

# APPENDIX C

## REGULATIONS

### Alaska Coastal Management Program Regulations

Register 94, July 1985

GOVERNOR'S OFFICE

6 AAC 80.010 6 AAC 80.020

#### PART 6.

#### ALASKA COASTAL POLICY COUNCIL

##### Chapter

- 80. Standards of the Alaska Coastal Management Program (6 AAC 80.010-6 AAC 80.900)
- 85. Guidelines for District Coastal Management Programs (6 AAC 85.010-6 AAC 85.900)

#### CHAPTER 80.

#### STANDARDS OF THE ALASKA COASTAL MANAGEMENT PROGRAM

##### Article

- 1. Government Process (6 AAC 80.010-6 AAC 80.030)
- 2. Uses and Activities (6 AAC 80.040-6 AAC 80.120)
- 3. Resources and Habitats (6 AAC 80.130-6 AAC 80.150)
- 4. Areas Which Merit Special Attention (6 AAC 80.158-6 AAC 80.170)
- 5. General Provisions (6 AAC 80.900)

#### ARTICLE 1.

#### GOVERNMENT PROCESS

##### Section

- 10. Coverage of chapter
- 20. Public participation and information
- 30. Program management and coordination

#### 6 AAC 80.010. COVERAGE OF CHAPTER.

(a) This chapter contains standards for the use of and application by districts and state agencies in carrying out their responsibilities under the Alaska Coastal Management Act (AS 46.40, and AS 44.19.891 - 44.19.894).

(b) Nothing in this chapter or in any district program displaces or diminishes the authority of

any state agency or local government with respect to resources in the coastal area. Uses and activities conducted by state agencies in the coastal area must be consistent with the applicable district program and the standards contained in this chapter. In authorizing uses or activities in the coastal area under its statutory authority, each state agency shall grant authorization if, in addition to finding that the use or activity complies with the agency's statutes and regulations, the agency finds that the use or activity is consistent with the applicable district program and the standards contained in this chapter. However, if the district program and the standards in this chapter both address the same operational subject or issue, the provisions of the district program are controlling.

(c) At a minimum, the council will review this chapter annually. (Eff. 7/18/78, Reg. 67; am 9/9/81, Reg. 79)

Authority: AS 44.19.160  
AS 46.40.040  
AS 46.40.100

#### 6 AAC 80.020. PUBLIC PARTICIPATION AND INFORMATION.

(a) The council will provide adequate, effective, and continuing opportunities for public participation from the beginning of the Alaska coastal management program. The council will give notice of when and where opportunities for public participation will be provided before adoption of guidelines and standards, review and approval of district programs and amendments to district programs, and amendments to the Alaska coastal management program.

(b) The council will not approve a district program or significant amendment of a district program unless evidence of significant

opportunities for public participation at the district level has been provided.

(c) The council will make available to the public information and educational materials concerning coastal management, in understandable form, including

(1) a guide for the development of district programs;

(2) maps and narratives describing physical and biological characteristics to be used in establishing boundaries of coastal areas;

(3) areas recommended for council designation as areas which merit special attention;

(4) maps showing the distribution and abundance of coastal fish and wildlife species with commercial, recreational, subsistence, or general ecological importance;

(5) an identification of major data and information sources concerning coastal management;

(6) a summary of information regarding coastal regions;

(7) summaries of public hearings and workshops;

(8) films and slide programs;

(9) written material summarizing or explaining the Alaska coastal management program; and

(10) the council's annual report to the legislature.

(d) At public meetings concerning the Alaska coastal management program, the council will ensure that, when requested and reasonably necessary, translation into the appropriate Native language is provided. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.161  
AS 46.40.040

**6 AAC 80.030. PROGRAM MANAGEMENT AND COORDINATION.** (a) The division of governmental coordination of the Office of Management and Budget is the designated lead agency for the Alaska Coastal Management Program. The division of governmental coordination of the Office of Management and Budget shall

(1) present the staff position regarding matters before the council;

(2) coordinate the activities of state agencies participating in the Alaska coastal management program; and

(3) review state and federal actions for consistency with the Alaska coastal management program, as provided in 6 AAC 50.

