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The First Five Years of Coastal Zone Management

An Initial Assessment

A Report Prepared by:
The Office of Coastal Zone Management
National Oceanic and Atmospheric Administration

U.S. National Oceanic and Atmospheric Administration.
Office of Coastal Zone Management.

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THE FIRST FIVE YEARS OF COASTAL ZONE MANAGEMENT

CONTENTS

Section		Page
FOREWORD		i
COASTAL ZONE MANAGEMENT: WHAT IS IT		1
WHY ASSESS COASTAL ZONE MANAGEMENT NOW		5
HOW CAN COASTAL ZONE MANAGEMENT BE ASSESSED		7
COASTAL ZONE MANAGEMENT: WHAT HAS IT ACCOMPLISHED		13
	- Procedural Results	14
	- Substantive Results	19
ASSESSMENTS OF COASTAL ZONE MANAGEMENT		52
CONCLUSION		60

CHARTS

I.	LEGAL AUTHORITIES	15
II.	ORGANIZATIONS	17
III.	PROTECTION OF SIGNIFICANT NATURAL RESOURCES	20
IV.	MANAGEMENT OF COASTAL DEVELOPMENT	31
V.	INCREASED RECREATIONAL ACCESS - PROTECTION OF HISTORIC/CULTURAL RESOURCES	38
VI.	STREAMLINING OF GOVERNMENT DECISIONMAKING	44

U.S. National Oceanic and Atmospheric Administration
Office of Coastal Zone Management

FOREWORD

Five years have passed since the first federal coastal management program development grants were issued by the national Office of Coastal Zone Management. Since then, all 35 coastal states and territories have participated in the program.

- Already more than 33% of the nation's shoreline, including almost half of the nation's coastal population, is covered by management programs in the 13 states that have received federal approval in the last 3 years.

- By this time next year, more than 75% of the nation's shoreline is expected to be covered by federally approved management programs in 21 states along the North and South Atlantic, Gulf, Great Lakes and Pacific coasts.

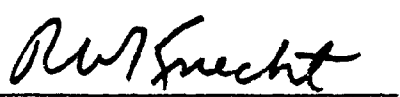
With the approval of these programs, the job of coastal management begins in earnest, as states, localities and federal agencies put into effect newly developed and organized coastal management practices.

Clearly, we are at an important juncture in the life of this federal program. The authorizations for key provisions of the national Coastal Zone Management Act (CZMA) expire in FY 1980 and will need to be extended for the program to continue. Hence, both the Congress and the Administration are now assessing the results of the first five years of effort under the Act.

The CZMA established a program of Federal grants to assist states in the development and implementation of programs aimed at more rational management of the Nation's coastal resources. As a result, the effectiveness of the overall national effort rests almost entirely on the quality and accomplishments of each state's coastal management efforts.

This report documents the results of state coastal management activities that address important concerns in the Act: the protection of significant natural resources, the management of coastal development, the provision of additional recreational access to the coast, and the improved coordination and simplification of government decision-making procedures. Despite the early stages of most of the states programs, significant accomplishments in all four of these areas already have been achieved.

The time and effort of many people went in to putting this report together. In-depth interviews with state legislators, local officials, state and federal agency representatives, representatives of citizen groups, and development and environmental interests were conducted in 10 states. The program manager in each coastal state provided substantial information about his or her program. The Office of Coastal Zone Management would like to take this opportunity to thank all those who helped in providing the information that went into this report.



Robert W. Knecht
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Coastal Zone Management: What is It

Coastal zone management is a new concept and therefore it is not surprising that it means different things to different people. Nonetheless, the varied interests all acknowledge a strong need to improve the existing situation. A rapidly growing number of demands are being placed on the limited and sometimes fragile resources of the Nation's coastal zones. Without improved planning and management, the substantial benefits that we now reap from our coastal areas could be lost to succeeding generations. Differences occur, however, on the goals and objectives that coastal zone management programs should seek to achieve. Depending upon an individual's perceptions and interests, the expectations for the coastal zone management process are different:

For those concerned with our diminishing supply of natural resources and their environmental degradation, coastal zone management means protection or restoration of wetlands, beaches, dunes, and barrier islands.

For those who make a living from fishing or indulge in it as sport, coastal zone management means protection of the habitats in which fish spawn, breed and congregate. In addition, commercial fishermen expect coastal zone management to take into account their need for adequate dockside facilities. Sport fishermen want coastal zone management to provide marinas, boat ramps, and fishing piers to allow ample opportunity for recreational fishing.

The developer feels that coastal zone management should mean freedom from protracted government procedures and unnecessary or duplicative permitting requirements.

For the tourist, coastal zone management means easy access to unspoiled beaches and parks, and the preservation of scenic coastal vistas. It means a ready supply of recreational facilities, hotels, and restaurants to service their needs.

The energy industry believes that coastal zone management should mean siting for major energy facilities that serve the nation's energy needs located where they can take advantage of coastal locations and resources. Coastal zone management also means that states and local communities should plan and implement programs to minimize adverse impacts of energy facilities, thus reducing opposition to them and simplifying the process of obtaining necessary clearances and permits.

For those who seek a wilderness experience, free from outside intrusion and away from the pressures of everyday life, coastal zone management means that portions of the nation's coastline will remain forever in their natural state, permanently protected from alteration or destruction.

Finally, for future generations, coastal zone management means that all of these options and opportunities will remain.

Managing the coastal zone would be easier if only a single objective were involved. But CZM is meant to address multiple objectives and not to serve any one to the exclusion of all others. Even so, every objective cannot be met fully nor can every option be preserved indefinitely. Therefore coastal zone management generally means making rational choices among competing objectives. If this is achieved, the cumulative effect of our decisions and choices will be the preservation, protection, development, and where possible, the restoration and enhancement of this nation's coastal resources, which is the goal Congress intended when the Coastal Zone Management Act (CZMA) was passed in 1972.

Congress envisioned an ambitious goal when it enacted the CZMA. Coastal zone management was conceived as a voluntary process that States would undertake in partnership with the federal government. The process would require a comprehensive view of coastal issues. States would have to weigh the concerns of different levels of government, various interest groups, and the general public. Congress reasonably anticipated that, as a result of developing and putting into operation management programs, better decisions would be made about appropriate coastal resource use and protection.

To achieve this, Congress required that States wishing to participate in the national program would have to develop management programs that would:

1) identify important resources, areas and uses within a State's coastal zone requiring management or protection;

2) establish a policy framework to guide decisions about appropriate resource use and protection;

3) identify the landward and seaward boundaries of the coastal zone;

4) provide for the consideration of the national interest in the planning for and siting of facilities that meet more than local requirements; and

5) include sufficient legal authorities and organizational arrangements to implement the program and insure conformance to it.

The results of applying the policies and procedures of an approved State coastal management program would be four-fold, as indicated by the findings and policies of Sections 302 and 303 of the CZMA:

- Increased protection of valuable, natural coastal resources;
- Better management of development in coastal areas in order to avoid or mitigate losses to life and property, and to give priority to water-dependent uses;
- Enhanced access to and enjoyment of the amenities of the coastal zone; and
- Better coordination of governmental activities at all levels in order to make government more responsive to the public, and more efficient and effective in its delivery of services.

Why Assess Coastal Zone Management Now

The Coastal Zone Management Act was passed in October 1972. A federal Office of Coastal Zone Management (OCZM) was established as part of the National Oceanic and Atmospheric Administration (NOAA) in 1973 and awarded its first grants to states to develop coastal management programs in 1974. At this point, the national coastal zone management program has been in operation for a full 5 years.

One major phase of the national program - development of state management programs - is about to end with the expiration of section 305 funding at the end of September 1979.

One third of the eligible coastal states and territories have received federal approval for the implementation of their management programs in the past three years. And, by September 1979, two-thirds of the eligible states will have received approval of their programs. Accordingly, the second, and most important phase of coastal management - putting state programs into operation - is beginning in earnest.

The national program is at an important juncture. Now is an appropriate time to make an initial assessment of what has been accomplished, what have been the problems and criticisms of the program, and what are the future benefits to be derived from this program.

Other factors contribute to this being a timely point at which to assess the first 5 years of the program's operation.

Authorization for many of the funding provisions of the Act will expire in 1980. Funding under section 306 of the CZMA authorizes grants to states to cover up to 80% of the cost of operating their approved management programs. By the end of fiscal year 1980, most states participating in the federal program will be involved in at least the early stages of program implementation. Authorizations also terminate at the end of fiscal year 1980 for Section 309, which authorizes grants for cooperative interstate planning related to coastal management; for Section 310, which authorizes funds for research and technical assistance in support of coastal management programs; and for Section 315, which authorizes funds for acquisition of lands to establish estuarine sanctuaries, to provide public access to the coast and to preserve islands or other important coastal resources.

