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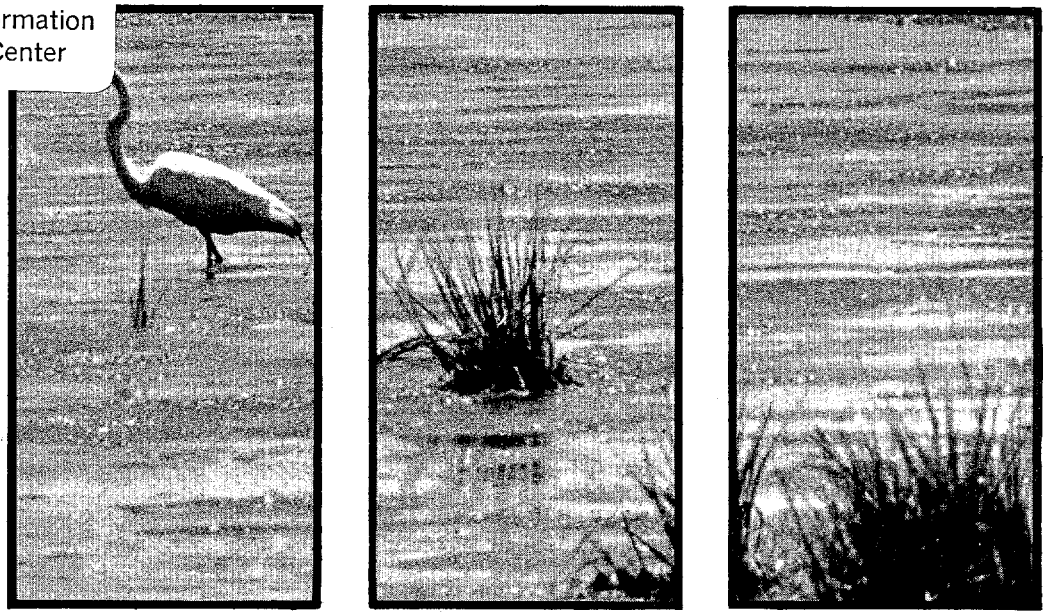

WORKING PAPER NO. 5

PUBLIC INVOLVEMENT
DELAWARE'S COASTAL ZONE MANAGEMENT PROGRAM

AUG 15 1977
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FEDERAL STATE INTERACTION AND THE NATIONAL INTEREST

July 1977

Delaware Coastal Management Program

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OFFICE OF MANAGEMENT, BUDGET, AND PLANNING

Dover, Delaware 19901

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WORKING PAPER NUMBER 5

FEDERAL-STATE INTERACTION
AND
THE NATIONAL INTEREST

June 1977

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PREFACE

This is the fifth in a series of working papers which will be issued to interested citizens and governmental officials so that they may actively and effictively participate in the development of Delaware's Coastal Management Program. The papers will contain the major components of the management program now being developed under the direction of the Office of Management, Budget and Planning. Working papers will be issued on the following six subjects:

1. Program Overview and Public Review Guidelines
2. Coastal Zone Boundaries
3. Geographic Areas of Particular Concern
4. Program Goals and Objectives
5. Federal-State Interaction and the National Interest
6. Authorities and Organization to Implement Program
7. Permissible Uses

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INTRODUCTION

The purpose of this working paper is to set forth federal agency interests in Delaware's coastal areas: their land ownership, current activities and facilities and, most importantly, their perspective of the national interest as it relates to Delaware's coast and the responsibilities of their agency.

Federal agency interests in Delaware's Coastal Management Program documented in this working paper reflect actual agency responses to written queries, edited or paraphrased only for clarity or space.

This paper also cites the federal statutory requirements for federal-state interaction and the procedures established to effectuate it during the program development period.

GENERAL

Delaware's Coast - A Resource of National Significance

Delaware's coastal regions are of more than local or State importance; they constitute a resource of national significance. Visitors from a wide geographical area enjoy the recreational facilities found along the coast; use of the coastal lands and adjacent waters for national defense and national security is important to the country because of military installations located in these regions; the Delaware River and Bay is a major waterway for national and international commerce. Delaware's coastal and estuarine areas are vital habitats for the nation's fishery resources; major industries producing important products for distribution throughout the country are located there; potentially significant deposits of oil and gas lie deep under the ocean's floor not too far off Delaware's shores. Federally managed wildlife refuges for migratory birds, located at strategic points along the Atlantic Flyway, can be found on Delaware's coast.

The Coastal Zone Management Act of 1972, Public Law 92-583

Recognizing the distinct and irreplaceable value of the Country's coastline, the United States Congress enacted the Coastal Zone Management Act of 1972 (Public Law 92-583) which states in part: "...it is national policy...to preserve, protect, develop, and, where possible, to restore or enhance the resources of the Nation's coastal zone for this and succeeding generations."[1]

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[1]Section 303(e).

Under the Federal Act, Delaware has received financial assistance for development of a coastal management program which will provide the basic policies governing both state and national interests in Delaware's coastal regions.

To help achieve these ends, Delaware is actively seeking assistance and cooperation from federal agencies in the preparation of its coastal management program. Through this process, there is an opportunity for national interests as perceived by federal agencies to be incorporated into the preparation of the management program.

Planning for the National Interest

To ensure that the national interest is adequately addressed, the Federal Act requires that the State's coastal management program provide "for adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature."[2]

Recognizing its responsibilities to the rest of the nation, Delaware is making every effort to consider the national interest in its coastal management planning and has developed a procedure for federal-state coordination which is designed to identify this important factor.

Because national, state and local needs may change in the future, occasions may arise where certain federal activities would conflict with State policies. Accordingly, an onging federal-state coordination procedure will be developed as part of Delaware's management program to resolve these conflicts. This continuing coordination process will pay regular attention to both national interest and federal consistency questions. It will be flexible enough to respond to federal-state problems as they occur and recognize them at their earliest stages.

Federal Agency Consistency

To coordinate the activities of the many federal agencies with the comprehensive planning called for in the Federal Coastal Zone Management Act, the Act provides that "each federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs."[3]

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[2]Section 306(c)(8).

[3]Section 307 (c)(1).

FEDERAL-STATE INTERACTION REQUIREMENTS OF THE ACT

Federal guidelines set forth the means by which states can meet the federal-state interaction requirements of the Coastal Zone Management Act of 1972. These guidelines are listed below.

1. States must provide the opportunity for full participation by relevant federal agencies in the development and review of the management program.

2. Adequate consideration of federal agency views must be demonstrated by the state in the development of its management program.

3. The State must give adequate consideration of the national interest in the siting of facilities and assure that its coastal management program neither arbitrarily exclude nor unreasonably restrict the siting of such facilities.

4. The state must incorporate EPA water and air pollution requirements in its coastal management program.

5. State coastal management programs should reflect adequate coordination with other relevant federally assisted planning programs as well as relevant plans prepared by federal agencies managing federal lands or facilities.

6. Continued consultation between state and relevant federal agencies must be assured.

RELEVANT FEDERAL AGENCIES

The agencies listed below have been determined "relevant federal agencies" in regard to Delaware's Coastal Management Program.

Department of Agriculture
- Soil Conservation Service

Department of Commerce
- Office of the Secretary
- Economic Development Administration
- Maritime Administration
- National Marine Fisheries Service
- National Oceanic and Atmospheric Administration
  - Office of Coastal Zone Management

Department of Defense
- Department of Air Force
  - Dover Air Force Base

Department of Army
U.S. Army Corps of Engineers
Department of Navy
Lewes Naval Facility

Department of Health, Education and Welfare

Department of Housing and Urban Development
Federal Insurance Administration

Department of Interior
Office of the Secretary
Bureau of Land Management
Bureau of Mines
Bureau of Outdoor Recreation
Fish and Wildlife Service
National Park Service
U.S. Geologic Survey

Council on Environmental Quality

Environmental Protection Agency

Energy Research and Development Administration

Federal Energy Administration

Federal Power Commission

General Services Administration

Nuclear Regulatory Commission

Department of Justice

Department of Transportation
Office of the Secretary
Federal Highway Administration
U.S. Coast Guard

PRODEDURE FOR FEDERAL AGENCY PARTICIPATION IN
DEVELOPMENT OF DELAWARE'S COASTAL MANGEMENT PROGRAM

The formal procedure established by Delaware for federal agency participation in the development and review of the State's Coastal Management Program is contained below.

Delaware Coastal Zone Management Program Procedure
For Federal-State Coordination - May 10, 1976

Start

Build contact list of relevant federal agencies.

Contact 1

Make initial contact of relevant federal agencies to: explain program; ask for assistance regarding agency's pertinent research, planning activities, expression of issues, concerns, points of view, etc., that state should be aware of.

