed to define all terms used. In addition, terminology was used inconsistently by some districts. Reviewers, DGC staff in particular, recommended standard definitions that existed in the ACMP regulations or approved local plans.

An important component of policy enforceability is selecting appropriate enforcement mechanisms. The draft plan review indicated that districts did not always think about enforcement when drafting policies, or, if they did, the chosen mechanisms were not outlined in their plans. Other times, plan reviewers complained that district policies indicated actions to be taken during project reviews or enforcement but did not specify who was responsible for taking those actions. Reviewers frequently questioned whether districts could implement the proposed policies, especially when policies were restrictive or complex.

The enforceability components outlined thus far in this report were agreed upon by the majority of plan reviewers. But one element of enforceability, the specificity of district policies, was the subject of debate among all involved in the district planning process. Some plan reviewers wanted the districts to develop very detailed and clear policies, for example defining an exact buffer width and how it would be measured. Others accepted the districts' desires to develop performance-based policies but asked for the districts to clearly define criteria and

enforcement mechanisms. On the other side, some commenters wanted districts to develop very broad and weakly worded policies, claiming that this was needed for the local plans to be flexible. Whether an agency, group or district acted as a proponent for general or specific policies depended on the policy topic, the district involved, and the individual commenting. In other words, agencies and other plan reviewers did not have detectable, across-the-board preferences for specific or general policies. And although the ACMP requires policy specificity, only a vague definition of what that means is offered in regulation. Not surprisingly, the basic planning dilemma of how specific policies should be was ingrained in the district planning process.

Whether district policies can be stricter than the ACMP standards (6 AAC 80) was an issue debated frequently during the district planning process. The ACMA and program regulations do not preclude districts from developing stricter policies. In fact, the ACMP's FEIS explained that the Program Standards were designed broadly to allow coastal districts to tailor them to local conditions (1979, 297). State agencies persistently claimed that the districts did not have the expertise or resources necessary to enforce policies that were stricter than state regulations. In addition, the state resource agencies questioned whether they could enforce stringent local policies, and some state commenters were adamant that their agencies could not enforce district policies that went beyond state requirements due to a lack of statutory or regulatory authority. Therefore, the DGC and other state agencies usually urged the districts to carefully consider the adoption of policies stronger than state regulatory requirements.

Regardless of policy restrictiveness, districts rarely clarified whether the ACMP Standards were incorporated or supplemented in the draft plans reviewed. The state reviewers and districts also debated whether incorporated standards should be repeated verbatim in districts plans. The majority of state respondents felt it was unnecessary for districts to restate the standards and requested that districts merely reference the standards. Most districts wanted the standards repeated in their plans, with some explaining that then anyone using the plan could easily find the standards. In recent years, the DGC has advised districts against restating the ACMP Standards in local plans and encouraged districts to develop policies to cover all

Standards. For districts who do not desire to develop policies for a particular Standard, the DGC asks that the ACMP Standard be referenced in the plan or included in an Appendix but not in the enforceable policies of the plan. Part of the reason for this approach is that the DGC does not want the districts to think that incorporating an ACMP Standard into a local plan gives the district deference over that Standard; the State retains due deference over all the ACMP Standards.

The ACMP Standards were not the only governmental regulations that districts addressed in their coastal management plans. Sometimes districts incorporated certain state or federal regulations or proposed policies which stated that specific state and federal regulations applied within the district. The state and federal agencies usually argued that this was unnecessary since state and federal regulations would apply regardless of whether the districts incorporated the regulations into their plans. However, the state and federal agencies gave districts inconsistent advice. During the review of a number of draft plans, coastal districts were asked to identify within local policies the state and federal regulations that applied to the policy topic.

State and federal plan reviewers were very clear and consistent in advising coastal districts that their policies could not negate state or federal regulations. Policies stating that temporary violations of state or federal regulations were allowed within the local coastal zone were a fairly common occurrence. For example, many districts attempted to allow temporary violations of the state water quality standards under certain circumstances. In a few cases, districts stated that state or federal regulations would not apply inside the district boundaries. The ACMP does not convey such broad power to the coastal districts. Districts are allowed to specify how the ACMP Standards apply within their coastal zones but cannot exempt themselves from the Standards or other regulations.

Addressing Implementation in Coastal District Plans

During policy formulation, the long-range implementation of policies must be considered. Coastal district plans must include an implementation section which describes the "methods and authorities which will be used to implement" their programs (6 AAC 85.100). Although the

majority of districts stated in responses to the SAMP survey that clear guidance is provided by the ACMP Implementation Guideline, draft versions of this plan section were never adequate. Districts rarely covered all topics required in the implementation sections. Most often lacking were descriptions of the methods that would be used to enact the local programs, including monitoring and enforcement. Rarely did the districts correctly or adequately explain the local role in the SCRPP or how the process operates. Nearly all districts forgot to cover the ACMP processes for appeals and plan amendments. The districts' problems with the implementation section lead the DGC to develop a generic implementation section to be clarified and added to by the districts. The obvious danger of this approach is that districts could conceivably complete the implementation section without really understanding implementation.

The coastal districts indicated during the planning process that they were confused about the interlinking of federal, state and local authorities and responsibilities under the ACMP. Questions asked by the districts covered topics ranging from the general roles of each level of government to specifics about the ACMP list of categorically approved and generally concurrent projects (the ABC list). The lack of understanding about the networked nature of the ACMP translated into uncertainties about local execution of coastal programs and the State's responsibility to implement coastal district plans. Ironically, some state reviewers expressed that their implementation responsibilities are unclear. The districts also did not fully understand their role in review of federal actions and approvals as was discussed previously.

Public Participation in Coastal District Planning

Unlike the implementation requirements, districts did not have significant problems complying with the ACMP Guidelines for Public Participation, Public Involvement During Program Development, and Coordination and Review (6 AAC 85.110, 85.130 and 85.140, respectively). Occasionally, districts were not sure how to document public participation. And as information regarding planning deadlines and meetings were changed during the process, districts sometimes forgot to update this information in their plans.

The ACMP Planning Process

The ACMP planning process was the focus of several questions included in the SAMP survey. Respondents were asked to identify and explain concerns or recommendations regarding the process. The general feeling expressed was that the planning process does follow regulations and deadlines. One district complained about receiving reviewers' comments after the specified comment deadlines and then having to respond to these. A state participant pointed out that agencies rarely meet review deadlines due to staff shortages. The districts expressed two primary concerns with the process - coastal planning costs too much and the ACMP planning process takes too long. Other district concerns were that federal and state participation in planning process needs to increase and that the State often requests modifications that change districts' intent for policies.

The ACMP plan amendment process was discussed by SAMP survey respondents in addition to the planning process for new local plans. Districts complained that the ACMP amendment process is too difficult, complex and time consuming. One district stressed that local plans are not updated regularly, largely because of the amendment process. Several state respondents concurred that the process is complex and that it is unclear how the DGC determines whether plan amendments are justified and whether the amendments are significant or minor. The amendment process is much more difficult and lengthy for significant amendments. Concentrating more resources on fewer plans was suggested by a state respondent as a solution to the costs of amending local plans. The DGC has been forced to take this approach since state funding for coastal planning has been decreasing.

In response to the SAMP survey, both state and district participants indicated that coastal issues and planning needs must be identified and discussed earlier in the process. Strong support was expressed for the DGC's proposal to investigate the usefulness of adding a pre-planning phase or meeting to the district planning process. The districts would outline local issues and needs and present them to planning participants. The goal of a pre-planning stage would be to encourage discussion between all levels of government, interest groups and the public. These discussions could allow districts to determine if all of their goals and needs can be addressed

through coastal planning and could offer an opportunity for the districts to obtain feedback regarding data sources, plan format and critical information to include in their plans. Several districts and other respondents were hesitant to support a mandatory pre-planning phase and requested that the districts be given the option to skip this stage if it is instituted.

Implementation of Coastal District Plans

SAMP Survey

A section of the SAMP survey concentrated on the implementation of coastal district plans. Survey respondents were asked if they routinely use the enforceable policies of district plans during State consistency reviews. The coastal districts strongly voiced that local policies are actively used during consistency reviews. The only state response was that the agency relies on district input during reviews since local governments, not the agency, have expertise over district plans.

The second implementation question was directed at the coastal districts and inquired about the methods districts use to implement their policies. The districts listed four main methods: (1) zoning ordinances, (2) local consistency reviews, (3) local permits, and (4) the SCRP. Other methods listed were public meetings, site reviews, and comprehensive land use plans.

All participants were questioned about the quality and usefulness of information and maps included in the resource inventories of coastal district plans. In particular, the survey solicited feedback on whether resource inventories act as a reference for implementors. Several districts stated that they don't regularly consult their resource inventories or that the information needed to be updated. Federal agency, industry and other respondents indicated that the plans are a good source of information. A state respondent dissented explaining that district input is solicited in lieu of consulting district plans.

According to the SAMP survey results, resource inventories are not the only information source considered by state or local implementors during consistency reviews. Coastal districts cited five additional information sources: (1) public hearings, (2) advice from agencies, (3) input from applicants, (4) other local plans and regulations, and (5) input from the local

government. State agency respondents rely on in-house publications for implementation guidance and not local plans.

The final implementation question of the SAMP survey broadly asked respondents to list recurring problems with plan implementation, including enforcement. A variety of responses were given by the coastal districts. First, policy interpretation was listed as a problem, with the State and districts sometimes disagreeing about the application of policies. Second, insufficient authority, specifically lack of jurisdiction on surrounding lands and limited local enforcement, was viewed as troublesome. Third, complaints about limited state and federal implementation of coastal district plans were made, including a lack of state and federal permit enforcement. The last problem mentioned by the coastal districts was insufficient staff to implement local coastal plans.

Consistency Review Files

The SAMP survey touched on the topic of implementation but did not provide detailed information. Analysis of the DGC's consistency review files provided an opportunity to characterize the local role in the SCRP. One element of this research task was to compile statistics regarding state and local implementation of selected coastal district plans. Overall and individual statistics for these districts are presented in Tables 13 through 22. During the two FY period, individual district participation rates ranged from 25 to 100% of DGC reviews with an overall local involvement rate of 79% or 98 of 124 reviews. Figure 7 illustrates that types of projects under review. When compared to Figure 6, the project type distribution is seen to be similar to the average breakdown of project types.

OT	On Time	State Stip.	Only state resource agency requested stipulation (s)
E	Early		
L	Late	District Stip.	Only district requested stipulation (s)
L+	# of L - 3 days+ late		
C	Consistent	Disagree. Stip.	State/local disagreement about stipulations but not the overall determination
C/S	Consistent w/Stipulations		
I	Inconsistent	Disagree. Find.	State/local disagreement about the overall determination
N/C	No Comment		
ADV.	Advisory(ies)	Same Find.	Same Finding at state and local levels
P/R	Policy + Rationale		
P	Policy Only	Table 13(a): KEY TO TABLES 13-22 Consistency File Review Statistics	
R	Rationale Only		
N	No Policy or Rationale		

SUMMARY OF COASTAL DISTRICT STATISTICS - DGC COORDINATED REVIEWS - FY 1992-1993

% OF REVIEWS - LOCAL PARTIC.	DISTRICT COMMENTS RECEIVED	DISTRICT DECISION	DISTRICT COMMENT QUALITY	DISTRICT CONCURRED OR DEFERRED TO STATE AGENCY	STATE AGENCY REFER. TO LOCAL PLANS OR POLICIES	STATE VS. DISTRICT DECISIONS	DGC CLOSEOUT
70.47	OT = 11	C = 75	P/R = 20	DEC = 2	DEC = 11	State Stip. = 45	OT = 11
RANGE	E = 44	C/S = 22	P = 5	DFG = 14	DFG = 73 ⁺	District Stip. = 1	E = 64
25.00-	L = 37	I = 1	R = 43	DNR = 2	DNR = 2	Disagree Stip. = 10	L = 43
100.00	L+ = 19	N/C = 15	N = 30	INFO REQUEST		Disagree Find. = 3	L+ = 33
#98/124	N/A = 31*	ADV = 46	N/A = 1	# = 3		Same Find. = 42	N/A = 6*

Figure 13(b): Notes: *could not determine the deadlines for 6 reviews. +31 DFG references for one district

CITY OF ANGOON - DGC COORDINATED REVIEWS - FY 1992-1993

% OF REVIEWS - LOCAL PARTIC.	DISTRICT COMMENTS RECEIVED	DISTRICT DECISION	DISTRICT COMMENT QUALITY	DISTRICT CONCURRED OR DEFERRED TO STATE AGENCY	STATE AGENCY REFER. TO LOCAL PLANS OR POLICIES	STATE VS. DISTRICT DECISIONS	DGC CLOSEOUT
50.00	OT = 0	C = 0	P/R = 0	DEC = 0	DEC = 0	State Stip. = 1	OT = 0
# OF	E = 0	C/S = 0	P = 0	DFG = 0	DFG = 1	District Stip. = 0	E = 1
1	L = 1	I = 1	R = 0	DNR = 0	DNR = 1	DisagreeStip. = 0	L = 1
TOTAL	L+ = 0	N/C = 1	N = 1	INFOREQUEST		DisagreFind. = 1*	L+ = 1
2	N/A = 1	ADV = 1	N/A = 1	# = 0		Same Find. = 0	N/A = 0

Table 14: Notes: * District wanted one project to be found inconsistent but did not elevate the finding of positive consistency.

CITY OF KLAWOCK - DGC COORDINATED REVIEWS - FY 1992-1993

% OF REVIEWS - LOCAL PARTIC.	DISTRICT COMMENTS RECEIVED	DISTRICT DECISION	DISTRICT COMMENT QUALITY	DISTRICT CONCURRED OR DEFERRED TO STATE AGENCY	STATE AGENCY REFER. TO LOCAL PLANS OR POLICIES	STATE VS. DISTRICT DECISIONS	DGC CLOSEOUT
50.00	OT = 0	C = 1	P/R = 0	DEC = 0	DEC = 0	State Stip. = 1	OT = 0
# OF	E = 1	C/S = 0	P = 0	DFG = 0	DFG = 0	District Stip. = 0	E = 1
1	L = 0	I = 0	R = 0	DNR = 0	DNR = 0	Disagree Stip. = 0	L = 1
TOTAL	L+ = 0	N/C = 1	N = 1	INFO REQUEST		Disagree Find. = 0	L+ = 1
2	N/A = 1	ADV = 1	N/A = 1	# = 0		Same Find. = 0	N/A = 0

Table 15: Notes:

CITY OF SAINT PAUL - DGC COORDINATED REVIEWS - FY 1992-1993

% OF REVIEWS - LOCAL PARTIC.	DISTRICT COMMENTS RECEIVED	DISTRICT DECISION	DISTRICT COMMENT QUALITY	DISTRICT CONCURRED OR DEFERRED TO STATE AGENCY	STATE AGENCY REFER. TO LOCAL PLANS OR POLICIES	STATE VS. DISTRICT DECISIONS	DGC CLOSEOUT
100	OT = 3	C = 5	P/R = 3	DEC = 0	DEC = 0	State Stip. = 2	OT = 3
# OF	E = 1	C/S = 3	P = 1	DFG = 0	DFG = 2	District Stip. = 0	E = 3
8	L = 4	I = 0	R = 4	DNR = 0	DNR = 0	Disagree Stip. = 2	L = 2
TOTAL	L+ = 0	N/C = 0	N = 0	INFO REQUEST		Disagree Find. = 2*	L+ = 1
8	N/A = 0	ADV = 3	N/A = 0	# = 2		Same Find. = 4	N/A = 0

Table 16: Notes: * The district elevated two regional level consistency determinations due to disagreement with the State over the stipulations necessary to bring the projects into compliance with the ACMP. The director-level elevation determinations went in favor of the State.

CITY OF SKAGWAY - DGC COORDINATED REVIEWS - FY 1992-1993

% OF REVIEWS - LOCAL PARTIC.	DISTRICT COMMENTS RECEIVED	DISTRICT DECISION	DISTRICT COMMENT QUALITY	DISTRICT CONCURRED OR DEFERRED TO STATE AGENCY	STATE AGENCY REFER. TO LOCAL PLANS OR POLICIES	STATE VS. DISTRICT DECISIONS	DGC CLOSEOUT
25.00	OT = 0	C = 0	P/R = 0	DEC = 0	DEC = 1	State Stip. = 0	OT = 0
# OF	E = 1	C/S = 1	P = 1	DFG = 0	DFG = 1	District Stip. = 1*	E = 2
1*	L = 0	I = 0	R = 0	DNR = 0	DNR = 0	Disagree Stip. = 0	L = 1
TOTAL	L+ = 0	N/C = 3	N = 0	INFO REQUEST		Disagree Find. = 0	L+ = 1
4	N/A = 3	ADV = 1	N/A = 3	# = 0		Same Find. = 0	N/A = 1*

Table 17: Notes: * One project was withdrawn but was included in this study since it was the only Skagway review during which the district submitted comments.

CITY OF VALDEZ - DGC COORDINATED REVIEWS - FY 1992-1993

% OF REVIEWS - LOCAL PARTIC.	DISTRICT COMMENTS RECEIVED	DISTRICT DECISION	DISTRICT COMMENT QUALITY	DISTRICT CONCURRED OR DEFERRED TO STATE AGENCY	STATE AGENCY REFER. TO LOCAL PLANS OR POLICIES	STATE VS. DISTRICT DECISIONS	DGC CLOSEOUT
71.43	OT = 0	C = 3	P/R = 1	DEC = 0	DEC = 0	State Stip. = 2	OT = 0
# OF	E = 4	C/S = 1	P = 0	DFG = 0	DFG = 5	District Stip. = 0	E = 2
5	L = 0	I = 0	R = 1	DNR = 0	DNR = 1	Disagree Stip. = 1	L = 3
TOTAL	L+ = 0	N/C = 3*	N = 2	INFO REQUEST		Disagree Find. = 0	L+ = 2
7	N/A = 3*	ADV = 3	N/A = 3	# = 1		Same Find. = 1	N/A = 1*

Table 18: Notes: *one of these reviews is ongoing

CITY AND BOROUGH OF JUNEAU - DGC COORDINATED REVIEWS - FY 1992-1993

% OF REVIEWS - LOCAL PARTIC.	DISTRICT COMMENTS RECEIVED	DISTRICT DECISION	DISTRICT COMMENT QUALITY	DISTRICT CONCURRED OR DEFERRED TO STATE AGENCY	STATE AGENCY REFER. TO LOCAL PLANS OR POLICIES	STATE VS. DISTRICT DECISIONS	DGC CLOSEOUT
81.08	OT = 2	C = 21	P/R = 7	DEC = 2	DEC = 1	State Stip. = 7	OT = 3
# OF	E = 11	C/S = 9	P = 3	DFG = 10	DFG = 13	District Stip. = 0	E = 13
30	L = 15	I = 0	R = 8	DNR = 2	DNR = 0	Disagree Stip. = 5	L = 21
TOTAL	L+ = 5	N/C = 7	N = 12	INFO REQUEST		Disagree Find. = 0	L+ = 18
37	N/A = 9*	ADV = 24	N/A = 7	# = 0		Same Find. = 18	N/A = 0

Table 19: Notes: *includes two reviews where the comment deadline could not be determined

KODIAK ISLAND BOROUGH - DGC COORDINATED REVIEWS - FY 1992-1993

% OF REVIEWS - LOCAL PARTIC.	DISTRICT COMMENTS RECEIVED	DISTRICT DECISION	DISTRICT COMMENT QUALITY	DISTRICT CONCURRED OR DEFERRED TO STATE AGENCY	STATE AGENCY REFER. TO LOCAL PLANS OR POLICIES	STATE VS. DISTRICT DECISIONS	DGC CLOSEOUT
88.57	OT = 1	C = 30	P/R = 4	DEC = 0	DEC = 0	State Stip. = 23	OT = 3
# OF	E = 13	C/S = 1	P = 0	DFG = 2	DFG = 31	District Stip. = 0	E = 18
31	L = 15	I = 0	R = 20	DNR = 0	DNR = 0	Disagree Stip. = 0	L = 10
TOTAL	L+ = 13	N/C = 4	N = 7	INFO REQUEST		Disagree Find. = 0	L+ = 6
35	N/A = 6*	ADV = 9	N/A = 4	# = 0		Same Find. = 8	N/A = 4^

Table 20: Notes: * includes two reviews where the comment deadline could not be determined. ^ includes four reviews where the closeout deadline could not be determined

BERING STRAITS COASTAL RESOURCE SERVICE AREA - DGC COORDINATED REVIEWS - FY 1992-1993

% OF REVIEWS - LOCAL PARTIC.	DISTRICT COMMENTS RECEIVED	DISTRICT DECISION	DISTRICT COMMENT QUALITY	DISTRICT CONCURRED OR DEFERRED TO STATE AGENCY	STATE AGENCY REFER. TO LOCAL PLANS OR POLICIES	STATE VS. DISTRICT DECISIONS	DGC CLOSEOUT
68.18	OT = 5	C = 13	P/R = 0	DEC = 0	DEC = 9	State Stip. = 8	OT = 1
# OF	E = 7	C/S = 2	P = 0	DFG = 0	DFG = 14	District Stip. = 0	E = 18
15	L = 2	I = 0	R = 9	DNR = 0	DNR = 3	Disagree Stip. = 1	L = 3
TOTAL	L+ = 1	N/C = 7	N = 6	INFO REQUEST		Disagree Find. = 0	L+ = 2
22	N/A = 8*	ADV = 0	N/A = 7	# = 0		Same Find. = 6	N/A = 0

