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WETLANDS '73:

TOWARD COASTAL ZONE MANAGEMENT IN LOUISIANA

by

Louisiana Advisory Commission
on
Coastal and Marine Resources

March, 1973

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SUMMARY OF RECOMMENDATIONS

The Commission recommends that the state take full advantage of the Federal Coastal Zone Management Act and begin development of a coastal zone management plan acceptable under the Federal Act. Louisiana should become a national leader in coastal zone management because of the extent, riches, and uniqueness of its coastal zone. The Commission further recommends that the state insure swift and thorough compliance by appropriating sufficient funds for continued coastal zone management planning. Such planning may well be handled through the State Planning Office, with the assistance of the Louisiana Advisory Commission on Coastal and Marine Resources, the Louisiana Sea Grant program, and the Louisiana Wild Life and Fisheries Commission.

discussed in text on pages 4-6

The Commission strongly recommends the Legislature provide specific matching funds for maximum support of the Louisiana Sea Grant Program during the 1973 fiscal session.

discussed in text on pages 8-10

Concerning the Nicholls State University Marine Science teaching and research laboratory at Port Fourchon:

The Commission recommends suitable arrangement be made to permit the use of this facility by other university faculty and students and the Legislature provide funds for purchase of needed laboratory equipment.

discussed in text on pages 8-10

INTRODUCTION

The Louisiana Advisory Commission on Coastal and Marine Resources is charged with preparing a coastal zone management plan for the long-term, orderly conservation and development of Louisiana's coastal and marine resources. Three major reports must be prepared by the Commission under its enabling statute: an annual report each year of its two-year existence and a final report entitled "Coastal Zone Management Plan." This document constitutes the Commission's second annual report. The Commission's final report will be prepared by September 1973, and distributed widely throughout the state.

The past year brought many changes. Governor Edwards has infused state government with new ideas. There is more work toward reorganizing state government than there has been in many years. The Louisiana Constitutional Convention is well under way and beginning to address questions of state priorities and state agency functions.

At the federal level, the Coastal Zone Management Act, passed by Congress late in 1972, is being implemented. Louisiana's economic and recreational dependence upon its coastal and marine resources makes the full implementation of the Coastal Zone Management Act within Louisiana a necessity.

Perhaps the most significant development this past year has been the added attention given to big projects planned for the coastal zone. Whether they be highways, navigation projects, land development proposals or conservation programs, many citizens and interest groups are expressing more and more interest in the decision-making process. Louisianans are no longer willing to sit back while government agencies make the decisions. They want to be involved. They express the need for new concepts of regional planning and the development of a strong coastal zone management program in Louisiana.

Since the 1973 legislative session will deal almost exclusively with fiscal matters, the Commission has given primary attention to fiscal matters in this report. Because Louisiana's coastal zone is so important to the states' future, the Commission recommends that the state take full advantage of the federal Coastal Zone Management Act by providing sufficient funds to continue coastal zone management planning efforts, thus enabling an early and substantial grant request of the federal agency administering the program.

The Commission also believes marine research and education must be given strong support by the legislature if the basic work for coastal zone management planning is to proceed. The Commission recommends financial support to the Louisiana Sea Grant Program on a regular basis and support to the Nicholls marine laboratory at Port Fourchon for purposes of research and applied sciences related to coastal zone problems.

In addition to recommendations, this report provides a preview of the more fundamental coastal zone management issues

with which the Commission will deal in its final report. Each of the concepts of coastal zone management discussed very briefly in this report will be expanded and developed in the Commission's final effort.

The Commission greatly acknowledges the assistance of the following individuals and organizations during its past year of work: The LSU Center for Wetland Resources, directed by Dr. Jack R. Van Lopik, provided essential assistance to the Commission over the past year. Thanks also to Professor Ted B. Ford of the Department of Marine Sciences of L.S.U. Special thanks go to Dean Paul M. Hebert of the L.S.U. Law Center for allowing use of law school facilities for the Commission's staff. Many knowledgeable and experienced officials in Louisiana state government provided invaluable guidance and assistance in handling special matters relating to our study.

The following individuals directly assisted in the preparation of this report: Paul H. Templet, assistant director of the Commission and scientific associate; J. Arthur Smith III, attorney and research associate of the Sea Grant Legal Program; Bobbie Holmes, Nita Laverdet and Marilyn Miller, all of the staff of the Louisiana Advisory Commission on Coastal and Marine Resources; and Billie Morgan of the Sea Grant Legal Program.

ANNUAL REPORT

The Louisiana Advisory Commission on Coastal and Marine Resources has continued its efforts over the past year to develop a plan for the long-range, orderly conservation and development of Louisiana's coastal zone.

The commission believes coastal zone management is vital to the state if coastal zone resource conflicts are to be resolved. This can only be done if coastal zone management includes elements of interest group participation, citizen involvement in the planning process, adequate scientific and technical support and intensive analysis of specific problem areas. The Commission's work over the year has stressed these elements. Committee reports have been reviewed and certain coastal zone management concepts have emerged. These points are developed in subsequent paragraphs and in appendices. Three recommendations for action are set forth in italics.

CONFLICT RESOLUTION THROUGH COASTAL ZONE MANAGEMENT

Most conflicts ever the use of the coastal zone center upon major project proposals. Some of these projects, particularly navigation improvement, drainage, irrigation, and water resource

projects, are promoted, planned, funded, and constructed by federal agencies. Congress, at the urging of local interests, instructs federal construction agencies to develop the plans for a project. Funds are provided for planning, public hearings are held, contracts are let, and the construction of the project begins. However, this process often takes many years from inception to completion, 10 to 20 years not being uncommon.

Other projects, such as for residential development, industrial development, and land reclamation, may be essentially private development projects which are initiated in conjunction with state and local governmental bodies.

Projects have been sought after and have seldom met with opposition. In the past, objections were raised primarily by wildlife and fisheries interests.

During the past several years, developments have occured which could profoundly affect projects currently planned for our coastal zone. These developments are: 1) the passage of the National Environmental Policy Act of 1969 which requires environmental impact statements on any federal project which will have a significant impact on the environment; and 2) the awakening of environmental consciousness by the environmental movement of the late '60's and early '70's.

All across the country projects and programs are being challenged on the basis of the environmental impact of the action. These challenges have led to the cancellation of offshore leasing for oil exploration along the California Coast at

Santa Barbara, a delay in offshore leasing off Louisiana's coast, a delay in construction of the Alaska pipeline, the denial of funds for the SST, and others too numerous to mention.

There is growing opposition to many projects in Louisiana's coastal zone. For example: (1) there is vigorous opposition by residents of St. Bernard Parish to the proposed shiplock and channel, and widening and deepening of the Mississippi River Gulf Outlet. The proponents of the project say it is necessary to keep the Port of New Orleans competitive with other ports in the nation while the opponents of the project urge it be drastically modified or abandoned altogether due to possible adverse environmental impacts. (2) the opposition to and postponement of construction of the section of hurricane flood protection levee in St. Charles Parish through efforts of the St. Charles Environmental Council. The Council is calling for a moratorium on all projects in Lake Pontchartrain until a regional comprehensive impact statement is prepared. (3) the opposition of some residents on the north shore of Lake Pontchartrain to continued commercial sand and shell dredging in the lake. (4) the opposition by Morgan City officials to the Soil Conservation Service's Lake Verret Watershed Project. (5) the opposition by the Terrebonne Parish Police Jury and some sportsmen to the proposed new channel from Morgan City to the Gulf.

Opponents of projects have spoken at public hearings calling for significant modifications or changes in the projects. Many of these speakers have indicated their willingness to take their grievances to court.

These situations, brought on by increased environmental concern and citizen involvement, may lead to a classic confrontation involving heated debate, stalemate in projects, and protracted litigation. Indeed, the commission finds conflicts of opinion with respect to almost every project planned for our coastal zone.

Besides conflicts resulting from citizens opposition, conflicts are also inadvertently generated by federal agencies which have responsibilities for regulating particular aspects of natural resource use in the coastal zone. Traditional resource management by federal agencies has been piecemeal, focusing on one resource (e.g. oil, fish, agricullture, land) at a time, thus ignoring the singluarly important fact that there have often been conflicts among the users of these resources. Further, there has been little coordination among federal agencies and their actions often appear to be at odds with one another.

It is therefore becoming increasingly apparent that there is a lack of adequate governmental procedures which are capable of resolving these conflicts and reaching rational, compromise solutions. Unless such governmental procedures are developed, the commission believes that the confrontation will continue and result in stalemate. Louisiana cannot afford such a stalemate. Its resources are too bountiful, and too important to its people, that they should be the subject of such conflict.

It is the role of coastal zone management to provide a mechanism by which conflicts are avoided or reconciled by building into a management plan all necessary procedures and safeguards which would diminish and, if possible, eliminate conflicts and reduce or eliminate adverse environmental impacts. Coastal zone management must consider all costs and benefits of each proposed action in order to establish its true worth.

Under the federal Coastal Zone Management Act (See Appendix I) grants to states for coastal zone management are contemplated. States which take advantage of this act can better assert their resource management priorities and objectives when federal actions are proposed which affect their coastal zone.

Coastal zone management can balance developmental and environmental interests and provide a common forum so issues may be resolved in a rational and intelligent manner with the least legal, social, environmental, developmental and economic disruption. Only in this way can Louisiana hope to obtain the best possible quality for life for its citizens.

The Commission recommends that the state take full advantage of the Federal Coastal Zone Management Act and begin development of a coastal zone management plan acceptable under the Federal Act. Louisiana should become a national leader in coastal zone management because of the extent, riches, and uniqueness of its coastal zone. The Commission further recommends that the state insure swift and thorough compliance by appropriating sufficient funds for continued coastal zone management planning. Such planning may well be handled through the State Planning Office, with the assistance of the Louisiana Advisory Commission on Coastal and Marine Resources, the Louisiana Sea Grant program, and the Louisiana Wild Life and Fisheries Commission.

The alternative to comprehensive coastal zone management is piecemeal management by federal and state agencies with the characteristic single purpose objectives which have led us into the present situation of conflict. Louisiana must do better.

ELEMENTS OF COASTAL ZONE MANAGEMENT

Any Coastal Zone Management Program must contain the following elements if it is to be effective and successful:

1. Representation of Diverse Interest Groups
2. Citizen Involvement
3. Utilization of Best Scientific Assistance
4. Intensive Analysis of Problem Areas

The following briefly discusses how each of these was addressed and fulfilled by the Commission.

