The means of managing land and water resources in the coastal area

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THE MEANS OF MANAGING LAND AND WATER RESOURCES IN THE COASTAL AREA

PREPARED BY THE

ILLINOIS COASTAL ZONE MANAGEMENT PROGRAM STAFF

NOVEMBER 25, 1975

DRAFT

COASTAL ZONE
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Illinois Coastal Zone Management Prog.

INTRODUCTION

Management is the key concept embodied in the Coastal Zone Management Act of 1972, for this Federal Act declares that it is the national policy to "preserve, protect, develop and where possible restore or enhance the Nation's coastal zone." This legislation provides a series of three annual grants to coastal states for the development of a management program designed to achieve the wise use of the coastal land and water resources. Following approval of the management program by the U.S. Department of Commerce, the participating states are eligible for funding for five years of actual program implementation.

When the Federal planning grants became available in 1974, the State of Illinois established its own program. The Illinois Coastal Zone Management Program was established in the Department of Transportation, Division of Water Resources, and is in the second year of the three year planning period. In this second year, the Illinois Coastal Zone Management Program will complete a number of significant tasks required by the Federal Act. They include:

+ Definition of the boundary of the coastal zone, which will delineate the limits of jurisdiction of the Illinois Coastal Zone Management Program;

+ Identification of geographic areas of particular concern eligible for special State assistance;

+ Identification of "shorelands, the uses of which have direct and significant impact on coastal waters";

+ Development of guidelines for priorities of permissible land and water uses in the coastal zone.

In addition to accomplishing these tasks, the Program must satisfy certain requirements prior to Federal approval. The Program must assure:

+ Participation by interested agencies at all levels;

+ Adequate consideration of land and water uses of regional concern, and of national interest in the siting of facilities;

+ That the State has the authorities necessary to implement the Program, to administer land and water use regulations, and to acquire property interests.

The purpose of this paper is to present both an overview of the existing means of managing land and water resources along the Illinois coast and to present alternatives for an effective management system. The paper has four major parts. The first part examines the general concept of a management system. The second portion discusses the development of the Illinois Coastal Zone Management Program in the Illinois context. The third section provides an analysis of the existing means of managing land and water uses in Illinois, and identifies crucial management problems. The final part examines the ingredients of an effective coastal resource management system and presents several alternative structures to establish and maintain a full state-local partnership as the foundation of an effective management system.

PART ONE
THE COMPONENTS OF A MANAGEMENT SYSTEM

The most important element of a management system is its problem-solving orientation. Therefore, a management system concerned with coastal land and water resources must be designed to address and solve identified coastal problems.

To analyze the effectiveness of existing means of management and to evaluate management alternatives, it is important to clarify the concept of a management system. For a management system to address coastal problems, the following components must be integrated:

1. The resource management functions exercised by units of government

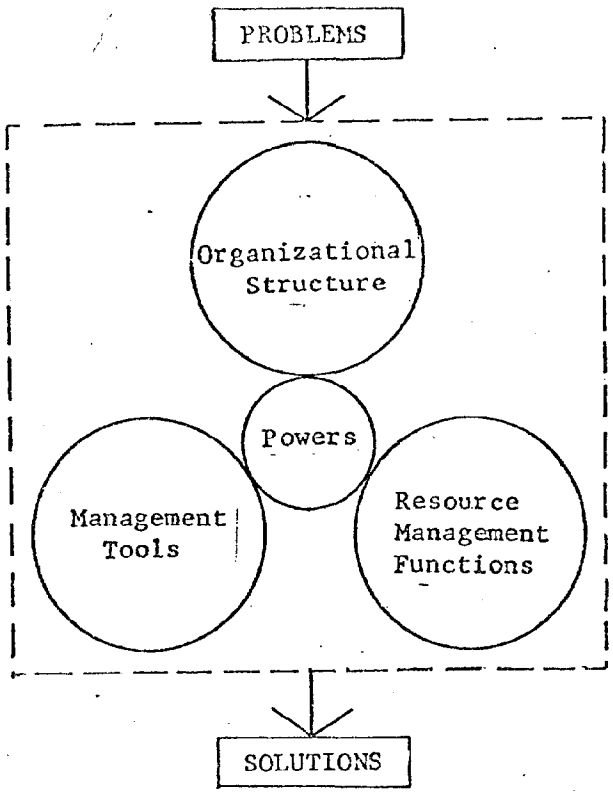
2. Tools for implementation and management

3. Identifiable sources of governmental power or authority

4. An organizational structure of the involved units of government

The diagram on page four illustrates the relationship of the components of a management system. Please note the explanation of each component on the pages following the diagram.