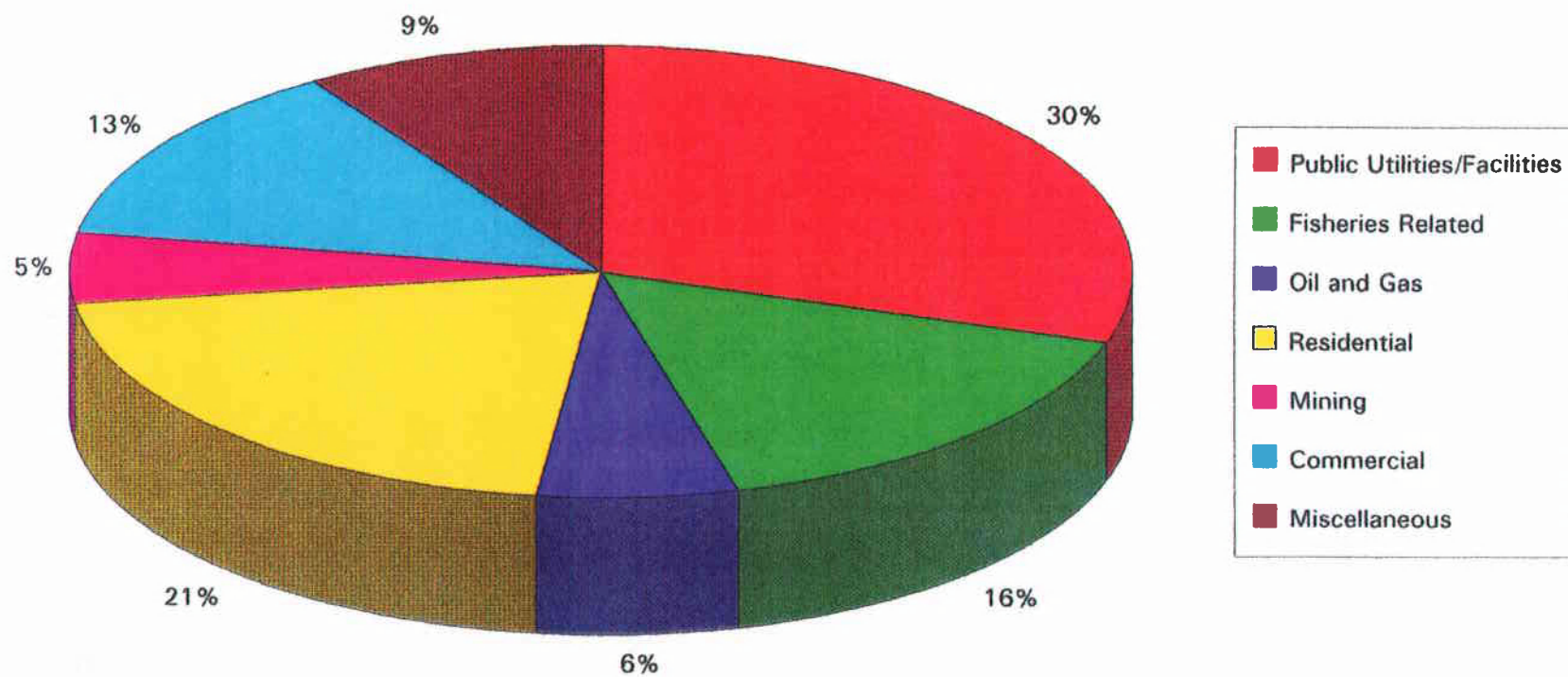
Table 21: Notes: *includes one review where the comment deadline could not be determined

BRISTOL BAY COASTAL RESOURCE SERVICE AREA - DGC COORDINATED REVIEWS - FY 1992-1993

% OF REVIEWS - LOCAL PARTIC.	DISTRICT COMMENTS RECEIVED	DISTRICT DECISION	DISTRICT COMMENT QUALITY	DISTRICT CONCURRED OR DEFERRED TO STATE AGENCY	STATE AGENCY REFER. TO LOCAL PLANS OR POLICIES	STATE VS. DISTRICT DECISIONS	DGC CLOSEOUT
100	OT = 0	C = 2	P/R = 5	DEC = 0	DEC = 0	State Stip. = 1	OT = 1
# OF	E = 6	C/S = 5	P = 0	DFG = 2	DFG = 6	District Stip. = 0	E = 5
7	L = 1	I = 0	R = 1	DNR = 0	DNR = 0	Disagree Stip. = 1	L = 1
TOTAL	L+ = 0	N/C = 0	N = 1	INFO REQUEST		Disagree Find. = 0	L+ = 1
7	N/A = 0	ADV = 4	N/A = 0	# = 0		Same Find. = 5	N/A = 0

Table 22:

Figure 7:
Project Activities - Selected Review Files



The cities of Angoon, Klawock, Saint Paul, Skagway and Valdez and the Bristol Bay CRSA were characterized by few, DGC-coordinated reviews over the two year period. The boroughs of Juneau and Kodiak Island experienced a much greater number of DGC-coordinated consistency reviews at 35 and 37 over two years, respectively. The Bering Straits CRSA also experienced a high number of reviews, with 22 of 62 DGC-coordinated reviews analyzed. The remaining forty reviews covered annual placer mining applications which were not included in the file sample because different procedures are used for those reviews.

The Southeast Communities of Angoon, Klawock, and Skagway

Compared with the other study districts, the southeast communities of Angoon, Klawock, and Skagway had the fewest DGC-coordinated project reviews during the two year study period. Only two projects occurring in each the Angoon and Klawock coastal districts and four projects inside the Skagway coastal district were subject to DGC involvement. Each of the districts submitted consistency comments during only one project review. For the Angoon and Skagway projects, the districts only commented to the DGC on projects where the district was not also the applicant.

The comments submitted by the southeast districts of Angoon, Klawock and Skagway failed to meet the quality criteria of the DGC. Angoon's comments regarding expansion of a dock facility (AK9207-12JJ) expressed the district's dislike of the project without clearly explain how the project conflicted with the local coastal plan. Instead, the City stated that the proposal was not acceptable because the project was inside the district boundaries and was an after-the-fact review. Angoon also listed issues raised at a planning commission meeting. The issues were not fully developed and were hard to understand but did include coastal concerns about fishing and subsistence. The DFG and the DNR reviewers asked the DGC coordinator to determine what the district's concerns were, and the coordinator asked the district to clarify the consistency of the project with the local plan and identify what impacts were of local concern. The district did not resubmit its comments, and the project was found consistent with the ACMP.

Klawock and Skagway also failed to meet the DGC quality parameters for consistency comments. During the review of a subdivision (AK9203-09JJ), Klawock participated by preparing consistency comments. Unlike the Angoon comments, Klawock did identify the project's consistency with the local coastal plan. However, the rationale given by Klawock its consistency finding was not ACMP-related. The district identified social needs for the project but failed to discuss the relationship to the coastal zone. The Skagway coastal district, in response to a harbor dredging project (AK9111-14JJ), submitted comments that referenced the local coastal plan. Although policy citations were not provided, the district did outline its concerns based on local coastal policies. However, Skagway did not clearly state whether the project was consistent with the plan; the project was merely said to be important to the operation of marine vessels.

The City of Valdez

Unlike the southeast cities, the City of Valdez was characterized by a high participation rate in the reviews coordinated by the DGC over the two year study period. The Valdez coastal district participated in five of seven reviews. The review of a proposal to conduct hydrostatic testing of fuel tanks (AK9207-01AA) remains uncompleted due, in part, to a district request for information. The district requested the applicant to demonstrate that a proposed water withdrawal would not adversely impact fish habitat and explain where the water would be discharged after the testing. Apparently, the applicant is now considering the feasibility of alternative water withdrawal and discharge methods.

The City of Valdez provided rationale in half of its consistency comments. During the review of a refinery proposal (AK9112-12AA), the district proposed six stipulations for the State's conclusive consistency determination and cited policies along with supporting information as rationale. The proposed stipulations were identical to the requirements placed on a local conditional use permit issued for the project. However, the DGC did not include the district stipulations as stipulations in the final determination. Four of the Valdez stipulations were included as advisories, and the other two were partially covered in the project description of the conclusive consistency determination. Based on analysis of the Valdez stipulations, the DGC's

handling of the district comments was appropriate.

During the State's review of the fuel refinery, the City of Valdez proposed stipulations that were primarily advisories to the applicant or requests for information from the applicant. Two district stipulations reminded the applicant that all applicable state and federal requirements had to be met. As part of these stipulations, the district also required the applicant to submit copies of all applications to the City and to involve the City in preparation of an oil spill contingency plan. The third stipulation solicited information from the applicant regarding intended fuel transport methods, this information was included in the State's consistency determination. The last three stipulations related to local requirements that are separate from the ACMP, with two stipulations informing the applicant that changes in production levels and methods would need to be approved by the local planning and zoning commission. The last condition was a reminder that the project site had to be rezoned before the local permit would become effective.

Two of the review files covering projects within the Valdez coastal district offered evidence of local-state disagreements with the federal government over the potential for environmental impacts and the allowable uses of the Valdez coastal area. The projects under review were modifications of marine terminal facility permits to allow storage and dispensing of petroleum products at the facility (AK9205-17AA) and construction of a docking facility to provide a operations base for oil spill response vessels (AK9306-02PA). The State and district found both proposals to be consistent with the ACMP Standards and the Valdez coastal policies. However, the federal resource agencies raised substantial concerns about both proposals.

During the two reviews cited above, the federal resource agencies commented that the proposals could adversely impact the Valdez Duck Flats, an environmentally important estuary and salt marsh near the project sites. The Environmental Protection Agency (EPA), Fish and Wildlife Service (FWS), and National Marine Fisheries Service (NMFS) all recommended that the uses of the marine terminal (AK9205-17AA) be restricted to moorage of ships and refueling of single vessels. The agencies requested various restrictions of off- and on-loading of

petroleum products at the facility due to the potential impacts of an oil spill on the Duck Flats. The file for the spill vessel base (AK9306-02PA) contained comments from only one federal agency. At first, the NMFS stated that allowing the facility would be less environmentally damaging than construction of a new facility. But NMFS requested information on existing facilities that could offer an alternative vessel base away from the Valdez Duck Flats. Not satisfied that the emergency spill response vessels had to fuel at the proposed facility, NMFS requested that the vessels be required to fuel at an alternative facility. The rationale for this recommendation was the proximity of the project site to the Valdez Duck Flats and protection of the salt marsh from potential oil spills.

The City of Valdez began preparing an AMSA plan for the Valdez Duck Flats in 1990. Although the plan has not been finished and is, therefore, not an enforceable part of the ACMP, the federal agencies used the existence of the draft plan as evidence that the local and state governments and the general public were concerned about the Duck Flats. However, the federal agencies refused to consider the City's intent for the Duck Flats as outlined in the draft plan. Valdez wanted to guide multiple use of the Duck Flats not develop the plan just to protect the habitat values of the area.

The CAD of the Valdez Duck Flats AMSA aimed to guide management of the salt marsh for multiple use. The Valdez coastal district explained in the draft plan that future uses of the Duck Flats would include port development and activities, transportation facilities, private sector development on non-City lands, and recreational uses (Valdez, 1992, 5.4 - 5.9). A significant portion of the Duck Flats would also be designated as a no development habitat zone. (Valdez, 1992, 6.3) But the federal agencies resisted any use of the salt marsh that might impact the coastal habitat. The federal agencies refused to acknowledge the district's needs and desires for use of the area. According to colleagues at the DGC, the federal agencies' refusal to compromise and allow multiple use of the Duck Flats lead the City of Valdez to forfeit the plan. As long as the City and federal agencies remain polarized, the AMSA will not be finalized, and the federal agencies will likely continue to pursue their goals through the permitting process.

The City of Saint Paul

The City of Saint Paul participated in all of the eight DGC-coordinated reviews over the two year study period. Based on the quality parameters, the Saint Paul coastal district routinely submitted good comments. The district clearly stated the consistency of projects with the local plan, and rationale was given. Local coastal policies were cited in several of the district's consistency comments. During two project reviews, the district participated heavily and requested that projects be found consistent only if the applicant met a host of stipulations.

The City of Saint Paul was especially concerned about two related proposals for waterfront development projects (dock facility improvements, AK9202-23AA, and a fuel storage facility, AK9202-25AA). Of greatest concern to the district was the placement of a fuel storage facility on scarce waterfront property and the proposed operation of a seafood processing barge at the dock once improvements were made. The first step taken by the district was to request extension of the review schedules from 15-day modification reviews to full, 30-day reviews. In order to better evaluate the proposals, the district also requested a substantial amount of information from the applicant.

The Saint Paul coastal district requested additional information from the applicant because the projects under review appeared to be inconsistent with the local coastal plan. The applicant was asked to provide a broad impacts analysis, which would specifically address the projects' consistency with the ACMP energy facilities standard and many local coastal policies. In addition, the district requested that the applicant demonstrate how the proposals were consistent with local ordinances and the goals and objectives of the coastal plan. Finally, Saint Paul inquired about the proposed size of the fuel storage facility. The consistency review packet discussed a 400,000 gallon facility, but the applicant requested a local zoning approval for a 2,000,000 gallon facility.

Saint Paul requested additional information during a period when the State's review clocks were already stopped because of DNR information requests. However, the DGC refused to keep the clock stopped once the DNR information request was fulfilled stating that the

district's request was not appropriate. The DGC told the district that it could not make the applicant demonstrate that the proposal was consistent with particular policies because the applicant had signed a statement certifying this to be true. Requests for non-ACMP information and clarification of the discrepancy in fuel facility size on federal/state versus local applications were also denied by the DGC.

Without the chance to receive and examine the information requested, the Saint Paul coastal district found the projects consistent but only with fifteen stipulations. For each stipulation, the district gave rationale and cited policies from the coastal plan. The stipulations predominately addressed questions about the water-relatedness of the fuel facility, information that the applicant would be required to provide to the City, and various federal, state and local requirements that the applicant had to comply with. The district expressed in its consistency comments that the applicant had not addressed local coastal policies. Another local concern was the fact that the DGC had piece-mealed the reviews of the dock improvements, seafood barge, and fuel facility although the location and applicant were identical. The seafood barge was not included under either of the reviews being discussed.

Based on review of file contents and the Saint Paul coastal management plan, seven to nine of the fifteen conditions proposed by the Saint Paul coastal district appeared to be partially or completely justified by the local policies cited and other rationale presented. The remaining conditions were either advisories or did not appear to be supported by district policies. However, the DGC was not as supportive of the district's stipulations as this analysis suggests the agency should have been; only three of the conditions outlined by the district were included on the State's proposed consistency determinations for the proposals. The discrepancy between the state and district stances resulted in elevation of the consistency determinations by Saint Paul. However, the district requested fewer and slightly revised stipulations during the director-level elevation than at the first stage.

Although the project elevation focused on specific topics, the underlying issue was disagreement over the meaning of due deference in relation to the district's role in the SCRP.

Saint Paul claimed that the State did not give the district due deference as defined at 6 AAC 50.120 (a) which states that a "district whose program has been incorporated into the ACMP is considered to have expertise in the interpretation and application of its program". The City was also adamant that the State could not have found the proposals consistent because not enough information was presented by the applicant to support that determination.

In comments submitted during the review, the Saint Paul coastal district stated that the proposed fuel facility was not water-related as defined in the district coastal plan. The plan defines a water-related activity as an activity "which provides goods or services that are directly associated with water-dependency and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered" (SPCMP, 1988, emphasis added). The district felt that the applicant had failed to demonstrate compliance with the second part of the definition and wanted the fuel facility located at an existing tank farm or in a development corridor to preserve waterfront space for activities which met the definition.

The directors of the state resource agencies and the DGC overruled the district's interpretation of water-relatedness on the grounds that transportation of fuel to the waterfront could cause safety and environmental problems. Specifically, the directors mentioned a lower potential for oil spills and the shorter pipeline required as reasons for locating the fuel facility along the waterfront. Evidence to support the directors' opinion was not present in the consistency review file. The director-level consistency determination did explain that the directors noted the presence of Saint Paul's municipal fuel facility in the harbor district as support for their decision. Yet, that facility was located there prior to adoption of the Saint Paul coastal management plan.

At both the regional- and director-levels, Saint Paul's stipulations were refused for three primary reasons. First, many of the district's conditions outlined information that the applicant would have to supply before gaining local approval. The DGC argued that this could not be a requirement of a consistency determination and stressed that the district should have requested information during the review. Yet, as discussed earlier, when the district requested information

regarding the proposals' consistency with local coastal policies, the DGC rejected the requests. Second, the DGC rejected district stipulations which addressed activities that were not subject to the consistency review, blasting during construction and operation of the seafood processing barge that was slated to moor at the improved dock facility. Third, the DGC explained that stipulations outlining that an applicant had to meet federal and state requirements were not necessary. Saint Paul wanted these included to ensure that the applicant knew of applicable requirements.

The Kodiak Island Borough

The case studies of the Saint Paul consistency review files highlight a major disagreement between the State and a local government over project specifics and broader implementation roles. Analysis of a consistency review file from a bridge crossing project (AK9204-17AA) in the Kodiak Island Borough (KIB) revealed that sometimes state-local disagreement was directed at an individual state agency. During this review, the KIB commented that the bridge crossing was consistent with the local plan and explained that only one local coastal policy applied to the proposal. The policy required that crossings of anadromous streams be limited to those deemed necessary by the Borough and that the crossing minimize habitat disturbance. The district explained that, since a public right of way existed in the immediate area, a crossing was deemed necessary and that it would defer to the DFG regarding environmentally sound construction of the bridge.

All the state resource agencies proposed stipulations that were necessary for the bridge crossing project to be consistent with the ACMP. The DFG requested the most stipulations, including one based on KIB policies. This stipulation required the applicant to accommodate unhindered pedestrian access across the bridge based on KIB policies referring to public access. The KIB strongly objected to the DFG stipulation since the district already had control over public access via the public right of way and through the likelihood of the formation of a local service area once the bridge was constructed. In this case, the DGC agreed with the district about due deference, and the DFG stipulation was not included in the conclusive consistency determination.

Investigation of another consistency review file for a KIB project indicated that the district and DFG did not always disagree. During a project for harbor dredging and ocean disposal of the spoils (AK9306-32AA), the KIB supported a DFG stipulation that was partially based on a local coastal policy. The stipulation limited the applicant to disposing of dredge spoils at times when fishermen were not actively using the disposal area. Rationale for the stipulation included the ACMP Fisheries and Seafood Processing standard (6 AAC 80.040) and a KIB fisheries policy. The stipulation was placed on the conclusive consistency determination.

Of the KIB files reviewed, fourteen (40%) of the consistency reviews covered National Pollutant Discharge Elimination System (NPDES) permits for the discharge of seafood processing wastes into marine waters. The KIB indicated reliance on the state and federal agencies for determining the consistency of the discharges with the ACMP, including the local coastal plan. During each review, the KIB submitted comments which stated the district's support for NPDES permit issuance as long as discharges complied with state water quality standards. The district emphasized that it lacked the technical expertise to review the permit applications but also stressed that seafood processing was an important activity in the local economy.

Another KIB review file presented an example of local uncertainty about the SCRP. The project under review was a military housing and training facility on an existing military base (AK9111-09AA). No state or federal permits were required for the project, the normal test of whether a consistency review is required. The KIB advised that a local review of the project had been completed and that a DGC-coordinated review was not necessary due to the lack of permit requirements. This revealed the district's misunderstanding of the DGC's role which, in addition to review of projects requiring federal permits or permits from more than one agency, includes coordinating the State's coastal review of federal actions. The CZMA gives the State and any affected coastal districts the right to review federal actions regardless of whether federal or state permits are required to authorize that action.

The City and Borough of Juneau

The City and Borough of Juneau (CBJ) was the second borough selected as a study district. Analysis of consistency review files for the CBJ projects highlights a number of cases where stipulations proposed by the district were not included in the State's conclusive consistency determinations. In two consistency reviews of wetland fills, (AK9207-20JJ and AK9306-05JJ), CBJ stipulations were not included in the final determination because the applicant agreed to take the actions covered by the stipulations. For the later review, the DGC initially issued the State's determination with the district stipulations but revised the determination to move the stipulation into the project description. The DGC contends that the project descriptions of conclusive consistency determinations are an enforceable component of the determination thereby making it unnecessary to stipulate actions included in the project description. However, an element of a project description would have to be enforced by the DOL instead of a state resource agency or coastal district. The review files did not contain evidence of the CBJ stance on the issue although the lack of elevations suggests that the district was not overly concerned.

During two other reviews, the DGC omitted stipulations proposed by the CBJ from the conclusive consistency determinations. The first review (AK9112-04JJ) covered placement of riprap in front of a private residence along the Mendenhall River. The CBJ requested two stipulations based on local coastal policies, revegetation and stabilization of disturbed areas of the river bank that would not be covered with riprap and restriction of in-water work to a specified time period. The DFG proposed the identical timing stipulation, and this stipulation appeared in the State's final determination. The other condition requested by the CBJ was not included in the consistency determination as a stipulation or as part of the project description. The reason for denying this stipulation is not mentioned in the file.

During the review of an exploration placer mining proposal, the DGC once again did not include a CBJ stipulation in the consistency determination. The CBJ presented four stipulations it felt were necessary to bring the project into compliance with the local coastal plan. The DGC questioned the district about whether the conditions were necessary since the state resource

agencies had not identified any concerns. But three of the CBJ stipulations were included in the conclusive determination. Why the fourth stipulation was omitted is not explained in the file.

The Bering Straits and Bristol Bay CRSAs

Investigation of the consistency review files from the two CRSA study districts reveals that the frequency and quality of consistency comments varied considerably between these districts. The Bristol Bay CRSA (BBCRSA) participated in all DGC-coordinated reviews during the two year period and routinely submitted comments that met the DGC's quality parameters. The project description was described, a finding, including any conditions necessary to bring projects into compliance with the local plan, was presented, and then rationale was offered to support the finding. Local coastal policies were actively cited as rationale along with supporting information. The result of the high quality comments was that the DGC included district stipulations on the consistency determinations.

The Bering Straits CRSA (BSCRSA) did not submit consistency comments as often as the BBCRSA (68% vs. 100%) and did not prepare comments in the DGC-requested format. Although the consistency finding was clearly stated, rationale was very weak and often non-ACMP related. Of the few stipulations proposed, none were supported with local coastal policies or other coastal rationale and some were not ACMP-related. But the BSCRSA strongly revealed through its comments concerns of local importance. The district was supportive of public projects that would improve the health, safety or welfare of local residents. In addition, the district was concerned about potential impacts to the subsistence way of life of the local population. The DGC did not include many of the district stipulations, albeit there weren't many, in consistency determinations.

The DGC's consistency review files offered a moderate amount of information on the local role in the SCRP but with great variation in quality and quantity. Statistics and case studies provided insight to the local role in the consistency process. However, piecing together the file contents into a complete picture of what actually transpired during coastal reviews was often difficult. More detailed data regarding the local role in the SCRP was gathered through

survey administration to state and local participants in the ACMP.

State Agency Implementors - Survey Results

The first survey conducted as a part of this research project was directed at state agency staff. Background information on survey respondents is presented in Table 23. Twenty-seven agency staff responded to the survey, exceeding the target number by two and providing a response rate of greater than 100%. Agency offices in the three geographic regions were equitably represented. The experience of survey participants with the SCRP ranged from less than one to over fifteen years. The surveys were completed through a mixture of telephone and written formats. A few of the written surveys were plagued by unanswered questions or vague responses. The survey and summary of results are located in Appendix B. The actual questions will not be repeated verbatim in the text.

