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Public Law 92-583

Report to the Congress On Coastal Zone Management

Transition Quarter and Fiscal Year 1977

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of Coastal Zone Management

Public Law 92-583



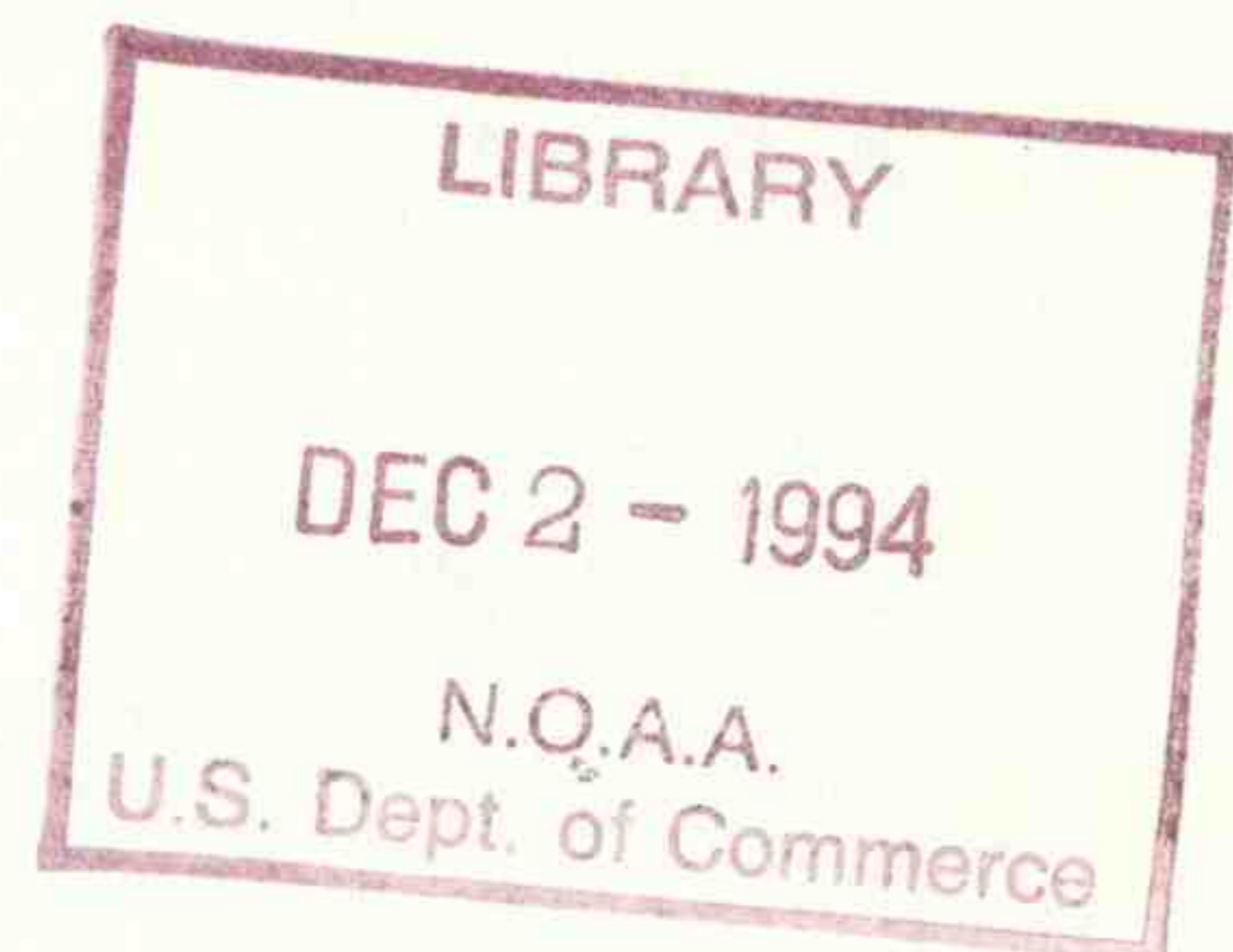
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U.S. DEPARTMENT OF COMMERCE

Juanita M. Kreps, Secretary

National Oceanic and Atmospheric Administration

Richard A. Frank, Administrator

Office of Coastal Zone Management

Robert W. Knecht, Assistant Administrator



THE SECRETARY OF COMMERCE
Washington, D.C. 20230

July 25, 1978

Dear Mr. President:

It is my honor to transmit herewith, for submission to the Congress, the Annual Report for the Transition Quarter and Fiscal Year 1977 as required by Section 316 of the Coastal Zone Management Act of 1972 (16 USC 1451).

Respectfully,


Juanita M. Kreps

Enclosure

The President
The White House
Washington, D. C. 20500

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TO
ANNUAL REPORT ON COASTAL ZONE MANAGEMENT
FOR
TQ '76 AND FY '77

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INTRODUCTION AND HIGHLIGHTS

REPORT TO THE PRESIDENT FROM THE SECRETARY OF COMMERCE ON THE IMPLEMENTATION OF THE COASTAL ZONE MANAGEMENT ACT DURING THE TRANSITION QUARTER 1976 AND FISCAL YEAR 1977

This report to the President is submitted in compliance with Section 316 of the Coastal Zone Management Act of 1972, as amended. The Secretary of Commerce is required to submit a report not later than November 1 on the operation of the program during the preceding fiscal year. This original requirement was based on a fiscal year ending June 30, and was not changed when the fiscal year was changed to end on September 30. This report covers both the Transition Fiscal Year Quarter in 1976 (TQ) and Fiscal Year 1977. Steps have been taken to correct this time-of-submission problem. Legislation is being initiated to revise the required date of this report to a recommended due date of not later than February 1 of each year. The appropriate House and Senate Committees have been so advised.

Highlights - Transition Quarter 1976 and Fiscal Year 1977

- o The Coastal Zone Management Act Amendments of 1976 were passed by Congress and signed into law on July 26, 1976 (Public Law 94-370). Implementation began and continued throughout this period.
- o In August 1976, the Justice Department ruled that, "all lands owned by the U.S. are excluded from the state coastal zone. . ."
- o Revised criteria for approval of Coastal Zone Management programs were published in draft form in August 1977.
- o On September 28, 1976, NOAA first issued and then reissued on August 29, 1977, proposed regulations for Federal consistency under Section 307 of the CZMA. Final regulations are scheduled for publication in February 1978.
- o Federal funding for Indiana expired in September 1976 and was withheld for most of FY 1977, due to inadequate progress.
- o The "Sapelo Island National Estuarine Sanctuary" was established in Georgia on December 21, 1976.

- o A report, "The Coastal Zone Management Program: An Uncertain Future," was formally released by the General Accounting Office in December 1976.
- o The third year grant expired for the Pennsylvania program and OCZM deemed the program inadequate.
- o The Nation's second management program, that for the San Francisco Bay Conservation and Development Commission, was approved as a segment of the California program in February 16, 1977.
- o On April 15, 1977, Puerto Rico received Federal approval for the Culebra Segment on April 15, 1977, the first part of the Commonwealth's program.
- o The Oregon Coastal Management Program, the second complete state program, was approved under Section 306 on May 6, 1977.
- o The Coastal Energy Impact Program received its first appropriation of \$125 million in May 1977.
- o In September 1977, legislation to complete the Virgin Islands program, which had been scheduled for FY 77 approval, failed to be adopted by one vote.
- o The first grant of the new Coastal Fisheries Assistance Program was made to North Carolina in October 1977.
- o Approval of the management program for California (excluding the San Francisco Bay area), scheduled for the end of FY 77, was not awarded because of a lawsuit. (The program however, was approved later, on November 7, 1977, but the Federal consistency provisions could not be applied).
- o A plan for a White House Conference on Oceans and Coasts were approved by the President in May 1977, but the proposal was later postponed.
- o Various estuarine sanctuary activities are summarized in Appendix 1.
- o The activities of the Coastal Zone Management Advisory Committee are summarized in Appendix 2.

BOX SCORE

Planning Effort

- o 33 of 35 eligible states and territories participating
- o Federal dollars provided to date. \$51.5 million
- o State-months of Federal assistance provided. 1602
- o State-months of effort remaining (estimated). 400

Management Effort

- o State Programs with Federal approval and implemented. 3
- o Final State Programs completed and in review. 5
- o Draft State Programs completed and in review. 3
- o Miles of U.S. shoreline under Federally assisted management 7,900 miles (8.3%)
- o Miles of U.S. shoreline included in projected program approvals:
 - By September 30, 1978. (29.2%)27,800 miles
 - By September 30, 1979. (74.3%)70,800 miles
- o State CZM Legislation and other program directives:
 - Laws or legislative resolutions adopted.24 states
 - Laws drafted and pending introduction in legislature.15 states
 - Executive Orders issued. 4 states
 - Executive Orders drafted and pending. 3 states

Estuarine Sanctuaries

- o Sanctuaries funded (\$6 million). 5
- o Areas being protected. 25,000 acres
- o Additional Sanctuaries needed to complete national program. 13 to 15

Coastal Energy Impact Program

- o Applications for financial assistance received. 21
 - o Amount requested in applications received. \$11.9 million
 - o Applications approved. 11
 - o Financial Assistance provided in approved applications.\$3.8 million
-

CHAPTER 1

316(a)(1) IDENTIFICATION OF THE STATE PROGRAMS APPROVED PURSUANT TO THIS TITLE DURING THE PRECEDING FEDERAL FISCAL YEAR AND A DESCRIPTION OF THOSE PROGRAMS

Oregon

On May 6, 1977, the Acting Associate Administrator for Coastal Zone Management on behalf of the Secretary of Commerce, approved the coastal management program of the State of Oregon, the second State in the Nation to receive Federal approval.

Boundaries

Oregon's coastal zone extends from the Washington border in the north to California in the south, seaward to the extent of State jurisdiction as recognized in Federal law, and inland to the crest of the coastal mountain range. Three exceptions exist to the inland boundary. They are:

1. The Umpqua River Basin, where the coastal zone extends to Scottsburg;
2. The Rogue River Basin, where the coastal zone extends to Agness; and
3. The Columbia River, where the coastal zone extends to the downstream end of Puget Island.

The State's landward coastal zone ranges in width from 8 to 45 miles and includes about 7,811 square miles of land area. The boundary approximates a natural biophysical unit, the coastal watershed. The three exceptions to the coastal boundary are all major river systems which penetrate the coastal mountains and originate in the Cascades or interior lands.

In accordance with an opinion from the U.S. Attorney General interpreting the Coastal Zone Management Act, Oregon has provisionally agreed to exclude all Federally owned lands for the purpose of meeting the requirements of Section 304(a).

Authorities and Organization

The State's coastal management program is part of a broader land and water use management effort in Oregon. It is based primarily on the 1973 Oregon Land Use Act (ORS 197), commonly referred to as SB 100, which created the Land Conservation and Development Commission (LCDC) and its administrative arm, the Department of Land Conservation and Development (DLCD), which implements the Commission's policies. The DLCD is the designated State agency for administration of the Oregon Coastal Management Program.

Senate Bill 100 requires LCDC to develop statewide land and water planning goals and guidelines; these establish state policy for resource management and form the basis for Oregon's Coastal Management Program. The Act requires each city and county to develop a coordinated comprehensive plan, zoning, and subdivision ordinances which are in conformance with the adopted goals and guidelines. State agency and special district plans and actions also must conform with the goals and with the local comprehensive plans when approved.

In December 1974, LCDC adopted 14 planning goals and supporting guidelines which apply to the entire State. The first two goals speak to citizen involvement and the process of developing coordinated comprehensive land use plans. The remaining goals address specific resource elements or uses: agricultural lands; forest lands; open spaces, scenic and historic areas, and natural resources; air, water, and land resources quality; areas subject to natural disasters and hazards; recreation needs; economy of the state; housing; public facilities and services; transportation; energy conservation; and urbanization. These goals apply to all areas of the State, including the coast.

In addition to these goals, the Commission adopted on December 18, 1976, goals specific to coastal resources. These goals supplement the initial goals by addressing, with greater specificity, the particular needs and problems of Oregon's coast. The coastal goals and guidelines address estuarine resources, beaches and dunes, coastal shorelands, and ocean resources.

In addition to the authorities contained in SB 100, several State agencies have resource management authorities which will be central to the administration of the coastal management program. Some of the most important among these include:

Division of State Lands: Has ownership and management responsibilities for submerged and submersible lands. Reviews permit applications and issues permits for fill and removal of 50 cubic yards or more of material in waterways up to the line of non-aquatic vegetation. The division administers the South Slough National Estuarine Sanctuary.

Department of Transportation, Highway Division: Manages the ocean shores and beaches for public use and recreational access. Issues permits for improvement on the ocean shore and/or for the removal of driftwood material. Additionally, manages the vast network of State parks, waysides, access points, botanical gardens, that provide areas for recreation, research, preservation of historic sites, and unique natural areas. The Scenic Waterways

Act also is generally administered by the State Highway Division, although other agencies have complementary roles. In the coastal zone, this Act protects scenic and environmental aspects of portions of the Rogue River and a small portion of the Illinois River.

Water Resources Department: Promulgates policies and programs for the use and conservation of surface and ground water resources. Issues permits for appropriation of water and for dams.

Department of Forestry: Administers the Forest Practices Act, which establishes policies and standards for forest management and harvest practices on forest lands in the State. Manages State owned forest lands.

Department of Environmental Quality: Administers air, water, land and noise pollution control programs, regulates sewage treatment and disposal systems and solid waste disposal sites, and manages solid waste control programs, including control of environmentally hazardous wastes. Administers non-point pollution control programs under Section 208 of Federal Water Pollution Control Act of 1972.

Department of Energy, Energy Facility Siting Council: Provides general guidance on suitability and unsuitability of locations for thermal and nuclear power plants in Oregon, establishes general areas of exclusion, and issues site certificates.

