Coastal Zone Information Center

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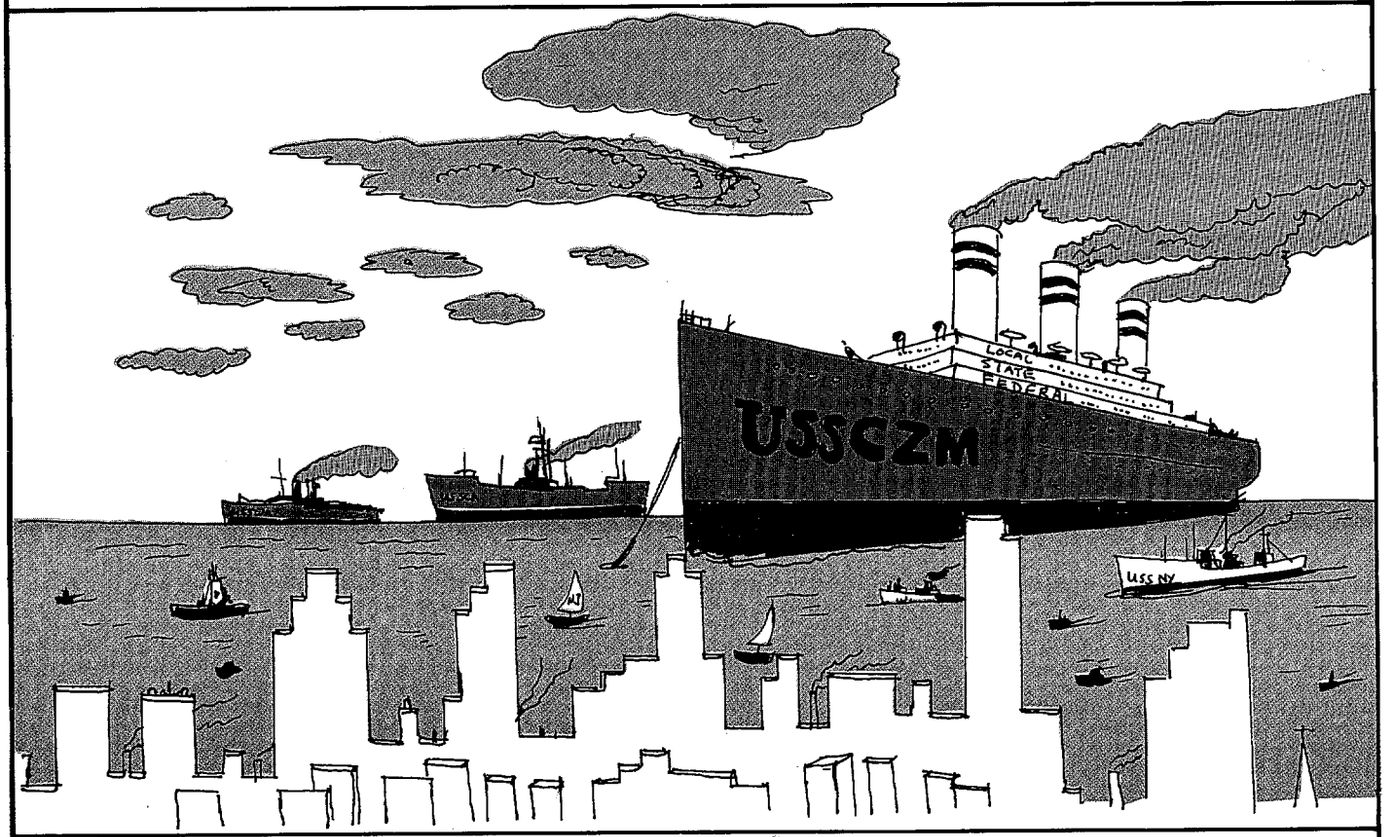

THE REPORT AT A GLANCE

Increasing pressures on the coastal areas of the nation have led the coastal states to set up plans for the protection and management of these critical areas. In 1972, the Congress passed the Coastal Zone Management Act which provides assistance to the 30 coastal states (and four territories) to develop management programs. Three state s — for Washington, Oregon fornia — have been completed oved, and are now managing the public and private development of the coastal areas.

Local governments have traditionally been responsible for land use decisions within their boundaries. Coastal zone management will influence the way in which these decisions are made. Under any coastal zone program, states will have a more direct role. The role of local governments will vary with the structure of each program and will depend in great part on the interest and willingness of local governments to participate.

This report is designed to answer these questions: What is Coastal Zone Management (CZM)? What is the potential role of local government in CZM? How do the federal and representative state programs work? What about the special concerns of local governments, such as ports and industrial development, recreation and beach access, energy facility siting, and the renewal of urban waterfronts. Examples are given of current state and local activities in CZM.

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COASTAL ZONE MANAGEMENT

COASTAL ZONE INFORMATION CENTER
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The coastal areas of the United States have been described as unique, valuable, diverse, productive and, importantly, finite. Coastlands are special places which have attracted people, industry and commerce. Today, more than half of the U.S. population lives in coastal counties and the nation's eight largest cities are on the coast; nearly 50 percent of U.S. manufacturing facilities are located in coastal areas; more than 60 percent of the nation's refining capacity is already located along the coast; recreation and tourism in coastal areas is a multi-billion dollar industry; commercial fisheries is a $7 billion annual industry – the list could go on. The sum of the economic and natural resource values found at the coast makes this area the most important piece of geography on the continent.

It is not surprising that demands on coastal resources have begun to surpass the ability to serve all needs. Competition for space – for water-dependent industry and transportation, energy facilities, housing, food and fiber production, and public recreation – is outstripping opportunities to accommodate, in an orderly manner, all that is sought. In response to these pressures, a number of states began, in the 1960's, to develop comprehensive coastal management plans. Congress entered the picture in 1972 through enactment of The Coastal Zone Management Act. Stimulated, in part, by the findings of the "Stratton Commission Report,"[1] which concluded that

> effective (coastal) management to date has been thwarted by a variety of governmental jurisdictions involved,

Congress fashioned the CZM Act to create a partnership among governmental units in developing coastal resource management programs.

The basic thrust of the Act is to recognize the national, regional, state, and local interest in coastal resources through a precedent intergovernmental network and to establish balanced resource management plans which recognize the need for economic development while at the same time preserving, protecting and, where possible, restoring valuable coastal resources. Implicit in this mission is the creation of conflict resolution mechanisms to make the hard resource allocation choices.

Before examining the Coastal Zone Management Act in more detail, it is instructive to look at a number of state initiatives which helped stimulate and shape the federal program.

STATE INITIATIVES

Several states responded to the pressures on coastal environments prior to Congressional action in 1972. In the Midwest, three Great Lakes States passed protective and management legislation between 1966 and 1970. Wisconsin moved first in 1966 by passing the Water Resources Act (a mandatory county shoreline zone act) which established a Coastal Coordinating and Advisory Council of 25 members, appointed by the Governor, and with representatives of state and local agencies. Under this law the state mandated specific controls over a narrow band of the shoreline and also established a state review of more extensive local plans and ordinances having an effect on the coastal zone. This was done because it was felt that

> returning full control to local governments without any state review or appeal authority will generally result in uneven implementation.

Three years later (1969) Minnesota established a shoreline program for unincorporated areas and expanded it to incorporated areas in 1973. During this time Michigan also enacted its Shorelands Protection and Management Act (1970), which covered areas of environmental importance, especially those with high risks of flood and erosion. This law established ten regional planning agencies to prepare *A Plan for Michigan's Shorelands;* however, local ordinances did not have to be based on the resulting land use plan. In all three of these cases, no funding for the programs was made available by the states, but coordination and professional assistance was offered.

On the East Coast the response to the coastal problems can be exemplified by the actions of North Carolina and Maine.

This report was prepared by David C. Williams and Kathy Hom, partners in a management consulting practice in Washington, D.C. specializing in the relationship of federal programs to local government; and by Dallas D. Miner, coordinator, external relations group, Office of Coastal Zone Management, U.S. Department of Commerce. Appreciation is extended to Michele Tetley of the Office of Coastal Zone Management for assistance in identifying sources of information.

The report draws heavily upon the writings of two persons involved in coastal zone management, and special appreciation is extended to them for the use of their materials. John R. Clark, senior ecologist of The Conservation Foundation, prepared The Sanibel Report: Formulation of a Comprehensive Plan Based on Natural Systems; Coastal Ecosystems; *and* Coastal Ecosystems Management. *Jens Sorenson prepared the definitive work,* State-Local Collaborative Planning: A Growing Trend in Coastal Zone Management.