In the course of considering whether or at what level to reauthorize funding of these sections, and whether to change the Act in substantial ways, questions will be raised whether the federal investment to date has been worthwhile? Whether state coastal management activities are producing the results Congress anticipated when it enacted the CZMA? And, whether these results and state financial needs warrant continued federal funding support?

These are legitimate questions, particularly in light of the general public's interest that governmental activities be responsive to public needs and conducted in a cost efficient and effective manner. It is hoped that this report will provide some of the answers to the questions posed above.

How Can Coastal Zone Management Be Assessed

The national program should be evaluated against the basic assumptions underlying the Act's legislative foundation and the results it anticipated. Briefly stated, the basic assumption of the CZMA is that the national goal of "effective management, beneficial use, protection, and development of the coastal zone" can be reached through a voluntary, cooperative federal-state effort. Through a grant-in-aid program, the federal government provides funds and guidance to states to develop and implement coastal management programs. Once established and operating, these management programs should achieve the multiple objectives of resource protection, management of coastal development, increased recreational access, and clearer governmental procedures.

Measuring the results of the national program with regard to these objectives is a difficult task. To begin, the national program must be assessed in terms of the state programs it supports for it is the activities of the state programs that collectively make up the national coastal zone management program.

Recognizing this, there are other factors complicating any effort to measure in quantitative terms the results of the first five years of the program's operation.

For one, state programs are in a transitional period - from development to implementation. The full effect of the policies and procedures that recently have been approved by OCZM will not be visible for several years yet as states are only beginning to put their programs into operation. Accordingly, it is still early in the life of this program to be able to determine the real difference these programs will make in protecting coastal resources, more effectively managing coastal development, providing additional access to the coast, and simplifying governmental procedures.

For another, it is extremely difficult, in a large number of cases, to determine if there is a direct cause and effect relationship between the existence of the national program and state achievements with respect to the four major objectives of the Act. In some cases the national program may have catalyzed a state's first significant coastal management efforts. In other cases, the national program complements and enhances state work that already was underway. Many state management programs rely on existing laws and anticipate that the more coordinated application of these laws will result in better coastal management. Again,

because of the early stage at which most of these programs find themselves, it is too soon to determine if the effect of federal support will be the more effective implementation of these laws and thus fulfillment of the Act's objectives.

Third, complete agreement does not exist on whether the Act was intended primarily to foster the development of a management process which itself represents the main achievement to be measured or whether the substantive outcomes resulting from these procedures are the measure of accomplishments.

Clearly, in assessing the initial phase of this program, recognition must be given to the achievements in establishing the procedures and institutions that will form the basis for meeting the Act's four substantive objectives. Institution-building has been the primary focus of the past five years of coastal management activity. This phase probably is the most sensitive and least rewarding. But without adequate political consensus, legal authorities, and appropriate administrative mechanisms, no management system can function. With the exception of actual passage of legislation, most of the institution-building phase of coastal zone management occurs out of the public eye, and many institution-building milestones are not readily appreciated as accomplishments.

Equally clear, however, is that any longer term assessment of the value of this program must be conducted in terms of the actual level of protection provided coastal resources, changes that occur in the amount and type of construction permitted in coastal hazard areas, additional amounts of shoreline made available for recreation purposes, and the amount of time required for regulatory decisions.

Finally, problems of non-uniformity of data exist. Because the Act recognized that the nature and severity of coastal problems differ among States and provided the flexibility for States to respond in ways most appropriate to their situation, there is little uniformity among State programs. There is no single, uniform approach to coastal management, nor was one intended. This diversity, however, complicates the task of assessing the response of states to the Act's objectives.

Nonetheless, within these constraints, it still is possible to provide an initial assessment of state coastal management activities to date. In the section that follows, state programs, including those still in the development phase as well as those already approved, were reviewed to determine both procedural and substantive results.

In the area of procedural results, the following were identified: passage of coastal management related legislation; issuance of executive orders; development of memoranda of understanding between state agencies; and establishment of new organizational entities.

In the area of substantive results, the following were identified, based on the findings and policies of section 302 and 303 of the CZMA:

A) Protection afforded the following types of coastal resources: wetlands, floral and faunal habitats, beaches and dunes, barrier islands, reefs, offshore sand and gravel and oil and gas.

B) Management of coastal development in erosion-prone areas, flood plains, and areas subject to subsidence or saltwater intrusion; priority given to water-dependent uses, including energy facilities; and identification of dredge spoil disposal sites.

C) Provisions for increasing access and recreational use of the coast through required dedications, court actions, laws, and urban waterfront projects; protection or restoration of historic and cultural resources; and provision of visual access; and

D) Coordination and simplification of permit requirements; and implementation of the Federal consistency provisions.

In the discussion that follows, it is helpful to keep in mind several general points:

° States respond in different ways and with differing degrees of emphasis to the four major areas and subcategories thereof noted above. These differences are the result of such factors as differences in public perceptions in a state as to the severity or importance of particular issues, the extent to which laws and programs exist addressing these issues, traditional or historical approaches to dealing with certain

problems, and differences among states in the nature of the problem itself.

° Each of the four major areas of the Act where substantive results are anticipated has been broken down into subcategories. For each of the four major areas and their subcategories, a chart has been prepared identifying whether each state responds to the issue. The identification indicates whether the response is through incorporation of laws or programs that pre-dated a state's participation in the national coastal zone management program (identified by an o), laws or programs that are new or significantly altered or expanded as a direct result of participation in this program (identified by an ●), and laws or programs that are being proposed as a result of states' participation in this program (identified by a P).

° Not all states have responded to all the subcategories of the four major areas (identified on Chart III - VI). In a large number of cases, this is because a particular problem is not a significant issue requiring coastal management attention. Thus, for example, protection of barrier islands (see Chart III) is an issue primarily for states along the Atlantic and Gulf coasts where the vast majority of still undeveloped but threatened barrier islands are found. Similarly, protection of coral reefs (see Chart III) is a management issue with which the island participants in the program must deal. Problems related to subsidence or saltwater intrusion (see Chart VI) arise, for the most part, in Gulf coast and South Atlantic states.

COASTAL ZONE MANAGEMENT: WHAT HAS IT ACCOMPLISHED

Since the first program development grant was awarded in 1974, all 35 eligible coastal states and territories have received federal funding to assist in the development of state coastal management programs that will meet the approval requirements of the CZMA. Between 1974 and September 30, 1978, $64.5 million has been granted for this purpose.

During this period of basic program planning and development, the nature of work undertaken by states has varied considerably. In some states it has been necessary to educate the public and elected representatives in order to obtain legislative authorization to begin coastal management planning activities. In other states, the urgency of coastal problems already had resulted in state legislation. These states were able to move more expeditiously in addressing substantive coastal management issues. Irrespective of the stage of development states had achieved at the time they entered the national program, the process of combining state, local and national concerns into a workable management system that meets the federal approval requirements has been an arduous one. This is due to the complex nature of the issues states must address to receive federal approval as well as the complexity of the federal requirements themselves.

As noted earlier, efforts undertaken during the program development stage have tended to focus primarily on laying the institutional basis for carrying out the program once approved. By themselves, these

procedural results provide no assurance that improvements in the management of coastal resources is occurring. Conversely, without laying this institutional basis, it is doubtful that real progress towards achieving the Act's four major objectives will occur.

Procedural Results

I. Legal Authorities (Chart I)

This category identifies legal authorities that have been established to deal with coastal management. Where the date of enactment is after 1974, these authorities generally were developed in direct response to the requirements for federal approval.

Twenty-two states have enacted some form of coastal management legislation. Twelve have comprehensive coastal zone management legislation; the remaining ten states have shoreland zoning or other special purpose coastal legislation.

In nine states, Executive Orders have been issued regarding implementation of coastal management programs. And, in nine states, Memoranda of Understanding have been adopted between state agencies for the implementation of the state's coastal management program.

I. LEGAL AUTHORITIES
(As of January 1979)

A. Comprehensive CZM Legislation Enacted

- San Francisco Bay, (Calif.)	1965, 1969
- Oregon	1971, 1973
- Rhode Island	1971
- California	1972, 1976
- New Jersey	1973 (Segment)
- North Carolina	1974
- Hawaii	1975, 1977
- Alabama	1976
- Culebra (Puerto Rico)	1976 (Segment)
- Alaska	1977
- South Carolina	1977
- Louisiana	1978
- Virgin Islands	1978

B. Shoreland Zoning or Other Special Purpose Legislation Enacted

- Wisconsin	1966
- Michigan	1970
- Minnesota	1970, 1974
- Washington	1971
- Delaware	1971
- Texas	1972, 1976
- Maine	1973
- Guam	1974
- Florida	1975, 1978
- Georgia	1979

C. Executive Orders Issued for Implementation of CZM Program

- Delaware
- Guam
- Hawaii
- Maine
- Maryland
- Michigan
- North Carolina
- Rhode Island
- Wisconsin

D. Memoranda of Understanding Between State Agencies Adopted

- California - BCDC
- Maine
- Maryland
- Massachusetts
- Michigan
- New Jersey
- Rhode Island
- South Carolina
- Wisconsin

II. Organization (Chart II)

Included in this category are the establishment of new state CZM agencies, units within existing agencies, or commissions to deal with coastal management. Also identified are the establishment of new advisory, intrastate and interstate groups to address coastal management issues.