(b) The council will initiate an interagency program of comprehensive resource management for each geographic region listed in AS 44.19.155. Regional programs will

(1) assist the council and districts in identifying uses of state concern and developing management policies for these uses;

(2) provide resource, social, and economic information on a coordinated regional basis; and

(3) assist the council and districts in identifying, avoiding, or minimizing existing or potential conflicts.

(c) Plans and recommendations developed as part of the regional program described in (b) of

this section must be transmitted to the district through the division of governmental coordination. District planning efforts must demonstrate review and consideration of these plans and recommendations. If the final district program proposed does not agree with the regional program plans and recommendations, the differences will be resolved by the council.

(d) The council will prepare a manual of standards for the management of land and water uses in the coastal area to assist in the development of district and state agency programs. (Eff. 7/18/78, Reg. 67; am 10/28/84, Reg. 92)

Authority: AS 44.19.145(a)(11)  
AS 44.19.161  
AS 46.40.040

## ARTICLE 2. USES AND ACTIVITIES

### Section

- 40. Coastal development
- 50. Geophysical hazard areas
- 60. Recreation
- 70. Energy facilities
- 80. Transportation and utilities
- 90. Fish and seafood processing
- 100. Timber harvest and processing
- 110. Mining and mineral processing
- 120. Subsistence

### 6 AAC 80.040. COASTAL DEVELOPMENT.

(a) In planning for and approving development in coastal areas, districts and state agencies shall give, in the following order, priority to:

- (1) water-dependent uses and activities;
- (2) water-related uses and activities; and

(3) uses and activities which are neither water-dependent nor water-related for which there is no feasible and prudent inland alternative to meet the public need for the use or activity.

(b) The placement of structures and the discharge of dredged or fill material into coastal water must, at a minimum, comply with the standards contained in Parts 320-323, Title 33, Code of Federal Regulations (Vol. 42 of the Federal Register, pp. 37133 - 47 (July 19, 6-107

1977)). (Eff. 7/18/78, Reg. 67; am 8/18/79, Reg. 71)

Authority: AS 44.19.161  
AS 46.40.040

**6 AAC 80.050. GEOPHYSICAL HAZARD AREAS.** (a) Districts and state agencies shall identify known geophysical hazard areas and areas of high development potential in which there is a substantial possibility that geophysical hazards may occur.

(b) Development in areas identified under (a) of this section may not be approved by the appropriate state or local authority until siting, design, and construction measures for minimizing property damage and protecting against loss of life have been provided. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19:161  
AS 46.40.040

**6 AAC 80.060. RECREATION.** (a) Districts shall designate areas for recreational use. Criteria for designation of areas of recreational use are

(1) the area receives significant use by persons engaging in recreational pursuits or is a major tourist destination; or

(2) the area has potential for high quality recreational use because of physical, biological, or cultural features.

(b) Districts and state agencies shall give high priority to maintaining and, where appropriate, increasing public access to coastal water. (Eff. 7/18/78, Reg. 67; am 8/18/79, Reg. 71)

Authority: AS 44.19.161  
AS 46.40.040

**6 AAC 80.070. ENERGY FACILITIES.** (a) Sites suitable for the development of major energy facilities must be identified by districts and the state in cooperation with districts.

(b) The siting and approval of major energy facilities by districts and state agencies must be based, to the extent feasible and prudent, on the following standards:

(1) site facilities so as to minimize adverse environmental and social effects while satisfying industrial requirements;

(2) site facilities so as to be compatible with existing and subsequent adjacent uses and projected community needs;

(3) consolidate facilities;

(4) consider the concurrent use of facilities for public or economic reasons;

(5) cooperate with landowners, developers, and federal agencies in the development of facilities;

(6) select sites with sufficient acreage to allow for reasonable expansion of facilities;

(7) site facilities where existing infrastructure, including roads, docks, and airstrips, is capable of satisfying industrial requirements;

(8) select harbors and shipping routes with least exposure to reefs, shoals, drift ice, and other obstructions;

(9) encourage the use of vessel traffic control and collision avoidance systems;

(10) select sites where development will require minimal site clearing, dredging and construction in productive habitats;