Department of Human Resources, Health Division: Regulates domestic water supply sources and systems.

Department of Geology and Mineral Industries: Regulates oil, gas, and geothermal activities, including issuing drilling permits. Also regulates surface mining activities.

Department of Fish and Wildlife, Fish and Wildlife Commission: Regulates harvest of fish, shellfish, wildlife, and marine invertebrates in coastal zone. The agency conducts research, manages refuges, propagates fish, and reviews land and water use activities to assure protection of fish and wildlife habitat.

Public Utility Commission: Reviews plans for transportation of hazardous wastes. Issues certificates for all overhead transmission lines.

Permissible Uses

As a result of the inventories and input from resource specialists, a list of uses having a direct and significant impact on the coastal waters was developed. These uses constitute the permissible uses for Oregon's Coastal Management Program, and represent the uses

that will be controlled, guided, restricted, encouraged, or otherwise managed as appropriate. These uses include: navigation and transportation; residential, urban, and industrial uses, including energy production; agriculture and forestry; recreation; fish and wildlife production and navigation; public facilities; mining and mineral; and restoration.

Geographic Areas of Particular Concern (GAPC)

A series of detailed resource and use inventories were prepared during the development phase of the program. Input was received from the public, government officials, and resource specialists. Based on this, several geographic areas of particular concern and their management needs were identified. The management requirements of beaches and dunes, estuaries and associated wetlands, and agricultural lands are addressed in the coastal goals adopted in December 1976.

Other areas of particular concern are covered by special purpose State statutes and include:

- o Ocean shores, as identified in the Oregon Ocean Shores Act, providing for public access to and recreational use of beaches;
- o Kelp beds, as protected by the Oregon Kelp Fields, regulating harvest of kelp beds; and
- o Energy facility sites, as identified and governed by the Department of Energy and the Energy Facility Siting Council, which has examined and set suitability standards and classifications for power plant siting.

As a result of approval, Oregon was awarded a \$1.85 million grant for its first-year implementation program. These funds are being used to administer state permit programs, to administer Federal consistency procedures, and to assist local governments in developing their comprehensive programs.

California

Segment - San Francisco Bay

On February 16, 1977, the Acting Associate Administrator for Coastal Zone Management on behalf of the Secretary of Commerce, approved the coastal management program for that segment of the coastline of the State of California within the jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC).

Boundary

The coastal zone boundary of the San Francisco Bay segment is defined by the McAteer-Petris Act of 1965 and includes: all areas of the Bay subject to tidal action, from the south end of the Bay to the Golden Gate, and to the Sacramento River, including all sloughs, marshlands lying between mean high tide and five feet above mean sea level, tidelands and submerged lands; the first 100 feet of shoreline inland from the line of highest tidal action or from a line 5 feet above mean sea level in marsh areas, whichever is higher; large areas of open water diked off from the Bay and used largely for duck hunting and agriculture; those portions of the significant tributaries of the Bay that are subject to tidal action, with the exception of the Sacramento and San Joaquin Rivers; and those areas defined as marsh zone and buffer zone in the vicinity of the Suisun Marsh. In addition, the Suisun Marsh (89,000 acres) which comprises about 10 percent of California's remaining wetlands is included in the boundary under the Nejedly-Bagley-Z'berg Suisun Marsh Preservation Act of 1974.

Authorities and Organization

The principal means by which the state exerts control over permissible land and water uses in the Bay area and its adjacent shoreline is the McAteer-Petris Act. This legislation established the Commission, gives it exclusive permit authority within the Bay segment of the California coastal zone, and authorizes BCDC the power to issue cease and desist order to enforce the permit requirements.

The Suisun Marsh Preservation Act enables BCDC to exercise expanded permit jurisdiction over the key wetland areas of the Suisun Marsh. The state is augmenting BCDC's permit authority by coordination with state and local agencies that either regulate activities outside the Commission's jurisdiction which may have a direct and significant impact on the Bay or whose own activities may have such impacts. Such activities include those authorized by the Porter-Cologne Water Quality Control Act, the California Environmental Quality Act, and the Warren-Alquist Energy Resource Conservation and Development Act.

For purposes of the Section 306 of the Federal CZMA, the California Coastal Commission has been designated the lead agency; however, for the BCDC segment, BCDC has exclusive authority to implement the coastal zone management program with the exception of administering the air and water quality programs and major energy facility siting. The 27-member Commission has been in operation since 1965 and has continuously exercised its permit authority in the Bay Area pursuant to the Act and the San Francisco Bay Plan which was adopted by the Commission in 1968 and subsequently enacted by the California legislature in 1969.

Additional State agencies that are a part of the management program include the State Water Resources Control Board; the Regional Water Quality Control Board for the San Francisco region; the Bay Area Pollution Control District; Departments of Conservation, Fish and Game, Parks and Recreation; State Lands Commission and the Energy Commission.

Permissible Uses

Any use which involves fill, extraction of materials or any substantial change in use of any water, land or structure within the Commission's jurisdiction is defined as a permissible use subject to the management of the program.

Areas of Particular Concern

The Bay Plan maps contain the specific locational designations for the following types of areas: Bay marshland; other areas important to fish and wildlife, such as shellfish beds and important habitats; sites deemed best suited for commerce and recreation, including future marinas, fishing piers and other water-related recreational facilities; managed wetlands, particularly in the vicinity of the Suisun Bay; and salt ponds in the North and South Bays. In addition, the Bay Plan designates generalized subsidence and fault zones susceptible to flooding and earthquake hazards as areas of particular concern.

Section 306 funds are being used for general program support, to increase the efficiency of the permit and enforcement program, to make refinements to the Bay Plan which is now 10 years old, and to undertake a joint study with the California Coastal Commission to develop a unified State Coastal Management Program.

California (Segment)

Entire State Except for San Francisco Bay

At the close of FY 77, the Acting Associate Administrator for Coastal Zone Management was preparing to approve the coastal management program for the remainder of the State of California, but excluding the already approved San Francisco Bay region. This action, however, did not occur in FY 77 as a result of a lawsuit brought by the Western Oil and Gas Association and the American Petroleum Institute, and a subsequent temporary restraining order issued by the United States District Court for the Central District of California.* The legal action was brought to enjoin Federal approval of the program on the grounds that the program failed to satisfy CZMA, and NEPA requirements, as well as a number of other alleged shortcomings.

The California Coastal Management Program consists of various authorities contained in the California Coastal Act of 1976, the California Coastal Conservancy Act of 1976, and the California Urban and Coastal Park Bond Act of 1976. Under the program, State policies will be interpreted and incorporated into local government general plans and zoning ordinances. During this period of local government planning, the State's Coastal Commission will retain direct permit control over coastal development. Following local incorporation of state policies, local governments will administer the permit system subject to a State appeals system.

* The program was approved, however, after the close of FY 77, on November 7, 1977, pursuant to court-sanctioned agreement whereby the terms of Federal consistency under Section 307 would not be applied.

Puerto Rico (Segment)

Culebra

On March 3, 1977, the Acting Associate Administrator for Coastal Zone Management on behalf of the Secretary of Commerce, approved the coastal management program for that segment of the coastline of Puerto Rico covering the island of Culebra and a number of small adjacent islets and keys.

Boundary

Because of the small size and unique characteristics of the island of Culebra and its adjacent islands of Culebrita, Luis Pena, Cayo Norte and others, the boundaries include all of the land area as well as coastal waters to the limits of the territorial sea.

Authorities and Organization

Policy for coastal management in the Culebra segment is based upon two documents:

- o Law for the Conservation and Development of Culebra (LCDC), which grew from the basic decision by the Federal Government during the early 1970's to end Navy operations on the island, and the changes in land ownership which that decision entailed. This law also established the Culebra Conservation and Development Authority (CCDA) attached to the Puerto Rico Department of National Resources. The CCDA has general responsibility for managing the lands and waters of Culebra in accordance with the Master Plan (see below) and established public policies. It has authority for land acquisition and management, regulation, enforcement and facilities operation. In addition, it must endorse all Commonwealth approvals for public or private projects on Culebra.
- o Culebra Master Plan, prepared and adopted by the Puerto Rico Planning Board, as well as zoning regulations. The Master Plan was first adopted in 1971, revised in 1975 and approved by the Governor in 1976. The Planning Board has broad authority for adopting land use controls throughout the Commonwealth, including that for zoning; subdivision control; building neighborhood facility and floodable areas. Enforcement of these regulations is carried out by the Regulations and Permits Administration.

Permissible Uses

All land uses and development are subject to the terms of the Culebra management program. Permissible uses of water will be determined in each instance by review of development proposals in light of policies set forth in the LCDC, the Culebra Master Plan, the policies and standards of the Environmental Quality Board, and any CCDA plans and policies.

Areas of Particular Concern

All significant offshore reef systems, all significant mangroves and all beaches have been identified as geographic areas of particular concern.

Section 306 funds awarded pursuant to approval of the Culebra segment are being used to assist in restoring disrupted natural conditions (including dealing with problems of squatters, waste water discharges and unexploded ordnance), in creating an overall management capability, in managing public lands and waters, and in guiding development on public and private property.

CHAPTER 2

316(a)(2) 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

What follows is a State-by-State description of the current program direction of each participating State as well as a narrative of the progress in program development during Fiscal Year 1977. Also included at the beginning of the chapter is a map depicting States and the actual or anticipated year of program approval.

OFFICE OF COASTAL ZONE MANAGEMENT



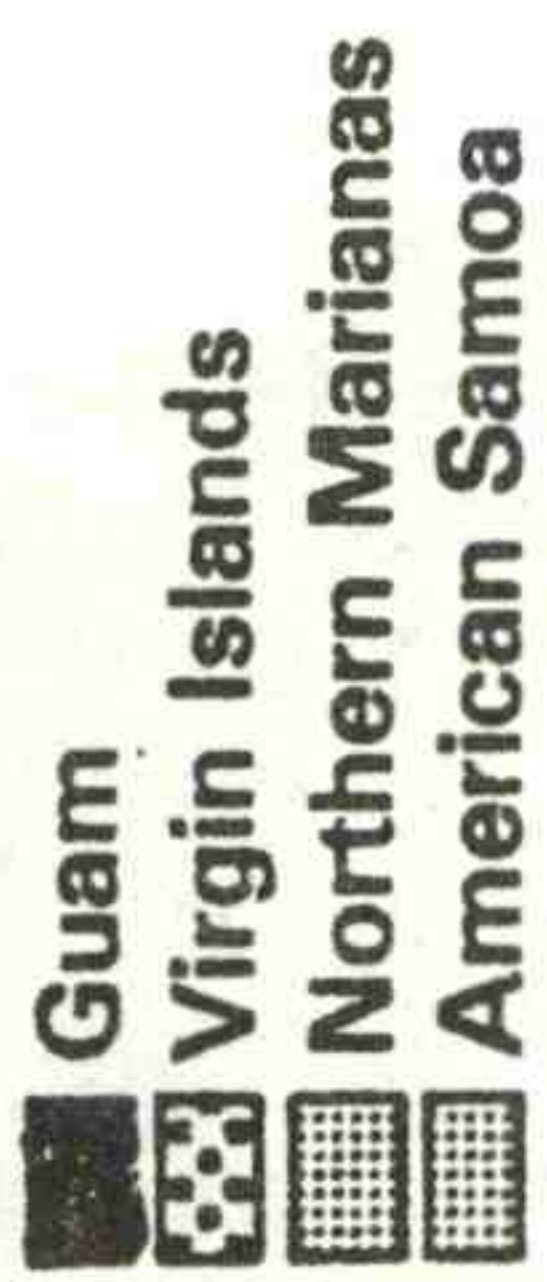
States Receiving 306 Grant Funds in FY 77

States Expected to Obtain 306 Grant Award FY 78

States Expected to Obtain 306 Grant Award FY 79

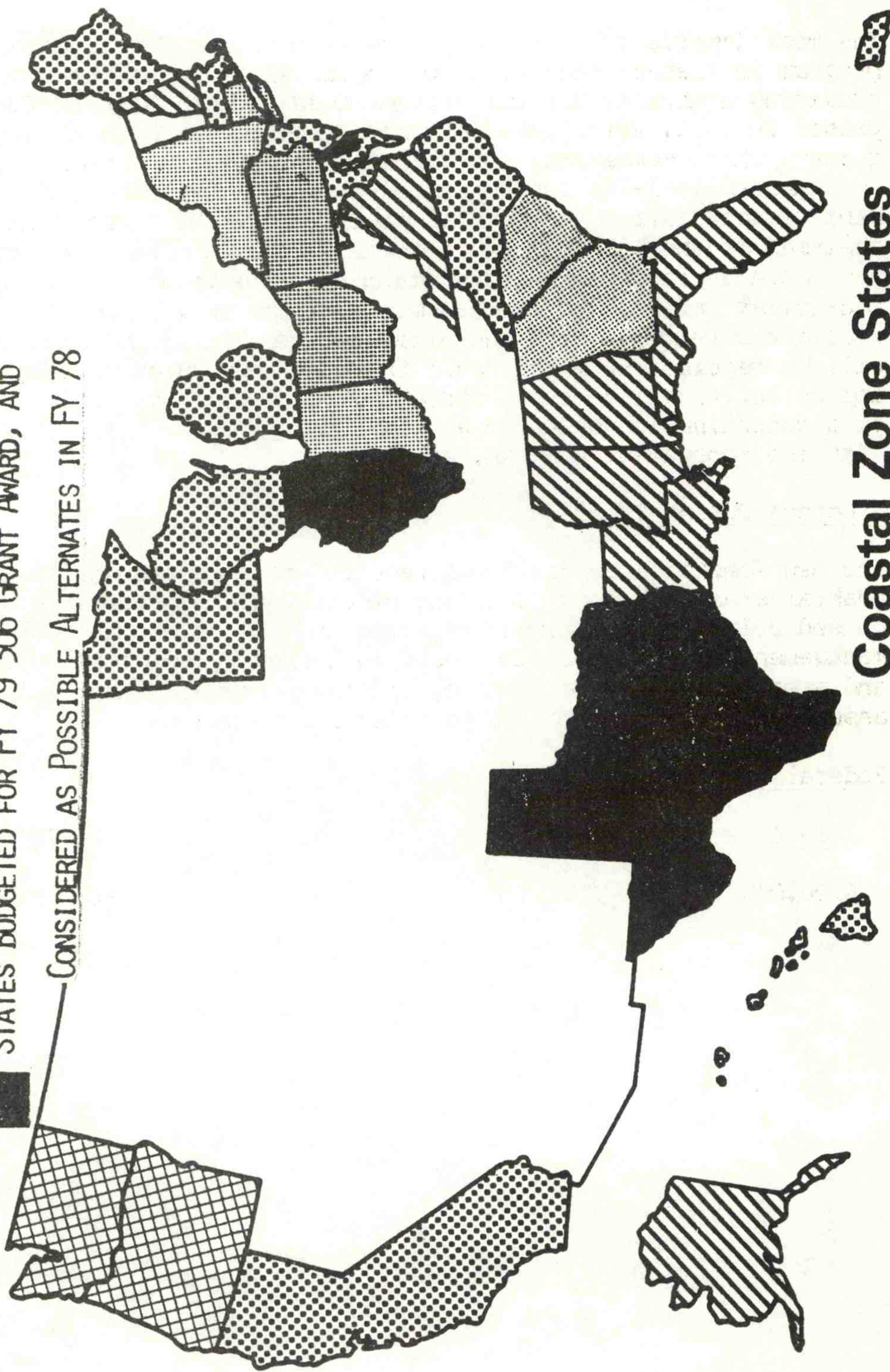
States Expected to Obtain 306 Grant Award FY 80

