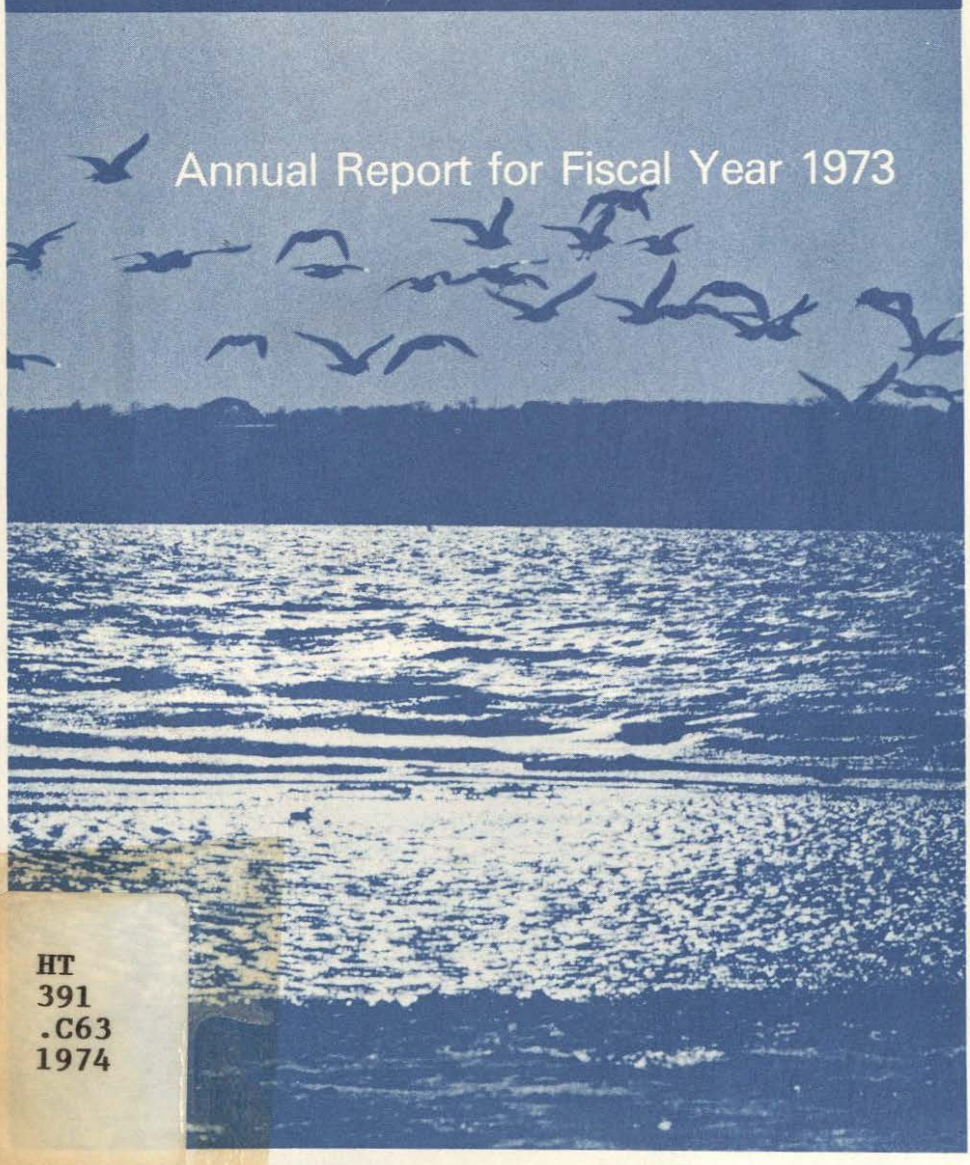
20 20x4

Coastal Zone Management

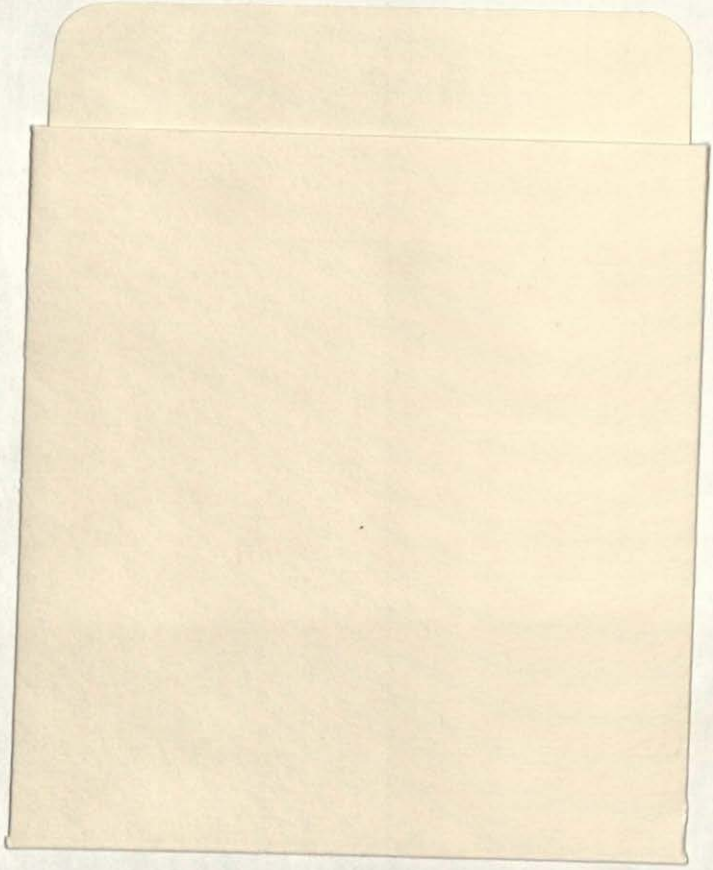
U.S. DEPARTMENT OF COMMERCE / National Oceanic and Atmospheric Administration

Annual Report for Fiscal Year 1973



HT
391
.C63
1974

NOAA MIAMI BRANCH LIBRARY
OAOO HT391.C63 1974
United State Coastal zone management :
3 9282 0001 0525 3



HT
391
.C63
1974

Coastal Zone Management

Annual Report for Fiscal Year 1973

U.S. DEPARTMENT OF COMMERCE
Frederick B. Dent, Secretary

May 1974

Property of
NOAA Miami Library
4301 Rickenbacker Causeway
Miami, Florida 33149

For sale by the
Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402.
Price 25 cents

013508



TO THE CONGRESS OF THE UNITED STATES:

I am transmitting the first annual report on the management and conservation of our coastal resources, as required by the Coastal Zone Management Act of 1972. This report covers fiscal year 1973, a year of study and organization preparatory to the financial implementation of the Act in fiscal year 1974.

In the spirit of the New Federalism, this program constitutes a partnership between the States and the Federal Government. It will seek to solve what some have described as the dilemma of conservation versus development in the ecologically fragile coastal zone area of our country. Together with the Congress we recognize this dilemma, but neither branch of Government believes conservation and development are mutually exclusive. We must permit neither development nor conservation to become completely dominant. By systematically weighing the benefits and the costs of proposed actions we can provide for both conservation and progress.

Together with land use legislation, now pending in the Congress, the Coastal Zone Management Act would provide our Nation with complete geographic coverage for this important State-Federal planning partnership. We look to land use and coastal zone plans to assist us in preserving our natural heritage and in permitting orderly development of our resources for the common good. This is especially important in the coastal area where most of our population is concentrated, where many of our recreational and employment opportunities are centered, and where many forces compete for our resources.

Significant groundwork has been laid in planning for implementation of the Coastal Zone Management Act. As a result, I believe we are able to look forward to rapid progress as the Federal Government begins this important task in partnership with State governments.