(11) site facilities so as to minimize the probability, along shipping routes, of spills or other forms of contamination which would affect fishing grounds, spawning grounds, and other biologically productive or vulnerable habitats, including marine mammal rookeries and hauling out grounds and waterfowl nesting areas;

(12) site facilities so that design and construction of those facilities and support infrastructures in coastal areas of Alaska will allow for the free passage and movement of fish and wildlife with due consideration for historic migratory patterns and so that areas of particular scenic, recreational, environmental, or cultural value will be protected;

(13) site facilities in areas of least biological productivity, diversity, and vulnerability and where effluents and spills can be controlled or contained;

(14) site facilities where winds and air currents disperse airborne emissions which cannot be captured before escape into the atmosphere;

(15) select sites in areas which are designated for industrial purposes and where industrial traffic is minimized through population centers; and

(16) select sites where vessel movements will not result in overcrowded harbors or interfere with fishing operations and equipment.

(c) Districts shall consider that the uses authorized by the issuance of state and federal leases for mineral and petroleum resource extraction are uses of state concern. (Eff. 7/18/78, Reg. 67; am 8/18/79, Reg. 71)

Authority: AS 44.19.161  
AS 46.40.040

**6 AAC 80.080 TRANSPORTATION AND UTILITIES.** (a) Transportation and utility routes and facilities in the coastal area must be sited, designed, and constructed so as to be compatible with district programs.

(b) Transportation and utility routes and facilities must be sited inland from beaches and shorelines unless the route or facility is water-dependent or no feasible and prudent inland alternative exists to meet the public need for the route or facility. (Eff. 7/18/78, Reg. 67; am 8/18/79, Reg. 71)

Authority: AS 44.19.161  
AS 46.40.040

**6 AAC 80.090. FISH AND SEAFOOD PROCESSING.** Districts shall identify and may designate areas of the coast suitable for the location or development of facilities related to commercial fishing and seafood processing. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.161  
AS 46.40.040

**6 AAC 80.100. TIMBER HARVEST AND PROCESSING.** AS 41.17, Forest Resources and Practices, and the regulations and procedures adopted under that chapter with respect to the harvest and processing of timber, are incorporated into the Alaska coastal management program and constitute the components of

the coastal management program with respect to those purposes. (Eff. 7/18/78, Reg. 67; am 8/18/79, Reg. 71; am 3/30/84, Reg. 89)

Authority: AS 44.19.161  
AS 46.40.040

**6 AAC 80.110. MINING AND MINERAL PROCESSING.** (a) Mining and mineral processing in the coastal area must be regulated, designed, and conducted so as to be compatible with the standards contained in this chapter, adjacent uses and activities, statewide and national needs, and district programs.

(b) Sand and gravel may be extracted from coastal waters, intertidal areas, barrier islands, and spits, when there is no feasible and prudent alternative to coastal extraction which will meet the public need for the sand or gravel. (Eff. 7/18/78, Reg. 67; am 8/18/79, Reg. 71)

Authority: AS 44.19.161  
AS 46.40.040

**6 AAC 80.120. SUBSISTENCE:** (a) Districts and state agencies shall recognize and assure opportunities for subsistence usage of coastal areas and resources.

(b) Districts shall identify areas in which subsistence is the dominant use of coastal resources.

(c) Districts may, after consultation with appropriate state agencies, Native corporations, and any other persons or groups, designate areas identified under (b) of this section as subsistence zones in which subsistence uses and activities have priority over all nonsubsistence uses and activities.

(d) Before a potentially conflicting use or activity may be authorized within areas designated under (c) of this section, a study of the possible adverse impacts of the proposed potentially conflicting use or activity upon subsistence usage must be conducted and appropriate safeguards to assure subsistence usage must be provided.

