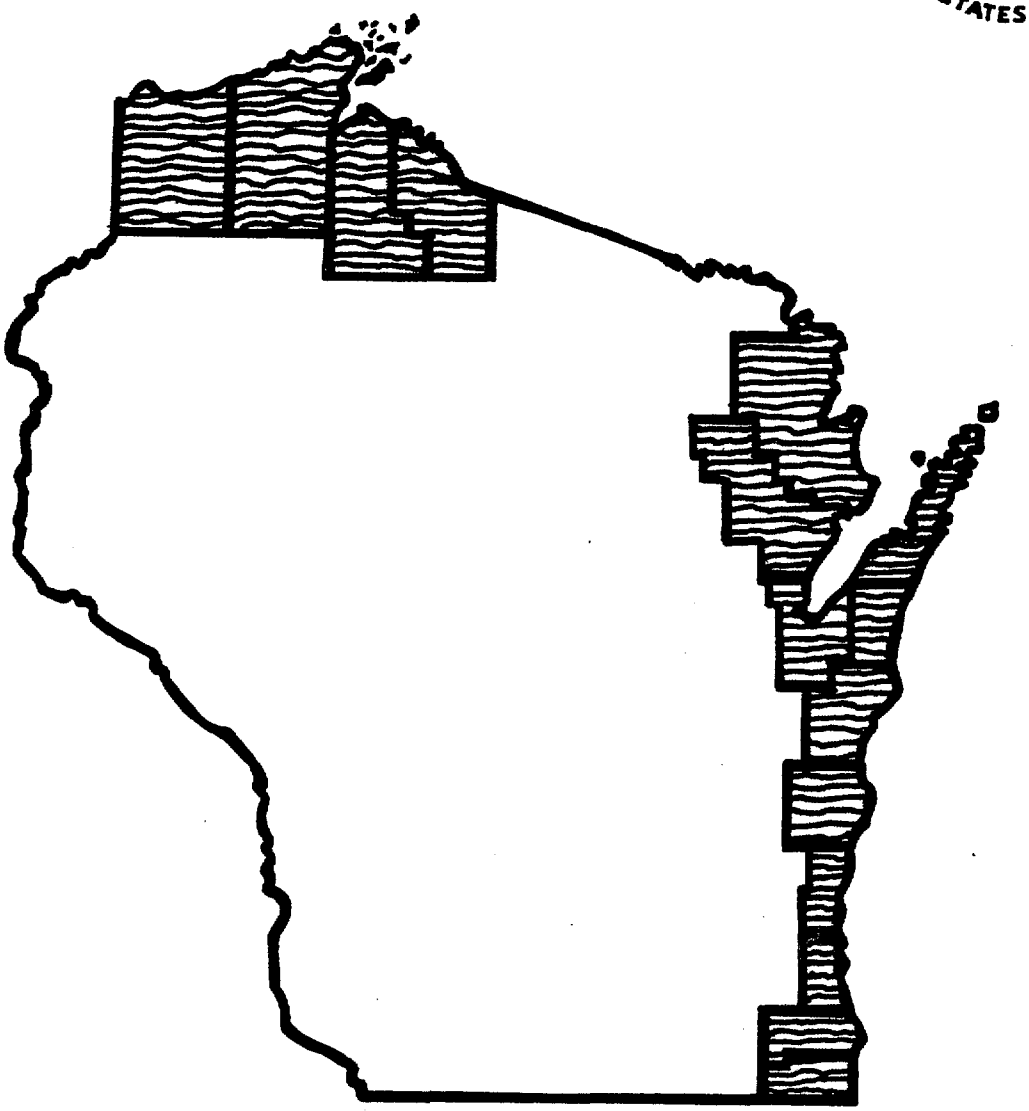
1978

State of Wisconsin Coastal Management Program and Final Environmental Impact Statement

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



AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

INFORMATION FOR READERS

PURPOSE: This document is both a final environmental impact statement (FEIS) and a program document on the Wisconsin Coastal Management Program. Parts I and II were written by the Wisconsin Department of Administration, Office of State Planning and Energy. The FEIS Introduction and Part III were prepared by the U. S. Department of Commerce, Office of Coastal Zone Management.

It is being circulated by the U. S. Department of Commerce for public and government agency review. The review and comment period for the draft environmental impact statement (DEIS) on the Wisconsin Coastal Management Program began October 21, 1977 and ended on December 5, 1977. The Office of Coastal Zone Management conducted a public hearing on the DEIS in Madison, Wisconsin on November 17, 1977. Responses to all comments received during the review and comment period appear in the FEIS Introduction, Summary #9.

HOW TO USE THIS DOCUMENT: Readers who are not familiar with the EIS standard format for coastal management program will want to examine the following pages as aids to the reader:

Table of Contents ---------- i

Table cross-referencing requirements of the Coastal Zone Management Act with sections of this document --------- 91

Table cross-referencing National Environmental Policy Act (NEPA) and the Wisconsin Environmental Policy Act (WEPA) requirements with sections of this document ---------- 93

Summary of Wisconsin's proposed program ---------- 8

Summary Table of Wisconsin Coastal Management Program---130

Map of Wisconsin----------250

As mentioned as a possibility in the DEIS, the appendices in the DEIS are not included in this FEIS. Please use your copy of the DEIS if you need to refer to the Appendices.

(Continued on inside of back cover)

UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Science and Technology
Washington, D.C. 20230

In accordance with the provisions of Section 102(2)(C) of the National Environmental Policy Act of 1969, we are enclosing for your review and consideration the final environmental impact statement prepared by the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce, on the proposed Wisconsin Coastal Management Program.

If you have any questions about the enclosed statement, please feel free to contact:

Eileen Mulaney
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D. C. 20235
Telephone: 202/634-4237

Thank you for your cooperation in this matter.

Sincerely,

Sidney R. Galler
Deputy Assistant Secretary
for Environmental Affairs

Enclosure

UNITED STATES

DEPARTMENT OF COMMERCE

FINAL

ENVIRONMENTAL IMPACT

STATEMENT

PROPOSED

COASTAL MANAGEMENT PROGRAM

FOR

THE STATE OF WISCONSIN

Prepared by:

Office of Coastal Zone Management
National Oceanic and
Atmospheric Administration
Department of Commerce
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

and

Wisconsin Coastal Management
Program
Office of State Planning and
Energy
1 West Wilson Street
Madison, Wisconsin 53702

TABLE OF CONTENTS

Page

FEIS INTRODUCTION (prepared by the Office of Coastal Zone Management)

INTRODUCTION FOR READERS ..... inside cover
TABLE OF CONTENTS i
SUMMARY 1

PART I WISCONSIN COASTAL MANAGEMENT PROGRAM INTRODUCTION (prepared by the State of Wisconsin)
Governor's Submittal Letters 83

A. The Federal Coastal Zone Management Program 88
B. OCZM Requirements for Section 306 Program Approval 91
C. National Environmental Policy Act of 1969 Requirements 93
D. Summary of Wisconsin's Coastal Management Program 94

PART II WISCONSIN COASTAL MANAGEMENT PROGRAM DESCRIPTION (prepared by the State of Wisconsin)

Chapter I. Coastal Issues and Policies and the Coastal Management Program 95

A. Introduction 95
B. Coastal Management Goal and Program Objectives 97
C. Coastal Issues and State Coastal Policies 103
1. Coastal water and air quality 104
2. Coastal natural areas, wildlife habitat and fisheries 108
3. Coastal erosion and flood hazard areas 113
4. Community development 116
5. Economic development 120
6. Government interrelationships 125
7. Public involvement 128

Chapter II. Implementing a Coastal Management Program in Wisconsin 157

A. Overview 157
B. Managing Key Coastal Resources and Development Activities 161
1. Geographic areas of management concern 161
2. Land and water uses of management concern 171
3. Program boundaries 193

Page

C. Organization for Implementation of the Coastal Management Program..... 195
1. Overview..... 195
2. New functions to be addressed at the state level.... 196
3. A new Wisconsin Coastal Management Council..... 198
4. Roles of existing governmental agencies..... 207
5. Conflict resolution..... 209
6. Public participation in implementation of the program..... 211

D. Program Funding..... 215
1. Overview..... 215
2. Funding sources..... 218
3. Eligible funded activities and recipients..... 220
4. Considerations in project funding..... 226
5. Standards for project funding..... 226
6. Application review process..... 227
7. Reporting and evaluation..... 230

Chapter III. Federal Government Activities in the Coastal Area..... 231

A. Overview..... 231
B. The National Interest in the Wisconsin Coastal Area..... 232
C. Federal Consistency--Federal Grants and Financial Assistance to State and Local Governments..... 241
D. Federal Consistency--Licenses and Permits..... 241
E. Federal Consistency--Direct Federal Activities, Including Development Projects..... 243
F. Tribal Governments..... 245

Chapter IV. Conclusions..... 247

PART III ENVIRONMENTAL IMPACT STATEMENT
(prepared by the Office of Coastal Zone Management)

A. Description of the Proposed Action..... 249
B. Description of the Environment Affected..... 249
C. Probable Impacts of the Proposed Action..... 257
D. Alternatives to the Proposed Action..... 283
E. Probable Adverse Environmental and Economic Effects of the Program Which Cannot be Avoided..... 289
F. The Relationship Between Local, Short-Term Uses of the Environment and the Maintenance and Enhancement of Long-Term Productivity..... 291

Page

G. Irretrievable or Irreversible Commitments of Resources from the Proposed Action..... 291
H. Consultation and Coordination on the Program and the EIS..... 291

APPENDIX A: Glossary (prepared by the State of Wisconsin)..... 297

Attachment 1 (prepared by the State of Wisconsin)

A. Executive Order
B. Interagency Agreements
C. Consideration of the National Interest under the Wisconsin Environmental Policy Act
D. Geographic Areas of Management Concern

TABLES AND FIGURES (prepared by the State of Wisconsin)

Table 1 OCZM Requirements for Section 306 Program Approval and the Wisconsin Program Proposal..... 91

Table 2 National Environmental Policy Act of 1969 Requirements..... 93

Table 3 Coastal Issues, Policies, and Related GAMC's and Managed Uses..... 30

Table 4 Council Make-up and Method of Selection..... 205

Table 5 Processes to Assure Consistency of Managed Uses through WEPA and Other Reviews..... 303

Figure 1 Map Wisconsin Coastal Counties..... 250

Attachment II (distributed only to Federal agencies and those individuals who responded in writing to the DEIS)

A. Letters of Comment on the DEIS
B. Written Comments on the DEIS delivered at the Public Hearing on the DEIS

Summary

( ) Draft Environmental Impact Statement

(X) Final Environmental Impact Statement

Circulated by the U. S. Department of Commerce, in compliance with the National and Wisconsin Environmental Policy Acts. For additional information about this proposed action or this statement, please contact:

Office of Coastal Zone Management
National Oceanic and Atmospheric Administration
Attn: Eileen Mulaney
3300 Whitehaven Street, N.W.
Washington, D. C. 20235
Phone: (202)/634-4237

1. Type of Action

Proposed Federal approval of the Wisconsin Coastal Management Program

(X) Administrative ( ) Legislative

2. Brief Description of Action

It is proposed that the Secretary of Commerce approve the Coastal Management Program application of the State of Wisconsin pursuant to the Coastal Zone Management Act, P.L. 92-583. Approval would permit implementation of the proposed program, allowing program administration grants to be awarded to the State, and require that Federal actions be consistent with the approved program to the maximum extent practicable.

3. Summary of Environmental Impacts and Adverse Environmental Effects.

Approval and implementation of the program will allow Wisconsin to implement existing State authority for coastal resources management more effectively. Approval and implementation of the program will also assist the State in coordinating Federal, State and local government activities affecting coastal resources. In addition, improved management and regulations will result in better air and water quality; the preservation of natural areas and the conservation of wildlife habitat and fisheries: better protection from coastal erosion and flood hazards, balanced community development, increased economic productivity for water dependent activities, better information, and greater public participation in decision-making. Short term negative economic impacts may occur where increases in development costs or reductions in development potential result from program regulation. These short-term impacts will be out-weighed by long-term savings and by positive environmental effects.

4. Alternatives to the Proposed Action.

A. Federal Alternatives

The alternatives to the proposed action are the delay or denial of the Federal approval of the Wisconsin Coastal Management Program. These alternatives would be selected if the program failed to satisfy the requirements of the Coastal Zone Management Act, P.L. 92-583.

During the program's DEIS review, the program elements receiving the most questioning as to their adequacy for Federal approval were:

a. State authorities to implement the Program considering the full range of concerns expressed in the Coastal Zone Management Act, P.L. 92-583.

DEIS reviewers questioned if the WCMP authorities were sufficient to satisfy Sections 302 and 303 of the CZMA; if the state could override local decisions, consider the national interest, insure that uses of regional benefits are not arbitrarily or unreasonably excluded by local regulations, and resolve conflicts. Further assessment in light of these comments has resulted in a conclusion that the Wisconsin Coastal Management Program has sufficient authority to satisfy the Federal Act.

b. Organizational arrangements and authorities necessary to enforce Program policies.

DEIS comments indicated a need to provide a clearer description of the Wisconsin Program's organizational structure. In response to these comments a summary description has been added (see Summary #8, Summary of Wisconsin's Coastal Management Program). Copies of Executive Order No. 49 and a copy of an interagency agreement have also been added to the FEIS (see Attachment).

c. The designation of areas of particular concern.

DEIS reviewers questioned the lack of site-specific designations in the program document and the nomination/designation process itself. The voluntary nature of this process, the non-permanency of the designations and the nomination/designation criteria elicited the most concern. During the DEIS review and comment period, Wisconsin designated site-specific areas for management according to the process described in the Program. This process includes review by Federal agencies. The designated areas are in Attachment I. Reviewers concerns regarding the nomination/designation process itself are addressed specifically in responses to written comments received on the Wisconsin DEIS, General Responses #2 (Geographical Areas of Management Concern).

B. State Alternatives

The state options under each alternative revolve around the grounds for the Associate Administrator choosing the delay or deny alternatives. State options to a delay or denial decision include:

a. The development and passage of state legislation to overcome program deficiencies.

b. The promulgation of administrative rules to overcome program deficiencies.

c. Additional policy development by the Coastal Management Council to overcome program deficiencies.

d. Withdrawal of the State's application for Federal approval.

5. List of all Federal, State, and local agencies and other parties from which comments were requested on the DEIS:

A. Federal Agencies (** denotes comments received on DEIS)

Advisory Council of Historic Preservation
Department of Agriculture
Forest Service
** Soil Conservation Service
Department of Commerce
** Economic Development Administration
Maritime Administration
** National Oceanic and Atmospheric Administration
** Department of Defense
Air Force
** Army Corps of Engineers
Navy
Department of Health, Education, and Welfare
** Department of Housing and Urban Development
** Department of the Interior
Department of Justice
Department of Labor
** General Services Administration
Department of Transportation
Department of Treasury
Energy Research and Development Administration
** Environmental Protection Agency
Federal Energy Administration
Federal Highway Administration
** Federal Energy Regulatory Commission
Marine Mammal Commission
National Aeronautics and Space Administration
** Nuclear Regulatory Commission

** U.S. Coast Guard
U.S. Water Resources Council

B. State and Regional Agencies and Local Governments in Wisconsin and the Great Lakes

Department of Administration
** Department of Agriculture
Department of Business Development
Department of Health and Social Services
Department of Local Affairs and Development
Department of Military Affairs
** Department of Natural Resources
Department of Revenue
** Department of Transportation
Educational Communications Board
Historical Society
Local Public Libraries located in the 15 coastal counties
** Members of the Coastal Coordinating and Advisory Council
** Members of the Coastal Citizens Advisory Committee
Members of the Coastal Program Regional Task Froces
Bay-Lake Regional Planning Commission
Investment Board
Public Service Commission
Board of Regents - University of Wisconsin
Board of Soil and Water Conservation Districts
Board of Vocational, Technical, and Adult Education
Wisconsin Congressional Delegation
Each of the coastal state legislators
Each of the 104 coastal towns, villages, cities and counties
State Depository Libraries
Legislative Reference Bureau
Northwest Regional Planning Commission
Southwestern Wisconsin Regional Planning Commission
Green Bay/Brown County Planning Commission
Coastal Program Administrators in the Great Lakes States
Great Lakes Basin Commission

C. National Special Interest Groups (* means also sent to Wisconsin Chapter)

American Association of Port Authorities
American Farm Bureau Federation
American Fisheries Society
* American Institute of Architects
* American Institute of Planners
American Littoral Society
American Mining Congress
American National Cattlemen's Association
* American Petroleum Institute
American Right to Way Institute
American Shore and Beach Protection Association

American Society of Planning Officials
American Waterways Operators
Atlantic States Marine Fisheries Institute
Atomic Industrial Forum
** Boating Industry Association
* Chamber of Commerce of the U.S.
Coastal Society
Coastal States Organization
Conservation Foundation
Council of State Planning Agencies
Cousteau Society
Edison Electric Institute
Environmental Defense Fund, Inc.
Environmental Policy Center
Friends of the Earth
Izaak Walton League
** Lake Michigan Federation
* League of Women Voters of the U.S.
Marine Technology Society
Mortgage Bankers Association of America
National Association of Conservation Districts
National Association of Counties
National Association of Electric Companies
National Association of Engine and Boat Manufacturers
National Association of Home Builders
National Association of Realtors
National Association of State Boating Law Administrators
National Audubon Society
National Boating Federation
National Canners Association
National Coalition for Marine Conservation, Inc.
National Commission on Marine Policy
National Conference of State Legislators
National Environmental Development Association
National Farmers Union
National Federation of Fishermen
National Fisheries Institute
National Forest Products Association
National Governors Conference
National League of Cities
National Ocean Industries Association
National Parks and Conservation Association
National Recreation and Parks Association
National Science Foundation
National Science Teachers Association
National Waterways Conference
* National Wildlife Federation
Natural Resources Defense Council
* Nature Conservancy
* Sierra Club
Society of Real Estate Appraisers
Soil Conservation Society of America
Sport Fishing Institute

United Brotherhood of Carpenters and Joiners of America
U. S. Conference of Mayors
Western Oil and Gas Association
Wilderness Society
Wildlife Society
Wildlife Management Institute
World Dredging Association

D. Wisconsin Special Interest Groups (names on file at the Council for Environmental Quality: the following received notice of EIS availability)

All registrants at May-June 1977 Wisconsin public hearings
Wisconsin coastal port directors and ferry operators
Coastal Oil and Water Conservation District chairmen
37 industrial development corporations in coastal counties
10 realtors associations in coastal counties
38 sport trollers--random sample from 76 DNR licenses
23 county and local historical societies
205 associations listed in the Wisconsin Blue Book (mostly business, special interest, and professional)
20 farm bureaus in coastal counties
27 local Chambers of Commerce
166 sportsmens clubs in Wisconsin coastal counties
20 members of the Conservation Congress
71 commercial fishermen picked by random sample from DNR licenses
34 local and statewide environmental and public interest groups
10 hospitality industry groups
77 coastal clubs of the Federaiton of Women's Clubs of Wisconsin
19 League of Women Voters in each coastal county
League of Suburban League
Common Cuase of Wisconsin
Native American Studies Program, UW-Milwaukee
Institute for Environmental Studies, UW-Madison
Members of DNR Environmental Advisory Committee
Members of DNR Wild Resources Advisory Committee
Former Members of the Wisconsin Environmental Council
University of Minnesota-Duluth Sea Grant
City Management Association
Wisconsin Alliance of Cities, Inc.

E. Individuals and other Interested Parties

Upon request, copies were sent to all individuals and other interested parties not listed as receiving copies of the DEIS.

Responses were received from the following individual by letter:

** Harold Eidsor

Responses were received from the following interested parties by letter:

** o Wisconsin Electric Power Company
** o Wisconsin Petroleum Council

F. Public Hearing

Written responses were received from the following individuals at the public hearing on the DEIS held in Madison, Wisconsin on November 17, 1977.

** o Patrick Doyle on behalf of the Outboard Marine Corporation, the Boating Industry Associations, and the Outboard Motor Manufacturers Association.

** o Nancy Schreiber on behalf of the Coastal Coordinating and Advisory Committee.

Verbal responses were received from the following individual:

o Harvey Grasse on behalf of the Coastal Coordinating and Advisory Council.

6. Draft Environmental Impact Statement Review

The Draft Environmental Impact Statement was transmitted to the Council of Environmental Quality, and the Notice of Availability to the public was published in the Federal Register on October 21, 1977. The 45-day comment period ended December 5, 1977.

7. Final Environmental Impact Statement Review

This Final Environmental Impact Statement has been prepared based on oral/written comments made at the public hearing held on November 17, 1977, and comments submitted in response to the DEIS. A total of twenty-one interested parties submitted written comments including twelve Federal Agencies, five State Agencies and four other parties.

Attachment I contains a summary of Geographic Areas of Management Concern designated by the Wisconsin Coastal Management Council in February, 1978.

Attachment II is the full text of the written comments received by OCZM. This attachment has been forwarded to individuals and organizations who have made comments, as well as all Federal agencies. Additional copies of the written comments will be distributed by OCZM on request.

The written comments received on the Wisconsin Coastal Management Program and Draft Environmental Impact Statement are summarized in #9. Comments received after the end of the review and comment period could not be responded to in this publication. However, many of the issues raised by late commentators were raised by other reviewers and are therefore addressed in the summary of responses to written comments. Generally, the response to the comments is provided in one or a combination of forms:

- o expansion, clarification, or revision of the Wisconsin Coastal Management Program by state staff members.
- o expansion, clarification, or revision of the EIS by OCZM,
- o comments by OCZM in response to similar issues raised by several reviewers, and
- o brief responses by OCZM to detailed comments received from each reviewer.

Responses to these comments have been coordinated between the staff of the Wisconsin Coastal Management Program and OCZM. No attempt has been made to distinguish between comments made on the DEIS and those made on the management program, due to the combined format of the document and the interrelated nature of most comments received.

8. Summary of Wisconsin's Coastal Management Program

Wisconsin borders two of the largest bodies of freshwater in the world-Lake Michigan and Lake Superior. The 620 miles of shoreline and the 6.5 million acres of Great Lakes in the state carry not only advantages, but responsibilities and problems as well.

The coastal issues facing citizens and their state and local government are many and diverse:

- Water quality
- Shore erosion
- Protection of natural areas
- Public recreational access
- Port development
- Lake level regulation
- Great Lakes fisheries
- Urban shore uses
- Economic development
- Power plant siting
- Shoreland blight
- Air quality

The Great Lakes are important to all Wisconsin citizens. The 43% of the state's population that lives in counties adjacent to the Great Lakes especially looks to them for food, fresh water, transportation, industry, jobs, and recreation.

WISCONSIN'S NEW FOCUS ON ITS COASTAL AREAS

The assistance provided under the Federal Coastal Zone Management Act has enabled the State of Wisconsin to direct its attention in a comprehensive and coordinated manner towards its coastal areas. The Wisconsin coastlines contain some of the most valuable resources of the state and some of its most severe problems.

While Wisconsin has a long historical commitment to the proper use of its resources, which is reflected in both strong legislation and judicial opinions, no single state or local group looked at the coasts and the Great Lakes and provided a clear overall policy direction for their future. No existing agency coordinated the many programs which address the Great Lakes coastal problems.

Now as a result of the development of the Wisconsin Coastal Management Program over a three year period of extensive public involvement, there are new specific policies and goals of the state which focus on the coastal areas. There is a new organizational structure designed to coordinate and administer the state program objectives. Also, there are added capabilities for improving program enforcement, implementation, and management. These new major features are outlined below.

COMPONENTS OF THE PROGRAM

1. Objectives & Policies

The Coastal Management Program is based on the following concepts:

- o The Great Lakes are a major local, state and Federal resource
- o Improved management coordination are the most important needs
- o Existing laws provide adequate state authority to manage the resource
- o No new regulatory agency is needed

The overall goal of the Wisconsin Coastal Management Program is:

To preserve, protect, develop and where possible, to restore or enhance the resources of Wisconsin's coastal area for this and succeeding generations, with governmental coordination and public involvement, giving due consideration to the linkages and impacts to resources of inland areas.

a. Five objectives are proposed for the program:

- o To improve the implementation and enforcement of existing state regulatory and management policies and programs affecting key coastal uses and areas;
- o To improve the coordination of existing policies and activities of governmental units and planning agencies on matters affecting key coastal uses and areas;
- o To strengthen local governmental capabilities to initiate and continue effective coastal management consistent with identified state standards and criteria;
- o To provide a strong voice to advocate the wise and balanced use of the coastal environment and the recognition in Federal, state, and local policies of the uniqueness of the coastal environment;
- o To increase public awareness and opportunity for citizens to participate in decisions affecting the Great Lakes resources.

b. Policies of the Program

On October 7, 1977, the Governor of Wisconsin signed Executive Order No. 49 (Attachment I). The Order formally established several critical elements of the Wisconsin Coastal Management Program; with respect to programmatic policies the Governor directed that the Wisconsin coastal program will initially concentrate on seven major areas. They are:

- o Improve the quality and management of the air and water resources of the coastal areas;
- o Conserve and enhance the natural land and water resources;
- o Mitigate property damage and risks to public health and safety caused from erosion and flooding;
- o Ensure the orderly and balanced development of coastal communities;
- o Stimulate desirable economic development that broadens the coastal area economy and to encourage the designation and reservation of areas of significance to activities requiring a coastal location;

- o Ensure intergovernmental communication, cooperation and coordination in all aspects of coastal management;
- o Provide citizens with full opportunities for early and continuous involvement in coastal management through effective communication and participation.

2. Organization and Management Structure

The recently signed Executive Order also formally sets in place integral features of the Wisconsin coastal program's organization and management structure.

a. The creation of a new Coastal Management Council

The establishment of the Council was for the purpose of having a state level group make basic coastal program decisions and to provide for a balance and coordination of many diverse state interests. The 29-member Coastal Management Council will be composed of:

- State legislators
- Local officials
- Citizens
- Tribal governments
- State agency representatives
- University of Wisconsin representatives

The Coastal Management Council will perform the specific functions of:

- o Oversight of state agency implementation and compliance
- o Policy development and recommendation of state coastal goals
- o Designation of key coastal areas and uses
- o Assurance of consideration of national interest
- o Serve as an interagency conflict resolution forum
- o Oversight of financial assistance
- o Oversight of demonstration grant program
- o Oversight of technical assistance
- o Continued coastal advocacy and public education
- o Coordination of all above functions
- o Approval of program budget
- o Approval of Coastal Management Program and periodic revisions

All state agencies, while being consistent with their statutory responsibilities, are now required as a result of the Executive Order to cooperate to the fullest extent possible with the Coastal Management Council and act consistently with adopted state coastal policies.

b. Creation of a new Citizens Advisory Committee

Executive Order No. 49 provides the authority for the Wisconsin Coastal Management Council to establish a Citizens Advisory Committee. The Committee, composed of 27 members, will be a separate, independently-staffed

entity, with representation from a variety of coastal interests along the entire shoreline. Specific areas of concern for this group include monitoring initial implementation of the program and public education and participation.

The rolesof the Council and the Committee will be annually evaluated to assess their continued value and need.

c. Designation of a Lead Agency

The Wisconsin Office of State Planning and Energy, Department of Administration, has been designated by the Governor to be the lead agency for the implementation of the Wisconsin Coastal Management Program. It will also be the agency to receive and administer grants for the program, and it will act as staff to the Council.

3. Implementation

The Wisconsin Coastal Management Program has developed several techniques to ensure that the program's objectives and policies are implemented. Among the wide array of implementing mechanisms are the following:

a. Strong Legislative Mandate

The foremost factor in the state's capability of implementing its coastal management program is the strong statutory authority which presently exists in the state and upon which the program's goals and policies rest. Thirty existing statutory mandates are incorporated into the program in order to manage uses subject to the program. Major examples of these legislative enactments are:

- §59.971 - Wisconsin Water Resources Development Act, which requires the adoption of local shoreland regulations in unincorporated areas of the state in accordance with state standards
- Chap. 147 - The Wisconsin Pollution Discharge Elimination System which adopts and enforces the Federal Water Pollution Control Act Amendments of 1972
- Chap. 144 - State legislation which establishes among other things state regulatory authority for air and water quality, septic systems, garbage and refuse disposal, metallic mining, and solid waste disposal
- Chaps. 30-31 - State legislation which regulates the placement of structures and deposits in navigable waters and shoreline alterations
- §14.011 & 16.54 - Which broadly outline the executive authority of the Governor
- Chaps. 84-86 - Involve state authority for administration and regulation of highway construction, access, maintenance, etc.

- o Chap. 236 - Imposes state standards and review of subdivision and platting of lands in Wisconsin

In order to implement the program's objective and policies, the following elements will, as a result of the Wisconsin Coastal Management Program, provide effective coordination and improved enforceability of the above statutory authority and other relevant legislative enactments.

b. Executive Order No. 49

The Governor of Wisconsin has the responsibility of executing the laws of the state. Through the issuance of the Executive Order the Governor has directed that all state agencies comply with the seven state coastal policies all of which have statutory basis.

c. Interagency Agreements

The interagency agreements between the Coastal Council, the lead state agency and the various state agencies that will be carrying out significant responsibilities in the coastal area serve to further delineate the responsibilities of the agencies under the Wisconsin Program. The agreements tie together procedurally the respective state agency's statutory authority, the policies of the coastal management program and the mechanics of its implementation. The Coastal Management Council and the lead state agency have entered into separate agreements with the Department of Natural Resources, Department of Transportation and the Public Service Commission. In all cases the agreements include a requirement that the agency consider the national interest in the planning and siting of facilities of greater than local concern. The agreements are in Attachment I.

d. The Wisconsin Coastal Management Council

The functions of the Council with respect to program implementation have been outlined above under organization and management structure 2.a.

e. Increased Monitoring Capability

As a result of financial assistance provided through the Wisconsin Coastal Management Program to the state DNR it will:

- have an increased capability to review amendments, variances, and special exceptions to the local shoreland ordinances to assure that they continue to be in compliance with the policies of the program;

- have greater capability in monitoring and enforcing DNR permit requirements.

The tracking mechanisms supplied by the interagency agreements will facilitate the monitoring of compliance with adopted policies by the Council and the lead agency.

As a result of the development of concise state coastal policies, those reviewers using existing review processes (e.g., A-95, NEPA, WEPA) will have a clearer benchmark to evaluate projected activities within or impacting on the coastal area.

f. Geographic Area of Management Concern (GAMC)

The Coastal Management Program includes a process for identifying and designating key areas and for providing program funding to improve their management. As a condition for designation the GAMC must be managed in accordance with state coastal management policies including those sectors of incorporated areas of the state that have been nominated by the local government and designated by the Council.

g. Consistency with the Wisconsin Program

With the implementation of the proposed Wisconsin Coastal Management Program the various levels of government will be expected to carry out certain actions in accordance with the policies of the program.

(1.) Local level

- o In unincorporated areas, counties are required to meet the provisions of the Wisconsin Water Resources Development Act and implement the state regulations. These local ordinances are a part of the proposed management program for Wisconsin. All amendments, variances, and special exceptions are subject to review and approval by the DNR. As a result of directives of Executive Order No. 49 the DNR must insure in its review of proposed changes to the ordinances that the changes are in compliance with the state coastal management policies.
- o The GAMC process is another method for achieving local action consistency with the program. All sites and work programs nominated by local government and designated by the Council must be consistent with overall program policies including those located within incorporated areas.
- o All program "managed uses" apply throughout the coastal area including incorporated areas.
- o Once the Wisconsin Public Service Commission issues a certificate of Public Convenience and Necessity, under the Power Plant Siting Act, local governments may not exclude the approved utility activities for that site.

(2.) State level

Consistency of state agency actions will be effectuated through six processes:

- o Since the coastal management policies enumerated in Executive Order No. 49 are based on state law, violations of coastal policies would also be a statutory violation, thereby making available the administrative and judicial remedies discussed below;

- o The Executive Order additionally directs that they act in accordance with the coastal policies;
- o The interagency agreement structure;
- o The Council's review and monitoring procedures which will rely in part on the A-95, NEPA and WEPA processes;
- o The GAMC designation and funding processes;
- o Financial and technical assistance to achieve coordination and consistency.

(3.) Federal level

Consistency of Federal actions with the Wisconsin Program will be monitored through:

- o The A-95, WEPA, and NEPA processes for Federal activities (including development projects) and Federal assistance to state and local governments affecting the coastal zone and;
- o Review of consistency certifications submitted by applicants (excluding Federal agency applicants) for Federal permits and licenses directly affecting the coastal zone.

The Wisconsin Coastal Management Council will serve as the lead agency for coordinating the state's review of these Federal actions.

The criteria which Wisconsin will use in evaluating Federal actions for consistency with the Wisconsin Program are:

- o Consistency with state coastal policies, state approved county shoreland ordinances, and state approved floodplain ordinances;
- o Consistency with specific management policies for designated state managed GAMC's;
- o Opportunity for full public participation in the activity development project, grant, or financial assistance.

h. Administrative Remedies

There are specific administrative remedies available that can facilitate program implementation. In the Wisconsin Program and DEIS document at pages 431-434, an outline was presented that described the various avenues for seeking administrative relief.

Depending on the respective statutory requirements an agency could be required to enforce its rules or legislative responsibilities under Chapter 227 Wisconsin Statutes by:

- o Petition by any "interested person" for a declaratory ruling on the particular factual situation. The agency decision not to issue a ruling would be subject to judicial review;
- o Mandatory administrative hearings;
- o Administrative hearings in response to state permits or citizen complaints (e.g., deposit of materials or structures in the bed of a navigable water);

- The DNR must hold a public hearing relating to alleged or potential environmental pollution upon the verified complaint of six or more citizens.

All orders, conclusions of law, and findings of fact from such hearings are subject to judicial review, and they all represent a vehicle for ensuring that a particular agency is discharging its legal duties in accordance with the laws of the state and for the purposes of the discussion here, those laws which have a bearing on the coastal areas of Wisconsin.

i. Judicial Remedies

Under Wisconsin law, which is more fully discussed in the program and DEIS document at pages 434-450, judicial relief for implementation of program requirements may be triggered through the following processes:

(1.) Review of Administrative Rules

Under this general heading the document provides a discussion of how individuals may seek review of administrative decisions (whether they involve a rule or not) pertaining to an agencies management practices with respect to coastal resources. Their decisions are reviewable under Sections 227.15 and 227.16.

(2.) State Governmental Units - standing to obtain review of another agency decision

- The designated lead agency of Wisconsin (Office of State Planning and Energy) can seek such review and the Council or its members as a "person aggrieved" may also seek review.

- The Attorney General

  The Attorney General has standing to enforce state laws with respect to the coastal areas through the broad mandate provided in Section 165.25(1) and case law development under the public trust doctrine, see Muench, Just, and Deetz cases cited pp. 439, 440 of the DEIS.

  The Attorney General may also gain standing for judicial review under public nuisance statutes and case law.

- Public Intervenor

  Another potential mechanism as outlined in the Wisconsin program and DEIS document at page 442, for initiating judicial action or for obtaining representation in administrative proceedings, is through the Office of the Public Intervenor. The public intervenor is an assistant attorney general appointed by the attorney general yet autonomous from the rest of the justice department. The intervenor has the following responsibilities:

- o entering into proceedings under Chapter 30, 31, 144;
- o intervening in Chapter 147 proceedings when requested by administrator of a division which is assigned functions under Chapters 29 and 144;
- o the discretionary authority of intervening in such proceeding, on the intervenor's own initiative or upon request of any committee of the legislature, or where protection of public rights in water and other natural resources (as provided in Chapters 30 and 31 and defined by the Supreme Court (Section 165.07)) is needed;
- o the public intervenor may also appeal from administrative rulings to the courts (Section 165,07).

(3.) Citizens Relief Through Judicial Review

As pointed out in the Wisconsin program and DEIS document at pages 445-450, a "person aggrieved," i.e., a person or agency whose substantial interests are adversely affected by a determination of an agency, may seek judicial review.

In addition to bringing an action for judicial review of an administrative decision citizens can take direct action to protect their interests in coastal resources through statutory and common law nuisance both private (Section 844.01) and public (Section 823.01). Citizens may also gain judicial review of the DNR's disposition of a complaint under the six citizen complaint procedures outlined above (subsection h Administrative Remedies).

9. Summary of Comments and Responses

A. General Responses to Comments

1. Organization and Authority

DEIS reviewers expressed concern regarding the adequacy of State authorities and organizational arrangements to meet CZMA requirements. Basically, there was a concern that the authorities were neither comprehensive or enforceable and that the organizational structure was too weak to insure policy implementation.

With regard to the comprehensiveness and the enforceability of the Wisconsin Coastal Management Program authorities, OCZM has analyzed the Program's authorities in terms of the range of concerns a State must consider pursuant to Sections 302 and 303 of the CZMA, and in terms of the coastal resource management problems and issues that were identified during Wisconsin's program development. This Office has determined that both the concerns of the Act and the coastal resource management problems and issues identified during Wisconsin's program development are adequately addressed by the Coastal Management Program policies. These policies are backed by legislative authority and are enforceable through administrative and/or judicial remedies. The Program's extant authorities do satisfy the comprehensive and enforceability tests for program approval.

Regarding the organizational arrangements, reviewers questioned how Program policies would be coordinated and interpreted into State decision-making. The Wisconsin Coastal Management Program, while based upon existing enforceable legislative authority, will be carried out pursuant to the "Governor's Executive Order No. 49" which directs all State agencies to comply with the coastal management policies. Specific responsibilities between state agencies and the Coastal Management Council are further delineated in the interagency agreements. These agreements highlight when,

how and why state agencies will report to the Council on coastal policy related activities and establish what type of oversight and assistance the Council is to provide the state agencies.

The Coastal Management Council is the key to understanding the WCMP approach to policy implementation. This Council, established by Executive Order No. 49, is charged with the responsibility of policy development, monitoring state agency activities, GAMC designations and annual budget and work program approval. Comprised of members of state government agencies, local government, tribal governments, citizens and state legislators, this body plays a critical role in directing and initiating Program actions. The existing legislative authority, the Executive Order No. 49, the interagency agreements, and the Coastal Management Council, provide the major organization arrangements necessary to ensure the implementation of coastal management policies. The Office of Planning and Energy is the designated state agency to receive CZM grants and to carry out administrative responsibilities attendant to same.

Other specific authorities issues raised by reviewers are that:

- o no new authorities are added by the Coastal Management Program,
- o the uses of regional benefit requirement is not satisfied,
- o the state must legally enforce its commitment to accommodate the national interest.

In response to the first, the CZMA does not require that states develop new authority to manage coastal areas. The Act seeks to improve existing management and requires that a state have the authority to carry out what it says it will do in its management program. Wisconsin is determined to make the coastal resource management activities that it has authorized work better before it seeks new legislative authorities. It will develop new administrative rules and interagency coordination and conflict resolution procedures if appropriate during program administration. It also may seek new legislative authority if the need to have additional control is demonstrated.

Turning to the uses of regional benefit requirement, a state must insure that such uses are not unreasonably or arbitrarily excluded by local regulation. The state defines these uses. In Wisconsin they are the use and development of rural shorelands, recreational sites of state level significance and power plants and transmission lines. For all of these uses, the state's authority will override local authority if a conflict exists between the state and local government levels.

On the third and final point, the national interest requirement is that a State consider the national interest in the siting of facilities that are greater than local in nature. The CZMA does not require that a State "legally enforce a commitment to accommodate the national interest." Wisconsin has considered the national interest in developing its management program by 1) soliciting statements of national interest from Federal agencies during program development, 2) participating in various interstate, regional and international bodies, and 3) providing for continued consideration of the national interest during program implementation through considerations of Federal policy statements and executive orders, Federal laws and regulations, plans, reports and studies from Federal agencies, statements of national interest from Federal agencies, and public testimony. Special attention was given to the national interest in commercial navigation, energy, defense facilities, and coastal resources conservation and protection. (See Part II, Chapter III, B. National Interest in the Wisconsin Coastal Areas).

2. The Designation of Geographical Areas of Management Concern (GAMC's)

Several reviewers have commented on the process for nomination and designation of GAMC's. The first and most commonly raised issue centered on the fact that no specific sites had been designated prior to the distribution of the Wisconsin Coastal Management Program and DEIS. Instead, generic areas to be treated as GAMC's were listed. In response to this concern it should be noted that a state may designate areas on a site specific basis or, it may designate areas on a generic basis, states have the option of doing both.

Wisconsin classified six areas on a generic basis, they are: areas of significant national, recreational, scientific, or historic value; areas especially suited for water related economic development; hazard areas, which are those areas prone to severe erosion and/or flooding; specific areas identified as future power plant sites; natural, scientific, historic, and cultural areas whose unique value warrants preservation; areas that should be restored to an earlier or improved condition. In determining the types of areas to be included in the generic categories a number of inventories were conducted (See Bibliography, Appendix G of the DEIS) and the criteria as set forth in 15 CFR 920.13 were followed.

In addition however, the State of Wisconsin, due in part to comments received on the program, agreed to designate specific GAMC's prior to program approval. The Wisconsin Coastal Management Council as authorized under Executive Order No. 49 has carried out the designation; the list is included as an attachment to this document (See Attachment I). Each area

contains an appropriate management scheme that is consistent with the program's goals, objectives, and policies.

Another issue raised by several reviewers concerned the lack of specific criteria to be used in the designation of GAMC's. A discussion and reference to the criteria employed by Wisconsin in the designation of GAMC's was provided on pages 85 and 86 of the DEIS. Wisconsin utilized the criteria set forth in 15 CFR 920.13 and the extensive information gathered in its inventories of the coastal area (see Bibliography, Appendix G of the DEIS) in making the determination of what categories would be generically designated. The criteria followed by the Council in designating the site specific GAMC's is divided into two sets. The first set of criteria to be utilized in the nominating process was developed from the public questionnaire and public meetings, (a copy of the questionnaire and summary of public meetings is provided in Appendix E of the DEIS). The second set of criteria provides the Council with further refinement on the priority for designation of site specific GAMC's.

Other questions raised by reviewers centered on the nomination process itself, and a few focused on just the designation process.

Questions concerning the Nomination Process for GAMC's

- How often can nominations be made?
- Who may make nominations?
- Are review and comments possible on nominations and by whom?
- What happens when a party's site nomination fails to receive designation?
- Is nomination only valid for an area where management capability presently exists?
- Might the voluntary nature of the nomination procedure cause some sensitive areas to be missed for GAMC designation?

Overall, the nomination process for GAMC's was designed to encourage the widest possible voluntary participation. Thus a liberal time period for nomination was provided. Requests for initial nominations were sent out in July 1977, and the close of the period was November 11, 1977. Also, program staff personnel were made available to assist any interested party in developing nominations. This procedure was adopted in order to minimize the possibility of one person, agency, or level of government dominating the process. It is expected that nominations for GAMC

designation will be received on an annual basis. The parties who may nominate sites are state agencies, local governments, interest groups, private citizens and Federal agencies. All parties submitting nominations for GAMC designation must meet the requirements of the designation process as set out in the program document.

The Wisconsin Coastal Management Program does provide for review and comments by Federal agencies who wish to participate and the State Citizens Advisory Committees, the regional citizens and technical advisory committees, the appropriate regional clearinghouse, state agencies, local governments and citizens and interest groups.

In those instances where a party fails to have its nominated area designated as a GAMC it has the opportunity for resubmitting the site and management plan for consideration by the Council in the next review cycle.

In order for a site to be designated as a GAMC, the nominating party must satisfy the Council that the management plan for the site will be in accord with the policies, and that sufficient authority and management capability presently exists to effectuate the plan. The Council can and will assist any agency or group in developing and adopting the above requisite elements for a management plan.

As a result of the "bottom-up" nature of the GAMC nominating process it is possible that some "sensitive" areas that deserve the status of a GAMC may not be nominated. However, it is important to emphasize that the Wisconsin Coastal Management Program has a complementary element to the GAMC process through its "managed uses" component which ensures that sensitive areas will be protected. The discussion on managed uses (both land and water based) describes what this significant component of the Coastal Management Program entails. Managed uses for example, include state regulation of mining activity, depositing of materials in the Great Lakes, harvesting of fish, discharging of effluents into the Great Lakes, siting of power plants, construction of sewer facilities, and subdivision controls. For each activity there is a description of who manages it, what management technique is used, and the basic decision-making standard used in regulating/managing the use. The State's ability to manage these activities and thereby regulate the impacts on sensitive areas is statutorially based and it applies throughout the coastal area.

Questions and Concerns Raised Over the Actual Process for Designation

- Who has the authority to designate GAMC's?

- o The 1-3 year duration of GAMC's designation is too short and seems to indicate a lack of commitment by the state to back these designated areas.
- o The guidelines for priority of uses which delineate the uses which may go on in the designated GAMC's are too vague.

The designation of GAMC's in the Wisconsin Coastal Management Program will be made by the Coastal Management Council which will oversee the entire process.

At present, the designation of a GAMC will range from one to three years with periodic review by the Council and an opportunity for renewal of the designation. This limitation was chosen in order to provide a continued monitoring and evaluation of the effectiveness of the management in the areas. It does not mean that the State will abandon all GAMC's after its review. Wisconsin has a long-term commitment to managing the significant land and water uses of the State as reflected in the managed uses component of the program which is backed by specific legislation.

As to the concern over the vagueness of the guidelines for priority of uses which may go on in the designated GAMC's, the CZMA requires:

> Broad guidelines on priorities of uses in particular areas, including specifically those of lowest priority. Section 305(b)(5) (emphasis added).

The Wisconsin Program in designating the six generic areas provided the guidelines for what activities may be included in each of the six categories. Moreover the State described those activities which would receive the lowest priority for inclusion in the areas. Also, with the designation of site specific areas (See Attachment I) the Wisconsin Coastal Management Council has approved specific management plans which outline the most desirable uses for each of the managed areas.

3. Conflict Resolution

Three commentators raised questions concerning the overall method for resolving conflicts that may arise during the decision-making and implementation phases of the Wisconsin Coastal Management Program.

Their concerns focused on the following:

- o the fact that no one agency or body is designated to resolve conflicts;

- the apparent lack of authority of the Coastal Management Council to resolve differences;
- the overall weakness of the Executive Order to settle conflicts;
- the resolution of conflicts between local units of government and the State.

The CZMA does not require that conflict resolution authority reside in one agency, in fact it permits the delegation or sharing of program responsibilities among State and local agencies.

OCZM has made an initial determination that the conflict resolution processes outlined in the Wisconsin Program are adequate to meet the requirements of the CZMA. It made this determination based upon a number of existing mechanisms which are available to assist in the resolution of conflicts, as well as on several new mechanisms which are proposed to be added as a part of the coastal management program development in Wisconsin. Reviewers should understand, however, that as in all States, the ultimate sources of conflict resolution in Wisconsin are the Governor, the Legislature, and the courts.

Mechanisms that are currently in use in Wisconsin for conflict resolution were described in detail in Appendix H of the DEIS and include:

- The Office of State Planning and Energy, the lead coastal agency in Wisconsin, with a statutory responsibility to interrelate and coordinate the planning and other activities of state agencies, and is the overseer of the WEPA process.

- The Budget process, which is initiated in the Executive branch and is ultimately resolved by the legislature, and is a key determinant in the establishment of program priorities and focus.

- Statutory enactments which anticipate potential conflicts and give one agency the authority to override the mandate of another. An example is the DNR permit process of Chapter 30 which may allow or preclude specific functions of another governmental agency or private individual.

- Interagency Committees, such as the Environmental Liaison Committee established by the Wisconsin Department of Transportation and Natural Resources, which serve primarily as informational forums and conflict avoidance techniques.

- Administrative review process, through which state agencies seek to negotiate differences as conflicts arise, and in which the Governor is generally the ultimate decision-maker.

- Judicial review, which is available to resolve conflicts in a wide range of situations in Wisconsin where administrative action is questioned.

In addition several mechanisms are available which offer the opportunity for identifying and discussing potential conflicts such as the A-95 review and comment process, the Wisconsin Environmental Policy Act (WEPA) and the National Environmental Policy Act (NEPA). These processes also offer the opportunity of resolving conflicts prior to invoking the above mechanisms or those which follow.

Mechanisms that will be added with the Wisconsin Coastal Management Program are:

- The Coastal Management Council will serve both as an advocate of the Coastal Management Program through its participation in existing conflict resolution processes (see above), and as a conflict resolution forum in its own right (see Executive Order No. 49). Council membership includes both state and local government oriented members and members of the university system as well as representatives from the public and tribal governments. The Council has responsibilities to oversee implementation of the Coastal Management Program, including the oversight of state agency compliance with the adopted coastal policies of the provision of financial and technical assistance to state agencies and local governments, the designation of Geographic Areas of Management Concern (GAMC's) and the establishment of management policies for these areas. All of these activities involve the mediation and/or resolution of potential or actual conflicts. However, as in the case of other conflict resolution mechanisms in the Wisconsin Program, the ultimate authority to resolve a conflict in a situation where the parties cannot voluntarily reach agreement rests in the Governor, the Legislature or the courts.

- Interagency Agreements set out more specifically how key state agencies will carry out their mandate in the Executive Order to act consistently with the adopted state coastal policies and cooperate with the Wisconsin Coastal Management Council. The development of these interagency agreements has served to focus the attention of key state agencies specifically the Department of Natural Resources, the Department of Transportation and the Public Service Commission upon the Coastal Management Program, and to reinforce their commitment to cooperate with and act consistently with the Program.

These agreements also outline procedures for continuing consultation and information exchange which will enable the Council and lead agency to monitor their compliance with the adopted policies.

- o The GAMC Process, which solicits recommendations for focusing management attention on specific areas of the Wisconsin coastal area, establishes management policies to which the implementing state and local agencies agree to adhere. In the establishment of management policies and the selection of areas for priority attention, conflicting management approaches often must be considered and negotiated.

- o The Citizen's Advisory Committee, which provides public input to the operation of the Wisconsin Program serves as a forum for the consideration of conflicts.

- o Federal consistency procedures provide a new role for the state in its review of Federal actions in or affecting the coastal zone.

In Wisconsin the Governor has issued an Executive Order which requires state agency adherence to the adopted coastal policies and the Governor will serve as the ultimate point of conflict resolution in most cases where resolution cannot be reached on a voluntary basis. Moreover, it should be emphasized that those executive policies contained within the Executive Order are based on state laws which delegate responsibilities to the various agencies. Consequently, any agency that does not adhere to the Governor's directive will be in violation of their state statutory responsibilities. Such action would therefore be subject to administrative and/or judicial relief as outlined in the Summary #8 of this document and on pages 430-450 of the DEIS.

On the issue of resolving conflicts between local units of government and the state, three mechanisms are available which will trigger several of the above resolution processes into play. The first is the Wisconsin Water Resources Development Act provisions which involve the DNR's review of amendment, variances and special exceptions to shoreland zoning ordinances, and which in turn will be monitored by the Council (as per the Executive Order). The second is the Power Plant Siting Act process (Section 196.491) which involves the Public Service Commission in state review of local site designations. The Council will also monitor this process; the last is the GAMC designation process which is described above and in Part II, Chapter II, B.

It should also be emphasized that citizens can play an important role in resolving conflicts over coastal issues. They have a number of opportunities available to them to present their views on proposed state and local actions, and to formally challenge these actions. These opportunities include: public hearings, CAC public representation on the Coastal Management Council and State Citizens Advisory Committee and regional task forces, judicial review under Wisconsin administrative procedures, the state citizen complaint procedure which requires the Wisconsin DNR to hold a public hearing whenever six citizens petition the DNR concerning alleged or potential environmental pollution, and the "public intervenor" authority in the state attorney general's office, which authorizes representation of the public in state administrative proceedings and in judicial actions.

For further elaboration on the mechanisms for citizen involvement and other administrative and judicial remedies, see Summary #8, "Summary of Wisconsin's Coastal Management Program."

In the event that serious disagreements arise between the state and a Federal agency and the above processes fail to resolve them then a mediation and resolution mechanism is available as provided in the Coastal Zone Management Act (Sections 307(b(1) and (2)) and proposed regulations adopted pursuant to the Act (15 CFR Sections 930.44, and Subpart G).

4. Federal Consistency

Under the broad issue of Federal consistency a number of reviewers noted several key deficiencies in the Wisconsin Federal consistency procedures. They were:

- o There should be a six month time limit for state review of Federal license and permit consistency certifications, as required pursuant to Section 307(c)(3) of the CZMA

- o An applicant should not be required to submit a consistency certification to more than one state agency for review. This could be the result under Wisconsin's proposed procedures where more than one state permit is required for a proposed activity which also requires a Federal license or permit.

- o Where the issuance of a state permit constitutes presumed state concurrence with an applicant's consistency certification, this should be clearly and expressly stated.

- o Only non-Federal applicants must comply with the Federal license and permit Federal consistency procedures. Federal agency activities requiring Federal licenses or permits fall within the Federal activity provisions for consistency review.

- o Additions to the license and permit list in the Wisconsin program must be reviewed and approved by the Associate Administrator.

- o The document should clarify that applicants must still apply to the Federal agency for issuance of Federal license or permit.

- o The Wisconsin program should include a reference to the language in section 307(c)(1) that Federal activities must be consistent "to the maximum extent practicable" as this language has been interpreted in the proposed regulations at 930.33.

- o Clarification of what is meant by "Federal plans," and the criteria to be applied during state review of these plans, was requested.

- o The program should make it clear that a Federal agency may make a negative decision on a proposed action even following a state's concurrence with a consistency determination of certification, and should reference section 307(e) of the CZMA, which states that Federal agency authority is not superseded, modified, or repealed by virtue of the CZMA.

- o Federal activities should be listed.

- o The document should state clearly a uniform set of the criteria to be applied for Federal consistency review.

These noted deficiencies have been corrected in the following manner:

The document now states that the Coastal Management Council will serve as the key state entity responsible for coordinating Federal consistency review. All consistency certifications and determinations must be sent directly to the Council, and the Council will insure that the appropriate state agencies are involved in the review process.

The Council will be responsible for insuring that the six month time limit for review of Federal license and permit consistency certifications and determinations are met. Thus, where more than one state permit is required for an activity that also requires a Federal permit or license, the Council will provide a single state response either concurring with or objecting to the applicant's consistency certification. Applicants must apply directly to the state agency for a state license or permit. When state permit reviews are used as management program equivalent procedures

for Federal consistency review the Council will insure that the Federal agency and the applicant are notified in writing that the issuance or denial of the state license or permit constitutes the equivalent of a concurrence with or objection to the consistency certification. The document now states that only non-Federal applicants must comply with the license and permit Federal consistency procedures and that Federal agency activities requiring a Federal permit or license will be reviewed as Federal activities. Additions to or deletions from the Wisconsin license and permit list must now be reviewed and approved by the Associate Administrator.

The document now references section 307(e) of the CZMA in Part II, Chapter III, C. 2. Applicants must apply directly to the Federal agency for a license or permit. A Federal agency may make a negative decision pursuant to its Federal agency responsibility on a proposed action notwithstanding a state's concurrence with a consistency determination or certification.

The document now clarifies how Wisconsin will review Federal activities including Federal plans and states clearly that Federal activities directly affecting the coastal zone must be consistent with the approved Wisconsin program "to the maximum extent practicable."

The criteria to be applied by Wisconsin in conducting reviews of Federal actions for consistency with the Wisconsin Coastal Management Program are those stated in Part II, Chapter III, C. 2. These same criteria will be applied regardless of the nature of the Federal action reviewed.

One reviewer sought clarification on the application of the Federal consistency provisions to Federal loans and grants.

> Response: Federal loans and grants to state and local governments constitute Federal assistance and must be reviewed pursuant to section 307(d) of the CZMA through the A-95 procedures. The criteria to be applied in this review are the same as those for any other type of Federal action subject to Federal consistency review, and these are listed in Part II, Chapter III, C. 2. The Wisconsin Program does not include any exclusive listing of acceptable grant and loan projects ranked by priorities.

Another reviewer stated that Federal plans need not be accompanied by a consistency determination. The same reviewer also stated that no consistency certification would be required for a Federal permit or license for an activity to be conducted on Federal lands.

> Response: Federal plans are Federal "activities," and where these directly affect the state's coastal zone a consistency determination must be provided to the state

under the proposed Federal consistency regulations, section 930.39. An activity on Federal lands which requires a Federal license or permit necessitates a consistency certification where the proposed activity could "affect" the states coastal zone. (See Section 307(c)(1) of the CZMA.)

Several reviewers commented on Wisconsin's reference to the need to develop memoranda of understanding (MOU's) with the various Federal agencies in order to clarify the operation of the Federal consistency procedures. One reviewer stated that the MOU's should be finalized before program approval. Another reviewer opposed the use of MOU's, and requested that the program indicated that these should be voluntary.

Response: Based on Federal agency comments, Wisconsin has determined that development of MOU's with Federal agencies will not be necessary.

In response to the comments of several reviewers, the following changes have been made in the list of license and permits appearing in Part II, Chapter III, D:

- Delete two EPA permits
- Change Federal Power Commission to read "Federal Energy Regulatory Commission"
- Delete reference to 33 USC 419 Hazardous Substances and Materials under Department of Transportation Permits.

One reviewer noted the absence of procedures for mediation, Federal consistency review for multiple Federal agency activities affecting the coastal zone, and appellate procedures for inconsistency determinations resulting from state or local permit denials.

Response: Wisconsin will follow the procedures outlined in NOAA proposed Federal consistency regulations (Subpart G and H) for Secretarial Mediation and Secretarial Review Related to the Objectives or Purposes of the Act and National Security Interests. In the case of multiple Federal activities the general procedures will apply, and there are no special provisions applicable to multiple Federal activities.

The Wisconsin Coastal Council will be responsible for coordinating state agency review of Federal license and permit consistency certifications. Local permit issuance will no longer be utilized as an equivalent management program procedure.

B. Individual Responses to Comments

Comment	Response
U.S. Department of Agriculture, Soil Conservation Service Davis 12/5/77	
The boundary for Geographic Areas of Management Concern (GAMCs) is different from the overall coastal zone boundary.	The **county-wide** coastal zone boundary was selected to facilitate administration of the program. Coastal program authorities currently apply equally throughout Wisconsin. While most authorities are administered by the state, the Shorelands Program is administered by the counties, subject to state review. Guidelines have been established for priority consideration for designation of GAMC's within coastal townships. (Most townships extend six miles inland.) Within townships, priority for GAMC designation will be given to sites adjacent to the shore. This was done to give more of a shoreline focus to the selection process for GAMCs. The discussion on location of areas, Part II, Chapter II, Section B, has been changed in this document to clarify these points.
a) Requirement for a consistency determination to accompany all activities which are part of Federal plans is challenged.	a) Refer to General Response #4 on Federal Consistency
Coastal Management Program does not clearly state who may challenge a Federal agency on Federal Consistency.	The State of Wisconsin, Acting through the Coastal Management Council or the lead agency could challenge a Federal agency on Federal Consistency. There is a mechanism for mediation of disagreement between a Federal agency and a state provided in the CZMA under Section 307(h) and the implementing Federal Consistency regulations. The state also has the option of challenging the agency in the courts. In addition third parties who, because of the Federal action can show that they meet the legal requirement of standing as a person "aggrieved," may challenge the agency.

Comment	Response
U.S. Department of Agriculture, Soil Conservation Service (cont.) Davis 12/5/77	
Federal licenses and permits which apply to Federally excluded lands in the coastal area are not subject to certification of Federal consistency.	Refer to General Response #4 on Federal Consistency.
Memoranda of understanding between the state and Federal agencies as a means of achieving Federal consistency should be completed prior to Federal approval of the WCMP.	Refer to General Response #4 on Federal Consistency.
It is not clear whether there is a single opportunity to nominate geographic areas of concern or if there may be periodic opportunities.	The program provides that nomination be submitted on an annual basis.
It appears that nominations are valid only from these areas for which management capability exists.	The Coastal Management Council must be satisfied that management policies and authorities are in place prior to designation. The Coastal Management Council will assist in developing management capabilities. See General Response #2 on GAMC's.
Pertaining to land and water uses of management concern, does the reference to "proposed new uses" mean a use in a new place?	The references to "proposed new use" is to proposed new "direct and significant" uses and it does mean a use in a new or old place.

Comment	Response
U.S. Department of Agriculture, Soil Conservation Service (cont.) Davis 12/5/77	
Does "Coastal Environment" mean the same as Coastal Management Program area?	Coastal environment would be contained (For the purposes of the Wisconsin Program) in the Coastal Management Program area
Although state taxation policies are enunciated (item 2.4 p. 26 (DEIS)), they are contingent upon local action. What happens when the locality does not act?	The Wisconsin Farm Lands Preservation Act does not make tax credit incentives contingent upon local government action until 1982. Although more liberal credit is available where such action does take place, after 1982 the Act provides that the availability of tax credit will be dependent upon local planning and zoning being in force.
Editorial changes were suggested for pages 30, 56, 279 and 466 of the Program Document and DEIS.	Appropriate changes have been made. Note that appendices will not be reprinted.
Department of Energy Emmett Turner Telephone Communication 12/5/77	
No substantive comments.	No response necessary.

Comment	Response
Federal Energy Regulatory Commission Curtis 12/5/77	
All references to the Federal Power Commission should be deleted to reflect the transfer of responsibilities to the newly established Department of Energy and Federal Energy Regulatory Commission.	Changes are made where appropriate; the record of consultation with the Federal Power Commission (Appendix I of the DEIS) will remain a part of the record.
Energy companies should be notified when an area is nominated for GAMC designation and Wisconsin should refine its process to insure designation of utility sites as GAMC's.	The Wisconsin Program has made a great effort in involving all parties in the nomination/designation process, see General Response #2 on GAMC's. Also, it should be emphasized that PSC Approval of an "Advance Plan" under the Wisconsin Power Plant Siting Act s.196.491 would automatically nominate the specific site for designation as a GAMC. However, a utility site will not be designated as a GAMC unless it meets the requirements of the Coastal Management Program. See response to Wisconsin Electric Power Company comment below.
GAMC concept should aid in the balancing of development and preservation interests that are advocated by the Office of Coastal Zone Management.	OCZM agrees and see for reference Attachment I where designated sites reflect these interests.
There is no indication that notification of a decision on consistency of a local or state permit will be given to a Federal agency responsible for issuing an equivalent permit. FERC recommends that the state or local permitting agency be required to notify the appropriate Federal agency of any decisions regarding all equivalent state or local permit applications.	See General Response #4 on Federal Consistency.