New coastal management agencies, subunits of agencies, or management commissions have been established in 24 states. Twenty states have established advisory groups and eleven states have regional coastal zone management groups. In addition, eight interstate coordination groups have been established to deal with coastal issues of multistate importance.

II. ORGANIZATIONS (As of January 1979)

A. States with New CZM Agencies or subunits (A) or Management Commissions (C) Established

- Alabama (C+A)
- Alaska (C+A)
- California (C)
- Connecticut (A)
- Delaware (A)
- Florida (A)
- Georgia (C)
- Louisiana (C+A)
- Maine (A)
- Maryland (C)
- Massachusetts (A)
- Michigan (A)
- New Hampshire (A)
- New Jersey (A)
- New York (A)
- North Carolina (C)
- Ohio (A)
- Oregon (C)
- Pennsylvania (A)
- Puerto Rico (A)
- Rhode Island (C+A)
- South Carolina (C)
- Virgin Islands (C+A)
- Wisconsin (A)

B. States with New Advisory Groups Established

- Alabama
- Connecticut
- Delaware
- Florida
- Guam
- Hawaii
- Illinois
- Louisiana
- Maine
- Maryland
- Massachusetts
- Michigan
- New York
- North Carolina
- Northern Marianas
- Ohio
- Texas
- Virgin Islands
- Wisconsin

C. State with intrastate regional CZM Groups Established

- California
- Florida
- Illinois
- Indiana
- Maryland
- Massachusetts
- Michigan
- Minnesota
- Ohio
- Washington
- Wisconsin

D. Interstate Coordination Groups Established

- Great Lakes -- Great Lakes Basin Commission Standing Committee
- Duluth - Superior -- Metropolitan Interstate Committee
- New England -- Coastal Task Force
- Mid Atlantic -- Mid Atlantic Governors Regional Advisory Committee
- Va./Md. Bi-State Committee on Chesapeake Bay
- Pacific N.W. - Sea Use Council
- Oregon - Washington -- CREST
- Puerto Rico, Virgin Islands, Hawaii, Guam - Islands Coordination Group

Program development is only a stepping stone to approval by OCZM and state implementation of a management system. Approved state programs have been in effect for less than 3 years, with the bulk of approvals occurring in 1978. In fiscal year 1976, the first state program - Washington - was approved by OCZM. In fiscal year 1977, the full program for the State of Oregon, and segment programs for San Francisco Bay (California) and Culebra (Puerto Rico) were approved. In the fiscal year ending September 30, 1978, 11 programs were approved: California, Hawaii, Maine, Maryland, Massachusetts, Michigan, the New Jersey Ocean and Bay segment, North Carolina, Puerto Rico, Rhode Island and Wisconsin, bringing the total of approvals to 12 full state programs and three segments. In the 3 years since the first program was approved, almost $34 million has been granted to these states to implement their approved programs.

By the end of 1978, almost one-third of the eligible coastal states had approved programs covering over 33% of the U. S. shoreline. This includes 10 of the states with shorelines exceeding 1000 miles. By September 30, 1979, it is anticipated that an additional 7 to 8 state programs will be approved by OCZM. This will mean that approximately two-thirds of the eligible states will have approved coastal management programs covering more than 75% of the nation's shoreline.

But, these figures alone tell little about the quality of coastal management. What, in fact, do these program do? What difference are coastal management programs making?

SUBSTANTIVE RESULTS

I. Protection of Significant Natural Resources (See Chart III)

This category deals with state program responses to the protection of the following important natural, coastal resources: wetlands, floral and faunal habitats, beaches and dunes, barrier islands, corals and other reefs, and offshore sand and gravel and oil and gas resources.

A. Wetlands

Thirty-one of the 35 eligible states and territories have new wetlands statutes and regulations or improved implementation (in the case of existing laws dealing with wetlands preservation). The majority of these states have comprehensive wetlands statutes that require a permit for any development that would alter a tidal wetland. In the Great Lakes states, control of dredge and fill activities in wetlands is through permits covering the lakebed bottoms.

In 8 states, new wetlands legislation or regulations have been enacted in direct response to the requirements of the Act. The majority of these are South Atlantic and Gulf coast states and the island territories. South Carolina, Alabama, Louisiana, Texas, the Virgin Islands, and Guam have enacted statutes to protect their wetlands as a direct result of participation in this program. These are places where there are extensive wetland resources and where, previously, there were no state controls over wetlands alterations.

III. PROTECTION OF SIGNIFICANT NATURAL RESOURCES

	Wetlands	Floral & Faunal Habitats	Beaches & Dunes	Barrier Islands	Reefs	Offshore Oil & Gas; Sand & Gravel
Alabama	●	P	P			
Alaska	●	●		●		●
Calif.	o	o	o			o
Conn.	o					
Del.	o	o	o			
Florida	o	o	o		●	
Georgia	o	o	●			o
Guam	●	●	o		o	o
Hawaii		o	o		o	o
Illinois	o		o		o	o
Indiana	o					o
Louisiana	●		P	P		P
Maine	o	o		o		o
Maryland	o	o	o			
Mass.	●	●	o			o
Michigan	o	o	o		o	o
Minnesota	o				o	o
Miss.	o		o	o		
NH		P	P	P		P
NJ	o	o	P			o
NY	o	o				o
NC	o	●	●	o		
N. Marianas						
Ohio	o	P	P		o	o
Ore.	o	●	●		●	●
Penna.	o	P				o
Puerto Rico	o	●	o		P	
Rhode Is.	o	o	●	●		●
(Am.) Samoa						
SC	●	o	●	●		●
Texas	●		●			P
Virgin Is.	●	●	●	●	o	
Virginia	o		o			
Wash.	o	o	o		o	o
Wisc.	o	●	o		o	o

o = Pre-existing law or program incorporated into CMP.

● = New or expanded law or program directly attributable to CZM participation.

P = Proposed law or program to be part of CMP.

- For years, bills aimed at tidelands management were introduced into the South Carolina Legislature and failed repeatedly. In 1977, however, the South Carolina Coastal Management Act was passed with only a single dissenting vote in both houses. It is stronger and more comprehensive with regard to tidelands protection than the previous bills that failed.

- Under the Alabama Coastal Act, passed in 1976, rules and regulations are being developed to protect wetlands and submerged grassbeds--the first effort of this type in the State.

- Similarly, in Louisiana, regulations are being developed that will govern activities affecting the State's coastal wetlands. Louisiana contains more wetlands than any other state in the nation. These regulations are being developed pursuant to a mandate in Act 361, the State's comprehensive coastal management act, passed in 1978 in direct response to requirements for federal program approval.

- Texas passed a Critical Wetlands Acquisition Act in 1977 which provides that the State can designate and acquire critical wetland areas in order to preserve them.

- The Virgin Islands' comprehensive coastal management act passed in 1978 provides explicitly for the protection of the Territory's mangrove stands.

- Even in advance of NOAA approval of Guam's coastal management program, a direct result of their activities to date is that permits now are required before development may occur in any of the Territory's 12 major wetlands.

In states where pre-existing wetlands laws are being incorporated as part of their coastal management programs, improvements in these laws are being achieved - in some cases through the issuance of new and expanded regulations, in others through more effective implementation, because of better information and technical reviews that are the result of coastal management programs providing additional financial or human resources.

- As a condition of program approval, the Massachusetts Executive Office of Environmental Affairs (EOEA) issued, within 4 months of program approval, rules and regulations pursuant to the Commonwealth's Wetlands Protection Act and Waterways Management Act. These new regulations provide a much clearer set of procedures and broaden the environmental review to assure wetlands will be protected in accordance with the policies of the approved Massachusetts coastal management program.

- In Connecticut, information provided by the coastal management program was instrumental in the successful preparation of a lawsuit that now provides for the application of civil penalities to violators of the State's tidelands statutes.

- In Rhode Island, the Coastal Resources Council helped reroute a transatlantic telephone cable away from a wetland that was a prime fisheries habitat.

- And in Damariscotta, Maine, a wetland destined to become a parking lot was saved because of CZM efforts.

B. Floral and Faunal Habitats

Wetlands are prime floral and faunal habitats. Most states wetlands statutes include, as a permit consideration, the effect a proposed alteration would have on the habitat value of a wetland. Beyond wetlands statutes, though, 20 states include special protection measures in their management programs which deal with important, unique or endangered flora and fauna. Of these 20, special protective provisions in 7 of these states stem directly from program development efforts.