Contact 2

After assessing initial responses from Contact 1, Contact 2 will be made to clarify, amplify, and explain any matters brought to light in Contact 1.

Contact 3

Contact 3 will be initiated to begin resolution of the "national interest" question. Delaware is prepared to initiate this dialogue in the following manner:

a. Delaware will prepare a "preliminary policy statement" concerning the understanding for inclusion of the national interest in its coastal zone management program and submit it to relevant federal agencies.

b. Delaware will ask each of the relevant federal agencies to provide a statement containing a "best assessment" of its interest in Delaware's coastal regions. This assessment should be specific enough to enable coastal planners to incorporate its considerations in the management program planning process.

c. For those agencies that do not provide a statement of their interest in the State's coastal regions, Delaware will develop its own estimation of that particular agency's interest and submit it as part of Contact 4.

Contact 4

Contact 4 will include a series of sub-contacts where various program elements in the form of working papers will be submitted to relevant federal agencies for review and comment. Such working papers will include: (1) Program Overview and Review Guidelines, (2) Coastal Zone Boundary, (3) Geographic Areas of Particular Concern, (4) Program Goals and Objectives,

(5) Federal-State Interaction and the National Interest, (6) Authorities and Organization to Implement Program and (7) Permissible Uses.

Contact 5

Delaware will submit "official draft" management program document(s) to relevant federal agencies in accordance with procedures set forth in the Office of Coastal Zone Management's management program review and approval schedule.

Contact 6

Delaware will submit "final" program document(s) and final EIS to relevant federal agencies in accordance with procedures set forth in the Office of Coastal Zone Management's management program review and approval schedule.

Contact 7

Delaware will implement post approval federal-state coordination procedures with relevant federal agencies. This contact will serve to implement the federal-state coordination procedures developed as a sub-part of the coastal zone management program.

FEDERAL AGENCY INTERESTS IN DELAWARE'S COAST

INTRODUCTION

Federal agency interests in Delaware's coast as identified by the agencies themselves are contained below along with a summary of federally owned or controlled lands. Relevant federal agencies are listed in alphabetical order.

Excluded Federal Lands

The Justice Department has concluded that all federal lands are to be excluded from State coastal management programs. This ruling applies to all federal lands including those over which the U.S. exercises exclusive jurisdiction and concurrent jurisdiction, lands held by the U.S. as proprietor, and trust lands.

Summary of Federal Lands in Delaware

The identification of all coastal lands owned or held in trust by the federal government is shown in Figure 1 and Table 1.

FIGURE I

KNOWN FEDERAL LANDS OF DELAWARE

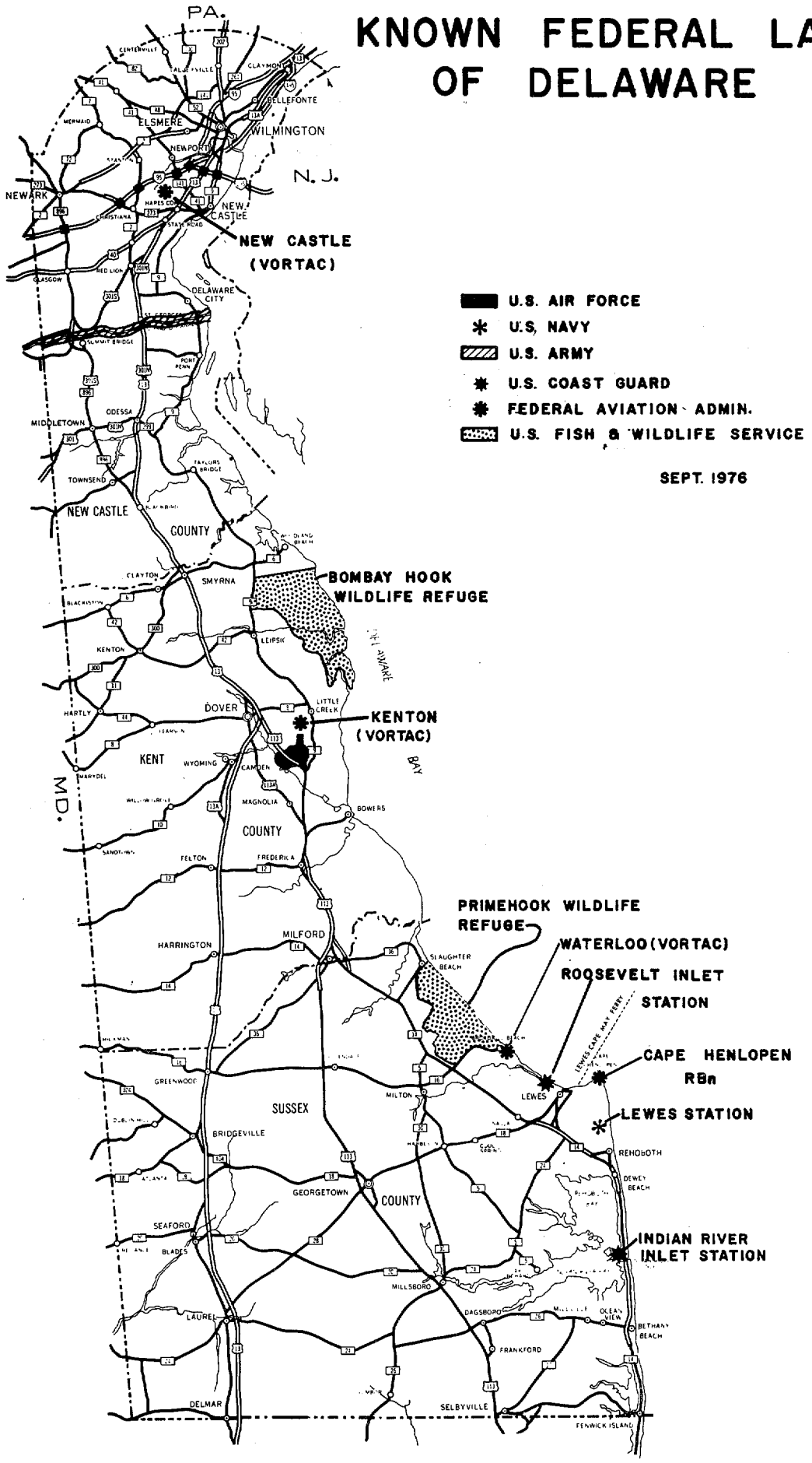

TABLE 1

FEDERAL LANDS IN DELAWARE

	Total Acreage
U. S. DEPARTMENT OF INTERIOR	
Fish and Wildlife Service	
Bombay Hook National Wildlife Refuge	15,136
Kilcohook National Wildlife Refuge	1,487
Prime Hook National Wildlife Refuge	8,750
Subtotal	25,373
U. S. DEPARTMENT OF DEFENSE	
U. S. Air Force	
Dover Air Force Base	
Aerodrome	3,586
ILS Outer Marker	1
Survival Training Annex	48
Golf Course Addition	10
Port Mahon	5
Ridgely Drop Zone	77
Family Housing Annex	795
Subtotal	4,522
U. S. Army Corps of Engineers	
Chesapeake and Delaware Canal Lands	5,271
Spoil Disposal Sites	Unknown
Subtotal	5,271
U. S. Navy	
Lewes Naval Facility	353
Family Housing	9
Naval Reserve Unit	15
Subtotal	377
DEPARTMENT OF TRANSPORTATION	
Federal Aviation Administration	
Waterloo VORTAC	Unknown
Kenton VORTAC	Unknown
New Castle VORTAC	Unknown
Subtotal	

TABLE 1 (continued)

	Total Acreage
U. S. Coast Guard	
Indian River Inlet Lifeboat Station	6.6
Roosevelt Inlet Lifeboat Station	2.8
Liston Range Lights	0.6
Mispillion River Light	0.2
Fenwick Island Light	0.1
Old Reedy Island Light	0.6
Reedy Island Range Lights	1.4
New Castle Range Lights	0.2
Fort Delaware Light	0.1
Baker Range Lights	33.0
Smyrna River Range Lights	3.5
Murderkill River Range Light	2.0
Mahon River Light	0.1
Mispillion South Jetty Light	0.2
Delaware Breakwater Light	0.1
Cherry Island Range Rear Light	1.3
Cherry Island Range Front Light	0.1
Brandywine Shoal Light	0.4
Harbor of Refuge Light Station	0.5
Fourteen Foot Bank Light	10.0
Bulkhead Bar Range Front Light	0.1
Roosevelt Inlet Rear and Front Range Lights	0.1
Little River Light (2)	0.1
Christiana River Range Lights (2)	0.1
Bulkhead Bar Range Rear Light	0.1
Subtotal	64.3
TOTAL FEDERAL LANDS	35,607.0

Source: Relevant Federal Agencies.