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(e) Districts sharing migratory fish and game resources must submit compatible plans for habitat management. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.161  
AS 46.40.040

**ARTICLE 3.  
RESOURCES AND HABITATS**

**Section**

130. **Habitats**

140. **Air, land, and water quality**

150. **Historic, prehistoric, and archaeological resources**

**6 AAC 80.130. HABITATS.** (a) Habitats in the coastal area which are subject to the Alaska coastal management program include

(1) offshore areas;

- (2) estuaries;
- (3) wetlands and tideflats;
- (4) rocky islands and seacliffs;
- (5) barrier islands and lagoons;
- (6) exposed high energy coasts;
- (7) rivers, streams, and lakes; and
- (8) important upland habitat.
- (b) The habitats contained in (a) of this section must be managed so as to maintain or enhance the biological, physical, and chemical characteristics of the habitat which contribute to its capacity to support living resources.
- (c) In addition to the standard contained in (b) of this section, the following standards apply to the management of the following habitats:
- (1) offshore areas must be managed as a fisheries conservation zone so as to maintain or enhance the state's sport, commercial, and subsistence fishery;
- (2) estuaries must be managed so as to assure adequate water flow, natural circulation patterns, nutrients, and oxygen levels, and avoid the discharge of toxic wastes, silt, and destruction of productive habitat;
- (3) wetlands and tideflats must be managed so as to assure adequate water flow, nutrients, and oxygen levels and avoid adverse effects on natural drainage patterns, the destruction of important habitat, and the discharge of toxic substances;
- (4) rocky islands and seacliffs must be managed so as to avoid the harassment of wildlife, destruction of important habitat, and the introduction of competing or destructive species and predators;
- (5) barrier islands and lagoons must be managed so as to maintain adequate flows of sediments, detritus, and water, avoid the alteration or redirection of wave energy which would lead to the filling in of lagoons or the erosion of barrier islands, and discourage

activities which would decrease the use of barrier islands by coastal species, including polar bears and nesting birds;

(6) high energy coasts must be managed by assuring the adequate mix and transport of sediments and nutrients and avoiding redirection of transport processes and wave energy; and

(7) rivers, streams, and lakes must be managed to protect natural vegetation, water quality, important fish or wildlife habitat and natural water flow.

(d) Uses and activities in the coastal area which will not conform to the standards contained in (b) and (c) of this section may be allowed by the district or appropriate state agency if the following are established:

(1) there is a significant public need for the proposed use or activity;

(2) there is no feasible prudent alternative to meet the public need for the proposed use or activity which would conform to the standards contained in (b) and (c) of this section; and

(3) all feasible and prudent steps to maximize conformance with the standards contained in (b) and (c) of this section will be taken.

(e) In applying this section, districts and state agencies may use appropriate expertise, including regional programs referred to in 6 AAC 80.030(b). (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.161  
AS 46.40.040

**6 AAC 80.140. AIR, LAND, AND WATER QUALITY.** Notwithstanding any other provision of this chapter, the statutes pertaining to and the regulations and procedures of the Alaska Department of Environmental Conservation with respect to the protection of air, land, and water quality are incorporated into the Alaska coastal management program and, as administered by that agency, constitute the components of the coastal management program with respect to those purposes. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.161  
AS 46.40.040

**6 AAC 80.150. HISTORIC, PREHISTORIC, AND ARCHAEOLOGICAL RESOURCES.** Districts and appropriate state agencies shall identify areas of the coast which are important to the study, understanding, or illustration of national, state, or local history or prehistory. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.161  
AS 46.40.040

**ARTICLE 4.  
AREAS WHICH MERIT  
SPECIAL ATTENTION**

**Section**

- 158. Types of areas to be designated as areas which merit special attention**  
**160. Areas which merit special attention inside districts**  
**170. Areas which merit special attention outside districts**

**6 AAC 80.158. TYPES OF AREAS TO BE DESIGNATED AS AREAS WHICH MERIT SPECIAL ATTENTION.** An area to be designated as an area which merits special attention may include the following, in addition to the categories contained in AS 46.40.210(1):

- (1) areas important for subsistence hunting, fishing, food gathering, and foraging;
- (2) areas with special scientific values or opportunities, including those areas where ongoing research projects could be jeopardized by development or conflicting uses and activities; and
- (3) potential estuarine or marine sanctuaries. (Eff. 6/9/85, Reg. 94)

Authority: AS 44.19.161  
AS 46.40.040

**Editor's Note:** Before 6/9/85, Register 94, the substance of 6 AAC 80.158 was contained in 6 AAC 80.160. The history of 6 AAC 80.160 is not reflected in the history note for 6 AAC 80.158.

