

1 **AN ACT ENTITLED**

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3 **"An Act establishing the Alaska Coastal Management Program."**

4

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

6 \* **Section 1.** AS 46 is amended by adding a new chapter to read:

7

**Chapter 41. Alaska Coastal Management Program**

8

**Sec. 46.41.010 Coastal Policy Board**

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(a) There is created in the Department of Commerce, Community and Economic Development the Alaska Coastal Policy Board. The board consists of the following:

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(1) nine public members and alternates appointed by the governor from a list composed of at least three names from each region, nominated and submitted by the coastal districts of each region; one public member shall be appointed from each of the following regions:

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

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

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

(D) Kodiak-Aleutians, including the area of the Kodiak Island and Aleutian East Boroughs 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

1 of Sitka; and

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

4 (2) each of the following:

5 (A) the commissioner of environmental conservation;

6 (B) the commissioner of fish and game;

7 (C) the commissioner of natural resources; and

8 (D) the commissioner of commerce, community, and economic development.

9 (b) Public members serve staggered terms of three years. Except as provided  
10 by (c) of this section, each member serves until a successor is appointed. A public member  
11 may be reappointed.

12 (c) The alternate for a commissioner serving under (a)(2) of this section shall be a  
13 deputy commissioner or the director of a division in the commissioner's department. The  
14 names of alternates shall be filed with the board.

15 (d) The board shall designate co-chairs, one of whom shall be selected from among  
16 the public members appointed under (a)(1) of this section and one from among the members  
17 designated in (a)(2) of this section.

18 (e) The board may recommend that the governor remove a public member for cause.

19 (f) Five public members and two designated members of the board constitute a  
20 quorum, but the board may delegate to one or more of its members the power to hold  
21 hearings. All decisions of the board shall be by a majority vote of the members present and  
22 voting.

23 (g) The board shall meet at least four times a year and as often as necessary to fulfill  
24 its duties under this chapter. Meetings may be held and members may vote telephonically,  
25 except one board meeting a year shall be held in person.

26 (h) Public members of the board or their alternates are entitled to per diem and travel  
27 expenses authorized by law for members of boards and commissions.

28 (i) Administrative support for the board shall be provided by staff of the department.  
29 The department, under the direction of the board shall contract with or employ personnel or  
30 consultants the department considers necessary to assist the board in carrying out the board's  
31 duties and responsibilities.

32 **Sec. 46.41.020. Powers and duties of the board.**

1 (a) The board shall

2 (1) review and approve regulations necessary to implement the coastal management  
3 program in conformity with this chapter and 16 U.S.C. 1451 - 1464 (Coastal Zone  
4 Management Act of 1972);

5 (2) direct the department to seek approval of the Alaska coastal management  
6 program by the National Oceanic and Atmospheric Administration, Office of Ocean and  
7 Coastal Resource Management in conformity with 16 U.S.C. 1451 – 1464 (Coastal Zone  
8 Management Act of 1972);

9 (3) initiate an interagency program of strategic coastal and ocean planning for each  
10 geographic region of the state;

11 (4) review and approve coastal district management plans after receiving the  
12 department's recommendations, including local enforceable policies, that meet the provisions  
13 of this chapter and the district plan criteria.

14 (5) establish continuing coordination among state agencies to facilitate the  
15 development and implementation of the Alaska coastal management program;

16 (6) evaluate the effectiveness of district coastal management plans; and

17 (7) direct the department to apply for and accept grants, contributions, and  
18 appropriations, including application for and acceptance of federal funds that may become  
19 available for coastal planning and management.

20 (b) The board may

21 (1) contract for necessary services;

22 (2) take any reasonable action necessary to carry out the provisions of this chapter.

23 **Sec. 46.41.030. Division of Coastal Management.**

24 (a) There is created in the department the division of ocean and coastal management.

25 (b) The division shall

26 (1) render, on behalf of the state, all federal consistency determinations and  
27 certifications authorized by 16 U.S.C. 1456 (Sec. 307, Coastal Zone Management Act of  
28 1972), and each conclusive state consistency determination when a project requires a permit,  
29 lease, or authorization from the department or from two or more state resource agencies.

30 (2) adopt regulations approved by the board necessary to implement this chapter  
31 under the provisions of AS 44.62 (Administrative Procedure Act).