- Five States - Florida, Georgia, Maryland, Michigan and South Carolina - include an existing state endangered species act as part of their management program. And Delaware includes its Natural Areas Preservation Act as part of the management program. Additional funds provided through 306 grants will contribute to better enforcement of these acts.

- Under Maine's Critical Areas Program, 203 areas important to flora and fauna, such as colonial bird nesting sites, have been identified and registered. Information about these areas has been used by the State Department of Transportation to avoid environmentally sensitive areas, by private owners in preventing irreparable damage, and by Tenneco in assessing the environmental impact of its proposed pipeline project.

  In some cases, management agreements and even the sale or donation of property rights have been arranged: the 1400-acre Great Wass Island and 11-acre Brothers Island Preserves have been purchased by the Nature Conservancy; numerous seabird nesting ledges and islands are being managed by the Maine Department of Inland Fisheries and Wildlife, and the U. S. Fish and Wildlife Service.

- Before Puerto Rico's coastal zone management program was approved, several unsuccessful legislative attempts were made to designate and protect a number of important habitat areas including Tortuguero and Joyuda Lagoons, and the Islands of Mona and Monita. As part of the Commonwealth's approved coastal management program, 26 areas, including those mentioned above, have been proposed for Natural Reserve Designation which will provide extra protection to these areas.

Ten states have identified critical habitats for specific species as special management areas:

- Hawaii has included five Marine Life Conservation Districts in its management program in order to provide protected habitats for the marine life found in the waters off the waters of Oahu, Hawaii, Maui, and Lanai.

- The Culebra segment of the Puerto Rico program, which was approved about a year earlier than the rest of the Commonwealth program, identified the nesting grounds of several endangered species. Special protection and surveillance of these nesting areas is provided by the Ranger Corps, funded with 306 money.

- Alaska's program includes protective standards for rocky islands and seacliffs as hauling out grounds for marine mammals;

- California's Coastal Act includes policies to protect rare or especially valuable plant and animal life or their habitats, such as kelp beds;

- Guam has designated the habitats of the sooty tern, the brown booby, and the fruit bat as protected areas;

- Massachusetts has designated Sandy Neck in Barnstable as an Area of Critical Environmental Concern. The area is a prime habitat of the Terrapin Turtle.

- As part of North Carolina's implementation of its Coastal Area Management Act, areas that are of environmental concern (AECs) because they contain endangered species have been designated and now are subject to a Coastal Resources Commission permit.

- New Jersey's Coastal Area Facilities Review Act identifies 24 different types of areas including cranberry bogs and white cedar stands that are to be afforded special protection because of their habitat value.

- In Wisconsin, CZM funding supported the development of a scientific atlas that identifies General Areas of Management Concern (GAMCs) of important or unique floral and faunal value.

And, as a result of participation in the process of developing a coastal management program, 4 states are proposing special measures:

- Alabama is developing regulations that will prohibit activities in wetlands or submerged grassbeds that would degrade these habitats beyond their ability to support present levels of plants and animals.

- Both Ohio and Pennsylvania propose to designate important floral and faunal habitats as areas of particular concern (APCs) as part of their management programs.

- Of the 11 areas of particular concern proposed in New Hampshire's coastal management program, one is for endangered species habitats.

C. Beaches and Dunes

Twenty-six states are dealing with the need to protect their beaches and primary dunes.

Four states have established construction setback lines and 2 states are proposing to establish setbacks:

- Florida's Coastal Construction Line Act establishes a minimum setback of 50 feet from mean high water.

- Under Guam's Seashore Protection Act, construction is strictly limited within 10 meters of the shoreline. An extension of the area included under this Act is under legislative consideration.

- Hawaii's Shoreline Setback Law effectively prohibits development within 40 feet of the shoreline.

- Under Texas'Dune Setback Law, the State can designate critical dunes for which local governments may establish setbacks.

- As part of regulations being developed under its recently enacted legislation, Alabama is including a 100 foot setback requirement.

- New Jersey is developing dune protection legislation that would establish a construction setback line and building standards.

Ten states already require and two are proposing to require a permit before any construction is permitted on beaches or dunes. The States with existing permits are California, Delaware, Georgia, Maryland, Massachusetts, Oregon, Puerto Rico, Rhode Island, South Carolina, and the Virgin Islands. Proposed coastal management legislation in New Hampshire includes review of proposed activities on beaches and dunes, and the guidelines being developed in Louisiana cover activities affecting beaches and dunes.

Two States - Michigan and Wisconsin - incorporate existing acts that control sand dune mining.

Two States - North Carolina and Washington - use and 1 State - Ohio - is proposing to use a form of APC designation to protect their beaches and dunes.

In Illinois and Mississippi, protection results from the fact that significant dunes in Illinois and the beaches in Mississippi are publicly owned.

D. Barrier Islands

Protection of barrier islands is primarily, although not exclusively, an issue for states along the Atlantic and Gulf coasts. According to the draft National Barrier Island Report and Plan, of the 189 barrier islands along the Atlantic and Gulf coasts, only about one-third (68) still are undeveloped:

- Under Maine's Coastal Island Registry Act, more than 1,300 of the State's 3,000 offshore islands now are clearly in the public domain and are being protected;
- New Hampshire's proposed coastal legislation would manage development on barrier islands;
- Rhode Island prohibits future development on presently undeveloped barrier beaches;
- While North Carolina's program does not cover barrier islands per se, through its AEC designation process, critical components of these islands, such as beaches and dunes, are protected;
- South Carolina's management program includes policies to discourage new public investments in infrastructure (such as roads, bridges or sewer facilities) on undeveloped barrier islands;
- All but one of Mississippi's barrier islands are publicly owned;
- Louisiana plans to issue guidelines for barrier islands so that additional management attention will be focused on them;
- And the Virgin Island's coastal act includes policies regarding the protection and preservation in their natural state of the keys off of St. Thomas, St. Croix and St. John.

E. Reefs

In the 13 states and territories where protection of reefs is a significant issue, 10 of these states have measures designed to protect reefs for their own intrinsic value and as major fish habitats.

Coral reefs are important resources of all the islands in the Pacific and the Caribbean:

- The Virgin Islands prohibits the taking of coral;
- Guam protects its reef systems by regulating fishing methods;
- Despite the fact that most of the corals surrounding Puerto Rico are in waters currently within the Federal domain, the Commonwealth is developing regulations to protect this resource in anticipation of regaining control over the submerged lands where the corals grow;
- And, three of Hawaii's marine life conservation districts contain important coral reefs which are protected by their inclusion in these districts.

In the Great Lakes Region, the concern with offshore reefs is primarily for their value as fish habitats:

- Illinois, Michigan, Minnesota, Ohio, and Wisconsin all protect these areas through their Lakebed Bottoms Permits. Illinois and Wisconsin have used CZM funds to develop fish propagation projects around the reefs.

The establishment of the Key Largo Marine Sanctuary in the Florida Keys was the direct result of the initiative and concern of the State to protect the coral reefs in the waters off Key Largo.

F. Offshore Mineral Resources

The extraction of offshore sand and gravel as well as oil and gas is an important economic activity. The extent to which State management programs provide for expedited review of such activities consistent with program policies is addressed as part of the second major category - Managing Coastal Development. What is reviewed here is the extent to which and how states manage these activities in order to assure that other values of the offshore waters, such as fisheries resources and water quality, are protected.

Sixteen states have measures regulating offshore sand and gravel mining and/or oil and gas extraction. Three states are proposing measures.

- In the Great Lakes States--Illinois, Minnesota, Ohio, Pennsylvania, and Wisconsin--lakebed permits cover all mineral extractions as well as oil and gas drilling. In Michigan, drilling in the Lakes is covered by the Oil and Gas Wells Act.
- The guidelines and standards of Alaska's coastal management program address environmental requirements for extraction of both offshore sand and gravel, and oil and gas.
- Guam's Seashore Protection Act covers offshore sand and gravel mining.
- In response to Louisiana's recently enacted coastal management act, guidelines are being developed that will address environmental impacts associated with offshore oil and gas activities.
- Both offshore sand and gravel, and oil and gas activities are covered under Maine's Site Location Act.
- Massachusetts' Ocean Sanctuary Program--regulations for which have been adopted recently in fulfillment of a CZM grant condition--identifies a number of offshore areas where pipelines and extraction activities will be conditioned and, in some cases, prohibited.

- South Carolina's 1976 Facility Siting and Environmental Protection Act contains standards offshore extraction activities must follow.
- New Hampshire's proposed coastal resources management act would cover all offshore extraction activities.
- And in Texas, the General Lands Office is proposing regulations to deal with the environmental impacts of offshore oil and gas activities.

II. Management of Coastal Development (Chart IV)

This category looks at how states are preventing or mitigating loss of life and property caused by development in such hazard areas as erosion-prone areas, coastal floodplains and areas subject to subsidence or salt-water intrusion.