The cover and other cartoons were created by Douglas Lee, management analyst, Resource Management Improvement Division, Office of Budget and Management Systems, District of Columbia. Mr. Lee was formerly with the City of Des Moines, Iowa and also served as an ICMA intern.

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North Carolina passed a dredge and fill permit law in 1969 and followed that by establishing a Comprehensive Estuarine Blue Ribbon Commission two years later. With the passage of the Coastal Area Management Act in 1974, local government activity was articulated in its first articles, and the 20 counties and 43 cities in the coastal zone reacted accordingly. The law created an institution for planning at the local government level and established a state-supported Local Planning Office (with two field offices) whose function was to offer professional assistance in every possible way. Prior to this act only six (four county and two city) planning staffs and 47 planning boards existed; now there are 22 staffs and 60 boards – a dramatic increase in local participation. Local governments prepare land use plans and implementation and enforcement plans, and if these plans are acceptable to the Coastal Resources Commission (a state commission with 12 of the 15 members chosen from nominees submitted by coastal zone cities and counties) the local governments can approve or deny minor development proposals.

The State of Maine enacted the Mandatory Shoreline Zoning Act in 1971. In 1972, before the Coastal Zone Management Act was passed, 88 townships and cities already had zoning and by 1975 the number had increased by two-thirds to 138. During that same time the number of shoreline zoning ordinances went from zero to 319. Once again the state's Board of Environmental Protection contained local government representatives (two of the ten members) and local coastal plans were guided by state guidelines.

On the West Coast, California, Oregon, and Washington had all started action to protect their coasts prior to the national initiative. Illustrative of these programs was the Shoreline Management Act (1971) of Washington, which mandated a Master Shoreline Program for each of the 229 local jurisdictions in the coastal zone of the state. The state program was based on the concept that, while there is a tendency for

> local governments ... to place higher regard on direct economic benefits than regional or state environmental values

it was still appropriate that local government have the

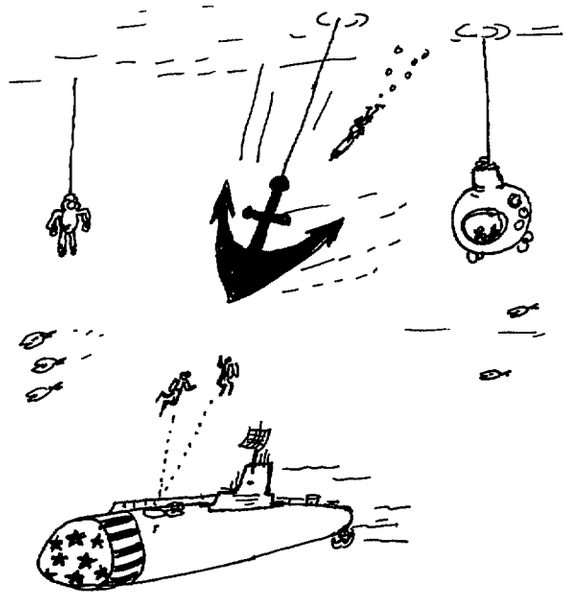
> primary responsibility for initiating and administering the regulatory program.

Therefore, the local governments geared up and prepared plans which were reviewed by the Department of Ecology, which was a line agency of state government. In both California and Oregon state commissions were established to work with local governments in the coastal zone planning process.

Thus, the early state initiatives were designed to broaden the planning base and generally were oriented toward protection or management of important environmental resources. The Coastal Zone Management Act of 1972 embodies these types of initiatives while adding a new partner and several expanded dimensions to coastal resource management.

FEDERAL/STATE RELATIONS

As previously noted, the federal Office of Coastal Zone Management serves primarily to issue and monitor grants to



Who has the bottom line and under which circumstances?

participating states. An important additional responsibility is to assist the states and local governments in dealing with other federal agencies. There are both formal and informal liaison efforts within the federal community. Of particular importance, is the development of acceptable operating procedures for the "federal consistency" clause of the Act. The national CZM office has issued several versions of governing rules and regulations for this section of the Act, and each time has worked closely with some 30 Federal agencies, state CZM offices, the private sector, and interested local officials to achieve a workable set of operational guidelines. The central issue, as one can imagine, is

> who has the bottom line and under which circumstances?

The state and local interests see the "consistency" provision as an opportunity to have a more direct influence on federal actions in coastal areas. Federal agencies, with equal predictability, seek to ensure the continued ability to pursue their various responsibilities. All parties have sought to keep consistency procedures from adding additional paperwork, delays, and double-work. OCZM has developed coordinative agreements with EPA, HUD, the Corps of Engineers, Department of Interior, and other agencies to simplify cooperative work at the state and local level. The interest is in avoiding duplicative requirements for data gathering, planning, permit gathering, project reviews, etc.

On a more informal basis, OCZM maintains close contact with federal agencies and provides assistance in dealing with specific issues which may arise in state program development. Often, OCZM has assisted in mediating differences between state and federal views. This will become increasingly important as more states move toward program implementation.

Once a state has gained approval, OCZM will assist in coordinating implementations of "consistency" actions, and

will help coordinate joint responsibilities for, as an example, maintaining federal air and water quality standards which must be incorporated in state programs. In this case, they will work with the states and EPA in ensuring that coastal management programs are working in conjunction with air/water quality programs.

In short, the Office of Coastal Zone Management serves a coordinating function in meshing the state and local interests with the programs of other federal agencies.

THE COASTAL ZONE MANAGEMENT ACT OF 1972

The Coastal Zone Management Act of 1972 (as amended in 1976) encourages

> the participation of the public, of Federal, state and local governments and of regional agencies in the development of coastal zone management programs to achieve wise use of land and water resources of the coastal zone.

The first significant characteristic of the Act is that it provides for a *voluntary* program; there are no sanctions imposed upon any state or territory which chooses not to participate.

The second significant characteristic is the Act's emphasis on the lead roles of state and local governments. Direct state administration, local administration consistent with state-established standards, and local administration subject to state review are the three optional means of program implementation specifically mentioned in the Act. The federal role is basically limited to providing the states with financial and technical assistance during development and implementation of management programs. The Act does provide guidance on the basic framework for state programs and requires participating states to address the following nine points:

1. Identification of boundaries of the coastal zone (determined by state discretion with minimum limits specified in the Act);
2. Designation and inventory of areas of particular concern (these may be areas of economic as well as environmental importance);
3. Broad guidelines on priority of uses in particular coastal areas including specifically those uses of lowest priority;
4. A determination of permissible land and water uses which have a direct and significant impact on coastal waters;
5. The means by which the state proposes to control those uses (this refers to the implementation authorities the state will use in making its program work);
6. The organizational structure which would implement the management program;
7. A planning process for shoreline erosion;
8. A planning process to deal with the issue of access to public waterfronts; and,
9. A planning process for the siting of energy facilities.

Federal financial assistance, for program *planning* is provided under Section 305 of the Act. Once a state program has been developed and approved by the governor, the state may voluntarily seek federal approval by the Secretary of Commerce. If the Secretary judges that the management program meets the basic goals of the Act, then the state may receive financial assistance under Section 306 to *implement* its program.

Under Section 315 of the Act, financial assistance may be provided to enable states to acquire and maintain estuarine sanctuaries, to preserve islands and to provide for access to public beaches and other public coastal areas of importance.

Finally, Section 308 establishes the Coastal Energy Impact Program (CEIP) which consists of the

> provision of financial assistance to meet the needs of coastal states and local governments in such states resulting from specific activities involving energy development.

A final important aspect of the Act is its emphasis on intergovernmental coordination and cooperation, especially with respect to "Federal consistency." Section 307 directs states to coordinate with federal agencies during program development, and in return directs federal agencies to conduct their activities within each state in a manner which is consistent to the "maximum extent practicable" with state's approved management program. This "consistency clause," which relates to federally-assisted actions, direct federal actions and issuance of federal licenses and permits, constitutes a unique opportunity for state and local governments

1. To require greater accountability of Federal agencies for their activities, and
2. To work out special arrangements in which federal regulatory functions such as permitting may be delegated to the state or local governments.

In addition, the Act requires both the federal Office of Coastal Zone Management and participating states to ensure that the "national interest" is maintained in state programs. The Act does not, however, provide a clear definition of what constitutes the national interest. While this provides the flexibility necessary to adjust to changing demands, it presents a major challenge to all those involved in the program. In great part, the national interest will be defined through interaction between federal, state, and local representatives, as well as the private sector and citizens. This, and other program elements, provide the impetus for strong intergovernmental and public participation throughout the CZM process.

ROLE OF LOCAL GOVERNMENT

Cities and counties, towns and boroughs are all involved in the management of coastal resources. Planning and implementation are the two key elements. The degree of involvement in each depends upon the individual state laws and programs *and* upon the needs, concerns and abilities of the local government.