NOT SHOWN



■ STATES BUDGETED FOR FY 79 306 GRANT AWARD, AND

— CONSIDERED AS POSSIBLE ALTERNATES IN FY 78



Coastal Zone States

Alabama

Program Description

The most important events in the development of a coastal management program in Alabama have been two legislative enactments creating and providing authority for the Alabama Coastal Area Board. The first act, passed in 1974, established a Board based in the State capital, Montgomery, where membership was dominated by State agencies. The subsequent act, passed in 1976, reconstituted the Board to include four local government officials from the coastal area, four State agency heads, and the chairman of the Citizen's Advisory Committee. Under the current Act, the Board is responsible for developing a comprehensive coastal area management program and for assuring actions by agencies in the coastal area are consistent with the management program. No additional permits will be required from the Board if an existing State agency permit is required for an activity. However, current State permit activities will be subject to a determination by the Board that the permit will be in compliance with the management program.

Progress During FY 1977

The new Coastal Area Board was required to move its office to the Alabama coastal area. The restructuring of the Board's membership and authority caused delays in the hiring of staff and the development of program management activities. The Board is currently identifying the uses and areas that will be managed, and the procedures that will be used to assure consistency with the policies in the program.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$100,000	\$151,418		\$156,960	\$418,378

Alaska

Program Description

The original thrust of the coastal management effort in Alaska was in technical data collection and information dissemination. Much of this work has been accomplished through the technical services of State agencies. During the second and third years of program development, Alaska moved its focus toward policy development, State, local and Federal authorities that impact coastal resources, identification of boundaries and areas of particular State concern and joint participation between the administrative and legislative bodies of government to develop acceptable coastal legislation.

A major achievement in Alaska was the passage of comprehensive coastal management legislation on June 3, 1977. The Alaska Coastal Management Act spells out the responsibilities of the Alaska Coastal Management Program (ACMP), calls upon local governments to do coastal planning, creates a State level policy council for review of local programs and overall ACMP guidance, and provides a number of other useful tools for the program.

Progress During FY 1977

With third year supplemental funding, Alaska started implementation of certain parts of its Coastal Act which requires the development of guidelines and standards and the establishment of a Policy Council. Local government involvement and development of District Programs is also required and a substantial portion of the Federal funds have been passed on to local governments. Active citizen participation, while no easy task in Alaska, has been an integral part of the program during the third and fourth years and included statewide public workshops on coastal issues and public hearings on the guidelines and standards. In addition, work was begun on the three new planning elements related to shorefront access, erosion and energy facility siting.

Federal Funding

<u>1974</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$600,000	\$1,200,000	\$1,470,000	\$3,270,000

California

Program Description

For the first three years of program development, California developed the Coastal Plan in response to a citizen's initiative (Proposition 20) which required a comprehensive plan for coastal resource preservation and use. Concurrently, the State was also directly controlling land and water uses through coastal development permit requirements. The Coastal Plan was introduced to the Legislature and after considerable debate, the California Coastal Act of 1976 was approved in August 1976.

The San Francisco Bay Conservation and Development Commission (BCDC), its jurisdiction and authority, was approved as a segment of the California program on February 16, 1977.

Progress During FY 1977

After the passage of the Act the majority of the work performed by the Coastal Commission consisted of developing regulations pursuant to the Coastal Act requirements; supporting local governments with their new requirement to add a coastal element to their general plans; continuing to process several thousand coastal development permits (not funded through CZMA, Section 305); and developing an acceptable management program.

The major efforts at BCDC have been devoted to refining its management program, developing three new planning elements, processing permits, enforcement, and developing a unified program with the California Coastal Commission.

The State had submitted its program document based upon the Coastal Act, the Coastal Conservancy Act of 1976, and the Urban and Coastal Park Bond Act in time to receive Federal approval for the remainder of the Fiscal Year 1977, but a court injunction restraining the approval of the program prohibited the achievement of this goal, based upon a suit by the Western Oil and Gas Association and the American Petroleum Institute to stop Federal approval. Among other charges, they alleged that the California Coastal Management Program does not adequately consider the national interest in energy facility siting.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$720,000	\$900,000	\$1,200,000	\$1,029,000	\$3,848,668

Connecticut

Program Description

Connecticut is trying to obtain new legislation for its program. A bill has been drafted and submitted to the State legislature. The legislation will place the 306 agency in the Commissioner's Office of the Department of Environmental Protection. The management technique recommended is a shared state/local partnership with the local agencies assuming the majority of the responsibility.

Progress During FY 1977

Connecticut began its third year of 305 program development during Fiscal Year 1977. Draft legislation was prepared for submittal in January 1978. A recommended two-tier boundary is proposed, the first being approximately 1,000 feet from mean high water and the second to include the first inland community.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$194,285	\$482,484	\$444,063		\$1,120,932

Delaware

Program Description

During the first two years of program development, Delaware's work activities centered on identifying and filling data gaps and in developing approaches to the delineation of geographic areas of critical concern, permissible uses and priorities of uses. In addition, they included a basic examination of existing legal and organizational arrangements and an application of the general coastal management methodology in the Lewes-Rohobeth portion of the coast.

Delaware has three major statutes dealing with coastal resources: (1) the Coastal Zone Act; (2) the Wetlands Act; and (3) the Beach Preservation Act, but it will be necessary to seek additional legislative authority.

Progress During FY 1977

During Fiscal Year 1977, Delaware refined what will become a direct State control management program using a number of existing statutes. Several new pieces of legislation were drafted and are designed to strengthen State authority over coastal resources. Some elements of the final program were developed in draft form including management policies, national interest discussions, and work products addressing a variety of resource issues.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$166,666	\$345,000		\$478,080	\$989,746

Florida

Program Description

The development of a coastal management program in Florida has been the responsibility of a succession of State agencies that have been supported by efforts at the regional level of regional planning councils and citizen advisory committees. The program development process has produced extensive planning and management information at the State and regional level and made management recommendations in a number of areas, including boundaries, uses to be managed, and areas of particular concern.

Existing State authorities include, but are not limited to, State permitting relating to wetlands, beaches, as well as air and water quality, the Areas of Critical State Concern Program, the Development of Regional Impact review process, and several special area programs, such as the Aquatic Preserves Program.

Progress During FY 1977

The third year of coastal zone planning in Florida began with the appointment by Governor Askew of a Task Force on Coastal Zone Management. The Task Force recommendations led to the enactment of legislation that transferred coastal planning and management to the Florida Department of Environmental Regulation, and required submission of a draft program and implementing legislation to the 1978 Florida Legislature. Completion of the program is continuing with the assistance of a new State CZM Advisory Committee, other state agencies, regional planning councils, citizen advisory committees, and local governments. Work was completed on ten regional coastal zone atlases, a legal review of existing State and local authorities, and special studies on commercial ports and onshore impacts from OCS activities.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$450,000	\$763,000	\$1,122,496	*	\$2,335,496

*Plus \$1,500,000 for Estuarine Sanctuary acquisition at Rookery Bay.

Georgia

Program Description

The State has made substantial progress in determining procedures for citing uses of regional benefit and has begun addressing the national interest and energy facility siting requirements. The State's inland boundary has been defined and is clearly recognizable. The boundary extends 1000 meters west of the Seaboard Coastline Railroad and I-95. A nomination process has been recommended for future GAPC designation and selected natural, cultural and recreational resource areas have already been designated. Georgia has determined that coastal legislation will be necessary for program approval.

Progress During FY 1977

The momentum of the development of Georgia's coastal management plan was interrupted during a reorganization within the Department of Planning and Budget and the program's subsequent relocation in the State Department of Natural Resources.

The Governor's Coastal Zone Management Advisory Council completed work on draft program recommendations and presented them to legislators and the public at seven public hearings on the coast and in Atlanta legislative package consisting of a proposed (a) Coastal Siting Act (for study in 1978 only), (b) Coastal Management Act, (c) Shore Protection Act and (d) constitutional amendment, has been prepared for introduction in the 1978 legislative session.

Federal Funding

	<u>1974</u>	<u>1975</u>	<u>1976-77</u>	<u>Total</u>
	\$188,000	\$416,250	\$491,115	\$1,095,365
Estuarine Sanctuary (Sapelo Island) (Section 315)		\$1,500,000	\$50,000	\$1,550,000

Guam

Program Description

In approximately two and one-half years Guam has conducted inventories of all its major resources (including reefs and beaches), mapped and classified them and used this knowledge to provide the basis for a comprehensive land and water use program. A land use element designed to take significant resources and user needs into account was published and distributed for review. A major work element has consisted of drafting island-wide land use legislation patterned after Hawaii's, needed in addition to the existing Seashore Protection Act.

Progress During FY 1977

During its second year of planning, Guam continued mapping of the island's resources, identified potential areas of particular concern, and continued development of the Land Use Plan element of its Comprehensive Development Plan. Comprehensive land use legislation was drafted and introduced. In the third year of planning, Guam has tied its coastal program to its comprehensive plan, is awaiting final action on the land use legislation.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
	\$143,000	\$189,000	\$210,045	\$542,045

Hawaii

Program Description

Throughout the development of its coastal management program, Hawaii has followed a classical planning approach and has identified its coastal resources and the concurrent management problems. It has developed an exemplary public involvement program that has been instrumental in problem identification and the passage of coastal legislation. Differences between the State and county governments as to the proper division of implementation responsibilities has been a continuing issue.

The State will use both direct State controls (particularly in coastal waters) and local implementation of State established criteria and standards to control land and water uses. The Hawaii Coastal Zone Management Act of 1977 establishes state policies, assures local and State government compliance, and expands a coastal development permit system.

Progress during FY 1977

The highlight of 1977 was the passage on June 8 of the Hawaii Coastal Zone Management Act. It contains many of the elements necessary to meet CZMA requirements. A draft management program has been prepared for review and comment, although a few issues such as the extent of the inland boundary, are being resolved. Program approval is expected in the Fall of 1978.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$250,000	\$400,000	\$500,000	\$300,000	\$1,450,000

Estuarine Sanctuary
(Section 315)

\$199,600

\$199,600

Illinois

Program Description

Illinois' Coastal Zone Management Program is in its third year of development within the Illinois Department of Transportation, Division of Water Resources. The inland boundary will follow property lot lines or transportation right-of-way lines and in either case will not be more than 500 feet from the lake. The boundary may exceed 500 feet in the case of designated GAPC's however. The State's major coastal management policies are to minimize shore erosion, flooding and property damage; protect water quality; protect offshore reef formation, coastal fisheries and natural areas; promote shoreline recreation services' and promote lake-dependent commercial, industrial, navigation, port and energy facilities. The Illinois Coastal Zone Management Program has four areas of particular concern requiring special management attention: (1) the Illinois Beach State Park, (2) the Waukegan Harbor and lakefront industrial complex, (3) the 100-year high risk erosion area of Lake Bluff, and (4) off-shore dolomite reef formations.

Progress During FY 1977

The Illinois Coastal Resources Management Act (HB 2118) has been passed by the House of the Illinois General Assembly and will be voted on by the Senate in the next session. It will establish a permit system to be administered by either the State or a "certified" municipality or county to control specified land and water uses. A governor's executive order is anticipated requiring consistency of State agency actions with the terms of the program.

In addition, an extensive lakefront plan for the City of Chicago was undertaken, calling for a substantial program of recreational improvement along the lakefront.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$206,000	\$434,000	\$500,000		\$1,140,000

Indiana

Program Description

Indiana entered the CZM program in June 1975. Problems and issues identified during the first year of program development by the State Planning Services Agency include: shoreline erosion and property camage, recreational issues, ecological and environmental concerns, economic development, commercial ports, aesthetics, jurisdictional responsibilities, land use compatiability and inadequate transportation. Data on the natural, economic and social characteristics of the State's Lake Michigan shorefront has been compiled. In addition, a Technical Advisory Committee and a Citizen's Advisory Committee were formed.