THE WHITE HOUSE,
May 1974

PREFACE

A Report to the President From the Secretary of Commerce May 1974

THIS REPORT TO THE PRESIDENT ON COASTAL ZONE MANAGEMENT is prepared in accordance with Section 313(a) of the Coastal Zone Management Act of 1972, Public Law 92-583, Title III—Management of the Coastal Zone (an amendment to the Marine Resources and Engineering Development Act of 1966), which directs the Secretary of Commerce to prepare and submit to the President, for transmittal to the Congress, a report on the administration of Title III for the preceding fiscal year. The requirements of the annual report call for identification of approved coastal zone management programs, a listing of the participating States, fund allocations, disapproved programs, Federal regulations in effect, and recommendations for additional legislation.

On October 27, 1972, the Secretary of Commerce, having been assigned authority for administration of the Act, delegated this responsibility to the National Oceanic and Atmospheric Administration. In its definitive stage in 1973, the program did not provide grant assistance to the States. This report documents the initial organizational and management actions taken in 1973 and summarizes the development of guidelines that will assist Federal-State participation in coastal zone management.

CONTENTS

	Page
PRESIDENT'S MESSAGE	iii
PREFACE	v
I. Background for This Report	1
A. Overview of Legislative History	1
B. Previous State Coastal Zone Action	2
II. Implementation of Title III	3
A. Early Organization and Actions of NOAA	3
B. Implementation Steps	3
(1) The National Interest Study	3
(2) The Sanctuaries Study	4
C. Technical Assistance Tools	4
(1) Coastal Zone Management Handbook	4
(2) Coastal Ecology Manual	4
D. National Conference	4
III. Present Progress	5
IV. Future Plans	5
APPENDIX: Schedule of Regional Discussions	6

COASTAL ZONE MANAGEMENT 1973

I. BACKGROUND FOR THIS REPORT

A. Overview of Legislative History

The Coastal Zone Management Act of 1972 was signed into law by the President on October 27, 1972. The Act assigns authority for administration to the Secretary of Commerce who, in turn, delegated this responsibility to the National Oceanic and Atmospheric Administration (NOAA). The focus of Federal efforts is to be on the adequacy of State processes rather than to become involved in the merits of particular land use decisions.

Because the actual needs of the States were not known, and because of the need to coordinate the planning of the Coastal Zone Management Act closely with the pending land use legislation, a small task force was set up within NOAA in November of 1972 to begin planning for initiation of the program. When the enactment of land use legislation became imminent, a budget amendment was sent to Congress to begin operation of the Coastal Zone Management program in 1974.

The Act is intended to provide Federal encouragement, on a voluntary basis, to coastal States, including those on the Great Lakes, to develop and operate coastal zone management programs. Two methods for incentives are contained in the legislation. First, financial assistance is authorized. Three types of grants are established: to develop management programs, to operate approved management programs, and to assist States in the acquisition of estuarine sanctuaries. Second, once a coastal State has its management program approved by the Secretary of Commerce, Federal actions (issuance of licenses and permits etc.) that affect a States coastal zone must be consistent with the management program to the maximum extent practicable. The grants authorized by the Act are on a 2/3 Federal 1/3 State matching basis except for the grants for estuarine sanctuaries, which are 1/2 Federal 1/2 State funded.

The Act specifies that a State management program must include a definition of coastal zone boundaries, a list of areas of particular concern and a list of priority uses within those areas, a proposed

governmental structure for administering the program, and a method for controlling land and water uses within the coastal zone. Three types of controls are specified in the Act: (1) direct regulation by the State, (2) location regulation consistent with State established standards, and (3) local regulation subject to State review.

B. Previous State Coastal Zone Action

Most land and water use decisions in the past have been reactive to local pressures and interests. More importantly, they have been made individually by a variety of public and private entities, often without regard to their incremental or cumulative effect.

