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New York
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AN ANALYSIS OF COASTAL PROGRAMS

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THE PURPOSE OF THIS REPORT is to clarify the great multiplicity of agency programs for both the marine and Great Lakes coastal zones of New York State. Particularly for those entering the maze of coastal affairs for the first time, this report introduces and summarizes the work of every agency with responsibility for coastal activities: international, federal, interstate, New York State, and regional organizations/boards/commissions/authorities. Matrices, maps, appendices, and bibliography illustrate and augment the text.

A COMPANION PIECE is also available. *Governmental Jurisdictions of the New York Coastal Zone: Summary*. Paul D. Marr. 36 pp, 15 figs, 1 appen. Aug 1976. 50¢
Contains all illustrations and a shortened text.



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Governmental Jurisdictions of the New York Coastal Zone

AN ANALYSIS OF COASTAL PROGRAMS

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Introduction

THE COASTAL ZONE of the United States is the focus of increasing attention, investigation, and governmental involvement especially since the passage of the Coastal Zone Management Act of 1972. This attention has led to a complex set of jurisdictions and responsibilities from international commissions to local government.

The purpose of this report is to clarify the great multiplicity of programs for both the marine and Great Lakes coastal zones of New York State. It is hoped that this will be informative for agency staffs and individuals already involved in coastal work, but it is especially prepared for agencies, governments, and persons entering into the maze of coastal affairs for the first time.

This report is an introduction to agency programs. The objective is to present a clear and concise summary of the work of each program having responsibility for coastal activities. The scope of this report does not extend to local government programs. They are just now becoming actively concerned with their coastal environments. Hopefully a report on their activities will be prepared in the future.

This publication is divided into five major sections, an appendix and a bibliography. The five sections are: International Organizations and Fishery Treaties; Federal Agencies; Interstate Agencies; New York State Agencies; and Regional Boards, Commissions, and Authorities. Each section contains a matrix presenting in graphic form the summary information for each agency. Maps also illustrate the jurisdictions not conforming to either national or New York State boundaries. The appendices contain the addresses of each organization mentioned

in the report, definitions of each of the categories in the matrices, and the Coastal Zone Management Act of 1972. A selected bibliography is provided for those interested in doing further reading on the programs of agencies discussed in the text.

The description of each governmental program follows a basic format throughout the report. It consists of:

1. The legal authority of the organization, with relevant subsequent legislation, including the legislation under which the organization was formed.
2. The geographical jurisdiction of each unit.
3. The purpose of the organization.
4. The responsibilities, functions, and duties of each unit.
5. Information on unique coastal functions of the organization.

The authors of this report wish to thank the executive directors, executive secretaries, and staff members of the organizations described in this report. Without their response to questions, publications, and suggestions of other sources of information, much of the report would have been most difficult, if not impossible, to complete. The preparation of the study was substantially assisted by Jack J. Utano, who compiled the addresses, and by Margaret S. Hall, who did the original plates. Radworth Anderson and Cynthia Harmon contributed to the last-minute revisions of the agency addresses, and Paula Krygowski and April Shelford provided supplementary cartographic assistance on the maps and matrices. Leigh Cree White carefully and patiently edited this sea of detail and provided valuable suggestions to the authors. John Moore ably designed the cover and format of the report. Errors of commission and omission are nevertheless the sole responsibility of the authors.

Paul D. Marr
Eugene K. Schuler, Jr.

I. INTERNATIONAL ORGANIZATIONS AND FISHERY TREATIES

FIGURE 1

FUNCTIONS OF INTERNATIONAL COMMISSIONS*

	DATA COLLECTION	RESEARCH	LAND USE	WATER RESOURCE	FACILITY DESIGN AND PLANNING	LAND USE PLANNING	WATER RESOURCE PLANNING	OTHER TECHNICAL ASSISTANCE	FINANCIAL	AIR POLLUTION	WATER POLLUTION	OTHER	WILDLIFE	FISHERIES	OTHER NATURAL RESOURCES	SURVEILLANCE AND INVESTIGATION	WATER SUPPLY	NAVIGATION	RECREATION
GREAT LAKES FISHERY COMMISSION	■						■				■			■					■
INTERGOVT'L MARITIME CONSULTATIVE ORG.		■																	■
INTERNATIONAL JOINT COMMISSION	■		■				■			■	■					■			■

*See Appendix B for a definition of matrix categories.

I. INTERNATIONAL ORGANIZATIONS AND FISHERY TREATIES

INTERNATIONAL GOVERNMENTAL ORGANIZATIONS and agreements that directly affect the New York State coastal zone are limited to two joint commissions between the United States and Canada, a specialized agency of the United Nations and fisheries treaties. The organizations are the International Joint Commission, the Great Lakes Fishery Commission, and the Intergovernmental Maritime Consultative Organization. The fishery treaties pertain to Atlantic coastal waters. Other international organizations do operate in the Great Lakes and maritime regions, but they are private, quasi-governmental, or research-oriented and are not discussed in this section.

GREAT LAKES FISHERY COMMISSION (GLFC)

The Great Lakes Fishery Commission, GLFC, was established in 1955 by the convention between the United States and Canada for the conservation of Great Lakes fishery resources.

The geographical extent of GLFC include Lakes Superior, Michigan, St. Clair, Huron, Erie, and Ontario, the Niagara River and the St. Lawrence River from Lake Ontario to the 45th parallel of latitude. The tributaries of each of the lakes and rivers also are included to the extent necessary to eradicate the sea lamprey and to investigate the stock habitat and fishing grounds of any fish of common concern (see Figure 3).

Responsibilities of GLFC include: (1) the formulation of research programs to determine the need for measures to insure the maximum sustained productivity of any stock fish in the group's geographical area; (2) the coordination of the research of such programs or the undertaking of research itself; (3) the recommendation of measures to the contracting parties on the basis of findings of the research programs; (4) the formulation and implementation of a program to eradicate or minimize the sea lamprey; (5) the publishing or authorization of publication of other information obtained by the commission in the course of its duties.¹

The commission may conduct investigations, hold public hearings in the United States and Canada, and install devices in the convention area and tributaries for lamprey control. Initially the commission's programs were restricted entirely to sea lamprey control and lake trout rehabilitation, but these programs are operational now and the commission is directing more effort to the broader question of fisheries resources and the problems associated with maintaining them. A major objective of GLFC is to improve the coordination of the management and research programs pursued by the numerous Great Lakes fisheries agencies.

The commission believes that the fisheries resources must receive full consideration in the planning and decision-making process, since the fisheries serve as a valuable indicator of environmental quality and are an economic and recreational asset to the area.

INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION (IMCO)

The Intergovernmental Maritime Consultative Organization, IMCO, is a specialized agency of the United Nations established in 1958. Its purpose is

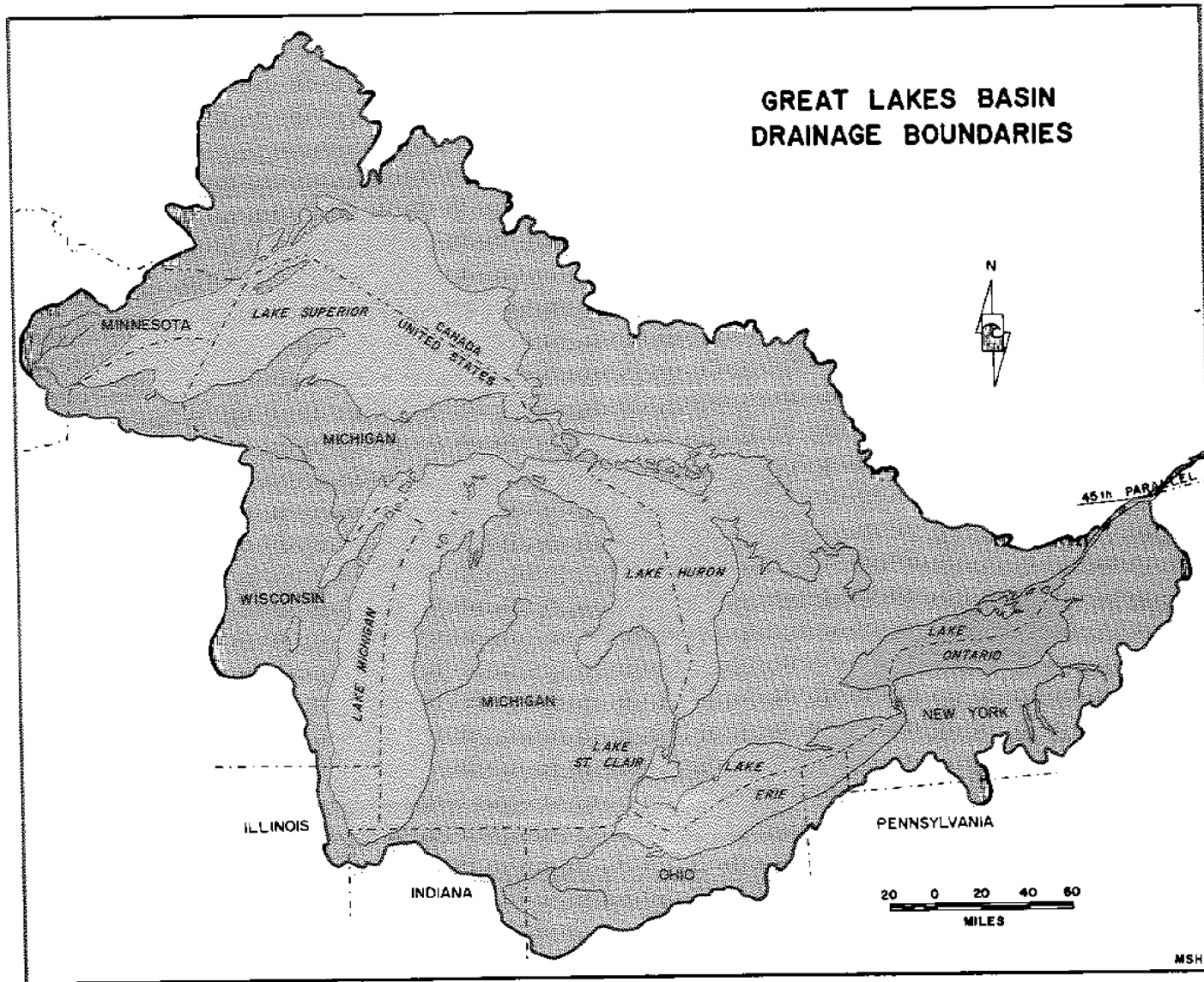


FIGURE 2

the promotion of traffic regulation, collision prevention, oil and noxious substance pollution control, the regulation of ocean dumping, and the structural integrity of vessels on the high seas. Each of these responsibilities is based on international conventions or treaties to which the United States is a party. The treaties ratified by the United States Senate are implemented as applicable by the United States Coast Guard. The regulations derived from the international conventions are in force from the outer edge of the territorial sea or three nautical miles from mean low water.

INTERNATIONAL JOINT COMMISSION (IJC)

The International Joint Commission, IJC, was established by the United States and Canada to implement the objectives of the U.S.-Canadian Boundary Waters Treaty of 1909. The commission commenced its activities in 1912. It also was given water pollution control responsibilities under the Great Lakes Water Quality Agreement of 1972.

For the purposes of the Boundary Waters Treaty of 1909, boundary waters are defined as:

"...waters from main shore to main shore of the lakes and rivers and connecting waterways, or portions thereof, along which the international boundary between the United States and the Dominion of Canada passes, including all bays, arms, and inlets thereof, but not including tributary waters which in their natural channels would flow into such lakes, rivers, and waterways, or waters flowing from such lakes, rivers, and waterways, or the waters of rivers flowing across the boundary."²

The purposes of the 1909 Boundary Waters Treaty are: (1) to prevent disputes regarding the use of the boundary waters; (2) to make provision for the adjustment and settlement of all questions along the common frontier involving the rights, obligations, or interests of either nation in relation to the other or inhabitants of the other; and (3) to establish principles or rules which would be followed in the adjustment and settlement of such questions³ (see Figure 1).

The responsibilities of IJC lay in three general areas: (1) quasi-judicial, when the commission approves or disapproves of all proposals for use, obstruction, or diversion of boundary waters on either side of the international boundary that would affect the natural flow or level of the boundary waters on the other side; (2) investigative, where the commission investigates and makes recommendations on specific problems along the international boundary which are referred to the commission by one or both governments; and (3) surveillance and coordination, where the commission monitors compliance with the orders of approval it has issued. At the request of the two governments, IJC monitors and coordinates actions or programs that result from specific recommendations of the commission.

To coordinate and organize fieldwork and technical reports, IJC, when necessary, appoints international boards consisting of qualified personnel from both countries. Currently there are six advisory boards that are actively involved with the Great Lakes and the Niagara and St. Lawrence Rivers:

- (1) Great Lakes Water Quality Advisory Board
- (2) Great Lakes Levels Board
- (3) Great Lakes Research Advisory Board
- (4) Lake Superior Board of Control
- (5) Niagara River Board of Control
- (6) St. Lawrence River Board of Control

INTERNATIONAL JOINT COMMISSION
BETWEEN THE UNITED STATES AND CANADA

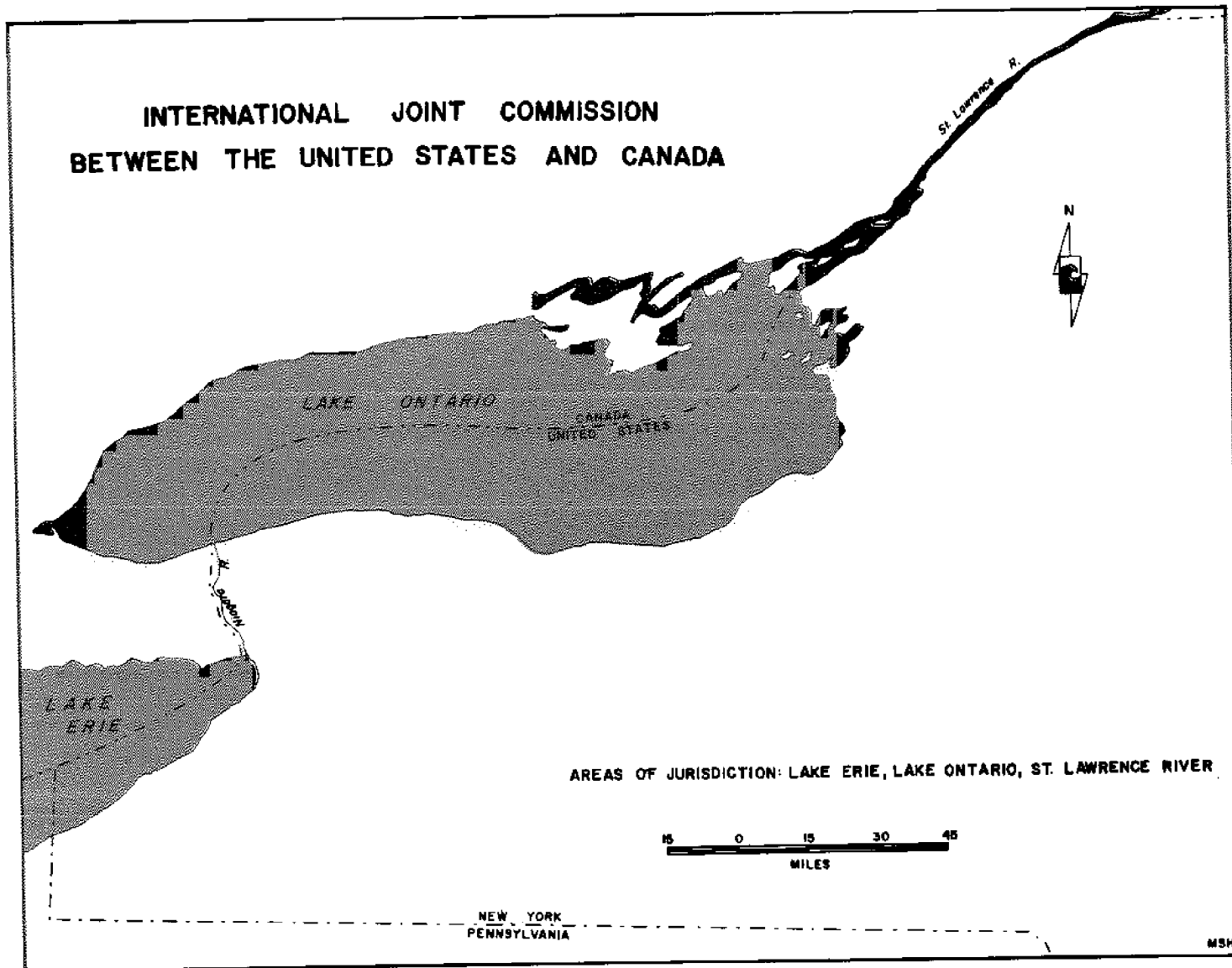


FIGURE 3

IJC has undergone no major evolutionary changes since its formation in 1909. Its power, authority, responsibility, and procedures are basically the same, although since World War II both governments have made greater use of the commission's investigative authority. Under the Great Lakes Water Quality Agreement of 1972, the commission's role is one of coordination, assessment, and encouragement of progress in improving the quality of the water.

By utilizing the expertise and information of government agencies, IJC reduces the amount of duplication of effort by governmental units. New York State has representation on IJC advisory boards that concern the state. Both IJC and the state benefit from information gathered by the other and exchanged through the boards. The most effective function of IJC is its ability to draw on the very best available data and expertise in both countries to work on specific problems in investigations, surveillance, and control activities.

FISHERY TREATIES

The international fishery treaties, also referred to as conventions or agreements, that pertain to the international waters of coastal New York and adjacent states, are listed in Table 1. Except for the International Convention for the Northwest Atlantic Fisheries (ICNAF) signed in 1949, all of the treaties were concluded from the mid-1960's to the present, following the writing and approval of the United Nations-sponsored Convention on Fishing and Conservation of The Living Resources of the High Seas. The agreements regulate fishing for valuable food species caught on the high seas as well as those species caught on east coast fishing banks.

The geographical limits of the fishery agreements pertain to the high seas, which extend to the outer edge of the contiguous zone, 12 nautical miles from shore, and beyond the 12-mile limit to the outer

edge of the continental shelf which extends to an approximate depth of 200 meters. Domestic fishermen have, with few exceptions, exclusive rights to fish in the water column of the contiguous zone, the territorial sea, and on the floor of the continental shelf.

Beginning in 1977 the limits of international fishing will be extended offshore to 200 nautical miles from the coastline as a result of federal legislation enacted early in 1976. Exceptions will occur where extant agreements permit specified foreign countries to fish in predesignated areas. The responsibility for fishery regulation in international waters rests with the signatory members of the various treaties. Within domestic waters and to within three nautical miles of shore regulation is enforced by the Coast Guard and the National Marine Fisheries Service. Within the three-mile territorial sea regulation of fishing is the responsibility of the respective coastal states.

TABLE 1: International Fishery Agreements Affecting New York Coastal Waters and Fishermen Sailing from New York Ports

<u>Title and Date</u>	<u>Termination</u>	<u>Member Countries</u>	<u>Areas of Geographical Interest</u>
International Convention for the Northwest Atlantic Fisheries, February 1949	Indefinite	Bulgaria, Canada, Denmark, Federal Republic of Germany, France, Iceland, Italy, Japan, Norway, Poland, Portugal, Romania, USSR, Spain, U.K., United States	Western Atlantic from Cape Hatteras east and north to Davis Strait
International Convention on the Conservation of Atlantic Tunas, May 1966	Indefinite	Japan, Canada, United States, Brazil, France, Portugal, Spain, Morocco, Ghana, Republic of South Africa, Korea, Senegal, Ivory Coast	All waters of the Atlantic Ocean
Agreement with the USSR on the Middle Atlantic Fishery, December 1968	December, 1975	USSR and United States	Middle Atlantic area and waters of the 50 to 100 fathoms zone from Rhode Island to Virginia and a small area within the U.S. contiguous zone off New Jersey and Long Island.
Agreement with USSR concerning Claims Resulting from Damage to Fishing Vessels or Gear and Measures to Prevent Fishing Conflicts, February 1973	Indefinite, review in February 1975	USSR and United States	Northeastern Pacific, Bering Sea and Western areas of the Atlantic

Table 1 continued

<u>Title and Date</u>	<u>Termination</u>	<u>Member Countries</u>	<u>Areas of Geographical Interest</u>
Agreement with Poland Regarding Fisheries in the Western Region of the Middle Atlantic Ocean, June 1969	June 1976	Poland and United States	Western region of the Middle Atlantic Ocean and three areas within the U.S. and the contiguous zone off Long Island, New Jersey and Virginia.
Agreement with Canada Concerning Reciprocal Fisheries Privileges, April 1970	April 1976	Canada and United States	The fishery contiguous zone extending along east and west coast of both nations south of 63°N
Agreement with Romania on Fisheries in the Western Region of the Middle Atlantic Ocean, December 1973	December 1975	Romania and United States	Western region of the Middle Atlantic Ocean
Convention on Fishing and Conservation of the Living Resources of the High Seas, April 1958 (entered into force March 1966)	Indefinite	34 countries by January, 1975 ¹	General

Table 1 continued

<u>Title and Date</u>	<u>Termination</u>	<u>Member Countries</u>	<u>Areas of Geographical Interest</u>
Convention on the Continental Shelf, April 1958 (entered into force June 1964)	Indefinite	54 Countries by January 1975 ¹	General

Sources: Senate, Magnuson Fisheries Management and Conservation Act, Report of the Senate Committee on Commerce on S. 961, Report 94-416 (from National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, January 1974), September 1975, pages 63-66.

Personal Communication, Department of State.

1. Department of State, Treaties in Force, Publication 8798, Washington, D.C., 1975, pages 345 and 372.

II. FEDERAL AGENCIES

II. FEDERAL AGENCIES

FEDERAL DEPARTMENTS and agencies provide the broadest range of services to the coastal zone of any of the levels of governmental activity. The programs of departments are the result of years of addition and change reflecting a variety of public needs, some directly and others indirectly applicable to coastal issues. Most departments and agencies have similar responsibilities in all coastal states. Special note is made of those agencies, however, having a specific regional orientation to New York, such as the St. Lawrence Seaway Development Corporation.

DEPARTMENT OF AGRICULTURE (USDA)

The Department of Agriculture, USDA, was established on May 15, 1862, with the Organic Act found under Chapter 12, Statute 387, of the Laws of 1862.

The programs of USDA, its various units and services, do not apply to the coastal zone alone, but they are included within the coverage of this study because many of the programs may have a significant impact on coastal resources and their uses.

The aspects of the work of USDA related to coastal affairs include: sediment control; irrigation; water for rural domestic use, livestock use, recreational use, industrial use, and fish and wildlife

use; drainage, flood prevention and control; pollution of waters that affect farming; collection, treatment, and disposal of wastes in rural areas; the administration of components of the national wild and scenic rivers systems and considerations of possible additions to that system; and the production, distribution, and marketing of electric energy as it may affect rural areas and rural people.

USDA is also involved in analyzing the effect of land use management practices on water quality and flow characteristics, as well as upstream development and its effect on downstream areas. The department also analyzes the economic effects and consequences of development alternatives on agricultural and related sectors of the economy.

Agricultural Research Service (ARS)

The Agricultural Research Service, ARS, along with its various divisions, such as the Soil and Water Conservation Research Division, conducts research to provide a scientific basis and support for the land and water resource programs administered by USDA. ARS, established in 1953 by Secretary's Memorandum 1320, conducts research on the effects of pesticides on the composition and nutritive value of agricultural products; studies soil, water, and air pollution and possible methods for their abatement; investigates the hydrologic performance of watersheds and other problems of water supply, such as erosion, irrigation, and sedimentation; and conducts investigations of the processing of solid wastes. ARS has the jurisdiction to investigate the following environmental areas: pesticides, herbicides, soil and plant life, sedimentation, erosion and hydrologic conditions, and hazardous substances and toxic materials.

The Soil and Water Conservation Research Division conducts a national program of research on soils,

FIGURE 4a

FUNCTIONS OF FEDERAL AGENCIES

	DATA COLLECTION		PLANNING			ASSISTANCE			REGULATION			MANAGEMENT						
	RESEARCH	LAND USE	WATER RESOURCE	FACILITY DESIGN AND PLANNING	LAND USE PLANNING	WATER RESOURCE PLANNING	OTHER TECHNICAL ASSISTANCE	FINANCIAL	AIR POLLUTION	WATER POLLUTION	OTHER	WILDLIFE	FISHERIES	OTHER NATURAL RESOURCES	SURVEILLANCE AND INVESTIGATION	WATER SUPPLY	NAVIGATION	RECREATION
DEPARTMENT OF AGRICULTURE																		
Agricultural Research Service	■	■	■	■	■	■	■											
Agricultural Stabilization and Conservation		■	■	■	■	■	■	■					■		■			
Economic Research Service	■	■	■	■	■	■	■	■										
Farmers Home Administration		■	■	■	■	■	■	■										
Soil Conservation Service	■	■	■	■	■	■	■	■			■	■	■					
DEPARTMENT OF COMMERCE																		
Bureau of Domestic Commerce	■	■	■	■	■	■	■	■										
Bureau of Economic Analysis	■	■	■	■	■	■	■	■										
Economic Development Administration	■	■	■	■	■	■	■	■										

FIGURE 4b

FUNCTIONS OF FEDERAL AGENCIES

CONTINUED

	DATA COLLECTION		PLANNING				ASSISTANCE			REGULATION				MANAGEMENT				
	RESEARCH	LAND USE	WATER RESOURCE	FACILITY DESIGN AND PLANNING	LAND USE PLANNING	WATER RESOURCE PLANNING	OTHER TECHNICAL ASSISTANCE	FINANCIAL	AIR POLLUTION	WATER POLLUTION	OTHER	WILDLIFE	FISHERIES	OTHER NATURAL RESOURCES	SURVEILLANCE AND INVESTIGATION	WATER SUPPLY	NAVIGATION	RECREATION
DEPARTMENT OF COMMERCE CONTINUED																		
Maritime Administration																		
National Oceanic and Atmospheric Administration																		
ENVIRONMENTAL DATA SERVICE																		
NATIONAL MARINE FISHERIES SERVICE																		
NATIONAL OCEAN SURVEY																		
NATIONAL WEATHER SERVICE																		
OFFICE OF COASTAL ZONE MANAGEMENT																		
OFFICE OF SEA GRANT																		
Regional Action Planning Commissions																		
DEPARTMENT OF DEFENSE																		
Corps of Engineers																		
Office of Naval Research																		

FIGURE 4c

FUNCTIONS OF FEDERAL AGENCIES

CONTINUED

	DATA COLLECTION		PLANNING				ASSISTANCE			REGULATION		MANAGEMENT						
	RESEARCH	LAND USE	WATER RESOURCE	FACILITY DESIGN AND PLANNING	LAND USE PLANNING	WATER RESOURCE PLANNING	OTHER TECHNICAL ASSISTANCE	FINANCIAL	AIR POLLUTION	WATER POLLUTION	OTHER	WILDLIFE	FISHERIES	OTHER NATURAL RESOURCES	SURVEILLANCE AND INVESTIGATION	WATER SUPPLY	NAVIGATION	RECREATION
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE																		
Public Health Service	■		■		■	■		■								■		
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					■		■											
DEPARTMENT OF THE INTERIOR	■																	
Bureau of Land Management	■		■									■	■					■
Bureau of Outdoor Recreation	■		■		■		■											■
Geological Survey	■		■		■		■							■				
National Park Service			■		■		■											■
Office of Water Research and Technology	■		■		■		■									■		
United States Fish & Wildlife Service	■		■		■		■				■	■		■				
DEPARTMENT OF STATE	■																	
DEPARTMENT OF TRANSPORTATION																		
St. Lawrence Seaway Development Corporation																		■
U.S. Coast Guard			■		■				■					■				■

FIGURE 4d

FUNCTIONS OF FEDERAL AGENCIES

CONTINUED

	DATA COLLECTION		PLANNING				ASSISTANCE			REGULATION		MANAGEMENT						
	RESEARCH	LAND USE	WATER RESOURCE	FACILITY DESIGN AND PLANNING	LAND USE PLANNING	WATER RESOURCE PLANNING	OTHER TECHNICAL ASSISTANCE	FINANCIAL	AIR POLLUTION	WATER POLLUTION	OTHER	WILDLIFE	FISHERIES	OTHER NATURAL RESOURCES	SURVEILLANCE AND INVESTIGATION	WATER SUPPLY	NAVIGATION	RECREATION
COUNCIL ON ENVIRONMENTAL QUALITY	■	■																
ENERGY RESEARCH & DEVELOPMENT ADMIN.	■	■																
ENVIRONMENTAL PROTECTION AGENCY	■	■																
FEDERAL POWER COMMISSION	■	■	■			■									■			
FEDERAL REGIONAL COUNCIL*	■	■																
NATIONAL SCIENCE FOUNDATION	■	■						■										
NUCLEAR REGULATORY COMMISSION	■	■													■			
WATER RESOURCES COUNCIL	■	■	■			■												

* The Federal Regional Council is an inter-agency council which coordinates and concentrates the resources of those federal and concerned local agencies working on critical problems.

water, and watershed engineering, investigating the amount, rate, and distribution of runoff and stream flow. It also undertakes research on agricultural production, such as: utilization and marketing; nutrition and consumer use; the processing of wastes and their effect on the environment; control and eradication of pests and plant and animal diseases; and studies of soil, water, and air pollution and methods for their abatement. SWCRD answers questions on soil conservation, soil pollution, and pollution control, and provides referral services.

