

The Juneau Coastal Management Program was prepared over a several-year period before being adopted in 1987. Citizens and decision-makers acted seriously and responsibly in fashioning a program that both promoted coastal development and conserved coastal resources. The heart of that program are the enforceable policies that are incorporated into the state program and followed by state and federal permitting agencies. The central features of the program –local control and permit coordination- have been lost in the revision.

1. If possible, could you provide an example for the committee of an enforceable policy that is being utilized by your coastal district, and how the revision will affect the activity that the policy is used to regulate?

The JCMP has over 80 enforceable policies in areas including coastal development, habitat, transportation and utilities, recreation, energy facilities, mining, fish and seafood processing and timber harvesting. We rely considerably on Coastal Development and Habitat policies. Almost all, if not all of these policies, will be eliminated under the revised program. Because these policies are the heart of the plan, the due deference otherwise granted to local districts in state and federal permitting will be eliminated.

2. Why is the coastal program important to your district?

It is important to understand that, upon adoption, local coastal programs become elements of the state program. Because they are locally-developed, they promote local knowledge and values in the statewide plan, and provide for local control consistent with the constitutional mandate for maximum local self-governance. The program, as we have known it, gives local governments, and citizens, a ‘seat at the table’ as decisions are made that affect them. The program provided for institutional coordination and organized and coordinated permitting, in effect making partners out of the different levels of government and giving applicants one-stop shopping.

3. What are the main problems that you are experiencing with the enforceable policy revision process mandated by HB 191 and regulation?

The guidance provided by DNR on the revised regulations essentially eliminates the ability of districts to have enforceable policies of any kind. The district role in the program has been reduced almost to nothing.

4. Are you able to develop policies under the current revision requirements?

We believe that our ability to develop policies has been severely restricted if not eliminated under DNR's guidance. In fact, DNR staff has suggested that districts could prepare plans that do not have policies at all, but an expanded resource inventory and analysis section instead. Without a policy basis, however, the plans would lack specific guidance and be essentially impossible to implement.

5. What do you foresee as the impact to your coastal district if the coastal program was repealed?

As a home rule government, Juneau has broad powers, and sophisticated planning authority. We can use this authority in lieu of the ACMP, but would exercise it without the benefits of the ACMP, including one-stop shopping for the applicant; institutionalized agency coordination; ongoing, programmatic communication; pooling of agency knowledge and expertise; joint problem-solving; and due deference to local policies in the issuance of state and federal permits.

In closing, I would like to remind the committee that Juneau is one of the premier cruise ship destinations in the world; it is one of the hard-rock mining centers of the state and home to the largest silver mine in North America; it has extensive port and industrial development on its waterfront; it is home port to a large commercial fishing fleet and has an expanding seafood processing sector. All of this development was reviewed and approved under the Juneau Coastal Management Program as it existed prior to the adoption of HB 191. The program accommodated development and promoted a local voice and a local role in development permitting. Thank you for this opportunity to testify.