



# Alaska Common Ground

## **Perspectives on Alaska Coastal Management**

***Voter Education Resources for Ballot Measure 2***

Compiled by  
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July 2012

## Voter Information

Primary Election Day: **Tuesday, August 28, 2012** - Polls are open from 7:00 a.m. – 8:00 p.m. Deadline for voter **Registration** and registration updates: Sunday, July 29, 2012. You may register at any elections office, DMV office, city clerk's office and many other public offices and libraries, or online at <http://www.elections.alaska.gov/ot.php>.

## Instructions for Absentee Voting

**Voting By-Mail:** Receive a ballot through the mail. Application Deadline: Saturday, August 18, 2012. Application forms may be completed online at <http://www.elections.alaska.gov/ot.php> or at any elections office. Completed ballots must be postmarked by August 28.

**Voting By-Fax:** Have a ballot faxed to you. Applications will be posted on the elections website August 13. The deadline for submitting an application is Monday, August 27, 2012, 5:00 p.m. Fax your completed ballot to the Absentee and Petition Office by Tuesday, August 28, 2012, 8:00 p.m.

**Vote absentee early and in-person:** A registered voter may vote at any Regional Elections Office or absentee voting location. Early and In-Person Absentee, Special Needs and By-Fax Voting begins Monday, August 13, 2012, and continues through election day.



# Alaska Common Ground

[www.akcommonground.org](http://www.akcommonground.org)

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Dear Alaska Voter:

The Alaska Coastal Management Program initiative will appear on the statewide August 28<sup>th</sup> primary election ballot. Alaska Common Ground has developed this information packet to assist you to better understand the initiative. The same material can be viewed or downloaded from our website at <http://www.akcommonground.org>

Included are 1) a legislative history of the Alaska Coastal Management Program and overview of the current initiative; 2) a statement supporting the initiative from The Alaska Sea Party; 3) a statement opposing the initiative from the Resource Development Council for Alaska; and 4) the initiative from the perspectives of a former program manager, a coastal community, a project developer, and a political scientist.

Remaining public hearings are scheduled for the following dates and locations: July 9 – Anchorage (Statewide teleconference); July 9 – Wasilla; July 10 – Kotzebue; July 11 – Fairbanks; July 12 – Kodiak; July 23 – Barrow; July 25 – Ketchikan; and July 26 – Juneau.

Alaska Common Ground is a non-partisan, nonprofit organization dedicated to providing unbiased information to Alaskans to help them make informed decisions on important public policy issues. We hope you find this information helpful and urge you to share it with others.

Sincerely,

Peg Tileston, Chairperson  
Alaska Common Ground

## Legislative History

The federal Coastal Zone Management Act passed in 1972. It was designed to address the competing challenges of continued growth in the nation's coastal areas. Participation by eligible states in the Coastal Zone Management Program is voluntary. Overall responsibility for the program is vested in the National Oceanic and Atmospheric Administration (NOAA).

In 1977, the State Legislature passed the Alaska Coastal Management Act to establish the Alaska Coastal Management Program. The program was approved by NOAA in 1979. Under the direction of the Coastal Policy Council (which included commissioners of five state departments), regulatory standards were established to govern coastal resource development activities and guidelines for district coastal management programs were written. In the mid 1980s, regulations for a coordinated project review process were adopted to ensure consistency with statewide standards and coastal district plans. A significant amendment process was added in the late 1980s to help districts prepare or revise their plans.

In 2003, the Alaska Coastal Management Program changed significantly because of legislation introduced by then Governor Murkowski. Air and water quality issues were removed from the coordinated consistency review process. The Coastal Policy Council was eliminated and its powers transferred to the Commissioner of Natural Resources. The new legislation also required that Alaska Coastal Management Plan regulations be rewritten by July 2004, and the revision of Alaska coastal district plans by July 2005 to meet new statutory and regulatory requirements.

The Alaska Coastal Management Program expired on June 30, 2011. Several bills were introduced by the Governor and the Legislature to reauthorize the program, but none passed. Efforts by the Legislature to revive the program in the 2012 regular and special legislative sessions were also unsuccessful. Alaska is currently the only eligible state in the country without an active Coastal Zone Management Program.

