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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: John Crowther, AAC Contact
Department of Natural Resources

FROM: Scott Meriwether
Special Assistant 
907.465.4081

DATE: November 30, 2012

RE: Filed Permanent Regulations: Department of Natural Resources

Regulations re: revisions to or repeal of existing regulations to reflect repeal by operation of law of former AS 46.39 - AS 36.40 (Alaska Coastal Management Program): 11 AAC 02.015(b); 11 AAC 09.210; 11 AAC 09.305; 11 AAC 18.025(c); 11 AAC 21.120(b); 11 AAC 63.030 - 11 AAC 63.060; 11 AAC 63.110(4); 11 AAC 67.260(b); 11 AAC 83.158(h); 11 AAC 84.750(h); 11 AAC 93.040(c); 11 AAC 93.420(c); 11 AAC 95.185(g); 11 AAC 95.245(d); 11 AAC 95.900; 11 AAC 96.016(c); 11 AAC 96.035(b); 11 AAC 97.300(f); 11 AAC 99.140(a); 11 AAC 110; 11 AAC 112; 11 AAC 114

Attorney General File:	JU2011200380
Regulation Filed:	11/27/2012
Effective Date:	12/27/2012
Print:	204, January 2013

cc with enclosures: Linda Miller, Department of Law
Kristen Peterson, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

JU2011200380

ORDER ADOPTING CHANGES TO REGULATIONS OF
THE DEPARTMENT OF NATURAL RESOURCES

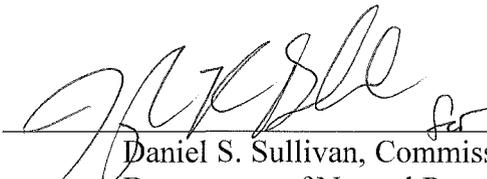
The attached 42 pages of regulations, dealing with the revision to or the repeal of existing regulations regarding the former Alaska Coastal Management Program (former AS 46.39 and former AS 46.40), are hereby adopted and certified to be a correct copy of the regulation changes that the Department of Natural Resources adopts under the authority of AS 27.19.080, AS 38.05.020, 38.05.120, 38.05.801, AS 38.50.160, AS 41.17.055, 41.17.080, AS 41.21.020, AS 41.23.440, AS 46.15.020, and 46.15.165 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Natural Resources paid special attention to the cost to private persons of the regulatory action being taken.

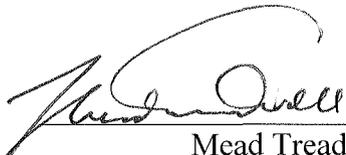
The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: 11/8/12
Anchorage, Alaska


Daniel S. Sullivan, Commissioner
Department of Natural Resources

FILING CERTIFICATION

I, Mead Treadwell, Lieutenant Governor for the State of Alaska, certify that on November 27, 2012, at 3:55p .m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.


Mead Treadwell
Lieutenant Governor

Effective: December 27, 2012

Register: 204, January 2013

11 AAC 02.015(b) is repealed:

(b) Repealed 12/27/12. (Eff. 9/19/2001, Register 159; am 12/27/12, Register 204)

Authority:	AS 29.65.050	AS 38.05.020	AS 38.09.110
	AS 29.65.120	AS 38.05.035	AS 38.50.160
	AS 38.04.900	AS 38.08.110	

11 AAC 09.210 is amended to read:

11 AAC 09.210. General permit. The department may [WILL, IN ITS DISCRETION,] issue a general permit under 11 AAC 09.200 to authorize a specific category of uses requiring a recreation rivers permit. The general permit is [WILL BE] subject to specific terms and conditions listed on the permit[, INCLUDING ANY TERMS OR CONDITIONS REQUIRED FOR A DETERMINATION OF CONSISTENCY WITH THE ALASKA COASTAL MANAGEMENT PROGRAM, IF APPLICABLE]. If the department issues a general permit, an applicant for a recreation rivers permit must meet all of the requirements of 11 AAC 09.200.

(Eff. 12/13/95, Register 136; am 12/27/12, Register 204)

Authority:	AS 41.23.400	AS 41.23.410	AS 41.23.420
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11 AAC 09.305 is amended to read:

11 AAC 09.305. General permit. The department may [WILL, IN ITS DISCRETION,] issue a general permit under 11 AAC 09.300 to authorize a specific category of uses requiring a commercial-use permit. The general permit is [WILL BE] subject to specific terms and conditions listed on the permit[, INCLUDING ANY TERMS OR CONDITIONS REQUIRED

Register 204, January 2013 NATURAL RESOURCES

FOR A DETERMINATION OF CONSISTENCY WITH THE ALASKA COASTAL MANAGEMENT PROGRAM, IF APPLICABLE]. If the department issues a general permit, an applicant must meet all the requirements of 11 AAC 09.300(b). (Eff. 12/13/95, Register 136; am 12/27/12, Register 204)

Authority: AS 41.23.410 AS 41.23.440

11 AAC 18.025(c)(5) is repealed:

(5) repealed 12/27/12

Publisher: To reflect the repeal of 11 AAC 18.025(c)(5), the last paragraph in the series, please relocate the existing "and" connector so that it follows 11 AAC 18.025(c)(3), rather than 11 AAC 18.025(c)(4).