Diverse Interest Group Representation

The cornerstone of the Commission's work has been the unique opportunity for all concerned interests to work together toward solutions mutually beneficial to all Louisianans. The composition of the Commission--10 members chosen from the oil and gas industry, agriculture, landowners, the water transportation industry, state natural resource administrators, marine scientists, environmental groups, fishermen and labor unions--directly lends itself to broad-based coastal planning where all important interests are considered. For the first time in Louisiana government, various and diverse interest groups are recommending procedures for the rational long-range management and effective solutions to many critical economic development-environmental

protection issues. This type of cooperation between diverse interest groups is abundantly beneficial and will undoubtedly work to the benefit of the state and the overall public good.

Moreover, the Commission has acted as a forum for diverse groups and individuals to make known their viewpoints. Technical presentations by federal agency heads, state resource officials, university professors and environmental citizen group leaders were begun in the early phases of the Commission's operations in late 1971 and were concluded in June of 1972. For more detailed information on the presentations of the orientation phase, see Appendix II.

Citizen Involvement in the Planning Process

Another keynote of the Commission's activities has been citizen involvement in the planning process. Various technical presentations by citizen groups were an important part of this involvement.

Citizens participated in public hearings held in five coastal communities during the year. The hearings exposed the Commission and staff to the public and the public to the Commission. Citizens were given the opportunity to contribute to the Commission's efforts and direction. Hearings were well attended. Statements were presented by public officials, conservationists, farmers, fishermen, industry representatives and private individuals. Concern was expressed over the erosion of the Louisiana coast and barrier islands, salt water intrusion into the estuaries, the

alteration of marshlands by construction projects, the silting of the Atchafalaya Basin, pollution, fishery harvests, recreational access problems, and general concern over the deterioration of wetlands. For more detailed information on the hearings see Appendix II.

Scientific and Technical Assistance

The Commission has actively sought the knowledge and advice of experts in many fields. A very favorable and beneficial liason has been established with the Louisiana Sea Grant Program, the Louisiana Wild Life and Fisheries Commission, the Corps of Engineers, and many others.

Presentations were received by the Commission during its orientation phase from numerous experts on aspects of coastal zone management in Louisiana. (See Appendix II)

The Commission received a detailed briefing from Dr. Sherwood M. Gagliano of LSU's Center for Wetland Resources explaining the results of his five-year coastal zone management study. This study, sponsored by the Corps of Engineers and the Sea Grant program, proposes a coastal zone management plan based upon an analysis of environmental management units to determine their intrinsic suitability for certain types of land-use. Such an analysis would result in the production of atlas-type maps delimiting the environmental characteristics of the region. These maps, perhaps color-coded, would then be used by local planners and developers to assist and direct development in the coastal zone.

To gain further technical advice and assistance, the staff and commissioners have studied the approaches of other states in coastal zone management. Texas and Florida were given special attention. Florida has developed an atlas showing preferred land uses in three broad categories: preservation, conservation and development. Texas has developed an environmental geology atlas of its coastal zone and made a number of recommendations to the state legislature for legal reforms in use of state-owned waterbottoms and barrier beaches. Many other state programs, such as those in California, Delaware and Maine have also been analyzed.

The Commission believes coastal zone management requires extensive technical and scientific support if it is to be successful. There is a strong need for ongoing basic research into the natural and human processes at work in Louisiana's coastal zone. The basic research must be analyzed and synthesized and put into a form usuable by planners, developers and conservationists.

A significant part of this technical and scientific support has come from the Louisiana Sea Grant Program. If the Sea Grant program is to continue providing coastal zone research and advisory services to the state, the one-third matching fund requirement of this program must be fully met by an annual legislative appropriation.

The Commission strongly recommends the Legislature provide specific matching funds for maximum support of the Louisiana Sea Grant Program during the 1973 fiscal session.

There is an immediate need for a marine science teaching and research laboratory available for use by all state universities. Nicholls State University has recently constructed a small laboratory of this type at Port Fourchon.

The Commission recommends suitable arrangement be made to permit the use of this facility by other university faculty and students and the Legislature provide funds for purchase of needed laboratory equipment.

For more information concerning marine education and research and the Louisiana Sea Grant Program, see Appendix III.

Committee Work and Intensive Analyses

The Commission's eight committees have met a number of times and have provided invaluable assistance to the Commission. They have reviewed working papers and have added significant insights into the analysis of coastal zone processes and problems. The committees prepared well-documented reports which were reviewed and critiqued by the full Commission. More information on committees and their work is in Appendix II.

Since a major requirement of the Commission under Act 35 is to recommend the best state governmental structure to handle coastal zone management, the Commission's staff has conducted an ongoing intensive analysis of state agencies which have responsibilities over resource use in the coastal zone. This provides a reliable analysis of current government operations and responsibilities in the coastal zone. With this background, better recommendations can be made for future government activities.

The Commission's first annual report presented the results of an extensive analysis of the 23 major agencies operating in the coastal zone. The analysis of five new agencies or subagencies has been completed:

1) The Environmental Protection Section of the Louisiana Attorney General's Office.

2) The Atchafalaya Basin Commission and the Atchafalaya Basin Division of the Department of Public Works.

3) The Regional Airport Authority

4) The Deep Draft Harbor and Terminal District (the Superport Authority).

5) The Louisiana Council on Environmental Quality and the Citizens Advisory Board.

See Appendix IV for the detailed Analyses.

Concepts of Coastal Zone Management

During discussions over the past year some recurring themes or concepts have emerged. The concepts are operational principles or methods by which coastal zone management in Louisiana can proceed. They do not necessarily represent the exact form nor substance of the recommendations that will be included in the Commission's final report. They do reflect the current thinking of the Commissioners.

1. Planning for Coastal Zone Use - Environmental Management Units

The state must define environmental management units within its coastal zone. This refers to such geographic features as

corridors which transect the coastal zone, flood plains within the coastal zone and low-lying marshes and swamp areas. These environmental management units need to be delineated and identified since they are critical to determining both the environmental impact of certain kinds of projects as well as providing necessary information to determine the best and most suitable use for particular areas in the future. Such a division of the state's coastal zone into environmental management units is a highly technical responsibility requiring much information (much of which is available) and visual depiction on maps. Once delineated these environmental management units would provide basic reference materials for planning future coastal zone use. The LSU Center for Wetland Resources has begun such a project under Sea Grant and Corps of Engineers funding.

2. Decision Making Criteria for Coastal Uses

The decision making process must be guided by: the management unit concept discussed above; a thorough understanding of how the ecosystem functions; a determination of the stresses the ecosystem can bear; and, an analysis of the intrinsic land-use suitability. These broad considerations must be further amplified by specific guidelines, priorities, policy statements, etc. by which the manager is guided in his decision making. An overriding consideration in any decision-making process is maintaining the viability and productivity of the natural system. The key to understanding the

ecosystem, and thus to maintaining its productivity, lies in research efforts directed at understanding the effects of particular activities on the ecosystem. Any regulatory process for coastal management must include these considerations.

3. Development Encouraged in Corridors

Heavy land uses for industry, commerce, residential development and transportation should be limited as far as possible to corridors and other areas most suitable for development in the coastal zone. Long-term growth should be planned, where possible, to remain within those corridors or other areas suitable for development. Establishing areas suitable for development implies there would be areas where development should be discouraged. These also need to be delineated and should be used primarily for living resource, recreational development and other compatible uses.

4. Use of Wiers, Dams and Water Control Structures

Whenever marsh disturbance projects are necessary (such as oil and gas access canals and pipeline canals) the best engineering devices in wiers, dams and water control structures should be used for controlling salt water intrusion, reducing erosion and managing water cycles to enhance biological productivity. The Commission recognizes many operators in the coastal zone do follow such procedures. Some do not. There is no surveillance by the state of the long-term maintenance of such structures. This

needs to be rectified through an expanded program for monitoring and maintaining water control and erosion control structures built in the marsh.

5. River Diversion Projects

Coastal zone management in Louisiana should recognize positive engineering programs to enhance our coastal zone. Diverting Mississippi River water for delta building and fresh water introduction into estuaries for salinity control should be developed. Such river diversion proposals need extensive study and analysis. Major efforts in this direction would probably involve a cooperative program between local, state and federal agencies--notably the Corps of Engineers. Such an engineering program would need its own indepth analysis and study. Much work has been done already by the Corps of Engineers, the LSU Center for Wetland Resources and local and state agencies.

6. Action Programs

The Commission believes coastal zone management is not simply a regualtory program exercising restraints on activities in the marshlands. It must have positive elements since the long-term orderly growth and conservation is as much a goal as environmental protection. The Commission is considering the following action programs:

A. Recreation in the coastal zone might be expanded and diversified consistent with other uses. Indications are New Orleans

is the only highly developed tourist attraction in Louisiana. Such tourist promotional activities must be coupled with transportation links and facilities for travelers.

B. Mariculture in Louisiana's coastal zone has tremendous potential. Experiments are now going on with a few species. The mariculture activities proposed are those which use existing water bodies of low productivity rather than flooding, dredging or otherwise modifying productive marshes and estuaries. Hence we are looking toward an increase in fisheries and wildlife production over what we currently have, rather than substituting traditional fisheries production with mariculture production.

C. Since so many pipeline canals are found within the coastal zone, a special review of potential multiple uses of such canals should be made. Mariculture may be one of those uses. Other uses should be reviewed as well.

D. A special management program for the Lake Pontchartrain estuary should be established. The impact of a highly urbanized area such as New Orleans must be given special recognition since it is such a pervasive factor. Many proposals are being advanced for development in the lake itself.

E. A special, well-funded, research and education program should be established in Louisiana to address coastal and marine affairs. This will provide the public with information about the coastal zone and its intricate processes. It will also provide needed personnel in the future for the management of coastal resources and the specific and timely research needed to solve

coastal problems as an aid to the decision-maker. Such a program should include a marine laboratory available to all universities in Louisiana.

7. Assessing Cumulative Impact

Coastal management must include techniques or procedures by which the cumulative impact of many small, seemingly diverse and unconnected projects, can be assessed. It is recognized that the cumulative impact of small projects may have severe adverse impacts upon the ecosystem supporting living resources in particular areas of the coastal zone.

8. The Value of Undisturbed Wetlands

All public works projects should include the value of undisturbed wetlands in the cost-benefit analysis for each of those projects. The value of such undisturbed wetlands must be a realistic figure based upon its contribution to the productivity of the ecosystem and its specific value for commercial and sport fishing and hunting. In the past this value has not been considered in determining the cost/benefit ratio of particular projects.

Conclusion

Since its last annual report the Commission has endeavored to identify the problems in managing Louisiana's coastal zone, how those problems arose and what possible solutions may be available. This annual report indicates the progress we have made so far. Our final report, due in September, 1973, will present all of our findings and a proposed governmental structure for coastal zone

management in Louisiana. Our hope is that the implementation of our recommendations will help resolve conflicts and lead toward the orderly conservation and development of our coastal zone. In this way the best quality of life can be maintained for all the citizens of Louisiana.