Comment	Response
Federal Energy Regulatory Commission (cont.) Curtis 12/5/77	
The Commission is concerned that Wisconsin has overlooked natural gas-related facilities for consideration of the national interest in its coastal management program.	Language recognizing natural gas and related facilities as being in the national interest has been added to Part II, Chapter III, Section B.1.b, and B. 3.
The planning and siting procedures in the Wisconsin CMP for new electrical energy facilities are restrictive and lack the broad considerations required to meet national interests in the siting of facilities which are other than local in nature. The planning and siting requirements should include consideration of interstate dependency of existing and new electrical energy facilities.	Wisconsin has recognized the national interest in energy facility siting. The state will use national policy statements, Federal and interstate plans, reports, and statements in considering decisions which affect siting of new electrical energy facilities determined to be in the national interest. The Wisconsin Coastal Management Program addresses electrical facility siting as one of its managed uses, see Part II, Chapter II of this document. It does so in the context of balancing the need for an adequate supply of energy and community development patterns against the effect of power plant location on water quality (thermal discharges), public rights in navigable waters and effective flood flow capacity of streams. The regulation of electrical facilities siting is primarily mandated through existing state statutes and permit procedures found in Chapter 30 and 31 (DNR jurisdiction) and s. 196.491 et seq. (Public Service Commission PSC jurisdiction). The agency with primary responsibility over siting decisions is the PSC. The standards of review of power plant siting Advance Plans is set out in the statutes at s. 196.491(2)(c) and the DEIS at p. 371. One of the standards the PSC uses in determining the approvability of a plan is whether the plan "will provide a reasonably adequate supply of electrical energy to meet the needs of the

Comment	Response
Federal Energy Regulatory Commission (cont.) Curtis 12/5/77	
	public during the planning period" (emphasis added). In fulfilling its responsibilities under this statutory mandate the PSC has specifically directed its staff to gather information and evidence of energy needs outside of Wisconsin as well as within the state for planning and forecasting. The PSC for example considers plans and studies developed by such groups as the Mid-Continent Area Reliability Coordinating Agreement. Thus, the PSC has not been limited to considering only the impacts/ needs of energy use for the citizens of Wisconsin. Moreover, the Power Plant Siting Act specifically permits override authority where local units of government attempt to exclude facilities when a "certificate of public convenience and necessity" has been issued by the PSC (s. 196.491(3)(i))."
There is a real concern that any approved advanced plans for power plant siting, which receive automatic GAMC nomination, would eventually fail to be designated as GAMC's given the parochial nature of the priority list for designation.	The priority list to be used by the Coastal Management Council in its deliberations of designating GAMC's was developed from several sources. One is the extensive inventories conducted as part of the Program, see Appendix G of the DEIS. Another is the extensive public participation in the development of the list through workshops and questionnaires, see Appendix E of the DEIS. Federal agency review and comments on this process was sought throughout the development of the criteria and lists. Under the Wisconsin GAMC process it is possible that advance plans for site specific electric facilities will not be designated as GAMC's. Designation is not an automatic process; it must satisfy the requirements of the program but non-designation will not necessarily affect the existing statutory process of siting electrical facilities. See the comment/responses to the Wisconsin Electric Power Company below for further elaboration.

Comment	Response
Federal Energy Regulatory Commission (cont.) Curtis 12/5/77	
The duration of a GAMC designation may range from one to three years. It is strongly urged that the future power plant sites indicated in an approved advance plan be protected by a Grandfather Clause.	The duration of a GAMC designation has no bearing on the approvability of the advance plan which is granted by the PSC. For the distinction between the two processes, see the comment/responses to Wisconsin Electric Power Company below. Also of importance here, is the fact that even though a utility company has successfully met the requirements of the PSC on getting an advance plan approved this does not mean that it may construct a facility on a particular site. It must satisfy the requirements of s.196.491 in order to receive a certificate of public convenience and necessity.
Editorial Corrections, p. 95	Corrections have been made.
Licenses and permits cited as the responsibility of the Federal Power Commission should be changed to reflect the licensing and permitting authority of the Federal Energy Regulatory Commission.	Changes made in Part II, Chapter III, Section D.
The Commission is opposed to the use of memoranda of understanding as a means of achieving Federal consistency.	Memoranda of understanding have been dropped as a means of achieving Federal consistency as a result of the objections of several Federal agencies.
FERC claims an error was made in summarizing a letter of 12/8/76 from Federal Power Commission to state coastal zone program.	The existing log relates another letter of the same date to the state of Wisconsin. A summary of the letter in question has been added to the log.

Comment	Response
U. S. Department of Commerce Economic Development Administration Victor A. Hausner 12/5/77	
EDA had hoped that the state's Program Document would have reflected greater awareness of the economic issues under consideration in the Wisconsin 302(a) Program.	This concern has been addressed by revising the document at Chapter II C(4) to include specific language that EDA's 302 Program and Overall Economic Development Plan's (OEDP's) would be fully coordinated with the Wisconsin Coastal Management Program. It also states that the Wisconsin Program would use the product and policies from these programs where appropriate at the state and local levels of government.
Request confirmation on consistency criteria understanding of EDA.	Understanding is correct - no change in document required. Consistency Criteria are those specified in Part II, Chapter III of this document.
Department of Defense Corps of Engineers Drake Wilson 12/5/77	
Program fails to adequately detail how broad policy goals will be achieved and how existing laws will be coordinated into the state program.	See Summary #8 "Summary of Wisconsin's Coastal Management Program." Of particular importance, is the discussion in the Summary on "organization and management structure" and "implementation" and that the coastal management policies as well as the other provisions contained within Executive Order #49 speak directly to coordination of existing statutory authority in order to focus on coastal issues. Furthermore, note that all seven coastal policies are based on existing statutory authority.

Comment	Response
Department of Defense Corps of Engineers (cont.) Drake Wilson 12/5/77	
Federal Consistency - Licenses and Permits: Program should distinguish between certification with an approved CZM program and other state permit activities. Federal consistency requirements apply only to CZM certification.	See General Response #4, on Federal Consistency.
Federal permits should be issued as follows: "NO permit will be issued to a non-Federal applicant until certification has been provided that the proposed activity complies with the coastal zone management program and the appropriate state agency has concurred with the certification or waived its right to do so."	See General Response #4, on Federal Consistency and Part II, Chapter III.D. of the Program Document.
Coastal zone certification will be required prior to issuance of a Federal permit except that concurrence will be presumed after six months following commencement of state agency review.	See General Response #4 on Federal Consistency and Program Document at Part II, Chapter III, D.
Applicants must still apply directly to the responsible Federal agency, and Federal consistency requirements do not affect this relationship between the applicant and the Federal agency.	The Program Document has been revised to reflect this concern. See General Response #4 on Federal Consistency Program Document at Part II, Chapter III.D.

Comment	Response
Department of Defense Corps of Engineers (cont.) Drake Wilson 12/5/77	
The following reference should be added: 33 U.S.C. 401 covering permit requirements for dams and dikes across waterways.	Wisconsin has included only those Federal licenses and permits that it considers to be of major significance and has determined at this time, not to include the permit in question. See Program Document at Part II, Chapter III.D.
Dredged Material Disposal - The state's position against open lake disposal of dredged material in Wisconsin waters presents potential problems regarding COE harbor and beach nourishment projects. Confined disposal of materials classified as suitable for open-lake disposal by EPA generally costs significantly more than open-lake disposal. COE policy requires that non-Federal interests assume the added incremental costs of providing confined disposal as compared to the open lake disposal method. The state policy on restricting disposal of dredged spoil, rock, sand and cellar dirt in waters of the state if strictly adhered to, could result in a state ban of rubblemound harbor structures and shore protection structures such as revetments and groins. EPA should be consulted further regarding information on classifying pollutant levels in dredged material and the cost of on-land and open-lake disposal.	The state is currently evaluating the relative costs of open water, confined, and on land disposal under its Coastal Zone Management program development grant. (Section 305(d)) and has consulted with representatives of the Corps of Engineers, other Federal agencies, university researchers, and the private sector in conducting this study. However, the state maintains its position that open water disposal of dredged material will generally result in unacceptable environmental impacts.

Comment	Response
Department of Defense Corps of Engineers (cont.) Drake Wilson 12/5/77	
Federal Consistency - Discussion should reflect the definition of "to the maximum extent practicable" contained in proposed Federal consistency regulations at 930.33.	The Program Document has been revised to provide a more thorough explanation of how Federal activities affecting the coastal zone will be reviewed. However, since the NOAA regulations are available and apply to Federal consistency review in any event, the above definition was not specifically included.
Clarification is requested regarding how Federal "plans will be reviewed."	See General Response #4 on Federal Consistency and Program Document at Part II. Chapter III.E.
Program provides no specifics on eligible types of areas for GAMC designation. Recommend that selected areas and management plans be included in the program. Corps reserves right to comment on the selections.	Both generic and site specific GAMC's have been designated by the Coastal Management Council; see Attachment I and Part II, Chapter II.B. of this document. For a discussion on the GAMC nomination/ designation process, see General Response #2 on GAMC's which outlines the program's intent of encouraging review and comment on the process from all levels of government and the private sector.
Reference to consideration of recent presidential executive orders on wetlands and floodplains should be made in the DEIS along with reference to management of endangered species and their habitat.	The Wisconsin Coastal Management Program policies on coastal natural areas, wildlife habitat, and fisheries and on coastal flood hazard areas (Part II, Chapter I, Section C.2. & 3.) and Program management authorities make the proposed Federal action consistent with the recent presidential executive orders on floodplains and wetlands. Acknowledgement of compliance with the executive orders is now made in Part III, Section C. Proposed program policies 2.0 and 2.7 acknowledge the need for protection of endangered species and their habitats. State agencies are bound by State law and

Comment	Response
Department of Defense Corps of Engineers (cont.) Drake Wilson 12/5/77	
	Executive Order #49 to comply with these policies. Management of endangered species and their habitat will also be accomplished through existing state regulatory authorities listed in Part II, Chapter II, Section B.2.c. and d. and through potential designation of such areas as Geographic Areas of Management Concern. In addition, Federal laws and executive orders are used as factors for continuing consideration of the national interest during program implementation.
The document should make it clear that Federal agencies will continue to carry out their statutory responsibilities as directed by Federal law and policy and will not "rubber stamp" anything given approval by the counties or state.	See General Response #4 on Federal Consistency and changes in Program Document in Part II, Chapter III,D.
The implementation approach is vague and does not have a mechanism to require participation at the local level.	Coastal management counties are required to participate in program implementation pursuant to the Shorelands Program, Wisconsin Statutes Section 144.26 and all local governments must permit the location of an energy facility when a Certificate of Public Convenience and Necessity has been issued by the PSC under the Power Plant Siting Act s.196.491(3)(i); local participation is strongly encouraged on a voluntary basis through the GAMC process. Both state managed GAMC's and all managed uses are applicable, regardless of local participation in the GAMC process. Local involvement during program development has been extensive and local governments will continue to be involved through their representation on the Wisconsin Coastal Management

Comment	Response
Department of Defense Corps of Engineers (cont.) Drake Wilson 12/5/77	
	Council. See Summary #8, Summary of Wisconsin Coastal Management Program.
Lack of maps make review and evaluation of program difficult.	A map of the coastal area was included in the program. DEIS document at p. 158. The cost of reproducing detailed maps prohibited their inclusion in the Program DEIS document. More detailed maps are available for review at the Wisconsin Office of State Planning and Energy, Madison, Wisconsin. Also, designated GAMC's have site specific maps, which are also avialable for review at the state office cited above.
Department of Housing and Urban Development Robert C. Embry 12/5/77	
Wisconsin Program identifies its GAMC's by generic type but fails to provide sufficient detail for one to determine what areas may or may not be subject to its management plan.	The Wisconsin Program does provide a classification of six generic areas that deserve recognition as GAMC's as provided in Part II, Chapter II(b), including priority of use guidelines applicable to those generic areas. In addition, the DEIS contained a list of areas receiving preliminary nomination as GAMC's (see Appendix H, p. 350 et seq. of the DEIS). A list of site specific designated GAMC's is contained in the FEIS document as Attachment I, including management policies applicable to each site specific area.

Comment	Response
U.S. Department of Interior Meierotto 12/5/77	
The program lacks authority to ensure that all government agencies, corporations, and private individuals conform to the management program.	Refer to Summary #8, Summary of Wisconsin's Coastal Management Program where the important components of the program are outlined and discussed including the objectives and policies of the program (Subsection 1), organization and management structure (Subsection 2), and Implementation (Subsection 3), where the discussion focused on the Statutory authority which underpins the program and methods available for insuring consistency with the program objectives.
Goals and objectives of management program do not provide for decisive management.	Program goals and objectives are by nature designed to be general. However, the Wisconsin Coastal Management Program Policies, strong implementative techniques, and institutional configuration are directed at providing coordinated and comprehensive management that will achieve the goals and management objectives of the Program.
Program activities of Part II, Chapter II do not discuss control mechanisms, final decision-making, or appeal mechanism.	For a discussion of these elements see Summary #8, Summary of Wisconsin's Coastal Management Program and Appendix H of the DEIS.
Methods of conflict resolution between different levels of government are not explicitly stated.	See General Response #3 on Conflict Resolution.
It is unclear what authority resides with the Coastal Management Council to implement the coastal management program.	Refer to Summary #8, Summary of Wisconsin's Coastal Management Program which outlines the functions of the Council.

Comment	Response
U.S. Department of Interior (cont.) Meierotto 12/5/77	
The DEIS reflects little consideration of coastal resources of regional benefit or national interest.	Uses, activities, and resources in the national interest are discussed in Part II, Chapter III, Section B. Uses of regional benefit are considered in Part II, Chapter II, Section B.2.e.
There is a need for additional regulations and/or enforceable policies.	Refer to Summary #8, Summary of Wisconsin's Coastal Management Program which outlines some of the key Wisconsin Legislative enactments that provide enforceability to program policies.
Existing laws used by the program are inadequate because the program does not deal with the drilling in the Great Lakes for gas and oil, and public entry to bird nesting colonies.	Chapter 30 of the Wisconsin statutes provides for control over all activities occurring in or on the bed of the Great Lakes. This includes control over the drilling for gas and oil. As a practical matter, there is no indication of gas and oil resources in the lake beds of the Wisconsin coastal area. In accordance with Chapter 23 of the Wisconsin statutes, the state has the authority to control access to state-owned public areas for the purpose of resource protection, including wildlife.
The ability of the Program to protect wetlands is questioned on three counts: a) inadequacy of coverage of all coastal wetlands under the Shorelands Act; b) use of U.S. Geological Survey topographic maps to define wetlands for the purpose of conservation areas under the Shorelands Act may cause many important wetlands to be overlooked; c) the existing state wetlands policy does not meet the standard of the recent presidential executive order for safeguards	a) The Program's ability to protect wetlands is strengthened by the Governor's Executive Order directing state agencies to act consistently with the policies of the Program; by the process of designating such areas as GAMCs; and through state control exercised over the lakebed since the Ordinary High Water Mark (OHWM) is determined by physical indicators including, for example, the presence of certain species of wetland vegetation. b) At the time zoning ordinances were developed under the Shorelands Program, U.S.G.S. topographic maps provided the best source of data on location on wetlands. The WCMP has expressed interest in receiving

Comment	Response
U.S. Department of Interior (cont.) Meierotto 12/5/77	
to protect wetlands.	the National Wetland Inventory maps, if they are completed for Wisconsin in order to incorporate the data. c) Wisconsin has acknowledged the values of wetlands in a manner consistent with the recent presidential executive order. In the judgment of OCZM, the state has developed policies to maintain those values. Those policies it should be noted are based on strong state statutory law which mandates the regulation of activities in both the floodplains (s.87.30 Wis. Stats) and wetlands (s.59.971 and Chapter 30 Wis. Stats). Under this state legislation the Department of Natural Resources has the responsibility for insuring that the state requirements which include reducing the risk to life and property from floods and minimizing the destruction and degradation of wetlands are in fact complied with.
DEIS should address impact of cooperative agreement between Wisconsin and the U.S. Fish and Wildlife Service on endangered species and on the coordination between the coastal management agency and the State fish and wildlife agency.	Wisconsin believes that this agreement will accelerate the protection of endangered species and their habitats. Close coordination already exists between the coastal management agency and the state Department of Natural Resources.
The accuracy and clarity of statements on the coastal zone boundary is questioned because of: a) lack of a detailed bounday map; b) no mention of inclusion of offshore islands as part of the boundary;	a) coastal area maps are available for review at the offices of the WCMP in Madison, Wisconsin. b) Specific language on inclusion of off-shore islands in boundary area has been added c) These islands are specifically listed as excluded d) and e) information on wetlands and land ownership

Comment	Response
U. S. Department of Interior (cont.) Meierotto 12/5/77	
c) no specific mention of Spider, Gravel and Hog Islands as excluded Federal lands; on U.S. Geological Survey Maps; and e) lack of detail on land ownership patterns.	can be obtained from the coastal atlas. It is available for inspection at the State Office of Planning and Energy in Madison, Wisconsin.
The program makes little mention of the timber and mineral industries or the potential for expanded copper-nickel and iron ore mining industry in the northern part of the coastal zone.	Policy statement 5.6 indicates the Program's policy on timber resources. Potential for expanded mining is not addressed because the major mineral reserves are outside the coastal management area.
There is no network of enforceable State authorities over local governments.	Refer to Summary #8, Summary of Wisconsin Coastal Management Program and note specific statutory citations in the discussion on Implementation (Subsection 3).
The absence of site-specific GAMC's prevents adequate review of the WCMP.	See General Response #2 on GAMC's.
The definitions of "direct" and "significant" with respect to impacts on the coastal environment should be clarified to more specifically indicate the areas and uses that will be covered by the Program.	The definitions of direct and significant are tied specifically to the uses and the areas identified in Part II, Chapter II B.
The Program fails to define the terms "water-dependent" and "water-related."	Water-dependent uses - Land or water uses which require locations in, or directly adjacent to coastal waters, and which cannot be located inland. Examples: recreational harbors and boat launching ramps, swimming and related beach facilities, pier

Comment	Response
U.S. Department of Interior (cont.) Meierotto 12/5/77	
	fishing facilities, commercial port and related cargo - handling and intermodal transportation facilities, transportation corridors for access to the lake. Water - related uses - Land and water uses which are related to water dependent uses, enhancing the utility of the water dependent use and the values of the coastal resources. Examples: Public information facilites, rest rooms, phones, parking, safety facilities, instruction facilities, commercial facilities.
The Program should consider support for water-quality monitoring.	Coastal program activity 1.18 (Part II., Chapter II, Section C) indicates program support for water-quality monitoring.
The Program fails to identify the procedures which will be used to establish the ability of the resource to support land and water uses.	Information generated through inventories of coastal resources will be used to make decisions on resource ability to support land and water uses. See bibliography in Appendix G of the DEIS. Existing resource information of state agencies will also be used.
Meaning of the term "new" uses as applied to the management program is not clear.	The Program concern is with changes in the coastal area, whether they be new activities, new uses, or changes in existing activities or uses. Changes in existing uses and activities would be the concern of the state only to the extent that they would impair the public health, welfare or environment.

Comment	Response
U. S. Department of Interior (cont.) Meierotto 12/5/77	
Recommend that Wisconsin develop specific criteria for selection of GAMC's.	Wisconsin has developed criteria for the generic and site specific designations, in the DEIS at pp. 77 et seq. and see, General Response #2 on GAMC's.
Provide a method for Federal agency review and coordination on the GAMC process.	Wisconsin has specifically provided for Federal review in the GAMC process, also Federal agencies may nominate areas for GAMC designation (see General Response #2 on GAMC's).
Formally designate site specific GAMC's.	Wisconsin has designated such sites. See Attachment I.
Develop specific tangible management procedures for each GAMC and initiate a formal mechanism which insures GAMC's can be nominated in the future.	For each site designated there will be a specific management plan in accordance with coastal management policies. There is a formal mechanism for nominations as provided in the DEIS.
It is not clear that the proposed coastal policies have been adopted by the State and that the Coastal Management Council does have sufficient authority to enforce the existing laws on which the program is structured.	Refer to Executive Order No. 49 and Summary #8, Summary of Wisconsin's Coastal Management Program.
The membership of the proposed Coastal Management Council is oriented toward development interests and will not provide for balanced decision-making.	Past actions of the membership of the proposed Coastal Management Council indicate that the Council is balanced between development and conservation interests. A similar comment has been made by some development interests who say it is slanted in favor of conservationists.

Comment	Response
The Wisconsin Department of Natural Resources would have to comply with a Council decision despite any adverse effects on fish and wildlife. This may contravene a requirement of the Fish and Wildlife Coordination Act for state conservation agency consultation.	The Council cannot direct the DNR to act contrary to the law of the State. One of the reasons for a Council composed of the DNR and other state and local agencies is to provide for increased consultation.
The CMC activities should be in compliance with the recent presidential executive orders on flood plains and wetlands.	The Program policies on wetlands and flood plains are consistent with the recent presidential executive orders (note Executive Order No. 49), and see response above.
Concern is expressed that representation on the CMC favors local interests and therefore, there is no assurance that uses of regional benefit and uses in the national interest, will not be arbitrarily excluded.	The CMC has considerable representation of statewide interests including - state legislators, state agencies, the University of Wisconsin, etc. (see the DEIS for a listing of the representatives). Section 306(c)(8) requires that the national interest be considered in decisions in the management program. Wisconsin will assure no arbitrary restriction or exclusion of uses of regional benefit through four methods: 1) administrative review of local shoreland zoning ordinances and amendments variances, and special exceptions to them; 2) administrative override of arbitrary local exclusions of power plants; 3) judicial remedy in other cases where arbitrary local regulations exclude uses of regional benefit; and 4) acquisition of recreational sites of statewide significance.
The Department of Interior is concerned that the Program does not have adequate authorities to be enforceable for the following reasons: a) lack of official state adoption of the coastal policies;	Refer to Executive Order No. 49 where the State's Management Policies were adopted and Summary #8. Also, see DNR interagency agreement attached, and see Summary #8 where administrative and judicial remedies for compliance are outlined as well as General Response #3 on Conflict Resolution.

Comment	Response
U.S. Department of Interior (cont.) Meierotto 12/5/77	
b) ommission of state interagency agreements to be promulgated pursuant to applicable existing statutes; and c) ommission of a procedure which provides grounds for bringing action to ensure compliance of state agencies with the Program.	
National Interest	
Mechanisms to assure the effective consideration of the national interest initially and during program implementation should be clarified.	The process for consideration of the national interest during program implementation is stated clearly in Part II, Chapter III, Section B. During program development, an extensive process of coordination with Federal agencies was designed to ensure that the national interests in the Wisconsin coastal area were identified. This is documented in Appendix I of the DEIS.
More expansive state wetlands policy is needed.	Refer to earlier response to DOI comment on protection of wetlands.
Additional langauge is suggested for inclusion into the statements of National Interest to reflect consideration of the Wild and Scenic Rivers Program.	The program now considers certain recreational facilities which may be in the national interest. This would include the Wild and Scenic Rivers Program as well as many other Federal programs.
Criteria used for evaluating consistency determinations should be clarified and expanded.	See General Response #4 on Federal Consistency.
Identification of a central point for consistency determinations is lacking;	See General Response #4 on Federal Consistency.

Comment	Response
U.S. Department of Interior (cont.) Meierotto 12/5/77	
the Department of Interior urges that the state actively respond to determination of consistency for all Federal licenses and permits rather than wait six months at which time concurrence is conclusively presented.	
The coastal management agency's authority to conduct review of a consistency determination for Federal licenses and permits is questioned.	The CMC has the authority pursuant to Executive Order No. 49 to coordinate state agency review of all Federal licenses and permits for consistency with the management program.
Federal consistency procedures fail to acknowledge that the responsibilities are not diminished by the CZMA and that a negative decision by a Federal agency on a proposed action is not changed despite any state concurrence with a consistency determination of certification.	See General Response #4 on Federal Consistency
The Program should conform to regulations the U.S. Fish and Wildlife Service must apply. The U.S. Department of Interior does not concur with a program that would permit official state approval of projects that the U.S. Fish and Wildlife Service would normally oppose or modify.	See General Response #4 on Federal Consistency.
It is not clear if Table 7 is for purposes of state consistency certification.	The purpose of table 7 is to show how existing review processes cover managed uses. There are uniform consistency criteria for consistency certification discussed in General Response #4 on Federal Consistency.

Comment	Response
U.S. Department of Interior (cont.) Meierotto 12/5/77	
Wisconsin should acknowledge the multiple use of lands with respect to problems and issues of economic development.	Policy statement 5.6 acknowledges the states concern for multiple uses of land.
Use of word '"unique"is detrimental to the interest of the National Park Service because it does not reflect that historic resources do not have to be unique to be significant.	Wisconsin has designed its program to address unique historic resources.
Process for designating geographic areas of management concern will not provide for long range protection of natural resources. There is no leadership role for the Coastal Management Council for designating GAMC's. GAMC process does not allow for multiple use of national or greater than local interests.	Wisconsin provides for the long range protection of natural resources through the use of regulation and acquisition power. The GAMC process is designed to improve management on a short or long term basis depending upon the needs of a particular site. This is incorrect; the CMC will designate GAMC's on a regular basis and oversee the entire process. The GAMC process can take into account greater than local interest, See General Response #2 on GAMC's.
The Program should adhere to a statement relating to placement of sites on the National Register such that a property remains on the Register as long as it retains those qualities that originally qualified it for inclusion.	The Program's policies would encourage such recognition.
Guidelines for priorities of use on GAMC's are very general; priorities for site designation appear in conflict with the priorities of uses list for the generic types of GAMC's.	The guideline for priorities of use are sufficient in the context of the generic area descriptions provided in Part II, Chapter II, B.1.; and the Program policies. The priorities for site designation are related to the issues of concern, i.e., water quality, shore erosion, that surfaced during program development; and to the ability of the appropriate government agencies to

Comment	Response
U.S. Department of Interior (cont.) Meierotto 12/5/77	
	manage the area of concern for the desired objectives. The priorities of uses for generic areas are developed in accordance with capability/suitability measures for sorting out best and least appropriate uses. They are used once the CMC has designated a GAMC and would implement the Council's policy rather than conflict with the Council's intent.
Concern was expressed that new uses will be only ones addressed by program.	To the extent existing uses may result in future direct and significant impact on the coastal waters, they will be the concern of the management program.
Disposal of dredged material should be listed as a land-based activity of direct and significant impact.	Control over disposal of dredged spoil material on land is achieved by existing authorities which prohibit the placing of fill in violation of a flood plain ordiance, see §59.971 and 87.30 Wisconsin Statutes. Futhermore, the DNR will not grant a dredging permit until a suitable disposal site is found.
Coordination aspect of the Program will be only with the DNR, the agency with authority over most environmental issues. What will the CMC and coastal agency add to the program.	Several agencies represented on the CMC have responsibility for dealing with environmental issues. These include Department of Local Affairs and Development, Department of Agriculture, Department of Transportation, and others. CMC and the lead coastal agency will add a focus and advocacy dimension of coastal issues to the DNR actions.
Suggest that the managed use "mining of metallic minerals" be changed to apply to "extraction of minerals."	The State has control over mining of metallic menerals through the Metallic Mining Reclamation Act (144.80 of Wisconsin Code). The extraction of minerals other than "metallic" is controlled through: approval of local shoreland zoning ordiances; Chapter 30 of Wisconsin Statutes which regulates removal of materials from the bed of the Great Lakes; through issuance

Comment	Response
U.S. Department of Interior (cont.) Meierotto 12/5/77	
	of air and water quality permits, and through permits for disturbing more than 10,000 square feet of soil on the banks of the Great Lakes.
The state only has ability to override local decisions on arbitrary exclusions of uses of regional benefit through judicial enforcement.	See DOI comment and response on CMC composition and use of regional benefit issue.
Energy production facilities related to mineral extraction (oil, gas and uranium) should be included as activities of regional benefit.	Natural gas and related facilities have been included as being in the national interest. The state has chosen not to include the others for the reason that no major known energy sources are found in the Wisconsin coastal area.
State should add that it will depend on Federal programs for program implementation.	While the state relies on Federal programs in part to carry out its program objectives it will not necessarily rely on them for implementation of its program authorities which are based on state law.
The authority that the Coastal Management Council has to direct the overall management program is questioned.	Refer to Summary #8, Summary of Wisconsin's Coastal Management Program and refer to responses above.
The consistency concurrence function of the state should be listed for new state functions brought on by the Coastal Management Program.	See General Response #4 on Federal Consistency.
Mention of the national interest should be included in the designation of GAMC's and managed uses.	The state has indicated which uses and resources it considers to be in the national interest in Part II, Chapter III, Section B.

Comment	Response
U.S. Department of Interior (cont.) Meierotto 12/5/77	
Mention of the national interest should be included in the designation of GAMC's and managed uses.	The state has indicated which uses and resources it considers to be in the national interest in Part II, Chapter III, Section B.
All functions of Coastal Management Council listed in the Program have not been discussed.	See Summary #8, Summary of Wisconsin Coastal Management Program and Part II, Chapter II, C.
A statement made regarding other funding sources for the states from the Federal Coastal Management Program is alleged to be misleading. The statement suggests Wisconsin will have access to an $800 million grant and loan program for public facilities related to new or expanded energy facilities.	This section of the Program was intended to show the various types of assistance available through other sections of the CZMA. While Wisconsin may not receive a large part of the benefits of the grants and loans for public facilities related to new or expanded energy facilities, it is eligible to participate in the Program.
Consideration for representation on the Citizens Advisory Committee (CAC) should be extended to the mineral industry.	The major interests areas of the coastal zone have been identified for possible representation on the CAC. The program states that representation is not limited to these areas.
Discussion of the mineral resources, mineral industry, and future prospects and mention of Federal mineral ownership under non-Federal lands in the coastal area should be made.	An overview of Federal activities in the coastal area is found in Part II, Chapter III. Further mention of the Federal interest in mining as well as mention of Federal mineral ownership is found in Appendix I.
Non-energy mineral facilities should be considered a use in the national interest.	Mineral facilities are not a major issue in the Wisconsin coastal area.

Comment	Response
U.S. Department of Interior (cont.) Meierotto 12/5/77	
When the State Clearinghouse disagrees with a Federal agency's consistency determination the Clearinghouse should: (1) explain the reasons for its disagreement, and (2) discuss the necessary mitigating measures for the proposed action.	The State Clearinghouse is a vehicle for soliciting comments on proposed actions. The Wisconsin Coastal Management Council will respond as being in agreement or disagreement with determinations of consistency. The Council will also discuss the mitigating measures necessary to achieve consistency in its statement of disagreement on consistency determination.
An additional licensing and permit authority of the Department of Interior relating to the mining of hardrock minerals was suggested for addition to the list of licenses and permits to which Federal consistency shall apply.	Since mining is not a major coastal issue, this licensing and permit authority is not added to those subject to determinations of Federal consistency.
Editorial addition for a Department of Interior license subject to Federal consistency determination.	Verbatim changes made.
Bad River and Red Cliff Indian reservations should be identified on a map.	Detailed maps of the coastal area and Indian reservations can be found in the Coastal Atlas at the Office of the Wisconsin Coastal Management Program.
No memoranda of understanding are required as a method for assuring Federal consistency.	Memoranda of understanding have been dropped as a means of achieving Federal consistency.
Natural resource impacts of program are ambiguous.	A new section on program impacts has been written; see Part III, Section C.
Description of environment affected is sketchy.	The bibliography indicates the extent of information which has been gathered during program development on the Wisconsin coastal area.

Comment	Response
U.S. Department of Interior (cont.) Meierotto 12/5/77	
The Coastal Management Council has no real purpose or function to regulate activities in the coastal zone.	The purposes of the CMC is not regulatory; these functions will be carried out by agencies with present regulatory responsibilities; but the CMC has the important function of coordinating and monitoring these activities.
Provisions for "Historic Resource Review" should be made.	Refer to earlier response to DOI comment.
The state executive order and memoranda of understanding should be established as part of the program prior to approval.	Executive Order #49 which directs state agencies to comply with the policies of the coastal program was signed by the Governor on October 7, 1977; it is included in the front of the FEIS. It is not necessary for memoranda of understanding between state agencies to be executed prior to program approval because adequate program authority already exists and is enforceable through the Executive Order.
Appendix H and the DEIS put much emphasis on the authority of the state to receive Federal funds. This appears to overlook the purpose of sound coastal management.	The Wisconsin Coastal Management Program is designed to stand on its own merits. It recognizes, however, that Federal assistance is important for accomplishing some features of the program over a shorter period of time than it might take if it had to rely solely on state funding.
The state should clarify whether reintroduction of plant and animal species is prohibited.	Reintroduction of species into State Scientific Areas will generally not be permitted. However, the general management procedures are flexible. Any decision on reintroduction of species would be made on a case by case basis.
GAMC's should be designated and shown on a map prior to program adoption.	Designated GAMC's are included as Attachment I of this FEIS; detailed maps of GAMC's are available at the Office of State Planning and Energy, Madison, Wisconsin.

Comment	Response
U.S. Department of Interior (cont.) Meierotto 12/5/77	
Only spotty reference is made to historic and archeological resources.	A letter in the document from the state historic preservation office indicates satisfaction with the way the Program has addressed these resources.
Too much reliance on the OCZM Section 312 review process is made to insure effective program implementation.	Reference to the Section 312 review process has been dropped in this FEIS. However, it remains an important monitoring device to assure effective program implementation if the program is found legally approvable by OCZM.
Physical description of Wisconsin coastal area is weak. Why has so little information generated from resource inventories been used in program development? Why were eroding bluffs not inventoried?	See Bibliography, Appendix G of DEIS. And note also that an inventory in critical shoreline erosion areas was conducted. The information gathered in these inventories was instrumental in illustrating the States Coastal Problems, assisting the state in the development of Coastal Management Policies and the program itself, and it will be used extensively by the Council in its designation of GAMC's and adoption of a Program budget.
Sand and gravel resources and mining of them are not mentioned.	The state has control over sand and gravel mining through the following means: (1) through approval of local shoreland zoning ordiance and amendments to them; (2) through control over any activity in the bed of Lakes Michigan and Superior (Chapter 30 of Wisconsin statutes); (3) through issuance of air and water quality permits; (4) through issuance of permits where more than 10,000 square feet of topsoil adjacent to the Great Lakes would be disturbed.
Natural areas, wildlife habitat and fisheries are not mentioned as resources in the national interest and the Coastal Management Council should assure that it will conform to Federal executive orders, laws, and regulations in the area of resource protection.	Water quality and fish and wildlife habitat are mentioned as resources in the national interest in Part II, Chapter III, Section B. 1. e. The Coastal Management Program will adopt Federal air and water quality requirements as part of its program. The program will consider Federal executive orders, laws, and regulations

Comment	Response
U.S. Department of Interior (cont.) Meierotto 12/5/77	
	in decisions made on uses and areas it considers to be in the national interest.
Procedures for the treatment of historic properties impacted by the program should be acknowledged along with the need for consultation with state and Federal officials on historic preservation.	The program will review the impacts of projects through existing A-95, NEPA and WEPA processes as well as review the impacts of actions resulting from issuance of state permits which are part of the program; also, see letter from state historic preservation officer on page 200 of the DEIS.
Program should be in conformance with the national interest by incorporating executive orders, Federal laws, regulations, and guidelines pertaining to flood and erosion hazard areas.	See previous answers to methods for consideration of the national interest and wetlands protection.
Program should mention impacts of program on mineral development.	Mineral development is not a major coastal issue. Any impacts the program will have on mineral development will result from state and local laws to which the mineral industry is now subject.
Incorporated areas are not subject to the provisions of the Shorelands Management Act.	All state agencies with regulatory authority are directed to carry out program policies in all sectors of the coastal management area as a result of the state Executive Order #49. Managed uses, do apply by State law to all areas including incoporated areas of the state. Furthermore, incorporated areas that have received specific GAMC site designation must manage these areas in accordance with the state coastal management policies.
Reliance on Section 312 review of the CZMA to improve the Wisconsin Program should not be used to help remedy program deficiencies.	Refer to earlier response to DOI comments.

Comment	Response
U.S. Department of Interior (cont.) Meierotto 12/5/77	
Executive Order #49 should identify the state function of consistency concurrence.	The term consistency concurrence is not sufficiently clear to provide an adequate response; see General Summary Comment 4, however, for a discussion of Federal consistency.
Discussion on conflict resolution should be expanded to cover: a) authority to impose conflict resolution on municipalities and private individuals; b) relationship to conflict resolution set forth by the U.S. Department of Commerce.	See General Summary of Comments #3 on Conflict Resolution and also Introduction on Summary of Wisconsin Coastal Management Program Part I, Section D.
The CMC should be created and assigned functions and jurisdiction prior to program approval.	The functions and jurisdiction of the CMC were established with the signing of Executive Order #49 on October 7, 1977.
Editorial addition suggested for excluded Federal lands in Wisconsin.	Wisconsin will consider adding all unsurveyed islands under jurisdiction of the Bureau of Land Management if it is found that not all such islands are currently listed as excluded Federal lands.
General Services Administration Andrew E. Kauders 12/5/77	
No substantive comments	No response necessary

Comment	Response
U.S. Department of Transportation	
U.S. Coast Guard F.P. Schubert 12/2/77	
Add "approved" and "to the maximum extent practicable" to summary, p. 1.	Addition made in summary section.
Add "through clearinghouse process" and change "requiring" to "encouraging" on pp. 41 and 66.	Processes for coordinating clarified. "Requiring" retained as this is a requirement of WEPA and NEPA.
Federal Aids to Navigation's relationship to DNR permit requirement on pp. 90-92 should be clarified.	Clarifying language added.
Federal lands language on p. 141 should include "leased" lands.	Federal lands language amended to include "leased" lands.
Coast Guard Search and Rescue Facilities should be added to Section (d), p. 144.	Facilities added to section.
33 USC 419 permit reference should be deleted under DOT, p. 151.	Reference deleted.
Language clarifying process for changing activities list should be added, p. 152.	Requested language added to document.
Language clarifying Federal agencies discretion with respect to license and permit issuance requested, p. 152.	Clarifying language added.
Definition changes requested for Federal consistency and excluded Federal lands on pp. 180, 184, and 203.	Definitions changed in line with request.

Comment	Response
U.S. Coast Guard (Cont.) F.P. Schubert 12/2/77	
Add language "and carries proper safety equipment as required by state and Federal law."	As this section of document is not being reprinted, this specific langauge will not be added.
Change contact name.	Contact name will not be reprinted in FEIS; this change is made on WCMP Federal contact list.
U.S. Environmental Protection Agency Peter L. Cook 12/5/77	
Clarification is requested concerning the incorporation of the state's future 208 water quality management plans and existing state air quality implementation plans. EPA expects that coastal initiatives will be consistent with these air and water quality plans and urges that a more detailed explanation of the interrelationships between air and water quality planning and coastal planning be included in the FEIS.	The interagency agreement between the Wisconsin Department of Natural Resources and the Coastal Management Council is included in this document and describes the general procedures for coordination of coastal program activities with air and water quality planning programs. In addition, the Wisconsin Program is presently supporting a liaison staff person at the Wisconsin DNR and a coastal management specialist at the Southeast Wisconsin Regional Planning Commission (SEWRPC) to maintain coordination in this area. See also Part II, Chapter 1, C.
No final GAMC designations were made in the DEIS.	Designation of GAMC's are now provided in Attachement I. The actual designation of specific sites, however, is not a determining factor in evaluating the adequacy of a state coastal management program. What is important is that the generic designation and the process for GAMC selection meets the requirements of the CZMA. OCZM has found that the Wisconsin Program does meet the requirements in this respect.

Comment	Response
U. S. Environmental Protection Agency (cont.) Peter L. Cook 12/5/77	
Preliminary list (of nominations, p. 350-354 DEIS) does not relate the areas to the six basic categories of GAMC's.	The list approved in the DEIS was provided to give an idea of where nominated sites were located. There is an extensive opportunity for review and comment on the particular site as provided in the DEIS. See also General Response #2 on GAMC's.
Since the GAMC process is voluntary there is no assurance that particularly sensitive areas will receive special management (except for areas owned by the state). Nor is there certainty over what management practices will apply to these areas.	See General Response #2 on GAMC's.
The Wisconsin Program includes only those uses already controlled by the state, and does not adequately indicate how management in the coastal zone will differ from outside the coastal zone or from present management practices.	At present the management of the state's resources is conducted in a fragmented and ad-hoc manner. The Wisconsin Coastal Management Program on the other hand offers a comprehensive and coordinated approach to address coastal issues through the coastal management policies adopted by the state on the Governor's Executive Order, it will also strengthen resource management capabilities through a variety of mechanisms including increased monitoring of coastal activities and improved enforcement of state law. For further elaboration on the specific components of the program and the new management focus that it offers see Summary #8, Summary of Wisconsin's Coastal Management Program.
Conflict Resolution: There is no provision for conflict resolution between the coastal policies and local zoning decisions.	See General Response #3 on Conflict Resolution.
There is no authority to override local decisions.	The Wisconsin Program is primarily based on direct state authority. There is however state authority to override local decisions as well as other pro-

Comment	Response
U.S. Environmental Protection Agency (cont.) Peter L. Cook 12/5/77	
	grams. These are outlined in Summary #8, 3.g.1.
The GAMC process requiring local consent could mean significant areas would not be designated.	See discussion on this in General Response #2 on GAMC's.
Wisconsin does not appear to have authority to ensure that local regulations do not exclude such uses of regional benefit as sewage treatment facilities.	In order for a local government to exclude a sewage treatment facility, it must have a reasonable basis to do so. Any arbitrary or capricious action to exclude such facilities could be overturned with judicial review. Also, see discussion on uses of regional benefit below.
The use of an Executive Order to ensure compliance with the management program offers less permanence than legislation. The Coastal Management Council has no regulatory authority to maintain consistency and resolve conflicts.	Executive Orders and state legislation are subject to amendment at any time. There is no assurance that either will endure without undergoing revisions. The Executive Order requires that all state agencies comply with the policies and objectives of the program. Each of these policies is supported by statutory authority. Furthermore, OCZM is satisfied that the Governor of Wisconsin as Chief Executive has sufficient authority to ensure that the agencies carry out their legislative mandate and that the creation of the Coastal Management Council to coordinate the program is proper.
Several apparent inconsistencies were noted in the general and specific policy statements on air quality.	While the Executive Order addresses only new air contaminant point sources, other specific policies and authorities that are incorporated as part of the Wisconsin program apply to control other sources of air pollution. The program will not diminish the control of the state over such other sources. See policies 1.15 and managed use 2.n.

Comment	Response
U.S. Environmental Protection Agency (Cont.) Peter L. Cook 12/5/77	
	There is no inconsistency between the two policy statements: Policy 1.0 is a general statement which restricts any new contaminants, and policy 1.5 identifies the limitations of the restriction.
EPA noted that Wisconsin's mercury discharge standard is presently undergoing re-evaluation for eventual submission to EPA and suggests that the Wisconsin Coastal Management Program should be flexible enough to incorporate any such revision.	OCZM Program approval regulations provide two procedures for incorporation of program changes in an approved CZM Program. Where a proposed change would constitute a change in basic program goals, objectives or policies or a change in technique that results in an environmental impact significantly different from techniques previously approved or in significantly altered inter-governmental relationships, it will be considered as a program amendment or modification and it must be reviewed by OCZM and by the public in the same manner as the initially proposed program was reviewed. Any other proposed program changes will be considered as program refinements, and will be reviewed more expeditiously by OCZM, with notice to Federal agencies and in the Federal Register once OCZM approval is obtained. See section 923.92 and .93 of Program Approval Regulations for more detail. See also Part II, Chapter II.D.2.(k) and C.3(c).
Which EPA permits are on the list of permits and licenses to be reviewed by Wisconsin for Federal consistency (those listed in the DEIS document are permits that are now issued by the state)?	There are no EPA licenses and permits to be reviewed by Wisconsin for Federal consistency. The references to two EPA permits listed in Part I, Chapter III, D of the DEIS have been deleted since they are issued by the state.
What criteria will be used by Wisconsin in evaluating Federal permits where no state or local permit is issued, and what role do the national interest statements play in Federal consistency review criteria?	See Federal Consistency Summary and Program Document at Part II, Chapter III C., D., and E.

Comment	Response
U.S. Environmental Protection Agency (Cont.) Peter L. Cook 12/5/77	
What is the relationship of Federal "plans" to Federal activities, and what criteria will be applied by the state in conducting Federal consistency review of such plans?	Federal plans will be evaluated as Federal activities. The criteria for consistency review are listed in Part II, Chapter III, C.2. See also Part II, Chapter III, E.
Wisconsin procedures for mediation, consistency review for multiple Federal agency activities affecting the coastal zone, and for appellate review procedures for inconsistency determinations resulting from state or local permit denial are deficient or lacking.	See General Response #4 on Federal Consistency.
The discussion of pesticide controls should recognize national regulation of pesticides through label directions pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).	Because the Wisconsin Program Document's Managed Use discussion was intended to address only state-level authorities, this Federal authority was not specifically included.
Serious concern was expressed that specific areas nominated as Gegoraphic Areas of Management Concern and the state Executive Order were not available for review during the full forty-five day DEIS review period.	Both the Executive Order and GAMC designations are attached to this document. The Executive Order was issued on October 7, 1977, after the DEIS document was submitted for printing. The functions of the Executive Order were generally described in Appendix H of the DEIS Document, and the coastal policies adopted as part of the Executive Order are the same as those that were contained in the DEIS Document Part II, Chapter I. The GAMC designation process was described in the DEIS Document and the list of nominated GAMC areas was included in Appendix H. In addition, Federal agencies were invited to participate in the GAMC nomination process.

Comment	Response
U. S. Environmental Protection Agency (cont.) Peter L. Cook 12/5/77	
There is no specific program guidance on property acquisition, nor are there coastal policies on public acquisition in the proposed Wisconsin program.	Wisconsin has demonstrated that it has the necessary authority to acquire appropriate interests in land, waters and other property should acquisition of such interests become necessary or desirable to achieve a specific management objective. For instance, if the specific management policies of objectives for a designated GAMC included the acquisition of a property interest, the state would have the necessary authority to do so. However, property acquisition is not at this time a necessary technique in accomplishing specific management policies contained in the proposed Wisconsin program, and the general description contained in the Program Document satisfies OCZM Program Approval Requirements as set forth in 923.41(c)(4) of the Proposed Program Approval Regulations.
The limited time for GAMC designations raises the question of whether this process will encourage temporary coastal planning activities and reduce the effectiveness of long-term resource protection.	See General Response #2 on GAMC's.
There are no new authorities to control land and water uses in Wisconsin. The state had direct control over areas of statewide concern only where these are owned by the state.	Existing state authority is adequate to control the important land and water areas of the state, state ownership is not necessary. See Summary #8, Summary of Wisconsin's Coastal Management Program.
There is no requirement that localities nominate GAMC's for special management attention.	The statement is true. See a discussion of that point in General Response #2 on GAMC's.
There is no guidance in the Wisconsin program to suggest how program funds will be allocated among managed uses, and therefore the environmental consequences of this use of program funds are hard to predict.	Guidance for allocation of funds has been provided in Part II, Chapter II, D. of the Program Document.

Comment	Response
U.S. Environmental Protection Agency (Cont.) Peter L. Cook 12/5/77	
Separate procedures for Areas for Preservation and Restoration (APR's) are not provided and Wisconsin does not rank these areas that should be preserved in accordance with OCZM regulations.	OCZM regulations do not require areas to be ranked for special management. CZMA does require GAMC designations on a generic or site specific basis or a state has the option of doing both. Wisconsin has six generic areas designated; APR's are addressed specifically under the fifth and sixth categories, see Part II B.1.
The Wisconsin uses of regional benefit listing does not include such uses as oil and gas wells, interstate highways, airports, natural areas, wildlife refuges, or military installations.	It is true that Wisconsin does not include these uses in its list. The CZMA however requires that the state identif what constitutes uses of regional benefit; and indentify those methods that shall be used to assure that unreasonable exclusion by local government will not occur (see Section 306(e)(2) of the CZMA and 15 C.F.R. 923.13). The Wisconsin Program has identified what activities constitute uses of regional benefit in the state (Part II, Chapter II, B.2.e.), it also defined the methods by which attempts to unreasonably exclude such activities could be overcome by state action.
There is no procedure for inclusion of additional uses nor an entity designated for deciding to include additional uses. There is no provision in the program for ensuring that any additional uses of regional benefit will not be arbitrarily or unreasonably excluded or restricted by local regulation in the Wisconsin coastal zone.	The Council has the authority to adopt and periodically update the state's coastal program, and the inclusion of additional uses of regional benefit that would be subject to the management program could be submitted through the Council to OCZM for review as a program change under program approval regulations 15 C.F.R. 923,90 et. seq.
Specific uses are not identified or prioritized in the proposed Wisconsin Program, only broad classifications are included.	The CZMA does not require the prioritization of specific uses in particular areas. It does require broad guidelines on uses including specifically those uses with lowest priority. The Wisconsin Program meets these requirements.

Comment	Response
U. S. Environmental Protection Agency (cont.) Peter L. Cook 12/5/77	
The proposed guidelines for GAMC's are only suggestions and they do not refer to managed uses.	The proposed guidelines need not be determinative in every case but they should be regarded as strongly advisory, see 15 C.F.R. 923.22(f).
The proposed guidelines for GAMC's apply only to designated GAMC areas.	The CZMA does not require that the guidelines apply outside of the GAMC. However, all state regulations do apply, see Summary #8, Summary of Wisconsin's Coastal Management Program.
Does the Wisconsin Coastal Council have authority to designate GAMC's and to adopt the program budget?	The Council's authority pursuant to the Executive Order to adopt and periodically update a coastal management program includes the authority to designate GAMC's and to adopt the program budget, see Executive Order #49(1)(g).

Comment	Response
Wisconsin Department of Natural Resources Harold S. Druckenmiller 12/5/77	
The DNR comments reaffirm the State's position on dredge spoil issue, namely that the State is opposed to open lake disposal of any dredged materials. The DNR emphasizes the beneficial use of spoil materials through proper upland disposal and subsequent utilization, resulting in lower project cost for all.	This position is in conflict with that of the U.S. Army Corps of Engineers which advocated open lake disposal of dredged material declared to be suitable for open-lake disposal by the U.S. Environmental Protection Agency. Under the CZM Program development grant (Section 305(d)) Wisconsin is presently collecting and analyzing impact and cost benefit data to resolve the conflict between the State and the Corps.
The DNR supports increased emphasis on research and education on erosion and flood hazards. In particular, it supports more analysis of structural and non-structural alternatives to assure overall benefit and avoid transmitting erosion and flood problems elsewhere.	Wisconsin Coastal Management Program is fully consistent.
The DNR recommends the development of a model ordinance or the revision of administrative rules to bring about better hazard area management through the shoreland and flood plain zoning ordinances.	As designed, the Wisconsin Program can undertake the recommended activities. OCZM will consider this recommendation in program administration grant application reviews.
The DNR supports the use of program funds to provide technical assistance and training for local zoning officials.	The Wisconsin Coastal Management Program is fully consistent.
The environmental impacts addressed are adequate. The impact on inland resources, i.e., intensified development pressures, is not evaluated.	While intensified development pressure on inland resources could be an impact of the Wisconsin Coastal Management Program, the location, magnitude and significance of such development pressure transfer will be the product of individual private and government decisions made in accordance with the Wisconson Program policies and procedures. These policies and procedures

Comment	Response
Wisconsin Department of Natural Resources (cont.) Harold S. Druckenmiller 12/5/77	include the consideration of national interests, the disallowing of unreasonable local exclusion of uses of regional benefit, and the evaluation of the environmental and economic impacts of all major state agency actions significantly affecting the quality of the human environment. Thus, the Program is designed to assess, adjust to, and consider the individual and cumulative impacts of activities conducted in accordance with the policies of the program. The administration of the program will result in a balancing of costs and benefits and an anticipated environmental gain in both the inland areas and in the coastal area.
Wisconsin Electric Power Company Walter T. Woelfe 12/5/77	
The approach taken by the Wisconsin program which proposes to use state permits as a management program equivalent procedure for Federal consistency review conflicts with the requirements of Section 307(d)(3)(A) of the CZMA in that: (a) it does not provide a six month time limit for state review after which time consistency with the management program will be presumed if no response is forthcoming from the state; and (b) it could require an applicant to submit a consistency certification to more than one state reviewing agency; and (c) if no time limit is imposed on state review of Federal license and permit consistency certifications, the mediation and conflict resolution authority	See General Response #4 on Federal Consistency.

Comment	Response
Wisconsin Electric Power Company (cont.) Walter T. Woelfe 12/5/77	
of the Secretary of Commerce, outlined in Subparts G and H of the proposed Federal consistency regulations, may also be voided.	
Existing "Advance Plan" review procedures under the Siting Act (s. 196.491 Wis. Stats.) are comprehensive and legislatively mandated. Power plant siting need not be subjected to yet another independent review and approval process by the Coastal Management Council.	The process of review and designation of GAMC's that the Wisconsin program initiates is not designed to sidetrack, delay, or supplant the procedures outlined in Section 196.491 Wisconsin Statute. The purpose behind the GAMC process is to focus on potential sites for special management assistance because of their unique, scarce, fragile or vulnerable character. These could include sites suitable for power plants where the management strategy would be to encourage and facilitate such development. A utility company may receive approval by the Wisconsin Public Service Commission (PSC) on its "Advance Plan," and it may in fact meet the additional requirement of the Power Plant Siting Act and receive a certificate of Public Convenience and Necessity independent of the GAMC Process of the Coastal Management Program. If so, it may develop facilities in accordance with the PSC requirements. The granting of GAMC designation or the denial of such designation will not alter this process.
Any site approved via an "Advance Plan" (or granted a Certificate of Public Convenience and Necessity) should be automatically designated as a GAMC.	Under the Wisconsin GAMC Process, PSC approval of utility companies "Advance Plan" causes the particular site which has been identified according to s.196.491 (2) and PSC 111.24 to be automatically nominated for designation. This element is provided in the GAMC process in recognition that the siting of electrical facilities often have important impacts on the environment. The GAMC process in determining whether a site deserves GAMC designation requires that Coastal Management

Comment	Response
Wisconsin Electric Power Company (cont.) Walter T. Woelfe 12/5/77	policies and management consideration be addressed. These policies and considerations are not the same as those used by the PSC according to its legislative mandate and do in fact impose different requirements. Designation, therefore, cannot be granted by the Coastal Management Council automatically.

Comment	Response
Wisconsin Petroleum Council Charles W. Elliott 12/5/77	
Believe that Nation's energy needs demand that CZM programs include provisions that needs will be met.	The CZMA requires that the state consider the national interest in siting energy facilities and balance this national interest with other national interest in coastal resources. (See Part II, Chapter III B.) Additionally, the CZMA requires that states develop a planning process for energy facilities affecting the coastal zone and authorizes Federal financial assistance to meet state and local needs resulting from new or expanded energy activity.
Express concern that facilities be able to be operated and expanded to meet state and regional needs.	See above comment.
Believe that the Wisconsin Coastal Management Program must specifically provide for facilities vital to meeting energy needs of the Nation as a whole.	Wisconsin will provide for consideration of the national interest in siting of such facilities. See the process outlined for continued consideration of national interest in energy as outlined in Part II, Chapter III B.3.
Express strong interest in CZM programs being specific, having a firm legal basis and clearly setting out requirements involved in facility siting.	The Wisconsin Coastal Management Program will consider the national interest in energy facility siting. The State has a firm legal basis for considering the national interest. See the discussion in Part II, Chapter III B. It operates a program setting out requirements for siting electrical generating and high voltage transmission facilities, and is developing a planning process for energy facilities which may affect the coastal zone area. In determining the approvability of a specific energy facility site plan, the Wisconsin Public Service Commission (PSC) considers among other things whether the plan "will provide a reasonably adequate supply of electrical energy to meet the needs of the public during the planning period" (emphasis

Comment	Response
Wisconsin Petroleum Council (cont.) Charles W. Elliott 12/5/77	
	added). In carrying out this responsibility, the PSC considers information and evidence of energy needs outside of Wisconsin as well as within the state. Also, under the Executive Order No. 49 and WEPA the State will ensure continued consideration of the national interest in other energy facilities such as oil and gas developments. See Part II, Chapter III B.3.
The Wisconsin Coastal Management Program falls short of satisfying 306 requirements.	OCZM has made a preliminary determination that the Wisconsin Coastal Program will meet 306 approval requirements. Reference should be made to Table 1 of the FEIS. This indicates where approval requirements are described in the document. Reference should also be made to Part I, Section D of the FEIS which summarizes the Wisconsin Coastal Management Program.
Wisconsin Coastal Management Program illustrates that requirements of CZMA are not understood and that CZMA regulations are not being enforced.	See above comment.
Wisconsin Coastal Management Program lacks a legally enforceable structure since the proposal has not been duly adopted.	The Wisconsin Program is relying upon over 20 different legislative enactments to provide the legal basis for the program's implementation and enforceability. These statutory enactments are now tied together through new state policies contained in Executive Order No. 49 and a comprehensive institutional framework that is coordinated by the Wisconsin Coastal Management Council. For more extensive elaboration on this point, see Summary #8, Summary of Wisconsin's Coastal Management Program.

Comment

Wisconsin Petroleum Council (cont)
Charles W. Elliott
12/5/77

The proposal suggests a process; it does not provide a program. The proposal seeks Federal funding to engage in an extended study of the status quo - a process which is eligible for 305 but not 306 funding.

The Wisconsin Program is clearly not a maintenance of the status quo. It sets in place a new management structure for focusing on the needs and problems of its coastlines, see comments immediately above.

The proposal has substantive deficiencies:

- o the boundary extends too far inland,
- o no mention is made of the permissibility of use or use standards; a major deficiency is a failure to include in a list of permissible uses coastal-dependent energy facilities related to the processing or transporting of resources.

The boundary of the Wisconsin Program includes 15 counties and the water of the Great Lakes. The inland boundaries were so defined because of the important role that the counties will play in implementing the program. Counties, for example, have the legislative mandate to develop and enforce a shoreland program of the state for unincorporated areas. It should be emphasized, however, that the Wisconsin Program as noted in the DEIS intends to concentrate on those areas where the land and waters meet.

The Wisconsin Program addresses permissible uses explicitly; see the discussion of managed uses in Part II, Chapter II, B.2. The standards which apply to those uses including energy facilities are all developed pursuant to the statutory authority which permits state management, see for example s.196.491, Wisconsin Statutes. Also of considerable importance, is that the Wisconsin GAMC process directly deals with the issues of processing or transportation in their generic classifications under economic development (#2), power plant siting (#4) and areas for restoration (#6).

The proposal contains no inventory and designation of a.p.c.'s within the coastal zone; these are not clearly articulated policies for area designation or management policy promulgation.

Both generic and site specific GAMC's have been designated by the Coastal Management Council (see Attachment I and Part II, Chapter II.B. of this document). For information on the inventory, nomination, review and designation process, see General Response #2 on GAMC's.

Comment	Response
Wisconsin Petroleum Council (cont) Charles W. Elliott 12/5/77	
The state CZMA clearly mandates that state programs affirmatively guarantee adequate consideration of "national interests" including the interest in greater energy self-sufficiency; when states do not provide legally enforceable commitments to accommodate the national interest, they do not qualify for the benefits promised by the Federal Government.	Section 306(c)(8) of the Coastal Zone Management Act requires adequate consideration of facilities in the national interest be made. In the judgment of OCZM, Wisconsin has given adequate consideration to the national interest by 1) soliciting statements of national interest from Federal agencies during program development; 2) participating in various interstate, regional and international bodies; 3) and providing for continued consideration of the national interest during program implementation through consideration of Federal policy statements and executive orders, Federal laws and regulations, plans, reports, and studies from Federal agencies, statements of national interest from Federal agencies, and public testimony. An enforceable commitment to consider the national interest is achieved through the incorporation of various procedural requirements in Wisconsin for consideration of public comments on proposed state actions such as the Wisconsin Environmental Policy Act. And, more specifically, the program does address energy needs and development in its GAMC process and managed uses, again see comments above.
The CZMA requires that state programs treat the energy facilities planning process, the national interest, and the uses of regional benefit together.	Each of the mentioned areas has its own separate requirement under the CZMA. Subsection 305(b)(8) requires development of a planning process capable of anticipating and managing the impacts from energy facilities in or affecting the coastal zone. One of the requirements of this process is identification of a means for continued consideration of the national interest in the planning for

Comment	Response
Wisconsin Petroleum Council (cont) Charles W. Elliott 12/5/77	
	and siting of energy facilities after program approval. It is not necessary for Wisconsin to complete this process until September, 1978. Subsection 306(c)(8) requires that the management program shall provide for adequate consideration of the national interest involved in planning for, and in the siting of facilities (including energy facilities in, or which significantly affect, such state's coastal zone) which are necessary to meet requirements which are other than local in nature. Wisconsin describes the process for consideration of the national interest in Part II, Chapter III. Subsection 306(e)(2) requires that land and water uses of regional benefit not be unreasonably restricted or excluded by local land and water use regulations. Wisconsin will assure no arbitrary restriction or exclusion of uses of regional benefit through the following methods: (1) administrative review of local shoreland zoning ordinances and amendments, variances, and special exceptions to them, under s.59.971, (2) administrative override of arbitrary local exclusions of power plant sites, under s.196.491(3)(i), (3) judicial relief in other cases where arbitrary local regulations exclude uses of regional benefit.
The Wisconsin Coastal Management Program does not require the siting of facilities necessary to meet needs of greater than local scope in the process of identifying permissible uses.	As required by the CZMA, Wisconsin does have a process in its program for considering and balancing all national interests. To reiterate, it specifically provides for energy consideration of greater than a local scope through the statutory and GAMC process, see above. Also note the response to the Wisconsin Electric Power Company on this point, see above.

Comment	Response
Wisconsin Petroleum Council (cont) Charles W. Elliott 12/5/77	
The Wisconsin Coastal Management Program does not require that affirmative provisions be made to assure that local regulations do not unreasonably limit energy facilities, as well as other interests of greater than local importance.	Local governments cannot exclude energy facilities that have been approved by the Wisconsin Public Service Commission, again see s.196.491(3)(i).
The Wisconsin Coastal Management Program gives little consideration to the Nation's energy needs and the socio-economic impact of failing to properly consider and provide for these needs.	A reading of s.196.491 with its detailed standards and criteria for evaluating the energy needs of the public will indicate that the Wisconsin Legislature has firmly dealt with this matter. Those requirements are now incorporated through the Governor's Executive Order No. 49 to the Coastal Management Program. Furthermore, the Wisconsin Coastal Management Program provides that commercial navigation facilities are vital in meeting national energy needs, especially with respect to the transshipment of coal for energy production. Wisconsin goes further to acknowledge this use in the national interest by economic development policies 5.7 and 5.10 through 5.12 (found in the DEIS at pp. 37-39). In addition, ports and future power plant sites may be designated as Geographic Areas of Management Concern.
The Wisconsin Coastal Management Program does not require, in the form of duly adopted and enforceable legislation that the requirements for the consideration of the national interest §306(c)(8) or for uses of regional benefit §306(e)(2) be met.	The Wisconsin Program does have a clear legislative basis, and it does provide for the energy and uses of regional benefit. Again, see the discussion above to similar statements by the reviewer and those statements and responses to the Wisconsin Electric Power Company on the same issue.