SURVEY PARTICIPANTS - STATE AGENCIES

Respondent Distribution	Years w/Consistency Reviews	Years w/Coastal Work
SE = 10	0-3 = 12	0-3 = 6
SC = 9.5*	4-7 = 5	4-7 = 8
N = 6.5*	8-11 = 3	8-11 = 5
Statewide = 1+	12-15 = 7	12-15 = 7
		16-19 = 1
<hr/>		
Total # of Respondents (DEC, DFG, DNR, DGC):	6, 8, 6, 7	= 27

Table 23: Background information on the survey participants from the state agencies. * = the DGC coordinators covering the SC and N parts of the State were divided evenly into the two categories.

The Use of Coastal District Plans by State Agency Implementors

The state survey began with inquiries about state agency implementors use of coastal district plans during consistency reviews. As explained in this report's introduction to the SCRP, the state resource agencies are to include district policies as criteria for permit evaluations and all state agency actions are to be consistent with district policies. The

majority of state implementors do use district plans during reviews, but the nature of use varies considerably. The frequency of plan use by agency staff is listed in Table 24. Several DGC staff explained that coastal district plans are used predominately when district staff are not expected to participate or review local policies thoroughly. Other reasons given by review coordinators for using districts plans include: (1) resolving questions about policy interpretation, (2) knowing from experience that certain district plans were useable, (3) knowing that the districts were interested in projects or particular issues, (4) checking policies that were referenced in state or district comments, (5) when unfamiliar with the district plan or policies that apply to a project, and (6) when a coastal district contact is new and needs education about how the district plan can be used. One respondent specifically identified residential and waterfront development as projects often requiring DGC consultation of district plans and policies.

COASTAL DISTRICT PLAN USE BY STATE IMPLEMENTORS

<u>Frequency</u>	<u>DEC</u>	<u>DFG</u>	<u>DNR</u>	<u>DGC</u>	<u>Totals</u>
always	1	0	0	1	= 2
frequently	1	4+	1	3	= 9
½ time	0	1	0	1	= 2
rarely	0	3	4*	1	= 8
never	4	0	1	0	= 5
don't know	0	0	0	1	= 1
Totals:	6	8	6	7	= 27

Table 24: Key: + = one DFG respondent frequently uses district plans for projects located inside a district but rarely uses the plans if the project is outside a district. Since this study focused on projects inside district boundaries, this response was logged as a frequently response. * = one DNR respondent rarely uses district plans during DGC-coordinated reviews but frequently uses the plans during DNR-coordinated reviews. This later type of review was not included in this study, and the response was logged as a rarely response.

The DFG and DNR respondents gave responses similar to those given by DGC staff. Plans that are known to be useful are the ones used routinely by the DFG. However, the DFG usually consults district plans during reviews of any projects that are inside districts' boundaries. Individual DFG and DNR staff stated that district plans are relied on when information about the local coastal zone is needed or when projects are controversial. For activity types, transportation-related, seafood waste disposal, mining, and wetlands fill projects prompted certain DFG and DNR staff to consult district plans in the past. Like DGC staff, tideland and waterfront projects were also activities that resulted in the use of district plans by some DFG staff. An important distinction between the DFG and DNR respondents was that they indicated use of district plans predominately during DGC-coordinated and DNR-coordinated reviews, respectively. In addition, one DNR staff member indicated that district plans are not used because of high workloads resulting from agency staffing constraints.

The overwhelming majority of DEC respondents stated that district plans are not used by the agency during either DGC- or DEC-coordinated reviews of coastal projects. Only staff from the southeast office consult district plans, and this occurs rarely. Reasons given for not using district plans were that the DEC does not have the regulatory authority to implement district plans and that enactment of district plans is the area of expertise and responsibility of local governments. DEC staff were divided about whether they would ever consult district plans. Some stated that they would try to use the plans if staffing increased. Others indicated that the DEC would never actively use district plans regardless of changes to the SCRP or agency staffing. Overall, the DEC choice not to use district plans appears to be more philosophical than based on the capabilities or authorities of the agency.

Particular district plans are consulted frequently while others are rarely used. Southeast staff indicated that coastal management plans of the Juneau and Sitka districts are most heavily used during project reviews. The Hoonah and Thorne Bay coastal management plans were also mentioned by several respondents. Southcentral and northern agency respondents listed almost all borough and CRSA plans, but only one of these respondents

mentioned the use of plans from first or second class cities. When asked why certain districts plans are used more than others, a few responses were given across agencies. The primary control is concentration of coastal development in the identified districts. But two other factors were also mentioned. Plans perceived to be of higher quality, including those with greater specificity, receive greater agency use. Agency staff are also more apt to use local plans if they know the districts routinely participate in the SCRP.

Agency staff were asked to discuss their experiences with general coastal district plans versus special area plans. Approximately half of the respondents answered that they had used local AMSAs in addition to the broad coastal district plans. Geographic patterns in response but no differences between agencies were detected. Southeast staff strongly feel that AMSA plans are not very useful since AMSAs from southeast coastal districts contain nonenforceable policies and have been developed for areas without conflicts or development pressures. The opposite stance was taken by southcentral and northern agency staff. AMSAs developed by southcentral districts are viewed as more useful than general coastal management plans because the policies are more specific than those in the general plans and the areas covered by the AMSAs are the focus of resource or use controversies.

Experiences with Coastal District Policies

To more specifically characterize state implementation of district plans, respondents were asked about their use of district policies, the enforceable components of coastal district plans. Staff from all agencies use district policies but how often and under what circumstances varies greatly. DGC and DFG staff actively consult and employ coastal district policies. The majority of the DGC coordinators feel that their role as coordinators requires them to act as 'watchdogs' over district policy use. DGC staff take responsibility for determining whether policies apply to projects and if districts are using local policies correctly during reviews. DFG staff have a wider variety of reasons for their implementation of district policies. For example, an individual suggested that local policies are used to augment the ACMP Habitat Standard, especially when the Department does not have direct statutory authority over a proposed project. Another DFG representative

indicated that the agency regularly consults with districts before giving consistency approval. Overall, DFG staff answered that they frequently cite district policies in their comments or base their consistency comments on those policies.

In general, DGC and DFG staff are much more faithful in consulting and employing district policies than DNR staff and those few DEC respondents who use district plans. DEC and DNR staff were less likely to cite district policies in comments or base their consistency comments on those policies. DNR staff rarely use local policies because they feel that stipulations based on local policies cannot be enforced as part of a DNR permit. One DNR respondent actively uses only float house policies from local plans. Each DEC respondent who indicated use of district policies had a different reason, one only implementing 'useful' policies and the other consulting local policies when the Department was proposing permit stipulations or permit denial.

Survey participants overwhelmingly indicated that local coastal policies are hard to implement because the policies are usually vague and open to interpretation. Concerns that performance-based policies are applied inconsistently by districts were also raised by staff from several agencies. A number of DGC coordinators are alarmed by the adoption of poorly written policies from existing to new coastal district plans. However, DGC staff admitted that they do not usually dedicate much time to the review of draft policies.

Coastal District Plans as a Reference for Local Information

In order to determine whether coastal district management plans are viewed as a useful reference material, state agency staff were asked if they utilized information contained in district plans. Responses from agency participants were uniform. The boundary sections, including maps, were cited as the most useful and important section of district plans. Approximately one half of the respondents stated that they occasionally review resource inventories and analyses for local information. Overall, local resource inventories and analyses are not heavily used as a reference by the state agency staff. Yet, the SAMP survey indicated that some districts prefer to have comprehensive inventories.

Communication between State Agency Staff and Coastal Districts

How do agency staff obtain local information and input during consistency reviews? To determine this, the survey included two questions relating to state-local communication during coastal reviews. The frequency of state-local contact made during review according to survey participants is shown in Tables 25 and 26. The first coordination question focused on the communication efforts directed from the state agencies to local governments. In its role as coordinating agency, the DGC has a high level of contact with coastal districts. Part of the DGC's role is to distribute information to the districts, but this was not counted as contact in the survey results since this a legally-mandated form of communication. Districts are contacted when coordinators require local expertise or clarification of district comments. DGC staff mentioned that they usually contact districts when there are questions about policy interpretation or the rationale behind a district decision. Many of the DGC respondents also stated that district participation in the SCRP is a critical factor; only active districts are routinely contacted by DGC staff.

COMMUNICATION - STATE IMPLEMENTORS TO COASTAL DISTRICTS

<u>Frequency</u>	<u>DEC</u>	<u>DFG</u>	<u>DNR</u>	<u>DGC</u>	<u>Totals</u>
always	0	1	1	2*	= 4
frequently	0	2	1	3	= 6
½ time	1	2	0	1	= 4
rarely	2	1	4	2*	= 9
never	3+	2	0	0	= 5
don't know	0	0	0	0	= 0
Totals:	6	8	6	7	= 27

Table 25: Key: + = one DEC respondent contacted districts frequently in the past, but staff shortages no longer allow contact with the districts. * = one DGC respondent answered that districts who are active in the process are always contacted while inactive districts are rarely contacted.

COMMUNICATION - COASTAL DISTRICTS TO STATE IMPLEMENTORS

<u>Frequency</u>	<u>DEC</u>	<u>DFG</u>	<u>DNR</u>	<u>DGC</u>	<u>Totals</u>
always	0	0	1	0	= 1
frequently	1 +	1*	2	2	= 6
½ time	0	4	0	4	= 8
rarely	6	4*	2	1	= 13
never	0	0	1	0	= 1
don't know	0	0	0	0	= 0
Totals:	6	8	6	7	= 27

Table 26: Key: + = one DEC respondent indicated that only certain districts contact the agency frequently with the others rarely contacting the agency. * = one DFG respondent gave two answers but did not offer an explanation.

The DGC plays the strongest role in contacting and consulting the coastal districts. Only half of the DFG respondents indicated that they contact districts with moderate to high frequency. DNR and DEC staff stated that they rarely or never contact coastal districts. The resource agencies explained that they contact coastal districts directly only when reviews are controversial or when advice on the interpretation of local policies is needed.

The coastal districts contact DGC staff more frequently than they contact the resource agencies. DGC staff gave the following motivations for coastal district communication efforts: (1) districts have questions about the SCRP, (2) districts want to discuss projects, including review status, and (3) districts are responding to DGC inquiries and other correspondence. Once again, numerous respondents indicated that certain districts participate more actively than others. The state resource agencies indicated considerable variability in how often coastal districts contact them. Coastal districts apparently contact the resource agencies for technical information and expertise on environmental matters.

Perceptions About the Local Role in the Consistency Process

All survey questions and results discussed so far have focused on state agency implementors experiences with coastal districts. The next set of questions aimed to test respondents perceptions of the SCRP and the local role in the process. Participants responded to four Likert-type statements within a range of strongly agree to strongly disagree. Many respondents offered comments in addition to a categorical answer. The responses to each statement will be examined.

The first perception statement presented to state agency staff suggested that the coastal districts usually agree with or at least do not object to the resource agencies' consistency comments or the DGC's consistency determinations. All respondents were convinced that the process works to galvanize coastal district agreement or non-objection to the State's final position on coastal projects. According to respondents, coastal districts only voice differences in rare, highly controversial project reviews.

State agency staff were extremely mixed in their responses to the second perception statement. The statement suggested that the coastal districts generally expect state agency implementors to conduct the detailed review of coastal projects instead of doing a thorough local review. Within each agency, some staff strongly agreed while others strongly disagreed. Those who strongly agreed with the statement stressed that coastal districts rely too heavily on the State while those who strongly disagreed explained that local governments are heavily involved in reviewing projects. The personal experiences of respondents weighed heavily in determining the answer category selected. Personal knowledge or perceptions of the degree of past district participation in the SCRP may have played a role in determining respondents answers.

Variation across agencies was seen in the responses to the third perception statement which focused on state and local responsibilities for implementing coastal district plans. The statement read that the responsibility for implementing coastal district plans is purely local. DGC and DNR staff gave highly mixed responses indicating a dependence on the individual's

beliefs. All DFG respondents either disagreed or strongly disagreed with the statement. They insisted that the state and local governments share implementation responsibilities for coastal district plans. Taking the opposite stance, all but one of the DEC respondents strongly agreed that the coastal districts have sole implementation responsibility.

The fourth perception statement expressed that coastal district policies have been effectively implemented through the SCRP. All but one of the DNR respondents agreed with the statement. Staff from the other state agencies were divided in their opinions. Many expressed uncertainty about the success of the ACMP consistency process as an implementation method for coastal district plans. The fact that state agency staff with implementation responsibilities voiced indecision about whether the State's consistency decisions were consistent with local policies is an interesting finding.

The last section of the state agency survey concentrated on two themes. First, state agency staff were asked to define the role of the coordinating agency in coastal district plan implementation. Second, suggestions for improving the SCRP were solicited through very open-ended questions. This second set of questions focused on improvements that could be made directly through changes to the review process or indirectly through improvements to coastal district plans or the ACMP, in general.

The Role of the Coordinating Agency in the Consistency Process

Survey participants provided mixed responses about what they believe should be the coordinating agency's role in the SCRP. The majority of respondents only discussed the DGC's role as the coordinating agency and avoided the topic of resource agency reviews. This was desired since this study focuses primarily on DGC-coordinated reviews. The most frequent response was that the DGC should encourage district participation and have a working knowledge of district plans but should not be responsible for the implementation of local plans. Respondents envisioned the DGC as the 'watchdog' acting to ensure that the process and use of district policies are within the legal boundaries of the ACMP. Two respondents, one from each the DGC and the DEC, commented that DGC staff should more

actively use district plans, even ensuring that district policies are implemented during consistency reviews when state resource agencies and districts fail to do their part.

When asked how the envisioned role compared with the coordinating agency's actual role, the state agencies offered some interesting comments. Approximately half of the DEC and DFG participants complained that the DGC questions coastal district and state resource agency consistency comments too much. The primary complaint was that DGC staff lack the technical and local expertise needed to understand policy issues. Others simply felt that this was outside the role of a coordinating agency. One DFG respondent also claimed that during controversial reviews the DGC advocates a particular position instead of coordinating. Those respondents who thought the DGC should play a stronger role in implementation pointed out that DGC staff do not actively use district plans. Only one DNR respondent answered that the DGC's role was different than how it should be but did not explain why.

Survey respondents were specifically asked if the coordinating agency should be responsible for district plan implementation during consistency reviews. Results were not entirely consistent with the comments offered in response to earlier questions. More respondents stated that the DGC should play a stronger role in district plan implementation. DGC, DFG and DNR staff were divided in opinion. Those who answered affirmatively suggested that the DGC should share some of the responsibility for district plans, especially when a district is inactive in the SCRP. Or the DGC should become involved with district plan implementation when districts' consistency comments are of poor quality or when a project is controversial. DGC coordinators already do these later implementation tasks. Those opposed to DGC involvement in district plan implementation stated that the DGC's role was only to contact districts and encourage them to participate in consistency reviews. Unlike the divergence of opinion in the other state agencies, all but one of the DEC participants insisted that the districts have sole responsibility for implementing local plans.

Suggestions for Improving Process and Planning

In addition to inquiring about implementation responsibility, the state agency survey solicited information on whether coastal district plans or the SCRP need to be improved.

Since the questions were open-ended, a wide variety of responses resulted. Answers given were somewhat repetitive with respect to responses given to previous questions, but some new ideas did emerge from comments received. Comments are grouped in the following categories for discussion: (1) improving district policies, (2) improving the useability of district plans, (3) increasing district involvement in the SCRP, (4) addressing problems with implementation of local plans by state resource agencies, and (5) miscellaneous items.

Staff from all agencies identified a need to improve coastal district plans, the enforceable policies in particular. A common response was that too many of the districts' enforceable policies are actually not enforceable, an echoing of the concerns state agency staff raised earlier when asked about policy enforceability. Representatives from all agencies were concerned about ongoing disagreements between the state and coastal districts regarding policy interpretation. A few questioned whether state and local goals for coastal management are compatible, a potentially serious hinderance to a state-local partnership if the answer is no. One person claimed that local governments often lack the political will to follow their own policies, probably due to lack of commitment to coastal goals. The respondents remained divided about whether the DGC should more actively apply and interpret district policies.

Improving the useability of coastal district plans was cited by many respondents as a necessary change. Staff from various agencies asked for coastal districts to improve boundary and other maps, clearly link policies to stated goals and objectives, isolate enforceable policies in a plan section, and make plans more readable by shortening or providing a plan summary. One respondent remarked that state agency staff charged with implementing the ACMP do not always receive plans or plan updates. The later situation is obviously problematic since an implementor cannot implement a plan to which he or she does not have access. State agency staff need to identify what plans they need, and the districts need to be responsible for ensuring that new or updated plans are distributed.

All agencies expressed that the local role in the SCRP needs to be increased and improved. Low rates of district participation are viewed as a major impediment for program success. The only suggested reason for low district participation was that districts are disillusioned about or frustrated with the SCRP. Several respondents mentioned that the situation is most pronounced for districts without planning powers. A suggestion offered by these participants was to provide for more local control over implementation. Interestingly, the consistency review file statistics suggest that district participation is not low overall, but participation rates for individual districts are highly variable. The participation rates of all coastal districts were not determined by this study.

According to survey results, there are several ways in which the state could help to improve and increase the role of all coastal districts in the SCRP. First, communication between the state agencies and coastal districts needs to be increased. The current problems with communication stem primarily from the lack of good working relationships between state and local staff. One respondent also suggested increasing the level of contact between applicants and districts instead of having the coordinating agency acting as the liaison. One goal would be to increase applicants' understanding of local requirements and concerns. Another goal would be to involve districts more heavily in reviews.

The second approach mentioned as a way for the State to improve the coastal district role in the SCRP was to continue and increase training opportunities for district staff. Two forms of training were seen as essential. First, respondents felt that the complexity and highly structured nature of the SCRP demanded more district training about the consistency process by the DGC. A couple of resource agency staff encouraged technical training for districts but did not specify who would conduct that training.

According to a number of survey respondents, the State hinders the implementation of local plans by its own practices during consistency reviews. A DGC respondent was concerned that the state resource agencies rarely consult district plans, a concern partially supported by survey results. Yet, staff from each resource agency indicated that staffing

deficits make it impossible for coastal district plans to be adequately implemented at the state level. One individual asked for clarification of who has implementation responsibilities and authorities before district plans are more actively used. Another individual mentioned that state agency staff often view the SCRP as no different than their agency's permitting process instead of focusing on the intent of the ACMP and including coastal districts policies in their permit criteria. Issuing coastal consistency permits instead of consistency determinations was one person's suggestion for increasing resource agency consideration of the ACMP. Adding another permit requirement and removing authority from the resource agencies is not politically feasible.

One final suggestion for improving the coastal district role in the SCRP appeared in survey responses to a question about the review of districts' draft plans. All respondents who had reviewed draft plans voiced that the opportunity was very valuable for the State and the districts. State agencies cited the ability to offer districts advice about how to clarify or improve the feasibility of policies as the best element of draft plan reviews. Yet, the majority of respondents with experience reviewing draft plans noted that the thoroughness of these reviews is severely limited. The two factors identified as culprits are lack of staffing and direction to make draft reviews lower priority than permit or consistency review deadlines. Both factors limit staff time available for reviewing local draft plans. Since the agencies are paid by the DGC to conduct reviews of draft plans, the DGC could remove funds from an agency's grant if the agency fails to submit timely and substantive comments. The DGC must also increase the priority of draft plan reviews in-house since most coordinators feel that they are directed to make these reviews a low priority.

Coastal District Implementors - Survey Results

In order to understand the local perspective, coastal districts were surveyed about their experiences with and perceptions of the SCRP as an implementation method for local coastal plans. A response rate of approximately 59% percent (19 of 32 coastal districts) was achieved. According to Babbie (1992, 267), this response rate is good since a 50% response rate is adequate for survey analysis. Respondents included coastal district program

coordinators and local staff involved with the SCRP. Information about the coastal district respondents is listed in Table 27. The fact that the majority (79%) of respondents had six or more years of experience in coastal zone management increases the historical perspective provided. Responses are summarized in the order of survey questions to facilitate comparison with the survey and results included in Appendix B. Survey questions focused on the SCRP, coastal district policies, and implementation resources.

SURVEY PARTICIPANTS - COASTAL DISTRICTS

<u>Type</u>		<u>% Type</u>	<u>% Respondents</u>	<u>Years w//Coastal Work</u>
City	= 10	58.82	52.63	00-05 = 04
Borough	= 06	54.55	31.58	06-10 = 12
CRSA	= 03	75.00	15.79	11-15 = 03
Total #	= 19 (of 32 or 59.38% of all coastal districts)			

Table 27: Background information on the survey participants from the coastal districts. The number of survey respondents from each district type as well as the percentage of the total number of districts of each type are listed. The percentage by district type of the total number of survey respondents is also listed. The last column indicates the experience of the district respondents.

Implementation Methods

Information on the implementation methods used by coastal districts was solicited to allow an understanding of the importance of the SCRP to local governments. Respondents were equally divided about whether the SCRP was the primary method used to implement local coastal plans. Districts which rely primarily on the SCRP do so because of a lack or limitation of local land use powers. But implementation via local methods is accomplished by many districts. For example, zoning, subdivision ordinances, development permits, building standards, and general permits for wetlands development are some of the local methods used by coastal districts. (Refer to Table 8 for more information on local implementation methods.) Local implementation methods are cast as equally to more effective than the SCRP by the coastal districts and are used as frequently to more often than

the SCRP. Districts which highlighted local implementation as the best approach indicated that greater local control and more specific local requirements or reviews are the primary reasons for the enhanced success compared with the SCRP. The districts have the general opinion that the State is not concerned with local issues, thereby limiting the usefulness of the SCRP to coastal districts.

Problems with the Consistency Process - the Local Perspective

The coastal districts were asked to highlight any project types that were problematic in any way at the local level. Approximately 74% (14 of 19) of the respondents identified certain review situations that have been locally troublesome. Approximately two thirds of the respondents listed project activities that had generated difficult reviews. Oil and gas related activities and wetlands fill proposals were cited most frequently. Individual districts mentioned transportation, mariculture and subsistence-related projects as problematic. Procedural difficulties were highlighted by some districts, including concerns about inadequate public participation via the SCRP, poor intergovernmental communication, and the procedural infidelities or inconsistencies of reviews coordinated by the state resource agencies. For the latter, districts mentioned that the resource agencies often fail to include them in reviews and subsequent management decisions. The fact that the districts have legal standing in the consistency review process is apparently not acknowledged by the resource agencies.