## Overview of the Current Initiative

The 15-page bill proposed by Ballot Initiative 2 re-establishes the Alaska Coastal Management Program. Its requirements are more like the original state program than the version that sunset in 2011, but they are not identical. Some highlights are:

- The Alaska Coastal Management Program is housed in the Department of Commerce, Community and Economic Development. A 13-member Coastal Policy Board (nine members of the public and four state commissioners), is appointed by the Governor to work with agencies to develop, coordinate and implement the program. It reviews, approves and evaluates district plans, and approves coastal management regulations.
- Coastal districts, boundaries and district plans in effect on June 30, 2011 are restored. Existing plans are reviewed and needed changes submitted to the Coastal Policy Board for approval. In the unorganized borough (areas outside organized boroughs and first class cities), REAAs (Regional Education Attendance Areas) are allowed to act through a board and to function like coastal districts.
- Processes are established for the coordination and review of significant development projects to ensure consistency with statewide standards and local coastal district enforceable policies.

After approval of the new program by NOAA, Alaska would again be eligible to participate in and receive funds under the federal Coastal Zone Management Act.



## The Sea Party Perspective

Coastal management is important. Important enough that Alaskans across the state are devoting their summer to passing a citizens' initiative to bring a coastal management program back to Alaska. The prior program expired in 2011 when the legislature and governor failed to agree on conditions for its extension. Alaska, the state with more coastline than the other states combined, became the only coastal state without a coastal management program.



Coastal management requires federal agencies to work with the state on the best way to permit activities consistently with the state's coastal policies and values. With more federal land than any other state, Alaska needs to have a meaningful voice in federal decisions that affect our coasts.

In addition to influencing federal decision-making, a coastal management program helps developers navigate the permitting process; coordinates government agencies' permit reviews; ensures input from local governments and the public for projects in their area; gives Alaskans an effective voice in coastal development; and identifies and resolves potential conflicts between coastal resource uses, allowing development to proceed with fewer hurdles.

The ballot initiative establishes the objectives and requirements for a new program, leaving the details to be developed through regulations. Under the governor's direction, a new Division of Ocean and Coastal Management will be responsible for developing the regulations and implementing the coastal program. A Coastal Policy Board made up of nine locally nominated public members appointed by the governor, one from each coastal region, and four state agency commissioners, will oversee program development.

The initiative requires that the regulations establish clear coastal program standards and project review procedures, including the types of activities subject to coastal program review and review timelines. It is anticipated that the Alaska Legislature will also have a hand in fine-tuning the initiative after it passes. Through the legislative and regulatory review, all Alaskans will have the opportunity to participate in program development.

There are those who see coastal management as a deterrent to development, believing that coastal communities could veto projects they don't like or that a coastal management program complicates permitting. This simply isn't true. While the initiative will give communities an effective voice in the decisions directly affecting their citizens, nothing in the initiative gives them the ability to veto projects. Coastal management does not stop development. Rather it is a unifying force that resolves potential conflicts, making it easier to do business in Alaska.

The ballot initiative offers Alaska the opportunity to benefit from thirty years of experience by laying the foundation for a coastal program that takes the best of what we had and makes a good program even better. If the initiative does not pass, Alaska will be without a coastal management program for the foreseeable future, and we'll lose the chance to influence federal decisions and promote balanced development in our valuable and resource-rich coastal regions.

Please vote "YES" for the coast and for all Alaskans on August 28<sup>th</sup>!

For more information, please go to <http://www.alaskacoastalmanagement.org>



## The Resource Development Council for Alaska Perspective

The Resource Development Council for Alaska supports responsible, well-designed coastal zone management, like the program described in H.B. 106, the bill that earned a 40-0 vote in the State House. Unfortunately, Ballot Measure 2 (BM2) is a far cry from the bill that passed unanimously. Instead, it is a bad law that was written behind closed doors without hearings or independent analysis. We can't change or fix any of this measure – we may only vote on what was written, and the Legislature is prohibited from making substantial revisions for two full years.