APPENDIX I

Federal Coastal Zone Management Legislation: Its Impact Upon Louisiana

This appendix provided an overview of the federal statute and its requirements, a rationale for why Louisiana should take full advantage of the federal statute, how Louisiana already has started to comply with the federal statute, and a brief statement regarding the involvement of coastal zone management in other federal programs.

By Act 35 (1971), the Louisiana Advisory Commission on Coastal and Marine Resources is specifically directed to consider the initiatives of the federal government in coastal zone management as part of its study effort §1365 A(L) states:

> A. . . . the Commission. . . shall recommend policies for adoption by administrative or legislative action considering the following specific elements:
> . . .(L) any system of coastal zone management adopted by the federal government."

In addition §1365 C provides as follows:

> The Commission shall review state and federal plans, studies, and legislation in the field of conservation and development of coastal and marine resources, and shall thereafter recommend to the Governor and the Legislature the most appropriate form of state organization for participation in any system of coastal zone management adopted by the federal government.

When Act 35 was being drafted, Congress was actively debating federal legislation on coastal zone management. Louisiana, looking ahead toward potential federal legislation, required that the details of that legislation be considered as Louisiana developed its own plans.

On October 27, 1972, President Nixon signed the Coastal Zone Management Act of 1972 (PL 92-583). An analysis of that Act is reprinted as Attachment 1 and the text of the Act is Attachment 2.

In brief, the Act provides grants to states to plan and administer coastal zone management programs. These programs must determine guidelines for land and water uses in the coastal zone, priority of uses for coastal regions, laws to insure state government has ultimate power over local coastal resource decisions and a governmental structure to insure the implementation of the management program.

> *The Commission recommends that the state take full advantage of the Federal Coastal Zone Management Act and begin development of a coastal zone management plan acceptable under the Federal Act. Louisiana should become a national leader in coastal zone management because of the extent, riches and uniqueness of its coastal zone. The Commission further recommends the state insure swift and thorough compliance by appropriating sufficient funds for continued coastal zone management planning. Such planning may well be handled through the State Planning Office, with the assistance of the Louisiana Advisory Commission on Coastal and Marine Resources, the Louisiana Sea Grant Program and the Louisiana Wildlife and Fisheries Commission.*

The most important reason for full compliance with the Coastal Zone Management Act is also the most obvious. A substantial part of Louisiana is its coastal zone. Our major

population and industrial base is in our coastal zone. An extensive recreational and commercial fishery industry relies upon our vast marshlands and estuaries for annual replenishment. An important and productive oil, gas and chemical industry uses our coastal zone. Our coastal zone provides access to the sea for a large and vital shipping industry. Numerous other valuable activities go on in our coastal zone. To insure maximum benefit from each and sustain long-term values, a rational management program for these resources must be undertaken by the state.

Using all available federal dollars to assist state programs is a necessity for Louisiana. Our revenues will be shrinking in the years to come as oil and gas production declines. When the federal government asserts an interest in a region such as the coastal zone, it behooves Louisiana to be able to take full advantage of the available federal dollars. The federal act is broadly worded and the proposed guidelines implementing it are general insuring that the peculiarities of Louisiana's coast can be recognized under the umbrella of the federal act.

Taking advantage of the federal program would allow for comprehensive rather than piecemeal planning for the coast. State and federal agencies and private developers now plan uses of the coast on a project-by-project basis. The purpose of the federal Coastal Zone Management Act is to identify the regional

implications of projects planned for the coastal zone and to provide that promoters of projects, whether they be public, private, local or regional, consider the overriding state values in the coastal zone. This implies a resource inventory and analysis of the coastal area to provide the best long-term uses for all the citizens of the state.

The federal program recognizes the state, and not some federal agency, is primarily responsible for the comprehensive planning for the coast. If a state does not do the planning encouraged under the Act, federal agencies will be doing the planning for the state via the feasibility and environmental impact studies of federally funded projects within the coastal zone. Not only does this place the burden of planning with the wrong entity, it further emphasizes piecemeal planning.

Federal lands within a coastal zone of a state are subject to that state's management program under the federal Coastal Zone Management Act. Louisiana's coastal zone contains significant acerages of federally owned or controlled lands in refuges or game preserves. This matter is very important nationally and could be important to Louisiana.

A state with an approved management program is in a better position to assert its interest when the federal government proposes new legislation affecting use of the coastal zone. Two such measures currently being debated in Congress relate to superport development and power plant siting legislation.

An approved management program can address these questions prior to federal legislation and a state's views on these matters can be incorporated. Such new federal developments would be subject to a state's management program.

Louisiana needs a cooperatively developed coastal zone management program to protect itself from possible arbitrary or uni-purpose action of federal agencies operating within its coastal zone. The federal government, through the constitutionally established navigation servitude, can exert substantial influence over water areas in coastal Louisiana. Although these federal programs may be compatible with Louisiana's goals, frequently there are conflicts between interests within the state and federal agencies. A coastal zone management program, approved by the federal office, is a tool by which the state asserts its interest in its coastal zone.

Recently the questions of a federal agency attempting to determine the rules for dredging in Louisiana's coastal zone arose. The Department of Interior, Bureau of Sport Fisheries and Wildlife, circulated a preliminary draft of guidelines regarding dredging in wetlands throughout the United States. These guidelines were promulgated under the Federal Wildlife Coordination Act. Although the guidelines were

appropriate for many parts of the country, their application in Louisiana would have halted virtually all dredging activities. For example, no dredging would have been permitted in waters less than ten feet deep. This would preclude dredging in ninety percent of the waterbottoms of Louisiana. Considering the extent of oil and gas operations in the state, a substantial conflict would have arisen between the state and the federal agency. Although controls and limitations on dredging may be necessary for the state, Louisiana's unique situation may not fit under proposed federal guidelines. In this circumstance, if Louisiana had an approved coastal zone management program which addressed the question of dredging in marshlands and waterbottoms, it could assert this management program in defense of proposed federal guidelines which might conflict.

Louisiana should be able to take advantage of technical advice and services, as well as standardized techniques, developed by the federal agency administering the coastal zone management program. This would provide some uniformity of approach which would be valuable to Louisiana in dealing with other Gulf of Mexico states. It would also make the services of many federal agencies more readily available to the state.

Finally, the federal coastal zone management effort may become linked to a national land use program now being considered by Congress. The Coastal Zone Management Act has specific language requiring specific coordination with the coastal zone effort. If federal executive reorganization comes about,

these two programs will be closely linked. At some point in the future, they may be administered together. It is important for Louisiana to be firmly grounded in the coastal zone effort so integration with subsequent land use measures may be able to flow more easily.

In Louisiana coastal management has generally been on a resource-by-resource and problem-by-problem basis with little overview authority. Individual agencies have developed expertise with respect to a particular resource but there is no agency with the overview responsibility--an understanding of the total social, economic and environmental context for use of dwindling quantities of coastal resources under ever increasing demands for use. Our state agencies have a great deal of information on wildlife and fisheries resources, water resources, minerals, transportation and economic development needs. The LSU Coastal Studies Institute and Sea Grant Program and the Basin Planning Division of the New Orleans District of the U. S. Army Corps of Engineers have initiated comprehensive studies of the Louisiana coastal zone. The purpose of coastal zone management under the federal Coastal Zone Management Act is to synthesize much of this information and develop management tools allowing land-use decisions to be made with consideration of all the technical information which is available.

Hence, when the legislature created the Louisiana Advisory Commission on Coastal and Marine Resources under Act 35 of 1971, the detailed work of coastal management was well under way.

The Commission was not designed to be a technical group which could synthesize all of this information and develop management tools. It was designed to provide a policy base for coastal management in Louisiana to recommend future governmental organization. The next logical step for the Commission is to synthesize the work which preceeded it, with a view toward translating those materials into working tools for planners, developers and conservationists in the coastal zone. It is precisely this function which the federal Coastal Zone Management Act is designed to assist through grants-in-aid. Hence, Louisiana is in a superb position to take advantage of the federal program.

To properly achieve this job of synthesis and creation of management tools, four additional steps must be taken by the state to comply with the federal program.

First, a substantial inventory of environmental factors in the coastal zone must be conducted. This inventory must be related to specific geographic areas and outlined on maps. Such an effort has begun under Corps of Engineers and Sea Grant sponsorship at the Center for Wetland Resources at LSU in Baton Rouge. The inventory of land and water uses must be completed for the entire coastal zone.

Second, the state must identify areas of particular concern in its coastal zone. A methodology for determining the criteria for designating such an area must be established. Examples of an area of particular concern might include: wetland areas

where urban expansion is most likely; particular areas of the marsh environment where dredging and industrial and mining activities have been intensive; areas of unique environmental value in certain regions of the coastal zone; and areas where coastal erosion and land loss is great. These examples are listed simply to show the kinds of decisions this state must make to comply with the "areas of particular concern" requirement of the federal statute. This work has yet to be done.

Third, the state must list all coastal zone uses which have a direct and significant impact on coastal waters. Again, these uses must be related to specific geographic areas. Linking specific uses to geographic areas again requires an extensive mapping program. An atlas indicating such uses should be produced by the state and will probably be necessary to comply with the federal coastal zone management guidelines.

Fourth, the federal statute requires that the state determine guidelines for priority of uses for areas of particular concern. This requires a specific methodology for determination of those guidelines. Some techniques used for developing guidelines include: "resource capability", or the type of uses most compatible with the intrinsic or natural characteristics of a particular resource; recognition of the trends in growth and conservation within a state and developing guidelines conforming to those trends; and delimitation of environmental management units, areas which should be viewed as a unit in

determining the impact different types of uses may have upon it and the development uses most suited to the area.

To begin taking advantage of the federal program, Louisiana should establish in its executive budget for FY 73-74 a special line item for coastal zone management planning at a level sufficient to match the maximum federal funding of $300,000 on a 1/3 state-2/3 federal basis. Such an effort would allow a fast and efficient effort at finishing the work listed above.

The Governor recently designated the State Planning Office as the lead agency for coastal zone management. His letter is reprinted as attachment 3. By this letter, Governor Edwards recognizes the importance of coastal zone management and makes it an integral part of his State Planning Office. This insures coastal zone management will be an effective part of the overall state planning effort.

To further insure Louisiana's views are adequately considered in the evolving federal program, the Advisory Commission adopted a resolution (Attachment 4) urging that the Secretary of Commerce, Frederick L. Dent, appoint Dr. Lyle S. St. Amant, chairman of the Commission and the assistant director of the Louisiana Wild Life and Fisheries Commission, to a position on the 15-man coastal zone management advisory committee established under the federal Coastal Zone Management Act. The Commission feels that the vast, rich, and unique wetlands of Louisiana's coastal zone requires that Louisiana be adequately represented on the new advisory committee. Many people throughout Louisiana have supported Dr. St. Amant in this appointment.