The survey inquired about locally-perceived obstacles to the successful implementation of coastal district plans via the SCRP, and all but two of the respondents offered opinions. Although a broad range of answers were given, four main responses were identified. First, districts are concerned that many of their coastal policies are not enforceable due to vagueness. The districts indicated that many local policies are open to interpretation, resulting in variations in policy application as well as differences in opinions about how to apply the policies. Second, the districts stressed that the inadequacy of resources for local or state implementation, especially monitoring and enforcement, is a serious obstacle. But the districts strongest concerns focused on the local status in the SCRP.

The coastal districts expressed a high degree of frustration with the ACMP and the SCRP. The districts believe that they were promised much more power from the ACMP than they have actually received. They stressed this point and stated that they do not have enough power to successfully implement local coastal plans. In addition, many districts complained about state agencies not using or respecting local coastal policies. The misuse and misinterpretation of local policies by state agencies were cited as infringements on local authority and due deference.

The districts are very concerned about what is perceived as the state agencies not giving the districts due deference as defined in the ACMP regulations. Increasing the amount of local control over the SCRP and ACMP, in general, by assuring that due deference is given was listed by many districts as a needed change if the SCRP is to become a successful implementation method for local coastal plans. The coastal districts also substantially agree about several other needed changes, the most critical being increased communication and cooperation between the state resource agencies and coastal districts, simplification of the SCRP, and incorporation of more flexibility into the process.

According to the districts, a need for better communication and coordination between the state and local levels exists. The coastal districts voiced concerns about having poor relationships with the staff of the state resource agencies. The absence of working relationships is blamed for many of the difficulties districts have in determining agencies' viewpoints and concerns as well as obtaining information, including copies of consistency comments. Districts also requested that the state resource agencies' roles in the implementation of local coastal plans be clarified. This is viewed as necessary since the districts are convinced that the state resource agencies routinely misuse or ignore local coastal plans during consistency reviews.

The coastal districts suggested that various procedural aspects of the SCRP need to be addressed in addition to clarifying the local and state roles in implementation. Numerous districts stated that the process is too complex and cumbersome. They communicated that

the DGC should focus on simplifying the process where possible but did not offer many explicit suggestions. One district wants the process to be the same for all lands, but the CZMA restricts how the process can be applied to federal lands. Increased procedural flexibility is desired by some districts. In particular, districts want longer review deadlines and an increased ability to receive review extensions.

In order to gain insight to the entire implementation process, the coastal districts were asked to briefly discuss enforcement and monitoring as well as the SCRPP which represents only the first stage of policy enactment. Respondents were divided about whether consistency stipulations are being enforced and monitored within their coastal districts. The majority of coastal districts indicated that the local role in implementation ends after the project review. Even more districts voiced concerns about the apparent infrequency or absence of monitoring and enforcement carried out by the state resource agencies. The fact that state and local governments are financially incapable of much follow-up action was mentioned by respondents as a continual problem with the potential to worsen as governmental budgets continue to decrease. Only two participants mentioned that local enforcement and monitoring occur.

The Policies of Coastal District Plans

The second section of the coastal district survey concentrated on the enforceability and use of local coastal policies. Districts were asked if their coastal policies had covered the projects and issues that have been prevalent locally. All CRSA respondents and two-thirds of the city representatives answered that their policies have sufficiently addressed coastal issues and projects. However, the remaining cities and all but one borough indicated that their coastal policies have not covered all necessary topics. For many of these districts, a need to revise all or parts of old district plans was cited as the root of implementation difficulties. Some of these districts are disturbed about the presence of unclear and nonenforceable policies in their coastal plans. Individual respondents highlighted the difference of opinion over specific versus general policies, with one district wanting policies stricter than state standards and one preferring general policies that would not require

continual updating. Responses regarding the specific policy topics, for example wetlands or oil and gas development, that are not addressed in plans but need to be addressed were highly variable.

Another policy problem faced by some coastal districts is misinterpretation of their coastal policies at the state level. A difference between district type emerged with a large majority of cities and CRSAs not identifying interpretation as a problem and all but one of the boroughs complaining that interpretation is a major obstacle. Borough respondents are very concerned about misapplication of local coastal policies at the state level. These complaints are directed at both the state resource agencies and the DGC. The borough participants are alarmed about the misinterpretation and subsequent misuse of the district policies as rationale in the consistency comments submitted by the state resource agencies. And the DGC was charged with overriding and manipulating the local interpretation of policies. One borough expressed confusion about how local land use powers and the ACMP mesh, explaining that district policies are applied differently during purely local reviews. A few non-borough respondents agreed that district policies are interpreted differently at the state and local levels.

The district survey reveals that very few coastal districts have been plagued with having to apply conflicting and non-prioritized policies during coastal reviews. Several respondents explained that some of their coastal goals and objectives conflict either with each other or the ACMP standards. A few districts recognized the potential for problems since their policies are not prioritized. All respondents who mentioned problems with conflicting policies, objectives or goals stated that deciding what has top priority is situation dependent with the determination based on common sense and local needs.

When coastal policies are not based on a valid causal theory, implementation can be expected to be unsuccessful in alleviating the coastal problems. Causal theory includes two elements, a correct understanding of the management problems and the methods needed to alleviate those problems and the authority necessary to take the required actions. In response

to the survey, the coastal districts, with the exception of a few borough respondents, stated that policies based on invalid information regarding cause and effect have not been recognized as a local coastal management problem. The borough participants who identified causal theory as an issue of concern gave a range of reasons. One borough is concerned that many of its policies have no factual basis. Another borough stressed the difficulty of designing policies accurately when it is impossible to foresee the future. In response to earlier questions, numerous districts mentioned inadequate implementation authority, the second element of causal theory, as a chronic problem.

Approximately half of the district respondents explained that their coastal policies require a combination of local and applicant actions during implementation. When asked if they recalled any difficulties with taking or requiring policy enactment or enforcement actions, the coastal districts were divided. Those districts faced by implementation difficulties mentioned a variety of reasons for their problems including deficiency of local staff, interference of local politics, and after-the-fact or lack of permit applications for local development. One district mentioned an enforcement problem that arises when federal agencies allow permit stipulations to be changed without consulting with the local government. Individual district respondents without these problems explained that enforcement covers any problems or that there was unrecognized potential for problems because the district had not yet required some of the actions allowed by its policies.

The Availability of Implementation Resources

The coastal district survey inquired about many aspects of local coastal policies and policy implementation. Recognizing that the policies are not the sole determinant of implementation success, the survey also focused on a variety of resources necessary for implementation. The first implementation resource discussed was financial support for coastal management. Not surprisingly, an overwhelming majority of coastal districts stated that financial resources for coastal management are inadequate. The survey also asked the districts to identify those implementation tasks which would receive greatest priority locally if financial resources were available. City and borough respondents indicated slightly

different needs, and CRSAs did not have a characteristic response. The top priority for the majority of city respondents is implementation of their plans via local methods. Second priorities are policy or plan amendments and monitoring and enforcement. Most borough representatives indicated that policy or plan amendments are their top priority with monitoring and enforcement and local implementation as second priorities. Interestingly, the city and borough participants ranked implementation of their plans through the SCRP as a low priority, indicating their perceptions of the limitations of this approach to local coastal management.

Although adequate financial resources are clearly a requirement for successful implementation, many other resources are necessary for implementation of a coastal management program. The second implementation resource covered by the coastal district survey related to local implementors, specifically their knowledge or skill levels and availability. Results indicate that boroughs are more likely to require a land use planning background for staff hired in coastal management positions. However, some boroughs and many cities explained that staff involved in coastal management are expected to learn about the local coastal plan and coastal issues on-the-job. Since the staff of many municipal governments have a variety of roles, this response is not surprising. The coastal districts indicated that securing staff with the desired experience and skills has not been a problem.

The coastal districts were divided in their responses to the question of whether inadequate staffing has limited local abilities to implement their coastal policies via the SCRP. Several of the districts which answered affirmatively explained that the local governments provided inadequate funding or political support for increased coastal management staff. One district stressed that a lack of adequate staff limits its abilities to fully participate in the SCRP and the ACMP overall as a major impediment. Only one district mentioned a need to increase the technical knowledge of local staff. Districts who answered that staff levels are adequate did not offer additional comments.

Since the competence of implementors can strongly affect the success of a

management program, the survey inquired about how the coastal districts train their staff involved in coastal management about local coastal goals and objectives. The districts gave four responses. First, district staff are trained through review of the local coastal plan and the ACMP statute and regulations. Second, meetings and training held by the DGC or the DCRA provide training opportunities for local staff. Third, on-the-job training is the primary learning experience for many local staff. A few districts stated that their staff receive little or no training about the SCRP or any other part of the ACMP.

The third implementation resource the coastal district survey focused on was information availability. Districts were asked to explain whether implementation of their coastal plans had been hampered because of insufficient information. Information was defined as baseline data on resources or uses, review packets (permit applications, drawings, project descriptions), data in local coastal plans, and information on likely coastal impacts. Just under half of the respondents stated that obtaining adequate information has occasionally been a problem in the past. Several districts stated that review packets distributed per the SCRP sometimes contain insufficient information for local review of proposals. However, as several districts mentioned, additional information can be requested when review packets are incomplete. Local governments are restrained to requesting only information necessary for determining coastal consistency and could not stop a review clock to obtain other information needed for local decisions. Some respondents stressed that the resources necessary to obtain information are not always available but did not elaborate. Individual respondents gave the following responses: (1) state agencies rely on anecdotal information and do not monitor coastal impacts, (2) baseline information on coastal resources and uses is insufficient, (3) wetlands habitats receive too much emphasis at the expense of other valuable habitats, (4) the resource inventory of the local coastal plan needs to be updated, and (5) more pre-application meetings should be held to identify and obtain the needed information.

In addition to the adequacy of information, the coastal districts need local support for coastal management to be successful. The coastal districts identified the level of local support from community members and the local government on a scale of very strong to very

weak. Nearly 90% of the responses given were adequate to very low. The districts provided four primary explanations for their responses. Either local government or public support was said to be greater than the other but with neither being overly strong. Several districts stated that local government or the public were uninterested and uninformed about coastal management. A few districts mentioned that local support was dependent on particular issues or projects.

The coastal districts were asked to discuss if increased public education was viewed as necessary for raising public support for coastal management. Nearly all districts believe that increased public education would assist local implementation efforts. The districts stressed that community members do not understand or value local coastal management. Many districts also mentioned that they have attempted public education through a variety of local methods including public hearings, neighborhood meetings, and staff and planning commission training. But respondents also pointed out a few constraints on public education such as public and local government resistance to education attempts and the presence of higher priority coastal needs. One respondent expressed that education efforts should be directed not at the local population but instead at the state and federal governments due to their lack of understanding about local concerns and viewpoints.

The Influence of Interest Groups and Socioeconomic Conditions

The local government and public are not the only groups that can affect coastal management at the district level. Therefore, the survey inquired about the activity of special interest groups in local coastal management. Coastal districts were asked to identify any interest groups routinely involved in coastal activities either as project applicants or frequent participants in coastal reviews. Approximately two-thirds of the districts identified interest groups that were actively involved in local coastal management. The groups listed most often were industrial organizations (including oil and gas, fisheries and timber representatives), environmental groups and native corporations. Individual districts mentioned federal and state public works agencies, real estate developers, and the local chamber of commerce as participants. Although the survey results do not indicate the actual

influence of the special interest groups on local coastal management, the results do establish the presence of the groups as potential actors in the management arena. The influence of special interest groups on the public and the coastal district would be partially dependent on local socioeconomic conditions.

The effect of socioeconomic changes on local coastal management was the last topic addressed under the implementation resources section of the district survey. A little over half of the respondents, primarily those from small cities, indicated that major socioeconomic changes have occurred in their districts. Several district participants explained that local development was more widespread than expected. Others mentioned that certain types of coastal development had increased, for example, tourism-related activities, oil and gas projects, and timber harvest activities. Conversely, a few districts stated that economic recession, including decreased local government resources, have occurred since their coastal plans were adopted. None of the respondents could clearly explain if or how socioeconomic changes affected local coastal management.

Overall Perceptions About the Consistency Process

In closing, the coastal districts were asked if they had ever formally investigated the local effects of participating in the SCRP, and opinions about the benefits and detriments of participating in the State's review process were solicited. Although written evaluations were not prepared by any of the districts, most respondents indicated what they perceived as the benefits and costs of participation in the SCRP. Respondents agreed on the local benefits of the SCRP as being: (1) more local involvement and influence over state and federal actions, (2) districts being kept informed of projects and coastal issues, (3) early identification of projects and associated problems or controversies, (4) improved protection for coastal resources, uses and activities, (5) development of state-local relationships, and (6) streamlining and coordination of the coastal review process to the aid of applicants. Responses to what costs the SCRP imposed on coastal districts were: (1) the overall financial costs of the staff and other resources necessary to participate, (2) the low level of funding available, (3) difficulties in processing all the paperwork associated with the SCRP,

and (4) state agencies not giving due deference to the coastal districts.

Supplemental Information - Coastal District Conference

The data obtained from survey administration to local and state implementors, in conjunction with that obtained from the DGC's files and documents, highlighted coastal management issues of state or local concern. Supplemental information obtained from the agenda and notes of the January 1994 Southcentral and Northern Coastal District Conference is consistent with other data. (Most of the data collection for this study occurred in 1993 with some survey work continuing into early 1994). This suggests that issues identified by this research are legitimate since the topics discussed at the meeting were chosen by a committee including state and local implementors. Although not highly detailed, the meeting agenda listed two main areas of discussion: (1) the division of authorities and responsibilities for coastal management between governmental levels and (2) the implementation of coastal district plans, including enforcement.

A broad topic of discussion at the state-local conference focused on the implementation responsibilities and authorities of state and local governments under the ACMP. For example, coastal districts inquired about: (1) the relationship of the permitting authorities, regulations, and programs of the state resource agencies to the ACMP and, specifically, the implementation of coastal district policies, (2) whether local coastal policies can be less or more restrictive than state resource agency standards, (3) the level of monitoring and enforcement performed by the state resource agencies, (4) the enforcement of district stipulations that do not fall under state resource agency authorities (i.e., 'homeless' stipulations), and (5) receiving clarification of which coastal management issues fall under the umbrella of the ACMP.

Based on the conference notes, coastal districts appeared to be considerably unsure about their role in the SCRP and ACMP overall. For example, coastal district participants asked numerous questions about state and local authority over federal actions in the coastal zone. How and why consistency reviews of federal actions are distinctive from consistency

reviews for non-federal actions were topics discussed. The districts also asked for an explanation of their powers under the ACMP and SCRP. In particular, the question of how the ACMP and local land use powers link was raised, and various implementation tools available to coastal districts were discussed.

The implementation of local coastal plans during State consistency reviews was a topic of state-local discussion that was documented in the conference notes. District participants asked about the level of rationale required for consistency comments, and DGC staff explained the agency's expectations for comments. The role of the DGC in determining when stipulations are justified was debated by state and local representatives. The fact that coastal districts believe that the State does not always give due deference to local governments was evident in the conference notes. District participants were concerned that district policies are not always interpreted the same at the state and local levels or that the DGC would reject district stipulations without adequately explaining why they were rejected. According to the notes, many local and state representatives believed that part of the problem was poor communication before and during state consistency reviews. The need to improve intergovernmental communication was a point agreed upon by state and local participants.

To summarize the research results, widely recognized problems or issues regarding the local role in the SCRP were identified. Certain issues arose consistently across information sources. Looking at the results in aggregate reveals that the state and local implementors of coastal district plans share some of the same concerns or misunderstandings about the local role in the consistency process. However, the state and local implementors do have different perspectives and needs that they want addressed. Also important is that most implementors identified problems, but very few suggested solutions to those problems.

Discussion

This discussion focuses on statewide concerns regarding the role of the coastal districts in the consistency process. The study participants, along with data extracted from

the DGC's files, provided insight to the actual local role in the process. Many issues that are worthy of being addressed by the State and districts were identified, and, to a lesser extent, tentative solutions have been developed. Within the proceeding text, important findings and the primary recommendations are highlighted in bold text. The recommendations are also summarized at the end of the document.

Before moving onward, the constraints placed on issue identification and development of recommendations must be outlined. First, there is significant district variability, and not all issues and recommendations will be relevant to all districts. Second, the primary focus of the ACMP with respect to districts has shifted from plan development to plan implementation and revisions. Therefore, the recommendations are tailored to improving ongoing implementation and to providing advice to the State and districts regarding plan revisions. Third, each issue identified involves a variety of controlling factors and potentially affects many interest groups. Since the ACMP is a consensus-based program, prescribing changes or even identifying issues on which all will agree is very difficult. Finally, state and local budget cuts limit what can be done presently and perhaps in the long-term to improve the district role in the SCRP. However, the limitations placed on state and local resources for coastal zone management do argue for identifying what is not working and fixing the problems so that scarce resources are used effectively and efficiently.

Based on the analysis of research results, the SCRP is not a particularly successful implementation method for many coastal districts. Part of the problem is that the rules of the game are strict, and local governments are often discouraged by inflexibility and centralized control. Most local governments want more control over the process primarily to better encourage coastal projects. Poor communication and coordination between state and local governments is another problem affecting the consistency process. State agencies and districts need to collaborate to improve communication and to better coordinate state and local reviews. An equally significant problem is that many districts do not fully understand their role in the consistency process or the ACMP as a whole. Additionally, many state agency implementors are confused about their authorities and responsibilities in relation to

coastal district plans under the SCRP. All participants in the consistency process must understand their roles for the process to work effectively and efficiently. Finally, but not of least importance, is the fact that many local coastal plans contain policies that are not amenable to successful implementation. If the districts are to realize the potential of local influence over state and federal actions through the SCRP, then many districts must seriously consider revising some or all of their coastal policies.

The Consistency Process - A Programmed Implementation Method

The SCRP is a centrally-programmed implementation process. The strong State control over the consistency process discourages many coastal districts from being actively involved. Centralized control is often resisted by local governments who view any state interference as an usurpation of local powers. The traditional state-local battle over power affects the SCRP even though the coastal districts are offered more authority over the coastal zone through the ACMP than they would have without the program. Another important fact is that district participation in the ACMP and SCRP is voluntary. The DGC holds the districts to strict procedural and substantive requirements but does not force district participation.

Many coastal districts believe that the State overly restricts local participation in State consistency reviews or that the State does offer enough support for implementation of local coastal programs, including enforcement. Early program documents and the ACMA discuss local involvement in the ACMP as the primary level for implementation, with the state resource agencies also carrying substantial responsibility for ensuring that state permitting or other actions are consistent with local coastal programs. Increasing local involvement in the state permitting process is also a goal of the SCRP regulations. However, streamlining and expediting reviews, assisting applicants, and producing quality, well-informed decisions were also goals of the SCRP regulations. The intent of the consistency process is much broader than just increasing district participation. In fact, the SCRP strictly defines the local role in the permitting process. The questions then become to what extent should the program be designed to maximize local government involvement, and is the

SCRCP, with its multiple goals, the best method for the implementation of coastal district programs?

How are the coastal districts participating in state consistency reviews and when do they run into troubles? Analysis of consistency review files from the study districts reveals that these coastal districts found the majority (i.e., approximately 77%) of projects to be consistent as proposed with their plans. Conversations with DGC coordinators suggest that this is true of most district decisions. When the districts proposed stipulations, the DGC often included the local stipulations as advisories only or determined that the stipulations were not supported by district policies or other rationale. In comparison, the State found 54% of the investigated projects to be consistent as proposed, with the remaining 46% requiring project stipulations to bring them into compliance with the ACMP. The FY92 and FY93 statistics reveal that around 54% of the DGC's consistency determinations during the two year period included project stipulations, a higher percentage than for the investigated files. The coastal districts also face difficulties when a state or federal agency heavily stipulates or denies a permit for a project that was determined to be consistent with the coastal district plan. In other words, **the districts have troubles both influencing state and federal actions (including permitting) and promoting coastal projects.**

Participation in the SCRCP varies greatly among districts, and this may be related to districts' successes or failures achieving local goals through the process. The study districts demonstrate the degree of variability, with some districts rarely participating in DGC-coordinated reviews while others routinely participate. To a large degree, district participation appears to be related to district size with the larger districts more actively participating. This is partially a reflection of project activity levels. Overall, **state and local implementors raised low district participation as a major problem with the SCRCP.** The inflexibility of the process may be one factor contributing to low district participation.

Procedurally, the SCRCP is a predictable but inflexible implementation process. For example, the consistency review timeframes are set with specific deadlines for reviewers to

act. Also, the coastal districts must distinguish between those coastal issues which are ACMP and non-ACMP related even if issues from both categories are important locally. Requests for information during reviews or inclusion of coastal district stipulations on state consistency determinations must be related to ACMP issues and supported by strong rationale. The DGC requires factual evidence to support reviewers' consistency comments and critically reviews local comments. Analysis of the SCRP demonstrates that districts tend to be unable or unwilling to follow all of the State's procedural and substantive requirements. **The coastal districts need to strongly encourage the DGC to investigate whether some flexibility can be built into the review process.**

The SCRP follows deadlines designated and explained in state regulations (i.e, 6 AAC 50). Based on the review files examined, both the DGC and the coastal districts do a moderately good job of adhering to those deadlines. The state resource agencies also routinely submitted comments around the comment deadline. However, many **state and local implementors stressed that consistency review deadlines are too short.** State and local implementors further explained that review deadlines are increasingly difficult to meet as budgets and staffing are reduced.

In light of continuing state and local budget declines and staff shortages, longer review periods may be warranted. An end to the state and local budget crises does not appear to be on the horizon and should be treated as a long-term constraint to program implementation. The likelihood that state and local participants will miss procedural deadlines increases with staff declines and subsequent increases in implementors' workloads, leaving state and local governments vulnerable to attacks regarding inefficiency and procedural infidelity. Alternatively, reviews will be more cursory and ineffective with respect to achievement of long-term goals under the ACMP. However, the DGC is limited in how this issue can be addressed since changes to review timeframes are politically unfeasible. Additionally, the SCRP timeframes are set according to the federal regulations governing state review of federal actions (see 15 CFR 930). **The DGC should investigate the feasibility of altering certain review deadlines or providing additional means for**

review extensions while keeping the same overall timeframes.