Comment	Response
Wisconsin Petroleum Council (cont) Charles W. Elliott 12/5/77	
The WCMP does not meet the conflict resolution requirement of §306(d)(1). Simply being empowered to become involved in judicial appeals is not enough.	Wisconsin has an extensive process for resolving conflicts that should alleviate the necessity of invoking judicial relief. If, however, judicial relief is necessary, then several avenues are available under Chapter 227 of the Wisconsin Statutes. For a more detailed treatment of conflict resolution, see General Response #3 on Conflict Resolution.
DEIS fails to provide balanced discussion of costs and benefits of proposed action: o superficial analysis which considers only the benefits of regulating coastal uses, o document does more to promote the approval of the Wisconsin proposal than it does to critically appraise the proposal's environmental impacts, o document does not meet "thorough and rigorous analysis" case law test. DEIS fails to meaningfully discuss possible alternatives, including continued program development funding under Section 305: o examine the alternative of continued program development funding pursuant to Section 305, o the advantages and disadvantages vis-a-vis 306 program approval must be discussed, o specifically, 306 approval will bring Section 307 "consistency" provisions into effect. DEIS should discuss the impacts of same with regard to approval, delay or denial, o analysis fails to comply with both letter and spirit of NEPA.	The alternatives have been rewritten to clarify the considerations of the Associate Administrator. The impacts of giving Federal approval to the Wisconsin Coastal Management Program have been re-evaluated to identify short- and long-term impacts which are positive, negative, and neutral. This has been done for the program activities proposed to be undertaken pursuant to the seven program policy areas (see Part III, C).

Comment	Response
Wisconsin Petroleum Council (cont) Charles W. Elliott 12/5/77	
OCZM should retain its objectivity in reviewing programs submitted for 8306 approval.	OCZM agrees.
Harold Eidsor 11/25/77	
Support of document.	No response necessary.
Nancy Schreiber 12/5/77	
Support of document.	No response necessary.

PART I

WISCONSIN COASTAL MANAGEMENT PROGRAM

INTRODUCTION

WISCONSIN
COASTAL MANAGEMENT

STATE OF WISCONSIN

OFFICE OF THE GOVERNOR

MADISON, 53702

MARTIN J. SCHREIBER

August 12, 1977

Dr. Robert W. Knecht
Acting Associate Administrator
for Coastal Zone Management
National Oceanic and Atmospheric
Administration
U.S. Department of Commerce
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

Dear Dr. Knecht:

I am pleased to transmit, under separate cover, forty copies of the State of Wisconsin's coastal management program. This document reflects the current status of coastal management in the State of Wisconsin and projects future endeavors in this field.

The program relies heavily on existing strong management programs for implementation and reflects the state's outstanding tradition of natural resource management. The thrust of this proposal is to improve the existing comprehensive system of coastal management in Wisconsin through improved coordination, more efficient and effective implementation, increased public participation and public education, strengthened local capabilities, and a new advocacy of the unique concerns of our coastal environment.

The enthusiasm and commitment brought to the development of this proposal has been extraordinarily high. A Coastal Coordinating and Advisory Council appointed in 1974 served with distinction in preparing recommendations for my consideration. The level of participation by state agencies, local governments, regional planning commissions, Tribal governments, and the public has been exemplary. This proposal clearly reflects a broad consensus as to what will be best for the future of coastal management efforts in Wisconsin.

We firmly believe that this document represents a process which meets and exceeds the programmatic requirements for states under the Coastal Zone Management Act of 1972. I, therefore, request that you examine this document and grant approval under the terms of Section 306 of the Coastal Zone Management Act.

I have reviewed the Wisconsin coastal management program, and, as Governor, approve the program and certify the following:

1. The state has the required authorities and is presently implementing the coastal management program;

2. The state will establish and operate, prior to your formal approval, the necessary organizational structure to fully implement the coastal zone management program, as is more particularly described in the submittal document;

3. The Office of State Planning and Energy, Department of Administration, is the single designated agency to receive and administer grants for implementing the coastal management program, and is hereby designated as the lead agency for the implementation of the coastal management program;

4. The state, in concert with local governments, has the authority to control land and water uses, control development, and resolve conflicts among competing uses;

5. The state presently uses the methods listed in Section 306(e)(1) of the Coastal Zone Management Act for controlling land and water uses in the coastal zone, including: (a) direct state management authority for those uses and activities which directly and significantly impact upon the coastal environment; (b) state criteria and standards for local shoreland and floodplain zoning, with state administrative review and enforcement capabilities; (c) direct state management of geographic areas of statewide management concern; and (d) state administrative review of local management of other designated areas of management concern;

6. The state has sufficient powers to acquire lands, should that become desirable or necessary under elements of the coastal management program;

7. Those state laws cited in the program have been passed by the legislature and enacted into law; administrative regulations required to implement the laws have been formally adopted by the responsible state agencies; and the executive order establishing the Coastal Management Council will be duly issued by this office prior to your formal approval;

8. The state's air and water pollution control programs, established pursuant to the Federal Water Pollution Control Act of 1972 and the Federal Clean Air Act, insofar as those programs pertain to the coastal area, are hereby made a part of the state's coastal management program. The regulations appurtenant to the air and water programs are incorporated into this program and shall become the air and

water pollution control requirements applicable to the state's coastal management program. Further, any additional requirements and amendments to air and water pollution programs shall also become part of the state's coastal management program; and

9. I further certify that the Wisconsin coastal management program is now an official program of the State of Wisconsin and the state, acting by and through its several instrumentalities, will strive to meet the intent of the Coastal Zone Management Act of 1972, and the state's corollary laws; and to do so in a uniform, cooperative and aggressive spirit.

We trust that you will approve our program in an expeditious manner, and we will gladly assist in whatever way we can during your review procedure.

We look forward to a continued cooperative relationship through the administration of the coastal zone management program. Please contact Mr. Allen H. Miller, Program Administrator, Office of State Planning and Energy if you have any questions or need any assistance.

Yours very truly,

Martin J. Schreiber

MARTIN J. SCHREIBER

MJS:jdo

oo

STATE OF WISCONSIN

OFFICE OF THE GOVERNOR

MADISON, 53702

MARTIN J. SCHREIBER

February 8, 1978

Mr. Robert W. Knecht
Acting Associate Administrator for
Coastal Zone Management
National Oceanic and Atmospheric
Administration
United States Department of Commerce
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

Dear Mr. Knecht:

I am pleased to submit, under separate cover, the State of Wisconsin's updated coastal management program. This document reflects amendments made in the program submitted on August 12, 1977. I have reviewed and approved these changes and formally certify that the Wisconsin coastal management program, as amended, is now an official program of the State of Wisconsin.

As you know, this program proposal represents the culmination of over three years of dedicated work by thousands of Wisconsin citizens. Following my submittal of the state's program proposal on August 12, 1977, your office carefully reviewed the program and you granted preliminary approval on September 12, 1977. In the months following your preliminary approval, the program proposal has received another round of intensive review by all concerned parties through the environmental impact statement process. This program reflects the comments received during this review.

I would like to advise you of several important recent developments concerning coastal management in Wisconsin. First, on October 7, 1977, I issued Executive Order Number 49, a copy of which is enclosed. This Order, among other things, created the Wisconsin Coastal Management Council, directs state agencies to cooperate with the Council and act consistently with adopted state coastal policies, and sets out the state's official coastal management policies. More specific statements of these policies are included in the program document. Secondly, I have officially appointed the Coastal Management Council (a list of members is enclosed). This Council met on February 3, 1978. On that date, the Council designated our initial geographic areas of management concern, which are hereby incorporated into our official state program, and formulated our initial budget request under Section 306 of the Coastal Zone Management Act. This Council has my full and enthusiastic support.

We have fully and satisfactorily addressed all requirements for program approval, including resolution of all program deficiencies noted as special terms and conditions of our current grant under Section 305(d) of the Coastal Zone Management Act. Therefore I see no impediment to your prompt final approval of our program.

Implementation of this program will make an important contribution to the improved management of Wisconsin's valuable coastal area. I therefore strongly request your expeditious review and final approval of this program.

Please contact Mr. Allen H. Miller of the Office of State Planning and Energy if you have any questions or need any further assistance.

Best wishes.

Yours very truly,

Martin J. Schreiber

MJS:jdo

Attachments

cc: Allen H. Miller

PART I
INTRODUCTION

A. The Federal Coastal Zone Management Program

In response to the intense pressures upon, and because of the importance of the coastal zone of the United States, Congress passed the Coastal Zone Management Act (P. L. 92-583) which was signed into law on October 27, 1972. The Act authorized a Federal grant-in-aid program to be administered by the Secretary of Commerce, who in turn delegated this responsibility to the National Oceanic and Atmospheric Administration's (NOAA) Office of Coastal Zone Management (OCZM).

The Coastal Zone Management Act of 1972 developed from a series of studies on the coastal zone and its resources. National interest can be traced from the Committee on Oceanography of the National Academy of Sciences (NASCO) 12-volume report "Oceanography 1960-1970" (1959), to the report of the Commission on Marine Science, Engineering and Resources (1969), which proposed a Coastal Management Act that would "provide policy objectives for the coastal zone and authorize Federal grant-in-aid to facilitate the establishment of State Coastal Zone Authorities empowered to manage the coastal waters and adjacent land." The National Estuarine Pollution Study (1969), authorized by the Clean Water Restoration Act of 1966 and the National Estuary Study authorized by the Estuarine Areas Study Act of 1968 further documented the importance of and the conflicting demands upon our Nation's coast. These reports stressed the need to protect and wisely use the important national resources contained in the coastal zone and concurred that a program designed to promote the rational protection and management of our coastal zone was necessary.

The Coastal Zone Management Act of 1972 was substantially amended on July 26, 1976 (P. L. 94-370). The Act and the 1976 amendments will be referred to in this statement as the CZMA. The CZMA affirms a national interest in the effective protection and development of the coastal zone, by providing assistance and encouragement to coastal States to develop and implement rational programs for managing their coastal zones. The CZMA opens by stating "(t)here is a national interest in the effective management, beneficial use, protection, and development of the coastal zone" (Section 302(a)). The statement of Congressional findings goes on to describe how competition for the utilization of coastal resources, brought on by the increased demands of population growth and economic expansion, has led to the degradation of the coastal environment, including the "loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion." The CZMA then states "(t)he key to more effective protection and use of the land and water resources of the coastal zone is to encourage states to exercise their full authority over the land and waters in the coastal zone by assisting states...in developing land and water use programs...for dealing with (coastal) land and water use decisions of more than local significance" (Section 302(h)).

While local governments and Federal agencies are required to cooperate and participate in the development of management programs, the State

level of government is given the central role and responsibility for this process. Financial assistance grants are authorized by the CZMA to provide States with the means of achieving these objectives and policies. Under Section 305, thirty coastal States which border on the Atlantic or Pacific Oceans, Gulf of Mexico, and the Great Lakes, and four U.S. territories are eligible to receive grants from NOAA for 80 percent of the costs of developing coastal management programs. Broad guidelines and the basic requirements of the CZMA provide the necessary direction for developing these programs. The updated guidelines defining the procedures by which States can qualify to receive development grants under Section 305 of the CZMA, and the policies for development of a State management program, were published on April 29, 1977 (15 CFR Part 920, Federal Register 42 (83): 22036-22053). For example, during the program development, each State must address specific issues such as the boundaries of its coastal zone; geographic areas of particular concern; permissible and priority land and water uses including specifically those that are undesirable or of lower priority; and areas for preservation or restoration. During the planning process the State is directed to consult with local governments, regional agencies and relevant Federal agencies, as well as the general public. Federal support can be provided to States for up to four years for this program development phase.

After developing a management program, the State may submit its coastal management program to the Secretary of Commerce for approval; if approved, the State is then eligible for annual grants under Section 306 to administer its management program. If a program has deficiencies which can be remedied or has not received Secretarial approval by the time the Section 305 grant has expired, the State is eligible for additional funding under Section 305(d).

Federal approval of state coastal management programs is based on regulations published in 15 CFR 923 of the Federal Register. These regulations set forth (a) the standards to be utilized by the Secretary of Commerce in reviewing and approving coastal management programs developed and submitted by coastal States for approval (see Section B, Part I), (b) procedures by which coastal States may qualify to receive program administrative grants, and (c) policies for the administration by coastal States of approved coastal management programs.

Section 308 establishes a coastal energy impact assistance program consisting of:

- Annual formula grants (100% Federal share) to coastal States, based upon specific outer Continental Shelf (OCS) energy activity criteria (Section 308(b)).

- Planning grants(80% Federal share) to study and plan for economic, social, and environmental consequences resulting from new or expanded energy facilities (Section 308(c)).

- Loans or bond guarantees to States and local governments improved public facilities and services required as a result of new or expanded coastal energy activity (Sections 308(d)(1) and (d) (2)).

- Grants to coastal States or local governments if they are unable to meet obligations under a loan or guarantee because the energy activity and associated employment and population do not generate sufficient tax revenues (Section 308(d)(3)).

- Grants to coastal States if such States' coastal zone suffers any unavoidable loss of valuable environmental or recreational resources which results from coastal energy activity (Section 308(b) and (d) (4)).

In order to be eligible for assistance under Section 308, coastal States must be receiving Section 305 or 306 grants, or, in the Secretary's view be developing a management program consistent with the policies and objectives contained in Section 303 of the CZMA.

Section 309 allows the Secretary to make grants (90% Federal share) to States to coordinate, study, plan, and implement interstate coastal management programs.

Section 310 allows the Secretary to conduct a program of research, study, and training to support State management programs. The Secretary may also make grants (80% Federal share) to States to carry out research studies and training required to support their programs.

Section 315 authorizes grants (50% Federal share) to States to acquire lands for access to beaches and other public coastal areas of environmental, recreational, historical, aesthetic, ecological, or cultural value, and for the preservation of islands, in addition to the estuarine sanctuary program to preserve a representative series of undisturbed estuarine areas for long-term scientific and educational purposes.

Besides the financial assistance incentive for State participation, CZMA stipulates that Federal activities affecting the coastal zone shall be, to the maximum extent practicable, consistent with approved State management programs (the "Federal consistency" requirement, Section 307(c)(1) and (2)).

Section 307 further provides for mediation by the Secretary of Commerce when serious disagreement arises between a Federal agency and a State with respect to the administration of a State's program and shall require public hearings in concerned locality.

B. OCZM REQUIREMENTS FOR SECTION 306 PROGRAM APPROVAL
(TABLE 1)
THE WISCONSIN PROGRAM PROPOSAL

The following table relates the OCZM requirements for sec. 306 program approval to the Wisconsin coastal management program proposal.

OCZM Requirements 15 CFR Part 923, Section:		Part II	(Part IV) Appendix	Pages
.4(b)	Problems, Issues, and Objectives	I	F	98
.5	Environmental Impact Assessment			249
.11	Boundaries	II.B.3.	I	193
.12	Land and Water Uses to be Managed	II.B.2.	G, H II.B.	171
.13	Areas of Particular Concern	II.B.1.	H II.A.	161
.14	Guidelines on Priority of Uses	II.B.1.b.		161
.15	National Interest in the Siting of Facilities	III.A.	I	232
.16	Area Designation for Preservation and Restoration	II.B.1.	H II.A.	161
.17	Local Regulations and Uses of Regional Benefit	II.B.2.e.	H II.B.	188
.18	Shorefront Access Planning	Not required at this time		---
.19	Energy Facility Planning	Not required at this time		---
.20	Shoreline Erosion	Not required at this time		---
.31	Means of Exerting State Control over Land and Water Uses	II.B.2.d.	H II.B.	174
.32	Organizational Structure to Implement the Management Program	II.C.	H III.	195
.33	Designation of Single Agency	II.C.3, submittal letter Executive Order		83,198

.34	Authorities to Administer Land and Water Use, Control Development and Resolve Conflicts	II.B., II.C.	H II., H III.	161,195
.35	Authorities for Property Acquisition		H II.	(DEIS, p. 342)
.36	Techniques for Control of Land and Water Uses	II.B.2.	H II.B	161
.41	Full Participation by Relevant Bodies in Adoption of Management Program	II.C., III.	C, D, E, I	191,231
.42	Consultation and Coordination with Other Planning	II.C.4.	I	207
.51	Public Hearings		E	(DEIS, p. 249)
.52	Gubernatorial Review and Approval	submittal letter		83
.54	Applicability of Air and Water Pollution Control Requirements	I.C.		93,107

C. National Environmental Policy Act of 1969 Requirements

On January 1, 1970, the President signed into law the National Environmental Policy Act (NEPA) which required each Federal agency to prepare a statement of environmental impact in advance of each major action that may significantly affect the quality of the human environment. An environmental impact statement (EIS) must assess potential environmental impacts of such action.

To comply with NEPA's requirement of preparing an EIS, OCZM has combined the State's coastal management program (federal approval of which is the proposed action) with a discussion of the environmental impacts. The CZMA is based upon the premise that the environmental aspects of the coastal management program should receive significant consideration in the development of State programs. Therefore, as you read this EIS, you should be aware that the State coastal management program is the core document included in its entirety supplemented by the requirements of NEPA, Section 102(2)(c).

For reviewers more familiar with the NEPA requirement for contents of an EIS, below is an index of where you will find this information.

TABLE 2

Description of the proposed action	9, -256
Description of the environment affected	249
Relationship of the proposed action to land use plans, policies, and controls for the affected area	103-156,293
Probable impact of the proposed action on the environment	265
Alternatives to the proposed action	283
Probable adverse environmental effects which cannot be avoided	289
Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity	291
Irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented	291
An indication of what other interests and considerations of Federal policy are thought to offset the adverse environmental effects of the proposed action	101,232-240

As provided in the Revised Guidelines for the Implementation of the Wisconsin Environmental Act of 1972, issued by Wisconsin Executive Order No. 26, only one draft and one final environmental impact statement will be prepared to comply with the National and Wisconsin Environmental Policy Acts (NEPA and WEPA).

D. Summary of Wisconsin's Coastal Management Program

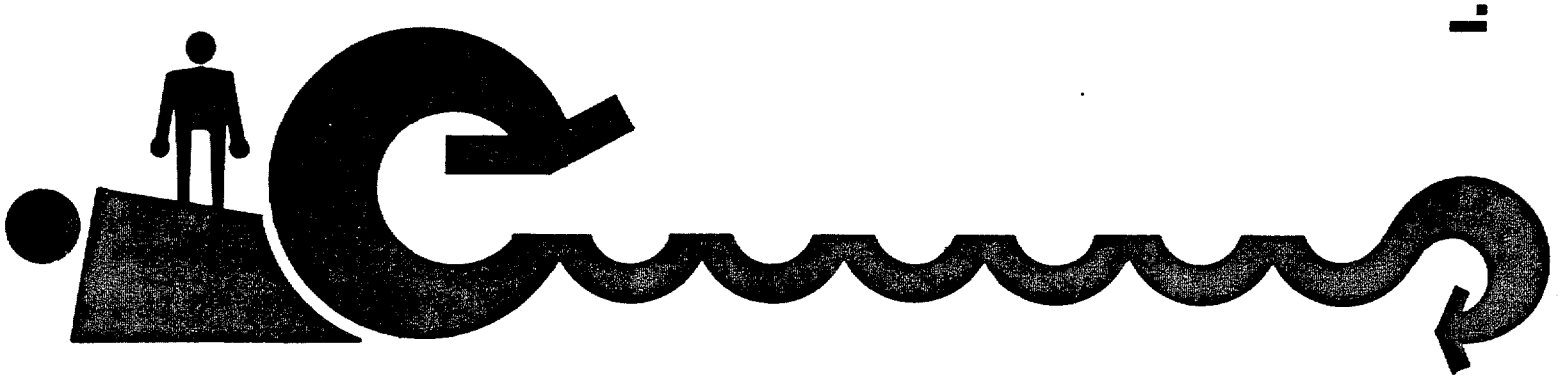
A summary of Wisconsin's Coastal Management Program is included as item number 8 of the FEIS Summary (pages 8-16 of this document).

PART II

WISCONSIN COASTAL MANAGEMENT PROGRAM

DESCRIPTION

I. COASTAL ISSUES & POLICIES



PART II: WISCONSIN COASTAL MANAGEMENT PROGRAM DESCRIPTION

Chapter I. Coastal Issues and Policies and the Coastal Management Program

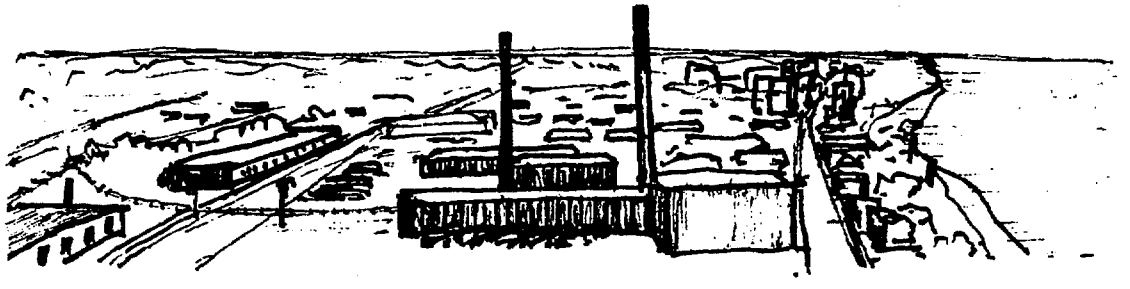
A. Introduction

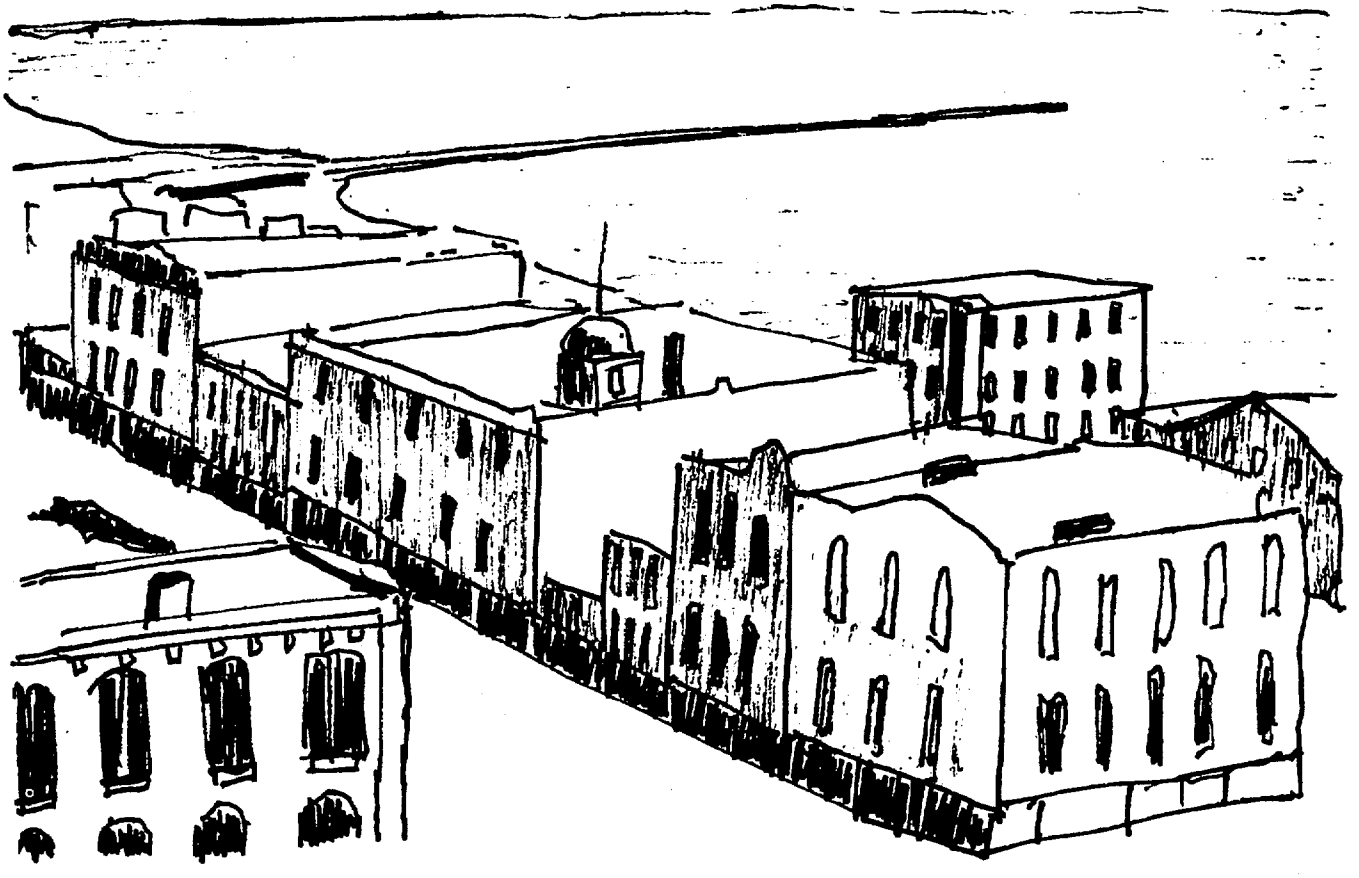
Did you know that access to the Great Lakes is so limited that some vacationers wait two-three hours to launch their boats? That erosion is so severe in some areas that 50 feet of shoreline disappear in a single year? That in one city bordering the largest body of fresh water in the world, residents get their drinking water in bottles from the local store?

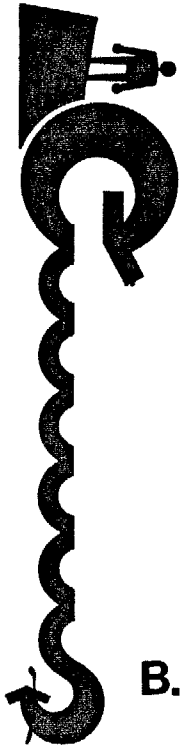
These are the kinds of public issues that have been raised to dramatize the urgency of improving the management of our Great Lakes and their coasts. Not all problems are quite as dramatic as those cited above, but the public has expressed concern that there is no comprehensive approach taken in addressing Great Lakes issues. Citizens, local and state governments will continue to work at cross purposes unless the future health of the Great Lakes is given a higher priority.

Based on the public concern over a wide range of issues, this proposed program has been prepared as a means to improve management of coastal areas (land and water) having: special natural, recreational, scientific or historic value; areas especially suited for water-related economic development; or areas subject to erosion or flood hazard. The proposed program also addresses the need to give additional attention to the management of key uses which may have a direct and significant impact on the Great Lakes.

This chapter begins by setting out the state's overall coastal management goal and the five program objectives for reaching that goal (Section I.B.). The second section of this chapter sets out specific coastal issues in Wisconsin and the state's general policy, specific statements of state policy and coastal program activities on each of these issues (Section I.C.). Table 3, located immediately following this second section, summarizes the relationships between coastal issues, state policy, and program activities.







B. COASTAL MANAGEMENT GOAL & PROGRAM OBJECTIVES

B. OVERALL COASTAL MANAGEMENT GOAL AND COASTAL MANAGEMENT PROGRAM OBJECTIVES

COASTAL MANAGEMENT GOAL

To preserve, protect, develop and where possible, to restore or enhance, the resources of Wisconsin's coastal area for this and succeeding generations, with governmental coordination and public involvement, giving due consideration to the linkages and impacts to resources of inland areas.

This Coastal Management Goal is a statement of the overall purpose of the program proposed in this document. It expresses the beliefs of the Coordinating and Advisory Council that: (1) a balance must be achieved between conservation and development in Wisconsin's coastal areas; (2) this balance must consider coastal areas and inland areas as well, when those areas affect or are affected by the coasts; and (3) government and citizens must work together if such a balance is to be successfully achieved.

COASTAL MANAGEMENT OBJECTIVES

To improve the implementation and enforcement of existing state regulatory and management policies and programs affecting key coastal uses and areas;

To improve the coordination of existing policies and activities of governmental units and planning agencies on matters affecting key coastal uses and areas;

To strengthen local governmental capabilities to initiate and continue effective coastal management consistent with identified state standards and criteria;

To provide a strong voice to advocate the wise and balanced use of the coastal environment and the recognition in federal, state, and local policies of the uniqueness of the coastal environment;

To increase public awareness and opportunity for citizens to participate in decisions affecting the Great Lakes resources.

These five major objectives represent how the Coastal Management Program will seek to improve existing management of the Wisconsin coastal resources. The Coastal Management Council will carefully select projects which solve specific coastal problems over the short term and which address gaps or weak points in existing management programs. The Coastal Management Council will thus seek to use limited federal and state funds to bring about improvements which do not impose long-term fiscal commitments on state or local government. This program should be viewed as complementary to existing state and federal programs, not as a substitute for them.

The following paragraphs elaborate on the five Coastal Management Program objectives. Section C. explains how the Coastal Management Program, working through existing state and local management policies, will address the coastal issues of concern to Wisconsin.

IMPROVE IMPLEMENTATION

The Coastal Management Program will focus on improvement of coastal management through better application of existing laws and programs. This will include identifying overlapping or conflicting agency functions, streamlining of regulatory processes, improved training of personnel, and providing other technical and financial assistance.

Key geographic areas and key land and water uses will receive special efforts to improve management through a process of identification, designation, and development and implementation of specific management policies. This process can be initiated by state agencies, local units of government, and citizens through their local unit of government. Once designated, these areas and uses are eligible for program funding.

IMPROVE COORDINATION

The Coastal Management Program will provide mechanisms for improving coordination of existing state, regional, and local programs and policies that affect the Great Lakes resource. Coordination will take place through Coastal Management Council discussion, technical staff activities, and review and comment through state and regional clearinghouse processes and the National and Wisconsin Environmental Policy Acts. Additional mechanisms discussed in Section II. C. of this Proposal will provide oversight of state agency compliance and federal agency consistency with state coastal goals and policies.

STRENGTHEN LOCAL CAPABILITIES

The Coastal Management Program recognizes both state and local governmental roles in determining the future of the coastal area. While state government has a number of basic responsibilities such as stewardship of the public's interests in the waters of the state, local governments also have important responsibilities for the detailed management and planning of the coastal areas. This sharing of responsibilities suggests the need for a strengthened state-local partnership for coastal management. Through a program of technical and financial assistance, the ability of local governments to address local coastal concerns can be enhanced. The program will assist in strengthening local government capabilities consistent with identified state standards and criteria and with program policies as described within this document.

COASTAL ADVOCACY

A state-level Coastal Management Council is proposed to provide a forum for discussion of coastal issues, addressing the need for human activity to be in harmony with the natural environment. This Council can use its advocacy role to focus attention of legislative bodies and managing agencies, whether federal, state, or local government, on coastal issues. It can become a voice for the greater common interest.

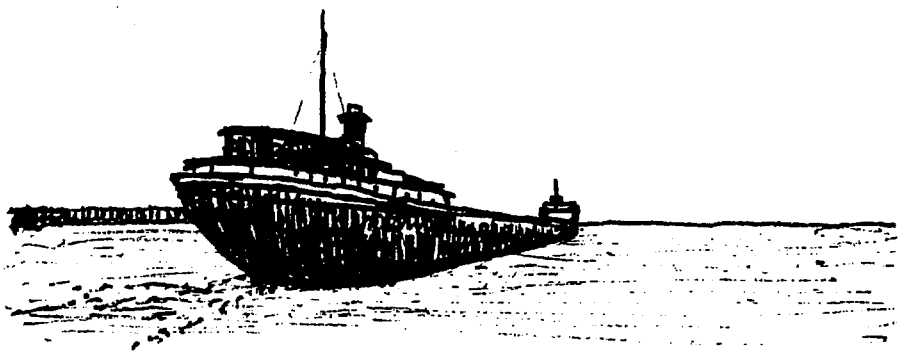
Though many existing laws and programs treat them as such, the Great Lakes are not just any two of Wisconsin's 10,000 lakes. The Council can advocate that the Great Lakes are unique and deserve special attention in the allocation of finite state and federal resources. Such attention can take the form of policy recognition, improved enforcement of regulations, or closer scrutiny of those plans and programs which might have significant impacts on the coastal environment.

Several years from now, if existing regulatory programs--working at peak efficiency--still are not adequate to solve problems occurring along the Great Lakes, the Coastal Management Council might advocate new regulatory authority to the Wisconsin Legislature.

INCREASE PUBLIC AWARENESS AND PARTICIPATION

Perhaps the most valuable and long-lasting functions of this coastal management proposal would be to educate citizens and officials about Great Lakes issues and create an appreciation for the need to guide development to minimize future coastal problems. There is a need for a better understanding of the limits of the resource so that future options are seen in the light of that knowledge.

Increased opportunities for citizen involvement early in the policy and decision-making process are equally important. Several such mechanisms are described in Section II. C., Organization, of this Proposal.



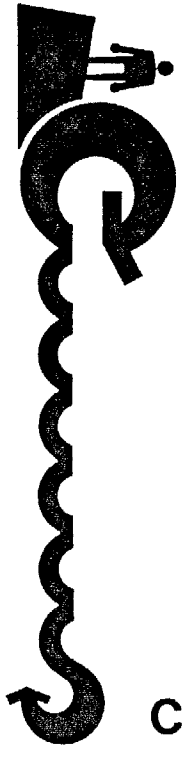
The thrust of the goals and objectives of this proposal is to improve the quality of decision-making related to Wisconsin's Great Lakes resources. These goals are similar to the Congressional findings and policy of the Coastal Zone Management Act of 1972. As stated in Sec. 303 of the Act as amended, Congress set forth the following national policy:

> (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations,
>
> (b) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development,
>
> (c) for all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate with state and local governments and regional agencies in effectuating the purpose of this title, and
>
> (d) to encourage the participation of the public, of Federal, state and local governments and of regional agencies in the development of coastal zone management programs. With respect to implementation of such management programs, it is the national policy to encourage cooperation among the various state and regional agencies, including establishment of interstate and regional agreements, cooperative procedures, and joint action particularly regarding environmental programs.

Congress further declared that in reaching this goal:

> The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

Wisconsin's proposed coastal program seeks to assist the attainment of these goals in the Great Lakes region. The Great Lakes coastal area of Wisconsin is a valuable ecological, economic and aesthetic state resource, and Lakes Superior and Michigan and Green Bay are recognized as vast water resource reservoirs which benefit the state. There exists a need to understand the balance of the inherent potentials and natural limitations of these resources with the needs of society. There is a public and private need to maintain and revitalize the economic, ecological, historical and visual qualities of the coastal area. The responsibility for developing and maintaining this balance between developmental and conservation interests is shared by state and local elected and appointed officials, private citizens, business/industry and agriculture and public interest groups. To develop a well-balanced coastal management program, participation of these various interests must be assured.



C. COASTAL ISSUES & STATE COASTAL POLICIES

C. COASTAL ISSUES AND STATE COASTAL POLICIES

This section examines coastal issues in Wisconsin, sets out state coastal policies, and indicates what the state's Coastal Management Program activities will be in that issue area. This discussion is grouped into seven general issue areas: (1) coastal water and air quality; (2) coastal natural areas, wildlife habitat, and fisheries; (3) erosion and flood hazard areas; (4) community development; (5) economic development; (6) governmental interrelationships; and (7) public involvement.

There is a four part discussion for each of these seven issue areas. First there is a summary discussion of the issues and problems facing Wisconsin relative to that issue area. More detailed information on these points may be found in Part III A, as well as in numerous publications of the program. Second, there is a general statement of state policy relative to that issue area. The third section sets out more specific state policies on the issues. It is important to remember that these policies are based on existing state policies and programs. Therefore, the reader should examine the sections of this proposal, particularly the sections on managed uses and "areas of management concern" in Chapter II that are cross-referenced following each specific policy statement. In Chapter II the reader will find specific statutory language, with precise definitions, qualifications and subtleties that may be lacking with these generalized policy statements. The fourth section of the discussion for each of the seven issue areas is very important. It sets out what the focus of the effort of the Coastal Management Program will be. It states, generally in terms of the five program objectives set out in the previous section, what this program will add to existing state coastal programs.

I. COASTAL WATER AND AIR QUALITY

a. Issues and Problems

The Great Lakes are an extremely important and valuable natural resource. They contain approximately 20% of the world's fresh water. Lake Superior has the highest water quality of all the Great Lakes. With the exception of heavy pollution in the near shore area of its southern end, Lake Michigan also has very high water quality. Maintenance of this water quality is of very high concern to Wisconsin residents. Wisconsin's air quality, relative to that of some parts of the country, is very good. Maintenance of this quality and improvement in certain areas is of concern to Wisconsin citizens.

Specific water and air quality issues and problems include:

1. The Great Lakes are used for the disposal of industrial, shipping and municipal wastes. There is an increasing industrialization and urbanization of the coastal area. When pollution from non-point sources is added--such as agricultural runoff, runnoff from construction sites, sedimentation and shore erosion--future water quality becomes an even more acute problem.

2. More specifically, a serious water quality problem has emerged as toxic substances are increasingly showing up in the Great Lakes; consumption of lake trout is already restricted due to high PCB concentrations. The presence of DDT and heavy metals may also pose serious health hazards.

3. Another water quality problem is caused by inadequate or malfunctioning private waste disposal systems. Heavy residential use of septic systems has caused localized public health problems, leading to a need for careful location of private facilities.

4. A number of coastal communities rely on the Great Lakes for water supply. Poor water quality can make the water unsafe for consumption (as happened in part of the Minnesota area of Lake Superior with the Reserve Mining situation). Increasing urbanization and industrialization threatens municipal water supplies.

5. The Great Lakes are also a significant recreational resource. High water quality, including its aesthetic qualities, must be maintained to allow recreational use of the waters to continue. Increased pollution and, in some areas, erosion and siltation have created problems in this regard.

   Note: Also see Issue Area 3, where shore erosion is discussed and Issue Area 4 where shoreland alteration and shoreline recreation activities are discussed.

6. Wisconsin's primary air quality problem is interstate summertime ozone concentrations along southern Lake Michigan. As industries and utilities switch from natural gas to petroleum or coal, additional problems with sulfur emissions are anticipated. (Also see Issue Area 5, Economic Development, for discussion of energy policies).

7. A principal statewide air quality problem is the level of particulates suspended in the air. Localized air quality problems include excessive dust from gravel roads, agricultural or construction areas and fumes from traffic and some industries.

8. Another issue is the degree of interrelationship between air and water quality. It is estimated that up to 25% of the particles in the air will settle out or be washed by rain into the Great Lakes. Also, the relationship between noise and the natural, cultural and social environment needs to be examined.

b. General Policy Statement

1.0 The state's policy on coastal water quality is to improve the quality and management of the waters of the coastal area; to restore the chemical, physical and biological integrity of its waters; to protect public health, safeguard aquatic life and scenic and ecological values; and to enhance the domestic, municipal, recreational, industrial, agricultural and other uses of water. The state policy on coastal air quality is to improve the quality of the air resource through restricting any new air contaminant source and restricting the discharge of hazardous pollutants.

c. Specific Policies

1.1 The elimination of the discharge of pollutants to water is the long-range goal of the state. (See Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500 and Wis. Stats. Section 147.01(1)(a)).

1.2 An interim goal is the protection and propagation of fish and wildlife and the maintenance of water quality to allow recreation in and on the water to be achieved by 1983. (See Wis. Stats. Section 147.01(1)(b)).

1.3 Discharges of effluents, including industrial, municipal and agricultural wastes, into any waters of the state shall not be allowed if they exceed federal and state water quality standards. (See managed use #1 h, Wis. Stats. Sections 147.015(3) and 147.02. For effluent standards and limitations see Wis. Admin. Code NR 221 to 297).

1.4 Disposal in the waters of the state of the following defined pollutants shall be restricted: dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, radioactive substance, wrecked or discarded equipment, rock, sand and cellar dirt. (See managed use #1 h and i, Wis. Stats. Sections 147.015(3), 147.02(1), 29.288 and 29.29).

1.5 Because of the importance of Lakes Superior and Michigan and Green Bay as vast water resource reservoirs, water quality standards for rivers emptying into these waters shall be as high as is practicable. (See managed use #1 h and Wis. Stats. Section 144.025).

1.6 Municipalities shall provide at a minimum, secondary treatment and effluent disinfection. (See managed use #2 d, 1972 P.L. 92-500 and Wis Stats. Section 147.04(3)(a) and Wis. Admin. Code NR 102.04).

1.7 Phosphorus removal from sewage shall be required in municipalities with 2,500 people or more that discharge treated water into Lakes Michigan and Superior and their tributaries. (See managed use #1 h and Wis. Admin. Code NR 102.04).

1.8 Sewer extensions shall be allowed only where adequate treatment capacity exists. (See managed use #2 d and Wis. Admin. Code NR 110.05).

1.9 Thermal discharges shall not raise the receiving water temperatures more than 3^{o} F above the existing natural temperature at the boundary of mixing zones. (See managed use #1 h and Wis. Admin. Code NR 102.05).

1.10 The discharge of toxic pollutants in toxic amounts shall be prohibited. (See managed use #1 h and Wis. Stats. Section 147.01(1)(c)).

1.11 Discharge of inorganic mercury compounds and metallic mercury to the waters of the state shall not exceed the background level by more than 0.05 pound per 1,000,000 gallons of effluent discharged. The maximum discharge shall be limited to 0.15 pound of mercury per day over a 30-day period and not more than 0.5 pound in any one day. (See managed use #1 h, Wis. Stats. Section 144.423 and Wis. Admin. Code NR 100.02).

1.12 The sale, distribution, storage, use and disposal of pesticides shall be regulated to protect the public from injury and wild animals from serious hazard. (See managed use #2 p, Wis. Stats. Sections 94.69 and 29.29(4)).

1.13 Lots not served by public sewer shall have a minimum average width of 100 ft. and a minimum area of 20,000 sq. ft. and, based on soil tests, area for one sewage absorption field and area for one replacement system. Septic tanks shall not be placed within 50 ft. of the ordinary highwater mark and 90% of the minimum lot area shall be above the regional flood elevation. (See managed use #2 e and 1, Wis. Stats. Chapter 236 and Wis. Admin. Code H622.20, and H65 and NR 115).

1.14 The state will establish, administer and maintain a safe drinking water program no less stringent than the requirements of the safe drinking water act of 1974, P.L. 93-523, 88 Stat. 1660. (See managed use #1 j and 2 o and Wis. Stats. Section 144.025(2)).

1.15 No new air contaminant source shall be permitted to be constructed, installed or established which directly or indirectly emits air contaminants that make the air injurious to health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life, without complying with federal and state air quality standards. (Wisconsin Stats. Section 144.30 and .39 and Wis. Admin. Code NR 154 and 155).

1.16 Hazardous pollutants (including, but not limited to asbestos, beryllium, cadmium, chromium, chlorine, fluorine, lead, mercury, pesticides or radioactive material) shall not be discharged into the ambient air in such quantity, concentration or duration as to be injurious to human health and plant or animal life (unless the purpose of the emission is for the control of plant or animal life). (See managed use #2 n and Wis. Admin. Code NR 154 and 155).

d. Coastal Program Activities

1.17 The Wisconsin Coastal Management Program will provide financial assistance to improve implementation and enforcement of existing water and air quality programs where gaps or weaknesses are identified, with emphasis on (a) on-site waste disposal; (b) disposal of hazardous substances; (c) disposal of dredge spoils; and (d) coordination and air quality monitoring.

1.18 The Wisconsin Coastal Management Program will encourage consideration of water, air and noise pollution in the development of plans and proposals for Coastal Program funding.

1.19 The Wisconsin Coastal Management Program will perform advocacy functions in monitoring and reviewing changes and additions in water and air quality programs and regulations which impact on coastal resources and people.

1.20 The Wisconsin Coastal Management Program will support public awareness and research of: (a) factors affecting Great Lakes water quality and supply, with emphasis on the trans-lake shipment of oil and other energy resources; (b) the unique climatic characteristics and limitations of coastal air resources; (c) air as a transmitter of pollutants to Great Lake waters; and (d) the impact of noise on the natural, cultural, and social environment.

Note: As required by Section 307(f) of the Coastal Zone Management Act of 1972, the state's existing programs under the Federal Water Pollution Control Act, as amended, and the Clean Air Act, as amended, are incorporated into and made a part of this proposal. The program maintains a close liaison with the Department of Natural Resources to insure full coordination.

II. COASTAL NATURAL AREAS, WILDLIFE HABITAT AND FISHERIES

a. Issues and Problems

1. Coastal natural areas, which include forests, lakes, streams, swamps, bogs, and marshlands, are in an increasingly tenuous position. These areas, which also frequently serve as wildlife habitat, provide important benefits in and of themselves. The problem is particularly acute on Lake Michigan, where residential development and other intensive uses threaten to invade the few extensive natural areas left*. While relative to other coastal states, Wisconsin has few coastal wetlands, those that do exist face increasing pressures. The same pressures threaten some of the state's coastal farmlands.

2. Coastal vegetation and estuaries provide wildlife habitats that are increasingly threatened by similar pressures.

3. Great Lakes fisheries are also endangered. The presence of toxic substances such as PCB's in the water has already curtailed sport and commercial fishing. Control of sea lamprey, reintroduction of species, and establishment of a salmon stock are other important needs. Finally, protection of spawning areas for natural reproduction is necessary to assure the health and size of the fisheries.

*Note: The description of the coastal environmental resources and growth pressure is in Part III A.

b. General Policy Statement

2.0 The policy of the state is to conserve and enhance the natural land and water resources of the State by:

a. Designating and managing special areas of the State, including scientific areas, state parks, state forests, and state wildlife areas, so as to protect and enhance fish and wildlife habitat, forest resources, lakes and streams, recreation resources, and endangered plant and animal species.

b. Providing special management attention to the conservation and enhancement of Great Lakes fisheries resources, by conducting fish rearing, fish stocking, and fisheries research programs; by regulating sport and commercial fishing; by designating certain portions of the Great Lakes as fish habitat protection areas. (Also see Issues Area 1, where coastal water quality is discussed and Issue Area 4, where recreation is discussed.)

c. Ensuring that the following activities that are engaged in or are subject to regulation by state agencies are conducted so as to minimize the destruction or degradation of coastal wetlands and to preserve the natural and beneficial values of coastal wetlands and the public interest therein. These activities include: 1) the acquisition, management and disposition of state lands and facilities; 2) construction activities assisted by or directly undertaken by state agencies; and 3) regulation of land and water uses in coastal wetland areas.

c. Specific Policies

2.1 State scientific areas shall be designated for the purposes of scientific research, the teaching of conservation and natural history, and preservation of native plant and animal communities or individual members of these communities and archeological sites for the use of future generations. These areas shall be disturbed as little as possible and only in accordance with adopted standards. (See GAMC #1 and #5 and Wis. Stats. Section 23.27 and Wis. Admin. Code NR 45.23).

2.2 State parks are to be established for the public recreation and education. An area may qualify by reason of the areas scenery, its plants and wildlife or its historical, archeological or geological interest. These parks will be managed to protect these values and their most logical employment and greatest usefulness. (See GAMC #1 and Wis. Stats. Section 27.01(1) and (2). Also see Issue Area 4, where the topic of recreational access is discussed).

2.3 State forests shall be primarily used for silviculture and growing of recurring forest crops. Recognizing the value of multiple use, they can be designated also for preservation with natural areas receiving a high degree of protection or for recreation with appropriate facilities. (See GAMC #1 and #5 and Wis. Stats. Section 28.04).

2.4 Taxation of agricultural land and undeveloped land need not be uniform. Farmland shall be eligible for tax credits through an approved farmland preservation agreement between an owner and the Department of Agriculture, Trade and Consumer Protection if there is local adoption of approved farmland preservation plans and/or approved exclusive agricultural zoning ordinances meeting state standards. (See Article VIII, Sec. 1 of the Wis. Constitution, Wis. Stats. Section 71.09(11), and Chapter 91).

2.5 Hunting shall be prohibited in all state parks except for selective game management of deer. (See GAMC #1 and Wis. Admin. Code 10.27)

2.6 State wildlife areas shall be managed for wildlife habitat and public hunting. Fishery, forestry, wild resources and non-consumptive recreational objectives will be accommodated only when they do not detract significantly from the primary objectives of wildlife habitat and public hunting. (See GAMC #1 and #5 and Wis. Stats. Section 23.09(2)(d)(3).

2.7 The sale, processing and distribution of fish, wildlife and plant life designated by the state and/or the U.S. as endangered, native and foreign species is prohibited. (See GAMC #1 and #5, managed use #1 h and Wis. Admin. Code NR 27).

2.8 The state shall designate state trout streams and in these streams:

(a) effluents and temperature changes shall not adversely affect trout populations and must meet dissolved oxygen levels and pH ranges.
(b) dams, channel relocation and structures which impound water are prohibited.
(c) bank stabilization to reduce erosion or siltation is supported. (See GAMC #1 and #5, Wis. Stats. Section 30.19 and Wis. Admin. Code NR 102).

2.9 State fish management areas shall be designated and managed to assure protection and perpetuation of all species, foster and promote the preservation of required habitat for all species, contribute to public health, safety and welfare, to assure the costs of management are borne by the primary beneficiaries, and to provide public access. (See GAMC #1 and #5 and Wis. Admin. Code NR 1.01).

2.10 State fish management easements shall provide public access for public fishing. The property owner retains the right to use the stream and land for domestic purposes (including stock watering, but only dumping incidental to normal agricultural or horticultural purposes). A permit will be required in these areas for removal of trees, shrubs, altering topography and erecting new structures. (See GAMC #1 and #5 and Wis. Stats. Section 23.09(2)(d)).

2.11 The state shall create and maintain a sport fishery through programs of fish breeding, rearing, and stocking, and resource research. (Wis. Stats. Section 23.09 and Wis. Admin. Code NR 1.01).

2.12 Sport and commercial fishing shall be regulated and commercial fishing shall be prohibited in designated state fish refuges. (See GAMC #1 and #5, managed use #1 k, Wis. Stats. Section 29.085, 29.14, 29.145, 29.166, 29.30, 29.33, and 29.36 and Wis Admin. Code NR 26.23).

2.13 All counties shall adopt and administer shoreland management programs for all unincorporated lands within 1,000 feet of a lake and 300 feet of a stream. At a minimum these programs shall include the following provisions.

(1) All those shorelands shall be zoned and placed in appropriate districts. Land designated on U.S.G.S. quadrangle maps as swamps or marshes should be placed in conservancy districts. In these districts development should generally be limited to non-structural uses. Other limited activities may be allowed by special permit, but only if they are not contrary to maintenance of safe and healthful conditions, prevention of water pollution, protection of fish spawning grounds and aquatic life and preservation of shore cover and natural beauty.
(2) In all districts, tree cutting shall be limited in that area within 35 feet of the high water mark so that no more than 30 feet in any 100 feet are clear cut. (See managed use #2 m and Wis. Admin. Code NR 115).
(3) In all districts, filling, grading, lagooning and dredging shall be permitted only in accord with state law and where protection against erosion, sedimentation and impairment of fish and aquatic life has been assured. (See managed use # 2 m and Wis. Admin Code NR 115).
(4) Minimum lot sizes and building setbacks shall also be required. (See managed use #2 m and Wis. Admin. Code NR 115).

d. Coastal Program Activities

2.14 The Wisconsin Coastal Management Program will provide financial assistance to improve the implementation and enforcement of existing programs which manage uses with a significant impact on the coastal environment where gaps or weaknesses are identified. (See II. B. 2). Particular attention will be given to Great Lakes fisheries resources, coastal wetlands, and other natural and scientific values.

2.15 The Wisconsin Coastal Management Program will support local and state agency efforts to identify and designate areas of significant natural or scientific value and develop specific management policies for each area.

2.16 The Wisconsin Coastal Management Program will provide financial and technical assistance to state and local agencies to implement the specific management policies for these designated areas.

2.17 The Wisconsin Coastal Management Program will support the accelerated collection of data on soils, geology, hydrology, topography, and others where needed for coastal management decisions.

2.18 The Wisconsin Coastal Management Program will support public awareness and education efforts tied to areas of significant natural and scientific value.

III. COASTAL EROSION AND FLOOD HAZARD AREAS

a. Issues and Problems

Shore erosion has been a primary concern of many shoreline residents and governmental bodies owning property on the immediate shoreline, particularly during the recent period of high lake levels. There are also localized areas subject to serious flooding. Specific issues and problems include:

1. Wisconsin faces serious property damages due to shore erosion, particularly along southern Lake Michigan. A number of shore properties have suffered and are facing severe property damage.

2. Shore erosion and sedimentation can damage lake aesthetics, may damage fish habitat and may increase water treatment, and maintenance dredging costs.

3. Flooding is a serious concern along the west and south shores of Green Bay. In the past serious flooding has caused localized hazards to safety as well as property damage. Spring ice damage is of concern to shore property owners, particularly in Green Bay, who believe it causes property damage. Others advocate increased ice breaking to extend winter navigation.

4. Fluctuating lake levels remains a key concern of many Wisconsin coastal residents. While control of lake levels is beyond the reach of any state program (and can only be addressed in a limited sense by international bodies), increased erosion during the recent period of high water was one of Wisconsin's most visible coastal problems.

b. General Policy Statement

3.0 It is the state's policy to mitigate risks to public health and safety and risks of property damage in areas subject to natural hazards by:

a. Providing that all development in areas subject to serious flooding will not materially alter the natural capacity of the lake or river so as to intensify the magnitude of floods, expose citizens to hazards, or cause future public expenditures for flood disaster relief.
b. Regulating those earth moving, devegetation, and construction activities now reviewed by State agencies so as not to accelerate the rate of shoreline erosion or bluff recession.

c. Specific Policies

3.1 Counties, cities and villages shall adopt reasonable and effective flood plain zoning ordinances for those parts of their jurisdiction subject to serious flood damage. These ordinances shall provide that no buildings be constructed in floodways and that inconsistent development be prohibited in flood plains. (See managed use #2 b, Wis. Stats. Section 87.30 and Wis. Admin. Code NR 116).

3.2 Within unincorporated areas a setback of 75 ft. from the ordinary high water mark shall be required, unless an existing development pattern exists. (See managed use #2 b and m, Wis. Stats. Sections 59.971 and 144.26, and Wis. Admin Code NR 115).

3.3 Solid waste disposal sites and facilities are prohibited in floodplains and within the jurisdiction of shoreland regulations. (See managed use #2 b, Wis. Stats. Section 144.045 and Wis. Admin. Code NR 115).

3.4 All new subdivision plats, buildings, structures, roads, sanitary or other facilities which are reviewed by state agencies and which are in existing and potential flood hazard areas shall be prevented from exposing citizens to unnecessary hazards or cause future public expenditures for flood disaster relief. (See managed uses #2 b and Executive Order No. 67).

3.5 Rip rap or other similar material for protecting stream banks or lake shore from erosion shall not materially impair navigation or damage fish and game habitat. (See managed uses #1 g and 2 b and Wis. Stats. Section 30.12(2)(b)).

d. Coastal Program Activities

3.6 The Coastal Management Program will support local and state efforts to identify and designate hazard areas as areas of special management concern and develop specific management policies for each and will provide financial and technical assistance to local and state agencies to implement those policies for designated areas.

3.7 The Coastal Management Program will support research and public education on the dangers associated with these hazards in the form of technical analysis of data, and recommendations for structural and non-structural alternatives to alleviate erosion impacts, coordinating fully with the UW-Sea Grant College Program, the Wisconsin Geologic and Natural History Survey, the Department of Natural Resources, and Soil and Water Conservation Districts, and U.S. Department of Agriculture, Soil Conservation Service.

3.8 The Coastal Management Program will advocate and coordinate Wisconsin concerns about flood and erosion hazards with the Flood Insurance Administration of the U.S. Department of Housing and Urban Development and the U.S. Army Corps of Engineers. The Program will also examine and coordinate the study of the winter navigation issue.

IV. COMMUNITY DEVELOPMENT

a. Issues and Problems

1. Many communities along the Great Lakes are experiencing considerable growth. There is a need for balanced community growth to reduce wasteful sprawl development, assure the adequate provision of community services and protect aesthetic values. The need is particularly strong in rural, largely undeveloped areas.

2. Many of the state's historic and cultural resources are located in the coastal area, the site of Native American settlement and much of the early exploration and settlement by Europeans. The increasing economic and physical development of the coastal area is threatening to alter or destroy areas of historic and archeological significance; still other areas face continued decay as a result of neglect.

3. In some communities the waterfront suffers from safety hazards and blight due to obsolescent structures or waterfront deterioration. Flooding, storms, surface water pollution, and shoreland structures too costly to maintain contribute to this condition. Rarely are funds available for restoration of such areas.

4. Wisconsin's shoreline is increasingly used for recreation at unprecedented levels due to close proximity of population centers and to overcrowding of some inland lakes. Yet the Lakes Michigan and Superior coastlines are ill-prepared to handle this increase. The demand for public access to the lakes has outstripped the supply, especially in urban areas. There is a need for expanded and improved recreational facilities and services.

5. Community development frequently requires shoreland alteration, including dredging, filling, placement of structures (piers, erosion protection structures, etc.), grading of banks, and constructing canals, lagoons, lakes or the like. If not properly carried out, the activities can disturb water quality, disrupt fish and wildlife habitat, obstruct navigation, increase shore erosion rates, or contribute to increased flooding.

b. General Policy Statement

4.0 The state's policy on coastal community development shall be to ensure the orderly and balanced development of coastal communities, giving full consideration to economic, ecological, human resource, cultural historic, recreational, and aesthetic values, and existing and future needs by:

a. Requiring local ordinances that ensure the efficient use, conservation, development and protection of the state's coastal resoures in rural areas;

b. Ensuring that subdivisions are laid out in an orderly fashion, are properly surveyed, and make adequate provision of public access to coastal waters;

c. Ensuring that the state's significant historic, architectural and archeological resources are identified, recognized and protected in all state activities and that efforts are undertaken to ameliorate any potential adverse effects caused by state action.

d. Designating and aiding in the restoration of blighted waterfront areas so as to protect and enhance public safety, aesthetics, and economic well-being;

e. Acquiring additional recreational lands in heavily populated areas of the state; and

f. Ensuring that shoreland alterations are not detrimental to fish and wildlife habitat, navigation, flood flow capacity or the public interest.

c. Specific Policies

4.1 All coastal counties shall adopt and enforce management programs for all unincorporated coastal shorelands. These programs shall: maintain safe and healthful conditions; prevent and control water pollution; protect fish and aquatic life, particularly spawning grounds; control land uses, placement of structures, and building sites; reserve and protect shore cover; and protect natural beauty. (See managed use #2 m, Wis. Stats. Sections 59.971 and 144.26, and Wis. Admin. Code NR 115).

4.2 All subdivisions creating five or more lots of one and one-half acres or less within a five year period shall meet state standards on surveying, lot size and street width and connections and shall provide public access at not less than one-half mile intervals. (See managed use #2 1, Wis. Stats. Chapter 236, and Wis. Admin. Codes LAD 1, 2, H65, and Hy 33).

4.3 Grading or exposing top soil in excess of 10,000 sq. feet on the banks of any body of navigable water shall not be permitted if it contaminates or renders unclean or impure the air, land or waters of the state or makes the same injurious to public health or harmful for commercial or recreational use, is deleterious to fish, bird, animal or plant life or habitat, or materially injures the rights of riparian owners. (See managed use #2 a and Wis. Stats. Sections 30.19 and 144.30(a)).

4.4 The State Historical Society shall engage in a comprehensive program of historic preservation for the education, inspiration and enrichment of citizens. This program shall include preparation of a state historical plan, provision of technical assistance to local governments, and conduct of a survey to identify and document historic properties. (See GAMC's #1,5, and 6 and Wis. Stats. Section 44.22).

4.5 The state long-range public building program shall recognize the importance of historic properties and may include a program of preservation and restoration of those historic properties under state control.(See GAMC #1,5 and 6, managed use #2 f and Wis. Stats. Section 44.22).

4.6 The State Historical Society shall review and comment upon the actions of any state agency that may have an adverse effect upon historic properties, and shall seek the amelioration of any adverse effects. (See GAMC's #1, 5, 6 and Wis. Stats. Sections 1.11 and 44.22).

4.7 State aesthetic resources shall be protected and enhanced through the regulation of billboards, the screening of junkyards, the purchase of scenic easements, the development of parkways, and the establishment and operation of a Rustic Roads program. (See GAMC #6, managed use # 2 q, Wis. Stats. Sections 83.42, 84.09, 84.105, 84.30, and 84.31).

4.8 Public access of at least 60 feet in width shall be provided at not less than one-half mile intervals by all subdivisions abutting navigable lakes or streams. Once provided, public access to navigable waters shall not be discontinued without state approval. (See managed use # 2 1 and Wis. Stats. 80.41 and 236.16(3)).

4.9 The state shall establish a state park system and shall give principal emphasis to the acquisition of recreational lands in the heavily populated areas of the state and in places readily accessible to such areas. (See GAMC #1 and Wis. Stats. Sections 23.09 and 27.01 and Wis. Admin. Code NR 1.40. Also see Issue Area 2 for other discussion of state parks).

4.10 Local communities shall be encouraged to provide local recreational and educational opportunities through provision of state aids. (See GAMC #1 and Wis. Stats. Section 23.30).

4.11 Dredging, filling, placing structures upon, and removing materials from the bed of navigable waters shall not be allowed if it damages the public interest, is deleterious to fish or game habitat, materially obstructs navigation or reduces effective flood flow capacity. (See GAMC #2, managed uses la, b, f, and g and Wis. Stats. Sections 30.12 and 30.20).

4.12 Enlarging the course of a navigable water, constructing an artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway or connecting an artificial waterway with an existing body of navigable water shall not be allowed if it damages the public's interest in the waters, is deleterious to fish or game habitat, materially obstructs navigation, or reduces effective flood flow capacity. (See managed uses #lc, d, and e and Wis. Stats. Section 30.19).

d. Coastal Program Activities

Public preference, as measured in the fall 1976 questionnaire (Coastal Survey, 1977) was that a major emphasis be placed on assisting local communities to resolve local coastal problems and evaluate coastal development. In this regard, the Coastal Management Program will focus on the objectives of public education, improving implementation by a special designation of areas and uses, and assistance to local governments.

4.13 The Wisconsin Coastal Management Program will provide financial and technical assistance to local governments to improve their coastal management capabilities, with emphasis on staff training, ordinance revision, data collection and analysis, and county shoreland zoning.

4.14 The Wisconsin Coastal Management Program will provide financial assistance to local governments to implement the specific management policies of designated areas.

4.15 The Wisconsin Coastal Management Program will support local governmental efforts to identify and designate areas of significant natural, recreational, scientific, cultural, or historic value and develop specific management, preservation, or restoration policies for each area, with emphasis on recreation access and blight. This effort will be coordinated with the program referenced in policy 4.4.

4.16 The Wisconsin Coastal Management Program will support public awareness and involvement in resolving local community coastal problems, with emphasis on the special needs of, or barriers to, low-income, elderly, handicapped, and minority groups in coastal plans and proposals.