(Eff. 5/11/85, Register 94; am 7/1/89, Register 110; am 11/7/90, Register 116; am 9/19/2001, Register 159; am 12/27/12, Register 204)

Authority: AS 41.21.020 AS 41.21.040 AS 44.37.011

11 AAC 21.120(b)(5) is repealed:

(5) repealed 12/27/12

(Eff. 2/3/88, Register 105; am 11/7/90, Register 116; am 9/19/2001, Register 159; am 12/27/12, Register 204)

Authority: AS 41.21.020 AS 41.21.040 AS 44.37.011

11 AAC 63.030(a)(1) is amended to read:

(1) be submitted on a multi-agency application form [THAT INCLUDES AN ALASKA COASTAL MANAGEMENT PROGRAM CERTIFICATION STATEMENT];

(Eff. 7/1/89, Register 110; am 6/14/98, Register 146; am 12/27/12, Register 204)

Authority: AS 38.05.020 AS 38.05.075 AS 38.05.083
AS 38.05.070

11 AAC 63.040(c) is amended to read:

(c) The conditions in this subsection apply to an authorization for floating housing at an aquatic farmsite. The commissioner will authorize floating housing only if that use is consistent with the floathouse provisions and management intent of an applicable land use plan or [,] zoning ordinance, [OR COASTAL MANAGEMENT PROGRAM] and if the Department of Environmental Conservation determines that floating housing would not result in degraded water quality that would be incompatible with raising shellfish or aquatic plants for human consumption.

(Eff. 7/1/89, Register 110; am 6/14/98, Register 146; am 12/27/12, Register 204)

Authority: AS 38.05.020 AS 38.05.083

The lead-in language of 11 AAC 63.050(b) is amended to read:

(b) The commissioner will prepare a preliminary best interest finding on proposed aquatic farmsite leases for which applications have been timely filed, and on applications the commissioner intends to deny. The preliminary best interest finding will be made available for public and agency review during the fall that follows the application period. [DURING THE PERIOD OF TIME THAT THE PRELIMINARY FINDING IS AVAILABLE FOR PUBLIC AND AGENCY REVIEW, AGENCIES, AFFECTED COASTAL DISTRICTS, AND THE

PUBLIC MAY, CONSISTENT WITH 6 AAC 50.070, COMMENT ON THE CONSISTENCY OF THE PROPOSED AQUATIC FARMSITES WITH THE ALASKA COASTAL

MANAGEMENT PROGRAM.] If the sites are unclassified, a proposed land use plan and classification order will be prepared, and will accompany or be included as part of the

preliminary best interest finding for public review and comment. *If the commissioner decides to amend or deny an application, to limit the number of sites to be authorized, or to offer a lease at auction rather than noncompetitively, the preliminary best interest finding must explain the reason. The finding must consider both advantages and disadvantages of the proposal. The following criteria are within the scope of the department's review:*

11 AAC 63.050(b)(8) is amended to read:

(8) whether special lease provisions or other measures are needed to mitigate

identified conflicts; for this purpose the commissioner will consult guidelines set out in an

applicable land use plan or [,] zoning ordinance [, OR COASTAL MANAGEMENT

PROGRAM]; and

is bold or underline beneath the space

11 AAC 63.050(d) is amended to read:

(d) The final best interest finding will include a summary of agency and public comments on the preliminary finding, and the department's responses to those comments. [IT MAY ALSO REPORT WHETHER THE COORDINATING STATE AGENCY HAS ISSUED A FINAL DETERMINATION OF CONSISTENCY WITH THE ALASKA COASTAL MANAGEMENT PROGRAM. HOWEVER, THE ALASKA COASTAL MANAGEMENT PROGRAM CONSISTENCY DETERMINATION IS NOT WITHIN THE SCOPE OF THE DEPARTMENT'S ADMINISTRATIVE REVIEW, AND CANNOT BE APPEALED TO THE DEPARTMENT; INSTEAD, IT IS SUBJECT TO THE PROCESS SET OUT IN AS 46.40.096

(d) – (e).] (Eff. 7/1/89, Register 110; am 6/14/98, Register 146; am 12/27/12, Register 204)