Currently, consistency reviews have action deadlines in the following sequence: (1) requests for additional information (RFAI), (2) comment submittal, (3) proposed determination and (4) conclusive determinations. Reviewers could be given more time to review a proposal before requesting information by extending the RFAI deadline to match the comment deadline. But the study districts rarely submitted RFAs, and only a small fraction of the districts consulted listed the inability to obtain necessary information as a serious problem. Therefore, this change may not have much effect on local participation.

Another option for providing implementors with more time to review coastal proposals would be to extend the comment deadline. However, increasing the time for comment preparation would likely be counterproductive since it would reduce the time available for issue resolution and drafting of consistency determinations by the coordinating agency. The result could be an increased number of decision elevations. This, in turn, would provide a target for critics of the ACMP to demonstrate how the process fails to resolve conflicts.

Extending the 30- or 50-day timeframes for consistency reviews or altering certain deadlines do not appear to be viable options for providing lower-level implementors with the time necessary to adequately review proposals. A possible solution is to make it easier for reviewers to extend project reviews when projects are of particular importance or controversy at the state or local level. The SCRP regulations already allow extension of reviews by the coordinating agency when a project involves "unusually complex issues", and the agency then has as much time as is needed to resolve the issues (6 AAC 50.110 (b)(9)). The coordinating agency can also extend reviews of projects located in unorganized boroughs for ten days (6 AAC 50.110 (b)(1)).

The review participants could be provided with opportunities to extend reviews similar to those of a coordinating agency, and the DGC could maintain control over these

options by carefully specifying when the extensions could be used and also the length of the extensions. For example, the scope of the unorganized borough extension (10 days) could be expanded to all districts, and the time extension allowed for unorganized boroughs could be increased to 15 or 20 days. An extension for cases where new information, including project modifications, arises late in the process could also be investigated. If the DGC is concerned about the misuse of extensions by participants, then the agency may need to be more willing to use available extensions at the request of state or local implementors in the future.

The key is to determine the level of time constraint that can be placed on lower-level implementors before they are no longer able to make quality, informed decisions. Many state agency implementors and some district contacts mentioned increasing difficulties in reviewing projects thoroughly or reviewing projects at all. One answer would be for **state and local staff to prioritize work** as a method to spend more time on projects with the greatest potential to impact the coastal zone. Another option would be for **districts and state staff to place more routine, low-impact projects on the ACMP ABC List**, the list of project activities already determined to be consistent with the ACMP either as is or with generic conditions.

Although consistency review timeframes do present somewhat of a barrier to successful implementation, the coastal districts are much more concerned with determining if the process can be better serve local needs, in particular determining how to gain support for local concerns and desires through the process. **The consistency comments submitted by districts during reviews are a major determinant of how the DGC, for the State, responds to local concerns and needs.** This research reveals that the coastal districts face numerous difficulties in preparing consistency comments to meet the DGC's requirements.

Review of the consistency review files illustrates that **coastal districts, in general, have not routinely submitted consistency comments that meet the DGC's criteria.** (The criteria are listed in Table 10.) However, comment quality is district dependent, with some

districts understanding the DGC's requirements and willing to play by the rules. The DGC does consult with districts to inform them of weaknesses with their comments. If, at this point, the districts fail to provide stronger rationale for their comments, the DGC will reject the districts comments. There is a great burden placed on the coastal districts to be clear and concise in their comments and to support their comments with factual information. The DGC's concern is that State consistency determinations must be based on factual information and the enforceable ACMP policies (i.e., the ACMP Standards and enforceable coastal district policies) to be legally enforceable.

One of the original goals of the consistency process was to ensure that decisions balanced costs and benefits and were factually documented. The ACMP definition of due deference also requires that reviewers provide evidence to support factual claims. Theoretically, state resource agencies and districts comments are put to the same test. Whether the DGC subjects state or local comments to the same level of scrutiny could not be ascertained from the information present in consistency review files.

Most coastal districts expressed at least some concern about the State not giving due deference to coastal districts. Although research results do not conclusively demonstrate whether coastal districts are or are not given due deference over the interpretation and implementation of their policies, many districts are having significant problems using their coastal policies. Part of the districts' troubles stem from difficulties in understanding and following all the nuances of the consistency process and composing consistency comments.

The investigated consistency review files reveal that those coastal districts provided some justification for the majority (i.e., approximately 70%) of their consistency comments. On the surface, the districts appear to be following the DGC's comment writing advice. However, only half of the time did districts include local coastal policies as justification. Even more common was for the rationale to be weak or incomplete. The form of consistency comments is also important. Can the DGC find the information necessary and

follow the districts' train of thought? This is another element of comment preparation that some districts need to improve.

Analysis failed to determine why coastal districts infrequently utilize their policies as rationale. A possibility is that district policies have very limited applicability to many of the coastal projects that have been reviewed. This hypothesis could explain why the districts found the majority of the reviews investigated consistent without stipulations. Many districts did admit that some of their coastal policies either need a complete overhaul or need to cover additional coastal resources or uses. Yet, the results of the coastal district survey suggest that the majority of district policies have applied to projects reviewed. Another possibility is that the districts decisions were not based on local coastal policies. Conversely, the case could simply be that the districts failed to specifically communicate the consistency of projects with local policies.

Ensuring that state consistency determinations are legally enforceable is a necessity, and the DGC cannot be faulted for requiring information to back up its determinations or for limiting the State's determination to issues over which the ACMP grants authority. However, the DGC needs to recognize that the coastal districts may be constrained by not having the information, staff, time or training necessary to adequately prepare RFAs or consistency comments. Training needs would be most pronounced for districts faced with high turnover rates for coastal staff. Districts with low activity may also find it difficult to remember all the nuances of the process, including preparation of comments. In these cases, the DGC coordinators must and usually do make the effort to educate coastal district reviewers about how to effectively participate in the process.

The DGC needs to continue and, if possible, increase training of district staff in the art of preparing consistency comments that meet the agency's criteria. The focus should be directed at new district staff and staff from districts with little experience with the process. But all coastal districts could probably benefit from training. Although coastal districts may be resistant, the quality of their comments is a big key to how successful they

are in achieving State recognition of local concerns. **The coastal districts must work on improving their consistency comments if they want the SCRP to be a successful implementation method for them.** Two approaches should be taken by the DGC, continuation of training opportunities at state-district conferences and preparation of a consistency comments handbook for distribution to the coastal districts.

Joint state-local workshops at conferences potentially allow the districts to explain problems and receive direct guidance from the DGC and other districts. Training emphasis at conferences should focus on real examples, where possible, to demonstrate the importance of clear and complete comments. The training needs to go beyond a broad explanation of the process. Future training should focus on how district comments have been treated in the past and should take a workshop approach. Issues of particular interest to districts could be looked at using past consistency reviews. In order to prepare for this training, the DGC coordinators and district contacts should identify past reviews that provide good examples of local involvement and must keep track of current and future examples. The latter is critical since many of the existing files do not contain enough information to determine exactly what transpired during a review.

A handbook on writing consistency comments could assist districts with implementation via the SCRP. Much of this information could be derived from existing DGC documents and consolidated into a small handbook. The handbook would need to include examples of effective consistency comments plus work problems providing district staff a chance to practice comment preparation. For example, the workbook could include exercises for writing clear stipulations and providing strong rationale. The handbook could also serve as a tool for use at state-local conferences, with a few districts and state resource agency implementors working in a group lead by a DGC review coordinator. The DGC, along with the districts successful at using the SCRP, will need to clearly demonstrate how the educational experience can improve district plan implementation during consistency reviews, and the districts will need to be receptive to this.

More importantly than providing guidance on writing consistency comments, the DGC needs to address the fact that coastal districts are frequently attempting to address non-ACMP issues through the SCRP. During both planning and implementation, many coastal districts indicated uncertainty about what issues can be addressed by coastal districts through the SCRP, including how uses of state concern come into play. With a checklist outlining the issues that can or cannot be addressed via the SCRP, coastal districts would be better directed to accomplish implementation tasks and plan revisions. With this list in hand, the coastal districts need to more carefully separate SCRP information and recommendations from local, advisory information and recommendations within their consistency comments. The list would also have value to state implementors during day-to-day implementation and reviews of draft coastal district plans.

The rationale given by coastal districts in consistency comments often focuses on local social or economic needs or concerns. The apparent importance of these coastal issues to districts suggests that the ACMP should cover these issues. Currently, the ACMP has planning and protection standards covering coastal resources, habitats and uses. A socioeconomic standard would provide coastal districts with the opportunity to address a broader scope of issues during consistency reviews, corresponding more closely with the local scope of review in many cases. Proposals would still have to meet the other ACMP Standards; the districts could not focus solely on the social and economic aspects of projects. But addition of a socioeconomic standard could bolster coastal district participation by recognizing and allowing consideration of issues important locally. Such a change would also be consistent with the goals of the federal and state coastal programs which stress a balance between coastal conservation and development. The DGC should discuss the addition of a socioeconomic standard with the coastal districts and state agencies to determine if this program change is widely desired. If there is interest in this program change, program participants will have to determine the relative priority of social and economic needs versus environmental protection and quality. Alaska could look at other state coastal programs for examples of socioeconomic policies.

Regardless of whether the coastal districts' raise ACMP or other coastal issues in their consistency comments, **factual information to support district comments is not always available.** Information about the coastal resources, activities and uses in many parts of Alaska is scarce. Since research funding is very limited and the cost of obtaining information is high, **the DGC should reconsider its test for consistency comment rationale.** Unless the ACMP standards and district policies are not to be widely implemented, more weight may need to be given to observational data and professional expertise. The coastal districts and any interested state agency implementors need to insist on this procedural change.

A number of districts and state resource agency implementors voiced concern about the DGC's requirement for site-specific, factual information. The ACMP definition of due deference explains that implementors recommendations would be based on their expertise and the evidence available to support those recommendations. This definition does not restrict evidence to quantitative, site-specific information. Observational data passed down through generations by Alaskan Natives or a state resource agency reviewer's application of accepted theories or data from similar situations to a project seems appropriate. This is not generally allowed now.

Constraints on acceptable information will always be necessary to avoid abuse of the program by implementors. Fundamentally, the question is who has to prove that information presented during a review is valid. Should the DGC decide that a district's or agency's information is invalid when staff may not be familiar with the project site or technical issues, or should the burden to demonstrate that the information is not valid be placed on the applicant? If the decision is to remain with the DGC, then do review coordinators require increased technical training, and how would the diversity of issues dealt with by DGC coordinators be reflected in training? Training DGC coordinators to cover certain types of projects or issues is not feasible since the issues that will arise are not always evident when reviews are assigned, and many projects involve a multitude of issues. These are questions

without simple answers but which deserve the attention of all parties involved with the SCRP.

Coastal districts are definitely concerned, confused, and frustrated about the difficulties they face in convincing the state to accept local information and recommendations. In order to address the districts concerns, **the DGC should institute a tracking system to document the State treatment of all district comments that propose stipulations. If feasible, the DGC could also track how and when due deference is given to the resource agencies.** The annual and quarterly reports submitted by the coastal districts are one method for obtaining this information. However, the reports investigated during this study did not offer detailed information, and the report forms will need to include more specific questions to obtain more and higher detailed information. The DGC could also look at reports submitted by the state resource agencies for information relating to district plan implementation or contact with districts. The Division's computer database may also be an appropriate tool for this. **The districts may want to institute their own tracking systems instead of relying on the DGC.** The goals of these tasks would be twofold: to determine if the DGC is treating reviewers comments justly and consistently during reviews and to consolidate examples of when district's were successful and unsuccessful with reaching the decision outlined in their consistency comments. The latter would act as a valuable training tool for coastal districts, state resource agency staff and the DGC review coordinators.

The strong state control over the consistency process and frustrations with the difficulties of influencing state or federal agencies via the SCRP have led many coastal districts to focus on local implementation methods. And many coastal districts without local land use powers are pursuing changes that will allow them to possess these powers. Districts feel that local implementation methods are often more successful for achieving local coastal goals than the SCRP. For the coastal districts consulted, improving implementation of their plans via the SCRP was generally a low priority. **The State and districts need to determine if the developing, two-tiered approach (i.e, the SCRP and separate local implementation) to coastal management is the best approach.** Once this determination is

made, the State, the DGC in particular, will know whether significant changes to the SCRP and continued use of resources for encouraging local participation in the SCRP are appropriate and wise.

State and Local Communication and Coordination

Providing increased training to state and local implementors and bringing staff from the DGC, state resource agencies and districts together once or twice a year at conferences is not enough to increase the local role in the SCRP. **The DGC needs to work with the coastal districts and state agencies to recognize and remove potential communication barriers between coastal districts and state agency staff.** Both state and local lower-level implementors emphasized the need to improve communication between all participants in the SCRP. Communication is essential if the SCRP is to function as an effective and efficient implementation method for coastal district plans. Since the DGC has established a good working relationship with most districts and state resource agency implementors, the agency is the appropriate facilitator of improved resource agency-district communication. In some cases, the DGC also needs to improve coordination and communication with review participants. Ultimately, the success of improving communication will depend on the receptivity of SCRP participants, but the benefits of improved state-local communication will go beyond the consistency review process.

Barriers to state-local communication are diverse, but most of the problems stem from an apparent stand-off situation, with many state resource agency staff and coastal districts waiting the other party to initiate communication during reviews. Many state agency staff, including some DGC coordinators, rarely contact coastal districts. State implementors contact coastal districts primarily when controversial situations arise or when districts are perceived as active in the consistency process. Similarly, many districts infrequently contact the state agencies, and some of those districts recognize the need to increase their communication efforts. Personal work styles, dispositions, perceptions, and workloads all come into play and are difficult variables to control.

The DGC could provide its district and resource agency **contact lists** and subsequent updates to the SCRP participants. Connecting the state agencies and the coastal districts with an **electronic mail system** could also greatly assist communication. However, providing districts and state agency staff with contact lists and providing a computer mail system is not enough to improve communication. **There must be a concerted effort by implementors, especially the coastal districts, to actively improve communication.** When the districts face resistance from state implementors, they should notify the DGC which can then attempt to breach any communication barriers. If districts have troubles communicating with the DGC coordinators, then they should contact the coordinators' superiors.

The coastal districts want more respect for their programs and local concerns from state agency implementors. The simplest and perhaps best approach to this issue may be for the coastal districts to initiate and develop good working relationships with state implementors. Coastal districts need to continually communicate with the agencies and express interest in coastal activities and uses. Increased communication could be achieved by short phone calls to agency staff or forwarding of a short, ready-to-go form letter to review participants explaining why the district cannot or will not respond. This simple step could go a long way towards increasing state agency implementors attention to districts by explaining the districts actions and, at a minimum, persistently reminding state implementors that the districts are review participants.

Many state implementors conclude that districts' failure to respond to consistency reviews or non-SCRP agency actions equates to a lack of interest. But as many districts pointed out (and some state agency staff agreed), the paperwork related to consistency reviews, in combination with other state actions, is overwhelming many coastal districts. Since the DGC cannot keep track of the different distribution needs of each district, the districts will have to prioritize ACMP work and determine which tasks will best further local needs and concerns. DGC and state resource agency staff, in turn, need to realize that coastal district failure to respond does not necessarily equate to a lack of interest in the program or particular projects. To ensure that state implementors interpret district inaction

correctly, the districts should explain to the agencies when they do not have the ability to respond to proposals or inquiries.

Another problem faced by the coastal districts is the extra and often repetitive work created by a **lack of coordination between the SCRP and local coastal reviews**. Districts complained about having to meet SCRP deadlines before local reviews were completed or having to respond to projects that were already found consistent during local review. When state and local reviews are done separately, the regulatory process becomes more difficult and confusing for applicants, and the state and local governments risk wasting resources on repetitive actions or reaching conflicting conclusions. The SCRP was designed to eliminate repetitive reviews and decisions on projects. To date, the focus on reducing repetitiveness has been directed primarily at the state resource agencies and with some extent, towards the federal agencies.

The DGC should investigate ways to increase coordination with local governments during consistency reviews. Budget declines make improved coordination imperative. Establishing different procedures for each district is not feasible, but the DGC could solicit information from coastal districts about how they think state consistency reviews and local reviews can be better aligned. **The burden of work falls on the coastal districts to demonstrate how state and local reviews can be better aligned** since the State is not familiar with local procedures and needs. Initial efforts could be focused on active districts with in-place procedures for local review. The solution will not be simple since state and local reviews encompass different issues and procedures, but some improvements are probably possible.

One step which the DGC is going to initiate is **soliciting local information** and provide applicants with a district contact list **through the CPQ**, the form used to determine what state or federal permits are needed for projects in the coastal zone. The DGC should consider these applications incomplete if the applicant has not indicated the local response regarding any local permits or local reviews necessary. Another option would be **including**

local permits or information in review files to facilitate discussion between the state resource agencies and the coastal districts. This would not be possible if local and state reviews are not occurring simultaneously.

An idea that was suggested by several state agency implementors as a way to better coordinate state and local reviews and increase district participation in the SCRP was to **increase the amount of contact between applicants and districts**. The goals would be threefold: (1) determine early on what the state and local coastal requirements are and how they interrelate, (2) increase applicants' awareness of local requirements and concerns, and (3) force coastal districts to be more actively involved in reviews by having them dealing with applicants at the same time as the State. Presently, the DGC is usually expected to be the liaison between the applicant and project reviewers.

The State and Local Roles in the SCRP

A dominant theme of the research findings is the **need for the DGC to clarify the roles of local, state and federal agencies in the ACMP and, specifically, in the SCRP**. The networked nature of the ACMP is a major source of confusion to nearly all participants in the consistency process. Most coastal districts are at least mildly uncertain about the local role in the SCRP and how that role relates to state and federal roles. Local confusion about governmental networking was evident during both the planning and implementation stages. Some state plan reviewers and many state agency implementors either asked for guidance on how the authorities and responsibilities of implementors mesh or demonstrated misunderstandings of their roles. Much of the frustrations participants have with the process appears to arise from not really understanding the state-local relationship under the ACMP.

The coastal districts, in general, are confused about the responsibilities and authorities of the state resource agencies for district plan implementation. The confusion stems primarily from their perceptions that the state resource agencies are not offering support for local coastal management. The state resource agencies share responsibility with the coastal districts for ensuring that state and federal actions are consistent with the ACMP

Standards and local coastal plans. Specifically, coastal district policies are supposed to be part of the criteria for determining if state resource agency permits can be issued. But use of coastal district plans is not a given across agencies and is also dependent on the individual characteristics and attitudes of state agency staff.

The DGC is relatively supportive of the coastal districts, but agency staff disagree about their responsibilities for using coastal district plans. Most of the DGC coordinators believe that their role is to act as a watchdog over the use of district policies by the districts or the resource agencies. DGC staff only become deeply involved in the use of district plans and policies when there are questions about the interpretation of district policies, when projects are controversial, or when the districts or resource agencies propose stipulations based on district policies. The coordinators occasionally take on an implementation role when other review participants are noticeably failing to implement district plans. And, as discussed earlier, the DGC holds the districts and the resource agencies to specific comment criteria and procedural requirements.

A number of DGC coordinators believe that the agency should be more directly involved in SCRP implementation, especially for inactive districts. These coordinators complain that DGC staff do not use district plans enough and that work load often precludes them from having the time to consult local plans. A few state agency implementors agree that the DGC should take a stronger role in implementation. However, the majority of state resource agency implementors expect DGC staff to only act as a watchdog and process coordinator. Some resource agency implementors specifically complained about DGC becoming too actively involved in implementation by critically reviewing state and local consistency comments or by becoming an advocate for certain projects.

The coastal districts may be correct in asserting that the resource agencies are not fulfilling their implementation responsibilities regarding local coastal plans. If true, what might be the reasons for inadequate state implementation? These results suggest that a primary obstacle to district plan implementation is internal state resource agency resistance or

inabilities to meet statutory and regulatory responsibilities under the ACMP. All agencies are facing increasing difficulties implementing the ACMP and other programs as budget cuts ensue. But the general attitudes of the agencies and their staff regarding the ACMP and the authorities the agencies possess without the ACMP also strongly affect the implementation of district plans.

The DFG offers more implementation support for the coastal districts than the other resource agencies. According to this analysis, DFG staff are much more likely to contact coastal districts during reviews and actively review district policies to determine if any apply to the proposals under review. Coastal district policies are also used widely by DFG staff as rationale for consistency stipulations or support of other rationale in consistency comments. Agency staff definitely recognize that the agency has implementation responsibilities for district plans.

Overall, implementors in the DNR are not strongly committed to the implementation role that the ACMP assigns them regarding coastal district plans. The level of contact between coastal districts and the agency is very low, with only a few exceptions. Many DNR staff do use district plans but mainly as an information source, not as permit or decision criteria. Use of district plans by DNR staff also occurs predominately during reviews coordinated by the agency and not the DGC. The staff consulted were divided about whether the agency shared implementation responsibilities for district plans. Another important note is that the DNR has tried to take over or undermine the ACMP more than once in the past via legislative action.

According to the research results, the DEC offers the least amount of implementation support for coastal district plans. The DEC philosophy is that the ACMP does not provide the agency the authority to enact or enforce coastal district policies, a claim which is refuted by the legislative intent of the ACMP, attorney general opinions and program regulations. Because of the agency's viewpoint, the overwhelming number of DEC

staff will not likely assist in district plan implementation even if staffing and other resources are plentiful.

The state resource agencies implementation of coastal district policies corresponds to the incentives the agencies have for using district policies and being involved in the ACMP. The DFG is the only resource agency that receives increased authority through the ACMP. The DFG also has more standing in the SCRP than in the permit review processes of the DEC and DNR. The primary route for the DFG to obtain these benefits is through DGC-coordinated consistency reviews, including the implementation of coastal district plans. The ACMP, primarily the Habitats Standard, Timber Harvest and Processing Standard, and often district policies, provide the DFG with authority over fish and wildlife resources and habitats. Without the ACMP, the agency has authority over anadromous fish streams and fish passage.

Neither the DEC or the DNR have much incentive for participation in the ACMP with the exception of some assistance from the DGC in conflict resolution. The program does not provide them with additional authority; instead the program shares the agencies' authorities and adds to the agencies statutory requirements. **In order to increase DEC and DNR implementation support for coastal district plans, the fundamental absence of incentives for these agencies to participate in the program must be addressed.** Otherwise, the ACMP will be viewed as an added burden to the DEC and the DNR and be ranked below other agency programs.

