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STAFF REPORT

STRATEGIES FOR NATURAL RESOURCE  
DECISION-MAKING

Prepared by

New England River Basins Commission

TECHNICAL SERVICES

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*New England River Basins Commission*

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The staff expresses its special appreciation to those who reviewed the staff paper and assisted in the analysis of present state programs, and discussed the administration of present federal programs. It hopes that this report proves to be a useful document to those concerned with natural resource planning in the New England Region.

## INTRODUCTION

### Background

The Congress has recently passed (and will soon be considering) other legislation authorizing major new national programs for natural resource planning and management. Enactment of these bills -- particularly the water quality amendments and coastal zone management act in the last session, and the land use bill -- promises to bring about significant changes in the way in which resource decisions will be made. The change may be felt most keenly by the states, who are to take primary responsibility for making and implementing decisions about the natural environment. The exercise of these state responsibilities is reinforced by major new requirements for linking the planning and management of natural resources.

The change reflects a policy advanced by the President and concurred in by the Congress, that states should exercise the full range of authority available to them for managing and protecting the resource base through direct exercise of state authority, state guidance and at least some degree of control over local governments, and state influence on federal actions. The federal government will back up the states with technical assistance and funding support.

The fact that all three major programs showed signs of being enacted this year initiated interest in analyzing both present and proposed planning programs. Three actions led to this review of new requirements and opportunities: (1) the request of state members at the May 24, 1972 meeting of the New England River Basins

Commission; (2) the assignment of the Commission's Chairman to a committee of the federal Council of Representatives of the Water Resources Council to review the pending legislation; and (3) the request of the Governors' Conference to report on ways in which the states could best respond individually and collectively to the new planning opportunities.

#### Purpose of the Report

The three new or revised programs for water quality, coastal zone, and land use, taken together and in concert with existing programs, place financial resources and responsibilities of unprecedented scope on the states. The purpose of this staff report is to bring before the states, who are beginning to face these responsibilities, the range of planning requirements and opportunities of both the present and proposed programs; and to indicate viable alternatives for action. Our hope has been to stimulate discussion of the most effective ways for states and other participants to respond to the challenge of making the best decisions possible concerning the quality and productivity of future environments.

In addition to trying to provide a basis for discussing individual state responses we are also looking at the collective response -- the regional problems and opportunities of the New England region as a whole.

This report, a revision of an earlier NERBC staff paper, consists of two major sections. Section One (Chapters One and Two) analyzes existing federal planning assistance programs and state resource



planning efforts in New England. Section Two (Chapters Three, Four and Five) is devoted to the recently passed and pending national legislation, options for integrated state planning programs, and the potential role of NERBC.

We hope, then, that this report and subsequent discussions will help states, the federal government, and the New England region capitalize on what is a unique opportunity to mount and sustain an effective program of restoration, protection, management, and utilization of the environment. Other reports being issued concurrently with this report are recommendations to the respective Governors from the Commission as well as proceedings from the Commission's September conference.

Its publication will hopefully signal the beginning of a new era of integration at all levels of natural resource planning and management programs.

## CONCLUSIONS

The Congress has recently enacted legislation requiring the states to develop and implement programs for the management of coastal zones and water quality. Additional land use and other natural resource legislation can be expected in the near future. Collectively, this legislation places an extraordinary burden on the states as the principal decision maker on the uses and management of basic natural resources. In effect, the future use and value of these resources will depend heavily on quality of state performance. It is essential that the states have full opportunity to consider the most effective way of managing these new natural resource decision-making programs, in conjunction with other natural resource programs already carried out by the states.

While these new programs are separately authorized by the Congress, the states will wish to consider ways of securing their integration to produce balanced and coordinated programs for managing their natural resource assets. It is a clear bias of this report that integration of new and existing natural resource decision-making programs at the state level is desirable.

On the basis of the analysis contained in this report, other major conclusions emerge. These conclusions are offered as principles that may prove useful to government officials concerned with effective administration of natural resource planning and management programs.

- For effective resource management, states must play a pivotal and central role in planning administration. In order to fulfill this role most effectively, the efforts being put forth to strengthen state comprehensive policy formulation and statewide functional planning should be accelerated.
  
- Every state will wish to examine its own needs and issues and proceed with its version of restructuring in light of its particular needs. What is appropriate or feasible in a large urban state may be completely inappropriate or infeasible in a small non-urban state. As a corollary, the traditional approaches of individual states are often colored by interagency relationships that have developed over the years which may either be beneficial or constraining.
  
- While specific methods may vary widely, effective state processes for natural resource decision-making should include certain common characteristics; namely: (1) plans and programs for managing the physical environment which are designed to contribute to the achievement of social, economic and environmental goals and objectives established by or concurred in by elected public officials; (2) a focal point within state governments which will provide an overview of related natural resource planning programs in the context of overall goals and objectives; (3) mechanisms to develop and

maintain working linkages among state natural resource programs, and between state-local and state-regional-federal programs; (4) a linkage to budget decision-making, in both the executive and legislative branches; and (5) mechanisms for citizen participation and review.

- At the interstate level, it is apparent that there is need for an efficient mechanism for analyzing and facilitating responses to regional problems and needs. A resolution of the New England Governors' Conference in May, 1972, for example, addressed the need for national policy to contribute to the development of an effective institutional structure serving the New England region. Such a mechanism should study and report on existing and potential interstate conflicts, address itself to natural resource issues common to all states, and spearhead coordination of efforts at the interstate level in a manner complementary to the planning policies of individual states. It should also assist the states by monitoring future federal legislation and interceding on their behalf in advising and assisting federal agencies in coordinated program administration. These tasks must be in concert with the crucial pivotal role of the state in the federal system. Because agencies of the federal government operate through regional offices (and with an increasing degree of decentralization of authority to federal regional offices), means for closer

federal-state and interagency coordination at the regional level should be pursued. The New England River Basins Commission, at the option of its member states, could perform these functions.

SECTION ONE

PRESENT NATURAL RESOURCE PLANNING  
AND PLANNING ASSISTANCE PROGRAMS  
IN NEW ENGLAND

Chapter One. Existing Federal Planning Assistance  
Programs

Chapter Two. Natural Resource Planning Programs  
of States in the New England Region

## CHAPTER ONE

### EXISTING FEDERAL PLANNING ASSISTANCE PROGRAMS

Several conclusions can be drawn from an examination of a selected number of federal planning assistance programs, particularly as they relate to individual state resource planning efforts in the New England region. These conclusions fit into four broad categories which include:

- the types of assistance programs and their characteristics;
- the level of funding in recent fiscal years;
- the administrative considerations for the state; and
- degree to which federal programs encourage program integration at the state level.

These planning assistance programs were selected for analysis in terms of their features and the degree to which they complement the planning efforts of the recipient states. They include HUD's 701 comprehensive planning grants, the Department of the Interior's outdoor recreation planning and water resources research grants, Environmental Protection Agency programs in air and water quality management, solid waste management planning, the Farmers Home Administration water and waste disposal grants, and the Department of Commerce's Economic Development Assistance program. The importance of these programs varies by functional area, state, and available funding; moreover, our analysis indicates substantial variation among them in objectives, uses, and eligibility. Chart 1-1 on the following page summarizes the major features of these ten selected programs.

Chart 1-1. Characteristics of Federal Planning Assistance Programs

Program	Water Quality Management Planning	State and Interstate Water Pollution Control Program	Solid Waste Planning Grants	Air Pollution Control Program Grants	'701' Comprehensive Planning Assistance
Federal Agency	EPA	EPA	EPA	EPA	HUD
Authorization	Sec. 3(c) of Federal Water Pollution Control Act	Sec. 7 of Federal Water Pollution Control Act, as amended	Sec. 207, Solid Waste Disposal Act, as amended	Clean Air Act of 1963, as amended	Housing Act of 1954, as amended
Objectives	Assistance to planning agencies for development of comprehensive abatement plans for basins and which will meet applicable state water quality requirements	To assist agencies in establishing and maintaining adequate measures for the prevention and control of water pollution	To assist agencies and organizations at all levels in plans and programs in solid waste management	To assist agencies at all levels in planning, developing, establishing, improving and maintaining adequate air control programs	To strengthen planning and decision-making of local, regional and state governmental officials
Types of Assistance	Project Grants	Formula Grants	Project Grants	Project Grants	Project Grants
Uses and Restrictions	For payment of administrative costs, including planning; only for direct planning purposes	Broad support; studies, planning, surveillance and enforcement; local assistance, training and public administration	For making surveys, plans, etc. for waste disposal systems at a regional level; providing for recovery and re-use of materials where possible.	Costs incurred in conduct of a project, including supplies and training. Cannot be used for construction of facilities	Broad range of planning and management activities may be supported, including strengthening governmental institutions and systems
Re-application Consideration	With local governments, state water pollution control agency, and other state, Federal and international agencies where appropriate. Also OMB Circular No. A-95, revised	Formal and informal meetings to evaluate previous year's program and plan preparation, between regional EPA office and State agency. OMB Circular No. A-95, revised	OMB Circular No. A-95, revised	Official of state agency must coordinate local efforts prior to grant; OMB Circular No. A-95	All state applications must be reviewed by Governor (or his designee) and all applications covered under regulations set forth in OMB Circular No. A-95 revised
Assistance Consideration	No grant can exceed 50% of administrative expenses.	Basic allotment to each state with remainder determined through complicated formulae. Note: New legislation expected to modify allocation formulae	Up to 2/3 for single municipality; 3/4 in any other case	75% for agencies having substantial responsibility in carrying out a regional implementation plan; other 2/3. Regional Maintenance grants, 60%; others 50%	Grants normally for 2/3 of cost, 3/4 in redevelopment area, economic development districts, etc.
Annual Authorizations	FY '73 \$5,370,000 (est) '72 5,370,000 (est) '71 4,658,470	FY '73 \$20,000,000 (est) '72 15,000,000 (est) '71 10,000,000	FY '73 \$5,965,000 (est) '72 3,122,000 (est) '71 2,900,000	FY '73 \$53,518,000 (est) '72 42,900,000 (est) '71 30,200,000	FY '73 \$100,000,000 (est) '72 100,475,000 '71 45,704,000
Range of Assistance	\$23,430 - \$990,000	\$20,000 - \$660,000	\$5,000 - \$150,000	\$1,200 - \$2,730,000	N.A.
Average Grant	\$125,000	\$169,000	\$33,700	\$132,000	N.A.



## Chart 1-1. Characteristics of Federal Planning Assistance Programs (cont.)

Program	Arcawide Water and Sewer Planning Grants	Water Resources Research	Land and Water Conservation Fund State Plan Program	Development District Planning Assistance	Title III - Water Resources Planning
Federal Agency	Dept. of Agriculture, FHA	Dept. of Interior, OWRR	Dept. of Interior, BOR	Dept. of Commerce, EDA	Water Resources Council
Authorization	Consolidated Farmers Home Administration Act of 1961, as amended	Title II, Section 200 of the Water Resource Research Act of 1964	Land and Water Conservation Fund Act of 1965	Public Works and Economic Development Act of 1965, as amended	Water Resources Planning Act
Objectives	Efficient and orderly rural development; efficient development of community water and sewer facilities	Support of research into any aspect of water problems related to the mission of the Dept. of Interior	Assist in making and updating state outdoor recreation plan required for State participation in grant program	To develop multi-county district planning capability and assure effective utilization of resources in creating full-time permanent jobs for the unemployed and underemployed	Increased participation by states in water and related land resource planning
Types of Assistance	Project Grants	Project Grants and Contracts	Project Grants	Project Grants	Formula Grants
Uses and Restrictions	Grants for technical and professional services, test wells, and soil and water investigations. Plan must be limited to rural areas and may not include towns over 5,000 in population	To meet necessary expenses of specific water resource research projects	For preparation of plans, for surveys, technical studies, data collection and analysis	For planning, staff salaries and other administrative expenses of economic development administration	State preparation of water and related plans, participation in Federal-State comprehensive planning and training
Preapplication Coordination	Review by state, metropolitan and local government agencies. OMB Circular No. A-95, revised	None	OMB Circular No. A-95 revised	State and EDA concurrence in organization and boundary of multi-county districts. OMB Circular No. A-95, revised	OMB Circular No. A-95, revised
Assistance Consideration	Assistance may be for total project cost	No cost sharing required by statute; however, some cost-sharing may be required to meet provisions of OMB Circular A-100, and significant cost sharing may be appropriate	Grants made on 50-50 basis matching	A minimum of 25% must be from non-Federal sources, in the form of cash and "in kind" services	Allocated to states on basis of population, land area, need and per capita income. Up to 50% of cost of state program must be provided by state
National Authorizations	FY '73 \$2,000,000 '72 2,000,000 '71 2,642,650	FY '73 \$4,300,000 (est) '72 4,300,000 (est) '71 3,400,000	FY '73 \$3,600,000 (est) '72 4,300,000 (est) '71 1,200,000	FY '73 \$8,708,000 (est) '72 6,695,000 (est) '71 6,175,000 (includes both development districts and redevelopment areas)	FY '73 \$3,000,000 (est) '72 3,535,000 '71 3,732,891
Range of Assistance	\$500 - \$317,000	\$20,000 - \$150,000	\$2,000 - \$500,000	\$20,000 - \$75,000	\$7,380 - \$154,000
Average Grant	\$12,000	\$65,000	\$55,000	\$43,000	\$70,000

One fact to surface in the investigation of these federal domestic assistance programs is the difficulty of differentiating among those authorized for "planning", "program" development, "research" and "demonstration". Planning can involve all of these, of course, and a well-managed resource planning program will probably include aspects of each. There are some assistance programs, for example, which offer monies strictly for planning assistance. The Bureau of Outdoor Recreation's state planning grants and EPA's Water Quality Management Planning sec. 3(c) grants are of this type. There are also grants for programs, e.g. HUD "701" and EPA water pollution control program sec. 7, which provide partial support for total programs, of which planning, per se, may only be one small part.

Research programs such as the Title II programs of the Office of Water Resources Research of the Department of the Interior may provide funds for studies directly related to a state or other agency's planning effort. Likewise, monies for demonstration projects, cooperative efforts between state and federal agencies, and even certain construction grants may include "planning" assistance.

In a related manner, it is often difficult to distinguish between comprehensive and detailed functional planning. As a general rule of thumb, therefore, one must be careful and precise when discussing his meaning of the term "planning". This rule applies most appropriately when discussing the types of federal assistance programs available for local, state and regional agencies, and the type of activity being carried out in functional agencies.

With these thoughts as background, this discussion focuses on programs through which states can receive financial assistance for planning purposes. Obviously, there are other forms of assistance, e.g., technical, which concern a much wider range of federal agencies and perhaps deserve more consideration than possible in this discussion. Corps of Engineers' studies, state cooperative work with the Department of Agriculture's Soil Conservation Service and special New England Regional Commission grants are notable examples. Some of these will be alluded to during the discussion.

Among the financial assistance grant programs, however, those selected have been the most important in terms of size of direct financial assistance to state water and related land planning efforts, and all have had some impact on planning efforts in New England and New York. As might be expected, however, not all assistance from certain programs have been used in similar manner by participating states. Furthermore, the eligibility of agencies varies among programs, as in shown in Chart 1-2. As a matter of fact, among the New England states there is some divergency in the type of agency which receives assistance; moreover, some programs' resources are not tapped at all in some states. Other programs have not yet developed in terms of the financial resources authorized to permit agencies at all eligible levels of government to participate in the programs.

Chart 1-2 Eligibility of Existing Federal Planning Assistance Programs

<u>Program</u>	<u>Federal Administrator</u>	<u>Eligible Agencies</u>			
		<u>Inter- state</u>	<u>State</u>	<u>Areawide</u>	<u>Local</u>
"701"	HUD		*	*	*
Water Resource Plng.	WRC	*	*		
Water Quality Mgt. sec. 3(c)	EPA		*	*	
Water Pollution Control sec. 7	EPA	*	*		
Solid Waste Planning	EPA	*	*	*	*
Air Pollution Control	EPA	*	*	*	*
Outdoor Recreation Plng.	BOR		*		
Water & Sewer Plng.	FHA		*	*	*
Water Research	OWRR		*	*	*
Development Districts	EDA			*	

Source: Federal Domestic Assistance Catalogue, Office of Management and Budget

The above chart dramatizes the key role of the state in the participation of these programs. With the exception of the EDA development program, the state is the only level involved in all programs. Local and areawide agency participation in some programs is constrained by eligibility requirements; other programs are not presently active at these levels. For example, 3(c) funds are now in use only at the areawide level in the New England Region, and only by two or three agencies; solid waste programs at the area level exist in only one area and have not yet been utilized by local government. Likewise, water research money has been a small part of the total planning effort and in only two or three states since its inception. Therefore, most programs which contribute substantially to the comprehensive water and related land planning program in the region focus chiefly on

the states.<sup>1</sup>

Despite the fact that a consideration of only these selected programs provides a skewed picture of the total assistance provided the states by the federal government, Chart 1-3 has been compiled to portray the estimated amounts of funding that have gone to the New England states in the last two fiscal years in the seven programs for which information was readily available. It must be pointed out, however, that these figures represent estimates only, and may not include unreported funding. If they err in any direction it is that they underestimate the total grants made.

Chart 1-3 Estimated Federal Assistance Grants for Selected Planning Programs for New England, Fiscal Years 1971 and 1972.

(in thousands of dollars)

<u>State</u>	<u>1971 &amp; 1972*</u>
Connecticut	\$ 2,875
Maine	1,322
Massachusetts	3,758
New Hampshire**	647
Rhode Island	774
<u>Vermont**</u>	<u>778</u>
NEW ENGLAND	\$10,153

Totals for individual states rounded.

\* Programs include: HUD '701', Bureau of Outdoor Recreation planning funds, EDA, EPA's air and water quality programs, solid waste management planning grants, and Water Resources Council Title III grants.

\*\* Total EDA grants to N.H. - Vt. Development Council divided equally between these states.

Sources: -Management Information Systems Advisory Group,  
Federal Regional Council  
-United States Water Resources Council

<sup>1</sup> It should be mentioned that there are a small number of other programs, which, for particular states, also play significant

The multiplicity of these programs and forms of assistance naturally raises the challenging issue of relative effectiveness of different forms of assistance. It can be said, however, that program grants, which allow a fair degree of flexibility in the actual expenditures mix, and cooperative efforts which provide technical versus financial assistance are the most favored by the states. This is an area, however, in which substantially more evidence is necessary before conclusions can be reached.

One of the primary concerns of both federal and state officials is the administration of these various programs. A necessary evil, this administration does have to contend with a variety of schedules, deadlines, and accounting procedures. This variety, plus variations in formula or matching requirements, planning requirements, and necessary work items and geographical bases to be utilized, result in inevitable confusion and frustration. Needless to say, any effort at program integration at the state and federal levels should be encouraged.

Integration in the form of streamlining is, in fact, taking place on an experimental basis at the present time in New England. It

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roles in supplementing the financial resources available for state and regional planning. In Maine (and possibly in the near future in New York State) funds from so-called Dingell-Johnson and Pittman-Robinson Fish and Wildlife restoration programs are being used to evolve a continuing planning process in fish and wildlife. These funds are administered through the Dept. of Interior's Bureau of Sport Fisheries and Wildlife. The significance of the State of Maine's program, in which a major data information system is being developed, is far-reaching. Although a federal program is not authorized primarily as a fish and wildlife planning grant program, research and coordination are considered legitimate activities. Perhaps other similar programs will be developed in other states or through other federal programs.

takes on several forms. The Federal Regional Council's development of an integrated grant application procedure has received its initial test in the region in conjunction with the State of Rhode Island. Apparently successful to date, the administration of an integrated application resulted in far less effort being expended by individual agencies at both the state and federal levels, will minimize the required number of periodical reports and, only incidentally, resulted in slightly more dollars from the federal government than the individual-applications route would have provided. In the course of its preparation, a program approach was utilized which encouraged the integrated thinking of the major planning programs of the state.

A similar experiment between EPA and New York State has also been underway, which attempts to coordinate the package of programs administered by EPA. Some encouragement toward integration is provided through the application procedures for Water Resources Council Title III funds to states. In a state's application, the number of related programs administered at the state level must be enumerated and evidence provided that the state's total resource planning program is "comprehensive" in nature.

Another form of streamlining occurring on the federal scene was initiated by the formation in 1967 of the Interagency Committee to Provide Continuing Coordination of Water and Sewer Programs. The agencies on this committee are the Farmers Home Administration, the Environmental Protection Agency, the Economic Development Administration and Department of Housing and Urban Development. All of these federal agencies, of course, have both planning

and implementation assistance available to state, areawide and local agencies.