With one of our key state officials closely involved in the federal program, it is believed Louisiana can maintain a prominent and effective position in the national coastal zone management effort.

This appendix has dealt exclusively with Louisiana's role under the new federal Coastal Zone Management Act. However, other federal programs could assist a Louisiana coastal zone management effort. As indicated earlier, the initial aspects of coastal zone management planning began under other federal programs--water resource development, Corps of Engineers planning, commercial fisheries research, Sea Grant, etc. Louisiana should continue to take advantage of federal funds, from whatever source, when such funds can be applied to achieving coastal zone management goals.

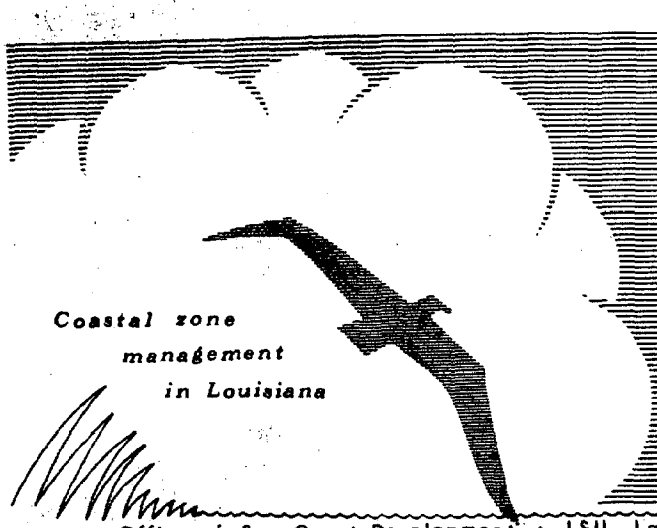
New federal programs could assist coastal zone management planning. The federal Water Quality Act (PL 92-500) may provide assistance for aspects of coastal zone management--those where water quality is affected by dredging and sedimentation. The land use management program being debated in Congress could apply to Louisiana's effort since much of coastal zone management is related to land use decisions. Federal proposals for deep water port development, power plant siting, national energy policy, and others, should be monitored as potential data sources for coastal zone management needs. In pursuing these other programs, especially deep water port development, coastal zone management concepts should be incorporated.

A good example of incorporating coastal zone management

into other programs can be seen in the Louisiana Deep Draft Harbor and Terminal Authority Act passed in 1972. An Environmental Protection Plan must be promulgated prior to building any superport under state authority. Concern over Louisiana's unique coastal environmental resulted in a procedure whereby deep water port development can proceed but only under strict environmental protection guidelines. In effect, coastal zone management has been built into the superport development program. Louisiana was the first state in the nation to adopt such a procedure.

# # #

ATTACHMENT 1



LOUISIANA COASTAL LAW

Office of Sea Grant Development • LSU Law Center • Editor: Marc J. Hershman • (504) 388-5931

LCL - REPORT NO. 8 DEC. 1972

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THE FEDERAL COASTAL ZONE MANAGEMENT ACT OF 1972

(P.L. 92-583)

by
Marc J. Hershman

On October 28, 1972, President Nixon signed the Coastal Zone Management Act of 1972, perhaps the most significant environmental management measure to come out of Congress this year. If the Act is properly funded and implemented, Louisiana and all other coastal states and territories will be encouraged to develop tools for the long-term planning and management of invaluable and irreplaceable coastal resources.

LCL presents this expanded issue dealing exclusively with a description and interpretation of the new law.

HISTORICAL FACTORS. Over the past five or ten years many events have heightened attention to the U.S. coastal areas and created demands for more aggressive governmental action. Oil pollution on California's coast, particularly the Santa Barbara channel, raised considerable nationwide concern for the coastal regions. Construction of second homes, apartments and hotels in coastal areas has grown rapidly in recent years. Many coastal communities and industries have grown with haphazard planning and insufficient environmental controls. Bays, harbors and estuaries have been polluted. Wetlands and marshes have been dredged and filled at an alarming rate. As demands on the coastal region have grown, increasing conflicts between users have arisen.

Paralleling the concern for environmental quality was a concern by many over the lack of a concerted U. S. program for harvesting the valuable resources of the world's oceans. It was argued that the United States should increase its ocean resource activities and develop a national oceans policy. Legislation in 1966 created a special commission, known as the Stratton Commission, to study and recommend a national oceans policy. At the same time, the national Sea Grant Program was initiated -- providing grants to universities and other programs to conduct research in coastal and marine resource activities. The Stratton Commission's final recommendations (1969) suggested a federal coastal zone management program. Environmental concerns of recent years have added weight to that recommendation. The combined forces of those pushing for a national oceans program and those concerned with the protection of the coastal environment have borne fruit in the Coastal Zone Management Act of 1972.

Coastal zone management has been going on for a long time and at all levels of government--federal, state and local. However, traditional coastal zone management efforts have suffered from three major problems. First, they separated projects, such as port development, draining of wetlands and growth of new communities from controls over the projects, such as dredging controls, water quality controls and land use restrictions. Different agencies and personnel dealt with separate incidents of control and controls normally came long after the projects had been planned. Secondly, traditional coastal zone management focused on a single resource at a time, such as fish, agricilture, ground water, oil production, etc. Thirdly, traditional coastal zone management activities lacked specific long-term and short-term goals. Since there were no goals, governments and private individuals competed amongst themselves for short-term advantage. Many of these problems are addressed in the Coastal Zone Management Act of 1972.

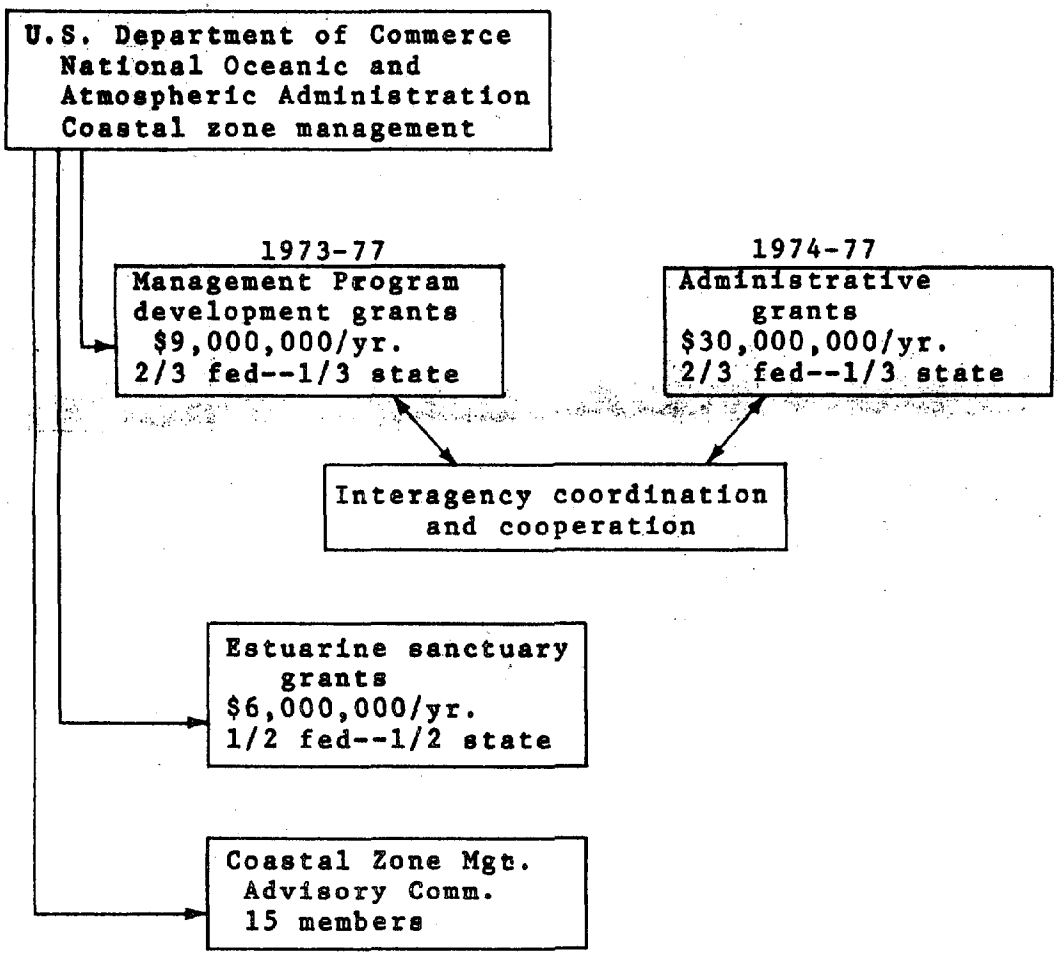
OVERVIEW. Under the Act, state governments are the focal point for coastal zone management. To assist the states in their work, a two stage federal granting program is established. Grants to assist the state in developing a management program are followed by grants to assist the state in administering that program.

The coastal zone management program will be administered by NOAA (National Oceanic and Atmospheric Administration) in the U. S. Department of Commerce, thus permitting full coordination with other ocean related programs such as the National Sea Grant program.

Only those coastal lands which have a direct and significant impact on coastal waters may be regulated under the coastal zone management act, thus insuring compatibility with future land use legislation.

The legislation does not require state participation. The incentive to participate is the desire for federal money. As an additional incentive a participating state has an advantage in dealing with the federal government if it has an approved coastal zone management program since all federal projects and permits must conform to the state's approved management program. If there is no approved management program, a federal project could be commenced against state wishes.

FEDERAL PROGRAMS UNDER C.Z.M. ACT



Under the federal program states first receive planning grants to develop a management program. Once the management program is approved, states receive administrative grants. The Secretary of Commerce exercises continual approval authority over both the creation and administration of of state's coastal zone management program. If the Secretary believes the purposes of the Act are not being met, grants to that state may be discontinued.

Under the interagency coordination and cooperation provisions, the views of affected agencies must have been considered by the state prior to the Secretary's approval of the management program. Once the management program is approved, federal agency activities must be consistent with the coastal management programcof that state, to the maximum extent practicable. Applicants for federal licenses or permits must get a certification from the state that the activity needing the federal license or permit is consistent with the approved management program. State or local projects receiving federal assistance must be consistent with the approved management program.

Grants are available to assist states acquire "estuarine sanctuaries" for long-term scientific observation and analysis.

A coastal zone management advisory committee of 15 members is created to assist in the development of the federal coastal zone management program.

* * * *

STATE REQUIREMENTS UNDER C.Z.M. ACT

States develop management programs:

> ". . . a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the coastal state . . . setting forth objectives, policies and standards to guide public and private uses of lands and waters in the coastal zone."

