

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
POLICY GUIDANCE



Guidance No. 2003-001
January 7, 2004

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DEC Single Agency Coastal Management Consistency Review Procedures

Purpose: Establish uniform procedures for conducting a coastal management consistency review for projects that only require a department permit or contingency plan approval to operate.

Effective Date: December 1, 2003

Background: AS 46.40.096(b) requires the department to coordinate the consistency review of a project that only requires a permit or authorization from the department to operate. The Department of Natural Resources coordinates the consistency review of a project that requires authorization from other state or federal agencies in addition to a department authorization.

A “project” means all activities that will be part of a proposed development (AS 46.40.210(14)). Activities excluded from a consistency review include those authorized by the DEC, Alaska Oil and Gas Conservation Commission, the Alaska Forest Practices Act (AS 41.17) and general or nationwide permits (AS 46.40.096(g)). The scope of a DEC single agency project consistency review is further limited to only those activities in Alaska’s coastal zone that are the subject of a coastal resource district enforceable policy (AS 46.40.096(k)).

Applicability: Activities located within the coastal zone boundaries of an approved coastal district that require one of the following department authorizations on the ACMP “C” list are subject to these single agency review procedures:

- Solid Waste Disposal Permits
 - Permit to Apply Pesticides Permits
 - Air Quality Control Construction and Operating permits
 - Oil Discharge Contingency Plan Approvals
 - Wastewater Discharge Permit
- (401 Certifications of Federal NPDES or 404 Permits are excluded from these procedures)

Action: Upon receipt of an application for an activity within the coastal zone boundaries of an approved coastal district that only requires an applicable department authorization listed above, the following procedures will apply:

1. If a project is located within the coastal zone boundaries of an approved coastal district the application for an applicable department permit must include a completed Alaska Coastal Management Program, Coastal Project Questionnaire (CPQ).
2. Upon receipt of a department permit application and completed CPQ, the department permit reviewer will use the information provided by the applicant in the CPQ to determine if the project only requires an authorization from the department or if authorizations are required from other state or federal agency(s).
3. If it is determined that the applicant requires authorizations from other state or federal agencies, the department permit reviewer should send the completed CPQ to the Department of Natural Resources, Office of Project Management and Permitting (OPMP) to coordinate the project consistency review. A letter transferring the project consistency review should be sent to OPMP with a copy to the applicant (OPMP notification form letter attached). OPMP contact information is available on page 3.
4. If it is determined that the applicant only needs an authorization from the department, a consistency review of the applicant's project may be required. A letter via fax or email should be sent to the applicant and the affected coastal district(s) with a copy to OPMP that explains the department's responsibility to determine if the scope of the applicant's project includes activities that are the subject of a coastal district enforceable policy (project scope form letter attached).
5. The affected coastal district(s) has ten calendar days from issuance of the project scope letter sent via fax or email to notify the assigned department permit reviewer whether the applicant's project includes activities subject to a coastal district enforceable policy.
6. If the coastal district coordinator of an affected coastal district fails to contact the department by the ten day comment deadline, or comments that the applicant's project does not include activities that are the subject of an enforceable policy a department coordinated consistency review is not required. A letter should be sent to the applicant, affected coastal district(s) and OPMP explaining that a coastal consistency review is not required for the applicant's project (notification form letter attached).
7. If the coastal district coordinator of an affected coastal district contacts the department by the ten day comment deadline with comments that the applicant's project does include activities that are the subject of an enforceable policy a department coordinated consistency review may be required. A copy of the

- department permit application, CPQ and any correspondence with the applicant, coastal district and OPMP should be immediately sent to the department's Deputy Commissioner.
8. Within four calendar days from the receipt of project information and coastal district comments, the Deputy Commissioner will determine the scope of the project and whether it includes activities subject to a coastal consistency review.
 9. If the Deputy Commissioner determines the scope of the project includes activities subject to enforceable district policies that require the department to coordinate a coastal consistency review, the Deputy Commissioner will notify the department's permit reviewer. The department permit review reviewer will determine the most appropriate schedule to follow for managing both the department's coordination of the coastal consistency review process as provided under 6 AAC 50 and department specific authorization(s). The department permit reviewer will notify the applicant, coastal district, and OPMP of the ACMP scope of review. (Consistency review schedule and public notice form letter attached).
 10. If the deputy commissioner determines the scope of the project does not include enforceable district policies that require the department to coordinate a coastal consistency review, the Deputy Commissioner will notify the departments permit reviewer, applicant, coastal district, and OPMP of the determination.

The Commissioner's Office requests that you keep track and report all time spent implementing ACMP procedures to your supervisor.

Web links for ACMP information

Coastal District boundaries -

http://www.alaskacoast.state.ak.us/Explore/Dist_Cstl_Zone_Defs.pdf

Coastal Project Questionnaire CPQ -

<http://www.alaskacoast.state.ak.us/Projects/pcpq3.html>

Coastal District Contacts –

<http://www.alaskacoast.state.ak.us/Contacts/cdistcont.html>

Project review regulations 6 AAC 50

<http://www.alaskacoast.state.ak.us/Clawhome/6AAC50/6aac50home.htm>

OPMP project assistants –

Juneau - Alexandria_Dugaqua@dnr.state.ak.us

Anchorage – [Zuelow-Osborne, Cynthia](#)

Oil and Gas - KLaughli@jpo.doi.gov

Attachment: OPMP Notification letter template

Applicant Project Scope letter template

Application Notification of review letter template

ACMP Public Notice template