The major obstacles to a four agency agreement on standard requirements and planning guidelines concern the differences between the needs and capabilities of rural areas versus urban areas in the area of water quality. FHA and EDA, both of whom deal more specifically with rural areas, feel that they cannot finance water supply and pollution abatement facilities which are made to conform to stricter EPA and HUD requirements. A compromise solution is evidently being found at the present time.

In the meantime, HUD and EPA have come to an agreement which provides for standardized administration of comprehensive and functional planning and constructional grant requirements related to policy planning, integrated water quality functional planning, and the development of fully integrated waste water systems. Quite importantly under this agreement, planning is required on two related planning areas: the hydrological basin and the metropolitan area. As a result a project must be included in plans for both areas to be eligible for construction grants.

The demand that two sets of plans be prepared is challenging to many state resource and areawide planners. Nevertheless, these provisions begin to distinguish among the purposes of plans for both geographic areas and specify the responsibilities of agencies at different levels.



Joint agency administration is also a technique undergoing some experimentation at the present time. In Massachusetts, there is presently an effort to develop a comprehensive planning program involving both HUD and EPA. Although the success of this particular program may be in doubt at the present time, the concept holds some promise for introducing more rationality into state program development. Also, the NERBC's interstate programs provide a forum for state and federal agencies to combine their efforts in resource planning.

Finally, the Office of Management and Budget's Circular A-95, as revised, provides a mechanism for assuring a certain degree of preapplication coordination for a wide range of federal grant programs, both at the metropolitan and state level. In addition, Circular A-98 requires that federal agencies send grant award notices to the appropriate state clearinghouse in order that records of actual federal grants may also be monitored at the state level. Interestingly, a couple of states have taken advantage of this coordinating system. At the New York State Budget Office, for example, a computerized system is being developed which will permit monitoring of grant progress and potentially ties the federal assistance programs to the state's implementation program (as represented by the budget and financial agency).

In summary, there is need for improvement in the administration of federal grants, a fact acknowledged by state and federal people alike. Some efforts are being made to test possible alternative procedures, and others are likely to follow. Complementarity of assistance requirements and state and regional input into guideline formulation for new legislation in the resource field must be

encouraged. The opportunities and challenges of recently passed and future resource legislation demand that steps in this direction be taken with due haste.

The second chapter demonstrates the role of federal assistance in the resource planning programs of each of the New England states and New York. It focuses on the mechanisms encouraging more integrated programs at the state level.

CHAPTER TWO  
NATURAL RESOURCE PLANNING PROGRAMS OF  
STATES IN THE NEW ENGLAND REGION

State resource planning programs are the result of initiatives taken by the agencies of the respective states, often with the encouragement provided by federal programs, such as those described in Chapter One. The purpose of this section is to summarize the major planning programs currently underway in each state, to identify the agencies primarily responsible for these planning efforts, and to show which federal planning programs provide assistance. Supplementary data will show the funding through each of the federal planning assistance programs to each of the New England states in fiscal years 1971 and 1972.

State planning for land or water resources in New England, like its counterparts in other states in the nation, is influenced by two opposing types of factors. One type tends to encourage a certain similarity in the character of the planning programs developed, while another set of indigenous factors combine to endow each state with its characteristic approach to environmental planning.

Among the factors tending to standardize the structure of the state planning efforts (among state agencies and substate units as well) are the general commonalities of environmental problems, the heightened awareness of the electorate to social, economic and environmental issues, human and natural resource scarcity and inadequate financial resources. Moreover, the evolution of the federal government's role in providing incentives and supplemen-

tary financing for program development (including planning), acquisition, construction, etc. has evoked common responses from the various states. The need to use management tools more effectively has gradually brought about reorganizational efforts which tend toward similar lines from state to state, and encourage the adoption of comparable programming techniques. In most if not all the states, a planning organization with primary coordinating responsibilities for all state planning programs in water and land has evolved. Finally, as all states seem to find themselves somewhat "in the same boat," it has been the trend for states to compare notes, and even imitate the success achieved by other states.

On the other hand, there is an impressive list of equally important factors which preserve the unique character of each state's approach, and reinforce the need for it to develop necessary management techniques in its peculiar context. Each has its particular sets of problems related to the degree of scarcity (or maldistribution) of all resources (natural and otherwise), and the character of the demand for available resources and facilities. In addition, the basic mood of the people varies substantially among states even in as an apparently homogeneous region as New England. Standards for the utilization of resources and preferences for space are a function of the immediate demands on natural resources and desires of the community.

It is difficult and perhaps unwise to attempt to generalize about the resource planning programs of the New England states and

New York. As noted, there is a wide range of experience in these planning programs, a reflection of the number of alternative organizational structures for planning and inherently different set of priorities on resource issues. To a large degree, and despite the common influence of federal programs, the character of each state's total approach to resource planning is as much a function of each that state's perception of resource issues and degree of leadership or organizational expertise as it is of any other factor.

Furthermore, it can be argued that many states have preceded overtures from the federal government attempting to coordinate their programs. For example, recent state reorganizational efforts have concentrated on the development of departments of Environmental Affairs (or some similar nomenclature) within which major environmental programs are being consolidated and coordinated. In several cases, the joint placement of operational and regulatory responsibilities in this new department has further consolidated the impact that this one department can have on environmental management. In some, however, the activities of this department remain formally independent of the several state planning offices although inter-agency committees and task forces often bring these agencies together for coordination. A related issue surrounds the question of the functions that should be given to a so-called department of natural resources. In some states this department partially substitutes for one in environmental affairs; in others it has lost its major functions to the newly created environmental affairs agency. In short there does not seem to be any consistent notion of where environmental affairs stop and natural resource affairs begin, or whether they are synonymous.

In recent years there has been an increase in the efforts to consolidate functional natural resource planning at the state level. The degree of interagency cooperation, both formal and informal, varies greatly by state. However, one can distinguish a lag time between coordination among (a) functional planning efforts and (b) comprehensive planning efforts. Although this lag is understandable, one conclusion remains inescapable - that integration at the statewide policy level will be essential for management to attain the effectiveness demanded by administrators, the general public, and the policy intent of the pending bills. The fact that this policy integration tends to require a more formal relationship among agency officials not only emphasizes the difficulty in establishing such integration, but also underlines its extreme significance in the conduct of state planning efforts.

Complete or even partial reorganization has been a feature of most states during the past decade. In obvious response to these issues, it is almost certain that progress toward more effective environmental management would have been severely paralyzed without it. Only one of the ramifications of reorganization is the ability to bring together a relatively few number of individuals at the state level, under whom most of the programs of common interest and relationship have been placed through reorganization. For effective policy formulation, this is a necessary first step.

On the other hand, the difficulty in obtaining consolidation often relates directly to the scale of operations in each state and the complexity of issues facing it. For instance, the small size of some states may greatly reduce the scope of each planning effort and one may find it somewhat easier to consolidate the functional

planning efforts in one state agency. To conduct comprehensive planning in one agency is another issue, especially in a larger state.

There are other approaches, of course, on the statewide level. A recently promulgated concept is that of a planning council, consisting of the governor, heads of relevant state departments, but dominated by citizens, either elected at large or appointed by the governor for given terms. Being closer to the citizens, this council could, through its own staff, prepare and continually update a comprehensive plan for the state and use it as a basis for formulating a recommended budget to the governor each year. The best solution for any one state may be one or a combination of these general approaches. Each state should at least be aware of the inherent strengths and weaknesses of the approach it chooses.

The degree to which the areawide approach for planning coordination is utilized by each state is also a function of the scale of operations in that state. Although areawide planning agencies find great difficulty in overcoming local prejudices at the town level, they, too, can play a major role in the eventual integration of planning programs. These agencies are not only increasing in importance; they already provide evidence of some consolidation between water resource planning and management and urban land use and community development.

The degree to which certain environmental issues are viewed as crucial by the state has greatly influenced the regulatory powers which have been vested in agencies dealing with water and land use planning. The recent evolution of land use control programs in some states emphasizes the "crisis" nature of these issues in these states. One cannot assert, however, that an increase in state land use controls is a general phenomenon throughout the region. The issue exists in all, of course, but the apparent "crisis" is viewed quite differently from state to state.

Finally, each existing state's structure has its unique inherent capacities. These are supplemented by a variety of other devices/aids provided through federal programs which may also be unique to the state. For instance, Rhode Island is one of the first states to experiment with an integrated grant application for federal funding assistance. New York has a package of planning-related services provided to it annually through the Corps of Engineers, and each state has a particular program or two it is conducting in cooperation with one or more federal agencies such as the Soil Conservation Service, the Geological Survey, etc. A truly comprehensive overview of each state's planning efforts can ill afford to overlook the importance of these supplemental programs and the form of "assistance" they represent to the states' resource and management planning efforts.

This presentation will draw attention to the common and unique features of each state's approach and underline the major issues facing each. In addition to the reorganization that has occurred in most states, the development of environmental agencies designed to consolidate related environmental programs, and the



growing role of offices of state planning as primary coordinating agencies at the state level have been common features. In a couple of instances, innovations involving functional programs demonstrate that state government can play the major role in resource planning being asked of it by the present federal administration. Each state, however, independent of its programs and approach, has a unique and informative story to relate.

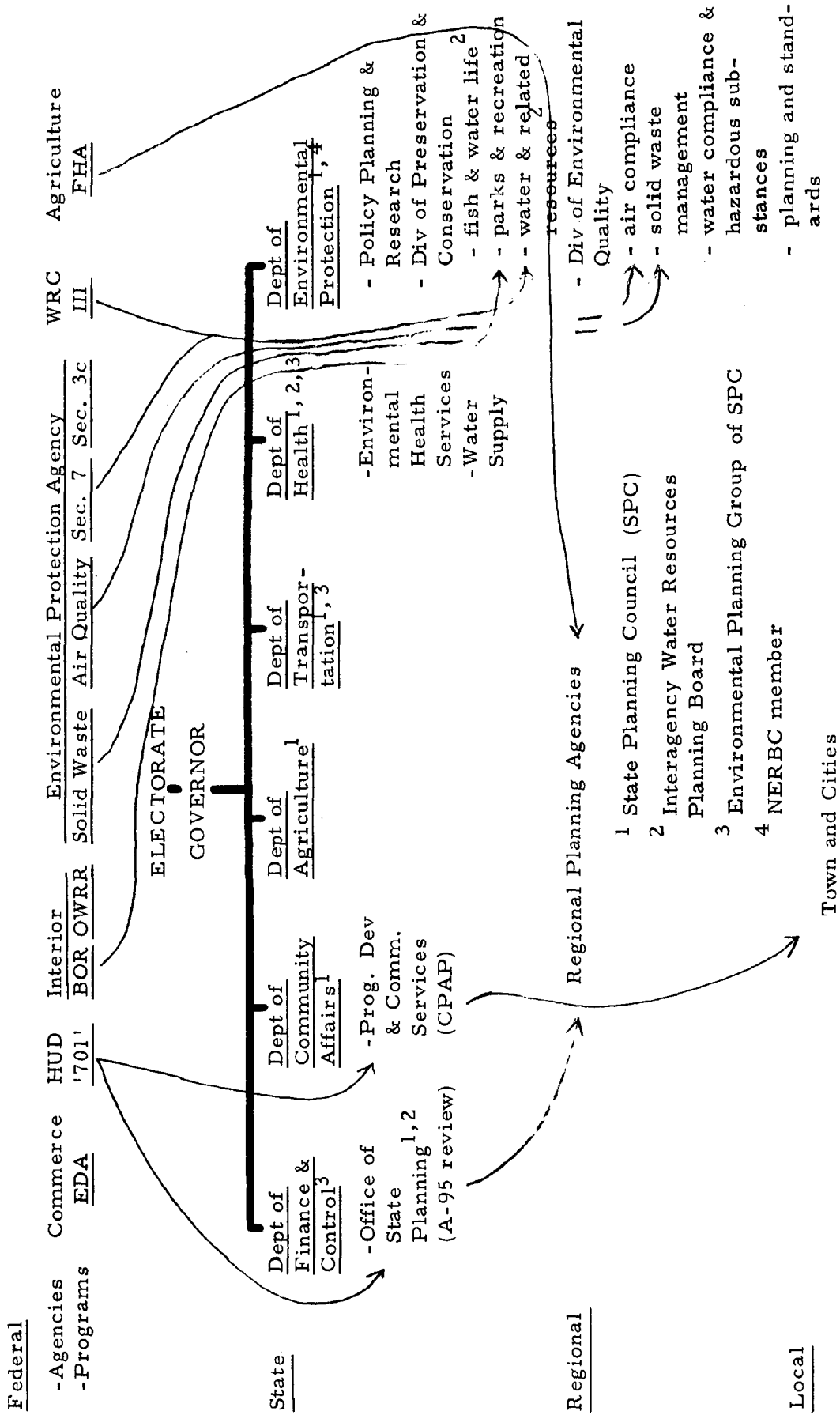
#### Connecticut

A proposed State Plan of Conservation and Development is currently being completed by the staff of the Office of State Planning of the Connecticut Department of Finance and Control. The resultant publication will propose statewide land and water policy and related mapped planning proposals. It is based on extensive inventory and analysis of existing land use, zoning, development trends, buildability of vacant land, accessibility, etc. The water resources management aspects will emphasize water supply, waste water disposal and water based recreation.

The Office of State Planning is charged with preparing statewide plans in concert with other agencies, coordinating planning activities, carrying out planning reviews, defining planning regions, promoting the establishment of regional planning agencies and providing technical and financial assistance to regional planning agencies.

The Plan of Conservation and Development work is a key element in Office of State Planning activity and has been coordinated with the staffs of other state agencies and regional planning agencies.

CHART 2-1



STATE OF CONNECTICUT ORGANIZATION FOR LAND AND WATER RESOURCE PLANNING AND FLOW OF FEDERAL PLANNING ASSISTANCE

The water resources planning activities are carried out in concert with the Department of Environmental Protection and the State Health Department as directed by state law. The program is carried on by an Interagency Water Resources Planning Board. The same state statute has provided state financial assistance to regional planning agencies for sewer and water planning and programming work by regional planning agencies and such work has been coordinated with the state water resources planning program.

Recently, the new Office of Federal/State Relations, administratively satellited to the Office of State Planning, has assumed the state clearinghouse procedures of the A-95 project notification and review system. Both project applications and state plans, however, continue to receive technical review by the Office of State Planning.

The Department of Finance and Control also includes the Budget Division which contains Budget and Management Sections. Currently, reorganizational efforts are underway within the Department to strengthen the link between planning, budgeting, management and program evaluation.

The Department of Community Affairs administers local assistance programs. Regional planning agencies, however, receive state aid directly through the Office of State Planning, and HUD '701' grants to "non-metropolitan" regional planning agencies are administered through this Office. In addition to HUD funds and state and local contributions, other support for regional agencies has come from local assistance planning grants from the Department of Community Affairs and, in a few cases, from Farmers Home Administration Water and Waste Disposal Planning Grants.

Other major actors in Connecticut's planning programs include the recently organized Department of Environmental Protection. In this department, the previous planning and program development functions of the Water Resources Commission are included with those of air quality control and solid waste management. This Department also combines major sections of the former Department of Agriculture and Natural Resources and the Department of Health. Not unlike patterns evolving in other states, the Department includes two divisions, environmental quality and preservation and conservation. Open space planning, therefore, once conducted through the Department on Agriculture and Natural Resources is now included in the new Department. The new Department also conducts the state's water quality program and was directly responsible for solid waste management planning. As a result of the latter, a unique approach to waste management is being established in Connecticut. Briefly, this approach exploits the potential role of solid waste in energy production and will feature substantial participation by the private sector.

Finally, proposals for a state organization for coastal zone management are now being considered by the Governor's Special Committee on Coastal Zone Management.

The State Planning Council includes an Environmental Planning Group comprised of the heads of the Departments of Transportation, Environmental Protection, Health, Community Affairs, Finance and Control, Agriculture and the Development Commission. The Governor has charged the State Planning Council or a constituent unit thereof with reviewing environmental impact statements which will now be

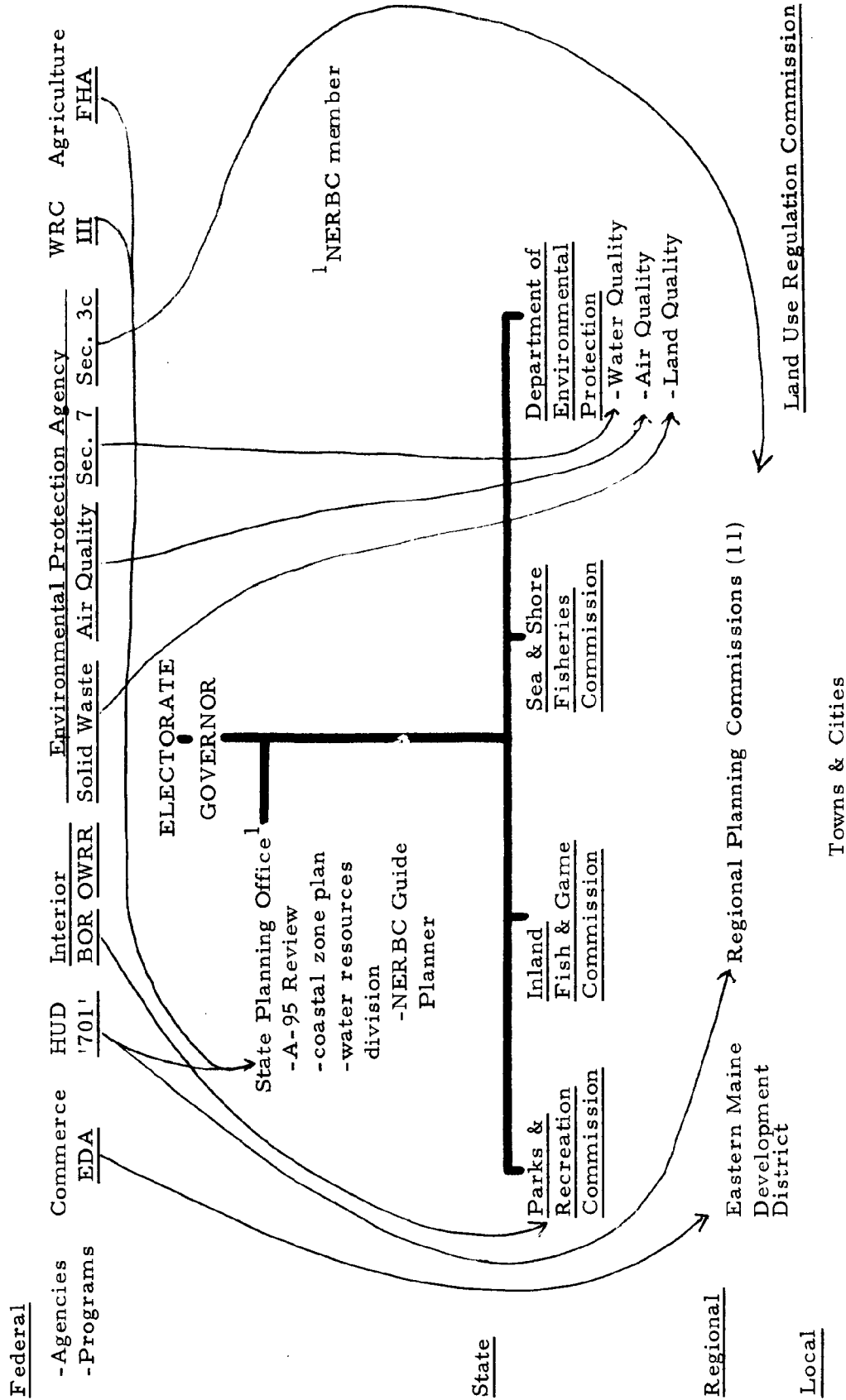
required for state programs under an Executive Order from the Governor. The Governor has also directed that the Departments of Transportation and Environmental Protection and the Office of State Planning undertake a land use/transportation planning program for the Capitol Region (Hartford) area.

Connecticut's planning for water and land are therefore being integrated, and coordination achieved through the central state planning office and its close relationship with the budgeting arm of the state.