PLANNING

Under the Coastal Management Act, each of the thirty coastal states has established an organization and process for preparing a coastal management program. Each process calls for the involvement of local government – to varying degrees – in the state-wide coastal program.[2] The critical questions concerning local government's role in planning are: Who sets the policy on coastal management? Who prepares the plan?

Local governments are involved in setting policy through

membership on state coastal management policy bodies, through membership on advisory committees and through policy-setting by regional planning commissions.

1. Membership on state coastal management agencies: several states – among them Alaska, California, North and South Carolina – have coastal commissions which are responsible for preparing and adopting a coastal management program, with members representing a range of interests and concerns, including local government. North Carolina's agency is described among the following case studies; two of the illustrations are South Carolina and Alaska.

   South Carolina – The South Carolina Coastal Zone Planning and Management Council has 23 members compiled of representatives of the coastal counties, the large municipalities, and environmental interests.

   Alaska – the Alaska Coastal Management Act of 1977 created the Alaska Coastal Policy Council to help put all of the local plans together into a statewide CM program. The sixteen members of the Council include seven members of the Governor's cabinet, and nine local officials (mayors or councilmen), one from each of the nine coastal regions. Local officials are nominated by local governments and appointed by the Governor.

   The Council's responsibilities include making sure that coastal boroughs and cities look at all the opportunities for development and possible problems in their areas; and making sure that all the state and federal agencies respect the local plans, once these plans are completed and approved.

2. Membership on advisory committees: The most common involvement of local governments in setting policy is through membership on statewide or coastal zone advisory committees. Membership may include local government elected officials or staff members among a range of citizens and interests, such as in Delaware (Coastal Zone Management Committee), Indiana (Technical Advisory Committee and an Elected Officials Committee), Maine (Governor's Advisory Committee on Coastal Development and Conservation), and Massachusetts (Governor's Task Force on Coastal Resources).

   In other cases, the membership of the advisory committee is made up entirely of local government officials, such as Illinois (Lake Michigan Shoreline Advisory Committee), Oregon (a local officials advisory committee), and Pennsylvania (central steering committee).

   Delaware: the Coastal Zone Management Committee, which meets monthly, includes representatives of state agencies, the University of Delaware, county planning departments, Delaware River Basin Commission, legislative committees, local governments, federal agencies, Delaware Society of Professional Engineers, and League of Women Voters.

   Illinois: the Lake Michigan Shoreline Advisory Committee is composed of representatives from each of 14 shoreline municipalities and Lake County. Ex officio members represent special districts, military bases, and the Illinois Department of Conservation. The Northwest Illinois Planning Commission serves as secretariat. The committee has helped develop grant applications and work programs, and reviewed coastal management studies and A-95 notifications.

3. Use of regional planning commissions (RPC): Local governments may be involved in policy-setting indirectly, through their membership (which may be voluntary) in regional planning commissions which are used by the state coastal zone management program for policy, research and analysis purposes. States involved include: Florida (nine RPC's), Georgia (two local planning agencies and the one regional commission), Minnesota, Mississippi and New Hampshire (the one RPC within the coastal zone), and Wisconsin (three RPC's).

   Michigan: The Department of Natural Resources administers the Michigan CZM program. Planning is carried out through ten regional planning agencies with shoreline jurisdiction. The RPC's are working with local governments to develop use priorities for particular areas. RPC's have the major responsibility for accepting nominations for geographic areas of particular concern. The regional agencies review the statement of goals and objectives of the statewide program.

IMPLEMENTATION

With completion of the Section 305 planning effort – and upon approval of the Secretary of Commerce – states begin implementation of the coastal zone management program with financial assistance under Section 306. The planning process has required that states address, among nine points,

> the means by which the state proposes to control those [permissible land and water] uses.

A state coastal zone management program must provide for any one of or a combination of three approaches for the control of land and water uses within the coastal zone.[3] That is, states may establish:

1. Criteria and standards for local implementation, subject to administrative review and enforcement of compliance;
2. Direct state land and water use planning and regulation;
3. State administrative review for consistency with the management program of all development plans, projects, or land and water regulation. . .

These arrangements are certainly not the only possibilities, and are not mutually exclusive. In more detail, these options mean:

Option 1: Local Implementation with state guidelines.

According to this type of management, the state will establish criteria and standards for local implementation, with review by the state for conformity of local plans with such criteria and standards, and enforcement of compliance

if the local government should prove unable to enforce those plans. Once the local plans are accepted by the state, the primary responsibility for managing coastal areas would reside with local governments.

Option 2: Direct regulation by state authorities.

A second style of management would involve direct regulation by the state authorities. This would mean that establishment of standards and criteria, planning, implementation, and monitoring and enforcement would be undertaken by the state. This approach would override the traditional local powers to regulate land use, and would require that all potential changes in land or water use would be administered at the state level.

Option 3: Local implementation with state administrative review.

The third style of management requires that local governments adopt or retain their traditional powers of zoning and regulation, but all decisions affecting changes in the coastal area be reviewed and analyzed for conformity with state criteria and standards. In effect, this means that virtually every land use decision at the local level is subject to scrutiny and potential reversal or modification by the state coastal zone management program.[4]

States with programs calling for Option 1 – local regulation according to state guidelines include: Alaska, Maine, Michigan, North Carolina, Oregon, Virginia, Washington and Wisconsin. Option 2 – direct state control – is used by California, Delaware, Hawaii and New Jersey for most or all uses; and by Maine and North Carolina for specified significant uses or areas. No state has yet chosen Option 3. These lists are not necessarily complete; states are still considering, in many cases, the management process they will adopt for their state CZM program.

The manner in which three states have tied together their planning and implementation – and involved local governments – is demonstrated below by short descriptions of Washington, New Jersey and North Carolina.

WASHINGTON: LOCAL PLANNING UNDER THE NATION'S FIRST APPROVED CZM PROGRAM

In 1972, the voters of Washington State approved the Shoreline Management Act of 1971 (SMA) which had been passed by the legislature in response to a citizen initiative to regulate the shoreline. One reason the citizens chose the legislature's proposal over the citizen/environmental group's proposal was the former's greater assigned role for local government in program development and implementation.[5]

The Shoreline Management Act applies to all bodies of water and adjacent land areas for 200 feet, as a "first tier" subject to State management authority. The second tier for federal CZM planning purposes encompasses 15 counties, with two-thirds of the state's residents. "Shorelines of statewide significance" regulated by the state comprise 583 of the 2,337 miles of marine shoreline in Washington.

The Washington program for regulating the coastal zone closely parallels Option 1: state standards and criteria with local regulation. The Department of Ecology has the primary responsibility for administering the Act. The two basic components of the Act are: (1) issuance of permits within the shoreline area, and (2) development and implementation of shoreline master programs. In regard to the permit process, SMA states that:

> Local government shall have primary responsibility for initiating and administering the regulatory program.... The department [of ecology] shall act primarily in a supportive and review capacity with primary emphasis on insuring compliance with the policy and provisions of [the act].

The local government issues permits for substantial developments and modifications within the shoreline jurisdiction. Figure 1 outlines the permit process. State agencies as well as local agencies and private developers must obtain permits. Local governments are even represented on the appeals body, the Shorelines Hearing Board. The six members of this quasi-judicial body include representatives from the Association of Washington Cities and the Washington State Association of Counties, plus three members from the Pollution Control Hearings Board and the Commissioner of Public Land.