Another aspect examined under this category is what priority is afforded water-dependent uses in a state's coastal zone, including for water-dependent energy facilities. In addition, state efforts were examined for examples of programs that address the difficult coastal issue of locating environmentally acceptable dredge disposal sites.

A. Management of Development in Hazard Areas

Twenty states address the potential for loss of life and property from inappropriate development in erosion-prone areas, primarily through setback requirements or beach and dune preservation laws. Four states are developing measures to deal with this problem that will be part of their management programs.

IV. MANAGEMENT OF COASTAL DEVELOPMENT

	Erosion-Prone Areas	Floodplains	Subsidence and/or Saltwater Intrusion	Energy Facility Siting	Priority to Water-Dep. Uses	Locating Dredge Disposal Sites
Ala.	P	P	o		●	
Alaska	●	●	●	●	●	
Calif.	o		o	o	o	
Conn.					P	●
Del.	o				o	
Florida	o			o		
Georgia	o		o		o	
Guam		●				
Hawaii	●	●	●		●	
Illinois		o				●
Indiana		o				o
Louisiana	P	P	P	●		P
Maine	o	●			●	
Maryland	o	o		o	o	
Mass.	●	o		o	●	o
Michigan	●	o			●	
Minn.		o				●
Miss.					P	P
NH		●	P		P	
NJ	●			o		
NY	P	P		o	P	●
NC	●	●	o	P	●	P
N. Marianas						
Ohio	P	P		o		●
Ore.	●	●			●	P
Penna.	●	●		P		
Puerto Rico	●	●			o	
Rhode Is.	●	●				●
(Am.) Samoa						
SC	●		o		●	
Texas		o	o			P
Virgin Is.	●	●		●	●	
Virginia						
Wash.	o	o		o	o	●
Wisc.	o	o		o	o	●

o = Pre-existing law or program incorporated into CMP.

● = New or expanded law or program directly attributable to CZM participation.

P = Proposed law or program to be part of CMP.

Four states are using their coastal management programs to expedite compliance with the Federal Flood Insurance Administration's (FIA) minimum requirements, and three are proposing to do so.

Eleven states go beyond the FIA requirements in order to control development in floodplains or storm surge areas, again through setback requirements, stipulations on permissible uses, and mandatory construction techniques in floodplains, and three are proposing legislation or regulations that will have this effect.

Eight states have management controls over areas subject to subsidence or where development could lead to salt-water intrusion, and one state is proposing controls.

Here are some highlights of how states are dealing with erosion issues:

- Erosion is one of the major issues with which the Michigan program deals. Using the authorities provided in several existing Acts--the Soil Erosion and Sedimentation Control Act of 1976, the Sand Dunes Protection and Management Act of 1976, and the Shorelands Protection and Management Act of 1970--Michigan has used CZM funding to identify, designate and more effectively manage over 125 miles of high-risk erosion-prone areas along the shoreline of Lake Michigan.

- Included among the enforceable policies of the California Coastal Act are several dealing with development in erosion and earthquake-prone areas, and areas where there are important aquifers. These policies all constitute criteria on which the States and Regional Coastal Commissions base permit decisions.

- In developing its coastal management program, New Jersey developed regulations restricting development in high-risk erosion areas.

- New York has introduced legislation that will establish a construction setback tied to the 30 year recession rate.

- In Pennsylvania, one beneficial result of earlier program funding was the development of erosion control and setback ordinances that have since been enacted into law by three local communities along Lake Erie.

- Under authorities contained in North Carolina's Coastal Area Management Act, the State's Coastal Commission has identified and designated erosion-prone areas as Areas of Environmental Concern (AEC's). These AEC's are now subject to a permit before any development is allowed in these areas.

- Rhode Island identified significant erosion areas in its coastal program and established setback requirements and other restrictions in regulations.

In the area of floodplain management:

- As a direct result of the Guam Coastal Management Program, regulations were developed governing the type and method of construction permitted in floodplains. These regulations have been adopted by the Territory's Planning Commission which must issue a permit for all construction on the island. In addition, the seashore reserve setback that runs around the perimeter of the island assures there will be strict limitations on construction within 10 meters of the shoreline.

- Based on studies funded by CZM, the Maryland Legislature enacted two bills in 1976 that deal with managing development in the State's floodplains. One is the Flood Control-Watershed Management Act, and the other is a State Construction Projects Act which prevents State-funded projects from increasing flood hazards.

- Texas has established a coastal hurricane awareness program to inform the public of the potential dangers of development in storm surge areas along the Texas coast.

- Prior to the initiation of the CZM effort in New Hampshire, development of Flood Insurance Rate Maps (FIRM's) was a low priority for coastal communities. As a result of CZM priorities, all coastal communities in New Hampshire will be in the regular phase of the FIA program 2 years earlier than previously anticipated.

- Hawaii's CZM Act contains policies that must be followed by state agencies and local governments to avoid development that will contribute to loss of life or property in floodplains, tsunami zones and areas subject to storm waves, erosion or subsidence.

- Ohio, Georgia, and Pennsylvania are proposing as part of their coastal management programs that local communities be required to adopt and adhere to FIA standards.

And with regard to subsidence and saltwater intrusion:

- The Alaska Coastal Act includes a hazards policy governing activities in areas of tectonic subsidence.

- Saltwater intrusion is a major environmental problem in Louisiana identified by CZM studies. CEIP funds have been directed at solving this problem in St. Bernard Parish where a freshwater siphon is being built to divert water from the Mississippi River into the marsh. This is a prime oyster and shrimp producing area that has been hard hit by saltwater intrusion. In addition, guidelines are being prepared by the State addressing subsidence and saltwater intrusion.

- One of the impacts of approval of the South Carolina management program will be the ability to use 306 funding to implement a State groundwater withdrawal law that's been on the books for a number of years, but never has been implemented effectively because of lack of personnel.

- In Texas, a coastal subsidence district has been established to control industrial water withdrawal.

One aspect of management of coastal development that is particularly important is what states are doing with respect to energy facility siting, in view of impacts such facilities and associated uses can have on coastal resources as well as the national interest in assuring an adequate supply of energy.

Twelve states have expedited permit processing procedures, advance site designations, advance purchase programs or state override for energy facilities in the coastal zone:

- Unique among all the states is Maryland's program of advance designation of appropriate sites for power plants and acquisition of these sites when needed. This is probably the most ambitious and sophisticated program of its type in the country. While the program was not initiated in direct response to the CZM Act, it is being incorporated as an integral aspect of the State's coastal management program in response to the new energy facility planning requirements added to the Federal Act in 1976.

- Dealing with energy facilities is a major aspect of both the California management program, and the San Francisco Bay segment. Two items are worth noting:

  - The Coastal Commission has completed a review of the California coastline and has identified sites that are inappropriate for power plants, as well as onshore and offshore sites that are appropriate for liquefied natural gas facilities.

  - As part of the San Francisco Bay Plan, the Bay Conservation and Development Commission (BCDC) designated sites that would be appropriate for future industrial or energy facility development. Once a site is so designated, the Commission will not issue a permit for a use incompatible with the area's designation.

- Under North Carolina's AEC procedure, sites appropriate for industrial use - including energy facilities - can be designated.

- The energy facility siting laws in Massachusetts, New York, New Jersey, and Ohio provide for state override of local zoning for certain energy facilities.

- LOOP - the Louisiana Offshore Oil Port - has been designated as a special planning and management area in Louisiana's program.

- Alaska's coastal management Program contains guidelines and standards addressing energy facilities.

- As part of its coastal management program, the Virgin Islands designated sites that would be reserved for water-dependent heavy industry, including refineries.

- As part of their 10-year electric facilities plans Wisconsin and Florida identify sites necessary and appropriate for needed electric-generating facilities.

Seventeen states have provisions for giving priority to water-dependent uses. These provisions vary greatly. Some states use water-dependency as a permit criteria; others focus on their port areas, fishing or boating facilities:

- Demonstration of a use's water dependency or relatedness is the first consideration that must be met before the Department of Conservation and Cultural Affairs will issue a permit under the Virgin Islands CZM Act.

- Similarly California and Puerto Rico use water dependency or relatedness as a major criterion in evaluating permit requests for activities in their coastal zone.

- Oregon's legislatively enacted coastal goals give priority to water dependent uses along the Oregon coast. Policies contained in coastal Acts in effect in South Carolina, Washington, Hawaii, and Alaska give similar priority to water dependency.

- Port areas receive special attention and priorities in the programs of Massachusetts, Michigan, Alabama, Washington, and Oregon.

- In New York, proposed legislation would afford water dependent uses priority in 20 of the State's ports. In addition, this legislation would require cities, and leave as an option for towns and villages, to designate water dependent areas and to zone these accordingly.

- With a financial boost from the Wisconsin CMP, two state agencies and the directors of the four major ports have formed the State Council of Ports. This is the first time all of the major ports in the State have worked cooperatively on a comprehensive and unified port marketing campaign based on common goals and objectives.