The sponsors say BM2 is simply about restoring the coastal management program that expired in June 2011. The reality is that this measure creates a coastal management program that is unlike anything we've ever seen in Alaska. Packaging this measure as something other than what it is may be good politics, but frankly it is deceptive. This measure will not streamline government, cut red tape and make permitting projects easier.

In November 2011, Alaska Attorney General John Burns pointed out to Lieutenant Governor Treadwell that BM2 has "numerous potential constitutional concerns," and "numerous irregularities involving draftsmanship, inconsistencies and ambiguities in the bill itself." This means uncertainty and delay for resource development.

Normally, the Attorney General summarizes measures for voters in 50 words or less. When it came to BM2, he couldn't do it. He asked permission to write a 703 word description – 14 times the space – to attempt to explain to voters the massive new bureaucracy the initiative would create.

Industry is not the only group placed in harm's way by this initiative; everyday Alaskans will also suffer. One of the worst cases of coastal zone permitting gone awry was an Alaska trapper who wanted to build a modest cabin. It took seven years and a trip to the State Supreme Court for one Alaskan to get permission just to build a simple cabin.

In 2003, the Alaska Legislature reformed the program by removing much of the delay and uncertainty that was stifling the economy. We need to learn from our short history as a state and not repeat the mistakes of the past. BM2 nullifies the repairs made, sending us back to chaos, dysfunction, project delays and litigation.

The measure is an environmental activist's dream masquerading as a voice of the coast. BM2 comes with new obstructionist tools, including a new unelected board with broad regulatory powers; broad new authorities for enforceable policies to include visual appearance; lack of a timeline for implementation, and no clear rules.

As throughput in the oil pipeline continues to decline, Alaskans can't afford more red tape and yet another barrier to the responsible resource development and investment that create jobs and drive our economy.

Ballot Measure 2 creates a major new bureaucracy, guarantees legal and political fights for years to come, and will establish one of the worst hurdles to new investment and jobs in our state. Please learn more at <http://www.voteno2.net> and "VOTE NO on 2" on August 28.

## A Coastal Program Manager's Perspective

By Gretchen Keiser

Alaskans lost a powerful way to resolve conflicts and accommodate diverse demands on our coastal lands and resources when the Governor and Legislature failed to renew the Alaska Coastal Management Program in 2011. The Program enabled joint state-local management of Alaska's coast, giving Alaskans a strong unified voice to influence federal activities and coastal development.

Instead of a top-down state program originally proposed in 1974, the Alaska Coastal Management Act of 1977 created a partnership between state agencies and local governments to manage Alaska's coastal lands and waters. By the 1980s, Alaska had established a single, coordinated review of coastal development projects. Local "coastal districts," which joined Alaska's program voluntarily, identified their local uses and important areas in district plans approved by the State. State agencies and local districts each had a "seat at the table" to voice their concerns on a coordinated permitting decision. Project applicants (whether large companies, small businesses, or coastal residents) relied on staff to guide them through a complex process, send the same information to all regulators, set firm review deadlines, rein in often-bickering state agencies and coastal representatives, and get a timely decision.

Opponents claim that Proposition 2 would re-create "an extra layer of bureaucracy." This is not true. Alaska's Coastal Management Program provided the glue that bound state agencies and local districts to a review process with fixed deadlines and a single, consensus-based decision.

**Were coastal project reviews complicated and sometimes messy? Sure! Diverse demands on Alaska's coastal resources, whether for economic development or for public use and protection, meant competing interests argued but difficult decisions were nevertheless made.** The program's location in the Governor's Office during the first 25 years ensured its success as a neutral referee charged with resolving competing demands in a fair manner. Over the years, hundreds of projects were permitted without serious disagreement, and only about 15 appeals were brought to the program's governing body (the Coastal Policy Council) during the 1981-1995 period. Proposition 2 would restore this coordinated coastal project permitting among state agencies and local governments, with the Department of Commerce, Community and Economic Development acting as referee. It would direct any appeals through existing state resource agencies and provide for a Coastal Board appointed by the Governor.