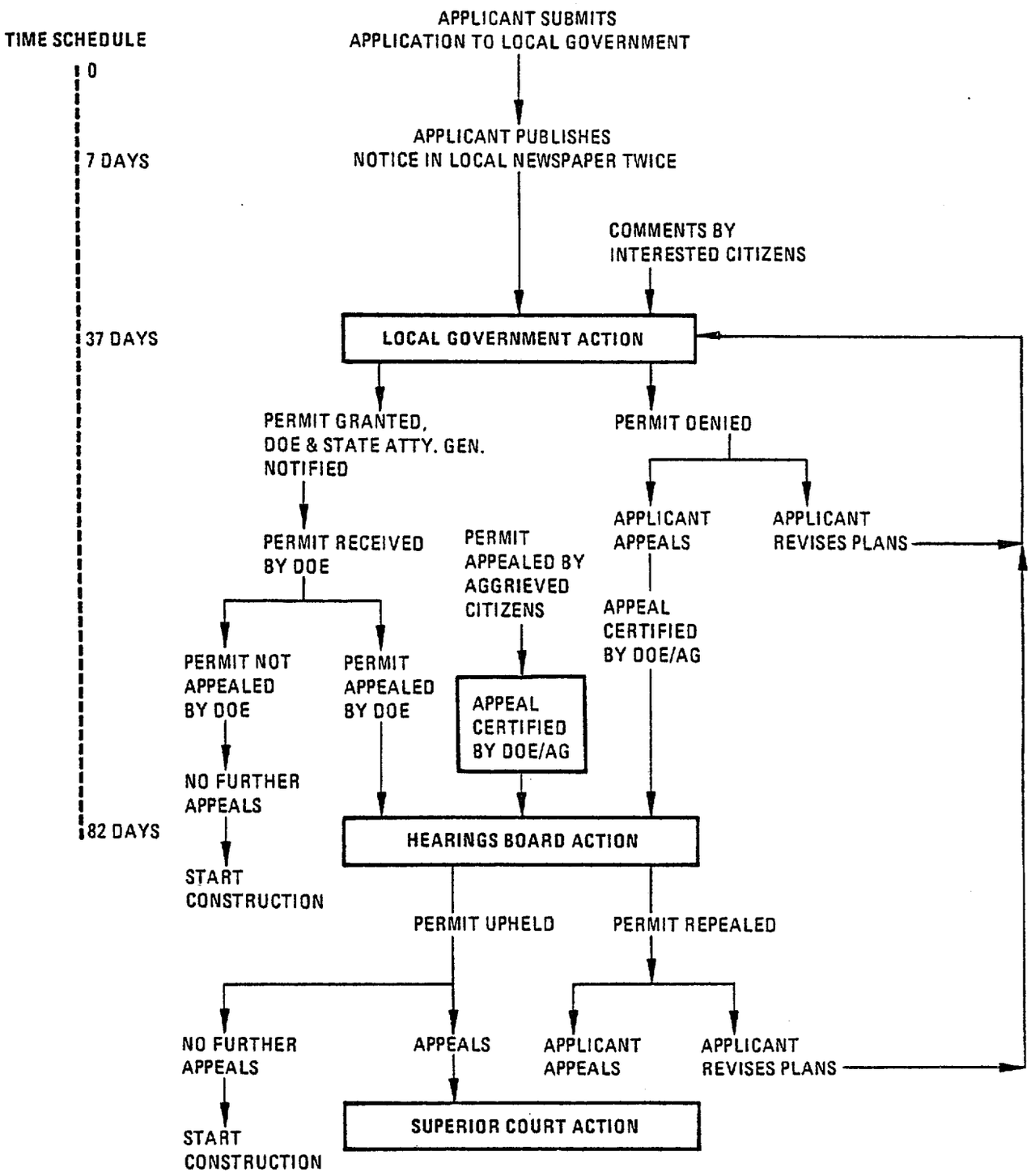
> The Board provides an avenue of review for those aggrieved by a local government permit decision and for local governments which take exception to regulations and guidelines adopted by the Department of Ecology. It has also played a significant role in formulating and articulating policy and in resolving conflicts relating to the implementation of the Shoreline Management Act.[6]

The SMA requires that each of the 229 local jurisdictions that have shorelines described by the act prepare a master shoreline program. The first step in the process was issuance of a set of guidelines by the Department of Ecology, in 1972 – *Final Guidelines: Shoreline Management Act of 1971.* According to SMA and the guidelines, the master shoreline programs shall include when appropriate:

a) an economic development element . . . for developments that are particularly dependent on their location on or use of the shorelines. . .;
b) a public access element making provision for public access to publicly owned areas;
c) a recreation element. . .;
d) a circulation element. . .;
e) a use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas. . .;
f) a conservation element for the preservation of natural resources. . .;
g) an historic, cultural, scientific, and educational element. . .;

The guidelines further require that each master plan contain:

- a method for obtaining and utilizing citizen involvement;
- policy statements developed through the citizen involvement process . . . the policy statements are to provide a



Source: *Washington State Coastal Zone Management Program.*

Figure 1. Shoreline Permit Procedure

bridge for formulating and regulating and relating use regulations to goals also developed through the citizen involvement process;

- a system for categorizing shoreline areas... The system is designed to provide a uniform basis for applying policies and use regulations within distinctly different shoreline areas;
- provisions covering conditional uses and variances.

One of the strongest selling points of CZM to local governments in Washington is funding for implementation of master shoreline programs and enforcement of shoreline development permits. Twenty-six local governments are currently receiving pass-through funds from OCZM's 306 grant to the Department of Ecology for: master program administration; permit administration, inspection and enforcement; permit compliance review; and refinement of previously issued permits.

There are four major reasons why Washington's state-local process is working, according to a recent study by Jens Sorenson: a balance of authority, uniformity and flexibility of the state guidelines, Department of Ecology administration, and public participation in local plan making.[7] The Act evenly divides the authority for permit letting and plan making between local and state government. The state guidelines built upon this balance by providing a workable blend of required uniformity to meet state objectives and flexibility to accommodate local conditions. The guidelines "allowed local governments to tailor their master program to the circumstances and needs of its shorelines and its citizens."[8] Clearly, the shorelines management program increased public participation and benefitted from it.

The chairperson of the Shorelines Hearing Board has observed that the Act has

> increased the percentage of water-dependent uses, reduced the bulk and intrusion of buildings on the shoreline landscape, and added to protection of wetlands and dune environments.[9]

A long-term effect is the alteration in relationships between state agencies and local government and those within local government. An approved Master Shoreline Program can limit state agencies (particularly parks and public works) from carrying out projects. On the local level, the planning office may have new-found leverage over capital projects.

NEW JERSEY: A STATE STRATEGY TO MANAGE THE COAST

The nation's most urbanized state has one of the most surprising coasts. To the north is heavy industrial and port activity, with many areas in decline. The Jersey shore is famous as a summer home and resort area, much of it too in decline. The "Queen City of the Coast" – Atlantic City – has seen better days, and has approved casinos to bring back a dying economy. Recently, the second homes have turned to permanent residences and new subdivisions have sprouted along the coast, ever further from the employment centers of northern New Jersey. Perhaps 100,000 acres of wetlands were lost to development during the 1950's and 60's.

Still, there is much to prepare – and much to restore – along this 275 mile coast. The Atlantic Coast is one of barrier islands, bays and wetlands, and the home of millions of migratory birds. New Jersey's 250,000 acres of wetlands – exceeded in size by only Louisiana – are productive spawning and nursery areas for fish and shellfish. Along the Delaware River, the coast is relatively unchanged from the time of the Revolution.

CZM will provide funding for the implementation of master shoreline programs and enforcement of shoreline development permits.

The coastal area of New Jersey is the only place left to build power plants in the state. It was the experience of a nuclear plant in a sensitive area along the Atlantic coast, and proposals to build offshore nuclear power plants in the Atlantic, that gave impetus to the state legislature to adopt, in 1973, the Coastal Area Facilities Review Act (CAFRA). CAFRA requires that the Department of Environmental Protection (DEP) take planning and regulatory actions to preserve environmental assets in the coastal area, while providing for new development which will meet the economic and social needs of the area and the state.

The Act stipulates that DEP have final jurisdiction over proposals (both private and public) for specific facilities which could have significant impact on the coastal area. These include most residential projects (25 units or more), industrial, transportation, utilities, and energy facilities. Even gambling casinos in Atlantic City are covered. Permits from DEP are required before construction can begin. The applicant must meet all local zoning, subdivision and other requirements prior to approval by the State. DEP, however, has the responsibility to approve, disapprove, or approve with conditions, the final submission. While DEP may disapprove, or apply conditions to, a project approved by the local government, it may not approve a project which was denied at the local level.

The Coastal Area of New Jersey covers a significant portion of six counties (and small portions of two others) and contains 126 municipalities – cities, towns and townships, which have full local control of zoning and land use. The entire state is included within incorporated municipalities. Counties do not have land use controls, except indirectly, but have established the most capable planning boards and staffs. DEP has provided assistance to counties to improve their coastal area planning

capabilities, and has relied heavily on county review of CAFRA permit applications.

In four years, the Department of Environmental Protection has acted on 159 applications, of which 15 have been denied. One of the first, for a ten-story apartment building, was denied on grounds that it violated the area's existing environmental character. On the appeal to the Coastal Area Review Board – comprised of the Commissioners of Community Affairs, Labor and Industry, and Environmental Protection – the denial was upheld, but the Board urged DEP to prepare interim guidelines for allowable development. This would give not only applicants, but also especially local governments a much firmer grasp, in advance, on what types of land uses and densities could be considered acceptable by DEP, thereby removing much of the uncertainty inherent in the case-by-case permit review process. The interim guidelines also served as an essential building block in the preparation of the coastal management strategy.