32 (3) assure continued provision of data and information to coastal districts to carry

1 out their planning and management functions under the program.

2 (4) develop and maintain a program of financial assistance to aid coastal districts in  
3 the development and implementation of district coastal management plan.

4 **Sec. 46.41.040. Development of Alaska coastal management program.**

5 (a) The regulations developed under this chapter shall include

6 (1) statewide coastal program standards;

7 (2) the criteria and process for the preparation and approval of district coastal  
8 management plans; and

9 (3) consistency review procedures in accordance with this chapter, including  
10 provisions for

11 (A) review of activities proposed or permitted by a state or federal agency;

12 (B) the types of activities that will trigger a consistency review;

13 (C) review of phased activities and uses;

14 (D) public notice and opportunities for public comment;

15 (E) elevation of proposed consistency determinations to the resource agency  
16 commissioners;

17 (F) establishment of review timelines;

18 (G) exclusion from an individual project review aspects of activities that are  
19 covered by a general permit previously found consistent with the Alaska coastal  
20 management program;

21 (H) exclusion of routine activities with insignificant effects to coastal uses or  
22 resources from an individual consistency review.

23 b) The coastal districts, coastal district boundaries and approved coastal management  
24 plans that were in effect as of June 30, 2011 are in effect and are incorporated into the Alaska  
25 coastal management program.

26 **Sec. 46.41.050. Objectives.**

27 The Alaska coastal management program shall be consistent with the following objectives:

28 (1) the use, management, restoration, and enhancement of the overall quality of the  
29 coastal environment for this and succeeding generations;

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

32 (3) the orderly, balanced utilization and protection of the resources of the coastal

1 area consistent with sound conservation and sustained yield principles;

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

6 (5) the protection and management of significant historic, cultural, natural, and  
7 aesthetic values and natural systems or processes within the coastal area;

8 (6) the prevention of damage to or degradation of land and water reserved for their  
9 natural values as a result of inconsistent land or water usages adjacent to that land;

10 (7) the recognition of the need for a continuing supply of energy to meet the  
11 requirements of the state and the contribution of a share of the state's resources to meet  
12 national energy needs; and

13 (8) the full and fair evaluation of all demands on and uses of the land and water in  
14 the coastal area.

15 (9) the coordination of planning and decision-making in the coastal area among  
16 levels of government and citizens engaging in or affected by activities involving the coastal  
17 resources of the state;

18 (10) the participation of the public, local governments, and agencies of the state and  
19 federal governments in the development and implementation of a coastal management  
20 program; and

21 (11) the requirement that state resource agencies carry out their duties, powers and  
22 responsibilities that affect the use of coastal area resources in accordance with the coastal  
23 program adopted pursuant to this Act.

24 **Sec. 46.41.060. Development of district coastal management plans.**

25 (a) Coastal districts shall

26 (1) develop and adopt district coastal management plans in accordance with the  
27 provisions of this chapter. The plan adopted by a coastal district shall be based upon a  
28 municipality's existing comprehensive plan or a new comprehensive resource use plan or  
29 comprehensive statement of needs, policies, objectives, and standards governing the use and  
30 conservation of resources within the coastal area of the district. The plan must meet the  
31 district plan criteria adopted under AS 46.41.040 and must include

32 (A) a delineation within the district of the boundaries of the coastal area subject

1 to the district coastal management plan;

2 (B) a statement, list, or definition of the land and water uses and activities  
3 subject to the district coastal management plan;

4 (C) a designation of any special management areas;

5 (D) enforceable policies to be applied to all the land and water uses subject to  
6 the district coastal management plan as well as policies that apply to special  
7 management areas.

