National Conference on Ports and Coastal Management

Final Report

COASTAL ZONE
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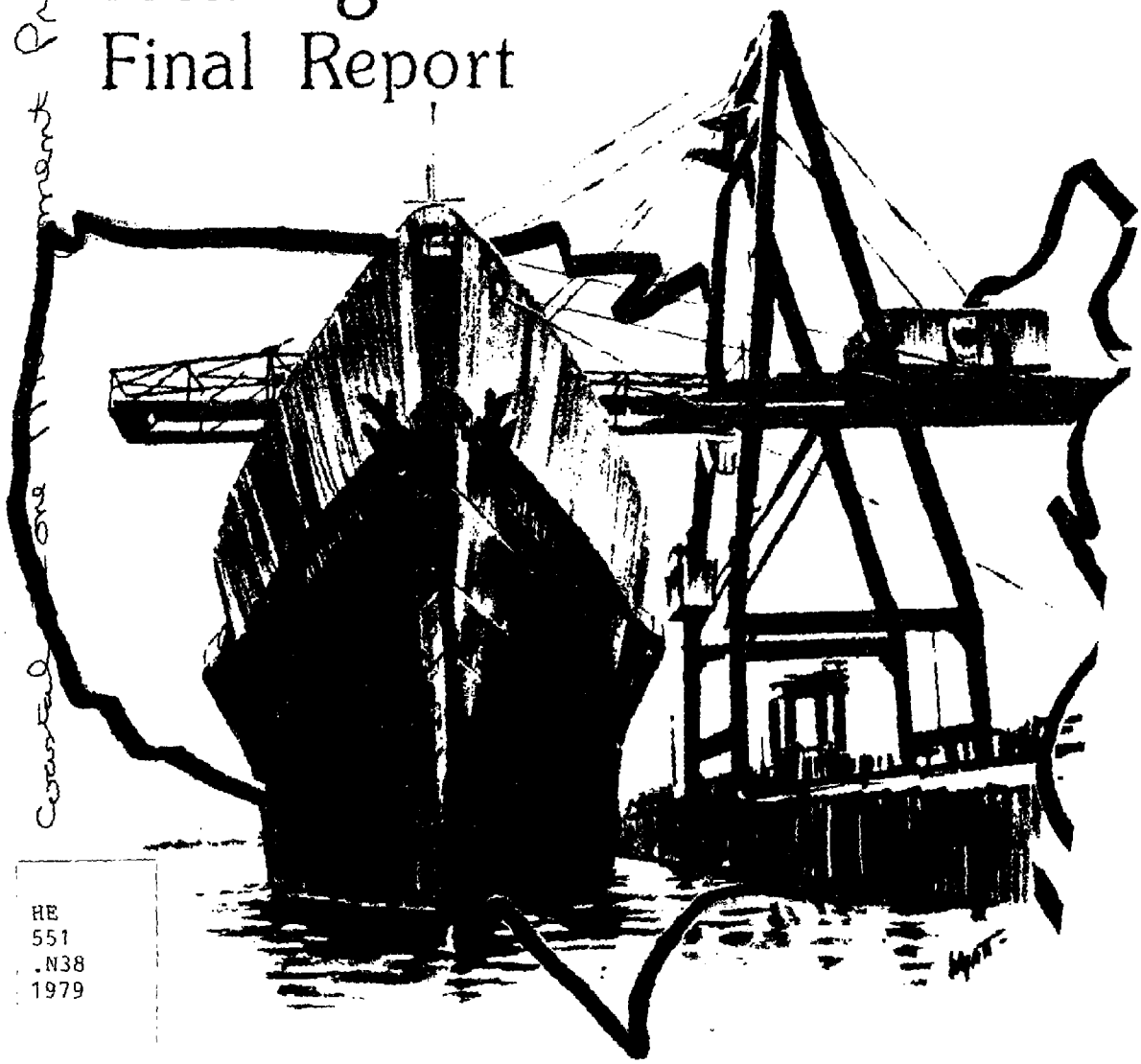
July 31-Aug 1 '79
Boston, Mass



Coastal Zone Management Program

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November 15, 1979

Dear Conference Participant:

We are pleased to present the final report of the first National Conference on Ports and Coastal Management, jointly sponsored by the Maritime Administration, the Office of Coastal Zone Management, and the American Association of Port Authorities on July 31 - August 1, 1979 in cooperation with state coastal management agencies.

This report summarizes the workshop discussions and plenary sessions and contains the resulting Conference recommendations. Also included is background material on critical port and coastal management issues which was part of the pre-conference package provided each of the attendees at our Boston meeting.

We hope that this report will be a useful guide for you and others in your future actions for resolution of problems facing port and coastal managers.

Sincerely,

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NATIONAL CONFERENCE ON PORTS AND COASTAL MANAGEMENT

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INTRODUCTION

On July 31 and August 1, 1979, the U.S. Maritime Administration (MarAd), the Federal Office of Coastal Zone Management (OZCM), and the American Association of Port Authorities (AAPA) sponsored a National Conference on Ports and Coastal Management for the purpose of providing a forum for addressing major issues currently facing port and coastal managers. Approximately 200 participants, representing public port authorities, state coastal management programs, federal environmental regulatory agencies, and public interest groups, gathered in Boston, Massachusetts, to discuss port development and coastal management issues in order to better understand each other's programs and concerns as well as to develop strategies of action for addressing these concerns.

The conference brought to the forefront two shoreland activities vital to the future of the nation: public ports and coastal management programs. Ports, though occupying a small percentage of the nation's shorelands, provide an immense service. For over three centuries ports have facilitated international and domestic trade, industrial development and economic growth. And, these port services will be in greater demand in the future. Coastal management programs, though less than a decade old, provide an equally vital service to the nation. For the first time the federal government has provided direct assistance to state and local governments to oversee the management of the many competing uses of the coast and shorelands. With this financial aid, state and local governments have developed new procedures and guidelines to insure that development activities are balanced with the need to protect the coast environment and meet the demand for greater public use. Though coastal management is new, states and localities are beginning to implement policies, plans, and regulations in many locations throughout the country.

The conference explored the opportunities coastal managers and port managers have to work together. Although coastal and port managers often have different objectives, there are many common interests which can be identified. For example, coastal managers can assist ports by limiting the amount of non-water dependent uses permitted on the shoreline and by reserving shoreline areas for port purposes. Ports, in turn, can assist coastal managers by improving public access to the shore, redeveloping obsolete facilities and implementing economic development goals of coastal management programs. These common interests can be nurtured because public ports and coastal management programs share some common characteristics which should facilitate interaction. Both management efforts normally occur at the local level of government where officials have often interacted in the past. Also, both management efforts must provide a balance between different users competing for the same resource, especially in large harbor areas where port areas are used for recreational, fishing, and industrial activities.

The Conference stressed the need to build upon these common interests. Both programs are feeling considerable pressure to redefine their role. Ports are beset with demands to extend beyond traditional cargo handling services. Ports are being asked to provide access for the public and mitigation for development projects. Coastal management programs, many of which are just starting to be implemented, must now deal in more specific terms with particular development groups and find ways to accommodate the user while conserving the resource. For both port and coastal managers new knowledge is needed about one another so that each can become more sensitive to the legitimacy of the other's mission and the constraints under which each operates.

CONFERENCE ORGANIZATION

For two days Conference participants met and discussed their common interests (See Appendix 1, Conference Agenda). Most of the Conference took place in six regional workshops: New England (Maine, New Hampshire, Massachusetts, Rhode Island); Tri-State (Connecticut, New York, New Jersey); South Atlantic (Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia); Gulf (Florida, Alabama, Mississippi, Louisiana, Texas, Puerto Rico, and the Virgin Islands); Pacific (California, Oregon, Washington State, Alaska, Hawaii, Pacific Territories); and Great Lakes (Minnesota, Wisconsin, Michigan, Illinois, Indiana, Ohio, Pennsylvania, New York). The format of the Conference encouraged discussion to focus on six port development issues: port planning; permit coordination; landfill, dredging and dredged material disposal; waterfront land use; mitigation; and federal-state relations. These issues were selected prior to the conference by a special Steering Committee composed of representatives from many interest groups and public agencies. The Steering Committee worked closely with a Conference Program Committee which had overall responsibility for the conference (See Appendix 2). Further, a "Conference Issues" paper was prepared for the participants as a starting point for discussion (See Appendix 3).

The results of the six regional workshops constituted the primary output of the Conference. However, a number of short presentations were made before the regional workshops convened. These presentations were made by officials of the key interest groups concerned with the issues and the principal federal agencies with management responsibilities in the coastal zone. Interest group leaders included Ron Brinson, Executive Vice President of the The American Association of Port Authorities, and James Tripp, General Counsel of the Environmental Defense Fund. Agency representatives included Robert Knecht of the Office of Coastal Zone Management; Marvin Pitkin of the Maritime Administration; General Hugh Robinson of the Corps of Engineers; Michael Spear of the U.S. Fish and Wildlife Service; William Hedeman of the Environmental Protection Agency; and Charles Walters of the National Marine Fisheries Service.

Before the workshops began, the sponsors of the conference instructed workshop participants to examine the six port development issues by addressing the following questions:

- What is the specific nature of the issue as it exists in your region?
- What is the best strategy towards resolving the issue?
- What plan of action is necessary to implement the above strategy?
- What are the major constraints towards implementing the strategy?
- Who should take the lead role in implementing the strategy?
- What is the ranking of the issue compared to other issues discussed in the regional workshops?

Workshop discussions were led by two co-chairpersons, one official of the Federal Office of Coastal Zone Management responsible for a region, and one representative of a public port authority within that region. Although most of the workshops addressed each of the above questions, the participants generally spent the greatest amount of time discussing the nature of the issues and general strategies for resolving them. For the most part, the short time frame available (5 hours of workshop discussion was allotted), and the diversity of the participants precluded workshops from developing detailed plans of action.

GENERAL OBSERVATIONS

This report presents the results of the conference. It summarizes what the participants discussed during their meetings in the six regional workshops and specifically discusses each of the issues and their importance to the workshop participants. Additionally, it identifies three overall themes of the conference and describes numerous recommendations made by the participants for improving port and coastal management activities.

As one might expect, the nature and importance of each issue varied from region to region. For example, under the broad topic of port planning a wide variety of regional specific issues was discussed in the workshops, such as the extension of the winter navigation season in the Great Lakes workshop and the fishing port issue in the New England workshop. In some cases issues that received little attention in most workshops received a great deal of attention in others, as was the case with mitigation for the Gulf workshop and federal-state relations for the Pacific workshop.

Also, the general mood of the conference was one of cooperation among the participants. Each group made a concerted effort to understand the concerns of the other parties and tried to find some common ground for agreement. A general consensus emerged towards the end of the conference that the regional workshop format helped to foster understanding among the many parties who attended and it helped set the stage for future contacts and information exchange.

PORT DEVELOPMENT ISSUES

The regional workshops were free to choose what issues to address and the order and length of time spent in discussing each issue. In most cases the workshop adhered to the format of issues developed by the Steering Committee. One exception was the Pacific workshop which decided to rework the original six issues into a different format. The Pacific workshop felt that the original issues were hard to discuss because they overlapped too much. They agreed that all the issues were equally important and could not be discussed independently of one another. A similar feeling emerged from the Great Lakes workshop which combined discussion of several of the issues.