Agricultural Stabilization and Conservation Service (ASCS)

The Agricultural Stabilization and Conservation Service, ASCS, was established June 5, 1961 by the secretary of agriculture to provide financial and technical assistance to farmers for installing soil, water, woodland, and wildlife conserving practices through the Agricultural Conservation Program. This program was authorized by the Soil Conservation and Domestic Allotment Act of 1936 providing cost-sharing for farmers to establish permanent protective cover, conservation and disposal of water, temporary protection of soil from wind and water erosion, and emergency conservation measures in designated disaster areas to control damage from floods, hurricanes, and other natural disasters. ASCS has production and cropland adjustment programs to protect water supply sources and conserve soil and water, as well as direct assistance programs for farmers whose equipment and inventories have been destroyed, or whose farmland has been seriously damaged by widespread flood or drought.

Economic Research Service (ERS)

The Economic Research Service, ERS, was authorized by the Agricultural Marketing Act of 1946, 7 U.S. Code 1621-1627, to conduct studies and investigations to provide information concerning agricultural demands for land and water resources and the economic effect of alternative uses of the same land and water resources on agricultural and related sectors of the economy.

Within USDA, ERS has the responsibility of developing the basin-wide and regional economic aspects of comprehensive river-basin planning. It analyzes the agricultural sector of the economy of river basin and water resource regions predicting trends in land and water use. The service develops baseline projections of agricultural production, land use, and unemployment and income, analyzing the agricultural demand for land and water and the economic needs of development.

ERS also analyzes the economic impacts of flood prevention, land drainage, irrigation, and other water development programs on production, employment, and income in the agricultural and related sectors of the economy. Research is conducted on the economics of natural resource use and development.

Farmers Home Administration (FmHA)

The Farmers Home Administration, FmHA, derives its authority from three major acts: (1) the Consolidated Farmers Home Administration Act of 1961, 7 U.S. Code 1921, as amended by the Act of October 7, 1965, 79 Statute 931; (2) Title V of the Housing Act of 1949, 42 U.S. Code 1471 and (3) Part A, Title III of the Economic Opportunity Act of 1964, 42 U.S.

Code 2851.

Under Title III of the Consolidated Farmers Home Administration Act, FmHA provides grant assistance for the preparation of official comprehensive plans for the development of water and sewer systems in rural areas. The objectives of this assistance are: "(1) to facilitate preparation of plans by planning agencies which do not have funds available for the immediate undertaking of such a plan; (2) to promote efficient and orderly development of rural communities; and (3) to provide information necessary to avoid overlapping, duplication, over-design, or under-design of community water and sewer facilities that may be constructed in the area covered by the plan."4 FmHA also provides loans and grants for the construction of rural community water and waste disposal systems following use of the agency's comprehensive planning assistance.

Loans also are made to local organizations to finance irrigation and recreational facilities and watershed projects. Besides loans, technical and management assistance also may be provided. Authority for these loans is found under the Watershed Protection and Flood Prevention Act of 1954. The FmHA will not approve a grant for development costs of water or waste disposal projects unless the proposal is consistent with a comprehensive plan for the development of such projects within a given area or region.

Soil Conservation Service (SCS)

The Soil Conservation Service, SCS, was established by Congress through the Soil Conservation Act of 1935, Public Law 46 of the 74th Congress. Subsequent acts have given SCS greater responsibilities. These Acts include: (1) the Flood Control Act of 1944, Public Law 534, 78th Congress; (2) the

Watershed Protection and Flood Prevention Act of 1954, Public Law 566, 83rd Congress; (3) the Food and Agriculture Act of 1962, Public Law 703, 87th Congress; and (4) the Soil Survey Act of 1966, Public Law 560, 89th Congress.

The Soil Conservation Act authorizes on-site technical assistance to landowners and operators in developing, applying, and maintaining sound plans for soil and water conservation on their land through conservation districts organized under state laws. There are 53 Soil and Water Conservation Districts in the State of New York, generally corresponding to the boundaries of the counties within the state.

Through the Flood Control Acts of 1936 and 1944, USDA, through SCS, became responsible for upstream development of watersheds and flood control by the use of small structures, the installation of improvements for runoff and waterflow control, and soil erosion prevention. The Watershed Protection and Flood Prevention Act of 1954, as amended, authorizes SCS to provide financial and technical assistance in the preparation of plans for the development of watersheds and sub-watershed areas of 250,000 acres or less for flood prevention, including structural and land treatment measures, or the conservation, development, utilization, and disposal of water, including irrigation and drainage.

The Food and Agriculture Act of 1962 authorized USDA and other agencies to provide local groups with financial and technical help in conserving and developing their natural resources. The Soil Conservation Service administers the Resource Conservation and Development Projects for USDA. In New York State, the counties of St. Lawrence, Jefferson, and Chautauqua are included in RC&D projects.

The Soil Survey Act of 1966 authorized SCS to undertake soil surveys in urban-development areas, as well as in agricultural areas, providing information for city planners and other users of land-use data.

Soil surveys "(1) determine key characteristics of soils; (2) classify and name soils according to a nationwide system; (3) interpret soils according to their capability for use; and (4) show their distribution on maps."⁵ Such information is necessary in guiding the development of both the rural and urban areas of the country to help insure allowable and permissible uses of all types of land.

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce (BDC)

The Bureau of Domestic Commerce, BDC, was established by the secretary of commerce in 1953 as the Business and Defense Services Administration to promote and develop the growth of U.S. industry and commerce. The bureau collects, analyzes, and disseminates information on industrial activities and requirements, technological developments, economic trends, and the potential impact on business and the economy of government actions. It recommends policies and programs to stimulate the balance growth of U.S. industry.

In the area of water and related land resources development planning, BDC collects, analyzes, and reports information on industrial water use and provides liaison between government and industry on water resource matters. BDC prepares industrial water-use requirement forecasts on a national and river-basin basis, participating in the Great Lakes basin comprehensive plan development. It also helps develop comprehensive plans for river basins. Type I through Type III river basin studies are reviewed by BDC in the areas of industrial water requirements, industrial water supply, and industrial pollution.

It maintains information on the effects of industrial growth, technological changes, and industry water conservation practices on water supply and related land resources.

BDC continually assesses the availability of materials, equipment, and services required in conjunction with water resource development. It has an active interest in municipal and industrial water planning because of the importance of water and land resources to sustain industrial growth. BDC also reviews and comments on legislation and executive orders to assure the availability of water for industrial growth and the avoidance of restrictive economic measures for industry.

Bureau of Economic Analysis (BEA)

The Bureau of Economic Analysis, BEA, was formerly the Office of Business Economics. It provides information on the state of the U.S. economy based on the national economic accounts. The Regional Economics Division, RED, of the BEA develops and maintains statistical measures which reflect the economic situation in various parts of the nation. The Department of Commerce established RED in 1964 to provide the Water Resources Council with a consistent set of projections of income, employment, and population throughout the country. The economic basis for planning the development of the water and related land resources of the nation was based on this information.

BEA, in cooperation with the Economic Research Service of the Department of Agriculture, has prepared for the Water Resources Council a system designed for use in water resources planning. The system is composed of three parts: a statistical base, a set of economic projections, and an analytical section. This system can be used to determine the direct and

indirect effects of a project on a region of the country, aiding in the overall evaluation of the project.

BEA also participates in the comprehensive study of the Great Lakes being undertaken by the Great Lakes Basin Commission. The Division studies industries that are of major economic importance in the region, as well as providing analysis of the economic impact of alternative water development proposals.

Economic Development Administration (EDA)

The Economic Development Administration, EDA, was established under the Public Works and Economic Development Act of 1965, Public Law 136, 89th Congress, to aid the economically disadvantaged regions of the country through project grants, repayable loans, guarantees of credit, technical planning assistance and information as needed. EDA attempts to create new employment opportunities to aid economic development, lower unemployment, and raise family incomes. It does this by developing resources and new facilities and expanding existing ones.

Grants are available for public works, such as water and sewer systems, port facilities, and flood control projects. Grants or loans also may be made to provide technical, planning, and research assistance, as well as loans for industrial or commercial facilities and working capital loan guarantees.

Maritime Administration (MA)

The Maritime Administration, MA, was established through the Merchant Marine Act of 1920, and was given responsibility for promoting, encouraging, and developing ports and related transportation facilities in connection with water commerce within its jurisdiction. In fulfilling its port development responsibilities, the Maritime Administration participates in all levels of port development, i.e. international, national, interstate, state, and local, coordinating planning efforts to insure necessary port capacities are met. MA conducts surveys, studies, and investigations of ports, giving technical advice and assistance when needed.

MA's responsibilities in areas of water resources and inland waterway transportation include: "(1) reviews and offers comments for the secretary of commerce on nationwide river and harbor projects related to inland and ocean navigation with major emphasis on the impact such proposals may have on the economic and technical aspects of port development and the movement of waterborne commerce; (2) drafts and reviews legislative bills and amendments; (3) acts as technical port consultants to EDA, offering comments and recommendations on applications for federal grants and loans for technical assistance and public works projects relating to ports and other transportation facilities; (4) participates in the development and review of comprehensive water resources programs and studies; (5) works with state and local authorities on inland and ocean port programs in cooperation with individual members of Congress; (6) participates, as requested, in the navigational/port aspects of authorized river-basin studies in accordance with criteria established by the Water Resources Council; and (7) participates, as requested, in authorized comprehensive regional harbor and port planning studies."⁶

National Oceanic and Atmospheric Administration (NOAA)

The National Oceanic and Atmospheric Administration, NOAA, was established under Reorganization Plan Number 4 on October 3, 1970, within the Department of Commerce. It is a consolidation of other agencies in an attempt to bring a unified approach to the problems of the oceans, the atmosphere, and the earth.

NOAA's formation brought together functions of the Environmental Science Services Administration, ESSA, which was a part of the Department of Commerce. ESSA's major components included: the Weather Bureau, Coast and Geodetic Survey, Environmental Data Service, National Environmental Satellite Service, and Environmental Research Laboratories. From the Department of Interior, the Bureau of Commercial Fisheries, the Bureau of Sport Fisheries and Wildlife, and the Marine Minerals Technology Center all were incorporated in NOAA. The National Oceanographic Data Center and the National Oceanographic Instrumentation Center were drawn from the Department of the Navy. Elements of the Department of the Army's U.S. Lake Survey, the Department of Transportation's National Data Buoy Project, as well as the National Sea Grant Program of the National Science Foundation, all became part of NOAA under the reorganization plan.

NOAA gathers, processes, and issues information on: "(1) weather, river, and climatic conditions; (2) coastal tides and currents; (3) movement of ocean currents; (4) structure and shape of ocean basins; (5) seismic activity; (6) precise size and shape of the earth; (7) living resources of the global sea; (8) economic aspects of fisheries operations; (9) ecological relationships between game fish and other marine and estuarine organisms; (10) marine mining and related technology; and (11) conditions in the upper atmosphere and space."7

The basic mission of NOAA is to develop, operate and maintain a national system for observing and predicting the state of the atmosphere, the rivers, and the oceans, while conducting research and development that contribute to the exploration, conservation, and development of marine resources. To do this NOAA maintains warning systems against hurricanes, tornadoes, floods, seismic sea waves, and other environmental hazards.

Environmental Data Service (EDS)

The Environmental Data Service, EDS, is comprised of the National Oceanographic Data Center, the National Climatic Center, the National Geophysical and Solar-Terrestrial Data Center, the Environmental Science Information Center, and the Center for Experiment Design and Data Analysis.

EDS is charged with the responsibility of collecting, processing, and disseminating environmental data. It provides advisory services on climatological, oceanographic, geophysical and solar-terrestrial data, and information activities relating to domestic and international planning. It also directs a program of planning on the national and international levels. The service is a major center for data concerning water resources, coastal zone management, and land-use planning. Specific information is available upon request from any of the centers listed above.

National Marine Fisheries Service (NMFS)

The National Marine Fisheries Service, NMFS, develops means to assess, protect, and allocate marine resources to assure their best use in

providing maximum benefit to man. Under the service's federal assistance programs, funds are provided to the states to study, develop, and manage fishery resources. Disaster aid is also provided to states suffering from commercial fishery failures due to natural disasters. A fishery loan fund is administered by NMFS for vessels and gear, as well as a vessel mortgage insurance program.

NMFS provides basic information to the negotiators of international agreements. NMFS conducts enforcement and surveillance programs to assure compliance with international fishery agreements and treaties to protect fishery stocks under U.S. jurisdiction from foreign fishing activity, coordinating state-federal management of coastal, high seas fisheries.

The Water Resources Management Division reviews all federal and federally funded licensed proposals for water development projects to assess their impact on the marine, estuarine, and anadromous environment, and the fishery resources. It coordinates the review of environmental statements required under the Environmental Policy Act, and participates in planning sessions for river basin comprehensive studies to insure provisions for adequate water supplies in quantity and quality for living resources now and in the future.

National Ocean Survey (NOS)

The National Ocean Survey, NOS, conducts surveys, investigations, analysis, research, and technology development. It prepares charts for the safety of marine and air navigation. It provides information in the following areas: astronomy, aeronautical charting, cartography, geodesy, gravity, hydrography, marine geophysics, marine technology, oceanography, and photogrammetry.

Within NOS, the Office of Marine Surveys and Maps, MSM, provides graphic and descriptive coastal delineations, tidal data, and hydrodynamics description and prediction for coastal areas. The Lake Survey Center, LSC, provides the same services for the Great Lakes. The estuarine and lake investigation program consists of the measurement, analysis, prediction, and dissemination of information for tides, currents, lake levels, wind waves, storm surges, and river flows for the coastal and estuarine areas of the U.S., including the Great Lakes and connecting waterways. It provides data concerning beach erosion and pollution-prevention measures that affect navigation, recreational development, and shoreline and beach preservation, protection, maintenance, and restoration.

In the planning of water resources and related land-use projects, NOS insures that reports of these projects include information concerning the status of geodetic control in the project area. Such projects also include soil, geologics, and topographic mapping and boundary surveys. On projects where additional geodetic control surveys are needed or where the project is likely to eliminate effective geodetic control, the information is gathered by NOS and furnished to the agency planning the water project.

National Weather Service

The National Weather Service observes and reports the weather of the United States and its possessions, developing and distributing forecasts of weather conditions, including river levels and streamflow and warnings of violent storms, floods, and other hazardous conditions. In providing river and flood forecasts NWS conducts research which includes analyses and studies of hydrometeorological data which has broad application to water resources planning, design, and operational problems.

The National Weather Service also participates in international meteorological and hydrological projects, provides forecasts for domestic and international aviation, and gives forecasts for shipping on the oceans.

Office of Coastal Zone Management (OCZM)

The Office of Coastal Zone Management, OCZM, an element of the National Oceanic and Atmospheric Administration, was established to administer the Coastal Zone Management Act of 1972, CZMA 1972, Public Law 92-583 (see Appendix C). In writing this law, Congress broadly defined the national interest in the coastal zone and stated that the responsibility for developing and implementing the coastal management program was to be shared by all levels of government. The following statement of national coastal policy is both directly incorporated in the law and is a basic guide for the work of the Office of Coastal Zone Management:

1. to preserve, protect, develop, and where possible, to restore or enhance, the resources of the nation's coastal zone for this and succeeding generations,
2. to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development.
3. for all federal agencies engaged in programs effecting the coastal zone to cooperate and participate with state and local governments and regional agencies in effectuating the purposes of this title, and

4. to encourage the participation of the public, of federal, state, and local governments and of regional agencies in the development of coastal zone management programs. With respect to implementation of such management programs, it is the national policy to encourage cooperation among the various state and regional agencies including establishment of interstate and regional agreements, cooperative procedures, and joint action particularly regarding environmental problems.⁸

The funding of the coastal program is shared with each participating state and territory. The federal contribution is:

1. Two-thirds support of the cost of developing management programs,
2. two-thirds support of the cost of administering the approved management programs, and
3. one-half support of the cost of acquiring, developing, and operating estuarine sanctuaries for research and educational purposes.

The State of New York was awarded a grant effective November 1, 1974 to begin work on the development of a management program. The development period is anticipated to take three years although it is possible that this time may be extended. Because of the recent interest in evaluating the impact of the possible development of petroleum resources of the outer continental shelf, additional funds were awarded to the State of New York for evaluating the effect of the exploration and development of petroleum resources in New York State waters. The Department of State is the lead agency in New York State for coastal zone planning. The Department of Environmental Conservation is a major contributor to this program. Both agencies will be assisted by the New York State Sea Grant Institute.

The federal coastal zone program made development

grants to 30 states and to territories. Participant states include those with marine, as well as Great Lakes, shorelines. The offshore extent of the coastal zone extends to the limits of state jurisdiction which is the outer limit of the territorial sea, three miles from shore, on the marine coasts and to the international boundary on the Great Lakes and their connecting rivers. The landward extent of the coastal zone will be determined by each state and territory according to its interpretation of the Coastal Zone Act, which defines the inner limit as extending "inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact of the coastal waters."⁹

The Office of Coastal Zone Management also has the responsibility for administering the Marine Protection, Research and Sanctuaries Act of 1972, known as Public Law 92-532. This is referred to as the Marine Sanctuaries Program. Its purpose is to preserve or restore marine areas for their conservation, recreational, ecological, or esthetic value.

Office of Sea Grant

The Office of Sea Grant administers and directs the National Sea Grant Program authorized by the National Sea Grant College and Program Act of 1966. The act authorizes grants for: (1) education and training of marine scientists, engineers, and technicians; (2) programs of applied research in marine resource development; and (3) programs of extension services or marine advisory programs. It is the principal national instrument for carrying out cooperative programs in the coastal zone with state and local governments, academic institutions, and industry for the purpose of fostering marine resource development, technology, and environmental research.

The major activities of the Office of Sea Grant include assisting coastal states to improve their abilities to manage their coastal zones through research, education, and advisory services. It facilitates the ability of private enterprise to explore for and utilize marine resources and engage in marine commerce and commercial recreational activities through technological development and the identification of new or under-utilized marine resources. Sea Grant operates and manages a National Marine Advisory Program to aid the transfer of information between researchers and users. It helps provide programs to train the skilled manpower needed to meet national requirements in marine activities.

In New York State, Sea Grant activities are carried out by the New York Sea Grant Institute, a consortium of the State University of New York and Cornell University. From its offices in Albany the institute directs a statewide program of coastal research, advisory services, and educational activities. This program is discussed in section IV, State of New York Agencies.

Regional Action Planning Commissions

Seven multi-state regional economic development commissions are in operation, one of which is involved in part of the New York State Coastal Zone--the Appalachian Regional Commission--and another which borders the State of New York--the New England Regional Commission. The Appalachian Commission was established under the provisions of the Appalachian Regional Development Act of 1965, while the other regional commissions were formed under the provisions of Title V of the Public Works and Economic Development Act of 1965.

The regional commissions promote the economic development of their designated regions and are

required to develop long range comprehensive plans which serve as guidelines for program and project funding. Project areas include the development of industry, human resources, natural resources, transportation, tourism, and recreation. Projects are assisted by federal grant-in-aid programs or through planning and research assistance.

The portion of New York included in the Appalachian region and within the coastal zone is Chautauqua County. This county, situated on Lake Erie, borders Pennsylvania in the extreme southwestern corner of New York State. The Appalachian Regional Commission in this state is staffed by the New York Department of State.

DEPARTMENT OF DEFENSE

Corps of Engineers (CE)

In 1824 the engineers of the United States Army, the only group of engineers within the Federal Government, were given responsibility for work on rivers and harbors to aid navigation. Through subsequent legislation, including the series of Flood Control Acts starting in 1936 and running through 1970, the Army Corps of Engineers, CE, has been authorized by Congress to investigate, develop, conserve, and improve the nation's water, land, and related environmental resources. The Civil Works Program of the Corps of Engineers encompasses a broad range of resource development activities for navigation, flood control, major drainage, shore and beach restoration and protection, hurricane flood protection, related hydroelectric power development, water supply, water quality control, fish and wildlife conservation and enhancement, outdoor recreation, and environmental quality.

The Flood Control Act of 1936 established federal interest in nationwide flood control and initiated the Corps of Engineers' policy of local cooperation in flood-control projects. Requirements of local cooperation include assurances that the locality will: provide lands, easements, and rights-of way; protect the United States from liability from damages due to construction work; operate and maintain the projects after construction.

The Flood Control Act of 1944 defined flood control to include major drainage, which includes the major outlet channels serving local land drainage systems. The Flood Control Act of 1960 authorized the Corps of Engineers to assist in properly recognizing flood hazards and using such information in land-use planning and related activities. Guidelines are developed and supporting studies made for flood plain regulations and flood proofing which can be used to alleviate flood problems. The Corps of Engineers is authorized to approve small flood control projects under the Flood Control Act of 1948 as amended by the Act of 1962, not specifically authorized by Congress, as long as each project is economically justified and limited to a federal cost of \$1,000,000.

The Corps of Engineers has a long history of involvement in comprehensive river basin studies and developments. Authorization for this involvement comes from the numerous river and harbor acts, the Flood Control Acts, the Water Resources Planning Act, and the Water Pollution Control Act. In cooperation with other federal agencies, as well as local jurisdictions, the Corps of Engineers is engaged in the development of a series of long-range framework plans for the development of the river basins of the nation. In the Great Lakes basin other activities of the CE include the planning and the construction of harbors, protective works for the prevention of beach erosion, and the preservation of Niagara Falls.

The U.S. Lake Survey is a district office of the Corps of Engineers created in 1841 by Congress to conduct a survey of the northern and northwestern lakes. Since 1898 its mission has been the publication of navigation charts of the Great Lakes and the study of all matters affecting their hydraulics and hydrology. It provides technical support to the boards of the International Joint Commission, as well as other agencies.

The Corps of Engineers Marine Science Program supports coastal and Great Lakes investigations of water and related land resources. The purposes of the Corps' navigation studies and programs are the improvement of coastal and Great Lakes waterways and harbors to provide safe and economical waterborne movement of commodities, commercial fishing, and recreational boating. These are achieved through deepening, widening, and maintaining harbors and waterways to provide safe entrance and major access channels. Shore protection studies of the Corps, in cooperation with state and local interests, develop programs to halt erosion, restore and enhance shores for public recreation, park and wildlife refuge uses, and protect against tidal and hurricane flooding. The Corps of Engineers reviews all permit applications to the Environmental Protection Agency for discharges into navigable waterways to determine the impact on navigation. Estuarine studies of the Corps have a broad spectrum of application to planning programs, including navigation, sedimentation, water quality and utilization, flood plain and wetlands management, fish and wildlife protection, and preservation and enhancement of environmental quality.

Office of Naval Research (ONR)

The Office of Naval Research, ONR, was established in 1946 to plan and coordinate research programs relevant to the Department of the Navy, report on

world wide research and development findings and trends, and contract for research at educational non-profit institutions and industrial establishments. Studies sponsored by ONR particularly pertinent to New York coastal waters include investigations of waves, wave motions, and plankton ecology.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Public Health Service (PHS)

Water research and investigation is done in the Public Health Service, PHS, under the Public Health Service Act of 1944. The Environmental Health Service of PHS is concerned with the overall health aspects of river-basin planning, water, and related land-resource projects. In the area of water pollution PHS's responsibilities include the epidemiology of water-borne diseases and means for their control; provision of consultation on health matters; advice on public health questions involved in matters of water-quality control of water stored in federal reservoirs.

Other areas of concern to the Public Health Service include sanitation in recreational areas, drinking water supply, solid waste management, air pollution, radiological health, health ecology, and shellfish sanitation. PHS has been active in the preparation of the Joint Comprehensive Plan for the Great Lakes Basin.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

The principle concerns of the Department of Housing and Urban Development, HUD, established in 1965, are: assistance for financing the acquisition, improvement, and construction of sanitation and water facilities, parks, storm sewers, public docks, non-federal river and harbor improvements, and open space. Under Title IV of the Housing, Comprehensive Planning and Community Development Act of 1974, HUD provides aid in the form of grants for land-use planning activities, including water and sewer facility planning. These funds are commonly referred to as 701 grants.

Title XIII of the Housing and Urban Development Act of 1968 established a program of insurance against flood losses administered by HUD. The program is established for use in areas possessing an acceptable comprehensive land-use planning program. To encourage land-use practices which minimize flood damage losses, the secretary of HUD is authorized to: identify and publish information relating to the location and extent of flood plains, establish flood-risk zones in such areas, and estimate the rates of probable flood-caused losses in these zones. After June 30, 1970, no new insurance coverage is provided to individuals and businesses in any area unless an appropriate public body has enacted acceptable permanent land-use and control measures with effective enforcement provisions.

DEPARTMENT OF THE INTERIOR

The Department of Interior is the only department of the Federal Government that is concerned solely with the conservation, management, and development of natural resources. Its functions include the custody of 750 million acres of land; the conservation and development of mineral resources and the promotion of mine safety; hydrologic and geologic investigations, topographic mapping and coordination of federal water-data acquisition activities; the conservation, development and utilization of fish and wildlife resources; the administration of the nation's scenic and historic areas; the promotion and coordination of outdoor recreation programs; the investigation, planning, construction, and operation of water and related land-resources projects which will regulate, conserve, and use water for multiple purposes, such as irrigation, municipal and industrial supply, hydroelectric power, flood control, navigation, water-quality control, recreation, fish, and wildlife; the management of hydroelectric power systems.