COMPONENTS OF A MANAGEMENT SYSTEM FOR THE ILLINOIS SHORELINE



RESOURCE MANAGEMENT FUNCTIONS

1. Management of commercial navigation
2. Commercial port development and management
3. Inland surface water resource management
4. Water supply and diversion of water from Lake Michigan
5. Water quality and liquid waste management
6. Air pollution control
7. Energy research and development
8. Preservation of historic and cultural sites
9. Comprehensive land use planning and areawide development programs
10. Land use regulation
11. Land transportation facilities development
12. Construction activity in the waters and shores, including erosion control
13. Fisheries and wildlife management
14. Open space and facilities development and management
15. Recreational harbor development and management

POWERS OF GOVERNMENT

1. Proprietary powers
2. Eminent domain
3. Taxation, revenue and spending
4. Police power
5. Interstate commerce
6. Home rule
7. Public trust

MANAGEMENT TOOLS

1. Planning
2. Property acquisition and disposition
3. Facilities development and maintenance
4. Finance of the above functions
5. Administrative programs providing ongoing services
6. Technical and monetary assistance to others for their programs
7. Research and monitoring
8. Regulation and enforcement

I. RESOURCE MANAGEMENT FUNCTIONS

The following have been tentatively identified by the Program staff as fifteen discernible "resource management functions," or areas of public activity which can be directed toward the resolution of coastal resource problems.

A. Commercial Ports and Harbors

1. Management of commercial navigation (e.g. management of the Great Lakes, rivers, and shorelands for navigation purposes)

2. Commercial port development and management (e.g. commercial harbor development, improvement, and maintenance; management of dredge disposal and land impacts)

B. Water Supply and Quality

3. Inland surface water resource management (e.g. water conservation and development, drainage projects, watershed management, flood plain management, and flood control)

4. Water supply and diversion of water from Lake Michigan

5. Water quality and liquid waste management (e.g. pollution and discharge control, management of water quality)

C. Air Resources

6. Air pollution control

D. Energy Resources

7. Energy research and development (e.g. water power development, energy conservation, energy facilities siting and regulation)

E. Land Use

8. Preservation of historic and cultural sites

9. Comprehensive land use planning and areawide development programs

10. Land use regulation
(e.g. zoning, subdivision control, soil erosion control ordinances, and innovative techniques)

11. Land transportation facilities development
(e.g. roads and pleasure drives)

F. Land/Water Interface

12. Construction activity in the waters and shores, including erosion control
(e.g. structural and non-structural erosion control efforts; management of river and shore constructions such as beach replenishment, dredge and fill, piers, levees, dams, dikes and causeways)

G. Recreational Resources

13. Fisheries and wildlife management
(e.g. development and preservation of wildlife breeding areas and habitat; introduction of species)

14. Open space and facilities development and management

15. Recreational harbor development and management

2. MANAGEMENT TOOLS

The following eight concepts have been tentatively identified by the Program staff as "management tools." Units of government are authorized by statute to employ these tools in various combinations to fulfill their functions and exercise their powers in the coastal area.

1. Planning

2. Property acquisition and disposition

3. Facilities development and maintenance

4. Finance of the above functions

5. Administrative programs providing ongoing services

6. Technical and monetary assistance to others for their programs

7. Research and monitoring

8. Regulation and enforcement

3. POWERS OF GOVERNMENT

These powers have developed and are refined through an evolutionary process. Their sources lie in the U.S. Constitution and the Constitution of the State of Illinois, in statutes, and in the interpretive action of the courts.

1. Proprietary Powers

   The power of governments to acquire and dispose of property rights in land resources.

2. Eminent Domain

   The power of many units of government to condemn property rights in land resources for public purposes, with the constitutional mandate that just compensation be paid to the owner.

3. Taxation and Revenue

   The power of government to tax, charge fees, or use other means to obtain revenue.