The sponsors of the conference asked each workshop to rank, in order of importance, the six issues defined by the Steering Committee. As can be seen in Table 1, port planning was clearly viewed as the most important port/coastal management issue. Every workshop but one ranked it as the most important issue. Landfill, dredging and dredged material disposal was ranked second and permit coordination was third. Both of these issues were widely discussed by every regional workshop. Waterfront land use was fourth, although the two North Atlantic workshops, New England and Tri-State, perceived it as a high priority issue. Finally, mitigation and federal-state relations were ranked at the bottom and received much less discussion in most of the workshops.

Port Planning

Port planning was addressed in detail by every regional workshop. The workshops noted that port planning occurs at many levels and for different purposes. For example, there are regional port plans which deal with the future needs of many ports in a particular region, but do not allocate new facilities among the ports. At a local scale, port plans developed by port authorities allocate the land resources under their ownership or control for specific new port uses. These are often called "port master plans." Also, there are "port plans" developed jointly with state CZM programs which attempt to balance port facility needs with other competing uses within the harbor area.

One central concern in the discussion of port planning was the problem of determining port needs. Debate focused on whether port needs are accurately being determined and who should be involved in developing

Table 1

RANKING OF PORT DEVELOPMENT ISSUES

Issue	Regional Workshop						
	New England	Tri-State	South Atlantic	Gulf	Pacific	Great Lakes	Composite
Port Planning	2	1	1	1	1	1	7
Landfills, Dredging and Dredged Materials Disposal	1	3	3	2	6	2	17
Permit Coordination	4	4	2	3	3	3	19
Waterfront Land Use	3	2	5	6	5	4	25
Mitigation	6	6	4	4	4	5	29
Federal-State Relations	5	5	6	5	2	6	29

these forecasts. Environmental interests generally were not satisfied with the way needs are determined. They contended that the growth rates usually projected by ports are unrealistically high and do not recognize the increasing scarcity of coastal resources. Environmentalists also were not happy at the limited role they and the public play in determining needs. Ports, on the other hand, defended the accuracy of their need assessments. Rather, they were troubled by the prospect of outsiders independently determining port needs. For example, ports in the New England workshop were particularly irritated by the U.S. Fish and Wildlife Service policy of judging "economic needs" before making a recommendation on a permit because they believe the Service lacks expertise in this area. However, ports in several workshops noted that long-term needs are very difficult to predict accurately because of the competitiveness of the port industry and the role industrial growth plays in port expansion. They also registered concern over the "real estate speculation" that could follow from advance publicity on development plans.

The South Atlantic workshop observed that environmental legislation is forcing ports in their planning to consider a broader range of land and water uses such as recreation, fishing, and energy development. Despite these new demands, the New England workshop pointed out that there is a lack of federal or state funding to support port planning efforts, particularly master plan development.

Port agencies in all the workshops were unanimous in opposing regional port planning which led to the allocation of new port facilities. Ports in some workshops like the Gulf strongly opposed regional planning per se because of the fear that the information might lead to the allocation of resources. In contrast, ports in the Pacific, New England, and Great Lakes workshops saw utility in the information generated through regional planning efforts because this assisted ports in their individual master planning efforts and would expose over-optimistic trade projections. For example, the Great Lakes ports cited the Great Lakes Cooperative Port Planning Study as a potential source for a regional plan. This study which is co-funded by MarAd and the eight Great Lakes states is designed to provide a system-wide development plan for the Great Lakes region, but will stop short of proposing specific allocation schemes.

Port representatives in most of the workshops felt coastal zone management could be helpful in assisting port planning efforts. For example, the Pacific and Great Lakes workshops felt the coastal zone management sponsorship of special area planning efforts, like that occurring for Grays Harbor, Washington, and Duluth-Superior (Minn.-Wisc.), has been useful to port planning activities. Similarly, the New England workshop related how the Massachusetts CZM program assisted Fall River, Mass. in solving a port planning problem. However, some skeptical views were expressed. Ports in the South Atlantic workshop saw coastal zone management as an obstacle because CZM and related environmental restrictions complicated their development planning. Also, the fear that CZM might result in only further red tape was expressed in the Tri-State workshop.

Landfill, Dredging and Dredged Material Disposal

Discussion at the Conference regarding this issue focused on two subjects, the problem of finding sites for disposing of dredged material and the wisdom of the federal government providing subsidies for channel improvement projects. With respect to the disposal problem, most participants agreed that finding suitable sites for dredged material has become very difficult and costly since enactment of environmental legislation over the past decade. Many dredging projects have been stopped or delayed for long periods of time because ports have been unable to get government permission to dispose of the spoil. Disposal decisions are made by public agencies on a case-by-case basis which makes it difficult for ports to plan projects which will meet with approval. The Great Lakes workshop suggested a regional planning approach to landfill and dredge material disposal through cooperation between neighboring states where projects are economically feasible and environmental regulations are consistent. Participants also believed that state coastal zone management programs could help resolve some of the disposal problems.

In addition, several workshops noted that not enough work has been done to explore the feasibility of using open water areas as dredged disposal sites. This requires the development of standards which distinguish polluted from non-polluted dredged materials, and it requires federal officials experienced with open-water disposal regulations. Even here, though, the New England workshop found that suitable open water sites in its region may be scarce due to the costs of transporting dredged material long distances and the impact such actions might have on valuable North Atlantic fishing grounds. The New England and Tri-state workshops noted that the New England River Basins Commission has played a useful role in coordinating state and federal agency interests in addressing regional dredged material disposal problems.

A second and related problem discussed in some of the workshops was the issue of whether the federal government should continue to heavily subsidize channel maintenance and improvement projects. Port respresentatives were concerned over a federal proposal requiring local sponsors to pay for part of the direct costs of channel maintenance and improvement dredging projects. Ports doubted whether they or other local governments could afford to pay for channel improvements because the industry as a whole does not provide a high return on capital. Ports also doubted whether they should assume this burden since many private facilities are served by the channels. Environmental interests, on the other hand, did not favor full federal funding of such projects because they believe federal subsidies have led to too much dredging. This, they claimed, has exacerbated the dredged material disposal problem. As an alternative, environmental interests favor making ports and local governments pay for improvement projects because they hope this will limit the number of ports that will decide to deepen their channels to maximum depths.

Permit Coordination

Port representatives expressed a great deal of frustration with the number of permits required for port development (See Appendix 4 for a chart showing federal regulatory programs) and the length of time it takes to get approval of development permits. According to ports, several factors appear to be responsible for these delays: 1) the multitude of permitting agencies with duplicative responsibilities at all levels of government; 2) poor coordination and permit routing procedures among the many agencies; 3) conflicting or non-specific standards among permitting agencies reviewing development proposals; and 4) lack of staff to review permit applications promptly. In addition, ports in some regional workshops (i.e., South Atlantic) noted that permit delays have been caused by new regulations issued by coastal zone management agencies.

Representatives from public port agencies also noted that they are unable to predict how state and federal permitting agencies will rule on proposed projects. Permit standards, according to port representatives, are too general and vague and agency interpretation of these standards is often inconsistent. For example, ports in the Gulf workshop noted that each federal agency has a different definition of wetlands. In addition, permitting agencies are often inconsistent due to interest group pressures exerted late in the permit process.

Environmental interests pointed out that "permit delays" are often the result of very real conflicts among agencies and the public over the wisdom of a proposed development. Further, this opposition often occurs late because ports do not adequately inform the public of proposed development projects.

Representatives from the federal regulatory agencies (Corps of Engineers (COE), Environmental Protection Agency (EPA), National Marine Fisheries Service (NMFS), and Fish and Wildlife Service (USFWS)) acknowledged that permit delays and unpredictable standards are a problem. Most attributed these problems to a lack of early planning and coordination between port developers and other interested parties and the need to review individual projects on a case-by-case basis. General Hugh Robinson of the Corps also noted that the great number of new regulations recently issued for Sections 10 and 404 permit programs has exacerbated permit delay problems. Both the Corps and the EPA have recently adopted procedures which they believe will help alleviate the problem with state permitting programs (i.e., master application forms, joint hearings, concurrent permit processing).

Waterfront Land Use

Waterfront redevelopment was discussed by several workshops. Environmental and coastal management representatives saw redevelopment as an opportunity for improving waterfront amenities and recreational opportunities. Some environmental representatives also advocated redevelopment of the waterfront

by ports to accommodate new maritime uses. Such development, they argued, would conserve land and energy resources. Some port representatives, however, expressed concern that they might be confined by coastal zone management policies to existing waterfront areas. They felt this would lead to higher costs in many cases bacause it is often cheaper to expand geographically than to use existing areas more intensively; that is, land may be cheaper than the trans-tainers used to stack and unstack containers.

The South Atlantic and Great Lakes workshops noted that there is not enough public access along the waterfront. In many areas outmoded port facilities offer good opportunities for increasing public access. However, port representatives in the Great Lakes and Tri-state workshops strongly asserted that port development must be treated as a legitimate use of the coastal zone in and of itself and not be used merely as a way to get increased public access and recreation. The Tri-state workshop also noted safety and liability problems associated with onsite public access. And, the New England workshop suggested low-interest loans and multi-purpose "harbor" planning as ways to enhance public access in urban areas.

Mitigation

There was little discussion in the workshops of mitigation. What points were raised dealt with the lack of clear NMFS and USFWS policy concerning the type and amount of mitigation required for specific areas. The Gulf and Tri-state workshops opposed "no-net-loss" mitigation which has often been required in the past by the agencies because it is not flexible enough. They felt that more innovative ways of protecting biological productivity are needed. The Gulf workshop also noted that ports have had a hard time planning for mitigation because federal agencies administer mitigation requirements on a case-by-case basis rather than part of some overall estuary management plan. They discussed a series of steps for consideration of mitigation on an estuary-wide basis. The Tri-state workshop observed that federal agencies when considering mitigation requirements do not have any effective way to balance the benefit of achieving the mitigation with the cost to the developer. Finally, the Pacific workshop believed that mitigation was an "ever-present factor" underlying the relationship between port planning and regulatory agencies.

Federal-State Relations

While most workshops discussed federal-state relations in the context of other issues, notably the port planning issue, only the Pacific workshop ranked it as an issue of high priority and gave it explicit attention.

In their discussions the Pacific group was concerned that federal agencies may make permit decisions which are not consistent with coastal management plans and policies. This issue has arisen in relation to special area planning efforts going on in such places as Grays Harbor, Washington. To minimize this problem the Pacific workshop thought that

federal agencies need to be involved early in the planning process. However, workshop participants noted that federal agencies usually do not have enough staff to fully participate in coastal zone management planning efforts. Pacific representatives were also concerned about how federal agencies should make permit decisions for projects proposed in areas where a CZM planning effort is in progress. The Pacific group concluded that the following actions could result in more effective planning where federal and state agencies are involved:

1. That federal agency involvement in special area planning be increased and supported through funding for field positions; that these funded field positions be filled with persons able to participate throughout the planning process and make commitments for the federal agency they represent.

2. That special area plans include a staged commitment on the part of all, i.e., that there be agreement on the geographic area concerned; that affected agencies provide a clear commitment to involvement through statements of policy, rules and regulations, and personnel assignments; that the public review and consensus making be accomplished; that each affected agency commit to the plan through a Memorandum of Understanding and/or letter and/or rule and regulation; and that the plan address matters concerning: the alternatives considered, water dependency, need, and mitigation.