Progress During FY 1977

Federal funding was not provided to Indiana for most of Fiscal Year 1977, because of inadequate progress during the first year's work. The State was awarded a second year program development grant late in the fiscal year to refine the issues identified in the first year and to promote active involvement of the public and local, State, and Federal agencies in determining the management areas, uses, authorities and organizational structure of the Indiana program.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
	\$220,000		\$342,280	\$562,280

Louisiana

Program Description

Louisiana began its fourth year of program development on June 30, 1977. The Governor transferred responsibility for completing the coastal management program to the Louisiana Department of Transportation and Development, which had previously been designated as the State agency responsible for administration of the Coastal Energy Impact Program, in August 1977. Recent program development work has centered on assisting parishes in preparing local management programs, identifying categories of uses subject to management and special management areas, refining the boundary, and implementation of the Coastal Energy Impact Program.

Progress During FY 1977

Activities in FY 1977 centered upon the drafting of legislation and continuation of planning work by coastal parishes. The Louisiana Coastal Commission drafted the State and Local Coastal Resources Act of 1977, which was adopted by the legislature. It requires each State agency and local parish to prepare management plans for an area within a three-mile inland boundary. Following OCZM review the State was informed prior to enactment that the bill was unsatisfactory in several areas and could not provide the basis for program approval. The Governor acknowledged these deficiencies and instructed that new corrective legislation be drafted to provide for a permit system as well as procedures for approving local parish management programs as consistent with State coastal policies and guidelines.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$260,000	\$485,000	\$999,000	\$1,000,000	\$2,744,000

Maine

Program Description

No new legislation will be sought in Maine. Instead, reliance on the 11 present State laws felt pertinent to the coastal area will be used in what is termed "networking" of existing authorities. Included are wetlands, site location of development and shoreline zoning acts. The Coastal Conservation Development Commission appointed by the Governor has provided overall advice in program development.

Earlier, in 1976, Maine submitted a proposed management program for the mid-coast segment extending from Casco Bay to Frenchman Bay. The program was subsequently withdrawn by the Governor in order to effect a greater level of participation by town governments.

Progress During FY 1977

At the end of the fiscal year, Maine had completed a draft of its CZM program, which was the subject of five major public hearings in November 1977. Approximately two-thirds of the Section 306 grant would be available to local communities to enable them to implement the program. The proposed 306 agency is the State Planning Office.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$230,000	\$474,870	\$457,970	\$709,810	\$1,872,650

Maryland

Program Description

Maryland's initial efforts in coastal management planning were research-intensive, with certain specific targets set during its second year of program development. The state has focused on completing the resources inventory necessary to determine geographic areas of particular concern; initiated a study of onshore development associated with OCS activities; established a public participation framework within which program elements may be reviewed and appropriately modified; completed the draft comprehensive dredge spoil disposal plan; completed inventory and analysis of institution and authorities for managing coastal areas to determine the remedial action necessary; and worked with relevant state and Federal agencies and local governments in an effort to insure consistency as permissible uses of the coast are identified.

Major objectives of the State's third year of coastal planning are: (1) a greater effort toward soliciting public and local government participation; (2) work on the Baltimore Metropolitan Coastal Area Study; (3) initiation of a coastal use capability study in an effort to develop a management mechanism whereby resources information may be used; (4) work with the Department of State Planning to recommend mechanisms necessary to meet the requirements for authorities and organizational networking; (5) additional emphasis on State/Federal coordination; and (6) preparation of the management program document.

Progress During FY 1977

During Fiscal Year 1977, Maryland completed most of the work necessary to produce a draft coastal zone management program. The draft is based upon existing State statutes and focused principally upon the 100-year coastal flood plain. The program calls for a strong State role, including a limited State intervention process in local coastal resource decisions. Also, a State project evaluation process will be used to review major projects.

Maryland continued to meet with Federal agencies to resolve State and Federal issues, while several Coastal Resources Advisory Committee meetings led to a general endorsement of the emerging program. Inter-agency agreements were signed with several State agencies during Fiscal Year 1977 insuring coordination among State agencies involved in coastal management. Federal approval of Maryland's program is expected during Fiscal Year 1978.

Federal Funding

1974	1975	1976	1977	Total
\$280,000	\$560,000	\$810,290	\$800,096	\$2,450,386

Massachusetts

Program Description

Massachusetts has used existing authorities on which to base its program. The State passed strong environmental laws in the 1960's and early 70's and is using this program for more effective implementation. Among the State laws to be employed are two coastal wetlands acts, the offshore minerals act, an ocean sanctuaries act, and the State environmental policy act. These are primarily centered in the Executive Office of Environmental Affairs. The boundary generally follows the first major inland road and all of Cape Cod.

Progress During FY 1977

Massachusetts submitted its CZM Program for Federal approval during FY 1977 and received preliminary approval under Section 305(d) in September 1979. Final approval is anticipated in late spring of 1978.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$210,000	\$492,330.58	\$917,100	\$651,000 (6 months)	\$2,270,430.58

Michigan

Program Description

The Michigan coastal zone boundary has been designated as including all lakeward coastal areas within Michigan's jurisdiction and landward coastal areas extending to a minimum of 1,000 feet inland of the ordinary high water mark. The latter represents the jurisdictional limit of the Michigan Shorelands Protection and Management Act. Further extensions of this boundary were made to include coastal lakes, river mouths and bays, floodplains, wetlands, Great Lakes sand dunes; public recreation and natural areas; and heavily developed or urbanized areas.

The Michigan program's authorities will consist of a number of existing State laws and regulations, including the Shorelands Protection and Management Act, the Soil Erosion and Sedimentation Act, the Subdivision Control Act, the Inland Lakes and Streams Act, the Great Lakes Submerged Lands Act, the Natural Rivers Act, the Mineral Wells Act, the Oil and Gas Wells Act, the Michigan Environmental Protection Act, and others.

The lead agency for program implementation in Michigan will be the Department of Natural Resources, which also exercises the bulk of the networked authorities. Coordination and consistency of other State agency actions will be achieved through agency participation on the Standing Committee on Shorelands and Water and through the Michigan Environmental Review Board's (MERB) review of proposed State actions which may have significant environmental and/or human implications. The MERB will also serve as a framework for conflict resolution, and is authorized by Executive Order to recommend that the activity be halted or modified if found to be environmentally unacceptable.

Progress During FY 1977

With its third year of coastal management plan development complete, Michigan was awarded a Section 305(d) grant just prior to the end of the fiscal year, initiating implementation of its program.

The State held ten public hearings in September on the draft of its program. Comments reserved as a result have been incorporated in Michigan's final program submission, which is to be circulated as a draft environmental impact statement in November 1978.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$330,486	\$400,000	\$529,839	\$655,000	\$1,915,325

Minnesota

Program Description

Program authorities for the Minnesota CZM Program will include a number of existing State laws and regulations, including the Shorelands Management Act, the Subdivided Land Sales Act, Power Plant Siting Act, the Minnesota Environmental Policy Act, Environmental Rights Act, and Environmental Quality Board statute, and others. State agency compliance with the program will be required through the Environmental Quality Board's (EQB) adoption of the program as State policy. The EQB has statutory authority to resolve conflicts involving State agencies with regard to programs, regulations, permits and procedures significantly affecting the environment.

Minnesota is also focusing efforts on the Duluth-Superior Harbor jointly with the State of Wisconsin through a demonstration project grant.

Progress During FY 1977

During this fiscal year Minnesota completed its third year of program development. The State completed the first draft of its program document in August and has revised this draft in accordance with comments received from the public and local, State and Federal government agencies. Public hearings will be held on this second draft in the State before the program is submitted for Federal approval.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$99,500	\$377,000		\$352,596	\$829,096

Mississippi

Program Description

The Mississippi program requires additional State authority in order to insure compliance by State and local agencies in the coastal zone. Building on existing State permitting authority over publicly owned wetlands, the Marine Resources Council will propose legislation to the 1978 Mississippi Legislature that will establish coastal goals and policies that will apply to all State and local agencies exercising authority or conducting activities in the coastal zone.

Progress During FY 1977

During the third year of coastal planning in Mississippi, work was completed on program sections dealing with uses of regional benefit, national interest, boundaries, and areas subject to the management program. Three county-level citizen advisory committees and an inter-governmental advisory committee of State and local officials were created. Work was begun on drafting legislation necessary to implement the coastal management program in Mississippi for submission to the State legislature in early 1978.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$101,564	\$240,906	\$171,168	\$167,273	\$680,911

New Hampshire

Program Description

A coastal bill passed by the House and Senate in 1977 was vetoed by the Governor. The legislation, which is expected to be reintroduced this year with some modification, contained a three-tiered boundary: First, 1,000 feet from mean high water; second, the coastal municipalities; and third, towns adjacent to coastal towns. The management program placed major implementation responsibility with local governments to manage coastal activities with State assistance.

Progress During FY 1977

New Hampshire is concentrating its work program in three major areas: a public participation effort, preparations for legislative hearings and developing coordination with local governments.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$73,000	\$120,906	\$148,000	\$296,000	\$642,000

New Jersey

Program Description

One New Jersey statute, Coastal Area Facility Review Act, together with other State authorities such as a wetlands act, constitute the basis for a coastal management program. For the remainder of the State's coastal area, namely along the Delaware Bay shore, it is possible that new legislation will be needed.

Much of the work accomplished during the first two years has been that mandated under the Coastal Area Facilities Review Act (CAFRA), which includes approximately 80% of the land area of the State (from Sandy Hook to the Delaware Memorial Bridge).

Progress During FY 1977

In its third year of program development, the State broadened its efforts to meet the specific requirements of the Coastal Zone Management Act to submit this CAFRA area as a segment for program approval. The segment is 80% of the State coastline. During the fourth year, the State will be developing a method to include the remainder of the coastal zone, outside the CAFRA area. Processing for Federal approval will begin in spring of 1978.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$275,000	\$807,750	\$960,337	\$690,000	\$2,463,087

New York

Program Description

The State has preliminarily determined that the new required legislation will be similar to existing State wetlands legislation which uses local governments to implement the program. The legislation will be submitted in January 1979.

Progress During FY 1977

During this fiscal year three major activities were accomplished. The tentative state-wide boundaries were delineated, geographical areas of particular concern were selected, and preliminary direction of needed legislation was outlined. The State expects to have a draft program for public review by June 1978.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$923,000		\$951,825	\$927,800	\$2,802,625

North Carolina

Program Description

The State is basing its program on the North Carolina Coastal Area Management Act (CAMA) of 1974. This State law provides for direct regulation of activities in areas of environmental concern (AECs). Additionally, CAMA requires local governments to prepare comprehensive plans in conformance with State guidelines and State coastal policies.

In areas outside of AECs, the State will use existing State authorities to manage uses that might have a damaging effect on coastal areas or resources. A signed Executive Order will help facilitate networking of the various State authorities. This order mandates State agency consistency with coastal goals and policies, and directs State agencies to act consistent with local land use plans where possible.

Progress During FY 1977

The North Carolina program was in its final development stage during Fiscal Year 1977. A two-tier approach is used. The first tier is termed as "areas of environmental concern." A two-tiered management approach is used. The first tier involves direct State permitting authority in "areas of environmental concern" (AEC's). A second tier of management exists in coastal county areas outside of defined AEC's. The capabilities of existing State authorities are included to manage uses within this area that might have a damaging effect on the coastal resources.

Relying primarily upon the Coastal Areas Management Act, an Executive Order was drafted and signed. Federal approval of the North Carolina program is expected in Fiscal Year 1978.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$300,000	\$639,746	\$666,337	\$742,984	\$2,349,067

Ohio

Program Description

Ohio will require new legislation to deal with the problems and issues preliminarily identified to be addressed by the program. It will begin work on a bill during the first half of 1978, in consultation with its local advisory councils. A bill is expected to be introduced in January 1979 after a greater degree of public participation.

Among the issues the State has identified are water quality, erosion and flooding, need for increased public access, port activity, economic development, cultural preservation and fish and wildlife management. The proposed management area is a 1000 meter strip of land along the Lake Erie shoreline, but on occasion further inland to include areas with special management needs.

It is likely that the Department of National Resources will be the lead management agency, operating with strong linkages to other State agencies also exercising management program authorities. Various citizen advisory groups have also indicated a preference to keep program regulatory decisions at the lowest possible level of government.

Progress During FY 1977

Ohio entered its third year of program development as of September 30, 1977. Work completed in its second year consisted of a large number of technical studies which the State will use in developing its program policies covering diverse areas as Lake Erie islands and its numerous ports. During the first part of the third year, the State, with the help of its advisory committees, is deciding the types of problems and issues which are most important to the program and how the program will address them.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$200,000		\$379,000	\$600,000	\$1,179,000
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Estuarine Sanctuary (Section 315)			\$894,152	\$ 894,152

Oregon

Program Description

(See Chapter 1 for a detailed discussion of this program).

The Oregon Coastal Management Program was approved under Section 306 on May 6, 1977. The program is founded on statewide land use planning statutes. In addition to 15 major land use goals, the Land Conservation and Development Commission adopted four new coastal goals which apply to estuarine resources, coastal shorelands, beaches and dunes, and ocean resources.

Progress During FY 1977

The approved program addresses the following work elements: providing local governments with advice and technical and financial assistance in preparing and implementing comprehensive coastal plans; outlining a program to stimulate citizen interest and participation; supporting with Washington the further development of the regional management program for the Columbia River Estuary; reviewing local government comprehensive plans for compliance with coastal goals, Federal consistency compliance and program enforcement; insuring State and Federal agency coordination, and initiating several unique activities under program enhancement and support. Oregon is concurrently working on the three new planning elements of public access, energy facility siting, and shoreline erosion.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$250,152	\$298,811	\$897,000	\$249,900	\$1,695,863
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\$823,965	\$325,000	\$600,000	\$55,848	\$1,804,813
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Estuarine Sanctuary (Section 315)				
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Program Administration (Section 306)			\$1,850,000	\$1,850,000

Pennsylvania

Program Description

Legislation will be needed in Pennsylvania in order to meet the requirements of the national coastal program.