Management programs must include:

Boundaries of the coastal zone subject to management program

Inventory of areas of particular concern

Broad guidelines on priority of uses in areas of particular concern

List of permissible land and water uses which have a direct and significant impact on coastal waters

Governmental structure to implement management program, plus description of interrelationships of various levels of government

Controls over permissible land and water uses including legal means to:

- -regulate land and water use
- -control development in coastal zone
- -resolve conflicts among competing users
- -acquire property interests

One or more of following general techniques:

- -state standards and criteria, local implementation, state administrative review and enforcement
- -state land & water use planning & recreation
- -state veto power over all projects and land and water use regulations

Under this act the state's management program must address the method of control over land and water use in the coastal zone. It must define what those land and water uses should be. States may develop a management program in segments to devote immediate attention to those coastal areas urgently needing management programs. Public hearings must be held in the development of the management program. The governor must approve the management program. A single state agency must receive and administer the grants for the program. Local governments, interstate agencies, and areawide agencies must participate in the development of the coastal management program. States must recognize the national interest in considering the siting of facilities to meet requirements which are other than local in nature. The management program must provide procedures for designating certain areas for preservation or restoration. Finally, the air pollution and water pollution control portions of the management program must be those required under existing federal environmental acts.

* * * *

DEFINITION OF COASTAL ZONE UNDER C.Z.M. ACT

"Coastal Zone" includes:

coastal waters
- -measurable quantity of sea water
- -sounds, bays, lagoons, bayous, ponds, estuaries

adjacent shorelands and shorelines, transitional and intertidal areas, salt marshes, wetlands and beaches

"Coastal Zone" extends:

seaward to limit of U.S. territorial sea (Great Lakes to U.S. International boundary)

inland only to extent necessary to control shorelands, uses of which have a direct and significant impact on coastal waters

"Coastal Zone" excludes lands federally owned or controlled

The "coastal zone" as defined in the act uses the term coastal waters as a key component. Controls over land and water uses are permitted only where there is a direct and significant impact on coastal waters. Thus, coastal management programs may only address uses which have an impact on features of the coastal zone which are unique to it--estuaries, bays, lagoons, beaches, etc. The definition will be subject to interpretation but the intent is clear that only those resources close to the oceans fall within the purview of the Act. This is designed to insure compatibility with land use legislation--which is expected to be passed in the next session of Congress.

* * * *

INTERPRETIVE COMMENTS. Louisiana and other coastal states should keep some salient points in mind about the federal coastal zone management legislation. Firstly, the act relates primarily to laws and government agency organization at the state and local levels. Hence, specific state legislative action and perhaps judicial interpretations will be necessary to comply with the act. Secondly, the act does not tell a state what it should do in the coastal zone, it only encourages state government to be involved directly in the coastal decision-making process. The act does not specify the types of uses preferred in the coastal zone. A state could emphasize preservation or development. Thirdly, defining "shorelands" and the landward extent of the coastal zone will be a difficult task. States should strive for a landward boundary that can be administered (i.e., considers boundaries of existing governmental planning units) and a landward boundary which is identifiable (can be delineated clearly and precisely on a map). Fourthly, each state should take advantage of coastal management work already done by agencies and universities in the state. The federal act should be flexible enough to accommodate and enhance state efforts that have preceeded it. Fifthly, states should plan a coastal management program which is compatible with a state land use management program. Land use controls will probably be required under federal law in the near future. Hence, the definition of the landward extent of the coastal zone is less important when a state views coastal and land use management together. However, for purposes of requesting grants from the federal government, distinctions will have to be made at the outset between coastal and land use management. Finally, a state need not apply for grants under the program nor develop a coastal management plan. It could ignore the federal program. However, this would leave state government ill-equipped to deal with federally funded or controlled activities in its own coastal zone. It would also deny to its coastal zone citizens the potential benefits available by a state-level overview of economic and environmental activities in the coastal zone.

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COASTAL ZONE MANAGEMENT ACT OF 1972

For Legislative History of Act, see p. 6716

PUBLIC LAW 92-583; 86 STAT. 1280

[S. 3507]

An Act to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

The Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes", approved June 17, 1966 (80 Stat. 203), as amended (33 U.S.C. 1101–1124),[65] is further amended by adding at the end thereof the following new title:

TITLE III—MANAGEMENT OF THE COASTAL ZONE

SHORT TITLE

Sec. 301. This title may be cited as the "Coastal Zone Management Act of 1972".

CONGRESSIONAL FINDINGS

Sec. 302. The Congress finds that—

(a) There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone;

(b) The coastal zone is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation;

(c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion;

(d) The coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations;

(e) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost;

(f) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values;

65. 33 U.S.C.A. §§ 1101 to 1124.

(g) In light of competing demands and the urgent need to protect and to give high priority to natural systems in the coastal zone, present state and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate; and

(h) The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

DECLARATION OF POLICY

Sec. 303. The Congress finds and declares that it is the national policy (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations, (b) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development, (c) for all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate with state and local governments and regional agencies in effectuating the purposes of this title, and (d) to encourage the participation of the public, of Federal, state, and local governments and of regional agencies in the development of coastal zone management programs. With respect to implementation of such management programs, it is the national policy to encourage cooperation among the various state and regional agencies including establishment of interstate and regional agreements, cooperative procedures, and joint action particularly regarding environmental problems.

DEFINITIONS

Sec. 304. For the purposes of this title—

(a) "Coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the United States territorial sea. The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters. Excluded from the coastal zone are lands the use of which is by law subject solely

to the discretion of or which is held in trust by the Federal Government, its officers or agents.

(b) "Coastal waters" means (1) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (2) in other areas, those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of sea water, including, but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.

(c) "Coastal state" means a state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. For the purposes of this title, the term also includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(d) "Estuary" means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage. The term includes estuary-type areas of the Great Lakes.

(e) "Estuarine sanctuary" means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

(f) "Secretary" means the Secretary of Commerce.

(g) "Management program" includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the state in accordance with the provisions of this title, setting forth objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone.

(h) "Water use" means activities which are conducted in or on the water; but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge or runoff of water pollutants except the standards, criteria, or regulations which are incorporated in any program as required by the provisions of section 307(f).

(i) "Land use" means activities which are conducted in or on the shorelands within the coastal zone, subject to the requirements outlined in section 307(g).

MANAGEMENT PROGRAM DEVELOPMENT GRANTS

Sec. 305. (a) The Secretary is authorized to make annual grants to any coastal state for the purpose of assisting in the development of a management program for the land and water resources of its coastal zone.

(b) Such management program shall include:

(1) an identification of the boundaries of the coastal zone subject to the management program;

(2) a definition of what shall constitute permissible land and water uses within the coastal zone which have a direct and significant impact on the coastal waters;

(3) an inventory and designation of areas of particular concern within the coastal zone;

(4) an identification of the means by which the state proposes to exert control over the land and water uses referred to in paragraph (2) of this subsection, including a listing of relevant constitutional provisions, legislative enactments, regulations, and judicial decisions;

(5) broad guidelines on priority of uses in particular areas, including specifically those uses of lowest priority;

(6) a description of the organizational structure proposed to implement the management program, including the responsibilities and interrelationships of local, areawide, state, regional, and interstate agencies in the management process.

(c) The grants shall not exceed 66⅔ per centum of the costs of the program in any one year and no state shall be eligible to receive more than three annual grants pursuant to this section. Federal funds received from other sources shall not be used to match such grants. In order to qualify for grants under this section, the state must reasonably demonstrate to the satisfaction of the Secretary that such grants will be used to develop a management program consistent with the requirements set forth in section 306 of this title. After making the initial grant to a coastal state, no subsequent grant shall be made under this section unless the Secretary finds that the state is satisfactorily developing such management program.

(d) Upon completion of the development of the state's management program, the state shall submit such program to the Secretary for review and approval pursuant to the provisions of section 306 of this title, or such other action as he deems necessary. On final approval of such program by the Secretary, the state's eligibility for further grants under this section shall terminate, and the state shall be eligible for grants under section 306 of this title.

(e) Grants under this section shall be allocated to the states based on rules and regulations promulgated by the Secretary: *Provided, however*, That no management program development grant under this section shall be made in excess of 10 per centum nor less than 1 per centum of the total amount appropriated to carry out the purposes of this section.

(f) Grants or portions thereof not obligated by a state during the fiscal year for which they were first authorized to be obligated by the state, or during the fiscal year immediately following, shall revert to the Secretary, and shall be added by him to the funds available for grants under this section.

(g) With the approval of the Secretary, the state may allocate to a local government, to an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, to a regional agency, or to an interstate agency, a portion of

the grant under this section, for the purpose of carrying out the provisions of this section.

(h) The authority to make grants under this section shall expire on June 30, 1977.

ADMINISTRATIVE GRANTS

Sec. 306. (a) The Secretary is authorized to make annual grants to any coastal state for not more than 66⅔ per centum of the costs of administering the state's management program, if he approves such program in accordance with subsection (c) hereof. Federal funds received from other sources shall not be used to pay the state's share of costs.

(b) Such grants shall be allocated to the states with approved programs based on rules and regulations promulgated by the Secretary which shall take into account the extent and nature of the shoreline and area covered by the plan, population of the area, and other relevant factors: *Provided, however,* That no annual administrative grant under this section shall be made in excess of 10 per centum nor less than 1 per centum of the total amount appropriated to carry out the purposes of this section.

(c) Prior to granting approval of a management program submitted by a coastal state, the Secretary shall find that:

(1) The state has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this title and is consistent with the policy declared in section 303 of this title.

(2) The state has:

(A) coordinated its program with local, areawide, and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the state's management program is submitted to the Secretary, which plans have been developed by a local government, an areawide agency designated pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency; and

(B) established an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (5) of this subsection and with local governments, interstate agencies, regional agencies, and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this title.

(3) The state has held public hearings in the development of the management program.

(4) The management program and any changes thereto have been reviewed and approved by the Governor.

(5) The Governor of the state has designated a single agency to receive and administer the grants for implementing the management program required under paragraph (1) of this subsection.

(6) The state is organized to implement the management program required under paragraph (1) of this subsection.

(7) The state has the authorities necessary to implement the program, including the authority required under subsection (d) of this section.

(8) The management program provides for adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature.

(9) The management program makes provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, or esthetic values.