3. That interim (pre-plan) permit decisions be made in consultation with the special area plan participants.

4. That post-plan permit decision be based on the plan.

The Tri-state workshop noted that strong local powers already control federal relations to some extent, for example, riparian easements needed for channel improvements, and local water quality certification for federal permits.

CONFERENCE THEMES

Although there was great diversity in the types of participants present and the regional issues discussed, three themes can be identified which capture the mood and concerns of the two-day conference. The first theme deals with the role coastal zone management should play in port development issues; the second theme describes the need for greater early planning to occur; and the third theme questions whether CZM can effectively implement policies affecting port authorities because of specific permit powers of other federal agencies which would override a CZM decision.

Role of Coastal Management in Port Development Issues

During the conference there was a great deal of discussion regarding what role coastal zone management should play in port development issues. This

discussion occurred because CZM in some regions or states represented somewhat of an unknown quantity. Many were uncertain about CZM because of the newness of many state programs and the all encompassing goals of the federal statute. Similar uncertainty did not arise over the role of ports, MarAd, or the federal regulatory agencies.

Significantly, however, a consensus emerged among the participants with respect to the role coastal zone management should play in port development issues. The participants thought that coastal zone management should be more than an additional regulatory program at the state level. Briefly stated, CZM should develop enforceable policies regarding appropriate uses of the coastal zone. Where these policies favor ports, CZM should act in a facilitating capacity to assist port development in the coastal zone.

Numerous suggestions were made regarding how CZM can facilitate such development. For example, most workshops thought that coastal zone management could facilitate port development by designating suitable sites in the coastal zone, noting as well those that were not suitable. Similarly, the South Atlantic workshop concluded that coastal zone management could help ports by acting as a broker between them and other state and federal government agencies to resolve use and regulatory conflicts. Other suggestions included that of the New England workshop which recommended that CZM oversee the progress of the port development proposals in order to work out problems which might occur in the permit review process. Finally, the Tri-state workshop saw coastal zone management as an opportunity for facilitating port development by coordinating and simplifying the regulatory process.

In some regions coastal zone management has begun to play an active role as a facilitator of port development when such development is balanced with other uses. The special area planning efforts (i.e., Grays Harbor, Long Beach, San Francisco Bay, Duluth-Superior, etc.) going on in the Pacific and Great Lakes Regions are examples of CZM assuming an active and useful relationship with ports. Coastal zone management has also assisted ports by developing permit coordination and simplification procedures in a number of states throughout the country. And coastal policies in most states strongly favor water-dependent port uses of the coastal zone.

Two regional workshops pointed out that, to date, CZM has not yet played a facilitating role with respect to port development. In the South Atlantic region, for example, ports perceived coastal zone management as a regulator of port activities. Far from assisting them, South Atlantic ports saw CZM as contributing to the problem of getting needed development approved and built. On the other hand, for areas like the Gulf, where coastal zone management programs are still in the process of being developed, ports do not as yet have a clear understanding of the role that CZM can play in either regulating or facilitating port development.

Need for Early Planning

Conference participants, in discussing strategies for resolving port issues, consistently recommended that greater planning occur early during the development process. Early planning was seen as a solution for a host of port/CZM problems including permit delays, unpredictable review standards, and interagency conflicts. Every group of participants agreed that more early planning should occur.

Numerous types of early planning were recommended during the Conference. Many participants thought that coastal zone management should identify where certain kinds of port projects should and should not go prior to the permit review process. Others thought that port authorities should address environmental problems and constraints when developing their long-range master plans. Another suggestion called for ports to involve the public and environmental interest groups early on to determine facility needs and resource constraints. Finally, certain participants recommended that all parties get together at the beginning of the permit review process to clarify and iron out problems regarding the proposed development.

Some conference participants generated support for early planning by pointing to past and current successes in this area. For example, sponsors of the LOOP project in the Gulf of Mexico conducted early environmental planning and proposed an offshore terminal which was supported by environmental interest groups. Similarly, in the Pacific region, the Port of Portland along with state, federal, and local representatives, negotiated the lower Willamette River Management Plan which has guided all permit decisions in the Portland section of the Willamette River since it was adopted in 1973.

Despite the consensus that all parties should do more early planning some workshops had some reservations about early planning. The Gulf workshop pointed out that early planning, while useful, will not guarantee predictability because of lack of commitment to the plan by federal agency representatives during the permit process. Similarly, the Tri-state workshop wondered whether an early planning process could be set up which accommodates the constant change that occurs in managing port development, particularly in politically mixed and complex ports. Finally, the Pacific workshop noted that federal agencies will need more staff support if they are going to actively participate in early planning efforts.

Concerns that Port-related Decisions of State CZM Agencies Could Be Overridden by Federal Resource Agencies

Throughout much of the conference coastal zone management representatives urged port authorities to join them in preparing detailed development plans and policies as part of an overall strategy for increasing predictability and reducing delays in the permit process. To develop these plans, however, ports would have to make a sizeable investment in both time and money. They would also lose some of their traditional autonomy when planning for new facilities.

During these discussions ports expressed some concern over whether such planning would really pay any dividends and be worth the investment in time and money. They were worried about the ability of coastal zone management programs to facilitate the port development objectives they formulate. For example, both the Pacific and Tri-state ports were concerned about the spector of federal regulatory agencies making decisions which are inconsistent with coastal zone management plans and policies during the permit review process. Participants in all the workshops cited examples of EPA, NMFS, and USFWS failing to approve a proposed project which had been approved by state and local agencies, including CZM agencies.

The interpretation of the CZM's federal consistency provisions led to further uncertainty about whether CZM policies and plans could be made to stick. Under the CZMA, federal activities and development projects which affect the coastal zone are to be consistent with approved state CZM programs "to the maximum extent practicable". Further, federally issued licenses and permits, as well as federal financial assistance to state and local governments, are to be consistent with approved state CZM programs unless overridden by the Secretary of Commerce. Almost everyone agreed that the federal consistency provisions of the CZMA prevent federal agencies from undertaking projects or approving permits and grants where a state agency has denied or failed to approve a project. Thus, if a state agency denies a permit for a port development project, federal agencies will not overturn the decision. But there was considerable doubt whether federal agencies are required by the CZMA to conduct activities or issue permits because a state CZM program wishes it. Thus, at the end of the conference port representatives were still uncertain that a CZM policy or permit which favored a port development project could withstand a challenge from EPA, USFWS, or NMFS.

At the outset of the conference federal agency spokesmen indicated that they would pay considerable attention to coastal zone management plans and programs when making permit decisions. However, every federal agency stated that it could not commit itself to always issue permits which are consistent with a state CZM program. General Hugh Robinson of the Corps reasoned that sometimes CZM plans contain provisions which are inconsistent with the statutory mandate the Corps uses to review permits. William Hedeman of EPA and Charles Walters of NMFS noted that some planning considerations (i.e., detailed alternatives analysis, specific mitigation requirements) are best left to case-by-case review during the permit process. Mr. Hedeman felt that coastal management plans can best provide information about 1) where sensitive environments are located, 2) future trends in land water uses, and 3) what areas are suitable for development.

The conference came to no real conclusion about whether coastal zone management programs could insure that port development objectives of those programs could be met. The issue, however, poses a crucial challenge for CZM. The ability of state coastal zone management programs to solve the critical problems of the coastal zone rests in large part with their ability to have their policies accepted by federal agencies which have permit powers over individual projects.

RECOMMENDATIONS

Many recommendations were made by the conference participants regarding general steps to take for resolving port development issues. Most of these recommendations were directed at state coastal zone management programs and the federal OCZM. This is consistent with the earlier observation that CZM was seen at the conference as a new and relatively undefined activity. The participants also recommended some actions for port authorities and MarAd to take. Those recommendations which received the most support from Conference participants are listed below.

Recommended Actions for Coastal Zone Management

- State Coastal Management programs should consider giving port development priority to shorefront sites as a water-dependent use. More specifically, ports should be considered for the highest priority where sites are adjacent to deepwater harbor areas. Further, State Coastal Zone Management programs should designate areas where ports can site new development and dispose of dredged materials. Ports should play an active role in designating sites, particularly in spelling out economic criteria. This information should be available prior to requests by ports for development permits in order to increase the predictability of permit decisions.

- State Coastal Zone Management programs and the federal OCZM should act as intermediaries among ports and other government agencies in order to promote better communication and resolve conflicts among the parties. This intermediary role should occur during the planning and permit processes. In the latter instance, coastal managers should consider bringing all the parties with an interest in the development project to a pre-planning conference in order to identify and where possible iron out potential problems.

- State Coastal Zone Management programs with assistance from the federal OCZM should continue to develop procedures for simplifying the permit process in order to reduce unnecessary permit delays. Such procedures could involve instituting common application forms, joint agency hearings, and a one-stop permit clearinghouse.

- State Coastal Zone Management programs should refine general planning policies into more specific review standards in order to make them more understandable and predictable. One promising approach is to develop special area plans like those being prepared for Grays Harbor, Washington, San Francisco Bay, and Duluth-Superior. Regardless of the approach taken, coastal managers should be sure to involve federal regulatory agencies (COE, EPA, USFWS, NMFS) throughout the entire planning process.

Recommended Actions for Port Authorities

- Port authorities should provide for greater participation by the public and environmental interests when developing plans for port facility needs. The public can assist ports in determining overall goals for growth.

- Port authorities should broaden their participation in urban waterfront redevelopment issues and examine the economic potential of sponsoring commercial development projects other than traditional trade and industrial projects.

- Port authorities should actively collaborate with state and coastal zone management programs and other agencies and interest groups in developing master plans for their own lands and facilities. These plans should address a broad set of issues including: 1) development needs, 2) recreation opportunities, 3) waterfront redevelopment, 4) mitigation, 5) dredged material disposal, and 6) environmental constraints.

Recommended Actions for the Maritime Administration

- The Maritime Administration should sponsor regional planning studies which address a range of land and water use issues (i.e., fishing, recreation), broader than traditional concerns with port demand and capacity. MarAd should encourage the participation of a wide range of user groups, particularly environemtal interests when sponsoring such studies.

- The Maritime Administration, in partnership with the Federal Office of Coastal Zone Management and the American Association of Port Authorities, should sponsor two types of follow-up conferences. The first should be regional meetings at the state or multi-state level which bring together these same parties for more detailed discussions. The second should be a national meeting held within 12-18 months for the purpose of reporting on actions taken on the issues and recommendations identified at this conference.

