



Lieutenant Governor Mead Treadwell  
STATE OF ALASKA

March 9, 2012

Bruce M. Botelho  
401 F Street  
Douglas, AK 99824

Re: 11ACMP, "An Act Establishing the Alaska Coastal Management Program"

Dear Mr. <sup>Botelho</sup> Botelho:

I have reviewed your petition for the initiative entitled "An Act Establishing the Alaska Coastal Management Program" and have determined that the petition was properly filed. My notice of proper filing is enclosed. Specifically, the petition was signed by qualified voters (1) equal in number to 10 percent of those who voted in the preceding general election; (2) resident in at least three-fourths of the house districts in the state; and (3) who, in each of the house districts, are equal in number to at least seven percent of those who voted in the preceding general election in the house district. The Division of Elections verified 29,991 voter signatures and 37 house districts, which exceeds the 25,875 signature requirement based on the 2010 General Election. A copy of the Petition Statistics Report prepared by the Division of Elections is enclosed.

With the assistance of the attorney general, I have prepared the following ballot title and proposition that meets the requirements of AS 15.45.180:

**Establishment of an Alaska Coastal Management Program**

This bill would create the Alaska Coastal Management Program in the Department of Commerce, Community, and Economic Development ("the Department"). The program would develop new state and local standards to review projects in coastal areas of the State. These standards and new permitting procedures would be in addition to existing state and federal permitting requirements. Projects requiring state or federal permits would be reviewed under the program. The program would not become entirely effective until approval of these new state and local standards by the U.S. Department of Commerce under the federal Coastal Zone Management Act.

The bill creates a Coastal Policy Board. The board would have 13 members appointed by the governor. Nine would be members of the public from coastal areas. 4 would be state commissioners. The board would coordinate agencies for coastal and ocean planning. The board would work with agencies to develop and implement the program. The board would also review, approve, and evaluate coastal district management plans ("district plans"). The board would direct the Department to apply for funding. The board would review and approve regulations. Board members could receive per diem and travel expenses.

*Mead Treadwell  
March 12, 2012*

The bill sets out 9 coastal districts. Each district would adopt a district plan. District plans would need board approval. To be approved, the district plan must comply with the bill's provisions and regulations approved by the board. Each district plan would set boundaries for the coastal area subject to the district plan. District plans would define the land and water uses subject to the district plan's requirements. District plans would also set special management areas and enforceable policies. The bill sets standards for district enforceable policies. The bill defines when an enforceable policy is pre-empted by existing state or federal law.

The bill would restore coastal districts, boundaries, and district plans that were in effect on June 30, 2011 under the prior coastal management program. Coastal districts would have to review their prior district plans and submit any needed changes for board approval. Coastal districts with zoning or land use authority would use those powers to apply their district plans. Otherwise, state agencies would put the district plan into effect. Local and state agencies would regulate uses to conform to the district plans. The superior court could enforce board or department orders.

The bill would also create the Division of Ocean and Coastal Management in the Department. This division would issue state consistency determinations and respond to federal consistency determinations and certifications. It would adopt board-approved regulations. It would also give planning and management information to coastal districts. The division would create a financial aid program to help coastal districts create and effect their district plans.

The bill sets goals for the program. These goals include (1) management goals for coastal uses and resources; (2) the coordination of coastal planning among government and citizens; (3) public and government participation in the program; and (4) require state agencies to comply with the program.

The bill requires that regulations be adopted. The regulations would be approved by the board and then issued by the division. They would set state coastal standards, district plan requirements, and consistency review procedures.

The bill would allow regional education attendance areas ("REAs") in the unorganized borough to be used as Coastal Resource Service Areas ("CRSAs"). CRSAs would act through a board and function like coastal districts. The Department could combine or divide REAs into CRSAs under set conditions. A coastal city could also be included in a CRSA under set conditions. CRSAs could also be created by voters or by a voter-approved city or village council decision. Service areas would elect boards with seven members. The State would run and fund CRSA board elections. Under some circumstances, board members could be appointed. Board members could be recalled. They could receive per diem and travel expenses. If voters fail to create a needed service area, the Department could create a district plan for the area to submit to the legislature. Under set conditions, the Department could complete a district plan for a CRSA. The bill creates a development, approval and implementation process for district plans in service areas.

Mead Treadwell  
March 12, 2012

The bill sets out rules of construction and defines 16 terms.

Should this initiative become law?

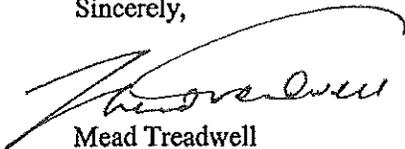
This ballot proposition will appear on the election ballot of the first statewide general, special, or primary election that is held after (1) the petition has been filed; (2) a legislative session has convened and adjourned; and (3) a period of 120 days has expired since the adjournment of the legislative session. Barring an unforeseen special election, this proposition is scheduled to appear on the election ballot on the August 28, 2012 primary election. If a majority of the votes cast on the initiative proposition favor its adoption, the proposed law is enacted, I shall so certify. The act becomes effective 90 days after certification.

Please be advised that under AS 15.45.210, this petition will be void if I, with the formal concurrence of the attorney general, determine that an act of the legislature—that is substantially the same as the proposed law—was enacted after the petition has been filed and before the date of the election. I will advise you in writing of my determination in this matter.

Please be advised that under AS 15.45.240, any person aggrieved by my determination set out in this letter may bring an action in the superior court to have the determination reversed within 30 days of the date on which notice of the determination was given.

Because your petition was properly filed, I will be refunding of your \$100 deposit that accompanied your application. If you have questions or comments about the ongoing initiative process, please contact my Chief of Staff, Michelle Toohey, at (907) 269-7460.

Sincerely,



Mead Treadwell  
Lieutenant Governor

*Congratulations!*

Enclosures

cc: Michael C. Geraghty, Attorney General  
Gail Fenumiai, Director of Elections



Lieutenant Governor Mead Treadwell  
STATE OF ALASKA

## NOTICE OF PROPER FILING

I, MEAD TREADWELL, LIEUTENANT GOVERNOR FOR THE STATE OF ALASKA, under the provisions of Article XI of the Constitution of the State of Alaska and under the provisions of AS 15.45, hereby provide notice that the initiative petition for "An Act Establishing the Alaska Coastal Management Program," which was received on October 7, 2011, and known as 11ACMP, was properly filed.

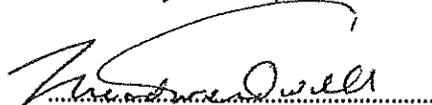
I have determined that the initiative sponsors have filed the petition within one year and that the petition is signed by qualified voters (1) equal in number to 10 percent of those who voted in the preceding general election; (2) resident in at least three-fourths of the house districts in the state; and (3) who, in each of the house districts, are equal in number to at least seven percent of those who voted in the preceding general election in the house district.

In accordance with AS 15.45.190, the Director of the Division of Elections shall place the ballot title and proposition on the election ballot for the Primary Election on August 28, 2012, except as provided by AS 15.45.210.



IN TESTIMONY WHEREOF, I have hereunto set my  
hand and affixed hereto the Seal of the State of Alaska,  
at Anchorage, Alaska,

This 9th day of March, 2012.

  
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LIEUTENANT GOVERNOR