#### Maine

Major state government reorganization has also taken place in the State of Maine. The State Planning Office, serving as staff to a legislative research committee, and the Governor of Maine produced a report recommending major departmental reorganization. Subsequent legislation resulted in the implementation of most of the major recommendations during the last session of the legislature, including seven new departments. The seven new departments are Agriculture, Commerce and Industry, Environmental Protection, Finance and Administration, Educational and Cultural Services, Manpower Affairs, and Transportation. A Department of Natural Resources, recommended by the State Planning Office, was not implemented by the legislature. The Department of Natural Resources would have included four existing natural resource agencies. New legislative proposals regarding this new Department may include all four, or any combination of these four agencies. The following chart portrays major agencies currently involved in water and land use planning, as well as the sources of federal assistance to their programs.

CHART 2-2



STATE OF MAINE ORGANIZATION FOR LAND AND WATER RESOURCE PLANNING AND FLOW OF FEDERAL PLANNING ASSISTANCE

The State Planning Office reflects what appears to be a growing practice in being attached directly to the Governor's office, a location which emphasizes its role in short-range as well as long-range functional planning. A major accomplishment of the State Planning Office has been the development of official Planning and Development Districts, which were adopted by Executive Order of the Governor on January 26, 1972. These 8 districts coincide with the major river basins of the state, deviate only slightly from county boundaries, and are concurrent with the boundaries of the regional planning commissions. They are designed to serve as a focal point for the coordination and integration of planning efforts at local, state, and Federal levels of government.

A major coastal zone management planning study is being conducted through the Office of State Planning. An overview analysis has been conducted for the entire shoreline area of the state, and a pilot area study project on Penobscot Bay, involving 11 towns has been completed. It is anticipated that this study may serve as a prototype for similar, detailed coastal studies along the entire Maine coast.

At present, the New England River Basins Commission has a Guide Planner working on a guide plan team consisting of members from the Department of Environmental Protection and the Water Resources division of the State Planning Office. The "guide-planner" concept provides a vehicle for helping states to develop guide plans as elements of the New England Framework. During the first year of the two-year program, the guide planners in the three northern states are assisting these states in meeting planning requirements of HUD and EPA.

Responsibility for the protection of Maine's major resources is vested in the new Department of Environmental Protection, which consists of three major divisions: air quality control, water quality control and land quality control. In each of these reside planning and resource programs for air and water quality as well as solid waste management.

As in Vermont, Maine has recently initiated several land-use control programs which are currently administered by the Department of Environmental Protection. These include the Site Selection Act and the Mandatory Zoning and Subdivision Control Act. Under the Site Selection Act, all development proposals greater than 20 acres in size are subject to the approval of the Department of Environmental Protection. Under the Mandatory Zoning and Subdivision Control Act, local communities must zone all shoreland areas within 250 feet of a navigable body of water by July 1, 1973. The state may impose zoning standards on communities which fail to implement zoning by that deadline. The Shoreland Zoning Project is a cooperative effort by the Department of Environmental Protection, the State Planning Office, the University of Maine, and the Maine Land Use Regulation Commission.

The Land Use Regulation Commission, whose membership includes the Director of Parks and Recreation, the Forest Commission, and State Planning Director (plus four members appointed by the Governor with approval of his Council), is responsible for land regulation in the unorganized and deorganized townships of the State. Its basic functions include resource mapping and analysis, guidance planning, the establishment of guidance standards and land use districts and enforcement.



The Parks and Recreation Commission receives BOR planning funds and has recently completed a comprehensive state recreation plan which gives the state 5 years' eligibility for receiving BOR funds.

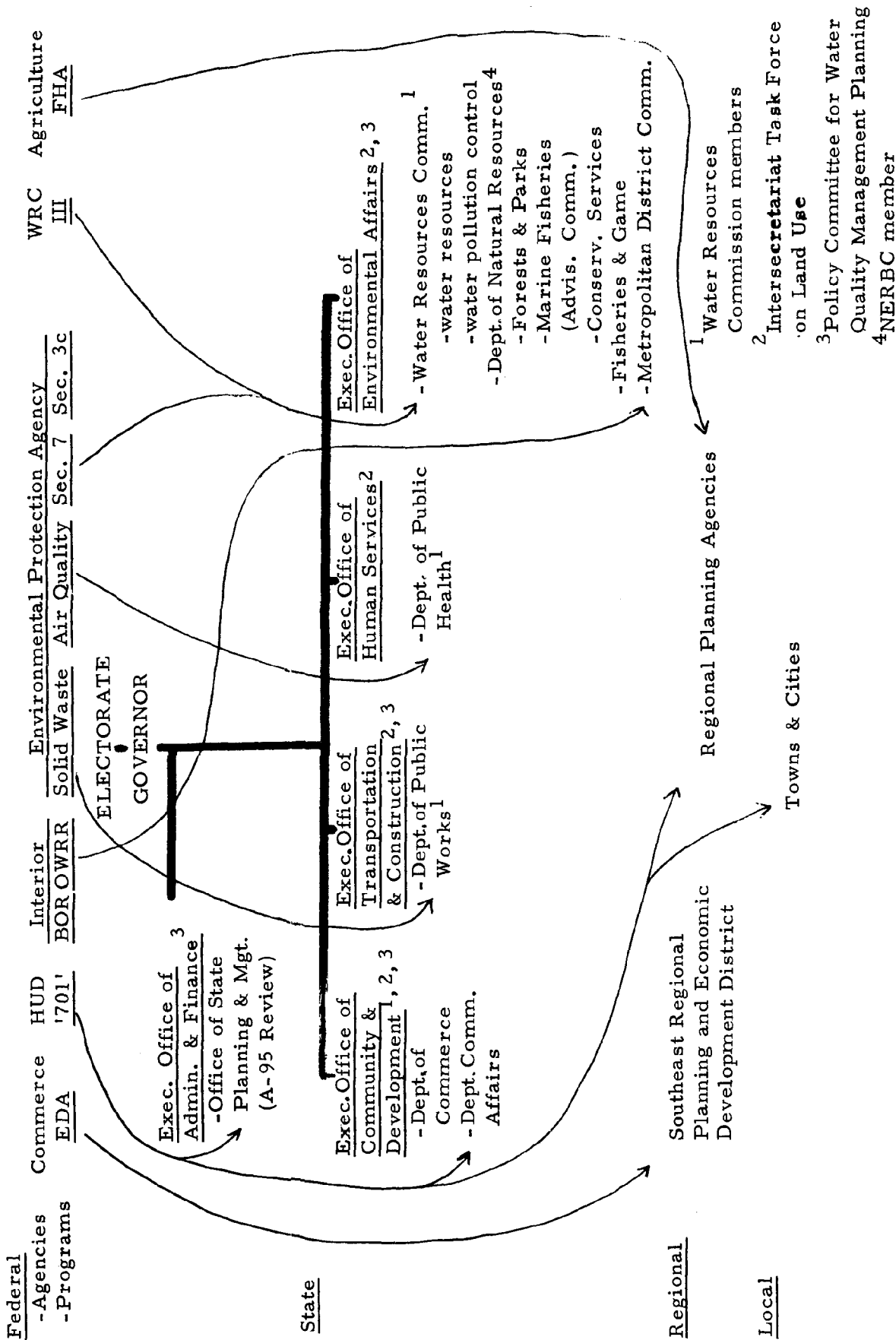
A major planning effort is growing around the unique efforts of two other departments, Inland Fish and Game and Sea and Shore Fisheries. Through imaginative use of program funds from fish and wildlife restoration acts, data and planning efforts are being developed on a computerized statewide basis. The backbone of the computerized data system is called the MIDAS (Maine Information Display Analysis System) System. In order to integrate MIDAS capabilities with the data and planning needs of other state agencies, the administration of this system is being transferred to the jurisdiction of the State Planning Office.

#### Massachusetts

Reorganization is the key word to describe the current stage of program development in the Commonwealth. Sweeping changes are being proposed for most of the state government structure; ramifications of these changes are exemplified in the resource fields. The nature of the 1969 reorganization has been that existing departments have continued with their functions and names although placed differently in the state organizational structure. Further changes in functions and structure now await redefinition by individual secretaries of the Executive Offices.

Planning efforts to date have been undertaken with the assistance of the federal programs itemized on Chart 2-3. Recently, coordination among agencies is occurring under the Governor's initia-

CHART 2-3



COMMONWEALTH OF MASSACHUSETTS ORGANIZATION FOR WATER AND LAND RESOURCE PLANNING AND FLOW OF FEDERAL PLANNING ASSISTANCE

tive for both water quality and land use programs. As the diagram indicates, for example, federal planning assistance is provided to a number of agencies or departments of the Commonwealth with coordination now vested in a set of interagency policy committees and technical staffs.

HUD '701' funds, which have formed the basic planning program funds for statewide planning efforts throughout the country have not been used in Massachusetts to develop a statewide land use plan or coordinated planning program. Although HUD money does funnel down to a series of regional planning agencies formed on a multi-town basis, through the Department of Community Affairs of the Executive Office of Communities and Development,<sup>1</sup> '701' funds for the Office of Administration and Finance are currently being used to assist the reorganization process of state government itself. These funds are supplemented by grants from the New England Regional Commission. The ultimate structure that this reorganization will take is unknown at this time; hopefully, the continual integration of state and regional planning efforts (with federal assistance programs) will be one element of this reorganization.

Regional planning agencies, the recipients of HUD '701' money plus a very small amount from the Commonwealth, receive a large share of their funding through the United States Department

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<sup>1</sup> Uniquely, one of these regional bodies, the Metropolitan Area Planning Council, can, through state charter, deal directly with Federal agencies, thereby bypassing state administration.

of Transportation, administered through the Office of Transportation and Construction. It is this regional level at which the integration of water and land planning are being integrated.

In the Office of Environmental Affairs reorganization has brought the Water Resources Commission, one of the unifying bodies of state water resource planning, into the Department of Natural Resources with a number of other agencies. The Commission's membership includes representatives from the Department of Public Works, the Department of Public Health, the Agriculture Department as well as from the Department of Communities and Development, the Natural Resources Department and the Metropolitan District Commission. The functions of the Conservation Services Division, including the preparation of the statewide recreation plan (BOR), are also incorporated into Natural Resources. Comprehensive areawide water and waste disposal plans which serve as partial requirements for federal funding for pollution control facilities, are being conducted at the regional planning level mentioned earlier. A Type 4 study is also being carried out under the leadership of the Soil Conservation Service of the Department of Agriculture for 28 basins and watersheds of the Commonwealth.

A different story emerges, however, in the consideration of the location of air and solid waste programs at the state level. Major state responsibility for air quality presently resides with the division of Environmental Health of the Department of Public Health. The state's Solid Waste Planning Program is situated in still another department, that of Public Works, itself the recipient of federal funding. Finally, one of the regional agencies

in Massachusetts is the only agency of its type in New England that has a federal solid waste planning grant.

A signal of the future direction of organization within the Office of Environmental Affairs is represented by the suggestion for reorganization presently being considered by the Water Resources Task Force on Environmental Reorganization. A recent public discussion of the task force's preliminary recommendations indicated that integrated planning may become a much more central function in the Office's program. That is, a number of resource programs, including those of agriculture, land, water, open space and ocean and coastal resources, would be placed side-by-side and coordinated through a common planning program. Under the task force's recommendation, water quality and water resource management would become major program elements. A third level of the state's resource program would be regional delivery systems for specific services in water quality, supply, flood control, navigation, etc. A chart portraying this proposed structure is shown on the following page.

Interagency coordination is occurring at both a policy and technical level in Massachusetts. A new Intersecretariat Task Force on Land Use has been established which includes five of the executive offices shown in Chart 2-3. A working group for this task force includes staff members from the Department of Community Affairs and Office of State Planning and Management.

A Policy Committee for Water Quality Management Planning was established on an ad-hoc basis for developing a coordinated application for EPA funds. It consists of the Executive Offices of

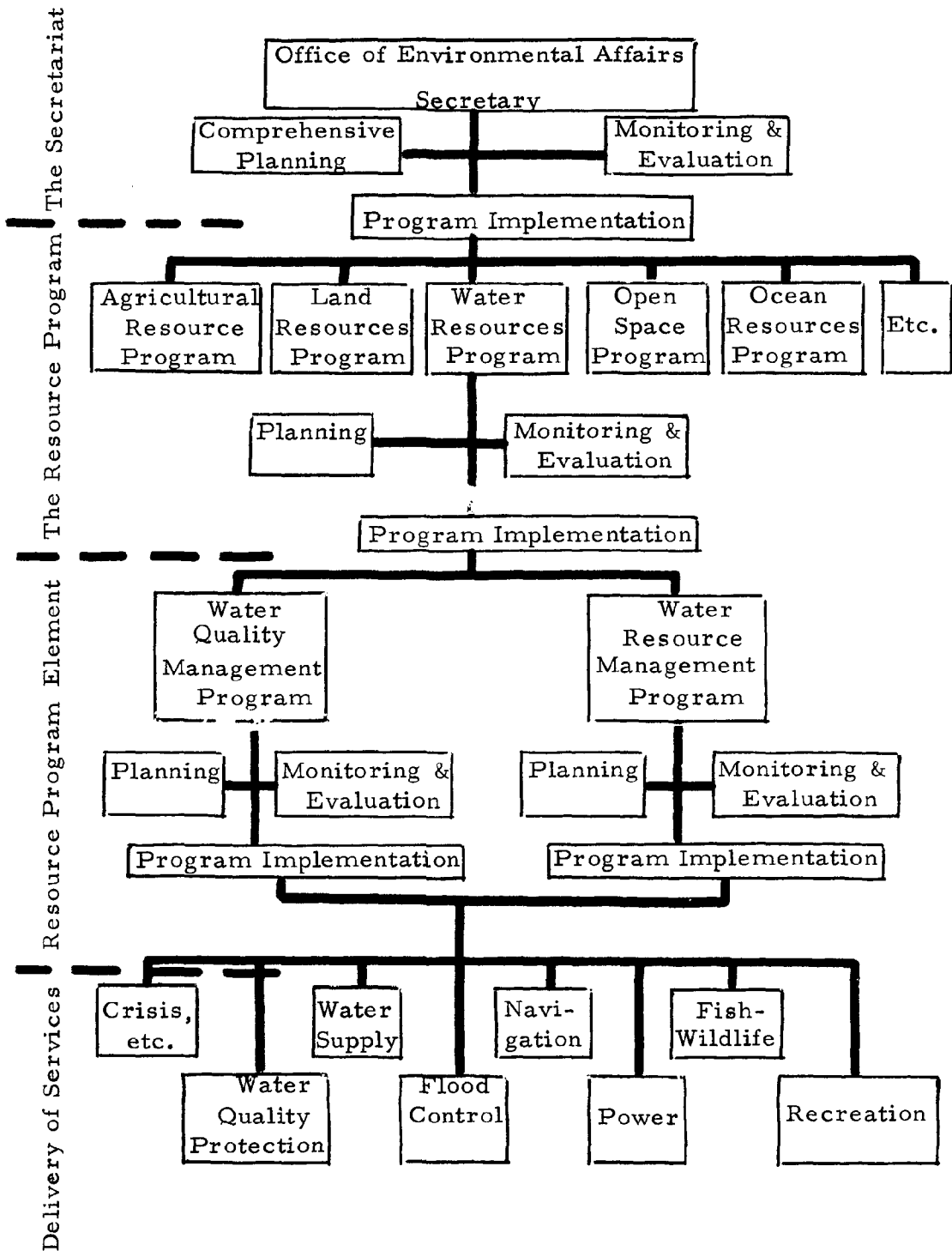


Chart 2-4 Proposed Water Resources Program of Office of Environmental Affairs

Source: Adapted from Water Resources Task Force on Environmental Reorganization, Preliminary Report, June ,1972 Figure 4.

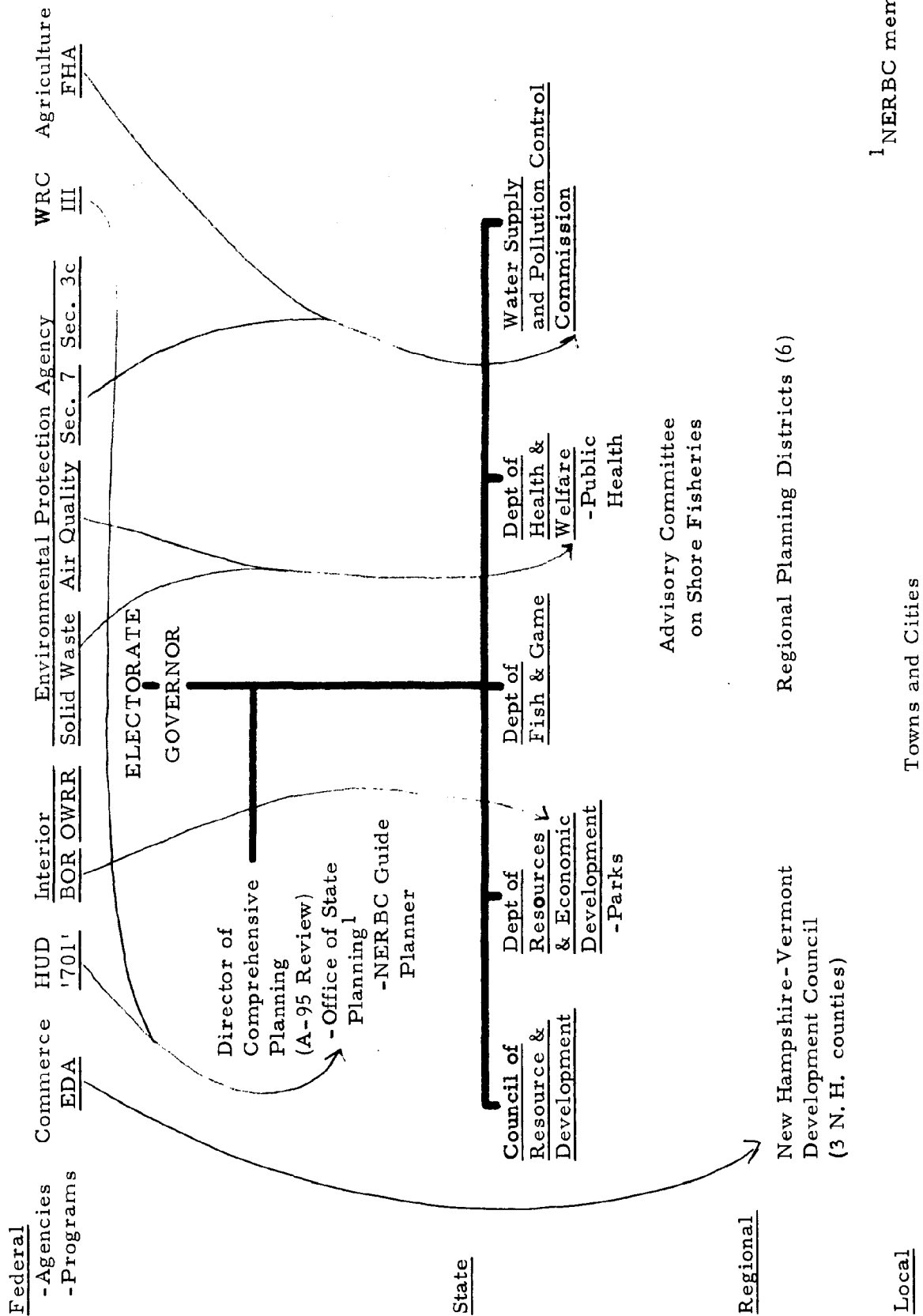
Communities and Development, Administration and Finance, Environmental Affairs, and Transportation and Construction. Its technical committee includes staff from the Departments of Commerce and Development and Community Affairs, State Planning and Management, the State Water Resources Commission, the Departments of Natural Resources, Public Works, plus each of the twelve regional planning agencies.

A final word about the state's reorganizational process. The ten cabinet departments, created to consolidate the functions and activities of over 300 agencies, boards and commissions, have each been given two years to develop legal changes and adopt responsibilities which will be the foundation for the real reorganization of Commonwealth government. Until further information on the ultimate complexion of these changes is known, it is difficult to predict the overall effect on the state's water and land resource planning programs and their eventual integration.

#### New Hampshire

The structure of government in New Hampshire does not correspond directly to any of those outlined in other states. There are common elements to some programs, however. For instance, the Office of State Planning is statutorily attached to the Governor's office, under the supervision of Director of Comprehensive Planning, a non-statutory position new to this administration. The Director of Comprehensive Planning oversees the '701' funded and state-funded activities of the several regional planning districts of the state, and performs the A-95 review. The remainder of the resource planning structure varies from that in other states.