APPENDICES

NATIONAL CONFERENCE ON PORTS AND COASTAL MANAGEMENT

JULY 30 - AUGUST 1, 1979

SHERATON-BOSTON HOTEL

BOSTON, MASSACHUSETTS

JULY 30, 1979 (Monday)

4:00 - 8:00 p.m.	Registration - Republic Foyer
6:00 - 8:00 p.m.	Reception - Fairfax A

JULY 31, 1979 (Tuesday)

8:00 a.m.	Late Registration
8:30 a.m.	Welcome - Martin C. Pilsch, Port Director, Massachusetts Port Authority Opening Remarks - Marvin Pitkin, Assistant Administrator for Commercial Development, Maritime Administration
8:50 a.m.	Speaker - Robert W. Knecht, Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration
9:10 a.m.	Speaker - J. Ronald Brinson, Executive Vice President, American Association of Port Authorities
9:30 a.m.	Speaker - James Tripp, Counsel, Environmental Defense Fund
9:50 a.m.	Coffee Break
10:00 a.m.	Panel Discussion
	Moderator - William Matuszeski, Director, Office of Coastal Zone Management Programs
	Speakers - BG Hugh Robinson, Deputy Director of Civil Works, Corps of Engineers
	Michael Spear, Associate Director, Environment, U.S. Fish and Wildlife Service
	William Hedeman, Director of the Office of Environmental Analysis, U.S. Environmental Protection Agency
	Charles Walters, Coastal Zone Management Coordinator, National Marine Fisheries Service
11:00 a.m.	Workshop Instructions - Marvin Pitkin, Assistant Administrator for Commercial Development, Maritime Administration
11:15 a.m.	Regional Workshops

12:15 p.m.	Buffet Lucheon
1:30 p.m.	Regional Workshops
3:00 p.m.	Coffee Break
3:15 p.m.	Regional Workshops
5:00 p.m.	Adjournment for Day
5:15 p.m.	Conference Management and Staff Meeting
6:00 p.m.	Reception at the New England Aquarium
7:30 p.m.	Dinner at the New England Aquarium
	Speaker - Honorable Edward J. King, Governor, State of Massachusetts

AUGUST 1, 1979 (Wednesday)

8:30 a.m.	Regional Workshops
10:30 a.m.	Coffee Break
10:45 a.m.	Regional Workshops
12:00 p.m.	Lucheon - Speaker
2:00 p.m.	Plenary Session
	Workshop Reports
2:45 p.m.	Summary of Conference - Marc Hershman, Associate Professor of Marine Studies, University of Washington
3:30 p.m.	Closing Remarks - Marvin Pitkin, Assistant Administrator for Commercial Development, Maritime Administration

APPENDIX 2

Conference Organization and Participants

Exhibit 1 indicates the key individuals responsible for the planning, organization and operation of the conference.

The task of reviewing the conference site arrangements, establishing the agenda and defining the conference objectives and port and coastal management issues was accomplished by a Steering Committee, comprised of representatives from Federal and state government, local ports and public interest groups. The Steering Committee, whose members are identified in Exhibit II, held two organizational meetings in June, 1979 in Washington, D.C.

Overall responsibility for planning, organizing and managing the conference was carried out by a Progarm Committee comprised of representatives from MarAd's Office of Port and Intermodal Development, NOAA's Office of Coastal Zone Management and the American Association of Port Authorities. Technical support services for the program committee were provided by Marc Hershman, associate professor of marine studies, and James Feldmann, research associate - coastal management, at the University of Washington. This consisted primarily of the development of the Conference background information on the six issues common to ports and coastal management that is contained in Appendix 3 and the drafting of this final report.

In addition to port and coastal managers from the states on all four seacoasts, conference participants included Federal, State and local agency officials, private sector representatives, environmental organizations and other public interest groups.

NATIONAL CONFERENCE ON PORTS AND COASTAL MANAGEMENT

Co-Chairman

Robert W. Knecht
Assistant Administrator
for Coastal Zone Management
National Oceanic and Atmospheric
Administration

Co-Chairman

Marvin Pitkin
Assistant Administrator
for Commercial Development
Maritime Administration

Co-Chairman

J. Ronald Brinson
Executive Vice President
American Association of
Port Authorities

Steering Committee

Membership List -
Exhibit II

Program Committee

John Pisani, MarAd
John O'Donnell, OCZM
Mike Giari, AAPA
Carolyn Tieger, MarAd

Workshop 1 New England Chairpersons	Workshop 2 Tri-State Chairpersons	Workshop 3 South Atlantic Chairpersons	Workshop 4 Gulf Chairpersons	Workshop 5 Pacific Chairpersons	Workshop 6 Great Lakes Chairpersons
Eugene Neary Port Director Port of Providence	Al Hammon Supervisor, Development Planning Port Authority of New York & New Jersey	Gregory Prior Executive Assistant Public Affairs South Carolina State Ports Authority	Oury L. Selig Deputy Executive Director Port of Galveston	Gerald L. Pope Director Administrative Services Port of Oakland	James R. McCarville Port Director Port of Superior
Catherine Cousins North Atlantic Regional Manager Office of Coastal Zone Management	Ann Breen Cowey Policy Analyst Office of Coastal Zone Management	John Phillips South Atlantic Regional Manager Office of Coastal Zone Management	Jim Murley Gulf Regional Manager Office of Coastal Zone Management	Eileen Mulaney Pacific Regional Manager Office of Coastal Zone Management	Peter MacAvoy Great Lakes Regional Manager Office of Coastal Zone Management
Executive Assistant	**Executive Assistant**	**Executive Assistant**	**Executive Assistant**	**Executive Assistant**	**Executive Assistant**
Robert Safarik, MarAd	Carl Sobremisana, MarAd	Ken Randall, MarAd	John Carnes, MarAd	Jack Knecht, MarAd	Al Ames, MarAd

CONFERENCE STEERING COMMITTEE MEMBERS

Mr. Robert W. Knecht
Assistant Administrator
for Coastal Zone Management
National Oceanic and Atmospheric
Administration
Washington, D.C.

Mr. Marvin Pitkin
Assistant Administrator
for Commercial Development
Maritime Administration
Washington, D.C.

Mr. J. Ronald Brinson
Executive Vice President
American Association of
Port Authorities
Washington, D.C.

Mr. Swep T. Davis
Deputy Assistant Administrator
for Water Planning and Standards
Environmental Protection Agency
Washington, D.C.

Mr. Lynn A. Greenwalt
Director
U.S. Fish and Wildlife Service
Department of Interior
Washington, D.C.

Mr. Alfred Hammon
Supervisor
Planning & Development Department
Port Authority of New York
and New Jersey
New York, New York

Capt. Thomas A. King
Director
Eastern Region Office
Maritime Administration
New York, New York

Mr. Christopher Koch
Staff Counsel
National Ocean Policy Study Committee
Senate Commerce Committee
Washington, D.C.

Mr. Thomas Kitsos
Prof. Staff Member
House Merchant Marine and Fisheries
Committee
Washington, D.C.

Mr. William Matuszeski
Director
Office of Coastal Zone
Management Programs
Washington, D.C.

Brigadier General Hugh G. Robinson
Deputy Director of Civil Works
Office of Chief of Engineers
U.S. Army Corps of Engineers
Washington, D.C.

Ms. Eileen Mulaney
Pacific Regional Manager
Office of Coastal Zone Management
Washington, D.C.

Mr. Edward Reilly
Program Manager
Coastal Zone Management
Executive Office of Environmental Affairs
State of Massachusetts
Boston, Massachusetts

Dr. James W. Rote
Office of Habitat Protection
National Marine Fisheries Service
Washington, D.C.

Mr. James Tripp
Counsel
Environmental Defense Fund
New York, New York

APPENDIX 3

CONFERENCE ISSUES

ISSUE 1: PORT PLANNING

Traditionally ports have exercised great autonomy in planning for future maritime business. Individual port authorities have largely decided when and where new facilities should be developed based on their analysis of future trade needs and their ability to finance new land acquisition and facility construction. Many factors are weighed by port officials when planning for future facilities including shipping economics, business management, project engineering and public policy.

In recent years, state and local coastal managers have launched a complementary planning effort under the Federal Coastal Zone Management Act (CZMA) and related state coastal zone management (CZM) legislation. Under these programs, coastal managers have developed planning policies which influence where and how ports can develop new facilities. CZM officials are concerned whether traditional port planning practices are adequate given recent public interest in environmental protection, public access and safety and energy development impacts. However, ports are also concerned whether CZM policies sufficiently provide for their development needs. This has given rise to several port planning issues, three of which are briefly described below.

Balancing Economic and Environmental Concerns

CZM programs, for the most part, have focused on assuring that environmental and public recreational values get a fair hearing during resource allocation decisions along with traditional economic considerations. These programs are principally concerned with striking a balance between economic and environmental concerns. Many in the port industry, however, believe that CZM programs have gone too far in attempting to protect the environment. Ports point to CZM planning policies which discourage development in wetland and certain estuarine areas, modify dredging and landfilling practices and encourage ports to sponser public access and waterfront redevelopment projects. These policies raise the cost of doing business and may substantially restrict future port expansion plans. If effectively implemented, CZM plans could have wide ranging effects on such past planning considerations as local and regional port competition, Army Corps of Engineers navigation improvement projects and harbor facilities and shipbuilding and operation practices.

Given the broad effects CZM policies may have, port officials believe it incumbent that coastal managers better understand the practices and constraints of their business. CZM officials need to explicitly recognize the considerable economic benefits ports generate. Further, the port industry believes that CZM efforts need to become more sensitive to the competitive nature of port operations by developing policies which are consistent and flexible. The industry argues that ports should be a preferred coastal use given its long history and dependence on the coastal zone and its beneficial economic impacts.

Justifying the Need for Port Development

A second port planning issue relates to the fact that coastal managers are calling on ports to provide greater justification for the need for new waterfront facilities as a prerequisite for receiving development approval. Port development can cause major alterations in the coastal environment and CZM planners want to make sure such development is really necessary. For ports, however, the task of justifying development proposals poses a number of difficulties. It requires the translation of technical analysis and business intuition into persuasive arguments understandable in lay person terms. Many technical questions can arise regarding the need for new facilities including the validity of cargo projections, the role of "peaking" capacity and the feasibility of measures to increase cargo movement through existing facilities. Further, estimates of development needs are subject to a number of uncertainties in demand caused by changes in shipping technology, international and local economic conditions and resource cost and availability which are difficult to predict. Consequently, considerable disagreement can arise when estimating future port facility needs. For example, a port may see the need for a landfill project prior to knowing precisely what should be built on the fill. The landfill project would help the port respond quickly to changing conditions and emerging opportunities and markets. However, it may be hard for port officials to justify this development to coastal managers because they cannot yet specify the service provided and the monetary benefits accrued from the project, the degree to which it will be dependent on a water location, and the availability of suitable alternative sites. This raises the question of whether port planning should be based on future demand projections or more immediate economic development considerations.

Regional Planning

Finally, coastal managers are exerting pressure on the port industry to participate in the development of regional port plans. Many CZM officials believe that local port planning is inefficient, by itself, because it leads to overbuilding of facilities for a region as the result of each port competing to capture business from one another. Coastal managers are opposed to overbuilding because it leads to unnecessary environmental impacts. The way to avoid overbuilding, they believe, is to plan for port development from a regional perspective whereby new facilities are only approved if they meet a regionally defined need.

The port industry, though, is generally opposed to regional planning efforts which might lead to an allocation of new port facilities. They believe such plans could stifle healthy competition among ports and subvert private market forces. Further, port officials dispute the contention that the present system of local port planning has lead to an undesirable overbuilding of port facilities.

Ports, however, generally favor conducting regional planning studies which analyse future demand and cargo handling needs for an area. Many regional planning studies have been sponsored by MARAD and other agencies for different parts of the country in recent years. In some cases, the scope of these regional planning studies has expanded to consider a broad range of topics. For example, the New England River Basin Commission is conducting a regional port and harbor study which goes beyond traditional demand/capacity analysis to include an examination of projected facilities needed to handle the commercial and recreational fishing, transportation services and energy development.