A legal requirement to implement the ACMP, including coastal district plans, without incentives can lead to symbolic compliance. This appears to be occurring to some extent with the SCRP, with the DEC and the DNR participating in reviews but not actively implementing district plans. The prospects for faithful implementation by the agencies dims even more as the agencies' budgets decline. The DGC must address the likelihood that the agencies will focus on programs they have more ownership of or the possibility that the organizational capacity of the agencies may need realignment if the ACMP is not to be lost

among other agency requirements. Better aligning the permit review processes and requirements of the resource agencies with the SCRP and ACMP is an important task which must be pursued by the DGC in conjunction with the state resource agencies. Improved coordination of internal agency actions with coastal management actions would reduce the overall expense of the coastal program.

Any reductions in the costs of coastal management resulting from improved coordination will not take effect in the short-term. The coastal districts need to support the resource agencies during legislative allocation of resources. Additionally, **the DGC and districts must concentrate on convincing the agencies, the Legislature, and the public that the ACMP is a worthwhile program.** Currently, neither the State or the districts expend much effort on public relations.

Increasing the commitment of the DEC and the DNR will undoubtedly require political bargaining and compromises. The DGC may not be in a position politically to investigate possible fixes to the dilemma, leaving the districts to pursue the resolution of this issue. The DGC and districts must be careful to not undermine the ACMP in order to increase agency support. But the DGC and the coastal districts must do whatever they can to maintain and increase agency involvement. The lack of resource agency commitment to the implementation of district plans may always limit the success of district programs. If the agencies are not supportive of the entire ACMP, then implementation of the ACMP Standards is also questionable.

In the short term, **the best approach for the DGC and districts to take seems to be focusing on increasing the commitment levels of lower-level implementors in the DEC and the DNR.** If the staff working with the consistency process are convinced of the value of the program, then they may have some invisibility and flexibility to act in support of the implementation of coastal district plans. These attempts would have to be subtle but direct. The development of good working relationships between local and state review participants maybe the easiest way to foster this support. But the success of this approach strongly

depends on the receptivity and commitment of SCRP participants. Finding ways to better align ACMP work with other agency functions could also increase state agency staffs' support for the ACMP and district plan implementation.

Another issue of concern to the coastal districts regarding the state resource agencies' involvement in the consistency process is enforcement of coastal decisions through state permits. Once again, reduced agency budgets and limited agency support of the local role in the ACMP or the ACMP itself decreases the likelihood of active enforcement. This is bad news for the districts since under the ACMP enforcement of coastal management decisions is tied to state permits.

The case for a stronger local role in enforcement can be easily made. **The State and districts should investigate whether there are ways for local governments to assist the state resource agencies with enforcement.** One option is to engage the coastal districts in a monitoring role. But increasing the resource agencies awareness of problems does not mean the agencies will be capable or willing to take enforcement actions. Presently, enforcement is strongly controlled by the availability of monetary and staff resources.

In order to reduce any burden placed on the resource agencies by the ACMP, **local permits could be used to carry and enforce at least those consistency stipulations which are based on local policies.** This change could improve the local role in the SCRP by giving greater weight to local information needs and providing a permit to carry homeless stipulations. The issue of homeless stipulations emerged with moderate frequency during this research; enforcement by the DOL is definitely a point that neither state or local lower-level implementors are comfortable with. However, the DOL has never been called on to enforce a homeless stipulation, and DGC colleagues believe that homeless stipulations are a rare occurrence. In addition, not all homeless stipulations placed on consistency determinations are stipulations proposed by the coastal districts. This program change would not address the placement of stipulations by one resource agency onto other resource agencies' permits.

Homeless stipulations were discovered on only nine of the over one hundred consistency determinations from the review files investigated as part of this study. Of the homeless stipulations, four were district requested stipulations. **A DGC-supported research project focusing on the frequency and treatment of homeless stipulations would be highly beneficial** to the ACMP since participants would finally know the reality of the situation and could decide if this is really the root of enforcement problems. The DGC may also want to consider codifying an enforcement process for homeless stipulations in the ACMP regulations. Although this step might be more symbolic than functionally necessary, it may calm the worries of those who do not understand or feel comfortable with homeless stipulations.

Any benefits of using local permits to carry and enforce homeless stipulations would be restricted to the coastal districts with planning and zoning powers. However, only four districts, the CRSAs, lack local land use powers. But would the added enforcement authority really be beneficial for any districts? Do districts really want to have sole or shared enforcement responsibility for homeless stipulations? The districts may not have the political will or financial and staffing capabilities to enforce consistency stipulations. The DGC could assist local governments to some degree by transferring enforcement funds from the resource agencies to the coastal districts, but the districts would undoubtedly have to cover some of the costs with local funds.

In addition to financial burdens, the coastal districts need to realize that the use of local permits for enforcement would mean more state involvement in local land use planning. For example, changes to local permits might require state approval. The districts will probably strongly resist state involvement with local land use controls. A final concern is that the use of local permits for enforcement of consistency decisions could greatly increase the complexity of the process due to the variability in local permits and requirements. A more complex process may actually decrease district participation and would be detrimental to applicants.

This analysis has not provided enough information to determine if the use of local permits for some enforcement is feasible or if this would make much of a change in enforcement. Several key questions need to be investigated. Foremost, what is the scope of regulatory change required, and is such a change politically and legally possible? There is no guarantee that the coastal districts could convince the state resource agencies or the Legislature to grant more authority over the coastal zone to local governments. The state resource agencies will undoubtedly feel threatened by a transfer or even a sharing of authority with coastal districts. The agencies may dislike the powers already granted to districts via the ACMP. Another important question is how would authority be granted or is it legally possible for the state and local governments to share authority?

Upon completion of an analysis of homeless stipulations, **the DGC and districts may realize that limited enforcement of permits is a statewide problem, not a problem created or worsened by the ACMP.** Does the ACMP add so many homeless stipulations to resource agency permits that the enforcement burden is greatly increased? Enforcement problems probably stem primarily from staff and monetary shortages. The available enforcement methods may also be part of the problem; can they be simplified or streamlined? Does the political climate keep agencies from actively taking enforcement actions? Another issue which must be discussed is do the ACMA and program regulations provide the agencies with the authority to enforce homeless stipulations? The ACMP seems to require this but does not address the problems of not having expertise over homeless stipulations. The results of this study do not answer these questions, but **enforcement is definitely a weak link in the ACMP that must be addressed by an intergovernmental team.**

The frustrations of the coastal districts with the SCRP are not entirely the result of their experiences with the state resource agencies. These research results indicate that **the districts expected to be more empowered by the ACMP, a topic briefly touched on early.** These expectations were probably fueled by early discussions and literature regarding the ACMP, where the coastal districts were identified as the primary implementation level and key to program success. However, the program regulations promulgated define a limited

local role. The districts are assured that state and federal actions, including permit issuance, are required to be consistent with district's coastal management programs. The districts are not assured that the State's determination of consistency will be exactly what the local governments want since the DGC must consider the state resource agencies' comments and all of the ACMP Standards during preparation of consistency determinations. Additionally, state and federal agencies must consider other criteria in deciding if permits will be issued.

Perceptions of unrealized, 'promised' powers over state and federal permitting have lead the coastal districts to discount the SCRP and to focus on purely local implementation methods, where coastal district policies can be implemented according to local intent and rules. **Coastal districts need to realize that ACMP requires a balancing of development and conservation.** If they are not interested in both aspects of coastal management, then involvement in the SCRP or the ACMP may not be the avenue for the districts to reach their goals. Some districts complained that the SCRP does not encourage projects. The SCRP is not designed to encourage or discourage projects; the process is designed to strike a balance between competing coastal uses and to allow a consensus approach to coastal decision making. At the local level, the process may seem like it discourages projects since the State usually requires more project stipulations than the coastal districts and since the state and federal permitting agencies have to consider regulations stricter than most local coastal policies. But state and federal regulations would affect projects in the coastal zone even if the SCRP and ACMP did not exist.

The fact that the State and coastal districts have only **limited control over federal actions and permits is confusing and disconcerting to many coastal districts.** In Alaska, the CZMA leaves most of the cards in the federal government's hands. Federal lands located in coastal areas are excluded from the coastal zone but comprise a large portion of the coastal area. Federal actions on those lands or other coastal lands have to comply with reasonable state or local consistency stipulations, and a federal agency can decide that state consistency decisions are unreasonable. Unreasonable decisions are those that a federal agency cannot follow because of a prohibition to do so placed on the agency by a federal

law, or an agency may claim that its own rules and regulations provide standards equally or more restrictive than a state's standards, thereby negating the state standards. When a local government or state agency and a federal agency have serious disagreements, litigation is often the only option. Additionally, federal permitting agencies can deny permits regardless of the state and local consistency findings. Many coastal districts expressed confusion about how these elements of the federal role in the ACMP come into play during consistency reviews. **The DGC needs to provide training or written guidance to the coastal districts about the federal role in the SCRP.**

A number of coastal districts expected or want to be able to fully control state or federal permit issuance or other actions affecting the local coastal zone. During the ACMP planning process, some districts attempted to waive or negate state and federal regulations with local coastal policies. The ACMP does not provide coastal districts with such broad power over the federal and state governments. **The limits of local control over state and federal actions must be made clear to all the coastal districts, especially since the districts were initially sold on the ACMP with talk of a dominant local role which is not supported by program regulations.**

Improving Coastal District Plans

A key element of successful implementation is having policies that are amenable to being applied and enforced. Local influence over state and federal coastal decisions directly corresponds to the enforceability of local coastal policies. In order to increase state agency respect for and use of coastal district plans, **many coastal districts must consider the utility of their policies and focus on revising policies that are not enforceable or easily implemented.** The DGC must strongly encourage or require periodic policy evaluations. However, the Division would have to be willing and able to provide some financial or research assistance to the districts. Five districts are currently revising old plans, and many other districts probably need to do the same. Forty-four percent (14 of 32) of the coastal districts have plans that are nine to ten years old and likely in need of revisions.

Besides the age of plans, the fact that **many coastal district policies, in old and new plans alike, are vague and open to interpretation** is another reason for rethinking coastal district policies. According to the majority of state agency staff (including DGC coordinators) and a number of coastal districts, local coastal policies are very difficult to implement because of the nebulous nature of the policies. State implementors complain that they cannot determine the intent of many coastal district policies and therefore, do not understand how to apply them. When vague local coastal policies are used during consistency reviews, state and local interpretation is often different.

The coastal districts and plan reviewers must place the greatest focus on the enforceable policies of local coastal plan during the development and review of plan revisions. The planning process did not afford district policies enough attention when most of the draft plans reviewed as part of this study were being developed. The districts were forced to spend a great amount of their time and other resources on preparation of resource inventories and analyses and faced a large learning curve regarding the ACMP. Subsequently, plan reviewers had to spend a lot of time reviewing the basics of the plan. For districts with existing plans and pursuing revisions, local and state resources can be concentrated on the policies. The DGC has been trying to place more emphasis on local policies during recent plan reviews.

Controversies over the interpretation of local policies are only limited by the fact that most state implementors will only actively use district policies that are specific and clear. The districts need to realize that broad, performance-based policies will not be actively implemented at the state level. Performance-based policies are great for providing flexibility but limit enforceability, and state government is always going to be concerned about having strong support for its decisions, i.e., clearly enforceable policies.

Performance-based policies can be designed to offer a fair amount of specificity while remaining flexible. **The coastal districts must clearly explain how performance-based policies are to be implemented and enforced at the state and local levels, including the**

performance indicators that will be used to determine compliance. If practicable performance indicators are available and the districts have developed implementation criteria, the likelihood of policy implementation at the state level should be enhanced. To ensure that policies can and will be implemented, the districts should ground truth local coastal policies with the state and local staff responsible for implementation.

Broad, performance-based policies may cause the districts to fall into the trap of applying policies arbitrarily to projects, a claim made by many state implementors. The districts could avoid this situation by carefully tracking the use of their policies at the state and local level. As mentioned early, the districts could also track any problems faced in writing effective consistency comments. The DGC could assist in this matter by keeping examples of policy application for each district in a filing system or in the Division's computer database.

If the coastal districts want to keep broad, performance-based policies in their coastal plans, then the districts need to convince state implementors that the policies are enforceable. The state agency staff will be hesitant to use policies that they cannot easily understand and apply. The districts could decrease some of state implementors' hesitancy to implement local policies by clearly outlining the intent of those policies in their goals and objectives sections or even within the policies.

During plan development, most coastal districts had problems developing clear and consistent goals and objectives and linking these to the policies developed. Again, districts demonstrated misunderstandings about what goals, objectives and subsequently policies can be achieved through the SCRP or local methods. This also suggests a reason for district resistance to specific policies; a policy cannot be specific if the district is unsure about its long-term goals and objectives for coastal management.

During plan revisions, the DGC must assure that more time is spent on defining local goals and objectives and determining if those goals and objectives are achievable through the ACMP or separate local authorities. The districts must learn early on if local goals are compatible with state or federal goals for coastal management. In other words, the districts would gain a preliminary idea of potential obstacles to goal achievement. The districts could also better determine what the management problems really are and decide if the ACMP or SCRP is the best route for reaching local goals. The State could also demonstrate the local relevance of its coastal goals. This must occur before detailed plan revision begins, perhaps during the pre-planning phase discussed by SAMP survey respondents.

By focusing districts on clarifying the intent of their coastal plans and policies, the quality of district plans could potentially be greatly improved and the planning process could be shortened since the districts would not have to spend time during the process determining or clarifying the intent for their plans. The coastal districts need to determine what coastal issues are important locally and what constraints there are on developing goals, objectives and policies. If an ACMP issue is not important locally or the local political constraints are so great that policies must be very general and broad, then the district should not develop policies on those issues. Without fairly strong policies and commitment to the intent of the local plan, a district will have little ability to influence state and federal decisions through the SCRP. The key to power through the ACMP and consistency review process is to have strong policies that promote local coastal goals by requiring the state and federal agencies to follow those policies during permitting actions. Policies repeating or weaker than state and federal regulations or vague policies will not provide a district with increased power.

Scarce resources must be directed at planning tasks to which the districts are politically committed. The coastal districts should be allowed to choose between comprehensive and strategic planning. If a district is only strongly committed to a few goals, then asking the district to address other goals will lead to weak policies and, therefore, limited implementation results. The coastal districts should also be given the option of

removing portions of their plans that are no longer applicable or supported locally after receiving agreement from the state resource agencies and the DGC. The State would not have much to loose since the local governments would probably not actively implement those plan sections anyhow.

During plan and policy revisions, the coastal districts must give careful thought to implementation (including enforcement) costs, responsibilities and methods. The section in this report's literature review about policy formulation outlines many of the factors which districts must consider. The DGC could consolidate this information and provide it to districts pursuing or considering plan revisions. In addition to compensating for what is unknown about future social, economic or resource changes, the districts must identify the many factors that can affect policy implementation and attempt to compensate for those factors. For example, what are the costs of regulation and enforcement and how will they be distributed between the state and local governments and the applicant? Can these entities handle the costs? What are the roles and responsibilities of state and local implementors, the regulated, or the general public in policy implementation and enforcement? Will the districts need to include incentives or sanctions for implementors or the target group to take the required actions? What kinds of decisions will implementors need to make, and is the information needed to make those decisions available or obtainable? Specifically, are the policy issues well understood or will the district need to give broad discretion to implementors for dealing with uncertainty? What implementation and enforcement methods will the responsible parties use? And, of course, districts also need to consider whether state or local politics will allow straightforward adoption and implementation of policies. In order to make these determinations, a district needs a good understanding of the local coastal zone, the desires of the local population, and the federal, state, and local roles in the ACMP and SCRP.

The coastal districts have to do more than consider all the factors outlined above; they also have to write policies in legally-enforceable policy language. During the planning stage, numerous coastal districts had difficulties writing enforceable policies. In

addition to the specific-flexible policy debate, the districts had to contend with choosing words that were enforceable and defining those terms. The use of non-enforceable policy language, undefined terms, or the inconsistent use of policy terminology occurred frequently during the development of all the coastal district plans studied. **The DGC must provide districts that are attempting plan revisions with guidance on policy terminology including enforceable policy language, with specific instruction about potential problems associated with poorly written policies.** Some of this guidance is already available in-house since the topic of policy writing has been discussed at previous state-district conferences.

The preceding discussion of policy formulation gives a good indication of why coastal districts are hesitant to develop specific policies. Determining how all the implementation factors will come into play is very difficult. In order to encourage districts to develop policies that are readily enforceable, the State may have to offer an 'escape clause' for the districts. **The DGC should investigate the feasibility of creating a state-level variance or exemption process for the coastal districts.**

The design of a statewide variance or exemption process for coastal district policies would have to include use limitations so that districts could not always waive their policies. For example, the test could rely on demonstration of public need, with the district clearly showing how enforcing a policy would be harmful to the general public. The coastal districts could also be required to demonstrate that there were no feasible and prudent alternatives to a policy waiver. Other criteria could be: (1) large changes in local conditions since policy adoption, (2) demonstration of minimal harm to the coastal zone if a variance is allowed, and (3) state agency non-opposition to a variance. In the absence of a state-level process, the districts could be encouraged to incorporate a variance or exemption procedure into the implementation sections of their plans or attached to certain policies.

Another policy question that must be definitively answered by the DGC in conjunction with the DOL is whether districts can develop policies that are stricter than the ACMP Standards. Most districts have not attempted this, but those who have were

discouraged by the DGC or other plan reviewers. This advice contradicts the ACMP's FEIS and other intent documents which explain that the districts would tailor the ACMP Standards to local situations. The Standards were designed broadly to account for the high variability of coastal areas throughout the state and to allow the districts to specify how the Standards would apply.

What is to be gained by not allowing the coastal districts to follow the intent of the ACMP? If a district can demonstrate implementation (including enforcement) capability, then the district should be given the option of developing stronger policies. The program statute or regulations do not preclude this as long as the districts do not unduly restrict uses of state concern. However, many districts may not be willing to fight with plan reviewers over policy restrictiveness, and most districts have strongly demonstrated their desire for broad, non-specific policies.

Encouraging the coastal districts to develop clear and strong policies could make the SCRP a more successful implementation method for the coastal districts, and improved policies would inevitably aid other implementation attempts. **But the plan amendment process must be streamlined and simplified** if the coastal districts are to be convinced that policy revisions are feasible. The districts very strongly feel that the current process is too complicated and resource-intensive. Their two major concerns are that the process takes too long and requires a large commitment of staff time and financial resources at both the state and local levels. With decreasing governmental resources, maintaining the planning process as is will result in the exclusion of most districts from the plan revision stage regardless of the need for plan updates. The DGC's resources will have to be concentrated on fewer plans.

The DGC could attempt to process more plan revisions as routine amendments as opposed to major amendments. The difference in time for revisions could be reduced from two or more years to around half a year. **Another option is to add a middle category for plan revisions that do not classify as major or minor amendments.** The timeframe for

plan revisions would then be longer than the districts might want but shorter than it would be under the current amendment system. Shorter timeframes correlate to lower expenditures of resources by the State and the districts. However, agreement with the resource agencies on a threshold level would be necessary. The agencies might be easy to convince of the necessity of a quicker review process since they also have fewer resources to put towards plan reviews, but they could also be concerned about reducing the time available for agency review. Regardless of whether the amendment process is altered, the DGC must clearly explain the classification of plan amendments to the districts.

Continuing reductions in state resource agency staff will make it difficult to obtain timely recommendations for district planning. Since draft plan reviews already were not a high enough priority for state implementors in the past, **the DGC and districts will have to work hard to ensure that future plan reviews are awarded a higher priority in state implementors' workloads.** The DGC could use financial incentives to encourage the agencies to respond. However, the DGC also has to address the limited time and effort generally put into plan reviews by review coordinators. In some cases, federal participation in plan reviews also must be increased.

For a fair number of districts, their entire plans need updating, and the process will inevitably be long and costly. Are there methods other than changing the plan amendment process that could lower the resource intensity of plan revisions? Pre-planning education of coastal districts by the DGC, as described in this report, could go a long way towards decreasing the expenditure of resources on preparation and review of plan elements that are not appropriate or enforceable under the ACMP. This guidance could be provided in a **update of the existing district implementation manual**, a task which is being considered as part of the SAMP project. The manual needs to more heavily focus on actual examples, and the text must be clear and straightforward. The manual should also be condensed in comparison to the existing manual to improve useability. One idea would be preparing a set of **implementation booklets**, each focusing on a broad topic such as the SCRP, local implementation methods, ACMP issues, or governmental roles and responsibilities regarding

district plans. Each booklet could then be divided further into specific aspects of these issues. Another idea is to **design the implementation manual as a generic coastal plan**, with several examples for each plan section and guidance on preparation.

Another potential idea for reducing the resource intensiveness of the ACMP planning process is **relying less on consultants and more on local staff for planning work**. Consultants will probably be needed to assist most districts in planning, but there may be ways for the districts to be more involved. If the plan revisions are done with strong district involvement, the districts may have more familiarity with what is happening with their plans and may, as a result, take more ownership in the plans. This could reduce the possibility of plans being developed that receive little support or use by the local government.

The DGC could **encourage local experimentation with a variety of implementation methods**. One idea is to expand the use of specialized plans, the AMSAs. A district could be given the option of creating or implementing an AMSA plan without also having a comprehensive plan. This would be appropriate if the local government was only devoted to management of a certain coastal area or resource. The districts would need to provide strong justification for an AMSA, specifically demonstrating conflicts or controversies surrounding the proposed planning site. AMSAs for areas without pressing coastal problems have not been highly useful according to research results. Additionally, the districts should receive information about the options for implementation of their plans beyond the standard methods of zoning ordinances and the SCRP. Some of this information can be found in the existing implementation manual.

Miscellaneous

The results of this study suggest that **the effectiveness of purely local implementation methods must be determined**. The SCRP is not an implementation process that has been easy to use for the coastal districts, and centralized control over the process may always discourage local involvement to some extent. Are the districts better able to

reach local coastal goals through methods other than the SCRP? Are the State's goals being implemented by the coastal districts via local methods? If so, the State may need to focus on helping districts improve local implementation methods instead of stressing the SCRP as the primary and best implementation method for coastal plans. The ACMP requires that local involvement be sought and that the resource agencies implement local plans but does not seem to exclude the State from seeking and supporting district involvement through methods other than state consistency reviews. However, the SCRP does offer districts greater influence over state and federal actions than purely local methods can.

An even greater need is for the State to **determine what the on-the-ground impacts of the ACMP, including districts plans, have been.** An impacts study would need to focus on several confined areas in two or three coastal districts. The effects of the program on activities in designated areas within a CRSA (i.e., state responsibility for implementation) and other district types (i.e., shared state and local responsibility for implementation) could be compared. The districts chosen should be characterized by a moderate amount of coastal activity. The actual outcomes of the ACMP could be compared to the identified and perhaps hidden state and local goals for coastal management. Whether outcomes equal the outputs expected is the best test of how a management program is working.