Bureau of Land Management (BLM)

The Bureau of Land Management (BLM) was established July 16, 1946 in accordance with the President's Reorganization Plan 3 of that year. BLM is responsible for the management of (1) 450 million acres of lands located primarily in the western states and Alaska, (2) subsurface resources of an additional 310 million acres and (3) the lands and resources of the outer continental shelf. These managerial responsibilities require BLM to protect, develop in an orderly manner, and use the national lands and resources according to principles of multiple use, sustained yield, and environmental

enhancement. It is the agency responsible for the leasing of outer continental shelf lands for petroleum exploration and development. BLM prepares leases, establishes schedules for exploration and development, conducts bidding and prepares environmental impact statements for the development of federal offshore petroleum resources.

Bureau of Outdoor Recreation (BOR)

The Bureau of Outdoor Recreation, BOR, was established under Public Law 88-29 on May 28, 1963. It was authorized to prepare and maintain an outdoor, nationwide recreation plan, provide technical assistance to the states, initiate outdoor recreation research, and coordinate federal outdoor recreation plans and activities. BOR's functions were further expanded under the Land and Water Conservation Fund Act of 1965, as amended. Under this legislation BOR administers the Land and Water Conservation Fund program which provides financial assistance to the states for the acquisition and development of public outdoor recreation resources. Financial and technical assistance also are provided to the states in the preparation and maintenance of statewide comprehensive outdoor recreation plans.

The bureau also coordinates a program of recreational land acquisition by the National Park Service, the Forest Service, and the Bureau of Sport Fisheries and Wildlife. Under the Federal Water Projects Recreation Act of 1965, BOR provides recreation planning assistance at federal water projects. The bureau investigates and reviews water development project proposals, and participates in regional water and related land-resources planning studies conducted under the authority of the Water Resources Council.

The Bureau of Outdoor Recreation is involved in the Great Lakes Basin Comprehensive Framework Study,

and when necessary in special studies of the International Joint Commission. BOR coordinates recreation programs with transportation programs, evaluates potential national recreation areas, and conducts studies of trails and wild and scenic rivers for inclusion in national systems.

Geological Survey (USGS)

The United States Geological Survey, USGS, was established by Organic Legislation in 1879, and has evolved from an agency mainly concerned with the classification of public lands and the examination of the geologic structures of the country to one involved in the occurrence, movement, and quality of the water resources of the United States. Its broad objective now is to conduct surveys, investigations, and research into the topography, geology, and mineral and water resources of the nation. The Topographic Division of USGS has the responsibility for preparing the topographic map series of the United States and its outlying areas.

Much of the physical data needed for the planning, design, and operation of water-resource projects is supplied by the survey. It coordinates federal activities in the acquisition of data on streams, lakes, reservoirs, estuaries, and ground-water. It maintains a central catalogue of information on water data. Within the Great Lakes Basin the Geological Survey operates a data collection network to describe the amount, movement, and quality of water within the basin. It also determines the amounts of water, sediment, and dissolved materials that enter the Great Lakes.

The Water Resources Division of the Geological Survey has the greatest responsibility in the area of water. It is concerned with national water resources; ground water; streamflow; water quality,

including movements of contaminants and pollutants; and biological aspects of water chemistry; industrial use; municipal water use and requirements. The Water Resources Division is involved in the measurement and quantification of the occurrence of the nation's water resources and the effect of development and utilization on the resources. It makes statistical data and summary reports available to planners, developers, and managers. Included in the division's activities are the coordination of water-data acquisition processes of federal agencies and the development of the National Water Data System. All water data acquired in the United States by federal and non-federal agencies is identified and accessible to all.

The Geological Survey also cooperates with the Bureau of Land Management in the preparation of leases and management of outer continental shelf petroleum resources. The Survey assesses offshore petroleum resource potentials, evaluates environmental hazards to exploration and exploitation, monitors exploration and inspects drilling operations.

National Park Service (NPS)

The National Park Service, NPS, was established in 1916 to promote and regulate the use of national parks, monuments, and similar reservations. The service plans, develops, and administers the natural, historical and recreational areas which comprise the National Park System. These include scenic parks, natural areas, historic sites and buildings, large recreational areas, national seashores, lakeshores, and scenic riverways. In federal water project studies, the service is responsible for the historical, archaeological, and natural science aspects of all comprehensive river-basin planning. The service also provides technical assistance for the Bureau of Outdoor Recreation in the areas of

general development planning and related activities. Other water project areas of involvement include development planning, site planning, consultation pertaining to the development, interpretation, and operation of recreational areas, reservoir management planning, and administration of reservoir recreation areas. The principal activity of the National Park Service in New York State is the development and management of the Gateway National Recreation Area at the entrance to New York harbor.

Office of Water Research and Technology (OWRT)

The Office of Water Research and Technology, OWRT, was established July, 1974 by the Secretary's Order Number 2,966. The order consolidated the functions of the Office of Water Resources Research, which was responsible for water-related research and training under the Water Resources Research Act of 1964, and the functions of the Office of Saline Water, which conducted research on practical and economical means for converting sea and other saline water for beneficial purposes by agricultural, municipal, and other users under the Saline Water Conversion Act of 1971.¹⁰

Both of the merged offices that now constitute the Office of Water Research and Technology have sponsored research in New York State. Saline water research emphasizes technical investigations at universities and industry in the state. Much research is being carried on by the Water Resources and Marine Sciences Center of Cornell University and encompasses not only technical research but also work on a wide array of water resources management issues through citizen education and public participation. The research has a particular geographic focus on the Great Lakes. In recent years the Water Resources and Marine Sciences Center initiated joint Canadian and United States university seminars

directed at improving the management of the Great Lakes. This led to the formation of a regional Canada-United States university planning committee which guides research on alternative ways to manage the Great Lakes.

United States Fish and Wildlife Service

The United States Fish and Wildlife Service was established by the Fish and Wildlife Act of 1956 and revised in 1974 to succeed and replace the Bureau of Sport Fisheries and Wildlife. Within Reorganization Plan Number 4 of 1970, the Bureau of Commercial Fisheries was transferred to the Department of Commerce. The Service has responsibility for wild birds, mammals (except whales, seals, and sea lions), and sport fisheries (except ocean sport fisheries) and specific fishery research activities.

United States Fish and Wildlife Service objectives are to assure that the nation enjoys maximum benefit from fish and wildlife resources, to assist in the shaping of a stewardship ethic for wildlife, to guide the management of the nation's fish and wildlife resources, and to administer a program that provides opportunities to know, appreciate, and wisely use these wild resources. The activities of the Service are varied. They include biological monitoring, environmental impact assessment and review, control of wildlife populations, wildlife refuge management, law enforcement, cooperative fish and wildlife research with universities, and the operation of hatcheries. The Service produces lake trout for the Great Lakes and cooperatively manages the Great Lakes fishery with the states and Canada. It is also active in the support of the coastal anadromous fishery. It produces hatchery stock and carries out research on nutrition, disease, and habitat requirements with most of the coastal states. The Fish and Wildlife Service is directly

involved in identifying, restoring, and enforcing measures to protect endangered species.

DEPARTMENT OF STATE

The Department of State was created by Act of Congress on September 15, 1789, and was formerly known as the Department of Foreign Affairs. It possesses responsibilities relating to the oceans; it formulates and implements the policies of the United States in international ocean affairs.

The State Department participates in the activities of a variety of international organizations concerned with oceans, resources, and maritime research. It negotiates international treaties and agreements (see Table 1) with the assistance of a technical staff of agencies. The Department "(1) participates in the work of various international fisheries commissions, such as the International Commission for Northwest Atlantic Fisheries and the International North Pacific Fisheries Commission; (2) provides policy guidance to U.S. groups conducting ocean-related activities on how such activities may affect international relations and may, in turn, be affected by developments in international ocean affairs; (3) develops and directs the carrying out of policy recommendations regarding United States participation in international cooperative programs in marine science and technology."¹¹ Through the Agency for International Development, AID, assistance is provided to third-world nations to help them develop ocean-related resources and technologies. The control of ocean pollution originating from ships is coordinated through the Intergovernmental Maritime Consultative Organization.

DEPARTMENT OF TRANSPORTATION

The Department of Transportation is responsible for the Federal Government's interests in the planning, development, improvement, and operation of national transportation facilities and services. In this regard two agencies of the Department of Transportation are particularly important in the New York coastal zone--the St. Lawrence Seaway Development Corporation and the United States Coast Guard.

St. Lawrence Seaway Development Corporation

The Development Corporation was established by Congress in 1954, and the St. Lawrence Seaway opened on June 26, 1959. Its purposes are to construct, operate, and maintain deepwater navigation works in the American sector of the St. Lawrence Seaway in coordination with the Seaway Authority of Canada. The corporation currently is primarily engaged in lock rehabilitation work, studies of navigation, and construction of new locks. It also participates in other projects necessary for the maintenance and operation of the United States portion of the St. Lawrence Seaway.

U.S. Coast Guard (USCG)

The United States Coast Guard, USCG, originated in 1790, but its present operations date from the Organic Act of 1915, when it was established as part of the Treasury Department. Under the Department of Transportation Act of 1966, it was transferred from the Treasury Department to the Department of

Transportation on April 1, 1967. The principal purposes of the Coast Guard are the safety of life and property at sea and the enforcement of the maritime laws and treaties, particularly as these relate to pollution prevention and fisheries conservation.

Included in Coast Guard programs are search and rescue, aids to navigation, merchant marine safety, and recreational boating safety. The Coast Guard also collects oceanographic data and conducts a research and development program. The Coast Guard became involved in water resources development through two areas of its responsibility--the maintenance of navigational aids on the inland and coastal waters of the United States, and the enforcement of certain laws concerning water pollution, particularly the Oil Pollution Act of 1961, relating to oil spills from vessels.

Recent legislation, the Water Quality Improvement Act of 1970, the Boat Safety Act of 1970, and the Port and Waterways Safety Act of 1972, has increased the Coast Guard's safety and environmental duties and responsibilities. The Coast Guard now places emphasis on the development of technical knowledge to implement new or revised standards for design, construction, alteration, and repair of vessels and their equipment. The Water Quality Control Act authorized the Coast Guard to develop a high-seas oil control and cleanup system, as well as an oil surveillance system. It is also involved in icebreaking, providing aircraft and vessels for use by scientists, and insuring that navigation is not obstructed by bridge construction or other means.

COUNCIL ON ENVIRONMENTAL QUALITY (CEQ)

The Council on Environmental Quality, CEQ, was established by the National Environmental Policy Act of 1969. It makes recommendations to the President on national policies for improving environmental quality and appraises the effect of federal programs and activities on environmental quality. It assists the President in the preparation of the annual Environmental Quality Report and oversees decisions of federal agencies concerning the environment, as well as recommending the establishment of priorities among programs for the control of pollution and the enhancement of the environment.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION (ERDA)

The Energy Research and Development Administration, ERDA, was established by the Energy Reorganization Act of 1974. The Act combined under ERDA the energy functions of the Department of Interior, the National Science Foundation, the Environment Protection Agency and the Atomic Energy Commission. The combined functions include among others the operation of energy research centers, coal research, solar heating and cooling research, geothermal power development, the development of alternative automotive power systems and nuclear research and development activities. ERDA is primarily a research and development agency. Its responsibilities that have potential for coastal areas are sea thermal gradient conversion, windpower conversion, and energy storage.

ENVIRONMENTAL PROTECTION AGENCY (EPA)

The Environmental Protection Agency, EPA, was established through Presidential Reorganization Plan Number 3 of 1970, consolidating functions of various federal agencies. Most of EPA responsibilities are those of the former Federal Water Quality Administration of the Department of Interior. The Federal Water Quality Administration, previously named the Federal Water Pollution Control Administration, was abolished when all its authority, responsibility, and activities were assumed by EPA.

The Department of Health, Education, and Welfare delegated to EPA the former National Air Pollution Control Administration, the Bureaus of Solid Waste Management and Water Hygiene, and a portion of the Bureau of Radiological Health from the Environmental Health Service. The Food and Drug Administration of USDA supplied the pesticide research and standard-setting program of its department. The Federal Radiation Council was abolished at this time as a separate entity, and the Atomic Energy Commission's responsibility for setting environmental radiation standards was transferred to EPA.

EPA has the primary responsibility for the regulation of air and water pollution, solid wastes, and the controlling of the environmental effects of pesticides and radiation. It establishes and enforces environmental protection standards, conducts research on the adverse effects of pollution and on methods and equipment for controlling it, and provides grants and technical assistance to others to aid in arresting pollution of the environment.

Authority for activities of EPA comes from several legislative acts, principally the Environmental Policy Act of 1969, the Water Quality

Improvement Act of 1970 and the Clean Air Act amendments of 1970. Other important acts are the Oil Pollution Act of 1924, the Federal Water Pollution Control Act of 1956, as amended, the Clean Waters Restoration Act of 1966, and the Public Health Service Act of 1944.

A major function of the Environmental Protection Agency is the awarding of grants for the construction of waste treatment facilities to state, municipal, intermunicipal, and interstate agencies. Advice, information, and assistance also are supplied to help such agencies apply existing pollution surveillance and control technology to their individual jurisdictions. EPA also is concerned with providing a supply of water that is adequate in quality for all beneficial purposes, including public water supply, propagation of fish, aquatic life and wildlife, recreation, agriculture, industry, and other uses.

EPA established criteria and recommends standards of water quality and potability; encourages river-basin planning that takes into account all factors affecting water quality; awards grants for the development of basin, metropolitan, and regional water-quality management plans; administers a federal enforcement campaign against the pollution of interstate or navigable waters which endangers health; provides financial and other assistance to states to help strengthen their own water pollution control programs; and, provides technical assistance on difficult pollution problems.

FEDERAL POWER COMMISSION (FPC)

The Federal Power Commission, FPC, was established by Congress in 1920 to administer the Federal Power Water Act, now Part I of the Federal Power Act.

Under provisions of the Federal Power Act, the various flood control and river and harbor acts, the Water Resources Planning Act and related acts, the commission has responsibilities relative to the planning, construction, and operation of water-resource projects, particularly with regard to the development of power. FPC is authorized to make investigations in any region concerning the utilization of water resources. It cooperates in river basin studies by making investigations and furnishing information on the potentialities for power development, the market for the potential power, the value of the power, and the cooling of water needed for steam-electric plants.

The commission issues permits and licenses for the investigation, planning, construction, and operation of hydroelectric projects on navigable waterways, or on any stream over which Congress has jurisdiction, where the project affects interstate commerce, or in the public lands and reservations of the United States. A requirement for the issuance of a license or permit is that each project must be adapted to a comprehensive basin plan of development for all public uses, including recreation. Where up-to-date plans for the development of a basin are not available, the commission undertakes the preparation of a water resources appraisal study for the basin. The commission also regulates interstate commerce in electric power and the public utilities engaged in such commerce and regulates the transmission of natural gas from wells on the outer continental shelf to shore.

FEDERAL REGIONAL COUNCILS

On February 10, 1972, through Executive Order Number 11, 647, ten federal regional councils were

established throughout the nation. Members of the councils are the principal grant-making agencies concerned with the problems of social welfare. The council provides a framework for the concerned federal agencies, state, and local governments to work together to coordinate their interrelated programs at the regional level. It provides a means for focusing resources on special problems. Federal agencies involved include Department of Transportation, the Environmental Protection Agency, HEW, HUD, Law Enforcement Assistance Administration, Office of Economic Opportunity, and the Regional Manpower Administrator of the Department of Labor.

NATIONAL SCIENCE FOUNDATION (NSF)

The National Science Foundation, NSF, was established by the National Science Foundation Act of 1950, and expanded by the National Defense Education Act of 1958, and the National Sea Grant College and Program Act of 1966. The purpose of NSF is to strengthen research and education in the sciences in the United States. It supports basic and applied oceanographic research at academic, non-profit, and industrial institutions, as well as federal agency laboratories. Areas of study include environmental quality, seabed assessment, environmental forecasting, estuarine effects of waste discharging and dumping, effects of engineering construction activities, management strategies for ecologically important areas like marshlands, and methods for restoring damaged areas. One of its principal objectives is to define workable strategies for resolving conflicts between regional growth and development and environmental quality.

NUCLEAR REGULATORY COMMISSION (NRC)

The Nuclear Regulatory Commission, NRC, was established by the Energy Reorganization Act of 1974. This act, also known as Public Law 93-438, abolished the Atomic Energy Commission and then consolidated its staff with elements of three other agencies to form two agencies--the Energy Research and Development Administration and the Nuclear Regulatory Commission.

NRC is an independent regulatory commission having three major offices. The Office of Nuclear Reactor Regulation is responsible for licensing and regulating nuclear reactors and reviewing the safety of these facilities. This includes the regulation of reactors used for electrical power production on the marine and Great Lakes Coasts. Another function of NRC important to coastal planning is the preparation of a nuclear energy center site survey. This survey, which was to be transmitted to Congress late in 1975, is conducted in cooperation with other federal, state, and local agencies and includes the views of interested groups and individuals. The survey considers present and future regional power needs, potential sites whether on land or water and an evaluation of the environmental impact likely to result from construction and operation of nuclear energy centers. The survey is to be made available to the public and will be updated at the discretion of NRC.¹²

WATER RESOURCES COUNCIL (WRC)

The Water Resources Council, WRC, was established under the Water Resources Planning Act of 1965, and

consists of those departments and federal agencies that have major responsibility for water resources programs throughout the nation. Members include the Secretaries of Agriculture, Army, Commerce, HUD, Interior, Transportation, the Chairman of the Federal Power Commission, and the Administrator of EPA. The Attorney General, Chairman of the Office of Management and Budget, Chairman of the Council on Environmental Quality, and the Chairmen of the river basin commissions all participate as observers.

River-basin commissions are authorized by the Water Resources Council which encourages the conservation, development, and utilization of water and related land resources on a comprehensive and coordinated basis by federal, state, and local government. It exercises this responsibility through the review of framework and river-basin plans.

WRC is the principal coordinating council for federal water agencies. Its functions include a biennial national assessment of water supplies; appraisals of federal policies and programs; studies of the adequacy of the coordination of federal policies and programs; establishment of standards and procedures for federal water planning; recommendations involving the establishment and operation of river-basin commissions; review of comprehensive river-basin plans with regard to achieving the optimum use of resources; assistance to the states in increasing water resource planning capabilities.

The Council administers a program of grants to the states to aid in the financing of the preparation of state water and related land-resource plans, the participation in federal-state comprehensive water and related land resources planning, and the training of personnel as needed to develop additional planning capability.

III. INTERSTATE AGENCIES

III. INTERSTATE AGENCIES

NINE INTERSTATE ORGANIZATIONS have jurisdiction within the New York State coastal zone. Of this number, seven are derived from formal interstate compacts. Compacts are multi-state agreements approved by Congress. This formula for organization is based on the Constitution. Two other agencies, the Great Lakes Basin Commission and the New England River Basins Commission, both federal-state basin commissions, are also included because of their multi-state function.

COMPACTS

Atlantic States Marine Fisheries Commission (ASMFC)

The Atlantic States Marine Fisheries Commission, ASMFC, was established through interstate compact between the states of the Atlantic seaboard in 1941, pursuant to Public Law 539, 77th Congress, and amended by Public Law 721, 81st Congress, in 1950. The compact is between the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida.

The commission is divided into four geographic areas: The north Atlantic section, the middle Atlantic section (of which New York is a part), the

Chesapeake Bay section, and the South Atlantic section.

The purpose of ASMFC is to promote the better utilization of the fisheries (marine, shell, and anadromous) of the Atlantic seaboard by the development of a joint program for the promotion and protection of such fisheries, and by the prevention of physical waste of the fisheries from any cause.¹³

The duties of ASMFC are to inquire into and ascertain methods, practices, circumstances, and conditions that will bring about the conservation of the fisheries, and prevent the depletion and physical waste of the fisheries. The commission has the power to recommend the coordination of the police powers of member states, to promote the preservation of the fisheries from overfishing, waste, abuse, and depletion, and to assure a continuous yield.

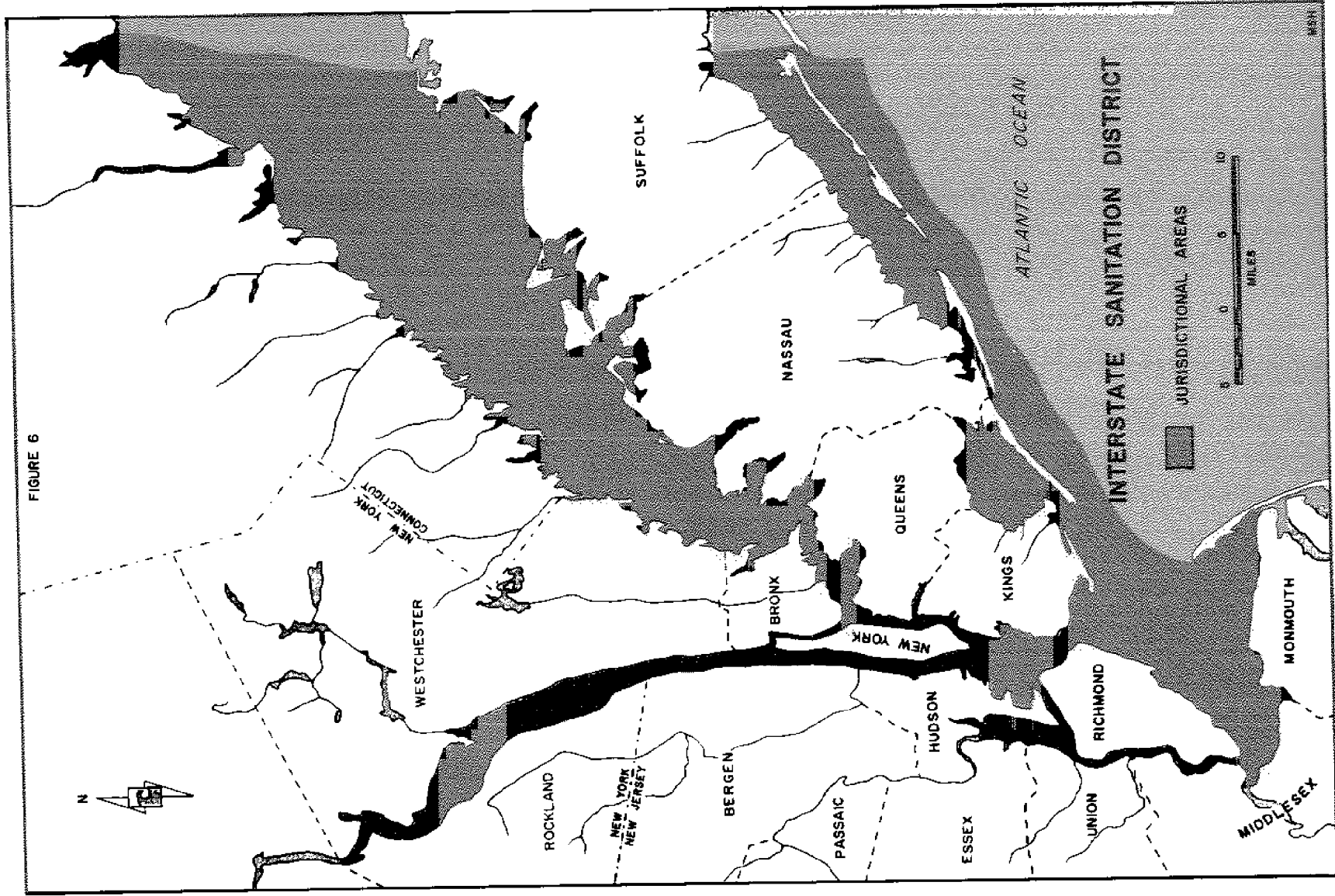
ASMFC may recommend legislation to the member states and to Congress, advise regional agencies in each state, recommend regulations to each state, and recommend the stocking of waters with various species of fish as the commission deems necessary to prevent serious depletion. It also has the power, conferred by Public Law 81-721, but not yet exercised, to act for the states as a joint regulatory agency over operations in fisheries in which the states have a common interest.

The National Marine Fisheries Service of the National Oceanic and Atmospheric Administration, U.S. Department of Commerce, is the primary research agency of the commission, and representatives of the Marine Fisheries Service attend and participate in Commission meetings.

FIGURE 5

FUNCTIONS OF INTERSTATE AGENCIES

	DATA COLLECTION		PLANNING				ASSISTANCE			REGULATION		MANAGEMENT						
	RESEARCH	LAND USE	WATER RESOURCE	FACILITY DESIGN AND PLANNING	LAND USE PLANNING	WATER RESOURCE PLANNING	OTHER TECHNICAL ASSISTANCE	FINANCIAL	AIR POLLUTION	WATER POLLUTION	OTHER	WILDLIFE	FISHERIES	OTHER NATURAL RESOURCES	SURVEILLANCE AND INVESTIGATION	WATER SUPPLY	NAVIGATION	RECREATION
COMPACTS																		
Atlantic States Marine Fisheries Commission	■	■					■			■		■		■				
Great Lakes Commission	■	■	■		■	■	■											
Interstate Oil Compact Commission	■		■	■		■		■	■	■			■					
Interstate Sanitation Commission	■		■	■		■	■		■	■			■					
New England Interstate Water Pollution Control Commission	■		■	■		■	■								■			
Port of New York and New Jersey Authority	■	■	■	■	■	■			■				■				■	
Tri-State Regional Planning Commission	■	■	■		■													
FEDERAL BASINS COMMISSIONS																		
Great Lakes Basin Commission	■	■	■	■	■	■												
New England River Basins Commission	■	■	■	■	■	■												



Great Lakes Commission (GLC)

The Great Lakes Commission, GLC, was established through the Great Lakes Basin Compact of 1955, between the states of Illinois, Indiana, Michigan, Minnesota, and Wisconsin. The commission was joined by Pennsylvania in 1956, New York in 1960, and Ohio in 1963. Congressional consent was given through Public Law 419, 90th Congress, in 1968. New York State approved the compact under N.Y.S. Laws, Chapter 643, April 18, 1960. The total geographic area covered by the compact, shown in Figure 2, is the Great Lakes, their connecting waterways, and their tributary waters, which together comprise the Great Lakes Basin. The limits of the basin within upstate New York are shown in Figure 10.

GLC is designated the joint research and advisory agency on Great Lakes water resources development, programs, and problems by the signatory states. The purposes of the Great Lakes Basin Compact include: (1) establishing the orderly, integrated, and comprehensive development, use, and conservation of the water resources of the Great Lakes Basin; (2) planning for maximum benefit from the utilization of the public works that exist or may be constructed; and (3) advising in the securing the maintaining of a proper balance among the industrial, commercial, agricultural, water supply, residential, recreational, and other legitimate uses of the water resources of the basin.¹⁴

Interstate Oil Compact Commission (IOCC)

The Interstate Oil Compact Commission, IOCC, was established in 1935 by compact between Oklahoma, Texas, Illinois, New Mexico, Colorado, Kansas, California, and Michigan. Since 1935, 32 other states

have joined, including the State of New York. The compact can be found under Chapter 140, N.Y.S. Laws, March 14, 1961. The purpose of IOCC is to conserve oil and gas by preventing the physical waste of oil and gas. This compact is of marginal importance to the coastal zone at present, but will become significant in the event that oil and gas production is permitted in the Great Lakes and marine zones.