Authority: AS 38.05.020 AS 38.05.083 AS 38.05.128
AS 38.05.035 AS 38.05.127

11 AAC 63.060(a) is amended to read:

(a) Notice under AS 38.05.945 that the preliminary best interest finding is available for written comment may [WILL, IN THE COMMISSIONER'S DISCRETION,] be combined with notice of (1) the time, place, and location of a hearing, if one has been scheduled; (2) [THE OPPORTUNITY TO COMMENT ON THE PROPOSED PROJECT'S CONSISTENCY WITH THE ALASKA COASTAL MANAGEMENT PROGRAM; (3)] the opportunity to comment on a proposed land use plan and classification, if the land is not yet classified; and (3) [(4)] the approximate date when the final best interest finding, as well as the final land use plan, if required, is expected to be issued. A person who comments on the preliminary best interest finding or proposed land use plan will be sent a copy of the final document.

(Eff. 7/1/89, Register 110; am 6/14/98, Register 146; am 12/27/12, Register 204)

Authority: AS 38.05.020 AS 38.05.083 AS 38.05.945

The lead-in language of

(A)

11 AAC 63.110(4) is amended to read:

Publisher: Existing lead-in language of 11 AAC 63.110(4) is unchanged, and need not be displayed.

~~(4) A proposed amendment to the lease development plan for the lease must be submitted to the department for approval before a change in development occurs, and must be accompanied by the application fee required by 11 AAC 05.010. However, under this paragraph~~

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(A) the following changes do not require an amendment of the lease development plan [NOR DO THEY CONSTITUTE A SIGNIFICANT MODIFICATION REQUIRING A NEW DETERMINATION OF CONSISTENCY WITH THE ALASKA COASTAL MANAGEMENT PROGRAM]:

~~(i) any change in the species or number of shellfish or aquatic~~

~~plants being raised if the change is permitted by the Department of Fish and Game;~~

Publisher's Existing

11 MC 63.110(4)(A)(i), (ii),

(B), and (C) are unchanged, and need not be displayed.

~~(ii) a change in the number or type of rearing structures authorized within the lease boundaries, if the change does not increase obstructions to navigation or to other public use;~~

~~(B) the department will not authorize a proposed amendment to the lease development plan for a "change of use"; for the purpose of this subparagraph and AS 38.05.083 (d), "change of use" means a change from the raising of shellfish and aquatic plants to any other use; and~~

~~(C) the approval of an amendment of an aquatic farmsite lease does not relieve the lessee of the obligation to obtain other necessary authorizations.~~

(Eff. 7/1/89, Register 110; am 6/14/98, Register 146; am 2/8/2001, Register 157;

am 12/27/12, Register 204)

Authority: AS 38.05.020 AS 38.05.085 AS 38.05.103

AS 38.05.035 AS 38.05.095 AS 38.05.920

AS 38.05.083

Editorial: To reflect the repeal of 11 AAC 67.260(b)(6), the last paragraph in the series, please relocate the "and" connector so that it follows 11 AAC 67.260(b)(4) rather than 11 AAC 67.260(b)(5).

11 AAC 67.260(b)(6) is repealed:

(6) repealed 12/27/12 ⁹

(Eff. 10/21/84, Register 92; am 12/27/12, Register 204)

Authority: AS 38.50.010 AS 38.50.160

11 AAC 83.158(h) is amended to read:

(h) In submitting a proposed plan of operations for approval, the lessee or licensee shall provide [10 COPIES OF THE PLAN IF ACTIVITIES PROPOSED ARE WITHIN THE COASTAL ZONE, AND] ^{of the plan} five copies [IF ACTIVITIES PROPOSED ARE NOT WITHIN THE COASTAL ZONE]. (Eff. 6/28/81, Register 78; am 8/15/82, Register 83; am 3/18/83, Register 85; am 9/22/95, Register 135; am 2/21/98, Register 145; am 12/27/12, Register 204)

Authority: AS 38.05.020 AS 38.05.131 AS 38.05.145

AS 38.05.130 AS 38.05.133 AS 38.05.180

11 AAC 84.750(h) is amended to read:

Authority: AS 46.15.020 AS 46.15.165

11 AAC 95.185(g) is repealed:

(g) repealed 12/27/12 .
Cap J

(Eff. 6/10/93, Register 126; am 12/27/12, Register 204)

Authority: AS 41.17.010 AS 41.17.080 AS 41.17.115
AS 41.17.055 AS 41.17.098 AS 41.17.900

[EDITOR'S NOTE: THE PROCESSING AND HABITAT STANDARDS REFERRED TO IN 11 AAC 95.185(g) CURRENTLY APPEAR IN 6 AAC 80.100 - 6 AAC 80.130.]