The Commonwealth is completing work on the organization and authorities element of its third year grant. This particular element was not properly completed during the grant period and OCZM has made a finding of unsatisfactory progress in closing out the award. At this time, no further funds are budgeted for the Commonwealth.

Progress During FY 1977

Pennsylvania's third year grant has expired. Pennsylvania completed most of the technical work relating to boundaries, geographical areas of particular concern and priorities of use and made an initial attempt at developing State policies. Pennsylvania has yet to develop a framework for program implementation which is acceptable to both State and local units of government.

The Commonwealth is currently developing a program summary. This will identify problems and issues to be addressed by the program, and establish a framework for allocating responsibility for implementing State policies between state and local government. OCZM will re-evaluate its finding of inadequate progress once this program summary has been received and reviewed.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$150,000	\$225,000	\$292,000		\$667,000

Puerto Rico

Program Description

The Puerto Rico Planning Board is given broad authority for controlling land and water uses. Island-wide policies have been adopted as part of the Island-wide Land Use Plan and specific coastal policies will be adopted for the program submitted for Federal approval. The Department of Natural Resources will be the designated State agency and will assist the Planning Board in implementing the program.

As indicated earlier, the Commonwealth received Federal approval for its management program for the Island of Culebra segment in April 1977.

Progress During FY 1977

Puerto Rico is in its fourth year of coastal program development for the whole Commonwealth during which the Department of Natural Resources has begun its formal public review and informal Federal review of its management program. Public hearings were held in January 1978 and the EIS process is expected to begin in March 1978. In addition, the commonwealth continues to refine work being done to enable it to gain Federal approval of its entire plan for comprehensive coastal management expected during Fiscal Year 1978.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$250,000	\$350,000	\$424,190	\$334,653	\$1,358,843

Program Administration
(Section 306)

\$292,626 \$292,626

Rhode Island

Program Description

The State's OCZM program is being based on 1971 legislation establishing the Coastal Resources Management Council. Twenty-one regulations have since been adopted to provide specificity. The boundary is approximately one mile inland and is closely tied to the State guideplan. The Council has direct permitting authority over all activities between the mean high water mark and the outward limits of the State's territorial sea. It also has permit authority over power generating facilities, chemical or petroleum processing, mineral extraction, shoreline protection facilities, sewage treatment and solid waste disposal facilities wherever they may occur in the State. The management program gives major implementation responsibility to the Coastal Resources Management Council although the lead agency will be the Office of the Governor.

Progress during FY 1978

After approximately six years of experience in coastal resources management and four years of management planning with Federal coastal program assistance, the Rhode Island CZM management program was submitted to the Federal Government in October 1977. There have been numerous opportunities for public and private review of the draft program. The University of Rhode Island Coastal Resources Center has prepared documents describing the program. OCZM requested a number of improvements be made in the program when it was submitted earlier and these have been made. Final approval of the program is anticipated in 1978.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$154,415	\$422,840	\$430,779	\$624,000	\$1,632,034

South Carolina

Program Description

South Carolina's program development efforts were highlighted by passage of the Comprehensive Coastal Zone Management Act of 1977, mandating the State to develop a coastal program and establishing a Coastal Council to undertake, among other things, permitting policies for critical areas such as wetlands, beaches and dune areas. Interim guidelines for critical areas were issued shortly thereafter. The State legislature retained a measure of control of the CZM program by requiring its submission and approval of the completed program.

Progress During FY 1977

In addition to the new legislation, the State, during its third year grant produced a draft of the standards and criteria for four categories of geographic areas of particular concern, to be used for the identification and designation of specific sites. Also included was a thorough description of existing State laws which affect coastal areas as a basis for further authorities work. Finally an analysis was prepared of existing State law that will be used to supplement the State Council's management authority which provides a description of the proposed "networking" mechanisms between the State's Coastal Council and other State agencies involved in the program.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$198,485	\$281,665	\$522,314	\$335,000	\$1,337,464

Texas

Program Description

Implementation of the Texas coastal management program will rely primarily on pre-existing State authorities, especially the powers of the General Land Office, and the organizational and acquisition authorities that were enacted during the 1977 legislative session. The recently enacted legislation, which was developed by the Texas coastal management program included bills creating a Natural Resources Council (NRC) made up of State resource agencies, establishing the coastal coordination responsibilities of the NRC, as well as a Coastal Wetlands Acquisition Act and a Dredged Materials Act.

Progress During FY 1977

In addition to the actions listed above, the Legislature also enacted a resolution calling for further development of the Activity Assessment Routine being prepared by the Texas coastal management program. Additional special reports were completed dealing with the onshore impacts of OCS development, coastal natural hazards, dredged material placement, and inland canals. These studies have been incorporated into initial drafts of a coastal management program that will be reviewed by Federal, State, and local officials during Fiscal Year 1978.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$360,000	\$920,000	\$1,115,000	\$940,996	\$3,335,996

Virgin Islands

Program Description

Proposed CZM legislation provides for direct territorial control of the Virgin Islands coastal zone, a two-tier boundary encompassing the whole of the islands and surrounding territorial islands, one stop permitting of all development in the first tier, and a set of comprehensive policies on which permit decisions are to be passed. The Department of Conservation and Cultural Affairs will be the implementing agency.

Progress During FY 1977

Development of the Virgin Islands Coastal Zone Management Program including prepared CZM legislation was completed in Fiscal Year 1977 and submitted to OCZM for Federal approval. The management program and the draft and final environmental impact statements were prepared and circulated to interested parties by OCZM. Final Federal approval of the management program is tied to the enactment of the proposed implementation legislation by the Virgin Islands Legislature. The initial bill was defeated in Fiscal Year 1977 by an 8 to 7 vote. A revised bill is expected to be introduced in early Fiscal Year 1978, and Federal program approval is anticipated soon after its passage.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$90,000		\$120,000	\$180,000	\$390,000

Virginia

Program Description

The State will seek new legislation to meet the standards of the national coastal management program with submission of a legislative package expected in early 1978. Enactment of this package, which may include an amendment to the Wetlands Law as well as a major facilities siting bill, is not expected until after one year of study.

Progress During FY 1977

Well into its third year of program planning, Virginia has been primarily involved with data collection and public discussions of coastal management. Responsibility for administering the program has changed hands, passing to the Office of Commerce and Resources with dissolution of the Division of State Planning and Community Affairs.

During its third year of program development, Virginia has defined its management strategy, procedure and organization requirements in a document entitled, "Proposals for Coastal Resources management". The State has held a series of public hearings based on this document and intends to use public comments in developing a legislative package for submission during the 1978 session of the General Assembly.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$251,044	\$403,520		\$754,200	\$1,408,764

Washington

Program Description

Washington's CZM program was approved in FY 1976 and is now being implemented under Section 306.

Progress During FY 1977

Undertaking the transition from planning to program implementation, Washington concentrated its first year efforts on the following projects: enhancing the role of local governments in the areas of program administration and enforcement; revising and refining local master programs; developing specific management plans for geographic areas of particular concern; establishing closer Federal agency coordination and designing a conflict resolution mechanism; standardizing coastal resource data; and developing model ordinances and guidelines for marine water areas, the Outer Continental Shelf and the second tier of the coastal boundary.

Washington also started work on three new planning elements of public access, energy facility siting, and shoreline erosion. The State started the process to remove a specific policy on the siting of a major oil transshipment facility at or west of Port Angeles.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$388,820	\$775,000		\$99,000	\$1,262,820
<hr/>				
Program Administration (Section 306)		\$2,000,000	\$1,750,000	\$3,750,000

Wisconsin

Program Description

Among the 30 key authorities which will be authorized to form the Wisconsin program are the State shorelands program, power plant transmission line siting provisions, dredge and fill permit authority, soil erosion controls, subdivision, and flood control legislation. These existing authorities will continue to be exercised by three key State agencies: Department of Natural Resources, Public Services Commission, and the Department of Transportation. These agencies are bound to act consistently with the Wisconsin coastal policies both by State law and by an Executive Order issued in October of 1977. The Executive Order also established a Coastal Management Council, which will oversee State agency implementation, provision of financial and technical assistance, approval of the program budget and inter-governmental coordination.

Progress During FY 1977

Wisconsin directed its third year of coastal plan development toward preliminary approval under Section 305(d) during Fiscal Year 1978 and final program approval before the end of this same year.

The proposed coastal program focuses management attention on key geographic areas and land and water uses, and includes a process for planning, regulating and funding to improve their management. Technical and financial assistance will be made available to state agencies and to local governments. Areas designated as Geographic Areas of Management Concern (GAMC) will receive priority attention from Federal, state and local government agencies. The Coastal Management Council and a Citizens Advisory Committee will oversee the program's implementation under Section 306 funding.

Federal Funding

<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>Total</u>
\$208,000	\$570,400	\$525,760		\$1,304,160

CHAPTER 3

316(a)(3) 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

What follows is a state-by-state listing of planned expenditures during the Transition Quarter and Fiscal Year 1977 according to budget category. In each case, the total state expenditure is given, meaning that both Federal and state funds are included.

The figures are drawn from the applications for funding under Sections 305 and 306 received by the Office of Coastal Zone Management. The budget category "indirect charges" refers to overhead.

Alabama

\$196,200

Administration	27,800
Coastal Issues	14,600
Goals and Objectives	6,600
Boundaries	17,600
Permissible Uses	38,200
Geographic Areas of Particular Concern	20,800
Public Participation	14,800
Intergovernmental Coordination	6,600
Legal Authorities and Organization	35,600
Shorefront Access	5,200
Energy Facility Siting	6,200
Shoreline Erosion/Mitigation	2,200

Alaska

\$1,837,500

Program Document Preparation	86,070
Policy Development/Unification	184,000
Legal/Institutional Structure	99,100
Program Relations (Public Participation)	333,100
Local Coastal Programs	303,000
Federal Coordination	29,730
Areas of Particular Concern and Areas for Preservation and Restoration	260,000
Coastal Information Delivery System	180,000
General Administration	37,500
OCS Planning Services to Local Governments	50,000
OCS Special Studies	85,000
OCS Planning Grants to Localities	150,000
Coastal Energy Impact Program Implementation	40,000

California

\$1,285,835

State Coastal Planning

Management Program Development	54,781
Energy Facilities Planning Process Development	80,437
Outer continental Shelf Supplemental Study	146,563
Shoreline Erosion Control Planning Process Dev.	50,031
State Coastal Planning Support Studies	100,000
Shoreline Erosion, Access and Facility Siting	85,835

Local Coastal Planning

Local Assistance	320,844
State Assistance in Local Coastal Program Development	447,344

California (BCDC)

\$151,224

General Program Support	42,538
Permits and Enforcement	20,867
Refinement of the BCDC Management Program	75,819
Development of a Unified State Coastal Zone Management Program	12,000

Connecticut

\$555,211

Coastal Boundary	20,500
Permissible and Priority Uses	67,000
Geographic Areas of Particular Concern	61,500
Federal Consistency and National Interest	21,500
Intergovernmental and Public Involvement	97,000
Legal Authorities	54,000
Organizational Networks	82,000
Outer Continental Shelf Development Impact Study	99,500
Program Administration	52,211

Florida

\$1,416,870

Program Administration and Project Management	185,220
Program Coordination and Liaison	365,714
Comprehensive Planning	630,797
Technical Services	235,139

Georgia

\$613,894

General Management Policy Statements	4,000
Organization and Authorities	130,000
Public and Intergovernmental Involvement	103,750
Programmatic Elements, Including Boundaries, Permissible Uses, and Geographic Areas of Particular Concern	98,500
State - Federal Interaction and the National Interest	52,000
Onshore Impacts of Offshore Oil and Gas Develop- ment	135,364
Preparation for New Planning Elements	46,800
Grant Administration	43,480

Guam

\$262,557

Program Administration	52,511
CZ Management Program Boundaries	13,128
Permissible Uses	55,137
Areas of Particular Concern	42,009
Priorities of Use Within Specific Geographic Areas	13,128
Means of Exerting State Control	39,384
Formulation and Implementation of the CZMP	47,260

Hawaii

\$375,000

Policy Development and Formulation/Implementation Program	50,600
Means of Exerting State Control Over Land and Water Uses	26,700
Public Awareness/Involvement and Governmental Coordination	148,000
Organization and Management Structure	27,200
Program Management	122,500

Illinois

\$625,000

Data Collection and Analysis	188,300
Program Development	265,900
Public Information	122,100
Administration	48,700

Indiana

\$427,850

Legal and Administrative Analysis	80,000
Public Information and Participation	90,000
Federal Consistency and Public and Private Sector Coordination	17,000
Program Development	195,000
Grant Administration	45,850

Louisiana
\$1,250,000

Boundary	5,165
Permissible Uses	259,330
Geographic Areas of Particular Concern (GAPC)	2,165
Public Participation	66,495
Federal Consultation	35,475
Legal Authority	37,165
Organization	36,522
Shorefront Access Planning	17,165
Energy Facility Planning	22,165
Shoreline Erosion/Mitigation	42,165
Environmental Impact Assessment/306 Work Products Development	27,320
Administration	38,145
Parish Assistance	608,558
Regional Planning Commissions	52,165

Maine

\$887,266

Data Acquisition and Analysis	79,771
Publications, Including Maps	60,762
Local Planning and Technical Assistance	239,262
Program Administration and 306 Application Preparation	130,904
Development of Policy Recommendations and Other Planning Activities	376,567

Maryland

\$1,470,159

Program Direction	97,675
Audit	4,000
Project Evaluation	182,867
Special Problems Analysis and Research	571,824
Intergovernmental Coordination	444,884
Indirect Costs	107,539
Public Participation	61,370