8 (b) The board shall approve an initial or amended district coastal management plan if  
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10 (1) district coastal management plan meets the requirements of this chapter and the  
11 district plan criteria in regulation adopted by the department; and

12 (2) enforceable policies of the district coastal management plan

13 (A) do not duplicate, restate, or incorporate by reference state or federal  
14 statutes or regulations;

15 (B) are not preempted by federal or state law;

16 (C) do not arbitrarily or unreasonably restrict a use of state concern;

17 (D) are clear and concise as to the activities and persons affected by the  
18 policies and the requirements of the policies;

19 (E) use prescriptive or performance-based standards that are written in precise  
20 and enforceable language; and

21 (F) address a coastal use or resource of concern to the residents of the coastal  
22 resource district as demonstrated by local knowledge or supported by scientific  
23 evidence

24 (c) In (b)(2)(B) of this section, an enforceable policy of the district coastal  
25 management plan is preempted

26 (1) by federal statutes or regulations if the United States Congress expressly  
27 declares that local law or regulation is preempted, if the United States Congress demonstrates  
28 the intent to occupy the field exclusively, or if there is an actual conflict between federal and  
29 local law or regulation;

30 (2) by state law if it is prohibited, either by express legislative direction or direct  
31 conflict with a state statute or regulation, or where a local law or regulation substantially  
32 interferes with the effective functioning of a state statute or regulation or the underlying

1 purposes of a state statute or regulation.

2 **Sec. 46.41.070. Submission of district plans by coastal districts.**

3 (a) Within one year after the effective date of regulations implementing this chapter,  
4 coastal districts shall review their coastal management plans and if changes are necessary to  
5 meet the requirements of this chapter and implementing regulations, submit to the  
6 department a revised district coastal management plan.

7 **Sec. 46.41.080. Implementation of district coastal management plans.**

8 (a) A district coastal management plan approved under this chapter for a coastal  
9 district that does not have and exercise zoning or other controls on the use of resources  
10 within the coastal area shall be implemented by appropriate state agencies. Implementation  
11 shall be in accordance with the comprehensive use plan or the statement of needs, policies,  
12 objectives, and standards adopted by the district.

13 (b) A coastal district that has and exercises zoning or other controls on the use of  
14 resources within the coastal area shall implement its district coastal management plan.  
15 Implementation shall be in accordance with the comprehensive use plan or the statement of  
16 needs, policies, objectives, and standards adopted by the district.

17 **Sec. 46.41.090. Compliance and enforcement.**

18 (a) Municipalities and state resource agencies shall administer land and water use  
19 regulations or controls in conformity with district coastal management plans approved under  
20 this chapter and in effect.

21 (b) The superior courts of the state have jurisdiction to enforce lawful orders of the  
22 board and the department under this chapter.

23 **Sec. 46.41.100. Coastal management plans in the unorganized borough.**

24 (a) A coastal resource service area incorporated into the coastal management program  
25 under this chapter shall exercise those authorities and perform those duties required under  
26 this chapter.

27 **Sec. 46.41.110. Coastal resource service areas.**

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

31 (b) The commissioner of the department may, after public hearings held in the  
32 affected area, consolidate two or more regional educational attendance areas as a single

1 coastal resource service area

2 (1) if a substantial portion of the coastal area contains land and water area owned by  
3 the federal government over which it exercises exclusive jurisdiction or land held in trust by  
4 the federal government for Alaska Natives over which the state would not exercise control as  
5 to use; or

6 (2) if, after giving due consideration to the standards applicable to incorporation of  
7 borough governments and the likelihood that a borough will be incorporated within the area,  
8 the commissioner determines that the functions to be performed under this chapter could be  
9 undertaken more efficiently through the combination of two or more regional education  
10 attendance area as a single coastal resource service area.

11 (c) A determination under (b) of this section shall be made before the organization of  
12 the coastal resource service area.

13 (d) For purposes of coastal management only, the commissioner of the department  
14 may, after public hearings held in the regional education attendance area affected, divide an  
15 existing regional education attendance area into no more than three coastal resource service  
16 areas according to geographic, cultural, economic, environmental, or other features relevant  
17 to coastal management planning. However,

18 (1) each coastal resource service area formed by dividing an existing regional  
19 education attendance must contain at least one first class city or home rule city; and

20 (2) a city within a coastal resource service area formed by dividing an existing  
21 regional education attendance area may not elect to exclude itself from the coastal resource  
22 service area.

23 **Sec. 46.41.120. Organization of a Coastal Resource Service Area.**

24 (a) Organization of a coastal resource service area may be initiated by

25 (1) submission to the coastal policy board of a petition signed by a number of  
26 registered voters equal to 15 percent of the number of votes cast within the coastal resource  
27 service area at the last state general election; or

28 (2) by submission to the board of a resolution approved by the city council or  
29 traditional village council of not less than 25 percent of the number of cities and villages  
30 within the coastal resource service area.