11 AAC 95.245(d) is amended to read:

(d) A written forest operation inspection report shall be prepared by the forest practices forester after each inspection and must be distributed to the operator, forest landowner, timber owner, **and** agencies [AND AFFECTED COASTAL DISTRICTS]. The forest practices forester

and

[will, in the forester's discretion,] provide the report to the operator before leaving the site. (Eff.

6/10/93, Register 126; am 12/27/12, Register 204)

Authority: AS 41.17.010 AS 41.17.080 AS 41.17.120
AS 41.17.055 AS 41.17.098 AS 44.17.010

11 AAC 95.900(9) is repealed:

(9) repealed 12/27/12 ;

~~(Eff. 2/15/81, Register 77; am 11/21/82, Register 84; am 6/10/93, Register 126; am 11/20/99, Register 152; am 6/24/2004, Register 170; am 6/8/2007, Register 182; am / / , Register)~~

Authority:	AS 41.15.050	AS 41.17.010	AS 41.17.080
	AS 41.15.055	AS 41.17.055	AS 41.17.090
	AS 41.15.060	AS 41.17.060	AS 41.17.900
	AS 41.15.090		

11 AAC 95.900(60) is amended to read:

tab once more > (60) "project" means

(A) for private **and other public** land **as defined under AS 41.17.950**, a detailed plan of operation as described under 11 AAC 95.220;

indent once (B) for **state** [PUBLIC] land, an activity or use [AS DEFINED UNDER 6 AAC 50.190(14)] **under a forest land use plan adopted under the authority of AS 38.05.112** and

(C) an activity subject to federal consistency review under 33 U.S.C. 1329 (Clean Water Act, sec. 319), as amended February 4, 1987;

(Eff. 2/15/81, Register 77; am 11/21/82, Register 84; am 6/10/93, Register 126; am 11/20/99, Register 152; am 6/24/2004, Register 170; am 6/8/2007, Register 182; am 12/27/12, Register 204)

Authority:	AS 41.15.050	AS 41.17.010	AS 41.17.080
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AS 41.15.055	AS 41.17.055	AS 41.17.090
AS 41.15.060	AS 41.17.060	AS 41.17.900
AS 41.15.090		

11 AAC 96.016(c)(4)(B) is amended to read:

indent once } *tab once more* (B) "wetlands" means those environments characterized by rooted vegetation that is partially submerged either continuously or periodically by surface freshwater with less than 0.5 parts per thousand salt content and not exceeding three meters in depth [HAS THE MEANING GIVEN "FRESHWATER WETLANDS" IN 11 AAC 112.990];

(Eff. 11/9/2008, Register 188; am 12/27/12, Register 204)

Authority:	AS 38.04.200	AS 41.23.030	AS 41.23.160
	AS 38.05.020	AS 41.23.060	AS 41.23.190
	AS 38.05.035	AS 41.23.070	AS 41.23.200
	AS 38.05.300	AS 41.23.110	AS 41.23.210
	AS 38.05.850	AS 41.23.120	AS 41.23.220
	AS 41.23.020	AS 41.23.150	

11 AAC 96.035(b) is repealed:

(b) Repealed 12/27/12

(Eff. 8/31/2008, Register 187; am 12/27/12, Register 204)

Authority:	AS 38.05.020	AS 38.05.035	AS 38.05.850
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11 AAC 97.300(f) is amended to read:

(f) If a state or federal agency or a municipality has entered into a cooperative management agreement with the commissioner to implement all or part of this chapter, the application review schedule will comply with that agency's or municipality's applicable review schedule. [IF A MINING OPERATION REQUIRES AN INDIVIDUAL PROJECT REVIEW TO DETERMINE ITS CONSISTENCY WITH THE ALASKA COASTAL MANAGEMENT PROGRAM, THE APPLICATION REVIEW SCHEDULE WILL COMPLY WITH 6 AAC 50.]
(Eff. 7/30/92, Register 123; am 12/27/12, Register 204)

Authority: AS 27.19.030 AS 27.19.080 Sec. 2, ch. 92, SLA 1990
AS 27.19.060 AS 27.19.100

11 AAC 99.140(a) is amended to read:

(a) The management of trust land is subject to the police power authority of the state and its political subdivisions to the same extent as private land, including compliance with AS 41.17 [AND AS 46.40].

(Eff. 3/31/97, Register 141; am 12/27/12, Register 204)

Authority: AS 37.14.009 AS 38.05.020 AS 38.05.801

11 AAC 110.010 is repealed:

11 AAC 110.010. Applicability of the Alaska coastal management program consistency review process. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.015 is repealed:

11 AAC 110.015. Application of enforceable policies and statewide standards to a ^{bold the period} project requiring a federal consistency determination or federal consistency certification.

