

CITY OF BETHEL, ALASKA

RESOLUTION 04-14

A RESOLUTION OF THE BETHEL CITY COUNCIL REJECTING THE REVISED REGULATIONS 11 AAC 150, 11 AAC 180, AND 11 AAC 185 IN THEIR ENTIRETY AND FINDING THEM TO BE BEYOND THE SCOPE OF THE UNDERLYING LEGISLATION, OVERLY VAGUE, NOT SUBJECT TO CLEAR AND CONSISTENT INTERPRETATION, AND CONTRARY TO STATE AND LOCAL INTERESTS, AND THE HISTORIC TRADITIONS AND INTENT OF THE ALASKA COASTAL MANAGEMENT PROGRAM (ACMP).

WHEREAS, the State of Alaska, Department of Natural Resources (DNR), Office of Project Management and Permitting (OPMP) has developed and released for public comment draft revised Alaska Administrative Code chapters 11 AAC 150, 11 AAC 180, and 11 AAC 185, replacing former chapters 6 AAC 50, 6 AAC 80, and 6 AAC 85; and

WHEREAS, the coastal districts duly created and approved under the ACMP and this Alaska Coastal District Association (ACDA) repeatedly and sincerely offered to meaningfully participate in the development of the revised regulations, but were denied such opportunity and have seen their input provided only minimal consideration; and

WHEREAS, the draft revised regulations are not written in a clear and understandable manner, are not subject to consistent interpretation, and neither simplify, streamline, nor clarify the permitting process as was the intent of the underlying legislation, HB 191; and

WHEREAS, the draft revised regulations include complex definitions, cross references, planning requirements, and subjective district plan and policy approval criteria which would make implementation of the ACMP unclear and open to widely divergent interpretations; and

WHEREAS, compliance with the required program revision will place an onerous unfunded mandate on coastal districts that attempt to comply and could discourage districts from continued participation in the ACMP; and

WHEREAS, the draft revised regulations exceed and deviate from the legislative intent and mandate of HB 191 through an elimination of several statewide standards, critical to many local district plans, and significant changes to coastal boundaries, resulting in drastic reductions in the number and application of local district enforceable policies; and

WHEREAS, the draft revised regulations would negatively impact the ACMP local, state, and federal network by creating an unattainable standard for approval and implementation of local district plans and providing greater deference to federal authority in several critical respects; and

WHEREAS, the ACDA is committed to the sustainable management of Alaska's coastal resources, to ensuring that local determination in management decisions regarding coastal resources is not diminished, and to seeing that Alaska's local coastal districts are duly and consistently represented in all relevant state and federal coastal management actions; and

WHEREAS, the ACDA represents local coastal districts, supports a vital Alaska Coastal Management Program with a meaningful role for local coastal districts, recognizes that each district exists for local determination of the use and proper management of coastal resources and uses, and desires a meaningful opportunity to participate in the revision of the program;

NOW THEREFORE BE IT RESOLVED, the City Council of Bethel, Alaska rejects the draft revised regulations 11 AAC 150, 11 AAC 180, and 11 AAC 185 in their entirety and finds them to be disingenuous and contrary to the historic traditions and intent of the Alaska Coastal Management Program; and

BE IT FURTHER RESOLVED, that the Bethel City Council supports an Alaska Coastal Management Program based on a continuing partnership of shared state and local district management responsibilities for coastal areas and resources, a renewed effort to redraft revised regulations in consultation with local coastal districts, and provision of appropriate time and funding to accomplish revision of the regulations and district plans, including legislative relief from the timelines imposed by HB 191.

PASSED AND APPROVED THIS ___ DAY OF _____, 2004, BY A VOTE ___ Yeas ___ Nays.

ATTEST:

Hugh Short, Jr., Mayor

Amanda Byington, City Clerk