Methodology would be the most critical and difficult aspect of an impacts research project. The project would have to be designed carefully to provide useful information and separate the effects of the ACMP, including the district plans, from the effects of other programs. Impact assessments should start with small, confined areas. The results of the current Kenai River cumulative and secondary impacts project may shed some light on the feasibility of determining the impacts of the ACMP.

The State may want to consider other types of program evaluations since many state and local participants are concerned or frustrated with the entire coastal program and not just the SCRP. One option would be evaluating the logic of the ACMP, specifically how specific are the state and local goals for coastal management, are there obstacles that hinder

goal achievement and what are they, do the goals continue to address the current, long-term management concerns adequately, does the structuring of authorities and responsibilities facilitate or hinder effective and efficient coastal management, and have the chosen implementation methods been successful? The latter question has been partially answered by the 1988 SCRP Report by Gallagher, and this study sheds light on how the SCRP works for the implementation of coastal district plans.

Another critical need is for the DGC to **expend more effort on explaining the benefits of the SCRP and the State's coastal management goals to the state resource agencies and the coastal districts, including the public members.** Coastal district and resource agency participation and support of the SCRP is waning. And the entire ACMP is increasingly threatened by inadequate resources, making the support of participants and the public essential. Yet, public relations is not a high priority at the state or local level. By focusing limited resources away from public relations, the DGC may be reducing local and state support for the process and perhaps the entire program at a time when broad support is most critical. Opportunities for the State and local governments to benefit from the ideas and concerns of those affected by but otherwise outside the process (i.e., the general public) are also being missed.

One final matter related to the coastal districts complaints and concerns about the SCRP deserves mention. **The coastal districts' difficulties with the centralized review process are not that different than the problems many coastal states have with the federal end of coastal zone management.** Lowry et. al. (1993) investigated federal-state coordination under the federal consistency determination, and their findings parallel some of the findings of this study. They found that many coastal states share the following grievances about working with federal agencies or about the federal consistency process: (1) review timeframes are too short, (2) information is often unavailable or inadequate, (3) it is difficult to impossible to attach and enforce conditions on federal permits or actions, (4) disputes arise from misunderstandings and misinterpretations about procedures, (5) the burdens of paperwork and technical analysis often outweigh the benefits for all involved in

the process, (6) disagreements are focused at certain types of projects or particular agencies, and (7) when serious disagreements arise, the federal government is not receptive to state concerns and needs. The State should keep the similarities of the federal-state and state-local experiences in mind while deciding how the recommendations of this study will be addressed. The State may be able to improve its relationships with federal agencies and coastal districts concurrently.

Summary

In conclusion, four broad areas of ongoing problems with the local role in the SCRP have been identified and discussed. First, the State needs to realize and compensate for the fact that the centrally-programmed nature of the consistency process discourages local involvement. The strict rules leave the districts frustrated and concerned about the difficulties they face in making the state and federal governments pay attention to local goals and needs. Second, the DGC and coastal districts must work to improve the communication and coordination between the state and local levels. This is critical for program effectiveness and efficiency. Third, participants in the SCRP must understand their and others roles in the consistency process and ACMP overall. Confusion about the networked nature of the ACMP as well as the procedural nuances of consistency reviews has lead both state and local participants to become frustrated with the consistency process. Finally, the State and districts need to jointly address the fact that many local coastal policies are not amendable to successful implementation. If the districts cannot commit to moderately strong goals, objectives, and policies, then they may be better off attempting to manage the local coastal zone through methods other than consistency reviews. A better solution is for the State to focus on increasing local commitment to the State's coastal goals by encouraging the development of stronger, more specific and yet flexible policies.

The primary incentive for the State to address the issues outlined in this report is the fact that the State really needs to rely heavily on the coastal districts for coastal zone management. The State cannot politically or economically manage the State's coastal resources, uses and activities alone. This leaves the State with two choices, give local

governments a strong role in coastal management or severely limit the scope of the State's efforts to manage coastal resources and uses. The SCRP has increased state agency coordination and communication, and the State can now focus on increased coordination and communication with local governments. In other words, the review process as a management tool has the potential to facilitate efficient and effective decision-making while considering a broad range of local needs and perspectives.

The coastal districts' incentive for improving their role in the consistency process lies in the potential to better influence state and federal actions that directly and indirectly impact local coastal areas and the public. Although local governments have some control over state and federal actions through local land use powers, the CZMA and ACMP greatly strengthen the requirements for state and federal adherence to local controls. Another incentive for the districts to participate in the consistency process is to stay apprised of state and federal political agendas and to tap into the expertise and information about the local coastal zone is available from the state and federal governments.

Following is a summary of this study's recommendations for improving the local role in the SCRP. Most of the actions described will require the input of the state resource agencies and the coastal districts but could be prioritized and initiated by the DGC. Please refer to the text for more details.

- (1) **Make the SCRP a more flexible implementation method**
 - recognize that longer reviews are warranted but are not politically feasible
 - investigate shifting review deadlines, primarily moving the RFAI to equal the comment deadline
 - increase review participants' ability to extend reviews or receive review extensions
- (2) **Address general problems with the consistency comments submitted by coastal districts**
 - recognize/address constraints placed on coastal district participation - time, staff availability, information availability, financial resources, and training needs
 - increase training opportunities for coastal districts - workshops and a consistency comments handbook are two ideas
 - convince the coastal districts, with the assistance of those districts which have

successfully used the SCRP, that training is beneficial

- track the frequency and success of local/state use of coastal district policies
- encourage the coastal districts to ask for comment-writing advice when projects are important locally
- address the frequent attempts by coastal districts to address a broader scope than the SCRP covers. The addition of a socioeconomic standard to the ACMP would give districts a forum for discussing the social and economic values of projects which are frequently cited as rationale for approving coastal projects.
- prepare a checklist of issues that can currently be addressed under the ACMP
- remind the coastal districts that the ACMP and CZMA require a balancing of conservation and development. Some districts want only one or the other.

(3) Investigate the DGC's giving of due deference to review participants

- using the tracking system discussed under Recommendation (2) and (10), determine if state resource agency and coastal district comments are treated comparably
- encourage the coastal districts to evaluate what resources, uses and activities local coastal policies provide due deference over

(4) Re-think the DGC's rationale test for consistency comments

- more weight should be given to observational data and local or professional expertise vs. 'hard facts'
- evaluate whether too much burden is placed on review participants to prove that information is valid. An equal burden could be placed on applicants to demonstrate that information is not valid

(5) Recognize the development of a two-tiered implementation system

- decide how to address developing two-tiered implementation - the SCRP and local implementation methods
- compare the use of local implementation methods and the SCRP by coastal districts. In what situations are local methods more useful and effective for coastal districts?
- If local implementation methods are more effective for local coastal management, then encourage the coastal districts to concentrate on local methods and urge districts without local land use powers to pursue these powers

(6) Address communication and coordination needs

- the DGC must facilitate improved communication among the coastal districts and the state resource agencies. Some ideas are distributing contact lists, providing assistance in the development of state-local working relationships, and trouble shooting when communication obstacles exist
- investigate ways to reduce SCRP and other paperwork distributed to the coastal districts
- encourage the coastal districts to prioritize work and clearly explain what non-response means - is it a lack of interest or a lack of resources/ability to respond?
- improve the coordination of state and local coastal reviews, relying heavily on the

districts for suggestions

- increase contact between applicants and coastal districts to pull the districts more heavily into state consistency reviews

(7) Clarify governmental roles and responsibilities

- clearly outline the planning and implementation (including enforcement) roles of the state resources agencies, the DGC, and the coastal districts
- provide increased training to the coastal districts about the federal role in the ACMP and the relationship of the ACMP and CZMA
- clearly explain the extent of local powers provided by the ACMP. The districts, in general, expected more power than they actually received.

(8) Provide incentives for state resource agency participation in the SCR/ACMP

- address the absence of incentives for the DEC and DNR to implement coastal district plans or participate in the ACMP. A legal requirement without incentives appears to be leading to symbolic compliance. The DFG has two main incentives for implementing local plans and participating in the SCR/ACMP - increased authority and standing in the state review process, and these have been effective incentives.
- better align state resource agency review processes and requirements with the SCR and ACMP requirements
- place the short-term focus on increasing the support of staff within the DEC and DNR for the implementation of coastal district plans

(9) Evaluate enforcement under the SCR/ACMP

- investigate whether local permits can be used for enforcement of at least those stipulations which are based on local coastal policies
- research the frequency and enforcement of homeless stipulations - is there really a problem with homeless stipulations or is enforcement a statewide problem?
- investigate whether a process for the enforcement of homeless stipulations should be codified in state regulations
- determine if the enforcement problems are exacerbated by state enforcement mechanisms which are too difficult and resource-intensive
- encourage coastal districts to develop strong, clear policies because they are easier to enforce

(10) Strongly encourage or require the coastal districts to evaluate the effectiveness of local coastal policies.

- track the frequency of policy use and any problems or successes the coastal districts have using local coastal policies
- utilize Annual and Quarterly reports submitted by the coastal districts and the state resource agencies as a method for tracking problems with local coastal policies
- investigate whether the DGC database can be used to track local policy use or problems
- ground truth old and new local policies with state and local staff responsible for

implementing those policies

- provide financial or research assistance for policy evaluations

- (11) **Strongly focus on the enforceable policies of local plans during the development of new plans or during plan revision reviews**
 - require a pre-planning analysis - is there a need for new policies or policy revisions and is the ACMP or SCRP the best route for reaching local goals
 - provide the coastal districts with guidance on writing strong but flexible performance-based policies and using enforceable policy language as a means to encourage stronger local policies
 - provide the coastal districts with guidance about addressing implementation, including enforcement, in the policy formulation/revision stage
- (12) **Investigate the use of variance/exemption procedures for coastal district policies**
 - determine if a state-level variance/exemption procedure is feasible - this program change will help to encourage the coastal districts to develop stronger policies
 - develop criteria for state or local variances
 - encourage the coastal districts to include a variance/exemption procedure in the implementation sections of local plans or encourage the districts to attach variance procedures to certain policies
- (13) **Increase the flexibility and efficiency of the ACMP planning process**
 - streamline the plan amendment process by processing more revisions as minor changes (as opposed to major changes) and add a middle category for plan revisions which are neither minor or major
 - clearly explain to the coastal districts how plan amendments are classified
 - allow strategic planning for new and revised plans to allow the concentration of resources on planning to which the coastal districts are committed
- (14) **Address low participation in plan reviews**
 - make plan reviews a higher priority for the DGC review coordinators, placing plan reviews equal with or above project reviews
 - address the low priority of plan reviews for most state implementors with knowledge and experience with policy implementation and the SCRP
 - in some cases, federal participation in plan reviews must be increased
- (15) **Investigate whether the coastal districts should be more directly involved in planning**
 - determine if consultants or coastal districts can accomplish planning tasks more economically and efficiently
 - determine if the coastal districts understand or take ownership in the plans produced by consultants

- (16) **Consider program-wide evaluations of the ACMP**
- determine the on-the-ground impacts of the ACMP and coastal district plans in a few, select areas. Do the outcomes match the state and local intentions for coastal management?
 - determine if the organizational structure of the ACMP is the best approach?
- Limited state resource agency support and enforcement are two key problems with the current approach.
- (17) **Increase public relations**
- address the waning state resource agency and coastal district enthusiasm about the SCRP and ACMP
 - put a greater emphasis on public outreach since public support of the program is increasingly critical as state and local budgets decline

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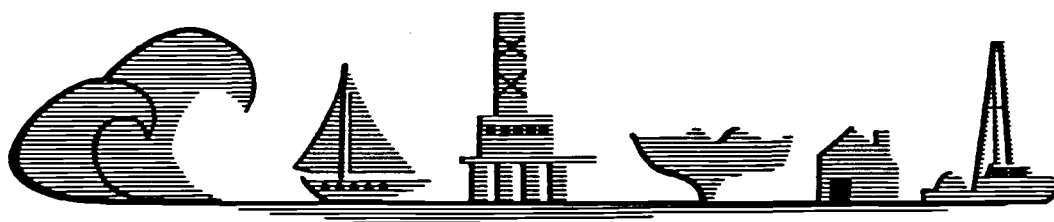
When I look back to the path that has brought me to this point, I realize that so many people have touched my life and contributed to my reaching this goal. I cannot begin to list them all but must say a special thanks to some of you. First, I must thank my parents because without their continual support I could not have made it this far. Every day teaches me that you really are the best. Second, I must thank my sisters who are the best friends a person could have. To Suzanne and Charlene, thanks for the encouragement and for always letting me know that you wish I would return to the NE. Maybe one of these days I'll be back?!?! To Jeanne and Jennifer, thanks for all the advice, phone calls and especially for encouraging me to pursue an education and to see the world...through the combination of these two endeavors, I have learned a great deal. To my nieces and nephews, may you some day forgive me for all the times I wasn't there. To the friends I've met along the way...the hometown, Long Island, NY City, England, and OR. Special thanks to Jennifer, my hometown compadre from kindergarten onward. Thanks also to Jessica and Roseanne for keeping in touch over the years. Jennifer J. and Laura from L.I. days, you are two of the best friends I'll ever have!! Wind, I'm glad that there is one who can understand and that it is you. Katy, Susan and Eric and all my other OSU buds, I hope we keep in touch as we go our separate ways. You made continued education bearable. Also, here's looking at the C.I.L. gang. I enjoyed working with you all and wish you all the best. Very special thanks to BK who's been there from E to W and now to N, I bet you never thought you'd be in Juneau! It's been a long, strange trip and I'm very glad you came along for the ride; hope you've had as much fun as I. I especially must thank you for your patience, support and understanding as I pursued this goal. To Gretchen and Kerry at the DGC, thanks for not tossing my internship request aside and for the many interesting and informative discussions about the world of coastal management. Sara, thanks for giving me the opportunity to participate in the realm of coastal planning. Carrie, Karen and Lorraine, work just wouldn't be as fun without ya! And I cannot forget the rest of the DGC gang. You are a wonderful group of people to work with! Finally, to all the people who took time out of their overly busy schedules to answer one of my surveys, I extend my appreciation.

APPENDIX A

Alaska Coastal Management Program

STATUTES AND REGULATIONS

September 1991



State of Alaska
Office of the Governor
Division of Governmental Coordination

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Introduction

This document contains the Alaska statutes and regulations governing the Alaska Coastal Management Program (ACMP), the federal regulations relating to federal consistency with approved state coastal management programs and the federal Coastal Zone Management Act of 1972, as amended.

The ACMP was established by the Alaska Legislature in 1977. The Alaska Coastal Management Act (AS 46.40) provides the legislative authority for the program. In addition, certain sections of AS 44.19 provide authority for the program.

Two sets of State regulations have been adopted for the program. The Alaska Administrative Code, 6 AAC 50, contains regulations governing how the State reviews projects for consistency with the ACMP. These regulations were adopted in 1984. Also, the Coastal Policy Council promulgated regulations governing the ACMP based on AS 46.40 as 6 AAC 80 and 6 AAC 85. These include substantive standards for coastal development and guidelines for the development of detailed coastal management programs by local coastal resource districts. These regulations were adopted in 1979 and subsequently amended several times.

One set of federal regulations, 15 CFR 930, provides direction for federal agencies conducting or supporting activities affecting the coastal zone, issuing permits for coastal projects and approving Outer Continental Shelf (OCS) plans. These regulations mandate consultation and concurrence with an approved State management program prior to federal action.

For further information on the Alaska Coastal Management Program, please contact:

The Division of Governmental Coordination
P.O. Box AW
Juneau, AK 99811-0165
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Title 44

Chapter 19. Office of the Governor.

Article 9. Office of Management and Budget.

Section

141. Alaska office of management and
budget
142. Director
143. Personnel

144. Powers and duties of the director
145. Functions and duties of the office
152. Definitions

NOTE: Only those sections of Article 12 related to the Alaska Coastal Management Program are reprinted here.

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- Sec. 44.19.145. Functions and duties of the office.** (a) The office shall
- (1) provide technical assistance to the governor and the legislature in identifying long range goals and objectives for the state and its political subdivisions;
 - (2) prepare and maintain a state comprehensive development plan;
 - (3) provide information and assistance to state agencies to aid in governmental coordination and unity in the preparation of agency plans and programs;
 - (4) review planning within state government as may be necessary for receipt of federal, state, or other funds;
 - (5) participate with other countries, provinces, states, or subdivisions of them in international or interstate planning, and assist the state's local governments, governmental conferences, and councils in planning and coordinating their activities;
 - (6) encourage educational and research programs that further state planning and development, and provide administrative and technical services for them;
 - (7) publish such statistical information or other documentary material as will further the provisions and intent of AS 44.19.141 - 44.19.152;
 - (8) assist the governor and the Department of Community and Regional Affairs in coordinating state agency activities that have an effect on the solution of local and regional development problems;
 - (9) serve as a clearinghouse for information, data, and other materials that may be helpful or necessary to federal, state, or local governmental agencies in discharging their respective responsibilities or in obtaining federal or state financial or technical assistance;
 - (10) review all proposals for the location of capital improvements by any state agency and advise and make recommendations concerning location of these capital improvements;
 - (11) render, on behalf of the state, all federal consistency determinations and certifications authorized by 16 U.S.C. 1456 (Sec. 307, Coastal Zone Management Act of 1972), and each conclusive state consistency determination when a project requires a permit, lease, or authorization from two or more state resource agencies.
- (b) The office shall, in carrying out its functions, consult with local, regional, state and federal officials, private groups and individuals, and with officials of

Consistency Reviews

Article 10. Alaska Coastal Policy Council.

Section

155. Alaska Coastal Policy Council

Sec. 44.19.155. Alaska Coastal Policy Council. (a) There is created in the Office of the Governor the Alaska Coastal Policy Council. The council consists of the following:

Public Members

(1) nine public members appointed by the governor from a list comprised of at least three names from each region, nominated by the municipalities of each region; the nominees shall be the mayor or member of the assembly or council of a municipality; one public member shall be appointed from each of the following general regions:

(A) northwest Alaska, including, generally, the area of the North Slope Borough and the Northwest Arctic regional educational attendance area;

(B) Bering Straits, including, generally, the area of the Bering Straits regional educational attendance area;

(C) southwest Alaska, including, generally, the area within the Lower Yukon, Lower Kuskokwim, Southwest, and Lake-Peninsula regional educational attendance areas and the Bristol Bay Borough;

(D) Kodiak-Aleutians, including the area of the Kodiak Island Borough and the Aleutian, Adak and Pribilof regional educational attendance areas;

(E) Upper Cook Inlet, including the Municipality of Anchorage and the Matanuska-Susitna Borough;

(F) Lower Cook Inlet, including, generally, the area within the Kenai Peninsula Borough;

(G) Prince William Sound, including, generally, the area east of the Kenai Peninsula Borough to 141° W. longitude;

(H) northern Southeast Alaska, including the area southeast of 141° W. longitude and north of 57° N latitude, including the entirety of the City and Borough of Sitka; and

(I) southern Southeast Alaska, including that portion of southeastern Alaska not contained within the area described in (H) of this paragraph;

State Members

(2) each of the following:

(A) the director of the office of management and budget;

(B) the commissioner of commerce and economic development;

(C) the commissioner of community and regional affairs;

(D) the commissioner of environmental conservation;

(E) the commissioner of fish and game;

(F) the commissioner of natural resources; and

(G) the commissioner of transportation and public facilities.

Term of Office

(b) Each public member appointed by the governor under (a)(1) of this section serves a term of two years and until a successor is appointed and qualified. A public member may be reappointed.

(c) The council shall designate co-chairmen, one of whom shall be selected from among the public members appointed under (a)(1) of this section and one from among the members designated in (a)(2) of this section.

Alternates

(d) Each member of the council shall select one person to serve as a permanent alternate at meetings of the council. If a member of the council is unable to attend, the member shall advise the alternate who may attend and act in place of the member. The alternate for a public member appointed after July 9, 1978 under (a)(1) of this section shall, at the time of the alternate's designation and throughout the period of service as a permanent alternate, be the mayor or

Sec. 44.19.161. Duties of the council. In conformity with 16 U.S.C. 1451-1464 (Coastal Zone Management Act of 1972), as amended, the council shall

(1) through the public hearing process and the recording of the minutes of the hearings, develop guidelines and standards for the preparation of, and approve, in accordance with AS 46.40, the Alaska coastal management program;

(2) establish continuing coordination among state agencies to facilitate the development and implementation of the Alaska coastal management program; in carrying out its duties under this paragraph, the council shall initiate an interagency program of comprehensive coastal resource planning for each geographic region described in AS 44.19.155(a)(1);

(3) assure continued provision of data and information to coastal resource districts to carry out their planning and management functions under the program;

(4) submit annually to the legislature, no later than the 10th day of each regular session, the portion of the coastal management program approved or amended by the council during the preceding year. (§ 3 ch 84 SLA 1977)

Revisor's notes. - Formerly AS 44.19.893.
Renumbered in 1980.

Sec. 44.19.162. Council staff. The council shall use the staff of the office of coastal management within the office of management and budget in discharging its powers and duties. The coordinator of the office of coastal management, under the direction of the council co-chair who is selected from among the members designated in AS 44.19.155(a)(2), may contract with or employ personnel or consultants the coordinator considers necessary to carry out the powers and duties of the council. (§ 3 ch 84 SLA 1977; am § 24 ch 63 SLA 1983)

Revisor's notes. - Formerly AS 44.19.894.
Renumbered in 1980.

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;

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 Program, 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

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

(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.

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. - 76 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

and duties and perform the functions prescribed for or required of coastal resource districts.

(b) A coastal resource service area board shall contain seven members. Board members shall be elected at large by the qualified voters of the coastal resource service area.

(c) The commissioner of the Department of Community and Regional Affairs, after consultation with residents of a coastal resource service, may divide a service area into sections only for the purpose of nominating and electing board members. Division of a service area into sections for the purpose of nomination and election shall be in accordance with the provisions of AS 14.08.051(a). Division may be proposed in the petition submitted under AS 46.40.130(a)(1), in the resolution submitted under AS 46.40.130(a)(2), at the direction of the council under AS 46.40.130(a)(3), or may be proposed at any time by the members of the coastal resource service area board. If proposed by the board, the division of the service area into sections is subject to approval of a majority of the qualified voters voting on the question in the coastal resource service area at the next regular election or at the special election called for that purpose and, if approved, takes effect at a next regular election of members of the coastal resource service area board.