Repealed. (Eff. 6/25/2005, Register 174; repealed 12/27/12, Register 204)

11 AAC 110.020 is repealed:

11 AAC 110.020. Scope of project subject to consistency review. Repealed. (Eff. ^{bold the period} 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.030 is repealed:

11 AAC 110.030. Office of project management and permitting responsibility. ^{bold the period} Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.040 is repealed:

11 AAC 110.040. Review by the Department of Environmental Conservation of certain activities that are the subject of a district enforceable policy. ^{bold the period} Repealed. (Eff. ^{close third (excess) space} _(2 spaces, not 3) 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.050 is repealed:

State agency authority and responsibility.

11 AAC 110.050. Review by the Department of Environmental Conservation of ~~certain activities that are the subject of a district enforceable policy.~~ ^{bold the period} Repealed. (Eff. ^{close third (excess) space} 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.060 is repealed:

11 AAC 110.060. Coastal resource district responsibility. ^{bold the period} Repealed. (Eff. 7/1/2004, Register 170; am 6/1/2005, Register 175; repealed 12/27/12, Register 204) ^{close the third (excess) space}

11 AAC 110.200 is repealed:

11 AAC 110.200. Applicability. Repealed. (Eff. 7/1/2004, Register 170; repealed ^{bold the period} 12/27/12, Register 204)

11 AAC 110.205 is repealed:

11 AAC 110.205. Coastal project questionnaire. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)
bold the period

11 AAC 110.210 is repealed:

11 AAC 110.210. Pre-review assistance. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)
bold the period

11 AAC 110.215 is repealed:

11 AAC 110.215. Applicant consistency review packet. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)
bold the period

11 AAC 110.220 is repealed:

11 AAC 110.220. Determination of completeness and notice to applicant. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)
bold the period

11 AAC 110.225 is repealed:

11 AAC 110.225. Determination of the scope of the project subject to consistency review. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)
bold the ⁱⁿ period

11 AAC 110.230 is repealed:

11 AAC 110.230. Timing of a consistency review. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.235 is repealed:

11 AAC 110.235. Initiation of a consistency review. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.240 is repealed:

11 AAC 110.240. Request for additional information. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.245 is repealed:

11 AAC 110.245. Comment deadlines. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.250 is repealed:

11 AAC 110.250. Review participant comments. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.255 is repealed:

11 AAC 110.255. Proposed consistency determination. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.260 is repealed:

11 AAC 110.260. Final consistency determination. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.265 is repealed:

11 AAC 110.265. Time for issuance of a final consistency determination. Repealed.

(Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.270 is repealed:

11 AAC 110.270. Consistency review schedule modification and termination.

Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.300 is repealed:

11 AAC 110.300. Applicability. Repealed. (Eff. 7/1/2004, Register 170; repealed

12/27/12, Register 204)

11 AAC 110.305 is repealed:

11 AAC 110.305. Pre-review assistance for a federal agency. Repealed. (Eff.

7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.310 is repealed:

11 AAC 110.310. Federal consistency determination. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.315 is repealed:

11 AAC 110.315. Initiation of a consistency review of a federal consistency determination. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.320 is repealed:

11 AAC 110.320. Request for additional information for a federal consistency determination. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.325 is repealed:

11 AAC 110.325. Comment deadline for a federal consistency determination; review schedule modification or extension. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.330 is repealed:

11 AAC 110.330. Review participant comments regarding a federal consistency determination. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.335 is repealed:

11 AAC 110.335. Proposed consistency response to a federal consistency determination. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.340 is repealed:

11 AAC 110.340. Elevation and mediation of a proposed consistency response.
Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.345 is repealed:

11 AAC 110.345. Final consistency response to a federal consistency determination.
Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.350 is repealed:

11 AAC 110.350. Resource agency authorization. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.355 is repealed:

11 AAC 110.355. Process for a federal negative determination. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.400 is repealed:

11 AAC 110.400. Activities requiring a federal authorization subject to consistency review. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.405 is repealed:

11 AAC 110.405. Pre-review assistance for an applicant for a federal authorization. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.410 is repealed:

11 AAC 110.410. Consistency certification for a federal authorization. Repealed.

(Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.415 is repealed:

11 AAC 110.415. Determination of the scope of the project subject to consistency review. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.420 is repealed:

11 AAC 110.420. Initiation of a consistency review for a federal consistency certification. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.425 is repealed:

11 AAC 110.425. Request for additional information for a federal consistency certification. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.430 is repealed:

11 AAC 110.430. Comment deadline for a federal consistency certification; review schedule modifications and extensions. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.435 is repealed:

11 AAC 110.435. Review participant comments regarding a federal consistency certification. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.440 is repealed:

11 AAC 110.440. Proposed consistency response to a federal consistency certification. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.445 is repealed:

11 AAC 110.445. Final consistency response to a federal consistency certification. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.450 is repealed:

11 AAC 110.450. Resource agency authorization. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.455 is repealed:

11 AAC 110.455. Review process for exploration, development, and production activities on the outer continental shelf. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.500 is repealed:

11 AAC 110.500. Public notice. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.510 is repealed:

11 AAC 110.510. Public comments. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.520 is repealed:

11 AAC 110.520. Public hearing. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.600 is repealed:

11 AAC 110.600. Elevation process. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.700 is repealed:

11 AAC 110.700. Use of general and nationwide permits, categorically consistent determinations, and generally consistent determinations in project consistency reviews.

Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.710 is repealed:

11 AAC 110.710. Review process for categorically consistent determinations for activities that require a resource agency authorization. Repealed. (Eff. 7/1/2004, Register

170; repealed 12/27/12, Register 204)

[EDITOR'S NOTE: THE A LIST SET OUT IN VOLUME I OF THE LIST OF EXPEDITED CONSISTENCY REVIEWS AND STATE AUTHORIZATIONS SUBJECT TO THE ACMP, ADOPTED BY REFERENCE IN 11 AAC 110.710, IS AVAILABLE FOR INSPECTION AT THE DEPARTMENT OF NATURAL RESOURCES, OFFICE OF PROJECT MANAGEMENT AND PERMITTING, 302 GOLD STREET, JUNEAU, AK 99801 OR AT WWW.ALASKACDAST.STATE.AK.US.]

11 AAC 110.720 is repealed:

11 AAC 110.720. Implementation of Use of general and nationwide permits, categorically consistent determinations, for activities that require a resource agency authorization, and generally consistent determinations in project consistency reviews.

Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.730 is repealed:

11 AAC 110.730. Review process for generally consistent determinations for activities that require a resource agency authorization. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

[EDITOR'S NOTE: THE B LIST SET OUT IN VOLUME I OF THE LIST OF EXPEDITED CONSISTENCY REVIEWS AND STATE AUTHORIZATIONS SUBJECT TO THE ACMP, ADOPTED BY REFERENCE IN 11 AAC 110.730, IS AVAILABLE FOR INSPECTION AT THE DEPARTMENT OF NATURAL RESOURCES, OFFICE OF PROJECT MANAGEMENT AND PERMITTING, 302 GOLD ST., JUNEAU, AK 99801 OR AT WWW.ALASKACOAST.STATE.AK.US]

11 AAC 110.740 is repealed:

11 AAC 110.740. Implementation of generally consistent determinations for activities that require a resource agency authorization. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.750 is repealed:

11 AAC 110.750. Activities generally subject to individual consistency review.
Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

[EDITOR'S NOTE: THE C LIST SET OUT IN VOLUME I OF THE LIST OF EXPEDITED CONSISTENCY REVIEWS AND STATE AUTHORIZATIONS SUBJECT TO THE ACMP, ADOPTED BY REFERENCE IN 11 AAC 110.750, IS AVAILABLE FOR INSPECTION AT THE DEPARTMENT OF NATURAL RESOURCES, OFFICE OF PROJECT MANAGEMENT AND PERMITTING, 302 GOLD ST., JUNEAU, AK 99801 OR AT WWW.ALASKACOAST.STATE.AK.US]

11 AAC 110.760 is repealed:

11 AAC 110.760. Review process for resource agency general permits. Repealed.

(Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.770 is repealed:

11 AAC 110.770. Review process for federal general permit and nationwide permit.

Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.780 is repealed:

11 AAC 110.780. Generally consistent determinations for federal activities.

Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.800 is repealed:

11 AAC 110.800. Project modifications during a consistency review. Repealed. (Eff.

7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.810 is repealed:

11 AAC 110.810. Termination of a project's consistency review. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.820 is repealed:

11 AAC 110.820. Project modifications after issuance of a final consistency determination. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.830 is repealed:

11 AAC 110.830. Authorization renewals, re-issuances, and expirations. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.900 is repealed:

11 AAC 110.900. Emergency expedited review. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.910 is repealed:

11 AAC 110.910. Computation of time. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 110.990 is repealed:

11 AAC 110.990. Definitions. Repealed. (Eff. 7/1/2004, Register 170; am 6/1/2005, Register 175; repealed 12/27/12, Register 204)

11 AAC 112.010 is repealed:

11 AAC 112.010. Applicability. Repealed. (Eff. 7/1/2004, Register 170; am 6/1/2005, Register 175; repealed 12/27/12, Register 204)

[EDITOR'S NOTE: THE DATE ON WHICH 11 AAC 112.200 - 11 AAC 112.990 BECOME APPLICABLE TO CONSISTENCY REVIEWS UNDER 11 AAC 112.010 WILL BE POSTED BY THE DEPARTMENT OF NATURAL RESOURCES AT WWW.ALASKACOAST.STATE.AK.US.]