**6 AAC 80.160. AREAS WHICH MERIT SPECIAL ATTENTION INSIDE DISTRICTS.**

(a) A person may recommend, to a district, areas inside the district to be nominated to the council as areas which merit special attention. A district may nominate, in a district program or as a significant amendment to its program,

areas which merit special attention. Council designation of areas which merit special attention inside districts will be in accordance with the procedures for approval of district programs, or significant amendments to district programs, as described in 6 AAC 85. A nomination of an area which merits special attention must include the following information:

(1) the basis or bases for designation under AS 46.40.210(1) or 6 AAC 80.158;

(2) a map showing the geographical location, surface area and, if appropriate, bathymetry of the area, along with a legal and narrative description of the boundaries and a justification of the size of the area which merits special attention;

(3) a description of the area which includes dominant physical and biological features;

(4) the existing ownership, jurisdiction, and management status of the area, including existing uses and activities;

(5) the existing ownership, jurisdiction, and management status of adjacent shoreland and sea areas, including existing uses and activities;

(6) present and anticipated conflicts among uses and activities within or adjacent to the area, if any; and

(7) a proposed management plan, consisting of the following:

(A) a description of the uses and activities that will be considered proper, and the uses and activities that will be considered improper, with respect to land and water within the area, and the rationale for the designate of proper and improper uses;

(B) a statement of the specific, enforceable policies that will be applied in managing the area; and

(C) an identification of the authority that will be used to implement the proposed management plan.

(b) A management plan for an area which merits special attention inside a district must

preserve, protect, enhance, or restore the value or values for which the area was designated. (Eff. 7/18/78, Reg. 67; am 8/18/79, Reg. 71; am 6/9/85, Reg. 94; am 4/2/86, Reg. 97)

Authority: AS 44.19.161  
AS 46.40.040

**6 AAC 80.170. AREAS WHICH MERIT SPECIAL ATTENTION OUTSIDE DISTRICTS.**

(a) A person may recommend to the council an area that is within the coastal area but outside a coastal resource district, to be designated as an area which merits special attention. A recommendation to the council of an area which merits special attention outside a district must include the following information:

(1) a map showing the geographical location of the area, as well as a legal and narrative description of the boundaries, and a justification of the size of the area which merits special attention;

(2) a summary of the resource values and use conflicts, if any, in the area;

(3) a statement of the purpose and objectives to be met through planning for an area which merits special attention;

(4) a tentative schedule outlining timeframes for completion of planning tasks and reviews;

(5) a list of parties with interests in or adjacent to the proposed area which merits special attention who may be affected by its designation, and a description of how these parties would be involved in plan development; and

(6) justification that the area which merits special attention is the preferred planning and management mechanism for meeting the objectives of the proposal and the Alaska coastal management program.

(b) Upon receipt of a recommendation for an area which merits special attention outside of a district, the division of governmental coordination (DGC) of the office of management and budget shall place the recommendation on the council's agenda for consideration at its next regularly scheduled meeting, and shall give

notice of a public hearing. DGC shall give direct notice to the affected parties identified in (a)(5) of this section. DGC shall make the recommendation available for public inspection at the time of the notice of the public hearing. The council will make an initial finding, detailing its reasons to either authorize additional planning for the area which merits special attention outside a district, or to reject the recommendation. The council's determination to authorize additional planning for the area which merits special attention may not be construed as council approval of the merits of the final plan.

(c) If the council decides to authorize further planning for an area which merits special attention, public notice will be provided by conspicuous advertisement, such as display notice, in a news publication of general circulation in the affected area and in one of general circulation in the state. DGC, with assistance from the sponsor, shall compile a mailing list of state and federal agencies, affected municipalities and villages, landowners, and other interested parties and shall notify them that planning for the area which merits special attention is going to occur.

(d) The sponsor of the nomination is responsible for developing a public review draft for the area which merits special attention outside of a district. The review draft must include the information required under 6 AAC 80.160(a)(1) through (7), in addition to the following:

(1) an evaluation of the potential impacts of the designation on the social, cultural, environmental, and economic features of the area and adjacent areas:

(2) The proposed management plan required under 6 AAC 160(a)(7) must include a description of how the proposed management plan will be implemented.