FEDERAL AGENCY INTERESTS BY INDIVIDUAL AGENCIES

U.S. DEPARTMENT OF AGRICULTURE

Interests of the U.S. Department of Agriculture in Delaware's Coastal Management Program include:

1. The program's potential impact on private land owners, project sponsors, or conservation district activities of the Soil Conservation Service;

2. The program's effect on Department of Agriculture programs or policies;

3. The program's potential impacts on agricultural production;

4. The clarity and usefulness of regulatory requirements or procedures that may emerge in the implementation of the Coastal Management Program;

5. The potential difficulty the Department of Agriculture may have in meeting the requirements imposed by the federal consistency provision of the Coastal Zone Management Act.

The Soil Conservation Service, an agency of the Department of Agriculture is principally concerned with the above issues and is the Department's point of coordination with Delaware's Coastal Management Program.

Designated Contact Person

Mr. Otis Fincher, State Conservationist, U.S. Soil Conservation Service, Treadway Towers, Suite 2-4, 9 East Loockerman Street, Dover, Delaware, 19901.

UNITED STATES DEPARTMENT OF COMMERCE

Office of the Secretary

The Secretary, United States Department of Commerce administers the Coastal Zone Management Program planning process through the National Oceanic and Atmospheric Administration and its Office of Coastal Zone Management.

A regional secretarial representative provides a coordinative function among groups, states and relevant federal agencies through the federal regional councils.

Designated Contact Person

Mr. Fred Ricci, Secretarial Representative, Mid-Atlantic Region, U.S. Department of Commerce, Office of the Secretary, Federal Region III, William J. Green Federal Building, 600 Arch Street, Room 10424, Philadelphia, Pennsylvania, 19106.

ECONOMIC DEVELOPMENT ADMINISTRATION (EDA)

The Economic Development Administration sponsors financial assistance programs in areas suffering from actual or threatened high unemployment and underemployment or low income. Of the thirteen qualifying states, District of Columbia, and two possessions in the three standard federal regions, only West Virginia and Vermont are not participating in coastal management planning.

Delaware currently has two designated Economic Development Areas: Sussex County has been designated a "redevelopment area" while approximately one-third of Kent County has been designated a "growth center."

Designated Contact Person

Mr. John J. Curran, Chief, Planning Division, EDA, U.S. Department of Commerce, 600 Arch Street, Suite 10424, Philadelphia, Pennsylvania, 19106.

MARITIME ADMINISTRATION (MARAD)

Of the major uses dependent on marine resources and, therefore, relating directly to Coastal Zone Management, the Maritime Administration is directly involved in water borne commerce, port and cargo facility development and the promotion of the U.S. Merchant Marine.

Major areas of concern to MARAD include the following:

1. Deepwater Terminal Development - Coastal management programs could affect deepwater terminal and associated land based facilities development because all federal projects and permits must conform to State approved management programs, and applicants for federal licenses or permits must obtain certification from the State confirming the activity is consistent with the approved management program. Consequently, should a state choose to emphasize the preservation or the development of its coastal zone to the exclusion of other alternatives, then the opportunity for the construction of a deepwater terminal and land based support facilities such as pipelines, storage tanks, piers, storage areas, harbors and other transportation facilities in the State's coastal zone might be lost, together with the

economic returns to the State. The prohibition of the deepwater facilities might also affect the role of the U.S. Merchant Marine and the entire U.S. economy.

2. Operation and Expansion of Regular Shipping Ports - The Waterborne Commerce of the United States, published by the Corps of Engineers indicates that from 1964 to 1974 the volume of imports of the U.S. more than doubled. Should the same pattern follow there would be an increase in cargo volumes of over 300 percent by the year 2000. Unless new technologies are developed for handling cargos, port expansion may require additional real estate and facilities to handle these increases. Restraints should not be built into coastal management programs to preclude such essential development.

Accordingly, future shore line planning must provide for additional transportation facilities. Obviously, if port development is considered by a Coastal State to be of lesser priority than other elements of Coastal Zone Development, then the future improvement and expansion of ports in that state could suffer. This predicament when related to future marine container terminal development, provides a vivid example of how a state's land and water use priority system could prove a constraint to a port authority's efforts to find and acquire additional shoreline acreage for expanding container terminal operations. Constraint of port expansion could have a detrimental impact on the economic returns to municipal and state governments.

3. Channel and Harbor Improvements - State coastal management programs could also have an impact on the channel and harbor improvements which can affect future port and harbor development as well as ocean and coastal shipping and navigation. Recent and future trends in shipping have increased the demand for deepwater channels and navigation facilities, particularly with respect to the new generation of VLCC and dry bulk carriers. Deeper channels require more dredging. Therefore, deepwater frontage and deepwater access will be increasingly essential to the future competitiveness of many U.S. heavy industries which transport large volumes of petroleum and heavy raw materials by water. Accordingly, any plan for the use of the coastal zone must seek to accommodate heavy industries and the large vessels employed in their service.

For example, a state's coastal management program should make provision for disposal of dredged materials within a reasonable distance of where the dredging activity is taking place. The length of the haul for disposition of spoils material directly affects the cost of a channel and harbor dredging project. If the cost is prohibitive, than the project is customarily abandoned. If the project for improving the channel is abandoned, then the ships and cargos go to a competitive port. The revenue which might have come to the port and the respective states is also diverted. There is a direct relationship between the volumes and types of cargos handled and revenues derived from ports for their municipal and state governments.

4. Environmental Aspects - The Maritime Administration has been fostering the environmental aspects of ship waste disposal both on a national

and an international basis by pursuing the availability of adequate waste reception facilities within U.S. ports and harbor areas. These may be provided by port authorities, local governmental agencies or appropriate industry groups. When discharge of oil and oily waste is not permitted at sea it will have to be returned to land based installations. In the case of oil this will necessitate the availability of adequate shoreside reception facilities for receiving, separating, and recycling the waste products.

The Maritime Administration heartily endorses ecological efforts. However, MARAD has heavy obligations to ensure a practical and continued growth of the Maritime Industry as it relates directly to the future favorable balance of trade on an international basis.

MARAD must be assured that permits or licenses for the four areas cited above will be considered and evaluated as the requirements occur. We must be assured that the evaluation process is a part of the State Coastal Management Program.

Designated Contact Person

Mr. James E. McShane, U.S. Department of Commerce, Maritime Administration, Eastern Region, 26 Federal Plaza, New York, New York, 10007.

NATIONAL MARINE FISHERIES SERVICE (NMFS)

The National Marine Fisheries Service is mandated to protect certain marine animals and to assure that the fisheries resources and their habitats are preserved and enhanced.

The NMFS operates under more than fifty specific authorities, some of which impose upon NMFS a direct authority for management of coastal resources and for the review of proposed activities that would affect aquatic resources and their habitats.

NMFS's basic goals include resotration and maintenance of fish stocks through promotion of fisheries management and habitat conservation; development and maintenance of commercial and recreational fisheries; improving the contribution of living marine resources to recreation and other social benefits, and increasing the supplies of fisheries products to the consumer. Programs responsive to these goals include:

1. Biological and ecological research on the condition of living marine resources and their environment;

2. Fisheries management in cooperation with the states to improve the conservation and allocation of specific marine fisheries resources;

3. Grants to the states for administration and support of research on problems associated with management of fisheries resources and their environment;

4. Environmental assessment designed to conduct analyses and to make recommendations to minimize or avoid adverse effects of proposed or existing environmental changes and conditions.

The NMFS habitat conservation goal relates most specifically to coastal zone management in that it is designed to ensure that adequate consideration and protection are given to living marine resource requirements in proposed environmental alterations. In order to meet this goal, NMFS will work with the states as appropriate in the planning, formulation, and implementation of coastal zone management plans to assure that management programs developed by states give adequate consideration to the conservation and enhancement of marine fishery resources and to the habitat values of the coastal zone. Moreover, NMFS recommends that Delaware's Coastal Management Program adopt a joint permit processing procedure with the U.S. Army Corps of Engineers to help ensure the most efficient and effective permit program for works or structures or the discharge of dredged or fill material in navigable waters.

Extended Jurisdiction

Due to the enactment of the Fishery Conservation and Management Act of 1976, extending NMFS jurisdiction to 200 nautical miles offshore the United States, the agency is increasing its coordination effort in the area of fisheries management. The Act establishes eight Regional Fishery Management Councils throughout the country. The Mid-Atlantic Council will consist of the states of New York, New Jersey, Delaware, Pennsylvania, Maryland and Virginia and shall have authority over the fisheries in the Atlantic Ocean seaward of these states. Each state will have at least two members on the Regional Council. The first priority of the Council will be to develop fishery management plans. A fishery management plan must be completed before a permit can be issued to any foreign country.