The commission has the duty of making inquiries and ascertaining methods, practices, circumstances, and conditions that will bring about the conservation of and the prevention of physical waste of oil and gas. The commission reports its findings to the member states for their adoption or rejection. IOCC has the power to coordinate the police powers of the member states within their jurisdictions to promote the maximum, ultimate recovery from the petroleum reserves of the member states, and to recommend measures for this recovery.

The principal concerns of IOCC include: (1) the operation of oil and gas wells in an inefficient manner; (2) the drowning of land with water that is capable of producing oil or gas; (3) the control of avoidable escapes of gas into the open air or wasteful burning of gas; (4) the creation of unnecessary fire hazards; (5) the drilling, equipping, and locating of oil or gas wells in areas that will bring about waste; and (6) the inefficient or improper use of reservoir energy to produce any well.

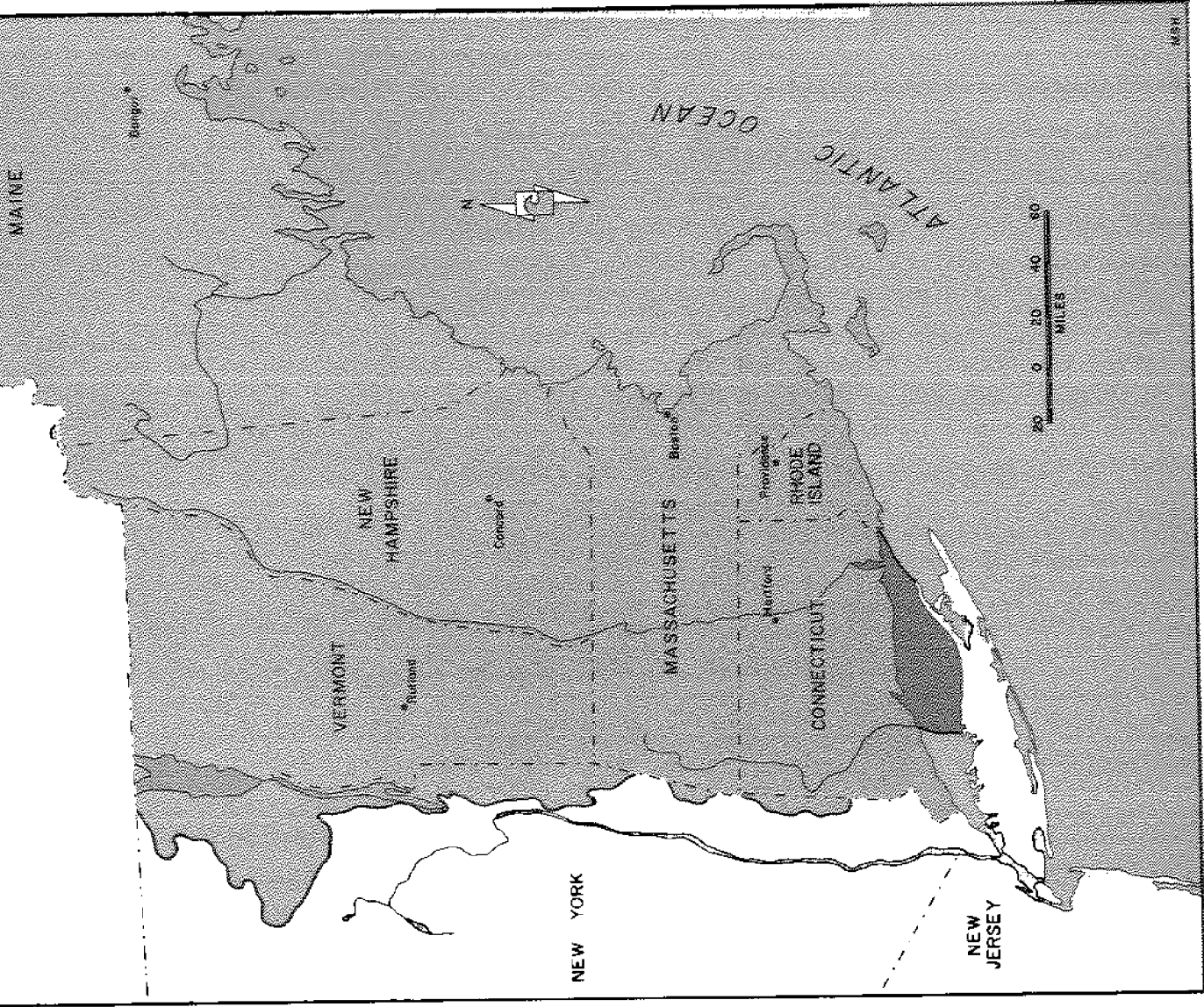
Interstate Sanitation Commission (ISC)

The Interstate Sanitation Commission, ISC, was formed in 1936 for the purpose of enforcing the provisions of the Tri-State Compact for Water Pollution Abatement between the states of New York, New Jersey, and Connecticut. The compact was approved by Congress through Public Resolution Number 62,

FIGURE 7

NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION

JURISDICTIONAL AREAS



MBN

74th Congress, August 27, 1935, and approved by the State of New York through Chapters 3 and 4 of N.Y.S. Laws of 1936.

Under the compact an interstate sanitation district was formed covering an area which includes the coastal, estuarial, harbor, tidal, and tributary waters extending from Sandy Hook, New Jersey, all of New York Harbor, the Hudson River north to the northern boundaries of Westchester and Rockland Counties, then eastward to New Haven on the Connecticut shore and Port Jefferson on the Long Island shore of Long Island Sound, and along the south shore of Long Island eastward to the Fire Island Inlet (see Figure 6).

The major functions of ISC are: (1) classifying waters of the Interstate Sanitation District by expected use; (2) developing programs for pollution abatement; (3) assisting in locating funds for the financing and construction of treatment plants; (4) conducting investigations to determine adherence to or deviations from standards of water quality; (5) holding hearings and issuing orders to provide for pollution abatement and enforcing such orders when necessary by court action; (6) exercising control over the creation of new sources of pollution; (7) conducting special surveys and studies; and (8) setting standards for amounts of sewage discharged into waters under its jurisdiction.

The commission has the power to order municipalities to treat sewage before it is discharged into district waters, and to bring action in the courts of the respective states to enforce its rulings and orders. It cooperates with and advises state and district authorities having jurisdiction over stream pollution to coordinate activities, and thereby lower total operating costs.

New York State has agreed that all New York waters flowing into the district will be at least as pure as commission standards require of the

district waters. At the present time, New York State standards are higher than ISC standards.

New England Interstate Water Pollution Control Commission (NEIWPCC)

The New England Interstate Water Pollution Control Commission, NEIWPCC, was established through the New England Interstate Water Pollution Control Compact in 1947 between the states of Connecticut, Rhode Island, and Massachusetts. The State of New York joined in 1949, approved under Chapter 764, N.Y.S. Laws. NEIWPCC was later joined by the states of Maine, New Hampshire, and Vermont.

The provisions of the compact apply to all streams, ponds, and lakes that are contiguous to, flow through, or have a tributary that is contiguous to, or flows through, two or more signatory states. The compact also applies to tidal waters that ebb and flow past the boundaries of two states. The waters under the jurisdiction of the Interstate Sanitation Commission are excluded (see Figure 7).

NEIWPCC has three broad functions: (1) the coordination of interstate water pollution control efforts of the New England States and that part of New York State affecting the New England waters; (2) education and training of personnel for careers in water pollution control; and (3) public information.

Programs of NEIWPCC include: approval of interstate water classifications; advising in the planning and construction of water pollution control facilities; preparation of model legislation, guidelines, and regulations; funding of demonstration projects in new developments in water pollution control technology; establishment of water-quality control standards, and programs to meet those standards; conducting inventories of pollution con-

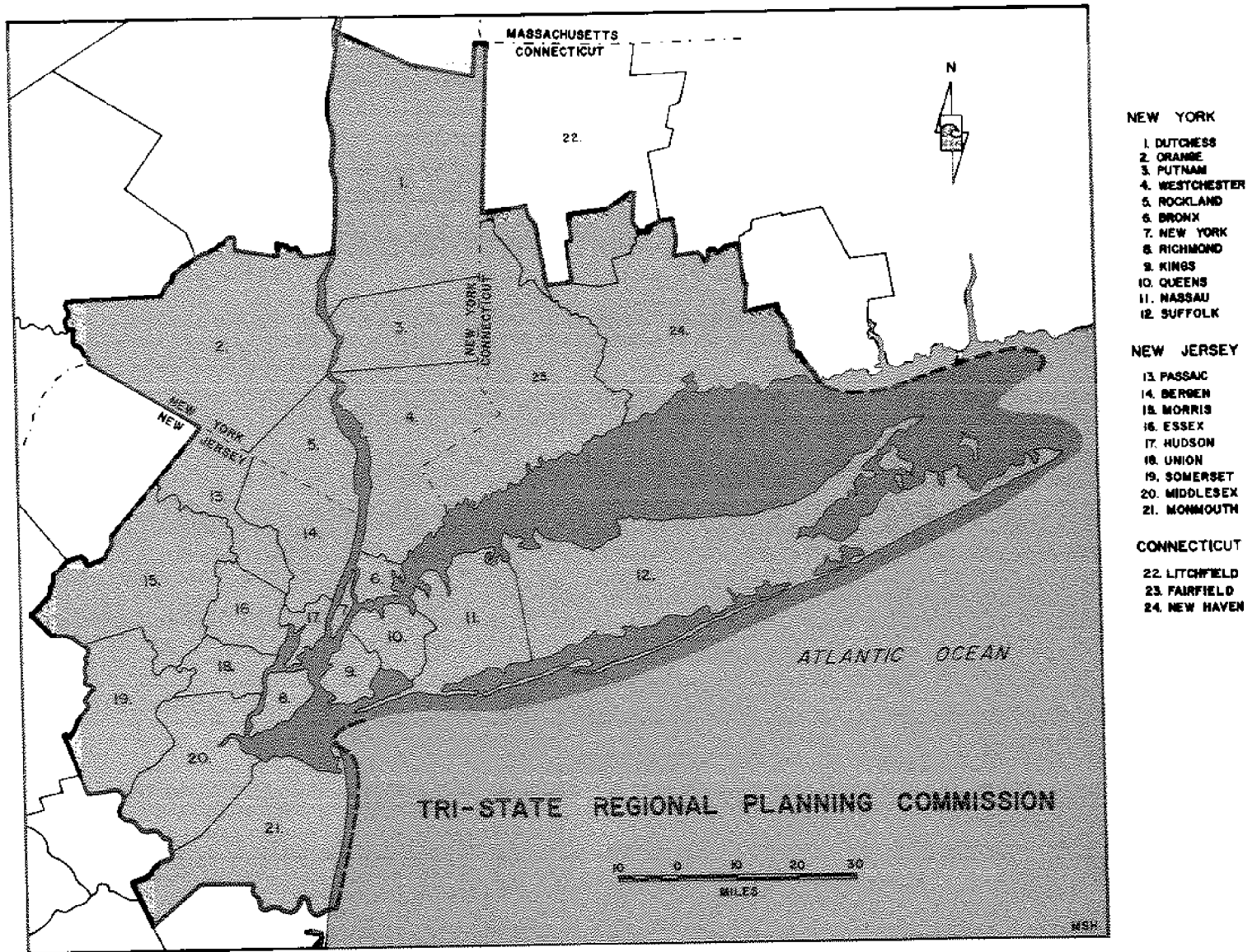


FIGURE 8

trol systems and progress in pollution control by industries and municipalities; liaison with the regional Environmental Protection Agency to smoothly implement national standards of water-pollution control.

NEIWPCC has evolved from a small agency concerned with water-use classification to one involved in water quality, training treatment plant operators, funding demonstration projects, and preparing legislation. The commission has made significant contributions to the training of treatment plant operators through its Mobile Training Facility and the New England Regional Wastewater Institute, and to the control of water pollution through the coordination of programs of compact-member states and the development of legislation.

Port of New York and New Jersey Authority

The Port of New York and New Jersey Authority was established in 1921 through interstate compact, and was the first public authority to exist in the State of New York. It was approved under Chapter 154, N.Y.S. Laws of 1921, and Chapter 151, New Jersey Laws of 1921. The compact formed a two-state Port of New York District.

The Port District covers an area between a 20 and 30-mile radius from the Statue of Liberty. The district includes 17 county and more than 234 municipal governments. The authority is a public corporation empowered to purchase, construct, lease, and operate any terminal or transportation facility within the Port District.

The authority is involved in comprehensive planning concerning wastewater treatment, erosion, sedimentation, navigation, and waterfront development. It provides technical assistance in these same areas

when necessary. The Port Authority provides control and abatement of water pollution from its own facilities and those of its tenants. It also participates in harbor cleanup and debris control with the Army Corps of Engineers.

Tri-State Regional Planning Commission (TSRPC)

The Tri-State Regional Planning Commission, TSRPC, was formed as the Tri-State Transportation Committee in 1961 between the states of Connecticut, New York, and New Jersey. In 1965 the legislatures of the three member states authorized the committee to be changed to an official transportation authority. In 1971 the legislatures broadened the scope of the authority, and changed the name to the Tri-State Regional Planning Commission.

The commission has jurisdiction over an area that is within a 60-mile radius of Times Square, extending to Asbury Park and Somerville, New Jersey, Port Jervis and Poughkeepsie, New York, New Haven, Connecticut and to Montauk Point, Long Island, New York. TSRPC encompasses 22 New York and New Jersey counties and six planning regions in southwestern Connecticut.

TSRPC is the official interstate planning agency concerned with immediate and long-range transportation, land use, comprehensive planning problems, and coastal zone studies. The coastal zone study area includes a portion of Connecticut lying between Interstate-95 and Long Island Sound, and Long Island coastal area, and New York Harbor (see Figure 8). The North Atlantic Regional Water Resources Study describes TSRPC as "...the official agency designated as the metropolitan clearinghouse by the Federal Office of Management and Budget to review all applications for federal aid as required under Section 204 of the Demonstration Cities and

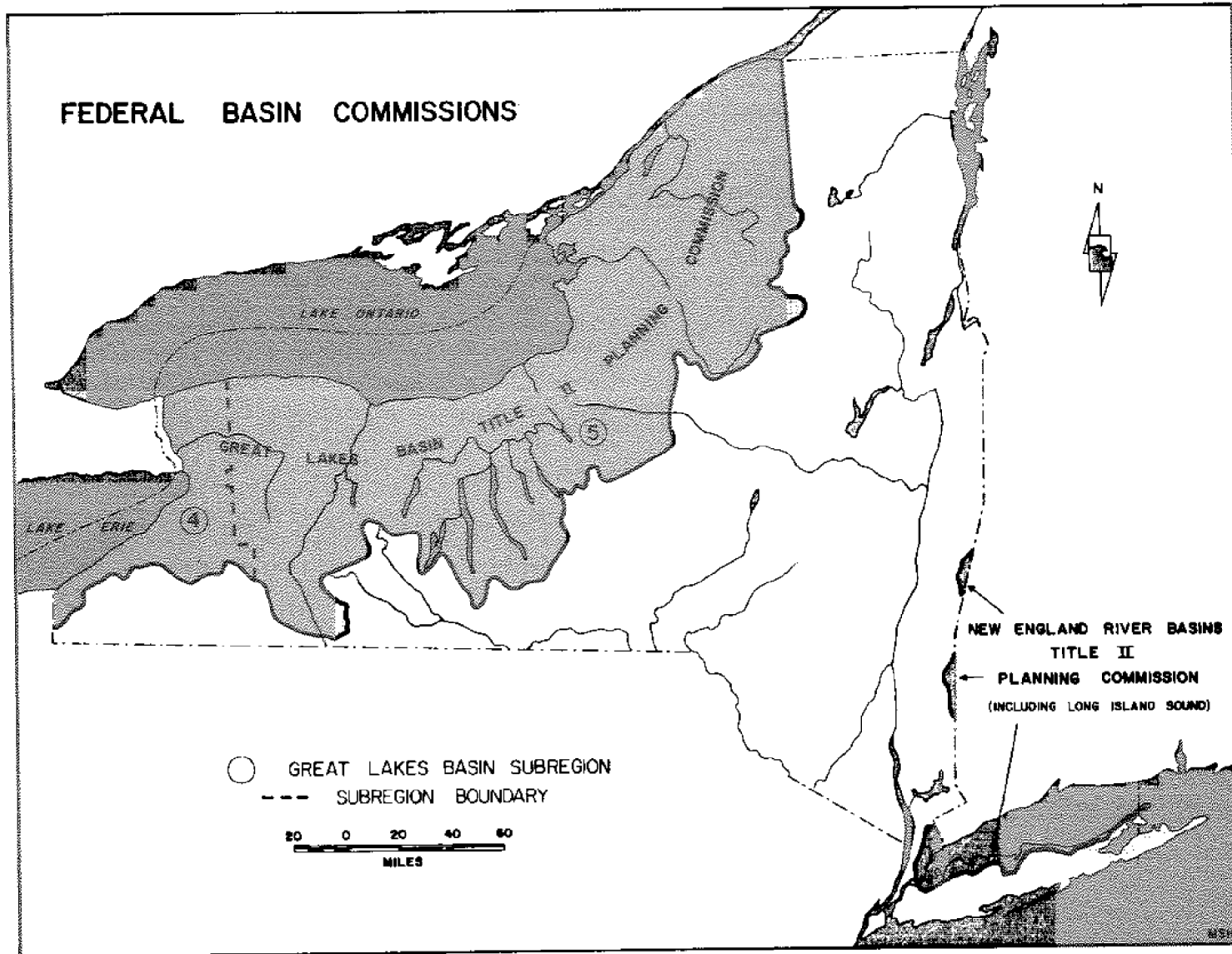


FIGURE 9

Metropolitan Development Act of 1966, the Intergovernmental Cooperation Act of 1968, and the National Environmental Policy Act of 1969, for the following functional categories: airports; mass transit; hospitals; libraries, open space and recreation; water supply and distribution; sewerage facilities and waste treatment; highways; water development and land conservation; law enforcement facilities; and comprehensive planning which includes elements for housing, community renewal, area-wide health planning, air pollution control, solid waste disposal, juvenile delinquency prevention, law enforcement, crime control, water pollution abatement, community action, and new communities."¹⁵

FEDERAL BASIN COMMISSIONS

Great Lakes Basin Commission (GLBC)

The Great Lakes Basin Commission, GLBC, was established by Executive Order 11,345 of the President on April 20, 1967, pursuant to the Water Resources Planning Act of 1965, Public Law 89, of the 80th Congress. Requests for the creation of this commission were made under Title II of the Water Resources Planning Act by the governors of the region and the Water Resources Council. Commission members include the eight states bordering the Great Lakes, including New York, and nine federal agencies and the Great Lakes Commission.

The geographical jurisdiction of GLBC, shown in Figure 9 for New York, also includes those portions of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, and Wisconsin that are drained by the St. Lawrence River system, including the Great Lakes, their tributaries, and tributaries of the St. Lawrence River which reach that river within the United States.

The extent of the Great Lakes drainage within New York State is shown in Figure 10. The New York counties that are within the drainage area are presented in Figure 11.

GLBC is the principal coordinating agency for federal, state, local and non-governmental plans for the development of water and related land resources in the Great Lakes Basin. The commission prepares and updates a comprehensive, coordinated, joint plan for the development of these resources, including all alternate means for achieving this development. It recommends long-range schedules of priorities for data collection, investigation, analysis, planning, and construction of projects, and conducts studies and surveys of resource problems necessary in preparing the comprehensive plan.

The main objectives of GLBC in past years have been: (1) the completion of the level A Great Lakes Basin Framework Study (fiscal year 1975); (2) the development of effective coordinating mechanisms in water and related land-resources planning (3) assisting in the development of the Great Lakes Water Quality Agreement; (4) the development of a Phase I--Limnological Systems Analysis of the Great Lakes (a feasibility and plan of study approach); and (5) the development of research coordination leading to more efficient water and related land-resources planning.

Upon completion of the Great Lakes Basin Framework Study, a concerted effort will be made to develop the Comprehensive Coordinated Joint Plan for the Great Lakes Basin. In the next five years, programs of federal agencies, including river basin, water-quality management plans, as well as state water plans, will be coordinated and evaluated as to their relationship to the Coordinated Joint Plan. Better definition and coordination of the commission planning as relating to the International Joint Commission will be developed.

NEW YORK GREAT LAKES
DRAINAGE BOUNDARIES FOR
THE GREAT LAKES COMMISSION AND
THE GREAT LAKES BASIN COMMISSION

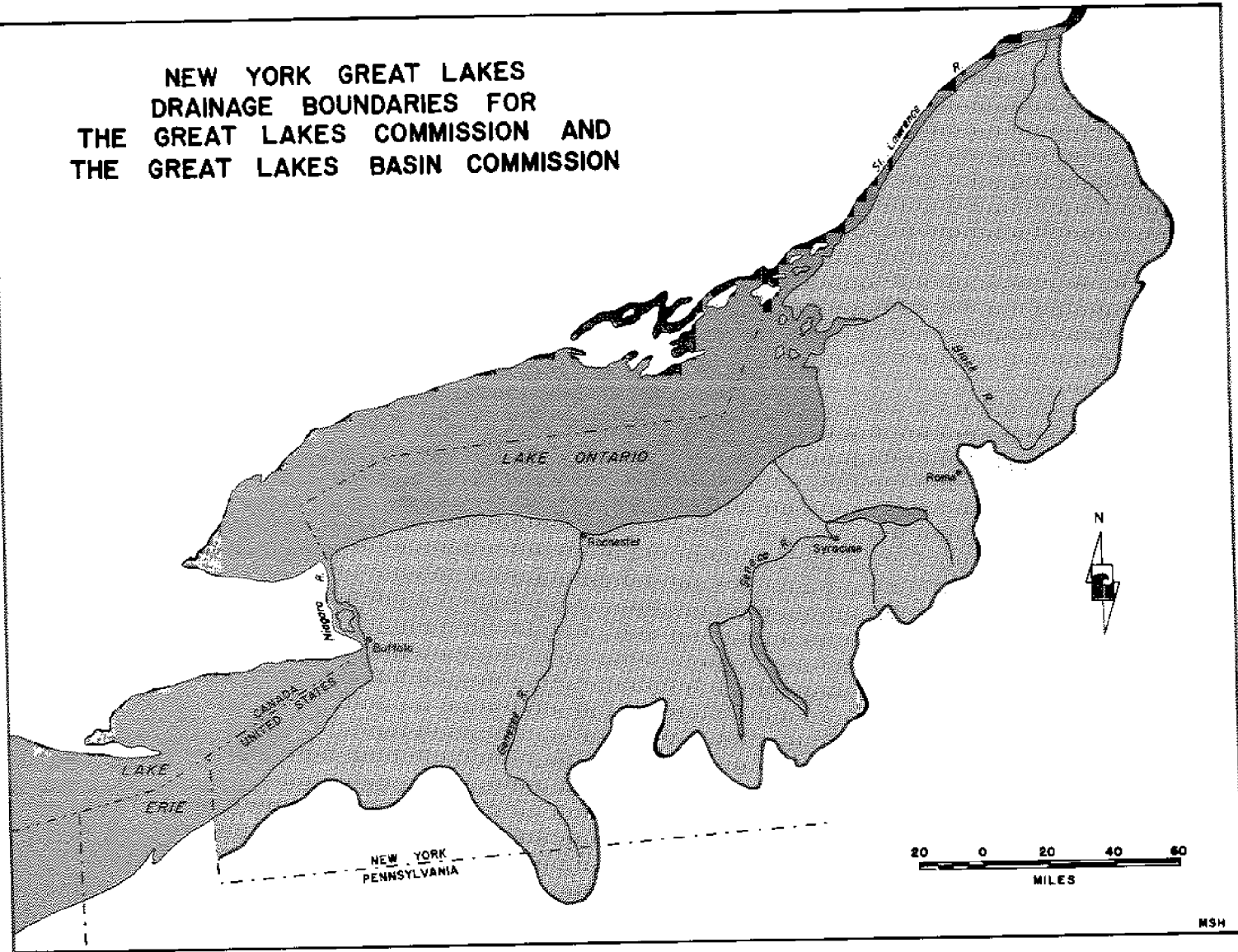


FIGURE 10

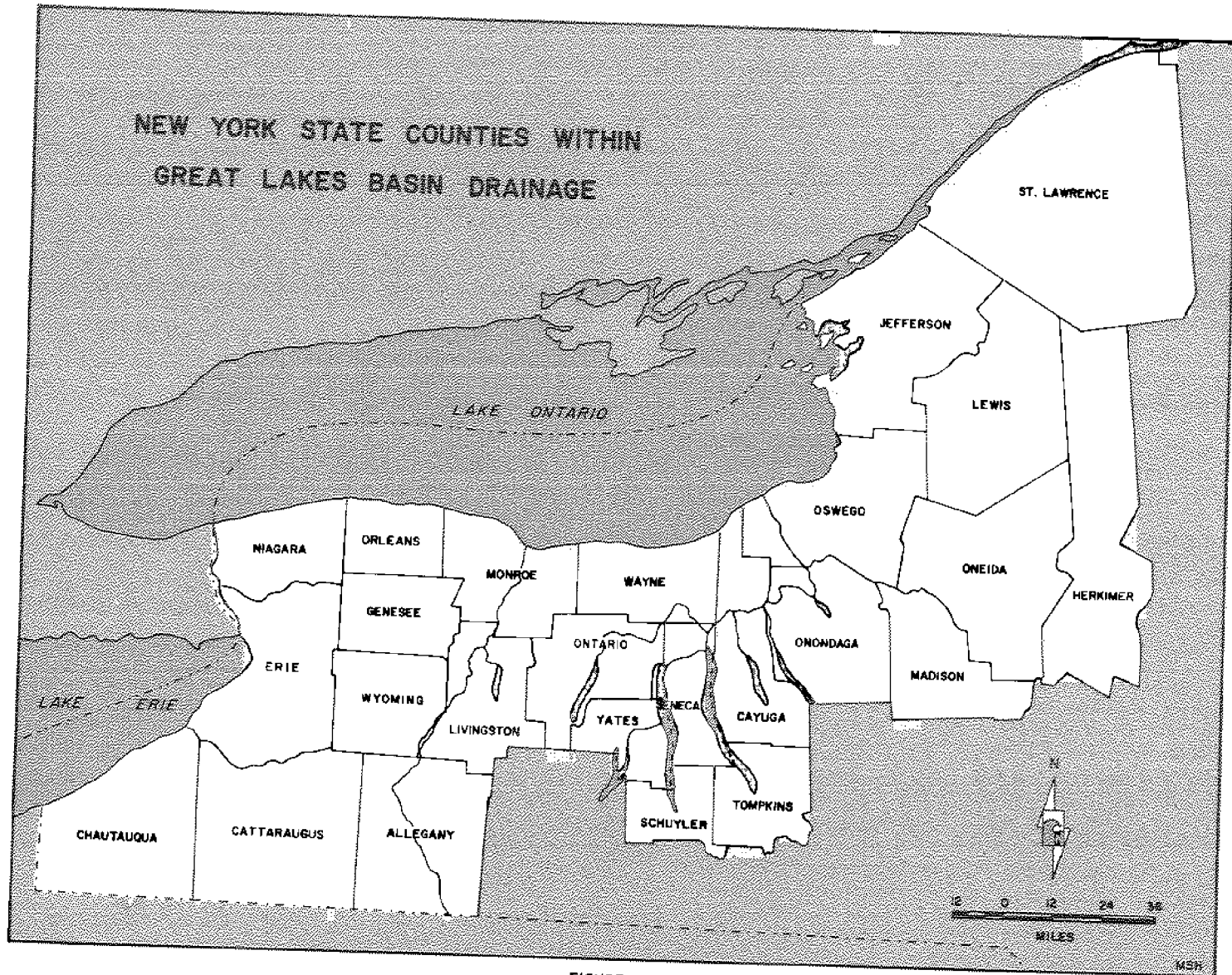


FIGURE 11

The effectiveness of GLBC lies in its ability to coordinate and bring together federal, state, local, and other groups to undertake joint planning programs and activities. GLBC emphasizes long-range, objective, comprehensive planning technology trying to reduce limited-purpose planning and regionalism within the Great Lakes Basin. GLBC focuses attention upon the need, lack of programs, and areas where states and agencies could employ additional planning, research, and data collection to accelerate the rate of planning and resource problem resolution.