(e) A management plan for an area which merits special attention outside a district must preserve, protect, enhance, or restore the value or values for which the area is designated.

(f) The sponsor shall provide opportunities for consultation on and review of the proposal by appropriate state, federal, and local governmental agencies, affected landowners, and other persons who have been identified as interested parties under (c) of this section. The sponsor shall hold no less than two public meetings during plan development to inform the public and receive comments concerning the plan.

(g) The sponsor of the area which merits special attention shall distribute a public review draft to all parties identified under (c) of this section. The public review draft must contain all elements listed in (d) of this section, as well as evidence that the public participation requirements of this section have been satisfied. The sponsor shall provide at least a 60-day review period. The sponsor shall send with the public review draft a transmittal letter that identifies the comment deadline and the recipient of comments. The sponsor shall publish notice of the availability of the public review draft for review and comment, including advertising in news publications that are circulated in the area affected by the nomination and in news publications that are circulated statewide. The sponsor shall also post a notice prominently in municipalities and villages affected by the proposal.

(h) After the close of the public review and comment period, the sponsor of the area which merits special attention shall revise the public review draft as necessary to incorporate comments received. Council review of the area which merits special attention will begin upon the sponsor's submission of the revised draft to the council.

(i) DGC shall distribute the council review draft, along with its preliminary findings on the plan, to the mailing list compiled under (c) of this section. A person may submit comments on the area which merits special attention nomination to the council within 60 days after this

distribution. Comments that are not received within the 60-day review period will not be considered.

(j) DGC shall prepare a summary of and a response to comments received on the council review draft and, if necessary, revise its recommendations. DGC shall distribute these materials to all parties who commented on the draft. All comments and additional material submitted will be placed in a record file maintained by DGC.

(k) The council will, after public notice, hold a public hearing on the designation of the area which merits special attention.

(l) The council will approve the designation of an area which merits special attention if it (1) is substantially consistent with the requirements of this section; (2) does not arbitrarily or unreasonably restrict or exclude uses of state concern, except as allowed in AS 46.40.070(c); (3) does not violate another state law; and (4) does not cause substantial irreparable harm to another interest or value in the coastal area. The council's decision to designate, or not designate, the area which merits special attention outside of a district will contain findings and conclusions based on the requirements listed in this subsection.

(m) DGC shall provide public notice of the council's action designating an area which merits special attention outside of a district by distributing a copy of the council's order to all persons who testified or submitted timely written statements during public review, and to all persons who requested a copy of the order in writing. DGC shall also publish notice of the council's action, at a minimum, in news publications that are circulated within the affected region and in news publications that are circulated statewide.

(n) The council's designation of an area which merits special attention outside of a district takes effect for state law purposes as part of the Alaska coastal management program upon the lieutenant governor's filing of the council's order approving the designation. (Eff. 6/9/85, Reg. 94; am 4/2/86, Reg. 97)

Authority: AS 44.19.161  
AS 46.40.040

## ARTICLE 5. GENERAL PROVISIONS

### Section

#### 900. Definitions

**6 AAC 80.900. DEFINITIONS.** (a) Unless the context indicates otherwise, in this chapter

(1) "barrier islands and lagoons" means depositional coastal environments formed by deposits of sediment offshore or coastal remnants which form a barrier of low-lying islands and bars protecting a salt-water lagoon with free exchange of water to the sea;

(2) "coastal water" means all water bodies in the coastal area, including wetlands and the intertidal area;

(3) "council" means the Alaska Coastal Policy Council;

(4) "district" means a coastal resource district as defined in AS 46.40.210(2);

(5) "district program" means a district coastal management program;

(6) "estuary" means a semiclosed coastal body of water which has a free connection with

the sea and within which seawater is measurably diluted with freshwater derived from land drainage;

(7) "exposed high-energy coasts" means open and unprotected sections of coastline with exposure to ocean generated wave impacts and usually characterized by coarse sand, gravel, boulder beaches, and well-mixed coastal water;

(8) "facilities related to commercial fishing and seafood processing" includes hatcheries and related facilities, seafood processing plants and support facilities, marine industrial and commercial facilities, and aquaculture facilities;