Designated Contact Person

Mr. Ron Gatton, Environmental Assessment Division, National Marine Fisheries Service, Oxford, Maryland, 21614.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) OFFICE OF COASTAL ZONE MANAGEMENT (OCZM)

The Office of Coastal Zone Management within the National Oceanic and Atmospheric Administration is the federal agency directly responsible for administering the Coastal Zone Management Act of 1972.

To carry out the federal-level responsibility, the Office of Coastal Zone Management was given the charge to:

1. Help the states develop, have approved, and implement their management programs by providing both financial and technical support.

2. Bring about a spirit of cooperation and coordination between the states and the numerous federal agencies involved in activities within or affecting the coastal zone.

3. Help each state recognize those needs of a national nature which may require use of the coastal zone.

Designated Contact Person

Mr. John Phillips, Acting Regional Coordinator, Southeast Region, Office of Coastal Zone Management, NOAA, U.S. Department of Commerce, 2001 Wisconsin Avenue, Northwest, Washington, D.C., 20853.

COUNCIL OF ENVIRONMENTAL QUALITY (CEQ)

This agency has not responded to Delaware's initial inquiries.

Designated Contact Person

Mr. Steven D. Jellinek, Staff Director, Council on Environmental Quality, 722 Jackson Place, Northwest, Washington, D.C., 20006.

DEPARTMENT OF DEFENSE

Office of the Secretary

The Office of the Assistant Secretary of Defense for installations and logistics has overall responsibility for the activities of all the services with respect to coastal zone management. Delaware's procedure for federal-state coordination provides for direct contact with the Air Force, Army and Navy. Specific concerns as they relate to the national interest of the individual services are contained below.

Designated Contact Person

Dr. John Bennett, Acting Assistant Secretary of Defense for Installations and Logistics, The Pentagon 3E808, Washington, D.C., 20301.

DEPARTMENT OF AIR FORCE

It is Air Force policy to cooperate and coordinate with the states in the development of their coastal zone management programs and to review state plans and accompanying environmental statements to insure that defense interests are protected. After state programs are approved by the Secretary of Commerce, Air Force activities, including operations and facilities, will support approved state programs to the maximum extent practicable, while insuring that defense interests are protected.

Particular Items of Air Force Concern

1. The plan should include general plan statements on problems, issues, objectives and policies with specific reference to Air Force interest.

2. Environmental impact data submitted with specific reference to Air Force interest.

3. Graphic and/or narrative identification of all Air Force property (owned, leased, licensed or otherwise held or administered by the Air Force).

If any military uses are specificially prohibited within the coastal zone, the reasons for the prohibition should be identified with evidence cited.

4. National defense should be identified as one of the important uses of the coastal zone. This priority provides the basis for regulating future land and water uses, provides a common reference point for resolving potential conflicts and is important for future acquisition of areas not presently controlled by military departments. Therefore, the Air Force recommends that:

a. Defense installations be included as geographic areas of particular concern especially in developmental critical areas;

b. Delaware utilize the Air Installations Compatible Use Zone (AICUZ) study, the Air Force's recommendations to local governmental, state level, public and private organizations in developing compatible land use programs (the AICUZ is specifically designated to protect local citizens from noise and potential accident hazards associated with airfield operations while also preventing degradation of the Air Force mission due to land use encroachments);

c. Delaware's program recommend acceptance to local governmental agencies of the AICUZ study for development of land use controls around Dover Air Force Base as related to the coastal zone and Air Force operations;

d. The AICUZ study be included as a part of the coastal zone management plan with specific requirements that land uses be consistent with Air Force operations;

e. If any Air Force properties, operating areas or weapons training ranges are designated as areas of particular concern, these areas should be examined to determine the impact on military operations;

f. The State program recognizes the potential requirement for new or expanded defense siting requirements on land, in the air, on and under the water, in the coastal zone;

g. That military departments are not required to obtain substantial development permits for developments undertaken on defense property.

5. Coordination - Throughout plan development, the Air Force must take the opportunity for full participation. To adequately consider national defense interests, states require certain unclassified information concerning master plans, general development maps, offshore operating area requirements and other planning documents. Moreover, an effective mechanism for continuing consultation and coordination between the designated State coastal zone management offices and the Air Force must be identified.

Designated Contact Person

Walter L. Gray, Captain, United States Air Force, Deputy Regional Civil Engineer's Office, 526 Title Building, 30 Pryor Street, Southwest, Atlanta, Georgia, 30303; and Mr. Donald Witmer, DEEE, Eq. 436 Air Base Group, Dover Air Force Base, Dover, Delaware, 19901.

DEPARTMENT OF ARMY

The Directorate of Civil Works, Corps of Engineers, in its water resources management missions has a strong interest in coastal zone management programs; thus, matters involving civil works activities relating to Delaware's Coastal Management Program will be coordinated directly with the Philadelphia District Officer, Army's Corps of Engineers. See below.

Designated Contact Person

Mr. Bruce A. Hildebrand, Deputy for Environmental Affairs, Office of the Assistant Secretary Army, Civil Works, Room 2E675, Pentagon, Washington, D.C., 20310.

U.S. ARMY CORPS OF ENGINEERS

The Corps of Engineers engages in planning investigations of water and related land resources projects affecting the coastal zone under specific authorizations by either legislative actions by Congress, or resolutions by either the House or Senate Public Works Committees.

A major theme of Corps operations is to develop, control, maintain, and conserve the Nation's water resources to best serve the public interest. The navigation and flood control responsibilities of the Corps of Engineers are of particular significance with regard to the coastal zone. Navigable waterways have traditionally been a major means of commercial transportation and their importance to the Nation justifies continuing federal responsibility for navigation improvements. Waterborne commerce on Delaware Bay is of major national significance, consisting of both interstate and foreign trade. The Ports of Philadelphia and Wilmington and the C & D Canal and their respective approach channels have, in large part, been responsible for the Bay's prominence as a major waterway. These projects are prime examples of navigation improvements under the jurisdiction of the Corps of Engineers.

Separate from the water resources investigations the Corps also has certain regulatory responsibilities in the coastal zone. These regulatory responsibilities regarding the use of navigable waters have been exercised since enactment of the River and Harbor Act of 1899. While the original legislation has been modified rather extensively, the Corps still has the responsibility for issuing permits for:

1. Structures in or affecting navigable waters;

2. Discharge of dredged or fill material into waters of the United States and contiguous or adjacent wetlands,

3. Transportation of dredged material for the purpose of dumping into ocean waters.

Permits for these activities are issued only if the proposed work would, in the opinion of the Corps, be in the public interest.

Basic Principles of Corps of Engineers Liaison Role Vis-A-Vis Coastal Zone Management

1. Technical assistance requested by the states to assist their implementation of the national policy for coastal zone management will be provided to the greatest extent practicable.

2. All substantive Corps-Delaware coastal zone management activities are to be conducted through the Philadelphia District Office.

3. All Civil Works activities undertaken subsequent to approval of

Delaware's coastal zone management plan will be consistent with that plan to the maximum extent practicable. Proposed departures must be specifically approved in advance by the Director of Civil Works for the Chief of Engineers. Whenever a departure appears to be required and justified, its approval should be sought at the earliest practicable time and, in all instances, prior to making any commitments to non-Corps interests.

4. All applications for coastal zone activities regulated by Corps authorities must include a state certification that the action contemplated is consistent with the approved state coastal zone management plan.

DEPARTMENT OF NAVY

Present Navy programs require retention of the approximately 353 acres that make up the Lewes Naval facility. In addition, the nearby family housing area and the Naval Reserve Training site respectively contain approximately 9 acres and 15.5 acres.

The Navy facility is basically a communications site and it is essential that development of the surrounding environs do not generate interferences to the operation of the electronic systems therein.

In addition, there are restrictions placed on the 240 acre parcel excessed by the Navy and ceded to the State of Delaware. The restrictions set forth are required to be maintained for a distance of 3,600 feet from the antenna field in order to maintain the operational integrity of the Naval facility.

Part of the seaward restrictions for the Naval Restricted Area are given in paragraph 207.105 of the United States Coast Pilot 3, which is published by the Department of Commerce/National Oceanic and Atmospheric Administration.

Other Restrictions

Warning Area Number 108 consists of special use air space for test flights, air to air gunnery and rockety, anti-aircraft gunner, aircraft tactics and guided missile firings. This warning area is used primarily by the Naval Air Test Center and fleet units based at Patuxent Naval Air Station.