V. ECONOMIC DEVELOPMENT

a. Issues and Problems

Economic conditions vary widely along Wisconsin's Great Lakes coasts. Despite an apparent recent upturn the Lake Superior area has generally been economically depressed, while economic growth has characterized the state's southern Lake Michigan area. The use of the Great Lakes as a transportation medium and as a recreational resource has a significant impact on the Wisconsin economy. (See Issue Area 4 for a discussion of the recreational access topic; also see Issue Area 2 for a discussion of sport and commercial fishing). Specific economic development issues and problems include:

1. The counties bordering Lake Superior, characterized by high unemployment, low median incomes, and higher than state average median age population, need balanced and increased economic growth. Presently the region depends on employment in retail trade, governmental services, and resource-based manufacturing. New job opportunities and the provision of local public services are needed to attract businesses, diversify the economy, and revitalize declining communities. Economic development throughout the coastal area must be compatible with the local environment, the labor force, local economic needs, and existing facilities.

2. Competition for shore property can exclude those uses that can only be sited at the water's edge. The relatively few areas which meet the special needs of commercial harbors and marinas have seldom been set aside for these uses. While few shoreland uses are exclusive, many are incompatible with surrounding uses and with the capability of the land, air, and water to support them. There is also a need to consider the impact of losing unique agricultural, mining, and forestry lands and conversion of areas especially suited to outdoor recreation to other uses.

3. Ports are important to the economic well-being of Wisconsin, both for the provision of jobs and the provision of a competitive mode of transportation that generally lowers shipping rates. However, a number of the state's ports and harbors have been declining or stagnating. For continued operation, ports and harbors must be maintained to adequate depths to allow oceangoing and lake vessels access to shore facilities. There needs to be enough cargo passing through them to maintain favorable rates and profitable operation. There is a need for some modernization to keep pace with cargo handling technologies.

4. A more specific transportation problem relates to potential discontinuation of cross-lake ferry service. The loss of this service would increase shipping rates and reduce tourism, both to the economic detriment of the Wisconsin coastal area.

5. The shoreline is attractive for power plant sites because of the easy access to cooling waters and existing transportation facilities. The local impact of power plant locations can be significant, both during construction and thereafter. New demands are placed on community services and some adverse environmental impact is almost inevitable. (Also see Issue Area 1 for discussion of water and air quality topics).

b. General Policy Statement

5.0 The state's policy on economic development shall be to stimulate desirable economic development that broadens the coastal area economy and to encourage the designation and reservation of areas of significance to activities requiring a coastal location by:

a. Providing special planning, management and promotional attention to Great Lakes port and transportation issues;
b. Coordinating, stimulating and promoting the orderly and environmentally sound provision of business and tourism facilities; and
c. Managing the planning for and siting of electrical generating and transmission facilities so as to ensure protection of water quality, public and riparian rights and orderly land use.

c. Specific Policies

5.1 The state shall promote business and industrial development so as to broaden and strengthen the state's economy. (See GAMC #2 and Wis. Stats. Sections 560.03 and 560.23).

5.2 The state shall locate and maintain information on prime industrial sites. (See GAMC #2 and Wis. Stats. Section 560.23).

5.3 The state shall promote a balanced transportation system that includes highway, rail, water travel and other facilities adequate to meet public needs. (See managed uses #2 h, i, j, k and Wis. Stats. Sections 85.02, 194.02, 195.199, and Chapter 196).

5.4 The state shall promote travel to Wisconsin's scenic, historic, natural, agricultural, educational, and recreational attractions. (See GAMC #1 and Wis. Stats. Section 560.23).

5.5 The orderly and ecologically sound development of commercial tourist facilities shall be coordinated and stimulated by the state. (See GAMC #2 and Wis. Stats. Section 560.23(1)(f)).

5.6 The state shall protect forests from destruction and premature cutting through planned development and sound forestry practice, giving full recognition to the concept of multiple use to assure maximum public benefits. (Wis. Stats. Section 28.04, 28.11 and 77.01).

5.7 The state shall provide tax relief to those agricultural areas subject to approved local exclusive agricultural zoning or subject to farmland preservation contracts. (See Wis. Stats. Section 71.09(11) and Chapter 91).

5.8 The state shall formulate and coordinate a program of port planning, promotion, protection and development. (See GAMC #2 and Wis. Stats. Sections 560.03 and 560.04).

5.9 Buoys and beacons necessary for free navigation shall not be unlawfully disturbed or interfered with. (See Wis. Stats. Section 30.15 and 30.17).

5.10 The state shall require advance planning for and shall regulate the siting of electrical generating and transmission facilities. (See GAMC #4, managed use #2 c, Wis. Stats. Sections 30.025 and 196.491 and Wis. Admin. Code PSC 111). This process shall include the following elements and provisions:

a. Such a facility can be located adjacent to a waterway only if it does not unduly affect:

(1) public rights and interests in navigable waterways;
(2) the effective flood flow capacity of a stream;
(3) the rights of riparian owners; or
(4) water quality.

b. The design and location or route of such a facility must be found to be in the public interest, considering alternative sources of supply, alternative locations or routes, individual hardships, engineering, economic, safety, reliability and environmental factors.

c. Such a facility shall not have an undue adverse impact on other environmental values such as, but not limited to, ecological balance, public health and welfare, historic sites, geological formations, the aesthetics of land and water and recreational use.

d. Such a facility shall not unreasonably interfere with the orderly land use and development plans for the area involved.

e. Electric utilities shall biennially file a plan with the Public Service Commission which shall include such things as general location, size, and type of facilities which are owned or operated by the utility or the construction of which is expected to commence within the next ten years; practical alternates to the general location, fuel type and method of generation of proposed electric generating facilities; the projected demand for electric energy, etc.

f. The Public Service Commission shall approve the plan upon a determination that the advance plan:

(1) will provide a reasonably adequate supply of electrical energy to meet the needs of the public during the planning period;
(2) is in the public interest when considering engineering, economic, health, safety, reliability, efficiency and environmental factors and alternate methods of generation or sources of supply;
(3) is reasonably coordinated with long-range plans and policies of other agencies or that a reasonable effort has been made to coordinate with such plans and policies; and
(4) provides for programs which discourage inefficient and excessive power use.

g. No facility shall be approved it if is not in substantial compliance with the most recent advance plan filed, except where the Public Service Commission finds that the need for the facilities or lines could not have been reasonably foreseen by the utility at the time of the filing.

5.11 Once a state permit for construction of electrical generating or transmission facilities has been issued, local ordinances shall not preclude or inhibit the installation or utilization of the facility. (See GAMC #4, managed use #2 c, and Wis. Stats. Section 196.491).

5.12 The state shall prepare and maintain contingency plans for responding to critical energy shortages so that when the shortages occur, they can be dealt with quickly and effectively. (See Wis. Stats. Section 16.95).

d. Coastal Program Activities

5.13 The Coastal Management Program will seek to improve the implementation and enforcement of existing state regulatory and management programs which influence the economic well-being of citizens along the Great Lakes.

5.14 The Wisconsin Coastal Management Program will provide financial assistance to state and local agencies to implement the specific management policies of designated economic areas and improve the implementation of existing programs to broaden the economic base of communities with desirable diversifications of industry and to effectively manage coastal land and water resources which influence community development.

5.15 The Coastal Management Program will seek to improve the coordination of policies which affect the economies of coastal areas.

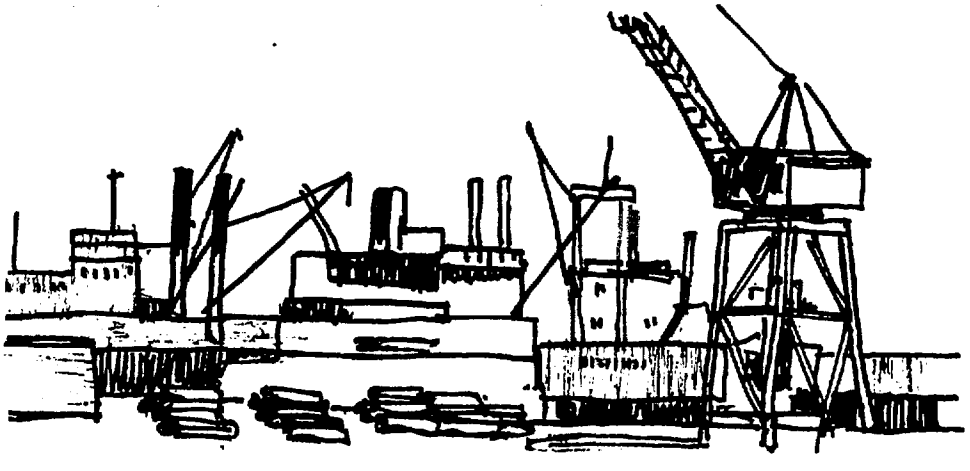
5.16 The Wisconsin Coastal Management Program will support state and local government efforts to (a) identify and designate areas especially suited for water-related economic development and power plant sites approved through the power plant siting process of the Public Service Commission and (b) develop specific management policies for each.

5.17 The Wisconsin Coastal Management Program will support local government efforts that consider in their coastal plans and programs the concept that waterfront locations be kept available for activities which need such locations and that unnecessary development not consume coastal resources particularly suited to other uses.

5.18 The Wisconsin Coastal Management Program will support local government efforts to locate new coastal development adjacent to existing areas which can provide adequate public services.

5.19 The Wisconsin Coastal Management Program will advocate the role of the Great Lakes ports both within the state and at the national level.

5.20 The Wisconsin Coastal Management Program will support research and public education about the economic base of coastal areas.



VI. GOVERNMENTAL INTERRELATIONSHIPS

a. Issues and Problems

1. There are many programs and laws, spread among many agencies and levels of government, that apply to the coastal area. There is a strong need for improved coordination and communication on specific programs and projects. While more difficult, the need for improved coordination is even stronger at the policy level.

2. More specifically, there is a strong concern about the paperwork and time-consuming procedures that accompany many government programs. A need has been suggested for streamlined procedures and a clearinghouse for information on regulatory programs.

3. Given Wisconsin's home-rule status, citizens and local governments are concerned in maintaining a degree of local control in governmental decision-making. Even citizens who favor a strong state coastal management program are concerned that actual implementation takes place as close to the local level as possible.

4. The Great Lakes remain an under-represented "national coast" at the federal level. The Great Lakes were added as an afterthought in the final stages of passage of the 1972 federal Coastal Zone Management Act.

b. General Policy Statement

6.0 The state policy on government interrelationships shall be to ensure intergovernmental communication, cooperation and coordination in all aspects of coastal management through:

a. Creating and operating an interagency, intergovernmental Coastal Management Council with representation from all directly affected agencies and levels of government and citizens within the state;
b. Creating and maintaining technical/citizen committees to ensure coordination of specific projects and programs;
c. Maintaining a workable system of interagency reviews and comments on coastal program activities; and
d. Requiring state and federal agencies to, through the clearinghouse process or other appropriate mechanisms, consult with and obtain the comments of other agencies with respect to any significant environmental impact involved in their major actions.

c. Specific Policies

6.1 A Wisconsin Coastal Management Council will be created with representation from state agencies, local governments, tribal governments, the University System and the public to oversee program operations and activities. (See Chapter II, Organization for Program Implementation).

6.2 The state shall evaluate the plans of all state agencies, identify both duplication and program gaps in the plans and measure the agency plans with the state goals enacted by the Governor and the legislature. (See Wis. Stats. Section 16.95).

6.3 Structural reorganization of state government shall be a continuing process, with the goals of assuring responsiveness to popular control, improved public understanding of government, and efficient and effective administration of state policies, including improved management and coordination of state services and elimination of overlapping activities. (See Wis. Stats. Section 15.001 and 16.001).

6.4 All state agencies shall prepare detailed statements on the environmental and economic impacts of all major actions significantly affecting the quality of the human environment. Prior to making such statements, the agency shall consult with any other agency that has jurisdiction or special expertise with respect to any environmental impact involved. (See Wis. Stats. Section 1.11).

6.5 All agencies shall study, develop and describe appropriate alternatives to their actions referenced in policy 6.4 that involve unresolved conflicts concerning alternative uses of available resources. (See Wis. Stats. Section 1.11).

6.6 The state shall foster closer cooperation and coordination between state and local government and encourage a pattern of state-local relationships that facilitates effective development and utilization of state and local resources in meeting citizen needs. (See Wis. Stats. Section 22.03).

6.7 State agencies and localities shall mutually cooperate to enhance the quality, management and protection of the state's air, land, and water resources. (See Wis. Stats. Section 144.31).

d. Program Activities

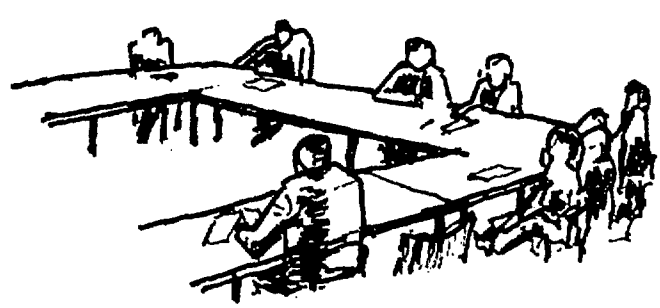
6.8 The Coastal Management Program will use existing review processes (A-95, NEPA, and WEPA) to ensure coordination of federal, state, and local policies and programs.

6.9 The Coastal Management Program will improve coordination with adjacent Great Lakes states and federal agencies with continuing programs affecting Lakes Michigan and Superior.

6.10 The Coastal Management Program will improve information flow and coordination of policies related to key coastal areas and uses and with emphasis on streamlining procedures and eliminating duplication or conflicting efforts.

6.11 The Coastal Management Program will support tribal governments in their efforts in coastal management.

6.12 The Coastal Management Program will perform advocacy functions in seeking increased policy recognition of the Great Lakes in policy by all levels of government, with emphasis on the federal level.



VII. PUBLIC INVOLVEMENT

a. Issues and Problems

1. There is a need for increased public awareness and understanding of coastal issues. There is also a need for provision of adequate information on the scope of coastal issues and options for addressing those issues.

2. There is a need for increasing and improving the opportunities of citizens and public interest groups to effectively participate in governmental decision-making on coastal issues.

b. General Policy Statement

7.0 The state's policy on public involvement shall be to provide citizens with full opportunities for early and continuous involvement in coastal management through effective communication and participation.

c. Specific Policies

7.1 The public shall be entitled to the fullest and most complete information regarding the affairs of government, compatible with the conduct of government business. To this end, all meetings of all state and local governments shall be preceded by public notice, shall be open to the public, and shall be held in places reasonably accessible to members of the public. (See Wis. Stats. Sections 19.81 and 19.83).

7.2 Any person may, with proper care, examine and copy any official property and records. (See Wis. Stats. Section 19.21).

7.3 The state shall establish a citizens environmental council to educate and advise the general public for the purpose of facilitating effective public awareness on environmental activities. (See Wis. Stats. Section 144.76).

7.4 The Department of Natural Resources shall, upon the verified complaint of six or more citizens, hold a public hearing relating to any alleged or potential environmental pollution. The alleged or potential polluter shall be served with notice of the hearing and the department shall, within 90 days after the hearing, issue findings of fact, conclusions of law and an order. (See Wis. Stats. Section 144.537).

7.5 The state shall establish and provide for a "public intervenor" in the Department of Justice with responsibility and authority to intervene in proceedings where necessary to protect public rights in waters or other natural resources. (See Wis. Stats. Section 165.07 and Part IV, Appendix H of this proposal).

d. Coastal Program Activities

7.6 The Coastal Management Program shall create a broad State Citizens Advisory Committee, with independent staffing, to monitor program implementation and to develop, recommend and sponsor public information, education, and participation programs (see Section II. C. Organization for further discussion).

7.7 The Coastal Management Program shall create regional coastal task forces to facilitate full participation in the program on a continuing basis by interested local parties (see Section II. C. Organization for further discussion).

7.8 The Coastal Management Program shall support public education and awareness of coastal issues and broadly disseminate program materials.

7.9 The Coastal Management Program shall provide appropriate forums to involve and educate citizens on projects and programs which have a significant or controversial impact on coastal resources; subject those projects and programs to public scrutiny and discussion; and make recommendations concerning such projects and programs to appropriate governmental agencies.

7.10 The Coastal Management Program shall encourage Program participants (defined in Glossary) to hold public informational meetings and involve citizens and technical members in issue study, problem identification, proposal development and decision-making.

TABLE 3 - COASTAL ISSUES, POLICIES, AND RELATED GAMC'S AND MANAGED USES

ISSUE 1: COASTAL WATER AND AIR QUALITY

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
1. Coastal Water and Air Quality	General Policies: 1.0 The state policy on coastal water quality shall be to improve the quality and management of the waters of the coastal area; to restore the chemical, physical and biological integrity of its waters; to protect public health, safeguard aquatic life and scenic and ecological values; and to enhance the domestic, municipal, recretional, industrial, agricultural and other uses of water. The state policy on coastal air quality shall be to improve the quality of the air resource through restricting any new air contaminant source and restricting the discharge of hazardous pollutants.		
Specific Issues: 1. The Great Lakes are used for disposal of industrial, shipping and municipal wastes. Non-point sources of pollution, such as agricultural runoff, runoff from construction sites, sedimentation and shore erosion, compound water quality problems.	Specific Policies: 1.1 The elimination of the discharge of pollutants to water shall be the long-range goal of the state. (Federal Water Pollution Control Act Ammendments of 1972, P.L. 92-500 and Wis. Stats. Section 147.01(1)(a)). 1.2 An interim goal is the protection and propagation of fish and wildlife and the maintenance of water quality to allow recreation in and on the water to be achieved by 1983. (Wis. Stats. Section 147.01(1)(b)). 1.3 Discharges of effluents, including industrial, municipal and agricultural wastes, into any waters of the state shall not be allowed if they exceed federal and state water quality standards. (Wis. Stats. Sections 147.015(3) and 147.02, and Wis. Admin. Code NR 221 to 297). 1.4 Disposal in the waters of the state of certain defined pollutants shall be restricted. (Wis. Stats. Section 147.015 (3), 147.02(1), 29.288 and 29.29). 1.5 Water quality standards for rivers emptying into the Great Lakes shall be as high as is practicable. (Wis. Stats. Section 144.025).	Water Based 1 h. Discharges of effluents into coastal waters. (Wis. Stats. Section 147.02, 147.015, 147.02 (3), and Wis. Admin. Code NR 102, 103, 104, 200, 217, and 221 to 297). 1 i. Placing refuse in coastal waters. (Wis. Stats. Section 29.288 and 29.29 (3) and Chapter 144). Land Based 2 c. Siting electrical generating and high voltage transmission facilities. (Wis. Stats. Section 196.491(3)(d)4). 2 d. Constructing sewer and water utility facilities. (Wis. Stats. Section 144.04 and Wis. Admin. Code NR 108.04 and 110).	

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
	1.6 Municipalities shall provide, at a minimum, secondary treatment and effluent disinfection. (1972 P. L. 92-500, Wis. Stats. Section 147.04(3)(a) and Wis. Admin. Code NR 102.04). 1.7 Phosphorus removal from sewage shall be required in municipalities with 2,500 people or more that discharge treated water into Lakes Michigan and Superior and their tributaries. (Wis. Admin. Code NR 102.04). 1.8 Sewer extensions shall be allowed only where adequate treatment capacity exists. (Wis. Admin. Code NR 110.05). 1.9 Thermal discharges shall not raise the receiving water temperatures more than $3^{o}F$ above the existing natural temperature at the boundry of mixing zones. (Wis. Admin. Code NR 102.05).		
2. The increasing presence of toxic substances in the Great Lakes is emerging as a serious water quality problem and health hazard.	1.10 The discharge of toxic pollutants in toxic amounts shall be prohibited. (Wis. Stats. Section 147.01(1)(c)). 1.11 Discharge of inorganic mercury compounds and metallic mercury to the waters of the state shall be regulated and restricted. (Wis. Stats. Section 144.423 and Wis. Admin. Code NR 100.02). 1.12 The sale, distribution, storage, use and disposal of pesticides shall be regulated to protect the public from injury and wild animals from serious hazard. (Wis. Stats. Sections 94.69 and 29.29(4)).	<u>Water Based</u> 1 h. Discharges of effluents into coastal waters. (Wis. Stats. Sections 147.02, 147.015(13), 147.02(3), and Wis. Admin. Code NR 102, 103, 104, 200, 217, and 221 to 297). <u>Land Based</u> 2 p. Using pesticides. (Wis. Stats. Sections 15.195(1), 29.29(4), 94.69, 140.77, 134.67, and Wis. Admin. Code AG 29 and NR 80).	

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
3. Inadequate or malfunctioning private waste or septic systems have created another water quality problem and have caused localized public health problems.	1.13 Lots not served by public sewer shall have area and width restrictions. Based on soil tests, area for one sewage absorption field and area for one replacement system shall be provided. Location of septic tanks near navigable waters shall be restricted. (Wis. Stats. Chapter 236, and Wis. Admin. Code H 62.20, 65, and NR 115).	Land Based 2 e. Using private waste treatment and disposal facilities. (Wis. Stats. Sections 60.315 and 145.045, and Wis. Admin. Code H 62.20 and NR 113). 2 l. Platting subdivisions that create 5 or more lots of 1½ acres or less. (Wis. Stats, Chapter 236 and Wis. Admin. Code H 65).	
4. A number of coastal communities rely on the Great Lakes for their water supply. However, increasing urbanization and industrialization threaten municipal water supplies by making the water unsafe for consumption.	1.14 The state shall establish, administer and maintain a safe drinking water program no less stringent than the requirements of the safe drinking act of 1974, P.L. 93-523. (Wis. Stats. Section 144.025(2)(t)).	Water Based 1 j. Obtaining drinking water. (Wis. Stats. Sections 144.025(2)(e), 144.04, 147.02, 162.01 and 196.02(1), and Wis Admin. Code NR 111 and 112). Land Based 2 o. Obtaining drinking water. (Wis. Stats. Sections 144.025(2)(e), 144.04, 147.02, 162.01 and 196.02(1), and Wis. Admin. Code NR 111 and 112).	
5. High water quality, including its aesthetic qualities, must be maintained to allow recreational use of the Great Lakes to continue.	(Increased pollution and, in some areas erosion and siltation, affect the use of the Great Lakes as a recreational resource; see the first Issues and Problems section in this Issue area for the related policy statements, managed uses and GAMC's).		

ISSUE 1: COASTAL WATER AND AIR QUALITY (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
6. Summertime ozone concentrations and the emission of sulfer into the air are Wisconsin's primary air quality problems. 7. The level of particulates suspended in the air is recognized as a principal statewide air quality problem. 8. Air quality affects water quality, in that up to 25% of the particles in air will settle out or be washed by rain into the Great Lakes.	1.15 No new air contaminant source shall be permitted to be constructed, installed or established which directly or indirectly emits air contaminants that make the air injurious to health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life, without complying with federal and state air quality standards. (Wis. Stats. Sections 144.30 and .39 and Wis. Admin. Code NR 154 and 155). 1.16 Hazardous pollutants shall not be discharged into the ambient air in such quantity, concentration or duration as to be injureous to human health and plant or animal life. (Wis. Admin. Code NR 154 and 155).	Land Based 2 n. Emitting air pollutants from point sources. (Wis. Stats. Sections 144.30(1) and (2), 144.30 to 144.46, and NR 154 and 155).	
	PROGRAM ACTIVITIES 1.17 The program will provide financial assistance to improve implementation and enforcement on existing water and air quality programs where gaps or weaknesses are identified, with emphasis on (a) on-site waste disposal; (b) disposal of hazardous substances; (c) disposal of dredge spoils; and (d) coordination and air quality monitoring. 1.18 The program will encourage consideration of water, air and noise pollution in the development of plans and proposals for program funding. 1.19 The program will perform advocacy functions in monitoring and reviewing changes and additions in water and air quality programs and regulations which impact on coastal resources and people. 1.20 The program will support public awareness and research of (a) factors affecting Great Lakes water quality and supply, with emphasis on the trans-lake shipment of oil and other energy resources; (b) the unique climatic characteristics and limitations of coastal air resources; (c) air as a transmitter of pollutants to Great Lake waters, and (d) the impact of noise on the natural, cultural, and social environment.		

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
2. Natural Areas, Wildlife Habitats and Fisheries	General Policies **2.0** The policy of the state is to conserve and enhance the natural land and water resources of the State by: a. Designating and managing special areas of the State, including scientific areas, state parks, state forests, state wildlife areas, so as to protect and enhance fish and wildlife habitat, forest resources, lakes and streams, recreation resources, and endangered plant and animal species; b. Providing special management attention to the conservation and enhancement of Great Lakes Fisheries resources, by conducting fish rearing, fish stocking, and fisheries research programs; by regulating sport and commercial fishing; by designating certain portions of the Great Lakes as fish habitat protection areas; c. Ensuring that the following activities that are engaged in or are subject to regulation by state agencies are conducted so as to minimize the destruction or degradation of coastal wetlands and to preserve the natural and beneficial values of coastal wetlands and the public interest therein. These activities include: 1) the acquisition, management and disposition of state lands and facilities; 2) construction activities assisted by or directly undertaken by state agencies; and 3) regulation of land and water uses in coastal wetland areas.		

ISSUE 2: NATURAL AREAS, WILDLIFE HABITATS AND FISHERIES (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
Specific Issues: 1. Coastal natural areas, which include forests, lakes, streams, swamps, bogs, and marshlands, are in an increasingly tenuous position. The problem is particularly acute on Lake Michigan, where development threatens to invade the few extensive natural areas left. The same pressures threaten some of the state's coastal farmlands.	Specific Policies: 2.1 State scientific areas, designated for purposes of scientific research, teaching of conservation and natural history, preservation of biotic communities and archeological sites, shall be disturbed as little as possible. (Wis. Stats. Section 23.27 and Wis. Admin. Code NR 45.23). 2.2 State parks are to be established for public recreation and education. These parks will be managed to protect these values and their most logical employment and greatest usefulness. (Wis. Stats. Section 27.01(1) and (2)). 2.3 State forests shall be primarily used for silviculture and growing of recurring forest crops. Recognizing the value of multiple use, they can be designated also for preservation with natural areas receiving a high degree of protection or for recreation with appropriate facilities. (Wis. Stats. Section 28.04). 2.4 Taxation of agricultural land and undeveloped land need not be uniform. Farmland shall be eligible for tax credits through an approved farmland preservation agreement if there is local adoption of approved farmland preservation plans and/or approved exclusive agricultural zoning ordinances meeting state standards. (Article VIII, Sec. 1 of the Wis. Constitution, Wis. Stats. Section 71.09(11), and Chapter 91). 2.13 Natural areas are protected through mandatory county shoreland regulation standards and criteria for unincorporated areas. Building development and uses are limited, special use permits are restricted to qualified activities, and tree cutting regulations are applicable for those areas designated as wetlands. (Wis. Admin. Code NR 115). Also see Issue Area 4--Community Development.	Land Based 2 m. Using rural shorelines. (Wis. Stats. Sections 59.971, 144.26 and Wis. Admin. Code NR 115).	1) Areas of significant natural, scientific, or historical value. 5) Areas for preservation are those natural, scientific, historic, and cultural areas whose unique values warrant preservation.

ISSUE 2 : NATURAL AREAS, WILDLIFE HABITATS AND FISHERIES (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
2. Coastal vegetation and estuaries provide wildlife habitats that are increasingly threatened by pressures similar to those that threaten natural areas.	In addition to the above: 2.5 Hunting is prohibited in state parks except for selective game management of deer. (Wis. Admin. Code NR 10.27). 2.6 State wildlife areas shall be managed for wildlife habitat and public hunting. (Wis. Stats. Section 23.09(2)(d)3). 2.7 The sale, processing and distribution of fish, wildlife and plant life designated by the state and/or the U.S. as endangered, native and foreign species is prohibited. (Wis. Admin. Code NR 27). 2.13 Habitat areas are protected through mandatory county shoreland regulation standards and criteria for unincorporated areas. Building development and uses are limited, special use permits are restricted to qualified activities, and tree cutting regulations are applicable for those areas designated as wetlands. (Wis. Admin. Code NR 115). Also see Issue Area 4--Community Development.	Water Based 1 h. Discharges of effluents into coastal waters. (Wis. Stats. Sections 147.015(13), 147.02, 147.25 and Wis. Admin. Code NR 102, 103, 104, 200, 217, and 221 to 297). Land Based 2 m. Using rural shorelines. (Wis. Stats. Sections 59.971, 144.26, and Wis. Admin. Code NR 115).	1) Areas of significant natural, scientific, or historical value. 5) Areas for preservation are those natural, scientific, historic, and cultural areas whose unique values warrant preservation.
3. Great Lakes fisheries are endangered due to poor water quality and the presence of toxic substances. There is also a need for adequate protection of spawning grounds.	2.8 Special regulations are applicable to designated state trout streams. (Wis. Stats. Section 30.19 and Wis. Admin. Code NR 102). 2.9 State fish management areas shall be designated and managed to assure protection and perpetuation of all species, foster and promote the preservation of required habitat for all species. (Wis. Admin. Code NR 1.01). 2.10 State fish management easements shall provide public access for public fishing. A permit will be required in these areas for removal of trees, shrubs, altering topography and erecting new structures. (Wis. Stats. Section 23.09(2)(d)). 2.11 The state shall create and maintain a sport fishery through programs of fish breeding, rearing, and stocking, and resources research. (Wis. Stats. Section 23.09 and Wis. Admin. Code NR 1.01).	Water Based 1 k. Harvesting fish for commerce or sport. (Wis. Stats. Sections 29.01, 29.085, 29.09, 29.30 and 29.33, and Wis. Admin. Code NR 20).	1) Areas of significant natural, scientific, or historical value. 5) Areas for preservation are those natural, scientific, historic, and cultural areas whose unique values warrant preservation.

ISSUE 2: NATURAL AREAS, WILDLIFE HABITATS AND FISHERIES (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
	2.12 Sport and commercial fishing shall be regulated and commercial fishing shall be prohibited in designated state fish refuges. (Wis. Stats. Section 29.085, 29.14, 29.145, 29.166, 29.30, 29.33, and 29.36 and Wis. Admin. Code NR 26.23).		
	PROGRAM ACTIVITIES 2.14 The program will provide financial assistance to improve the implementation and enforcement of existing programs which manage uses with a significant impact on the coastal environment where gaps or weaknesses are identified. Particular attention would be given to Great Lakes fisheries resources, coastal wetlands, and other areas of natural and scientific value. 2.15 The program will support local and state agency efforts to identify and designate areas of significant natural and scientific value and develop specific management policies for each area. 2.16 The program will provide financial and technical assistance to state and local agencies to implement the specific management policies for these designated areas. 2.17 The program will support the accelerated collection of data on soils, geology, hydrology, topography, and other where needed for coastal management decisions. 2.18 The program will support public awareness and education efforts tied to areas of significant natural and scientific value.		

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
3. Coastal Erosion and Flood Hazard Areas	General Policies: 3.0 It is the state's policy to mitigate risks to public health and safety and risks of property damage in areas subject to natural hazards by: a. Providing that all development in areas subject to serious flooding will not materially alter the natural capacity of the lake or river so that the magnitude of floods will be intensified, or expose citizens to hazards or cause future public expenditures for flood disaster relief. b. Regulating those earth moving, devegetation, and construction activities now reviewed by State agencies so as not to accelerate the rate of shoreline erosion or bluff recession.		
Specific Issues: 1. A number of shore properties have suffered and are facing severe property damage due to shore erosion. 2. Shore erosion and sedimentation can damage lake aesthetics, may damage fish habitat and may increase water treatment maintenance and dredging costs.	Specific Policies: 3.2 Within unincorporated areas a setback of 75 ft. from the ordinary high water mark shall be required, unless an existing development pattern exists. (Wis. Stats. Sections 54.971 and 144.26, and Wis. Admin. Code NR 115). 3.5 Rip rap or other similar material for protecting stream banks or lake shore from erosion shall not materially impair navigation or damage fish and game habitat. (Wis. Stats. Section 30.12(2)(b)).	Water Based 1 g. Placing structures upon the bed of the Great Lakes or other navigable coastal water. (Wis. Stats. Section 30.12(1) and (2)). Land Based 2 a. Grading or removing top soils which disturbs 10,000 sq. feet or more of the banks of the Great Lakes or other navigable coastal water. (Wis. Stats. Sections 30.19 and 144.30(9)). 2 m. Using rural shorelands. (Wis. Stats. Sections 59.971 and 144.26, and Wis. Admin. Code NR 115).	3) Hazard areas are those areas prone to sever erosion and/or flooding that may impose danger to public use or substantial immediate or future public costs.

ISSUE 3: COASTAL EROSION AND FLOOD HAZARD AREAS (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
3. Flooding is a serious concern along the west and south shores of Green Bay. Serious flooding has caused localized hazards to safety as well as property damage.	3.1 Counties, cities and villages shall adopt reasonable and effective flood plain zoning ordinances for those parts of their jurisdiction subject to serious flood damage. These ordinances shall provide that no buildings be constructed in floodways and that inconsistent development be prohibited in flood plains. (Wis. Stats. Section 87.30 and Wis. Admin. Code NR 116). 3.2 Within unincorporated areas a setback of 75 ft. from the ordinary high water mark shall be required, unless an existing development pattern exists. (Wis. Stats. Sections 54.971 and 144.26, and Wis. Admin. Code NR 115). 3.3 Solid waste disposal sites and facilities are prohibited in floodplains and within the jurisdiction of shoreland regulations. (Wis. Stats. Section 144.045 and Wis. Admin. Code NR 115). 3.4 Subdivision plats, buildings, structures, roads, sanitary or other facilities which are reviewed by state agencies and which are in existing and potential flood hazard areas shall be prevented from exposing citizens to unnecessary hazards or cause future public expenditures for flood disaster relief. (Executive Order No. 67).	Land Based 2 b. Placing structures in flood prone areas. (Wis. Stats. Section 87.30 and Wis. Admin. Code NR 116). 2 m. Using rural shorelands. (Wis. Stats. Sections 59.971 and 144.26, and Wis. Admin. Code 115).	3) Hazard areas are those areas prone to sever erosion and/or flooding that may impose danger to public use or substantial immediate or future public costs.
4. Fluctuating lake levels, increasing erosion during periods of high water, is one of Wisconsin's most visible coastal problems.	Control of lakes is beyond the reach of any state program and can only be addressed in a limited sense by international bodies. (See coastal program activities).		

ISSUE 3: COASTAL EROSION AND FLOOD HAZARD AREAS (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
	PROGRAM ACTIVITIES 3.6 The program shall support local and state efforts to identify and designate hazard areas as areas of special management concern and develop specific management policies for each and shall provide financial and technical assistance to local and state agencies to implement those policies for designated areas. 3.7 The program shall support research and public education on the dangers associated with these hazards in the form of technical analysis of data, and recommendations for structural and non-structural alternatives to alleviate erosion impacts, coordinating fully with the UW-Sea Grant College Program, the Wisconsin Geologic and Natural History Survey, and the Department of Natural Resources and soil and water conservation districts. 3.8 The program shall advocate and coordinate Wisconsin concerns about flood and erosion hazards with the Flood Insurance Administration of the U.S. Department of Housing and Urban Development and the U.S. Army Corps of Engineers.		

ISSUE 4: COMMUNITY DEVELOPMENT

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
4. Community Development	General Policies: 4.0 The state's policy on coastal community development shall be to ensure the orderly and balanced development of coastal communities, giving full consideration to economic, ecological, human resource, cultural, historic, recreational, aesthetic values, and existing and future needs by: a. Requiring local ordinances that ensure the efficient use, conservation, development and protection of the state's coastal resources in rural areas; b. Ensuring that subdivisions are laid out in an orderly fashion, are properly surveyed, and make adequate provision of public access to coastal waters; c. Ensuring that the state's significant historic, archetectural and archeological resources are identified, recognized and protected in all state activities and that efforts are undertaken to ameliorate any potential advese effects caused by state action. d. Designating and aiding in the restoration of blighted water front areas so as to protect and enhance public safety, aesthetics, and economic well-being; e. Acquiring additional recreational lands in heavily populated areas of the state; and f. Ensuring that shoreland alterations are not detrimental to fish and wildlife habitat, navigation, flood flow capacity or the public interest.		

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
Specific Issues: 1. There is a need for balanced community growth to reduce wasteful sprawl development, assure the adequate provision of community services and protect aesthetic values. This need is particularly strong in rural, largely undeveloped areas.	Specific Policies: 4.1 All coastal counties shall adopt and enforce management programs for all unincorporated coastal shorelands. These programs shall: maintain safe and healthful conditions; prevent and control water pollution; protect fish and aquatic life, particularly spawning grounds, control land uses, placement of structures, and building sites; reserve and protect shore cover; and protect natural beauty. (Wis. Stats. Sections 59.971 and 144.26 and Wis. Admin. Code NR 115). 4.2 All subdivisions creating five or more lots of one and one-half acres or less within a five year period shall meet state standards on surveying, lot size and street width and connections. (Wis. Stats. Chapter 236, and Wis. Admin. Codes LAD 1,2, H 65, and Hy 33). 4.3 Grading or exposing top soil in excess of 10,000 sq. feet on the banks of any body of navigable water shall not be permitted if it contaminates or renders unclean or impure the air, land or waters of the state, is deleterious to fish, bird, animal or plant life or habitat, or materially injures the rights of riparian owners. (Wis. Stats. Sections 30.19 and 144.30(a)).	Land Based 2 a. Grading or removing top soil which disturbs 10,000 sq. ft. or more of the banks of the Great Lakes or other navigable coastal water. (Wis. Stats. Sections 30.19 and 144.30(a)). 2 l. Platting subdivisions that create five or more lots of 1½ acres or less. (Wis. Stats. Chapter 236). 2 m. Using rural shorelines. (Wis. Stats. Sections 59.971, 144.26 and Wis. Admin. Code NR 115).	
2. The increasing economic and physical development of the coastal area is threatening to alter or destroy areas of historic, cultural, and archeological significance; still other areas face continued decay as a result of neglect.	4.4 The State Historical Society shall engage in a comprehensive program of historic preservation for the education, inspiration and enrichment of citizens. This program shall include preparation of a state historical plan, provision of technical assistance to local governments, and conduct a survey to identify and document historic properties. (Wis. Stats. Section 44.22).	Land Based 2 f. Developing state owned facilites. (Wis. Stats. Section 13.48, 20.710, 20.924 and Chapter 18).	1) Areas of significant natural, scientific, or historical value. 5) Areas for preservation are those natural, scientific, historic, and cultural areas whose unique values warrant preservation. 6) Areas for restoration are those areas that should be restored to an earlier or improved condition.

ISSUE 4: COMMUNITY DEVELOPMENT (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
	4.5 The state long-range public building program shall recognize the importance of historic properties and may include a program of preservation and restoration of those historic properties under state control. (Wis. Stats. Section 44.22). 4.6 The State Historical Society shall review and comment upon the actions of any state agency that may have an adverse effect upon historic properties, and shall seek the amelioration of any adverse effects. (Wis. Stats. Sections 1.11 and 44.22).		
3. In some communities waterfronts suffer from safety hazards and blight due to obsolescent structures or waterfront deterioration.	4.7 State aesthetic resources shall be protected and enhanced through the regulation of billboards, the screening of junkyards, the purchase of scenic easements, the development of parkways, and the establishment and operation of a Rustic Roads program. (Wis. Stats. Sections 83.42, 84.09, 84.105, 84.30 and 84.31).	Land Based 2 q. Using outdoor advertising. (Wis. Stats. Sections 86.19, 86.191 and 84.30).	6) Areas for restoration are those areas that should be restored to an earlier or improved condition.
4. The demand for public access to the lakes has outstripped the supply, especially in urban areas. There is a need for expanded and improved recreational facilities and services.	4.8 Public access of at least 60 feet width shall be provided at not less than one-half mile intervals by all subdivisions abutting navigable lakes or streams. Once provided, public access to navigable waters shall not be discontinued without state approval. (Wis. Stats. Sections 80.41 and 236.16(3)). 4.9 The state shall establish a state park system and shall give principal emphasis to the acquisition of recreational lands in the heavily populated areas of the state and in places readily accessible to such areas. (Wis. Stats. Sections 23.09, 23.091, 27.01 and Wis. Admin. Code NR 1.04). 4.10 Local communities shall be encouraged to provide local recreational and educational opportunities. (Wis. Stats. Section 23.30).	Land Based 2 1. Platting subdivisions that create five or more lots of 1½ acres or less. (Wis. Stats. Chapter 236).	1) Areas of significant natural, scientific, or historical value.

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
5. Community development frequently requires shoreland alterations. If not properly carried out, such activities may disturb water quality, disrupt fish and wildlife habitats, obstruct navigation or increase shore erosion rates.	4.3 Grading or exposing top soil in excess of 10,000 sq. feet on the banks of any body of navigable water shall not be permitted if it contaminates or renders unclean or impure the air, land or waters of the state or makes the same injurious to public health or harmful for commercial or recreational use, is deleterious to fish, bird, animal or plant life or habitat, or materially injures the rights of riparian owner. (Wis. Stats. Sections 30.19 and 144.30(a)). 4.11 Dredging, filling, placing structures upon, and removing materials from the bed of navigable waters shall not be allowed if it damages the public interest, is deleterious to fish or game habitat, materially obstructs navigation or reduces effective flood flow capacity. (Wis. Stats. Sections 30.12 and 30.20). 4.12 Enlarging the course of a navigable water, constructing an artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway or connecting an artificial waterway with an existing body of navigable water shall not be allowed if it damages the public's interest in the waters, is deleterious to fish or game habitat, materially obstructs navigation, or reduces effective flood flow capacity. (Wis. Stats. Section 30.19).	Water Based 1 a. Removing materials from lake beds. (Wis. Stats. Sections 30.20(2)(a) and (c)). 1 b. Mining of metallic minerals. (Wis. Stats. Sections 144.80 to .94, 24.39 and Wis. Admin. Code NR 130 and 131). 1 c. Enlarging the course of a Great Lake or other navigable coastal water. (Wis. Stats. Section 30.19). 1 d. Constructing an artificial waterway within 500 feet of a Great Lake or other navigable coastal water. (Wis. Stats. Section 30.19(1)(a)). 1 e. Connecting an artificial waterway to a Great Lake or other navigable coastal water. (Wis. Stats. Section 30.19(1)(b)). 1 f. Depositing any materials in the Great Lakes or other navigable coastal water. (Wis. Stats. Sections 30.12 and 30.11(2)). 1 g. Placing any structures upon the bed of the Great Lakes or other navigable coastal water. (Wis. Stats. Sections 30.12(1) and (2)). Land Based 2 a. Grading or removing top soil which disturbs 10,000 sq. feet or more of the banks of the Great Lakes or other navigable coastal water. (Wis. Stats. Sections 30.19 and 144.30(9)).	2) Areas especially suited for water related economic development.

ISSUE 4: COMMUNITY DEVELOPMENT (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
	PROGRAM ACTIVITIES 4.13 The program will provide financial and technical assistance to local governments to improve their coastal management capabilities, with emphasis on staff training, ordinance revision, data collection and analysis, and county shoreland zoning. 4.14 The program will provide financial assistance to local governments to implement the specific management policies of designated areas. 4.15 The program will support local governmental efforts to identify and designate areas of significant natural, recreational, scientific, cultural, or historic value and develop specific management, preservation or restoration policies for each area, with emphasis on recreation access and blight. This effort will be coordinated with the program referenced in policy 4.4. 4.16 The program will support public awareness and involvement in resolving local community coastal problems, with emphasis on the special needs of, or barriers to, low-income, elderly, handicapped, and minority groups in coastal plans and proposals.		

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
5. Economic Development	General Policies: 5.0 The state's policy on economic development shall be to stimulate desirable economic development that broadens the coastal area economy and to encourage the designation and reservation of areas of significance to activities requiring a coastal location by: a. Providing special planning, management and promotional attention to Great Lakes port and transportation issues; b. Coordinating, stimulating and promoting the orderly and environmentally sound provision of business and tourism facilities; and c. Managing the planning for and siting of electrical generating and transmission facilities so as to ensure protection of water quality, public and riparian rights and orderly land use.		
Specific Issues: 1. There is a concern in many coastal communities for balanced and increased economic development, which is not solely dependent on resources and recreation-tourism and is compatible with the local environment, the labor force, local economic needs, and existing facilities.	Specific Policies: 5.1 The state shall promote business and industrial development so as to broaden and strengthen the state's economy. (Wis. Stats. Sections 560.03 and 560.23). 5.2 The state shall locate and maintain information on prime industrial sites. (Wis. Stats. Section 560.23). 5.4 The state shall promote travel to Wisconsin's scenic, historic, natural, agricultural, educational, and recreational attractions. (Wis. Stats. Section 560.23). 5.5 The orderly and ecologically sound development of commercial tourist facilities shall be coordinated and stimulated by the state. (Wis. Stats. Section 560.23(1)(f)).		1) Areas of significant natural, recreational, scientific, or historical value. 2) Areas especially suited for water related economic development.

ISSUE 5: ECONOMIC DEVELOPMENT (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
	5.12 The state shall prepare and maintain contingency plans for responding to critical energy shortages so that when the shortages occur, they can be dealt with quickly and effectively. (Wis. Stats. Section 16.95).		
2. Competition for shore property can exclude those uses that can only be sited at the water's edge. The relatively few areas which meet the special needs of harbors need to be set aside for these uses. While few shoreland uses are exclusive, many are incompatible with surrounding uses and with the capability of the land, air, and water to support them. Adequate consideration must be given to the impact of losing unique agricultural, mining, and forestry lands and conversion of areas especially suited to other uses.	5.2 The state shall locate and maintain information on prime industrial sites. (Wis. Stats. Section 560.23). 5.6 The state shall protect forests from destruction and premature cutting through planned development and sound forestry practice, giving full recognition to the concept of multiple use to assure maximum public benefits. (Wis. Stats. Secion 28.04, 28.11 and 77.01). 5.7 The state shall provide tax relief to those agricultural areas subject to approved local exclusive agricultural zoning or subject to farmland preservation contracts. (Wis. Stats. Section 71.09(11) and Chapter 91). 5.11 Once a state permit for construction of electrical generating or transmission facilities has been issued, local ordinances shall not preclude or inhibit the installation or utilization of the facility. (Wis. Stats. Section 196.491).	Land Based 2 c. Siting of electrical generating and high voltage transmission facilities. (Wis. Stats. Section 196.491).	2) Areas especially suited for water related economic development. 3) Areas approved as power plant sites.

ISSUE 5: ECONOMIC DEVELOPMENT (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
3. A number of the state's ports and harbors have been declining or stagnating. Since they are important to the economic well-being of Wisconsin, they should be maintained, modernized and promoted.	5.3 The state shall promote a balanced transportation system that includes highway, rail, water travel and other facilities adequate to meet public needs. (Wis. Stats. Sections 85.02, 194.02, 195.199, and Chapter 196). 5.8 The state will formulate and coordinate a program of port planning, promotion, and development. (Wis. Stats. Sections 560.03 and 560.04). 5.9 Buoys and beacons necessary for free navigation shall not be unlawfully disturbed or interfered with. (Wis. Stats. Sections 30.15 and 30.17).	Land Based 2 h. Laying out, altering, or discontinuing highways. 2 i. Disturbing bridges. (Wis. Stats. Section 86.07 and Wis. Admin. Code NR 320). 2 j. Abandoning any rail line or service. (Wis. Stats. Section 195.199). 2 k. Constructing or establishing a new airport. (Wis. Stats. Section 114.134).	2) Areas especially suited for water related economic development.
4. The potential discontinuation of cross-lake ferry service would increase shipping rates and reduce tourism.	5.3 The state shall promote a balanced transportation system that includes highway, rail, water travel and other facilities adequate to meet public needs. (Wis. Stats. Sections 85.02, 194.02 195.199, and Chapter 196).		
5. The shoreline is attractive for power plant sites. The local economic impact of power plant location can be significant.	5.10 The state shall require advance planning for and shall regulate the siting of electirical generating and transmission facilities. (Wis. Stats. Sections 30.025 and 196.491 and Wis. Admin. Code PSC 111). 5.11 Once a state permit for construction of electrical generating or transmission facilities has been issued, local ordinances shall not preclude or inhibit the installation or utilization of the facility. (Wis. Stats. Section 196.491). 5.12 The state shall prepare and maintain contingency plans for responding to critical energy shortages so that when the shortages occur, they can be dealt with quickly and effectively. (Wis. Stats Section 16.95).	Land Based 2 c. Siting of electrical generating and high voltage transmission facilities. (Wis. Stats. Section 196.491).	4) Areas approved as power plant sites.

ISSUE 5: ECONOMIC DEVELOPMENT (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
	PROGRAM ACTIVITIES 5.13 The program will seek to improve the implementation and enforcement of existing state regulatory and management programs which influence the economic well-being of citizens along the Great Lakes. 5.14 The program will provide financial assistance to state and local agencies to implement the specific management policies of designated economic areas and improve the implementation of existing programs to broaden the economic base of communities with desirable diversifications of industry and to effectively manage coastal land and water resources which influence community development. 5.15 The program will seek to improve the coordination of policies which affect the economies of coastal areas. 5.16 The program will support state and local government efforts to (1) identify and designate areas especially suited for water-related economic development and power plant sites approved through the power plant siting process of the Public Service Commission and (2) develop specific management policies for each. 5.17 The program will support local government efforts that consider in their coastal plans and programs the concept that waterfront locations be kept available for activities which need such locations and that unnecessary development not consume coastal resources particularly suited to other uses. 5.18 The program will support local government efforts to locate new coastal development adjacent to existing areas which can provide adequate public services. 5.19 The program will advocate the role of the Great Lakes ports both within the state and at the national level. 5.20 The program will support research and public education about the economic base of coastal areas.		

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
6. Government Interrelationships	General Policies: 6.0 The state policy on government interrelationships shall be to ensure intergovernmental communication, cooperation and coordination on all aspects of coastal management through: a. Creating and operating an interagency, intergovernmental Coastal Management Council with representation from all directly affected agencies and levels of government and citizens within the state; b. Creating and maintaining technical/citizen committees to ensure coordination of specific projects and programs; c. Maintaining a workable system of interagency reviews and comments on coastal program activities; and d. Requiring state and federal agencies to, through the clearinghouse process or other appropriate mechanism, consult with and obtain comments of other agencies with respect to any significant environmental impact involved in their major actions.		
Specific Issues: 1. There are many programs and laws, spread among many agencies and levels of government, that apply to the coastal area. There is a strong need for improved coordination and communication on specific programs and projects, especially at the policy level.	Specific Policies: 6.1 A Wisconsin Coastal Management Council will be created with representation from state agencies, local governments, tribal governments, the University System and the public to oversee program operations and activities. (Chapter II, Organization for Program Implementation). 6.2 The state shall evaluate the plans of all state agencies, identify both duplication and program gaps in the plans and measure the agency plans with the state goals enacted by the Governor and the legislature. (Wis. Stats. Section 16.95).		

ISSUE 6: GOVERNMENTAL INTERRELATIONSHIPS (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
	6.3 Structural reorganization of state government shall be a continuing process, with the goals of assuring responsiveness to popular control, improved public understanding of government, and efficient and effective administration of state policies, including improved management and coordination of state services and elimination of overlapping activities. (Wis. Stats. Section 15.001 and 16.001). 6.4 All state agencies shall prepare detailed statements on the environmental and economic impacts of all major actions significantly affecting the quality of the human environment. Prior to making such statements the agency shall consult with any other agency that has jurisdiction or special expertise with respect to any environmental impact involved. (Wis. Stats. Section 1.11).		
2. There is a strong concern about the paperwork and time-consuming procedures that accompany many government programs. A need has been suggested for streamlined procedures and a clearinghouse for information on regulatory programs.	6.5 All agencies shall study, develop and describe appropriate alternatives to their actions referenced in policy 6.4 that involve unresolved conflicts concerning alternative uses of available resources. (Wis. Stats. Section 1.11). See 6.11 of program activities.		

ISSUE 6: GOVERNMENTAL INTERRELATIONSHIPS (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
3. Given Wisconsin's 'home-rule status' citizens and local governments are concerned in maintaining a degree of local control in governmental decision-making. Even citizens who favor a strong state coastal management program are concerned that actual implementation takes place as close to the local level as possible.	6.6 The state shall foster closer cooperation and coordination between state and local government and encourage a pattern of state-local relationships that facilitates effective development and utilization of state and local resources in meeting citizen needs. (Wis. Stats. Section 22.03). 6.7 State agencies and localities shall mutually cooperate to enhance the quality, management and protection of the state's air, land, and water resources. (Wis. Stats. Section 144.31).		
4. The Great Lakes remain an underrepresented "national coast" at the federal level, added as an afterthought in the final stages of passage of the 1972 federal Coastal Zone Management Act.	See 6.12 of the program activities.		
	PROGRAM ACTIVITIES 6.8 The program will use existing review processes (A-95, NEPA, and WEPA) to ensure coordination of federal, state, and local policies and programs. 6.9 The program will improve coordination with adjacent Great Lakes states and federal agencies with continuing programs affecting Lakes Michigan and Superior. 6.10 The program will improve information flow and coordination of policies related to key coastal areas and uses and with emphasis on streamling procedures and eliminating duplication or conflicting efforts.		

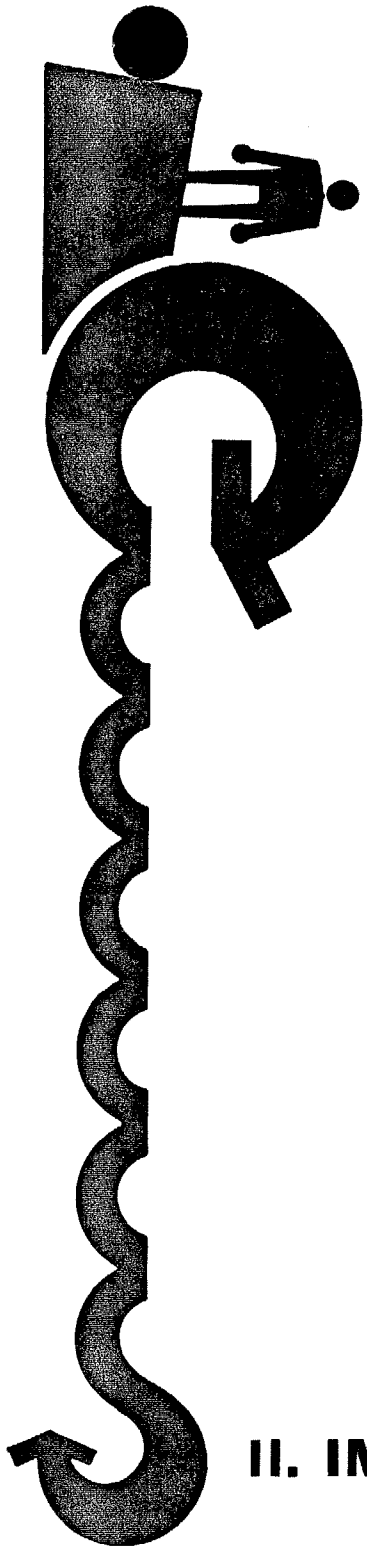
ISSUE 6: GOVERNMENTAL INTERRELATIONSHIPS (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
	6.11 The program will support tribal governments in their efforts in coastal management. **6.12** The program will perform advocacy functions in seeking increased policy recognition of the Great Lakes in policy by all levels of government, with emphasis on the federal level.		

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
7. Public Involvement	General Policies: 7.0 The state's policy on public involvement shall be to provide citizens with full opportunities for early and continuous involvement in coastal management through effective communication and participation.		
Specific Issues: 1. There is a need for increased public awareness and understanding of coastal issues. There is also a need for provision of adequate information on the scope of coastal issues and options for addressing those issues.	Specific Policies: 7.1 The public shall be entitled to the fullest and most complete information regarding the affairs of government, compatible with the conduct of government business. To this end, all meetings of all state and local governments shall be preceded by public notice, shall be open to the public, and shall be held in places reasonably accessible to members of the public. (Wis. Stats. Sections 19.81 and 19.83). 7.2 Any person may, with proper care, examine and copy any official property and records. (Wis. Stats. Section 19.21). 7.3 The state shall establish a citizens environmental council to educate and advise the general public for the purpose of facilitating effective public awareness on environmental activities. (Wis. Stats. Section 144.76).		
2. There is a need for increasing and improving the opportunities of citizens and public interest groups to effectively participate in governmental decision-making on coastal issues.	7.4 The Department of Natural Resources shall, upon the verified complaint of six or more citizens, hold a public hearing relating to any alleged or potential environmental pollution. The alleged or potential pollution shall be served with notice of the hearing and the department shall, within 90 days after the hearing, issue findings of fact, conclusions of law and order. (Wis. Stats. Section 144.537). 7.5 The state shall establish and provide for a "public intervenor" in the Department of Justice with responsibility and authority to intervene in proceedings where necessary to protect public rights in waters or other natural resources. (Wis. Stats. Section 165.07 and Part IV, Appendix H of this proposal).		

ISSUE 7: PUBLIC INVOLVEMENT (CONT.)

ISSUES AND PROBLEMS	RELATED POLICY STATEMENTS	RELATED MANAGED USES	RELATED GAMC's
	PROGRAM ACTIVITIES 7.6 The program shall create a broad State Citizens Advisory Committee, with independent staffing, to monitor program implementation and to develop, recommend and sponsor public information, education, and participation programs. (See Section II. C. Organization). 7.7 The program shall create regional coastal task forces to facilitate full participation in the program on continuing basis by interested local parties. (See Section II. C. Organization). 7.8 The program shall support public education and awareness of coastal issues and broadly disseminate program materials. 7.9 The program shall provide appropriate forums to involve and educate citizens on projects and programs which have a significant or controversial impact on coastal resources; subject those projects and programs to public scrutiny and discussion; and make recommendations concerning such projects and programs to appropriate governmental agencies. 7.10 The program will encourage program participants to hold public informational meetings and involve citizens and technical members in issue study, problem identification, proposal development and decision-making.		



II. IMPLEMENTING A COASTAL MANAGEMENT PROGRAM IN WISCONSIN

II. IMPLEMENTING A COASTAL MANAGEMENT PROGRAM IN WISCONSIN

A. OVERVIEW

1. Underlying concerns and assumptions

This program proposal is based on the premises that Wisconsin's coastal resource is valuable and worth saving for future generations; that there is a strong public concern about the wise use of this delicate and increasingly threatened resource; and that existing management of the Wisconsin coastal resource can and should be improved.

There are coastal areas that, because of their unique or vulnerable nature, need special management attention. Likewise, there are certain uses of coastal lands and waters that, because of the significant impact these uses have on the coastal environment, need special management attention. The state should assure that these key areas and uses are properly managed.

In designing a management program to meet these concerns, it must be recognized that both state and local governments play important roles in determining the future of the coastal area. State government has a number of basic responsibilities, such as stewardship of the public's interests in the waters of the state. Local governments also have important responsibilities for the detailed management of their coastal areas. This suggests the need for a strengthened state-local partnership for coastal management. The state, through a coastal management program, can improve its ability to address state-level interests in the management of key geographic areas and key land and water uses. Through a strong program of technical and financial assistance, the ability of local governments to address local coastal concerns can also be enhanced.

Another basic assumption used in program design is that strong public participation is essential to effective coastal management. A program designed without fully considering citizen concerns is quite unlikely to be successful. Furthermore, beyond the question of program success, this proposal is based on the belief that the public has a right to participate in the making of governmental decisions that affect their lives.

A final assumption of this program proposal is that the emphasis should be upon making existing management tools work better, not upon creating a new set of rules, regulations, and bureaucracies. Until government does an adequate job of meeting its existing responsibilities, it should not seek new ones. The pressing needs now are for improved coordination, better enforcement, and a strong advocacy of the wise and balanced use of the coastal environment.

2. Focus state attention on key coastal areas and uses

In designing a coastal management program proposal, the Coastal Coordinating and Advisory Council determined that state government should focus its attention on the management of key coastal areas and uses.

Areas of significant natural, recreational, scientific or historical value, areas especially suited for water related economic development, areas that are hazardous for development, and approved power plant sites should be carefully managed. To assist this management, key areas will be specifically designated as being of management concern to the state, either for general management or as suitable for preservation or restoration.

State-level management concern should also be focused on those land and water uses that have a "direct and significant" impact upon the coastal environment. The purpose of identifying these key uses is to ensure that those activities which have the greatest influence on the future condition of Wisconsin coasts are thoughtfully located and managed.

To further assist in focusing the program, the coastal management program area will be limited to the state's water areas of Lake Michigan, Lake Superior, Green Bay and the land area of the fifteen adjacent counties.

3. A new Wisconsin Coastal Management Council

A new Coastal Management Council will be established to direct this program.

This new Coastal Management Council will not take over existing agency programs, will issue no permits, and will own no land. It will provide coordination, assistance to state agencies to improve their implementing responsibilities, and assistance to localities to help improve their local management capabilities. Perhaps most importantly it will also provide a strong voice that considers the coastal resource in its entirety and advocates its wise and balanced use.

The membership of this new Coastal Management Council will contain state government, local government, and publicly oriented members. In addition, to promote full cooperation and coordination, representatives of Wisconsin's two coastal Indian Tribal governments will be invited to participate as full Council members.

4. Roles of existing governmental agencies

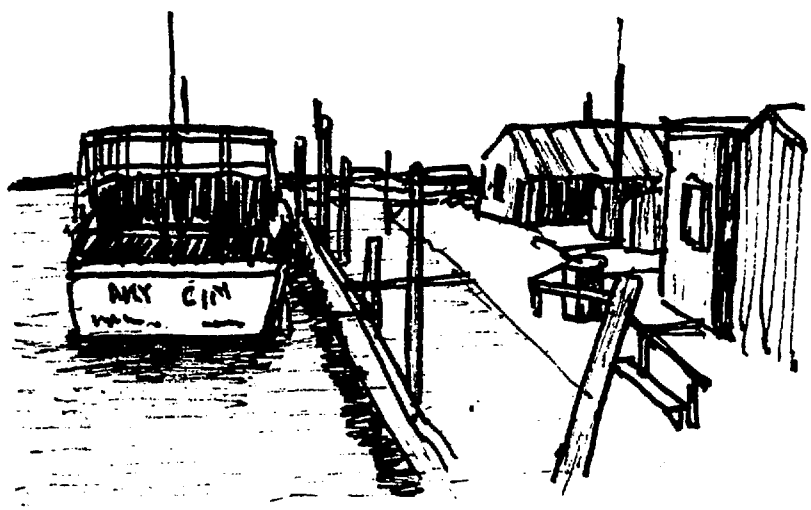
Under this program proposal, existing state agencies will continue to carry out their individual coastal management responsibilities. However, in so doing, they will be directed to act in a consistent and coordinated fashion.