11 AAC 112.020 is repealed:

11 AAC 112.020. Coverage of chapter. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 112.200 is repealed:

11 AAC 112.200. Coastal development. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 112.210 is repealed:

11 AAC 112.210. Natural hazard areas. Repealed. (Eff. 7/1/2004, Register 170;

repealed 12/27/12, Register 204)

[EDITOR'S NOTE: AS OF REGISTER 171 (OCTOBER 2004), THE REGULATIONS ATTORNEY MADE TECHNICAL REVISIONS UNDER AS 44.62.125(b)(6) TO REFLECT THE NAME CHANGE OF THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT TO THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT MADE BY CH. 47, SLA 2004 AND THE CORRESPONDING TITLE CHANGE OF THE COMMISSIONER OF COMMUNITY AND ECONOMIC DEVELOPMENT.]

11 AAC 112.220 is repealed:

11 AAC 112.220. Coastal access. Repealed. (Eff. 7/1/2004, Register 170; repealed

12/27/12, Register 204)

11 AAC 112.230 is repealed:

11 AAC 112.230. Energy facilities. Repealed. (Eff. 7/1/2004, Register 170; repealed

12/27/12, Register 204)

11 AAC 112.240 is repealed:

11 AAC 112.240. Utility routes and facilities. Repealed. (Eff. 7/1/2004, Register 170;

repealed 12/27/12, Register 204)

11 AAC 112.250 is repealed:

11 AAC 112.250. Timber harvest and processing. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 112.260 is repealed:

11 AAC 112.260. Sand and gravel extraction. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 112.270 is repealed:

11 AAC 112.270. Subsistence. Repealed. (Eff. 7/1/2004, Register 170; am 10/29/2004, Register 172; am 6/25/2005, Register 174; repealed 12/27/12, Register 204)

11 AAC 112.280 is repealed:

11 AAC 112.280. Transportation routes and facilities. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 112.300 is repealed:

11 AAC 112.300. Habitats. Repealed. (Eff. 7/1/2004, Register 170; am 10/29/2004, Register 172; am 6/25/2005, Register 174; repealed 12/27/12, Register 204)

11 AAC 112.310 is repealed:

11 AAC 112.310. Air, land, and water quality. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 112.320 is repealed:

11 AAC 112.320. Historic, prehistoric, and archeological resources. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 112.900 is repealed:

11 AAC 112.900. Sequencing process to avoid, minimize, or mitigate. Repealed. (Eff. 7/1/2004, Register 170; am 10/29/2004, Register 172; repealed 12/27/12, Register 204)

11 AAC 112.990 is repealed:

11 AAC 112.990. Definitions. Repealed. (Eff. 7/1/2004, Register 170; am 10/29/2004, Register 172; repealed 12/27/12, Register 204)

[EDITOR'S NOTE: AS OF REGISTER 186 (JULY 2008), AND ACTING UNDER AS 44.62.125(b)(6), THE REGULATIONS ATTORNEY MADE TECHNICAL CHANGES TO THE DEFINITION OF "RIVERS, STREAMS, AND LAKES" IN 11 AAC 112.990, TO REFLECT EXECUTIVE ORDER 114 (2008). EXECUTIVE ORDER 114 TRANSFERRED FUNCTIONS RELATED TO PROTECTION OF FISH HABITAT IN RIVERS, LAKES, AND STREAMS FROM THE DEPARTMENT OF NATURAL RESOURCES TO THE DEPARTMENT OF FISH AND GAME.]

11 AAC 114.010 is repealed:

11 AAC 114.010. Public participation and information. Repealed. (Eff. 7/1/2004, Register 170; am 10/29/2004, Register 172; repealed 12/27/12, Register 204)

11 AAC 114.020 is repealed:

11 AAC 114.020. Program management and coordination. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 114.200 is repealed:

11 AAC 114.200. Issues, goals, and objectives. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 114.210 is repealed:

11 AAC 114.210. Organization. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 114.220 is repealed:

11 AAC 114.220. Coastal zone boundaries. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

EDITOR'S NOTE: THE BIOPHYSICAL BOUNDARIES FOR ALASKA'S COASTAL ZONE (1978, REPRINTED JANUARY 1985), ADOPTED BY REFERENCE IN 11 AAC 114.220 IS AVAILABLE FOR INSPECTION AT THE DEPARTMENT OF NATURAL RESOURCES, OFFICE OF PROJECT MANAGEMENT AND PERMITTING, 302 GOLD STREET, JUNEAU, AK 99801.]