CHART 2-5



NEW HAMPSHIRE ORGANIZATION FOR LAND AND WATER RESOURCE PLANNING  
 AND FLOW OF FEDERAL PLANNING ASSISTANCE



There are five major departments through which most of the state's natural resource planning programs are carried out. The Office of State Planning exercises a supervisory function over resources planning. In the Department of Resources and Economic Development, the previous home of the Office of State Planning, outdoor recreation planning is conducted. In addition, that department supervises forest and park planning for the state. At the Department of Health and Welfare, in the Division of Public Health, both the state's air quality and solid waste management programs are being carried out. The major water programs are administered by a third department, the Water Supply and Pollution Control Commission. Importantly, however, the comprehensive planning functions of this Commission have been carried out with and by the Office of State Planning with whom it has a close working relationship. The Fish & Game Department maintains a planning function in relation to 1) stream bank acquisition; 2) wildlife management; 3) maintenance of natural habitats and feeding grounds.

With Vermont, New Hampshire participates in an EDA program for its northern area. The joint state Development Council, a private, non-profit corporation and administering agency for the New Hampshire-Vermont Economic Development District, serves as a policy body to stimulate development of this district.

Recently, the State's regional planning districts were reduced from 17 to 6 and the new districts have just begun to become operational. The ultimate relationship between these districts

and statewide planning is evidently awaiting final decisions on reorganization of the state planning functions.

New Hampshire has a Council of Resources and Development which functions as an inter-agency coordinating body, and reviews all sales of surplus state land. The chairman is the Director of the Office of State Planning.

NERBC's Guide Planner in New Hampshire is attached to the Office of State Planning, which is the recipient of both HUD comprehensive planning assistance and Water Resource Council Title III funds. As mentioned earlier, it also carries out comprehensive basin planning for water resource programs in the State.

Finally, sponsored by a grant from the New England Regional Commission and the National Science Foundation, a coastal resources plan is also currently being prepared in the Office of State Planning.

#### New York

One of the first states to reorganize its environmental programs was New York. As will be seen, most of the resource planning programs dealt with in this report are now located in the State's Department of Environmental Conservation. New York's state planning program has been developing for over the past decade. The Office of Planning Services, the successor to the original Office of Planning Coordination, is located in the Governor's office, and presently serves a coordinating role, especially

through the OMB's A-95 procedures. Recently, although its role has been cut somewhat drastically, it continues to function on a more limited basis.

There is also the Office of Local Government, located in OPS, through which local technical assistance programs are coordinated. There are a number of regional planning districts established by the state, which are currently undertaking comprehensive planning studies. These are not to be confused with Regional Water Resource Planning Boards which have been established under local initiative in many areas throughout the state for purposes of basic water resource planning.

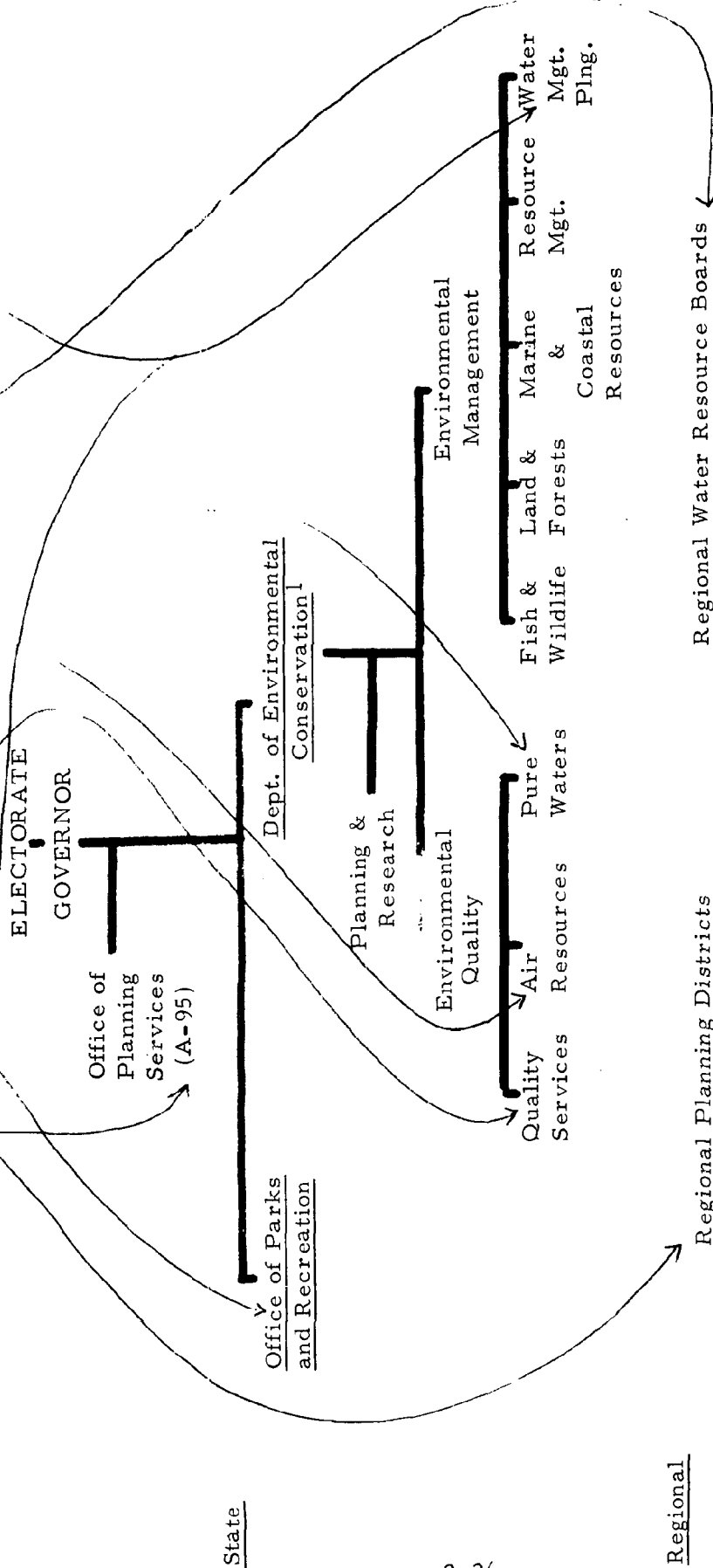
As mentioned above, but with the exception of outdoor recreation planning, which is conducted in the Office of Parks and Recreation, almost all planning efforts reside in the new Department of Environmental Conservation. As the diagram on the following page indicates, the Department is divided into two distinct sections: Environmental Quality and Environmental Management. Both receive planning and/or program grants in natural resources. The Divisions of Pure Water, Air Resources, and Quality Services are the recipients of section 7 water pollution control program, air pollution control program, and solid waste management planning funds respectively.

The Water Management Planning division in Environmental Management is the recipient of Water Resource Council planning funds as well as the recipient of two research oriented grants from the Office of Water Resources Research. Moreover, and similar to the efforts now underway in the State of Maine,

CHART 2-6

Federal - Agencies - Programs

Commerce	HUD	Interior	Environmental Protection Agency	WRC	Agriculture
<u>EDA</u>	'701'	BOR OWRR	Solid Waste Air Quality Sec. 7 Sec. 3c	III	<u>FHA</u>



<sup>1</sup>NERBC member

STATE OF NEW YORK ORGANIZATION FOR LAND AND WATER RESOURCE PLANNING  
AND FLOW OF FEDERAL PLANNING ASSISTANCE

proposals are being made to launch a planning program in Fish and Wildlife, using federal fish and wildlife restoration funds plus anadromous fish act funds administered by the federal Bureau of Sports Fisheries and Wildlife.

In a related program, the Corps of Engineers participates directly with the State of New York, quite uniquely, in providing certain planning services each year. Authorized through the Rivers and Harbors Act of 1965, this program provides a useful supplementary series of studies which can contribute substantially to the State's total planning program for water and related resources.

Legislation creating the Department of Environmental Conservation required the preparation of a statewide environmental plan by September 1972, to serve as an advisory document to guide planning and development, both private and public, at all levels. This work is being coordinated through the planning and research arm of the Department.

The State's Department of Health has conducted county-by-county studies on water supply and comprehensive sewerage planning program has been underway for several years. At present, a cooperative effort entitled the Eastern New York River Basins Study is underway and involves the water management planning division of DEC and the United States Department of Agriculture.

New York has recently been involved in a test project of the Environmental Protection Agency concerning consolidated applications within that federal agency. Initial returns on the project, which combines planning and program grant applications

in air quality, water quality and solid waste management, as well as radiation control, indicate that simpler procedures have been developed with shorter application forms, that there is more flexibility in using the funds among programs, and that there are significant technical efficiencies related to its adoption. For instance, this system encourages common location systems for stationary pollution sources for air and water quality programs and the lumping together of funds for laboratory services which could be shared jointly by divisions within the same agency. A variation on the integrated grant application in Rhode Island, it may prove to be a forerunner of new, streamlined procedures for applying for and administering federal grant assistance programs.

A final comment on the A-95 review procedure as set up by the State of New York. Although the formal review system is coordinated through the Office of Planning Services, total control on the status of applications for state and federal monies, of both a planning and implementation nature is achieved through the Budget Department. Under development and about to go into operation is a computerized system which not only follows the progress of grant applications but also monitors the amounts of money granted under various programs (through OMB A-98 reporting system). Under current practice, each of the federal agencies is responsible for reporting to state agencies the monies granted under well over 200 different federal programs. In New York, and in other states, e. g. Connecticut and Rhode Island, the state is taking the initiative to keep track of actual federal expenditures, not just applications. The development of an efficient system of this type can be a useful tool in the implementation stages of programming at the state level.

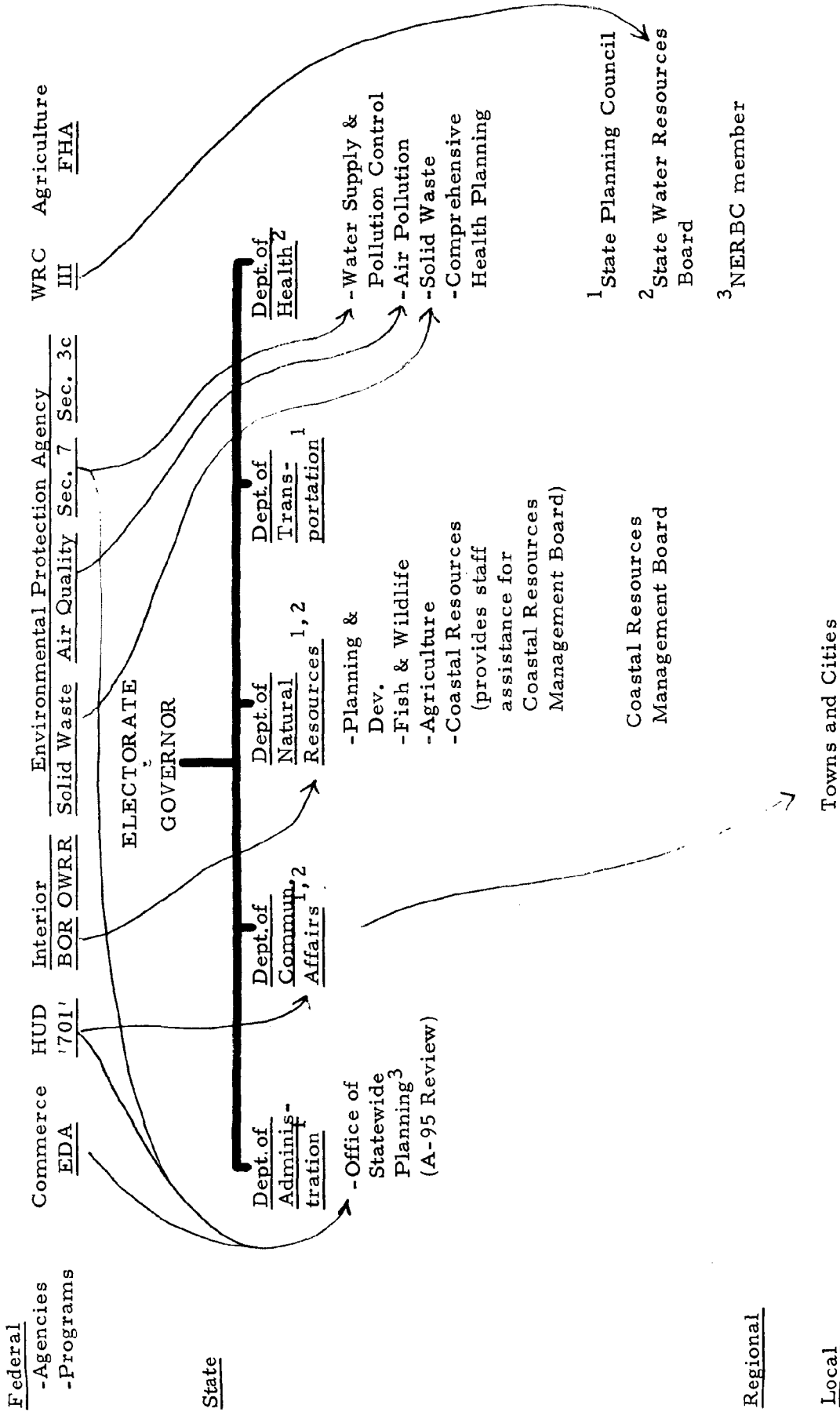
### Rhode Island

The executive branch of state government in Rhode Island is presently divided into 13 departments each of which is directly responsible to the Governor. Some of these departments, specifically those most directly related to the planning efforts at the state level, are shown in the chart on the next page. Although funding from federal sources is directed to a number of different departments of Rhode Island's state government, there exist two coordinating bodies which tie water and related land planning together. Several departments have a representative on the State Planning Council which serves as a policy-making body for the Statewide Planning Program in the Department of Administration. Local and federal officials are also represented on the Council.

The State Water Resources Board is primarily responsible for water resource planning in the state. It consists of representatives from several state departments, members chosen by the Governor for three year terms, and the chairman of the joint legislative water resources committee. The Board's staff, for example, utilizes Water Resources Council Title III planning grants.

The Statewide planning program in the Department of Administration prepares and maintains a state guide plan, several pieces of which have been completed. It secondarily conducts planning work for several of the other state agencies and handles the A-95 review procedures. For instance, outdoor recreation, water and sewer, solid waste and economic development planning are conducted by its staff for other departments. It also provides

CHART 2-7



STATE OF RHODE ISLAND ORGANIZATION FOR LAND AND WATER RESOURCE PLANNING AND FLOW OF FEDERAL PLANNING ASSISTANCE



planning assistance to the Governor and the General Assembly. The Department of Community Affairs has a division of planning and development which provides planning assistance for the smaller communities of the state.

There are two other departments which also play important roles in statewide planning in Rhode Island. The Department of Natural Resources administers BOR planning funds for outdoor recreation; through its division of Coastal Resources, staff assistance is provided for the recently formed Coastal Resource Management Council. The Department of Health contains the divisions responsible for water pollution, air quality and solid waste management, although funds for the operation of the latter two programs have not yet been allocated by the Environmental Protection Agency.

At present there are no monies from the Office of Water Resources Research, the Farmers Home Administration, or section 3(c) which have been granted for planning or related research to Rhode Island state agencies.

A major step toward greater integration of state and federal programs has been taken with a recent integrated grant application submitted by the Statewide planning program to and approved by the New England Federal Regional Council. This application, an innovation designed to facilitate both state and federal procedures, includes requests for funds (not only planning funds per se) from seven separate federal programs. Among them are planning related grants from EDA, HUD, BOR, NERCOM and EPA. The apparent success of this approach in

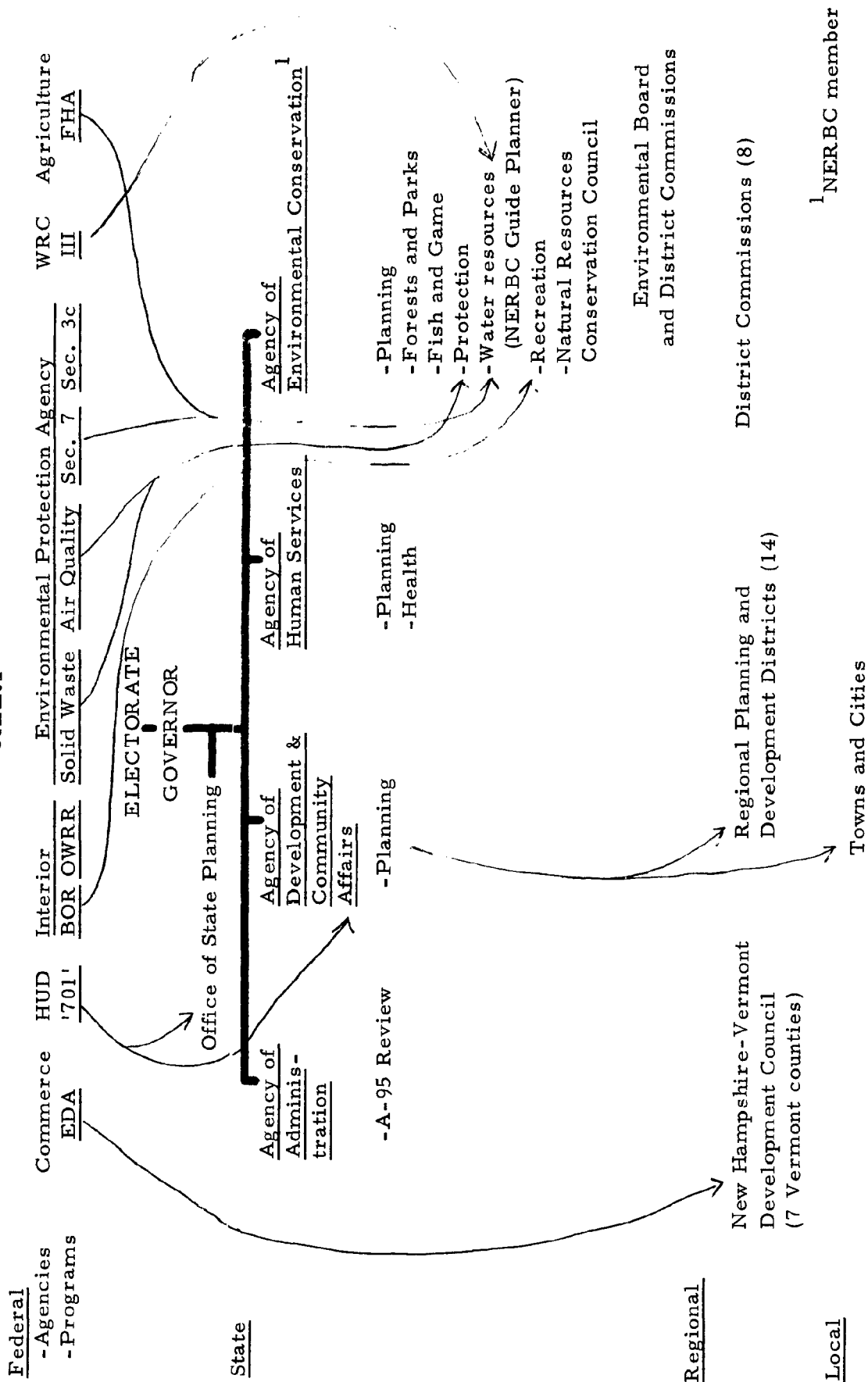
Rhode Island and the opportunities it potentially offers for consolidation and coordination of statewide planning programs throughout New England and the nation, bear watching by Rhode Island's neighbors.

Finally, the Governor has recently appointed an Environmental Task Force which will be examining the present manner in which the state's various environmental programs are administered and coordinated. It is too early to forecast the recommendations which will evolve from its work. Some degree of reorganization may be included.

#### Vermont

1970 reorganization of state government in Vermont has completely modified the structure within which state water and land use planning are conducted. At present there are four major agencies: administration, development and community affairs, human services, and environmental conservation. Each of these has a planning function, all of them with the possible exception of human services, in the natural resource area. In addition, the Office of State Planning, attached directly to the Governor's office, is the prime land use planning agency at the state level. It operates with HUD "701" funds, with money indirectly from the New England Regional Commission and, of course, the state itself. Local technical assistance, however, is provided through the planning division of the Agency of Development and Community Affairs. The regional planning and development districts, recently organized in fourteen regions of the state, operate with assistance from both the State Planning Office and the Agency of Development and Community Affairs.

CHART 2-8



STATE OF VERMONT ORGANIZATION FOR LAND AND WATER RESOURCE PLANNING  
AND FLOW OF FEDERAL PLANNING ASSISTANCE

It is in the Agency of Environmental Conservation, however, that major changes have culminated. For example, this agency consolidated the activities of the three major natural resource bodies of the state: fish and game, forest and parks, and water resources. Hence, all EPA money for air, water and solid waste, as well as the BOR recreation planning grant and water resources planning funds (EPA, WRC, & FHA) go or have gone into this agency.