Most Alaskans live, work, and play along the coast. We understand that Alaska's economy depends largely on oil and gas, mining, fisheries and tourism industries that use our coastal areas. And Alaskans are sensible, down-to-earth people who want their state and local governments to work together to reach fair and reasonable decisions that accommodate all coastal industries while still protecting valuable coastal resources. Voting YES on Proposition 2 restores the tool that enables us to have a strong, unified voice that speaks for all Alaskans on how our coast is developed and protected.

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*As Alaska Coastal Program Manager, 1989-1995, Gretchen Keiser worked for the Cowper, Hickel and Knowles administrations. She was lead staff for the Coastal Policy Council, coastal districts planning, and working with NOAA.*

## A Coastal Community's Perspective

By Karol Kolehmainen

The Alaska Coastal Management Act of 1977 created a networked program of local, state and federal interests designed to find balance among the often competing desires of resource development and resource protection.

For many years the program functioned well. Plans were developed and project reviews were conducted in a coordinated manner, including representation and input from local coastal districts and state and federal entities. Portions of the "unorganized borough" of the state, such as my area in the Western Aleutians, could petition the state and its citizens could subsequently vote to become Coastal Resource Service Areas (CRSAs). The CRSAs then developed coastal management plans to help guide future development. In such areas, the coastal management plan was the sole guiding document and was sufficient to provide the people of the CRSA with a "seat at the table" for permitting decisions.

The functioning of the Alaska Coastal Management program could be likened to a pendulum clock, requiring centering to work correctly. Over the years, in the eyes of many pro-development entities, program implementation drifted too far toward the resource protection side and the program became unbalanced. The program underwent significant changes following passage of state legislation in 2003. Most notably, it became centralized in the Department of Natural Resources whose mission is development focused. The pendulum had now swung to the other side and the program once again became dysfunctional. Most significantly, the local input was silenced.

I was fortunate to work for the Aleutians West CRSA for over a decade. The AWCRSA Board represented the entire western Aleutians from Unalaska Island west to Attu Island, an area 20 to 60 miles wide and roughly 1,000 miles long. The area has some of the world's richest fishing grounds. My Board met monthly and the members took their responsibilities seriously. They made decisions and provided input to state and federal agencies in a position of mutual respect and deference. They provided effective representation for local interests during project reviews and were a great resource for developers. After legislative changes to the Alaska Coastal Management Program in 2003, however, the Board had very little to say because the revised program mandated removal of all but 10 of our 44 enforceable policies. The AWCRSA no longer had habitat policies, mitigation policies, or policies that could even mention air, land, or water quality. The end of the coastal program meant the end of the CRSA.

Alaskans now have an opportunity to create a new meaningful Alaska Coastal Management Program through Ballot Initiative 2. I have worked at the federal, state, and local levels and can tell you that "local" is where it's at. The coast and the coastal program are important at the local level and public input is needed. The public cares about their lives and livelihood and it is better to have coordinated input based on documentation and a solid framework than disregard for the public process, resulting in multiple lawsuits and significant developmental delays.

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*Karol Kolehmainen was the program director for the Aleutians West CRSA from 1997 to 2011. She represented Southwest region coastal districts on the ACMP Working Group and served as a lead member of the Alaska Coastal District Association.*



## A Project Developer's Perspective

By Eugene (Gene) Pavia

I served as a project review coordinator for the Alaska Coastal Management Program (ACMP) between 1997 and 1999. It was a busy time in the oil patch. I facilitated over 50 oil and gas project reviews using the ACMP process and worked with five different coastal districts on the Trans-Alaska Pipeline System, North Slope exploration, and the Alpine, Northstar, and Osprey Platform development projects. During this time, I came to appreciate the wide range of perspectives that Alaskans bring to the table. I recognized the level of talent the petroleum industry applies in developing and executing projects. And, I learned the value of meaningful public engagement that, when harnessed correctly, contributes to each project's success.

In Alaska, federal, state and local government regulatory approvals are negotiated with agency representatives and leaders. A blend of strategic regulatory and stakeholder involvement fosters meaningful engagement, proactive issue management and conflict resolution strategies - traits inherent in the ACMP.