(d) The term of office of a member of a coastal resource service area board is three years, except that the terms of the members of the first board elected after organization of a coastal resource service area shall be determined by lot, with two members serving one-year terms, two members serving two-year terms, and three members serving three-year terms. Members serve until their successors are elected and have qualified. This section does not prohibit the reelection of a board member.

(e) The lieutenant governor shall provide for the election of the members of coastal resource service area boards. The first election of board members shall occur at the same time as the organization election under AS 46.40.130(b).

(f) Except for the first election of members of coastal resource service area boards, elections shall be held annually on the date of election of members of regional educational attendance area boards under AS 14.08.071(b). For an election under this subsection or under (e) of this section, a newly elected board member takes office at the first coastal resource service area board meeting after certification of the election. If no candidate files for election to a seat on the coastal resource service area board, the seat is considered vacant at the time a newly elected member would have taken office.

(g) A seat on a coastal resource service area board shall be declared vacant by the board if the criteria under AS 14.08.045(a) apply to the person elected. A vacancy on a coastal resource service area board shall be filled by appointment as provided in AS 14.12.070 for vacancies in the membership of regional educational attendance area boards.

(h) Members of coastal resource service boards are subject to recall on the same grounds and in the same manner as provided for recall of municipal officials in AS 29.26.240 - 29.26.350. The lieutenant governor functions in place of the assembly or council and municipal clerk for receipt and review of recall petitions and the conduct of recall elections. (§ 4 ch 84 SLA 1977; am § 85 ch 74 SLA 1985; am §§ 5 - 7 ch 129 SLA 1990)

Effect of amendments. - The 1990 amendment rewrote the second sentence in subsection (e); added the second and third sentences in subsection

(f); and added the first sentence and made an internal reference change in the second sentence in subsection (g).

(c) Before requesting the department to complete the district coastal management program under (b) of this section, the council shall meet with the members of the coastal resource service area board to determine whether the board is able to complete a district coastal management program within the time limitations established in this section. (§ 4 ch 84 SLA 1977)

Sec. 46.40.180. Approval of programs in coastal resource service areas. (a) Before adoption by a coastal resource service area board, or by the Department of Community and Regional Affairs under AS 46.40.170, a district coastal management program shall be submitted for review to each city or village within the coastal resource service area. The council of a city or traditional village council shall consider the program submitted for review. Within 60 days of submission, the council of a city or traditional village council shall either approve the program or enter objections to all or any portion of the program.

(b) If a city or village within a coastal resource service area fails to approve a portion of the district coastal management program prepared and submitted for approval under (a) of this section, the governing body shall advise the coastal resource service board or the department, as applicable, of its objections to the proposed program and suggest alternative elements or components for inclusion in the district coastal management program. New matter submitted by a city or village which is substantially consistent with the guidelines and standards adopted by the council shall be accepted and the district coastal management program modified accordingly. If a city or village fails to provide objections and suggested alternatives within the time limits established in this section, the coastal resource service area board or the department, as applicable, may adopt the district coastal management program as initially offered.

(c) Objection by a city council under (b) of this section is limited to objection to elements of the program affecting resources or the use of resources within the corporate limits of the city. Objection by a traditional village council under (b) of this section is limited to objection to elements of the program affecting resources or the use of resources within the village or within two miles of the village.

(d) For purposes of this section, "village" means an unincorporated community where at least 25 persons reside as a social unit as determined by the Department of Community and Regional Affairs. (§ 4 ch 84 SLA 1977)

(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;

ALASKA ADMINISTRATIVE CODE

TITLE 6 GOVERNOR'S OFFICE

CHAPTER 50. PROJECT CONSISTENCY WITH THE ALASKA COASTAL MANAGEMENT PROGRAM

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

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

(A) all responses concurring in or objecting to a federal consistency certification or determination which is required or authorized by sec. 307 of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. § 1456, (CZMA), and

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

(2) the responsibility of resource agencies to implement the ACMP by making conclusive consistency determinations for projects requiring the permit of a single state agency and no federal permit, and to expedite their permit review procedures, to the extent permitted by law, by coordinating their own procedures with the consistency review of a project. (Eff. 3/11/84, Register 89)

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

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

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

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

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

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

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

additional information or applications from the applicant as necessary for its consistency review or its own statutory responsibilities. On or before Day 2, the coordinating agency will distribute copies of the packet to all resource agencies, other state agencies on request, all affected coastal resource districts, and other interested parties. For a 30-day review, the distribution may be limited in the discretion of the coordinating agency but must, if requested in writing, include any affected coastal district with an approved program. Along with the packet, the coordinating agency will distribute a notice establishing a comment deadline at Day 34, or at Day 17 in a 30-day review period, or later if the review period is extended as provided in 6 AAC 50.100. The notice will also state the applicable time limit, if any, imposed by the federal law or regulation.

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

(g) The coordinating agency, on its own initiative or at the request of a resource agency or of an affected coastal district with an approved program, may request from the applicant by Day 25, or Day 15 of a 30-day review period, additional information relevant to the proposed project, which is necessary for its consistency review or its own statutory responsibilities.

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

(i) The coordinating agency shall encourage and facilitate consideration of comments received and discussion among the resource agencies. The coordinating agency shall determine whether there is a consensus among the resource agencies regarding a proposed consistency determination. The coordinating agency shall notify the affected coastal resource district with an approved program and the applicant on or before Day 44, or Day 24 in a 30-day review period, of the proposed determination or the issues to be resolved.

6 AAC 50.080. CONFIDENTIAL INFORMATION AND FEES. An application for a state permit requiring information which must by law be held in confidence, and any fee associated with a state permit, must be submitted by the applicant directly to the agency with responsibility for issuing the permit. The agency shall delete the confidential information from any copy of the application which is distributed for a consistency review under this chapter. (Eff. 3/11/84, Register 89)

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

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

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

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

coastal resource districts of the terms of an extension. The limits on extensions are

- (1) for a project located in the unorganized borough, the coordinating agency may, without a request, extend both the comment and decision deadlines by 10 days;
 - (2) if a commenting agency requests time to perform a field review, the coordinating agency may extend the remaining deadlines by up to 10 days;
 - (3) if the project involves a disposal of interest in state land or resources and DGC is the coordinating agency, it will, on DNR's request, extend both the comment and decision deadlines for a period necessary to most efficiently coordinate the consistency review and the DNR disposal process;
 - (4) for a project which is subject to the Surface Mining Control and Reclamation Act of 1977, P.L. 95-87, 91 Stat. 445 (1977), 30 U.S.C. § 1201 et seq., the consistency review deadlines will be extended as necessary to conform to the requirements of that Act and of the Alaska Surface Mining Control and Reclamation Act, AS 27.21;
 - (5) if a public hearing is held as part of the consistency review process, or as part of a resource-agency review of a necessary permit, the coordinating agency may extend both the comment and decision deadlines as necessary;
 - (6) if the coordinating agency requests additional information from the applicant as provided in 6 AAC 50.070, the agency may extend the remaining deadlines for a period equal to the time elapsed between the request and receipt of the information;
 - (7) if the coordinating agency determines that a consensus among the resource agencies, any affected coastal resource district, and the applicant cannot be reached within a 50-day review period, it shall state in writing the issues or conditions which require additional time for review, and may extend the remaining deadlines for up to 15 days for each higher level of review provided in 6 AAC 50.070(k);
 - (8) if the applicant requests an extension, the coordinating agency may extend the remaining deadlines as requested;
 - (9) if the coordinating agency determines that the project involves unusually complex issues, it may extend the deadlines as necessary; if the deadline is extended under this paragraph, the agency shall by Day 50, or Day 30 of a 30-day review period, distribute to the resource agencies, the affected coastal resource districts, and the applicant, a written statement of the issues which remain to be resolved; the coordinating agency shall notify all interested parties promptly as issues are resolved.
- (c) All time periods in this chapter must be calculated using calendar days. An action required to be taken on a Saturday, Sunday, or

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

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

6 AAC 50.190. DEFINITIONS. In this chapter and in AS 44.19.145(a)(11)

- (1) "ACMP" means the Alaska Coastal Management Program, as amended, which was developed as provided in AS 46.40, 6 AAC 80, and 6 AAC 85, and approved by the Secretary of the United States Department of Commerce under authority of sec. 305 of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. § 1454;
- (2) "affected coastal resource district" means a coastal resource district as defined in AS 46.40.210(2) in which a project is proposed to be located, or which may experience a direct and significant impact from a proposed project;
- (3) "approved program" means a coastal resource district program that has been approved by the Alaska Coastal Policy Council and filed by the lieutenant governor's office;
- (4) "consistency" means compliance with the standards of the ACMP, including the enforceable policies of an approved coastal resource district program;
- (5) "coordinating agency" means the agency responsible for coordinating and facilitating the review and rendering the determination;
- (6) "CZMA" means the federal Coastal Zone Management Act of 1972, as amended, 16 U.S.C. § 1451 et seq.;
- (7) "DGC" means division of governmental coordination within the office of management and budget in the Office of the Governor;
- (8) "DNR" means the Department of Natural Resources;
- (9) "determination" or "consistency determination" or "conclusive consistency determination" means
 - (A) a document issued by the coordinating agency containing a brief description of the project, and the findings of the consistency review together with any stipulations, conditions, or modifications to the project which must be attached to the applicable permits, and a brief justification for those necessary modifications, conditions, or stipulations, and includes

PART 6. ALASKA COASTAL POLICY COUNCIL

Chapter

- 80. Standards of the Alaska Coastal Management Program (6 AAC 80.010 — 6 AAC 80.900)
- 85. Guidelines for District Coastal Management Programs (6 AAC 85.010 — 6 AAC 85.900)

CHAPTER 80. STANDARDS OF THE ALASKA COASTAL MANAGEMENT PROGRAM

Article

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

Article 1. Government Process

Section

- 10. Coverage of chapter
- 20. Public participation and information

Section

- 30. Program management and coordination

6 AAC 80.010. COVERAGE OF CHAPTER. (a) This chapter contains standards for the use of and application by districts and state agencies in carrying out their responsibilities under the Alaska Coastal Management Act (AS 46.40, and AS 44.19.891 — 44.19.894).

(b) Nothing in this chapter or in any district program displaces or diminishes the authority of any state agency or local government with respect to resources in the coastal area. Uses and activities conducted by state agencies in the coastal area must be consistent with the applicable district program and the standards contained in this chapter. In authorizing uses or activities in the coastal area under its

necessary, translation into the appropriate Native language is provided. (Eff. 7/18/78, Register 67)

Authority: AS 44.19.161
AS 46.40.040

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

- (1) present the staff position regarding matters before the council;
 - (2) coordinate the activities of state agencies participating in the Alaska coastal management program; and
 - (3) review state and federal actions for consistency with the Alaska coastal management program, as provided in 6 AAC 50.
- (b) The council will initiate an interagency program of comprehensive resource management for each geographic region listed in AS 44.19.155. Regional programs will
- (1) assist the council and districts in identifying uses of state concern and developing management policies for these uses;
 - (2) provide resource, social, and economic information on a coordinated regional basis; and
 - (3) assist the council and districts in identifying, avoiding, or minimizing existing or potential conflicts.
- (c) Plans and recommendations developed as part of the regional program described in (b) of this section must be transmitted to the district through the division of governmental coordination. District planning efforts must demonstrate review and consideration of these plans and recommendations. If the final district program proposed does not agree with the regional program plans and recommendations, the differences will be resolved by the council.
- (d) The council will prepare a manual of standards for the management of land and water uses in the coastal area to assist in the development of district and state agency programs. (Eff. 7/18/78, Register 67; am 10/28/84, Register 92)

Authority: AS 44.19.145(a)
AS 44.19.161
AS 46.40.040

Authority: AS 44.19.161
AS 46.40.040

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

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

- (1) site facilities so as to minimize adverse environmental and social effects while satisfying industrial requirements;
- (2) site facilities so as to be compatible with existing and subsequent adjacent uses and projected community needs;
- (3) consolidate facilities;
- (4) consider the concurrent use of facilities for public or economic reasons;
- (5) cooperate with landowners, developers, and federal agencies in the development of facilities;
- (6) select sites with sufficient acreage to allow for reasonable expansion of facilities;
- (7) site facilities where existing infrastructure, including roads, docks, and airstrips, is capable of satisfying industrial requirements;
- (8) select harbors and shipping routes with least exposure to reefs, shoals, drift ice, and other obstructions;
- (9) encourage the use of vessel traffic control and collision avoidance systems;
- (10) select sites where development will require minimal site clearing, dredging and construction in productive habitats;
- (11) site facilities so as to minimize the probability, along shipping routes, of spills or other forms of contamination which would affect fishing grounds, spawning grounds, and other biologically productive or vulnerable habitats, including marine mammal rookeries and hauling out grounds and waterfowl nesting areas;
- (12) site facilities so that design and construction of those facilities and support infrastructures in coastal areas of Alaska will allow for the free passage and movement of fish and wildlife with due consideration for historic migratory patterns and so that areas of particular scenic, recreational, environmental, or cultural value will be protected;
- (13) site facilities in areas of least biological productivity, diversity, and vulnerability and where effluents and spills can be controlled or contained;
- (14) site facilities where winds and air currents disperse airborne emissions which cannot be captured before escape into the atmosphere;

designed, and conducted so as to be compatible with the standards contained in this chapter, adjacent uses and activities, statewide and national needs, and district programs.

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

Authority: AS 44.19.161
AS 46.40.040

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

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

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

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

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

Authority: AS 44.19.161
AS 46.40.040

Article 3. Resources and Habitats

Section

130. Habitats

140. Air, land, and water quality

Section

150. Historic, prehistoric, and archaeological resources

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

- (1) offshore areas;
- (2) estuaries;
- (3) wetlands and tideflats;
- (4) rocky islands and seacliffs;
- (5) barrier islands and lagoons;
- (6) exposed high energy coasts;

(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

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

Section

170. Areas which merit special attention outside districts

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

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

Authority: AS 44.19.161
AS 46.40.040

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-

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;

(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

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-

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

Authority: AS 44.19.161
AS 46.40.030
AS 46.40.040

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

Authority: AS 44.19.161
AS 46.40.030
AS 46.40.040

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

- (1) comprehensiveness, so as to apply to all uses, activities, and areas in need of management;
- (2) specificity, so as to allow clear understanding of who will be affected by the district program, how they will be affected, and whether specific proposals for land and water uses and activities will be allowed; and
- (3) enforceability, so as to insure implementation of and adherence to the district program.

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

(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

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

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.

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;

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

Statutory/Regulatory
Citation

Coastal Policy Council Duty, Function, or Responsibility

Actions Taken/Current Status

Alaska Coastal Management Act (1977; 1978)

AS 46.40.010

CPC approves and reviews the ACMP. When appropriate, the ACMP is revised to:

- (1) add new district programs or amendments to ACMP;
- (2) integrate new district programs or amendments with existing approved programs and with plans developed by State agencies;
- (3) add new/revised State statutes, policies, regulations, or other appropriate material;
- (4) review effectiveness of district program implementation; and

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

All CPC reviews and revisions conducted in accordance with the ACMP guidelines and standards.

AS 46.40.040

CPC duties:

- (1) adopt, by regulation, guidelines and standards for district coastal boundaries, subject uses and activities, policies, procedures, special areas, and measuring the progress of coastal district in meeting its responsibilities under AS 46.40;

- (2) develop and maintain financial and technical assistance to coastal districts for development and implementation of district programs;

First program in 1980; ongoing.

Ongoing process to ensure compatibility during district program development, DGC review, and CPC approval.

Ongoing.

DCRA monitoring of district participation in consistency reviews occurs through quarterly reports; districts identify implementation problems/solutions in annual reports (6 AAC 85.120); ongoing agency-district dialogue on using programs during consistency reviews.

Ongoing through presentations to at CPC meetings; agencies and districts funded to undertake special projects to obtain new information.

Standard procedures used, unless actions are governed by the Alaska Administrative Act (APA).

Substantially complete and adopted by 1979.

Annual competitive grants of about \$1M selected by DCRA and DGC; administered by DCRA. Technical assistance provided by DGC, DCRA, and other State agencies.

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Statutory/Regulatory
Citation

Coastal Policy Council Duty, Function, or Responsibility

Actions Taken/Current Status

REGULATORY BASIS OF COASTAL POLICY COUNCIL

Project Consistency with ACMP (1984)

6 AAC 50.190 CPC referenced in definition of "approved [district] program". Unchanged since 1984 adoption.

ACMP Standards (1978; 1979; 1981; 1984; 1985; 1986)

6 AAC 80.010 CPC will review ACMP standards annually. No formal annual review; standards reviewed and revised as needed.

6 AAC 80.020 Public participation and public notice requirements of CPC actions; CPC will provide adequate public information and education. DGC routinely notices CPC meetings and widely distributes meeting agenda; "barebones" public information effort in overall program in recent years.

6 AAC 80.030 CPC will initiate interagency program of comprehensive resource management in coastal regions; Local district planning emphasized in ACMP, rather than State-directed regional planning; issue reexamined briefly in 1984-85 for areas without district plan - no change in approach.

CPC will resolve differences between district plans and regional program plans and recommendations; and State-directed regional planning does not occur under the ACMP.

CPC will prepare manual of ACMP standards for management of land and water uses. Manual prepared in 1979; revised in 1982. Unused today.

6 AAC 80.160 CPC designates an AMSA inside a coastal district under standard procedures for district program approval. Ongoing; district performs the detailed planning; regulations under review as part of FY94 - FY95 special project.

6 AAC 80.170 CPC authorizes planning for and designation of an AMSA outside a coastal district's boundaries. Regulation adopted in 1985; only two AMSA plans for areas outside a district's coastal boundaries.

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APPENDIX B

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?

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?

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?

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?

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?

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

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

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.

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

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.

CONSISTENCY REVIEW FILES INVESTIGATED
DGC-Coordinated Reviews from FY92 and FY93

Angoon

AK9109-02JJ Angoon Waterline

AK9207-12JJ Chatam Strait 79

Total = 2

Klawock

AK9203-09JJ Klawock Inlet 102

AK9208-13JJ Klawock Inlet 102 Modif.

Total = 2

Saint Paul

AK9202-23AA Bering Sea 62 Modif. 3

AK9202-25AA Bering Sea 62 Modif. 4

AK9205-14AA Zapandi Bay 2

AK9211-09AA Bering Sea 42 Modif.

AK9305-20AA Zapandi Bay 4

AK9305-23AA Bering Sea 44 Modification

AK9306-01AA Bering Sea 42 Modification

AK9306-34AA Bering Sea 72

Total = 8

Skagway

AK9111-14JJ Taiya Inlet 3

AK9112-10JJ Skagway River Sand & Gravel Site Expansion

AK9206-11JJ Pullen Creek 1

AK9212-08JJ Skagway River Material Modification

Total = 4

Valdez

AK9112-12AA Petro Star Valdez Refinery

AK9203-49AA Port Valdez 98 Modif. 3

AK9205-12AA Corrosion Investigation Dig - Lowe River

AK9205-17AA Port Valdez 83 Modif.

AK9207-01AA Valdez Terminal Tank Farm Hydrostatic Testing

AK9305-17AA Steven F. Hanson Stream Culvert

AK9306-02PP Port Valdez 112

Total = 7

(1 file not found - AK9209-05AA/Port Valdez 83 Modification - consistency review)

City and Borough of Juneau

AK9107-02JJ Switzer Creek 6

AK9107-05JJ Mendenhall River 36

AK9107-06JJ Mendenhall River 37

AK9109-05JJ Mendenhall River 35

AK9108-21AA	NPDES - East Point Seafoods
AK9108-22AA	NPDES - All AK Seafoods (Alkod Facility)
AK9108-23AA	NPDES - All AK Seafoods (Star of Kodiak)
AK9111-09AA	U.S. Navy Cold Weather Training Facility - Kodiak Island
AK9204-16AA	Near Is. Channel 2
AK9204-17AA	Pasagshak River Bridge
AK9206-24AA	NPDES - AK Pacific Seafoods
AK9206-25AA	NPDES - Western AK Fisheries
AK9206-26AA	NPDES - All AK Seafoods (Star of Kodiak)
AK9207-14AA	Russian Creek 1
AK9207-21AA	Hidden Lake/Creek Salmon Weir
AK9207-28AA	Kadiak AK Subdivision Fill
AK9208-01AA	Marmot Straight 1**
AK9208-02AA	Hendel-Pasagshak River Stream Crossing
AK9208-20AA	Trident Basin 2
AK9209-04AA	Horseshoe Lake 1
AK9210-04AA	Gibson Cove 1 Modif.
AK9211-05AA	NPDES - Ursin Seafoods Inc.
AK9211-07AA	NPDES - AK Fresh Seafood Inc.
AK9212-04AA	Lake Catherine Landfill
AK9212-07AA	City of Ouzinkie Water Main
AK9302-32AA	Womens Bay 19 Modif.
AK9304-16AA	Near Is. Quarry Environmental Assessment
AK9304-17AA	Kiewit Pacific Co. - Near Is. Quarry
AK9306-09AA	Larsen Bay Airport Improvements
AK9306-15AA	Sitkalidak Strait 1 Modification
AK9306-32AA	Sitkalidak Strait 14
	Total = 35

(3 files not found - AK9107-08AA/Kempff Bay 1 Modification, AK9108-01AA/Marmot Straight 1, AK9306-06AA/Marmot Straight 1 Modification - consistency reviews)

Bering Straits

AK9107-04FF	Shishmaref Inlet 1 Modif. - Airport
AK9107-09FF	Galovin Bay 2
AK9108-01FF	Fish River 3
AK9108-02FF	Bering Straits 4
AK9108-03FF	Bering Straits 5
AK9109-07FF	National Guard Training - Unalakleet to Kaitag
AK9111-07FF	DERP Phase II - Unalakleet Aircraft and Warning Site
AK9201-01FF	Nadezhshada - Hope '92
AK9203-10FF	Bering Sea 68
AK9204-14FF	Sulphur Creek 1
AK9204-07FF	Nome River 1
AK9205-07FF	Beaufort Sea 69
AK9206-01FF	DERP Phase II - Cape Rodney Site
AK9206-02FF	DERP Phase II - Kougarok Auxiliary

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

(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

(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

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

(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

- 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:

- 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

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

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

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
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 = 1/2 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

- 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

(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

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

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

- 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:

(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

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 (SCRCP):

(1) Is the SCRCP 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 SCRCP 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

(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:

(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

- 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

- 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

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

- *** ●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.