4. Police Power

   The inherent power of sovereign governments to exercise a number of regulatory programs to protect the public health, safety, and welfare.

5. Interstate Commerce

   The power of the national government to regulate interstate commerce.

6. Home Rule

   In Illinois, certain general purpose units of local government may exercise all the powers and perform any functions pertaining to its local government and affairs.

7. Public Trust

   The State of Illinois holds, maintains and protects the waters and bed of Lake Michigan in trust for the people of the State.

4. ORGANIZATION STRUCTURE

The fourth component of a management system is its organizational structure (i.e. relationship among governmental entities). This structure also includes the mechanisms for public input into the process. This component is discussed in detail in the next two parts to this paper: "Existing Means of Managing Land and Water Resources" and "Alternative State-Local Organizational Structures for Management in the Illinois Coastal Area."

Management Questions

In fulfilling its responsibilities, the Illinois Coastal Zone Management Program must answer a number of questions relating to the development of the management program. Those questions pertaining specifically to means of managing land and water resources follow:

1. What are the principal problems in the coastal area?

2. What are the existing governmental jurisdictions and responsibilities in the coastal area?

3. What are the public coastal resource management powers and their constitutional legislative and judicial derivations?

4. What resource management functions, techniques and procedures is each unit of government utilizing?

5. What are the deficiencies in existing organizational structures, intergovernmental relationships and jurisdictions?

6. What are the deficiencies in existing procedures, resource management functions, and programs?

7. What are the positive aspects of the existing organizational structures, procedures, intergovernmental relationships and jurisdictions for solving problems in the coastal area?

8. What are the necessary ingredients of an effective management system and what are the criteria that can be used to evaluate management alternatives?

9. What is the proper balance of State, regional and local participation in the Illinois Coastal Zone Management Program?

10. What alternatives for State and local participation are available to the Illinois Coastal Zone Management Program to institute an effective management system?

11. What are the advantages and disadvantages of each alternative?

12. What services and benefits should the Illinois Coastal Zone Management Program provide?

13. Will additional authorization or administrative rules and regulations be necessary for implementation of the Illinois Coastal Zone Management Program?

14. How should the public be involved in formulating and implementing a management system?

PART TWO
THE ILLINOIS CONTEXT

Through a combination of public participation and technical assessments, the Illinois Coastal Zone Management Program has identified a number of problems on the Illinois shoreline. These problems include shoreline erosion, increasing demand for land and water based recreational facilities, environmental and aesthetic degradation, the decline in commercial navigation and the adequacy of land resources to meet industrial, commercial and residential needs.

Illinois' diverse sixty mile coastline is governed by a complex set of governmental jurisdictions. At the local level this includes fourteen shoreline municipalities, two counties and various special units of government such as local sanitary districts, park and port districts responsible for no less than twelve distinct management functions. In addition, Illinois has region-wide special purpose government authorities and agencies exercising no less than fourteen management functions by statute. Fifteen State agencies and commissions administer twenty-seven distinct and separate functions that impact the Lake and its shore.*

This extremely complex set of governmental authorities managing Illinois' coastal land and water resources has generated a number of coordination problems. It needs to be emphasized that the State of Illinois is already substantially involved in management activities along the Lake Michigan shore, and the Illinois Coastal Zone Management Program intends to direct its efforts toward coordinating and evaluating the present institutional arrangements and streamlining and simplifying the present overlapping resource management functions.

*NOTE: This information was compiled by the legal consultant for the Illinois Coastal Zone Management Program in his report "Present Management and Planning activities, Lake Michigan and its Shore: A Working Compendium." The specific management functions referred to are identified in this paper.

PART THREE
EXISTING MEANS OF MANAGING LAND AND WATER RESOURCES

The purpose of Part Three is to present a set of resource management functions (described on pages five and six) relating to coastal activity and, through a pair of matrices, analyze these functions: first in their relationship to certain Federal, State, multi-state, regional and local units of government; and second to selected existing management problems in the coastal area.

Chart #1 is a summary of existing management activities in the coastal area. Each box represents the "resource management functions" exercised by each unit of government. For example, next to #1, Management of commercial navigation, the chart shows the number of governmental entities currently undertaking activities in this area: the U.S. Army Corps of Engineers, U.S. Department of Commerce, and the U.S. Department of Transportation, and others.