- High priority has been assigned in the Maine CMP to providing fishing facilities. As part of the State's program development, a cooperative effort between coastal communities, the state DOT, and the Governor's Committee on Coastal Development and Conservation was initiated that will result in a $8 to $10 million bond issue to develop four new fishing piers, and renovate/expand two existing ones in the Towns of Kennebunkport, Portland, Boothbay Harbor, Rockland, Vinalhaven, and Stonington.

  In addition, the CZM program supported a feasibility study for commercial aquaculture development in the waters of Cobscook Bay surrounding Eastport. A follow-up project now is underway by five towns experimenting with clams, mussels, and scallops.

With respect to identifying and designating environmentally acceptable dredge spoil disposal sites, ten states have significant activities ongoing, and five states are proposing relevant actions:

- Through studies financed by CZM, appropriate disposal sites for dredged materials from Calmet Harbor in Illinois, Duluth Harbor in Minnesota, and Superior Harbor in Wisconsin, have been identified.

- The goal of the CZM Act to foster greater intergovernmental coordination is being fulfilled by the Wisconsin Coastal Management Council's present effort to re-examine and reconcile the differences between the State's policy on open water disposal of dredged materials and that of the Corps of Engineers.

- The States of Connecticut and New York, using CZM funds, have finalized a Bi-State Interim Dredge Disposal Plan that identifies appropriate disposal sites, as well as acceptable disposal methods based on the toxicity of the spoils.

- A major focus of both the Gray's Harbor planning effort in Washington State and the interstate effort of Washington and Oregon related to the Columbia River (CREST) is the identification of environmentally acceptable dredge spoil disposal locations.

- Proposed regulations in Texas and Louisiana and proposed legislation in Mississippi would establish criteria for acceptable disposal sites.

- And Rhode Island has developed regulations governing dredge disposal.

III. Increased Recreational Access-Protection of Historic and Cultural Resources (Chart V)

The third major area where the Act anticipates substantive outcomes--increased access to the shoreline for recreation purposes and protection of cultural, historic, and aesthetic resources--is probably the area where results will be the most visible. The potential exists to give the general public a sense of real benefit from coastal management efforts through activities that afford greater public use of the shoreline. For most of the public, the image of the coast is that of recreational use and enjoyment--swimming, surfing, fishing, sailing, or walking along a beach.

Nine states require access be provided as a condition for issuing permits:

- As a result of the requirements in the California Coastal Act, the Regional Coastal Commissions have conditioned permits to provide access to and along the State's shoreline. In the Malibu area alone, more than 125 access easements along the beach and more than a dozen from the public road to the beach have been secured.

  The Cities of Redondo Beach, Santa Monica, and Long Beach have approved redevelopment projects which include new public parks and improved beach access.

- Alaska's coastal management act includes policies regarding provision of access to the coast for hunting and fishing purposes.

V. INCREASED RECREATIONAL ACCESS-PROTECTION OF HISTORIC/CULTURAL RESOURCES

	Required Dedication of Access	Open Beach Laws or Court Action	Protection/ Restoration of Historic & Cultural Res.	Protection of Scenic Areas/ Provision of Visual Access	Urban Waterfront Projects
Ala	P		P	P	
Alaska	o		●		
Calif.	●		o	o	
Conn.			●		New Haven Stamford Norwalk
Del.		●			Wilmington, Newcastle County
Fla.					Miami, Sarasota
Ga.			o	P	Brunswick St. Mary's
Guam		o	o		
Hawaii	o	o	●	●	Honolulu
Ill.			●	●	Chicago-Waukegan
Ind.					
La.			●		Moon Walk; Lincoln Park
Maine				o	Calais South Portland Vinalhaven
Md.	o		o		Cambridge Creek
Mass.			●	●	
Mich.			●	●	Detroit
Minn.					Duluth,
Miss.					Gulfport
NH	P			P	Portsmouth, Exeter
NJ	o			o	Jersey City
NY			P	o	Buffalo
NC			o		Wilmington
N. Marianas					
Ohio					
Ore.		o	o	o	
Penna.	P		P		
P.R.	o		o		San Juan
Rhode Is.		●	●		
(Am.) Samoa					
SC	●		●		
Texas		o			
Virgin Is.	o	o	●	●	
Virginia					Alexandria, Norfolk, Newport News, & Va. Beach
Wash.			●	●	Seattle
Wisc.	o		●	●	Milwaukee, Kenosha

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- In South Carolina, one of the criteria for approving erosion control projects is that existing shorefront access will be preserved.

- Alabama is drafting regulations that would require access be provided in connection with approval of public projects.

- And New Hampshire is proposing that some APCs be designated for the purpose of providing access.

Five States - Oregon, Texas, Guam, Hawaii, and the Virgin Islands - have Open Beach Laws.

Through legal analyses funded by CZM, Delaware has been able to identify public lands along the shoreline that have been encroached upon by private development and actually are part of the public domain.

A major legal survey is underway in Rhode Island to re-establish over 70 public rights-of-way.

Twenty states have projects underway that will create new urban waterfront parks and generally will make better use of their waterfronts for recreation purposes:

- In Detroit, Michigan, river-front parks will be developed using CZM funds to design linkages among the parks. The cost of constructing and landscaping these parks will be picked up by the Heritage Conservation and Recreation Service (HCRS).

- New Jersey used CZM funding to sponsor a summer shuttle bus from a parking facility to a beach some distance away. The project proved so successul the State absorbed the full cost of the project the following summer.

- One outcome of the Duluth-Superior port study, undertaken jointly by Wisconsin and Minnesota, is the design of a bike path around the harbor areas.

- And, through a CZM funded study, the Town of Evans in New York was able to convince the State Office of General Services not to sell off some surplus land along the Town's Lake Erie shoreline, but rather to retain it as public open space.

Six states are using their CZM program to implement more effectively existing State historic preservation laws, and five states are in the process of preserving or restoring historic buildings and cultural sites, using CZM funds:

- As part of its coastal management program, Massachusetts reviews all activities near designated historic sites to assure the proposed activity will not adversely affect the character of the site.

- In addition to including its state historic preservation laws as part of its management program, North Carolina's AEC designation process provides for the designation of cultural and historic sites and districts as areas of environmental concern.

- The State of Wisconsin estimates that its survey of historic structures and potential archeological sites will be accelerated by 2 to 5 years because of funding that's been made available through the CZM program.

- Historic restoration and preservation projects are underway in Wisconsin (the Flambeau Trail), Illinois (Evanston lighthouse restoration), Michigan (restoration of the Schoolcraft House at St. Mary's River, Fort Wayne in Detroit, and the Grindstone City Historic District), Connecticut (Norwalk's historic seaport and park design), and Louisiana (Moon Walk and Lincoln Park).

In the exceedingly difficult area of protecting scenic views and enhancing visual access to the shoreline, twelve states have activities underway, and three are proposing ways to address this issue:

- The California Coastal Commission and the Bay Conservation and Development Commission in San Francisco both review requests for development in light of their impact on views of the waterfront.

- New Jersey can restrict buildings that would cast a shadow on the beach and would be incompatible with surrounding development.

- Illinois has used CZM funds to develop aesthetic landscaping around a nuclear power plant adjacent to a state beach park.

- Alabama is developing regulations that would require visual access be provided in connection with public projects.

- And, New Hampshire is proposing to designate APCs of scenic importance.

IV. STREAMLINING OF GOVERNMENT DECISIONMAKING (Chart VI)

Better coordination among government agencies and communication between government and the public is an extremely important objective but difficult to measure. While it can be assumed that exchange of information between agencies, memoranda of understanding or additional personnel will make for more efficient and effective government, it is difficult to develop measures to test this assumption. The one area where measures can be developed and which vitally affects the public is in the area of permit simplification. Accordingly this category has focused on such permit simplification activities as the establishment of joint permit procedures with the Corps of Engineers, consolidation of several state permits, use of computer tracking or a permit clearinghouse, and the extent to which additional personnel and/or improved information have resulted in decreases in the time required to make permit decisions, while still assuring conformance with a State's management program.

What is noticeable from the chart is that state activities in this area are somewhat more limited than in the other 3 categories. This is, in large part, a reflection of two factors - one is the great complexity and difficulty involved in making changes at the state level of government. The other is the fact that a great deal of this complexity is a function of Federal requirements over which States have very little control. Nonetheless, even in this very complex and difficult area, States are beginning to make headway, in many instances because of CZM funding, in simplifying government regulations and procedures.