Case Study: Regional Port Planning for San Francisco Bay

The San Francisco Bay Conservation and Development Commission (BCDC) and the Metropolitan Transportation Commission (MTC) are jointly preparing a Regional Seaport Plan for San Francisco Bay which addresses many of the port planning issues discussed above. Since August, 1976, these two agencies have coordinated a multi-agency effort through the Seaport Planning Advisory Committee to develop a regional plan which provides for future port development within the context of a coastal management (and transportation planning) program. This planning effort was undertaken to respond to concerns voiced by the BCDC that Bay area ports were proposing dredge and fill projects in San Francisco Bay without adequately justifying the need for such projects and to state legislation which directed the MTC to prepare a Regional Transportation Plan for the San Francisco area. The major goals of the plan are to provide ports with regulatory predictability by identifying shoreline areas most suitable for new and expanded port development and to allow more accurate determination of port facility needs in order to reduce the likelihood of overbuilding port facilities in the Bay region. The plan will be implemented by the BCDC through their permitting authority for dredge and fill projects and by the MTC through their review of transportation projects which request public funding.

This Regional Seaport Plan is being developed in three phases. Phase I has involved identifying present port capacity, forecasting waterborne commerce, identifying factors affecting future port needs for the years 1985 and 2000 and identifying Bay shoreline sites having the potential for handling future port facilities. Phase II, which is currently in progress, entails conducting impact assessments of port development at potential sites, analyzing petroleum handling facilities and developing preliminary project review criteria. And phase III will involve synthesizing port demand and site suitability information in order to develop the planning document. All three phases are planned for completion by January 1980. Both the BCDC and the MTC will incorporate the Regional Seaport Plan into their respective coastal and transportation plans during 1980.

In preparing the plan, the BCDC and MTC have encountered some problems. Some of these have involved issues which are technical in nature. For example, one planning issue has dealt with the step of determining future port development needs. Along this line, the planning staff developed a substantial amount of data on future cargo flows, the capability of existing port systems and alternatives for increasing port system efficiency. Technical questions arose over the validity of cargo projections and disagreements arose over the need for over-capacity. However, these questions, and others like them have normally been satisfactorily hammered out in the multi-agency planning meetings. Other issues have concerned political and institutional problems. One difficulty has been working with the sheer number of participants and understanding the complexity of the institutions and organizations involved in port development in San Francisco Bay. The diversity of participants has led to communication problems. Both government agency and port personnel have gone through quite a learning process in establishing a comfortable working relationship. Finally, many of the port authorities have had serious reservations about the purpose and utility of the regional planning effort. Nevertheless, port participation has improved over time as it became clear that it was in their own best interest to influence the contents of a plan that will be used as a basis for future permit and funding decisions by the BCDC and MTC, respectively.

ISSUE 2: PERMIT COORDINATION

The number of permits ports must obtain prior to proceeding with development has greatly increased during the past decade due to passage of legislation at all levels of government. Port authorities are often required to obtain at least a dozen environmental permits for major development proposals from such entities as the U.S. Army Corps of Engineers and Environmental Protection Agency, state air and water quality agencies, state lands, fisheries, and coastal management agencies, and local building and zoning departments. Each agency usually conducts a review of the proposal independent of the actions of others, and often many agencies will review the same issues. This incremental piecemeal approach has led to uncoordinated and time consuming review.

Uncertain Environmental Standards

The port industry has often voiced frustration over the uncertainties present in the permit process. Port officials note that it is difficult to predict whether a particular development proposal will be approved by all the agencies involved until it has undergone extensive in-house agency review. Development proposals are usually reviewed by agencies using general environmental policies. The port industry believes that these policies are too general because they allow the permitting agencies to interpret and apply them inconsistently to development proposals.

Some industry spokesmen argue that environmental policies should be more specific and hence more predictable. In other words, CZM programs should identify locations where specific kinds of port developments and activities would be permitted, or provide very precise standards for site selection which would give ports sufficient options for siting new facilities. However, this is resisted by some environmental protection advocates because they believe that specific development policies cannot be supported by hard environmental science. Further, they argue that general policies are preferable because they allow environmental agencies to interpret what development is allowable on a case-by-case basis using the most up-to-date knowledge.

The port industry has encountered problems with specific environmental policies when they prohibit development. For example, the Endangered Species Act has led to great consternation because of its prohibition on the destruction of habitat by development if one or more endangered plant or animal species inhabit the area. Congress, in response to economic interests, has amended this Act to make it more responsive to case-by-case considerations.

Permit Delays

The second problem, that of permit delays, results from a host of factors including the sequential routing of permits for agency review,

interagency disputes requiring negotiated agreements, the sheer volume of paper work and number of permits, lengthy agency review periods, and litigation by opponents of a project. Opposition by influential groups is also often a major cause of lengthy permit review by state and federal agencies. (See the issue 3 case study describing the Baltimore dredging conflict.) Ports find permit delays frustrating because they can cause project costs to escalate beyond original estimates. Capital tied up in anticipation of project approval incurs interest and detailed engineering designs may have to be amended or discarded due to agency objections. Further, a port may lose shipping business if a development is not available when a demand for it arises.

CZM Efforts to Reduce Uncertainty and Delay

An important objective of coastal zone management programs is to reduce uncertainties and delays associated with the permit process. With respect to reducing uncertainty, CZM programs have developed policies and guidelines which determine permissible coastal uses, designate geographic areas of concern and establish use priorities. Some states and localities are enhancing predictability by developing special area plans in direct response to contemplated development and use proposals. For example, federal, state, and local agencies along with the port authority are developing a special area plan for Grays Harbor, Washington, which will specify in some detail where port development will be allowed.

CZM programs have also adopted a number of innovations for reducing permit delays. To begin with, several states have established permit clearinghouses for the purpose of helping developers identify permits which they must comply with. In New Jersey, for instance, the State Department of Environmental Protection has an Environmental Coordination Section which identifies all marine-related state permits required in coastal wetlands, waters and waterbottoms under state jurisdiction. In addition, some state clearinghouses assist in coordinating the many permit applications required by state and federal agencies. In Massachusetts two regional coastal offices of the Executive Office of Environmental Affairs provide applicants with all necessary federal and state forms and assure concurrent processing by federal and state agencies.

Related to the clearinghouse concept is a second CZM innovation, that of consolidating permit requirements. Often different agencies at various levels of government require similar information about a proposed development and its environmental impacts. Some states have developed master applications to standardize information sought from developers. One such state is Georgia where the Department of Natural Resources and the Corps

of Engineers have agreed upon a standard form to be submitted for both state and federal development permits. Washington, Alaska and Massachusetts also permit applicants to file a master application as a way of meeting the requirements of a number of state environmental agencies.

A third technique to reduce permit delays has been to establish procedures which allow developers and permitting agencies to get together early for a preliminary review of a proposed project. Such reviews are normally conducted on a confidential and non-binding basis. Several state CZM programs (i.e., Texas, New Jersey, Maryland and Washington State) provide for this kind of review. For example, in Maryland, a state interagency task force reviews developer proposals early during the permit process in order to identify major issues and information needs for the public and private parties involved.

Another approach has been to simplify permitting procedures for projects which result in only insignificant environmental effects. In California, under Proposition 20, coastal commissions placed groups of small projects on a "consent calender" obviating the need for full hearings on each individual project unless such a hearing was specifically requested. Similarly the Corps of Engineers issues "nation-wide permits" for certain small replicative activities involving discharge of dredge and fill material under the 404 program.

Finally, federal and state coastal management money is helping to speed up the permit review process by making it possible for agencies to increase their permit review staffs. This has helped to reduce and/or avoid lengthy backlogs of permits. Massachusetts, Michigan, Rhode Island and Wisconsin all report a noticeable decrease in the time required to process permit applications as a result of using CZM funds to staff permit offices.

ISSUE 3: LANDFILLS, DREDGING, AND DREDGED MATERIAL DISPOSAL

Port operations often necessitate dredging and filling activities in harbor and estuary areas. Dredging is sponsored by the Corps of Engineers, often with port cooperation, in order to maintain navigation channels and develop related facilities (e.g., marinas). Landfilling provides ports with an economically attractive means to acquire waterfront land as well as to dispose of dredged material. However, these activities can be quite damaging to the environment in that they may release suspended sediments which pollute the water column, destroy or smother aquatic habitat, and modify water circulation and patterns of sediment erosion and deposition. Further, some sediments contain toxic materials and heavy metals which may contaminate the environment during dredging and disposal operations. Several government programs closely regulate dredge and fill activities such as EPA's 404 program, COE's Section 10 program, and numerous state coastal management and wetlands protection programs. This has led to frequent conflicts between ports interested in sponsoring dredge and fill projects and government agencies seeking to protect the environment.

Dredged Material Disposal

Currently a pressing issue between coastal management programs and port activities concerns finding suitable sites for the disposal of dredged material. The problem consists basically of identifying sites which can accommodate substantial amounts of dredged material, without undue environmental degradation and financial cost. Unfortunately, most siting decisions have been made on an ad-hoc basis during the permit review process. There are numerous examples of dredging projects being held up for years because of environmental objections over where dredged material should be disposed. (See following case study). Such conflicts are also sometimes exacerbated by disagreements between ports and environmental interests over the impact of disposing dredged material. Ports have disputed claims that dredging projects cause substantial adverse impacts by pointing to earlier projects where deposited dredged material has provided valuable wildlife habitat and recreational areas.

An increasingly common response by coastal managers and the port industry to the issue of dredged material disposal is to jointly develop a dredged material disposal plan which identifies suitable sites. Several problems can arise when developing such a plan. One is the need to coordinate dredging and disposal activities among a number of states. Another is the problem of implementing a dredged material disposal plan through individual project permits after general guidelines have been developed by a multi-agency task force. There is no guarantee that every individual agency will issue the required permits because of changing regulations, opinions of courts, and individual judgements relating to legislative intent. (See issue 6).

CZM programs have also been active in defining future uses of areas being filled with dredged material. For example, the confined disposal sites "Cullen Island" (150 acres) and the Huron Harbor dredged disposal site (65 acres), both on the south shore of Lake Erie in Ohio, are proposed for a wildlife preserve and public recreational access, respectively. Similarly, within the Philadelphia segment of Pennsylvania's coastal zone, the 420 acre dredged material disposal site at Fort Mifflin, on the west shore of the Delaware River, is identified as a "prime development opportunity" for trade and industry because of its proximity to downtown Philadelphia, I-95 and interstate freight railroads.

Problems of Cumulative Impact

A troublesome concern related to the environmental effects of dredge and fill projects is the issue of cumulative impact. Some studies have shown the gradual but dramatic changes dredge and fill projects can have on an estuarine environment over many years. Environmental interests are quite concerned that small dredge and fill projects, which by themselves do not result in significant impacts, will together stress the environment adversely over time. Unfortunately, practical concepts useful for determining and managing cumulative impacts are scarce. Two suggestions, however, which seem to hold some merit are monitoring and the development of a plan based upon carrying capacity limits. These have not, to date, been used much. This is probably due to the fact that monitoring is usually expensive and carrying capacity can be a difficult concept to implement. Nevertheless, some localities such as Grays Harbor are considering acre limits for landfill activities beyond which filling would not be allowed (See issue 6).