The numbers in the boxes refer to specific management tools employed by these agencies. For example, for "Management of commercial navigation, the U.S. Army Corps of Engineers apply tools #4, 6, and 7: finance, technical and monetary assistance, and research; while the U.S. Department of Commerce has the authority for regulation and enforcement; #8.

Please note that Chart #1 is a preliminary draft, developed by the staff of the Illinois Coastal Zone Management Program with the aid of the Program's planning and legal consultants, and information from State agencies. During the coming months, public officials will be encouraged to assist the staff in refining and correcting this chart where necessary.

An index of statutory authority compiled by the legal consultant to the Illinois Coastal Zone Management Program was used as a data base for the following chart. See Appendix B for a reproduction of that index.

CHART #1 SUMMARY CHART OF EXISTING MANAGEMENT ACTIVITIES IN THE COASTAL AREA

RESOURCE MANAGEMENT FUNCTIONS		FEDERAL						STATE						MULTI-STATE		REGIONAL AND LOCAL					
PRINCIPAL[7] UNITS OF GOVERNMENT		Army Corps of Engineers	Dept. of Commerce[1]	Environmental Protection Agency	Housing & Urban Development[2]	Dept. of Interior[3]	Dept. of Transportation[4]	Dept. of Conservation	Business & Economic Development	Environmental Protection Agency	Dept. of Local Government Affairs	Dept. of Registration & Education[5]	Dept. of Transportation[6]	Great Lakes Basin Commission	Great Lakes Commission	Northeastern Ill. Planning Comm.	Lake and Cook Counties	Shoreline Municipalities	Shoreline Park Districts	Sanitary Districts (MSD, NSSD)	Fort Districts & Authorities
A. COMMERCIAL PORTS AND HARBORS	A. Management of commercial navigation 15678	67	6 78				All		15 76		1[illegible] 7		15 67	16	17					8	1
	B. Commercial port development and management All	All	56			67	57 234		157			38 67	678	167	7	17	All	All		13[illegible]	All
B. WATER RESOURCE	C. Inland surface water resource management All	All	7	7	15 678	67	5	67	7		16 7	67	All	156		16	All	All		234 58	
	D. Water supply and diversion of water from Lake Michigan All	67	67	7	6	7			17			7	125 678	157		17	234 5	234 5	2		
	E. Water quality and liquid waste management All	578	7 156	1453 678	7	56 78	57 148	258	7	145 678	167	7	678	156		167	All	All	All	All	122 4
C. AIR RESOURCES	F. Air pollution control 15678		7	All			7			All											
E. LAND RESOURCES	C. Preservation of historic and cultural sites All		156		4	123 4567		123 457				7				1	18 234	234 1[illegible]	5 234		
	H. Comprehensive land use planning and areawide development 1-7		156		256	67		17	17		167		1 567	6 157		167	11	All	1 5 67		16
	I. Land and water use regulation 5678		56	67		67							68			7	All	All	7		
	J. Land transportation facilities All	123 4567		67			All	28	157				All	6		1	All	All	123 458		12
F. LAND/WATER INTERFACE	K. Construction activities along coast All	All	15 67	7	6	67	8	All	147	67	1[illegible]7	67	All	156		6	All	All	All	234 8	All
G. RECREATIONAL RESOURCES	L. Fisheries and wildlife management 15678	78	15 67	78		All	8	All	157	78		67	167	156						57	
	M. Recreational open space and facilities 1 - 7	23[illegible]	7 56	-	456	All		All	1				126 78	6		167	All	All	All	24	
	N. Recreational harbor development and management all	134 678	6	8		234 7	58	123 647		8	167		68	6			All	All	All		

MANAGEMENT TOOLS:

1 = Planning
2 = Property acquisition and disposition
3 = Facilities development and maintenance
4 = Finance
5 = Administrative and service programs
6 = Technical and monetary assistance
7 = Research and monitoring
8 = Regulation and enforcement

Study of Chart #1 reveals the multitude of managing authorities in the coastal area and a key to many of the problems in their present efforts. Six problems in the existing management structure emerge from this analysis.