The Act required that the Department of Environmental Protection prepare, within four years of passage, *A Coastal Management Strategy for New Jersey*.[10] This strategy, now submitted for consideration at public hearings, defines a process for making decisions on the future of the coast. The basic direction is made clear by four basic coastal policies:

1. Protect the coastal ecosystem.
2. Concentrate rather than disperse the pattern of coastal residential, commercial, industrial and resort-oriented development and encourage the preservation of open space.
3. Employ a method for decision-making which allows each coastal location to be evaluated in terms of both the advantages and the disadvantages it offers for development.
4. Protect the health, safety and welfare of the people who reside, work and visit in the coastal zone.

The specific policies in the Strategy are divided into three groups: USE POLICIES are directed at different uses of the coastal area, LOCATION POLICIES evaluate specific types of coastal locations, and PERFORMANCE STANDARDS focus on controlling the effects of development. The Strategy includes more than fifty policies on uses and performance standards, such as:

- encouraging hotel-motel construction in developed ocean-front communities,
- directing offshore crude oil and natural gas pipelines away from the center of the Pine Barrens,
- reaffirming the state's preservation policy on wetlands, and
- encouraging energy conservation in building design and development patterns.

The Strategy also presents an explanation of the Coastal Location Acceptability Model, which will be used to determine specific Location Policies.

The Coastal Management Strategy is to be submitted to the federal Office of Coastal Zone Management to meet CZM Act deadlines. DEP expects, however, to work in close cooperation with local governments to complete a more detailed and increasingly site-specific Strategy within two years.

The State of New Jersey has to work with local governments. It cannot force any local government to allow a development it doesn't want. DEP approvals have to consider local government's ability to service new development, and the effect on local tax base. County planning agencies in particular have had a great influence in plan and strategy preparation. The state has given funds to the counties to plan for the impacts of offshore oil and gas development – especially important now that exploration will begin off New Jersey's coast this coming Spring. Local governments of New Jersey, however, do not have the power over coastal zone management of either Washington or North Carolina local governments, whose power is built into the coastal legislation.

NORTH CAROLINA: WHERE LOCAL GOVERNMENTS ARE REALLY INVOLVED[11]

The 380 mile coastline of North Carolina is a lightly populated area of barrier islands and coastal sounds. Agriculture and tourism are important economic activities in the twenty counties of the coastal area. Average county population is slightly over 12,000, while the 43 cities of the area average 2,000 persons. Vacation home subdivisions and tourist commercial developments were creating environmental and public service problems for local governments and the critical fishing industry. In 1969, the legislature called for a study of a comprehensive and enforceable plan for the coastal zone.

As in many states, early versions of the proposed coastal management legislation placed major powers in state agencies, giving them wide-ranging permit and regulatory powers. Coastal communities, however, had "a virtually unanimous feeling that local government should play a major role in the planning process and have some say in the selection of the state level board responsible for the supervision of the program."[12] This role was accomplished with passage of the North Carolina Coastal Area Management Act (CAMA) in 1974.

The first article of the legislation highlights the state-local relationship in the coastal management process:

> This article establishes a cooperative program of coastal area management between local and State governments. Local government shall establish areas of environmental concern. With regard to planning, State government shall act primarily in a supportive standard-setting and review capacity, except where local governments do not elect to exercise their initiative. Enforcement shall be a concurrent State-local responsibility.

Policy Body. Administration of the program is shared by two line agencies, the Department of Natural and Economic Resources and the Department of Administration, and the appointive fifteen-member Coastal Resources Council (CRC). CRC was created by CAMA to set coastal management policy and supervise the program. Twelve of the CRC members must be from a list of nominees submitted by coastal cities and counties, and each must be appointed to represent a specific interest or knowledge (e.g., one each for commercial fishing and coastal land development, with at least two actively connected with or having experience with local government in the coastal area.

Planning. Prior to passage of CAMA, only four coastal counties

and two cities had planning staffs, largely because of the small population and tax. Given the local governments' inabilities to support planning staffs, the state established a Local Planning Office as a part of the Department of Natural and Economic Resources' Division of Community Assistance. Thirty coastal local governments have contracted with them to help in the preparation of the local plans required by the Act.

The incentive of CAMA legislation – and some CZM funds – did, however, greatly increase the number of planning boards and staffs. City planning boards increased from 31 to 40 (93% of total) and county boards from 16 to 20 (covering all counties). Planning staffs increased from two to thirteen in cities, and from four to nine in counties. The Act not only established a coastal management program, but also created an institution for planning at the local government level.

In preparing their plans, local governments acted in accordance with standards established in the "State Guidelines for Local Planning in the Coastal Area Under the CAMA of 1974" (Coastal Resources Council, October 1975). Each local land use plan contains five basic elements:

1. Statement of objectives, policies and standards;
2. Summary of data collection and analysis;
3. Existing land use map;
4. Land classification map; and
5. Text indicating appropriate uses for interim areas of environmental concern and maps of those areas.

The Coastal Resources Council designates areas of environmental concern (AEC) and has developed a permit system to assure their preservation and protection. CRC solicited local government nominations for AECs. They are the most important component of the planning and implementation process since state regulation is limited to these locations.

Following preparation and adoption of the plan by the local government, the North Carolina Coastal Resources Council reviews the land use and implementation/enforcement programs for consistency with the Act and local plan guidelines. With approval, local governments issue permits for minor developments in areas of environmental concern. Figure 2 presents the functions and responsibilities of state, regional, county and city agencies in North Carolina.

LOCAL COASTAL PROGRAM MANUAL: CALIFORNIA

The California Coastal Act of 1976 declares that

> to achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement

in carrying out the state's coastal objectives and policies. To this end, the Act directs each local government lying wholly or

Policy Groups	Not Appl.	Exist. Cond.	Local Policies	Local Land Use	Local Zoning	Other Actions	Remarks
A. SHORELINE ACCESS (S30210, 30211, 32012)							
Development not to interfere with public right of access; provision for dedication of accessways.							
B. RECREATION AND VISITOR-SERVING FACILITIES (S30212.5, 30213, 30220-30223, 30250(c))							
Distribute public facilities; provide lower cost visitor facilities; protect oceanfront areas for coastal recreation; give priority to commercial recreation; reserve upland support areas; locate visitor facilities at selected points.							
C. HOUSING (S30213)							
Protect low- and moderate-income housing; new housing to conform to housing element.							
D. WATER AND MARINE RESOURCES (S30230, 30231, 30236)							
1. Maintain, restore marine resources and coastal water quality; control discharges.							
2. Control runoff.							
3. Prevent groundwater depletion, interference with surface flow; encourage water reclamation.							
4. Maintain riparian buffers and lim							

Figure 2. Local Coastal Program Checklist

partly within the coastal zone to prepare a Local Coastal Program (LCP) for its portion of the coastal zone.

According to Section 30108.6 of the Act, an LCP consists of: land use plans, zoning ordinances, zoning district maps, and (in designated sensitive coastal resource areas) implementing actions. After the plan has been certified by the California Coastal Commission (CCC), the local government assumes responsibility for administering coastal development permits (except for certain lands under State jurisdiction, such as tide lands). Developments within the coastal zone, including special district, state and most federal actions, are to be allowed only if found to be in conformity with the certified LCP. The California Coastal Commission will hear only limited appeals from such local permit decisions.

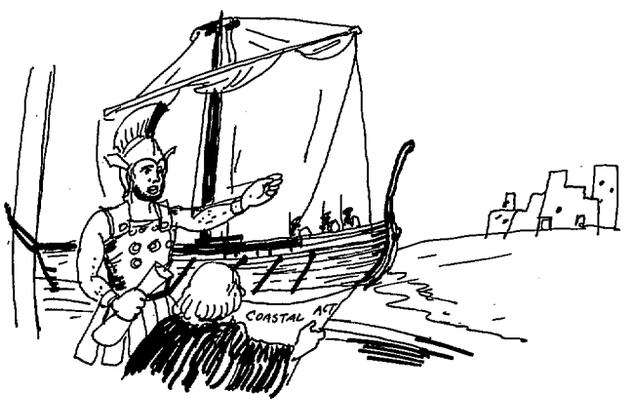
The CCC has prepared the *Local Coastal Program Manual* (See Additional References) to assist local governments in preparing an LCP that meets the requirements of the Coastal Act and the Commission's regulations. The *Manual* is divided into three parts: I – Preparation of the Local Coastal Program; II – Coastal Act Policies; and III – Funding Assistance. Part I covers the three phases of the LCP preparation process: (1) issue identification and work program, (2) the land use plan, and (3) zoning and implementing actions.