New England River Basins Commissions (NERBC)

The New England River Basins Commission, NERBC, was established by Executive Order 11,371 of the President on September 6, 1967 pursuant to the Water Resources Planning Act of 1965, Public Law 89, of the 80th Congress. The commission was created under Title II of the Water Resources Planning Act, with ten federal agencies, seven states and six interstate compact commissions as members.

The geographical jurisdiction of NERBC covers the six New England states of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, and Connecticut, and that portion of the State of New York drained by the Housatonic River, but excluding areas drained by the Hudson River or Lake Champlain. Executive order 11,528 of April 24, 1970, increased the jurisdiction to include Long Island Sound and that portion of Long Island drained by it, excluding New York City and its immediate waters (see Figure 9).

NERBC is the principal coordinating agency for federal, state, local, and non-governmental plans for the development of water and related land resources within the New England river basins. It is the coordinator of multi-purpose river basin studies in New England, preparing and updating a comprehen-

sive, coordinated, joint plan for development of water and related land resources, including all alternative means for achieving this development. It recommends long-range schedules of priorities for data collection, investigation, analysis, planning, and construction of projects, as well as conducts studies and surveys related to resource problems, necessary to prepare the plan.

There are three parts to NERBC's comprehensive plan for its river basins: "(1) the New England Framework Study, providing information on resource supplies, future needs, and alternative ways of meeting these needs; (2) joint federal-state water and related land-resources management plans for particular basin groups; and (3) joint federal-state water and related land-resources management plans for each New England state."¹⁶

NERBC has taken the lead in developing multi-purpose river-basin studies in New England, projects that formerly were developed by the Army Corps of Engineers. In other areas of planning, NERBC has developed from a coordinator of individual plans, to an instigator of regional plans, combining limited purpose plans of individual agencies into area-wide plans for guiding regional resource development.

IV. STATE OF NEW YORK
AGENCIES

IV. STATE OF NEW YORK AGENCIES

NEW YORK among the states is unique in having an extensive marine and Great Lakes Coastal zone. This involves the state in an unusually broad range of coastal activities because of the differing environment, natural resources, and the needs and attitudes of the people toward the coastal resources along the two shores. Among the agencies having statewide authority and directly involved in coastal affairs are the Departments of State and Environmental Conservation. The Department of State is the lead agency in New York State for coastal zone management activities and also conducts a program of planning assistance to local communities. The Department of Environmental Conservation has the principal responsibilities among state agencies for the management of the natural resources of the coastal zone. Other statewide agencies have responsibilities encompassing recreation, transportation, and public health.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC)

The Department of Environmental Conservation, DEC, was established in 1970 under Chapter 140 of the Laws of 1970. This new department consolidated in one agency state programs involving the quality of the environment, water resources planning, development, and management, and programs relating to air, land, and water pollution. The functions and duties of the former Water Resources Commission were transferred to

DEC, and are contained in the Division of Water Resources. Other departments that were consolidated into DEC include the former Department of Conservation, the Air Pollution Control Board, the Pesticide Control Board, the Natural Beauty Commission, and particular functions of the Department of Health related to solid waste disposal and air, land, and water pollution control.

DEC is involved in the planning, development, and management of the state's water resources, undertaking studies on a regional basis, with local participation, for the protection, conservation, development, and use of water resources within any region of the state. Other types of activities include the apportionment of water for public water supply systems; the investigation of the purity of public water supply systems; the classification of the waters of the state and the establishment of standards for quality and purity; the drainage of agricultural lands; river regulation and improvement; flood control and flood plain management; the planning of public water supply systems for intermunicipal areas; the protection of streambeds from disturbance; the control of dredging and filling in navigable waters; and the control of the construction of dams and docks.

In the area of water pollution, DEC has responsibilities for the enforcement of water-pollution control laws; review and approval of plans for sewage disposal systems; and administration of grants to municipalities for construction of sewage and waste treatment facilities. State responsibilities to various interstate and state-federal river basin surveys and plans are met through the activities of the department, with the commissioner or his designee sitting as the state representative on these boards. DEC administers state forest preserves and regulates oil and gas activities on public and private lands throughout the state.

DEC is involved in the administration of flood control, beach erosion, and hurricane protection

FIGURE 12

FUNCTIONS OF NEW YORK STATE AGENCIES

	DATA COLLECTION		PLANNING				ASSISTANCE		REGULATION			MANAGEMENT						
	RESEARCH	LAND USE	WATER RESOURCE	FACILITY DESIGN AND PLANNING	LAND USE PLANNING	WATER RESOURCE PLANNING	OTHER TECHNICAL ASSISTANCE	FINANCIAL	AIR POLLUTION	WATER POLLUTION	OTHER	WILDLIFE	FISHERIES	OTHER NATURAL RESOURCES	SURVEILLANCE AND INVESTIGATION	WATER SUPPLY	NAVIGATION	RECREATION
DEPARTMENT OF ENVIRONMENTAL CONSERVATION	■		■			■			■	■								■
DEPARTMENT OF HEALTH	■					■	■											
DEPARTMENT OF STATE		■			■													
DEPARTMENT OF TRANSPORTATION	■					■											■	
OFFICE OF GENERAL SERVICES										■			■					
OFFICE OF PARKS AND RECREATION	■			■														■
COOPERATIVE EXTENSION	■					■												
ENVIRONMENTAL FACILITIES CORPORATION	■		■			■	■											
POWER AUTHORITY OF THE STATE OF NEW YORK																		
SEA GRANT INSTITUTE		■				■	■											

activities within the state. Under provisions of the National Flood Insurance Program, DEC is empowered to delineate flood plains within local communities, and control development within those flood plains, if the local communities fail to do so on their own initiative. DEC operates and maintains flood protection works and flood control dams and regulates the levels of Lake George.

Of particular interest in the coastal zone, in addition to the foregoing activities, are tidal wetlands and freshwater wetlands conservation programs, the management of commercial and sport fishing, and technical support for the coastal zone management program. The tidal wetlands of Long Island and New York harbor are now mapped and classified and regulations for their strict control are being presented before public hearings. Freshwater wetlands along the coastal zone of the Hudson River, the Great Lakes, and connecting rivers, are being mapped. This is the first part of a long-term statewide program to safeguard the long-term productivity of these areas critical for the wildlife and fisheries of New York State. DEC also conducts a broad program to enhance the extensive sport and commercial fisheries of the state. It regulates the taking of shell and fin fish within state waters which include Long Island Sound, the waters of the territorial sea, and the inland waters of Long Island, the Hudson River, and the Great Lakes. The Department supports this activity with the operation of hatcheries for restocking selected freshwater species and the improvement of shellfish beds. DEC is directly assisting the Department of State in the development of coastal zone management programs. This work includes the analysis of coastal natural resources and recommendation for their management to assure long-term productivity and usefulness and the assessment of the social and physical impact of offshore petroleum development on New York coastal waters and coastal lands.

DEPARTMENT OF HEALTH

The Department of Health, organized under Chapter 879 of the Laws of 1953, has general responsibility for securing compliance with the Public Health Law and the State Sanitary Code. In the area of water resources, the department determines water-quality standards and establishes regulations for the sanitary control of water supplies. Health officers are directly responsible to the Commissioner of Environmental Conservation in areas of water-quality surveillance, sewage and industrial waste, sanitary control of water supplies, and pollution abatement control. The Department of Health in cooperation with DEC continues to review and approve plans for public water supply systems and initiates and coordinates studies for municipal and inter-municipal water supply facilities.

DEPARTMENT OF STATE

The office of the Secretary of State was established in 1778. After several reorganizations it now operates under Chapter 437 of the Laws of 1926. The Department of State is the recording agency for New York State. It maintains the official register of the laws of the state; is the depository of original state land records, such as patents, surveys, and title papers; registers certificates of incorporation; files trademarks; awards professional licenses, regulates certain professional athletic events; and regulates nonsectarian cemeteries.

In 1975 several state agencies that supported

local government such as the Office for Local Government, and the Office of Planning Services, were terminated and their functions transferred to the Department of State. These agency responsibilities are now housed in the Division of Community Affairs and the Division of State Planning. Community Affairs administers the HUD 701 program for strengthening planning in local governments and regional agencies, the Appalachian program within New York State, planning assistance to Adirondack Park local governments, and programs for improving community management and development. The Division of State Planning has the responsibility for developing statewide 701 land use and housing studies, reviewing agricultural district and transmission facility proposals, reviewing state agency functional plans, and administering the coastal zone management program within New York State.

The Department of State was designated the lead agency responsible for the preparation of a coastal zone management proposal in 1975. The coastal zone in New York State includes the shores of the Great Lakes and their connecting rivers, portions of the Hudson River subject to tidal action, the New York City harbor, and the shores of Long Island. Funding for coastal zone work began with a grant from the federal Office of Coastal Zone Management in 1974. The Division of State Planning which has direct responsibility for coastal work within the Department of State has subcontracted with other state agencies and non-state planning agencies to assist in the four year task of preparing a coastal management proposal. A major part of the resource analysis work is being undertaken by the Department of Environmental Conservation and the Sea Grant Institute provides technical assistance. Regional and local government planning organizations in the coastal segments of the state are also assisting with specific tasks that affect their coastal lands and waters.

DEPARTMENT OF TRANSPORTATION

The Department of Transportation was formed in 1967 and functions as a comprehensive transportation agency for the State of New York. Through its basic legislation, Chapter 717 of the Laws of 1967, it has the responsibility for highway, mass transit, aviation, and marine transportation. The water transportation activity of the department includes the improvement, operation, and maintenance of the 500 miles of canals and navigable waterways that link New York City, by way of the Hudson River, with the Great Lakes, Lake Champlain, and the St. Lawrence River. The Department is completing a Comprehensive Upstate Port study. This includes a review of port authority boundaries, financial support, port charges, and port development programs for the ports of Albany, Buffalo, Rochester, Oswego, and Ogdensburg.

OFFICE OF GENERAL SERVICES (OGS)

The Office of General Services, OGS, was organized in 1960 under Chapters 459 through 463 of the New York State Laws of that year. This office performs centralized purchasing, and facility design, construction, and operations, and other services for state agencies. An important aspect of its activities is the management and disposition of state-owned land which originally were the responsibility of the New York State Commissioner of the Land Office. This responsibility of OGS was recently organized under the Division of Land Utilization. The Division, operating according to Section 2 of the Public Lands Law, manages lands under tidal and navigable bodies

of water within the state. The Division grants easements for the use of these lands and issues licenses for the removal of minerals, sand, and gravel. The jurisdiction of OGS over underwater lands on the Great Lakes and the Niagara and St. Lawrence Rivers extends from the original, mean low-water line to the international boundary. The shoreward boundary on tidal waters is the original, mean high-water line. The outer limit of state jurisdiction in the Atlantic, however, is the outer limit of the territorial sea three nautical miles from mean low water.

OFFICE OF PARKS AND RECREATION (OPR)

The New York State Office of Parks and Recreation, OPR, was established under New York State Laws of 1970, Chapter 140. It has the responsibility of administering the state's park system, including the operation of state parks, parkways, historic sites, marine programs, and facilities. There are 12 state park regions: Niagara Frontier; Allegany; Genesee; Finger Lakes; Central New York; Adirondack; Catskill; Taconic; Palisades; Long Island; Thousand Islands; Saratoga-Capital District; and City of New York.

All park regions except the Adirondack and Catskill parks have jurisdiction over part of the coastal zone of New York State. One park region, the Palisades, was formed in 1947 by interstate compact between the states of New York and New Jersey. Provisions of the compact can be found in Chapter 170, N.Y.S. Laws of 1937, and Chapter 148, New Jersey Laws of 1937.

The park regions undertake programs of erosion control and beach protection in the coastal zone on state park lands, as well as control recreational

boating within the state parks. The jurisdiction of the Office of Parks and Recreation is restricted to New York State park lands and attendant recreational facilities.

The Hudson River Valley Commission, which is attached to OPR, has project-review authority over developments affecting the Hudson River from its source to New York City. This agency is discussed in the section, Regional Boards, Commissions, and Authorities.

COOPERATIVE EXTENSION

New York State Cooperative Extension is an educational service bringing to the counties of the state information of benefit to agriculture and related industries, to families, and to their communities. This service was originally founded by the federal government through the Smith-Lever Act of 1914. It was intended to establish an effective means of disseminating the research findings of the Land Grant Colleges through a network of county offices. In the intervening 60 years, 56 county offices have been established throughout New York State with an additional office in New York City. The central staff of Cooperative Extension is a part of the New York State Colleges of Agriculture and Life Sciences and of Human Ecology, but the county offices are funded jointly by the respective counties, the state, and the federal government.

The county programs focus on agricultural assistance, youth education, and home economics. Comparatively recent developments include two additional programs which can be of particular value to communities considering coastal planning, management, and resource development activities. These

programs are the Community Resource Development Program and the Sea Grant Advisory Service.

The Community Resource Development Program is directed primarily at educating community leaders and citizens in effective formulation and carrying out of public decisions directed to community problems. The first of three major program areas is natural resources and environment education which focuses on land use, water resources, and the natural environment. Community development and planning education, a second program area, emphasize community planning and development activities. The third area concerned with community functions and services is directed at understanding the needs for housing, health, education, and recreation. Community Resource Development activities are formulated and carried out by county extension planning committees, Cooperative Extension agents, regional specialists, and college specialists.

The Sea Grant Advisory Service is a specialized component of Cooperative Extension concerned with improving the use of coastal resources. It provides useful information and educational programs to fishermen, consumers, community groups, and industry. Sea Grant Advisory Service offices are located on the Great Lakes, in New York City, and on Long Island. The scope of activities of advisory staff includes assistance in resource development, such as commercial fishing, aquaculture, and sand and gravel mining; coastal zone management and intergovernmental problems; resource evaluation problems, such as power plant impact, beach and shore stabilization, and recreation development, and; improved resource utilization of marine food products. The Advisory Service staff carries out selected short-range research projects. It also derives research support from the New York State Sea Grant Institute sponsored research projects located on university campuses throughout the state. The New York State Sea Grant Institute program is described more fully in a following section.

ENVIRONMENTAL FACILITIES CORPORATION (EFC)

The New York State Environmental Facilities Corporation, EFC, was established under Chapter 744 of the Laws of New York State, 1970, as a reconstitution and continuation of the New York State Pure Waters Authority. The corporation provides assistance to municipalities and state agencies by providing facilities to abate air, water, and solid waste pollution. It can provide, at a community's request and at a reasonable fee, the planning, designing, financing, construction, operation, and maintenance of sewage treatment plants, sanitary landfills, or other desired waste-management facilities. Other areas of involvement include sewage collection systems, water management facilities, storm water collecting systems, and solid wastes disposal systems. The corporation may construct on the site of an environmental project such as a sanitary landfill, any appropriate improvement a municipality desires, such as a park. It also may conduct testing of waste management techniques and equipment, under contract, for private businesses and industries as part of its efforts to develop specific solutions to environmental problems.

POWER AUTHORITY OF THE STATE OF NEW YORK (PASNY)

The Power Authority of the State of New York, PASNY, was originally organized in 1931 under Chapter 772 of the laws of New York State for the purpose of improving the International Rapids section of the St. Lawrence River near Massena, in cooperation

with federal and Canadian authorities. The aim was to create hydroelectric power and to clear the rapids for navigation at the same time. The Power Authority's scope was subsequently widened to develop additional power resources on the Niagara River, while also preserving and enhancing the beauty of the Niagara Falls. PASNY now operates a nuclear power facility at Nine Mile Point on Lake Ontario near Oswego. The authority also supplies designs, implements construction, and provides operational expertise for electric generating plants throughout the state.

SEA GRANT INSTITUTE

The New York Sea Grant Institute was established in 1971 as a consortium of the State University of New York and Cornell University to extend the National Sea Grant Program to New York State as a continuing activity. The objectives of the institute which pertain to both the Atlantic and Great Lakes coastal zones are: (1) to sponsor research directed to the wise and improved use of coastal resources, to assist in the development of more effective management programs and to improve the conservation of resources of coastal lands and waters; (2) to inform the general public and officials who can improve the use of coastal resources through the work of the Sea Grant Advisory Service Program; and (3) to train students and to offer short courses to marine industry operators, community leaders, and the public in a wide variety of pertinent coastal resource and management topics. Through these elements, the Sea Grant Institute is directed to service for the New York State community at all levels of government, to its marine industries, and to the needs and interests of the public.

The administrative office of the Sea Grant Institute is in Albany, but its research and Advisory Service programs are situated throughout the state. Projects are being undertaken by the faculty and research staff of the State University of New York, Cornell University, New York University, and other public and private institutions. The research includes coastal zone planning, preparation of coastal atlases, analysis of marine fisheries, wetlands research, outer continental shelf leasing, shoreline erosion, recreation, and the development of industrial and consumer products for a fuller utilization of fishery production.

Sea Grant Advisory Services is a part of the New York State Cooperative Extension program. Advisory Services work to bring to coastal communities and marine industries assistance, research findings, and educational programs. The Advisory Service field staff is located in Fredonia, Brockport, Oswego, Potsdam, New York City, and Stony Brook.

The educational program is highly diversified. It is integrated into the research and advisory components of the Sea Grant Institute program. Students working with Sea Grant researchers may receive traineeships, New York City schools benefit from a marine youth education program, students under the direction of professors carry out public service legislative studies, and law students train under a legal traineeship program at the State University of New York at Buffalo in a broad array of coastal law problems.

V. REGIONAL BOARDS, COMMISSIONS, AND AUTHORITIES

V. REGIONAL BOARDS, COMMISSIONS, AND AUTHORITIES

REGIONAL PLANNING BOARDS, commissions, and authorities operate programs in a number of multi-county areas and localities along the coastal zones of the State of New York. The regional planning boards and commissions from the shores of Lake Erie to the St. Lawrence River and from Albany to Montauk Point have and are continuing to conduct an impressive range of coastal studies that provide valuable information for their own comprehensive planning activities as well as for the public and local governments in their jurisdictions. Two special review commissions, the St. Lawrence-Eastern Ontario Commission, and the Hudson River Valley Commission also are discussed in this section.

These commissions, each organized under different laws, are charged with the responsibility of reviewing the physical development of their respective jurisdictions and assuring that the changes occurring do not degrade the natural environment, historic features, or communities in their coastal jurisdictions.

The authorities are typically much more restricted in their zone of operation and tend to be limited-function organizations concerned with port development and operation, bridge construction and operation, or regional comprehensive transportation programs. The following program descriptions are grouped by organizations having similar enabling legislation and responsibilities.

REGIONAL PLANNING BOARDS AND COMMISSIONS

The nine regional planning boards and commissions that front on the northern and marine shores of New York State are organized under four different enabling laws. Six of the nine with "board" in their title were established between 1966 and 1968 pursuant to Article 12B of the General Municipal Law of the State of New York. This law was established as Chapter 539 of the laws of the State of New York of 1925. The Capital District Regional Planning Commission was established in 1967 under Article 5-G of the General Municipal Law of New York State.

The Tri-State Regional Planning Commission is an interstate organization originally established as the Tri-State Transportation Committee in 1961. The formation of this agency and its operations are described in the "Interstate Jurisdictions" section of this report. The ninth multi-county planning agency is the Planning Commission of New York City and is the only regional agency which operates as the planning agency of a single, general-purpose government. The following is a list of the coastal planning agencies.

Southern Tier West Regional Planning Board--
Chautauqua County

Erie and Niagara Counties Regional Planning
Board--Erie and Niagara Counties

Genesee-Finger Lakes Regional Planning Board--
Orleans, Monroe and Wayne Counties

Central New York Regional Planning and
Development Board--Cayuga and Oswego Counties

Black River-St. Lawrence Regional Planning
Board--Jefferson, St. Lawrence, and Franklin
Counties

FIGURE 13

FUNCTIONS OF REGIONAL AGENCIES

	DATA COLLECTION		PLANNING			ASSISTANCE			REGULATION		MANAGEMENT							
	RESEARCH	LAND USE	WATER RESOURCE	FACILITY DESIGN AND PLANNING	LAND USE PLANNING	WATER RESOURCE PLANNING	OTHER TECHNICAL ASSISTANCE	FINANCIAL	AIR POLLUTION	WATER POLLUTION	OTHER	WILDLIFE	FISHERIES	OTHER NATURAL RESOURCES	SURVEILLANCE AND INVESTIGATION	WATER SUPPLY	NAVIGATION	RECREATION
REGIONAL PLANNING BOARDS AND COMMISSIONS	■	■	■	■	■	■	■											
ST. LAWRENCE-EASTERN ONTARIO COMMISSION	■	■		■		■												
HUDSON RIVER VALLEY COMMISSION	■	■				■												
BRIDGE, PORT, AND TRANSPORTATION AUTHORITIES	■	■															■	

Capital District Regional Planning Commission--
Albany and Rensselaer Counties

Tri-State Regional Planning Commission--Dutchess,
Orange, Putnam, Rockland, Westchester, Nassau,
and Suffolk Counties and New York City

Nassau-Suffolk Regional Planning Board--Nassau
and Suffolk Counties

New York City Planning Commission--Bronx, Kings,
New York, Queens, and Richmond Counties

The extent of the jurisdiction of the Great Lakes planning boards is indicated in Figure 14. The counties included within the jurisdiction of the Capital District Regional Planning Commission and the downstate regional planning commissions and boards are presented in Figure 15. The jurisdiction of the Tri-State Regional Planning Commission encompasses the New York City metropolitan area which extends into New Jersey and Connecticut. In New York State the Tri-State Commission functions as a broad-ranged regional planning agency that unites the separate regional planning commission activities of New York City and of Nassau and Suffolk Counties.

The regional planning commissions and boards operate under the directions of their respective state enabling legislation (which are similar in content) and the regulations of the Federal Government which provide a major part of their operating funds. These organizations are required to prepare a comprehensive master plan. It is customary for the boards and commissions to prepare detailed research reports which form the elements of the comprehensive plans. These studies include demographic, regional economic, land use, housing, recreation, open space, transportation, and others. The commissions and boards may function as advisors for major local government projects. They are authorized to gather and publish data pertinent for community planning and zoning, and provide research

information and data to private persons and establishments in their respective jurisdictions. Under recent federal requirements these agencies have been instructed to prepare comprehensive long and short-range plans, water and sewer facility programs, and open-space land programs in order to qualify for continued federal financing. These agencies also participate in the review (A-95 Review) of proposed federal funding of capital investment projects, social programs, and research to be carried out in their regions.

Several of the regional boards and commissions are particularly involved in coastal zone planning. The Erie-Niagara Board completed a detailed plan for the shore of the Niagara River. The Genesee-Finger Lakes Board prepared several studies of the Lake Ontario shore. The Tri-State Regional Planning Commission published a coastal zone report for its area. The New York City Planning Commission, which is concerned with the rehabilitation of its waterfront, published an analysis of waterfront uses. The most extensive coastal research and planning program is carried out by the Nassau-Suffolk Regional Planning Board which is involved in offshore and coastlands work.

ST. LAWRENCE-EASTERN ONTARIO COMMISSION (SLEOC)

The St. Lawrence-Eastern Ontario Commission, SLEOC, was established as a commission within the Executive Department pursuant to Chapter 394 of the laws of 1969. For three years, from 1971 to 1974, it operated as a unit within the Office of Planning Services, but in July 1974 it was again established as an independent commission in the Executive Department.