1. Jurisdictional and functional redundancy among units of government - As many as twenty governmental units may be planning and/or implementing programs for a given resource management function in one location, causing severe duplication of efforts.

2. Dispersal and fragmentation of authority - Planning, capital improvements, service and regulatory powers for a resource management functions are often vested in several governmental units resulting in conflict of interest and programs, and confusion in administration.

3. Lack of coordinating mechanisms - Often, varied units of governments at the local, regional, State, multi-state and Federal levels address similar functions, yet remain uninformed of the activities and interests of the activities and interests of one another.

4. Confusing procedures, practices, and regulations - As a result of much of the fragmentation and/or redundancy of public authority, an excessive number of regulations and procedures are promulgated that can be extremely time-consuming, duplicative and confusing.

5. Lack of adequate funding

6. Lack of adequate research and technological capability - This problem occurs at all levels of government and can force decisions without adequate data collection and research. This management problem is particularly acute with regard to pollution abatement programs.

In Chart #2 on page 13, each horizontal row of the chart represents a "resource management function" described in Part Two of this paper and used in Chart #1. Each vertical column represents an existing management problem in the coastal area. Where a row and a column intersect, and that intersection is dark, administration of the respective "resource management function" is affected by the respective problem. For example, the principal problems with air pollution (#6) are confusing procedures and regulations, inadequate funding, and inadequate technology.

Chart # 2, like Chart #1 is a preliminary draft, developed by the staff of the Illinois Coastal Zone Management Program, and subject to refinement and corrections.

CHART #2 ANALYSIS OF THE MANAGEMENT PROBLEMS RELATED TO RESOURCE MANAGEMENT FUNCTION

	RESOURCE MANAGEMENT FUNCTIONS / PRINCIPAL ORGANIZATIONAL PROBLEMS	Jurisdictional and functional redundancy among units of government	Dispersal and fragmentation of authority	Lack of coordinating mechanisms	Confusing procedures, practices, and regulations	Lack of adequate funding	Lack of research and technological capabilities
A. COMMERCIAL PORTS AND HARBORS	1. Management of commercial navigation		▨	▨	▨	▨	
	2. Commercial port development and management	▨	▨	▨	▨	▨	▨
B. WATER SUPPLY AND QUALITY	3. Inland surface water resource management	▨	▨	▨		▨	
	4. Water supply and diversion of water from Lake Michigan		▨		▨		
	5. Water quality and liquid waste management	▨	▨	▨	▨		▨
C. AIR RESOURCES	6. Air pollution control				▨	▨	▨
D. ENERGY RESOURCES	7. Energy research and development	▨			▨		▨
E. LAND USE	8. Preservation of historic and cultural sites		▨			▨	
	9. Comprehensive land use planning and areawide development programs	▨	▨	▨			
	10. Land use regulation	▨	▨				
	11. Land transportation		▨	▨			
F. LAND/WATER INTERFACE	12. Construction activities along coast, including erosion control	▨	▨	▨	▨	▨	▨
G. RECREATIONAL RESOURCES	13. Fisheries and wildlife management	▨				▨	▨
	14. Open space and facilities development and management	▨	▨			▨	
	15. Recreational harbor development and management	▨	▨	▨		▨	

In the words of the legal consultant to the Illinois Coastal Zone Management Program,

> We have not treated Lake Michigan -- perhaps the most critical natural resource in our State -- as public property entitled, even required, to be maintained for the benefit of its owners, the State of Illinois and the public ... Instead, we have treated the Lake as being subject to the control of every conceivable governmental authority and, therefore, truly within the control of none. It is the function of the public trust doctrine to provide this vital protection of the Lake Michigan resource. Certainly with each subdivision of governmental authority over the public resource there is a diffusion of the trust and thereby debasement of it. With the incredible array of management authorities now in competition on this most valuable local, state and national resource ... [problems] ... will exist until the management authority is coordinated, either by voluntary agreement of the parties or by the actions of the Illinois General Assembly.

The following section examines alternative management frameworks which the Illinois Coastal Zone Management Program can adopt and implement in the coastal area, so as to solve coastal resource problems and to alleviate problems with the existing institutional and management framework.