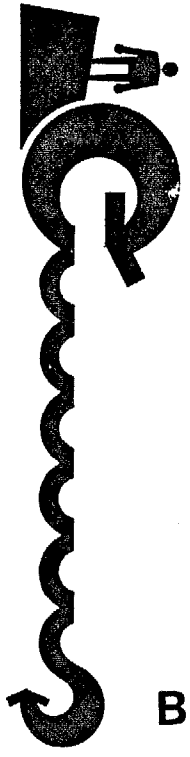
Local governments will continue their role of local coastal planning and management. There will be no state take-over of local concerns. The program will make technical and financial assistance available to those communities desiring such assistance.

5. Public involvement in a management program

Strong public participation must be an essential element of the coastal management program proposal.

To facilitate this involvement, a state Citizens Advisory Committee with independent staffing will be established to monitor initial program implementation and develop public education and public participation programs. In addition, regional coastal task forces will be established to facilitate full participation in the program on an on-going basis by interested local parties.





B. MANAGING KEY COASTAL RESOURCES AND DEVELOPMENT ACTIVITIES

B. MANAGING COASTAL RESOURCES AND DEVELOPMENT

1. Geographic Areas of Management Concern

a. Overview

As noted above, a primary emphasis for a coastal management program in Wisconsin will be to focus new attention on certain key geographic areas. Because of their unique, scarce, fragile, or vulnerable character, the program will single them out for special attention.

A broad public nomination process will be established to identify potential geographic areas of management concern. Thereafter the coastal management program will work with the state agencies and localities who will be managing the areas to specifically define the geographic bounds of the areas and lay out definite management policies for them. After designation the coastal management program will provide technical and financial assistance to the managing bodies to aid their implementation of the set management policies.

b. Standards for areas of management concern

As noted above, this program proposal envisions formal designation of areas of management concern. In determining what types of areas should be eligible, the Coordinating and Advisory Council conducted a number of inventories (see Bibliography) and fully considered the criteria set forth in 15 C.F.R. 920.13. This particular section addresses the questions of: (1) what types of areas may be designated; (2) where these areas can be located; (3) what type of management policies must be devised for the areas; and, (4) what the duration of designation is.

Types of areas

There are six basic categories of areas proposed:

(1) Areas of significant natural, recreational, scientific, or historic value. Examples include state and local parks, forests, scientific and natural areas, and properties listed in or eligible for the National Register of Historic Places (see Appendix H, II.A.).

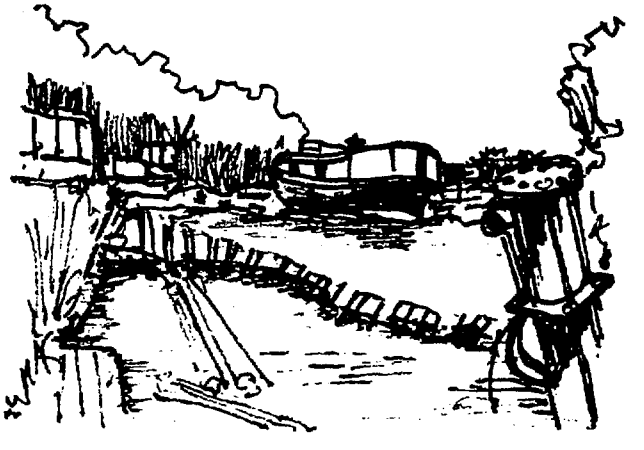
In natural and scientific areas, uses of the highest priority will be non-structural, non-intensive uses that are water dependent. Uses of the lowest priority would include those non-water dependent, non-water enhanced activities which would result in an irretrievable commitment of coastal resources. In recreational and historic areas, use of the highest priority will be those water dependent uses consistent with those values. Specific allowable uses within the GAMCs under this category would be governed by the statutes and administrative codes applicable to state and local parks, forests, etc.. In state recreation areas use zones may be established to regulate the type and intensity of activities within each zone.

(2) Areas especially suited for water related economic development. Examples include marina, port, water-intake and shipbuilding facilities.

Uses of the highest priority shall be water dependent economic activities. The lowest priority will be placed on those activities that are non-water related and result in irretrievable commitments of coastal resources.

(3) Hazard areas, which are those areas prone to severe erosion and/or flooding that may impose danger to public use or immediate or future substantial public costs.

The highest use priority in these areas would be assigned to those activities that do not impose immediate or future substantial costs due to geologic, soil, or flood conditions. Any development should be so constructed as to avoid creating new hazards or increasing existing hazards. Uses of the lowest priority includes those activities that are non-water dependent or non-water enhanced, create new or increase existing hazards and result in irretrievable losses of coastal resources.



(4) Specific areas within the Coastal Management Program area identified as future power plant sites in Advance Plans approved by the Public Service Commission Pursuant to the Wisconsin Power Plant Siting Act. Nomination of such future power plant sites as GAMCs would be automatic upon approval of an Advance Plan specifically identifying and analyzing such sites pursuant to Stat. 196.491(2) and PSC 111.24. It should be noted that power plants are also one of the program's managed uses (see managed use 2c). If applicable PSC certificates and DNR permits have been secured, this GAMC designation process will not be used to delay approved utility activities.

Uses receiving the highest priority would be bulk electric generating facilities. Once GAMC has been approved as a power plant site all other incompatible uses would be precluded from locating on that site.

(5) Those natural, scientific, historic, and cultural areas whose unique value warrants preservation, would be termed Areas for Preservation. The criteria of the Scientific Areas Preservation Council could be used as a guide for some areas, and areas of historic or cultural value should be assessed against the National Register "Criteria for Evaluation". In Areas for Preservation, protection of the integrity of those elements that make the area significant would be paramount. Although preservation strategies will be developed on a case by case basis, in many cases protection will require purchase of these areas by the state and local government. The program is sensitive to the potential adverse impacts on local tax bases and revenue raising capabilities that might be created by public acquisitions of land. These impacts will be further studied and, where appropriate, measures considered to compensate localities.

In these natural and scientific areas, uses of the highest priority will be non-structural, non-intensive uses that are water dependent and maintain natural functions. Uses of the lowest priority would include those non-water dependent, non-water enhanced activities which would result in an irretrievable commitment of coastal resources. In historic and cultural areas, uses of the highest priority shall be those uses that preserve historic/cultural values.

(6) Those areas that should be restored to an earlier or improved condition (such as a blighted waterfront). These areas would be Areas for Restoration and would receive special program attention.

Uses of the highest priority are those uses that are water dependent. Uses of the lowest priority would include those non-water dependent, non-water enhanced activities which would result in an irretrievable commitment of coastal resources.

As is discussed in more detail in the next section, once an area is designated, program funds would be available to assist in proper management of that area. The specific management of the area will continue to be undertaken by the existing responsible agencies (for example, DNR will continue to own and manage state parks in the coastal area even after they are designated).

Location of areas

Designated areas of management concern must have a direct relationship to the Great Lakes. This relationship can be of a physical, social, or economic nature. However, before the designation can be made, the applicant must demonstrate to the Coastal Management Council that this required direct relationship exists.

In all cases designated areas must be located within the coastal management program area -- the state's water area of Lake Michigan, Lake Superior and Green Bay and the land area of the fifteen counties adjacent to these waters. Within this area, proposed areas should generally be within coastal townships (or within six miles of the Great Lakes shoreline). Preference will be given to those areas located on the immediate shore or within the water.

Management policies for the areas

Nominations for designation must contain clear statements on the proposed management policy for the area. For example, if a water-front park is being nominated as a recreational area of management concern by the DNR or a local government, the formal nomination should spell out the specific way that park will be managed.

These proposed management policies must be consistent with the coastal program's adopted goals and policies. To aid the Coastal Management Council's review on this point, nominations should show how designation would further the program objectives set out in section I-C of this proposal.

Finally, nominations should show that the proposed managing body for that area has the ability to adequately manage the area (to implement the proposed management policies) and will make a commitment to do so.

Duration of the designation

Nominations for areas of management concern should propose a set duration of the designation ranging from one to three years. This will allow both the managing body and the Coastal Management Council to periodically review each area's designation, management policies, and implementation activities. Following such a review the area may be redesignated.

c. Implications of designation

The implications of designating an area as an "area of management concern" need to be made clear at the outset. What must a state agency or local government agree to do in a management sense after designation? What can the coastal program provide in the way of management assistance for these areas? While detailed answers to these questions, particularly the latter one, are set out in other sections of this proposal,** it is useful to summarize the answers in this section.

What the managing body must do

In order to have an area designated, the managing body, be it a state agency or local government, must do four things: (1) define the geographic bounds of the area;

**See sections I-C, I-D, and II-C2 of Part II of this proposal.

2) define a clear management policy for the area that is consistent with adopted coastal program goals; (3) show that it has the ability or authority to carry out those management policies; and (4) agree to carry out the stated policies.

What the coastal management program can do

The purpose of designating these areas is to improve their management. A principal mechanism for doing this will be a new grant program administered by the Coastal Management Council. This Council, upon application from the managing agency, will make grants to the managing bodies to further their implementation of approved management policies of the designated areas. That is, once the managing body does the four things outlined in the previous paragraph, coastal program financial and technical assistance would be made available to assist that managing body in the management of the designated area.

Example

For example, Community A could nominate a specific lake-front park it owns or manages as an "area of management concern," with a specific management policy of increased public usage and lake access. Community A proposes to achieve this through improved law enforcement, park maintenance, surveying user desires and redesigning the park facilities to meet these desires. Community A agrees that if designation is made and coastal program funds are received, it will carry out these activities. This would satisfy the four requirements set out above for the managing body.

So, if this park were designated, the proposed activities would be eligible for program funding. Community A could then hire a park patrolman (keeping in mind the duration of federal funding currently authorized), procure the necessary equipment needed by the patrolman, add a part-time person to clean up the park on weekends, hire a consultant to conduct a survey of the desires of park users, redesign park facilities based on the user survey and conduct a cost analysis of upgrading the park to better meet these desires. The new facilities themselves could not be built with Program funds. However, the survey, design and cost estimate may place Community A in a better position to seek other funds or to fund the project locally.

The example is only illustrative. The community could as well nominate an area for increased economic development or for preservation or restoration.

d. Process for designation

1. Initial Areas

The process for designating initial "areas of management concern" was undertaken in the July 1977-January 1978 period and was as follows:

(a) There was be an active program to solicit nominations for "areas of management concern." The first step in this process was the production and dissemination of information. This includes criteria for eligibility, the benefits and obligations flowing from designation, and a standard nomination form. Those making nominations were asked to identify the potential area and propose an appropriate management program for that area. The "preliminary" nomination form also asked how the proposed area is directly related to the Great Lakes. Personal contact and assistance were made available where requested to assist in making the nominations. The distribution of nomination forms began in July, 1977.

(b) Public nomination of potential areas and proposed management policies then followed. Nominations could be made by state and federal agencies, local governments, interest groups, and private citizens. The initial nomination was a "preliminary" one on a short, easy to use form. After an initial screening for eligibility, a more detailed formal nomination could be prepared for those areas meeting the basic guidelines. The formal nomination has to be made by the body that will actually manage the area and included information on the four points discussed in the previous Section (II-B1c). This more detailed nomination included a brief assessment of the environmental and economic impact of designation. Program staff assisted in preparing the formal nominations where requested. The deadline for "preliminary" nomination was October 1, 1977. The deadline for formal nomination was November 11, 1977.

(c) The Executive Committee of the Coordinating and Advisory Council then reviewed the formal nominations. In the future, a committee of the Coastal Management Council will review the nominations. The review will be in terms of (1) whether the proposed area meets criteria for designation, and (2) whether an adequate and appropriate management policy has been or can be designed for that area. Any designation would have to be in the public interest.

(d) For these initial GAMC's, the Executive Committee merely reviewed the nominations for basic eligibility, and the review process described below began. In the future, a committee of the Coastal Management Council will make preliminary decisions on the nominations. These decisions will be submitted for review by the State Citizens Advisory Committee, the regional citizens and technical advisory committees, the appropriate regional clearinghouse, state agencies, local governments, federal contacts, and citizens and interest groups. The committee will hold public meetings on their recommendations in the affected areas, with meeting conduct and procedures to be formally established by the Coastal Management Council.

The regional clearinghouses will coordinate local government responses. If no localities object within the 30 day review process, the clearinghouse so notifies the Coastal Management Council. If a locality disagrees, the clearinghouse will notify the Coastal Management Council and set up a negotiation process among the parties. At the end of a three month period the nomination would be forwarded to the Council Committee as modified during the negotiation process; if no compromise is reached, the nomination may be withdrawn by the managing agency or forwarded to the Council committee with the negative comments attached.

(e) Following this review procedure, this committee will make its recommendations to the full Coastal Management Council on the establishment of the designated areas and their management policies. A summary of all comments received will be attached for each proposal, as will an environmental and economic impact assessment. This committee decision was made in early January 1978.

(f) Then the Coastal Management Council will review the recommendation of its committee and take action on the designation proposals. This action took place on February 3, 1978.

As was noted earlier, it should be emphasized that the Coastal Management Council designates the areas and approves a management policy for them. Actual management of the areas is undertaken by existing managing agencies (state and local).

(g) At this point, if it has not been done concurrently with the nomination/designation process, the managing agency and Coastal Management Council will develop a proposed work program for the implementation of the set management policies. It is anticipated, however, that since the GAMC designation process will be undertaken concurrently with the preparation of the program budget, any budget requests (with associated work plans) will be developed concurrently with the formal GAMC nomination.

(h) Following this, the Coastal Management Council will submit an application to the federal Office of Coastal Zone Management for funds to implement the work programs for the designated areas.

2. Additional Areas

Additional "areas of management concern" will be established on a regular basis. Non-participation by an agency or locality in the initial designation process set out above in no way jeopardizes their ability to nominate areas at a later date.

It is anticipated that the Coastal Management Council would sponsor a nomination process similar to the one set out above on an annual basis.

3. Priority for designations

In the fall of 1976 the Coordinating and Advisory Council sponsored a series of public meetings and distributed a questionnaire to find out what the public thought a Wisconsin Coastal management program should be doing. In order of priority, the citizens responding indicated their concerns were:

- improvement of water quality*
- abatement of damage from shore erosion
- management of natural areas
- public recreation and access (historic, cultural)
- port management
- urban shore uses
- other issues

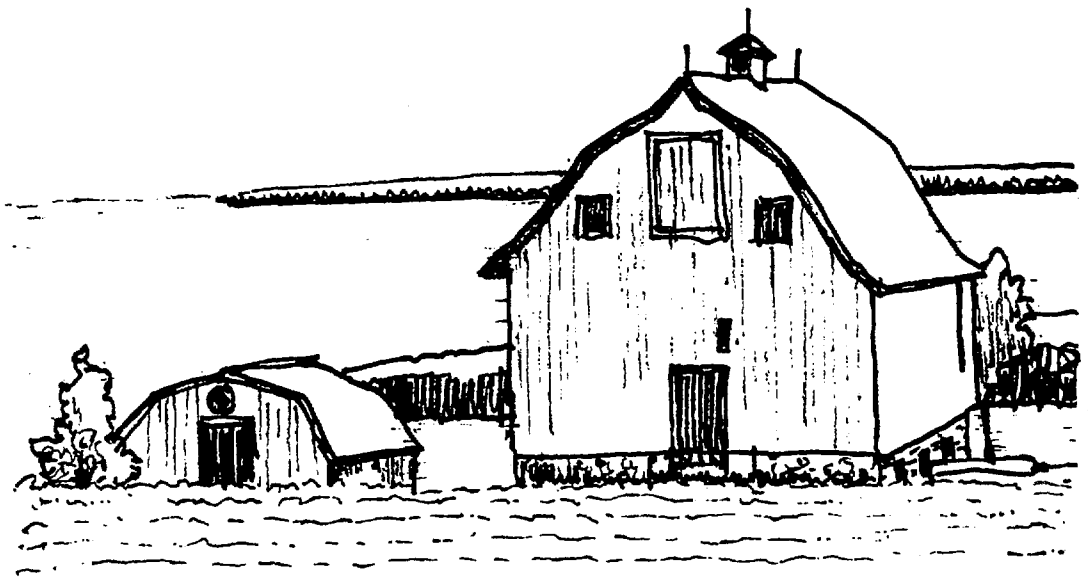
This priority list will be followed by the Coastal Management Council in the designation of "areas of management concern."

In reviewing nominations, the following additional factors will be used in setting priorities for designation:

- Urgency or immediacy of need
- Geographic distribution of the proposals
- Presence of matching funds
- Ability and willingness of applicant to maintain the area
- Designation as such in local coastal plans
- Transferability of findings of the project

*Water quality was the principal concern; however, due to the major public commitment to water quality, program funds should be used only after all other sources have been exhausted.

- Vulnerability of the area to change
- Size of the area
- Cost of the project and availability of complimentary funds from other state or federal sources
- Existence of alternative means for preserving/restoring the area



2. Land and water uses of management concern

a. Overview

In addition to the key areas discussed above, state-level management concern would also be focused on those land and water uses that have a "direct and significant" impact upon the coastal environment. The purpose of identifying these key uses is to ensure that those activities which have the greatest influence on the future condition of Wisconsin coasts are thoughtfully located and managed. Therefore, the coastal program terms these uses "managed uses".

The basic concept of management for a potential coastal program in Wisconsin is that existing statutory authorities are adequate to manage these uses. As with areas of management concern, "management" is defined broadly and will be undertaken by the existing responsible agencies. Management will be accomplished through:

1) State enforcement of existing state regulatory responsibilities;
2) Direct management in areas owned by the state;
3) Coordination of existing state, federal and local authorities;
4) Local shoreland and floodplain regulation under state guidelines;
5) Provision of technical assistance and analysis to localities;
6) Provision of financial assistance to localities; and
7) Education.

Once a use is determined to have a "direct and significant impact" on the coastal environment, it will come within the purview of the program. This means that program funds will be available to assist in improving the management of that activity. It does not mean that new rules, regulations, or permits would necessarily be created to further manage that use.

It should be emphasized that the attention of the program will focus on proposed new "direct and significant" uses. Existing uses (except where subject to existing continuing regulation) would not be subject to attention of the program unless continuing operation poses a threat to the integrity of the coastal environment or to the public health, safety, or general welfare.

It should further be emphasized that with existing programs no land or water uses are automatically totally excluded from locating in the coastal area. Rather, standards for use acceptability are generally based on the impact the proposed use would have on the coastal environment.

b. Process for identifying "managed uses"

The key for being able to identify "managed uses" is to define what a "direct and significant impact" on the coastal environment is.

Rather than produce an elaborate scientific definition that is both incomprehensible to most Wisconsin citizens and creates a false sense of "scientific" objectivity and precision, the following definition of "direct and significant" impacts is being used.

A use or activity has a "significant" impact when it has any of the following characteristics:

1) Alters the quality of or affects the access to a public resource for which the state is trustee (here meant to include navigable waters and state owned lands such as parks); or
2) Locates in a designated Geographic Area of Management Concern; or
3) There has been an expression of state-level concern for its management by the Legislature.

A use or activity has a "direct" impact when it creates a direct outflow into or otherwise directly affects the waters of the Great Lakes or a designated geographic area of management concern. This includes those activities that discharge into one of the Lakes or that are located on or adjacent to one of the Lakes or areas of management concern. In this respect it should be noted the coastal management program would be coordinated with and supportive of water quality control programs.

The initial work on developing a process for determing managed uses was done by a University of Wisconsin Faculty Task Group. The Task Group, composed of scientists, policy analysts, and legal scholars was established in 1975 to investigate the processes required to determine permissible uses of resources in the coastal area. The Faculty Group's Report recommended that for use in evaluating whether a particular resource use has a "direct and significant impact on coastal waters," the word "direct" implies a causal relationship and the word "significant" refers to environmental impact. The Report also recommended that the definition of "direct and significant" be correlated with the location of the land, relative to the shoreline, on which the use is to take place. The Report went on to recommend a list of priorities of land uses in the coastal area. The report envisioned a management program in which a state-level authority would review all major development projects to be constructed in the coastal area and would apply the use priority list in deciding whether to approve the project.

In January, 1976, the Wisconsin Coastal Coordinating and Advisory Council appointed a Subcommittee for Boundaries, Areas and Uses. One of the subcommittee's tasks was to recommend a process for identifying land and water uses that would be subject to a state Coastal Management program. The group first addressed the problem of defining "direct and significant." Using the Faculty Task Group's recommendations as a starting point, the subcommittee defined an impact as "direct" if it involved an "immediate" causal relationship" between an activity and a resource. Criteria for determining the "significance" of impacts were largely based on the State's Guidelines for Implementation of the Wisconsin Environmental Policy Act (Wis. Stats., Section 1.11). Seven factors were used in determing "significance." These criteria included irreversibility of impact, degree of constraint on higher priority uses, incompatibility with existing uses, controversial nature of the use, cummulative impacts, impacts on areas of management concern, and consistency with state coastal policies. These were selected as general factors to aid in determining whether a particular use would have a significant impact. The subcommittee then developed a comprehensive list of land and water uses which could have a potential impact on coastal land or water resources.

The criteria were applied to each use, and the subcommittee determined whether that use would always, sometimes, or never have a significant impact in the coastal area. After dropping those uses deemed never to have a significant impact, the Coordinating and Advisory Council, following public and technical review and discussion, adopted by consensus a list of uses with significant impacts on the coastal environment.

c. Identification of proposed initial "managed uses"

The following list of activities, if they take place within the coastal management area, are uses that are deemed to have "direct and significant" impacts on the coastal environment. Therefore these are the coastal program's "managed uses"--those activities that the state will assure their proper location and operation.

The list of uses is divided into two parts. The first includes activities taking place primarily on or within coastal waters, or on the beds of coastal waters. The second includes activities taking place primarily on the land portion of the coastal management area.

(1) Water based

a) Removing materials from the bed of a Great Lakes or other navigable coastal water
b) Mining of metallic minerals

c) Enlarging the course of a Great Lake or other navigable coastal water
d) Constructing an artificial waterway within 500 ft. of a Great Lake or other navigable coastal water.
e) Connecting an artificial waterway to a Great Lake or other navigable coastal water
f) Depositing any materials in the Great Lakes or other navigable coastal water
g) Placing any structures upon the bed of the Great Lakes or other navigable coastal water
h) Discharging of effluents into coastal water
i) Placing refuse in coastal waters
j) Obtaining drinking water
k) Harvesting fish for commerce or sport
l) Boating in coastal waters

(2) Land Based

a) Grading or removing top soil which disturbs 10,000 sq. ft. or more of the banks of the Great Lakes or other navigable coastal water
b) Placing structures in flood prone areas
c) Siting electrical generating and high voltage transmission facilities
d) Constructing sewer and water utility facilities
e) Using private waste treatment and disposal systems (including locating and installing these systems)
f) Developing state owned facilities
g) Developing county and municipal facilities funded by non-formula state aids
h) Laying out, altering, or discontinuing highways
i) Disturbing bridges
j) Abandoning any rail line or service
k) Constructing or establishing a new airport
l) Platting subdivisions that create five or more lots of 1 1/2 acres or less within a five year period
m) Using rural shorelands (defined as any unincorporated area within 1000 feet of a navigable lake or within 300 feet of navigable river or stream)
n) Emitting air pollutants from point sources
o) Obtaining drinking water
p) Using pesticides
q) Using outdoor advertising
r) Mining of metallic minerals

d. Summary of techniques for managing the uses

All of the activities listed above are controlled by the state, either through regulations or by direct state action. In some instances the regulations take the form of standards, some involve permits or contracts, and others involve state review and approval.

A summary of how each use is managed is set out below. A more detailed discussion appeared in Appendix H. The general format used in these summaries is to note who manages the activity, what management technique is used, the basic decision-making standard, and the basis for including the activity in the management program.

1. Water based

   a. Removing materials from the bed of the Great Lakes or other coastal waters

This activity is regulated by the DNR. If a navigable lake is involved, DNR must issue a contract before the activity commences (a permit is required for streams and non-navigable lakes). The decision-making standard is whether the contract or permit would be consistent with "public rights" or the "public interest," respectively. Removing materials is managed because the activity could potentially damage fish and game habitat and alter the quality of coastal waters.

   b. Mining of metallic minerals

This activity is primarily regulated by the DNR. Mine operators must secure prospecting permits and mining permits, submit operator's bonds and certificates of insurance, and secure DNR approval of their environmental impact records and mining and reclamation plans. The DNR has detailed standards for these requirements, based on protecting air, land, water, fish, plant and wildlife resources. The Department of Industry, Labor, and Human Relations is also involved through regulating blasting and mine safety. Mining of metallic minerals is subject to the program because of its potentially harmful environmental effects on fish, aquatic plant life, and the quality of coastal air and water resources.

   c. Enlarging the course of a Great Lake or other navigable coastal water

Engaging in this activity requires a permit from the DNR. The permits are issued if the DNR finds the project will not injure public rights or interests, cause environmental pollution, or materially injure riparian rights. Enlarging a navigable waterway is included in the program because of its potential to destroy fish and game habitat, affect navigation, and alter the quality of a resource for which the state is a trustee.

d. Constructing an artificial waterway within 500 feet of a Great Lake or other navigable coastal water

This activity also requires a DNR permit, with the same decision-making standard as item (c) above. This activity is included in the program for the same reasons as item (c) above.

e. Connecting an artificial waterway to a Great Lake or other navigable coastal water

This activity also requires a DNR permit, with the same decision-making standard as item (c) above. This activity is subject to the management program for the same reasons as item (c) above.

f. Depositing any materials in the Great Lakes or other navigable coastal waters

This activity requires a DNR permit unless the material is deposited behind a lawfully established bulkhead line. Permits are issued after DNR inspections and a finding that the activity will not "materially impair navigation or be detrimental to the public interest." There is a limited exception to the state permitting program for solely federal projects. Bulkhead lines are established by municipal ordinance and must be "in the public interest" and be approved by the DNR. Depositing materials in navigable coastal waters is included in the program because of the potential obstruction of navigation, reduction of effective flood flow capacity in streams, harmful effect on fish and game habitat, and pollution of a resource held in trust by the state.

g. Placing any structures upon the bed of the Great Lakes or other navigable coastal waters

This activity also requires a DNR permit, unless the structure is behind a lawfully established bulkhead line. Permits are granted if the DNR finds the structure "does not materially obstruct navigation or reduce the effective flood flow capacity of a stream and is not detrimental to the public interest." This activity is subject to state-level management because of the possibility for obstruction of navigation, reduction of effective flood flow capacity, and potential impacts on shore erosion. (Note: This does not apply to federal aids to navigation).

h. Discharges of effluents into coastal waters

This activity is regulated by the DNR. Some discharges are totally prohibited and all other pollutant discharges require DNR permits. The DNR has detailed water quality, performance, and effluent standards for these permits. Discharge of effluents is regulated under the state management program because of detrimental effects on fish and

game habitat, effect on the suitability of a public resource for recreational purposes, and alteration of the quality of a resource held in trust by the state.

i. Placing refuse in coastal waters

State law makes it unlawful to place any refuse or solid wastes in the waters of the states. Also, any substance deleterious to fish or aquatic life can only be deposited in accordance with plans approved by the DNR. This activity is subject to the state management program for the same reasons as item (h) above.

j. Obtaining drinking water

This activity is regulated by the DNR and the PSC. DNR permits are required for the construction, installation, or operation of high capacity wells and DNR approvals are required for water plants and systems and extensions thereof. There are detailed standards for these requirements, which are designed to protect the public health and provide an adequate water supply. Water utilities are also subject to the supervision and regulation by the PSC relative to rates and adequacy of service. Obtaining drinking water is included in the state management program because there has been an expression of state-level concern by the Legislature for the management of this resource in the interest of public health.

k. Harvesting fish for commerce or sport

This activity is subject to detailed regulation by the DNR. Licenses are required for sport fishing, use of nets or set lines, and commercial fishing. Commercial fishing may be limited or prohibited in areas where necessary to protect the fishery resource. This activity is included in the program in order to protect the fishery resource while maintaining the economic viability of the activity.

l. Boating in coastal waters

Boats over 12 feet in length must be registered with the DNR. There are also numerous boating safety requirements enforced by the DNR. Boating is regulated by the state to protect public safety, control access to a public resource in a safe manner and to maintain water quality.

2. Land Based

a. Grading or removing top soil which disturbs 10,000 square feet or more of the banks of the Great Lakes or other navigable coastal water

This activity requires a permit from the DNR. Permits are issued if the project does not injure public rights or interests, cause environmental pollution, or materially injure public rights. Removing top soil or grading is included in the management program because of the potential detrimental impact of this activity on fish and game habitat, access to a public resource, and quality of coastal waters.

b. Placing structures in flood prone areas

State statutes require localities to adopt flood plain zoning ordinances, meeting state standards, for those parts of their jurisdictions where serious flood damage may occur. If localities do not adopt reasonable and effective ordinances, the DNR is required to adopt an ordinance for the jurisdiction. Also, the availability of federal flood insurance is tied to the existence of adequate local flood plain regulation.

The placement or maintenance of any structure, fill, or development in violation of a flood plain zoning ordinance is declared to be a public nuisance and may be enjoined or abated at suit of any municipality, the state, or any citizen of the state.

Solid waste disposal sites and facilities are prohibited within areas under the jurisdiction of flood plain zoning regulation, unless they are licensed by the DNR.

This activity is subject to the management program because of its potential for reduction of effective flood flow capacity that could cause increased damage to coastal resources during a flood.

c. Siting electrical generating and high voltage transmission facilities

This activity is primarily regulated by the PSC. Construction cannot be commenced without first obtaining a certificate of public convenience and necessity from the PSC. Such certificates are issued upon a finding that the facility is necessary, its design and location are in the public interest, it will not have undue adverse impacts on environmental values, and it will not interfere with orderly land use and development plans. There is also a mandatory advance planning requirement for this

activity, including requirements for identification of general plant sites ten years in advance of when construction is expected to commence and alternative specific sites three years in advance of construction.

There is also a consolidated permitting process whereby related DNR permits can be obtained in a single proceeding.

This activity is included in the management program because of the effects of power plant location on water quality (thermal discharges), public rights in navigable waters, and the effective flood flow capacity of streams on an adequate supply of energy, and on community development patterns.

d. Constructing water and sewer utility facilities

DNR approval must be obtained for this activity and the department has detailed standards on planning, constructing and operating these facilities. These activities are included in the program because of their potential impacts on coastal water quality and on the nature and rate of urban development in the coastal management area, which will have spillover impacts on coastal air and water resources.

e. Using private waste treatment and disposal systems

This activity is primarily regulated by the DHSS. The department has detailed standards on testing for soil suitability, location, construction, and maintenance. Major enforcement activities are handled by local sanitarians. The DNR licenses and regulates persons servicing septic tanks and has the authority, when private systems are inadequate, to order public town systems. These activities are included because of their potential impacts on coastal water quality and their effects on the location of development within the coastal area.

f. Developing state owned facilities

The State Building Commission is generally in charge of the state's building program. The DOA's Bureau of Facilities Management supervises the state building program and building policies and priorities. This activity is included in the management program because of the potential impact of the location of major state facilities on other uses and development patterns in the coastal area.

g. Developing county and municipal facilities funded by non-formula state aids

When the state makes non-formula grants to localities, conditions may be placed on the grants such as requiring sewer systems to be constructed in a manner to facilitate future interconnections. This activity is included in the program for the same reasons as item 2(d) above.

h. Laying out, altering, or discontinuing highways

The state DOT has charge of all matters pertaining to expenditure of state and federal highway funds. The DOT prepares the state highway plan. The DNR receives notice of the lay out, alteration, and discontinuance of county and town highways by county boards; further, town or county discontinuance of access by road to a navigable lake or stream is not effective unless approved by the DNR and the access required to be dedicated for shoreline plats may not be vacated without circuit court approval. These activities are included in the management program because of their potential impact on access to public resources (such as navigable waters, beaches, or state-owned parks) and their impact on community development patterns.

i. Disturbing bridges

This activity requires a permit from the highway authority maintaining the bridge.

Bridges over navigable waters are also subject to regulation by the DNR to prevent obstruction to navigation, protect human life and health, and minimize property damage and economic loss.

Disturbing highway bridges is included in the management program because of the potential impact on navigable coastal waters, including obstruction to navigation, effects on flood control, and community development patterns.

j. Abandoning any rail line or service

This activity generally requires the approval of the federal Interstate Commerce Commission. The state Public Service Commission plays an active role in these decisions, appearing and testifying before the ICC. The state Department of Transportation may also become involved. This activity is included in the program because of potential significant impacts of rail abandonment or economic development in the coastal management area, with particular reference to the economic well-being of the state's ports and the cross-lake ferries. The potential recreational use of abandoned rail lines is also an important consideration.

k. Constructing or establishing an airport

DOT approval is required for this activity. DOT's certificate of approval may be issued if the proposed airport is compatible with existing and planned transportation facilities. DOT also prepares the state airport plan. This activity is included because of significant impacts on economic development in the coastal management area and potential impacts on coastal natural resources (such as vulnerable habitats) and on community development patterns.

l. Platting subdivisions that create five or more lots of 1½ acres or less within a five year period

These subdivisions must be approved by several state agencies, as well as by localities with subdivision ordinances. The DLAD reviews, and must approve, plats for compliance with surveying, layout (including mandatory public access requirements for plats abutting navigable waters), and engineering requirements. The DOT reviews, and must approve, plats abutting state highways for compliance with safety requirements. The DHSS reviews, and must approve, unsewered plats for compliance with lot size, elevation, and soil percolation requirements. The DNR reviews plats within 500 feet of navigable waters for prevention of pollution to waters. It should be noted that subdivisions creating fewer or smaller lots are frequently subject to local review and approval. This activity is included within the coastal management program because of the potential environmental impact of subdivision construction, increased generation of sewage on coastal waters, the potential increased demand for public access to coastal recreational resources, and a concern for orderly development.

m. Using rural shorelands

Each county is required by state law to regulate the use of shorelands in unincorporated areas. DNR minimum standards require the ordinances to protect human health, aquatic life, and natural beauty and control land uses. If county ordinances are found to be inadequate, the DNR can adopt an ordinance for the county. (Note: All relevant coastal counties have DNR approved shoreland zoning ordinances.) Shoreland use is subject to management control because of potential impacts of various activities in these largely undeveloped areas on coastal water quality, fish spawning areas, fish and aquatic life and the natural beauty of the land and water resources.

Because of ths strong concern about this managed use, a much more detailed description of the Shoreland Management Program follows.

The Wisconsin Water Resources Development Act (Chapter 614 Laws of Wisconsin 1965) created section 59.971, Wisconsin Statutes, which required the adoption of zoning regulations in unincorporated shorelands within 1000 feet of lakes, (including the Great Lakes) ponds and flowages and 300 feet of navigable streams or to the landward side of the flood plain, whichever distance is greater. Shorelands also include lands underlying navigable waters.

Section 59.97(4), Wisconsin Statutes, follows traditional lines and enables counties to zone their unincorporated areas for the purpose of ". . . promoting the public health, safety and general welfare." Shoreland regulations are drawn to meet these general purposes as well and are supplemented by the following specific environmental purposes: ". . . to further the maintenance of safe and healthful conditions; prevent and control water pollution, protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses and reserve shore cover and natural beauty." (Section 144.26(1), Wisconsin Statutes).

To achieve these goals, a broader interpretation of the term "zoning" than is generally applied was necessary. Accordingly, regulation of land divisions and private on-site waste disposal systems has been required by the Department of Natural Resources. In many cases, these regulations have been integral parts of a shoreland protection ordinance including zoning, sanitary, and land-subdivision regulations.

County Ordinance Adoption

The law designated the Department of Resource Development (now the Department of Natural Resources) to play an "active" role in county shoreland regulations in two areas.

Initially, the department was to prepare standards and criteria which the county ordinances were required to meet to comply with the act. To develop the standards, the department coordinated a joint-agency, multidisciplinary effort. Staff of the Department of Resource Development and representatives from the USDA Soil Conservation Service, State Conservation Department, Department of Health, and most important, the University of Wisconsin--Extension, cooperated not only in drafting standards as contained in a model ordinance and manual but also in many meetings conducted throughout the state to explain the proposed standards, guage reaction, and obtain local support for the regulatory effort. While gathering together the many specialists involved in the project was unwieldy and often time consuming, the products and thus the conduct of the program benefitted from this broadbased effort.

The standards were first adopted in a policy statement by the Natural Resources Board and then subsequently made part of the Wisconsin Administrative Code as Chapter NR 115.

The second area of involvement was directed by section 59.971(6), Wisconsin statutes. This section provides that if a county did not adopt a shoreland zoning ordinance by January 1, 1968, or if, after notice and hearing, the department " determines that a county has adopted an ordinance which fails to meet reasonable minimum standards of s.144.26(1), the department shall adopt such an ordinance." Sec. NR 115.04(3) of the Administrative Code provides that if a county fails to adopt an acceptable ordinance the department has three options: it may allow the county to proceed with regulation formation or modification for a given period of time; the department may draft the regulations; or the department may contract with a consultant to draft the regulations.

The threat of state intervention in many cases and an admitted need for action in others has resulted in the adoption of shoreland ordinances by all counties. Although the January 1, 1968 deadline was not met, there was no state adoption of an ordinance. While direct state intervention in drafting and adopting ordinances may have initially expedited the actual enactment of ordinances, the Department of Natural Resources felt that a longer-term goal of better enforcement would result if the counties were allowed to draft and enact their own ordinances. Accordingly, to assure that progress was being made, the department maintained close scrutiny through frequent county meetings and contracts with regional planning agencies charged with drafting ordinances for their constituent bodies. By this means, the responsibility for enacting shoreland regulation was kept before the counties. In some counties the "low-profile" regulatory approach was not effective. The Department of Natural Resources

was not satisfied with the progress being made in 20 counties (of 71). In the fall of 1970, after notice, preenforcement conferences, and public hearings, orders with stringent time constraints for the adoption of ordinances were issued to these counties. Adoption of regulations then followed within a reasonable time period established by order with one exception. This required a further hearing which prompted county action and eventual compliance.

Surveillance of County Enforcement Activities

As the appropriate ordinances were adopted, the counties submitted them to the department for final review. The adequacy of the county regulations was determined by comparing them with the state minimum standards as contained in sec. NR 115.03. These standards involve establishment of zoning districts, land division controls, sanitary regulations, and administrative and enforcement provisions. As noted above, failure to meet these minimum standards could result in state intervention. When the final review indicated all requirements had been met and the appropriate administrative mechanisms established within the county, the department issued a certificate of compliance to the county. All 15 coastal counties have received certificates of compliance.

The department's participation and review did not end with the approval of the ordinances. The certificate of compliance not only acknowledged the adoption of the regulations but also reiterated the requirement of NR 115.03(4)(f) stating that the department shall receive copies of applications and timely notice of hearings on amendments, variances and special exceptions (conditional uses). The purpose of this requirement was to allow the department to monitor the activities of the counties in subject areas where changes in the ordinance are likely to occur. At present, the required information is submitted to department district offices where the Flood Plain-Shoreland Program Coordinator reviews each application and notice. In cases where the intent of the change is unclear or it is apparent that a resource or resource area is threatened, contact is made with the county and, if necessary, testimony is provided at the hearing. There is frequent informal contact with all counties so the department is usually aware of possible problems far ahead of the notice review. The rapport that has been established with the counties has assisted in deterring problems before they start.

The matter of prime concern in this review process is the amendment of ordinances to provide lesser standards than required in NR 115 or to change the zoning designation of lands to allow a use which may not be appropriate for that area. The department feels early review and close contact with the counties has precluded this from happening. An item that has assisted this process has been the firm department position that use variances are actually amendments and must follow the zoning amendment procedures of the Wisconsin Statutes. This position has prevented possible abuses of the ordinance.

The district staff also reviews appeals for special exceptions (conditional uses) mainly to assure that appropriate conditions are required and enforced.

Variances are of lesser importances because of the firm position taken on use amendments. To wit, it is recognized that the relaxation of certain dimensional requirements is necessary in those cases where the applicant can display that the shape, size or location of his property imposes an unnecessary hardship and practical difficulty to strictly conform to the provisions of the ordinance. Variances must meet this test before being granted by Boards of Adjustment, and judicial action can be commenced should this standard not be met. See Snyder v. Waukesha County Zoning Board of Adjustment, 74 Wis. 2d 468 (1976), for a discussion of the standards to be used when granting variances to county shoreland ordinances.

In addition to and conjunction with this review of amendments, special exceptions and variances, the department may continue to review and reevaluate the county ordinances in order to ascertain their effectiveness in maintaining the quality of Wisconsin water (NR 115.04(2)(b)). Ordiances which fail in this respect shall be deemed noncomplying and must be modified to meet the minimum standards within a time limit established by the department (NR 115.04(3)).

Further assistance is rendered by the department staff upon request of the county. Help in revising zoning provisions, delineating the ordinary high watermark and assessing potential impacts of a project is provided by both district and central office staff. In addition department staff conduct training sessions for zoning personnel, appeal boards and planning and zoning committees.

The assurance of continued effective enforcement is also of strong concern. This potential problem is handled by the close scrutiny of appeals as previously mentioned, continued contact with the counties (both individually and through their statewide association), and with the assistance of the network of department field personnel. This effort is coordinated by staff of the Bureau of Water Regulation and Zoning located in the main office.

Sec. NR 115.03(4) provides that an acceptable ordinance must contain administrative and enforcement provisions, including regular inspection of permitted work in progress and the prosecution of all violations of the ordinance. Actions against violators of an ordinance can also be brought pursuant to sec. 59.97(11). Sec. 59.971(2)(a) states that all provisions of sec. 59.97 (which concerns county zoning in general) shall

apply to shoreland zoning ordinances, except as otherwise specified. Sec. 59.97(11) provides that county zoning ordinances "shall be enforced by appropriate fines and penalties." It also provides that ordinances may be enforced by injunctional order, not only at the suit of the county, but also at the suit of the owner or owners of real estate within the district affected by the ordinance.

An example of county enforcement of a shoreland zoning ordinance is presented by the well known case, Just v. Marinette County, 56 Wis. 2d 7, 201 N. W. 2d 761 (1972). In this case Marinette County sought an injunction to restrain the Justs from placing fill material in a wetland on their property without first obtaining a conditional use permit as required by the shoreland ordinance. The county also sought to impose a fine for the violation. The Justs sought a ruling that the ordinance was unconstitutional, particularly insofar as it prohibited the filling of wetlands. The Wisconsin Supreme Court affirmed the ruling of the trial court that the ordinance was valid and that the Justs were subject to a forfeiture of $100. The court concluded that the requirement in the Navigable Waters Protection Act for counties to pass shoreland zoning ordinances (sec. 59.971) was a valid exercise of the "active public trust duty of the State of Wisconsin in respect to navigable waters" (5 Wis. 2d 18).

In view of the court's reasoning in Just that the regulation of shorela and wetlands is part of the state's "public trust duty", the Attorney General or a citizen of the state would have standing under the public trust doctrine to ensure that the department is carrying out its public trust responsibilities under sec. 59.971 and Chapter NR 115.

n. Emitting air pollutants from point sources

This activity is regulated on the state level by the DNR. Plans for construction of air contaminant sources are submitted to the DNR, which thereafter issues an order approving or prohibiting the project. Discharge of air pollutants is subject to the management program because of the adverse effects on air quality in the coastal area, which can be injurious to plant, animal, and human life and can make the coastal area less desirable for recreational, residential, or commercial use. In addition, air pollution can have an adverse impact on the quality of coastal waters, as air pollutants are transmitted to Great Lakes waters.

o. Obtaining drinking water

See 1(j) above.

p. Using pesticides

The use of pesticides is regulated by the DNR, the Department of Agriculture, and the pesticides review board of the DHSS.

The DNR has a regulatory program for pesticides that pose a serious threat to wild animals. DAg regulates pesticide use practices. The pesticide review board approves the above regulations.

The use and sale of DDT is prohibited except where the pesticide review board finds it is necessary to control a serious epidemic.

Pesticide use is subject to state regulation because of its potential for extremely serious effects on human health and fish and wildlife resources and on the quality of coastal waters.

q. Using outdoor advertising

This activity is regulated at the state level by the state highway commission. In non-business areas, no advertising signs may be erected that are visible from interstate or federal-aid primary highways (excepting limited on-premise advertising). Persons engaging in the outdoor advertising business must be licensed by the highway commission. Outdoor advertising is included in the state management program because of the potential adverse aesthetic impacts on scenic coastal resources.

r. Mining of metallic minerals

See 1(b) above.

e. Activities of regional benefit

(1) Definitions

To secure federal approval of a coastal management program proposal, the program must have a method for assuring that local regulations do not unreasonably or arbitrarily restrict or exclude land and water uses of regional benefit.

A use or activity is of regional benefit when it both:

- is a "direct and significant" coastal use, and
- has a multi-county environmental, economic, social, or cultural impact (exclusive of boundary situations).

Local restriction or exclusion of an activity of regional benefit is "unreasonable" when it is arbitrary or capricious and is of detriment to the region. This implies a situation where the local decision to exclude the activity is made without a rational basis--that is, not based upon legitimate legal factors.

(2) Dealing with unreasonable local exclusions

There are several methods that will be used to deal with unreasonable local exclusion of activities with regional benefit. In some cases the regional and state-wide potential benefit is such that a direct state action or an override of the local decision is called for. In other cases state standards and local decision-making, with a potential appeal to the state, is more appropriate. In still other cases the most appropriate state role would be participation in local hearings, thereby assuring that a greater-than-local perspective is presented to local decision-makers, but leaving the final decision in local hands. Finally, recourse to the courts may be had to challenge arbitrary or capricious local exclusions. While specific administrative remedies are set out below for several key activities of regional benefit, this judicial remedy can be used to address any arbitrary local action.

When occurring within the coastal management area, the following are deemed to be uses or activities of regional benefit, with the state roles as indicated to assure that unreasonable local exclusion does not take place. They are "direct and significant" coastal uses and have multi-county environmental, economic, social, or cultural impacts. However, this listing is not final or exclusive. Other "managed uses" may be included in the future if their inclusion is warranted as necessary.

a. Power plants and transmission lines.

Under Sec. 196.491(2), Wisconsin Statutes, electric utilities are required to biannually file an advance plan with the Public Service Commission (PSC) which shall include: the general location, size, and type of facilities which are owned or operated by the utility or the construction of which is expected to commence within the next ten years; the identification of practical alternatives; the impacts of the proposed and alternative generating facilities on the environment, etc. Copies of the advance plan shall be filed for review and comment with the Departments of Administration, Business Development, Health and Social Services, Justice, Local Affairs and Development, Natural Resources, and Transportation, the regional planning commission and county and municipal planners and/or clerks having jurisdiction in those areas where the facility is proposed to be located. Public hearing on the advance plan shall be held. With consideration of the comments, the PSC shall prepare a single environmental assessment of the plan. The PSC shall approve the advance plan under the criteria established in Sec. 196.491(2)(i). Any portion of a plan that is not approved by the PSC may be resubmitted by the utility and shall then be reviewed in the same manner as a new advance plan.

Sec. 196.491(3)(a) requires that no person may commence the construction of a facility unless such person has applied for (18 months prior to construction) and received a certificate of public convenience and necessity from the PSC. Copies of the application shall be sent to the clerk of each municipality and town in which the proposed facility is to be located. The applicant must also apply for any permits or approvals required by DNR. The PSC and DNR will then hold public hearings on the application in the affected areas. Under Sec. 196.491(3)(d), the PSC will approve an application for a certificate of public approval if the PSC determines that the proposed facility is: A) in substantial compliance

with the most recent advance plan filed and approved by the Commission, unless it finds that the need for the facilities or lines could not have been reasonably foreseen by the utility at the time of its most recent advance plan; B) necessary to satisfy the reasonable needs of the public; C) in the public interest considering alternatives; D) will not have undue adverse impact on other environmental values; E) complies with the criteria under Sec. 196.49(4) if the application is by a public utility as defined in Sec. 196.01; and F) will not unreasonably interfere with the orderly land use and development plans for the area involved.

Section 30.025(3) requires that DNR shall grant the necessary permits if it finds that the application has shown the proposal: A) complies with environmental standards administered by the department and federal environmental standards; and B) does not unduly affect public rights and interests in navigable waterways; the effective flood flow capacity of a stream; the rights of riparian owners, or water quality.

Finally, Sec. 196.491(3)(i) states that if installation or utilization of a facility for which a certificate of convenience and necessity has been granted is precluded or inhibited by a local ordinance, the installation and utilization of the facility may nevertheless proceed. That is, once the above described process has been completed, development of generating facilities and major transmission lines may not be precluded by local regulation. (For a discussion in greater detail, see managed use 2 c in Appendix H).

b. Use and development of rural shorelands.

Sec. 144.26(1), Wisconsin Statutes, declares the purpose of regulations relating to land abutting or under navigable waters to be "to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses and reserve shore cover and natural beauty." In addition to the above purposes, the purpose of shorelands zoning is to "promote the public health, safety and general welfare" under Sec. 59.971(1).

Counties are required to adopt zoning ordinances applying to all their shorelands in their unincorporated areas. Sec. 59.971(1) defines shorelands as 1,000 feet from the normal highwater elevation of navigable lakes (including the Great Lakes), ponds or flowage, and 300 feet of navigable rivers or

streams or to the landward side of the flood plain, whichever distance is greater. County ordinances must meet Department of Natural Resources' standards and criteria. These standards are now part of the Wisconsin Administrative Code as Chapter NR 115.

NR 115.04(2)(a) states that "compliance with the requirements of Sec. 59.971 will be determined by comparing the county shoreland regulations with the state minimum standards for shoreland protection as contained in NR 115.03." Included in the criteria the DNR employs is an examination of the overall appropriateness of the uses permitted under the county program and their relationship to the need for uses and the capability of the land to support such uses.

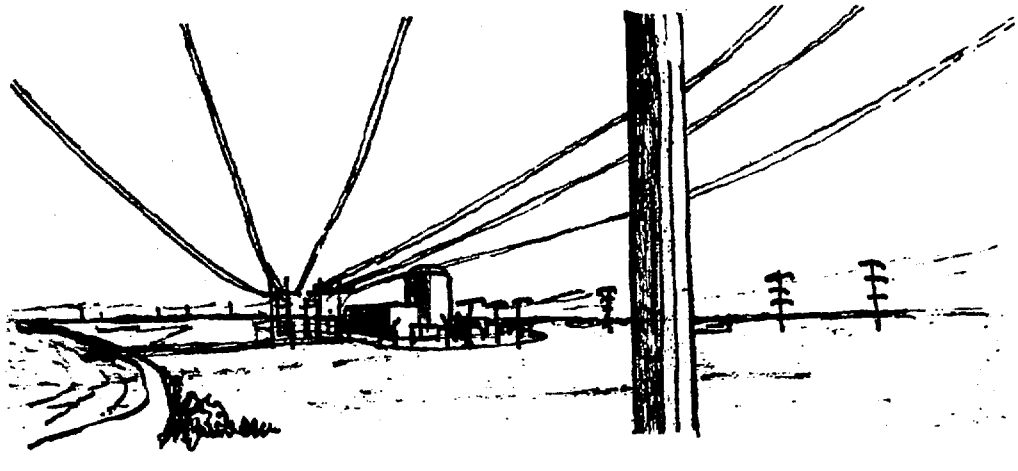
Counties that have enacted regulations that meet the minimum standards are considered to be in compliance with Sec. 59.971. All coastal counties have shoreland programs that have been certified by DNR as meeting state standards.

As part of a continuing review process, NR 115.04(2)(b) states that compliance status must be maintained by the county during subsequent reevaluation of the regulations to ascertain their effectiveness in maintaining the quality of Wisconsin water. Counties are required to keep their programs current, effective and workable to retain their statuses of compliance. Therefore, DNR receives copies of all applications and timely notice of hearings on amendments, variances and special exceptions to assure that appropriate conditions are required and enforced. As is discussed in more detail in Appendix H, the state can participate in local hearings on amendments, variances and special exceptions as an affected party, may appeal decisions to the judiciary, and, if a pattern of non-compliance with state standards emerges, may revoke its certification of the county program.

If the DNR determines, after notice and hearing, that a county has failed to adopt an ordinance meeting DNR standards and criteria, or if the county has failed to keep an ordinance current, effective and workable, section 59.971(6) provides that the DNR shall adopt such an ordinance. Also, given both its role as mandated by these statutes and its role under the public trust doctrine, the DNR would certainly be an "affected party" and could challenge a local decision judicially. (See managed use 2 m in Appendix H for more details).

c. Recreational sites of state level significance

Sec. 27.01(1), Wisconsin Statutes, declares the purpose of state parks is "to provide areas for public recreation and for public education in conservation and nature study." The Department of Natural Resources has the responsibility for the selection of a balanced system of state parks, and for the acquisition, development and administration of state parks. Sec. 27.01(2)(a) allows DNR to "acquire by purchase, lease or agreement, lands and waters suitable for state park purposes and may acquire such lands and waters by condemnation after obtaining approval of the senate and assembly committees on natural resources." Inherent in this clause is the authorization that local regulations may not preclude acquisition or development of designated state parks. Sec. 27.01(2)(1) sanctions DNR to make investigations of sites that have potential value as state parks. Sec. 27.01(2)(b) allows DNR to "classify state park areas as to their most logical employment and greatest usefulness." Sec. 27.01(2)(j) authorizes DNR to "make such rules and regulations as may be necessary to govern the conduct of state park visitors, and for the protection of state park property, or the use of the facilities." These rules and regulations are contained in Chapter NR 45, Wisconsin Administrative Code.



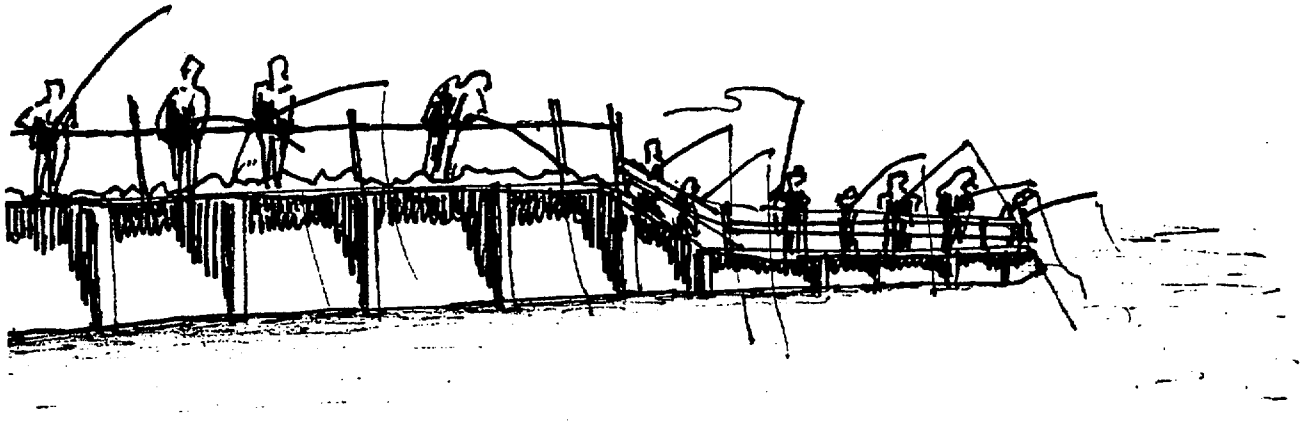
3. Program Boundaries

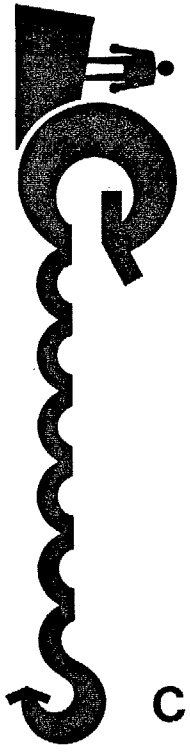
The federal Coastal Zone Management Act requires states to identify "the boundaries of the coastal zone subject to the management program." The boundary is to extend inland "to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters."

In the development of Wisconsin's program proposal, several alternative "boundaries" were considered (see, for example, Working Paper 1: Subject Matter and Boundaries, pp. 11-14, Nov. 1976, and "Minutes: Wisconsin Coastal Coordinating and Advisory Council," April 1, 1976). Inventories were made of land uses, ownership, and zoning, federally excluded lands, natural areas, fish and wildlife habitat, historic structures, and erosion hazard areas.

Based on these inventories and discussions and considering the above decisions on the "areas" and "uses" questions and the decision to use existing programs for implementation, the formal program boundary for sec. 305 (b) (1) purposes is as follows: on the waterward side--the state boundary; on the landward side--the inland boundary of the 15 counties with frontage on Lake Superior, Lake Michigan, or Green Bay. Within this area, the state will manage those uses listed in the preceding section that directly and significantly impact on the coastal environment; similarly, areas of management concern will be designated following the procedures set forth in earlier sections of this proposal and will receive special management attention.

Wisconsin has consulted with neighboring states during program development in an effort to ensure compatible boundaries.





C. ORGANIZATION FOR IMPLEMENTATION

C. ORGANIZATION FOR IMPLEMENTATION OF THE PROPOSED MANAGEMENT PROGRAM

1. Overview

After extensive examination of coastal issues, problems, and programs in Wisconsin, it has been concluded that coastal management in the state can be improved through use of a new organizational structure.

The central drawback to effective coastal management in the state is not a lack of rules, regulations, and statutory authority to control development in the coastal area, but the failure of government to assign a high enough priority to its coastal resource. This failure is reflected in the lack of coordination of the many governmental programs affecting the coastal environment, the lack of consistent and adequate enforcement of the many laws regulating activity in the coastal area, and the lack of a single strong voice to advocate a sound and sensible future for this valuable resource that belongs to all of the people of Wisconsin.

For that reason this program proposal does not recommend a comprehensive set of new regulations or a new governmental super-agency to regulate the coastal area. It does recommend a new interagency, intergovernmental coastal management council to direct an overall coastal management program. Rather than taking over and administering existing state and local programs or establishing new permitting requirements, this council's initial purpose will be to make those management techniques and institutions we already have work better. This will be accomplished by the new coastal management council's provision of coordination, provision of assistance to agencies to improve their implementing responsibilities, provision of assistance to localities to help improve their local management capabilities, and perhaps most importantly, provision of a strong voice that looks at the coastal resource in its entirety -- its environmental, economic, social, and cultural attributes -- and advocates its wise and balanced use.

The initial coastal management program will rely on existing state programs for implementation. Comprehensive coastal legislation will not be sought at this point. Rather, the focus will be on improving and coordinating the existing management system while studying the need for longer term reforms.

State government, using existing management techniques, will address those coastal issues of state-level concern--the management of the key geographic areas and key land and water uses discussed above. In order to improve local capabilities to address local coastal issues, this coastal management council will also establish a strong program of technical and financial assistance for coastal localities.

In sum, the following conclusions were made relative to the organizational issue:

- At the outset, program implementation will rely on existing statutory authority;

- The program will focus on improvement of state-level management through better use of existing state programs; that improvement will be accomplished by: (a) better coordination, (b) better implementation, (c) provision of incentives, (d) development of new policy direction, and (e) coastal advocacy.

- Provision of additional financial and technical assistance to help local governments address their local coastal concerns is both desirable and necessary.

2. New functions to be addressed at the state level

The Wisconsin Coastal Management Program will rely on existing legislation and programs for implementation -- no new body will be created to administer regulations, issue permits or purchase land. All specific implementing responsibilities will continue to be handled by the existing agencies that currently handle them.

There are a number of specific functions that will be assigned to the new coastal management council. These functions include:

(a) Oversight of state agency implementation and compliance. The first function will be oversight of state agency compliance with the adopted state coastal policies. All state agencies have (by executive order, supplemented by interagency agreements) been directed to cooperate with and, insofar as their statutory responsibilities allow, to act consistently with the adopted state coastal policies. Should any current legislation or administrative rules preclude full agency compliance, that agency is requested to notify the Coastal Management Council. To aid this function, the Coastal Management Council will review and comment (under A-95, NEPA and WEPA) on state and federal projects located in the coastal area in terms of their consistency with the adopted state coastal policies.

(b) Policy development. A second function is the collection and ratification of a set of overall state coastal goals, these goals will cover topics such as areas of management concern, managed uses, intergovernmental coordination and public participation. The initial version of these state coastal policies is set out in Section I of this program proposal. Certain goals may conflict and will require resolution through compromise. This balancing of interests will be a responsiblilty of the Coastal Management Council (see the discussion of conflict resolution later in the chapter).

(c) Designation of key areas and uses. A third function relates to the identification of both key geographic areas and key land and water uses. Standards for Geographic Areas of Management Concern and a specific process for formal designation of specific areas are set out in the previous section of this chapter. Designation of land and water uses having "direct and significant" impacts on the coastal environment is also made in the previous section. Finally, a mechanism for preventing potential unreasonable local exclusion of activities of regional benefit is also set out above. The details are set out in Section II B of this program proposal.

(d) Consideration of the national interest. The Council will also use its review and comment powers to assure that state agencies consider the national interests (see Section III, B below in the coastal area).

(e) Serve as an interagency conflict resolution forum (see section 5 of this chapter).

(f) Oversight of provision of financial assistance. A fifth function will be the establishment and operation of a program of financial assistance to coastal localities for use in local coastal management efforts consistent with adopted coastal goals. The Coastal Management Council will also oversee a program of financial assistance to state agencies and Tribal governments to improve coastal management implementation.

(g) Oversight of a program of demonstration grants.

(h) Oversight of provision of technical assistance to state agencies, localities and Tribal governments.

(i) Coastal advocacy. Another function would be a continuing coastal advocacy and public awareness/education role. The Coastal Management Council will evaluate and assert coastal interests before the public, government officials, and local, federal, and state agencies, including seeking any legislative or administrative rule changes necessary for effective coastal management.

Any proposals to modify existing state authorities with regard to coastal management will receive adequate notice. Opportunity for extensive review and comment through existing mechanisms, supplemented by additional efforts of the Coastal Management Council, will be provided to affected local governments, citizens, and regional and state agencies.

(j) Coordination of all of the above functions.

(k) Adoption of program budget.

(l) Adoption and periodic updating of the state coastal management program. This will be done as part of the Council's regular reevaluation of its roles and responsibilities. Program amendments will be submitted to the Governor for approval and transmittal to OCZM. Program refinements will be submitted directly to OCZM. In both cases affected state, federal and local agencies and the public will be given appropriate opportunities for review and comment. Program amendments are basic program changes, such as new legislation, while program refinements are other changes, such as minor amendments to administrative rules.

(m) State and local bodies may request that the Coastal Management Council review, comment on, and/or endorse their coastal management plans and projects.

(n) Such other responsibilities and functions as may be assigned by the Governor.

3. A new Wisconsin Coastal Management Council

(a) State level organizational options considered

While there are an infinite number of organizational options available to states for program implementation, the Coordinating and Advisory Council concentrated on developing three basic options in some detail. A fourth basic option, use of comprehensive legislation to establish a broad new program, was also considered by the Council. After considerable deliberation this option was rejected by the Council for several reasons: there was no demonstrated current need for such a radical change in the existing management system; such a large change needs considerably more study; and even if it were desirable, such comprehensive legislative changes could not be made for some time. A fifth basic option, that of doing nothing new in terms of coastal management, was also considered and rejected; the Coordinating and Advisory Council felt real improvements in the existing management system could be gained through participation in the program.