31 (b) Acting at the request of the council, the lieutenant governor, not less than 60 nor  
32 more than 90 days after receipt of a proper petition under (a)(1) of this section, a proper

1 resolution under (a)(2) of this section, or at the direction of the council under (a)(3) of this  
2 section, shall conduct an election on the question of organization of a coastal resource service  
3 area.

4 **Sec. 46.41.130. Coastal resource service area boards**

5 (a) Each coastal resource service area shall have an elected board representing the  
6 population of the service area. The board shall have the powers and duties and perform the  
7 functions prescribed for or required of coastal districts.

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

10 (c) The term of office of a member of a coastal resource service area board is three  
11 years. Members serve until their successors are elected and have qualified. This section does  
12 not prohibit the reelection of a board member.

13 (d) The lieutenant governor shall provide for the election of the members of coastal  
14 resource service area boards.

15 (e) Election of members of coastal resource service area boards shall be held annually  
16 on the date of election of members of regional educational attendance area boards under AS  
17 14.08.071(b). If no candidate files for election to a seat on the coastal resource service area  
18 board, the seat is considered vacant at the time a newly elected member would have taken  
19 office.

20 (f) A seat on a coastal resource service area board shall be declared vacant by the  
21 board if the criteria under AS 14.08.045 (a) apply to the person elected. A vacancy on a  
22 coastal resource service area board shall be filled by appointment as provided in AS  
23 14.12.070 for vacancies in the membership of regional educational attendance area boards.

24 (g) Members of coastal resource service area boards are subject to recall on the same  
25 grounds and in the same manner as provided for recall of municipal officials in AS 29.26.240  
26 - 29.26.350. The lieutenant governor functions in place of the assembly or council and  
27 municipal clerk for receipt and review of recall petitions and the conduct of recall elections.

28 (h) Members of a coastal resource service area board are entitled to per diem and  
29 travel expenses authorized by law for members of boards and commissions and for  
30 honorariums for meetings attended in person.

31 **Sec. 46.41.140. Elections in coastal resource service areas.**

32 Elections under AS 46.41.100 - 46.41.160 shall be administered by the lieutenant

1 governor in the general manner provided in AS 15 (Election Code). In addition, the  
2 lieutenant governor may adopt regulations necessary to the conduct of coastal resource  
3 service area board elections. The state shall pay all election costs.

4 **Sec. 46.41.150. Preparation of district coastal management program by the Department**  
5 **of Commerce, Community and Economic Development**

6 (a) If residents of a coastal resource service area reject organization of the service  
7 area at an election called for the purpose and the coastal policy board finds, after public  
8 hearing, that major economic development activity has occurred or will occur within the  
9 service area, the board may direct the department to prepare and recommend for  
10 consideration by the council and for submission to the legislature a district coastal  
11 management plan for the service area.

12 (b) At the request of the coastal policy board, the department shall complete the  
13 district coastal management plan in accordance with this chapter and the guidelines and  
14 standards adopted by the board for a coastal resource service area that has been organized but  
15 that has failed to make substantial progress in the preparation of an approvable district coastal  
16 management program within 18 months of certification of the results of an organization  
17 election or that has not submitted for approval to the board a program within 30 months of  
18 certification of the results of its organization election. Preparation of the program shall be  
19 conducted in consultation with the coastal resource service area and shall, to the maximum  
20 extent consistent with this chapter, reflect the expressed concerns of the residents of the  
21 service area.

22 (c) Before requesting the department to complete the district coastal management  
23 plan under (b) of this section, the board shall meet with members of the coastal resource  
24 service area board to determine whether the board is able to complete a district coastal  
25 management program within the time limitations established in this section.

26 **Sec. 46.41.160. Approval of plans in coastal resource service areas.**

27 (a) Before adoption by a coastal resource service area board, a district coastal  
28 management plan shall be submitted for review to each city or village within the coastal  
29 resource service area. The council of a city or traditional village council shall consider the  
30 plan submitted for review. Within 60 days of submission, the council of a city or traditional  
31 village council shall either approve the plan or enter objections to all or any portion of the  
32 plan.