Designated Contacts

R. M. Engle, CDR, CEC, USN, Deputy District Civil Engineer, Department of the Navy, Commandant, Fourth Naval District, Philadelphia, Pennsylvania, 19112, and LCDR Robert Eastman, Naval Facility, Lewes, Delaware, 19958.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION (ERDA)

ERDA's environmental and safety programs are mandated by the requirement that the Nation's energy be provided in a way that is safe, clean, adequate, and acceptable to society. Therefore, four major issues must be addressed simultaneously with the beginning of any new energy technology RD&D program. These issues are (a) the technological and (b) economic feasibility of the energy system proposed for development, (c) the possible health and environmental effects of the proposed energy technology, and (d) the possible broad impacts on society, institutions, etc., if the technology is brought all the way to commercialization. All of these issues must be considered together continuously, as they affect trade-off decisions within the process under development and among differing, competing processes and alternative technologies.

Also, in advocating a particular energy development for the coastal zone, ERDA must consider the various constraints placed on coastal zone development by a particular state's coastal zone management program.

Research in marine sicences under the Division of Biomedical and Environmental Research (DBER) is directed toward learning the effects of biological activity, sedimentation, circulation and mixing, and other marine processes on the accumulation of energy-related pollutants in the living and non-living portions of the marine environment and the impacts of those pollutants.

Making progress in these areas places us in a better position to ascertain the probable effects of large-scale oil drilling and spilling activities on the continental shelf as well as those from locating large numbers of power plants both onshore and offshore in the coastal zones.

The ERDA marine program is based on the philosophy that part of its contract research must be devoted to a basic understanding of the ocean as a complete system. This necessarily requires work of a more long-term nature than many agencies typically support. However, most of our oceanographic program is in support of many technologies such as fossil fuel energy, nuclear, and some advanced technologies, each of which are likely to impact the marine environment to a degree.

Major institutions take leading roles in conducting ERDA's research in the coastal zone. Programs are now conducted in the northeast coastal zone (NY Bigth), the South Atlantic Bight, Puget Sound and the continental shelf off the Washington coast, the Souther California Bight and the Great Lakes.

Designated Contact Person

Mr. Steve R. Wright, Acting Chief, Environmental Activities Branch, Safety and Environment Division, Savannah River Operations Office, U.S. Energy Resources, P. O. Box A, Aiken, South Carolina, 29801.

ENVIRONMENTAL PROTECTION AGENCY

Both the Water Pollution Control Act and the Coastal Zone Management Act are concerned with management of the Nation's water resources. The former is concerned with achieving and maintaining a high level of water quality, and the latter focuses on the need to balance competing uses within the coastal region while protecting the natural systems. Both programs involve an extensive planning and implementation effort, and will of necessity be interrelated, especially in the area of land and water uses.

Coastal zone management programs overlap geographically and functionally with EPA water quality programs such as 201 facilities plans, State water quality management (303) plans and 208 areawide plans.

State coastal zone management programs are directed by Section 207(f) of the Coastal Zone Management Act to ensure that water quality standards, effluent limitations and other "requirements" of Public Law 92-500 are incorporated in their programs and that these regulations are not violated by any of the programs' procedural or substantive provisions. This provision can only be fulfilled by close coordination with EPA and other water quality agencies at the State and substate level, and by integrating water quality considerations into the process of designating permissible and priority uses.

Areas of Coordination

Because the coastal zone management planning program and EPA water quality management programs have a large potential for affecting one another, it is essential to develop mechanisms for effective and continuing coordination. Those elements of the EPA and coastal zone management programs which are the most closely interrelated are as follows:

1. Water Quality Standards - State water quality agencies should provide standards for coastal waters that can meet the requirements of the FWPCAA and can be incorporated in the coastal zone management plan. In turn, the coastal zone management plan should include a statement that water pollution standards are an overriding objective to be met in the administration of coastal zone management plans as well as documentation by the responsible official for water quality in the state that the coastal zone management program complies with applicable water standards and policies.

When revising standards, the state water quality agency must consider coastal zone management objectives. The standards setting process also includes a procedure for public participation in the review and revision of standards and establishment of overall water quality goals and expectations for the state. The objectives of the coastal zone management program must be taken into account during this process. In addition, the coastal zone management planning agency can specify priority areas for upgrading of water quality where certain land and water uses or priorities will either reenforce

this upgrading (for example, estuarine sanctuaries), or need upgrading to provide adequate protection for resource management.

2. Permissible Uses, Use Priorities - The definition of permissible uses under the coastal zone management program is closely tied to the setting of standards. Certain uses in the coastal zone, such as recreation, are contingent on the achievement and maintenance of standards which support those uses. Thus a determination of permissible uses and use priorities should be an input to the water quality standards review and revision process. The impact, both individual and cumulative, of potential uses on water quality should be evaluated when making this determination. If a use's potential impacts could cause a violation of water quality standards, the state should consider controlling or excluding this use in the coastal zone either categorically or in specific geographic areas.

The determination of permissible uses in certain areas may be tied to performance standards which assure the maintenance of environmental quality. From the definition of permissible uses and guidelines on priority of uses, it should be possible, for instance, to determine what areas can best accommodate industrialization and what areas, because of fragile environmental systems or special values, should be restricted from intensive use. These determinations should be made in consultation and coordination with water quality management as well as coastal zone management program development and implementation. For example, performance standards could be integrated into water quality plans as a control strategy for reducing nonpoint pollution. Permissible and priority use designations could indicate where certain uses would predominate and where pollution could be best accommodated.

It is apparent that consistency in both the coastal zone management and water quality management planning processes is a necessary precedent to subsequent consistency in Federal assistance programs. After a coastal zone management plan is approved, subsequent EPA grants would have to comply with the provisions of Section 307(d). The A-95 process can provide the mechanism through which the state's coastal zone management entity will be informed and will be able to comment directly on pending federal assistance, including requests for water quality grants.

3. Regulatory Activities - If a permitting procedure is part of the regulation program for coastal zone management, these permits must also be consistent with water quality standards. An integrated coastal zone management water quality regulatory program (for example by combining permit procedures into one application) should be considered as one way of meeting these requirements in an efficient and consistent manner.

Another area which should be coordinated is the development of nonpoint source regulatory methods. Water quality management plans will set forth best management practices to manage pollutants from nonpoint sources. These best management practices should be incorporated in the coastal zone management regulatory structure and its administrative/enforcement process where they

are relevant to the coastal zone management policies. For example, a state's coastal zone management program definition of "conditional" land uses could include a requirement to use the appropriate best management practices. In states where the administration of the coastal zone management and water quality management programs is not fully integrated, there should be a commitment from the appropriate agencies to jointly monitor those conditional uses to ensure that existing water uses are protected.

4. Procedures for Coordination - In many cases, the planning agencies for coastal zone management and water quality management will be performing similar tasks. It is possible that some of these could be done jointly or responsibilities divided and results shared so that duplication of effort is avoided.

It is also important that data on existing and projected conditions in terms of population, its distribution, land use, and economic growth be compatible between the two programs.

Specific procedures must be developed to provide for continuing consultation between water quality agencies and coastal zone management agencies. These should include consultation on modifications to existing policies, permissible land and water uses, inter-relationships among uses, and use priorities in specific geographic areas. These procedures should describe methods for maintaining a dynamic interface between water quality requirements and land and water use planning. For example, performance standards may be used to ensure that certain uses maintain water quality. A marina, for instance, may require the inclusion of a sewer hookup or disposal system for domestic wastes to maintain the quality of the surrounding waters. Certain growth configurations will be most efficient for collection and treatment of sewage and for minimizing runoff. Coastal zone management land use policies should be compatible with these. Many of these land use - water quality inter-relationships will be addressed in state and areawide water quality management plans, so through a consultation and review procedure coastal zone management and water quality management plans should remain consistent as they are expanded and revised.

5. Resolution of Conflicts - The logical place to resolve most conflicts in connection with the planning for the two programs would be at the state level. Coastal zone management is primarily a state program. The states are also ultimately responsible for state and areawide water quality management plans.

If EPA itself has a conflict with a proposed coastal zone management plan and either does not accept the state's resolution, or the conflict lies in an area over which the state has no real control (for example, issuance of permits where EPA is still responsible for their issuance), coastal zone management has outlined a possible mediation procedure which involves the Executive Office of the President. In those cases where it was determined by the Administrator that the conflict involves the attainment of water quality standards (and there are no feasible alternatives

consistent with the coastal zone management program) Section 307(f) of the Coastal Zone Management Act would be applicable, and water quality standards would take precedence.

Designated Contact Person

Mr. Leland Maxwell, Water Planning Branch, U.S. Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania, 19106.