ISSUE IDENTIFICATION

The initial steps in preparing an LCP are to identify the coastal issues and to design a total work program that addresses those issues. To identify issues, the local government is to:

1. review the policies of the Coastal Act to determine which are applicable and the extent of analysis needed;
2. identify potential uses of more than local importance; and
3. identify potential conflicts between coastal policies and existing, allowable, or proposed uses.

A model format is suggested in the *Manual* to assist local governments in preparing an issue identification in an efficient manner. The model format consists of four parts:



The initial steps in preparing an LCP are to identify the coastal issues and design a total work program that addresses those issues.

1. *An area-wide description* of the existing conditions, potentially allowable uses in accordance with existing plans and zoning, and any major proposed public works projects or uses of more than local importance. Such a description may include several paragraphs of text, and map(s) to show existing land use, zoning and plans and proposals.
2. A *policy group evaluation,* discussing existing and potentially allowable uses as they relate to the Coastal Act policies. California has 14 policy groups. For example, the first one is:

   A. Shoreline Access: Development should not interfere with public right of access; provision for dedication of accessways. (See Figure 2)

   Any potential inconsistencies, omissions or problems should be noted. The local government should also point out where the Coastal Act policies as applied to local conditions appear to be in conflict.
3. A *summary checklist* of applicability and consistency of local policies, plans, and zoning to the Coastal Act policy groups. The first two policy groups on California's checklist chart is shown below. The full text of policies (set out in the *Manual*) would be consulted in preparing the checklist. The first column in the chart would be checked if the policy need not or cannot be addressed in the local program. The second through fifth columns would be used to assess the relationship of the Coastal Act policies to existing: (2) local conditions, e.g., existing lot patterns or developments; (3) local policies, e.g., in General Plan documents; (4) land use designations, e.g., in land use maps or community plans; and (5) zoning ordinances and districts.
4. A *summary of key issues* focusing on the key coastal problems and on important policy interpretations needed to prepare an LCP that conforms to the Coastal Act. This should be as brief and to-the-point as possible. It could be simply a listing of the policy groups that are most critical, or it could be in the form of questions that need resolving. For example, the *Manual* shows

   ... the only key issue is whether the advantages of increasing density at the Main Street intersection outweigh any small traffic increases on the coastal highway; must resolve bus service.

LAND USE PLAN

Most local governments are already familiar with land use plans. Developing a coastal land use plan consists primarily of preparing any revisions, additions or new elements to the local general plan as needed to bring it into conformity with the Coastal Act. In doing this, each local government will need to:

1. determine which options for preparing and submitting the plan are most appropriate to the particular local circumstances;
2. make use of the relevant portions of existing plans and planning authority to achieve Coastal Act objectives; and
3. undertake analyses and revisions as necessary to resolve coastal issues. The *Manual* describes in detail the planning

STATE GOVERNMENT

Functions:

- Designates areas of environmental concern.
- Coordinates local land use planning.
- Issues major development permits and reviews minor development permits.
- Provides planning grants and technical assistance to local governments.

Agencies:

- Policy – Coastal Resources Commission.
- Advisory – Coastal Resources Advisory Council.
- Staff (planning) – Department of Administration.
- Staff (management) – Department of Natural & Economic Resources.
- Others – Governor appoints Commission, Attorney General provides legal advice, Secretary of DNER performs certain functions, Secretary of State files certain records, etc.

COUNTY

Functions:

- Prepares county land use plan.
- Issues minor development permits.
- Nominates four persons to Coastal Resources Commission and designates some members of Advisory Council (each coastal area county).

Agencies:

- Policy – Board of county commissioners.
- Advisory – County planning board.
- Staff – To be designated by county commissioners.

REGIONAL PLANNING

Functions:

- Prepares land use plan on request of county, city or State.
- Designates some members of Advisory Council.
- Assists local governments on request.

Agency:

- Lead regional organization of multi-county planning district.

CITY

Functions:

- Prepares land use plan within city planning area.
- Issues minor development permits within city zoning area.
- Nominates one person to Coastal Resources Commission (each beach town and each coastal area city of 2,000 population).

Agencies:

- Policy – City governing board (e.g., city council, board aldermen, etc.).
- Advisory – City planning board.
- Staff – To be designated by city governing board.

Source: Milton Heath Jr., "Coastal Area Management Bulletin No. 4."

Figure 3. Organization Chart for Coastal Area Management

that might go into preparing elements of the coastal plan for public access and for uses of other than local importance, such as major energy facilities and state or federal projects.

ZONING AND LOCAL COASTAL PERMITS

Part I of the *Local Coastal Policy Manual* concludes with a section on zoning covering: (A) Preparing zoning; (B) Governmental and citizen participation; (C) Environmental requirements; (D) Local adoption of zoning; and (E) Review and certification of zoning. Implementing actions will include a local coastal permit system.

CALIFORNIA COASTAL ACT POLICIES

The *LCP Manual* provides explanatory notes, an LCP checklist and sources of information to assist local governments in evaluating the fourteen policies of the California Coastal Act, which are: (A) Shoreline access, (B) Recreation and visitor-serving facilities, (C) Housing, (D) Water and marine resources, (E) Dredging, filling and shoreline structures, (F) Commercial fishing and recreational boating, (G) Environmentally sensitive habitat areas, (H) Agriculture, (I) Hazards, (J) Forestry and soils resources, (K) Locating and planning new development, (L) Coastal visual resources and special communities, (M) Public works, and (N) Industrial and energy development. (See Figure 2)

LOCAL PLANNING BASED ON NATURAL SYSTEMS: SANIBEL ISLAND, FLORIDA

In November of 1974, more than a thousand of the citizens of Sanibel Island, Florida went to the polls; 64% of them voted to incorporate their island as a city. This 12-mile-long barrier island, connected to the southwestern Florida mainland by a causeway in 1963, is the major defense against the sea for central Lee County. Annually, a million people visit to collect shells, walk the beach, go birding, fishing or to study nature. Until 1974, Sanibel had been governed by the Lee County Board of Commissioners, which despite their unique character as a wildlife center, classified the island as though it were a mainland area, open for intensive development. The county zoning of Sanibel would have allowed a population of more than 90,000 (current peak population is about 12,000). In December, the new Sanibel city government took over and immediately issued a moratorium on new building permits and began an extensive campaign for conserving threatened land and water resources, beaches and mangroves, drinking water and wildlife.

The Sanibel Planning Commission began work on the new comprehensive plan. With professional assistance, the Commission completed the Sanibel Plan. This plan provided for long-term conservation of natural resources as well as a reasonable amount of growth. It resulted from a total community effort with interaction among citizens, government officials, consultants and conservation and public interest groups. The Commission's role was to gather and analyze data, determine community needs and to present the final comprehensive plan to the mayor and council for adoption. The Conservation Foundation, in cooperation with the local Sanibel-Captivea Conservation Foundation and other private citizen groups, prepared a detailed natural systems analysis – and presented the final plan in *The Sanibel Report* (1976).[13]

In June 1975 the planning consultants[14] began developing base maps and socioeconomic data pertaining to the historic and projected urbanization of the island. During this same period the Conservation Foundation team of 16 scientists began field studies to prepare a detailed natural systems analysis as well as recommendations for resource conservation. In each step of the process, the planners and their natural scientist worked closely with the CF team so as to keep their base data consistent.

When the island's conditions and capacities had been determined, it was possible to make projections of urbanization trends and evaluate the city's capacity to accommodate and service further growth. Previous zoning by Lee County – which would have allowed up to a total of 30,000 dwelling units – quickly became unacceptable because of the loss of natural environment and inadequate services. Options of 6,000, 8,000, 16,000 and 24,000 units were tested. On the basis of projected impacts, the Commission recommended that a plan be developed based on 6,000 dwellings – 2,000 more than those existing in 1975. The planners developed a formula to distribute the 2,000 units, which considered the relative suitability of each ecological zone, proximity to human support systems, and the level of private investment in terms of development improvements. The final product of this formula allocated densities to the island varying from 1 dwelling for each 33 acres to 5 dwellings per acre; lower densities in the more fragile lands and higher ones in more tolerant areas. The Planning Commission then held public hearings that specifically addressed problems of density, individual lots, established subdivisions, partially completed condominium projects and open parcels of land were each reviewed to reach recommended densities and to make fair adjustments. The process, which took four months of hard labor, including hundreds of hours of public hearings, added 1,800 units to the plan's 6,000-unit ceilings.

During this time, a comprehensive set of performance standards were set for the environmental protection of each ecological zone. These guidelines included beach setbacks, water setbacks, restrictions on clearance of vegetation and topographic disturbance for home building and limits on the size of areas to be covered by impervious materials (to ensure groundwater recharge). Strict controls for on-site sewage disposal were also set up along with state and local health requirements.