1 (b) If a city or village within a coastal resource service area fails to approve a portion  
2 of the district coastal management plan prepared and submitted for approval under (a) of this  
3 section, the governing body shall advise the coastal resource service area board of its  
4 objections to the proposed plan and suggest alternative elements or components for inclusion  
5 in the district coastal management plan. New matter submitted by a city or village that meets  
6 the district plan criteria adopted under this chapter may be accepted by the district and the  
7 district coastal management plan modified accordingly. If a city or village fails to provide  
8 objections and suggested alternatives within the time limits established in this section, the  
9 coastal resource service area board may adopt the district coastal management plan as  
10 initially offered.

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

16 (d) For purposes of this section, "village" means an unincorporated community where  
17 at least 25 persons reside as a social unit as determined by the Department of Commerce,  
18 Community, and Economic Development.

19 **Sec. 46.41.170. Cooperative administration.**

20 (a) A city within the coastal area that is not part of a coastal resource service area  
21 shall be included for purposes of this chapter within an adjacent coastal resource service area  
22 unless its governing body, by resolution adopted by a majority of its membership, chooses to  
23 exclude the city from an adjacent coastal resource service area and a copy of the resolution is  
24 filed with the commissioner of commerce, community, and economic development.

25 (b) This chapter does not restrict or prohibit cooperative or joint administration of  
26 functions between a municipality and a coastal resource service area organized under the  
27 provisions of this chapter upon initiation of a mutual agreement for the purpose.

28 **Sec. 46.41.180. Construction with other laws.**

29 Nothing in this chapter shall be construed to

30 (1) diminish state jurisdiction, responsibility, or rights in the field of planning,  
31 development, or control of land or water resources, submerged land, or navigable water;

32 (2) affect in any way any state requirement imposed under a federal authorization or

1 federal waiver of sovereign immunity; or

2 (3) diminish the zoning or planning authority of municipalities under AS 29.

3 **Sec. 46.41.900. Definitions.**

4 In this chapter, unless the context otherwise requires,

5 (1) "affected coastal district" means a coastal district with a publically reviewed draft or  
6 approved plan in which a project is proposed to be located or that may experience a direct  
7 and significant impact from a proposed project;

8 (2) "board" means the Alaska Coastal Policy Board established in AS 46.41.010;

9 (3) "coastal district" means each of the following that contains a portion of the coastal  
10 area of the state:

11 (A) unified municipalities;

12 (B) organized boroughs of any class that exercise planning and zoning authority;

13 (C) home rule and first class cities of the unorganized borough or within boroughs  
14 that do not exercise planning and zoning authority;

15 (D) second class cities of the unorganized borough, or within boroughs that do not  
16 exercise planning and zoning authority, that have established a planning commission,  
17 and that, in the opinion of the commissioner of commerce, community, and economic  
18 development, have the capability of preparing and implementing a comprehensive  
19 district coastal management plan under AS 46.41.030;

20 (E) coastal resource service areas established and organized under AS 29.03.020 an  
21 AS 46.41.100 - 46.41.160;

22 (4) "coastal use or resource" means any land or water use or natural resource of the  
23 coastal zone. Land and water uses include, but are not limited to, public access, recreation,  
24 fishing, historic or cultural preservation, development, hazards management, marinas and  
25 floodplain management, scenic and aesthetic enjoyment, and resource creation or restoration  
26 projects. Natural resources include biological or physical resources that are found within a  
27 State's coastal zone on a regular or cyclical basis. Biological and physical resources include,  
28 but are not limited to, air, tidal and nontidal wetlands, ocean waters, estuaries, rivers,  
29 streams, lakes, aquifers, submerged aquatic vegetation, land, plants, trees, minerals, fish,  
30 shellfish, invertebrates, amphibians, birds, mammals, reptiles, and coastal resources of  
31 national significance;

32 (5) "coastal zone" means the coastal water including land within and under that water,

1 and adjacent shoreland, including the water within and under that shoreland, within the  
2 boundaries approved by the former Alaska Coastal Policy Council and by the United States  
3 Secretary of Commerce under 16 U.S.C. 1451 - 1465 (Coastal Zone Management Act of  
4 1972, as amended); "coastal zone" includes areas added as a result of any boundary changes  
5 approved by the board and by the United States Secretary of Commerce under 16 U.S.C.  
6 1451 - 1465; "coastal zone" does not include