FEDERAL ENERGY ADMINISTRATION (FEA)

The Federal Energy Administration's concern for the national interest element of the program focuses in general on energy-related development and specifically on expansion of domestic energy supplies and contraction of our vulnerability to shortages of imported oil. Broad national considerations of particular relevance to FEA activities and the coastal zone include:

1. Expansion of domestic energy supplies with a decrease in importation of oil.

2. Conventional/nuclear generation and transmission of electricity.

3. Production, transmission, processing, storage and distribution of oil and gas.

4. Development of deepwater ports.

5. Energy conservation.

While FEA's main mission is directed to energy-related efforts, the National Environmental Protection Act of 1969 and the Coastal Zone Management Act of 1972 mandates our responsibilities for environmental protection and conservation. In agreement with the intent of the Coastal Zone Management Act we support energy development in full consideration and harmony with ecological, social, cultural, historic and esthetic values of the coastal zone.

Evaluation of Management Programs

General:

An explicit statement of policy concerning the siting of energy facilities in the coastal zone is considered by FEA to be a vital element of the state's coastal zone management program. Given the environmental concern frequently associated with the development of energy facilities,

the regional importance of adequate energy facility capacity and the unique water access and topographical factors of the coastal zone, enunciation of a clear policy on this subject should be a major goal of the planning process.

Permissible Land and Water Uses:

In conjunction with designating permissible uses of the coastal zone, FEA hopes that attention will be given to the identification of areas particularly suitable for development, as well as to those which are unsuitable. Achievement of this, requires the establishment of objective criteria and procedures to be used in the decision process, including methods to be used in assessing the environmental impacts of resource utilization and those to be used in calculating anticipated energy facility requirements. We urge states to provide actual data concerning anticipated energy facilities as well as a method for obtaining such data.

The FEA hopes to establish from review of the planning objectives and criteria that any possible future decision on the use of a coastal zone area for energy siting development and facility operation can be made objectively in terms of impacts on coastal waters.

Areas of Particular Concern:

FEA expects that the coastal zone management planning process will identify sites especially suitable for special facilities required for import or export of energy resources, for onshore support of OCS oil and gas development, for deepwater ports and for other similar energy facilities. These areas may be of such statewide importance or value that they are designated as "areas of particular concern."

Priority of Uses:

In determining priority of uses, it is clear that energy facility siting may be a low priority use or even excluded in some areas due to significant adverse environmental, social or fiscal impacts. FEA supports a balance of development and preservation interests FEA encourages states to give full consideration to ecological, cultural, historical, and esthetic values, as well as to the needs for economic development.

National Interest in the Siting of Facilities:

Throughout the planning process and the cooperative efforts between the FEA and the State, the overriding concern of the FEA is that the siting of energy facilities is not excluded or unreasonably restricted.

Full Participation by Relevant Bodies:

FEA encourages participation by state energy officials, public utility officials and management officials of energy companies in program development. FEA hopes that the views of such interests receive substantive consideration.

Designated Contact Person

Mr. William Kaplan, Director, Energy Conservation and Resource Development, Federal Energy Administration, Region III, 1421 Cherry Street, Philadelphia, Pennsylvania 19102.

FEDERAL POWER COMMISSION (FPC)

The Federal Power Commission (FPC) is charged by the Federal Power Act to achieve and assure "an abundant supply of electric energy throughout the United States with the greatest possible economy and with regard to the proper utilization and conservation of natural resources." FPC has comparable responsibilities under the Natural Gas Act. FPC must therefore, try to be certain that each program provides for its own future energy needs and its fair share of regional and national needs.

Especially now that financial assistance is available through the recent amendments to the Coastal Zone Management Act of 1972, more attention and planning should be devoted to the goal of attaining a greater degree of national energy self-sufficiency. In order to contribute to that goal, each state's program should specify:

1. the expected growth of the state and regional economies by detailed energy-using sector;

2. a methodology for estimating, as well as current estimates for, future energy needs (by energy source, especially for natural gas and electricity) associated with the expected economic growth;

3. methods for comprehensive planning to balance the state and regional energy needs with expected energy supplies, including an analysis of what the state's share of energy transfers throughout the region and the rest of the Nation should be. The criteria by which the state determined its share should be spelled out;

4. how the state plans to meet its share of regional and national energy needs, including an identification of the type, location, and capacity of current and future bulk energy facilities that would be utilized in meeting these needs.

Designated Contact Person

Mr. Martin Inwald, Federal Power Commission, Regional Office, 26 Federal Plaza, New York, New York, 10007.

GENERAL SERVICES ADMINISTRATION (GSA)

This agency has not responded in writing to Delaware's inquiries. One telephone contact was established with GSA which indicated little interest in Delaware's program.

Designated Contact Person

Mr. Dale A. Patterson, General Services Administration, 3PFP, F bet. 18th and 19th Streets, N.W., Washington, D.C., 20405.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Pursuant to the Agreement and 24 CFR Section 600.115(d)(4) of the 701 Regulations, HUD will require such coordination be undertaken by the 701 designated agency and require the state to include a statement in its Overall Program Design (OPD) confirming that the 701 and coastal zone management assisted activities are properly coordinated with no inconsistencies or overlap between them.

In accordance with the agreement, HUD will accept the coastal zone management program as meeting all or a portion of the land use elements; e.g., the coastal zone management program may fulfill all or a substantive portion of the land use element for the geographic boundaries of the coastal zone. The State Land Use Element package submitted for HUD approval should include the coastal zone management program and a statement that the coastal zone management program and State Land Use Element are consistent with one another. Where the coastal zone management program has not been completed, the state will provide assurance of consistency when the coastal zone management program is submitted to the Office of Coastal Zone Management. Conformance with the consistency provisions of the HUD-OCZM Agreement will be used as a basis for determining continued eligibility for 701 funding.

HUD Flood Insurance Program

The National Flood Insurance Act of 1968, as amended by the Flood Disaster Protection Act of 1973, requires that by 1983 all flood prone areas, including coastal areas located in the United States, which have special flood hazards must have their flood risk zones established. Although no specific requirements have been imposed coordinating the Flood Insurance Program with the Coastal Zone Management Act, the Program does require coordination with other agencies having responsibility for flood control, flood forecasting, or flood damage prevention to assure that their programs and the Flood Insurance Program are "mutually consistent."

Designated Contact Person

Mr. Russell G. Byers, Regional Administrator, Department of Housing and Urban Development, Regional Office, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania, 19106.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

If federal land becomes available for non-federal uses, the U.S. General Services Administration (GSA) assigns that land to other federal agencies, such as to HEW, for disposal. HEW conveys such land to applicants planning health or educational uses. If there is no eligible applicant, the land is transferred through a quit-claim deed. HEW maintains ownership of this land for a period of thirty years, after which time, the applicant acquires complete ownership. Therefore, although HEW does currently own several parcels of land in townships near the coastal areas of your state, this land is already being used.

Designated Contact Person

Mr. Joseph Yarbrough, Assistant Regional Director for Intergovernmental Affairs, Department of Health, Education and Welfare, Region III, 3535 Market Street, Philadelphia, Pennsylvania, 19101.

DEPARTMENT OF THE INTERIOR

Office of the Secretary

The Department of the Interior has broad responsibility for assessment, conservation, regulation, development and management of natural resources of national interest. Agencies within the Department have a wide range and variety of expertise, capabilities and information to assist state and local governments in resources planning, development, and management. In the area of resource management, the Department serves as a leader in providing assistance to and in conducting cooperative programs with the states.

A regional secretarial representative provided a coordinative function among groups, states and subdepartmental agencies. In early 1977, the secretarial representative function was disbanded.

Designated Contact Person

Mr. Robert Ryder, Planning Officer, U.S. Department of Interior, J.F.K. Federal Building, Room 2003, Boston, Massachusetts, 02203.

BUREAU OF LAND MANAGEMENT (BLM)

BLM has no energy facility siting responsibility or jurisdiction except on the federal portion of the Outer Continental Shelf (OCS). However, BLM's oil and gas leasing authority, responsibilities, and related pipeline rights-of-way permitting authority (up to the states' three mile limit), can influence the location of oil and gas production related facilities on-shore (principally pipelines and associated terminals, and gas processing plants).

Of particular importance to Delaware may be oil and/or gas pipelines and gas processing plants which may result from any future sales. Should Sale 40 result in any pipelines to Delaware, and should any future sales be located in the same general area relative to the shoreline as is Sale 40, any additional pipelines may follow corridor established for Sale 40 pipelines, and could thus require expanded associated gas processing capacity. While any additional requirements for on-shore support facilities may tend to locate in proximity to those established for Sale 40, location of these facilities would also be influenced by the capacity of the existing sites and the location of future sales. The study undertaken by the Delaware Coastal Zone Management Program which focused on Lewes should provide an indication of the capabilities of that area for supporting on-shore operating bases. We know of no other area in Delaware suitable for such development.