(d) Prior to granting approval of the management program, the Secretary shall find that the state, acting through its chosen agency or agencies, including local governments, areawide agencies designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies, or interstate agencies, has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power—

(1) to administer land and water use regulations, control development in order to ensure compliance with the management program, and to resolve conflicts among competing uses; and

(2) to acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

(e) Prior to granting approval, the Secretary shall also find that the program provides:

(1) for any one or a combination of the following general techniques for control of land and water uses within the coastal zone;

(A) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

(B) Direct state land and water use planning and regulation; or

(C) State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any state or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

(2) for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

(f) With the approval of the Secretary, a state may allocate to local government, an areawide agency designated under section 20 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency, a portion of the grant under this section for the purpose of carrying out the provisions of this section: *Provided*, That such allocation shall not relieve the state of the responsibility for ensuring that any funds so allocated are applied in furtherance of such state's approved management program.

(g) The state shall be authorized to amend the management program. The modification shall be in accordance with the procedure required under subsection (c) of this section. Any amendment or modification of the program must be approved by the Secretary before additional administrative grants are made to the state under the program as amended.

(h) At the discretion of the state and with the approval of the Secretary, a management program may be developed and adopted in segments so that immediate attention may be devoted to those areas within the coastal zone which most urgently need management programs: *Provided*, That the state adequately provides for the ultimate coordination of the various segments of the management program into a single unified program and that the unified program will be completed as soon as is reasonably practicable.

INTERAGENCY COORDINATION AND COOPERATION

Sec. 307. (a) In carrying out his functions and responsibilities under this title, the Secretary shall consult with, cooperate with, and, to the maximum extent practicable, coordinate his activities with other interested Federal agencies.

(b) The Secretary shall not approve the management program submitted by a state pursuant to section 306 unless the views of Federal agencies principally affected by such program have been adequately considered. In case of serious disagreement between any Federal agency and the state in the development of the program the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences.

(c) (1) Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.

(2) Any Federal agency which shall undertake any development project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with approved state management programs.

(3) After final approval by the Secretary of a state's management program, any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies

with the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state or its designated agency a copy of the certification, with all necessary information and data. Each coastal state shall establish procedures for public notice in the case of all such certifications and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state or its designated agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state or its designated agency fails to furnish the required notifications within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's certification or until, by the state's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

(d) State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security.

(e) Nothing in this title shall be construed—

(1) to diminish either Federal or state jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources, submerged lands, or navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more states or of two or more states and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

(2) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States operating entity or entities established pursuant to the Columbia River Basin

Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

(f) Notwithstanding any other provision of this title, nothing in this title shall in any way affect any requirement (1) established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, or (2) established by the Federal Government or by any state or local government pursuant to such Acts. Such requirements shall be incorporated in any program developed pursuant to this title and shall be the water pollution control and air pollution control requirements applicable to such program.

(g) When any state's coastal zone management program, submitted for approval or proposed for modification pursuant to section 306 of this title, includes requirements as to shorelands which also would be subject to any Federally supported national land use program which may be hereafter enacted, the Secretary, prior to approving such program, shall obtain the concurrence of the Secretary of the Interior, or such other Federal official as may be designated to administer the national land use program, with respect to that portion of the coastal zone management program affecting such inland areas.

PUBLIC HEARINGS

Sec. 308. All public hearings required under this title must be announced at least thirty days prior to the hearing date. At the time of the announcement, all agency materials pertinent to the hearings, including documents, studies, and other data, must be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the agency.

REVIEW OF PERFORMANCE

Sec. 309. (a) The Secretary shall conduct a continuing review of the management programs of the coastal states and of the performance of each state.

(b) The Secretary shall have the authority to terminate any financial assistance extended under section 306 and to withdraw any unexpended portion of such assistance if (1) he determines that the state is failing to adhere to and is not justified in deviating from the program approved by the Secretary; and (2) the state has been given notice of the proposed termination and withdrawal and given an opportunity to present evidence of adherence or justification for altering its program.

RECORDS

Sec. 310. (a) Each recipient of a grant under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, the total cost of the project or undertaking

supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this title.

ADVISORY COMMITTEE

Sec. 311. (a) The Secretary is authorized and directed to establish a Coastal Zone Management Advisory Committee to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the coastal zone. Such committee shall be composed of not more than fifteen persons designated by the Secretary and shall perform such functions and operate in such a manner as the Secretary may direct. The Secretary shall insure that the committee membership as a group possesses a broad range of experience and knowledge relating to problems involving management, use, conservation, protection, and development of coastal zone resources.

(b) Members of the committee who are not regular full-time employees of the United States, while serving on the business of the committee, including traveltime, may receive compensation at rates not exceeding $100 per diem; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

ESTUARINE SANCTUARIES

Sec. 312. The Secretary, in accordance with rules and regulations promulgated by him, is authorized to make available to a coastal state grants of up to 50 per centum of the costs of acquisition, development, and operation of estuarine sanctuaries for the purpose of creating natural field laboratories to gather data and make studies of the natural and human processes occurring within the estuaries of the coastal zone. The Federal share of the cost for each such sanctuary shall not exceed $2,000,000. No Federal funds received pursuant to section 305 or section 306 shall be used for the purpose of this section.

ANNUAL REPORT

Sec. 313. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress not later than November 1 of each year a report on the administration of this title for the preceding fiscal year. The report shall include but not be restricted to (1) an identification of the state programs approved pursuant to this titled during the preceding Federal fiscal year and a description of those programs; (2) a listing of the states participating in

the provisions of this title and a description of the status of each state's programs and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allocation of funds to the various coastal states and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any state programs which have been reviewed and disapproved or with respect to which grants have been terminated under this title, and a statement of the reasons for such action; (5) a listing of all activities and projects which, pursuant to the provisions of subsection (c) or subsection (d) of section 307, are not consistent with an applicable approved state management program; (6) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (7) a summary of a coordinated national strategy and program for the Nation's coastal zone including identification and discussion of Federal, regional, state, and local responsibilities and functions therein; (8) a summary of outstanding problems arising in the administration of this title in order of priority; and (9) such other information as may be appropriate.

(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this title and enhance its effective operation.

RULES AND REGULATIONS

Sec. 314. The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this title.

AUTHORIZATION OF APPROPRIATIONS

Sec. 315. (a) There are authorized to be appropriated—

(1) the sum of $9,000,000 for the fiscal year ending June 30, 1973, and for each of the fiscal years 1974 through 1977 for grants under section 305, to remain available until expended;

(2) such sums, not to exceed $30,000,000, for the fiscal year ending June 30, 1974, and for each of the fiscal years 1975 through 1977, as may be necessary, for grants under section 306 to remain available until expended; and

(3) such sums, not to exceed $6,000,000 for the fiscal year ending June 30, 1974, as may be necessary, for grants under section 312, to remain available until expended.

(b) There are also authorized to be appropriated such sums, not to exceed $3,000,000, for fiscal year 1973 and for each of the four succeeding fiscal years, as may be necessary for administrative expenses incident to the administration of this title.

Approved October 27, 1972.

ATTACHMENT 5

State of Louisiana

EXECUTIVE DEPARTMENT

Baton Rouge

EDWIN EDWARDS
GOVERNOR

January 22, 1973

Mr. Robert M. White, Administrator
U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Rockville, Maryland 20852

Dear Mr. White:

Louisiana is very encouraged by the passage of the Coastal Zone Management Act of 1972 and we look forward to working very closely with you and the National Oceanic and Atmospheric Administration in planning and managing Louisiana's coastal zone and wetland habitat.

In my opinion this legislation will have a marked impact on land and water management planning in the State of Louisiana because of the large amount of Louisiana coastal wetland area. In addition, the intent of the Act is very comprehensive in its approach to planning and management and as such should have a significant impact on the rest of the state as well. In this regard the Louisiana State Planning Office, as the agency responsible for state land management planning, is preparing a State Growth and Conservation Policy which will interface very closely with any coastal zone management planning.

Since the State Planning Office is within my executive office and is engaged in land management planning on a statewide basis and in order to carry out the intent of the Louisiana Legislature and the intent of the Coastal Zone Management Act of 1972, I am designating the Louisiana State Planning Office as the single state agency to receive and administer the grants for development and implementation of a Coastal Zone Management Plan. Additionally, I am designating Mr. Patrick W. Ryan, Executive Director, Louisiana State Planning Office, as my official representative to work directly with Mr. Robert W. Knecht during the formative stages of this new program.

This program is to be administered by the State Planning Office with the assistance of the Louisiana Advisory Commission on Coastal and Marine Resources with the Louisiana State University Sea Grant Program and to be

and to be coordinated with the Louisiana Wildlife and Fisheries Commission and related agencies.

Sincerely,

EDWIN EDWARDS

EE:knag

c: Mr. Patrick W. Ryan, Executive Director
Louisiana State Planning Office
Post Office Box 44425
Baton Rouge, Louisiana 70804

Mr. Robert W. Knecht
Office of Coastal Zone Management
National Oceanic and Atmospheric Administration
Rockville, Maryland 20852

Mr. J. Burton Angelle, Director
Wildlife and Fisheries Commission
400 Royal Street
New Orleans, Louisiana 70130

Dr. Lyle St. Amant, Chairman
Louisiana Advisory Commission on
Coastal and Marine Resources
400 Royal Street
New Orleans, Louisiana 70130

ATTACHMENT 4

LOUISIANA ADVISORY COMMISSION
ON
COASTAL AND MARINE RESOURCES

RESOLVED, by the Louisiana Advisory Commission on Coastal and Marine Resources, a non-political commission created by Louisiana Act 35 of 1971, for the objects and purposes enumerated therein, that this Commission, being cognizant of the provisions of Public Law 92-583 entitled "Coastal Zone Management Act of 1972", and because of the environmental importance of the coastal zone of the State of Louisiana, does hereby most highly and unanimously recommend to the Honorable Fredreick L. Dent, Secretary of Commerce, that he appoint Dr. Lyle S. St. Amant, Assistant Director of the Louisiana Wild Life and Fisheries Commission, Chairman of this Commission, and an outstanding, nationally recognized authority in coastal zone affairs, with many years of expertise in balancing operations relating to renewable and non-renewable natural resources, to membership on the Secretary's Coastal Zone Management Advisory Committee, provided by Section 311(a) of Public Law 92-583.

Approved Unanimously
at meeting of
January 16, 1973

Marc Hershman

Marc J. Hershman
Executive Director

APPENDIX II

ACTIVITIES OF THE COMMISSION
FROM MARCH '72 THROUGH FEBRUARY '73

This Appendix will attempt to catalog some of the activities of the Commission from March '72 through February '73. See "Louisiana Government and the Coastal Zone--1972", the Commission's first annual report for more background information.

A. The orientation phase begun in December 1971, and reported in the first annual report, was concluded at the commission meeting on June 21, 1972. Technical presentations of the orientation phase are outlined below.

Dr. Sherwood M. Gagliano (December 13, 1971) of the LSU Sea Grant Program presented an overview of the Louisiana coastal zone from a geological and hydrological perspective.