The first option explored in detail here is assigning the functions listed above to an existing state agency. A second alternative is to assign these functions to an existing agency, but create an advisory committee for the program. Finally, the third alternative considered (and the one eventually recommended) is to create a new independent decision-making Coastal Management Council with staffing from an existing state agency. These alternatives reflect a range of options for placement of basic program responsibility going from a single agency to a new decision-making body.

Agency Function with No Council

This organizational option would involve assigning the functions discussed above to a single state governmental agency. There would be no formal advisory groups established.

If this "agency function" option were chosen, an existing agency would be designated to fulfill those functions set out in the above section. This could be an existing functional line agency (such as DNR, DOT, or PSC) or an existing general staff agency (such as DLAD or DOA's Office of State Planning and Energy).

The major benefit of this approach is its simplicity. No new bodies are formed, no new major institutional arrangements are needed. However, it lacks the interagency and intergovernmental dimension that may be necessary for a successful program.

Agency Function with Advisory Committee

A second basic option is to assign all the functions to a single agency, as discussed above, but add an interagency and intergovernmental advisory committee. This option has been adopted by several other states' coastal programs and is being used in several other Wisconsin programs.

The advisory group set up under this option could be small, large or even regionally based. One suggestion was for a 12 member group -- four citizens, four persons with technical expertise, and four governmental officials. These slots could be filled with people from various governmental levels and regions to provide additional balance and breadth.

The functions of such an advisory group would center on providing advice on and review of state agencies' implementation and a monitoring of the local assistance programs. However, actual decision-making power would remain with the state agency. The group created would provide advice, not make decisions.

A separate Citizens Committee might or might not be useful with this option.

Decision-Making Council with Agency Staffing

A third basic option is to assign the functions discussed previously to a new decision-making council. This council would be responsible for setting the program's policies and making major program decisions.

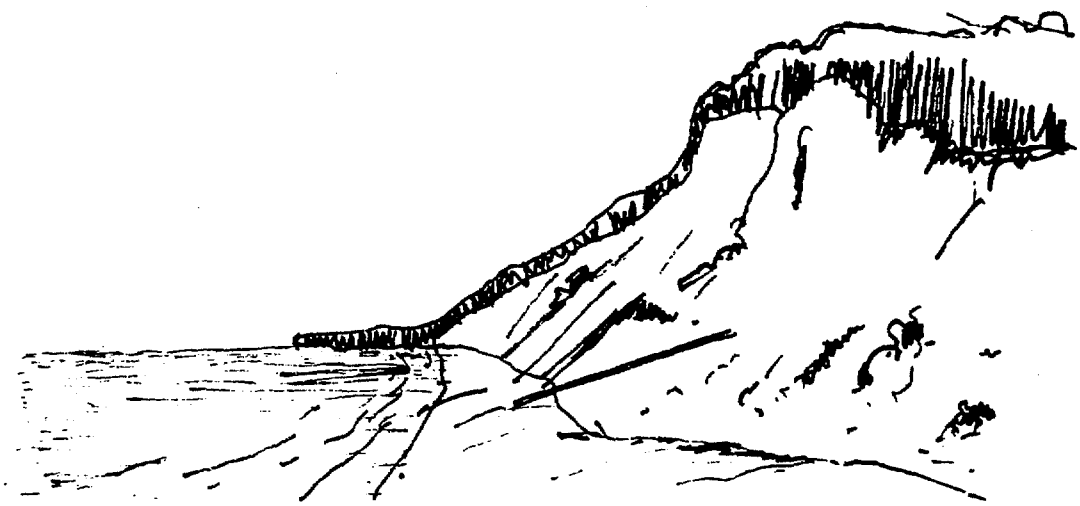
There are a number of issues that must be resolved before setting up a decision-making council--who sits on such a body, how are they chosen, and what voting arrangements are set up. These issues are summarized below:

- Representation on the council. This is the question of who sits on the council. Possibilities include state agencies (DNR, DLAD, DOT, DBD, DAg, PSC, Dept. of Justice, and DOA), UW (Sea Grant, UWEX), legislators, local officials, regional planning commissions, tribal governments, interest groups and citizens.

- Criteria for selection. Potential criteria for selection include: assuring a state-local balance; assuring each region of the state is equitably represented; having broad enough representation to assure adequate coordination; having representation from all parties necessary to implement the management program; having visible, responsive, and accountable decision-makers.

- Method of appointment. Several options are available: all appointments could be made unilaterally by the Governor; some of the Governor's appointments could be made based upon nomination by other parties (such as the local governments, local government associations, or the RPC's); some appointments could be made directly by the Governor, others directly by other parties (e.g., the Governor appointing state agency representatives, the RPC's appointing RPC representatives, the Speaker and President Pro Tem appointing legislators, and so forth); or some other combination.

- Voting arrangements. All council members could have equal voting powers or some could have only ex officio non-voting status. Some people suggested the state agency members be made non-voting members in order to avoid state agency domination of the council; one reaction to this proposal was that since a coastal management program will be relying on state agencies for implementation, those agencies should have a full vote on the Council (and that since the agencies have such disparate interests they are unlikely to vote as a bloc).



(b) Criteria used for selecting an option

There are a number of factors that could be used to evaluate various organizational options. While there was no attempt made to rank these factors in order of importance (it being recognized that the importance of a particular factor is a value choice that will vary with each reviewer of this proposal), there was general consensus on the part of the Co-ordinating and Advisory Council as to what factors should be considered and also consensus as to which of these factors are particularly important.

The twelve general factors thought to be important in reviewing the organizational options are:

(1) Visibility of decision-makers. How easy is it to identify who is making program decisions?

(2) Responsiveness. Are the decision-makers likely to be responsive to the public's coastal concerns?

(3) Accountability. How accountable to the public are the decision-makers? Are they directly elected? High level "political" appointees? Professional bureaucrats? Who are they responsible to?

(4) State-local balance. Is there a sharing of decision-making power between state and local interests?

(5) Regional balance. Is there a sharing of decision-making power between the various regions of the state? Are the decision-makers likely to be aware of and sensitive to the regional variations in coastal problems and possible solutions?

(6) Ability to coordinate state agency activities. Since the program will be implemented in large part by several existing state agencies, how well does the option facilitate the coordination of these state agency activities? How likely is it to be able to secure agency compliance with coastal goals and policies?

(7) Complexity. How complex is the option? How easy is it for the public to understand the arrangement used?

(8) Compatibility. Would the option be compatible with existing state agencies, institutions, statutes, and political realities?

(9) Cost. How much would it cost to administer the option?

(10) Efficiency. How efficient would coastal decision-making be with the option? How many steps would be required to make a decision? How many review points? How many interests could veto a proposal?

(11) Special interest domination. How likely is it that a single special interest would be able to dominate the decision-making?

(12) Approvability. How does the option affect the ability to structure a program that could be approved by the Office of Coastal Zone Management for program implementation grants?

Of these twelve factors, there was general consensus that the first six above are particularly important: As far as possible, the option chosen should have visible decision-makers who are responsive and acccountable to the public; there must be a state-local and regional balance to decision-making; and there is a strong need to be able to coordinate state agency implementing activities.

(c) The option chosen

After reviewing the options laid out above, the Coordinating and Advisory Council recommended adoption of an organizational option that has a decision-making council with a separate citizens advisory committee. They believed this option had the highest visibility of decision-makers and was most likely to be responsive and accountable to the public. It had the highest degree of state-local power sharing. This option also rated high on the ability to coordinate state agency activities and the regional balance factors. While this option is more complicated, more expensive, and less "efficient" in the short run than some of the other options, the Coordinating and Advisory Council felt its strong points outweighed its weaknesses. This program accepts this reasoning and adopts the recommendation of a decision-making council.

The option of relying on a single agency for program direction was rejected for a number of reasons: there would be no local voice in program decisions; it lacks a regional perspective in decision-making; decision-makers would not be very visible and were likely to be less responsive and accountable; and there was the stronger possibility of special interest domination. So while this "agency function" option would be the least complicated, least expensive, and most "efficient" option, it was rejected.

Even though the addition of an advisory committee would ease some of these difficulties, it does not go far enough in addressing the state-local balance, visibility, responsiveness, and accountability factors. Therefore, the option of making the program an agency function with an advisory committee was rejected.

Finally, after considerable discussion, the option of a decision-making council with the state agencies having no vote was also rejected. Since the management program will rely on state agency action for implementation, state agencies should have a full voice in program direction. Removing their vote destroys the state-local power balance and adversely impacts on the ability of

the group to coordinate state agency activities. Strong representation on the decision-making council by local and public interests minimize the possibility of any state agency domination. Also, it should be noted that state agencies, as well as all other Council members, will not be allowed to vote on funding decisions that directly affect their agency or interest.

This decision-making council will be assigned all of the functions discussed in the previous section of this program proposal:

(1) Oversight of state agency implementation and compliance
(2) Policy development
(3) Designation of key areas and uses
(4) Consideration of the national interest
(5) Serve as an interagency conflict resolution forum
(6) Oversight of provision of financial assistance
(7) Oversight of demonstration grant program
(8) Oversight of provision of technical assistance
(9) Coastal advocacy
(10) Coordination of all above functions
(11) Adoption of program budget
(12) Adoption and periodic updating of program
(13) Others, as directed by Governor

In order to adequately perform these functions and best meet the review criteria, it is necessary to create a broad Coastal Management Council with some members having a state government oriented perspective, some having a local government oriented perspective, and some a publicly oriented perspective. While this results in a rather large group, the Council can work effectively and efficiently through the use of committees and strong staff support. Further, full consideration will be given to inclusion of women and minorities on this council. As tribal governments control a significant portion of the Wisconsin Lake Superior shoreline, tribal governments should also be invited to participate fully in this program.

The Wisconsin Coastal Management Council will have 29 members and have the make-up and method of selection as detailed in Table 1 on the following page.

While all these appointments would be formally made by the Governor, 25 of the 29 participants would be non-discretionary appointments. It is suggested that appointments be for two year terms (or the nominee's term in office), with the possibility of reappointment. Also, the terms should be staggered, with one possible way of doing this being to make either the locally or publicly oriented appointments a one year initial term.

TABLE FOUR

COUNCIL MAKE-UP AND METHOD OF SELECTION

I. State government oriented members (10)

Body	Number	Method of Selection
A. Department of Natural Resources	1	(Secretary or designee)
B. Public Service Commission	1	(Chairman or designee)
C. Department of Transportation	1	(Secretary or designee)
D. Department of Business Development	1	(Secretary or designee)
E. Department of Administration	1	(Secretary or designee)
F. Dept. of Local Affairs and Development	1	(Secretary or designee)
G. Department of Agriculture, Trade and Consumer Protection	1	(Secretary or designee)
H. Assembly	2	(By leadership)
I. Senate	1	(By leadership)

II. Local government oriented members (10)

A. Northwest area	3	(see note)
B. Bay Lake area	3	(see note)
C. Southeast area	3	(see note)
D. City of Milwaukee	1	(By mayor)

Note on locally oriented member selection: Each coastal regional planning commission will be asked to submit three names to the Governor for the council members from their area. The names are to be selected by the Commission's Executive Committees. The nominations would have to come from the following four categories, with no more than one from any single category: (1) Regional planning commission members; (2) county officials; (3) city officials; and (4) village and town officials. At least two of the three nominees of each area must be elected officials. Also, each nominee must be from a different county, and the nominees should reside in coastal counties.

III. Publicly oriented members (7)

A. Citizens Committee	1	(Chair)
B. UW (Sea Grant)	1	(By President)
C. UW-Extension	1	(By Chancellor)
D. Inland advocates	2	(By Governor)
E. Coastal citizens (Superior and Michigan)	2	(By Governor)

Note: The Governor's selection of these four citizens would be based on the recommendations of program staff (who would consult fully with the regional planning commissions and interests with state-wide contacts and perspectives, such as UWEX, the League of Women Voters, the Conservation Congress, etc.).

IV. Tribal governments (2)

A. Red Cliff	1	(By tribal council)
B. Bad River	1	(By tribal council)

Note: Wisconsin's two Lake Superior tribes with coastal lands would be invited to participate in the council as full members in order to promote full cooperation and coordination of the Wisconsin coastal management program and tribal coastal management efforts.

In order to maintain an effective program, this Coastal Management Council will, on a regular basis, reevaluate its structure, roles, functions, and the need for its continued existence. This reevaluation will be in addition to and independent of required fiscal and OCZM program review.

d. Staff for the proposed Coastal Management Council

The Office of State Planning and Energy, Department of Administration, will be the lead agency to solicit, receive, and administer federal funds for the coastal management program. This agency will house a small central staff for the decision-making council.

A number of other state agencies will continue to be actively involved in the coastal program. For example, as a major implementor of coastal programs, the Department of Natural Resources might likely receive grants to improve its coastal management abilities and acquire additional lands (or interests in lands) of state-wide recreational or natural importance; the Public Service Commission might receive grants to better deal with the issues of siting energy facilities in coastal areas; the Department of Transportation might receive grants to provide technical assistance in port development; the Department of Local Affairs and Development might receive grants to provide technical assistance to localities undertaking coastal management efforts; and so on.

It is also anticipated that the coastal regional planning commissions will provide staff support for the program in a variety of ways, including, for example: staffing regional task forces; providing technical assistance to localities; coordinating the provision of technical and financial assistance in their areas; undertaking technical studies to supply information for the program; technical review of program reports and proposals; assisting in public information and education programs; assisting in public participation programs; etc.

e. Establishment of the proposed Wisconsin Coastal Management Council

In order for program implementation to begin and federal funds for coastal management to be secured as soon as possible, the Coastal Management Council will be initially established by gubernatorial executive order. This procedure does not foreclose legislative creation of the Coastal Management Council at some later point, but recognizes the fact that the legislative process is long and complex and that waiting for legislation before starting a program could seriously delay recommended improvement of Wisconsin's system of coastal management.

Also, it should be noted that there would be legislative review of any program proposal submitted to the federal government and legislative approval of any state funding of the program. Interagency agreements will be used to detail specific interagency relationships. These agreements are reprinted in Attachment I.

4. Roles of existing governmental agencies

As has been noted several times in this program proposal, existing state agencies will continue to carry out their individual coastal management activities. The Department of Natural Resources will continue to purchase and operate state parks, carry out its fish and wildlife management functions, carry out its water and air quality duties, and regulate shore alteration activities. The Public Service Commission will continue to regulate power plant and transmission line planning and siting decisions. The Department of Transportation will continue its highway and port assistance activities, transportation planning, and its scenic easement purchases. The Department of Local Affairs and Development will continue to provide technical planning assistance to localities. The Department of Business Development will continue its tourism and business promotion activities.

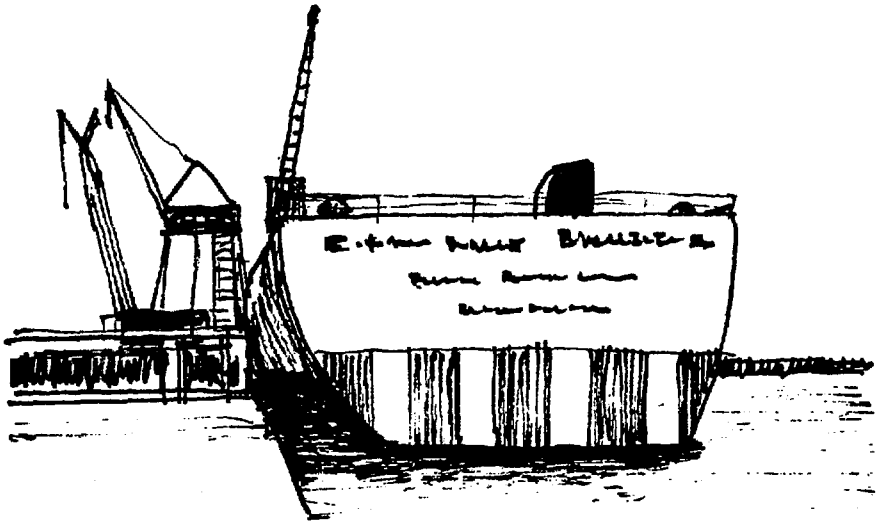
The Wisconsin Coastal Management Council will take over none of these specific coastal management activities. It will issue no permits and purchase no land. It will make funds available to the above state agencies to improve their management capabilities. It will coordinate the activities of these agencies so that a consistent coastal management program will be carried out in the state.

With this proposal, local governments will continue their role of local coastal planning and management. There would be no state take-over of local concerns--local planning and regulation would continue to be handled at the local level. Where the state is currently involved in these matters, as with standards for shoreland and floodplain zoning, the coastal program will look to improving both the state standards and the local capabilities to fully meet those standards. Otherwise, the purpose of the proposed program will be, where requested by localities, to provide technical and financial assistance for the local resolution of local coastal problems.

To assure full consultation and coordination with local governments, major program decisions will be submitted to localities for review as stated below. These program decisions include the designation of GAMC's, the annual work program/budget, and any changes in management policies or practices set forth in agency administrative rules. The GAMC designation process provides for notice to localities through the regional clearinghouse, with a 30-day comment period; the annual budhet undergoes a standard A-95 review; and changes in administrative rules are published in the state's official register of the administrative code at least one month prior to their effective date.

Other important actors in this proposed coastal management program are the three coastal regional planning commissions. As noted above, the program will fund their efforts that support the coastal program's public participation, technical assistance, and governmental coordination efforts.

There are a number of other significant governmental programs underway whose activities can affect the coastal area, including for example, the Department of Housing and Urban Developments's 701 program, the Environmental Protection Agency's 208 program, the Economic Development Administration's 302 program and OEDPs, and Upper Great Lakes Regional Commission programs. This Wisconsin coastal management program will fully coordinate with these programs at the state, local and federal levels, using their products and policies where appropriate.



5. Conflict Resolution

The ability to resolve conflicts among competing uses is important for insuring a consistent coastal management program on the part of local governments, state government and federal agencies. The Wisconsin program recognizes the Governor's role in the coordination and management of the executive branch as central to any conflict resolution process. The Governor's authority to assure that a consistent and coordinated coastal program is executed through executive orders was discussed in detail in Appendix H of the draft impact statement. The Governor's principal responsibility is insuring compliance and promoting consistency among established policies.

Interagency agreements, like the draft reprinted at the end of Part II, will be used as a means of formalizing compliance by state agencies in executing program goals and policies.

There are a number of mechanisms currently in use that will be used to help resolve potential conflicts. These include:

a. Administrative review process
b. A-95 review and comment
c. Wisconsin Environmental Policy Act
d. Office of State Planning and Energy
e. The budget process
f. Interagency committees
g. Judicial review
h. The National Environmental Policy Act of 1969

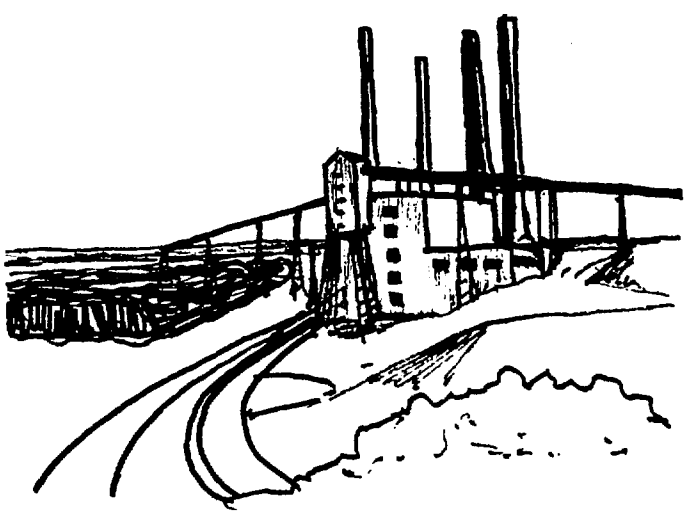
Most of the above techniques do not resolve conflicts in themselves. They are often of an informational nature, whereby the provision of a better understanding of the features of an issue leads to preliminary avoidance of intergovernmental conflicts.

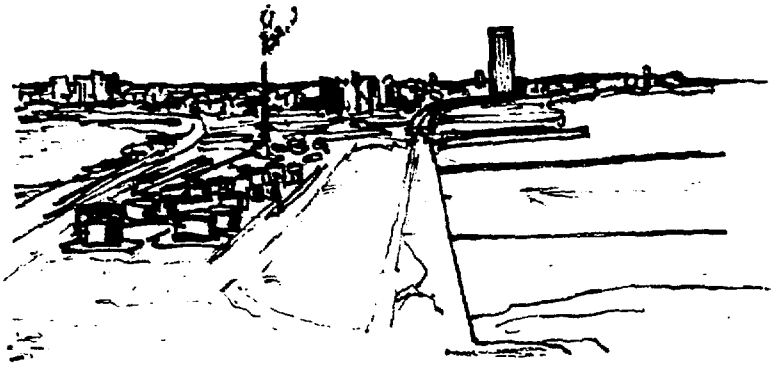
The Wisconsin Coastal Management Program will introduce into this present system of conflict resolution the new elements of the Coastal Management Council (CMC), the Citizens Advisory Council (CAC), the establishment of specific management policies for designated areas of management concern, and the requirement of federal consistency with the policies of the Wisconsin management program. All of these elements are discussed in more detail elsewhere in this proposal.

Being composed of members representing diverse interests, the CMC would attempt to resolve those conflicts before they would normally advance to the Governor's office. The Council will use existing vehicles, such as A-95 review and comment, to improve coordination and assure a consistent management program. Coastal management concerns would be inserted into such reviews by the CMC, taking into consideration the program objectives and state policies. The CMC would become part of the administrative review process, could become involved in judicial appeals, and has decision-making authority for those issues involving program operation.

One of the functions of the CAC will be to monitor the implementation of the program. This could include identifying impending conflicts and bringing them to the attention of the involved parties or the CMC. A second function, that of sponsoring public participation and public education programs, can also serve to identify potential conflicts and facilitate early resolution.

With the GAMC process, specific policies for specific areas are proposed by the managing agency. These proposals are reviewed by local, state, and federal agencies, and the public. A specific mediation process is set up for conflicts. With the federal consistency provisions, specific procedures are set forth for improving the coordination of state and federal management programs.





6. Public participation in implementation of the proposed program.

The development of a coastal management program in Wisconsin has been undertaken with a strong, aggressive program of public participation. The importance of continued active public participation in the program is recognized and is reflected in the program activities listed in the first chapter of this proposal.

Two formal mechanisms to assist the program in meeting its public participation responsibilities are: (1) creation of a state citizens advisory committee; and (2) creation of regional advisory committees.

a. State Citizens Advisory Committee

A broad State Citizens Advisory Committee, with independent staffing, will be established to monitor program implementation and to develop, recommend, and sponsor public information, education, and participation programs. Further, to provide citizens with a direct role in coastal program decision-making, the chair of the State Citizens Advisory Committee will be an ex-officio member of the Coastal Management Council with full voting rights.

These conclusions led to this decision:

- There is a valid citizens monitoring function to be performed during initial program implementation, the time when broad policies will be specified into detailed operational guidelines;

- There is a valid education and participation function to be performed, as the program will need citizen support and involvement (along with intergovernmental participation) for successful implementation;

- Only an advisory citizens group composed of a broad spectrum of publics can monitor and evaluate program implementation and identify emerging conflicts from the citizen's perspective;

- Representation on the Coastal Management Council is necessary to legitimize an advisory role;

- Independent staffing is required to guarantee independent thought and involvement.

In setting the membership of the State Citizens Advisory Committee, the following general criteria for membership will be used:

- Achieve representation from the whole spectrum of public interests concerned with coastal resources;

- Achieve a balance between representation based on population and representation based on geography, giving full consideration to urban, suburban, and rural interests;

- Achieve a balance of interests from the three regions, and a representative of inland perspectives;

- Achieve strong representation from those interests which will be affected (positively and negatively) by coastal management;

- Achieve strong representation from groups concerned with the general public welfare;

- Achieve equitable representation of women and minorities.

To achieve this, the group should have 27 members selected as follows:

- Develop nomination lists through consultation with:
  1) Regional Planning Commissions
  2) County planning agencies or Extension agents
  3) State and local organizations
- Document the selection process
- Select likely candidates (Council)
- Offer positions
- Formal appointment by Council and public notification

On two key points, geographic and interest group representation, more specific criteria for membership are set forth:

- Geographic balance

Six from the Northwest RPC area, nine from Bay Lake RPC area, 11 from Southeast RPC area, one from inland. More specifically, an attempt would be made to secure the following county representation:

2 - Douglas
2 - Bayfield
2 - Ashland and Iron
1 - Marinette
1 - Oconto
2 - Brown
2 - Door
1 - Kewaunee
1 - Manitowoc
1 - Sheboygan
1 - Ozaukee
6 - Milwaukee
2 - Racine
2 - Kenosha
1 - Inland

- Interest area balance

Representation from the following public interest areas should be considered (but not limited to):

Agriculture
Manufacturing
Real Estate
Shipping and Ports
Utilities (electric)
Other General Commerce
Commercial Fishing
Recreation Services (hotel/motel, marina, boats and motors)
Recreational Boating
Other Recreational Users
Sportsmen/Fishermen
Environmental Concerns
Scientific Areas Preservation
Historic Preservation
Public Interest Groups (League of Women Voters, educators, etc.)
Shore Property Owners

The specific functions of the State Citizens Advisory Committee will be as follows:

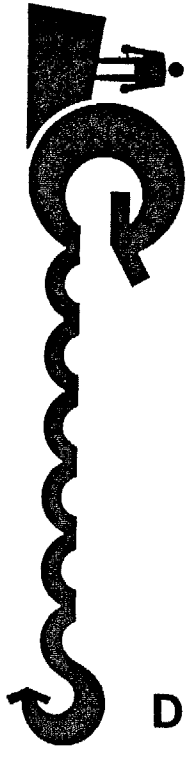
- Monitor initial implementation of program
1) Serve as sounding board for Council
2) Serve as advance warning system to alert Council to emerging public concerns
3) Serve as forum for citizen evaluation of program implementation to insure that citizen value preferences are expressed and considered by the Council.
- Public Education and Participation
1) Develop and recommend policies and programs for broad public information and education
2) Initiate and co-sponsor public participation efforts
3) Monitor and evaluate public education and involvement efforts

In addition, the need for such a citizens group to tend toward self-destruction instead of self-perpetuation was considered. State level committees have a tendency to lose their purpose and function after the rules of operation become routine. As a result, this Committee will annually initiate a reevaluation of its role, functions, and need for continued existence.

b. Regional Task Forces

Regional coastal task forces, to be staffed by the regional planning commissions, will also be established. The basic purpose of the task forces will be to facilitate fuller participation in the program on an on-going basis by interested local parties. To insure full communication, the members of the decision-making coastal management council and state citizens advisory committee from that region will be members of the regional task forces.

The membership and operating procedures for each regional task force should be set by the individual regional planning commissions. While regional variation will take place, each commission will make opportunities for participation fully available to local citizens, elected officials, and technical personnel. The regional commissions will be appropriately funded by the coastal management program to staff these task forces.



D. PROGRAM FUNDING

D. PROGRAM FUNDING

1. Overview

a. Introduction

Funding assistance through the federal Coastal Zone Management Act offers an opportunity to make management programs work better, to address specific Great Lakes issues and to develop an awareness and advocacy of the importance of the Great Lakes to the environmental, social and economic well being of the State.

The assistance provides an incentive to states to look at their coasts and to develop policies and programs as necessary to improve the management of them. It must be noted, however, that federal funds are currently authorized for only a fixed period of time (generally until 1980). Congress could find that it is in the national interest to extend the duration of the Act's authorizations at some future date.

The duration of the current authorization would suggest that the wise use of federal funds would be to direct those funds towards the solving of specific coastal problems over the short term and addressing "short-term" implementation activities in lieu of developing solely additional staff capabilities which necessitates a long term committment. Should a Coastal Management Program proposal be approved, the Coastal Management Council will need to be vigilant in reviewing proposals to preclude placing a heavy financial burden on either state or local governments if federal funding assistance terminates.

Funds authorized and appropriated should be viewed as complimentary to existing state and federal programs not as a substitute for them. The following sections on funding activities encourage the use of program funds in conjunction with other sources to achieve program ovjectivies. Considering the miles of Great Lakes shoreline in Wisconsin and the amount of funding potentially available, as noted by several local officials, "it doesn't add up to much per mile." It could however make the difference between almost having enough to begin a project on a coastal problem and having enough. Projects in Superior, Racine County and Milwaukee over the past few years have proven that a relatively small amount of assistance can often make the difference.

b. Program Coverage

Financial and technical resources available through this program are limited to the fifteen coastal counties, less the area managed by the federal government. The program funds will be used to achieve the program objectives identified earlier:

- o advocacy of the wise and balanced use of the coastal environment.
- o increased public awareness and opportunities of citizen participation in decision making.
- o coordination of existing policies and activities.
- o improvement of implementation and enforcement of existing policies and programs affecting designated key coastal uses and areas.
- o strengthening of local government capabilities to indicate or continue effective coastal management.

c. Accountability

The Coastal Management Council (section II C), among other things, is charged with the functions of:

(1) oversight of financial assistance to local governments and state agencies.
(2) oversight of a program of demonstration grants.
(3) approval of the program budget.

The Council is composed of members from local governments, the state legislature, state agencies and citizens. This composition provides a balance amongst governmental functions. If further provides for members who are readily accountable to the public.

The Coastal Management Program as a whole will be accountable to the Governor, the legislature, the general public, the federal Office of Coastal Zone Management, and the Council membership itself.

d. Estimated fiscal benefits/costs

There is a problem with identifying potential federal funds and state matching requirements, before a state program is approved, as conditions and requirements can change. There is, however, an equal concern that

these fiscal costs and benefits be made public in order that citizens and officials have a clear idea of the program. The following discussion is the best understanding of this issue at the time of preparing this proposal. It should be kept in mind that the figures used are estimates, not firm or fixed figures.

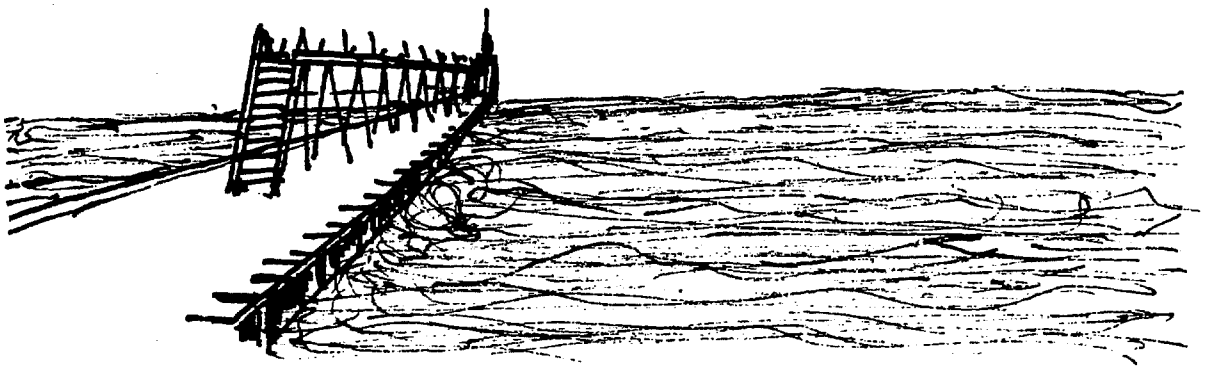
Federal funds available

The best estimate of potential federal funds available to Wisconsin under the basic elements of the Act (306) is approximately 1.5 million dollars a year over a five year period. The actual amount of finding is determined through a yearly grant application process.

In estimating the federal assistance available there are several other factors to keep in mind.

1) The first variable deals with the number of states participating in the national program. Congress has authorized a fixed limit to the total amount of funds available. If fewer states participate than expected, the amount available to each state would be proportionately higher. If Wisconsin chooses not to pursue a program, additional funding would be available to other states that do participate.

2) A second factor relates to Congressional support for coastal management. The 1976 amendments to the Act, amongst other things, sought to continue the program, increase the federal share and increase the federal authorization. The amendment passed both houses of Congress by overwhelming majorities (House--370 to 14; Senate--73 to 15). From the enactment of the initial Act in 1972, Congressional support of the program has been strong. Considering such recent events as the numerous major oil spills, the extension of territorial waters to 200 miles and the efforts to obtain energy resources from the outer continental shelf, there is reason to assume that Congressional support will remain and the program funding authorizations will, in the normal budgetary process, be extended beyond 1980.



State match required

States are required to match the federal funds at a ratio of one state dollar for each four federal dollars. This match can occur as either dollars or matching services and activities. With an estimate of 1.5 million dollars annually, Wisconsin would be expected to contribute $375,000 dollars as money or in-kind services. Since the Wisconsin program is based on existing programs, much of the required match would be as in-kind activities. Any additional state dollars would have to be reviewed and approved by the state legislature. As a general rule, this match requirement will be met by each individual applicant.

2. Funding Sources for a Coastal Management Program

The federal Coastal Zone Management Act provides for assistance in a variety of areas from program development to beach and island acquisition. The following is a brief synopsis of the types of assistance available to states that are voluntarily participating in the program. The relevant section of the Act is shown in parenthesis.

- Management Program Development (Section 305)

  Congress has authorized $20 million annually through 1979 for states to develop management programs. The current efforts in Wisconsin are funded under this provision of the Act.

- Management Program Implementation (Section 306)

  Once a state has a Management Program meeting its needs and consistent with the guidelines of the federal Act, funds are authorized ($50,000,000 annually, currently authorized through 1980) to assist states in implementing their program.

- Coastal Energy Impact Program (Section 308)

  Eight hundred million dollars are authorized through 1984 (no annual limit) "to meet the needs of coastal states and local governments in such states resulting from specified activities involving energy development." The provision provides for grants or loans to: plan for energy related activities; assist in providing new or improved public facility needs and/or to recover from unavoidable loss of a valuable environmental or recreational resource.

- Interstate Grants (Section 309)

  To encourage coordination between states and to study, plan and implement multi-state coastal policies, the Act provides an authorization of $5,000,000 annually (currently authorized through 1980).

- Research and Technical Assistance (Section 310)

  Grants to states may be made under this section of the Act to carry out research, studies and training required with respect to coastal management. Federal assistance authorized is $10,000,000 annually (currently authorized through 1980).

- Estuarine Sanctuaries and Beach Access (Section 315)

  This is the only section of the Act which allows for the acquisition of public lands. Six million dollars are authorized annually for acquiring, developing or operating natural field laboratories. Twenty-five million dollars are authorized for acquiring lands to provide for access to public beaches or other coastal areas of public value (environmental, recreational, historical or cultural) and for the preservation of islands. There is a total of $31,000,000 annually (currently authorized through 1980) authorized for these programs.

All the sections identified above are contingent upon the state's voluntary participation in the basic parts of the Act, that of developing or implementing a Management Program. While states are the recipients of funding in most cases, the Act does not preclude the passage of funds to local units of government. Wisconsin's approach of a state/local partnership is consistent with the Act and opens the door for supporting local efforts in any or all of the areas listed above.

The sources listed above are <u>available types</u> of financial assistance through the Coastal Zone Management Act of 1972 as amended. <u>In all cases states must make application for these funds by submitting specific proposals</u>. This should be kept in mind while reviewing this section. Wisconsin <u>will not</u> have discretionary funds but must make application for assistance with relatively specific proposals to the Office of Coastal Zone Management. (See Section 5 below -- Application and Review Process)

3. Eligible Funded Activites and Recipients

As stated above, a state's accessibility to the $166,000,000 annually in nation program authorizations is predicated on participation in the federal program either in developing or implementing an overall Coastal Management Program. The following section outlines the basic activities to be funded in Wisconsin's Program. Coastal Management Council members may not vote on funding decisions directly affecting their constituency or agency. This section parallels the program objectives identified in Part II, Section I of this proposal.

a. To improve the implementation and enforcement of existing regulatory and management policies and programs affecting key coastal uses and areas.

Eligible Activities

(1) Uses of state management concern* - Assistance is available for improved state management of those key uses which have a direct impact on the Great Lakes.

(2) Areas of state management concern* - financial and technical assistance is available for key areas designated by the Coastal Management Council as being of management concern.

(3) Coastal energy impacts - financial assistance is available to assist state and local governments to meet their needs resulting from specific activities involving energy development. Such assistance includes grants to plan for the consequences of existing, expanded or new coastal energy facilities; loans to assist in providing new public facilities or services required as a result of coastal energy activity and guarantees on bonds issued for the purpose of new or improved public facilities or services required as a result of coastal energy activity.

(4) Estuarine sanctuaries and beach access - Financial assistance for the acquisition of public lands as: a) natural field laboratories; b) to provide public access to public beaches or other coastal areas of environmental, recreational, historical, esthetic, ecological or cultural value, or c) for the preservation of islands.

Eligible recipients: general purpose governments (state and local); University of Wisconsin; Tribal governments.

*Projects must be an outgrowth of the specific policies to manage key uses (section II b.2.) and key areas (section II B.1.)

b. To improve the coordination of existing policies and activities of governmental units and planning agencies on matters affecting key coastal uses and areas.

(1) Program Administration

Eligible activities include the fiscal and managerial administration of projects funded through the program and the logistical and staff support of a state-level council to direct the program.
Recipient: the lead agency for the state program.

Coordination of technical assistance to local units of government will be conducted through the respective regional planning commissions. Adherence to this procedure will aid in minimizing confusion and duplication of effort.

(2) Interstate Grants

Financial assistance is available for study and resolution of coastal management problems reaching across state boundaries.

Eligible recipients: general purpose governments, state and local, having jurisdiction and sharing a boundary with neighboring state, and regional planning commissions.

c. To strengthen local government capabilities to initiate or continue effective coastal management.

(1) Demonstration Projects

The Wisconsin Coastal Management Program should encourage new approaches to improve management of the limited Great Lakes shoreline. In order to assist governments with management within their jurisdictions, the coastal program will provide funds for innovative approaches to coastal problems.

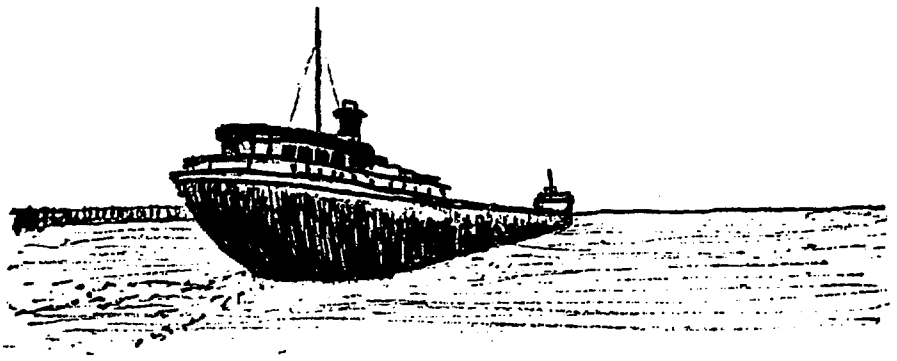
Eligible activities. The purpose of demonstration project funding is to encourage unique and innovative projects. The range of eligible projects should remain as broad as possible. To ensure the greatest possible flexibility in evaluating projects, any project which meets the following guidelines will be eligible for consideration. The guidelines for project eligibility include:

(a) Projects should deal with an issue or problem of substantial interest to others in the coastal area, and results should be applicable to other coastal locations in Wisconsin (or the nation).

(b) Projects should not duplicate other projects in Wisconsin which are in process or which have already been completed. However, projects which result from or build upon previous projects would be acceptable.

(c) Projects must be consistent with the adopted plans of local units of government and areawide agencies.

Eligible Applicants: Applications for demonstration project funding would be accepted only from coastal towns, villages, cities or counties. Other local units or agencies of government or private bodies interested in potential demonstration projects would be required to obtain the sponsorship of the local unit of government and the clearance of the unit in which the project is located. The local governmental unit could act as sponsor for projects; could contract with others to complete projects; or could undertake projects on its own.



(2) Regional Technical and Administrative Support

The Wisconsin Coastal Management Program is directed at improved communication and coordination between units of government. Eligible activities for which financial assistance within this element is available: 1) assisting regional clearinghouses to facilitate coordination and avoid duplication; 2) providing administrative support to local governments in seeking financial or technical support through this program; and 3) providing readily available general technical support to local governments in addressing coastal problems; 4) providing technical assistance coordination; 5) staffing regional technical and citizens advisory committees. Eligible recipients: Regional Planning Commissions.

(3) Local Government Technical Assistance

The intent of this coastal program local assistance is to aid local units of government in developing a capability to manage their shoreline.

One of the primary purposes of a continuing coastal management program in Wisconsin is to provide both funding and technical skills to those units and agencies of government having jurisdiction on the water and shoreland areas in the study of and planning for resolution of problems in the coastal management area. Several agencies of government have the technical staff capability to assist the state and local coastal units and agencies of government in the preparation of special studies or plans related to the coastal management area as well as the preparation of coastal management implementation measures. It is incumbent upon those agencies of government having technical expertise to make it available to units of government which wish to carry out the established objectives of the coastal management program.

Eligible activities include those issues which are regional or statewide in nature and where technical assistance is either non-existence or insufficient. Assistance should be provided to projects addressing specific current coastal problems, e.g., shore erosion. Specific guidelines will be established by the Coastal Management Council. There are several types of Technical Assistance that could be provided.

(a) Direct Assistance

(1) The organization of a coastal area study, management, or planning program.

(2) The selection of other technical data or assistance providers.

(3) The coordination of work efforts.

(4) Data collection and analysis.

(5) The preparation and review of alternative and final plans.

(6) The preparation and review of technical studies and reports.

(7) The preparation of specific ordinances or regulatory devices.

(8) The provision of staff training programs and courses.

(b) Indirect Assistance

(1) The preparation and dissemination of planning guides related to coastal management projects.

(2) The preparation and dissemination of specific work handbooks or manuals.

(3) The preparation of model codes, ordinances, and other implementation devices.

(4) The provision of training courses and seminars related to coastal management programs, projects and implementation.

(c) Specific management activities

Assistance for the implementation of a management program would be obtained through participation in the designated area/use program discussed in section 3.d immediately above.

Eligible recipients:

(a) Federal agencies
(b) State agencies
(c) City, village, and town agencies
(d) County agencies
(e) Regional Planning Commissions
(f) Universities, colleges, and public technical schools
(g) Tribal governments

d. To provide a strong voice to advocate the wise and balanced use of the coastal environment and promote the recognition in federal, state and local policies of the uniqueness of the coastal environment.

This objective will be primarily achieved through the Coastal Management Council, Citizen Advisory Committee and the program staff. Other activities could also aid in achieving this objective and proposals would be considered.

Eligible Recipients - principally the lead agency; general purpose units of government.

e. To increase public awareness and opportunities of citizen participation in decisions affecting the Great Lakes resources.

Eligible Activities - can be grouped into two areas--public awareness and citizen participation.

Public awareness activities will take full advantage of existing services provided through the Sea Grant College Program, University of Wisconsin-Extension, and others. Activities could include preparation and distribution of informational materials on coastal issues, such as hazards of oil spills, shore erosion, the unique climatic effects along the lakes, air transport of hazardous substances, etc.

Citizen participation activities could consist of: the development of innovative approaches to enhance public participation in decision-making; ombudsman to investigate citizen concerns over coastal management; the logistical and staff support of a separate state-level Citizens Committee representing the various interests affected by the program; or others.

Eligible recipients;

(a) State agencies
(b) City, Village and Town agencies
(c) County agencies
(d) Regional Planning Commissions
(e) Universities, colleges, public technical schools, and public schools

4. Considerations in Project Funding

In the fall of 1976 the Coordinating and Advisory Council sponsored a series of public meetings and distributed a questionnaire to find out what the public thought a Wisconsin coastal management program should be doing. In order of priority, the citizens responding indicated their concerns were:

- improvement of water quality*
- abatement of damage from shore erosion
- management of natural areas
- public recreation and access (historic, cultural)
- port management
- urban shore uses
- other issues

This priority list will be used by the Coastal Management Council in establishing program budgets.

- Urgency or immediacy of need
- Georgraphic distribution of the proposals
- Presence of matching funds
- Ability and willingness of applicant to carry out the activity
- Consistency with local coastal plans
- Transferability of findings of the project
- Cost of the project and availability of complimentary funds from other state or federal sources
- Existence of alternative means for carrying out the project

5. Standards for Project Funding

In order to ensure that the best possible use is made of the available funds, applications for coastal program financial assistance must meet several funding guidelines.

a. General Guidelines

(1) Applicants must state that a reasonable investigation of alternative sources of funding has been made.

(2) The project must begin within 90 days of the approval of funding by the Coastal Management Council, and the project must be complete in two years or less.

*Water quality was the principal concern; however, due to the major public commitment to water quality, program funds should be used only after all other sources have been exhausted.

(3) Project funding may be combined with other local, state or federal funds (or projects) to achieve coastal management objectives. (Combining of funds is both appropriate and encouraged).

(4) Proposal may make applicant eligible for, or increase applicant's priority for funds, from other state or federal programs.

(5) Applicants must have a clearly-defined means of public participation in the proposed project.

(6) Applicant must comply with standard limitations on the use of federal funds (e.g., equal opportunity hiring).

b. Specific Guidelines for Funding

(1) A single project may involve no more than 10% of the current budget year coastal funds. Total funding from the coastal program may not exceed 80% of the total cost of the proposed project. The applicant's share may be in matching funds or in-kind contributions.

(2) Applicants for local assistance funds must be engaged in, or be in the process of creating or initiating, a local planning program that includes preparation and adoption of comprehensive coastal plan or plan component(s).

6. Application and Review Process

(a) Proposals for financial assistance will originate with appropriate eligible recipients. Project proposals and funding requests will then be submitted to the Coastal Management Program. Assistance in preparing an application will be available from the regional clearinghouses and the lead agency.

(b) The program staff* would conduct an initial review of project eligibility. If it is determined that the proposal is clearly not eligible, a recommendation to that effect would be transmitted to the Council and to the applicant.

(c) If the proposal appears to be eligible, the staff would transmit the project proposal to the appropriate regional clearinghouse for formal review. At the same time the proposal would be transmitted to a standing committee on financial assistance to be established by the Coastal Management Council. Where appropriate, the state clearinghouse will also be notified.

(d) The state and regional clearinghouses will utilize their existing review process to solicit comments.

(e) The state and regional clearinghouses will provide any comments to the Coastal Management Council's Financial Assistance committee within a 30-day period.

(f) Following the formal review, this committee will meet to make its final recommendation to the Coastal Management Council.

(g) The Council will make a final decision on project funding and notify the applicants of the decision.

(h) The Council will then make application for the necessary funding from the federal Office of Coastal Zone Management.

*Program staff consist of representative of the major participating agencies, e.g., OSPE, BLRPC, NWRPC, SEWRPC, DNR, DOT, DLAD and others.

GENERAL
TIME TABLE FOR GRANT APPLICATION AND REVIEW

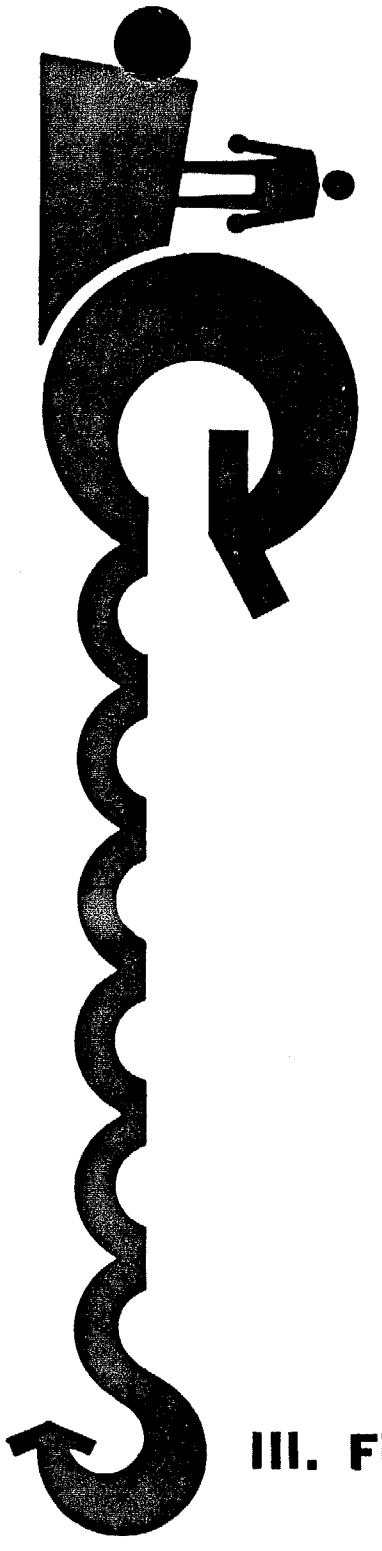
9 months before grant begins	-	Call for proposals from eligible recipients. Information will be widely disseminated to local governments, state agencies, regional planning commissions and others as appropriate.
7 months before grant begins	-	Due date for all proposals. Proposals will be referred to a standing committee of the Council (Financial Assistance) for an initial screening of eligibility.
6 months before grant begins	-	Eligible proposals submitted to Regional Clearinghouses for review and comment. Technical review conducted simultaneously.
5 months before grant begins	-	Due date for Regional Clearinghouse and Technical review. Standing committee prepares application and coordinates with the federal Office of Coastal Zone Management on budget and proposed projects.
4 months before grant begins	-	Council review and approval of proposed application. Final application prepared.
3 months before grant begins	-	Formal submission of Grant Application to the State A-95 Clearinghouse process for review and comment.
2 months before grant begins	-	Formal submission of Grant Application to the federal Office of Coastal Zone Management for review and approval.
1 month before grant begins	-	Formal notification of approved Grant Application by the federal Office of Coastal Zone Management.

Note: Applications for the demonstration projects would continue to be accepted and reviewed at any time, following the initial period, but would be processed and evaluated on a first-come, first-served basis.

7. Reporting and Evaluation

Each recipient will be informed that periodic reports will be required for all funded projects. In addition to the regular progress report, each recipient will be required to prepare a final report on the project as well as an evaluation of the project. It is recommended that a small staff technical committee be established to advise the Financial Assistance committee on progress and quality of projects.

The Financial Assistance committee would also prepare an evaluation and final report to the Council for each funded project. The committee would provide a recommendation concerning further dissemination of information and reports concerning financial assistance.



III. FEDERAL GOVERNMENT ACTIVITIES

III. FEDERAL GOVERNMENT ACTIVITIES IN THE COASTAL AREA

A. OVERVIEW

One of the basic underlying concepts in Wisconsin's program proposal is to make government work better through a strengthened relationship between state and local government. The Coastal Zone Management Act of 1972 requires that the state-federal relationship also be strengthened by requiring federal agency activities to be "consistent with the state program, to the maximum extent practicable."

Wisconsin has requested federal agencies to identify their interest in the Wisconsin coast and has provided full opportunity for formal review of all program documents. (see Appendix I). Additionally several specific coastal issues have been addressed with excellent support from federal agencies, specifically shore erosion and the analysis of lake level regulation.

All lands owned, leased or whose use is otherwise by law subject solely to the discretion of the Federal Government, as well as lands held in trust by the Federal Government, are excluded from the Wisconsin Coastal Management Program. Federal activities, including development projects undertaken on excluded Federal lands which directly affect the coastal area, and Federal license, permit and assistance activities on such lands which affect the coastal area must generally be in conformance with the Wiscosnin Coastal Management Program. By excluding Federal lands from its coastal area, Wisconsin does not relinquish or in any way impair its rights or authority over Federal lands that exist outside of the context of the coastal management program. Indian lands, including the Bad River, Red Cliff and Oneida Reservations, are eligible for program assistance as defined in Chapter II. A list of federally excluded lands was reprinted in Appendix I of the Draft Impact Statement.

Continued coordination with federal agencies will ensure that national interests are adequately considered in the management of the program. Coordination has and must continue to occur not only formally but on a working level as well.

The listing of those coastal related federal activities in which Wisconsin has an expressed interest was printed Appendix I of the Draft Impact Statement.

The following sections set out in more detail the questions of

1. the national interest in the Wisconsin coastal area and its relation to the program; and

2. the question of consistency of federal actions with the Wisconsin program.

B. THE NATIONAL INTEREST IN THE WISCONSIN COASTAL AREA

This program proposal recognizes that the Great Lakes are an important national, as well as state and local, resource. The natural, recreational, commercial shipping, and other benefits of Lakes Superior and Michigan extend beyond the boundaries of Wisconsin. The Coastal Zone Management Act of 1972 requires that a "management program provides for adequate consideration of the national interest involved in planning for, and in the siting of, facilities (including energy facilities in, or which significantly affect, such state's coastal zone) which are necessary to meet requirements which are other than local nature." This section describes how Wisconsin has fulfilled the spirit and intent of this requirement in the development of its coastal management program, and describes the process that the program will employ to consider the national interest in the siting of such facilities during program implementation.

1. The National Interest in the Wisconsin Coastal Area

a. Commercial Navigation

There is a national interest in maintaining and enhancing the level of commercial navigation on the Great Lakes. The five Great Lakes and their connecting waterways and canals form a water highway 2,342 miles long from the heart of the North American continent to the Atlantic Ocean via the St. Lawrence River. The area served by Great Lakes ports contains 35 percent of the nation's population, and provides 44 percent of the gross national product. The dispersion of mineral resources, population, and industry, and the Region's lack of large sources of energy contribute to the great need for a complete and efficient transportation system. Continued regional growth and development is dependent on such a system.

The Great Lakes-St. Lawrence River commercial navigation system is a low-cost transportation facility that is essential to the economic vitality of the Great Lakes Region, and an important contributor to the national economy. Waterborne transportation requires less energy per ton-mile than any other form of transportation and creates little noise and air pollution. It also provides efficient means of transporting energy sources such as coal.

This navigation system is presently underused. There is a national interest in improving the efficiency of the present Great Lakes navigation system, including the facilities which are necessary to accommodate Great Lakes commerce.

A number of Wisconsin's ports and harbors have been declining or stagnating. For continued efficient operation, ports and harbors should be maintained to adequate depths both to allow oceangoing and lake vessels access to shore facilities and to allow efficient shipping capacities. In order to maintain a high volume of traffic passing through Wisconsin's Great Lakes ports and harbors, the transportation system and facilities must be highly efficient and economical. There is a need for some modernization to keep pace with cargo handling technologies. Other considerations include seaway tolls, competition from railroads, and the level of attention given Great Lakes concerns by the Maritime Administration.

The Duluth-Superior harbor is one of the most important in the Great Lakes and in the nation, shipping substantial amounts of iron ore, grain, and also scrap iron, coal, limestone, salt, steel products, and other products in both domestic and international trade. Federal expenditures at Duluth-Superior, particularly for maintenance dredging, have been high. The Wisconsin and Minnesota coastal programs sponsored funding of an assessment of how to manage the twin ports in a comprehensive manner. Priorities for this area include extension of the navigation season, accommodation of supercarrier traffic, and disposal of dredge spoils in an environmentally safe manner.

Other major harbors in Wisconsin include Milwaukee, Green Bay, Kewaunee, and Manitowoc. Needs in these harbors include continuation of cross-lake car ferries, attraction of sufficient or additional traffic, and dredging to maintain adequate depths in an environmentally sound manner.

b. Energy

There is a national interest in the siting of certain energy facilities that are necessary to meet requirements that are other than local in nature in Wisconsin. The state's standard for review of power plant siting plans is set out in the statutes at S.196.491(2). One of the standards used is whether the plan "will provide a reasonably adequate supply of electrical energy to meet the needs of the public during the planning period". In fulfilling its responsibilities under this statutory mandate the PSC has specifically directed its staff to gather information and evidence of energy needs outside of Wisconsin as well as within the state for planning and forecasting. Energy needs in the Great Lakes are related to the improvement of commercial navigation facilities, discussed above. Wisconsin has no known or projected production or reserves of oil, natural gas or coal. Coal is the major fuel for the generation for electricity in Wisconsin, as it is for the entire Great Lakes basin, and virtually all of the coal used in Wisconsin must be imported by rail or water. Recent federal legislation and the President's Energy Plan have expressed a national policy supporting the increased use of coal for energy production. The improvement and expansion of facilities in Wisconsin to carry out this policy are in the national interest.

Low sulphur western coal is presently increasing its share of the coal movement on the Great Lakes. Although shipments of eastern coal from the major coal ports of Lake Erie have declined within the last decade, electric utility demands for western coal spurred the completion in 1976 of a major coal transshipment facility in Superior. Reported to be the largest bulk handling facility in terms of cargo handled per unit time, the Superior facility is designed for an eventual transshipment capacity of 20 million tons per year. This facility could double the coal traffic moved on the Great Lakes. However the extent to which western coal traffic will increase depends upon the degree of conversion of existing facilities to western coal and the construction of new facilities for use of western coal.

Wisconsin has a limited refinery capacity (a small refinery in Superior) and no expansion is anticipated. One factor which might influence refinery development in the Midwest would be the piping of excess Alaskan crude oil to the region. There is a rather limited possibility that these pipelines could eventually bring between 700,000 to 1,000,000 bbl of oil daily into Minnesota. While such a development might necessitate the building of new refineries, it is more likely that the crude oil would either be piped to existing refineries operating below capacity or existing refineries would be expanded. Neither possibility is likely to have major implications for the Wisconsin coastal area in the foreseeable future.

Although natural gas is not produced within the state and there are no known efforts at siting natural gas facilities within the Wisconsin coastal area, in the long term the coastal area could be a desirable location for natural gas facilities. These include underground natural gas storage facilities, liquid natural gas peak-shaving plants and synthetic natural gas plants. In addition, with the increased shipment of coal through Great Lakes ports, the Wisconsin coastal area could possibly become a desirable site for coal gasification facilities.

c. Defense Facilities

There are no major defense facilities located in the Wisconsin coastal area (see list of federally excluded lands in Appendix 1 of the Draft Impact Statement); in fact Wisconsin currently has the lowest per capita level of defense spending in the U.S. Any new defense facility would be evaluated in terms of its national and state importance.

d. Other Facilities in Which There May Be A National Interest

Although commercial navigation, energy and defense facilities are considered to be the most importnnt categories of facilities in which there may be a national interest in Wisconsin, there may be a

national interest in the siting of certain recreational facilities or regional sewage treatment plants in the future. The only federal recreation area in the state's coastal area is the Apostle Island National Lakeshore. There are currently no sewage treatment plants serving multi-county areas; however, recent court decisions indicate that treatment levels for the Milwaukee Metropolitan area may have to be more stringent than nearly all other cities in the Lake Michigan watershed. There may, in the future, also be some level of national interest in the siting of U.S. Coast Guard search and rescue facilities.

e. National Interest in Coastal Resource Conservation and Protection

The requirements of the CZMA to consider adequately the national interest in the planning for and siting of facilities which are necessary to meet other than local requirements must be met within the context of balancing a national interest in these facilities with other national interests related to coastal resource conservation and protection. In the Great Lakes, water quality is of paramount national and regional concern. The Great Lakes contain approximately 20% of the world's fresh water. Both Lakes Michigan and Superior have very high water quality, with the exception of heavy pollution in the near shore area of the southern end of Lake Michigan. Great Lakes water quality problems have received national attention under provisions of the Federal Water Pollution Control Act of 1972, and recent efforts in Congress to amend the 1972 Act would strengthen the Federal effort to ensure protection and enhancement of Great Lakes water quality. The national interest in planning and siting of energy facilities, facilities to improve commercial navigation, and other facilities in Wisconsin must be balanced against the national interest in preserving and enhancing the Great Lakes as national resources important for fish and wildlife habitat, recreation, commercial fishing and drinking water supply.

2. Consideration of the National Interest During Program Development

The Wisconsin Coastal Management Program has solicited statements of national interest from all relevant Federal agencies during program development, and these were fully considered in the formulation of this program proposal. The program initiated interaction with Federal agencies in early 1975 to delineate their specific programmatic responsibilities and authorities, and to solicit their comments on the developing program. Contacts with at least 25 federal agencies have been established on a formal and/or working level. Federal agencies that conduct their activities with one or more state agencies (e.g. EPA-DNR) have also been consulted through the state agencies. Federal agencies have received copies of management program reports and budget requests, questionnaires and any additional materials they have requested for their review and comment.
All substantive federal comments received relative to the coastal program to date have been given consideration and have been integrated wherever possible.

Wisconsin also participates in various interstate, regional and international bodies to consider problems common to the Great Lakes region which also have national interest implications. For instance, Wisconsin is represented on the Great Lakes Basin Commission, and actively participates on the GLBC's Standing Committee on Coastal Zone Management. Federal agencies are also represented on the GLBC and on the Standing Committee.

Wisconsin participates either formally or informally in several other bodies dealing with national or international issues. These include the International Joint Commission, the Upper Great Lakes Regional Commission, the Great Lakes Commission, and the Winter Navigation Board (particularly the Environmental Planning Task Force). The state also participates in federal agency ad hoc groups, such as the forthcoming Maritime Administration Great Lakes Cooperative Port Planning Study.

The Wisconsin coastal policies reflect the program's consideration of the national interest in the siting of facilities that are other than local in nature. Coastal policies on community development and economic development support orderly and balanced coastal development that is in the national interest by guiding the regulatory decision making on the siting of such facilities and by promoting balanced development through a variety of incentives, programs and technical assistance efforts. Commercial navigation, port development and improvement, and power plant or transmission line siting are among the key concerns of these policies. The Wisconsin Coastal Management Program also ensures that resources that are in the national interest are adequately protected in these planning and siting decisions, and this concern is reflected in coastal policies on Coastal Water & Air Quality; Coastal Natural Areas; Wildlife Habitat and Fisheries; and Coastal Erosion and Flood Hazard Areas.

Although the Wisconsin Coastal Management Program is not a physical siting program, the national interest has also been accommodated in that none of the facilities listed by OCZM as being other than local in nature and possessing characteristics in which there may be a clear national interest are unreasonably or arbitrarily restricted from locating or continuing present operations in the coastal area. The program has already identified power production and transmission lines, rural shoreland development, and major recreational sites as being activities of particular state concern and of regional benefit. Various methods will be employed by the program to assure that these uses of regional benefit will not be arbitrarily or unreasonably restricted from locating in the Wisconsin coastal management area. (See discussion of activities of regional benefit in Chapter II.B.2.)