PART FOUR
ALTERNATIVE STATE-LOCAL ORGANIZATIONAL STRUCTURES FOR MANAGEMENT IN THE ILLINOIS COASTAL AREA

The Illinois Coastal Zone Management Program represents a significant opportunity to alleviate many of the institutional and jurisdictional problems discussed in Part Three. Two of the Program's essential tasks will be to:

+ Coordinate and focus the existing coastal management activities

+ Establish and maintain an effective partnership of State and local governments to solve shared problems.

In order to establish a viable management system, the Program must take advantage of the strengths of each level of government and secure its resources and expertise. For example, while State and Federal agencies have substantial technical and financial resources, and can initiate comprehensive management efforts which respond to broad problems and the needs of a large constituency, regional and local management entities provide flexibility, responsiveness, and efficiency because of their proximity to both the user and to many of the problems. To be effective, a management system which joins State and local governments in a mutually beneficial partnership must satisfy a number of criteria. The following is a preliminary list of criteria, developed by the Program staff, which an effective management system must satisfy.

CRITERIA FOR AN EFFECTIVE MANAGEMENT SYSTEM IN THE ILLINOIS COASTAL AREA

I. LEGAL CRITERIA

A. Fairness and reasonableness

B. Consistency of application within a variety of circumstances and locales

C. Technical defensibility and substantiation

D. Comprehensiveness vis-a-vis uses and resources

E. Allowance for special conditions -- flexibility

F. Access to an appellate process

G. Distinction between regulatory and compensatory actions

H. Procedural fairness

I. Clear relationship to public welfare

J. Adequate public involvement

II. ADMINISTRATIVE CRITERIA

A. Speed of implementation

B. Efficiency and effectiveness versus duplication and expense

C. Comprehensiveness of management and problem-solving activities: both promotional and reactive

D. Use of existing capabilities, initiatives and prerogatives at all levels

E. Appropriateness of decisions for magnitude and level of problems

F. Strong relationship to policy and spending priorities

G. Ease of enforcement and surveillance

H. Flexibility with changing conditions in time

I. Consistency of standards, requirements, procedures

III. POPULAR SUPPORT CRITERIA

A. Responsiveness to public needs and concerns

B. Accountability and access of public review

C. Comprehensibility to the user

ALTERNATIVES

According to the language of the Coastal Zone Management Act of 1972, for the Program to receive implementation funding from the Federal government, it must provide for one of the following:

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.

The staff of the Program has refined and expanded upon the language of the Act and its regulations, and has formulated five alternative structures for State and local participation. These alternatives will be the basis for review, refinement, guidance and input from citizens and from units of government at the local, regional, State, and Federal levels. In order to

be successful, the Program must satisfy the needs of these many participants in the development of the Program. The following are the alternatives prepared by the Program staff:

1. Direct local control of all resource management

2. Direct State management of all resources

3. Direct State management of specific coastal resources

4. State and local partnership

    a. local implementation based on State criteria

    b. State review and approval of all decisions, projects and permits

5. State prescribes and participates in the local level decisional processes.

The chart on the following pages offers a full description of each alternative with several examples, and a brief discussion of the alternatives' strengths and weaknesses.

ALTERNATIVES FOR STATE OR LOCAL ORGANIZATIONAL STRUCTURES FOR MANAGEMENT OF LAND AND WATER RESOURCES IN THE COASTAL AREA

Alternatives	Description	Existing Examples of Alternatives	Strengths of Alternatives	Weaknesses of Alternatives
1. Direct Local control of all resource management	Local agencies have primary responsibility and ultimate authority for management decisions	Local zoning and subdivision control ordinances	+ Decision-making retained at local level + Flexibility in administration + Minimizes State bureaucracy + Ease of enforcement due to local surveillance	+ Inadequate financial or technical resources at local level + Local units subject to intense self interest pressures (e.g. economic, political) + Does not satisfy Federal CZM Act requirements and thus Federal implementation funding not available + Inconsistent with existing State responsibilities under Public Trust Doctrine and Federal Law + Local units unable to address problems of greater than local concern
2. Direct State management of all resources in coastal zone	State agency has primary responsibility and ultimate authority for management decisions	No known example for all resources, however: Maine: Wetlands Protection Act, Site Location of Development Act together encompass most coastal resources	+ Management established rapidly + Consistent application + Comprehensive analysis + Utilizes State financial and technical resources + Flexibility	+ Increased State bureaucracy + State unaware of specific local problems + Politically untenable + Lengthy appeal process + Lack of experience with total State control alternative + State duplication of local function + Adequate surveillance and enforcement difficult from State level.