Within the last decade, however, State government has begun to take a more active role in decision-making in the coastal zone. The nature of State action has varied, reflecting both the geography and the particular demands placed upon a State's coastal resources. Typically, however, it has been oriented toward the solution of specific problems, often in reaction to a perceived crisis, rather than being comprehensive in scope.

Perhaps the most common approach has been an incremental one, starting with the decision to protect certain natural areas such as dunes, barrier beaches, or wetlands. On the eastern seaboard, initial State action was focused on wetlands protection. Often, legislation of this type was passed after conservationists and fishermen called public attention to the large numbers of biologically productive salt marshes and wetlands that were being irretrievably lost by dredging and filling for developmental purposes. A number of States, such as Oregon, Texas, Florida, and California, have demonstrated, in the past few years, an interest in assuring adequate public use of and access to beach waterfronts. Concern in the Great Lakes States has tended to focus recently on the problems caused by erosion and high water levels.

From an initial interest in protecting or conserving natural areas, more and more States have moved to the broader concern of siting large facilities, either by type (e.g. powerplants) or by size. As public feeling has mounted, several States have either prohibited certain kinds of development (e.g. Delaware) or acted to control it on an interim basis through State permits, pending development of plans (e.g. California).

Today, only a few of the coastal States have no planning or management legislation on the books. However, most States have not yet taken a comprehensive approach to coastal zone management. By and large, management programs and even planning efforts are fragmented and full of gaps. States have recognized this and are looking to implementation of the Coastal Zone Management Act of 1972 to provide them with the assistance they need to reexamine

and consolidate their current efforts and to build comprehensive programs.

II. IMPLEMENTATION

A. Early Organization and Actions of NOAA

Once the Coastal Zone Management Act was signed into law, an initial assessment was made of the status of coastal management programs within each of the States and territories covered by the legislation. This effort resulted in a publication, *The Status of State Coastal Zone Management Efforts, May 1973*. It is a compendium intended to provide State and Federal officials with an overview of the various approaches to coastal zone management currently in use by the coastal States. It provides a synopsis of each State's background in coastal zone management, the State's administrative structure for handling its coastal areas, the enabling legislation, and the State's current coastal activities.

B. Implementation Steps

To provide guidance to State governments on how to apply for further interpretation of the Act, as well as how to apply for program development grants and what activities would be necessary to meet the requirements of the legislation, guidelines were necessary. These guidelines were published in the *Federal Register* of November 29, 1973.

The funding mechanisms of a number of Federal agencies were studied in order to find the simplest, workable administrative procedures. A study was undertaken to ascertain the most appropriate means of introducing coastal zone planning into State government.

In addition, the Governor of each coastal State and territory was requested to designate an individual with whom the Task Force could discuss implementation of the Act.

(1) *The National Interest Study:* The Coastal Zone Management Act contains a requirement to provide for greater than local needs in coastal programs. The Congressional findings of the Act call for encouraging the States to exercise their full authority over the lands and waters in their State coastal zone area in cooperation with Federal and local governments. However, in cases dealing with land and water use decisions of more than local significance, the Act calls for unified policies, criteria, standards, methods, and processes. In addition, the Act specifically requires that a management program, to be approved, must provide for "adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature." The

process for identifying the "national interest" thus becomes a critical element in each State's coastal zone management program. Some unified concept of the national interest must be articulated to assure that coastal zone management programs of individual States respond adequately to the requirement of the Act.

To get at the dual question of national interest and, in the case of the question of the definition of "facilities which are designed to meet requirements which are other than local in nature," a study is underway to ascertain those elements which comprise the national interest.

(2) *The Sanctuaries Study:* Assistance in determining the policy options open to NOAA was sought for implementation of the estuarine sanctuaries section of the Act. This section provides grant assistance to States for the acquisition, development, and operation of estuarine sanctuaries, as well as grant assistance for Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, permitting the designation of marine sanctuaries. Both of these sanctuary programs are NOAA's responsibility. A contract was awarded to the Virginia Institute of Marine Sciences to investigate the legislative history of the sanctuary provisions, identify the essential purposes and characteristics of such sanctuaries, and define alternative policy options for joint program operations. Performance of this contract culminated in a national sanctuary workshop held in Washington in late November 1973.