The jurisdiction of the St. Lawrence-Eastern Ontario Commission extends along the northern shore

GREAT LAKES REGIONAL PLANNING BOARDS AND THE ST. LAWRENCE-EASTERN ONTARIO COMMISSION

■ COASTAL ZONE COUNTIES

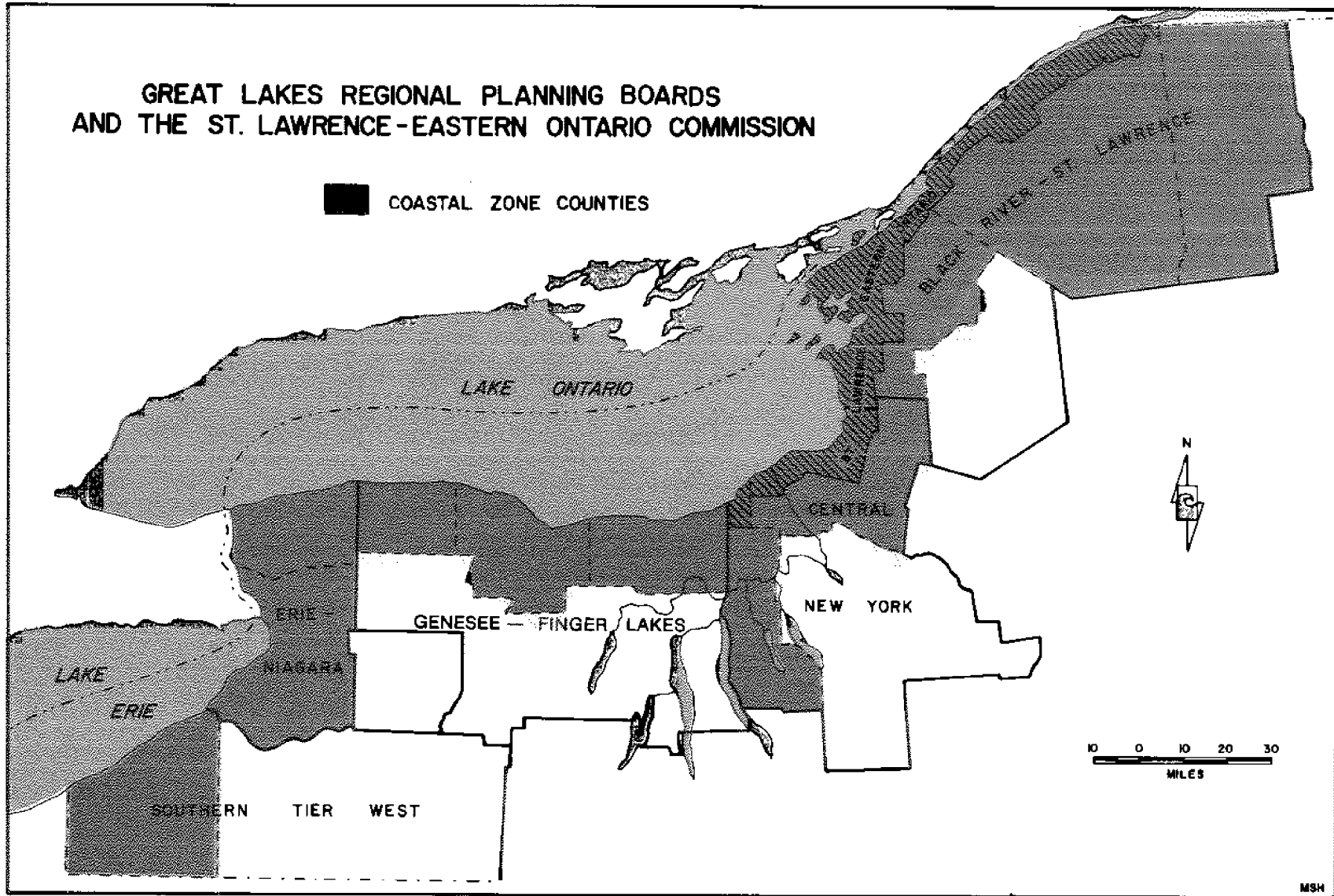


FIGURE 14

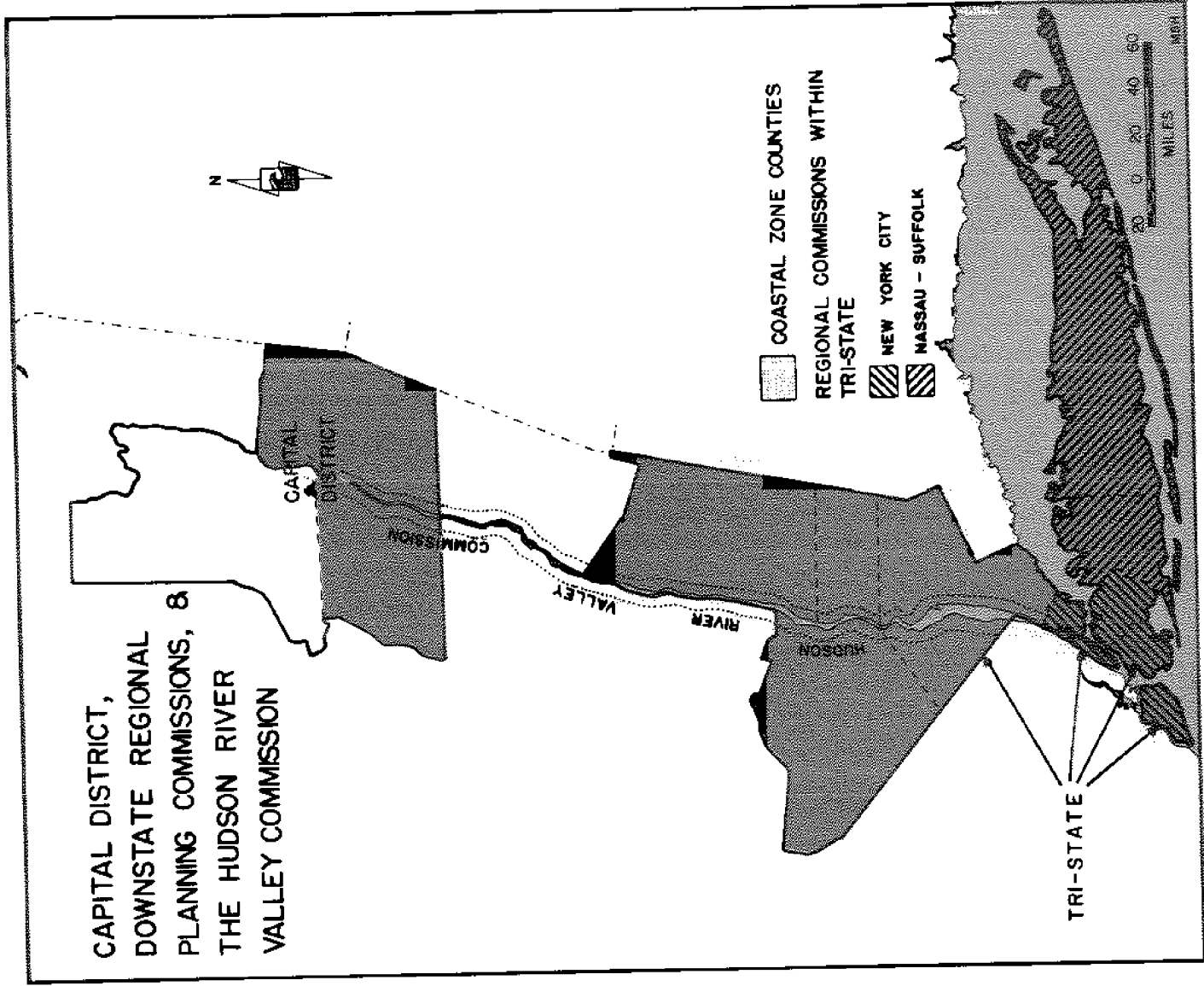


FIGURE 15

of New York State including the coastlands of Cayuga, Oswego, Jefferson, and St. Lawrence Counties. This zone which is one town in depth and includes the cities of Ogdensburg and Oswego borders the eastern shore of Lake Ontario and the southern shore of the St. Lawrence River (see Figure 14).

The Commission was formed to prepare a comprehensive development plan for its region and to encourage compliance with Commission objectives through public information and assistance to public agencies, private groups, and individuals. The purpose of the agency is to preserve, enhance, and develop the scenic, esthetic, historic, ecological, and economic resources of its area and to promote the coordination of federal, state, and local governments, and private agency programs. It also is directed to encourage and assist local government in the preparation and adoption of comprehensive plans, zoning ordinances, and construction codes.

Water levels in Lake Ontario and in the St. Lawrence River have been unusually high. The Commission has been requested to study the problem of controlling the high water levels and to recommend solutions.

The region-wide comprehensive plan, which is now being prepared in cooperation with local government and in the consultation of state and federal agencies, will be completed in 1976. The plan is to be submitted to the governor and the legislature for adoption or modification by January, 1977.

The St. Lawrence-Eastern Ontario Commission has the power to review projects proposed in its area by public and private agencies and individuals to assure that the anticipated programs conform to the objectives of the commission. The review process includes preliminary consultation, initial project review, and final project review phases. Preliminary consultation is an informal discussion of preliminary and informal project plans. This informal review is

optional and any preliminary approval or recommendations will not relieve the agency or project proponent from the initial project review phase.

During the initial project review, developers are required to submit project descriptions and the commission has 30 days to determine if the project would have an unreasonably adverse effect. If no adverse effect is found, the project sponsor may continue without further review. If the commission finds adverse effects, it issues an order prohibiting undertaking or continuing project work for an additional period of 60 days. During this final 60-day review period the project is reviewed further, public hearings are held, and the commission reports its findings to the project sponsor, to any public review agency, and to the public. After this period the project may proceed provided that local permission is obtained if it is subsequently required.

An extensive series of reports on the natural resources, economic activity, historic, and aesthetic values of the region have been prepared. These are available to local governments and the public.

HUDSON RIVER VALLEY COMMISSION (HRVC)

The Hudson River Valley Commission, HRVC, was established by the passage of Chapter 345 of the Laws of New York State of 1966. In the following year, 1967, it began operation as an independent commission within the Executive Department. Four years later it became an element of the Office of Planning Services and in 1972 it was transferred to the Office of Parks and Recreation.

This Commission conducts research, provides planning assistance to local governments, advises

private organizations and persons, and reviews proposed projects within its jurisdiction. The law establishing the Commission set its jurisdiction to include the entire area within one mile of the New York State shore of the Hudson River (see Figure 15). It also has jurisdiction over any lands and proposed projects that are visible from the river and are between one and two miles of the shore. These regulations are in effect throughout the entire length of the mainstream of the Hudson River from its source in the Adirondack Mountains to a line in the New York City harbor extending from the southernmost point of Manhattan to Ellis Island. The single exception to these jurisdictional limits is the narrowed restriction of the review zone in New York City to the strip of land extending from the Battery Park on the tip of Manhattan northward between the river shore and the West side elevated highway, the Henry Hudson Parkway, and Riverdale Avenue to the Westchester County line.

Within these jurisdictional limits HRVC has the responsibility:

"...to encourage projects that will enhance the preservation and development of historic, recreational, natural, and scenic resources of the Hudson River Valley while recognizing the need for the full development of the commercial, industrial, agricultural, residential, and other resources which are vital to the continued progress of the Hudson River valley."¹⁷

These responsibilities are carried out through a project-review process. This process includes investigating whether a proposed project would have an unreasonable and adverse effect on the natural and manmade resources of the Hudson River valley. The potential project effects are analyzed using a series of regional, local, and site considerations described in the Hudson River Valley Commission rules and regulations.

The phases of project review include preliminary consultation, initial review, and final review. Preliminary consultation may be requested by a project sponsor. The commission response concerns a determination of whether or not the project is subject to review. If it is, the commission may offer recommendations. During the initial review phase the sponsor may not undertake further work for as many as 30 days. If during this period the project is approved or if at the end of 30 days the commission does not issue a statement, the sponsor may proceed. However if the commission finds that the project has an "unreasonably adverse effect," it can notify the sponsor that work on the project must be delayed for an additional period of 60 days. During this final review the project again is examined. One or more public hearings will be held. The commission reports its findings to the sponsor and to any public agency having further review power. The public is informed of its decision through newspapers and other communication media.

BRIDGE, PORT, AND TRANSPORTATION AUTHORITIES

Public authorities in New York are established through state enabling legislation as public benefit corporations usually for the purpose of constructing and operating specific or related sets of facilities. The facilities may include a variety of modes of transportation, such as public transit, airports, and marine terminals operating in a single geographic area. An authority also may operate a single facility, such as a bridge or port.

New York State authorities and commissions listed in Table 2 all operate in the coastal zone. The name of each authority is followed by the date of its founding, the city or counties in which it

Table 2. Bridge, Port, and Transportation Authorities

<u>Authority or Commission</u>	<u>Date Established</u>	<u>City or County</u>	<u>Authorized Activities</u>
<u>Bridge Authorities</u>			
Buffalo and Fort Erie Public Bridge Authority	1933	City of Buffalo, N.Y. and Fort Erie, Ontario	Bridge construction, operation, and maintenance
Niagara Falls Bridge Commission	1938	City of Niagara Falls, N.Y. and Niagara Falls, Ontario	Bridge construction, operation, and maintenance
<u>Port Authorities</u>			
Albany Port District Commission	1925	City of Albany and City of Rensselaer	Construction, operation, maintenance, and promotion of full use of terminal and port facilities
Ogdensburg Bridge and Port Authority	1950	St. Lawrence County and Province of Ontario	Construction, operation and maintenance of bridge and port facilities
Port Authority of New York and New Jersey	1921	All or parts of 17 counties in New York and New Jersey	Construction, operation, and maintenance of terminal transportation, port, and other commercial facilities
Port of Oswego Authority	1960	City of Oswego and the Town of Scriba	Development, operation, and promotion of port facilities

Transportation Authorities

Capital District Transportation Authority	1970	Albany, Schenectady, Rensselaer, and Saratoga Counties	Continuance, further development, and improvement of transporta- tion and other related facilities
Niagara Frontier Transportation Authority	1967	Erie and Niagara Counties	Continuance, further development, and improvement of transporta- tion and other related facilities.
Rochester Genesee Regional Transporta- tion Authority	1969	Monroe, Orleans, Livingston, Ontario, Seneca, Yates, and Wayne Counties	Continuance, further development, and improvement of transporta- tion and other related services

Other

Battery Park City Authority	1968	New York City	Recovery and develop- ment of submerged lands
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operates, and the specific activities in which it is authorized to participate. The full range of authorized activities is often not a mandate but does delineate the range of potential operations. For example the Capital District Transportation Authority is authorized to operate marine facilities which at this time are still the responsibility of the Albany Port District Commission. The list of authorities and related commissions also includes the Battery Park City Authority responsible for the development of submerged lands on the lower Hudson River shore of Manhattan. The Port Authority of New York and New Jersey is discussed in greater detail in the section describing interstate agencies.

APPENDIX A
**AGENCY OFFICES, ADDRESSES
AND PHONE NUMBERS**

I. INTERNATIONAL ORGANIZATIONS

GREAT LAKES FISHERY COMMISSION

Executive Secretary
GLFC
1451 Green Road
P.O. Box 640
Ann Arbor, Mich. 48107

Tel. (313) 665-6847

Chief
Bureau of Fisheries
Department of Environmental
Conservation
50 Wolf Road
Albany, New York 12201

Tel. (518) 457-5420

INTERNATIONAL JOINT COMMISSION

Executive Director
IJC
United States Section
1717 H Street, NW
Washington, D.C. 20440

Tel. (202) 296-2945

Canadian Section
Room 850
151 Slater Street
Ottawa, Ontario
Canada K1P 5H2

Tel. (613) 992-2945

Joint Regional Office
Suite 803
880 Oullette Avenue
Windsor, Ontario
Canada, N9A 1C7

Tel. (519) 254-2565

INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

IMCO
101-104 Piccadilly
London W IV OAE
England

Tel. 01:499-9040

II. FEDERAL AGENCIES

DEPARTMENT OF AGRICULTURE

Secretary
USDA
14th & Independence Ave., SW
Washington, D.C. 20250

Tel. (202) 655-4000

Agricultural Research Service

ARS
U.S. Department of Agriculture
Washington, D.C. 20250

Tel. (202) 436-8221

Agricultural Stabilization and Conservation Service

ASCS
U.S. Department of Agriculture
14th & Independence Ave., SW
Washington, D.C. 20250

Tel. (202) 447-5237

Economic Research Service

ERS
U.S. Department of Agriculture
14th & Independence, SW
Washington, D.C. 20250

Tel. (202) 447-7133

USDA
26 Federal Plaza
New York, NY 10007

Tel. (212) 264-1145

ARS
U.S. Department of Agriculture
26 Federal Plaza
New York, NY 10007

Tel. (212) 264-1145

Director
ASCS
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Bureau of Economic Analysis

Regional Economics Division
Bureau of Economic Analysis
BEA
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Economic Development
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Maritime Administration

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Environmental Data Service

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National Marine Fisheries Service

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Office of Sea Grant

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Bureau of Outdoor Recreation

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NATIONAL SCIENCE FOUNDATION

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Great Lakes Commission

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Interstate Sanitation Commission

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New England Interstate Water
Pollution Control Commission

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Tri-State Regional Planning
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New England River
Basins Commission

Chairman
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Commissioner
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DEPARTMENT OF TRANSPORTATION

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Director
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OFFICE OF GENERAL SERVICES

Commissioner
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OFFICE OF PARKS AND RECREATION

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Black River--St. Lawrence Regional Planning Board
c/o Research & Development Center
Black River--St. Lawrence Economic Development Commission
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Genesee-Finger Lakes Regional Planning Board

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Central New York Regional Planning and Development Board

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Erie and Niagara Counties Regional Planning Board

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Nassau-Suffolk Regional Planning Board

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Tri-State Regional Planning Commission
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Hudson River Valley Commission

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NYS Office of Parks and Recreation
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BRIDGE AUTHORITIES

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Buffalo & Fort Erie Public Bridge Authority
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Buffalo, NY 14213

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Niagara Falls Bridge Commission

General Manager
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Ogdensburg Bridge and Port Authority

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Niagara Frontier Transportation Authority

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Rochester-Genesee Regional Transportation Authority

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OTHERBattery Park City Authority

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APPENDIX B

DEFINITION OF MATRIX CATEGORIES

- 1) Data Collection: Collection of data for agency use or for dissemination.
- 2) Research: Conducting research in support of internal program operations or as a primary function of the agency.
- 3) Land Use Planning: Preparation of land use and related studies for the purpose of directing, advising, or managing the use of land, natural resources, or transportation systems.
- 4) Water Resource Planning: Preparation of plans for the use and regulation of water resources for regions, river basins, streams, harbors, coastlines, or more restricted areas.
- 5) Facility Design and Planning: Design and planning of facilities for air and water pollution abatement, flood control, water supply, power generation, sewage treatment, and related regulatory and protective installations.
- 6) Land Use Planning Assistance: Provision of technical information and assistance to local governments and other agencies for the purpose of preparing land use and related studies.
- 7) Water Resource Planning Assistance: Provision of technical assistance and information to help other agencies in the planning and operation of water resource programs.
- 8) Other Technical Assistance: Assistance in the form of direct staff participation or information for the guidance of public and private programs concerned with the coastal zone and related resources not otherwise associated with land and water resource development.
- 9) Financial Assistance: Help in the preparation of financial grant applications or directly funding programs for the planning, management, or
- 10) Air Pollution Regulation: Responsible for establishing or enforcing air pollution abatement regulations.
- 11) Water Pollution Regulation: Responsible for establishing or enforcing water standards or for cleaning debris and other obstructions from water bodies.
- 12) Other Regulatory Functions: Setting of standards and enforcement of regulations for control of the utilization of resources other than air and water.
- 13) Wildlife Management: Monitoring, control, enhancement, or protection of terrestrial and aquatic wildlife.
- 14) Fisheries Management: Monitoring, control, enhancement, or protection of aquatic living resources.
- 15) Other Natural Resources Management: Monitoring, control, enhancement, or protection of natural resources other than those classed as wildlife and fisheries.
- 16) Surveillance and Investigation: Responsibility for continually monitoring resource utilization or investigating specific situations for the purpose of requesting or initiating legal action to correct an alleged improper use of land or other resources.

- 17) Water Supply: Responsibility for assuring an adequate supply of water from surface or below surface sources.
- 18) Navigation: Assistance to water-borne commerce and water-based recreation through the construction of channels, harbors, and related protective facilities; through the establishment and maintenance of navigational aids; through the regulation of navigation.
- 19) Recreation: Operating recreation facilities in the coastal zone.

APPENDIX C

COASTAL ZONE MANAGEMENT ACT OF 1972 WITH AMENDMENTS

Public Law 92-583
92nd Congress, S. 3507
October 27, 1972

AN ACT

To establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the nation's coastal zones, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes," approved June 17, 1966 (80 Stat. 203), as amended (33 U.S.C. 1101-1124), is further amended by adding at the end thereof the following new title:

TITLE III--MANAGEMENT OF THE COASTAL ZONE

Short Title

Sec. 301. This title may be cited as the "Coastal Zone Management Act of 1972."

Congressional Findings

Sec. 302. The Congress finds that--

(a) There is a national interest in the effective management, beneficial use, protection,

and development of the coastal zone;

(b) The coastal zone is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation;

(c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion;

(d) The coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations;

(e) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost;

(f) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values;

(g) In light of competing demands and the urgent need to protect and to give high priority to natural systems in the coastal zone, present state and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate; and

(h) The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their

full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

Declaration of Policy

Sec. 303. The Congress finds and declares that it is the national policy (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations, (b) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development, (c) for all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate with state and local governments and regional agencies in effectuating the purposes of this title, and (d) to encourage the participation of the public, of Federal, state, and local governments and of regional agencies in the development of coastal zone management programs. With respect to implementation of such management programs, it is the national policy to encourage cooperation among the various state and regional agencies including establishment of interstate and regional agreements, cooperative procedures, and joint action particularly regarding environmental problems.

Definitions

Sec. 304. For the purposes of this title--

(a) "Coastal zone" means the coastal waters (including the lands therein and thereunder) and the

adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the United States territorial sea. The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters. Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents.

(b) "Coastal waters" means (1) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (2) in other areas, those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of sea water, including but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.

(c) "Coastal state" means a state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. For the purposes of this title, the term also includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(d) "Estuary" means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage. The term includes estuary-type areas of the Great Lakes.

(e) "Estuarine sanctuary" means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships with the area.

(f) "Secretary" means the Secretary of Commerce.

(g) "Management program" includes, but is not limited to, 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.

(h) "Water use" means activities which are conducted in or on the water; but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge or runoff of water pollutants except the standards, criteria, or regulations which are incorporated in any program as required by the provisions of section 307(f).

(i) "Land use" means activities which are conducted in or on the shorelands within the coastal zone, subject to the requirements outlined in section 307(g).

Management Program Development Grants

Sec. 305

(a) The Secretary is authorized to make annual grants to any coastal state for the purpose of assisting in the development of a management program for the land and water resources of its coastal zone.

(b) Such management program shall include:

(1) an identification of the boundaries of the coastal zone subject to the management program;

(2) a definition of what shall constitute permissible land and water uses within the coastal zone which have a direct and significant impact on the coastal waters;

(3) an inventory and designation of areas of particular concern within the coastal zone;

(4) An identification of the means by which the state proposes to exert control over the land and water uses referred to in paragraph (2) of this subsection, including a listing of relevant constitutional provisions, legislative enactments, regulations, and judicial decisions;

(5) broad guidelines on priority of uses in particular areas, including specifically those uses of lowest priority;

(6) a description of the organizational structure proposed to implement the management program, including the responsibilities and interrelationships of local, areawide, state, regional, and interstate agencies in the management process.

(c) The grants shall not exceed 66-2/3 per centum of the costs of the program in any one year and no state shall be eligible to receive more than three annual grants pursuant to this section. Federal funds received from other sources shall not be used to match such grants. In order to qualify for grants under this section, the state must reasonably demonstrate to the satisfaction of the Secretary that such grants will be used to develop a management program consistent with the requirements set forth in section 306 of this title. After making the initial grant to a coastal state, no subsequent grant shall be made under this section unless the

Secretary finds that the state is satisfactorily developing such management program.

(d) Upon completion of the development of the state's management program, the state shall submit such program to the Secretary for review and approval pursuant to the provisions of section 306 of this title, or such other action as he deems necessary. On final approval of such program by the Secretary, the state's eligibility for further grants under this section shall terminate, and the state shall be eligible for grants under section 306 of this title.

(e) Grants under this section shall be allocated to the states based on rules and regulations promulgated by the Secretary: Provided, however, That no management program development grant under this section shall be made in excess of 10 per centum nor less than 1 per centum of the total amount appropriated to carry out the purposes of this section.

(f) Grants or portions thereof not obligated by a state during the fiscal year immediately following, shall revert to the Secretary, and shall be added by him to the funds available for grants under this section.

(g) With the approval of the Secretary, the state may allocate to a local government, to an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, to a regional agency, or to an interstate agency, a portion of the grant under this section, for the purpose of carrying out the provisions of this section.

(h) The authority to make grants under this section shall expire on June 30, 1977.

Administrative Grants

Sec. 306

(a) The Secretary is authorized to make annual grants to any coastal state for not more than 66-2/3 per centum of the costs of administering the state's management program, if he approved such program in accordance with subsection (c) hereof. Federal funds received from other sources shall not be used to pay the state's share of costs.

(b) Such grants shall be allocated to the states with approved programs based on rules and regulations promulgated by the Secretary which shall take into account the extent and nature of the shoreline and area covered by the plan, population of the area, and other relevant factors: Provided, however, That no annual administrative grant under this section shall be made in excess of 10 per centum nor less than 1 per centum of the total amount appropriated to carry out the purposes of this section.

(c) Prior to granting approval of a management program submitted by a coastal state, the Secretary shall find that:

(1) The state has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this title and is consistent with the policy declared in section 303 of this title.

(2) The state has:

(A) coordinated its program with local, areawide, and interstate plans applicable to areas within the coastal zone existing

on January 1 of the year in which the state's management program is submitted to the Secretary, which plans have been developed by a local government, an area-wide agency designated pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency; and

(B) established an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (5) of this subsection and with local governments, interstate agencies, regional agencies, and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this title.

(3) The state has held public hearings in the development of the management program.

(4) The management program and any changes thereto have been reviewed and approved by the Governor.

(5) The Governor of the state has designated a single agency to receive and administer the grants for implementing the management program required under paragraph (1) of this subsection.

(6) The state is organized to implement the management program required under paragraph (1) of this subsection.

(7) The state has the authorities necessary to implement the program, including the authority required under subsection (d) of this section.

(8) The management program provides for adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature.

(9) The management program makes provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, or esthetic values.

(d) Prior to granting approval of the management program, the Secretary shall find that the state, acting through its chosen agency or agencies, including local governments, areawide agencies designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies, or interstate agencies, has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power--

(1) to administer land and water use regulations, control development in order to ensure compliance with the management program, and to resolve conflicts among competing uses; and

(2) to acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

(e) Prior to granting approval, the Secretary shall also find that the program provides:

(1) for any one or a combination of the following general techniques for control of land and water uses within the coastal zone;

(A) State establishment of criteria and standards for local implementation,

subject to administrative review and enforcement of compliance;

(B) Direct state land and water use planning and regulation; or

(C) State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any state or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

(2) for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

(f) With the approval of the Secretary, a state may allocate to a local government, an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency, a portion of the grant under this section for the purpose of carrying out the provisions of this section: Provided, That such allocation shall not relieve the state of the responsibility for ensuring that any funds so allocated are applied in furtherance of such state's approved management program.

(g) The state shall be authorized to amend the management program. The modification shall be in accordance with the procedures required under subsection (c) of this section. Any amendment or modification of the program must be approved by the Secretary before additional administrative grants are made to the state under the program as amended.

(h) At the discretion of the state and with the approval of the Secretary, a management program may

be developed and adopted in segments so that immediate attention may be devoted to those areas within the coastal zone which most urgently need management programs: Provided, That the state adequately provides for the ultimate coordination of the various segments of the management program into a single unified program and that the unified program will be completed as soon as is reasonably practicable.

Interagency Coordination and Cooperation

Sec. 307.

(a) In carrying out his functions and responsibilities under this title, the Secretary shall consult with, cooperate with, and to the maximum extent practicable, coordinate his activities with other interested Federal agencies.

(b) The Secretary shall not approve the management program submitted by a state pursuant to section 306 unless the views of Federal agencies principally affected by such program have been adequately considered. In case of serious disagreement between any Federal agency and the state in the development of the program the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences.

(c) (1) Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.

(2) Any Federal agency which shall undertake any development project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with approved state management programs.

(3) 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. Each coastal state shall establish procedures for public notice in the case of all such certifications and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state or its designated agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's certification or until, by the state's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

(d) State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program for the coastal zone.

Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security.

(e) Nothing in this title shall be construed--

(1) to diminish either Federal or state jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources, submerged lands, or navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more states or of two or more states and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

(2) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

(f) Notwithstanding any other provision of this title, nothing in this title shall in any way affect any requirement (1) established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, or (2) established by the Federal Government or by any state or local government pursuant to such Acts. Such requirements shall be incorporated in any program developed pursuant to this title and shall be the water pollution control

and air pollution control requirements applicable to such program.

(g) When any state's coastal zone management program, submitted for approval or proposed for modification pursuant to section 306 of this title, includes requirements as to shorelands which also would be subject to any Federally supported national land use program which may be hereafter enacted, the Secretary, prior to approving such program, shall 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.