Minerals

Delaware was one of the original colonies and, therefore, never had public domain lands which might be managed by the Bureau of Land Management (BLM). BLM's interest in resource management in the State is limited, at this time, to the leasing of federally owned minerals and the effects of such leasing and subsequent minerals development on other resources including water, wildlife, vegetative cover and social economic factors.

The Federal Mineral Ownership (FMO) in Delaware for which BLM is responsible includes mineral interests under other federal agencies' acquired lands and some fractional mineral interest under non-federal surfaces.

BLM emphasizes that other federal agencies exercise considerable discretion in the leasing and development of the FMO associated with their surface. This discretion may restrict or prohibit minerals extraction in order to protect special values, such as endangered wildlife species, historic sites, critical aquifers, or other social-environmental values. Their policy statements should include minerals resource development considerations.

The only remaining areas in the State in which BLM has an interest are the 7,074.4 acres of FMO (a 75 percent "share-interest" in coal, oil and natural gas) under non-federal surface. This acreage is described in 41 deeds in two counties. Due to the relatively small acreage of mineral ownership for which BLM has primary responsibility and the lack of development or interest, it will be some time before BLM becomes actively involved in

mapping this ownership.

Summary of Federally-Owned Minerals Under Non-Federal Surface in the State of Delaware as of March 1, 1976

County	Number of Deeds	Type of Ownership	Acres
Kent	19	75 Percent-Coal, Oil and Gas	2,687.5
Sussex	22	75 Percent-Coal, Oil and Gas	4,386.9
2 Counties	41		7,074.4 Acres

According to the Public Land Statistics - 1975, there were no outstanding mineral leases for federal minerals in Delaware. Due to the type of reservations, geology and surface uses, we do not anticipate any significant minerals interest in the near future.

Designated Contact Person

Ms. Abigail Miller, Environmental Assessment Division, New York OCS Office, 6 World Trade Center, 600 D, New York, New York, 10048.

BUREAU OF MINES

The mission of the Bureau of Mines is to provide the information on the minerals industry needed to assure an adequate and dependable flow of minerals into and within the economy to meet the Nations' continuing mineral requirements at reasonable costs.

The Bureau of Mines has no control over lands, other than those on which their research establishments are situated. The Bureau has no research establishments in the coastal zone established by the State.

Under the Minerals and Metals Policy Act, the Bureau of Mines has a direct interest in any land (federal, state, or private) that contains or has a potential for containing minerals. If the land does contain minerals, the Bureau views the use of this land for mining as a means of supplying needed mineral commodities to the Nation. That corporate and personal profits are generated in the process is part of our system and so recognized in the Minerals and Metals Policy Act.

Therefore, any State land use program that has a wide cross section of goals on geological landforms, unique associations with landforms, agricultural lands, forest lands, open spaces, historic areas, air quality,

housing, economy, etc., should in our opinion include a goal on mineral resources. Mining of minerals is a basic industry in our industrial society. A state land use program, whether it be regional in scope, such as the Coastal Zone Management Program, or Statewide, should consider mineral resources and should contain provisions to:

1. Allow for the siting of facilities necessary to meet requirements that are other than local in nature ("National Interest" statutory requirement).

2. Consider the importance of orderly mineral development to national as well as regional and local economies.

3. Assure the continuation of ongoing mineral activities.

4. Provide for the identification of known and potential mineral resources on a continuing basis.

5. In terms of multiple use, recognize the value of new mineral development in land use planning.

6. Provide for mine land reclamation to best accommodate preplanned sequential use.

The Director of the Bureau of Mines has become increasingly alarmed at federal land withdrawals for single-use purposes and has taken steps to communicate this alarm to the Department of the Interior and other government agencies. The Bureau would have to view any land use program that proposes single uses (eliminating mining) for large blocks of land as being in direct conflict with its mission and with the goals of the Minerals and Metals Policy Act.

Designated Contact Person

Mr. Joseph A. Sutton, U.S. Bureau of Mines, Columbia Plaza, Room 90016, 2401 East Street, N.W., Washington, D.C., 20241.

FISH AND WILDLIFE SERVICE

The Fish and Wildlife Service, through various programs, is actively involved in the coastal areas of the United States. The Fish and Wildlife Service's mission is to conserve and enhance fish and wildlife resources and to assure maximum opportunity for the American people to benefit from those resources as a part of man's natural environment.

In Delaware, Fish and Wildlife Service administers two National Wildlife Refuges; Bombay Hook and Prime Hook. Kilcohook National Wildlife Refuge is on the New Jersey side of the Delaware River although a portion of it is technically on Delaware soil.

Bombay Hook National Wildlife Refuge

The Bombay Hook Refuge, established in 1937, is one of several stopping places located at strategic points along the Atlantic Flyway from Canada to the Gulf of Mexico. It is situated approximately eight miles northeast of Dover. The Refuge is comprised of 15,136 acres, of which about 10,500 acres are tidal marshland. The rest of the area includes 1,200 acres of impounded freshwater pools, brush and timbered swamps, 1,000 acres of crop lands, and timbered grassy upland.

The recreational uses of the areas include nature study, photography, sightseeing, dog field trials, and hunting on a limited, permit-only basis. Available for hunting are 3,000 acres on which 12 blinds have been erected. Observation towers, nature trails, restrooms, and an information booth are provided for the public.

Primehook National Wildlife Refuge

Primehook National Wildlife Refuge, established in 1963 under a plan coordinated with local agencies and interests, continues toward a proposed 9,500 acres to be completed in the next few years. It now contains 8,750 acres and is more than 90 percent complete. Primehook Refuge will include a conservation education building and nature study facilities and has been developed to allow hiking, fishing, boat launching and dog field trails.

Specific Recommendations

The Fish and Wildlife Service recommends that in its coastal management program, Delaware define what is meant by "direct and significant impact" on coastal waters.

In addition, the program should stress that environmental processes do not stop at artificial boundaries, i.e., those between federal and other lands, and, therefore, activities occurring both on and adjacent to federal lands must be considered with the State Coastal Zone Management Program.

In delineating GAPC's, we encourage Delaware's program to also include areas possessing biological or recreational resources which would attract and be of use to State residents and out-of-State visitors.

We suggest that in determining GAPC's suitable for conservation and/or preservation, the State Coastal Zone Management Program should not only include critical habitat for rare and endangered species but should also work closely with Federal-State Endangered Species Recovery Task Forces. The Fish and Wildlife Service supports an Endangered Species Program which identifies species occupying the coastal zone, critical habitats, and the development of recovery plans for endangered species. In light of the goals and objectives of this program, we encourage your office to give serious consideration to protecting, preserving, and enhancing the available

habitat for rare and endangered species. Since the endangered Delmarva Fox Squirrel once occupied habitat in Delaware, a Delaware representative serves on the Delmarva Fox Squirrel recovery team, and we understand this team is making recommendations regarding specific habitat requirements for this species.

We are also particularly interested in any activities adjacent to or fringing National Wildlife Refuge lands, and we urge you to give consideration to including a buffer zone around the refuges as areas to be considered in GAPC selection.

One of the most important areas of potential significant development on the horizon appears to be in the energy field, particularly OCS. The new sections to the Federal Coastal Zone Management Act (e.g., Section 308) appear to provide a framework for careful consideration of how to meet the impact of OCS activities. Presumably, Delaware will take full advantage of such funding opportunities. Our specific comments on this working paper follow:

> If Delaware's Coastal zone Management Program includes educational projects pertaining to environmental conscience/maturity, it is a good use of the funds. We are aware of some of the work being conducted by the Delaware Nature Educational Society, and are pleased by their efforts.
>
> We suggest that the possible effects of OCS development on groundwater be cited. Such effects could include: (1) increased population demands on existing groundwater resources, and (2) contamination of aquifers should leaks or spillage occur at an onshore facility.

Designated Contact Person

Mr. Ralph Andrews, Coastal Eco-systems Activity Leader, U. S. Department of the Interior, Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts, 02158.

BUREAU OF OUTDOOR RECREATION (BOR)

In striving for better coordination of appropriate programs at the federal, state and local level, the Bureau of Outdoor Recreation has established a policy position for consideration in coastal zone management planning.

Recreation should be recognized as having importance equal to all other coastal zone uses and deserving of equal consideration in planning and development. Such planning should consider the importance of retaining and improving the quality of the Nation's coastal zones to assure

compatibility with present and future outdoor recreation needs.