Massachusetts

\$813,750

Program Submission Review and Submission	70,455
Federal Consultation	40,906
Public Participation and Information	51,778
Structuring of Permitting and Project Review Operations (Implementation)	150,045
Administration of Permits and Restrictions (Implementation)	270,578
Coastal Review Center: Technical Support (Implementation)	45,591
Martha's Vineyard Commission (Implementation)	60,363
Monitoring OCS Exploration and Development	76,143
Interstate and Intrastate Cooperation and Coordination	27,891
Fishery Development and Management Plan	25,000

Michigan

\$818,750

"305" Program Deficiencies	46,364
Coastal Program Administration and Management	343,513
Grant Administration	
Technical Assistance	
Coordination	
Public Information and Education	
APC Process	
CZM Act Amendments Relating to Energy Facility and Shorefront Access Planning	
Audit	
Interstate Coordination	
Implementation of State Shorelands Act	
Supportive Program Activities	238,665
Sand Dune Act Implementation	
Improvement of Permit Processes	
Wetlands Value Study	
Marina Site Location Inventory	
St. Clair Flats Inspection	
Aerial Photography	
Local/Regional Programs	190,208

Minnesota

\$420,000

Public and Governmental Involvement

Public Involvement	11,500
Local Government Involvement	33,210
State Involvement	5,000
Federal Involvement	13,328

Policy Framework 6,300

Physical Plan and Management Structure

Boundaries	7,400
Geographic Areas of Particular Concern	10,700
Permissible Uses	56,400
Organization	9,400
Implementation	11,800

General Administration 55,395

Erosion, Access and Facility Siting 24,770

Duluth - Superior Harbor Study 120,000

Prepare Draft and Final CZM Program 44,438

Action Programs 10,359

Mississippi

\$213,960

Administrative Tasks	3,000
Program Goals, Objectives, Policy Formulation	27,963
Boundaries of the Coastal Zone	8,307
Permissible Land and Water Uses	19,491
Geographic Areas of Particular Concern, Priority of Uses, and Area Designation for Preservation and Restoration	8,307
Public and Intergovernmental Involvement	27,613
State-Federal Interaction and National Interest	14,952
Organizational Network	16,613
Legal Authorities	43,964
Shoreline Erosion, Access and Facility Siting	43,750

New Hampshire

\$370,000

Shoreline Erosion/Mitigation	19,000
coastal Energy Facilities	34,800
Shorefront Access	16,900
Development of Regulations	146,400
Program Administration	27,500
Program Coordination	41,100
Environmental Assessment	20,800
Public Hearings	14,000
Public Information	25,000
Program Submission	24,500

New York
\$1,159,800

Boundaries	20,250
Land & Water Uses	158,375
Geographic Areas of Particular Concern	90,500
Public & Governmental Involvement	211,750
State/Federal Interaction & National Interests	190,875
Organization	90,875
Authorities	79,080
State Management Program Synthesis (Program Formulation)	318,095

North Carolina

\$928,731

Program Administration	130,700
Coastal Area Land Use Planning	321,975
Areas of Environmental Concern	91,250
Implementation and Enforcement Program Development	91,588
State Coastal Management Plan	35,618
Miscellaneous Functions	7,600
Phase 1, Estuarine Fisheries Management	250,000

Ohio
\$155,000

Boundaries	20,000
Permissible Uses	102,000
Areas of Particular Concern	35,000
Planning Processes	35,000
Public and Governmental Involvement	250,000
Federal and Interstate Coordination	51,000
Organization	76,000
Authorities	48,000
Administration	53,000
Management Program Synthesis	85,000

Oregon (305)

\$150,000

Public Shorefront Access and Protection	56,000
Energy Facility Siting and Impacts Management	41,000
Shoreline Erosion	46,000
Preparation of 305(b)(7),(8), (9) Program Document	7,000

Oregon (306)

\$2,312,500

Program Implementation

General Advice and Assistance	34,728
Technical Assistance	573,974
Public Education and Citizen Involvement Assistance	32,714
Local Grants	1,382,235
Evaluations and Extensions	47,027
Project Reviews	13,023
Petitions for Review	37,753
State and Federal Agency Coordination	28,938

Program Enhancement and Support Activities

Training	8,683
Economic Improvement	5,788
Critical Areas and Significant Activities	11,575
Capabilities and Limitations	43,412
Program Element Refinement and Overall Program Performance Review	8,683
Certification of Consistency and Excluded Federal Lands	11,575

Program Administration

72,392

Puerto Rico

\$418,317

Preparation for Review of June 30 Draft (Management Plan Document).	8,093
Commonwealth Agency Review of June 30 Draft	27,984
Federal Agency Review of June 30 Draft	24,999
Public Participation	37,235
Preparation of the Public Hearing Draft	54,898
Public Hearing (Including Follow-Up).	21,376
Preparation of Federal Review Draft (306/DEIS)	33,018
Report Preparation	0
Preparation of EIA and DEIS	17,522
Preparation of Final 306/FEIS	39,449
Coastal Erosion Study	34,179
Shorefront Access Planning	45,482
Energy Facility Planning	15,534
Evaluation of CEIP-Section 308	3,580
Preparation of the 306 Grant Proposal	28,333
Program Management and Administration	26,635

Puerto Rico (Culebra)

\$373,709

Administration

General Administration 41,126

Legal and Regulatory Activities 25,540

Administration of Contract Studies and
Technical Assistance 167,425

Operations

Vigilance and Enforcement, Routine Maintenance 29,472

Equipment and Supplies 28,216

Indirect Charges 81,930

Rhode Island

\$780,000

Coastal Zone - Land Use Policies	39,000
Data Maintenance and Dissemination	52,000
Program Completion and Policy Regulation Refinement	305,000
Administration of Planning and Grant	170,000
Legal Services	33,000
Coastal Resources Management Planning Coordination and Review	31,000
Public Participation	75,000
Outer Continental Shelf Facilities Plan	40,000
Energy Facility Siting Planning Process	35,000

South Carolina

\$741,878

Public Involvement	32,984
Governmental Coordination	396,505
Authorities/Organization	16,245
Land and Water Uses	58,401
Geographic Areas of Particular Concern	39,160
Boundaries	110,363
New Planning Elements	39,275
Program Administration	48,945

Texas

\$1,176,245

Development of an Activity-Assessment Routine and Data Management System	369,043
Review of Shorefront Access Programs and Policy	47,053
Review of State Responses to Natural Hazards and Erosion	36,737
Review of Energy Facility Siting Policy	89,446
Federal-State Coordination	33,060
Public Participation	121,606
Program Submission	21,853
State Interagency Coordination	201,225
Program Management	256,222
Coastal Core Sampling	0

Virgin Islands

\$225,000

Finalize 305 Work Elements and Submittal of the 305 Document (Final CZM Program)	108,347
Shorefront Access	15,151
Environmental Impact Assessment - Appendix to 306 Submission	11,842
Development of CZM Permit and Procedure	52,443
Preparation of 306 (Implementation Work Program)	37,217

Virginia

\$942,750

Grant Administration	11,771
Program Development	202,986
Boundaries	4,252
Permissible Land and Water Uses	93,979
Priority of Uses	77,919
Geographic Areas of Particular Concern	50,053
Developments of Greater than Local Significance	3,373
Shorefront Areas	22,815
Shoreline Erosion	100,637
Wetlands	163,694
Impact of OCS Development	84,931
National Interest	13,651
Federal Consistency	15,801
Integration of Planning Programs	14,375
Legal Considerations	6,935
Management	75,578

Washington (305)

\$123,750

Beach Access	50,902
Energy Facility Siting	62,397
Erosion	10,451

Washington (306)

\$2,187,500

Local Government Grants	768,366
Regional Enhancement	79,600
DOE-CZM Administration	708,133
State Agency Administration	180,000
Federal Coordination	0
Coastal Zone Atlas	432,000
Program Enhancement	19,401

Wisconsin

\$657,200

Public Involvement and Consultation	235,050
Developing Preliminary Options into an Implementation Program	175,150
Improving Coastal Management	145,500
Program Administration	101,500

CHAPTER 4

316(a)(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 FOR THE REASONS FOR SUCH ACTION

(Note: See more detailed discussions under each state under Chapter 2 316(a)(2)).

Pennsylvania - OCZM found that Pennsylvania had accomplished too little during its third year program development grant; the grant expired. It is the intention of OCZM to reevaluate its finding based on a program summary the state is preparing.

Indiana - Due to inadequate progress, OCZM terminated Indiana's first year program in October 1976; a second year program, however, was reinstated in August of 1977.

CHAPTER 5

316(a)(5) ACTIVITIES AND PROJECTS WHICH, PURSUANT TO THE PROVISIONS OF SUBSECTIONS 307(C) AND (D), ARE NOT CONSISTENT WITH AN APPROVED STATE MANAGEMENT PROGRAM

On June 1, 1976, the State of Washington became the nation's first coastal State to receive CZMA 306 approval for a comprehensive coastal management program. The approved program contains a policy (articulated by former Governor Evans) restricting and supporting the siting of a major petroleum transfer facility to areas at or west of Port Angeles, which is located outside of Puget Sound on the Straits of Juan de Fuca. This policy was inserted into the Washington program by the Governor in response to comments that the program was not specific enough with respect to siting opportunities for major energy facilities in the state.

Following management program approval, the Atlantic Richfield Corporation (ARCO) applied for a Rivers and Harbors Act Section 10 permit from the Corps of Engineers to expand its petroleum and pipeline facilities at Cherry Point, an area east of Port Angeles on Puget Sound. Thereafter, a group called the Coalition Against Oil Pollution filed suit in State court to require the State Department of Ecology (the agency which administers the State's coastal management program) to exercise its Section 307 CZMA responsibilities by objecting to the ARCO permit application on the basis of its inconsistency with the Evans siting policy. As a result of this action, ARCO and other interested parties intervened in the lawsuit and challenged the legality of the incorporation of the Evans policy. Two related lawsuits against the Department of Commerce (Office of Coastal Zone Management) and the Department of the Army (Corps of Engineers) were subsequently initiated in Federal court raising the same issues.

On July 20, 1977, Governor Ray of Washington sent a request to the Department of Commerce seeking to amend the state's approved management program by deletion of the Evans siting policy. Following this request, the Congress passed legislation, introduced by Senator Magnuson of Washington, which was signed into law by the President on October 18, 1977, in effect, reaffirming as Federal law the Evans oil-port siting policy (P.L. 95-136). The legislation prohibits any Federal official from approving any permit, license or other authority for construction related to any facility in the area east of Port Angeles (i.e., on Puget Sound) which could result in an increase in crude oil handling capacity. An exception is provided for facilities necessary to accommodate oil to be refined for consumption in Washington state.

At the time this report was developed, the lawsuits and Governor Ray's request for a management program amendment were still under consideration. The issuance of the Section 10 permit to ARCO would have been inconsistent with the Washington coastal management program as originally approved. In the absence of P.L. 95-136, further actions resulting from the litigation or the request for a program amendment might have led to the issuance of the permit. However, as a consequence of P.L. 95-136, the ARCO Section 10 permit application may not be approved as a matter of Federal law.

CHAPTER 6

316(a)(6) A SUMMARY OF REGULATIONS ISSUED BY THE SECRETARY OR IN EFFECT DURING THE PRECEDING FEDERAL FISCAL YEAR

On September 28, 1976, NOAA issued proposed regulations for the purpose of providing coastal States, Federal agencies and other affected interests with the policies and procedures for the implementation of the Federal consistency provisions within Section 307 of the Coastal Zone Management Act. Numerous comments were received in response to the regulations. In particular, Federal agencies expressed serious concern regarding the impact of the Federal consistency requirements on their programs. In response to this concern, NOAA, in cooperation with the Office of Management and Budget, instituted a formal interagency review procedure to assist in identifying and resolving remaining major concerns. Extensive changes were made in the proposed regulations through this process. As a result, NOAA reissued the Federal consistency regulations in proposed form on August 29, 1977. This provided the public with an additional opportunity to review and comment on the regulations prior to their issuance in final form. Final regulations are expected to be published in the first quarter of the 1978 calendar year.

Specifically, the proposed regulations direct Federal agencies to conduct any of their Federal activities which significantly affect the coastal zone including development projects, in a manner consistent, to the maximum extent practicable, with approved coastal management programs. In addition, the regulations assure that the following type of activities which affect the coastal zone will be conducted in a manner consistent with approved coastal management programs:

- o Federal license and permit activities (including those occurring on the Outer Continental Shelf), and
- o Federal assistance projects instituted by State and local government agencies.

Serious disagreements may arise between Federal and State agencies during the administration of an approved coastal program. Thus, the regulations also provide procedures which the Secretary, in cooperation with the Executive Office of the President, may use to mediate such differences. Furthermore, procedures are set forth which permit the Secretary to review and approve Federal license and permit activities, and Federal assistance projects provided that they are consistent with the objectives of the CZMA, or are necessary in the interest of national security.

CHAPTER 7

316(a)(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

From the onset of NOAA's administration of the Coastal Zone Management Act, there has been a clear differentiation made between the roles played by State governments and by the Federal Government. The States were, and are seen as the prime movers in carrying out the national objectives of effective management of the Nation's coastal resources. The States, working in their own unique geographic, social, economic and political environment, are to:

- o Elect to participate, or not, in the program
- o Identify and analyze the problems and issues involved in coastal areas
- o Establish objectives and policies for coastal zone management which address coastal issues
- o Adopt necessary legislation and organizational structures for the implementation of those objectives and policies.

In carrying out these functions, the States determine the general relationships which exist for planning, for research, for implementation and for coordination among State agencies, local governments and regional bodies.