IV. STREAMLING OF GOVERNMENT DECISION-MAKING
PERMIT SIMPLIFICATION

	Joint COE/State Application and/or Hearing 1/		Consolidated State Permits	Clearinghouse and/or Computer Tracking	Permit Review Time Decreased
Alabama		P		P	
Alaska			o		
Calif.					
Conn.		DEP			
Del.					
Florida	DER &	DNR			
Georgia		DNR	●		
Guam					
Hawaii			P	●	
Illinois		DOT			
Indiana					
Louisiana		P	P		
Maine					
Maryland		DNR		o	
Mass.			o	●	●
Mich.		DNR	o	●	●
Minn.					
Miss.		MRC	P	P	
NH					
NJ					o
NY					
NC		DNRCD			
N. Marianas					
Ohio		P	o		
Oregon				o	
Penna.			P		
Puerto Rico		P			
Rhode Is.					●
(Am.) Samoa					
SC		SCCC	●		●
Texas					
Virgin Is.		P	●		●
Virginia		MRC			
Wash.		WDF	o		
Wisc.		DNR			●

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1/ Initials column indicate State agency that has cooperative arrangement with the Corps of Engineers.

Twelve states have established joint permit and public hearing procedures with the Corps of Engineers, and five are proposing to do so.

Eight states have consolidated several state permits and five states have permit clearinghouses or tracking systems that reduce considerably the time and effort involved in getting a permit decision. Four states are proposing to consolidate a number of state permits and two states are proposing to establish computer tracking systems.

- In the Virgin Islands, where prior to passage of their CZM Act, four permits were required from different agencies, now only a single coastal permit from the Department of Conservation and Cultural Affairs is required.

- South Carolina has established a general permit to simplify the process for individuals who want to construct a private recreation pier or dock.

- And as a result of the South Carolina Coastal Council's takeover of tidelands permitting, over 30 applications, pending at the time the South Carolina Coastal Act was passed, have been resolved. Some of these applications had been pending for up to 7 years.

- Massachusetts, Michigan, Rhode Island and Wisconsin have experienced a noticeable decrease in the time and effort required to process permit applications as a result of using CZM funds to staff permit offices:

    - 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.

    - The average time required by the Rhode Island Coastal Resources Council to review coastal permits has decreased to 30 days.

- In Wisconsin, the average length of time needed to review water quality permits has dropped from 60 to 16 days, as a result of additional staff provided to three district offices.

- In Maryland, a state interagency task force reviews applications that will require several state permits early in the process. This review is intended to identify major issues and information needs which will assist both the applicant and the state agencies.

- Washington, Alaska and Massachusetts all have an option for applicants to file a master application that meets the requirements of a number of state environmental permits. Michigan has a similar option for any activity requiring more than one permit from the divisions of the Department of Natural Resources. And Louisiana is proposing to establish a "one-window" permit system within a year.

Federal Consistency

One important aspect of intergovernmental coordination is the application of the Federal consistency provisions (sections 307(c) and (d)) of the CZMA. These provisions are designed to foster strengthened intergovernmental coastal resource management following federal approval of a state's coastal management program.

The consistency provisions provide various mechanisms to ensure that Federal agency activities, including development projects, Federal licenses and permits, OCS plans, and financial assistance to communities, conform to approved state coastal management programs. The consistency provisions include a variety of procedures to assure states receive notice and information on federal actions. The provisions also offer consultation and conflict resolution procedures to promote intergovernmental agreement.

The consistency provision have been of great concern to Federal agencies, states and other affected parties. Substantial controversy emerged following promulgation of proposed regulations to implement the the provisions in September 1976. Thereafter, intense interagency debate lead to an OMB review which delayed issuance of final regulations until March 1978. As a consequence of the substantial number of comments received during the development of the regulations, the varying procedures to implement the provisions grew more and more complex as changes were incorporated to address the particular concerns of various interests. The final regulations were complicated further by changes resulting from congressional amendments to the consistency provisions in 1976 and 1978.

Many states have been faced with significant start-up problems in implementing the consistency provisions. Difficulties stemmed primarily from the uniqueness, complexity and controversy surrounding the provisions. States whose coastal programs were federally approved prior to issuance of final regulations were in a particularly disadvantageous position for they were faced with uncertainty as to required procedures for initiating implementation. Accordingly, intergovernmental coordination, pursuant to the consistency provisions, has not, as yet, had a full opportunity to work effectively.

Notwithstanding the start-up difficulties, a growing number of results in the area of intergovernmental coordination has occurred as states start implementing the consistency provisions. Generally, the best results

ensue when the consultation envisioned by the consistency provisions has occurred at the earliest stages of a proposed activity. Benefits have been in the form of increased information exchange and discussion between states and Federal agencies leading to better understanding of a proposed project, adjustments to make it consistent with a state's management program, and avoidance of conflict at the latter stages of a project's development that could result in its delay or cessation.

No federal action yet has been subject to the mediation or appeal procedures of the consistency provisions. This may be attributed to the early coordination and negotiation on the part of coastal states, federal agencies and applicants for Federal licenses and permits, OCS plans, and community assistance.

Results can be seen in four areas: consistency for (1) Federal agency activities including development projects, (2) federal license and permit activities, (3) OCS plans, and (4) federal assistance to state and local governments.

Direct Federal Agency Actions

The consistency provisions have led to significant intergovernmental coordination with respect to direct Federal agency actions. This is one area where States traditionally have not been a full partner in resource planning and management. State participation in Federal agency decision-making in accordance with the consistency provisions has ensured that Federal projects complement rather than conflict with the coastal management programs.

- Maine and the Department of the Navy have exchanged information and cooperated to provide for expanded Navy housing facilities which conform to the State's coastal policies.

- Massachusetts and the Department of the Interior's Fish and Wildlife Service are working together to relocate a proposed facility in a wildlife refuge to avoid placing it in a coastal hazard location.

- Wisconsin is working with the Corps of Engineers and the Environmental Protection Agency to resolve differences regarding open-lake dredge spoil disposal.

- Rhode Island is working with the General Services Administration on the Federal disposal of shorelands in the Quonset Point-Davisville area that may be used for on-shore activities related to OCS development.

- Washington and the National Oceanic and Atmospheric Administration are working closely to make certain that a proposed NOAA regional facility on Lake Washington is consistent with the State's coastal program.

- Oregon has consulted with the General Services Administration on the disposal of 175 acres of shoreland property. Its future use as a port facility will be in conformance with the State's policies related to water-dependent development.

- The Forest Service and Oregon have coordinated on a project calling for the removal of an agricultural dike to restore the Salmon River estuary as part of the Cascade Scenic Research Area.

- Washington has worked with the Navy to ensure that a construction of a TRIDENT submarine refit pier causes minimal marine habitat damage in conformance with coastal program policies.

- The National Marine Fisheries Service coordinated with Oregon regarding the construction of an aquacultural research facility in Newport which complied with the State's coastal policies.

Federal Licenses and Permits

Uneven results have occured with respect to implementing consistency for Federal licenses and permits. In many coastal states, regulatory systems already are in place leading to concurrent requirements for both federal and state permits. Where consistency requirements would simply

duplicate existing systems of review, states have refrained from utilizing the provisions. Where concurrent state procedures are limited or non-existent, the consistency provisions have provided states with additional authority.

The most significant result in this area has been enhanced inter-governmental consultation and coordination leading to simplified and sometimes joint Federal/state permit review:

- California and Washington rely on their regional and local coastal permitting systems to ensure federal and state permits are compatible.
- New Jersey's and North Carolina's special coastal permitting procedures work concurrently and in coordination with Federal permitting systems related to the use of coastal resources.
- Michigan has worked with the Corps of Engineers, the Coast Guard and the Department of the Interior at the early stages of permit review. Coordination has led to activity modifications to ensure conformance to both Federal and State requirements.
- Oregon has intervened and is consulting with the Federal Energy Regulatory Commission on a dam construction proposal upstream of the coastal Rogue River which is designated as a State scenic waterway.

OCS Plans

A special consistency requirement is that OCS lessees provide coastal states with an opportunity to review OCS exploration and development/production plans. This is a significant provision as it allows coastal states to influence critical OCS activities which take place outside of the coastal zone but which may substantially affect coastal zone resources. Most coastal states which have had an opportunity to utilize this provision have concurred with the OCS plans submitted for review.

- California reviewed two OCS exploration plans and determined lack of conformance with the State's coastal policies related to containment of oil spills. After consultations with the lessees, the OCS plans were modified to provide for additional oil spill clean-up equipment. State approval followed. In each case, State review, consultation and approval took place in less than 30 days.

Federal Assistance

The consistency provision relating to Federal assistance assures that community projects receiving Federal aid will be consistent with the State's coastal program. The provision is implemented by use of OMB's A-95 clearinghouse system which provides for the evaluation, review and coordination of Federally assisted programs. Benefits from this provision have primarily been in the form of greater and more uniform use of the A-95 system by Federal agencies and states, thus assuring comprehensive coordination.

- California, Maine, New Jersey, Rhode Island, Michigan and Wisconsin in combination, have reviewed 71 Federally assisted projects to ensure compatibility with coastal program policies.