Case Study: The Baltimore Dredged Material Disposal Conflict

One of the most common problems ports have encountered is getting government approval of dredged material disposal sites. Nowhere is this more apparent than for the Port of Baltimore, where some dredging projects have been delayed, often for many years, due to problems associated with obtaining sites to dispose of dredged material.

The Port of Baltimore is the fourth largest seaport in the U.S. and the most important economic activity in the State of Maryland, accounting both directly and indirectly for one in every ten jobs in the state. Its shipping channels are in need of frequent maintenance dredging because they are located in a shallow estuary that experiences high rates of sedimentation. For the past ten years the port has tried unsuccessfully to obtain dredged disposal sites on Hart and Miller Islands in Chesapeake Bay. The failure to obtain these sites has led to postponement of an important dredging project designed to deepen Baltimore Harbor channel to 50 feet. The events surrounding the Hart-Miller Island case illustrate some of the difficulties in getting such projects approved.

Pressure to acquire new dredged disposal sites began in the late sixties when the Maryland State Commission on Submerged lands adopted a program to phase out the use of two open water dredged material disposal sites in Chesapeake Bay. The Commission recommended that an effort be made to design and construct one or more diked disposal areas. The General Assembly of Maryland funded a study on this question and consultants studied some seventy potential disposal sites, finally recommending Hart-Miller Island as the site which best met economic and environmental considerations. A request for a COE permit to construct the project was filed in February 1972.

Opposition to the proposed development arose from local residents, environmental groups and boating associations. Congressman Clarence D. Long led the fight to stop development on Hart-Miller Island arguing that better disposal sites existed elsewhere in the Bay. Local residents were also concerned about the presence of heavy metal contaminents in the dredged material.

The project, however, received a substantial amount of support from state government and the Baltimore business community. During 1975, the Maryland Board of Public Works, after considerable deliberation approved the Hart-Miller site. In addition, the State Department of Natural Resources sponsored another siting study which also favorably rated the Hart-Miller site.

The Corps, in the meantime, published a draft EIS in 1973 and held public hearings through 1975 on the project. Then in November 1976, after almost five years, the Corps issued a permit for the Hart-Miller Island project.

Opponents of the project took their case to court and challenged the legality of the Corps permit on 11 points. The court decided in their favor in October, 1978, holding that the project required Congressional approval because it would affect the interstate environment. This ruling is currently being contested in the 4th Circuit Court of Appeals.

The dispute is still continuing, however, with proponents such as Maryland's Governor Hughes and the business community still strongly campaigning for the project. In the meantime, however, important dredging activity has been stopped because of a lack of disposal sites.

ISSUE 4: WATERFRONT LAND USE

High real estate prices and frequent conflicts over the use of waterfront land are testimony to the fact that such land is in short supply, particularly in urban areas where ports conduct much of their operations. Although ports only use a small percentage of available waterfront land, they often face considerable competition from other users for waterfront space. Coastal and port management issues surrounding waterfront land use are largely the result of competing pressures to use this land. Three of the most important issues, conservation of waterfront land, public access, and waterfront redevelopment, are discussed below.

Conservation of Waterfront Land

Ports are under political and economic pressure to conserve waterfront space. Politically, federal and state environmental programs are making it difficult for ports to develop large tracts of waterfront land. Many state CZM programs have adopted policies which encourage ports to use their lands more intensively and discourage new projects in undeveloped areas. Similarly, some ports in urban areas are finding it economically difficult to compete with other users, especially high rise commercial and residential development, because these users can outbid ports for waterfront land. In other cases ports may resist pressures to conserve waterfront land if it is cheaper to buy this land than to invest in expensive equipment to intensify use of existing land. When this is the case, ports will opt for this approach. Coastal management and other government agencies should then attempt to show the value of conserving land for non-port purposes. This can prove to be a difficult job.

There are a number of techniques for conserving waterfront land which can be explored by CZM agencies and port authorities. One is to use existing waterfront land more intensively. For example, the Massachusettes Port Authority Moran Terminal, which is severely restricted from geographically expanding its terminal facilities, has increased its container throughput capacity by investing in five transtainers and by stacking containers three and four high on available waterfront land.

Another technique is to increase the throughput rate of cargo movement. One method used for doing this is to coordinate shipments of cargo closely with railway or truck movements in order to minimize needed storage space. By way of example, the Canadian ports of St. John and Halifax move containers so efficiently and rapidly that they exit the port area on unit trains often before the ship leaves the dock. This substantially reduces the amount of dock-side storage area needed for containers.

A third method for conserving waterfront land is to make greater use of inland sites for storage and particular types of operations. A container terminal, for example, could use inland sites for storing empty containers, container maintenance, long-term warehousing, container packing and unpacking, and railroad car loading. Another example of the use of inland sites was explored in a Texas Coastal Zone Management Program study. The study found that

inland canals can be a feasible alternative to traditional coastal development, both in terms of cost to industry and in minimizing adverse environmental social and economic impacts. As a result the state is seriously investigating this alternative with respect to siting energy facilities.

Fourth, the leasing policy of a port can directly affect the productivity of a port, and thus affect the demand for new cargo handling facilities. For example, large facilities leased to only one shipper or carrier may be underused while common facilities, which are available to any ship, common facilities may result in overall inefficiency and uneconomic performance. Such conditions could result in pressures for new facilities when existing harbor facilities are not getting optimal use.

Coastal management agencies can also conserve waterfront land by restricting nonwater dependent uses from locating on waterfront land. A number of states in their CZM programs have adopted policies preferring water-dependent uses of waterfront land. Coastal managers, however, are facing some difficulties in implementing this policy including the task of defining what a water-dependent use is. Some promising work in this area has been done by the BCDC, both in developing a point rating scale and an economic benefit test to determine if an activity is dependent on a waterfront location. CZM water-dependent policy can assist ports in obtaining waterfront land by limiting the competition for such land.

Public Access

A second important waterfront land use issue is public access, both physical and visual. Public access is an important goal of many state CZM programs. Many CZM agencies want ports to provide greater public access, particularly along urban and historic waterfronts. However, ports have frequently resisted initiatives at increasing public access because of safety and security problems. Occupational safety laws and regulations preclude public access to working port areas and the security of general cargo might be compromised by unrestricted access to docks, wharves, and sheds.

Much can be done by coastal and port managers in dealing with public access issues. One strategy is to enhance visual access to the shoreline through careful siting and landscape design of port facilities as well as providing such features as public observation points. The Port of Seattle has agreed to provide a public observation deck which provides views a safe distance from heavy cranes and other port operations. Another technique also used by the Port of Seattle, has been to use vacant waterfront land as a public park featuring a walkway and bikeway, part of which extends adjacent to a large grain elevator and ship-loading facility. Finally, CZM and port managers can reduce permit delay problems related to public access by jointly developing a public access plan for port facilities along the waterfront. A port might agree to participate in public access planning as part of a mitigation requirement.

A number of coastal management agencies are explicity planning for public access along harbors used by ports. One recent example is a land use management plan developed by several agencies from the states of Minnesota and Wisconsin for the Duluth-Superior Harbor. The plan, which has been approved by the two port authorities in the area, sets forth five goals, one of which seeks to increase public access and recreational opportunities along the waterfront. The plan sets forth management policies, details specific applications and maps out suggested projects. In one section the plan advocates providing viewing stands at appropriate sites throughout the harbor, particularly near shipping wharves where they can permit safe, inobtrusive viewing of harbor activities.

Waterfront Redevelopment

Finally, waterfront redevelopment is another important port and coastal management issue. Like public access, coastal management agencies are encouraging cities and ports to assist in the redevelopment of obsolete waterfront facilities. Many urban areas are taking a growing interest in redeveloping unused port facilities for commercial, recreational, educational, and residential uses. Waterfront redevelopment enhances public access and recreation opportunities and improves shoreline aesthetics. For ports, however, waterfront redevelopment is an ancillary activity. It is viewed, like public access, to be an additional mitigating measure offsetting the impacts of their development projects. Further, there is some concern that waterfront redevelopment, which attracts noncommercial uses, may be disadvantageous to ports. It could foreclose future options for commercial and port use of such lands.

There are many examples of waterfront redevelopment projects throughout the country. One prominant example is the redevelopment occuring in New York City harbor along the Lower Manhatten and East River waterfront. Redevelopment in this area has coincided with a general revival of commercial activity and residential living. Numerous projects have been built or are planned in the near future including the River Cafe and Park, the Two Bridges Marina, the renewal of ferry service for pedestrians from Fulton Landing, the MusicBarge concert and meeting hall and the South Street Seaport Museum which chronicals the history and use of the port. Amid all this redevelopment activity, the Port of New York/New Jersey operates a pier nearby which is engaged in active deepwater commerce.

ISSUE 5: MITIGATION

Mitigation is a term used at least two different ways in resource management. It can mean taking action to reduce harmful impacts or providing compensation in light of unavoidable impacts. In either case, but particularly the latter case, the concept of mitigation is a source of some controversy among coastal and port managers. Resource management agencies are increasingly demanding some form of compensation from ports prior to granting approval to development proposals. Controversy has arisen over the type and amount of mitigation being demanded by these agencies.

In general, disputes over mitigation have arisen when federal agencies like the U.S. Fish and Wildlife Service (USFWS) and Environmental Protection Agency (EPA) demand compensation from ports for unavoidable impacts to fish and wildlife habitat which are anticipated from a development proposal. Resource management agencies have frequently demanded in-kind compensation, requiring ports to purchase for public use a given number of acres of habitat equivalent to that destroyed by a proposed project. Ports have often been unhappy with these requirements because of the large expense involved, enough sometimes to make a project uneconomic. The port industry has asserted that mitigation requirements are too inflexible and unfair.

Types of Mitigation

A number of types of compensation have been used as mitigation requirements for port development. One is habitat restoration whereby a port, for example, may restore a certain amount of wetlands of equal biological potential in compensation for developing a landfill. The Oregon Land Conservation and Development Commission guidelines specifically provide for this type of compensation. A second type of compensation involves a port providing additional public recreational opportunities. For example, the Port of Seattle, as compensation for filling between finger piers and removing 15 acres of waterway, is providing funds and engineering assistance to the Washington State Department of Fisheries (WDF) for the development of a public fishing pier adjacent to Port property. Effluent trade-offs is a third compensatory measure and is one frequently used by the EPA as a mitigation requirement for projects resulting in air and water impacts.

Amount of Compensation

Often the amount of compensation is the key issue involved in the mitigation of port development impacts. Ports are particularly resistant to mitigation requirements which demand acre-for-acre compensation of wildlife habitat. The question arises whether ports, as a water-dependent use with a long tradition of shore use should be required to compensate

the public for adverse impacts at the same level as a nonwater-dependent use. Also, ports have suggested that mitigation requirements be subject to a benefit/cost analysis to insure that the environmental gain is worth the cost of bringing it about. Finally, California's Coastal Act goes so far as to exempt certain existing port areas from complying with its stringent mitigation requirements.