Dr. Lyle S. St. Amant, (January 18, 1972) assistant director of the Louisiana Wild Life and Fisheries Commission, delivered a presentation to the commission concerning Living Resources production and management.

Mr. Gene Cretini (February 29, 1972) of the Louisiana Department of Commerce and Industry discussed the present and future magnitude and role of industry (other than oil industries) in Louisiana's coastal zone.

Mr. Robert Flaherty (February 29, 1972) of the Mid-Continent Oil and Gas Association addressed the Commission concerning oil and gas operations, past, present and future in the Louisiana coastal zone.

Dr. Doyle Chambers, (March 21, 1972) director of the Louisiana Agriculture Experiment Station, spoke on agricultural concerns in the coastal zone.

Mr. William C. McNeal, (March 21, 1972) chairman of the American Waterways Operators, Inc. addressed the Commission concerning needs and benefits of the water transportation industry in coastal Louisiana.

Mr. Gillis Long (April 5, 1972) of the Louisiana Superport Task Force made a presentation to the Commission in which he describing the economic and environmental consequences of a superport for Louisiana.

Mr. Frederick Chatry (May 3, 1972) of the New Orleans District, U. S. Army Corps of Engineers discussed Water Resources Projects in Louisiana's coastal zone from a federal perspective.

Mr. Daniel Cresap (May 3, 1972) Chief Engineer of the Louisiana Department of Public Works, discussed water resource management from the state's perspective.

Dean Gerald McLindon, (May 31, 1972) dean of the LSU-BR School of Environmental Design, addressed the Commission on educational and cultural aspects of the coastal zone.

Mr. Richard Bryan, Jr., (May 31, 1972) of the Louisiana Wildlife Federation and a member of the Louisiana Council on Environmental Quality discussed the recreational and environmental facets of the coastal zone.

Mr. W. L. Manning (June 21, 1972) of the Louisiana Land and Exploration Company discussed coastal zone management from the landowner perspective.

Mr. William Beller (July 27, 1972) head of Environmental Protection Agency's Ocean Islands Program, discussed general coastal zone management principles and related his experiences in directing the creation of coastal management programs for Hawaii, the Virgin Islands, and Puerto Rico.

Concurrent with the technical presentations, discussions of legal matters concerning land use laws, amendments to Act 35, federal regulatory programs and the newly passed federal Coastal Zone Management Act of 1972 were completed.

B. During the past year, the Commission held public hearings in five coastal communities to give citizens the opportunity to contribute to the Commission's efforts and direction. The hearings were well attended and statements were given by public officials, conservationists, agriculturists,, commercial and sports fishermen, industry representatives and private individuals.

The public hearings were called to discuss issues relating to the management of natural resources in the coastal zone of Louisiana including, but not limited to, agriculture, hunting and fishing (commercial and sport), mineral development, public works projects, quality of the environment, recreation, tourism and culture, and transportation.

There were several objectives in holding the hearings:

1. To receive input from citizens with respect to specific aspects of natural resource usage and problems of a local nature.

2. To insure that all viewpoints were heard and considered;

3. To inform the citizens of the coastal zone that regional planning is taking place which might affect their interests;

4. To educate the public on the need for coastal zone management;

5. To act as a public relations tool to inform the public of the role of the Louisiana Advisory Commission on Coastal and Marine Resources.

Schedule of the hearings is given below:

Lafayette	-	September 7, 1972 - Angelle Hall Auditorium USL Campus, 3:00 p.m.
Thibodaux	-	September 21, 1972 - Powell Hall Auditorium, Nicholls State University, 3:00 p.m.
Lake Charles	-	October 5, 1972 - Courtroom A, Calcasieu Parish Courthouse, 3:00 p.m.
Chalmette	-	October 19, 1972 - Main Courtroom of the St. Bernard Parish Courthouse, 3:00 p.m.
Morgan City	-	November 9, 1972 - Municipal Auditorium, 3:00 p.m.

C. In June, 1972, the Commission entered its analysis/writing phase. This phase of the planning effort involved the creation of committees which would consider selected problem areas. Five standing committees and three special committees were created for this purpose. The standing committees are: 1) Living Resources (all fisheries and wildlife and agriculture, coastal ecology); 2) Industrialization and Urbanization (commerce and industry, oil and gas operations, land development, labor, growth, urban spread,

power needs); 3) Water Resources (flood and hurricane protection, watershed projects, fresh water supply, ground water quality and waste treatment); 4) Transportation (water, highway, rail and air transportation, including navigation and oil and gas access canals and pipelines); and 5) Recreation, Tourism, and Culture (recreational aspects of the coastal zone, tourism, enhancing cultural characteristics).

The responsibilities of the standing committees involve: a) the review, revision and approval of staff-prepared bibliography and reference sources and the addition of new reference sources as needed; b) the solicitation of additional comments and statements from individuals or groups as desired; c) the development of a set of statements indicating the items of significance which inhibit threaten or are consistent with the orderly, long-range development of the resources of Louisiana's coastal zone.

The committees were to devise principles which would form the basis of a coastal zone management system to address whatever problems were stated by the committee and to prepare a written report which was due on December 1, 1972. The report was to set forth the approved bibliography and reference sources and the adopted statements of problems, the proposed principles of coastal zone management system and a general review of the committees operations since its initial meeting.

In addition to the five standing committees, three special committees were created. These are 1) managing authority committee (to investigate alternative governing authorities for implementing coastal zone management, boundaries of the coastal

zone, actions to be regulated and promoted, legislative and administrative needs); 2) the research and education committee (to determine the needs of research as related to the coastal zone, curriculum, overall educational program for state); 3) Ocean Engineering and Development Committee (to investigate alternative methods of enhancing ocean engineering practices and curricula, technical needs, training requirements, promotional activities).

As of this writing the five standing committees have each met a number of times, completed their deliberations and submitted their final reports to the full commission for evaluation and approval. Of the special committees, the Research and Education Committee has completed its report and submitted it to the Commission for approval. The other two special committees are in the process of meeting and preparing their reports.

APPENDIX III

RESEARCH AND EDUCATION

The great area and economic importance of Louisiana's coastal zone make the effective management of its lands, waters, and resources a vital concern of both the state and nation. Effective management depends on a variety of scientific, technologic, legal, political-institutional, and socio-economic factors or capabilities. Among these are (a) fundamental understanding of complex coastal zone ecosystems, (b) valid techniques for predicting economic and environmental impacts--both singly and in concert--of a diversity of activities and developments proposed by man and (c) efficient institutional arrangements, regulations and enforcement provisions. None of these capabilities or goals can be achieved without knowledge--obtained through research--and sufficient numbers of well-trained personnel to implement and conduct needed activities. The Commission believes that the present level of knowledge concerning Louisiana's coastal zone and the number of trained personnel actively engaged in well-organized or focused marine and coastal programs are totally inadequate to satisfy public needs. This situation has resulted from (a) lack of mechanisms to develop state agency-university-industry cooperation for effective overview, planning and conduct of marine and coastal research programs, (b) deficiencies in--or lack of--marine-related curricula in secondary and vocational schools and universities, and (c) late development and inadequate state support of existing marine-related programs and facilities.

It is generally agreed that a public university represents a resource that should be utilized in grappling with major problems confronting agencies, citizens and industries of the state. Little consensus is found, however, on the question of how this can be accomplished without adversely affecting the educational role of the university and in full recognition of the fact that the university cannot serve as the only source of assistance. Nevertheless, it seems clear the university must bring itself to the user and the state has every right to expect the university to take the initiative in making its resources available to appropriate agencies, publics and industries. Since an objective of specific efforts in this area is to build confidence and establish supportive relationships, care should be taken to assure that (a) the needed competence exists within the university for proposed work and (b) the commitment is not merely to cooperatively study a problem, but to follow through with assistance in implementing a solution within a user-dictated time frame. There is no question this type of activity will create many organizational, financial and personnel problems within the university but it is the Commission's belief that the university should respond to coastal zone management and other public service needs--and assume initiative in meeting these challenges.

Louisiana's marine heritage and great dependence on marine and coastal resources is not reflected at any level in the state's educational system. The Commission believes the system is particularly deficient at the secondary and vocational-technical school levels. Introduction of marine and coastal resource material

as part of a formal course in the eighth grade science curriculum of the public schools should be a high priority project. Another high-priority need is for vocational training to qualify individuals for job openings in the marine service fields. Critical manpower shortages have developed in marine welding, diving, diving tenders, hyperbaric medicine tenders and highly trained boat handling personnel. At the university level, the Commission does not recommend expansion in the marine science field or development of new degree programs until the job market is better defined and existing programs are adequately funded.

There is an immediate need for a marine science teaching and research laboratory available for use by all state universities. Nicholls State University has recently constructed a small laboratory of this type at Port Fourchon. It is recommended that suitable arrangements be made to permit the use of this facility by other university faculty and students and that the Legislature provide funds for purchase of needed laboratory equipment.

The Commission recognizes the Sea Grant Program as a unique and opportune mechanism to focus the capabilities of state universities on practical marine and coastal zone problems and to foster cooperation among universities, industries, and state agencies. The program is sponsored by the National Oceanic and Atmospheric Administratio of the U.S. Department of Commerce and is administered in Louisiana by Louisiana State University at Baton Rouge. It is, however, a state wide program and, funds permitting, any university in the state can participate. LSU-BR and Nicholls State University have participated on a continuing basis since the program's inception

in 1968; whereas, University of Southwestern Louisiana and Northwestern State University researchers have conducted specific one- or two-year projects. Cooperative activities with state agencies and industrial association are encouraged and several programs are being conducted with state agencies and commercial fishery organizations. The Commission believes Louisiana's unique coastal and marine resource needs makes it imperative to maximize state participation in the National Sea Grant Program or to unilaterally conduct programs of this type. A major obstacle to desired participation and growth has been the lack of "hard cash" state monies to meet the program's one-third matching requirement. Consequently, the Commission strongly recommends that the Legislature provide specific matching funds for maximum support of the Louisiana Sea Grant Program.

APPENDIX IV

CONTINUATION OF REVIEW

OF

STATE COASTAL ZONE AGENCIES

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APPENDIX IV

ENVIRONMENTAL PROTECTION SECTION
OF THE OFFICE OF THE ATTORNEY GENERAL

A. Legal Authority

La. Const. Art. 7 §56; R.S. 56:1444; R.S. 40:2214; R.S. 51:1061; R.S. 13:5036.

B. General Purposes

The Environmental Protection Section of the Office of the Attorney General has been charged with the responsibility of attending to all legal matters in which the State has an interest, insofar as these matters relate to environmental protection. This charge encompasses being the attorneys by statute for the Stream and Air Control Commissions, the State Parks and Recreation Commissions, and the State Land Office. It also includes acting in an advisory capacity for the various state agencies which retain in-house counsel but whose functions impinge directly upon the environment.