With specific reference to planning for the siting of energy facilities, Wisconsin is actively engaged in meeting the requirements of section 305(b)(8) of the Coastal Zone Management Act. The state's planning and siting decision-making process for new generating plants and transmission lines is set out in some detail in Appendix H (managed use number 2c). There is a ten year advance planning requirement for utilities and standards are set forth for Public Service Commission and Department of Natural Resources approval of applications for plant and transmission line construction. One of the standards the Public Service Commission uses in determining the approvability of a plan is whether the plan "will provide a reasonably adequate supply of electrical energy to meet the needs of the public during the planning period" (s. 196.491(2)(c)). In fulfilling its responsibilities under this statutory mandate the Public Service Commission has specifically directed its staff to gather information and evidence of energy needs outside of Wisconsin as well as within the state for planning and forecasting. Of course, both the state and national environmental policy acts' provisions apply. Also, the Wisconsin Public Service Commission will continue to consider plans and studies developed by various public, quasi-public, or private groups on energy needs of a state-wide, multi-state, or national perspective, such as those developed by the Mid-America Interpol Network or the Mid-Continent Area Reliability Coordinating Agreement. Staff work is currently underway to analyze utility advance plans and their impacts on the coastal area, as well as looking at the impacts and adequacy of management of any other coastal energy facilities. This effort will specifically examine the national interest in energy (specifically examining federal laws and regulations, plans, policy statements and the coastal program's federal contacts' statements of national interest) and its relation to the Wisconsin program. (see section 1.b above).

Meeting national and regional needs requires a commitment to acknowledging national values and needs in the coastal area. Federal agencies will have review and comment opportunities to express their agency concerns in the designation of geographic areas of management concern. Among the areas which are eligible for designation as GAMC's are those suited for water related economic development, future power plant sites, and areas of significant recreational value. The Wisconsin program will consider the national interest in designating these areas for special management attention and in providing financial and technical assistance to these designated areas. Other areas eligible for GAMC designation reflect the Wisconsin program's consideration of the national interest in resource conservation and protection, such as areas of significant natural, scientific or historic value, hazard areas, areas for preservation, and areas for restoration. The GAMC approach will enable Wisconsin to achieve a balanced consideration of the national interest in facility siting and in resource protection and conservation.

3. Process for Continuing Consideration of the National Interest During Program Implementation

During program implementation, the Wisconsin program will continue to consult with all relevant federal agencies and regional bodies and consider the national interest in making program decisions. In addition to this ongoing consultation process, the Wisconsin program will look to the following sources of information on federal policy that will be taken into account in implementing program responsibilities:

(1) Policy statements from the President, as for example the National Energy Plan; the National Environmental Message and associated executive orders on wetlands and floodplains; the National Outdoor Recreation Plan;

(2) Federal Laws and legislation:

(3) Statements from Federal agencies regarding national interests, including such statements as may be provided by NOAA;

(4) Plans, reports and studies from Federal, State, interstate agencies or from interstate groups, as for example interstate energy plans and plans under 196.491.

(5) Testimony from public hearings or other public input.

The Coastal Management Council will play a kew role in establishing and maintaining a continuing consideration of the national interest in the planning and siting of facilities that are other than local in nature.

Under the terms of the interagency agreements between the Council and the Wisconsin Department of Natural Resources, Public Service Commission, and Department of Transportation, these agencies must provide the Council an opportunity to review and comment upon certain major state agency decisions. As their statutory responsibilities permit the agencies will fully consider the national interest in the siting of facilities that are other than local in nature; the Council will review and comment, in a timely fashion, on proposed projects and programs likely to have an impact on the coastal environment, including proposed facilities in which there may be a national interest. These agencies have agreed to fully consider the comments and/or recommendations of the Council. Executive Order No. 49 provides authority for the Council to exercise these functions. Copies of the Executive Order and the interagency agreements are in Attachment I. Council functions are discussed in detail in Part II, Chapter II C.3. (c). If agencies fail to give adequate consideration to the comments and/or recommendations of the Council, the Council may raise the issue to the Governor for resolution. See pages 430-457 of the DEIS for further information on the enforceability of interagency agreements and the conflict resolution process.

The Council will have the ability to develop coastal policies on issues which involve the national interest. Through the provision of financial and technical assistance to state agencies and local governments, the Council will support projects or activities that meet both state criteria and address issues of national concern. As noted previously, GAMC categories have been established which reflect national interest in both facility siting and in resource conservation and protection. Council designation and financial assistance to these GAMC areas will carry out both state and federal objectives. The Council will also serve as a forum for informal resolution of conflicts among state agencies, or between one or more federal and state agencies. In its review of coastal plans and projects, the Council will evaluate these activities for compliance with the management program, including the requirement for adequate consideration of the national interest.

The program will also utilize several other existing processes to consider the national interest during program implementation. One very important process is based on the Wisconsin Environmental Policy Act (WEPA), which requires the preparation of environmental and economic impact statements before a decision is made to conduct any major state action with a significant environmental or economic impact. WEPA requires that the beneficial aspects of the proposed project, both short-term and long-term, and the economic advantages and disadvantages of the proposal, must be considered in the impact statement. The national interest in the benefits to be derived from the proposed project as well as in the economic implications of the project form a part of this WEPA requirement. The WEPA process provides to the state, and to the Council in discharging its duties under the Wisconsin Coastal Management Program, the capacity and clear procedure to consider the national interest for those activities discussed in the foregoing sections

such as commercial navigation, energy and defense facilities. As part of the WEPA process, state agencies are required to consult with and obtain the comments of any agency, including Federal agencies, with special expertise with respect to the impacts involved. A public hearing must be held to solicit further views of impact statements prepared pursuant to WEPA. (See interpretation of national interest consideration under WEPA by Wisconsin Department of Administration, Attachment 1.)

Another process for the consideration of the national interest is the Public Service Commission's determination of public electrical energy needs as required under s. 196.491(2)(c) which involves consideration of information and evidence of electrical energy needs outside of Wisconsin as well as within the state for planning and forecasting. (See the discussion above in this section on planning for the siting of energy facilities.)

Other processes which provide for the continued consideration of national interest are the Office of State Planning and Energy working with the DNR to review and comment on Federal EIS's developed pursuant to the National Environmental Policy Act and state review and comment of other Federal actions as required under the A-95 process and the Fish and Wildlife Coordination Act (see Appendix H, III A.4 of the DEIS). Federal consistency review during the Wisconsin Coastal Management Program implementation will provide another important opportunity for consideration of the national interest in the planning and siting of facilities.

In addition, Wisconsin will be completing development of an energy facility planning process during 1978 according to the requirements of Section 305(b) (8) of the CZMA. This process, which includes an articulation of state policies and procedures for managing energy facilities and their impacts, will be submitted to OCZM as a proposed amendment to the Wisconsin program. Federal agencies, as well as interest groups and the general public will be provided an opportunity for review and comment on the new element, and OCZM in its review of the proposed amendment will insure that the national interest has been adequately considered.

Following Federal approval, the Wisconsin Coastal Program will use a number of specific types of mechanisms for assuring continued coordination with federal agencies. These mechanisms include, but are not limited to:

1) Provision of grant applications for review and comment;
2) Provision of periodic progress reports for information on Program activities;
3) Provision of bibliographies of Program materials;
4) Coordination with federal agency field offices on specific program activities;
5) Use of the Great Lakes Basin Commission Standing Committee on Coastal Management to coordinate basin wide issues and activities.

C. FEDERAL CONSISTENCY-FEDERAL GRANTS AND FINANCIAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

1. Procedure

In an effort to avoid creating a new mechanism for review of federal programs providing grants and financial assistance that directly affect or result in a direct effect in the coastal management area will be reviewed through existing state and regional clearinghouse procedures (OMB Circular-A-95).

Federal agencies are requested to notify the State Clearinghouse of a proposed action affecting the coastal management area (15 coastal counties and Great Lakes waters) and provide a determination that such is consistent with the state program, to the maximum extent practicable. The State Clearinghouse will in turn notify the Coastal Management Council, affected state agency(ies) and regional clearinghouse(s). A 60-day review period will follow, starting from receipt of notice by the State Clearinghouse, resulting in one of the following actions:

1) Concurring with the determination.
2) Disagreement with the determination.
3) no response-presumed concurrence

2. Criteria

Evaluation of federal consistency with the Coastal Management program will be based upon the following criteria:

1) Is the activity consistent with state coastal policies (set forth in Part II, Chapter 1, including approved county shoreland ordinances and approved flood plain ordinances)?
2) Is the activity consistent with specific management policies for designated state managed GAMCs?
3) Does the activity allow for an opportunity for full public participation?

It should be noted that section 307(e) of the CZMA states that the Act shall not be construed to diminish state or federal agency jurisdiction or responsibilities.

D. FEDERAL CONSISTENCY-ISSUING LICENSES AND PERMITS

The federal consistency provisions of the Coastal Zone Management Act extend also to the issuance of licenses and permits and a requirement that they be certified by the state as consistent. The following licenses and permits affecting the Coastal Management area will be subject to certification by the Wisconsin Coastal Management Program.

Department of Agriculture

a)	16 USC 522, 523	Permits for water easements on National U.S. Forest Service lands (Forest Service)
b)	16 USC 497	Permits for construction on U.S. Forest Service Lands (Forest Service)

US Army Corps. of Engineers

a)	33 USC 403-404	Excavation and fill permits, construction in navigable waters (state permit required)
b)	33 USC 1344	Dredge and fill permits (state permit required)

Federal Energy Regulatory Commission

a)	16 USC 797(e)	Licenses required for non-Federal hydroelectric projects and associated transmission lines.
b)	15 USC 717 f (c)	Certificates required for the construction and operation of natural gas pipeline facilities, defined to include both interstate pipeline and terminal facilities.
c)	15 USC 717 f (b)	The permission and approval required for the abandonment of natural gas pipeline facilities.

Department of Interior

a)	16 USC 3	Construction of Visitor facilities on National Park Service land (NPS)
b)	16 USC 5	Rights-of-way for electrical transmission lines on National Park Service land (NPS)

Interstate Commerce Commission

a)	49 USC 1(18-26)	Railroad and Service Abandonment (State permit required for service abandonment)

Nuclear Regulatory Commission

a)		Siting and operation of nuclear power plants (State permits required)

Department of Transportation

a)	33 USC 401	Construction and modification of bridges, causeways in navigable waters (US Coast Guard) (State permit required)
b)		Construction of Airports (State permit required)

This listing is intentionally limited to those permits where the federal licenses has significantly affected the coastal management area. If it is found that the issuance of other permits and licenses cause significant impacts on the coastal resource, the consistency requirements will be applied by administratively adding them to the list above (following consultation with the affected federal agency and approval of the Associate Administrator). If no state agency issues a corresponding state permit the Coastal Management program will conduct the review, using the criteria in the previous section.

An applicant for a federal permit will be required to demonstrate to the federal agency that he has applied for and, before federal approval, received the necessary state approvals. The key to assuring that federal permits are consistent is to require that permits from state agencies are granted prior to the issuance of the federal permit. Federal consistency requirements do not alter the relationship between the applicant and federal agency. It is reasonable to assume that federal review will be concurrent with state review.

Public notification and, if necessary, a public hearing will be the responsibility of the state agency granting the comparable permit.

Certification of consistency with the Coastal Management Program can be presumed upon receipt of the corresponding state permit. However, actual certification of consistency with the coastal management program will be issued by the Coastal Management Council.

Applicants should therefore submit their certification of consistency directly to the Coastal Management Council. The Council will notify the appropriate federal agency and OCZM of any inconsistencies within six months after receipt of the applicant's certification.

This section only applies to non-federal applicants. Federal applicants will use the following section -- direct federal activities.

E. FEDERAL CONSISTENCY-Direct federal activities, including development projects

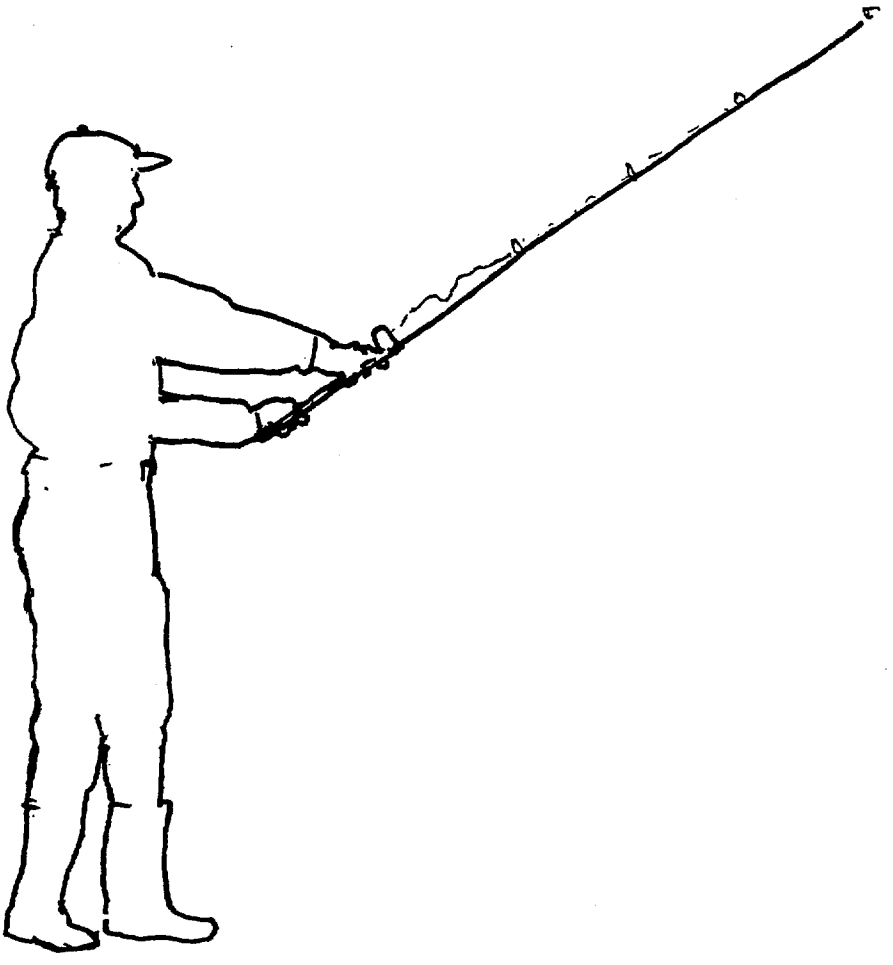
Federal Agencies proposing direct activities (including development projects) directly affecting the coastal management area are responsible for:

1) Notifying the Wisconsin Coastal Management Program of its proposed action; and
2) Making a determination that the activity is consistent to the maximum extent practicable with the Wisconsin Program.

The specific procedure for notification is the perogative of individual federal agencies (subject to NOAA regulations).

These activities should include federal plans directly affecting land, air, and water in the Coastal Management area, as requested by the Wisconsin Coastal Management Council for review.

The Coastal Management Program will use the same evaluation criteria described above when reviewing the federal activities and plans. If a plan is found to be inconsistent with the Coastal Management Program, OCZM and the federal department will be notified of the conflict and will identify possible mitigating measure for the proposed action to be consistent with the Coastal Management Program.



F. TRIBAL GOVERNMENTS

There are two reservations in Wisconsin with shorelands located on the Great Lakes. The lands of the Bad River and Red Cliff Tribes make up 27% of the Lake Superior shoreline. Additionally, the Oneida reservation is partially located in Brown County, a coastal county. While not located directly on the Coastal Shoreline, it is centered around a tributary of Green Bay(Duck Creek). These Tribal governments play an important role in the management of the state's coastal areas.

Providing for Tribal governments' full participation in the coastal management program follows a national trend toward full involvement and self determination for Indians in all federal programs. In 1975, Congress passed the Indian Self Determination and Education Assistance Act, which provided for transition from federal domination of programs for, and services to, Indians to the effective and meaningful participation by Indian people in the planning, conduct, and administration of those programs and services.

In February 1977, the Red Cliff Tribal Council formally requested full participation in the Coastal Management Program. As a result, the Wisconsin Coastal Coordinating and Advisory Council wrote the Office of Coastal Zone Management (OCZM) seeking changes to the federal Coastal Zone Management Act to enable full participation by Tribal governments. Recognizing the treaty relationships between tribes, as sovereign nations, and the federal government, the Council supported an effort to amend the federal Act (P.L. 92-583) to allow tribal governments to seek assistance directly from OCZM in the development and implementation of a Coastal MAnagement Program.

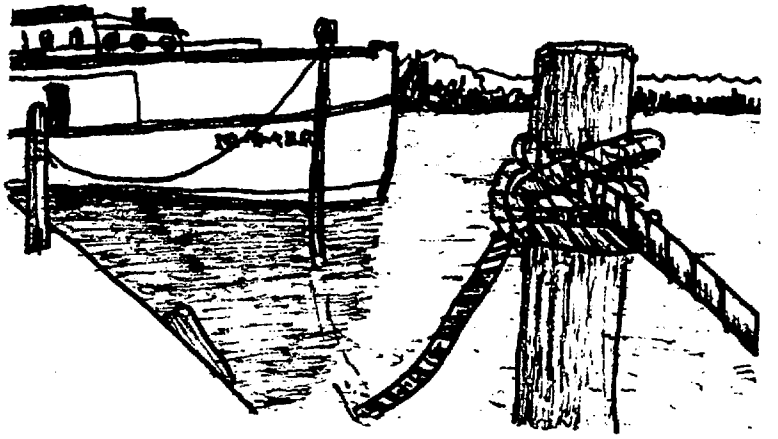
OCZM policy with regard to Tribal governments has evolved in the following manner. Initially, OCZM policy provided that Indian tribes could be considered "local governments" and thus eligible to receive Section 305 (planning) and Section 306 (management) grants through state coastal management programs. However, the Coastal Zone Management Act Amendments of 1976 clearly defined "local government" in a way which excluded tribal governments. In an attempt to find ways to fund coastal management efforts in tribal areas, OCZM proposed a new policy in April 1977. This policy was to read the Act to permit a state to recognize a Tribal government as a "regional agency" and pass through funds on that basis. According to the Act, lands owned by the federal government are considered "excluded federal lands" and would not be covered by the coastal management program. Tribal lands held in-trust by the federal government would be considered "excluded federal lands" but would be eligible to receive both Section 305 and Section 306 funds for tribal program development efforts and/or for specific management projects.

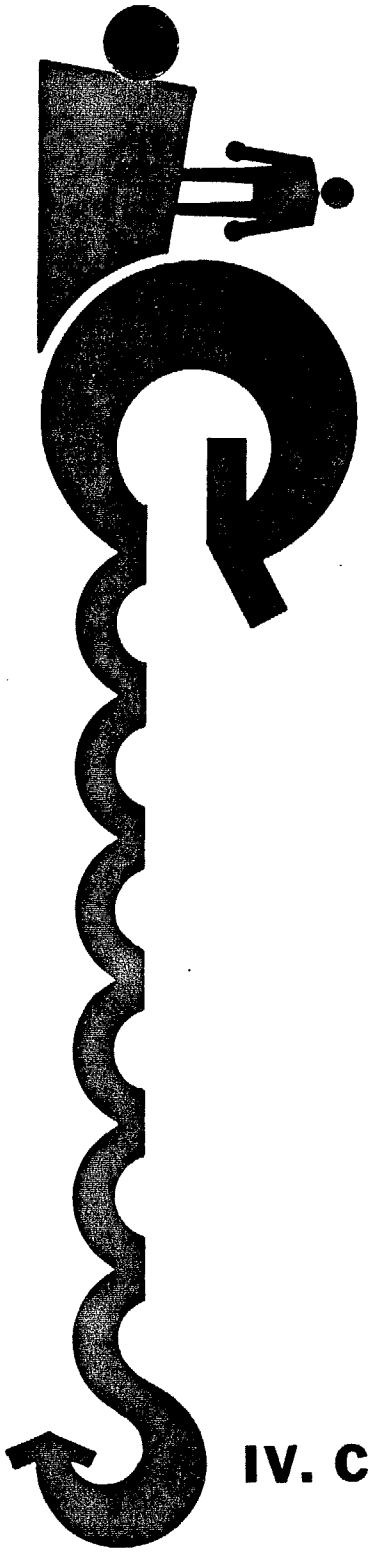
The legal jurisdictional questions are a matter for the courts and not the state coastal management program. The objective of the Wisconsin Coastal Management Program is to improve coastal management, coordination, and capabilities. Therefore, the Wisconsin Coastal Management Program encourages full participation of Tribal governments in three areas: coordination, technical assistance, and implementation of Tribal management policies. More specifically:

- Coordination among state agencies and with local and Tribal governments will be achieved through the Coastal Management Council. The two Wisconsin Indian tribes with reservations on Lake Superior will be invited to send representatives to the Coastal Management Council.

- Technical assistance will be provided to the Tribal governments in the same manner it is provided to other governments.

- Funds for implementation of the management policies on the reservations will depend on designation of lands within the reservation boundaries as geographic areas of management concern (GAMCs). The Tribal Council will follow the same procedures for nominating GAMCs as any other nominating agency of government. The entire reservation or a portion of the reservation can be nominated as an area of management concern. Then, just as other applicants, the Tribal Council must define a clear management policy for the area that is consistent with adopted coastal program goals, show that it has the ability or authority to carry out those management policies, and agree to carry out the policies.





IV. CONCLUSIONS

IV. CONCLUSIONS

For three years the Coastal Coordinating and Advisory Council looked, listened and inquired into citizen concerns on Great Lakes issues and about government. In addition to the changing of the location of Council meetings, three rounds of special meetings with local officials and citizens were conducted along the Great Lakes shoreline. The Council, by its own composition considered, the viewpoints of local officials, of state legislators and of state resource managers. The viewpoints of various coastal interests were continually fed in through an active Citizens Advisory Committee and regional citizens and technical advisory committees. Throughout this period the Council sought opinions on what Wisconsin should be doing to better manage its Great Lakes resources. This program proposal reflects a broad consensus as to the best approach for Wisconsin in improving coastal management.

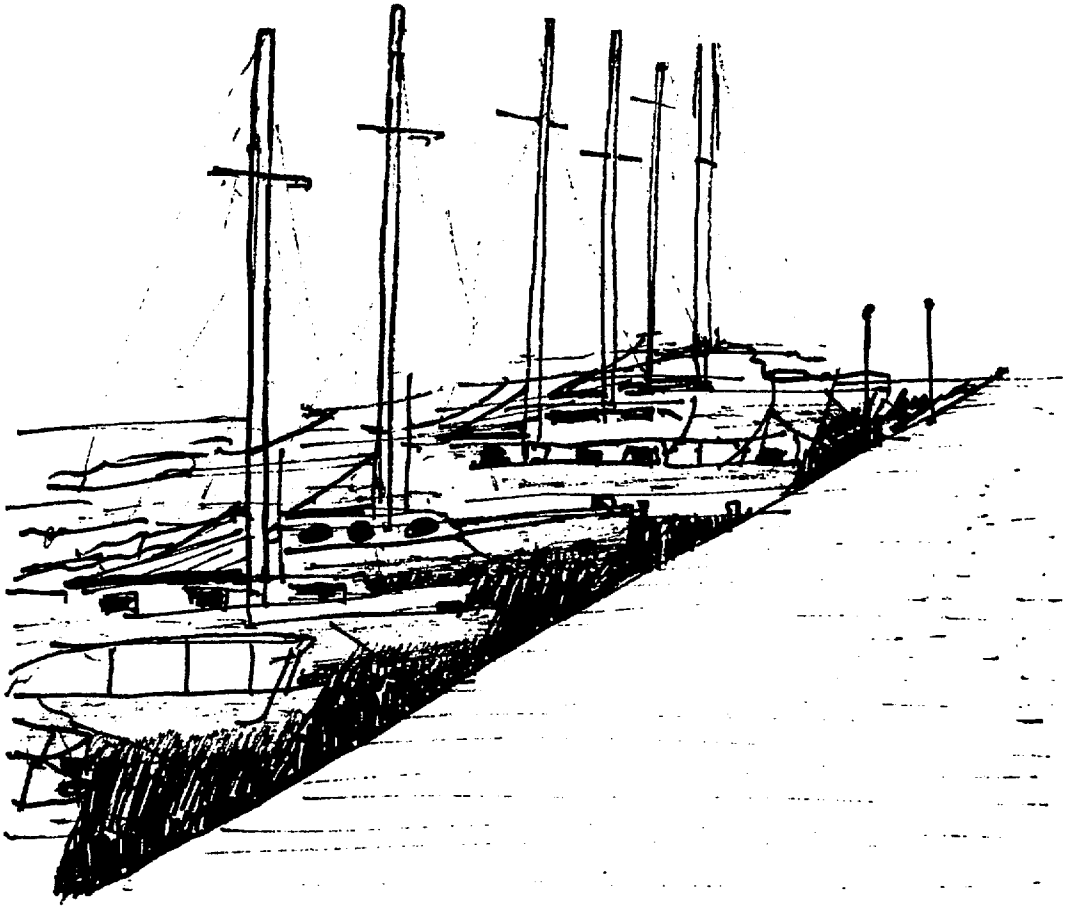
In general, existing state laws are adequate to manage the Great Lakes resource. The real needs are to make these laws work better; to coordinate the separate actions of federal and state agencies; to assist developing local capabilities to solve local coastal problems; and to develop a public awareness and strong advocacy for Great Lakes concerns.

To achieve these ends the state will create a new state-level body to guide these efforts, composed of state agencies' representatives, state legislators, a strong voice from local governments, a number of publicly oriented members and representatives of Tribal governments. Advised by a Citizens Committee, this body will use the financial assistance available through the federal act to improve coastal management.

Coastal management is not only the responsibility of state government but local governments as well. The program proposal recognizes the need for a strengthened partnership between state and local governments, identifying as a state responsibility the need to assist local government in developing capabilities to address local coastal concerns.

What has been put together in this proposal is a program that is best for Wisconsin. Like the Great Lakes, the citizens of Wisconsin are unique as well. They are an independent lot, sometimes even stubborn; they are very concerned about the natural resources of the state, and they are concerned about "big government". During the past few years the Council continually heard statements against "another super agency" and in favor of "resolving coastal problems" and "advocating coastal concerns". This proposal has responded to these concerns and reflects the type of program that would work in Wisconsin.

The proposal is consistent with the interest of Congress in recognizing the unique and special character of the Great Lakes; in coordinating the state, local and federal effort, and in increasing the role of citizens in the decision making process. While Wisconsin's program is designed first for Wisconsin -- its citizens and its resources -- it also meets the spirit and letter of the federal coastal management act. With the support of federal and state funding, implementation of this program will improve Wisconsin's coastal management, a step that will benefit residents of Wisconsin and the nation.

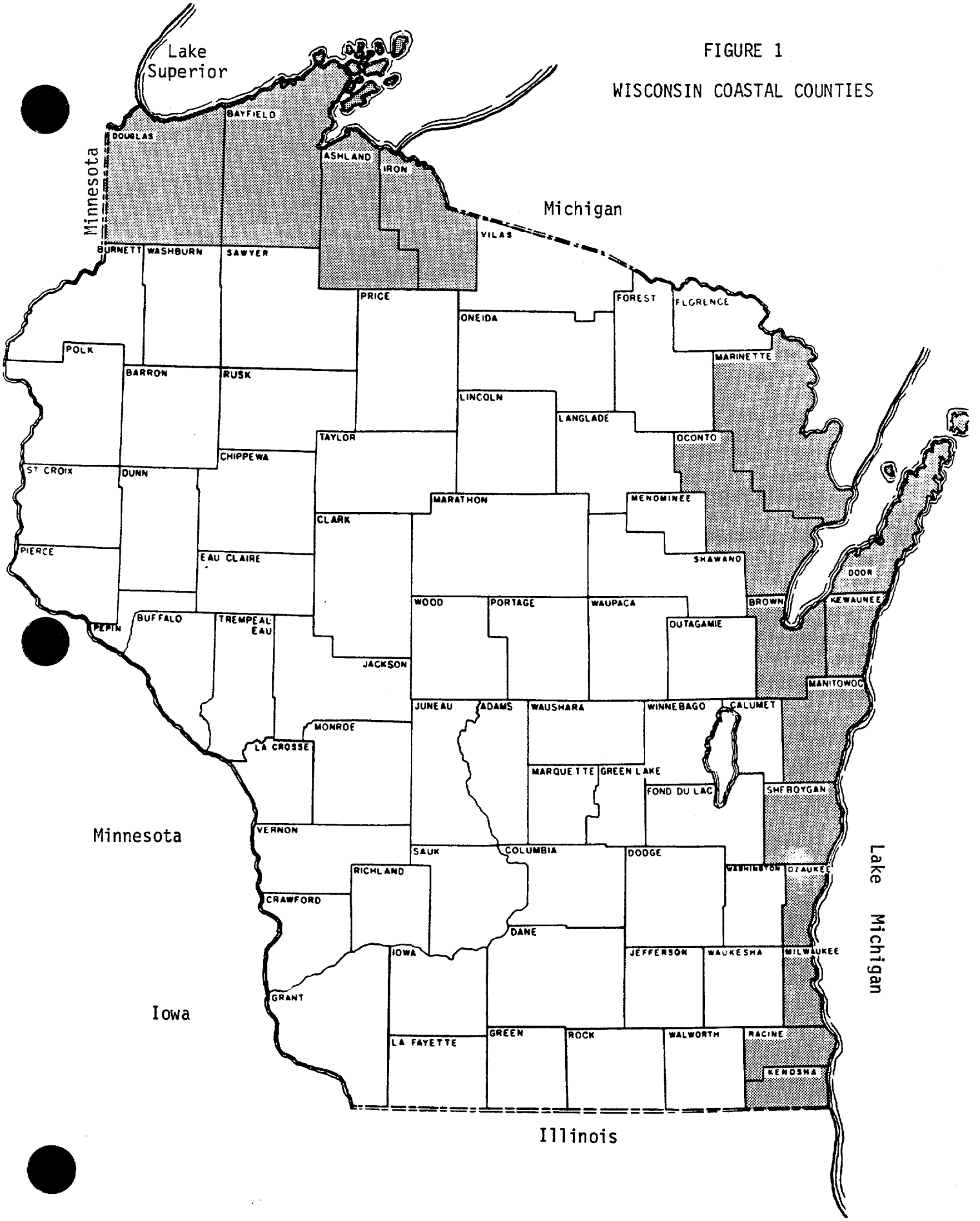


PART III
ENVIRONMENTAL IMPACT STATEMENT

WISCONSIN COASTAL MANAGEMENT

FIGURE 1

WISCONSIN COASTAL COUNTIES



PART III

ENVIRONMENTAL IMPACT STATEMENT

A. DESCRIPTION OF PROPOSED ACTION

This full document is both a final environmental impact statement and a program document on the Wisconsin Coastal Management Program. The proposed Federal action is approval of the Wisconsin Coastal Management Program. The Office of Coastal Zone Management has made an initial determination that the program meets the requirements of the Coastal Zone Management Act of 1972, as amended. Federal approval of the Wisconsin program will enable the state of Wisconsin to receive Federal grant-in-aid assistance for program implementation and will also require that Federal actions in or affecting the Wisconsin coastal zone must be consistent with the Wisconsin program. The Wisconsin program is described in Part II of this document. Part III completes the requirements of the National Environmental Policy Act and the Wisconsin Environmental Policy Act by describing the environment affected by the proposed Federal action, the probable impacts of the action and alternatives open to both the Federal and State governments. A table cross-referencing NEPA/WEPA requirements with sections from this document may be found in Part I. C.

B. DESCRIPTION OF THE ENVIRONMENT AFFECTED

Wisconsin has 156 miles of mainland coastline along Lake Superior and approximately 464 miles forming the western shore of Lake Michigan. Although only 15 of Wisconsin's 72 counties are coastal, (Figure 1), 43 percent of the state's population lives and works in these few counties. Millions of Wisconsin, Illinois and Minnesota residents annually enjoy the numerous recreational opportunities offered within these coastal counties. The following section outlines the natural environment of Wisconsin's coastal area and the importance this area has for Wisconsin and Midwest residents.

1. The Natural Environment

During the Ice Age a succession of glaciers ebbed and flowed across the Upper Midwest. The most recent glacial period, the Wisconsin, further deepened Lakes Michigan and Superior and left a series of unconsolidated deposits which comprise nearly all of Wisconsin's shoreline. Except on the Bayfield Peninsula and Door County where sandstone or limestone comprise the shore, the shoreline consists of highly erodible glacial till overlaying lacustrine deposits.

a. Wisconsin's Lake Superior Coast

Along the four Lake Superior counties, Douglas, Bayfield, Ashland, and Iron, the shoreline is a uniform 30-100 foot highly erodible bluff, varied only by small river and stream mouths, the broad, low Chequamegon Bay, the Kakagon slough, and the Bayfield peninsula. Twenty-two largely uninhabited islands extend from the peninsula and comprise the Apostle Islands. Most of the Lake Superior shoreline is covered with spruce, fir and northern hardwood forests, providing approximately 370,000 acres of wildlife habitat in the coastal townships.

Nearshore waters are relatively unpolluted except near urban areas and where shore and stream erosion of red clay create high turbidity. An estimated 8,400 acres of fish habitat border the Lake Superior shore. Allouez Bay at Lake Superior's western end, Bark Bay near Cornucopia, Fish Creek slough in Chequamegon Bay, and the Kakagon and Bad River slough provide approximately 12,000 acres of wetland habitat. Extensive inventories and assessments of Wisconsin's coastal wetlands, fish and wildlife habitat, the state designated and/or managed natural areas have been conducted as background for the Coastal Management Program.

Shoreline erosion and one of its causal factors, higher lake levels, have been primary concerns of citizens in the Lake Superior coastal area. Although nearly 25 miles of the shoreline (including islands) are subject to erosion or flooding, most of the property damages occur in the Duluth-Superior area. An estimated $250,000 in erosion damages occurred along the Douglas County shoreline between 1972-1974, and property owners spent an estimated $1.44 million for protective measures during that period. Lake Superior levels have fluctuated within a 3.8' historical range because of climatic changes. This oscillation has major impacts on the amount of dredging which is required, and the extent of shore erosion and flood damage.

Exploratory drilling has identified deposits of copper, nickel, gold, and silver under Lake Superior. Mining these minerals is currently not economically feasible.

b. Wisconsin's Lake Michigan Coast

Wisconsin's Lake Michigan shoreline extends from Marinette in the north to Kenosha in the south, and in between, the most notable feature is the Green Bay. The Fox and the Menominee Rivers empty into the bay, the former being the major cause of pollution in the bay. The Green Bay-Door County area has extensive wildlife and fish habitat, 304,000

acres and 5,700 acres respectively. Peshtigo harbor, the Ridges Sanctuary, and the Oconto Marsh are unique wildlife areas visited annually by over 30,000 people.

Except for the west side of Door County which is composed of Niagara limestone, the Lake Michigan shoreline is eroding, at some places 5 feet or more a year. Urbanized Racine County suffered an estimated $2,580,000 in erosion damages in 1972-1974. Even greater losses, $7,139,000, occurred from flooding in Brown County. Such losses have encouraged further investments in shoreline protection measures. Construction of seawalls, groins, and revetments, however, may encourage more homes and commercial buildings to be built in the hazardous area. Although in Door County the limestone bedrock reduces erosion damages, the inadequate soil cover over this bedrock results in numerous septic tank failures--a problem compounded by the county's increasing number of second home owners.

Agricultural, urban, and forested lands comprise the Lake Michigan shore. Between the Illinois state line and Milwaukee the immediate coastal area is heavily urbanized. North of Milwaukee County agriculture is the predominant land use. Milwaukee and Green Bay are the largest of Wisconsin's twelve Lake Michigan cargo ports, in terms of commodity tonnages. Because the Lake Michigan and Green Bay area is the industrial-commercial center of the state, the coastal counties witness significant conflicts between transportation, recreation, residential, and agricultural land uses.

2. Socio-economic Aspects of the Coastal Area

a. Lake Superior

With less than 2% of the state's population, Wisconsin's Lake Superior coastal counties experience seasonal employment patterns and lower than average per capita incomes and property valuation. Logging and mining booms decades ago granted the region bursts of prosperity, but now the region emphasizes its potential for recreational activities. Aside from Superior, a major port for grain, coal and taconite shipments, the other local economies rely upon tourism, government employment, and some manufacturing, particularly of wood products. Fishing has not recovered from the damaging effects of the lamprey, over harvesting, and now trace metals and chemicals.

With few locational advantages, except for their recreation potential, the four coastal counties have experienced declining populations. Although the area's annual unemployment rate still exceeds 10%, since 1970 rapid population growth has occurred in several smaller coastal communities. Expansion in tourism and recreational home developments, small manufacturing firms, and the health care industry, have improved the region's economy.

The demand for coastal recreation takes many forms--shoreline cottages, condominiums, marinas, hiking trails, and others. Seven harbors containing nine marinas on Lake Superior provide less than half of the estimated number of boat slips needed by 1980. This demand for boating facilities occurs not only around the Apostle Islands National Lakeshore but in the Duluth-Superior harbor and elsewhere. Greater demand for public access to the coastal environment is evidenced by the 95% increase in visitation to Big Bay State Park, the Apostle Islands, and the Brule River State Forest between 1970-1975. The State and local governments are deciding whether more public recreation facilities in the coastal area should be provided.

Only 8.6 miles of mainland shoreline (6%) are publicly owned, and another 48 miles of shoreline are within the Bad River and Red Cliff Indian reservations. Conflicts over multiple uses of public access facilities, the tax impacts of removing lands from local tax rolls, and the effects of future developments have and will increase. These problems and many others are related to planning economic development which is compatible with protecting the unique natural resources of the region.

b. Lake Michigan

The eleven counties bordering Lake Michigan are both urban and rural. Providing adequate public access opportunities, protecting significant historic sites, planning shoreline developments, improving water quality, erosion, and utility plant siting are issues facing Lake Michigan coastal residents.

Although about 41% of the state's population resides in these eleven counties, important population and economic shifts are occurring within the coastal counties. Population growth in the entire southeastern part of the state has slowed dramatically, and out-migration exceeded in-migration during 1970-1976. The cities of Racine, Kenosha, and Green Bay gained population during the early 1970's, but their metropolitan areas grew faster. In the City of Milwaukee the population declined by about 63,000 over the same period as businesses left the central city for the

metropolitan area. Wisconsin cities bordering Lake Michigan all confront, to some degree, the issues of maintaining and increasing employment opportunities in the central city areas. Subsequently, there are good reasons for using land near the shore for commercial or industrial purposes. Port modernization and maintenance of the cross-lake rail and passenger car ferries are two additional issues related to coastal areas of Wisconsin cities.

Recreational related pressures on the coastal zone will be a source of conflict between different user groups. Coastal communities interested in enhancing the local economies through recreation and tourism will attempt to increase the likelihood that the visitor will spend money and time in the region. Increasing the number of establishments serving tourists and opening these accommodations to winter recreationists would enhance local economies but bring additional pressures on local water supplies, sewers, and roads. Providing housing and adequate roads for greater numbers of tourists involves satisfying local ordinances and state requirements, and either may pose unforeseen difficulties.

Attaining rights for the public's access to the shore is expensive and controversial. Shoreland property along Lake Michigan costs from $30-100 a front foot. Such prices can make the public purchase of either title or access rights to coastal properties prohibitively expensive. Inland areas may be acquired more cheaply. Seventy-five miles (16%) of the Wisconsin Lake Michigan shoreline already are publicly owned. Public ownership of additional shore property often is assumed to raise local property taxes by reducing the local tax base. Recent studies of state-local fiscal relationships in Wisconsin indicate that this assumption usually is not justified particularly if eventual service costs for the land's improvements are considered. Other problems, such as increased noise, litter, and traffic, also may accompany development of more opportunities for public access to the shore.

c. Summary

Although coastal features vary among the counties, issues are often similar. Planning for and managing the local impacts of tourism and recreation, conflicts between shore-property owners and those seeking access to the lakes, erosion, and poor water quality are issues affecting most coastal communities.

3. The Institutional Setting

In Wisconsin, federal, state, county, town, and municipal governments all influence the use of the coastal area. On particular immediate issues coordination and communication between different governmental units occur readily, but some issues rarely have been addressed, such as erosion hazard area zoning. In addition, the policies of different levels of government may conflict with each other and lead to litigation--the Wisconsin Department of Natural Resources (DNR) and the U.S. Army Corps of Engineers disagreement over dredge spoil disposal is a ready example. Coordination between levels of government is not totally lacking, rather the problem is how to improve that process where necessary.

Coastal lands in Wisconsin fall within several state and sub-state jurisdictions. The thirty-three incorporated municipalities which adjoin Lakes Michigan and Superior have considerable home rule authority to adopt zoning ordinances or alter the shoreline profile. Between the incorporated areas, coastal counties exercise the state mandated shoreland and floodplain zoning authority, general zoning authority, or sanitary codes. Unincorporated towns along the coast can veto the county's general zoning ordinances, but not the requirements imposed under the shoreland and floodplain zoning statutes. Although towns have the least home rule authority, town boards have a major impact upon the type of coastal development which occurs through their adoption of town ordinances, review of individual plat decisions, and provision of public services.

Except for Ozaukee and Milwaukee counties the coastal counties have some county level land-use controls over unincorporated areas.* These controls generally consist of general zoning, shoreland or floodplain zoning, subdivision regulations, or sanitary ordinances. Appendix H identifies the status of these regulations. Under the Water Resources Act of 1966 the state required all counties to have a planning and zoning committee, a board of appeals, and a professional staff. This staff generally enforces the range of sanitary and zoning ordinances in the county, and can provide general planning assistance. (Appendix H is in the DEIS)

Three regional planning commissions provide technical assistance to county and local governments and represent local governments in selected state and federal policy deliberations. The Northwest Wisconsin Regional Planning Commission, the Bay Lake Regional Planning Commission, and the Southeastern Wisconsin Regional Planning Commission assist counties and local governments with housing, transportation, land and water resources, and economic development planning activities. While the commissions are only

advisory, their technical expertise, A-95 clearinghouse functions,** and interaction with state and federal agencies can provide valuable services to state and local governments.

The roles of existing state agencies are discussed in Chapter II B of Part II. Federal government activities affecting the coastal area also are described in the previous section.

*Milwaukee County has no unincorporated areas and Ozaukee County uses sanitary codes to guide development.

**For the counties of Sheboygan, Manitowoc, Kewaunee, Door, Oconto, and Marinette the Office of State Planning and Energy coordinates the A-95 review procedures. Brown County is a separate A-95 clearinghouse.

C. PROBABLE IMPACTS OF FEDERAL APPROVAL OF THE WISCONSIN COASTAL MANAGEMENT PROGRAM

1. Introduction

Because the Wisconsin Coastal Management Program is based upon existing laws, policies and regulations, Federal approval will have the primary effect of enhancing the financial ability of the state to carry out these existing programs, in accordance with the policies of the Wisconsin Coastal Management Program. The primary objective of the proposed Wisconsin program is to improve the way in which coastal resources are managed through a combination of tools which include providing financial assistance for implementation efforts including improved enforcement efforts, improving the coordination of existing policies and activities, increasing public awareness and opportunities for citizen participation, strengthening local capabilities, and serving as an advocate in focusing attention on coastal issues.

The task of quantifying the magnitude of impacts, e.g., increased property tax revenues, increased productivity of fisheries and subsequent incomes and tax revenues generated, must be related to some quantity of improvement, e.g., linear feet of beachfront provided. Since the quantity of improvements is not known in this type of a management program, it is practical to determine only whether a specific action will have a positive, negative or neutral impact on particular affected parties. Where appropriate, the short-term or long-term nature of the impacts will be indicated.

The impacts of Federal approval of the Wisconsin program will be discussed in the framework of the program policies on air and water quality, natural areas, wildlife habitat and fisheries; coastal erosion and flood hazard areas; community development; economic development; governmental interrelationships; and public involvement. Each of these policy areas will be examined separately, and for each issue the current situation and the probable impacts of Federal approval of the program will be discussed. For a more extensive discussion of the issues and program policies refer to Part II, Chapter I. C.

2. Impact of the Proposed Program on Water and Air Quality

The generally good water quality of Lakes Michigan and Superior is impaired by isolated discharges of municipal and industrial wastes and nutrients, plus inorganic compounds in the surface runoff. Air quality in the coastal area is also generally good, but precipitation remains a major source of the water pollutant polychlorinated biphenyls (PCBs). Wisconsin and neighboring states are pursuing programs to reduce the inflow to the lakes of nutrients and toxic chemicals, particularly those that are

concentrated by organisms, but considerable work remains in all phases of these pollution abatement programs. To complement the ongoing effort on these issues, the Wisconsin Coastal Management Program will undertake activities addressed below:

a. (1.17) The Wisconsin Coastal Management Program will provide financial assistance to improve implementation and enforcement of existing water and air quality programs where gaps or weaknesses are identified, with emphasis on (1) on-site waste disposal; (2) disposal of hazardous substances; (3) disposal of dredge spoils; and (4) coordination and air quality monitoring.

Currently, state agencies and citizens have identified gaps and weaknesses in Wisconsin's existing air and water quality management programs specifically relating to the use of on-site waste disposal systems and the disposal of hazardous substances and dredge spoils. For example, scientists have developed improved methods of on-site waste disposal which do not require a traditional septic tank and leaching field system. Many septic tank systems are currently inadequate because of poor soil or geologic conditions and improper maintenance. The new methods of on-site waste disposal could effectively remove the de facto growth control measures provided by local sanitary codes. Becuase of poor soils for septic tanks, the coastal area is a prime target for developers using the new on-site waste disposal systems.

Currently, the disposal of hazardous substances, particularly industrial waste, is too often performed without adequate knowledge of subsoil conditions and the potential for leachate to drain into the Great Lakes. The issue of dredge spoil disposal exemplifies the differing approaches of state and Federal agencies in the management of the coastal region. The State of Wisconsin bans open-lake disposal of any dredge spoil based on the state statute's definition of dredge material as a pollutant. Subsequently, communities must find suitable on-land disposal sites for the dredged materials. Alternatively, the Federal government contends that dredge spoil is not polluted unless concentrations of certain elements exceed prescribed limits. The Corps of Engineers believes that the open-lake disposal of unpolluted (as defined by Federal standards) dredge spoil is permissible. This is an example of where informational gaps and differing analyses have caused a problem. If harbors are not dredged, their commercial use is limited. At the same time, the EPA admits that there is inadequate information on how to classify the pollutant levels within dredge spoils and the relative costs of on-land and open-lake disposal methods.

The impact of improved implementation and enforcement of existing air and water quality programs are positive in the long-term, but could be negative in the short-term to particular affected parties:

- o The short-term impacts of the improved regulation of air and water discharges on individual property owners and/or developers is potentially negative in that it will not result immediately in increased profits or property values.

- o The long-term impact of this regulatory activity will be substantially positive since the preservation of the human and environmental resources in the coastal area will result in healthy communities and increased property values and tax revenues.

- o To the extent that the improved implementation speeds up the approval process for new construction, the impact on developers will be positive because carrying costs of development parcels will be reduced.

- o To the extent that the improved implementation resolves the dredge spoil issue, the impact on port and marina interests will be positive in that business operations will not be improved by inadequately dredged navigation channels. The resolution of this issue will also have a positive impact on the sport and commercial fishing interests to the extent that the harvestable fish population increases due to the decreased adverse effects of spoil disposal on fisheries.

b. (1.19) The Wisconsin Coastal Management Program will perform advocacy functions in monitoring and reviewing changes and additions in water and air quality programs regulations which impact on coastal resources or people.

Currently, there are numerous issues for which a single voice at the local, state, or Federal level will encourage faster resolution of the problem. Examples of such issues include: the level of Federal funding for non-point pollution control efforts, a possible ban on phosphorus laundry detergents in the Great Lakes Basin, research into the Great Lakes littoral drift patterns, and ozone concentrations along the southern shore of Lake Michigan. Such issues now are being addressed to a limited extent by state and Federal agencies, the State Legislature, and Congress.

The objective of the program's advocacy role is to heighten the awareness of the public and governmental officials to the uniqueness of Great Lakes resources as compared with Wisconsin's 10,000 other lakes. This uniqueness is reason to encourage more prompt attention to coastal issues.

The monitoring and reviewing activity of air and water quality program and regulations will have positive impacts to the extent that:

- o the monitoring provides data to update and revise the WCMP on a rational basis;
- o the monitoring reduces chances of costly mistakes in WCMP planning and implementation;
- o monitoring jobs will be created or maintained.

c. (1.20) The Wisconsin Coastal Management Program will support public awareness and research of (1) factors affecting Great Lakes water quality and supply, with emphasis on the translake shipment of oil and other energy resources; (2) the unique climatic characteristics and limitations of coastal air resources; (3) air as a transmitter of pollutants to Great Lakes waters; and (4) the impact of noise on the natural, cultural, and social environment.

As authorized under the Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, and the Safe Drinking Water Act of 1974, P.L. 93-523, the Wisconsin DNR and the U.S. EPA currently are addressing statewide water supply and water quality issues. These programs have not yet addressed the impact on Great Lakes water quality of possible oil spills occurring during transfer or shipment. Existing state and Federal air quality management programs have given insufficient attention to the uniqueness of the coastal air resources. Knowledge about the interactions between land and water air masses is extremely limited, but important if the state is to implement the Clean Air Act of 1970. Another issue which is currently receiving insufficient state and Federal attention is the role precipitation plays in water pollution. An estimated 25-50% of the PCBs entering the lakes may have precipitated from the air. These examples illustrate how existing resource management programs and the public's awareness could benefit from additional basic information.

One objective of the Wisconsin Coastal Management Program is to support research into such air and water quality issues and publicly distribute the results. For example, a specific objective of the Coastal Management Program may be the identification of the role precipitation plays in water pollution or the effects of interacting land and water air masses on coastal air quality. Another specific objective could be to help the Wisconsin DNR identify the sources and impacts of pollutants discharged by tributary streams.

Such research could encourage government water pollution control programs to more effectively control the burning or discharge of potential air and water pollutants, as noted in Policies 1.15 and 1.16. The program could also help assess the amounts of phosphorus reaching the lakes from urban stormwater which furthers the state's phorphorus discharge control program (Policy 17). Subsequent distribution of such research would improve the public's understanding of environmental protection programs. In summary, the Coastal Management Program's support of additional research and emphasis on public awareness of coastal issues could improve the management of air and water resources by strengthening existing regulatory programs.

The public awareness and research activity will have short- and long-term positive impacts to the extent that they:

- o provide effective means for solving problems and achieving WCMP objectives;
- o provide jobs;
- o lead to improve air and water quality and the increased recreational and commercial value of the Lakes;
- o increase the probability that effective plans, projects and regulations will be formulated by the WCMP, thereby contributing to the long-term preservation and productivity of the Wisconsin coastal area.

3. Impact of the Wisconsin Coastal Management Program on Coastal Natural Areas, Wildlife Habitat and Fisheries

Of the five program activities related to natural areas, wildlife and fisheries, impacts of the following four are discussed: (1) improved implementation and enforcement of existing programs where gaps or weaknesses have been identified (2.14); (2) identification and designation of areas of significant natural or scientific value (2.15); (3) the implementation of specific policies for the designated areas (2.16); (4) the accelerated collection of data on soils, geologic conditions, hydrology, etc. (2.17).

a. (2.14) The Wisconsin Coastal Management Program will provide financial assistance to improve the implementation and enforcement of existing programs which manage uses with a significant impact on the coastal environment where gaps or weaknesses are identified. (See II. B.2). Particular attention would be given to Great Lakes fisheries resources, coastal wetlands, and other natural and scientific values.

Although Wisconsin has numerous state and county programs which address the development of wildlife habitat or fisheries and the preservation of coastal areas, information is lacking on fish habitat and fish populations and the value for wildlife of certain coastal wetlands such as the Bark Bay area along Lake Superior. Because existing state and Federal programs inventory natural areas and design management programs throughout the entire state, the management of certain coastal resources has received less priority. This problem has meant, in certain cases, that the public's interest in a coastal wildlife or natural area has not been defined. Although the state instituted a model shoreland and floodplain zoning program a decade ago, in some instances local enforcement efforts have been thwarted because of inadequate assessments of the resource base or a limited amount of technical assistance from the state to the localities.

The end product of the Coastal Management Program's funding to improve existing programs is a better definition of the public's interest in certain key natural areas. Executive Order No. 49 directs state agencies to minimize the destruction or degradation of coastal wetlands and the public interest therein in carrying out their statutory responsibilities. Federal approval and the availability of Federal program implementation funds will enable the state to insure that this policy is carried out. Funds from the Coastal Management Program will permit greater emphasis on coastal issues without detracting from inland concerns.

The impact of improved regulation and enforcement will have long-term positive impacts and some positive and negative short-term impacts:

- o The long-term impact will be positive since the preservation and protection of the state's natural and scientific coastal resources will increase the natural productivity and the aesthetic and economic value of these resources over time.

- o The short-term impact of improved regulation on individual property owners and/or developers will be neutral or negative to the degree that it does not increase or decreases profits or property values.

- o To the extent that the improved implementation and regulation informs and expedites, the impact will be positive as investment decision-making will be easier and less costly.

b. (2.15) The Wisconsin Coastal Management Program will support local and state agency efforts to identify and designate areas of significant natural or scientific value and develop specific management policies for each area.

and

(2.16) The Wisconsin Coastal Management Program will provide financial and technical assistance to state and local agencies to implement the specific management policies for these designated areas.

Because the identification of geographic areas of management concern (GAMCs) entails not only their identification and designation but also a provision of sufficient technical and financial assistance to develop management programs for these areas, these two activities are considered jointly.

The state currently designates and controls uses within selected sites which have particular value as scientific areas (Policy 2.1). In addition, the state establishes state parks based upon criteria for an area's value as a public recreation or educational site (Policy 2.2). Certain wildlife areas, trout streams, and forests also are managed by the state (Policies 2.6, 2.8, and 2.3). At the local level communities identify certain areas as unique resources and manage them as local recreational or natural areas. Presently coastal areas must compete with other locations for the public's resources, and certain issues related to natural areas remain unresolved. Management programs for the Great Lakes fisheries have not resolved controversies between sport and commercial fishermen. Public access to the shoreline sometimes has been limited by local government decisions and actions of private property owners.

Through activities 2.16 and 2.14 the Coastal Management Program intends to fund local and state efforts to identify and manage geographic areas of management concern. The program's objective is to encourage communities or agencies to designate and manage certain areas for their wildlife habitat, archeological value, uniqueness as a recreational area, or other unique features. A specific example of the Coastal Management Program's potential impact would be to encourage the state to place higher priority on locating state parks near the urbanized coastal area and is entirely consistent with the state policy on parks (Policy 2.2). Emphasizing the identification and improved management of GAMCs will likely lead to the improved management of state designated trout streams (Policy 2.8). Already the Bad River Indian Reservation has requested designation of the Bad River area as a GAMC. Such designation and subsequent funding by the program would enable the tribal government to improve the management of the tribe's fishery. One possible problem to be considered is if the Coastal Management Council should decide to support such activity by the tribal government, whether this may further antagonism between the tribe and sport or commercial fishermen.

Designation of such areas will help to ensure that the local or state managing agency has developed visible guidelines for the area's use. The Coastal Management Program's emphasis on improving the management of select coastal areas will reduce the chance that significant coastal resources are irretrievably lost because of poor or nonexistent management policies.

The designation of natural and scientific areas, and the provision of additional funds and technical assistance to local and state agencies to manage these areas will result in short- and long-term positive impacts for the general public and may result in some short-term positive and negative impacts for individual property owners and developers.

- o To the extent that the values of scientific and natural areas are preserved and protected and that these areas enjoy a higher priority for funding and improved management, the impacts are positive.

- o To the extent that these designations affect individual property owners, developers and local jurisdictions in terms of changes in property values, property tax revenues, and resource exploration, the impacts may be positive or negative for particular affected parties.

c. (2.17) The Wisconsin Coastal Management Program will support the accelerated collection of data on soils, geology, hydrology, aerial photography, and other topics where needed for coastal management decisions.

Resource management issues, the range of management options, and possible results of such decisions cannot be completely identified unless data are available and analyses are conducted. Currently, Wisconsin lacks aerial photography to thoroughly assess coastal wildlife, funds to define fisheries' boundaries, and soil surveys for zoning decisions pertaining to natural areas.

The objective of this program activity is to provide the technical information necessary to make resource management decisions. Because the type of management proposed for a natural area or wildlife habitat frequently limits the options of other potential users, the credibility of any management program requires adequate baseline information. The Coastal Management Program is continuing its accelerated data collection on: (1) the distribution and relative abundance of fish species in Lakes Superior and Michigan, (2) the fish and wildlife of Superior's harbor, (3) aerial photography for habitat assessments and recession rate measurements, and (4) soil mapping in the four Lake Superior counties.

The program's funding of research on fisheries could further the state policy of maintaining the fisheries (Policy 2.11) by improving information on fish stocking practices, daily catch limits, and lamprey eel control measures. The Coastal Management Program's funding of accelerated data gathering by the State Scientific Areas Preservation Council already has enabled this group to accelerate its identification and designation of such coastal sites (Policy 2.1). Past support of soil surveys and topographic mapping have already augmented local decision making.

The impacts of accelerated data collection are positive to the extent that the activity:

- o leads to better management decisions and the accomplishment of WCMP objectives;
- o provides jobs.

4. Impact of the Wisconsin Coastal Management Program on Issues Related to Coastal Erosion and Flood Hazards

Shoreline residents in Wisconsin have identified coastal erosion as a major issue which the state's Coastal Management Program should address. Loss of land, buildings, roads, and historical sites, increased turbidity and sedimentation, and periodic flood damages in low lying areas have been identified as issues of public concern. The Coastal Management Program has identified three means of addressing these problems: (1) assist local and state efforts to identify hazard areas and develop management programs with them, (2) support research and public education on hazard areas, and (3) advocate the state's concern at the Federal level with respect to programs of the Flood Insurance Administration and the U.S. Army Corps of Engineers. The latter two program activities probably will have the most significant impact on the environment.

a. (3.6) The Wisconsin Coastal Management Program shall support local and state efforts to identify and designate hazard areas as areas of special management concern and develop specific management policies for each and shall provide financial and technical assistance to local and state agencies to implement those policies for designated areas.

Executive Order No. 49 directs all state agencies to mitigate risks of property damage in areas subject to such natural hazards as shoreline erosion bluff recession or serious flooding. Federal approval of the Wisconsin program and the availability of Federal program implementation funds will enable the state to develop a more effective program to reduce property losses, shoreline debris, degradation of water quality through increased sediment loading, and degradation of the shore's aesthetic and active recreational value resulting from coastal erosion and flooding. The shoreland or floodplain zoning programs have not been applied effectively to the coastal erosion issue. A lack of technical information and assistance to local governments has further limited the extent to which communities have designed erosion and flood damage

prevention programs. In only a few localities do local ordinances specifically seek to reduce erosion and flooding losses.

The improved management of hazard areas will have positive long-term impacts and positive and negative short-term impacts:

- o Improved management will have long-term positive impacts to the extent that it eliminates or substantially reduces erosion and flooding, thereby eliminating further losses in property values, reduces insurance risks and minimizes rehabilitation costs of flooded areas.

- o To the extent that improved management of hazard areas reduces the disruption of the fisheries, positive impacts will be realized by fishing interests potentially resulting in employment and tax revenues.

- o Negative short-term impacts may materialize for individuals to the extent that hazard area management may add costs to developers and/or property owners without adding value.

b. (3.7) The Wisconsin Coastal Management Program shall support research and public education on the dangers associated with these hazards in the form of technical analyses of data and recommendations for structural and nonstructural alternatives to alleviate erosion impacts, coordinating fully with the UW-Sea Grant College Program, the Wisconsin Geological and Natural History Survey, the Department of Natural Resources, and Soil and Water Conservation Districts.

Currently, Wisconsin lacks information on recession rates on Lake Superior, the processes of slope failure, and the role of littoral drift in supplying sand to particular reaches of the coast. For many years the Wisconsin Department of Natural Resources in conjunction with the U.S. Army Corps of Engineers has regulated the location, size, and type of shore protection measures property owners could install below the ordinary high watermark. Communities seeking to identify hazardous coastal areas and guide the development that occurred in these areas have not had the technical information on recession rates, flood stages, and bluff stability with which to implement nonstructural erosion control measures. Counties and communities have expressed an interest in having more information on the type of structural measures best suited to a particular area. Even when the Corps of Engineers provided such information, local governments frequently have not used this data.

The objective of the Coastal Management Program's funding of recession rate studies, the economic and technical feasibility of alternative structural erosion control measures, and monitoring bluff stability at selected locations, is to abate injury and damage caused by shore erosion. If this additional information is used in platting subdivisions and locating structures and roads, property losses attributable to coastal erosion and flooding could be reduced, which is entirely consistent with state policy 3.4. Provision of more complete or reach-specific information on the type of structural measures to retard erosion could further the state policy of regulating the materials used for shore protection (Policy 3.4).

The impacts of this activity will be positive:

- o to the extent that it results in technically feasible means of reducing/eliminating damages in these hazard areas;
- o to the extent that on-site assistance is provided to private property owners;
- o to the extent that the activity results in a higher priority for Federal funds to implement protection programs and public improvement projects where appropriate;
- o to the extent that jobs are created or saved.

5. Impacts of the Wisconsin Coastal Management Program's Activities Relating to Community Development

The state's concern for community development includes a wide range of issues--guiding growth in coastal communities, restoring blighted areas, and providing opportunities for public access and use of the coastal area (Part II, Chapter I.C.). Currently, many state programs address community development issues. The shoreland zoning program, state restrictions on the creation of subdivisions, and the community assistance and housing programs of the Department of Local Affairs and Development address some of the concerns of coastal communities. Although these programs have been partially effective, respondents to the Coastal Management Program's public opinion surveys have identified the need for additional community assistance in order to address coastal issues. The Coastal Management Program has identified four ways of meeting some of these concerns, and the impacts from three of these activities are discussed below.

a. (4.13) The Wisconsin Coastal Management Program will provide financial and technical assistance to local governments to improve their coastal management capabilities, with emphasis on staff training, ordinance revision, data collection and analysis and county shoreland zoning.

As discussed above, many coastal communities have lacked the technical information on certain coastal issues to revise local ordinances and to provide additional staff training. The limited resources of local governments frequently are not sufficient to meet all community development concerns. Zoning administrators have expressed interest in more state assistance for ordinance revision and additional information on selected technical issues such as soils, hazard areas, and the environmental values of certain coastal wetlands.

The potential impact of this program activity will be to develop the capabilities of local zoning administrators, resource personnel, and elected officials. For example, during the 305(d) grant period from October, 1977 - March, 1978, the program will continue to fund the preparation of technical brochures and manuals pertaining to coastal issues for zoning administrators and appeals board members.

The impact of this program activity will be positive in the long-term and potentially positive or negative in the short-term:

- o The long-term impact will be substantially positive because improved local management capability will result in improved decision-making contributing to the balanced preservation, protection and development of coastal resources.

- o Short-term positive and negative property value and tax impacts will be realized by individual property owners or developers affected by improved local implementation pursuant to the objectives of the WCMP.