Bearing the Costs of Mitigation

Another important issue concerns how the costs of mitigation should be borne. Normally the economic benefits of port development are shared by shippers, the local community, and the regional economy. Perhaps those parties which benefit from port development should help pay for the costs of mitigation. A number of promising concepts for funding mitigation have been used or are under study at this time. For example, section 150 of the Water Resource Development Act (1976) authorizes the COE to spend up to $400,000 per project to develop wetlands which have been affected by a Corps project in navigable waters. In another case, the Tampa Port Authority has implemented a temporary "environmental protection service charge" of 2¢ per net ton on all export cargo until revenues of $5 million are collected, the amount earmarked for mitigation projects in conjunction with the COE Tampa Harbor Deepening Project. As a third example, the Columbia River Estuary Study Task Force (CREST) is discussing the concept of a "mitigation bank" of potential sites for replacing biological productivity lost by dredged material disposal. Under such a program state and local governments bordering the estuary would contribute funds to acquire sites which would be selected according to the type and level of biological productivity possible. Users of disposal sites whose biological productivity is reduced would purchase a given number of "replacement units of biological productivity" from the mitigation bank. This revenue would be used to acquire additional mitigation sites. Finally, Coastal Energy Impact Program (CEIP) funds can also be used to fund the mitigation of impacts associated with energy facility development.

Case Study: Oregon Mitigation Requirements

Oregon has been one of the more active states in developing and implementing mitigation requirements. To begin with the state CZM program has established strict mitigation requirements for projects which adversely affect the estuarine ecosystem. Further, Oregon has established an interagency task force with the expressed purpose of simplifying and clarifying the many mitigation requirements imposed on developers by federal and state agencies. Finally, the state has provided assistance to local governments to identify suitable sites for restoration, compensation, and mitigation.

Oregon's mitigation requirements are oriented primarily towards dredge and fill activities which adversely affect the estuarine ecosystem. Goal 16 of the state's CZM program (the Estuarine Resources Goal) notes that

when dredge and fill activities are permitted in intertidal or tidal marsh areas, their effects are to be mitigated by the creation or restoration of another area of similar biological potential in order to ensure that the integrity of the estuarine ecosystem is maintained. Taken literally this is a very stringent policy for it says that further net loss of biological potential in intertidal areas from coastal development activities is unacceptable. Accompanying this goal are a series of guidelines which set forth three general priorities to look for in creating or restoring estuarine areas. They direct developers to first look for areas to mitigate in general proximity to the project site, and if no such areas exist to next look for locations in other parts of the estuary which have similar characteristics (i.e., salinity, slope, etc.) to the area being dredged or filled. Finally, if neither of these areas are available the guidelines require that mitigation efforts should seek to restore areas or resources which are in the greatest scarcity compared with their past abundance. The guidelines also explicitly indicate that the transfer of estuarine lands to public lands; their dedication to natural uses; or the provision of funds for research or land acquisition do not constitute adequate mitigation as required by goal 16.

One may wonder why Oregon decided to adopt a vague and qualitative mitigation requirement like "similar biological potential." According to those who helped to formulate it, the phrase "similar biological potential" represented a deliberate effort to tie legal requirements to biological principles. A variety of quantifiable standards such as restoration of an area of equal surface area, or of equal tidal prism were considered and rejected by the CZM office because they allowed too much change in the ecosystem to occur. Other standards like equal biological productivity were rejected because they were too difficult to measure.

Since the mitigation requirement was adopted in December of 1976, the state has sought to apply this general requirement to specific development projects. The first attempt by Oregon to apply the mitigative standard occured for an airport development in Coos Bay which proposed a 32 acre fill on a sandy waterbottom. Because an ideal mitigation site was unavailable a third priority site, an old diked tidal marsh, was selected. However, a difficult problem arose during deliberations about what constituted "similar biological potential" for these two quite different areas. Basically the problem consisted of how large an area to require the developer to restore. After lengthy study, the planning staff recommended that 65 to 70 acres of the diked tidal marsh be restored as compensation for the 32 acre fill. This figure was reached because it represented the total "submerged time equivalence" (which relates surface area to time submerged by tidal waters) for the two areas. The airport project, however, was not built because a citizen suit enjoined the proposal.

The Coos Bay case highlighted only one of several issues that may arise in implementing the state's mitigation requirement. Other problems may involve conflicts with other federal and state agency mitigation requirements and disputes over the costs of restoring areas with similar

biological potential. Because of problems in implementing the "similar biological potential" requirement, Oregon established an interagency committee called the Mitigation Task Force. The most significant action taken by this task force has been to recommend that Oregon's CZM program revise Goal 16, eliminating the "similar biological potential" phrase, and adding new wording to make the mitigation goal more precise and to include enhancement provisions in the requirement. The task force recommendation, however, does not change the mitigation requirement in any fundamental way.

From the point of view of the port developer, Oregon's mitigation requirements pose some problems. First, they are difficult to understand and apply at the project planning level. As described above the state has had difficulty operationalizing these standards. And second, Oregon has based its mitigation standards on stringent no net loss criteria. Implementation costs appear to be a secondary consideration.

ISSUE 6: FEDERAL-STATE RELATIONS IN PORT DEVELOPMENT

Two issues are currently important among coastal managers and port officials regarding federal-state relations in port development. The first involves determining what the national interest is in port development and what national coastal policy might be desirable with respect to ports. The second issue concerns how implementation of the federal consistency requirements of the Federal Coastal Zone Management Act will affect decision-making power and procedures among federal and state coastal agencies. A great deal of uncertainty plagues discussion surrounding both of these issues.

National Interests in Port Development

Federal CZM regulations identify port development as an activity with national interest implications. However, very little guidance is available from either Congress or the federal government as to what this national interest might be. As a result, CZM programs have not articulated a clear national interest policy with respect to port development. Greater attention may be warranted, however, in determining more specifically what the national interest is for such activities as energy-related port development, COE sponsored dredging and navigational improvement projects and the appropriate federal-local cost sharing for port development activities. The port industry has pointed out that a strong statement of national interest policy might lead to more consistent treatment of ports by coastal zone management programs around the country. One port official has suggested that CZM programs define the meaning of national interest by ranking coastal uses on a priority basis. In addition, the American Association of Port Authorities has identified the need for a clearer national policy on deepwater ports.

Federal Consistency Requirements

There is also confusion about what the CZMA concept of federal consistency means. Although the federal consistency clause requires federal agencies to conduct their activities and development projects in a manner consistent with approved state programs "to the maximum extent practicable," it is still unclear whether the clause will result in real changes in federal-state decision-making. Most coastal states have had little or no experience in implementing the federal consistency clause and a major judicial decision clarifying important words in the Act, i.e., "maximum extent practicable," has not been rendered to date.

Several members of the port industry would like to see federal consistency used as a means for simplifying the permit process. They suggest that if a state with a federally approved CZM program determines that a proposed use is consistent with the program, federal consistency

should mean that other federal agencies must issue development permits subject to appeal to the Secretary of Commerce and/or the courts. Such an interpretation of federal consistency would significantly change coastal resource decision-making because it would severely limit the ability of federal environmental agencies, such as U.S. Fish and Wildlife Service, EPA, and NMFS, to halt a proposed development on its own and would put real teeth in the policies and procedures of a state's CZM program. This notion of consistency has sparked a strong negative reaction from environmental interests who see it as inconsistent with the policy and legislative history of the CZMA and as a potential threat to the implementation of much of the federal environmental legislation passed in recent decades. They argue, instead, that federal agencies must still have the right to deny a permit where the development proposal is inconsistent with the provisions of other environmental laws.

Defining the national interest and implementing federal consistency are only two means for improving relations among federal and state agencies. Another method being tried in certain parts of the country is for federal and state agencies to jointly create coastal planning task forces. These task forces have normally been established in response to intergovernmental conflicts over proposed coastal development. Described below is the interagency task force set up for Grays Harbor, Washington, with the purpose of developing a special area plan for the region.

Case Study: Grays Harbor, Washington

During the past decade, Grays Harbor, Washington, has been the scene of a number of intense coastal conflicts between resource development and environmental interests. Disputes have occurred over development proposals to assemble offshore drilling platforms, fill wetland areas for log storage, construct a hotel-restaurant complex and deepen navigational channels and harbors. Problems involving permit delays and uncertainty (particularly for the offshore drilling platform proposal) grew to the point where, in 1975, the principal government agencies agreed to create the Grays Harbor Estuary Planning Task Force. This fifteen member task force (which includes the Port of Grays Harbor) set out to develop a detailed plan for the estuary with the express purpose of reducing the level of conflict and increasing the predictability of government permit decisions. The Grays Harbor Regional Planning Commission coordinated the Task Force activities.

The task force hired a consulting firm to assist in developing the estuarine plan and to mediate the issues separating the parties. A five step planning process was mapped out consisting of (1) development of a data base, (2) preparation of a draft plan by the task force, (3) public and agency review of the draft plan, (4) completion of the final plan by the task force, and (5) formal adoption of the plan by the agencies involved. The task force has completed the plan and current efforts are focused on getting the agencies to formally adopt its contents.

During the planning process much attention centered on landfill issues. In particular, the Port of Grays Harbor and a number of federal environmental agencies bargained intensely over how much and where future landfilling should occur. The participants, with the aid of a consultant/ mediator, struck a compromise on this issue whereby the Port of Grays Harbor agreed to abandon for 50 years any plans to develop the full 2200 acres of submerged lands it owned for assurances that it could develop over the next 50 years a 500 acre segment between Bowerman Air Field and the shoreline in Hoquiam. This amount was split in half so that the Port can only fill 250 acres before it has to demonstrate the need for additional fill. Further, the Port agreed to transfer the remainder of the 2200 acres to a designated state resource agency for 50 years to be managed for renewable resource purposes.

The contents of the estuary management plan delineate the compromises reached during the planning process. It also divides the 55,000 acre estuary into eight management categories (e.g., conservancy natural, urban mixed) and prescribes, in detail, coastal uses permitted for each section of the estuary. The estuary management planning standards are much more detailed then previous local shoreline management plans.

The real issue now is whether the participants can agree on how to implement the plan. There is currently some question over whether the plan should be treated as one of the primary criteria for making permit decisions or as an advisory document to be considered along with other criteria. The Port of Grays Harbor believes the plan should be treated as one of the primary criteria under S 10 and 404 permit applications on individual projects and wishes that federal and state environmental agencies expedite the review of permit applications when the port proposes use activities consistent with the estuary management plan. EPA, on the other hand, believes the plan is only an advisory document. They do not feel bound to approve a development, which conflicts with one of its environmental programs, just because it is consistent with this plan. This issue will come to a head with EPA's issuance of new 404(b) regulations. There is considerable debate over whether the 500 acre fill compromise (and subsequent development projects) in the plan can be approved under these new regulations.