Public Hearings

Sec. 308.

All public hearings required under this title must be announced at least thirty days prior to the hearing date. At the time of the announcement, all agency materials pertinent to the hearings, including documents, studies, and other data, must be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the agency.

Review of Performance

Sec. 309

(a) The Secretary shall conduct a continuing review of the management programs of the coastal states and of the performance of each state.

(b) The Secretary shall have the authority to terminate any financial assistance extended under section 306 and to withdraw any unexpended portion

of such assistance if (1) he determines that the state is failing to adhere to and is not justified in deviating from the program approved by the Secretary; and (2) the state has been given notice of the proposed termination and withdrawal and given an opportunity to present evidence of adherence or justification for altering its program.

Records

Sec. 310.

(a) Each recipient of a grant under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, the total cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this title.

Advisory Committee

Sec. 311.

(a) The Secretary is authorized and directed to establish a Coastal Zone Management Advisory Committee to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the coastal zone. Such committee shall be composed of not more than fifteen persons designated by the Secretary and shall perform such functions and operate in such a manner as the Secretary may direct. The Secretary shall insure that the

committee membership as a group possesses a broad range of experience and knowledge relating to problems involving management, use, conservation, protection, and development of coastal zone resources.

(b) Members of the committee who are not regular full-time employees of the United States, while serving on the business of the committee, including traveltime, may receive compensation at rates not exceeding \$100 per diem; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

Estuarine Sanctuaries

Sec. 312.

The Secretary, in accordance with rules and regulations promulgated by him, is authorized to make available to a coastal state grants of up to 50 per centum of the costs of acquisition, development, and operation of estuarine sanctuaries for the purpose of creating natural 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. No Federal funds received pursuant to section 305 or section 306 shall be used for the purpose of this section.

Annual Report

Sec. 313.

(a) The Secretary shall prepare and submit to the President for transmittal to the Congress not later than November 1 of each year a report on the administration of this title for the preceding

fiscal year. The report shall include but not be restricted to (1) an identification of the state programs approved pursuant to this title during the preceding Federal fiscal year and a description of those programs; (2) a listing of the states participating in the provisions of this title and a description of the status of each state's programs and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allocation of funds to the various coastal states and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any state programs which have been reviewed and disapproved or with respect to which grants have been terminated under this title, and a statement of the reasons for such action; (5) a listing of all activities and projects which, pursuant to the provisions of subsection (c) or subsection (d) of section 307, are not consistent with an applicable approved state management program; (6) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (7) a summary of a coordinated national strategy and program for the Nation's coastal zone including identification and discussion of Federal, regional, state, and local responsibilities and functions therein; (8) a summary of outstanding problems arising in the administration of this title in order of priority; and (9) such other information as may be appropriate.

(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this title and enhance its effective operation.

Rules and Regulations

Sec. 314

The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States

Code, after notice and opportunity for full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this title.

Authorization of Appropriations

Sec. 315.

(a) There are authorized to be appropriated--

(1) the sum of \$9,000,000 for the fiscal year ending June 30, 1973, and for each of the fiscal years 1974 through 1977 for grants under section 305, to remain available until expended;

(2) such sums, not to exceed \$30,000,000, for the fiscal year ending June 30, 1974, and for each of the fiscal years 1975 through 1977, as may be necessary, for grants under section 306 to remain available until expended; and

(3) such sums, not to exceed \$6,000,000 for the fiscal year ending June 30, 1974, as may be necessary, for grants under section 312, to remain available until expended.

(b) There are also authorized to be appropriated such sums, not to exceed \$3,000,000 for fiscal year 1973 and for each of the four succeeding fiscal years, as may be necessary for administrative expenses incident to the administration of this title.

Approved October 27, 1972

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 92-1049 accompanying H.R. 14146 (Comm. on Merchant Marine and Fisheries) and No. 92-1544 (Comm. of Conference).

SENATE REPORT No. 92-753 (Comm. on Commerce).

CONGRESSIONAL RECORD, Vol. 118 (1972):

Apr. 25, considered and passed Senate.

Aug. 2, considered and passed House, amended, in lieu of H.R. 14146

Oct. 12, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS,
Vol. 8, No. 44: Oct. 28, Presidential statement.

AMENDMENTS



Public Law 93-612
93rd Congress, H. R. 16215
January 2, 1975

An Act

88 STAT. 1974

To amend the Coastal Zone Management Act of 1972, to provide more flexibility in the allocation of administrative grants to coastal States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Coastal Zone Management Act of 1972 (86 Stat. 1280) is amended as follows:

(1) Subsection (c) of section 305 is amended by changing the period at the end of the subsection to a colon and by adding immediately thereafter the following: "And provided further, That the Secretary shall waive the application of the 1 per centum minimum requirement as to any grant under this section, when the coastal State involved requests such a waiver."

(2) Subsection (b) of section 306 is amended by deleting all after "relevant factors"; and by inserting in lieu thereof "Provided, That no annual grant made under this section shall be in excess of \$2,000,000 for fiscal year 1975, in excess of \$2,500,000 for fiscal year 1976, nor in excess of \$3,000,000 for fiscal year 1977; Provided further, That no annual grant made under this section shall be less than 1 per centum of the total amount appropriated to carry out the purposes of this section; And provided further, That the Secretary shall waive the application of the 1 per centum minimum requirement as to any grant under this section, when the coastal State involved requests such a waiver."

(3) Subsection (u) of section 315 is amended—

(A) by amending item (1) to read as follows:

"(1) the sum of \$9,000,000 for each of the fiscal years ending June 30, 1973, and June 30, 1974, and the sum of \$12,000,000 for each of the three succeeding fiscal years, for grants under section 305, to remain available until expended;" and

(B) by inserting, in item (3), after "fiscal year ending June 30, 1974," the following: "and for each of the three succeeding fiscal years."

Approved January 2, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1587 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 93-1382 accompanying S. 3022 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 120 (1974):
Dec. 16, considered and passed House.
Dec. 19, considered and passed Senate.



Public Law 94-370
94th Congress, S. 586
July 26, 1976

An Act

To improve coastal zone management in the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Coastal Zone Management Act Amendments of 1976".

SEC. 2. FINDINGS.

Section 302 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451) is amended

(1) by inserting "ecological," immediately after "recreational," in subsection (b);

(2) by striking out—

(A) the semicolon at the end of subsections (a), (b), (c), (d), (e), and (f), respectively, and

(B) "and" at the end of subsection (g).

and inserting in lieu of such matter at each such place a period; and

(3) by inserting immediately after subsection (h) the following:

"(i) The national objective of attaining a greater degree of energy self-sufficiency would be advanced by providing Federal financial assistance to meet state and local needs resulting from new or expanded energy activity in or affecting the coastal zone."

SEC. 3. DEFINITIONS.

Section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453) is amended—

(1) by redesignating paragraph (a) as paragraph (1), and by amending the first sentence of such paragraph (1) (as so redesignated)—

(A) by striking out "Coastal" and inserting in lieu thereof "The term 'coastal'; and

(B) by inserting immediately after "and includes" the following: "islands";

(2) by redesignating paragraph (b) as paragraph (2), and by amending such paragraph (2) (as so redesignated)—

(A) by striking out "Coastal" and inserting in lieu thereof "The term 'coastal'; and

(B) by striking out "(1)" and "(2)" and inserting in lieu thereof "(A)" and "(B)", respectively;

(3) by striking out "(c) 'Coastal'" and inserting in lieu thereof "(3) The term 'coastal';

(4) by inserting immediately before paragraph (d) thereof the following:

"(4) The term 'coastal energy activity' means any of the following activities if, and to the extent that (A) the conduct, support, or facilitation of such activity requires and involves the siting, construction, expansion, or operation of any equipment or facility; and (B) any technical requirement exists which, in the determination of the Secretary, necessitates that the siting, construction, expansion, or

Coastal Zone
Management Act
Amendments of
1976,
16 USC 1451
note.

Coastal
States
Administrative
grants.
16 USC 1451
note.
16 USC 1454.

16 USC 1455.

Appropriation.
16 USC 1464.

operation of such equipment or facility be carried out in, or in close proximity to, the coastal zone of any coastal state;

"(i) Any outer Continental Shelf energy activity.

"(ii) Any transportation, conversion, treatment, transfer, or storage of liquefied natural gas.

"(iii) Any transportation, transfer, or storage of oil, natural gas, or coal (including, but not limited to, by means of any deepwater port, as defined in section 3(10) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(10))).

For purposes of this paragraph, the siting, construction, expansion, or operation of any equipment or facility shall be in close proximity to the coastal zone of any coastal state if such siting, construction, expansion, or operation has, or is likely to have, a significant effect on such coastal zone.

"(5) The term 'energy facilities' means any equipment or facility which is or will be used primarily -

"(A) in the exploration for, or the development, production, conversion, storage, transfer, processing, or transportation of, any energy resource; or

"(B) for the manufacture, production, or assembly of equipment, machinery, products, or devices which are involved in any activity described in subparagraph (A).

The term includes, but is not limited to (i) electric generating plants; (ii) petroleum refineries and associated facilities; (iii) gasification plants; (iv) facilities used for the transportation, conversion, treatment, transfer, or storage of liquefied natural gas; (v) uranium enrichment or nuclear fuel processing facilities; (vi) oil and gas facilities, including platforms, assembly plants, storage depots, tank farms, crew and supply bases, and refining complexes; (vii) facilities including deepwater ports, for the transfer of petroleum; (viii) pipelines and transmission facilities; and (ix) terminals which are associated with any of the foregoing."

(5) by striking out "(4) 'Estuary'" and inserting in lieu thereof "(6) The term 'estuary'";

(6) by redesignating paragraph (e) as paragraph (7) and by amending such paragraph (7) (as so redesignated)

(A) by striking out "'Estuarine'" and inserting in lieu thereof "The term 'estuarine', and

(B) by striking out "estuary, adjoining transitional areas, and adjacent uplands, constituting" and inserting in lieu thereof the following: "estuary and any island, transitional area, and upland in, adjoining, or adjacent to such estuary, and which constitutes";

(7) by striking out paragraph (f) and inserting in lieu thereof the following:

"(8) The term 'Fund' means the Coastal Energy Impact Fund established by section 308(h).

Post, p. 1019.

"(9) The term 'land use' means activities which are conducted in, or on the shorelands within, the coastal zone, subject to the requirements outlined in section 307(g).

Post, p. 1018.

"(10) The term 'local government' means any political subdivision of, or any special entity created by, any coastal state which (in whole or part) is located in, or has authority over, such state's coastal zone and which (A) has authority to levy taxes, or to establish and collect user fees, or (B) provides any public facility or public service which is financed in whole or part by taxes or user fees. The term includes, but is not limited to, any school district, fire district, transportation authority, and any other special purpose district or authority."

(8) by striking out "(g) 'Management'" and inserting in lieu thereof "(11) The term 'management'";

(9) by inserting immediately after paragraph (11) (as redesignated by paragraph (8) of this section) the following:

"(12) The term 'outer Continental Shelf energy activity' means any exploration for, or any development or production of, oil or natural gas from the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a))), or the siting, construction, expansion, or operation of any new or expanded energy facilities directly required by such exploration, development, or production.

"(13) The term 'person' means any individual; any corporation, partnership, association, or other entity organized or existing under the laws of any state; the Federal Government; any state, regional, or local government; or any entity of any such Federal, state, regional, or local government.

"(14) The term 'public facilities and public services' means facilities or services which are financed, in whole or in part, by any state or political subdivision thereof, including, but not limited to, highways and secondary roads, parking, mass transit, docks, navigation aids, fire and police protection, water supply, waste collection and treatment (including drainage), schools and education, and hospitals and health care. Such term may also include any other facility or service so financed which the Secretary finds will support increased population.

"(15) The term 'Secretary' means the Secretary of Commerce."

(10) by striking out "(h) 'Water'" and inserting in lieu thereof

"(16) The term 'water'; and

(11) by striking out paragraph (i).

SEC. 4. MANAGEMENT PROGRAM DEVELOPMENT GRANTS.

Section 305 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1454) is amended to read as follows:

"MANAGEMENT PROGRAM DEVELOPMENT GRANTS

"SEC. 305. (a) The Secretary may make grants to any coastal state—

"(1) under subsection (c) for the purpose of assisting such state in the development of a management program for the land and water resources of its coastal zone; and

"(2) under subsection (d) for the purpose of assisting such state in the completion of the development, and the initial implementation, of its management program before such state qualifies for administrative grants under section 306.

"(b) The management program for each coastal state shall include each of the following requirements:

"(1) An identification of the boundaries of the coastal zone subject to the management program.

"(2) A definition of what shall constitute permissible land uses and water uses within the coastal zone which have a direct and significant impact on the coastal waters.

"(3) An inventory and designation of areas of particular concern within the coastal zone.

"(4) An identification of the means by which the state proposes to exert control over the land uses and water uses referred to in

Post, p. 1017.
Requirements.

paragraph (2), including a listing of relevant constitutional provisions, laws, regulations, and judicial decisions.

"(5) Broad guidelines on priorities of uses in particular areas, including specifically those uses of lowest priority.

"(6) A description of the organizational structure proposed to implement such management program, including the responsibilities and interrelationships of local, area-wide, state, regional, and interstate agencies in the management process.

"(7) A definition of the term 'beach' and a planning process for the protection of, and access to, public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecological, or cultural value.

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

"(9) A planning process for (A) assessing the effects of shoreline erosion (however caused), and (B) studying and evaluating ways to control, or lessen the impact of, such erosion, and to restore areas adversely affected by such erosion.

No management program is required to meet the requirements in paragraphs (7), (8), and (9) before October 1, 1978.

"(c) The Secretary may make a grant annually to any coastal state for the purposes described in subsection (a) (1) if such state reasonably demonstrates to the satisfaction of the Secretary that such grant will be used to develop a management program consistent with the requirements set forth in section 306. The amount of any such grant shall not exceed 80 per centum of such state's costs for such purposes in any one year. No coastal state is eligible to receive more than four grants pursuant to this subsection. After the initial grant is made to any coastal state pursuant to this subsection, no subsequent grant shall be made to such state pursuant to this subsection unless the Secretary finds that such state is satisfactorily developing its management program.

Post, p. 1017.

"(d) (1) The Secretary may make a grant annually to any coastal state for the purposes described in subsection (a) (2) if the Secretary finds that such state meets the eligibility requirements set forth in paragraph (2). The amount of any such grant shall not exceed 80 per centum of the costs for such purposes in any one year.

Eligibility.

"(2) A coastal state is eligible to receive grants under this subsection if it has—

"(A) developed a management program which—

"(i) is in compliance with the rules and regulations promulgated to carry out subsection (b), but

"(ii) has not yet been approved by the Secretary under section 306;

"(B) specifically identified, after consultation with the Secretary, any deficiency in such program which makes it ineligible for approval by the Secretary pursuant to section 306, and has established a reasonable time schedule during which it can remedy any such deficiency;

"(C) specified the purposes for which any such grant will be used;

"(D) taken or is taking adequate steps to meet any requirement under section 306 or 307 which involves any Federal official or agency; and

Post, p. 1018.

"(E) complied with any other requirement which the Secretary, by rules and regulations, prescribes as being necessary and appropriate to carry out the purposes of this subsection.

"(3) No management program for which grants are made under this subsection shall be considered an approved program for purposes of section 307.

Post, p. 1018.
Rules and regulations.

"(e) Grants under this section shall be made to, and allocated among, the coastal states pursuant to rules and regulations promulgated by the Secretary; except that—

"(1) no grant shall be made under this section in an amount which is more than 10 per centum of the total amount appropriated to carry out the purposes of this section, but the Secretary may waive this limitation in the case of any coastal state which is eligible for grants under subsection (d); and

"(2) no grant shall be made under this section in an amount which is less than 1 per centum of the total amount appropriated to carry out the purposes of this section, but the Secretary shall waive this limitation in the case of any coastal state which requests such a waiver.

"(f) The amount of any grant (or portion thereof) made under this section which is not obligated by the coastal state concerned during the fiscal year for which it was first authorized to be obligated by such state, or during the fiscal year immediately following, shall revert to the Secretary who shall add such amount to the funds available for grants under this section.

"(g) With the approval of the Secretary, any coastal state may allocate to any local government, to any area-wide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, to any regional agency, or to any interstate agency, a portion of any grant received by it under this section for the purpose of carrying out the provisions of this section.

"(h) Any coastal state which has completed the development of its management program shall submit such program to the Secretary for review and approval pursuant to section 306. Whenever the Secretary approves the management program of any coastal state under section 306, such state thereafter—

Infra.

"(1) shall not be eligible for grants under this section; except that such state may receive grants under subsection (c) in order to comply with the requirements of paragraphs (7), (8), and (9) of subsection (b); and

"(2) shall be eligible for grants under section 306.

"(i) The authority to make grants under this section shall expire on September 30, 1979."

Expiration date.

SEC. 5. ADMINISTRATIVE GRANTS.

Section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455) is amended—

(1) by amending subsection (a) to read as follows:

"(a) The Secretary may make a grant annually to any coastal state for not more than 80 per centum of the costs of administering such state's management program if the Secretary (1) finds that such program meets the requirements of section 305 (b), and (2) approves such program in accordance with subsections (c), (d), and (e)."

Ante, p. 1015.

(2) by amending subsection (c) (2) (B) by striking out the period at the end thereof and inserting in lieu thereof the following: " ; except that the Secretary shall not find any mechanism to be 'effective' for purposes of this subparagraph unless it includes each of the following requirements:

Notice.

"(i) Such management agency is required, before implementing any management program decision which would conflict with any local zoning ordinance, decision, or other action, to send a notice of such management program decision to any local government whose zoning authority is affected thereby.

"(ii) Any such notice shall provide that such local government may, within the 30-day period commencing on the date of receipt of such notice, submit to the management agency written comments on such management program decision, and any recommendation for alternatives thereto, if no action is taken during such period which would conflict or interfere with such management program decision, unless such local government waives its right to comment.

"(iii) Such management agency, if any such comments are submitted to it, with such 30-day period, by any local government—

"(I) is required to consider any such comments,

"(II) is authorized, in its discretion, to hold a public hearing on such comments, and

"(III) may not take any action within such 30-day period to implement the management program decision, whether or not modified on the basis of such comments;"

(3) by amending subsection (c) (8) to read as follows—

"(8) The management program provides for adequate consideration of the national interest involved in planning for, and in the siting of, facilities (including energy facilities in, or which significantly affect, such state's coastal zone) which are necessary to meet requirements which are other than local in nature. In the case of such energy facilities, the Secretary shall find that the state has given such consideration to any applicable interstate energy plan or program;"

(4) by amending subsection (g) to read as follows:

"(g) Any coastal state may amend or modify the management program which it has submitted and which has been approved by the Secretary under this section, pursuant to the required procedures described in subsection (c). Except with respect to any such amendment which is made before October 1, 1978, for the purpose of complying with the requirements of paragraphs (7), (8), and (9) of section 305(b), no grant shall be made under this section to any coastal state after the date of such an amendment or modification, until the Secretary approves such amendment or modification."

Ante, p. 1015.

SEC. 6. CONSISTENCY AND MEDIATION.

Section 307 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456) is amended—

(1) by striking out "interagency" in the title of such section;

(2) by striking out the last sentence of subsection (b);

(3) by amending subsection (c) (3) by inserting "(A)" immediately after "(3)", and by adding at the end thereof the following:

"(B) After the management program of any coastal state has been approved by the Secretary under section 306, any person who submits to the Secretary of the Interior any plan for the exploration or development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and regulations under such Act shall, with respect to any exploration, development, or production described in such plan and affecting any land use or water use in the coastal zone of such state, attach to such

Ante, p. 1017.

plan a certification that each activity which is described in detail in such plan complies with such state's approved management program and will be carried out in a manner consistent with such program. No Federal official or agency shall grant such person any license or permit for any activity described in detail in such plan until such state or its designated agency receives a copy of such certification and plan, together with any other necessary data and information, and until—

"(i) such state or its designated agency, in accordance with the procedures required to be established by such state pursuant to subparagraph (A), concurs with such person's certification and notifies the Secretary and the Secretary of the Interior of such concurrence;

"(ii) concurrence by such state with such certification is conclusively presumed, as provided for in subparagraph (A); or

"(iii) the Secretary finds, pursuant to subparagraph (A), that each activity which is described in detail in such plan is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

If a state concurs or is conclusively presumed to concur, or if the Secretary makes such a finding, the provisions of subparagraph (A) are not applicable with respect to such person, such state, and any Federal license or permit which is required to conduct any activity affecting land uses or water uses in the coastal zone of such state which is described in detail in the plan to which such concurrence or finding applies. If such state objects to such certification and if the Secretary fails to make a finding under clause (iii) with respect to such certification, or if such person fails substantially to comply with such plan as submitted, such person shall submit an amendment to such plan, or a new plan, to the Secretary of the Interior. With respect to any amendment or new plan submitted to the Secretary of the Interior pursuant to the preceding sentence, the applicable time period for purposes of concurrence by conclusive presumption under subparagraph (A) is 3 months;" and

(4) by adding at the end thereof the following new subsection:

"(h) In case of serious disagreement between any Federal agency and a coastal state—

"(1) in the development or the initial implementation of a management program under section 305; or

(2) in the administration of a management program approved under section 306;

the Secretary, with the cooperation of the Executive Office of the President, shall seek to mediate the differences involved in such disagreement. The process of such mediation shall, with respect to any disagreement described in paragraph (2), include public hearings which shall be conducted in the local area concerned."

Ante, p. 1015.Ante, p. 1017.

SEC. 7. COASTAL ENERGY IMPACT PROGRAM.

The Coastal Zone Management Act of 1972 is further amended by redesignating sections 308 through 315 as sections 311 through 318, respectively; and by inserting immediately after section 307 the following:

16 USC 1457-1464.

"COASTAL ENERGY IMPACT PROGRAM"

"Sec. 308. (a) (1) The Secretary shall administer and coordinate, as part of the coastal zone management activities of the Federal Government provided for under this title, a coastal energy impact program. Such program shall consist of the provision of financial

16 USC 1456a.

assistance to meet the needs of coastal states and local governments in such states resulting from specified activities involving energy development. Such assistance, which includes—

“(A) grants, under subsection (b), to coastal states for the purposes set forth in subsection (b)(4) with respect to consequences resulting from the energy activities specified therein;

“(B) grants, under subsection (c), to coastal states for study of, and planning for, consequences relating to new or expanded energy facilities in, or which significantly affect, the coastal zone;

“(C) loans, under subsection (d)(1), to coastal states and units of general purpose local government to assist such states and units to provide new or improved public facilities or public services which are required as a result of coastal energy activity;

“(D) guarantees, under subsection (d)(2) and subject to the provisions of subsection (f), of bonds or other evidences of indebtedness issued by coastal states and units of general purpose local government for the purpose of providing new or improved public facilities or public services which are required as a result of coastal energy activity;

“(E) grants or other assistance, under subsection (d)(3), to coastal states and units of general purpose local government to enable such states and units to meet obligations under loans or guarantees under subsection (d)(1) or (2) which they are unable to meet as they mature, for reasons specified in subsection (d)(3); and

“(F) grants, under subsection (d)(4), to coastal states which have suffered, are suffering, or will suffer any unavoidable loss of a valuable environmental or recreational resource;

shall be provided, administered, and coordinated by the Secretary in accordance with the provisions of this section and under the rules and regulations required to be promulgated pursuant to paragraph (2). Any such financial assistance shall be subject to audit under section 313.

“(2) The Secretary shall promulgate, in accordance with section 317, such rules and regulations (including, but not limited to, those required under subsection (e)) as may be necessary and appropriate to carry out the provisions of this section.

“(b)(1) The Secretary shall make grants annually to coastal states, in accordance with the provisions of this subsection.

“(2) The amounts granted to coastal states under this subsection shall be, with respect to any such state for any fiscal year, the sum of the amounts calculated, with respect to such state, pursuant to subparagraphs (A), (B), (C), and (D):

“(A) An amount which bears, to one-third of the amount appropriated for the purpose of funding grants under this subsection for such fiscal year, the same ratio that the amount of outer Continental Shelf acreage which is adjacent to such state and which is newly leased by the Federal Government in the immediately preceding fiscal year bears to the total amount of outer Continental Shelf acreage which is newly leased by the Federal Government in such preceding year.

“(B) An amount which bears, to one-sixth of the amount appropriated for such purpose for such fiscal year, the same ratio that the volume of oil and natural gas produced in the immediately preceding fiscal year from the outer Continental Shelf acreage which is adjacent to such state and which is leased by the Federal

Government bears to the total volume of oil and natural gas produced in such year from all of the outer Continental Shelf acreage which is leased by the Federal Government.

“(C) An amount which bears, to one-sixth of the amount appropriated for such purpose for such fiscal year, the same ratio that the volume of oil and natural gas produced from outer Continental Shelf acreage leased by the Federal Government which is first landed in such state in the immediately preceding fiscal year bears to the total volume of oil and natural gas produced from all outer Continental Shelf acreage leased by the Federal Government which is first landed in all of the coastal states in such year.

“(D) An amount which bears, to one-third of the amount appropriated for such purpose for such fiscal year, the same ratio that the number of individuals residing in such state in the immediately preceding fiscal year who obtain new employment in such year as a result of new or expanded outer Continental Shelf energy activities bears to the total number of individuals residing in all of the coastal states in such year who obtain new employment in such year as a result of such outer Continental Shelf energy activities.

“(3)(A) The Secretary shall determine annually the amounts of the grants to be provided under this subsection and shall collect and evaluate such information as may be necessary to make such determinations. Each Federal department, agency, and instrumentality shall provide to the Secretary such assistance in collecting and evaluating relevant information as the Secretary may request. The Secretary shall request the assistance of any appropriate state agency in collecting and evaluating such information.

“(B) For purposes of making calculations under paragraph (2), outer Continental Shelf acreage is adjacent to a particular coastal state if such acreage lies on that state's side of the extended lateral seaward boundaries of such state. The extended lateral seaward boundaries of a coastal state shall be determined as follows:

“(i) If lateral seaward boundaries have been clearly defined or fixed by an interstate compact, agreement, or judicial decision (if entered into, agreed to, or issued before the date of the enactment of this paragraph), such boundaries shall be extended on the basis of the principles of delimitation used to so define or fix them in such compact, agreement, or decision.

“(ii) If no lateral seaward boundaries, or any portion thereof, have been clearly defined or fixed by an interstate compact, agreement, or judicial decision, lateral seaward boundaries shall be determined according to the applicable principles of law, including the principles of the Convention on the Territorial Sea and the Contiguous Zone, and extended on the basis of such principles.

“(iii) If, after the date of enactment of this paragraph, two or more coastal states enter into or amend an interstate compact or agreement in order to clearly define or fix lateral seaward boundaries, such boundaries shall thereafter be extended on the basis of the principles of delimitation used to so define or fix them in such compact or agreement.

“(C) For purposes of making calculations under this subsection, the transitional quarter beginning July 1, 1976, and ending September 30, 1976, shall be included within the fiscal year ending June 30, 1976.

Post, p. 1030.
Rules and regulations.
16 USC 1463.

Calculations.