Vermont has recently adopted, somewhat uniquely, a state land use and control program. Through the Land Use and Development Act, known as Act 250, an Environmental Board was established to prepare this plan for later submittal to the state legislature. Actually, three plans are to be prepared: interim capability, capability and development, and a land use plan per se. The Environmental Board is attached to the Agency as are eight district commissions throughout the state, through which development proposals are reviewed on the basis of conformity to established criteria within Act 250. Evidently, however, there is some discrepancy between the geographic areas covered by the regional planning and development districts and the district commissions. A whole series of related bills passed the 1970 legislature<sup>2</sup> and set the stage for a major new thrust into environmental management at the state level in Vermont.

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<sup>2</sup> Among the bills passed were those creating the Agency of Environmental Conservation, one regulating land sales practices, requirements for permits for waste water discharge into state waters, a shoreline zoning act, etc.

The guide planner of the NERBC in Vermont works in cooperation with the water resources division of the Agency of Environmental Conservation.

Federal Planning Assistance Grants to New England

As demonstrated earlier, federal planning assistance cannot be measured solely in terms of the programs selected for this paper. Nevertheless, the amount of funds which have been granted to the states give some indication of the purely financial assistance provided annually.

Figures have been gathered on most of the federal programs included in this paper for the two previous years. They are presented in Chart 2-9 on the following page. They are only estimates, and of course should be treated as such. They fail to reflect some programs which a state has participated in previously or may be participating in this fiscal year. The roughly \$5 million per year do not include funds received from three programs: FHA, OWRR and EPA 3(c).

Chart 2-9. Estimated Federal Assistance Grants for Selected Planning Resource Programs in New England for fiscal years 1971 and 1972, by state and by program. (As of August 15, 1972)

Federal Program	in thousands of dollars						Total
	State						
	Conn.	Me.	Mass.	N.H.	R.I.	Vt.	
HUD-701	\$ 360	\$ 360	\$1,344	\$ 49	\$450	\$250	\$ 2,813
EPA -APC	1,916	134	1,010	277	-	229	3,566
-WPC	335	127	666	161	220	66	1,575
-SWP	163	72	345	14	-	31	625
WRC-III	101	128	127	90	104	110	660
Com-EDA	-	497	266	56	-	56	875
Int-BOR	-	5	-	-	-	36	41
<b>TOTAL</b>	<b>2,875</b>	<b>1,323</b>	<b>3,758</b>	<b>647</b>	<b>774</b>	<b>778</b>	<b>\$10,155</b>
<b>Annually</b>							
-per capita	\$.47	\$.70	\$.33	\$.44	\$.41	\$.88	\$.43
-per sq. mile	\$2.87	.21	2.28	.35	3.19	.41	.76

Source: Management Information Systems Advisory Group,  
Federal Regional Council, Boston

United States Water Resources Council

SECTION TWO

OPPORTUNITIES FOR  
NATURAL RESOURCE PLANNING  
IN NEW ENGLAND

- Chapter Three. Provisions of New and Pending  
Natural Resource Legislation
- Chapter Four. Integrated State Planning Programs --  
Options for the Future
- Chapter Five. Potential Contributions by NERBC

CHAPTER THREE  
PROVISIONS OF NEW AND PENDING  
NATURAL RESOURCE LEGISLATION

Introduction

Several major bills concerning natural resources were considered by the second session of the 92nd Congress. These bills -- the water quality amendments, the land use bill, and the coastal zone bill -- all declare it Congressional policy to assure the primary responsibilities and rights of states to plan for and manage their natural resources. In support of this policy, all three programs call for preparation of comprehensive resource plans and authorize substantial funds to develop and carry them out. While it may be some time before these funds are actually made available to the states -- the water quality and coastal zone bills were passed and appropriations should follow early next session; the land use bill is delayed until next session -- it is still important to take a close look at the legislation now. Early investigation will help to identify points of commonality among the bills, establish where requirements of one program may also serve to fulfill the requirements of another, suggest opportunities for integration of present and pending programs and for cooperation and coordination between programs, levels of government, and between state themselves. Prompt analysis of the provisions of the bills should facilitate state development of proposed planning processes and of initial planning and therefore enable states to qualify as early as possible for planning grants.



### Features of the coastal zone, water quality and land use bills

Among the common elements of these bills are requirements for effective public participation in the planning processes, coordination and consultation with other agencies involved in related programs, and a number of specific subject areas for inclusion in the plan. Each of these elements suggest the need for some coordination and integration of the three programs.

These major features introduce a number of opportunities and problems for those engaged in planning efforts at the state and interstate levels. Opportunities are there for coordination and integration to simplify planning efforts and take advantage of economies of scale wherever possible. At the same time, the new programs pose some major problems to the states who must meet a series of deadlines and requirements to be eligible for funding support under these and, in some cases, other federal programs.

Opportunities for planning coordination and integration are set out in each of the four bills. Coordination and integration are encouraged not only during the planning stage, but also between the planning process and the implementation process. The requirement in the land use bill that the designated state agency should have both planning authority and regulatory powers over land development demonstrates the emphasis placed on integration. Further the opportunities for taking advantage of economies of scale, through, for example, making resource data available and useful to other planning efforts, are reinforced by the fact that

the three programs are in addition to resource planning programs already ongoing.

Opportunities for planning coordination by state agencies with other agencies both within the state and among states are particularly important and are discussed in separate chapters of this report. The role of regional planning agencies, and the role of the New England River Basins Commission and other interstate agencies are each discussed in a separate chapter. All these examples show the wide range of opportunities available to states in responding to their reaffirmed responsibility for resource planning and management.

These opportunities are challenged, on the other hand, by a group of potential problems which must be considered by planners. Taken on top of current planning responsibilities, the many new requirements pose a major challenge to states to develop workable and positive planning programs. Such difficulties as meeting schedules and deadlines -- particularly some of the earliest ones -- without the time to adjust coordination processes and train personnel could likely occur. Administration of these programs by different federal agencies and possibly different state agencies could create diseconomies and duplication, and even discourage program integration. Further, methods for meeting the many requirements of the bills are not yet clearly specified. The administering federal agencies could ease some of these problems by creating comparable and complementary guidelines and coordinated schedules, and encouraging designation of comparable regional planning areas. The Region's states, moreover, should assist the federal agencies in creating guidelines which reflect the region's needs and approaches.

In summary, the effect of existing and pending federal-state programs directed at the planning of natural resources is immense. The cumulative effect of these programs and those now pending before the Congress can produce a permanent change in the nature of the nation's environmental commitment. The federal government has chosen, quite deliberately, however, not to impose upon the states or upon regions specific requirements as to how to administer these programs. That is a wise choice, since each state and each multi-state region will wish to develop structures which make sense to it. This does not mean, however, that it is either necessary or wise for the New England states or the New England region to assume that the full opportunity can be realized by developing distinct structures for administering each of the new categorical programs offered by the federal government.

On the contrary, effective management of the diverse list of federal natural resource planning assistance programs requires a deliberate structuring of state institutions for the purpose of achieving integration of functional programs -- for land, water, air, recreation resources, etc. There is also an urgent need for integration at an interstate level, in which interstate considerations are carefully analyzed, and in which the natural resources management activities of federal agencies are closely linked with the objectives and programs developed by the states.

These, then, are some of the general features, opportunities and problems of these natural resource programs. The following analysis deals more specifically with the planning aspects of the final or most recent version of each bill--the responsible agencies, planning requirements, funding, schedules, and, where appropriate, special inducements to carry out planning.

At the conclusion of the chapter, the regional and interstate requirements of the water quality, coastal zone and land use legislation are presented according to type of planning function.

The language of the bills emphasizes the importance of comprehensive resource planning and provides for continuous review by the lead federal agencies to assure that each state is making real progress toward both developing a workable plan and implementing it.

The specific planning programs called for in the legislation are:

Water Quality Amendments:

- Comprehensive pollution control plans for basins;
- State water pollution control programs, which include plans;
- Areawide waste treatment management plans, for areas with substantial water quality control problems;
- Level B comprehensive river basin plans, of the Water Resources Council;
- State planning processes or inventories.

Land Use:

- State land use planning processes and programs.

Coastal Zone:

- State coastal zone management programs.

Rural Development:

- Local and statewide rural water and waste disposal plans;
- Comprehensive plans for rural development;
- Soil, water and related resource inventory and monitoring program.

In the water quality and coastal zone acts, the House and Senate have agreed on compromise versions which subsequently have become law. These are presented in their final versions. Both a House and Senate version exist for the Land Use bill. Therefore for quick comparison of both similar and differing provisions, the analysis of the land use bill is arranged on facing pages, with the House language on the left hand page and the Senate on the right. For each planning program, the analysis sets out:

1. the agency responsible for planning;
2. specific requirements for planning;
3. funding amounts and channels;
4. schedules;
5. special inducements to carry out planning (where appropriate); and
6. additional mechanisms for coordination of state plans with the plans and activities of the federal government (where provided).

#### Status of the Legislation

As of this writing (October 30, 1972) the status of the pending legislation is as follows:

Water Quality Amendments. The Federal Water Pollution Control Act Amendments of 1972 became Public Law 92-500 on October 18, 1972.

Land Use Bills. The Senate land use bill (S. 632) was passed but the House version (HR. 7211) was not.

Coastal Zone Bills. The Coastal Zone Management Act of 1972 became Public Law 92-583 on October 27, 1972.

Rural Development Act. The Rural Development Act became Public Law 92-419 on August 30, 1972.

Power Plant Siting. The Power Plant Siting legislation was not passed by the 92nd Congress.

## Water Quality Amendments

Introduction. The final version of the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500) calls for the preparation of several types of plans to meet the goal or policy of eliminating the discharge of pollutants into navigable waters by 1985. The law declares it national policy that areawide waste treatment management planning processes be developed and implemented in each state. Congressional policy recognizes, preserves, and protects the primary responsibilities and rights of the states to plan for the development and use, including restoration, preservation, and enhancement of land and water resources. In order to achieve the policy objectives, federal technical services and financial aid to state and interstate agencies and municipalities in connection with the prevention, reduction, or elimination of pollution in navigable waters is provided.

The Amendments call for the following (by section within the Act):

- comprehensive pollution control plans by basin (Sec. 102);
- a state pollution control program (Sec. 106);
- a state planning process (Sec. 303(e)), to include:
  - areawide waste treatment management plans (Sec. 208),
  - level B river basin plans (Sec. 209); and
- a report on the water quality of the state's navigable waters (Sec. 305(b)).

These processes, plans, and programs are set out in varying levels of detail. Also, some requirements appear to overlap: for example, comprehensive pollution control plans for basins

must include recommendations for treatment works and methods for financing them; areawide waste treatment management plans for areas with substantial water quality control problems must identify necessary treatment works and methods of carrying out the plan including financing. However, there is provision for assuring that these two types of plans are consistent with each other.

The following sets out the details of the provisions for planning in the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500):



Water Quality Amendments  
Sec. 102

Comprehensive Programs for Water Pollution Control,  
Including River Basin Plans (Sec. 102)

Sec. 102 extends current Section 3 authority for the EPA to conduct comprehensive water quality management planning and to make grants to planning agencies to prepare basin plans.

1. Responsible Agencies:

The Administrator, in cooperation with other federal agencies, State water pollution control agencies, interstate agencies, and municipalities and industries involved, shall prepare or develop comprehensive programs for preventing, reducing or eliminating the pollution of navigable waters and ground waters and improving the sanitary condition of surface and underground waters.

Planning agencies are to prepare comprehensive pollution control plans for basins, which include rivers and their tributaries, streams, coastal waters, sounds, estuaries, bays, lakes, and portions thereof, as well as lands drained thereby.

Planning agencies are eligible for EPA funding if they provide for adequate representation of appropriate state, interstate, local, or when appropriate, international interests in the planning area; and are capable of developing the plan.

2. Program and Planning Provisions:

The comprehensive programs should give due regard to improvements necessary to conserve waters for public water supply, propagation of fish and aquatic life and of wildlife, recreational purposes, and agricultural, industrial and other purposes.

Water Quality Amendments  
Sec. 102

2. Planning Provisions (cont.):

While consideration for storage for regulating streamflow for water quality control may be included in a federal reservoir or impoundment project, storage or water release should not be considered a substitute for proper treatment or waste control.

Basin plans are to:

- a. be consistent with applicable water quality standards, effluent or other limitations, and thermal discharge regulations established pursuant to current law in the basin;
- b. recommend such treatment works as will provide the most effective and economical means of collection, storage, treatment and elimination of pollutants and recommend means to encourage both municipal and industrial use of such works;
- c. recommend maintenance and improvement of water quality in the basin and recommend methods of adequately financing facilities necessary to implement the plan; and
- d. be developed in cooperation with and consistent with any comprehensive plans prepared by WRC, any areawide waste management plan developed pursuant to Sec. 208, and any state plan developed pursuant to Sec. 303(e).

3. Funding:

At the request of a Governor, or Governors, the Administrator may make a grant to a planning agency for up to 50% of the planning agency's administrative costs for a period of up to 3 years after enactment. Funding appears to be provided in Sec. 517, which contains funding for all sections not otherwise specifically funded. It may also be possible to draw upon Sec. 106 funds for developing the state program.

Water Quality Amendments

Sec. 102

4. Schedule:

No specific schedule for plan development is given, although funding appears to be authorized for fiscal years 1973, 1974, and 1975, to remain available until spent.

5. Inducements:

No special sanctions are imposed.

Water Quality Amendments  
Sec. 106

Pollution Control Programs (Sec. 106)

According to the committee reports, this section substantially increases the federal encouragement and support of state programs authorized under Section 7 of the existing law. The state or interstate agency program developed in compliance with Sec. 106 is expected to describe the relationship between the various program elements required by other portions of the Act, including Sec. 102 basin plans, Sec. 208 areawide plans, Sec. 209 comprehensive river basin plans, and Sec. 303(e) state plans. The Sec. 106 program is to serve as the vehicle for developing a meaningful working relationship between the states, interstate agencies, and the federal government. The House report emphasized that the use of areawide and basin plans as the keystone for much of the state and local water quality management efforts is required to assure effective and efficient use of limited state resources.

1. Responsible Agencies:

The states and interstate agencies receive grants to assist them in carrying out programs for the prevention, reduction and elimination of pollution, including enforcement directly or through appropriate state law enforcement officers or agencies.

2. Program Provisions:

The only detail the state program must include is the establishment and operation of data gathering, analysis, and updating. The state or interstate agency must submit the program for the approval of the EPA Administrator (see item #4 below).

Water Quality Amendments  
Sec. 106

3. Funding:

Grants will be made to the responsible agency based on either the regulations of the Administrator which are themselves based on the extent of the pollution problem in the state, or on reasonable costs of developing and carrying out a pollution program, whichever is less.

FY 1973	\$60 million
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FY 1974	75 million
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These funds may be used for any reasonable expenses including enforcement and permit programs.

4. Schedule:

Within 120 days after enactment (Feb. 15, 1973), the responsible agency must submit to the EPA Administrator a summary report of the current status of the state pollution control program, and whatever additional data the Administrator may require.

Thereafter, by July 1 of each year, the program itself must be submitted to the Administrator for his approval.

5. Inducements:

The responsible agency must maintain expenditures of non-federal funds at a level of at least as much as in fiscal year 1971.

Water Quality Amendments  
Sec. 208

Areawide Waste Treatment Management Plans (Sec. 208)

1. Responsible Agencies:

A single representative organization is to be designated by the Governors as capable of developing effective plans for its area. For an intrastate area, the planning organizations is to include elected officials from local governments and other appropriate individuals capable of developing a plan. For an interstate area, the Governors of the respective states shall designate a single representative organization capable of developing effective area-wide waste treatment management plans for such an area. The state or interstate areas are to be identified by the Governors according to EPA guidelines, and are defined as those with substantial water quality control problems.

2. Planning Provisions:

Sec. 208 areawide waste treatment management plans are required as part of a planning process to provide a management concept coordinating the many separate requirements of the Act. The planning has several significant steps and requirements:

- a. The Administrator will issue guidelines to identify areas which, as a result of urban-industrial concentrations have substantial water quality control problems;
- b. The Governor of each state is to designate areas requiring areawide planning and appoint a single representative planning agency for each area;
- c. Within 1 year after the planning agency is designated the planning process must be in operation.
- d. The initial plan prepared in accordance with such process shall be certified by the Governor and submitted to the Administrator not later than 2 years after the planning process is in operation.

Water Quality Amendments  
Sec. 208

2. Planning Provisions (cont.):

e. The plan itself must include:

- (1) identification of treatment works needed to meet municipal and industrial waste treatment needs over a 20-year period;
- (2) establishment of construction priorities for treatment works and time schedules for initiation and completion of treatment works;
- (3) establishment of a regulatory program to implement waste treatment management requirements, regulate location, modification and construction of facilities which may discharge pollutants, and assure that any industrial or commercial wastes discharged into treatment works meet applicable pretreatment requirements;
- (4) identification of agencies necessary to construct, operate and maintain treatment facilities;
- (5) identification of the measures necessary to carry out the plan including financing, the period of time necessary to carry out the plan, and costs of carrying out the plan and the economic, social, and environmental impact of carrying out the plan on schedule;
- (6) a process to identify agriculturally and silviculturally related nonpoint sources of pollution and set forth procedures and methods to control such sources;
- (7) a process to identify mine related sources of pollution and set forth procedures and methods to control these sources;
- (8) a process to identify construction activities and related sources of pollution and procedures and methods for their control;
- (9) a process to identify salt water intrusion into rivers, lakes, and estuaries resulting from reduction of fresh water flow and set forth procedures and methods to control such intrusion;
- (10) a process to control the disposition of all residual waste generated in such area which could affect water quality; and
- (11) a process to control the disposal of pollutants on land or in subsurface excavations within such area to protect ground and surface water quality.

Water Quality Amendments  
 Sec. 208

2. Planning Provisions (cont.):

- f. The planning process must be consistent with Sec. 201 which calls for application of the best practicable waste treatment technology before discharge, including re-claiming and recycling water, and confined disposal of pollutants.
- g. The Army Corps of Engineers is authorized to provide technical assistance to planning agencies.
- h. The Governors shall certify annually that areawide plans are consistent with basin plans.
- i. As part of the planning process and at the time a plan is submitted to the Administrator for his approval the Governor is to designate one or more waste treatment management agencies to implement the plan. This will be the agency to receive and spend federal grants for construction of waste treatment facilities.

3. Funding:

The Administrator shall make grants to planning agencies to cover reasonable costs of meeting the planning provisions shown in item #2, preceeding.

<u>FY</u>	<u>\$</u>	<u>% costs covered</u>	<u>Army</u>
1973	\$50 mill.	100%	\$50 mill.
1974	100 mill.	100	50 mill.
1975	150 mill.	100	(to support
1976	--	75	provision of
1977	--	75	technical
		(and there-	assistance to
		after)	the planning
			agency)



Water Quality Amendments  
Sec. 208

4. Schedule:

The planning process must be underway within 1-3/4 years of enactment and the plan prepared within 3-3/4 years. This schedule is based on five deadlines shown in the bill:

- a. the Administrator must publish guidelines on planning areas within 90 days of enactment (Jan. 16, 1973);
- b. the Governor of each State, within 60 days after publication of the guidelines (March 17, 1973), shall identify each area within the State which has substantial water quality control problems;
- c. the Governor shall designate the boundaries of each such area and a single representative organization, including the elected officials from local governments or their designees, capable of developing effective waste treatment management plans for such area within 120 days after the identification of such areas (July 15, 1973);
- d. 1 year after the planning agency is designated (July 15, 1974), the planning process must be in operation;
- e. 2 years after the planning process is in operation (July 15, 1976), the plan must be prepared, certified by the Governor, and submitted to the Administrator.

5. Inducements:

After the plan is approved, no construction grants will be authorized unless the treatment works are in conformance with the areawide plan.

Water Quality Amendments  
Sec. 209

Level B Comprehensive River Basin Plans (Sec. 209)

1. Responsible Agency:

The President, acting through the Water Resources Council, is directed to prepare level B plans.

2. Planning Provisions:

Level B comprehensive river basin plans, under the Water Resources Planning Act of 1965, are to be developed for all basins in the country, with priority given to those basins within areas designated in Sec. 208 as having substantial water quality control problems.

3. Funding:

Not more than \$200 million.

4. Schedule:

Plans are to be developed as soon as is practicable, and no later than January 1, 1980.

5. Inducements:

No special sanctions.