The Commission, public interest groups and consultants engaged in a laborious process to protect the environment while accommodating the problems of property owners and builders. The Commission held months of public meetings to hear the pros and cons of alternatives to achieving environmental conservation while avoiding unnecessary hardship. The social costs of depriving landowners of their building expectations according to previous zoning were considered.

The final step in the planning process was to make the plan internally consistent so that future land uses and improvements could be efficiently planned and financed. Administrative regulations were written, permits were issued and amendments to the plan were heard. The City Council obtained reviews by state, regional and county governments on five drafts for a comprehensive plan. The council then held its own

public hearings on the entire plan before adopting the final version in July 1976.

ISSUES OF COASTAL ZONE MANAGEMENT

Two of the major issues of CZM relate to old problems, and new ones. Most of the large metropolitan areas of the country, developed around ports, but changes in transportation patterns have left many ports and urban waterfronts obsolete and unused. CZM can lead to a renaissance for the waterfront. New demands for energy self-sufficiency have led to a federal program for the leasing of offshore areas for oil and gas exploration and development. The onshore facilities needed to support this activity can have both positive and negative effects on communities and local governments. The Coastal Energy Impact Program is the most significant element of the federal coastal zone management program designed to assist local governments (and states) in planning for and coping with onshore impacts of offshore oil and gas.

ON THE WATERFRONT

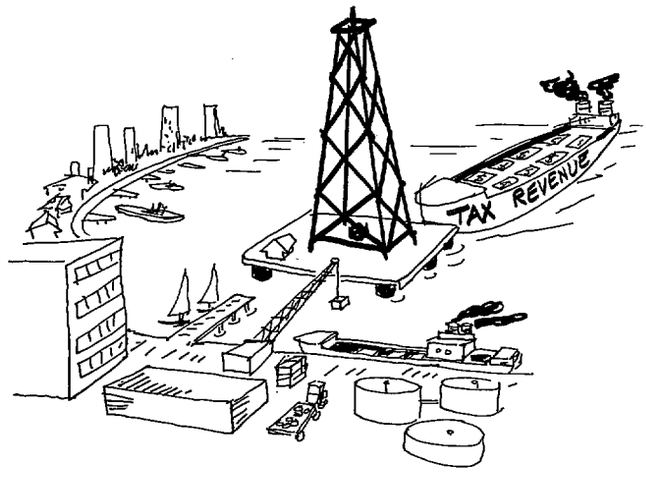
For the most part, American cities have turned their backs on coastal and river waterfronts. Technological changes in transportation have left many port areas behind, and obsolete facilities have been allowed to rot. Our coastal and river cities have often blocked access to the water with railroads and freeways. Only a few American cities have followed the example of great cities of Europe – such as Paris, Hamburg and Copenhagen – which make maximum use of harbors and rivers for people.

In a speech at the American Society of Planning Officials (ASPO) Conference in San Diego earlier this year, Richard Gardner of the Office of Coastal Zone Management (OCZM), noted that

> the waterfronts of our cities are great, untapped resources where relatively small investments by the cities and states can lead to rejuvenation of both facilities and spirit, not to mention added tax revenues for financially strapped municipalities.[15]

Waterfront areas have an enormous potential for improving city living, providing new recreation facilities, and shopping or residential centers, or just for opening up new views of the water for the public. A waterfront renaissance could help change the image we have of cities. The return to a maritime emphasis – so dramatically displayed by the Bicentennial "Tall Ships" – would not be for romantic but rather very practical considerations. The site of the ASPO conference – San Diego – demonstrates the personal and economic benefits of developing and using harbors for people.

The potential of waterfronts has been discovered by cities as different as San Francisco and Bridgeport, Connecticut. Fisherman's Wharf and Ghirardelli Square are major tourist attractions in San Francisco. Private funds are the source of that city's renewal. Bridgeport, on the other hand, is using HUD community development block grants as the stimulus for its waterfront development, which features a long promenade, two public piers and a major privately-built recreation facility on the site of a truck assembly plant. An old railroad station is to be bought and converted to a food market and retail cluster.



The waterfronts of our cities are untapped resources where small investments can lead to added tax revenues.

Boston is another example of successful waterfront renewal. A working partnership of aggressive city leadership and private interests has generated private investment of $143 million with $42 million of governmental investment, only $7 million of it city funds. The results are two 40-story apartment towers, an eight-story hotel and the New England Aquarium. Two thousand new and converted housing units are projected, along with a waterside park, a public wharf and the nearby (and highly successful) Faneuil Hall market restoration.

Cities do not, however, have to be the size of Boston or San Francisco to contemplate renewal of their waterfronts. St. Ignace, Michigan has developed a public promenade, and Kenosha, Wisconsin has improved beach access. Newburyport, Massachusetts has used urban renewal funds to recreate the atmosphere of the days when clipper ships sailed from there.

Critical Factors: An excellent study by Washington architect Arthur Cotton Moore, entitled *Bright Breathing Edges of City Life: Planning for Amenity Benefits of Urban Water Resources,* found that leadership was the most critical factor in successful waterfront redevelopment. In six case study cities (Louisville, New Orleans, Oakland, Buffalo, Boston, and Washington), Moore found the other critical factors to be:

- *priorities* – the need to be realistic about waterfront projects which must compete for limited city funds;
- *land ownership* – especially the need to assemble large parcels in order for private projects to succeed;
- *participation by the public* – notably the parties directly affected by waterfront projects;
- *money* – making use of the federal (and other governmental) funds available, and
- *quality design* – which will attract people to the area and serve as a source of community pride.

Funding: A major source of funds for waterfront renewal has been the community development block grant from the Department of Housing and Urban Development. Another source is the Land and Water Conservation Fund administered

KEY ACTION STEPS

1 Investigate the potentials for new or renewed coastal, beach or waterfront activity, such as recreation, onshore support for offshore oil and gas development, or the renewal of an existing harbor waterfront.

2 Set coastal zone goals, objectives and policies for the community, considering potential activities, community desires and state and federal requirements.

3 Get involved in the coastal zone management program of your state. Contact the state agency listed in the Appendix, and determine your responsibilities and potential role. Coordinate your CZM activities with other coastal local governments.

4 Conduct an inventory of the natural systems within the community, to determine the suitability and capacity of land and water for conservation/preservation, for concentration of urban development, or for controlled activity.

5 Restrict or prohibit new development in environmentally sensitive areas, including beaches, dunes, barrier islands, and coastal floodplains. Wetlands not already controlled by state or federal programs should be locally regulated.

6 Institute programs for beach access – state and federal programs and funds are available to assist local governments.

7 Restrict new development in the coastal/beach/waterfront areas to economic activities which are dependent upon the water (such as ports, marinas, service and staging areas) or are substantially enhanced by a waterfront location (such as recreation, restaurants and water-oriented commercial).

8 Concentrate urban waterfront activities on the renewal of existing buildings and structures, which may have been for manufacturing or warehousing, to people-oriented activities, such as eating and shopping places, public promenades, water-view residential and recreation.

9 Obtain assistance from the state Coastal Zone Management Program, the Coastal Energy Impact Program, the Economic Development Administration (EDA), the Department of Housing and Urban Development (HUD), the U.S. Army Corps of Engineers and the Environmental Protection Agency (EPA).

How not to do it.

Savannah, Georgia Waterfront

by the Bureau of Outdoor Recreation (Department of the Interior). The Office of Coastal Zone Management is starting a cooperative program with BOR to support matching grants to provide means of access to publicly-held areas along the coast. Other programs are found in the Army Corps of Engineers (Harbor Cleanup); Department of Transportation (recreation access); and Economic Development Administration (EDA). Many waterfront areas would lend themselves to the EDA objective of stimulating job development and improving public works.

One effective way to push the redevelopment of urban waterfronts is to establish a waterfront element in the community's comprehensive general plan. As part of this element, land use could be controlled to allow only those uses which are water dependent (such as marinas) or which are enhanced by a waterfront location (such as restaurants). Special attention should be given to the restoration, rather than demolition, of waterfront structures which may have been used for manufacturing or warehousing. Savannah, Georgia has a spectacularly effective waterfront in which cotton and naval stores warehouses have been converted into restaurants, shops, bars and a museum. A public promenade makes walking along the Savannah River a delight both day and night, an area of real-world activity and authentic historic atmosphere.