7 (A) those lands excluded under 16 U.S.C. 1453(1); or

8 (B) areas deleted as a result of any boundary changes by the board in conformance  
9 with 16 U.S.C. 1451 - 1465;

10 (6) "consistency review" means the evaluation of a proposed project against the  
11 statewide standards and the approved enforceable policies of an affected coastal district  
12 under the process developed by the board;

13 (7) "department" means the Department of Commerce, Community and Economic  
14 Development;

15 (8) "direct and significant impact" means an activity which proximately contributes to a  
16 material change or alteration in the natural or social characteristics of a part of the state's  
17 coastal area and in which

18 (A) would have a net adverse effect on the quality of the resources of the coastal  
19 area;

20 (B) would limit the range of alternative uses of the resources of the coastal area;

21 or

22 (C) would, of itself, constitute a tolerable change or alteration of the resources  
23 within the coastal area but which, cumulatively, would have an adverse effect;

24 (9) "district coastal management plan" means a plan developed by a coastal district,  
25 including enforceable policies of that plan, setting out policies and standards to guide public  
26 and private uses of land and water within that district and approved by the board as meeting  
27 the requirements of this chapter and the regulations adopted under this chapter;

28 (10) "enforceable policy" means a policy established by this chapter or approved by the  
29 board as a legally binding policy of the Alaska coastal management program applicable to  
30 public and private activities;

31 (11) "local knowledge" means a body of knowledge or information about the coastal  
32 environment or the human use of that environment, including information passed down

1 through generations, if that information is

2 (A) derived from experience and observations; and

3 (B) generally accepted by the local community;

4 (12) "project" means all activities that will be part of a proposed development and  
5 includes all federal agency activities as defined in 15 C.F.R. 930.31, including lease sales and  
6 development projects affecting a coastal use or resource;

7 (13) "resource agency" means

8 (A) the Department of Environmental Conservation;

9 (B) the Department of Fish and Game; or

10 (C) the Department of Natural Resources.;

11 (14) "scientific evidence" means facts or data that are

12 (A) premised upon established chemical, physical, biological, or ecosystem  
13 management principles as obtained through scientific method and submitted to the  
14 department to furnish proof of a matter required under this chapter;

15 (B) in a form that would allow resource agency review for scientific merit; and

16 (C) supported by one or more of the following:

17 (i) written analysis based on field observation and professional  
18 judgment along with photographic documentation;

19 (ii) written analysis from a professional scientist with expertise  
20 in the specific discipline; or

21 (iii) site-specific scientific research that may include  
22 peer-review level research or literature.

23 (15) "special management area" includes areas meriting special attention and means a  
24 delineated geographic area within the coastal area which is sensitive to change or alteration  
25 and which, because of plans or commitments or because a claim on the resources within the  
26 area delineated would preclude subsequent use of the resources to a conflicting or  
27 incompatible use, warrants special management attention, or which, because of its value to  
28 the general public, should be identified for current or future planning, protection, or  
29 acquisition;

30 (16) "use of state concern" means a land and water use that would significantly affect the  
31 long-term public interest; a "use of state concern" includes

32 (A) uses of national interest, including the use of resources for the siting of ports

1 and major facilities that contribute to meeting national energy needs, construction and  
2 maintenance of navigational facilities and systems, resource development of federal  
3 land, and national defense and related security facilities that are dependent upon  
4 coastal locations;

5 (B) uses of more than local concern, including those land and water uses that  
6 confer significant environmental, social, cultural, or economic benefits or burdens  
7 beyond a single coastal district;

8 (C) the siting of major energy facilities, activities pursuant to a state oil and gas  
9 lease, a state gas only lease, or a federal oil and gas lease, or large-scale industrial or  
10 commercial development activities that are dependent on a coastal location and that,  
11 because of their magnitude or the magnitude of their effect on the economy of the  
12 state or the surrounding area, are reasonably likely to present issues of more than  
13 local significance;

14 (D) facilities serving statewide or interregional transportation and  
15 communication needs; and

16 (E) uses in areas established as state parks or recreational areas under AS 41.21  
17 or as state game refuges, game sanctuaries, or critical habitat areas under AS 16.20.