C. Technical Assistance Tools

(1) *Coastal Zone Management Handbook:* To assist States in beginning the development of management programs and to aid them in meeting statutory requirements, a contract was awarded to the Coastal Zone Management Institute to prepare a description of the essential coastal scientific, economic, and institutional issues and problems. These will be keyed directly to the statute and the guidelines, and should enable a State to select reasonable courses of action from a number of alternatives presented.

(2) *Coastal Ecology Manual:* The Conservation Foundation is preparing a coastal zone ecology manual intended to present information on the environmental factors to be taken into account when considering proposals for development of coastal areas. It will describe the ecological systems of the coastal zone along with the ecological effects of various man-made disturbances. Approaches to deal with these disturbances will be suggested.

D. National Conference

On June 13 and 14, 1973, the Coastal Zone Management Task Force, together with four other Federal organizations (Department of Agriculture, Department of the Interior, National Science Foun-

dation, and Environmental Protection Agency), the Council of State Governments, and the Coastal States Organization, sponsored a Conference on Organizing and Managing the Coastal Zone. This Conference, at Annapolis, Md., was designed to define the relationship of State and Federal Governments to the emerging national program for coastal zone management and to give State officials a sense of direction in developing their coastal programs. It brought together for the first time virtually all of the formally designated State contacts, it provided an excellent vehicle for explaining the details of the Act, and it made known individual State concerns and program activities.

III. PRESENT PROGRESS

It appears that at least 29 coastal States intend to apply for program development grants during fiscal year 1974. With the grant funding available in fiscal year 1974, a number of actions were initiated. These included: (1) the development of a grants processing system and the requisite administrative regulations; and (2) initiation of a process leading to the development of draft guidelines which will describe the criteria to be used in considering the approval of proposed State management programs.

Administrative regulations describing the mechanics of the grant program, including an allocation formula, were made available so that the first grants to States can be processed and issued by February 1974.

Guidelines describing the Federal approval process for proposed State management programs are being drafted. They will contain both the criteria for determining the adequacy of proposed State management programs and the procedures for Federal agency review of proposed State programs. These guidelines will be presented at a series of regional discussions and published in the *Federal Register*. The appendix contains a schedule of regional discussions on guidelines criteria.

IV. FUTURE PLANS

It is planned to establish a number of regional liaison "desks" in the Washington office in late spring of 1974. Liaison officers manning these desks will work directly with the coastal States in their region, assisting them in the preparation of grant applications, monitoring State activities using program grants, and acting as a clearinghouse for State technical assistance requirements.

In October 1973, a Coastal Zone Management Advisory Committee was appointed to advise the Secretary of Commerce on matters of policy. An initial meeting of the Committee took place in November 1973. A second meeting was held in February 1974.

Property of
NOAA Miami Library
4301 Rickenbacker Causeway
Miami, Florida 33149

APPENDIX

Schedule of Regional Discussions

Date	City	States to be represented
December 19, 20, 1974	Washington, D.C.	Delaware, Maryland, and Virginia
January 8, 1974	San Francisco, Calif.	California, Hawaii, and American Samoa, and Guam
January 10, 1974	Seattle, Wash.	Washington, Oregon, and Alaska
January 15, 1974	Chicago, Ill.	Illiinois, Indiana, Michigan, Minnesota, Wisconsin, and Ohio
January 17, 1974	Cambridge, Mass.	Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania
January 22, 1974	Atlanta, Ga.	North Carolina, South Carolina, Georgia, and Florida
January 24, 1974	New Orleans, La.	Alabama, Mississippi, Louisiana, Texas, Virgin Islands, and Puerto Rico