OFFSHORE OIL AND GAS DEVELOPMENT

The world of exploration for and development of oil and gas on the Outer Continental Shelf is radically different from waterfront restoration. The federal program to increase domestic production of petroleum will affect, in one way or another, a number of communities along the Atlantic, Gulf of Mexico, Pacific and Alaskan coasts.[16] Communities with existing harbors may likely be the sites for temporary (exploration) and permanent (development) service bases. Staging and support facilities provide employment and added business, and tend to have moderate environmental and fiscal effects; they may, however, conflict with existing harbor uses, especially fishing. Large scale facilities such as platform fabrication yards, oil refineries and petrochemical complexes are not directly related to specific lease sales. When new facilities are developed, however, they are often located in rural areas on large waterfront sites, and may have significant employment, socio-economic and environmental impacts. Impacts of oil-related industrial development are likely to be more intense in rural areas than in urban areas. The greatest demand for public services – and therefore the period of greatest fiscal impact – will be during the early development stage, immediately after discovery of petroleum. To meet the needs of states and local governments to plan for and deal with the impacts of offshore oil and gas development, the Congress created the Coastal Energy Impact Program.

COASTAL ENERGY IMPACT PROGRAM

Expanding energy supplies to meet increasing domestic needs will place new demands on the coastal zone:

- Accelerated development of Outer Continental Shelf (OCS) oil and gas will require a variety of onshore support facilities;

- Sixty percent of U.S. refining capacity is already located in coastal areas, and most new petrochemical activity will occur there; and
- Much of the anticipated growth in electrical generating capacity will be installed in coastal locations.

Because of these needs, one of the key conditions of federal aid is that state plans make some provision for energy facilities. To qualify for a program development grant, a state program must include

> a planning process for energy facilities likely to be located in, or which may significantly affect, the coastal zone, including, but not limited to, a process for anticipating and managing the impacts from such facilities.

To assist in both planning for energy activity and meeting the community needs arising from such activity, the Congress in 1976 amended the CZM Act to create the Coastal Energy Impact Program (CEIP). The amendments recognize that it is at the local level that the impacts of energy facility development will be felt most directly. The coastal communities will have to:

- plan for the consequences of the energy facilities so that environmental damage can be minimized;
- plan for accommodating new temporary residents during construction of the facility, and permanent residents during its operation; and
- provide services and build public facilities necessary to support these new residents.

For some communities, especially larger ones and those with available capacity in the infrastructure, dealing with these issues will be commonplace. For others, especially those smaller and remote communities with little growth experience, dealing with a rapid infusion of workers and their families may strain limited resources.

The CEIP may provide the assistance necessary to help the community prepare for the growth stimulated by energy development. There are four basic kinds of assistance:

1. Planning grants are available to coastal states and communities to do such activities as resource inventories, siting suitability studies, transportation and land use plans, and programs for the scheduling and financing of public facilities. Planning grants are made to the states, based on the projected new and expanded energy facilities (virtually any type of energy project). Some funds may be retained by the state for statewide planning, and some funds allocated to local governments. California has received one of the first planning grants; it will allocate the entire $125 million to cities and counties for energy planning. Florida can be expected to allocate most of its funds to regional planning districts. New Jersey's energy planning money is allocated to county planning departments.
2. Credit assistance is available to the community in the form of direct loans or guarantees for the building of new public facilities, or rarely, for providing public services for a short period of time. These demands must be related to "coastal energy activity," defined as activity related to OCS, liquid natural gas (LNG), or transportation/storage of coal, oil or gas. Applications are made by local governments through the State agency designated as the CEIP liaison (usually the CZM agency listed in Appendix A).
3. Repayment assistance is also available to a local government that cannot meet its CEIP credit assistance obligations because revenues from coastal energy activities fail to materialize as expected. This amounts to a guarantee that a community receiving CEIP assistance will not sustain a net fiscal loss from coastal energy activity.
4. Environmental grants are available to help prevent, reduce or repair damage to or loss of valuable environmental or recreational resources. If, for example, the siting of an energy facility results in the loss of access to a public beach, CEIP funds could be used to purchase access rights to a similar beach area. In the first CEIP grant, Grande Isle, Louisiana received funds to provide water to allow use of a public beach.

FUNDING

The coastal Energy Impact Program consists of two interlocking sources of financial assistance:

1. The *Coastal Energy Impact Fund,* currently authorized at $800 million over ten years. Money from the Fund may be used for planning assistance, credit assistance and repayment assistance. Allocations from the Fund are determined estimated impacts from any new or expanded energy facilities (for planning) and coastal energy activity (for credit assistance). Repayment assistance is guaranteed under the credit contract.
2. *Formula grants,* authorized for $400 million over eight years. These grants may be used primarily for dealing with impacts of new or expanded *OCS-related* energy activity. The first use of formula grants is for losses of valuable environmental or recreational resources; they may also be used for public facilities if the CEI Fund money is not sufficient. The allotments of formula grants to states are based on four measures of OCS activity during the previous fiscal year.

INTRASTATE ALLOCATION PROCESS

Each state is responsible for allocating, according to need, its own allotment among state agencies and local governments. To accomplish this in an equitable, efficient manner, each state must develop in advance an intrastate allocation process which is reviewed for approval by the Office of Coastal Zone Management. The allocation process will be different for planning, for credit assistance, and for environmental or recreational losses.

Every state's allocation process must include:

- participation of state agencies and local governments in establishing the allocation process;
- a "needs priority method;" and
- a project evaluation and selection method.

In addition, states with larger allocations (probably ten in FY 78) must have programs for public information, and an appeals

process for local government. It should be noted that the Office of Coastal Zone Management will only consider appeals about the process, not the amount of assistance provided.

CONCERNS ABOUT THE CEIP

The Coastal Energy Impact Program is one of the first – and certainly the largest – federal programs to deal with the impacts of energy development. Its strengths include:

- a substantial amount of money – $1.2 billion over the next ten years;
- an emphasis given to planning, with funds allocated on projected activity, and the State able to determine the use of such funds; and
- a required process for intrastate allocation.

There are, however, several serious concerns with the CEIP which affect its usefulness to local governments. According to the *Conservation Foundation Letter*, "The Coast Is Not Clear for Energy Planning," (February 1977):

> Most of the impact money represents a brazen inducement to boost OCS energy production. This is particularly true of the $400 million in grants based on a formula that measures OCS activity.

In addition, there have been fears that CEIP funding will encourage the siting in the coastal zone of facilities that should be located inland, such as storage or refining facilities. CEIP regulations, however, discourage such undesirable siting.

For local governments, a serious concern is the usefulness of the credit assistance. Moneys from the Fund may be used only for loans or loan guarantees. For communities with the greatest need, these loans may not be acceptable because of an inability to repay, even if the facility is built. (CEIP repayment assistance may overcome some of this problem.) Grants may be available, but only from the formula program, only if Fund moneys are unavailable or there are insurmountable limitations on the incurrence of debt, and only as a second priority after environmental or recreational grants. A major disadvantage too is the proposal to set interest rates at one point above the Treasury rate, often higher than the local government could get on its own.

Finally, as with many programs, the appropriation falls far short of the authorization. The appropriation for FY 78 includes only $3.5 million for planning grants and $1.5 million for environmental/recreation grants (the same as for FY 77). Formula grants for past impacts could amount to $117 million. The Fund also has an appropriation of $110 million for credit assistance – loans and guarantees. Alaska will get the largest share of credit assistance; Louisiana ranks at the top of the list for formula grants. To date, some $4 million has been approved for distribution by OCZM.

SUMMARY

Coastal zone management – a new approach in bringing local, state and federal interests together in considering environmental and economic issues – will make significant changes in the way coastal cities and counties plan and develop. States will have much more influence in planning and controlling new development, but local governments have the potential for using CZM to gain new powers in that planning and control. They will, however, have to spend time to understand and get involved in their state programs.

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[6] Washington Department of Ecology, *Washington State Coastal Zone Management Program,* June 1976.

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[8] Survey response by Jefferson County (Washington) Planning Department.

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[10] New Jersey Department of Environmental Protection, *A Coastal Management Strategy for New Jersey – CAFRA Area,* October 1977.

[11] Jens Sorenson, *op cit.*

[12] Arthur Cooper, "North Carolina: The Importance of the Local Role," *Environmental Comment,* Urban Land Institute, November 1976.

[13] John R. Clark, *The Sanibel Report: Formulation of a Comprehensive Plan Based on Natural Systems,* The Conservation Foundation, 1976.

[14] Planning consultants: Wallace, McHarg, Roberts and Todd (WMRT); legal consultants: Ross, Hardies, O'Keefe, Babcock and Parsons.

[15] "On The Waterfront," speech delivered by Richard Gardner, Office of Coastal Zone Management, April 25, 1977 at American Society of Planning Officials (ASPO) Planning Conference, San Diego, California.

[16] David C. Williams and Dr. Jeffrey A. Zinn, *Source Book: Onshore Impacts of Outer Continental Shelf Oil and Gas Development,* The Conservation Foudation, 1977.

Appendix

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Source: Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

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