The OCZM role, on the other hand, has been one of:

- o Providing substantial funding and technical assistance to launch and sustain initial State efforts;
- o Awarding approval to State efforts meeting certain procedural requirements, particularly relating to the provision of open opportunity for the public and interested parties to contribute to program development, with funds for administering the program;
- o Acting in a "good offices" capacity concerning State-Federal differences, issues, and opportunities.
- o Acting as a national focal point, including the exchange of information, regarding State coastal zone management issues.

The Act directs that NOAA consult, cooperate and coordinate its CZM activities with other interested Federal agencies, and that no State CZM program be approved without considering adequately the views of these agencies. Federal agencies must have ample opportunity to participate in, and comment upon, the development of State programs. The question of a more substantive role by NOAA in its function of administering the Act, however, has been raised from time to time, particularly with regard to establishing, for example, a minimum level of standards with which States shall conform, or a minimum list of coastal issues which State programs must address.

NOAA and OCZM have rejected the notion of a heavier Federal hand in administering the program. This policy is based upon the clear direction in the Act's legislative history, guidance of individual members of Congress, as well as the political realities of initiating a program where State participation is voluntary.

It is recognized, however, that the national perspective is a unique one, providing OCZM with an opportunity to identify specific coastal issues which may well require attention of one or more coastal States or localities, but which may not always be apparent to them. For this reason, OCZM has been quick to point these issues out to States, urging that they be addressed in state CZM programs, either before approval or added afterward as an "enhancement" element. Thus, OCZM has given particular stress to the further development in State programs of such items as:

- o Water management techniques. The geographic coverage of the State programs in all cases extends to the limits of the territorial sea (three nautical miles), yet most programs have dealt with controls of only the land segments of the coastal zone. OCZM has contracted for the preparation of a technical assistance document to aid States in developing water use management techniques.
- o Urban waterfront development and rehabilitation. Although the Act appears to be concerned primarily about the management of the undeveloped or sparsely developed coastal lands, it is clearly Congressional intent to have States address issues and problems of all coastal areas, be they rural or urban. While urban waterfront issues will usually be of a different character from those elsewhere, they often will be of a pressing nature and have potential impact upon a large number of people. OCZM is developing the framework for a coherent urban waterfront component in CZM progress, perhaps tying in the shorefront access planning and land acquisition aspects of Sections 305(b)(7) and 315(2), respectively. Discussions are also underway with the Bureau of Outdoor Recreation to link urban shorefront access planning with recreational land

acquisition funds available through BOR. A possible urban waterfront workshop is under discussion as an effort to focus attention on the economic importance of urban waterfronts and ports, as well as the opportunities that exist for redevelopment and rehabilitation of deteriorated or underutilized waterfronts.

- o Integration of state coastal fisheries management: While the Fisheries Conservation and Management Act of 1976 (FCMA) addressed many issues associated with fisheries in Federally controlled waters beyond the territorial sea, the management of fisheries within waters of the coastal States is still -- with some exceptions -- under State jurisdiction. Fish, of course, are mobile and move not only into and out of the territorial sea, but between waters of one State jurisdiction to those of an adjacent State. Clearly, to reap the full benefits of the FCMA, it would be imperative to assure coordination among the various State fisheries management efforts, the State CZM programs, and the programs of the Regional Fisheries Management Councils, which are assigned responsibility for management under FCMA. One avenue to assure these linkages is by devoting special attention in State CZM programs to the relationship of proper coastal fish stock management. Indeed, OCZM in FY 77 awarded a special supplemental grant of \$200,000 to the State of North Carolina for initiating those linkages with respect to shellfish.

As other issues are identified, OCZM will focus attention on those as well. It is perhaps instructive to note that many of the issues related to the onshore impacts of offshore energy development were surfaced through this technique and appropriate amendments were made to the Act in 1976 partially as a result. This simply points out the basic desirability of the strategy envisioned originally by Congress, which allows considerable flexibility for States to develop responsive programs, while at the same time balancing national needs and objectives.

Three major and more general policy development efforts were initiated in the last quarter of FY 1977. A summary of these initiatives is set forth below.

- o Work was begun in September by the Center for Technology Assessment and Resource Policy, Stanford University, on a major research contract. The focus of this cross-disciplinary effort is on the national interests in the coastal siting of energy facilities. The study is designed to achieve four major objectives. First, the theoretical and applied characteristics of the "national interest" and the energy system will be defined and evaluated. Second, the strategies, dynamics and effects of the system will be described and analyzed in terms of the CZMA and related policies and practices. The experience of West Coast States in the coastal and related siting of major facilities will be investigated by application

of classical policy analysis in a case study format. A wide range of recommendations (theoretical, methodological, policy and practical) will be prepared. The research will conclude September 1978.

- o A re-examination of the Act's treatment of Federal-national interests and experience with these elements under the CZMA was initiated. The inter-relationships of these elements with Federal consistency was analyzed. Further initiatives strengthening the contribution of CZM to national interests are expected in FY 78.
- o An evaluation and policy analysis of the management of marine resources under the CZMA began in September, 1977, and is expected to continue through the spring of 1978. This effort is designed to assess the current context for management of territorial waters and its interfaces with developments on the Outer Continental Shelf. Particular attention will be focused upon the intergovernmental allocation of management, and the translation of CZMA concepts and managerial tools to marine resources and their major uses.

CHAPTER 8

316(a)(8) SUMMARY OF OUTSTANDING PROBLEMS ARISING IN THE ADMINISTRATION OF THIS TITLE IN ORDER OF PRIORITY

A number of problems have been encountered in the administration of the national coastal zone management program. Some of these are lingering problems, reported in prior years, which may be characteristic of programs which anticipate substantive changes in State, local, and Federal management responsibilities through national legislation. Delays in State program development due to the lack of State-level legal authority to meet the requirements of the Act, and political opposition to State programs from local governments and interest groups are among these.

Other problems have been encountered for the first time in the final review and approval of State programs and in the promulgation of NOAA regulations.

Certain ambiguities of the CZMA have allowed competing interest groups to focus on the approval of particular State programs and on NOAA regulations, in an effort to force their conflicting interpretations of the national requirements. These conflicts involve questions of national interests, Federal standards for approval of programs, the appropriate level of flexibility given to States to develop programs; the conservation-versus-balanced development threat of the national program, and the extent of Federal agency delegations under the Federal Consistency provision.

In addition, OCZM has begun to anticipate future problems of national significance related to the implementation of approved management programs, as more experience is gained by States receiving assistance through Section 306 of the Act. These include certain limitations in the scope of the national Act to address coastal problems related to natural hazards to life and property, urban waterfronts, and barrier beach and island protection.

Some States have been unable to meet anticipated schedules for program approval because of inadequate legal authorities to meet the requirements of the national legislation, and their failure to enact proposed legislation. These States include Illinois, New Hampshire, and the Virgin Islands.

Opposition to State coastal programs from local governments and special interests that would be affected, has slowed the development and approval of some programs. Some local governments have viewed State coastal management as increased intervention of the State into local land and water use decisions, with a perceived loss of local autonomy or home rule authority. The incentives of Federal funds and increased influence over Federal actions to be gained by local governments under an approved program, have

been sufficient in some States to overcome local resistance. However, in other States local governments are skeptical of the duration of the Federal commitment to coastal zone management assistance, and of the promise that Federal agencies will be consistent with State and local plans, once they are Federally approved.

Some major urban areas have claimed that the demands made upon them by State programs to develop more specific plans for their urban coastal zone far exceed the resources made available from State and Federal sources for completing these requirements. Some urban jurisdictions fail to see the incentives of the Federal coastal management program, in the light of the larger magnitude of Federal funds from other programs.

Certain private interest groups have also campaigned against the approval of certain state programs, and at times, the very concept of coastal zone management. Development interests, including those representing the oil and gas industry, recreational boaters, and marine developers, have perceived their interests to be adversely affected by the new State controls being developed, and the application of consistency requirements to Federal regulatory agencies. On the other hand, conservation or environmental groups have thought the national program was bending too far toward the pressures for greater balance for the economic development and away from national environmental standards envisioned in the Act, due to the political difficulties of getting states to adopt new controls. The OCZM has attempted to respond to both concerns by meeting with parties raising the concerns, addressing comments for the Environmental Impact Statements on State programs, and by revising and clarifying its regulations for program approval and Federal consistency. Where these responses have been unsatisfactory to those challenging the State and national programs, legal action has ensued, such as in California, postponing program approval.

Some of these challenges have been based upon conflicting interpretations of the CZMA. The oil and gas industry, for example, has claimed that the national legislation requires States to "accommodate" facilities that are important to the interests of the Nation due to the national interest language of the Act. OCZM, in response, has defended the language of the Act in its regulations, the environmental impact statement responses, and in court, calling for "adequate consideration" of these interests.

Federal agencies have resisted the application of State coastal zone management programs to lands controlled by the Federal Government, regardless of the ownership or jurisdictional status of these lands or the extent of existing State control over their use. Ambiguities of the language of the Act and differing opinions between Federal agencies and the States over this matter, resulted in some delays in the approval of programs until the Department of Justice issued an opinion in favor of the broad exclusion of Federally controlled lands, favored by Federal agencies.

The process for review and approval of State coastal management programs is open to lengthy review and comment from Federal, State, regional and local agencies, interest groups and the public. It involves the full draft and final environmental impact review prescribed by NEPA. The total review process typically takes a minimum of seven months prior to approval. Therefore, conflicts, disagreements, and accommodation of opposing views between diverse interests are integral features of the process and often result in unpredictable delays in the administration of the national program. Since the OCZM is only indirectly involved in the resolution of these conflicts, and cannot become involved directly in State and local decisions, or the affairs of other Federal agencies, the program cannot be "managed" as other direct regulatory or grant-in-aid programs can.

Improved intergovernmental relations between States and Federal agencies, which are fostered by the national program, have been hampered by limited resources of Federal agencies to give adequate attention to the substantive review of programs during their development.

Limited coordination and discontinuity between regional Federal officials that are involved during the development of State coastal programs, and headquarters staff that are responsible for formal review of completed programs has led to some conflicts and delays in the formal review of State programs. In some agencies there seems to be an ambivalence toward the State programs until the final review comments are due.

Until recently, a shortage of Federal Liaison Staff personnel in OCZM to work with regional Federal agencies has limited the ability of the national office to closely monitor State-Federal relationships or to anticipate problems in advance of the final review period. This staff has been strengthened as a result of the 1976 amendments to the Act.

The responsiveness of the States and the Office of Coastal Zone Management to Federal agency comments has, to some degree, been limited by the timely receipt of these comments. Consider an example in which a State has proposed legislation or adopted regulations, and agencies or the Governor of the State have signed agreements, executive orders, or other formal documents in order to meet Federal requirements. Once these supporting events have occurred, it is very difficult for States to change basic concepts or legal commitments during the final review of the program, as some Federal agencies expect.

Some States have been more comprehensive in the scope of their coastal program than the national legislation. They have addressed major coastal problems of concern to their State and neighboring states, even when their neighboring States have not addressed such problems. For example, there is little guidance or assistance provided for in the CZMA for States to address the problems of hazards to life and property from hurricanes, typhoons, tsunamis, geological subsidence, earthquakes, or other natural occurrences. The Act is also limited in its assistance to States for resolving conflicts among competing uses in the highly urbanized coastal zone

even though some cities have made significant progress toward revitalizing their waterfronts as centers of economic growth and recreation, independent of a coordinated statewide coastal program. There is also limited assistance to States for managing fishery resources within State coastal waters.

In the absence of Federal assistance or legal guidance to address these matters of national significance in the coast, OCZM has maintained flexible standards for what States could include in management programs. It has allowed States to incorporate program elements to address these concerns, and has, in some cases, provided financial and technical assistance to the extent limited by the Sections 305 and 306 of the Act. However, it is clear that uniform national guidance and financial assistance is needed before all coastal States will respond to these needs through comprehensive coastal zone management.

Completion of the national system contemplated under the Estuarine Sanctuary Program, authorized by Section 315, has progressed slowly because of limitations in Federal funding, and the availability of State funds for the 50% of acquisition costs. Problems of State match have been complicated by the inconsistent fiscal year appropriation schedules between the States and the Federal budgets. (See also Appendix 1).

Obligations under the Coastal Energy Impact Program have been hampered by late receipt of appropriations (June 1977), slippage in OCS leasing schedules, delay of implementation of State programs in response to the Federal effort, finalization of the program's regulations, and uncertainty of the impact of potential changes by Congress of the authorization level for Section 308(b), Energy Impact Formula Grants.

CHAPTER 9

316(a)(9) DESCRIPTION OF THE ECONOMIC ENVIRONMENTAL, AND 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

The Coastal Energy Impact Program received its first appropriations in May 1977. These appropriations provided funds under the following Sections of the Act:

Formula Grants (308(b))	\$10 million
Planning Grants (308(c))	\$3.5 million
Credit Assistance (308(d)(1) & (2))	\$110 million
Environmental/Recreational Grants (308(d)(4))	\$1.5 million

In June, 100% of the appropriated funds were allotted to the 33 coastal States and territories receiving funding under the basic coastal zone program. Texas, Louisiana, California and Alaska received major portions of the FY 1977 allotments.

Because of the late supplemental appropriations, most of the States participating were able to do no more than request administrative funds during FY 1977. A notable exception was Louisiana. The Office of Coastal Zone Management received requisitions for CEIP funding of several major projects in Louisiana including:

- o Water Improvement Project - Grand Isle, Louisiana
- o Fresh Water Diversion Project - St. Bernard Parish
- o Hospital Improvements (Equipment) - La Fourche Parish

Each of these projects received funding during FY 1977.

Although only eight States requested and received CEIP funding in FY 1977, with \$1.1 million in grant assistance awarded during that period, the level of response may be attributed to one or more of the following factors:

- o FY 77 appropriations were received late in the fiscal year as a supplemental and were available to States only for the last quarter of the fiscal year.

o Under the statute, States are permitted to carry over allotments.