- o Long- and short-term positive impacts will be realized in local communities to the extent that increased recreational access is provided through balanced community development; to the extent that flood and erosion hazards are mitigated; to the extent that historic, cultural and aesthetic values are preserved; to the extent that water dependent and water related commercial and industrial concerns are attracted to and productive in coastal communities; and to the extent that jobs are created.

b. (4.14) The Wisconsin Coastal Management Program will provide financial assistance to local governments to implement the specific management policies of designated areas.

and

(4.15) The Wisconsin Coastal Management Program will support local governmental efforts to identify and designate areas of significant natural, recreational, scientific, cultural, or historic value and develop specific management, preservation, or restoration policies for each area with emphasis on recreation

access and blight. This effort will be coordinated with the program referenced in Policy 4.4.

Currently, local governments on their own initiative may identify and designate areas of significant local concern. As funding and staffing permits, the three coastal regional planning commissions, county planning and assistance groups, and various state agencies may assist local governments in developing general land use, economic development, and housing programs.

Wisconsin's Coastal Management Program would not replace these existing institutions. Rather, the program seeks to increase the likelihood that local governments will address problems of the coastal area by designating certain coastal areas as geographic areas of management concern. The net impact of the Coastal Management Program's attention to community development concerns probably will be selected improvements in local management capabilities for the areas. The program's funding of the State Historical Society to identify and inventory the architectural, archeological, and other historic features of the coastal area has provided information which was not scheduled for collection until the 1980's (Policy 4.6). Local designation of certain scenic areas as GAMCs and subsequent funding from the Coastal Management Program may enhance the state's aesthetic resources, particularly along state-designated Rustic Roads (Policy 4.7). The program's encouragement of GAMC designation for areas of local or state concern could improve the chances that these areas will be eventually included into the state parks system (Policy 4.9). In short, the program seeks to increase the priority of improving the way coastal resources are used. Within selected harbors, Superior, Green Bay, and Milwaukee, certain areas have been discussed as potential GAMCs because improved land use plans could establish priorities for how scarce and valuable waterfront land should be used.

Designation of GAMCs may heighten the priority which local governments assign to coastal issues, but could lessen the attention the local government gives to other areas. The availability of Coastal Management Program funds may improve the chances that the designated area receives the attention of other funding programs, for example from the Economic Development Administration, the Department of Interior, or regional planning commissions. Program funding could provide the added leverage necessary to obtain various intergovernmental grants or services. This emphasis on a coastal area may de-emphasize inland community development issues. Because intergovernmental grants frequently only provide a portion of a project's funding and because each funding agency tends to seek additional sponsors for a project, state and Federal officials will be responsible for ensuring that non-coastal areas receive adequate attention.

The impacts of improved management of significant coastal areas by local governments is positive to the extent that:

- o The increased management of protection, preservation and development activities by local governments is realized.
- o Local governments receive higher priorities for Federal and state financial and technical assistance.
- o Economic development increases due to greater certainty in public sector policy and administrative procedure.

Negative or neutral impacts of local management improvements will be realized by individual property owners and/or developers to the extent that:

- o Individual property values and/or business returns do not increase or decrease due to local management or regulation.

Positive, negative or neutral property value and tax revenue impacts will be realized by inland and coastal entities to the extent that:

- o Improved management by local coastal jurisdictions deflects development inland.
- o Improved management alters the development potential of property within the coastal area.

6. The Effect of Wisconsin's Coastal Management Program on Economic Development in the Coastal Area

In a 1976 study, Business Prospects Under Coastal Zone Management, the Real Estate Research Corporation identified the following categories of interest groups potentially affected by the coastal management program:

1. owners of affected properties
2. neighboring property owners
3. other property owners whose interests may be affected by the advantages or disadvantages conferred upon coastal area property owners by the program
4. government bodies
5. the general public

Suggested accounting perspectives can incorporate a wide range of specific impacts such as--the generation of income from coastal resources, costs of providing roads, sewers, and other public services in the coastal area, employment opportunities, property values, and government costs and revenues. These impacts are important to consider, and the Wisconsin Coastal Management Program contends that the process developed to monitor coastal program activities through the WEPA process, A-95 review, and the

Coastal Management Council will enable such impact analyses to occur. Within this context the Coastal Management Program has identified eight potential activities through which it could influence economic development patterns in the coastal area (Part II, Chapter I). Of these eight activities, the potential impacts of five will be addressed.

a. (5.14) The Wisconsin Coastal Management Program will provide financial assistance to state and local agencies to implement the specific management policies of designated economic areas and improve the implementation of existing programs to broaden the economic base of communities with desirable diversifications of industry and to effectively manage coastal land and water resources which influence community development.

This broad program activity addresses the need for funding the development of management programs for GAMCs and to improve state programs related to specific uses of the coastal area. As outlined above and in Part II, Chapter I.C., the state has specific and general policies relating to particular coastal areas and types of activities. Despite the expressed intent of the policies outlined in Part II, Chapter I.C. the state lacks a consistent port policy, sufficient technical assistance to small businesses, and a set of mutually consistent economic development goals and programs. This current situation partly reflects a hesitancy upon the part of state government to alter a stable and productive economy. Nevertheless, certain local and state issues relating to the ports and local planning efforts to promote business development, economic diversification, and public works investments have been identified as areas for which added funding is warranted.

The objective of the Coastal Management Program's funding of such local or state activities in GAMC's hopefully is to create more stable and diversified local economies, more jobs, higher personal incomes, and increased local fiscal capacity.

The program's incremental effect is the higher priority given to coastal issues. For example, under its 305(d) grant, the Wisconsin Coastal Management Program will fund a demonstration project by the Bay-Lake Regional Planning Commission to determine ways the interests of the Coastal Management Program can be integrated with the local overall economic development planning committee. The program will also partly fund an assessment of on-shore facility needs for continued commercial use of Milwaukee's inner harbor (Policy 5.3). This work could lead to the eventual designation of the inner harbor as a GAMC.

b. (5.13) The Coastal Management Program will seek to improve the implementation and enforcement of existing state regulatory and management programs which influence the economic well-being of citizens along the Great Lakes.

and

(5.15) The Coastal Management Program will seek to improve the coordination of policies which affect the economies of coastal areas.

Current economic development patterns in the coastal area, as in other regions of the state, primarily reflect private investment decisions and the general tenor of the state and national economy. At the Federal level there is little ability to fully coordinate the policies of all government levels which affect the coastal area. The Departments of Commerce, Housing and Urban Development, Transportation, and Energy individually exert some influence over the investments and policy decisions made by other agencies. At the state level, the Governor's Office is responsible for coordinating the business development, taxation and public investment policies for the entire state. Local governments can use public services provisions and zoning decisions to influence the type of economic activity which they desire. In practice, however, the private sector usually initiates investment, and local governments in the state react to rather than predetermine the economic activity of the coastal area.

With respect to the siting of electrical generating and transmission facilities the state has a power plant siting process which ensures the public of up to ten years prior notification and justification for new facilities. For other energy siting facilities, such as coal terminals, the state currently has less of a planning and coordination policy.

Within this context the potential end result of the Wisconsin Coastal Management Program mainly will be to selectively coordinate and advise upon government policies affecting the coastal area. This coordinative activity will occur as the occasion warrants and use the Federal consistency provisions of the Coastal Zone Management Act (section 307). Over the past two years of program development the Coastal Management Council or staff has addressed such issues as state policies for the ports, location of electricity generating facilities in the coastal area, and recreation's impact on the coastal area.

Coordinating policies and improving the implementation of existing state management programs are designed to (1) identify and minimize the adverse impacts of private investment decisions, (2) design state programs which are consistent with state goals for higher incomes and lower unemployment, and (3) advise local governments or other interests of the statewide impacts of local, state, or Federal policies.

The net impact of such coordination by the Coastal Management Program will be to increase the chances that business development policies for the coastal area are consistent with state tax programs and the provision of public services. The program's attention to providing recreational facilities in the coastal area, (Policy 5.4) and addressing port revitalization and competing land uses within harbors (Policy 5.8) could enhance the economic position of certain interest groups. Because there has been little evidence that the program will adversely affect incomes, property values, and employment opportunities, the public has not been concerned about these issues during the program development period. The public has identified a need for better coordination on the siting of energy facilities, particularly fossil fuel depots, and state promotional programs for recreation access and business development. Coastal Management Program funding to improve existing state management programs could help the Public Service Commission identify potential impacts of a coastal energy facility (Policies 5.10 and 5.12). The program's emphasis upon developing economically viable ports will further the state's multi-modal transportation planning (Policy 5.3).

c. (5.16) The Wisconsin Coastal Management Program will support state and local government efforts to (1) identify and designate areas especially suited for water-related economic development and power plant sites approved through the power plant siting process of the Public Service Commission and (2) develop specific management policies for each.

As noted in the discussion of 5.17 local governments and the state do not have programs to predesignate areas for water-related economic development or power plant sites. The state, however, does require utilities to file advance plans as much as 10 years in advance of the construction of a generating plant.

c. (5.17) The Wisconsin Coastal Management Program will support local government efforts that consider in their coastal plans and programs the concept that waterfront locations be kept available for activities which need such locations and that unnecessary development not consume coastal resources particularly suited to other uses.

Currently, local planning programs do not specifically address the need to keep certain coastal areas available for business or recreational activities which require a coastal location. Land use patterns in many coastal communities exhibit instances where anticipated harbor facilities and in some instances residential buildings occupy lands more suitable for use as marinas or modern cargo handling facilities. Inadequate attention to guiding development so that lake access sites are reserved for water dependent activities can impair the expansion or diversification of the local economic base. Harbor frontage is a limited resource which warrants careful management by local governments.

The objective of the coastal management program's attention to reserving waterfront sites is the preservation of more flexibility for future use of the coastal area. Managing the coastline in such a manner may increase or decrease property values or incomes for those interests currently occupying the site. Rental potentials or purchase prices for inland site locations may be altered, and a potential redistribution of income may be made from those currently using waterfront locations to those who can convince the local government that their use is dependent on a waterfront location and in the interest of the community. Preservation of waterfront locations is primarily a means of giving the community time to assess how its coastal area should develop. Other merits of such planning include lower prices for goods using the port and diversification of the local economy. Such local planning is consistent with the state's promotion of business and industrial development (Policy 5.1).

All of the above mentioned economic development activities will have positive impacts to the extent that they:

- o Minimize the adverse affects of private investment decisions on the individual and on the general public;
- o Increase coordination and cooperation with the private sector and government agencies;
- o Increase the probability of higher employment and lower unemployment;
- o Increase the priority for Federal, state and local government assistance afforded to coastal economic development;
- o Increase the productivity of water dependent and water related uses such as beaches, marinas, harbors, ports and energy facilities;
- o Reduce risks for public and private investment.

The impact of these activities will be positive, negative or neutral for individual parties:

- o to the extent that they alter development and investment patterns, property values and tax revenues within the coastal area; and

- o to the extent that they change development and investment patterns, property values and tax revenues in inland areas.

7. The Effect of the Coastal Program on Governmental Relationships

The many and diverse interests of citizens and units of government suggest consideration and assessment of the Coastal Management Program's role in promoting communication, cooperation and coordination. Integgating various concerns is important at all levels of the management process, from goals to objectives, to policies, to programs. At the same time, attention must be given to simplifying regulatory processes, time spent on such processes, and avoiding duplicative efforts. The impact of these coastal management policies and programs must be evaluated with regard to Wisconsin state agencies, other Great Lakes states, local and tribal governments, and the Federal government. In an attempt to measure the effect of the Coastal Management Program upon these relationships, the current situation and the expected outcome must be considered.

a. (6.8) The Coastal Management Program will use existing review processes (A-95, NEPA, and WEPA) to ensure coordination of Federal, state and local policies and programs.

Currently, the A-95, NEPA, and WEPA processes seek to ensure that Federal, state, and local policies are consistent with each other. Intergovernmental working relationships seek to resolve policy differences, but disagreements on certain issues such as dredging and tax policies remain.

The state will use the following methods to assure that governmental actions are consistent with the policies of the Wisconsin Coastal Management Program:

Local level:

- o Unincorporated local units of government are required to meet the provisions of the Wisconsin Water Resources Development Act and implement the State regulations. These local ordinances are a part of the proposed management program for Wisconsin. All amendments, variances, and special exceptions are subject to review and approval by the DNR. As a result of directives of Executive Order No. 49 the DNR must insure in its review of proposed changes to the ordinances that the changes are in compliance with the State coastal management policies.

- o The GAMC process is another method for achieving local action consistency with the program. All sites and work programs nominated by local government and designated by the Council must be consistent with overall program policies including those located within incorporated areas.

- o All program "managed uses" apply throughout the coastal area including incorporated areas.

- o Once the Wisconsin Public Service Commission issues a certificate of Public Convenience and Necessity, under the Power Plant Siting Act, local governments may not exclude the approved utility activities for that site.

State level:

Consistency of State agency actions will be effectuated through six processes:

- o Since the coastal management policies enumerated in Executive Order No. 49 are based on State law, violations of coastal policies would also be a statutory violation, thereby making available the administrative and judicial remedies discussed in Summary #8.

- o The Executive Order additionally directs that they act in accordance with the coastal policies;

- o The interagency agreement structure;

- o The Council's review and monitoring procedures which will rely in part on the A-95, NEPA and WEPA processes;

- o The GAMC designation and funding processes;

- o Financial and technical assistance to achieve coordination and consistency.

Federal level:

Consistency of Federal actions with the Wisconsin Program will be monitored through:

- o The A-95, WEPA, and NEPA processes for Federal activities (including development projects) and Federal assistance to State and local governments affecting the coastal zone and;

- o Review of consistency certifications submitted by applicants (excluding Federal agency applicants) for Federal permits and licenses directly affecting the coastal zone.

The Wisconsin Coastal Management Council will serve as the lead agency for coordinating the State's review of these Federal actions.

The criteria which Wisconsin will use in evaluating Federal actions for consistency with the Wisconsin Program are:

- o Consistency with State coastal policies, State approved county shoreland ordinances, and State approved floodplain ordinances;
- o Consistency with specific management policies for designated State managed GAMC's;
- o Opportunity for full public participation in the activity, development project, grant, or financial assistance.

A Coastal Management Council composed of state and local officials has been established pursuant to Executive Order No. 49. For Federal-state relations the program will use the Federal consistency provisions discussed in Part II, Chapter III.

The most important impact of the Coastal Management Program on government relationships will be to serve as a forum for addressing intergovernmental coastal issues. For example, the state is interested in promoting the recreation and tourism industry, but many local governments seek methods of determining what types of recreational development would be most suitable for the area. The dredging issue is another example of how the Coastal Management Program could serve as a forum for analyzing the state, Federal, and local costs of alternative dredge spoil disposal methods. This would be entirely consistent with the state policy 6.7.

b. (6.9) The Coastal Management Program will improve coordination with adjacent Great Lakes states and Federal agencies with continuing programs affecting Lakes Michigan and Superior.

Currently, Wisconsin's working relationships with the Federal government and Great Lakes states consists primarily of formal and informal interaction between administrative agencies. The Great Lakes Basin Commission, a state-Federal coordinating body, charged with broad-range planning in the basin, has additionally served to coordinate Federal and interstate activities. Wisconsin and the neighboring states of Michigan, Illinois, and Minnesota have at times worked independently in addressing Great Lakes issues.

The Coastal Management Program intends to improve the coordination between Wisconsin and neighboring states and the Federal government. This would be accomplished by supporting the role of the Great Lakes Basin Commission and developing better working arrangements with adjoining states on common coastal issues and projects.

Federal consistency requirements of the Coastal Zone Management Act additionally require that Federal activities relating to the state's coastal areas be consistent with the state's program to the maximum extent practicable. Common issues include fish management, erosion, shipping, car ferries, port development and others. The net effect of the Coastal Management Program might include the selective additional support of the state's participation in various Federal studies addressing Great Lakes' issues, such as the Federal Maritime Administration's study of Great Lakes port issues. It could also include multi-state efforts at addressing common issues such as those indicated above, and an increased exchange of information between states and with Federal agencies. Such interstate coordination on coastal issues may not have occurred in the absence of the program.

c. (6.11) The Coastal Management Program will support tribal governments in their efforts in coastal management.

With respect to coastal management programs, the current status of tribal governments as proposed by OCZM in an April, 1977 policy (Section III. E), is that of a "regional agency." On this basis, tribes are eligible to receive Section 305 and Section 306 funds for efforts related to program development and for coastal management projects. Within the Wisconsin Coastal Management Program, the Bad River and Red Cliff Tribes are encouraged to engage in coordination, assistance, and management activities. Specifically, tribal governments are invited to send representatives to the Coastal Management Council, request technical assistance, and seek funds to implement management policies by applying for geographic areas of management concern status.

One of the intended results of supporting tribal governments in their coastal management efforts is to incorporate them in the decision-making process, where they have at times not been consulted. Including the tribal governments in this process should facilitate the exchange of interests and ideas as well as increase mutual assistance among different levels of government. Another intention of the program is to promote the identification of tribal concerns and the implementation of their coastal management programs. Offering support to these governments for technical assistance and funds should enable the state to discover tribal needs, advise the tribes of similar management efforts, suggest factors which may be desired for the tribes' management plans and blend tribal and state management efforts to a more cohesive management of the coastal resources.

d. (6.12) The Wisconsin Coastal Management Program will perform advocacy functions in seeking increased policy recognition of the Great Lakes in policy by all levels of governments with emphasis on the Federal level.

The Great Lakes sometimes lack the full recognition of their importance to the nation. Because the Lakes are totally within states' boundaries, they are often given a secondary importance in some Federal programs. While comprising over 90% of the surface fresh water in the U.S., only 2% of the Federal water quality funds address Great Lake water quality problems.

Wisconsin is blessed with 10,000 clear fresh water inland lakes which are highly used by citizens and vacationers. As a result, public attention is directed to them for recreational and economic reasons. The recent increase in excellent sport fishing in Lakes Michigan and Superior has drawn some increased citizen attention to the Great Lakes.

Heightening the priority given to Great Lakes issues at local, state, and Federal levels is the objective of the advocacy function of this program. The intended result is to gain strengthened local, state, and Federal support to address and better manage the Great Lakes resources.

The intergovernmental program actions will cause positive short- and long-term impacts to accrue to the extent that:

- o time and money savings are realized by developers of coastal resources in securing permits;
- o the probability of making resource allocation mistakes resulting in permanent damage is reduced;
- o the coastal management techniques of the state and of tribal governments are coordinated and consistent with the WCMP;
- o interstate coordination and cooperation in coastal resources management is improved;
- o increased Federal government attention and priority is afforded to the Great Lakes.

8. The Effects of the Wisconsin Coastal Management Program on Public Involvement in Coastal Resource Management Decisions

The Wisconsin Coastal Management Program has identified the need for (1) improving and increasing the opportunities for citizens and interest groups to effectively participate in governmental decision-making on coastal issues; and (2) increasing public awareness and information on coastal issues. To these ends the Coastal Management Council has identified the need to pursue five activities (Part II, Chapter I.C.); this discussion addresses the impacts of three of these activities.

a. (7.6) The Coastal Management Program shall create a broad State Citizens Advisory Committee, with independent staffing, to monitor program implementation and to develop, recommend and sponsor public information, education, and participation programs (see Section II C. Organization for further discussion).

As repeatedly emphasized in Part II of this document, the Coastal Management Program provides a forum for public involvement in coastal resource decision-making. While citizens can present their views to governmental officials, it is difficult to develop an ongoing program which keeps many interest groups informed of the many state, Federal, or international activities affecting the coastal area. In the absence of an organization which addresses the interests of diverse public groups (environmental preservation advocates, fishermen, inland residents who use the coasts for recreation, local officials, port promoters, and coastal business interests), each interest group must individually address coastal issues as they develop and circumspection about related concerns is limited.

Although some interests will gain access to decision-makers regardless of the role of a Citizens Advisory Committee, the group's impact depends upon how well the group understands government processes. In its own right the Citizens Advisory Committee is designed to be a highly visible organization which provides information to interest groups and the general public and advises the Coastal Management Council.

b. (7.8) The Wisconsin Coastal Management Program will support public education and awareness of coastal issues and broadly disseminate program materials.

Currently, there are several state agencies, educational institutions, or sub-state agencies which support public education and awareness of coastal issues. The Wisconsin Department of Natural Resources, University of Wisconsin-Extension, the University of Wisconsin Sea Grant College Program, and the coastal regional planning commissions all provide to a varying degree information on coastal issues. Sea Grant and the University Extension are the major clearinghouses for research and technical information relating to the Great Lakes. The DNR prepares technical reports on wildlife, fish habitat, and the environmental quality. The regional planning commissions provide a forum for information on local government issues and state policies affecting the coastal area.

The Coastal Management Program will seek to support the public education programs of existing agencies and distribute information and technical studies which the program itself prepares. The net effect of this activity will be not only a greater amount of technical and general information but also the wider or more thorough distribution of information. The public's interest in erosion hazards, economic activities and potentials

of the coastal area, and in preparing better local management programs indicates that information on such issues is useful. This program activity has provided information on coastal recreation economics, lake level regulations, and coastal historical sites that probably would not have been otherwise provided (Policy 7.2).

c. (7.9) The Coastal Management Program shall provide appropriate forums to involve and educate citizens on projects and programs which have a significant or controversial impact on coastal resources; subject those projects and programs to public scrutiny and discussion; and make recommendations concerning such projects and programs to appropriate governmental agencies.

As previously emphasized, there is not a single mechanism in the state which specifically seeks to involve and educate citizens on programs or issues which affect coastal resources. The objective of the Coastal Management Program is to assist in providing forums for such involvement.

One example of how this activity can improve public awareness of a resource issue is the program's support for the dissemination of materials to an existing technical committee on coastal zone management in Racine County. This committee has prepared and distributed technical reports on bluff recession and periodically reports to the Racine County Board. Through the efforts of these groups, Racine County is adjusting county regulations which better consider coastal erosion. The Coastal Management Program will also fund the preparation of training materials on dealing with coastal issues for the members of the local plan commission and zoning board of appeals. This information previously has not been available.

The impact of these three public involvement activities will be positive to the degree that they result in:

- o heightened awareness of the value of coastal areas;
- o informed public participation on coastal resource allocation;
- o improved policy development and administration at all levels of government.

SUMMARY OF WCMP IMPACTS

The long-term and short-term impacts of the WCMP will be decidedly positive. Improved management and regulation will result in a better environment, balanced community development and controlled economic development in the coastal area. Data information collection, research, government coordination, and public awareness activities will result in more informed management decisions, a reduced probability or irretrievable coastal resource loss, and a substantially increased impetus to preserve, protect, restore and develop Wisconsin's coast. In particular, positive impacts will accrue to the general public due to the coordination of program and capital improvement budgets evolving through the WCMP. A short-term negative impact which might occur is that improved management and regulation may add to development costs without creating an immediate compensating increase in property values. On the other hand, coordinated policy and administrative procedures should reduce the time and money costs of securing permits for development projects.

GENERAL PROGRAM APPROVAL IMPACTS

Fiscal Impacts

Positive fiscal impacts will result at the state level and in local jurisdictions where WCMP funds are transferred to develop plans and ordinances, administer local GAMCs, and regulate, monitor and enforce pursuant to program policies.

Also, Federal approval will maintain Wisconsin's status as an eligible applicant for funds under Sections 308, 309, 310, and 315 of the CZMA in the future.

Federal Consistency Impacts

With the Associate Administrator's approval of the WCMP, the Federal consistency requirements under Section 307(c) of the CZMA will become operative in Wisconsin. Federal consistency requirements of Section 307(c) and (d) of the CZMA pull Federal actions into line with state coastal policies. The consistency requirements do place new legal requirements upon Federal agencies. To the extent that new procedural requirements to comply with the Federal consistency provisions cost time and money, applicants and Federal agencies will be impacted negatively. Wisconsin is using existing state and local review procedures to handle consistency matters so the potential increases in costs will be minimal. The long-term effect of the consistency procedures will be positive to the extent that Federal actions minimize potential adverse impacts in the state's coastal environment. At this time, the state believes such authority would

be useful in a number of areas, including (1) meeting stricter state standards for dredge spoil disposal; (2) assuring that Corps of Engineers and Federal Insurance Administration actions are in line with state erosion policies; and (3) achieving a uniform definition of the high water mark based on vegetation to meet state conservation policies.

Consideration of the National Interest Impact

The Associate Administrator's approval will require that Wisconsin consider the national interest in the siting of facilities which are other than local in nature pursuant to Section 306(c)(8) of the CZMA.

The consideration of the national interest in the siting of facilities that are other than local in nature will result in long-term positive impacts at the national level, and potentially at the interstate and state level as well. This consideration requires the balancing of facility siting demands and the protection and preservation of natural, cultural and aesthetic coastal resources values in terms of long-term productivity and short-term gain. This balancing of national interests by Wisconsin will bring about positive long-term impacts but may result in negative short-term impacts for particular affected parties.

D. ALTERNATIVES TO THE PROPOSED ACTION

Two alternatives to the proposed action are available to the Associate Administrator: delay or deny. The Associate Administrator's approval must be based upon affirmative findings for all of the requirements of the Federal Coastal Zone Management Act (CZMA). A decision to delay or deny approval would necessarily be based upon a conclusion that the Wisconsin Coastal Management Program (WCMP) did not satisfy one or more of the CZMA requirements.

For Wisconsin, the general impacts of delay or denial are the same because under either alternative the state's continued eligibility for 305 funds is minimal. Wisconsin has completed three years of program development under Section 305, satisfied the requirements of 305(b), and is currently completing its fourth year of programming under a newly authorized Section 305(d) grant award. Congress intended this award to be given for limited periods before full program implementation. Wisconsin is using its special award to initiate implementation activities and to remedy specific 306 deficiencies. If Wisconsin successfully completes its current award program, there is no basis for the state to continue receiving 305 funds.

Thus, the impacts of delay are the impacts of denial. Under either alternative, the state will experience a loss in Federal funds for coastal resources management programming. The benefits of the WCMP implementation, i.e., improved regulation and enforcement; balanced coastal community development; improved economic development for water dependent uses; better natural and hazard areas management;

improved intergovernmental coordination and greater public awareness; will not occur to the extent that the loss of Federal funding stops Wisconsin from implementing its Coastal Management Program. Additionally, the benefits of Federal consistency and of the consideration of the national interest in state decision-making will be lost to the citizens of Wisconsin, the Great Lakes Region, and the Nation.

The issues which could result in sufficient basis for delay or denial of approval are those discussed in the Summary 8. Summary of Responses to Comments. One of those issues, Federal consistency, is not analyzed here because the reviewers questions and comments did not relate to the adequacy of the meeting of the requirement, but rather to the clarification of procedures and terms. The remaining issues, however, are concerned with the basic adequacy of WCMP in meeting specific CZMA requirements. These basic concerns, the relevant OCZM requirements, and OCZM and state options are described below under three major alternative headings:

> Alternative I - The Associate Administrator could delay or deny approval because state authorities proposed to implement the program are not sufficient to address the full range of concerns expressed in the CZMA.

Specific concerns expressed by reviewers and analyzed by OCZM included whether or not the WCMP satisfied Sections 302 and 303 of the CZMA; the fact that no new authority was created to implement the WCMP; the lack of authority to override local decisions; the lack of authority to meet the national interest requirement; the lack of authority to meet the use of regional benefit requirement; and the lack of authority to resolve conflicts.

Regarding the Section 302 and 303 requirements, i.e., that states consider the competing demands for coastal resources, recognizing their ecological, cultural historic and aesthetic values when establishing policy(s) for management, OCZM has concluded that Wisconsin adequately researched, inventoried and analyzed existing coastal resources, problems and issues. Further, OCZM concludes that these studies resulted in the WCMP policies which are sufficiently broad to respond to the concerns of Sections 302 and 303 and to Wisconsin's needs. Issues of particular interest to OCZM during Wisconsin's program development included those of erosion, wetlands, access, energy, and urban areas. Policies to improve conditions under each of the areas have been developed or expanded for the WCMP based upon existing statutory authority (Erosion, Policy 3; Wetlands, Policy 2, 2.13; Access, Policy 4, 4.8-4.10; Energy, Policy 5, 5.10-5.12; Urban Areas, Policy 4 and Policy 5). The application of these policies is reinforced through Executive Order No. 49 which requires state agency compliance with the WCMP policies, and through interagency agreements which detail agency policy(s) and procedure(s) reviewed by the Coastal Management Council.

Concerning the fact that no new authority has been created to implement the WCMP, OCZM has no requirement that new authority be created. The requirement looks rather to whether the authority is sufficiently broad, and whether the authority is enforceable. As discussed in the paragraph immediately above, the WCMP authority is sufficiently broad. The authority is also sufficiently enforceable as outlined in the program summary, Part I, Section D.

Concerning the lack of authority to override local decisions, OCZM concludes that the WCMP authority to override is sufficient to the extent necessary to carry out the program, e.g., in the Shorelands area where all amendments, variances, and special exceptions are subject to review and approval by the DNR; certified utility siting areas where local governments may not exclude approved utility activities; local GAMC where all activities are consistent with WCMP policies.

Addressing the concern about the lack of authority to address the national interest requirement, the requirement is that a state consider the national interest in the siting of facilities which are other than local in nature. Wisconsin has stated that it will consider the national interest and one enforceable way to achieve this is through the procedural requirements for considering public comment on state actions through the Wisconsin Environmental Policy Act.

Addressing a similar concern, the lack of authority to insure that uses of regional benefit are not arbitrarily or unreasonably excluded by local regulations, OCZM concludes that the state has override authority over the coastal uses of regional benefit, namely, power plants and transmission lines, uses and development of rural shorelands, and recreational sites of state level significance.

The final authority question to be considered here is the WCMP's authority to resolve conflicts. OCZM finds the state's authority here quite adequate. Mechanisms include the administrative review process, the A-95 review process, the Wisconsin Environmental Policy Act, program and budget coordination processes, the Coastal Management Council and the Citizen's Advisory Committee. If a conflict prevails through these resolution mechanisms, the Governor of the state will resolve the issue(s).

Should the Associate Administrator choose the alternative of delay or denial on the grounds that the authorities are not sufficient to address the full range of concerns expressed in the CZMA, there would be three basic options available to the state:

(1) do nothing,

(2) enact administrative changes through rulemaking to fill the gaps in the scope of the program,

(3) enact legislation to fill the gaps.

Under the first option, the state would not realize the Federal funds for implementation and the benefits of the improved air and water quality, natural and hazard areas management, community development and economic betterment, intergovernmental cooperation and public awareness of coastal issues would not occur. Under option 2, these benefits could be realized but only after rule changes and another complete DEIS/FEIS review. Under option 3, the benefits also could occur, but only after passage of legislation and another DEIS/FEIS review.

Alternative II - The Associate Administrator could delay or deny approval of the program because the state lacks the organizational arrangements necessary to enforce the state program policies.

The basic concerns here are that the program lacks a legally enforceable structure to implement and that the implementation approach is not clear. The implementation approach is that Wisconsin will carry out its seven program policies through the activities outlined in Part II, Section C.

The legally enforceable structure consists of existing strong statutory authority for the seven program policies, Executive Order No. 49 directing all state agencies to comply with WCMP policies; interagency agreements outlining cooperative responsibilities; and the Wisconsin Coastal Management Council which has responsibility for policy development, advocacy, GAMC designation, oversight of conflict resolution, consistency, financial assistance and technical assistance and program budget and amendment approval.

OCZM has concluded that this organizational arrangement is adequate to satisfy the CZMA. The policies expressed in the Executive Order, with which state agencies will also agree to comply under the terms of the various interagency agreements, are all based upon existing statutory authority to which the agencies are already subject. In the case of coastal policies on erosion and coastal wetlands, the specific policy language which appears in the Executive Order is new, but nevertheless based upon existing statutory authority.

Research conducted by the Wisconsin staff indicated that the Governor could use an executive order to establish state policy and to direct state agency compliance with that policy, so long as compliance would not conflict with other statutory responsibilities (see Appendix H, DEIS). Because there are no judicial decisions bearing on this issue in Wisconsin, a more definitive judgment on the state of the law on executive orders in Wisconsin can not be reached. In Wisconsin, the Governor is vested with broad constitutional authority to transact necessary business for the state government. In addition, section 16.54 of Wisconsin statutes gives the Governor broad authority to take "necessary acts" in accepting for the state the provisions of any act of Congress whereby funds or other benefits are made available to the state. These provisions must be read in light of other constitutional provisions, such as the separation of powers, and other legislative mandates. Interagency agreements serve to further clarify responsibilities of state agencies in implementing WCMP policy.

Should the Associate Administrator choose the alternative of delaying approval of the Wisconsin program because of a lack of adequate organizational arrangements, there would be three basic options open to the state:

(1) do nothing,

(2) take legislative action to establish the Coastal Management Council and to adopt binding coastal policies,

(3) institute administrative rule changes by all key state agencies which bind these agencies to abide by the coastal policies.

Under the first option, the impacts would be those generalized impacts resulting from Federal delay or denial of the program on any basis. It is likely that by following the second or third option, the program would receive approval. Therefore, the impacts would be those listed and described in Part III, Section C.

This second option, if successful, would result in a clear legislative mandate to carry out comprehensive coastal resources management in Wisconsin and the impacts of implementation could be realized after another formal DEIS/FEIS review.

The third option would result in greater clarity for coordination procedures among state agencies responsible for WCMP implementation. Here again, the beneficial impacts of program implementation could be realized after rule completion and another DEIS/FEIS review.

The important point here is that neither of these two options are denied by approval at this time. In fact, Wisconsin will pursue the third and may pursue the second if approval is granted now.

Alternative III - The Associate Administrator could delay or deny approval of the program because the state has not adequately completed the inventory and designation of areas of particular concern within the coastal area.

Reviewers expressed concern that specific designations were not in the DEIS; that the whole designation process was voluntary and temporal; and that the criteria for nomination/designation are not specific.

The requirement of the CZMA is that the state inventory and designate areas of concern. Wisconsin has inventoried areas through extensive study and open nomination. It established categories for nomination and devised and implemented a review process resulting in the first annual GAMC designation by its Management Council. These designations appear in Attachment I.

The categories for nomination contain the priorities for uses for GAMCs. These categories and the designation process satisfy the CZMA requirements. The first annual designations are part of the DEIS/FEIS process. The nominations appeared in the DEIS and the designations in the FEIS. Subsequent annual designations would be handled in accordance with the outlined review procedures and appear in annual program grant applications.

The concern over the voluntary and temporary nature of the designation process is not a requirement issue. GAMC designations are not necessary to have adequate regulation and enforcement in the Wisconsin Program. The designations do represent incentives for better management because they provide visibility, priority and financial assistance. They may or may not be temporal, depending upon the duration of the need for special assistance.

Concerning the criteria, they again are not a requirement issue. The state must inventory and designate and it has done so. Wisconsin uses the areas suggested in the Federal regulations in setting up its inventory and nomination/designation procedures. Nominations are screened to test their relevance to coastal issues, i.e., water quality, shore erosion. They are designated using practical screening considerations like availability of funds, urgency, and the ability of applicants to maintain the area. These are reasonable selection and screening criteria and the Council finds them sufficient.

Should the Associate Administrator choose the alternatives of delay or denial, there would be two basic options left to the state:

(1) do nothing,

(2) repeat the inventory and designation procedure, changing and addressing the expressed concerns.

Under the first option, none of the benefits ascribed to implementation would be realized, i.e., improvements in air and water quality, area management, community development, coastal dependent economic development, and intergovernmental and public cooperation.

Under the second option, the state could satisfy some special interests by developing more precise standards for area designation. The state can accomplish this even if the program is approved now. However, it can refine its nomination/designation process as it implements its program.

E. PROBABLE ADVERSE ENVIRONMENTAL EFFECTS OF THE PROGRAM WHICH CANNOT BE AVOIDED

At this stage in designing a Wisconsin Coastal Management Program, there appear to be no unavoidable adverse environmental impacts from instituting the proposed program. The Coastal Coordinating and Advisory Council has designed the proposed coastal program so that each investment will be reviewed for its environmental and economic impacts. The Coastal Management Program would not proceed with a project which had a disproportionate share of adverse impacts which could not be mitigated.

Responses from the Coastal Program's public survey and concerns expressed by Council members and the Citizens Advisory Committee suggest that some of the program's impacts could be viewed as detrimental by some people. These issues and the ways the Coastal Program intends to address them are discussed below:

Issue (1): The coastal program intends to fund improved management of local services; this is a responsibility of local governments which the coastal program should not support.

The coastal program would provide financial and technical assistance to local governments to improve their capabilities for managing coastal resources. Training of zoning administration staff, ordinance revision, planning for the orderly development of the coastal area, and numerous other projects could be financed wholly or partly by the coastal program (part II, Chapters I C, II B-D). Funding assistance would be limited to a two year period, and the local government would then have to determine whether and how to continue the project.

Issue (2): The proposed Coastal Management Council, Citizens Advisory Committee, and clearinghouse functions in the regional planning commissions will be extensive and inefficient.

As discussed in Chapter II.C. of the previous Part, the Coastal Coordinating and Advisory Council decided that the advantages of having a body with visible decision-makers and composed of state, local and regional representatives outweigh any inefficiencies that might result. The proposed creation of the regional coastal task forces would ensure that local interests have the opportunities to participate in the program. Staffing for these three task forces would be through existing regional planning commissions. Expenses incurred by the program are for partial staff support and logistical expenses for 4-5 people. In addition, the state provides $1 for every $4 provided by the Federal government. This state contribution is either cash or existing services from state government. The proposed Coastal Management Council and Citizens Advisory Committee are not compensated for their time, but they are reimbursed for program-related expenses in most cases.

Issue (3): The proposed coastal program infringes on the rights of property owners.

The U.S. and Wisconsin Constitutions protect property owners against the taking of property without just compensation. The proposed coastal program is designed to assist local governments and state agencies to more effectively carry out existing laws. Property owners do not have to justify a proposed use of the land to the proposed Coastal Management Council because the coastal program will use existing laws and governmental bodies to implement the program.

Although the proposed coastal program can and will not violate the rights of private property owners, the program may affect the expectations that some people have about using their land. For example, if the coastal program assisted in identifying erosion hazard areas and encouraged state or local agencies to regulate development in such areas, some property owners may lose the option of selling their land for residential or commercial uses. In a similar manner, actions by the proposed Coastal Management Council which seek to limit coastal development to only those land uses which require a coastal location may constrain the future options of coastal property owners. Many social and political factors affect one's land-use options, but governments at any level do not have to guarantee a financial return from private investments in lakefront property or anything else.

Issue (4): The coastal program will lead to greater demands for inland waterfront property, because the program will seek to focus the public's and government agencies' attention on the types and locations of coastal development.

There is no question that the proposed coastal program encourages Wisconsin to consider the Great Lakes as unique resources. To the extent that the coastal program changes the way local and state governments address the environmental, social, and economic impacts of coastal activities, inland resources may receive more or less pressure. The grants offered by the coastal program will reduce the amount of Federal and state resources diverted from other programs by greater emphasis upon the Great Lakes. Unlike the California program, for example, Wisconsin's proposal does not require the receipt of development permits from the coastal management program. Even if the attention of state, local, and Federal governments is diverted to coastal problems, the value of this new information and experimentation with resource management techniques will assist in managing inland resources.

F. THE RELATIONSHIP BETWEEN LOCAL, SHORT-TERM USES OF THE ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

As discussed in the previous sections, Wisconsin's Coastal Management Program identified five ways to attain certain broad coastal management objectives. These activities are intended to promote and enhance the coastal area's long-term productivity. Indeed, the proposed activities are designed specifically to help remedy deficiencies in public awareness, intergovernmental coordination, and local management capabilities which encourage local, short-term uses of the environment.

Several environmental groups have expressed the concern that the program should have more funding and greater authority to regulate the use of coastal land and water resources. The program proposal, however, represents a compromise between the preferences of different interest groups and the limitations imposed by existing state and Federal statutes.

G. IRRETRIEVABLE OR IRREVERSIBLE COMMITMENTS OF RESOURCES FROM THE PROPOSED ACTION

The five activities of the coastal program represent investments in improving existing state and local management capabilities. At any time the expenditure of labor and funds to seek an objective is an irreversible decision. The essence of the NEPA and WEPA concern for such commitments stems from instances of past neglect for the full value of certain resources. Public funds are the major irretrievable resource expended by this proposed activity. Any impacts on the physical, social, or economic environment that are generated by this proposed action will be carefully reviewed through the processes discussed above.

H. CONSULTATION AND COORDINATION ON THE PROGRAM AND EIS

Extensive consultation, coordination, and input has been received in developing the Wisconsin Coastal Management Program and likewise the draft EIS. In discussing the Wisconsin natural and human environment, many program alternatives were explored, discussed and revised to produce this document. This process satisfied two requirements.

The Office of Coastal Zone Management requires that a state conduct an environmental impact assessment on the coastal management program prior to any approval of the program. This assessment is then used in developing the draft EIS for circulation nationally under NEPA. Additionally, the Wisconsin Coastal Program had to respond to WEPA requirements that state decision-makers and the public give full consideration to impacts and alternatives before taking a major state action. These responsibilities were fulfilled through the institutional arrangements (the Coordinating and Advisory Council, Citizens Advisory Committee, three Regional Task Forces and Federal contacts) and the extensive procedures to develop this proposal. This is documented in:

1. Appendix D - History of Wisconsin Coastal Program Development
2. Appendix E - Public Participation in Program Development
3. Appendix F - Regional Coastal Problem Statements
4. Appendix I - Federal Consultation
5. Additional documentation exists at OCZM and the Wisconsin lead agency dealing with Federal, state and local government participation and public involvement.

Relevant highlights of the past three years of program development are:

- The first objective of the Coastal Management Program was to establish an organizational structure to provide for maximum intergovernmental and citizen involvement.

- A gubernatorially-appointed Coastal Coordinating and Advisory Council was established and first met in January 1975 to guide program development and to make basic program decisions. Members included local elected officials, state legislators, state and regional agencies, the University System and citizens.

- A Citizens Advisory Committee was also created and first met in April 1975 to represent the broad range of public interests in the coastal area and to advise the Coastal Coordinating and Advisory Council in public concerns.

- Regional agency staff and the University of Wisconsin - Extension conducted various public information campaigns to broaden public awareness of coastal issues. Interested citizens were invited to participate on regional task forces. Each region established technical committees to provide regular coordination with local governments, planning and zoning agencies and some Federal agencies. Formal and working contacts were established with other Great Lakes states' coastal programs and with affected Federal agencies.

- By January, 1976, the Coastal Coordinating and Advisory Council agreed that there were significant problems along the coasts and began to explore the nature of a potential Coastal Management Program in early 1976.

- In the summer and fall of 1976 meetings were held with local citizens and officials to determine public thought on coastal issues. Regional Task Forces also prepared summaries of regional coastal issues.

- From those meetings, the Coordinating and Advisory Council developed a framework statement and four working papers for discussion and review in fall-winter. Several Federal agencies, many local governments, each regional task force and the Citizens Advisory Committee prepared detailed comments for Council consideration.

- On February 25, 1977, the Coordinating and Advisory Council adopted the preliminary Program Proposal that was made available through extensive distribution for public review on April 11.

- Eleven public hearings were held during May. No agency has found the program policies and objectives inconsistent with adopted plans and policies. The Citizens Advisory Committee and the Coordinating and Advisory Council made some changes and on June 24, 1977, recommended to the Governor that the Program Proposal be submitted for Federal approval to the Department of Commerce. Thirty Federal agencies met with program staff on June 30, 1977, to discuss their concerns.

- On August 12, 1977, Governor Martin J. Schreiber submitted the program which received preliminary approval under Section 305(b) by OCZM on September 12, 1977.

- On October 21, 1977, the Wisconsin Coastal Management Program DEIS was circulated for review and comment.

- On November 17, 1977, a Federal public hearing was conducted on the DEIS in Madison, Wisconsin.

- The DEIS comment period closed on December 5, 1977.

Coordination will remain a key component of the Wisconsin Coastal Management Program, both as an objective of the program Part II, Chapter I.B and through organization structures, Part II, Chapter II.C, and Federal consistency, Part II, Chapter III.

TABLE 5

Processes to assure consistence of managed uses through WEPA and other reviews

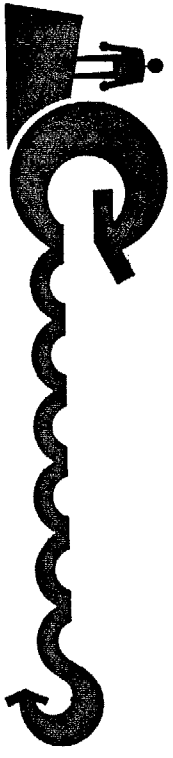
Table 7 shows how existing review processes assure consistent implementation of water and land based activities (left column) identified as managed uses (Part II. Chapter II. B.). Column 1 indicates Wisconsin Environmental Policy Act (WEPA) procedures, Column 2 indicates relevant state coastal policies and Column 3 lists mechanisms for consistency and review in other state, regional and local plans and ordinances.

Managed Uses	(1) WEPA Review Procedures *	(2) State Coastal Policies	(3) Consistency and review with other state, regional and local plans and ordinances	(4) Public Hearing ( ) = Optional
1. Water based activities				
a. removing materials from the bed of a Great Lake or other navigable coastal water	WEPA Type II	4.11	Local harbor plans	(X)
b. mining of metallic minerals	WEPA Type II	4.11	Some local ordinances	(X)
c. enlarging of a Great Lake or other navigable coastal water	WEPA Type II	4.12	Local harbor plans	(X)
d. constructing an artificial waterway within 500 ft. of a Great Lake or other navigable coastal water	WEPA Type II	4.12	NA	(X)
e. connecting an artificial waterway to a Great Lake or other navigable coastal water	WEPA Type II	4.12	NA	(X)
f. depositing any materials in the Great Lakes or other navigable coastal water	WEPA Type II	4.11	Local harbor plans	(X)
g. placing any structures upon the bed of the Great Lakes or other navigable coastal water	WEPA Type II	3.5, 4.11	Local harbor plans	(X)
h. discharging of effluents into coastal water	Standards-WEPA Type II	1.3, 1.4, 1.5, 1.7, 1.9, 1.10, 1.11, 2.7	International agreements on Great Lakes; Local ordinances Local sewage and storm water runoff plans	(X)
i. placing refuse in coastal waters	Standards-WEPA Type II	1.2, 1.4.	Local ordinances	(X)
j. obtaining drinking water	Standards-WEPA Type II. Permits-WEPA Type III	1.14	Local ordinances Local municipal water system plans	(X)
k. harvesting fish for commerce or sport	Standards-WEPA Type II. Permits-WEPA Type III	2.12	Local ordinances	(X)
l. boating in coastal waters	Standards-WEPA Type II. Permits-WEPA Type III	NONE	Local ordinances	(X)

	(1) WEPA Review Procedures*	(2) State Coastal Policies	(3) Consistency and review with other state, regional and local plans and ordinances	(4) Public Hearing ( ) = Option
2. Land based activities				
a. grading or removing top soil which disturbs 10,000 sq. ft. or more of the banks of the Great Lakes of other navigable coastal water	Standards-WEPA Type II. Permits-WEPA Type III	4.3	Local ordinances Local land use plans	(X)
b. placing structures in flood prone areas	Standards-WEPA Type II	3.1, 3.2, 3.3, 3.4	HUD flood plain zoning standards. Local flood plain zoning. Local land use plans. Building inspection	 (X)
c. siting electrical generation and high voltage transmission facilities	WEPA Type I or II depends on size	1.9, 5.10, 5.11	Overall economic development plans	(X)
d. constructing sewer and water utility facilities	WEPA-DNR Type II WEPA-PSC Type III	1.6, 1.8	Future state and regional 208 water quality plans. Local and regional land use and public service plans. Overall economic development plans	(X)
e. using private waste treatment and disposal systems (including locating and installing these systems)	Standards-WEPA Type II. Permits-WEPA Type III	1.13	Local ordinances. Local land use plans. Overall economic development plans	(X)
f. developing state owned facilities	WEPA Type I, II, III	4.5	Biennial State Building Commission Capital Improvement Plan. Local ordinances. Overall economic development plan	(X)
g. developing county and municipal facilities funded by non-formula state aids		NONE	Local land use plan Overall economic development plan	
h. laying out, altering, or discontinuing highways	WEPA Type I or II	5.3	State Highway Plan of 1972 (future multi model transportation plan). Local and regional land use and transportation plans	X
i. disturbing bridges	WEPA Type II	5.3	DOT Priority Bridge Needs List Overall economic development plan	(X)

	(1) WEPA Review Procedures*	(2) State Coastal Policies	(3) Consistency and review with other state, regional and local plans and ordinances	(4) Public Hearing ( ) = Optional
j. abandoning any rail line or service	WEPA Type III	5.3	State Rail Plan, 4R Act Abandonment Projections. Overall economic development plan	X
k. constructing or establishing a new airport	WEPA Type I	5.3	State Airport Plan (future multi-modal transportation plan)	X
l. platting subdivisions that create five or more plots of 1½ acres or less within a five year period	WEPA Type II	1.13, 4.2, 4.8	Local approving authority Local land use plan	(X)
m. using rural shorelands	DNR state guidelines and variance review	2.13, 3.2, 4.1	County ordinance. Local land use plan	(X)
n. emitting air pollutants from point sources	WEPA Type II	1.16	State Air Quality Implementation Plan. Local and regional land use/transportation plan	(X)
o. obtaining drinking water	Standards-WEPA Type II. Permits-WEPA Type III	1.14	Future ground water plan. Local and regional public service plans. Overall economic development plans	(X)
p. using pesticides	Policy-WEPA Type II H&SS, DoAg, DNR	1.12	Local ordinances	(X)
q. using outdoor advertising	Policy-WEPA Type II Acquisition-WEPA Type III	4.7	Local ordinances	(X)
r. mining of metallic metals	WEPA Type II	4.11	Local and regional land use plans. Overall economic development plans.	(X)

*All state agencies have categorized their actions to more easily and uniformly comply with WEPA (Section 1.11, Wisconsin Statutes). Type I actions are those which always require preparation of an environmental impact statement (EIS). Type II actions are those which may or may not require an EIS. Type III actions never require an EIS. Agency Action Lists are updated at least every two years with opportunity for public and other agency comment. Revisions are submitted to the Governor's Office for review.



APPENDIX A - GLOSSARY

APPENDIX A

GLOSSARY OF TERMS

A-95: A procedure for securing intergovernmental review of many federally funded projects; funding applications are circulated to governmental agencies and interested parties for review and comment by state and area-wide clearinghouses; the procedure is required by OMB Circular A-95, thus the name.

Activity of Regional Benefit: A significant use of coastal land or water that has a multi-county environmental, economic, social or cultural impact.

Administrative Code: When state agencies make administrative rules, they are published in the state's official administrative code.

Administrative Rules: State laws frequently contain general policies, with the state agencies being allowed to set more specific standards or to interpret the statute by issuing administrative rules; when properly issued and specifically authorized by the state law, these administrative rules have the force of law.

Advisory Council: A term sometimes used for the Coastal Coordinating and Advisory Council, the body responsible for developing a program proposal.

Advocacy: One of the functions of the new Coastal Management Council; to promote the interests of the Great Lakes; to promote the wise and balanced use of the coastal environment.

Areas for Preservation or Restoration (APRs): A category of "areas of management concern;" those specific natural, scientific, historic or cultural areas whose unique value warrants preservation will be designated by the Coastal Management Council as Areas for Preservation; similarly, areas that should be restored to an earlier or improved condition will be designated as Areas for Restoration; after designation, program funds would be available for preservation or restoration.

Areas of Management Concern: see "geographic areas of management concern."

Area-wide Clearinghouses: Multi-county or area-wide bodies that review and comment upon applications for federal funds under the A-95 process; in Wisconsin, regional planning commissions usually perform this function.

Authority: The legal basis giving government the power to do something.

Bay-Lake Regional Planning Commission (BLRPC): A regional planning commission for Sheboygan, Manitowoc, Kewaunee, Door, Oconto, Marinette and Florence counties; its main office is in Green Bay.

Boundary: see "coastal management program area".

Citizens Advisory Committee: A proposed group of 27 persons, with wide geographic and interest group balance, to monitor the program implementation and sponsor public education and public participation programs; a State Citizens Advisory Committee has been in existence for the past two years to review program development.

Coastal: That area of Wisconsin related to the Great Lakes and the Green Bay, including the water area within Wisconsin's borders and the adjacent shorelands.

Coastal Coordinating and Advisory Council: The 27 member group appointed by Governor Lucey in 1974 to study coastal issues and prepare coastal management proposals.

Coastal Management Council: The 29 member group that will direct the Wisconsin coastal management program; it will contain state government, local government, tribal government and publicly oriented members.

Coastal Management Program: The entirety of activities proposed to be undertaken in Wisconsin to improve coastal management; the program would be directed by the proposed Coastal Management Council.

Coastal Management Program Area: That part of Wisconsin eligible to participate in the coastal management program; it includes the water area of Lakes Michigan and Superior and the 15 adjacent counties.

Coastal Zone Management Act (CZMA): A law passed by the U.S. Congress in 1972, extensively amended in 1976; it provides federal funding for voluntary state coastal management programs.

Corps of Engineers: The U.S. Army Corps of Engineers; responsible for federal review of projects affecting navigable waters and planning, design, construction, operation and maintenance of federally authorized flood, navigation, shore erosion control and multiple purpose works.

DBD: The Wisconsin Department of Business Development; involved in tourism and economic development activities.

DLAD: The Wisconsin Department of Local Affairs and Development; responsible for providing technical assistance to local governments and advocating their interests; also provides some support for regional planning commissions.

DNR: The Wisconsin Department of Natural Resources; responsible for state water quality, air quality, wildlife, fish, park, forest and other natural resource programs.

DOA: The Wisconsin Department of Administration; provides staff support for the executive branch of state government; houses the Office of State Planning and Energy.

DOT: The Wisconsin Department of Transportation; involved in the full range of transportation issues, including highway, airport, rail and port activities.

Dependent Use: An activity that requires proximity to water, such as marina, port or shipbuilding facilities.

Direct and Significant Uses: Those activities that have major impacts upon the coastal waters.

Easement: Partial ownership of land, such as a right to fish on the land (a fishing easement), to cross over the land (an access easement), or to prevent development that would mar a view (a scenic easement).

Environmental and Economic Impact Assessment (EEIA): A statement highlighting the potential environmental, economic, social and cultural impacts of a proposed governmental action.

Erosion Hazard Area: Areas of active shore erosion or bluff instability where the probability of property damage is high.

Erosion protection structure: Physical structures designed to retard shore erosion (such as groins, jetties, breadwaters, bulkheads, etc.).

Excluded federal lands: All lands owned, leased or whose use is otherwise by law subject solely to the discretion of the Federal Government, as well as lands held in trust by the Federal Government, are excluded from the Wisconsin Coastal Management Program.

Executive Order: An official proclamation issued by the Governor; within appropriate limits, it may have the force of law.

Expressed interest: Federal activities in the coastal management area that the state has an "expressed interest" in must, to the maximum extent practicable, be carried out consistently with the state program, once the state program is approved.

Federal consistency: The requirement of the Coastal Zone Management Act that federal activities in the coastal area be consistent with approved state programs to the maximum extent practicable.

Fee Simple Interest: Full ownership of a parcel of land; generally if an individual holds a fee simple interest in the land, there are no outstanding easements or partial interests (e.g., a life estate) barring that individual's full use of the property; also, a fee simple interest is not bound by time -- it lasts forever.

Geographic Area of Management Concern (GAMC): Those areas adjacent to; near or in the Great Lakes which are of special importance because of natural, scientific, economic, cultural or historic concerns. These key areas will be designated by the Council, have a specific management policy, and will be eligible for funds to improve their management. Areas managed by either state or local governments may be designated as "Areas of management concern."

Goal: Broad statement of intent or desired condition.

Great Lakes: Lakes Superior and Michigan, Green Bay and the adjacent transitional shorelands.

Great Lakes Basin Commission (GLBC): A federal-state commission established by the President in 1967; it is a planning and coordinating agency, not a regulatory body.

Hazard Area: An area subject to serious damange from flooding or erosion.

Historic Site: An area of significant state or local historical interest.

Lead Agency: The agency financially and programatically responsible for administration of the coastal management program; this program assigns this role to the Office of State Planning and Energy.

Local government: Cities, villages, towns and counties; does not include special purpose governments (e.g. sewage districts, harbor commissions).

Managed uses: Those uses of coastal land or water that, because of their direct and significant impact on the coastal environment, should be managed.

Management: Governmental attempts to influence what happens in the coastal area; techniques for management range from land acquisition and regulation to research and education.

Management Council: A term sometimes used for the Wisconsin Coastal Management Council.

National Environmental Policy Act (NEPA): A federal law enacted by Congress in 1969; requires federal agencies to consider environmental factors in their decision-making; requires environmental impact statements for major federal actions that significantly affect the environment.

Navigable waters: A lake or stream is "navigable" if it can be traversed by a shallow draft recreational craft (e.g. a canoe); navigable waters are subject to extensive public rights and regulations; the DNR is the principal state agency charged with administrative supervision of the public rights to these waters.

National Oceanic and Atmospheric Administration (NOAA): A division of the federal Department of Commerce that houses the Office of Coastal Zone Management.

Northwest Regional Planning Commission (NWRPC): A regional planning commission for Douglas, Ashland, Bayfield, Iron and six other non-coastal counties in the northwestern portion of the state; its main office is in Spooner, with area office in Ashland.

Office of Coastal Zone Management (OCZM): The federal agency responsible for administering the federal Coastal Zone Management Act; it is housed in the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce.

Office of State Planning and Energy (OSPE): The state agency administering the development of Wisconsin's coastal management program; it is part of the state Department of Administration.

Ordinary High Water Mark (OHWM): The boundary between publicly owned navigable waters and upland areas; in Wisconsin, this line is defined by reference to natural factors (the point on the shore where the presence of the water leaves a distinct mark).

Policy: A statement of management direction, more specific than a goal.

Program Objectives: Those five things the coastal program will do to improve Wisconsin coastal management, including advocating wise use of the coastal area, increasing public awareness and participation, improving coordination and implementation of existing management activities and strengthening local capabilities to address coastal concerns.

Program participants: All those receiving funding from the coastal management program activities; will include state agencies, the university, regional planning commissions and those localities choosing to participate.

Program Staff: Representatives from participating organizations. Includes the lead agency (OSPE), Citizens Committee staff (UWEX), the three coastal regional planning commissions, the departments of Natural Resources, Transportation, Business Development, Local Affairs and Development, and the U.W. Sea Grant College Program.

Public access: The way the public gets to waters that are subject to public use.

Public trust: The state owns certain resources, such as the waters of the state, and holds these resources for the use and benefit of all of the people of the state; these resources are said to be held by the state in trust for the state's citizens.

Public Service Commission (PSC): The state agency responsible for utility regulation, including railroads, motor carriers, electric and natural gas utilities.

Regional clearinghouses: see "area-wide clearinghouses."

Regional planning commissions (RPCs): Bodies created by the governor, upon the petition by and consent of local governments, to perform studies, prepare plans, provide advisory services and act as a coordinating agency; in the coastal area there are three RPCs--the Southeastern Wisconsin, Bay-Lake and Northwest RPCs.

Riparian owner: Generally used to describe one who owns land along the bank of a river or a lake.

Session law: The body of laws enacted by the legislature at one of its biennial sessions (e.g. the laws of 1973 or the laws of 1975), as distinguished from the "statutes," which is a compilation by subject matter of all the laws in effect; session law includes both general laws (permanent laws affecting the entire state) and special laws (laws of limited application, such as a specific lake bed grant).

Southeastern Wisconsin Regional Planning Commission (SEWRPC): A regional planning commission for Racine, Kenosha, Milwaukee, Ozaukee, Walworth, Waukesha and Washington counties; its main office is in Waukesha.

Staff: See "program staff."

State concern: Of state level interest or concern, as opposed to local or regional concern; for example, recreational areas may be of state concern (a state park) or local concern (a city park).

Statutes: The official general laws of the state, as enacted by the legislature and approved by the governor; they are arranged by subject matter, with biennial publication.

Technical assistance: The provision of information and services, as opposed to money, to agencies responsible for coastal management.

UWEX: University of Wisconsin Extension.

Wetlands: Lands with wet soil and aquatic type vegetation; often called marshes, swamps, estuaries, bogs, wet meadow, thickets, sloughs and fens.

Wisconsin Environmental Policy Act (WEPA): A state law that requires state agencies to consider environmental concerns in their decisions and to prepare environmental impact statements on major actions significantly affecting the quality of the human environment.

Appendix A.	Glossary of Terms
Appendix B.	Constitutional Provisions, Statutes, Codes, Executive Orders, Attorney General Opinions and Cases Cited in Program Proposal
Appendix C.	Lists of Participants
Appendix D.	History of Program Development
Appendix E.	Public Participation in Program Development
Appendix F.	Regional Coastal Problem Statements
Appendix G.	Bibliography
Appendix H.	Legal Authority for Implementation
Appendix I.	Federal Consultation

WHERE TO ASK QUESTIONS ABOUT THIS DOCUMENT: Informational questions can be handled in Washington by Eileen Mulaney, Great Lakes States Regional Manager of the Office of Coastal Zone Management (202/634-4237) and in Wisconsin by Allen H. Miller, Program Manager, Wisconsin Coastal Management Program (608/266-3687). A list of persons who participated in developing the Wisconsin program is found in Appendix C of the DEIS; these people can also provide helpful information.

INFORMATION FOR READERS

PUR[illegible] This document is both a final environmental impact statement (FEIS) and a program document on the Wisconsin Coastal Management Program. Parts I and II were written by the W[illegible]sconsin Department of Administration, Office of State Planning an[illegible] Energy. The FEIS Introduction and Part III were pr[illegible]ed by the U. S. Department of Commerce, Office of Coa[illegible] Zone Management.

[illegible] circulated by the U. S. Department of Commerce to[illegible] d government agency review. The review and co[illegible] iod for the draft environmental impact statement [illegible] on the Wisconsin Coastal Management Program began October 2[illegible] 977 and ended on December 5, 1977. The Office of Coas[illegible] Zone Management conducted a public hearing on the DEIS i[illegible] Madison, Wisconsin on November 17, 1977. Responses to all comments received during the review and comment perio[illegible] appear in the FEIS Introduction, Summary #9.

HOW TO USE THIS DOCUMENT: Readers who are not familiar wi[illegible]h the EIS standard format for coastal management program wi[illegible]l want to examine the following pages as aids to the read[illegible]r:

Table of Contents ---------- ---------- i

Table cross-referencing requirements of th[illegible] Coastal Zone Management Act with sections of this documen[illegible] --------- 91

Table cross-referencing National Environmental P[illegible] ct (NEPA) and the Wisconsin Environmental Policy Act requirements with sections of this document -------

Summary of Wisconsin's proposed program ---------- 8

Summary Table of Wisconsin Coastal Management Program---130

Map of Wisconsin----------250

As mentioned as a possibility in the DEIS, the appendices in the DEIS are not included in this FEIS. Please use your copy of the DEIS if you need to refer to the Appendices.

(Continued on inside of back cover)