NOTE: The above alternatives are initially considered by the Illinois Coastal Zone Management Program to be inconsistent with the Program goal of a full State-Local partnership in management of the coastal resources in Illinois.

ALTERNATIVES FOR STATE OR LOCAL ORGANIZATIONAL STRUCTURES FOR MANAGEMENT OF LAND AND WATER RESOURCES IN THE COASTAL AREA

Alternatives	Description	Existing Examples of Alternatives	Strengths of Alternatives	Weaknesses of Alternatives
3. Direct State management of specific coastal resources related to:	State agency has primary responsibility and ultimate authority for management of specific resources			
a) The Public Trust resources of Lake Michigan		+ Illinois Division of Water Resources structure and fill permit regulation + U.S. Steel landfill case 1975	+ Consistency of application + Well-established Illinois constitutional basis + Favorable court decisions + Encourages regional approach	+ Traditionally has not been applied to landward area
b) Resource management mandated by Federal law		+ Illinois EPA water discharge and air emmission permit regulation + State and Federal parks and fisheries management programs	+ Consistency of standards and application + Supported by existing State and Federal statutes + State may assume Federal role to insure State objectives + Financial and technical resources available at State level	+ Additional financial burdens for State + Adequate surveillance and enforcement difficult from State level + Time consuming State permit procedures

ALTERNATIVES FOR STATE OR LOCAL ORGANIZATIONAL STRUCTURES FOR MANAGEMENT OF LAND AND WATER RESOURCES IN THE COASTAL AREA

Alternatives	Description	Existing Examples of Alternatives	Strengths of Alternatives	Weaknesses of Alternatives
4. Local implementation based on State criteria and performance review to ensure compliance.	State agency develops overall plans, policies priorities, criteria and guidelines for resource management. Local units are responsible for implementation through planning and regulation. The State monitors local implementation performance in one of the following two techniques:		(These strengths are common to both a and b) + Comprehensive resource management + Responsibilities consistent with level of concern and capability of each level of government + Decision making retained at local level + Flexibility for special conditions	(These weaknesses are common to both a and b) + Varying degrees of local technical competence and interest + Substantial time needed to develop program + Potential local misinterpretation of State policies and criteria
	a) State reviews local plans, ordinances and procedures prior to implementation;	+ Illinois Flood Plain Management + Michigan Shorelands Management + Wisconsin Shoreland and Flood Plain Protection	+ Establishes State-Local consistency early in planning and implementation process + Enheances consistency between jurisdictions + Minimizes State bureaucracy	+ Substantial time needed for review and approval
	b) State reviews all local decisions pertaining to projects, programs and permits in coastal zone, and may override local decisions	+ Florida Critical Areas Program and Developments of regional impact	+ Ensures state interest	+ Administrative burden on State + Delays in permit approval + Lack of experience with this method

ALTERNATIVES FOR STATE OR LOCAL ORGANIZATIONAL STRUCTURES FOR MANAGEMENT OF LAND AND WATER RESOURCES IN THE COASTAL AREA

Alternatives	Description	Existing Examples of Alternatives	Strengths of Alternatives	Weaknesses of Alternatives
5. State prescribes and participates in local level decisional process	State has standing in local hearings and review. State interests are incorporated during the local and regional planning process.	Illinois Pollution Control Board, standard and variance review hearings	+ Encourages effectiveness and equitability of planning and implementation + Provides for State notification of pending local actions + Increases access to technical information at the local level + Promotes greater diversity of problem assessment + Provides State legal standing in local hearings	+ Little experience in this area + Largely reactive rather than anticipatory involvement + Requires much State time and staffing for review of issues + Ad hoc basis may prevent analysis of problems of larger than local concern + Difficult to obtain consistency

A few comments about these five alternatives are necessary:

1. The staff of the Program has initially determined that alternatives #1 and #2, "total local control" and "total State management" are not feasible alternatives, as they either fail to satisfy the requirements of the Act or are not responsive to the needs and prerogatives of the governments presently operating in the coastal zone.