Most states have indicated that they anticipate combining their FY 77 and FY 78 allotments in order to request funding in January or February of 1978.

CHAPTER 10

316(a)(10) DESCRIPTION AND EVALUATION OF APPLICABLE INTERSTATE AND REGIONAL PLANNING AND COORDINATION MECHANISMS DEVELOPED BY COASTAL STATES

There are a number of existing mechanisms that permit a degree of interstate and regional planning and coordination among coastal States. Section 309 of the Coastal Zone Management Act provides additional assistance to coastal States through the award of 90% Federal grants to encourage more positive interstate cooperation in resolving coastal management problems where the activities of any one state could impact others. However, no funds were appropriated for this program in 1977.

Federal Regional Councils have been used successfully in aiding the states. The Atlanta Federal Regional Council, for example, has established a coastal zone work group. Membership consists of Federal agency representatives at the regional level and offers States and communities a means of identifying contacts they need in developing their programs and a forum where regional concerns can be aired.

Likewise, the Dallas and Philadelphia Regional Councils have set up special committees dealing with coastal issues affecting Federal agencies. State communications with such bodies allow a sharing of information among States of the same area which are often faced with similar problems.

Other vehicles for interstate coastal management are the River Basin Commissions in the New England and Great Lakes areas. In New England, for instance, the New England River Basins Commission has established task forces to deal with both coastal management and with Outer Continental Shelf questions. Another example is the Standing Committee on Coastal Zone Management, of the Great Lakes Basin Commission operating since September 1974, and comprised of the program managers of the eight Great Lakes States and representatives of seven Federal agencies. An ad hoc body which serves as an informal forum for information exchange and issue discussion, the Committee develops common understanding and stimulates new coastal zone policy and procedures.

Accomplishments of the Great Lakes Basin Commission (GLBC) Standing Committee on Coastal Management during the past year centered on the issues of coastal erosion, fishery management, and helping States coordinate with Federal agencies in identifying the national interest in the coastal zone. Efforts in shore erosion and fishery management will continue in the new fiscal year along with activities in the area of water quality and port enhancement.

The GLBC Standing Committee on CZM has developed a set of priorities for its work in Fiscal Year 1978. These priorities are (1) the mitigation and management of hazards from shore erosion and lake flooding, (2) protection and enhancement of water quality, (3) shoreline access for public recreation and boating, (4) protection and enhancement of fish and wildlife habitats, and (5) revitalization and enhancement of ports.

Experience with these two bodies has shown that State coastal program personnel are able to exchange technical information in a mutually helpful way. Some discussion of regional policy issues also takes place under the auspices of the basin commissions.

One of the commissions established under the Public Works and Economic Development Act, the Coastal Plains Regional Commission in the Southeast, has been active in coastal management considerations. A coastal zone committee has been established with representation from varied levels of Government to deal with interstate issues from Virginia to Florida.

CHAPTER 11

316(a)(11) A SUMMARY OF THE RESEARCH, STUDIES AND TRAINING CONDUCTED
IN SUPPORT OF COASTAL ZONE MANAGEMENT

Section 310 of the Coastal Zone Management Act authorizes a program of research, study, and training in CZM to be conducted at the National level (Section 310(a)), as well as a program of 80% matching grants to States for research, studies, and training in support of State coastal zone management programs (Section 310(b)). No funding was appropriated for this program in 1977.

A few projects which fall into this general category of research, studies and training were, however, supported by OCZM using a limited amount of available program management funds. These projects are briefly described below:

- o Assistance in conducting a network program of Citizen Education Projects on Coastal Zone Management

League of Women Voters Education Fund \$149,600

- o Documentary film on offshore oil and gas development and its onshore impact

New England River Basins Commission.....\$25,000

- o The case for establishing a series of dialogues on coastal zone management in Florida

Florida Audubon Society..... \$20,000

- o Development of educational curriculum for coastal zone management studies

University of Hawaii \$39,900

- o Beach Shuttle service experiment research project

New Jersey Department of Transportation \$40,000

- o Program to assist NOAA in developing a capability for policy analysis and technology assessment

Stanford University..... \$299,000

APPENDIX 1

ESTUARINE SANCTUARIES FOR FY 1977

In FY 1977, grants were awarded for two additional sanctuaries to be included in the national estuarine sanctuary system for the purpose of furthering long-term scientific research and public education within this naturally functioning estuarine ecosystems. The two are the Rookery Bay National Estuarine Sanctuary, Florida, and Old Woman Creek National Estuarine Sanctuary, Ohio.

Rookery Bay National Estuarine Sanctuary is within the West Indian biogeographic region and located in Collier County, Florida. There presently exists a core area of 5,400 acres which was assembled through the combined efforts of the Collier County Conservancy, the National Audubon Society, and the Nature Conservancy. These organizations have entered into a long-term lease with the State of Florida's Department of Natural Resources. In order to control additional acreage in the valuable watershed, 3,000 acres of additional uplands and marsh areas are in the process of being acquired and will be added to the core sanctuary. The land within this ecosystem supports significant commercial and sport fisheries, and is particularly important as a nursery area for shrimp, mullet, trout and other species. The area is also valuable habitat and a breeding area for many species of birds, such as the White Ibis, Egret and the Osprey. Three endangered species, the Bald Eagle, the Brown Pelican and the Sea Manatee take refuge in the Rookery Bay system.

A management board has been established, and is composed of representatives from the State of Florida, the National Audubon Society, and the Collier County Conservancy. This board will develop the management guidelines, policies, and procedures for operation of the sanctuary. The primary focus of the operation of the sanctuary will be the establishment of baseline information developed by analyzing the ecological relationships within the brackish estuarine environment. Public education is encouraged and programs will be established for this purpose. Other interested state and private organizations will be encouraged to use the scientific and educational facilities of the sanctuary.

This estuarine sanctuary was established through the combined efforts and dedication of the three previously mentioned private conservation organizations, the State of Florida, and the U.S. Department of Commerce (NOAA/OCZM). This sanctuary will serve as a model for future private/public cooperative estuarine sanctuaries within OCZM and perhaps be a model for other Federal land acquisition agencies.

Old Woman Creek National Estuarine Sanctuary is within the Great Lakes biogeographic region and located in Erie County, Ohio. The site will consist of 637 acres of fresh water marsh and uplands adjacent to Lake Erie. The purpose of this sanctuary is to ensure the long-term protection of the fresh water estuary for the study of the naturally functioning ecosystem, for the assessment of human impact on this type of estuary, and for a public education program emphasizing the value of estuaries.

The Ohio Division of Natural Resources will administer the sanctuary with the assistance of an advisory board -- the Old Woman Creek Advisory Council. A full time manager and assistant will be hired to oversee activities within the sanctuary. It is expected that other organizations, such as Ohio State University's Center for Lake Erie Research will also have input into the research and educational programs to be developed in the sanctuary. The primary emphasis of this sanctuary will be educational since some disruption of the system has occurred (adjacent highway and residences). However, the proximity of several large urban areas will make Old Woman Creek a valuable outdoor ecosystem laboratory for the public. Importantly, it is worth noting that this area is one of the finest remaining fresh water estuaries available in Ohio.

Status of National Estuarine Sanctuary System

OCZM has made grants to date for five of the anticipated 18-20 estuarine sanctuaries. The other sanctuaries already within the system are: Sapelo Island, Georgia, which is complete and operational; South Slough, Oregon, which is 75% complete and operational; and Waimanu Valley, Hawaii, which is nearing the initial stages of land acquisition.

Future Candidate Sites

In anticipation of funding for FY 79, the states of California and Florida are presently preparing applications for estuarine sanctuary funding. These applications are expected to be reviewed by OCZM in early 1978. States that have expressed an interest in sanctuary funding for Fiscal Year 80 include Maryland, Michigan and South Carolina.

Program Operating Problems

The selection and acquisition of an estuarine sanctuary is a relatively long and time consuming process. Planning for acquisition must occur well in advance - often a year or more - of the time when it is known that Federal funds will be available or when acquisition negotiations can begin. Considerable time and effort are expended by a State in canvassing appropriate potential sites, selecting one, determining its boundaries and developing a management regime, as well as obtaining state matching funds. This work

must be essentially completed before a Federal grant can be made and the State must, in effect, advance the funds necessary to support such activity in the hopes that Federal funding will, in fact, be available. The uncertainties of Federal appropriations - as in FY 78 when no acquisition funds are available - makes longer-range State sanctuary planning uncertain at best, and could lead to the loss of potential sites because of inflation and development pressures.

In an effort to ameliorate this problem somewhat, OCZM is amending its regulations to permit the awarding of "pre-acquisition" grants to assist in covering some of the costs of developing sound sanctuary proposals. Not only will this assist the State in defraying its costs, but delays in project formulation should be avoided.

A related problem surrounds the fact that, while States are well equipped to budget funds for land acquisition for such activities as recreation, they are not often prepared to expend funds to put aside lands for the relatively narrow purpose of estuarine research, unless such expenditures are subsumed in a much larger category of, for example, "protection of sensitive areas."

APPENDIX 2

COASTAL ZONE MANAGEMENT ADVISORY COMMITTEE ACTIVITIES

The Coastal Zone Management Advisory Committee serves as an advisory body to the Secretary of Commerce on matters pertaining to the implementation of the Coastal Zone Management Act. During Fiscal Year 1977, 14 members served on the committee representing a variety of geographical regions and viewpoints.

During the year, the Advisory Committee held five meetings, two in Washington, D.C., and one each in Alaska, Florida, and Texas. The highlights of each meeting and a summary of actions taken are set forth below.

The Committee met in Alaska, August 21 - 25, 1976, to focus on onshore impacts of offshore oil and gas drilling. A meeting was held in Juneau with state and local elected officials. Onsite inspection trips were made to Yakutat, an undeveloped village about to be impacted by offshore oil development, and to the Kenai Peninsula, an area already developed as a result of offshore drilling. Resolutions were adopted and forwarded to the Secretary of Commerce making the following recommendations:

To support the Governor of Alaska in calling for (a) a delay in offshore lease sales, and (b) amendment of the Coastal Zone Management Act to eliminate the exclusion to Federal lands from the jurisdiction of state CZM programs.

These recommendations were accepted and acted upon by the Secretary.

The October 20 - 21, 1976, meeting in Washington, D.C., followed up on actions recommended during the Alaska meeting. The Committee was pleased to hear that the sale of certain critical offshore Alaska oil and leases had been postponed as recommended. The meeting also included a detailed presentation on the proposed Coastal Energy Impact Program (CEIP) as well as a discussion of other coastal-related legislation pending before the Congress. After review of a publication prepared under contract for OCZM the members felt that certain statements therein failed to reflect the intent of the CZM Act, which supports balanced use of the coastal zone, rather than total protection. The publication was later revised to indicate that the views were those of the consultant, not OCZM. The Committee also agreed to have the Task Force on State Assistance conduct a workshop on public participation during the next semi-annual state CZM program managers conference.

The Committee's meeting in Florida, February 22 - 25, 1977, included discussions of the Florida CZM program; the proposed Apalachicola estuarine sanctuary; natural hazards issues in CZM program development; the national CZM program budget; new developments in the national program (coastal fisheries assistance, wetlands permit delegation to states); the proposed White House Conference on coastal policy issues; and the OCS Methodology Study. A brief report was given by the committee's Task Force on State Assistance. Onsite inspections were made to the proposed estuarine sanctuary location, the Key Largo Marine Sanctuary, NOAA's Atlantic Oceanographic and Meteorological Center and NOAA's National Hurricane Center. A task force was constituted to study, evaluate, and make recommendations on the national estuarine sanctuary program. Two resolutions were passed making the following recommendations to the Secretary:

- (1) To make every effort to increase Fiscal Year 1978 funding to the levels initially submitted to OMB and Congress for the OCZM budget; (2) to support the proposed White House Conference.

These recommendations were accepted and acted upon by the Secretary.

The Houston, May 2 - 4, 1977, meeting focused on water dependent uses and coastal effects of industrial development from offshore oil and gas development and petro-chemical industries. An onsite inspection of the Houston Ship Channel was conducted. Resolutions were adopted making recommendations to the Secretary as follows:

- (1) To support delegation by the Secretary of the Army to the states of Section 404 (Federal Water Pollution Control Act) dredge and fill permit authority; (2) to encourage state CZM programs to develop cooperative efforts with port authorities; (3) to support a broad interpretation of the beach acquisition provisions of the CZM Act Amendments of 1976; and (4) to oppose certain provisions in bills amending the OCS Lands Act (H.R. 1614 and S.9) which would weaken the Federal consistency provisions of the CZM Act.

These recommendations were accepted and acted upon by the Secretary. The amendment to the CZM Act was later deleted from the OCS Lands Act Amendments bill by the Congress.

Presentations made during the July 15, 1977, Washington, D.C., meeting included a legislative review, a report by the committee's Task Force on Estuarine Sanctuaries, a summary of continuing coastal awareness activities, a discussion of how to rank priorities in coastal zone research and how to allocate funds for beach access, and a panel discussion by coastal user group representatives voicing CZM concerns.

The members' discussion of the future role and responsibility of the committee resulted in the following motions: to amend the charter to provide that the chairman be elected from the membership and add a provision that the membership of any committee member whose absence exceeded 50% of the meetings in any calendar year would automatically terminate; the appointment of a task force to develop a Fiscal Year 1978 work program for presentation at the next meeting; and to hire a high-level professional staff. In addition, resolutions were adopted making recommendations to the Secretary as follows:

(1) To support full funding of the national estuarine sanctuary program, and (2) expressing concern about certain additional pending amendments to the OCS Lands Act bill that would alter the Coastal Energy Impact Program.

The Secretary accepted and acted upon the recommendations. The proposed amendments to the OCS Lands Act bill were later withdrawn.

ENCLOSURE TO APPENDIX 2

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