- Washington is working with the Federal Aviation Administration to ensure that an application for airport planning and construction grant funds by the city of Ocean Shores conforms with the Grays Harbor Estuary Management Plan. The FAA conditionally approved the grant pending final negotiations between Ocean Shores and the Grays Harbors Estuary Management Council.

All the results noted in this section demonstrate that coastal management is making a difference. While it is true that changes of this type require time and patience, and often are not as sweeping or dramatic as might be hoped, nonetheless, they are important changes. They provide an indication of where the program has been and where it has yet to go. These results will serve as a baseline for measuring and assessing the contribution of the national program to coastal management objectives in the ensuing years.

Assessments of Coastal Zone Management

Five years have been devoted to working out the novel concepts contained in the Coastal Zone Management Act. These years have not been without controversy. This is inevitable for a new and complicated effort like coastal management. Disagreements were bound to arise over the interpretation and implementation of important provisions of the Act.

In assessing the worth of this program and its future, it is instructive to review the range of views that have been expressed on interpretations of Congressional intent in the CZMA, rules and regulations promulgated by OCZM (particularly those for program approvals and Federal consistency), and on State CZM programs submitted for approval. Extensive comments have been provided by States, Federal agencies, national environmental organizations and trade groups representing energy interests.

The information in the discussion that follows was derived from three sources: in-depth interviews in 10 states, comments on OCZM's program development and approval regulations and its Federal consistency regulations, and dialogues with representatives of national interests groups and other Federal agencies. Over 240 interviews were conducted between February - April 1978 with state legislators, local officials, state and Federal agency employees, representatives of environmental, developmental and citizen interest groups, and representatives of ports and industry in 10 States - California, Maine, Maryland, Michigan, North Carolina, Oregon, Rhode Island, South Carolina, Washington and Wisconsin.*

Before getting into specific comments on the strengths and weaknesses of the CZM program, a general observation is appropriate - what may be viewed by one individual or group as a strength of the program may be viewed by another as a weakness, depending on the particular orientation and expections held by the viewer. While this is obvious, it is important in providing the proper perspective for reviewing the assessments that follow.

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* These states were selected primarily because they represent a sample of states with approved programs from each of OCZM's geographic regions. The only exception is South Carolina which was chosen to provide an additional state from the South Atlantic region. South Carolina's program is sufficiently well developed to approximate the form it will take when approved.

Comprehensiveness

The clear intent of the CZMA is development of comprehensive programs which recognize and respond to a variety of resource management problems. As compared to many single-purpose programs, the CZMA provides for an integrated, multi-faceted approach to management that is sensitive to interactions among coastal resources and uses. It is this comprehensiveness that is cited by many as a basic strength of the program. It provides a rational policy framework for addressing conflicts over coastal resources and areas. Comprehensiveness is seen as a necessary requisite to addressing the number, complexity and interrelatedness of coastal management issues.

There are some, though, who claim that this requirement for comprehensiveness, coupled with the relatively short time frame allowed for developing approvable programs, has resulted in very broad-brush programs which do not treat issues with enough specificity to provide a clear understanding of how certain resources are to be treated or use of areas restricted.

How are one views the requirement for comprehensiveness is very much related to what one believes Congress intended a management program to be. Most of the requirements of the Act speak to the development and application of a management process to guide decisions regarding coastal uses, resources and areas. This has involved establishment of policies and procedures, the application of which leads to specific determinations on a case-by-case basis. Many regard this as strength of the program

since it provides a reasonable framework for decision-making, given the breadth of the geographic area covered by state coastal programs and the complexity and number of factors that need to be taken into consideration.

Conversely, many believe that the national program, and the state programs that collectively comprise the national program, cannot meet the four major objectives of the Act unless they are site specific and provide, in advance, certainty as to whether or not and how individual resources are to be preserved or used.

These assessments are very much related to assessments of the concept of balancing that is one of the basic foundations of the Act.

Balancing

The CZMA calls for a balancing of a number of divergent interests in order to arrive at the appropriate degree and type of protection and management for coastal resources. This involves assessments of environmental protection requirements versus economic development needs, long-term as well as short-term costs and benefits, and the differing interests and perspectives of various levels of government.

Indeed, it is this requirement to consider all these different factors that many regard as a strength of the Act. Too often, pressures for short-term solutions have aggravated long-term problems and limited the breadth of factors considered in arriving at solutions. State management programs provide a basis for making reasoned trade-offs, and for assuring the full range of factors that should enter into individual decisions will be considered.

There are some, however, who believe that the Act was not designed to be totally balanced and, therefore, are disappointed with the results that are occurring. Notably, representatives of national environmental groups believe that the Act, as originally passed, was intended to be first and foremost an environmental protection statute, and that the major emphasis should be on the protection and preservation of such prime coastal resources as wetlands, beaches and dunes, and barrier islands. In their view, neither OCZM's regulations nor the state programs provide adequate protection for these resources. Whether or not this is true should be reviewed in light of the results indicated in the previous section. At issue is the level and type of protection afforded the resources and the pace at which management activities are occurring.

From a different perspective come critiques of the program, especially OCZM's interpretation of the national interest and uses of regional benefit provisions of the Act, to the effect that energy facilities should be accommodated in state programs. Representatives of the energy industry believe that the cumulative effect of the 1976 amendments to the Act was to create a presumption in favor of siting energy facilities in the coastal zone in order to meet national energy needs.

Cost-Savings

Much debate centers around the question of whether the coordinated management activities anticipated by the Act will result in reduced costs and more cost-efficient and effective public expenditures or whether state programs will have the opposite effect of increasing costs and complicating procedures by adding to, rather than simplifying, the regulatory process.

Management programs have implications for public and private expenditures for coastal development and conservation, community facilities and services, and the operation of public regulatory programs.

On the one hand, the potential exists for coastal management activities to lead to long-term public savings at all levels of government by creating more efficient and coordinated government decision-making procedures, by simplifying or reducing the number and type of permits required, by consolidating growth in existing developed areas, and by causing internalization of private costs of development (through requirements for provision of access, community facilities and environmental mitigation measures).

On the other hand, the potential also exists for coastal management programs to complicate further a regulatory process that already is time-consuming and costly from the point of view of both private and public interests. To the extent state management programs add on new requirements above and beyond existing Federal, State and local permits, this concern may be valid. To the extent new or existing requirements are

coordinated and integrate coastal management policies into the permit process, substantial savings in time, money and person power may accrue with the added benefit of better management of coastal resources.

Given the early stage of implementation of most state management programs, it is still too soon to determine quantitatively the monetary impact of coastal management. In the area of Federal consistency, where major controversy centered about the anticipation that its operation would result in long delays and additional costs, the results to date do not support this concern. Major delays have not occurred and there is no indication that project costs have increased significantly as a result of the consultation and adjustments that are part of the Federal consistency process. Nonetheless, there still are legitimate questions whether the consistency process wouldn't work more effectively and efficiently if the procedures were simplified.

Public Awareness

Finally, there remain differing assessments on whether the national coastal zone management program has been an effective force in raising public awareness of coastal problems and support for the necessary management activities to resolve these problems.

In its June 1978, report on Public Support for Coastal Zone Management programs, the national Coastal Zone Management Advisory Committee indicated that one of the major problems the Committee found hindering the development and implementation of state management programs was the lack of a strongly supportive, well organized and active constituency.

On the other hand, changes in public attitudes were cited by numerous individuals in every case study state as one of the most significant accomplishments of the national and state programs. Through technical information, public participation and awareness activities, coastal planning, policy formulation and legislative deliberation, the general level of citizen awareness of coastal management has been increased substantially, resulting in more public support for wise use of the coastal zone. Citizens now have a greater knowledge of the value of coastal resources, the development and conservation pressures, and the concepts embodied in coastal management programs than before the Coastal Zone Management Act was passed.

Conclusion

The coastal zone management program is ambitious in its goals. Almost unique among government programs, it attempts to deal with a diversity of complex issues in an integrated fashion. In addition, it seeks to ensure adequate representation in the decisionmaking process of all affected interests and levels of government. Given the complexity of this this program, it is not surprising then that differences exists as to the extent to which the goals of the Act are being achieved.

It is clearly too early in the life of the program to expect full scale results. Yet, if support for the continuation of the program is to be forthcoming, the concept and approach of coastal zone management must be found to be working.

The information contained in this report indicates that the processes being put in place as a part of the coastal zone management effort are beginning to make a difference. The results show that additional attention is being paid to the protection of coastal wetlands, dunes and beaches, and other significant natural resources. Encouraging signs are appearing that coastal development is being managed more rationally than before, though much more remains to be done in this area. Similarly, states and localities are taking steps to provide additional access and to protect the cultural, historic, and aesthetic resources found in their coastal areas through their CZM programs. And, in a growing number of states, steps are being taken to simplify and streamline the permitting process for coastal development consistent with state CZM policies.

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