Coastal zone management planning should be coordinated with the SCORP prepared for the Land and Water Conservation Fund program and should be consistent with executive policy planning and the land use planning element of the 701 Comprehensive Planning Assistance Program of the Department of Housing and Urban Development.

Acquisition of additional shoreline lands, wetlands and islands in and along the coastal and inland waterways to be held in perpetuity for conservation, recreation, and compatible purposes should be given top priority by all land managing agencies. Every effort should be made to obtain and protect the right of public access to coastal areas.

Federal, state, and local government and private land owners are encourage to preserve coastal zone lands in as near natural condition as is reasonably possible while accommodating uses of such lands in a manner that will serve the best interests of all the public.

Designated Contact Person

Mr. Robert Gift, Chief, State Planning Division, Bureau of Outdoor Recreation, Department of the Interior, Federal Office Building, 600 Arch Street, Philadelphia, Pennsylvania, 19106.

U.S. GEOLOGIC SURVEY (U.S.G.S.)

Activities of the Geological Survey fall within two distinct categories. One involves the classification, evaluation, and supervision of operations relating to the federal mineral estate; and the other consists of the assessment of the earth resources of the United States, including the transmittal of derived information to the user community.

The Geological Survey provides technical assistance to the Bureau of Land Management and the Bureau of Indian Affairs regarding mineral leasing on federal and indian lands administered by them.

The Geological Survey's special interest in the coastal zone relates to the recognition that information needs for earth resource data and for various types of maps associated with this data will be intensified as a result of the development and implementation of Coastal Zone Management Programs and of an overall increase in activity in the coastal zone. In order to be able to identify these information requirements, it will be necessary for the Geological Survey to be involved with and fully informed about the development and implementation of coastal zone management programs. Through such involvement, the Geological Survey can anticipate to the fullest extent possible the information needs and be in a better position to meet them.

Designated Contact Person

Mr. Walter F. White, District Chief, WRD-USGS 208 Carroll Building, 8600 LaSalle Road, Towson, Maryland, 21204.

NATIONAL PARK SERVICE

The National Park Service is specifically responsible for identifying, and managing significant natural, cultural, historic, archaeological, and recreational sites. Within Delaware there are no national park areas or natural landmarks. However, the following sites are all national historic landmarks and are shown numerically by counties.

Kent County

1. John Dickinson House - NHL
2. Aspendale - NHL

New Castle County

1. Jacob Broom House
2. New Castle Historic District
3. Old Court House
4. Stonum
5. Corbit-Sharp House
6. Fort Christina Monument
7. Holy Trinity Church
8. Lombardy Hall
9. Eleutherian Mills

As keeper of the National Register, the National Park Service has program responsibility for historical, archaeological and architectural sites, districts, or artifacts listed or having the potential to be listed on the National Register of Historic Places including those which have either been or have the potential to be designated as National Historic Landmarks by virtue of their national significance.

Services provided to the State under provisions of the National Historic Preservation Act of 1966 include 70 percent matching grants. Grant funds may be used for the preparation of comprehensive Statewide historic preservation surveys and plans and for acquisition and development of properties listed in the National Register. The State may transfer funds to local governments or private organizations and individuals. For acquisition and development projects involving a private transference, the public interest is protected by deed covenants assuring maintenance, administration, and public benefit.

Development funds are used for the protection, rehabilitation, restoration, and reconstruction of historic properties. Evidence of conformance to professional standards established by the Secretary of the

Interior must be shown in the form of plans, specifications, shop drawings, or other materials submitted by the State to the National Park Service or by onsite inspections by the Division of Grants personnel.

Another element of National Park Service program responsibility of concern in Delaware because of its potential effect on the State's coastal zone involves Archaeological Investigation and Salvage (Interagency Archaeological Salvage Program)--designated to discover knowledge of and to recover artifacts from known or suspected archaeological sites which are threatened by the construction of highways, dams, pipelines, and other public works whenever federal financing or licensing is involved. Delaware's Coastal Zone Management Program should contain a strong statement in support of archaeological investigation and salvage.

Designated Contact Person

Mr. Thomas F. Norris, Jr., Superintendent Assateague Island National Park, Department of the Interior - Route II, P.O. Box 294, Berlin, Maryland, 21811.

DEPARTMENT OF JUSTICE

The position of the Department of Justice under the Coastal Zone Management Act is one of promoting the interests of its client federal agencies as those interests are developed in litigation.

Designated Contact Person

Mr. Peter R. Taft, Assistant Attorney General, Land and Natural Resources Division, U.S. Department of Justice, Washington, D.C., 20530.

NUCLEAR REGULATORY AGENCY

Interests of this agency in Delaware's Coastal Management Program relate to energy facilities siting.

Designated Contact Person

Mr. Andrew Robart, Office of International and State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555.

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary

The development of a balanced national transportation system, including well articulated and integrated surface, air, water, and subsurface modes, is a primary element of the national interest. Transportation corridors, inland and coastal ports, and transportation support facilities are necessary adjuncts to such a system. When essential in the national interest, the construction, maintenance and improvement of present and future transportation systems on and under the surface of the land, on and under those waters subject to the jurisdiction of the United States, and in the air, shall predominate over less essential interests.

The national transportation interest is applicable in the coastal zone. It finds expression in the body of federal laws, regulations and the related programs that influence, shape and support the development and functioning of the Nation's transportation system.

Direct programs include deepwater port regulatory programs and maritime safety, navigation, and marine pollution programs administered by the United States Coast Guard; air traffic control and air navigation programs administered by the Federal Aviation Administration; road construction programs in federal lands administered by the Federal Highway Administration; rail safety regulations administered by the Federal Railroad Administration; pipeline safety regulations administered by the Materials Transportation Bureau; a cargo security program focused in large part on the Nation's principal ports; and operation of the St. Lawrence Seaway by the St. Lawrence Seaway Development Corporation. The national interest in the coastal zone is based on the body of law governing these programs. Each of these direct federal transportation programs has some impact on at least some portion of the coastal zone. Coastal zone management programs should include explicit acknowledgement of and adherence to existing and future national interest in each of these direct transportation programs.

Federal assistance programs include federal grants and loans to state and local government for airport construction, highway construction, railroad financial aid, urban mass transportation construction and operation, and for highway traffic safety. States and localities are involved in these assistance programs, not as mere instruments of federal action, but as policy centers in their own right, with wide latitude to shape the transportation systems to serve local needs. But federal statutes governing these assistance programs include constraints reflecting the national interest, such as protection of parklands, and reduction of air, noise, and water pollution. In varying degrees, all federal transportation assistance programs entail the weighing of national and state-local interests. Coastal zone management programs should reflect coordination with and consideration of transportation facilities and programs developed and planned with federal assistance by state and local governments.

In the application of direct federal transportation programs and federal transportation assistance programs, it is in the national interest to provide fast, safe, efficient, and convenient access via one or more modes of transportation (e.g., airway, highway, railway, bicycle, pedestrian)

for the movement of people, goods, and services to, from, along, and through the coastal zone for purposes including, but not limited to the following:

1. Providing for the national defense (e.g., access to military installations and ports of embarkation).

2. Maintaining the public safety and welfare (e.g., hurricane evacuation routes).

3. Managing public lands in the coastal zone (e.g., access to wildlife sanctuaries).

4. Providing for public recreation (e.g., beach access).

5. Facilitating interstate and international commerce (e.g., access to seaports).

6. Developing and using natural resources in the coastal zone and the outer continental shelf (e.g., oil, fisheries).

Designated Contact Person

Mr. Robert Brown, Jr., Secretarial Representative - Designee, U.S. Department of Transportation, Regional Representative of the Secretary, 434 Walnut Street, Philadelphia, Pennsylvania, 19106.

FEDERAL HIGHWAY ADMINISTRATION

The Federal Highway Administration has been designated by the Secretary of Transportation as the coordinative agency for the Department and Delaware's Coastal Management Program.

Designated Contact Person

Mr. Edwin Weaver, Office of Environment and Design, Federal Highway Administration, Federal Office Building, 31 Hopkins Plaza, Room 1633, Baltimore, Maryland, 21201.

U.S. COAST GUARD

The U.S. Coast Guards interest in Delaware's Coastal Management Program relates to the following activities:

1. Regulation of maritime navigation including maintenance and operation of navigation devices.

2. Sea rescue service.

3. Enforcement of vessel safety standards.

4. Enforcement of sea dumping and oil spill regulations.

5. Enforcement of loading and unloading of hazardous cargoes regulations.

6. Regulation of conduits and structures over navigable waters.

7. Enforcement of marine sanitation device regulations.

Coast Guard facilities in Delaware are listed in Table 1.

Designated Contact Person

Mr. Richard F. Wildermann, Commander (mep) Third Coast Guard District, Governors Island, New York, New York, 10004.