Water Quality Amendments  
Sec. 303(e)

State Planning Processes (Sec. 303(e))

1. Responsible Agencies:

The state, with the approval of the EPA Administrator.

2. Planning Provisions:

Planning processes are those which result in plans for all the navigable waters in the state, and which include:

- a. effluent limitations and schedules;
- b. incorporation of all elements of applicable areawide waste treatment management plans under Sec. 208, and applicable basin plans under Sec. 209 (Sec. 102 basin plans are not mentioned here);
- c. total maximum daily load for pollutants;
- d. procedures for revision;
- e. adequate authority for intergovernmental cooperation;
- f. adequate implementation, including schedules of compliance for revised or new water quality standards;
- g. controls over the disposition of all residual waste from water treatment processing; and
- h. inventory and ranking, in order of priority, of needs for construction of waste treatment works.

3. Funding:

Funding for Sec. 303(e) appears to be included in Sec. 517, which authorizes monies for all sections not specifically funded.

4. Schedule:

The state must submit its proposed planning process to the Administrator within 120 days after enactment (Feb. 15, 1973); it must be

Water Quality Amendments  
Sec. 303(e)

4. Schedule (cont.):

approved or disapproved within 30 days after that (March 17, 1973).

The Administrator shall review the process "from time to time."

5. Inducements:

The planning process must be approved in order for the Title IV permit program to be approved by the Administrator.

Water Quality Amendments  
Sec. 305(b)

State Water Quality Inventory (Sec. 305(b))

1. Responsible Agency:

The state.

2. Planning Provisions:

Each state must prepare a report which:

- a. describes the water quality of all navigable waters in the state;
- b. analyzes the extent to which all navigable waters provide for the protection and propagation of a balanced population of shellfish, fish and wildlife, and allow recreational activities in and on the water;
- c. analyzes the extent to which the elimination of the discharge of pollutants and level of water quality for fish recreation, have been or will be achieved by the requirements of the Act, together with recommendations as to additional action necessary to achieve the objectives;
- d. estimates environmental impact, economic and social costs necessary to achieve the Act's objectives, the economic and social benefits, and an estimate of the data of such achievement; and
- e. describes the nature and extent of non-point sources of pollutants, and recommends programs to control them including program costs.

3. Funding:

Funding appears to be provided in Sec. 517, which authorizes monies for all sections not specifically funded.

4. Schedule:

The first report is to be submitted to the EPA Administrator by January 1, 1975. Subsequent reports are to be submitted annually.

Water Quality Amendments  
Sec. 305(b)

5. Inducements:

Beginning in fiscal year 1974, a state must begin work on its report to be eligible for Sec. 106 grants.

### Coastal Zone Management Act

Introduction. The final version of the Coastal Zone Management Act of 1972 (PL 92-583) declares it national policy to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the preparation and implementation of management programs. It gives specific requirements for the management programs, which will provide objectives, policies, and standards to guide coastal zone decision-making. In addition, the Act specifies that these programs include an organizational structure to implement the program. The federal administrating authority remains in the Department of Commerce (National Oceanic and Atmospheric Administration); however, prior to approval of any program, the Secretary of Commerce must obtain the concurrence of the Secretary of the Interior, or such other federal official as may be designated to administer the national land use program, with respect to that portion of the coastal zone management program affecting such inland areas.

Coastal Zone  
Sec. 305 and  
Sec. 306

State Coastal Zone Management Program Development and Administration (Sec. 305 and Sec. 306)

1. Responsible Agencies:

The state is responsible for developing and administering the state coastal zone management program. While a single agency must be named to implement the program, there is no similar language requiring naming of a single agency to be responsible to develop the program. For the purposes of this Act, an eligible state is one which borders on the Atlantic, Pacific, Arctic, Gulf of Mexico, Long Island Sound, and the Great Lakes (i. e. 30 states), plus Puerto Rico, Guam, the Virgin Islands, and American Samoa.

With approval of the Secretary of Commerce, the state may transfer portions of a management program development grant to a local government, and areawide agency designated under Sec. 204 of the Demonstration Cities and Metropolitan Development Act, or to an interstate agency to carry out the program development provisions in the Act.

The Senate Committee report adds that the transfer provision permits regional economic development commissions, whose jurisdiction includes the coastal zone of certain states, to assist the states in the planning.

2. Planning Provisions:

The Secretary of Commerce is authorized to make annual grants to any coastal state to develop a management program for the land and water resources of its coastal zone (Sec. 305). Prior to approval of any program, the Secretary of Commerce must obtain the concurrence of the Secretary of the Interior, or such other Federal official as may be designated to administer the national land use program, with respect to that portion of the coastal zone manage-



Coastal Zone  
Sec. 305 and  
Sec. 306

2. Planning Provisions (cont.):

ment program affecting such inland areas (Sec. 307(g)). Upon final approval of the management program the Secretary of Commerce is further authorized to make grants to the state to administer the state's management program (Sec. 306).

The Act defines a "management program" as "a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the state in accordance with the provisions of this title, setting forth objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone."

A management program, which may be developed and adopted in segments, is to include:

- a. identification of the coastal zone boundaries;
- b. definition of permissible land and water uses to prevent adverse impact;
- c. inventory and designation of areas of particular concern;
- d. identification of state legal and constitutional authority to control land and water uses;
- e. guidelines on priority of uses; and
- f. description of the organizational structure of implementation.

In addition the management program must provide for:

1. adequate consideration of the national interest in siting facilities of greater than local nature; and
2. designation of areas to be preserved or restored.

Coastal Zone  
Sec. 305 and  
Sec. 306

2. Planning Provisions (cont.):

Further the Act requires that the state must show that:

- a. it has developed a program according to the rules and regulations of the Secretary; and has provided full opportunity for participation by relevant federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties public and private; and particularly that views of federal agencies principally affected be adequately considered;
- b. it has coordinated with applicable local, areawide and interstate plans;
- c. it has an effective mechanism for continuing consultation and coordination between the management agency and local governments, interstate agencies, and areawide agencies to assure their full participation in carrying out the bill;
- d. it has held hearings on the program during its development;
- e. the Governor has approved the program;
- f. the Governor has designated a single agency to receiving and administering the grants for implementing the program; and
- g. it is organized to implement the program with the opportunity for participation shown above.

For final approval of its management program, the state must also show that:

1. it has authority, acting through its chosen agency or agencies including local governments, interstate and areawide agencies to:
  - (a) administer land and water use regulations, control development, resolve conflicts among competing uses;
  - (b) acquire interests in land, water and other property;

Coastal Zone  
Sec. 305 and  
Sec. 306

2. Planning Provisions (cont.):
  2. it can call upon any one or combination of these techniques:
    - (a) state criteria and standards for local implementation;
    - (b) direct state land and water use planning and regulations;
    - (c) state review of all plans, projects and regulations of state, local authority or private developer with power to approve or disapprove;
  3. it has a method of assuring that local regulations do not exclude uses of regional benefit.

Further insight may be gained from the committee reports.

The Senate committee report lists the following elements of inclusion in the program:

- tides and currents, including their effect upon beaches and other shoreline areas;
- floods and flood damage prevention;
- erosion, land stability, climatology, and meteorology;
- ecology, including estuarine habitats of fish, shellfish, and wildlife;
- recreation, including beaches, parks, wildlife preserves, sport fishing, swimming, and pleasure boating;
- open space, including educational and natural preserves, scenic beauty, and public access to the coastline and coastal and estuarine areas, both visual and physical;
- navigation;
- commercial fishing;
- present uses, known proposals for changes, and long-term requirements;

Coastal Zone  
Sec. 305 and  
Sec. 306

2. Planning Provisions (cont.):

- present ownerships, including administration of publicly owned properties;
- present laws and regulations on land and water uses, and activities by all levels of government;
- present population and future trends, including impact on population growth on the coastal and estuarine zone environments; and
- such other factors as may be considered relevant.

The House Committee report has a slightly different list of elements for inclusion in the program:

- recreation
- transportation
- housing
- fishing
- power
- communication
- industry
- mineral resource needs
- protective requirements for water quality, fish and wildlife habitats, open space, and esthetic values;
- present and long-range use requirements which will not foreclose all options for future generations;
- flood control and shoreline erosion prevention;
- all other matters impinging upon coastal zone resource conservation "in the best sense of the word."

Coastal Zone  
 Sec. 305 and  
 Sec. 306

3. Funding (Program Development - Sec. 305):

<u>FY</u>	<u>\$ (in millions)</u>	<u>% of state costs</u>
1973	9	66 2/3
1974	9	66 2/3
1975	9	66 2/3
1976	9	66 2/3
1977	9	66 2/3

Grants may be no more than 10 percent (\$900,000) nor less than 1 percent (\$90,000) of the amount of appropriated grants for that year.

These grants terminate upon final approval of the state's management program by the Secretary.

Each state may receive no more than three annual grants for program development.

Funding (Program Administration - Sec. 306)

<u>FY</u>	<u>\$ (in millions)</u>	<u>% of state costs</u>
1974	30	66 2/3
1975	30	66 2/3
1976	30	66 2/3
1977	30	66 2/3

Annual administrative grants may be for no more than 10 percent (\$3 million) nor less than 1 percent (\$300,000) of the amount of appropriated grants for that year.

Coastal Zone  
Sec. 305 and  
Sec. 306

4. Schedule:

There is no specific schedule for developing a state coastal zone management program but the authority to make grants for program development expires June 30, 1977. There is no specific schedule for administration of the program.

5. Inducements:

Once a state has developed its management program (Sec. 305) and the program is approved by the Secretary, the state becomes eligible for grants under Sec. 306.

After final approval by the Secretary of a state's management program, any applicant for a required federal license or permit to conduct an activity affecting land or water uses in the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state or its designated agency a copy of the certification, with all necessary information and data.

Coastal Zone  
Sec. 312

Estuarine Sanctuaries (Sec. 312)

The Secretary is authorized to make available to a coastal state grants of up to 50 percent of the costs of acquisition, development, and operation of estuarine sanctuaries for the purpose of creating national field laboratories to gather data and make studies of the natural and human processes occurring within the estuaries of the coastal zone. The Federal share of the cost for each such sanctuary shall not exceed \$2,000,000. Funds for fiscal year 1974 shall not exceed \$6,000,000.

### The Rural Development Act of 1972

The Rural Development Act of 1972 contains a number of amendments to existing federal legislation and new provisions for rural community and development programs. Its significance for natural resources planning at the State and federal levels is embodied in amendments to two pieces of existing legislation and may prove to be complementary to a number of regional and state programs in the New England Region. In essence, one amendment extends the planning period and increases the amount of money authorized for Farmers Home Administration water and waste disposal planning grants; another directs the Secretary of Agriculture to prepare periodic analyses of soil, water and related resources conditions.

Title I of the Act represents a series of amendments to the Consolidated Farmers Home Administration Act of 1961. For example, Section 105 authorizes \$300,000,000 in grants for rural water and waste disposal systems. Section 106 specifies, among other items, that no grant shall be made for a system unless it is consistent with a comprehensive community water, waste disposal, or other development plan of the rural area and is not inconsistent with any planned development provided in any State, multi-jurisdictional, county, or municipal plan approved by "competent authority for the area." All applications for grants must now be submitted for substate A-95 review. Section 107 extends the 1961 Act for another two years, through 1973.

Section 108 concerns water and waste disposal planning grants, authorizing \$30,000,000 during the period in which grants can be



## Rural Development Act of 1972

made. Significantly, the same section also redefined 'rural area' for planning grant purposes as any city or town with less than ten thousand inhabitants, or all territory of a state "that is not within the outer boundary of any city having a population of fifty thousand or more and its immediately adjacent urbanized and urbanizing areas with a population density of more than one hundred people per square mile." Special consideration is to go to those areas other than cities having more than 25,000 inhabitants.

Section 111 of Title I amends the 1961 Act to permit the Secretary of Agriculture to make grants to public bodies or such other agencies as he may select to prepare comprehensive plans for rural development or such aspects of rural development as he may specify. The amendment also authorizes a maximum of \$10,000,000 annually for this purpose. Guidelines for plan preparation, a schedule for the planning program, matching conditions or inducements are not contained in the legislation.

Title III of the Rural Development Act contains amendments to the Bankhead-Jones Farm Tenant Act, as amended. Section 302 directs the Secretary of Agriculture "to carry out a land inventory and monitoring program to include, but not be limited to, studies and surveys of erosion and sediment damages, flood plain identification and utilization, land use changes and trends, and degradation of the environment resulting from improper use of soil, water and related resources." It also provides that a land inventory report will be issued by the Secretary at not less than five-year intervals which shall reflect soil, water, and related resource conditions. The legislation does not state the method or geographic

## Rural Development Act of 1972

detail to be utilized in this inventory. Its primary aim is to provide resource data which can serve as input into land conservation, use and development programs, and which will identify prime agricultural producing areas to be protected.

A rural planning effort for the New England Region would be most beneficial in assisting other regional efforts evaluating present resource conditions. Among other items, guidelines formulated for carrying out provisions of this act should be integrated with those of other federal resource programs. The planning efforts should also be appropriately coordinated among the region's states and their various natural resource programs.

## Land Use Bills

Introduction. The House and Senate land use bills reaffirm the constitutional responsibilities of the states to plan and manage their land resources and authorize federal assistance to the states for land use planning. The House bill calls for the development of state land use planning processes; the Senate bill for land use planning processes and programs.

State land use plans (the processes and programs) are to focus on identifying certain kinds of lands (critical environmental areas) and certain kinds of land uses (large-scale developments, key facilities, etc.) of more than local significance, and on developing provisions and authorities for controlling development in these critical situations, either directly or by state veto of local actions.

## House Land Use

### State Land Use Planning Processes

#### 1. Responsible Agencies:

Each state is responsible for developing a state land use planning process. For the purposes of the Act, a state may mean any one of the 50 states, plus Puerto Rico, Guam, American Samoa, and the Virgin Islands. (The District of Columbia is not included.)

In order to receive grants, each state must designate an eligible state land use planning agency. Such an agency is one which is established by the Governor or by law and which has the following:

- a. primary authority and responsibility for developing and administering a comprehensive land use planning process; and
- b. competent interdisciplinary professional and technical staff, plus consultant services.

States may delegate planning authority and responsibility for planning or land use control to other state, regional, or local governmental entities, as long as decisions of substantial impact beyond their boundaries are subject to state review.

State Land Use Planning Processes and Programs

1. Responsible Agencies:

Each state is responsible for developing a state land use planning process and program. For the purposes of the Act, a state may mean any one of the 50 states, District of Columbia, Puerto Rico, and any U.S. territory or possession.

Each state must designate an eligible state land use planning agency. Such an agency is to be designated as part of the planning process, is to be established by the Governor or by law, and has the following:

- a. primary authority and responsibility for developing and administering the state land use program; and
- b. competent and adequate interdisciplinary professional and technical staff, plus consultant services.

These two requirements are the same as those in the House bill. In addition, the Senate bill requires the eligible agency to be one which:

- c. gives priority to developing a data base for the land use process;
- d. coordinates its work with:
  - (1) planning of all state agencies undertaking federally supported planning programs related to land use;
  - (2) state agency regulatory activities;
  - (3) all other relevant planning activities of state agencies;
  - (4) planning activities of Sec 204 areawide agencies, local governments, and federal agencies.
- e. has authority to conduct hearings; and
- f. has authority to make land use information available to the public.

Senate Land Use

1. Responsible Agencies (cont.):

g. is advised by an advisory council which shall:

- (1) be composed of chief elected officials of local governments in urban and nonurban areas. They shall serve terms of two years;
- (2) be headed by a chairman appointed by the Governor from among the members;
- (3) comment on state guidelines, rules and regulations to be promulgated;
- (4) participate in the development of the statewide land use process and state land use program;
- (5) make formal comments on annual reports which the agency shall prepare to detail all activities in the state conducted by the state government and local governments.

The Senate bill neither authorizes nor denies transfer of planning authority to other governmental agencies.

## House Land Use

### 2. Planning Provisions:

The House Committee report distinguishes between development of state plans and state planning processes, calling processes less restrictive than plans. Public land management agencies are to develop land use plans for the public lands which have one landowner directed by Congress, but states are to develop state land use planning processes since "... there are many landowners involved (who are) unaccustomed to living under the restrictions land use plans may impose. This matter is left to the respective states, but the bill provides incentives to move ahead ..."

A state land use planning process is one which takes into account all land and other natural resources in the state and provides for:

- a. development of an adequate data base;
- b. coordination of planning and regulatory activities of state agencies, and the planning activities of areawide, interstate, local and federal agencies;
- c. consideration of various conditions, needs, projections, and unique characteristics including ecological, environmental, geological, hydrological and physical conditions that influence land development; recreation needs as shown in the state outdoor recreation plan; and the nature and quantity of land to be used or suitable for agriculture and forestry, industry including mining, transportation and utility facilities, urban development, rural development, health and other services;
- d. substantial and meaningful public involvement and continued participation by local governments;
- e. cooperative planning of federal lands;
- f. technical assistance and training; and

2. Planning Provisions:

According to the Senate committee report, the Senate bill does not require comprehensive statewide planning. Rather, it singles out the most critical and far-reaching land use activities -- those which provide the framework, structure and major influences in shaping local, regional and state land use patterns -- and provides assistance to the states to focus available resources and planning expertise on these activities.

First, the state is to develop a state land use planning process consisting of adequate funding, staff, data base, and state planning agency. Then, the state is to develop a state land use program which concentrates on four categories of critical areas and uses of more than local concern.

Specifically, the state land use planning process is to include:

- a. an inventory of the state's land and natural resources;
- b. economic, demographic, environmental data;
- c. land use needs for recreation, aesthetics, agriculture, mineral development, forestry, industry, commerce including power, transportation, urban development, rural development, health and other services;
- d. an inventory of environmental, geological, physical conditions which includes land use;
- e. needs concerning federal lands;
- f. institutional and financial resources for planning and management; and state and local programs which have land use impact of more than local concern;
- g. a method of identifying large-scale development and development and land use of regional benefit;
- h. a method of inventorying and designating areas of critical environmental concern and areas which are, or may be, impacted by key facilities;



## House Land Use

### 2. Planning Provisions (cont.):

#### g. methods to:

- (1) identify and control land use in areas of critical environmental concern; prevent actions in disregard of the planning process; assure that laws and regulations are in accord with the process; assure that those laws affecting coastal zones and estuaries take into account wetlands values and susceptibility to destruction;
- (2) identify and control land use in areas impacted by key facilities;
- (3) assure that local regulations do not unreasonably restrict development and land use of regional or national benefit;
- (4) assure that federal areas are not damaged or degraded;
- (5) regulate new subdivisions and developments to assure that improvements are adequate to serve projected needs, adequate financing to complete and maintain the improvements, and that overall design is adequate to prevent damage by natural occurrences;
- (6) control large-scale development of more than local significance;
- (7) control use of land around new communities and develop policy for influencing location of new communities.

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The state land use planning process as called for in the House bill includes elements of both the Senate's planning process and program; the House planning process is not followed by a separate planning program.

2. Planning Provisions (cont.):
  - i. provision for technical assistance and training programs for state and local land use programs;
  - j. arrangements for exchanging land use information at federal, interstate, state, and local, and public levels;
  - k. a method for coordinating programs and services of all state and local agencies affecting land use;
  - l. the conducting of hearings, and preparation of reports;
  - m. opportunities for participation by public and representatives of local governments in the planning process and in the formulation of guidelines, rules, and regulations for the administration of the planning process;
  - n. consideration of interstate aspects of land use issues involving two or more states;
  - o. designation of a state planning agency.

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After the state land use planning process is completed, the state must develop a land use planning program to include the planning process, plus methods for implementing:

- a. state authority over land use and development in areas of critical environmental concern;
- b. state authority over use of land impacted by key facilities plus authority over site location and location of key facilities;
- c. state authority over large-scale subdivisions and other large-scale development;
- d. pollution standards;
- e. revision of the land use program;
- f. dissemination of information to local governments and the public;
- g. coordination of management plans for land and water resources of any coastal zone within the state.

2. Planning Provisions (cont.):

Selection of methods of implementation will be made to encourage employment of land use controls by local governments. The above methods may be carried out through direct state land use planning and regulation, and/or through state review of local governmental plans and regulations.