C. Coastal and Marine Activities

The Environmental Protection Section has no specific responsibility regarding coastal and marine resources but has taken an active interest in coastal protection and preservation since its formation in August, 1972.

It is the responsibility of the Environmental Protection Section to prosecute enforcement actions for violations of

rules, regulations and standards of the Stream Control Commission. Many of these violations might affect coastal zone waterways.

The staff of the environmental protection section has actively participated in the affairs of the Louisiana Advisory Commission on Coastal and Marine Resources by attending and speaking at its public hearings, by review of federal coastal zone legislation and by consultation with commission staff members on matters of mutual interest.

They have also attended public hearings and prepared comments for some of the various public works projects being pursued in the coastal zone by the Corps of Engineers, the Department of Public Works and the Department of Highways.

D. Administrative Organization

The Environmental Protection Section is staffed by two full time attorneys who have had experience in the area of environmental law. The Attorney General has plans to seek funding to hire additional personnel to staff the section.

The Attorney General has appointed a Scientific Advisory Committee which includes individuals with expertise in the areas of: water pollution, acquatic biology, estuarine and marsh ecology, and medicine. A staff member of the Louisiana Advisory Commission on Coastal and Marine Resources serves as one of the scientific advisors. This Scientific Advisory Committee acts as technical consultants to the section to aid the section in determination of policy.

On the recommendation of the Sea Grant Legal Program, the Attorney General is considering establishment of a Coastal Zone Section within his office.

# # #

GOVERNOR'S ATCHAFALAYA BASIN COMMISSION

ATCHAFALAYA BASIN DIVISION OF THE DEPARTMENT OF PUBLIC WORKS

A. Legal Authority

La. R.S. 38:2351-2361 (1972)

B. General Purposes

The Governor's Commission on the Atchafalaya Basin is comprised of the Governor as ex officio member and 24 other members: three members representing the Louisiana Wildlife Federation, one member representing the Land and Royalty Owners of Louisiana, one member representing the Louisiana Forestry Association, one member representing the Mid-Continent Oil and Gas Association, two members representing commercial fisheries, one representing the AFL-CIO, one member representing the NAACP, one member at large, five ex officio legislators who are chairman of various legislative committees, and one representative from each of the following parishes: Iberville, St. Martin, Iberia, St. Mary, St. Landry, Avoyelles, Assumption, and Pointe Coupee.

The basic purposes of the commission are to preserve the present environmental quality in the Basin, develop facilities permitting the enjoyment of the scenic and educational features of the Basin, maintain and enhance the economic value of the region, secure funding for the preservation of the Basin and for the orderly development thereof and plan for the construction of the necessary structures and facilities in the Basin.

C. Coastal and Marine Activities

In carrying out the general statutory purposes, the commission is authorized to: manage state owned lands (excluding mineral rights), negotiate with private land owners in the Basin for the use of their lands for recreational and preservation purposes, set aside areas of scenic beauty, and acquire by purchase or lease areas which should be preserved for scenic beauty, recreational benefit and pleasure.

In addition, the Commission and the Division must prepare a land and water use plan for the Basin and areas surrounding access points to the Basin. The land and water use plan is to include an interpretative center with approximately 1,000 acres accessible to I-10 for recreation, education, and tourism purposes; game management areas with facilities for hunting; recreation areas with facilities for hiking, camping, picnicing, boating, nature trails, fishing, wildlife sanctuaries, and bird watching; and efforts to improve commercial fishing and crawfishing.

The Commission is authorized to issue general obligation bonds not to exceed $5,700,000.

Upon completion of the planning, acquisition, and construction of the facilities and programs, the Commission must turn them over to other state agencies for maintenance and operation, namely; game management areas to the Wild Life and Fisheries Commission, recreational facilities and interpretative center to the State Parks and Recreation Commission and the water management program to the Department of Public Works. However, the Commisssion is to continue in an advise and consent role with respect to the water management program.

The Atchafalaya Basin Commission has had several general orientation meetings, has appointed a staff and is well underway with its work.

The Commission has approved a resolution giving consent to its director to proceed with the development of a program to create a game management area on state-owned lands in the Basin. The Commission is holding public hearings throughout the state on the proposed game management area.

The Commission is currently proceeding with the selection of professional design team or teams to do the planning, architectural and engineering work necessary to build the recreational facilities required by statute.

The Commission has been working closely with the Army Corps of Engineers with respect to the Corps' Atchafalaya Basin Water and Land Resources Study.

LOUISIANA REGIONAL AIRPORT AUTHORITY

A. Legal Authority

La. R.S. 2:651-659 (1972 Supp.) [Act 753 of 1972]

B. General Purposes

The establishment, maintenance and operation of a regional airport by means of orderly planning is the general purpose of the Regional Airport Authority. The statute attempts to balance various considerations in the establishment of a board of commissioners, with a specified number from each of the multi-parish areas which a regional airport would serve. New Orleans would have the greatest numbers of commissioners.

The Authority is empowered to formulate a general master plan for a regional airport and other (transportation) projects in coordination and association with the airport. The authority may acquire land and other real and personal property, borrow money, contract for services and do whatever is necessary to effectuate its broadly stated purposes.

C. Coastal and Marine Activities

The Regional Airport Authority has not yet been appointed nor has it begun to function. The Aviation Division of the Department of Public Works is currently the coordinating agency for airport development in the state, and according to spokesmen for that agency[1], no commissioners will be appointed to the Regional Airport Authority until after a site is selected.

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[1]Dave Blackshear, Division of Aviation, Department of Public Works, Telephone Interview, Feb. 25, 1973.

A feasibility study by a New Orleans firm[2] has concluded that a single regional airport for southeast Louisiana is not practical.[2] The study was based on demand analysis and did not include environmental or coastal zone management considerations. The study suggested two airports be constructed: a "major long haul" airport to serve the New Orleans area and a new "short haul" metropolitan airport for the Baton Rouge area. Since the statute which created the authority authorizes planning for other transportation projects in coordination with a regional airport, it is unclear what effect this feasibility study will have on the Regional Airport Authority.

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[2]Feasibility Report, Air Carrier Needs Southeast Louisiana, 1980-2000, Louisiana Airport System Plan, December 12, 1972. Prepared by Grimball, Grimball, Gorrondona, Kearny and Savoye, Architects, Engineers and Planners, Inc.

DEEP DRAFT HARBOR AND TERMINAL AUTHORITY OF LOUISIANA

A. Legal Authority

La. R.S. 34:3101-3114 (1972 Supp.) (Act 444 of 1972)

B. General Purposes

The Deep Draft Harbor and Terminal Authority was created as a political subdivision of the State of Louisiana to promote, plan, finance and construct a deep draft harbor and terminal (Superport) off the Gulf Coast. The Authority is to be governed by a board of nine individuals appointed by the Governor; one of these appointees must be an environmentalist by the terms of the statute. The Authority's jurisdiction lies in the "coastal waters of Louisiana" extending three nautical miles from the coastline. The Authority may acquire waterbottoms by lease or purchase, it may grant contracts, borrow money, issue bonds and is generally vested "with exclusive and plenary authority to do any and all things necessary or proper to promote, plan, finance, develop, construct, control, operate, maintain and modify. . ." superport development. Throughout all phases of the development of a Superport, the Authority must have an environmental protection plan in existence which is to be formulated by the Director of Louisiana Wild Life and Fisheries, the Director of LSU's Center for Wetland Resources and the Executive Director of the Port Authority.

C. Coastal and Marine Activities

A Preliminary Assessment of the Environmental Impact of a Superport on the Southeastern Coastal Area of Louisiana has been prepared by the LSU Center for Wetland Resources. An environmental protection plan to reflect the preliminary assessment is currently being formulated. The anticipated impact of a Superport on land-based industrial growth and development will probably be great. Coastal zone management principles should be considered in every stage of its development and operation. The Environmental protection plan required by the statute is one method of integrating coastal zone management policy into the operation and regulation of a Superport.

D. Administrative Organization

The Authority is currently operating with a stream-lined staff consisting of an executive director, an assistant director and clerical personnel. A major contract has been granted to a management consultant firm to coordinate all research and promotional activities surrounding superport development. A grant has also been given to the Center for Wetland Resources at LSU in Baton Rouge to write the environmental protection plan required by the statute.

GOVERNOR'S COUNCIL ON ENVIRONMENTAL QUALITY

AND

CITIZENS ADVISORY BOARD

A. Legal Authority.

La. R.S. 40:2351-2355 (1972 Supp.) [Act 460 of 1972]

Executive Order 22 (1973)

B. General Purposes.

The Governor's Council on Environmental Quality, composed of three members appointed by the Governor, was created to advise the Governor on pollution control, natural resource management and land use activities. The Council is authorized to serve as a coordinating body for various state agencies, and as a clearinghouse for Environmental Impact Statements prepared or reviewed by state agencies in accordance with the National Environmental Policy Act.[1] The Governor's Council also has the duty of developing interrelated environmental quality criteria and long range environmental quality goals.

The Citizen's Advisory Board is an eighteen member board: six appointed by the Governor, six by the speaker of the House of Representatives; and six by the Lieutenant Governor. Like the Council, its duties are strictly advisory; the Board is required to review laws, standards, regulations and activities of the environmental agencies of the state and to make recommendations in the form of an annual report to the Governor and the legislature.

C. Coastal and Marine Activities

On January 11, 1973, the CEQ became operational. On January 15, 1973, the Governor signed Executive Order 22, a broadly-worded document designed to implement Act 460 of 1972. The order refers to CEQ as a coordinating body for all state activities in the field of environmental protection and as "clearing-house" for all environmental impact statements prepared or reviewed by state agencies in accordance with the National Environmental Policy Act. The order also requires all state agencies with responsibility for environmental protection and/or conservation to submit "to the CEQ for review and comment all environmentally related grants, permits, priorities, impact statements, proposed regulations or guidelines, citations, environmental planning, enforcement proceedings and variances from regulations."

D. Administrative Organization

The Board of Liquidation granted $67,000 as an interim budget for the CEQ. According to the chairman a "substantial budget" will be requested from the legislature next year to provide salaries for 15 to 20 "extremely technical people".[2] Currently, the CEQ has a director, assistant director, and clerical personnel.

E. Findings

The mechanics of CEQ activities must be integrated with activities of the various enforcement agencies. If the

CEQ is to review and comment upon virtually all environmental matters facing the state (as Act 460 and Executive Order 22 indicate), procedures must be designed to implement a review process which does not impede decision making, delay execution thereof or duplicate efforts of other agencies.

FOOTNOTES

[1] 42 U.S.C. §4321 (1969)

[2] Times-Picayune, February 25, 1973, p. 14

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