Interagency coordination between state agencies is now provided by the Office of Permitting and Project Management in the Department of Natural Resources. The agency also centralizes coordination with several federal programs. Federal agencies and permit actions engage local governments and communities through Executive Order mandates and public comment periods. However, without the formal engagement of these groups, formerly provided under the ACMP, much of the local dialogue is missing. The opportunity to air concerns and build consensus during pre-application and review consultation and coordination has become a project proponent task, instead of a regulatory function. There needs to be informed dialogue rooted in the regulatory process that reflects local concerns to reduce the risk of regulatory approval delays and the success of legal challenges that hinder responsible resource development.

Currently, I work for UMIAQ, LLC, a subsidiary of the Ukpeaġvik Iñupiat Corporation (UIC), the Alaska Native village corporation for Barrow. UIC has worked hard to develop its lands and resources to support shore-based logistics support capabilities unique to Barrow's location on the Arctic Ocean. It was more predictable to secure relevant regulatory approvals when the ACMP provided coordinated regulatory reviews and information sharing with predictable process and review schedules. It helped manage regulatory risk and project success.

Alaska is America's Arctic frontier. We need Alaska coastal policies to support our interactions with the federal government and other Arctic nations. Alaska's future is heavily dependent on natural resource (energy, mineral, timber, fisheries) development which, in turn, is dependent upon coastal infrastructure and facilities. The demand for coastal infrastructure will grow and expand into increasingly remote and difficult locations. Coastal policies, predictable regulatory processes and approval criteria will benefit project proponents and affected stakeholders. A functional coastal management program can mitigate project risks and uncertainties going forward, fostering balanced development of Alaska's resource potential.

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*Gene Pavia is currently the principal consultant for UMIAQ, LLC, a subsidiary of the Ukpeaġvik Inupiat Corporation. He has more than 20 years of professional experience throughout Alaska in regulatory and stakeholder affairs, environmental science, and applied geology.*

## A Policy Scholar's Perspective

By Dr. Chanda L. Meek

The 1972 federal Coastal Zone Management Act (CZMA) was a political response to the problems of unregulated development and environmental degradation of coastal areas in many areas of the country. Unlike more restrictive laws such as the Endangered Species Act and the Marine Mammal Protection Act, the CZMA focuses more on planning for rational patterns of development than on banning or promoting particular activities.

This August, Alaska voters will decide if Alaska should reinstate its coastal zone management program. The program as proposed will promote Alaska coastal management through more democratic means than at present through three principal mechanisms. First, the program incorporates local and regional expertise. Second, it strengthens local government – the level of government in which Alaskans are most likely to be directly involved. And third, it makes the decision-making process to permit or deny contentious projects in a more transparent manner than the typical government-driven permitting process, thereby reducing conflict.

Through regional planning processes involving local participation and other expertise, local governments and even unincorporated areas have been able to identify where different types of development are less likely to conflict with other valued resource uses. This is one of the most efficient and fairest ways where the public can participate in making a collective “best interest finding.” The overall goal is to find a “middle way” between development that fits community values and what is determined to be in the best interest of private parties, the state, or the federal government.

Until it sunset in 2011, Alaska's Coastal Management Program was responsible for balancing the use of these resources and potential development among the interests of citizens, the state, and private entities. One of the main ways states have to steer federal land use decisions along the coastal zone is through the CZMA federal consistency process, where all federal permits are looked at in terms of their compatibility with state and local policy priorities and land use plans. This gives local governments in particular a seat at the table when big decisions are being made. In turn, local government officials are responsible and can be held accountable by their citizens for decisions, compromises and claims that they make. There is presently no formal process for a city, borough or even the state to shape federal land use decisions along the coast. Dissatisfied parties must now turn to the courts to settle disputes.

Finally, a renewed coastal management program will make decision-making more transparent through the planning process. Regional plans should reflect regional concerns and visions of the future, and be broadly consistent with state goals and national interests. A well developed plan uses research and public participation to guide the selection of community and regional priorities. When implemented, decisions for coastal permitting are documented, and the wisdom of the decision can be debated among the public and resource agencies in an open fashion, rather than being made by politically appointed agency staffs.

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*Dr. Meek is Assistant Professor in the Department of Political Science, University of Alaska Fairbanks. The views expressed are her own and do not represent the official views of the University.*