"(4) Each coastal state shall use the proceeds of grants received by it under this subsection for the following purposes (except that priority shall be given to the use of such proceeds for the purpose set forth in subparagraph (A)):

"(A) The retirement of state and local bonds, if any, which are guaranteed under subsection (d)(2); except that, if the amount of such grants is insufficient to retire both state and local bonds, priority shall be given to retiring local bonds.

"(B) The study of, planning for, development of, and the carrying out of projects and programs in such state which are—

"(i) necessary, because of the unavailability of adequate financing under any other subsection, to provide new or improved public facilities and public services which are required as a direct result of new or expanded outer Continental Shelf energy activity; and

"(ii) of a type approved by the Secretary as eligible for grants under this paragraph, except that the Secretary may not disapprove any project or program for highways and secondary roads, docks, navigation aids, fire and police protection, water supply, waste collection and treatment (including drainage), schools and education, and hospitals and health care.

"(C) The prevention, reduction, or amelioration of any unavoidable loss in such state's coastal zone of any valuable environmental or recreational resource if such loss results from coastal energy activity.

"(5) The Secretary, in a timely manner, shall determine that each coastal state has expended or committed, and may determine that such state will expend or commit, grants which such state has received under this subsection in accordance with the purposes set forth in paragraph (4). The United States shall be entitled to recover from any coastal state an amount equal to any portion of any such grant received by such state under this subsection which—

"(A) is not expended or committed by such state before the close of the fiscal year immediately following the fiscal year in which the grant was disbursed, or

"(B) is expended or committed by such state for any purpose other than a purpose set forth in paragraph (4).

Before disbursing the proceeds of any grant under this subsection to any coastal state, the Secretary shall require such state to provide adequate assurances of being able to return to the United States any amounts to which the preceding sentence may apply.

"(c) The Secretary shall make grants to any coastal state if the Secretary finds that the coastal zone of such state is being, or is likely to be, significantly affected by the siting, construction, expansion, or operation of new or expanded energy facilities. Such grants shall be used for the study of, and planning for (including, but not limited to, the application of the planning process included in a management program pursuant to section 305(b)(8)) any economic, social, or environmental consequence which has occurred, is occurring, or is likely to occur in such state's coastal zone as a result of the siting, construction, expansion, or operation of such new or expanded energy facilities. The amount of any such grant shall not exceed 80 per centum of the cost of such study and planning.

Ante, p. 1015.

Loans.

"(d) (1) The Secretary shall make loans to any coastal state and to any unit of general purpose local government to assist such state or unit to provide new or improved public facilities or public services, or

both, which are required as a result of coastal energy activity. Such loans shall be made solely pursuant to this title, and no such loan shall require as a condition thereof that any such state or unit pledge its full faith and credit to the repayment thereof. No loan shall be made under this paragraph after September 30, 1986.

"(2) The Secretary shall, subject to the provisions of subsection (f), guarantee, or enter into commitments to guarantee, the payment of interest on, and the principal amount of, any bond or other evidence of indebtedness if it is issued by a coastal state or a unit of general purpose local government for the purpose of providing new or improved public facilities or public services, or both, which are required as a result of a coastal energy activity.

"(3) If the Secretary finds that any coastal state or unit of general purpose local government is unable to meet its obligations pursuant to a loan or guarantee made under paragraph (1) or (2) because the actual increases in employment and related population resulting from coastal energy activity and the facilities associated with such activity do not provide adequate revenues to enable such state or unit to meet such obligations in accordance with the appropriate repayment schedule, the Secretary shall, after review of the information submitted by such state or unit pursuant to subsection (e)(3), take any of the following actions:

"(A) Modify appropriately the terms and conditions of such loan or guarantee.

"(B) Refinance such loan.

"(C) Make a supplemental loan to such state or unit the proceeds of which shall be applied to the payment of principal and interest due under such loan or guarantee.

"(D) Make a grant to such state or unit the proceeds of which shall be applied to the payment of principal and interest due under such loan or guarantee.

Notwithstanding the preceding sentence, if the Secretary—

"(i) has taken action under subparagraph (A), (B), or (C) with respect to any loan or guarantee made under paragraph (1) or (2), and

"(ii) finds that additional action under subparagraph (A), (B), or (C) will not enable such state or unit to meet, within a reasonable time, its obligations under such loan or guarantee and any additional obligations related to such loan or guarantee; the Secretary shall make a grant or grants under subparagraph (D) to such state or unit in an amount sufficient to enable such state or unit to meet such outstanding obligations.

"(4) The Secretary shall make grants to any coastal state to enable such state to prevent, reduce, or ameliorate any unavoidable loss in such state's coastal zone of any valuable environmental or recreational resource, if such loss results from coastal energy activity, if the Secretary finds that such state has not received amounts under subsection (b) which are sufficient to prevent, reduce, or ameliorate such loss.

"(e) Rules and regulations with respect to the following matters shall be promulgated by the Secretary as soon as practicable, but not later than 270 days after the date of the enactment of this section:

Rules and regulations.

"(1) A formula and procedures for apportioning equitably, among the coastal states, the amounts which are available for the provision of financial assistance under subsection (d). Such formula shall be based on, and limited to, the following factors:

Financial assistance, formula and procedures.

"(A) The number of additional individuals who are expected to become employed in new or expanded coastal

energy activity, and the related new population, who reside in the respective coastal states.

"(B) The standardized unit costs (as determined by the Secretary by rule), in the relevant regions of such states, for new or improved public facilities and public services which are required as a result of such expected employment and the related new population.

"(2) Criteria under which the Secretary shall review each coastal state's compliance with the requirements of subsection (g) (2).

Criteria and procedures for repayment.

"(3) Criteria and procedures for evaluating the extent to which any loan or guarantee under subsection (d) (1) or (2) which is applied for by any coastal state or unit of general purpose local government can be repaid through its ordinary methods and rates for generating tax revenues. Such procedures shall require such state or unit to submit to the Secretary such information which is specified by the Secretary to be necessary for such evaluation, including, but not limited to—

"(A) a statement as to the number of additional individuals who are expected to become employed in the new or expanded coastal energy activity involved, and the related new population, who reside in such state or unit;

"(B) a description, and the estimated costs, of the new or improved public facilities or public services needed or likely to be needed as a result of such expected employment and related new population;

"(C) a projection of such state's or unit's estimated tax receipts during such reasonable time thereafter, not to exceed 30 years, which will be available for the repayment of such loan or guarantee; and

"(D) a proposed repayment schedule.

The procedures required by this paragraph shall also provide for the periodic verification, review, and modification (if necessary) by the Secretary of the information or other material required to be submitted pursuant to this paragraph.

"(4) Requirements, terms, and conditions (which may include the posting of security) which shall be imposed by the Secretary, in connection with loans and guarantees made under subsections (d) (1) and (2), in order to assure repayment within the time fixed, to assure that the proceeds thereof may not be used to provide public services for an unreasonable length of time, and otherwise to protect the financial interests of the United States.

Interest rate.

"(5) Criteria under which the Secretary shall establish rates of interest on loans made under subsections (d) (1) and (3). Such rates shall not exceed the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturity of such loans.

In developing rules and regulations under this subsection, the Secretary shall, to the extent practicable, request the views of, or consult with, appropriate persons regarding impacts resulting from coastal energy activity.

"(f) (1) Bonds or other evidences of indebtedness guaranteed under subsection (d) (2) shall be guaranteed on such terms and conditions as the Secretary shall prescribe, except that—

"(A) no guarantee shall be made unless the indebtedness involved will be completely amortized within a reasonable period, not to exceed 30 years;

"(B) no guarantee shall be made unless the Secretary determines that such bonds or other evidences of indebtedness will—

"(i) be issued only to investors who meet the requirements prescribed by the Secretary, or, if an offering to the public is contemplated, be underwritten upon terms and conditions approved by the Secretary;

"(ii) bear interest at a rate found not to be excessive by the Secretary; and

"(iii) contain, or be subject to, repayment, maturity, and other provisions which are satisfactory to the Secretary;

"(C) the approval of the Secretary of the Treasury shall be required with respect to any such guarantee, unless the Secretary of the Treasury waives such approval; and

"(D) no guarantee shall be made after September 30, 1986.

"(2) The full faith and credit of the United States is pledged to the payment, under paragraph (5), of any default on any indebtedness guaranteed under subsection (d) (2). Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligation involved for such guarantee, and the validity of any such guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligation, except for fraud or material misrepresentation on the part of the holder, or known to the holder at the time acquired.

"(3) The Secretary shall prescribe and collect fees in connection with guarantees made under subsection (d) (2). These fees may not exceed the amount which the Secretary estimates to be necessary to cover the administrative costs pertaining to such guarantees.

"(4) The interest paid on any obligation which is guaranteed under subsection (d) (2) and which is received by the purchaser thereof (or the purchaser's successor in interest), shall be included in gross income for the purpose of chapter 1 of the Internal Revenue Code of 1954. The Secretary may pay out of the Fund to the coastal state or the unit of general purpose local government issuing such obligations not more than such portion of the interest on such obligations as exceeds the amount of interest that would be due at a comparable rate determined for loans made under subsection (d) (1).

"(5) (A) Payments required to be made as a result of any guarantee made under subsection (d) (2) shall be made by the Secretary from sums appropriated to the Fund or from moneys obtained from the Secretary of the Treasury pursuant to paragraph (6).

"(B) If there is a default by a coastal state or unit of general purpose local government in any payment of principal or interest due under a bond or other evidence of indebtedness guaranteed by the Secretary under subsection (d) (2), any holder of such bond or other evidence of indebtedness may demand payment by the Secretary of the unpaid interest on and the unpaid principal of such obligation as they become due. The Secretary, after investigating the facts presented by the holder, shall pay to the holder the amount which is due such holder, unless the Secretary finds that there was no default by such state or unit or that such default has been remedied.

"(C) If the Secretary makes a payment to a holder under subparagraph (B), the Secretary shall—

"(i) have all of the rights granted to the Secretary or the United States by law or by agreement with the obligor; and

"(ii) be subrogated to all of the rights which were granted such holder, by law, assignment, or security agreement between such holder and the obligor.

Fees.

26 USC 1 et seq.

Such rights shall include, but not be limited to, a right of reimbursement to the United States against the coastal state or unit of general purpose local government for which the payment was made for the amount of such payment plus interest at the prevailing current rate as determined by the Secretary. If such coastal state, or the coastal state in which such unit is located, is due to receive any amount under subsection (b), the Secretary shall, in lieu of paying such amount to such state, deposit such amount in the Fund until such right of reimbursement has been satisfied. The Secretary may accept, in complete or partial satisfaction of any such rights, a conveyance of property or interests therein. Any property so obtained by the Secretary may be completed, maintained, operated, held, rented, sold, or otherwise dealt with or disposed of on such terms or conditions as the Secretary prescribes or approves. If, in any case, the sum received through the sale of such property is greater than the amount paid to the holder under subparagraph (D) plus costs, the Secretary shall pay any such excess to the obligor.

"(D) The Attorney General shall, upon the request of the Secretary, take such action as may be appropriate to enforce any right accruing to the Secretary or the United States as a result of the making of any guarantee under subsection (d) (2). Any sums received through any sale under subparagraph (C) or recovered pursuant to this subparagraph shall be paid into the Fund.

"(6) If the moneys available to the Secretary are not sufficient to pay any amount which the Secretary is obligated to pay under paragraph (5), the Secretary shall issue to the Secretary of the Treasury notes or other obligations (only to such extent and in such amounts as may be provided for in appropriation Acts) in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury prescribes. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States on comparable maturities during the month preceding the issuance of such notes or other obligations. Any sums received by the Secretary through such issuance shall be deposited in the Fund. The Secretary of the Treasury shall purchase any notes or other obligations issued under this paragraph, and for this purpose such Secretary may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force. The purposes for which securities may be issued under that Act are extended to include any purchase of notes or other obligations issued under this paragraph. The Secretary of the Treasury may at any time sell any of the notes or other obligations so acquired under this paragraph. All redemptions, purchases, and sales of such notes or other obligations by the Secretary of the Treasury shall be treated as public debt transactions of the United States.

"(g) (1) No coastal state is eligible to receive any financial assistance under this section unless such state—

"(A) has a management program which has been approved under section 306;

"(B) is receiving a grant under section 305(c) or (d); or

"(C) is, in the judgment of the Secretary, making satisfactory progress toward the development of a management program which is consistent with the policies set forth in section 303.

Ante, p. 1017.

Ante, p. 1015.

16 USC 1433.

"(2) Each coastal state shall, to the maximum extent practicable, provide that financial assistance provided under this section be apportioned, allocated, and granted to units of local government within such state on a basis which is proportional to the extent to which such units need such assistance.

"(h) There is established in the Treasury of the United States the Coastal Energy Impact Fund. The Fund shall be available to the Secretary without fiscal year limitation as a revolving fund for the purposes of carrying out subsections (c) and (d). The Fund shall consist of—

"(1) any sums appropriated to the Fund;

"(2) payments of principal and interest received under any loan made under subsection (d) (1);

"(3) any fees received in connection with any guarantee made under subsection (d) (2); and

"(4) any recoveries and receipts under security, subrogation, and other rights and authorities described in subsection (f).

All payments made by the Secretary to carry out the provisions of subsections (c), (d), and (f) (including reimbursements to other Government accounts) shall be paid from the Fund, only to the extent provided for in appropriation Acts. Sums in the Fund which are not currently needed for the purposes of subsections (c), (d), and (f) shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(i) The Secretary shall not intercede in any land use or water use decision of any coastal state with respect to the siting of any energy facility or public facility by making siting in a particular location a prerequisite to, or a condition of, financial assistance under this section.

"(j) The Secretary may evaluate, and report to the Congress, on the efforts of the coastal states and units of local government therein to reduce or ameliorate adverse consequences resulting from coastal energy activity and on the extent to which such efforts involve adequate consideration of alternative sites.

"(k) To the extent that Federal funds are available under, or pursuant to, any other law with respect to—

"(1) study and planning for which financial assistance may be provided under subsection (b) (4) (B) and (c), or

"(2) public facilities and public services for which financial assistance may be provided under subsection (b) (4) (B) and (d), the Secretary shall, to the extent practicable, administer such subsections—

"(A) on the basis that the financial assistance shall be in addition to, and not in lieu of, any Federal funds which any coastal state or unit of general purpose local government may obtain under any other law; and

"(B) to avoid duplication.

"(1) As used in this section—

"(1) The term 'retirement', when used with respect to bonds, means the redemption in full and the withdrawal from circulation of those which cannot be repaid by the issuing jurisdiction in accordance with the appropriate repayment schedule.

"(2) The term 'unavoidable', when used with respect to a loss of any valuable environmental or recreational resource, means a loss, in whole or in part—

"(A) the costs of prevention, reduction, or amelioration of which cannot be directly or indirectly attributed to, or assessed against, any identifiable person; and

Coastal Energy Impact Fund, Establishment.

Definitions.

"(B) cannot be paid for with funds which are available under, or pursuant to, any provision of Federal law other than this section.

"(3) The term 'unit of general purpose local government' means any political subdivision of any coastal state or any special entity created by such a state or subdivision which (in whole or part) is located in, or has authority over, such state's coastal zone, and which (A) has authority to levy taxes or establish and collect user fees, and (B) provides any public facility or public services which is financed in whole or part by taxes or user fees."

SEC. 8. INTERSTATE GRANTS.

The Coastal Zone Management Act of 1972 is further amended by adding immediately after section 308 (as added by section 7 of this Act) the following:

"INTERSTATE GRANTS

16 USC 1456b. "SEC. 309. (a) The coastal states are encouraged to give high priority—

- "(1) to coordinating state coastal zone planning, policies, and programs with respect to contiguous areas of such states; and
- "(2) to studying, planning, and implementing unified coastal zone policies with respect to such areas.

Such coordination, study, planning, and implementation may be conducted pursuant to interstate agreements or compacts. The Secretary may make grants annually, in amounts not to exceed 90 per centum of the cost of such coordination, study, planning, or implementation, if the Secretary finds that the proceeds of such grants will be used for purposes consistent with sections 305 and 306.

Ante, p. 1015,
1017.
Agreements or
compacts.

"(b) The consent of the Congress is hereby given to two or more coastal states to negotiate, and to enter into, agreements or compacts, which do not conflict with any law or treaty of the United States, for—

- "(1) developing and administering coordinated coastal zone planning, policies, and programs pursuant to sections 305 and 306; and
- "(2) establishing executive instrumentalities or agencies which such states deem desirable for the effective implementation of such agreements or compacts.

Such agreements or compacts shall be binding and obligatory upon any state or party thereto without further approval by the Congress.

"(c) Each executive instrumentality or agency which is established by an interstate agreement or compact pursuant to this section is encouraged to adopt a Federal-State consultation procedure for the identification, examination, and cooperative resolution of mutual problems with respect to the marine and coastal areas which affect, directly or indirectly, the applicable coastal zone. The Secretary, the Secretary of the Interior, the Chairman of the Council on Environmental Quality, the Administrator of the Environmental Protection Agency, the Secretary of the department in which the Coast Guard is operating, and the Administrator of the Federal Energy Administration, or their designated representatives, shall participate ex officio on behalf of the Federal Government whenever any such Federal-State consultation is requested by such an instrumentality or agency.

"(d) If no applicable interstate agreement or compact exists, the Secretary may coordinate coastal zone activities described in subsection (a) and may make grants to assist any group of two or more coastal states to create and maintain a temporary planning and coordinating entity to—

"(1) coordinate state coastal zone planning, policies, and programs with respect to contiguous areas of the states involved;

"(2) study, plan, and implement unified coastal zone policies with respect to such areas; and

"(3) establish an effective mechanism, and adopt a Federal-State consultation procedure, for the identification, examination, and cooperative resolution of mutual problems with respect to the marine and coastal areas which affect, directly or indirectly, the applicable coastal zone.

The amount of such grants shall not exceed 90 per centum of the cost of creating and maintaining such an entity. The Federal officials specified in subsection (c), or their designated representatives, shall participate on behalf of the Federal Government, upon the request of any such temporary planning and coordinating entity."

SEC. 9. RESEARCH AND TECHNICAL ASSISTANCE.

The Coastal Management Act of 1972 is further amended by adding immediately after section 309 (as added by section 8 of this Act) the following:

"RESEARCH AND TECHNICAL ASSISTANCE FOR COASTAL ZONE MANAGEMENT

"SEC. 310. (a) The Secretary may conduct a program of research, study, and training to support the development and implementation of management programs. Each department, agency, and instrumentality of the executive branch of the Federal Government may assist the Secretary, on a reimbursable basis or otherwise, in carrying out the purposes of this section, including, but not limited to, the furnishing of information to the extent permitted by law, the transfer of personnel with their consent and without prejudice to their position and rating, and the performance of any research, study, and training which does not interfere with the performance of the primary duties of such department, agency, or instrumentality. The Secretary may enter into contracts or other arrangements with any qualified person for the purposes of carrying out this subsection.

"(b) The Secretary may make grants to coastal states to assist such states in carrying out research, studies, and training required with respect to coastal zone management. The amount of any grant made under this subsection shall not exceed 80 per centum of the cost of such research, studies, and training.

"(c)(1) The Secretary shall provide for the coordination of research, studies, and training activities under this section with any other such activities that are conducted by, or subject to the authority of, the Secretary.

"(2) The Secretary shall make the results of research conducted pursuant to this section available to any interested person."

SEC. 10. REVIEW OF PERFORMANCE.

Section 312(a) of the Coastal Zone Management Act of 1972, as redesignated by section 7 of this Act (16 U.S.C. 1458(a)) is amended to read as follows:

"(a) The Secretary shall conduct a continuing review of—

- "(1) the management programs of the coastal states and the performance of such states with respect to coastal zone management; and
- "(2) the coastal energy impact program provided for under section 308."

16 USC 1456c.

Contracts or
other arrange-
ments.

Ante, p. 1017.

SEC. 11. AUDIT OF TRANSACTIONS.

Section 313 of the Coastal Zone Management Act of 1972, as redesignated by section 7 of this Act (16 U.S.C. 1459), is amended—

(1) by inserting "AND AUDIT" after "records" in the title of such section;

(2) by amending subsection (a)—

(A) by inserting immediately after "grant under this title" the following: "or of financial assistance under section 308", and

(B) by inserting after "received under the grant" the following: "and of the proceeds of such assistance"; and

(3) by amending subsection (b) to read as follows:

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall—

"(1) after any grant is made under this title or any financial assistance is provided under section 308(d); and

"(2) until the expiration of 3 years after—

"(A) completion of the project, program, or other undertaking for which such grant was made or used, or

"(B) repayment of the loan or guaranteed indebtedness for which such financial assistance was provided,

have access for purposes of audit and examination to any record, book, document, and paper which belongs to or is used or controlled by, any recipient of the grant funds or any person who entered into any transaction relating to such financial assistance and which is pertinent for purposes of determining if the grant funds or the proceeds of such financial assistance are being, or were, used in accordance with the provisions of this title."

SEC. 12. ACQUISITION OF ACCESS TO PUBLIC BEACHES AND OTHER PUBLIC COASTAL AREAS.

Section 315 of the Coastal Zone Management Act of 1972, as redesignated by section 7 of this Act (16 U.S.C. 1461), is amended to read as follows:

"ESTUARINE SANCTUARIES AND BEACH ACCESS

"Sec. 315. The Secretary may, in accordance with this section and in accordance with such rules and regulations as the Secretary shall promulgate, make grants to any coastal state for the purpose of—

"(1) acquiring, developing, or operating estuarine sanctuaries, to serve as natural field laboratories in which to study and gather data on the natural and human processes occurring within the estuaries of the coastal zone; and

"(2) acquiring lands to provide for access to public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecological, or cultural value, and for the preservation of islands.

The amount of any such grant shall not exceed 50 per centum of the cost of the project involved; except that, in the case of acquisition of any estuarine sanctuary, the Federal share of the cost thereof shall not exceed \$2,000,000."

SEC. 13. ANNUAL REPORT.

The second sentence of section 316(a) of the Coastal Zone Management Act of 1972, as redesignated by section 7 of this Act (16 U.S.C. 1462(a)), is amended by striking out "and (9)" and inserting in lieu thereof "(12)"; and by inserting immediately after clause (8) the following: "(9) a description of the economic, environmental, and

Ante, p. 1017.

social consequences of energy activity affecting the coastal zone and an evaluation of the effectiveness of financial assistance under section 308 in dealing with such consequences; (10) a description and evaluation of applicable interstate and regional planning and coordination mechanisms developed by the coastal states; (11) a summary and evaluation of the research, studies, and training conducted in support of coastal zone management; and".

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

Section 318 of the Coastal Zone Management Act of 1972, as redesignated by section 7 of this Act (16 U.S.C. 1464), is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 318. (a) There are authorized to be appropriated to the Secretary—

"(1) such sums, not to exceed \$20,000,000 for each of the fiscal years ending September 30, 1977, September 30, 1978, and September 30, 1979, respectively, as may be necessary for grants under section 305, to remain available until expended;

"(2) such sums, not to exceed \$50,000,000 for each of the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, and September 30, 1980, respectively, as may be necessary for grants under section 306, to remain available until expended;

"(3) such sums, not to exceed \$50,000,000 for each of the 8 fiscal years occurring during the period beginning October 1, 1976, and ending September 30, 1984, as may be necessary for grants under section 308(b);

"(4) such sums, not to exceed \$5,000,000 for each of the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, and September 30, 1980, respectively, as may be necessary for grants under section 309, to remain available until expended;

"(5) such sums, not to exceed \$10,000,000 for each of the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, and September 30, 1980, respectively, as may be necessary for financial assistance under section 310, of which 50 per centum shall be for financial assistance under section 310(a) and 50 per centum shall be for financial assistance under section 310(b), to remain available until expended;

"(6) such sums, not to exceed \$6,000,000 for each of the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, and September 30, 1980, respectively, as may be necessary for grants under section 315(1), to remain available until expended;

"(7) such sums, not to exceed \$25,000,000 for each of the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, and September 30, 1980, respectively, as may be necessary for grants under section 315(2), to remain available until expended; and

"(8) such sums, not to exceed \$5,000,000 for each of the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, and September 30, 1980, respectively, as may be necessary for administrative expenses incident to the administration of this title.

"(b) There are authorized to be appropriated until October 1, 1986, to the Fund, such sums, not to exceed \$800,000,000, for the purposes of

Ante, p. 1017.

Ante, p. 1028.

Ante, p. 1017.

carrying out the provisions of section 308, other than subsection (b), of which not to exceed \$50,000,000 shall be for purposes of subsections (c) and (d) (4) of such section.

Ante, p. 1015, 1017, 1028, 1029.

"(c) Federal funds received from other sources shall not be used to pay a coastal state's share of costs under section 305, 306, 309, or 310."

SEC. 15. ADMINISTRATION.

15 USC 1511a.

(a) There shall be in the National Oceanic and Atmospheric Administration an Associate Administrator for Coastal Zone Management, who shall be appointed by the President, by and with the advice and consent of the Senate. Such Associate Administrator shall be an individual who is, by reason of background and experience, especially qualified to direct the implementation and administration of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.). Such Associate Administrator shall be compensated at the rate now or hereafter provided for level V of the Executive Schedule Pay Rates (5 U.S.C. 5316).

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(140) Associate Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration."

15 USC 1511a note.

(c) The Secretary may, to carry out the provisions of the amendments made by this Act, establish, and fix the compensation for, four new positions without regard to the provision of chapter 51 of title 5, United States Code, at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title. Any such appointment may, at the discretion of the Secretary, be made without regard to the provisions of such title 5 governing appointments in the competitive service.

5 USC 5332 note.

SEC. 16. SHELLFISH SANITATION REGULATIONS.

16 USC 1462 note.

(a) The Secretary of Commerce shall—

(1) undertake a comprehensive review of all aspects of the molluscan shellfish industry, including, but not limited to, the harvesting, processing, and transportation of such shellfish; and

(2) evaluate the impact of Federal law concerning water quality on the molluscan shellfish industry.

Report to Congress.

The Secretary of Commerce shall, not later than April 30, 1977, submit a report to the Congress of the findings, comments, and recommendations (if any) which result from such review and evaluation.

(b) The Secretary of Health, Education, and Welfare shall not promulgate final regulations concerning the national shellfish safety program before June 30, 1977. At least 60 days prior to the promulgation of any such regulations, the Secretary of Health, Education, and Welfare, in consultation with the Secretary of Commerce, shall publish an analysis (1) of the economic impact of such regulations on the domestic shellfish industry, and (2) the cost of such national shellfish safety program relative to the benefits that it is expected to achieve.

Approved July 26, 1976.

Analysis, publication.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-878 accompanying H.R. 3981 (Comm. on Merchant Marine and Fisheries) and No. 94-1298 (Comm. of Conference).

SENATE REPORTS: No. 94-277 (Comm. on Commerce) and No. 94-987 (Comm. of Conference).

CONGRESSIONAL RECORD:

Vol. 121 (1975): July 16, considered and passed Senate.
Vol. 122 (1976): Mar. 11, considered and passed House, amended, in lieu of H.R. 3981.

June 29, Senate agreed to conference report.

June 30, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:

Vol. 12, No. 31 (1976): July 26, Presidential statement.

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3. Ibid., Preamble, January 11, 1909.
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- Coastlines.* Bimonthly newsletter on coastal activities
and research. No charge.
- Catalog of Sea Grant Information.* About 60 pp. No
charge.