In addition the bill states that:

1. any method of implementation employed by the state shall include the state's authority to prohibit under state police powers, the use of land within areas identified in the state land use program for purposes inconsistent with requirements of the state land use program;
2. any method of implementation employed by the state shall include administrative appeal procedures for resolution of conflicts over decision or action of a local government for any area or use under the state land use program and over any decision or action by the government or state land use planning agency in the development of or pursuant to the state land use program. This includes representation on an appeals body which will include among others the aggrieved party and local or state government responsible for the decision or action;
3. any person having a legal interest in land which the state has prohibited or restricted the full use and enjoyment of may petition a court of competent jurisdiction to determine if the use of the property is diminished so as to require compensation for the loss and the amount of compensation due.

No formal procedure or guidelines were included in either the land use process or land use program for carrying out the last item.

House Land Use

3. Funding:	<u>FY</u>	<u>\$ (in millions)</u>	<u>% state costs</u>
	1973	--	--
	1974	54	90
	1975	45	75
	1976	45	75
	1977	30	50
	1978	30	50

Federal funds are to support both development and implementation of state land use processes, and are not to be used for land acquisition.

Amounts paid to the states will be estimated by the Secretary of the Interior prior to the beginning of each calendar quarter, or other period, and adjustments are made at the following quarter when necessary.

2. Planning Provisions (cont.):

In addition, the program must show that:

- a. areas of critical environmental concern include areas of major national significance which require special planning and management;
- b. the state is demonstrating good faith efforts to implement the program;
- c. state laws, regulations, and criteria affecting the land use program are consistent with the program itself;
- d. the program has been reviewed and approved by the Governor;
- e. the state has coordinated the program with state; federal; local; and state and local agencies in other states for interstate areas; and the public;
- f. the state makes use of procedures in Sec. 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and Title IV of the Intergovernmental Cooperation Act of 1968, to advise the federal government whether federal or federally supported projects are consistent with the state land use program; and the state is participating in programs provided for in Sec. 701 of the Housing Act of 1954, as amended.

3. Funding:	<u>FY</u>	<u>\$ (in millions)</u>	<u>% state costs</u>
	1	40	66 2/3
	2	40	66 2/3
	3	30	50
	4	30	50
	5	30	50

Federal funds should not be used for land acquisition, and should increase, , not replace state funds available for state land use planning activities. The federal grants are to support both development and implementation of state processes and programs.

The payment process is the same as in the House bill, described opposite.

## House Land Use

### 4. Schedule:

There are no specific deadlines for developing the state land use planning processes, but penalties go into effect beginning July 1, 1976, if states are not eligible for grants (see item #5 below).

### 5. Inducements:

Sanctions imposed are similar to those in the Senate bill (described opposite) with 7% withholding in FY 1977, 14% in FY 1978, and 21% in FY 1979, and thereafter.

Funds withheld return to the aggregate of funds to be reallocated to states that do have eligible state land use processes.

Federal Highway funds withheld are exclusive of those for planning and research but do include Interstate Highway funds.

For the New England states and New York, sample amounts of withholding at a 7% annual rate range from \$1,969,000 for Vermont to \$26,907,000 for New York.

### 6. Additional Means of Coordinating Land Use Activities:

In addition to the provisions of the state land use processes, the bill calls for creation of several new organizations, and the study of others.

a. Office of Land Use Policy and Planning Administration to be established in the Department of the Interior, and to be independent of any existing mission-oriented bureaus or agencies. Members include a Director, appointed by the President, and other officers and employees as may be required.

The Office is to have the following duties:

- (1) to cooperate with the states, local government, and interstate agencies in developing standard methods for collection, classification, and dissemination of data;

4. Schedule:

The planning process must be developed within 3 years of enactment, and the program within 5 years of enactment.

5. Inducements:

No sanctions are mentioned in the latest version of the Senate bill. The penalties included in the original version were all deleted.

6. Additional Means of Coordinating Land Use Activities:

As in the House bill, the Senate bill calls for creation of several new organizations, and the study of others.

a. Office of Land Use Policy Administration with the same members and duties as shown in the House bill (opposite and following page). The Senate bill calls for one additional duty of the Office:

(7) to maintain a continuing study of the land resources of the United States and their uses.

## House Land Use

### 6a. Office of Land Use Policy and Planning Administration (cont.):

- (2) to develop and maintain a federal land use information and data center to transmit land use data between federal agencies and to the states, local governments and the public;
- (3) to consult with other officials of the federal government responsible for administration of federal land use planning assistance programs to states, local governments, and other eligible agencies in order to coordinate the programs;
- (4) to administer the grant-in-aid program;
- (5) to provide administrative support for the National Land Use Board; and
- (6) other duties and responsibilities as assigned by the Secretary of Interior.

b. National Land Use Policy and Planning Board, with administrative support provided by the Office of Land Use Policy. Members include the Director of the Office of Land Use Policy (as Chairman), and representatives of Agriculture, Commerce, Defense, HEW, HUD, Transportation, EPA, the Water Resources Council, and other federal agencies as requested by the Secretary of the Interior.

The Board has the following duties:

- (1) to inform and advise Secretary on the relationship of the national land use policy to the other programs of the agencies on the board;
- (2) to advise the Secretary plus agencies who are preparing rules and regulations, including those on federal lands;
- (3) to assist the Secretary and agencies on the board in coordinating the review of state land use processes;
- (4) to advise on policy where the Secretary requests;
- (5) to report on policy matters introduced by representatives on the Board; and
- (6) to exert effort to assure development of consistent land use plans by public land management agencies.



b. National Advisory Board on Land Use Policy, with administrative support provided by the Office of Land Use Policy. Members are essentially the same as for the House Board, with the following exceptions: the Water Resources Council is not included, and there are added the AEC as a member, and as observers: CEQ, FPC, and OMB.

The duties of the Board are essentially the same as those shown in the House bill (opposite) with the following specific differences:

- (1) same
- (2) to advise the Secretary plus agencies who are preparing rules and regulations;
- (3) to assist the Secretary and agencies in the Board in coordinating the review of state land use processes and programs;
- (4) same
- (5) same
- (6) not included in the Senate bill.

## House Land Use

c. Other Advisory Committees are provided for in the House bill. It does not include the Ad Hoc Federal-State Joint Committees of the Senate bill, but does authorize citizen advisory committees to represent citizen interests in public lands and to advise federal agencies. The committees advise the following departments:

- (1) Agriculture: 21 members to be appointed by the Secretary of Agriculture to advise that department;
- (2) Interior: 21 members to be appointed by the Secretary of Interior to advise that department;
- (3) Other: 21 members to be appointed by the President from 5 nominees from each of the following: Defense, DOT, HEW, HUD, Commerce, AEC, EPA.

with the following duties:

- (1) to advise on aspects of problems related to management of public lands;
- (2) to advise on the agency's activities which have an impact on land use planning;
- (3) other.

Local Advisory Councils may also be established to advise federal land management agencies. These may be regional, state, district, or local advisory councils.

6b. National Advisory Board on Land Use Policy (cont.):

The Board will have as advisory members two representatives each from state governments and local governments and one representative each from regional interstate and intrastate entities which have land use planning and management responsibilities. The advisory members will be selected by a majority vote of the Board and each serve for a two-year period.

c. Ad Hoc Federal-State Joint Committees to be set up with two-year terms, and have the following members: Federal agencies having jurisdiction over federal lands; representatives of affected user groups; and officials of affected state agencies and local government. Committees are established by the Secretary at the request of the Governor of any state involved.

Duties include:

- (1) study and recommend resolution of conflict between federal and non-federal lands;
- (2) investigate specific conflicts;
- (3) assist states and the Office of Land Use Policy on uniform methods of collecting, compiling, exchanging, and utilizing land use data; and
- (4) advise the Secretary during the review of state land use programs on opportunities for reducing potential conflict and improving coordination between state programs and federal land planning and management.

## House Land Use

d. Regional Coordination. The House bill also requires that the state land use process be coordinated with the planning activities of all state agencies, areawide agencies, interstate agencies, local governments and federal agencies.

Unlike the Senate bill, states are not specifically authorized to coordinate their planning through interstate agencies and to use their land use funds to do so. Yet the planning process must be coordinated with the land use planning activities of interstate agencies. Instead, the Director of the Land Use Policy Office is to formulate a procedure for coordinating land use planning in a region by the several federal, state, and local governmental departments and agencies, as well as private entities, engaged in activities which affect land use planning.

The House report, while recognizing that "much land use planning may eventually be on a regional basis . . . is not prepared at this time to stipulate what the regional organizations should be." Instead, the Director is authorized and directed to investigate and study the need for and form of regional federal-state-local land use planning coordination councils, and report within three years of enactment to Congress.

d. Interstate Coordination. The Senate committee report states "coordination of land use planning and management in interstate areas is a particularly difficult, but necessary, task if truly effective land use decision-making is to be conducted." To assure strengthening of existing laws, "the state land use program must be coordinated with other planning activities and programs of the federal government, regional entities, other states, state agencies, and local governments."

In support of this policy the bill specifies that the states are authorized to coordinate land use planning processes and programs with appropriate interstate entities, and to use a reasonable portion of their funds to do so. However, an opportunity for participation in the coordination process by federal and local governments and agencies, and members of the public affected by the program must be assured.

In order to coordinate land use planning and programs in interstate areas, the Advisory Commission on Intergovernmental Relations is to review federally established or authorized interstate agencies including, but not limited to river basin commissions, regional development agencies, and interstate compact commissions. The results are to be reported to the Congress within two years of enactment.

### Regional and Interstate Activities Required by New Legislation

There are several planning related functions which must be served on a regional or interstate basis for natural resource programs including those discussed earlier in this chapter. As components of a regional natural resource strategy these functions include:

- (1) provision of a regionwide perspective;
- (2) provision of subregional, or interstate perspectives;
- (3) institutional, functional, and geographical coordination;
- and (4) cooperation and technical assistance.

Both regional and subregional perspectives can be provided through analysis and special studies, plan and program preparation and review functions. Coordination, of course, is a basic regional function for defining and fulfilling a set of regional strategies. Functional geographical and institutional coordination among all governmental and nongovernmental bodies is a necessary feature of an effective federal system. Finally cooperation and the provision of technical services can be provided by an interstate, regional, or federal agency where inefficient or difficult for lower units. Specialized or one-of-a-kind services are an example; so, too, are advisory services, use of technical teams, and centralized information systems.

Chart 3-1 on the following page provides in capsule version an analysis of the water quality, coastal zone and land use bills with respect to their explicit provision for interstate or regionwide activities, by function. It was compiled by extracting selected provisions of the bills described earlier in this chapter. It is clear that these requirements can be met by a combination of existing and potential regional/interstate institutions. It is worthwhile to note that with only minor possible exceptions the existing laws do not specify how the interstate requirements are

to be met. No attempt is made here to analyze those functions appropriate for specific institutions or agencies. Chapter Five addresses this issue more directly, although primarily with emphasis on NERBC's potential contributions to these new resource planning programs. Responsibility for those determinations lie principally with the states. The presentation of Chart 3-1 will hopefully help focus attention on the necessary interstate activities required by the bills and assist the states in determining the most effective means for meeting these requirements.

Chart 3-1 Interstate and Regional Activities Required By Selected Federal Natural Resource Legislation

TYPES OF FUNCTIONS	WATER QUALITY	LAND USE	COASTAL ZONE MANAGEMENT
A. Provision of Regionwide and Interstate Perspective	sec. 102 - development of "comprehensive water quality control plan for (interstate) basin(s)"	- consideration of interstate aspects of land use involving two or more states (Senate); - hand use information from interstate planning activities as input into state programs.	sec. 306 - "adequate consideration of the national interest involving in siting of facilities (of) other than local nature."
1. Regional and Interstate Analysis and Special Studies	sec. 208 - preparation of areawide waste treatment management plans for interstate areas identified as those with "substantial water quality control problems;"	- identification of critical environmental areas, large scale developments, key facilities of more than local significance.	
a. Identification of problems, needs, priorities, and alternative solutions of regional significance			
b. collection, dissemination and undertaking of studies to serve as input into state programs	sec. 209 - preparation of "Level B plan under the Water Resources Planning Act for all basins" (including Interstate), with priority to those with substantial water quality control problems.		
2. Plan and program preparation for comprehensive regional and interstate coordination			
3. Review of federal and state policies, plans and projects to assure consideration of regional and interstate interests			
B. Coordination	sec. 102 - assurance that state plan is developed "in cooperation with, and is consistent with any comprehensive plan prepared by WRC, any areawide waste management plans developed (under) . . . section(s) 208. . . (and) 303(e)."	- coordination of state planning work with planning activities of federal and interstate agencies (Senate version specifies use of portion of state funds for this purpose); - coordination of state program with state and local agencies in other states, for interstate areas (Senate); - coordination of management plans for land and water resources of any coastal zone within the state (Senate); - advisory member representation of each regional interstate entity having land use planning and management responsibilities on National Advisory Board on Land Use Policy (Senate).	sec. 306 - "opportunity of full participation (in state program), by relevant Federal agencies. . . regional organizations. . . and other interested parties, public and private. . ."
1. Functional			
a. integration of federal program administration			
b. coordination of federally supported plans, programs, and policies			
2. Geographical			
3. Institutional	sec. 208 - designation, by Governors, "of boundaries of interstate area(s), having common water quality control problems. . . and of a single representative organization capable of developing. . . plans for such area(s)."		sec. 306 - coordination "with interstate plans," and assurance of an "effective mechanism for continuing consultation and coordination between (state) management agency and . . . Interstate agencies."
a. assistance in establishing new interstate mechanisms			
b. development of intergovernmental planning or coordinating bodies			
C. Cooperation and Technical Assistance	sec. 303(e) - requirement for state planning processes which include "the incorporation of all elements of any applicable areawide waste management plans under section 208, and applicable basin plans under section 209. . . (and) adequate authority for intergovernmental cooperation."	- cooperation of Office of Land Use Policy (and Planning) Administration with interstate agencies in developing standard methods for collection, classification and dissemination of data.	sec. 305 - authorized allocation of a portion of grant by state to a regional or interstate agency to carry out development of management program.
1. Provision of short- and long-term professional staff			
a. technical services for plan and program preparation			
b. advice of program unification			
2. Organization of federal technical assistance for specialized services			
3. Review and comment on state plans, programs as service to federal agencies prior to formal submittals			
4. Interstate and regional cooperation			
a. establishment of interstate and regional agreements and procedures for joint action			
b. development of consistent approach in information systems, designation of subsate regions, etc.			
c. joint use of financial resources for studies, research			



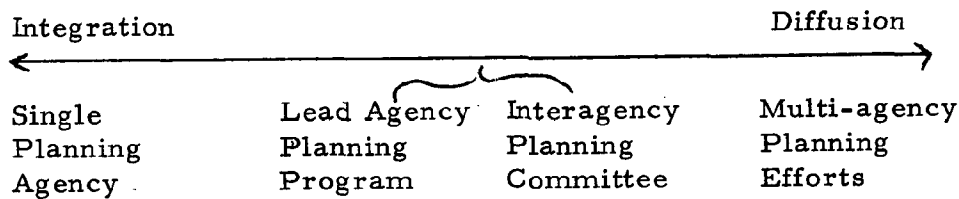
CHAPTER FOUR  
INTEGRATED STATE PLANNING PROGRAMS --  
OPTIONS FOR THE FUTURE

This chapter is primarily concerned with the options available to the states for performing effective resource planning and not total management, although the relationship between planning and implementation must be considered. One of the important ways of integrating natural resource management programs is the establishment of appropriate state forums for preparing or coordinating plans for such programs.

Each of the New England states, and New York, has been developing ways for coordinating its natural resource plans as illustrated in Chapter Two. In most states, planning of closely-related functions is already conducted on a relatively integrated basis, reflecting both organizational consolidations and informal relationships that evolve in the context of day-to-day operations. On the other hand, the integration of more diverse functional objectives into comprehensive state policy has lagged, primarily because of:

- (1) the lack of attention previously given to such policy;
- (2) the difficulty of achieving integration in overall policy setting; and
- (3) the fact that comprehensive state planning probably must rely on formal interagency relationships toward which reorganizational efforts have only recently been directed.

Examination of the characteristics of these recent efforts of the several states may be helpful for each state in deciding on the option most appropriate to it. In general, these efforts have been tending toward four major organizational types as illustrated below.



On Chart 4-1 these alternatives are described in terms which note the major differences among them; namely: the range of planning responsibility, possession of implementation powers (both review and regulatory), sources of leadership, staff and funding, and the degree of inherent administrative control. The discussion which follows also introduces considerations of the variations possible within each option.

The major differences between the multi-agency approach and others lies in its incapacity to plan comprehensively, i.e., to develop state policy for guiding functional planning efforts. It follows, therefore, that this approach is incapable of reviewing the effectiveness of state implementation measures. Functional regulation and review may still be accomplished but the ingredients for true integration are, by definition, conspicuously absent in this approach. The multi-agency's other characteristics are in line with this inherent drawback; there is no administrative control over comprehensive planning, and funding and staff are provided on an agency-by-agency basis.

Chart 4-1. Selected Characteristics of Alternative Organizations for State Planning

Organizational Structure for Planning	Planning Responsibility		Implementation Responsibility			Organizational Considerations				
	Comprehensive	Functional	Comprehensive	Review		Regulatory	Head	Staff	Funding	Administrative Control
				Functional	Comprehensive					
Single Agency	Yes	By Others	Yes	By Others	By Others	Indep.	Own	Separate	Strong	
Lead Agency	Yes	Individually but not collectively	Yes	Yes	Individually but not collectively	Lead	Lead	Lead	Medium	
Interagency	Yes	Individually but not collectively	Yes	Yes	Individually but not collectively	Indep.	Own	Separate	Weak	
Multi-agency	No		No	Yes		Multiple	Separate	Separate	None	

Another important differentiation is that between interagency and lead agency approaches. Although the latter is not among the traditional approaches utilized by state government, it is being applied among federal agencies and has characteristics useful for consideration at the state level. At first glance there is little difference between the two with respect to the responsibility for planning or the link to implementation powers. The major difference relates rather to the degree of consolidation of administrative control over interagency activities which is demonstrated in the provision of staff and funding.

The lead agency represents a concept with potentially greater administrative control by virtue of the fact that the lead agency manages the comprehensive studies with its own staff and source of planning monies and with only a secondary role for other agencies. Whether this approach is preferable in practice depends on whether a functional agency can lead in the development of comprehensive state policy and obtain the consent of other functional agencies, as well as an interagency approach with representatives from a number of different agencies working together as equals, perhaps with an independent chairman and staff. It has been suggested that the lead agency approach, but with a central state planning body as lead agency may be an effective alternative. Admittedly the line of differentiation between these alternatives is hazy; however, the issues which arise in discussing the two are significant to a state attempting to foster an effective planning program in the natural resource field.

Perhaps the most significant differentiation can be made between the so-called single agency and lead or interagency approaches. As defined in this staff paper, the primary difference between the single and joint alternatives can best be represented as a tradeoff between planning objectivity and its link to regulatory power. That is, the two joint efforts are characterized by collective comprehensive policy development and individual regulatory powers, whereas the single agency represents the ultimate in consolidation of comprehensive planning, but with regulatory powers vested in other agencies. The single agency approach, however, does have an independent head, its own staff and funding source, and in this sense represents a relatively strong administrative control over comprehensive planning. It stops short, however, of being the first and last word in state resource management. Functional planning is generally left to other agencies but with formal requirements for exchange of information and review of policies and programs between the state planning agency and the individual functional agencies. Some functional planning responsibilities, which are key determinants of comprehensive state policy, and jurisdiction over the planning of some natural regions, which include many functional areas, might be vested more appropriately in the single agency. For instance, multi-functional planning, e. g. land use and coastal zone, are appropriate in a single agency.

Some states may choose to give the responsibility for all three new resource management programs -- water quality, land use, and coastal zone -- to one agency, such as a department of natural resources or an environmental protection department. While this course would place all natural resource planning in a single agency, it would also be necessary to establish a lead

agency, interagency or another single agency (with comprehensive responsibilities) in order to integrate social, economic and natural resource considerations into a single set of statewide policies.

The assignment of any or all of the three new resource management programs to a single department with both planning and implementation powers appears consistent with the intent of pending Congressional action which requires a link between policy development and execution. However, it is believed that this requirement could also be satisfied by assigning to an interagency board or single planning agency without implementing power the primary responsibility for formulating resource plans as long as that board or agency designates a state body with appropriate powers to administer the management of the resources. In other words, it does not appear necessary to establish a super state agency with planning and regulatory powers in order to integrate and coordinate resource planning and to maintain the desired bridge between planning and management. The primary need is that effective integration and coordination take place; how it takes place is of secondary importance.

