LAW OFFICES OF
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December 18, 2008

Mr. Randy Bates
Director
Division of Coastal and Ocean Management
Department of Natural Resources
P.O. Box 111030
Juneau, Alaska 99811-1030

Re: Comments on Draft ACMP Legislation
OUR FILE NO.: 600.1807

Dear Mr. Bates:

These comments are submitted on behalf of Sealaska Corporation. They are brief, for two reasons:

(1) You advised me, in a December 3, 2008 phone call, that DCOM did not intend its distribution of proposed ACMP regulatory changes to constitute public notice of proposed regulations under the Administrative Procedures Act, but intended that draft only to illustrate how the ACMP program would function if the proposed legislative changes, as drafted, were actually enacted by the Alaska Legislature. This was reassuring, as any meaningful response to that illustrative draft within a 30-day window spanning the heart of the holiday season would have been impossible; and

(2) For the same reasons, even our comments on possible statutory changes are by necessity summary. Policy-level corporate officials are scattered amongst their families, and the time of year has given us little opportunity to form meaningful judgments on the very significant statutory changes that are currently being suggested. More helpful input into the legislative debate will be practicable after the holidays.

Sealaska has two fundamental concerns regarding any significant statutory changes to the ACMP program. *First,* Sealaska, which has always supported the ACMP program, has viewed that program as using existing government authorities to implement statewide coastal standards. The ACMP, in our view, does not expand the jurisdiction or authority of any unit of government, but instead provides an opportunity for state-approved standards to be applied to significant coastal development. Any departure from that paradigm that attempted to expand the pre-existing authority of state agencies under state law, or local governments under Title 29, would be of serious concern.

Second, an important goal of the ACMP is to avoid regulatory duplication. With respect to uses of coastal waters, the Department of Environmental Conservation already possesses comprehensive authority to protect every use of coastal water, fresh or salt. Changes to the so-called "DEC Exclusion" that would cause a duplication, or, worse, an inconsistency with ADEC's regulatory regime under Title 46, would, in our mind, undermine the ACMP's goal of streamlining resource management.

These are the two principles that will guide Sealaska's view of any legislative initiative, and we look forward to working with DCOM and other stakeholders on this matter.

Sincerely,

SIMPSON, TILLINGHAST & SORENSEN

Jon K. Tillinghast

cc: Mr. Ron Wolfe
Ms. Marilyn Crockett
Mr. Robert Loeffler
Mr. Bruce Anders
Mr. Bill Jeffress
Ms. Karen S. Wuestenfeld
Mr. Steve Borell