11 AAC 114.230 is repealed:

11 AAC 114.230. Resource inventory. Repealed. (Eff. 7/1/2004, Register 170; am 10/29/2004, Register 172; repealed 12/27/12, Register 204)

11 AAC 114.240 is repealed:

11 AAC 114.240. Resource analysis. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 114.250 is repealed:

Register 204 January 2013 NATURAL RESOURCES

11 AAC 114.250. Subject uses, activities, and designations. Repealed. (Eff. 7/1/2004, Register 170; am 10/29/2004, Register 172; am 6/25/2005, Register 174; repealed 12/27/12, Register 204)

11 AAC 114.260 is repealed:

11 AAC 114.260. Proper and improper uses and activities. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 114.270 is repealed:

11 AAC 114.270. District enforceable policies. Repealed. (Eff. 7/1/2004, Register 170; am 10/29/2004, Register 172; repealed 12/27/12, Register 204)

11 AAC 114.280 is repealed:

11 AAC 114.280. Implementation. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 114.290 is repealed:

11 AAC 114.290. Public participation. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 114.300 is repealed:

11 AAC 114.300. Issues meeting; file maintenance. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 114.305 is repealed:

11 AAC 114.305. Public hearing draft development. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 114.310 is repealed:

11 AAC 114.310. Distribution and notice of public hearing draft. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 114.315 is repealed:

11 AAC 114.315. Comment on public hearing draft. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 114.320 is repealed:

11 AAC 114.320. District action on public hearing draft. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

Publisher: Delete publisher's note that follows 11 AAC 114.320.

11 AAC 114.325 is repealed:

11 AAC 114.325. Revised public hearing draft development and review in coastal resource service areas. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 114.330 is repealed:

11 AAC 114.330. Development, coordination, and public review of concept-approved drafts. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)
in
delete underline

11 AAC 114.335 is repealed:

11 AAC 114.335. Commissioner review of final findings and conclusions and concept-approved drafts of district plans. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 114.340 is repealed:

11 AAC 114.340. Minor amendments. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 114.345 is repealed:

11 AAC 114.345. Transition. Repealed. (Eff. 7/1/2004, Register 170; am 6/1/2005, Register 175; repealed 12/27/12, Register 204)

11 AAC 114.350 is repealed:

11 AAC 114.350. Mediation. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 114.355 is repealed:

11 AAC 114.355. Federal review. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 114.360 is repealed:

11 AAC 114.360. Local adoption and effective date. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 114.365 is repealed:

11 AAC 114.365. Progress reports to office, updates to district plans, and reapproval. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 114.370 is repealed:

11 AAC 114.370. Petition for amendment to an approved district plan regarding uses of state concern. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 114.375 is repealed:

11 AAC 114.375. Petition regarding nonimplementation of a district plan. Repealed.

(Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 114.380 is repealed:

11 AAC 114.380. General hearing procedures on petitions. Repealed. (Eff.

7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 114.385 is repealed:

11 AAC 114.385. Citizen of a district. Repealed. (Eff. 7/1/2004, Register 170;

repealed 12/27/12, Register 204)

11 AAC 114.400 is repealed:

11 AAC 114.400. Special ^{area}management ^{plans.}areas. Repealed. (Eff. 7/1/2004, Register 170;

repealed 12/27/12, Register 204)

11 AAC 114.410 is repealed:

11 AAC 114.410. Types of areas to be designated as areas which merit special attention. Repealed. (Eff. 7/1/2004, Register 170; am 10/29/2004, Register 172; repealed 12/27/12, Register 204)

11 AAC 114.420 is repealed:

11 AAC 114.420. Areas which merit special attention inside districts. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 114.430 is repealed:

11 AAC 114.430. Areas which merit special attention outside districts. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 114.900 is repealed:

11 AAC 114.900. Computation of time. Repealed. (Eff. 7/1/2004, Register 170; repealed 12/27/12, Register 204)

11 AAC 114.990 is repealed:

11 AAC 114.990. Definitions. Repealed. (Eff. 7/1/2004, Register 170; am 10/29/2004, Register 172; am 6/1/2005, Register 175; repealed 12/27/12, Register 204)

[EDITOR'S NOTE: AS OF REGISTER 171 (OCTOBER 2004), THE REGULATIONS ATTORNEY MADE TECHNICAL REVISIONS UNDER AS 44.62.125(b)(6) TO REFLECT THE NAME CHANGE OF THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT TO THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT MADE BY CH. 47, SLA 2004 AND THE CORRESPONDING TITLE CHANGE OF THE COMMISSIONER OF COMMUNITY AND ECONOMIC DEVELOPMENT.]