(9) "geophysical hazard areas" means those areas which present a threat to life or property from geophysical or geological hazards, including flooding, tsunami run-up, storm surge run-up, landslides, snowslides, faults, ice hazards, erosion, and littoral beach process;

(10) "mining and mineral processing" means the development of mineral resources extracted in tidal rivers, coastal water, and on continental shelves of the open sea, and found in surface, subsurface, and aqueous deposits;

(11) "offshore areas" means submerged lands and waters seaward of the coastline;

(12) "rocky islands and seacliffs" means islands of volcanic or tectonic origin with rocky shores and steep faces, offshore rocks, capes, and steep rocky seafronts;

(13) "tidflats" means mostly unvegetated areas that are alternately exposed and inundated by the falling and rising of the tide;

(14) "transportation and utility routes and facilities" include power transmission lines, mineral slurry lines, oil and gas pipelines, land and marine corridors, railways, highways, roadways, air terminals, water and sewage transfer, and facilities required to operate and maintain the route or facility;

(15) "upland" means drainages, aquifers, and land, the use of which would have a direct and significant impact on coastal water;

(16) "uses of state concern" has the same meaning as in AS 46.40.210(6);

(17) "water-dependent" means a use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body;

(18) "water-related" means a use or activity which is not directly dependent upon access to a water body, but which provides goods or services that are directly associated with water-dependence and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered;

(19) "wetlands" includes both freshwater and saltwater wetlands; "freshwater wetlands" means those environments characterized by rooted vegetation which is partially submerged either continuously or periodically by surface freshwater with less than .5 parts per thousand salt content and not exceeding three meters in depth; "saltwater wetlands" means those coastal areas along sheltered shorelines characterized by halophilic hydrophytes and macroalgae extending from extreme low tide to an area above extreme high tide which is influenced by sea spray or tidally induced water table changes;

(20) "feasible and prudent" means consistent with sound engineering practice and not causing environmental, social, or economic problems that outweigh the public benefit to be derived from compliance with the standard which is modified by the term "feasible and prudent";

(21) "including" means including but not limited to;

(22) "major energy facility" includes marine service bases and storage depots, pipelines and rights-of-way, drilling rigs and platforms, petroleum or coal separation, treatment, or storage facilities, liquid natural gas plants and terminals, oil terminals and other port development for the transfer of energy products, petrochemical plants, refineries and associated facilities, hydroelectric projects, other electric generating plants, transmission lines, uranium enrichment or nuclear fuel processing facilities, and geothermal facilities; "major energy facility" means a development of more than

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local concern carried out in, or in close proximity to, the coastal area, which meets one or more of the following criteria:

(A) a facility required to support energy operations for exploration or production purposes;

(B) a facility used to produce, convert, process, or store energy resources or marketable products;

(C) a facility used to transfer, transport, import, or export energy resources or marketable products;

(D) a facility used for in-state energy use; or

(E) a facility used primarily for the manufacture, production, or assembly of equipment, machinery, products, or devices which are involved in any activity described in (A) - (D) of this paragraph;

(23) "significant amendment" means an amendment to an approved district program which

(A) results in a major revision, addition or deletion to the policies or implementation methods or authorities included in the district program under 6 AAC 85.090 and 6 AAC 85.100;

(B) alters the district boundaries, other than by technical adjustments;

(C) designates an area which merits special attention or alters an existing area which merits special attention designation; or

(D) restricts or excludes a use of state concern not previously restricted or excluded;

(24) "area which merits special attention" has the same meaning as in AS 46.40.210(1);

(25) "village" has the same meaning as in AS 46.40.180(d).

(b) In AS 44.19.155, "deputy commissioner" includes assistant commissioners of state agencies. (Eff. 7/18/78, Reg. 67; am 8/18/79, Reg. 71; am 9/9/81, Reg. 79; am 6/9/85, Reg. 94; am 10/16/87, Reg. 104)

Authority: AS 44.19.160(4) AS 46.40.040  
AS 44.19.161 AS 46.40.060  
AS 46.40.010(c)(2) AS 46.40.070  
AS 46.40.030