2. Alternatives 3, 4 and 5 each have two essential components. First, each one involves full cooperation and coordination among units of government at all levels. Second, every alternative includes, of necessity, the full power and authority of the State of Illinois over the waters and bed of Lake Michigan, in trust for the people of the State.

3. The ultimate form of Coastal Zone Management in Illinois will likely be a combination of many of these alternatives. No one alternative is all-inclusive, and the relationship of State and local governments will vary according to the nature of the resources, and the specific problem-solving requirements.

PART FIVE
CONCLUSION

In summary, it is apparent that there is a substantial need for a Coastal Zone Management Program in Illinois. There are significant problems in the existing means of management at all levels for which a State-level program can perform a crucial function in developing viable solutions.

Lake Michigan and its shorelands are critical State resources and the State has, and should have, a central role in their management. The State role in the exercise of the fifteen identified "resource management functions" is extensive and often clearly predominant. In the near future, however, the most vital role which the Illinois Coastal Zone Management Program can play is to consolidate the many existing resource management functions into an effective management system, and to establish and maintain a full partnership among units of government of all levels.

To do so, the Illinois Coastal Zone Management Program must find methods to alleviate the following problems of the existing means of management.

+ Jurisdictional and functional redundancy among units of government

+ Dispersal and fragmentation of authority

+ Lack of coordinating mechanisms

+ Confusing procedures, practices and regulations

+ Lack of adequate funding

+ Lack of adequate research and technological capabilities

The Illinois Coastal Zone Management Program has the responsibility of addressing problems in the Illinois coastal area of Lake Michigan. The Program can solve some problems directly, and in other cases the Program can assist existing units of government and supplement existing programs. Whatever the ultimate form of the Program, the following essential functions will be evident:

+ It will direct its management and spending <u>services</u> toward solving coastal problems;

+ It will coordinate and <u>streamline</u> procedures to promote an efficient problem-solving process;

+ It will provide technical, engineering, and financial <u>assistance</u> to citizens and to local units of government;

+ It will <u>coordinate</u> activity of all levels of government to assure an effective management structure;

+ It will work to assure the consistency of federal actions with the State's CZM program.

+ It will establish and maintain a full State/local partnership as the foundation of an effective management system.

By undertaking these efforts, the Coastal Zone Management Program will create an effective management system and a workable governmental partnership for the Illinois coastal area.

APPENDIX A
NOTES TO CHART #1

[1]U.S. Dept. of Commerce includes National Marine Fisneries Service and National Oceanic and Atmospheric Administration

[2]U.S. Dept. of Housing and Urban Development includes the Flood Insurance Administration

[3]U.S. Dept. of Interior includes the Bureau of Outdoor Recreation, the U.S. Geologic Survey, the National Park Service, the Forest Service, and the Fish and Wildlife Service.

[4]U.S. Dept. of Transportation includes the Coast Guard and the Saint Lawrence Seaway Development Corporation.

[5]Illinois Dept. of Registration and Education includes the Illinois Geologic Survey, the Illinois National History Survey, and the Illinois Water Survey.

[6]Illinois Dept. of Transportation includes the Division of Water Resources

[7]Units of government not included in the chart:

U.S. Department of Defense
U.S. Dept. of Health, Education, and Welfare
U.S. Energy Research and Development Administration
U.S. Nuclear Regulatory Commission
U.S. Federal Energy Administration
U.S. Federal Power Commission
U.S. General Service Administration
U.S. Veterans Administration
U.S. Dept. of Agriculture
Illinois Attorney General's Office
Illinois Bureau of the Budget
Illinois General Assembly
Illinois Dept. of Agriculture
Illinois Institute for Environmental Quality
Illinois Pollution Control Board
Federal Regional Council
Illinois-Indiana Bi-State Commission
Lake Michigan Shoreline Advisory Committee
Townships
Drainage Districts
Surface Water Protection Districts
River Conservancy Districts
Soil Conservation Districts and Advisory Boards

APPENDIX B

The following two indices were prepared by the Illinois Coastal Zone Management Program's legal consultant. The first index is a general index to sources of authority in Illinois, the second is a special index relating these sources of authority by management function. Both indices were used as a data base in the preparation of this technical paper.

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