APPENDIX 4

FEDERAL REGULATORY AGENCIES

FEDERAL AUTHORIZATION FOR ACTIVITIES IN U. S. NAVIGABLE WATERS OR OCEAN WATERS RELATIVE TO ENVIRONMENTAL PROTECTION

	FEDERAL AGENCIES																							
	ARMY			COMMERCE										HEW		HUD	INTERIOR							
ACTIVITY	COE	ACOHP	CEO	BRTA	EDA	MA	NMES	NOS	NWS	OCZM	EPA	FMC	EPC	FDA	PHS	CPAD	BLM	BOR	BSFW	NPS	BIA	BR	OCG	USGS
Permits	X										X	X			X									
Licensing				X							X		X	X										
Certification										X	X				X									
Letter of Permission or Approval	X	X					X				X					X	X	X	X	X	X	X	X	X
Coordination	X		X	X			X			X	X					X			X				X	
Review	X	X	X			X	X	X	X	X	X					X	X	X	X	X	X	X	X	X
Enforcement	X			X			X				X		X	X	X				X				X	X
Fines							X				X	X		X	X									
Environmental Impact Statement	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Dredging/Filling	X	X					X			X	X						X		X					
Dredge Spoils Disposal	X	X					X			X	X						X		X					
Anchorages	X							X																
Aids to Navigation								X	X															
Harbor Protective Works	X							X	X															
Harbor Lines	X							X																
Ports & Terminal Facilities	X			X	X	X		X		X													X	
Intermodal Transportation						X																		
Vessels				X		X		X				X											X	
Port Security & Safety																								
Vessel Traffic Control																								
Locks, Dams & Canals	X						X						X						X		X			X
Bridges & Causeways	X																							
Harbor Tunnels	X																							
Pipelines	X																						X	X

	FEDERAL AGENCIES																			
	LABOR	STATE			TRANS'PN							TREASURY	USDA	OTHER						
ACTIVITY	OSHA	IBC	IJC	OMA	FAA	FHA	FRA.	OPLS	SLSDC	UMTA	USCG	BOC	AP HIS	AEC	FCC	FEA	OMB	PCC	TVA	WRC
Permits												X								
Licensing					X	X	X	X		X	X			X	X					
Certification					X						X									
Letter of Permission or Approval		X	X																	
Coordination						X					X			X						X
Review				X	X	X	X	X		X	X			X			X			X
Enforcement	X				X	X	X	X			X	X	X	X	X			X	X	
Fines	X				X	X	X	X				X								
Environmental Impact Statement	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Dredging/Filling																	X		X	
Dredge Spoils Disposal											X								X	
Anchorages											X									
Aids to Navigation											X								X	
Harbor Protective Works																				
Harbor Lines																				
Ports & Terminal Facilities	X				X					X	X	X							X	
Intermodal Transportation	X				X	X	X	X				X								
Vessels	X		X							X	X	X		X					X	
Port Security & Safety	X										X	X		X						
Vessel Traffic Control											X		X					X	X	
Locks, Dams & Canals		X	X															X	X	
Bridges & Causeways		X	X			X	X				X									
Harbor Tunnels																				
Pipelines		X	X					X								X				

FEDERAL AUTHORIZATION FOR ACTIVITIES IN U. S. NAVIGABLE WATERS OR OCEAN WATERS RELATIVE TO ENVIRONMENTAL PROTECTION

	FEDERAL AGENCIES																																											
	ARMY			COMMERCE										HEW		HUD	INTERIOR								LABOR	STATE			TRANS'PN							TREASURY	USDA	OTHER						
ACTIVITY	COE	ACOHP	CEO	BRTA	EDA	MA	NMES	NOS	NWS	OCZM	EPA	FMC	EPC	FDA	PHS	CPAD	BLM	BOR	BSFW	NPS	BIA	BR	OCG	USGS	OSHA	IBG	IJC	OMA	FAA	FHA	FRA	OPLS	SLSDC	UMTA	USCG	BOC	AP HIS	AEC	FCC	FEA	OMB	PCC	TVA	WRC
Submarine Cables	X																																						X					
Aerial Power Lines	X							X					X																															
Recreation	X						X			X						X	X	X	X	X		X													X									
Recreational Boating								X	X									X																	X								X	
Boating Safety								X	X																										X									
Marinas and Small Boat Facilities	X				X																																							
Inland Waterways	X					X												X																	X								X	X
Great Lakes	X			X		X			X	X	X	X	X			X		X	X	X	X	X	X	X		X	X								X		X							X
St. Lawrence Seaway	X					X			X		X	X	X																				X				X							
Panama Canal & Terminals	X					X						X																														X		
Waterborne Commerce	X			X		X																						X							X								X	
Foreign Trade Zones				X		X								X	X																					X	X							
Offshore Ports & Terminals	X									X							X						X									X			X					X				
Outer Continental Shelf								X		X							X						X	X																				
Offshore Oil Drilling																																								X				
and Mineral Extraction										X							X						X	X																				
Offshore Nuclear Power Siting										X			X				X																					X		X				
Offshore Oil Leasing										X							X						X	X																X				
Energy Conservation				X									X										X	X																X			X	
Urban Development	X				X					X						X																		X										
Urban Mass Transit																X																		X										
Land Use Classification		X								X						X	X				X		X	X																				X
Flood Control	X								X							X						X		X						X													X	X
Water Supply	X				X					X			X		X	X					X	X		X																			X	X

FEDERAL AUTHORIZATION FOR ACTIVITIES IN U. S. NAVIGABLE WATERS OR OCEAN WATERS RELATIVE TO ENVIRONMENTAL PROTECTION

FEDERAL AGENCIES

	ARMY			COMMERCE										HEW		HUD	INTERIOR								LABOR	STATE			TRANS'PN							TREASURY	USDA	OTHER						
ACTIVITY	COE	ACOHP	CEO	BRTA	EDA	MA	NMES	NOS	NWS	OCZM	EPA	FMC	EPC	FDA	PHS	CPAD	BLM	BOR	BSFW	NPS	BIA	BR	OCG	USGS	OSHA	IBC	IJC	OMA	FAA	FHA	FRA	OPLS	SLSDC	UMTA	USCG	BOC	AP HIS	AEC	FCC	FEA	OMB	PCC	TVA	WRC
Water Quality			X				X			X	X				X	X			X		X			X		X	X								X		X						X	X
Oil Spills			X				X			X	X								X																X									
Oily Waste			X			X	X			X	X								X																X									
Liquid Chemical Waste			X			X	X			X	X								X																X									
Other Hazardous Substances			X			X	X			X	X								X						X										X			X						
Sanitary Waste			X			X	X			X	X				X				X																X									
Solid Waste			X			X	X			X	X								X																X									
Harbor Debris Cleanup	X		X			X	X				X				X	X			X																X									
Air Pollution			X								X				X										X																			
Stack Emissions			X			X					X				X										X																			
Thermal Pollution							X			X	X		X						X																			X						
Coastal Zone Management	X					X	X			X									X				X			X	X								X									
Shoreline Erosion	X							X	X	X	X						X	X		X				X																				
Estuarine Sanctuaries							X			X									X																X									
Marine Sanctuaries							X			X									X							X	X	X							X									
Wetlands							X			X								X	X	X	X																							
Wild & Scenic Rivers							X			X								X	X	X																								
Marine Ecology			X				X			X	X								X																X									
Fish & Wildlife	X						X	X	X	X								X	X	X	X																						X	
Aesthetics		X								X						X		X		X																								
Historic Values		X								X						X				X	X																							
Climatology								X	X													X		X											X									

FEDERAL AGENCY IDENTIFICATION

ACOHP	Advisory Council on Historic Preservation
AEC	Atomic Energy Commission
APHIS	Animal and Plant Health Inspection Service (USDA)
ARMY	Department of the Army
BIA	Bureau of Indian Affairs (INTERIOR)
BLM	Bureau of Land Management (INTERIOR)
BOC	Bureau of Customs (TREASURY)
BOR	Bureau of Outdoor Recreation (INTERIOR)
BR	Bureau of Reclamation (INTERIOR)
BRTA	Bureau of Resources & Trade Assistance (COMMERCE)
BSFW	Bureau of Sports, Fisheries & Wildlife (INTERIOR)
CEQ	Council on Environmental Quality (EXEC. OFC. OF PRESIDENT)
COE	Corps of Engineers (ARMY)
COMMERCE	Department of Commerce
CPAD	Community Planning & Development (HUD)
EDA	Economic Development Admimistration (COMMERCE)
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration (DOT)
FCC	Federal Communications Commission
FDA	Federal Drug Administration (HEW)
FEA	Federal Energy Administration
FHWA	Federal Highway Administration (DOT)
FMC	Federal Maritime Commission
FPC	Federal Power Commission
HEW	Department of Health, Education & Welfare
HUD	Department of Housing & Urban Development
IBC	Internation Boundary Commission (US–CAN & US–MEX)
IJC	International Joint Commission (US–CAN)
INTERIOR	Department of the Interior
LABOR	Department of Labor
MA	Maritime Administration (COMMERCE)
NMFS	National Marine Fisheries Service (NOAA–COMMERCE)
NOS	National Ocean Survey (NOAA–COMMERCE)
NPS	National Park Service (INTERIOR)
NWS	National Weather Service (NOAA–COMMERCE)
OCZM	Office of Coastal Zone Management (NOAA–COMMERCE)
OMA	Office of Maritime Affairs (STATE)
OMB	Office of Management & Budget (EXEC. OFC. OF PRESIDENT)
OCG	Office of Oil & Gas (INTERIOR)
OPLS	Office of Pipeline Safety (DOT)
OSHA	Occupational Safety & Health Administration (LABOR)
PCC	Panama Canal Company
PHS	Public Health Service (HEW)
SLSDC	St. Lawrence Seaway Development Corporation (DOT)
STATE	Department of State
TRANSPORTATION	Department of Transportation
TREASURY	Department of the Treasury (CUSTOMS)
TVA	Tennessee Valley Authority
UMTA	Urban Mass Transportation Administration (DOT)
USCG	U. S. Coast Guard (DOT)
USDA	U. S. Department of Agriculture
USGS	U. S. Geological Survey (INTERIOR)
WRC	Water Resources Council

APPENDIX 5

CONFERENCE PARTICIPANTS

NATIONAL CONFERENCE ON PORTS AND COASTAL MANAGEMENT

July 31 - August 1, 1979

List of Pre-Registrants

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Robert W. Knecht, Office of Coastal Zone Management, NOAA
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Ann M. Payne, Office of Port and Intermodal Development, MarAd
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Conference Program Participants

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BG Hugh Robinson, Corps of Engineers
Michael Spear, U.S. Fish and Wildlife Service
William Hedeman, U.S. Environmental Protection Agency
Charles Walters, National Marine Fisheries Service

Workshop 1 - New England

Chairpersons

Eugene Neary, Port of Providence
Catherine Cousins, Office of Coastal Zone Management

Executive Assistant

Robert Safarik, MarAd

Participants

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Oliver Brooks, Consultant
Rogert Buck, State of Rhode Island
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Matthew Coogan, Boston Redevelopment Authority
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Bernard Manor, Corps of Engineers, Waltham, Massachusetts
Henry Marcus, Massachusetts Institute of Technology
David Markowitz, New York State Coastal Management, Albany, N.Y.
William G. McDonald, World Ports Magazine
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Workshop 2 - Tri-state

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Workshop 3 - South Atlantic

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Roger Richman, Old Dominion University, Norfolk, Va.
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Dorothy Sbriglia, State of Delaware
David F. Smith, City Hall, Washington, D.C.
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Workshop 4 - Gulf

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J. E. Jaudon, Port Manatee
Bob Kifer, DOC-Coastal Zone Management
Bill Millhouser, DOC-Coastal Zone Management
Benson Murphy, Port of Pensacola
Paul Pella, Jackson County Port Authority
Shepard Perrin, Louisiana Offshore Terminal Authority
Harry Plomarity, Port of Corpus Christi
A. Phillip Prejean, Terrebonne Port Commission, Houma, La.
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Workshop 5 - Pacific

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Workshop 6 - Great Lakes

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