In conclusion, it can be said that the issue of the organizational structure of state government, and the location of the planning function within it, has specific implications for the effective planning of the region's natural resources. As has been suggested, each state's approach can be unique, reflecting a host of factors which clearly differentiate its chosen path from that of its neighbors. Such variation among states should lead to conclusions which will evolve and gradually reshape the planning and management systems of state government.

CHAPTER FIVE  
POTENTIAL CONTRIBUTIONS BY NERBC

Introduction

Chapter Three provided a detailed description of the provisions of new federal natural resource planning legislation, concluding with a capsule view of the specific interstate requirements which must be satisfied. Chapter Four outlined and discussed a number of options open to the states to meet the new and increasing responsibilities they must assume. This chapter returns to the issue of meeting the interstate responsibilities outlined in the new legislation.

A useful guideline to help identify the most effective regional or interstate institutional structure has been provided by a May, 1972 resolution of the New England Governors' Conference entitled "Principles for National Policy Affecting Regional Environmental Programs." This resolution stated, in part:

2. With reference to effective regional programs, national policy will encourage development of institutional structures serving interstate regions capable of perceiving relationships among ecological, social, economic and political systems, and of marshalling and channeling Federal and State efforts in an integrated program for environmental-natural resource management, use and protection. In New England, national policy should contribute to development of a regional institutional structure, operating primarily for planning, coordination and review purposes, which:

- a) provides for joint Federal-State participation, in recognition of divided responsibilities for planning, management and protection of the environment;
- b) serves and is utilized by both Federal and State governments as a vehicle for Federal-State and interstate cooperation in environmental-natural resource matters;
- c) more specifically, serves as a vehicle for
  - 1) identifying and evaluating regional environmental-natural resource conditions, trends, problems and needs, and reviewing and recommending appropriate changes in Federal, State and regional policies and programs;
  - 2) coordinating direct Federal program activities;
  - 3) assisting in coordination of Federal environmental assistance programs;
  - 4) securing interstate cooperation and coordination;
  - 5) organizing and coordinating joint Federal-State planning and action programs addressed to environmental-natural resource problems of regional significance.

The desirability of a joint state-federal partnership and the need for a coordinating mechanism are the principal general guidelines emphasized by this portion of the governors' resolution.

#### Regional Natural Resource Agencies

Before turning specifically to the potential role of the New England River Basins Commission, attention should be focused on the roles of other regional agencies in the management of the natural resources of the region. Since it is a theme of this paper to suggest to the states ways of integrating natural resource planning programs at



the state level, a similar analysis of regional and interstate agencies is in order. In addition to the New England River Basins Commission two other regional agencies have well established roles in resource management in New England, the New England Regional Commission and the New England Interstate Water Pollution Control Commission. The Regional Commission has a broad charter for strengthening the regional economy. It consists of a Presidential appointee and the New England Governors. Its legislative authority (The Public Works and Economic Development Act of 1965) specifically authorized the Commission to study and take steps to strengthen the management of natural resources. The Commission has done so in a number of ways, under its research, demonstration, planning assistance and supplemental grant authorities. It will be noted that regional economic development commissions, such as NERCOM, were specifically mentioned in the Senate Committee report on the coastal zone management legislation as having the authority to assist states with their coastal zone management programs.

NEIWPCC has authority to promulgate water quality standards on interstate waters, conduct research, facilitate exchange of information, and is embarked on a major wastewater treatment plant operator training program. It is seeking authority for enforcement and monitoring.

These agencies, and others such as federal agencies, have important capabilities and potentials which should be fully explored and exploited. It is suggested that an analysis be undertaken of these and other regional agencies in New England to analyze their activities and the manner in which they may be strengthened and better coordinated, including the manner in which they serve to meet the require-

ments of the new legislation. The remainder of this chapter, however, reflects upon the present program and future interim role of NERBC in light of the requirements and opportunities of the pending land use, coastal zone, and water quality legislation, and pending any modification of regional mechanisms.

#### Present Activities of NERBC

The Water Resources Planning Act of 1965 (PL 89-80) designates the Commission as the principal agency for the coordination of plans-- federal, state, interstate, local, non-governmental plans-- for use and development of water and related land resources (see Chart 5-1 ). The Act also directs the Commission to prepare a comprehensive, coordinated joint plan (CCJP) for federal, state, interstate, local and non-governmental development of water and related land resources. The Water Resources Council has provided flexibility to each commission by not defining the "comprehensive, coordinated joint plan", and by continuing a long-established tradition of interpreting very broadly the phrase "water and related land resources."

The New England River Basins Commission is unique in that it serves (or soon will serve) six whole states constituting a political and economic region, as well as portions of New York. This fact has been significant in shaping the Commission's approach to its work. The Commission anticipated federal policy by asserting as part of its own program strategy that the state should be a primary region for making decisions about water and related land resources management. The Commission's strategy for the comprehensive regional plan now includes a regionwide overview, called for working purposes, the New England Framework. At the regional level, the Framework will be kept up to date through

Chart 5-1 Regional Activities of the New England River Basins Commission  
 Provided in Water Resources Planning Act of 1965

TYPES OF FUNCTIONS

The River Basin Commission shall :

- A. Provision of Regionwide Perspective
  - 1. Regional analysis and special studies
    - a. identification of problems, needs, priorities, and alternative solutions of regional significance
    - b. collection, dissemination and undertaking of studies to serve as input into state programs
  - 2. Plan and program preparation for comprehensive regional policy coordination
  - 3. Review of federal and state policies, plans and projects to assure consideration of regional/national interests
- B. Provision of Subregional/Interstate Perspective
  - 1. Interstate and subregional analysis and special studies
    - a. identification of problems, needs, priorities, and alternative solutions of interstate and subregional significance
    - b. collection, dissemination and undertaking of studies to serve as input into state and local programs
  - 2. Plan and program preparation for comprehensive subregional policy coordination
  - 3. Review of federal, state and local government policies, plans and projects affecting multi-state or regional interests
- C. Coordination
  - 1. Functional
    - a. integration of federal program administration
    - b. coordination of federally supported plans, programs, and policies
  - 2. Geographical
  - 3. Institutional
    - a. assistance in establishing new interstate mechanisms
    - b. development of intergovernmental planning or coordinating bodies
- D. Cooperation and Technical Assistance
  - 1. Provision of short- and long-term professional staff
    - a. technical services for plan and program preparation
    - b. advice of program preparation
  - 2. Organization of federal technical assistance for specialized services
  - 3. Review and comment on state plans, programs as service to federal agencies prior to formal submittals
  - 4. Interstate and regional cooperation
    - a. establishment of interstate and regional agreements and procedures for joint action
    - b. development of consistent approach in information systems, designation of substate regions, etc.
    - c. joint use of financial resources for studies, research

sec. 204

sec. 201 (b)

sec. 201 (b)

- "engage in such activities. . . as are necessary and desirable in carrying out the policy set forth in section 2 of this Act and in accomplishing the purposes set forth in section 201(b) of this Act"

"serve as the principal agency for the coordination of Federal, State, interstate, local and nongovernmental plans for the development of water and related land resources in its area, river basin, or group of river basins"

"recommend long-range schedules of priorities for the collection, and analysis of basic data and for investigation, planning, and construction of projects"

[Note Section 2 states: "In order to meet the rapidly expanding demands for water throughout the Nation, it is hereby declared to be the policy of the Congress to encourage the conservation, development, and utilization of water and related land resources of the United States on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprise with the cooperation of all affected Federal agencies, States, local governments, individuals, corporations, business enterprises, and others concerned." ]

periodic regional assessments in cooperation with the national assessments developed by the Water Resources Council. The Framework process also calls for development of somewhat more detailed "Guide Plans" for each state, under state leadership and with Commission assistance. (The Maine, New Hampshire and Vermont Guide Plans are now underway.) These "Guide Plans" (and other states' plans) are specifically intended to constitute a guide to federal as well as state action - reminiscent to the land use and coastal zone bills - and are to be formally adopted by NERBC as elements of the CCJP. The Commission's strategy also provides for federal-state development of recommended management programs (Level "B" plans as defined by the Federal Water Resources Council) for subregions with unusually complex problems -- Southeastern New England, Long Island Sound, the Connecticut River Basin. Periodic reports are called for to recommend implementing priorities by state and major basin. Special studies such as power plant siting, offshore oil, flood plain management, dam safety and others, are designed to help focus regional resources on region-wide problems.

NERBC activities at the regional level serve several purposes. The regional assessment-framework effort provides information on nationwide needs and problems as a direct input into state planning processes, and into federal policy and program development. The state guide plans constitute a framework for evaluation of water and related land management from a statewide viewpoint. Special studies, such as those analyzing potential inputs of offshore oil development and power plant siting, provide a factual basis for state and regional action on issues of nationwide significance. These regional analyses identify and may help to avoid and resolve interstate conflicts.

As noted previously, the Commission's program includes a sharp focus on the state as the basic unit for decision-making on use of water and related land resources. This emphasis reflects a conviction that sound management cannot be achieved unless there is explicit linkage between state water and related land planning and management activities and those of federal agencies; that the resource base cannot be effectively managed through uncoordinated activities of a number of levels of government; that integration of local, state and federal activities at the state level into a coherent natural resource management program must be achieved if the political process is to function effectively. The Commission's strategy also recognizes the necessity of conducting analyses and developing management programs on the basis of hydrologic and other physiographic regions. For water and related land resources, in particular, management programs must be based on basin analyses, whether on intrastate or interstate basins. The prospects of public understanding and of effective political support can be substantially enhanced by making certain that state voters and elected public officials can evaluate basin management needs against the interests of the state and its political subdivisions. The Commission also serves as a continuing forum for interstate, federal-state and interagency federal coordination -- a forum for exchange of information in needs, problems, current planning activities, potential conflicts, techniques and ideas.

The Commission may, and has, through studies and reports on state programs as well as in formal media, encouraged strengthening and coordination of state approaches to natural resources planning and management and has probably strengthened consideration of regional needs in administration of state programs.

An increasingly important function of the Commission is the provision of services to its member states upon request. Special studies on power plant siting problems, offshore oil development proposals, dam safety, flood plain management, state coastal zone management structures are characteristically undertaken at a state's request.

The Commission has been of some help in developing a constituency of private citizens interested in regional natural resource issues. Commission sponsorship of conferences on specific issues of regional significance have helped establish patterns of cooperation among representatives of state, interstate and federal agencies and private interest groups.

#### Some Potential Contributions

An analysis of contributions NERBC might make on an interim basis to achieve the objectives of the coastal zone, water quality, and pending land use legislation will necessarily be based on certain central policy assumptions:

- 1) prime responsibility for administering each of the new programs is vested in a federal lead agency (Department of the Interior for land use; Department of Commerce for coastal zone; Environmental Protection Agency for water quality);
- 2) each state is to develop plans and programs for management of its resources;
- 3) individual states are encouraged to cooperate with each other, and are encouraged to establish or make use of existing interstate mechanisms for such cooperation.

Given these basic assumptions and the nature of the Commission's current activities, a number of observations may be made on potential NERBC activities relative to the new programs. Importantly, these activities should be evaluated primarily from the standpoint of service to development of state programs; to a lesser degree as a service to the federal administering agency; and from the standpoint of the overall regional interest.

In line with its function of providing regional and subregional perspectives, the Commission could relatively easily broaden its regional analysis (assessment-framework) efforts to develop information on regional land use and coastal zone problems and needs as an input to the development of state programs. These regional analyses presently incorporate all water uses and management activities and deal extensively with land use. The Long Island Sound and Southeastern New England studies, covering the coastal lands and waters of Massachusetts (except the Merrimack drainage) and Rhode Island, and the Connecticut and New York shorelines of Long Island Sound, are direct contributions to state coastal zone, land use and water quality in the study areas. Formal understandings should be worked out with the states to define relationships between state coastal zone and land use planning programs in these study areas to assure efficiency and economy. (Water quality planning relationships have already been clarified.) Relationships between state land use plans and the Connecticut River supplemental study, which focuses on flood management alternatives should also be defined. The need for and scope of any future joint basin planning programs proposed by the Commission should reflect fully the land use, coastal zone and water planning programs authorized by the new legis-

lation. The Commission could, without modification of its current operating habits, undertake special studies on problems and needs of regional significance affective state land use and coastal zone programs. The power plant siting and offshore oil studies are illustrative.

On the face of it, a case can be made that the interests of the region as a whole in land use and coastal zone management will be more effectively considered in development of state programs if information about regional needs and problems is in the hands of the states when they are formulating their state programs.

The Commission may also serve as a forum for coordination among the states, and between federal and interstate agencies and the states in connection with the new programs. The Commission serves this purpose for water and related land resources generally; has worked specifically toward this end with reference to the coastal zone; and has more recently undertaken to be of service for this purpose in the broader field of land use. The forum function is a "natural" for the Commission.

The Commission may also serve a natural function by assisting states in developing new interstate institutions for detailed planning and management activities. The water quality legislation will clearly lead to new basin management mechanisms; it is possible that such mechanisms may develop for coastal zone, and perhaps land use management. The Commission provides a natural forum for interstate cooperation in these circumstances, perhaps particularly for considering interstate mechanisms for both land and water where these seem sensible to the states.



The Commission may also use its professional staff to promote coordination in program administration by the responsible federal agencies. It may be possible, for instance, to develop within the region an unusual degree of correlation between planning horizons, application and reporting requirements, review processes, etc. among the three new programs, and perhaps other federally-assisted state natural resource planning programs as well. A possibility here -- possible assuming substantial delegation of authority to regional federal administrator as envisioned by the President -- may be a bloc grant to states for natural resources planning yielding federal support from several agencies through a single application.

A third major category of Commission functions -- in addition to regional analysis and special studies, and the general coordination function -- may be considered under a concept of technical assistance and cooperation. If the states so choose, it seems clear that the Commission may be designated as a primary mechanism for interstate and regional cooperation in development of state land use and coastal zone management programs. Formal mechanisms do not presently exist for interstate cooperation in these fields. In water quality, the existing New England Interstate Water Pollution Control Commission (NEIWPCC) and the Interstate Sanitation Commission already provide mechanisms for this field. Both, of course, are member agencies of NERBC.

The Commission may also assist the states and the region as a whole by providing both professional staff and a forum for discussion of ways to help correlate state planning strategies. While each state is unique, the chances of resolving interstate problems

in land use, coastal zone and water quality management, and of getting a firm fix on regional problems and needs, may be enhanced if state programs are, in a sense modular. That is, "modular" to the extent that land use or coastal zone planning for portions of interstate basins or estuarine regions or metropolitan areas can be evaluated against the interests of the entire planning region. Moreover, state programs are also modular in that land use, coastal zone and water quality plans covering overlapping interstate regions can be analyzed for total impact. Some consistency in approaches among the states to population and economic projection methodologies, in land use classification schemes and in information storage and retrieval systems would be helpful. A degree of cooperation in designation of substate planning regions will be necessary for many interstate problems areas under each of the new programs. It would also be helpful to seek, both within and among states, common substate planning regions for purposes of all three programs to the degree feasible. This document and the recent Commission conference suggest more detailed ways of encouraging intra- and interstate integration; the Commission can help serve this objective.

It is conceivable that the states would find it desirable to develop a core regional technical staff, to provide at shared cost a regional resource of certain specialized disciplines. Such a staff unit could function as part of the River Basins Commission. As noted, existing staff of the River Basins Commission serves an informal technical assistance function now.

It is also possible that the Commission could work out with its member federal agencies mechanisms for organizing federal

technical assistance services. There may be efficiencies both for the states and for federal agencies in a regional federal technical assistance focal point for natural resources.

On occasion, at the request of the states, the Commission may act in effect as a planning consultant, undertaking certain planning activities as inputs to the state plans. These would characteristically deal with interstate problem areas, and would necessarily be contracted for and funded individually.

Finally, the Commission may serve the states and the region by developing some process for reviewing and commenting on state plans and programs as they are developing, hopefully prior to formal transmittal to the administering federal agencies. This activity would presumably involve technical analysis by Commission staff, followed by a more policy-oriented commentary by Commission members. This function may also be construed as a service to the federal administering agency.

#### Constraints on Commission Contributions

In order for the Commission to undertake a major service function to the region in the context of the land use, coastal zone and water quality legislation, it is clear that additional financial resources will be required. The language of the three bills suggest that the states may make use of the Commission for appropriate purposes if they wish; and that the Commission could be funded to perform such services under the cost-sharing provisions of the individual bills. In other words, we assume that the states may transfer to an interstate agency such as the Commission a portion of the plan-

ning and program development funds it receives under each federal program, accompanied by the required state matching funds, to perform certain tasks contributing to meeting requirements of the legislation.

It is possible that both policy and legal questions may be raised on this point requiring negotiation in Washington. It is also clear that the Commission may not expand its basic authorities through this route--that is, the Commission is a planning and coordinating agency, not a management or regulatory agency, and cannot be made such without amendment to the Water Resources Planning Act. We assume, however, that the Commission's current concern for "water and related land resources" is broad enough to permit it to perform the planning and coordinating services mentioned here without amendment.

#### Relevance of the Federal Regional Council Concept

The Nixon Administration is pursuing a conscious policy of strengthening coordination in the delivery of federal services within interstate regions. The President has established federal regional councils, organized along uniform interstate regional boundaries, across the nation. These councils are organized primarily for improving the administration of federal programs in the human resources area. The Office of Management and Budget has also been exploring the concept of federal regional natural resources councils, to secure more effective coordination and administration of federal natural resources programs. Such councils exist on an experimental basis in the San Francisco Bay area, in the Pacific Northwest, and in the Southeast.

Serious consideration should be given to the possibility of securing more intensive coordination of federal natural resource programs in New England including both direct federal program activities and administration of federal grant programs.

Since NERBC already has a statutory coordinating function relative to water and related land resources planning, some thought should be given to whether the Commission may not also be used to secure the objectives of the experimental federal natural resources councils in program administration generally. This subject has been discussed on two occasions by representatives of the Office of Management and Budget, the chairmen of other River Basin Commissions, and staff of the Water Resources Council. The process is continuing; no firm conclusions have been reached.

The present federal regional councils functioning in the human resources area draw their authority from an Executive Order of the President. Similarly, NERBC is established by an Executive Order under authority of the Water Resources Planning Act.

A de facto federal natural resources council could be established in New England by an Executive Order authorizing and directing the Commission chairman and all (or selected) federal members to perform the functions of such a body, either as federal members of NERBC or as federal officials upon whom the President places an additional responsibility. In effect, this would have the Chairman and the federal members functioning both as a federal regional natural resources council for purposes of federal program coordination, and as members of NERBC for those activities authorized by the Water Resources Planning Act.

It is useful to note that under existing law, the chairman serves both as chairman of the Commission and as coordinating officer of the federal members for purposes of the Water Resources Planning Act (P. L. 89-80, section 202(a)).

Should the state members desire, a parallel structure for coordination of state viewpoints vis a vis the administration of federal programs could be built around the Commission vice chairman. As provided by the Water Resources Planning Act, a vice chairman is elected by the state members of each Commission, who serves as chairman and coordinating officer of the state members. Commission staff might presumably be assigned to the vice chairman for this purpose.

There is some danger in creating a federal-state split within an institution which is designed to secure cooperation and coordination between federal and state programs. The Commission would want to consider this and other questions carefully. On the other hand, a federal program coordinating structure related to the chairman and federal members of the Commission may be more accessible to state officials than an unrelated federal regional natural resources council.

#### Suggestion for Evaluating NERBC Role

We have already noted basic policy thrusts of the new bills:

- 1) federal responsibility vested in a lead agency;
- 2) the state as the principal decision-maker;
- 3) encouragement for interstate cooperation.

Commission activities should be appraised on the basis of whether they contribute to realizing the objectives of the bills in ways consistent with these thrusts. Finally, Commission activities should be evaluated against certain key characteristics of the Commission:

- the nature of the chairmanship, i. e., a Presidential appointment with a statutory federal coordination responsibility;
- representation of regional officials of federal agencies;
- the nature of the vice-chairmanship, i. e., elected by the state members with a statutory authority to coordinate;
- state representation through gubernatorial appointees;
- professional staff jointly supported by states and the federal government;
- the policy declaration in the Planning Act emphasizing "optimum development of the Nation's natural resources" and "comprehensive, coordinated joint planning" for water and related land resources;
- a statutory charge to the commissions to serve as the "principal agency" for coordination of water and related land resources plans by all levels of government and the private sector;
- a statutory responsibility to prepare a comprehensive, coordinated joint plan for water and related land resources, acting in large part through federal and state agencies with competence in specific fields;

-- statutory authority to recommend priorities,  
and to undertake special studies of water and  
related land resource problems.



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