13593

G.P.

COASTAL ZONE
INFORMATION CENTER

ACTIVITY NUMBER 4

Intergovernmental Process

U.S. DEPARTMENT OF COMMERCE NOAA
COASTAL SERVICES CENTER
2234 SOUTH HOBSON AVENUE
CHARLESTON, SC 29405-2413

Property of CSC Library

New York State Coastal Zone Management Program.
HT393.N7.A24 1977
FEB 12 1996

New York State Coastal Zone Management Program

ACTIVITY NO. 4 - INTERGOVERNMENTAL PROCESS

General Description

The purpose of this program activity is to continue to assess the extent of the various state, regional and local agency interests, inputs and responsibilities in and for the coastal zone areas and to implement a mechanism for achieving interagency and intergovernmental coordination in the development and implementation of the statewide coastal zone management program.

TASK 4.1

STATEMENT OF TASK

Update and Expand Catalogs and Listings of State Activities Related to the Statewide Coastal Zone Program

Products Expected

Review and analyze catalogs and listings prepared under the first year program and contact State agencies to update and refine the catalogs and to review additional programs for potential includion in a final report.

DOS

Progress

70% complete. Meetings have been held with Public Service Commission, State Energy Office and other State agencies to obtain more detailed data on their activities. The State Map Advisory Committee (which is chaired by the Department of State) has been utilized to obtain information on the cartographic operations of other agencies in regard to the state's coastal zone. The State Interagency Planning Advisory Committee, comprised of 12 state agencies having planning and development responsibilities, is chaired by the Department of State. The Committee has met three times for the purpose of reviewing CZM coordination and other matters. The statutory Community Affairs Advisory Board is comprised of local elected officials appointed by the Governor. This body has met twice since September, 1976 and CZM has been discussed with them. As a result, a CZM Sub-committee is being formed pursuant to the outline described in the Public Involvement and Intergovernment Coordination Process. *

Prognosis

Contracts with State agencies will be continued in the current grant period. In addition, an analysis of both Federal and State programs with land use impacts is under way in the Department of State (to meet the required coordination requirements among H.U.D. "701", Coastal Zone Management and other Federal programs as well as to examine coordination issues at the State level): this study may provide further useful information for the State's CZM program development.

DEC

Progress

100% complete. The first year report, "Inventory and Analysis of Existing State and Federally-Legislated Programs and Activities Related to New York's Coastal Zone", was updated in October, 1976. This report covers information both on State activities (Task 4.1) and on Federal and State legislation (Task 9.1). The updating, which emphasized DEC activities, was achieved by having each program description examined by appropriate DEC divisions. Based on comments received, revisions were made to program reviews covering fish and wildlife, air pollution, mineral resources, and flood plain management and erosion control, to make the original descriptions more consistent with the actual programs as they presently operate. The revisions also take into account legislative changes made in the late spring and summer of 1976. No comments were received from other State agencies. Further revision may be necessary in conjunction with the analysis work being done under Task 9.1.

TASK 4.2

STATEMENT OF TASK

Develop Listings and Analyses of Local Master Plans, Land Use Regulations and Other Programs and Activities Relative to the Coastal Zone Program

Products Expected

1. Review and analyze reports prepared under the first year program and those developed by new participants during the second year as well as data developed by contact with local and regional agencies.

DOS

Progress and Prognosis

20% complete. First year data has been assembled and tentatively reviewed. (This data includes: the responses to a questionnaire sent by DOS to every municipality - City, town, village - in the coastal zone requesting information on the status of their ordinances relevant to the CZM program; and the work done by other CZM participants in collecting and analyzing information on master plans, land use regulations and similar activities in their respective jurisdictions.) However, the decision to continue with this process is under examination by DOS staff because legal counsel has suggested that this activity may be more timely at that point in the third year program when local governments are asked to respond to State CZM legislation: in addition, counsel has suggested that a final inventory of these plans and ordinances should be in hand immediately prior to enactment of the legislation and he feels that it may be more efficient to defer the work until then instead of attempting to update a listing of such information prepared now. A decision on this matter will be made shortly.

2. Prepare a technical memorandum setting forth an analysis of the overall implications of this information to the program.

DOS

Progress and Prognosis

See above.

TASK 4.3

STATEMENT OF TASK

Implement Mechanisms for Achieving Intergovernmental Coordination Among State, Regional and Local Agencies and Officials.

Products Expected

1. Schedule individual meetings with state, regional and/or local agencies to determine interests and activities and to disseminate pertinent information and establish other channels of communication to provide information and received inputs (including mail-out materials for review and comment, surveys). Regional technical committees will provide the mechanism for coordinating all functional concerns among the various levels of government.

DOS

Progress and Prognosis

60% complete - The memorandum Mechanisms for Citizen Participation and Intergovernmental Coordination sets forth the formal framework for accomplishing an important goal of this Task: as described in the Task 4.1 Status Report, the Community Affairs Advisory Board has met twice since September, 1976, and CZM coordination and issues have been reviewed; a CZM subcommittee is being established to focus more intensely on these matters of interest to local elected officials from New York State's coastal zone. The difficulties of communicating with elected and other public officials of the 28 counties, 27 cities, 116 towns and 94 villages in the State's coastal zone planning area have been met with the efforts of the other CZMP participants and presentations by DOS staff at various local and regional meetings (see Task 3.1 Status Report). In the remaining period of the program year, the nature and extent of DOS efforts in this area will be guided by the work accomplished in such key areas as Boundaries, GAPCs, and Permissible and Priority Uses, the issues and conflicts revealed by this work and, most important, by the results of activity currently under way in DOS to produce draft State CZMP legislation (see Task 9.3 Status Report). *

DEC

Progress

50% complete - To date, DEC participation has been through direct liaison with contractors' staff for the most part, since formal technical committees have not been organized in many contractor areas. However, CZM technical considerations are closely linked to technical advisory committees also involved in designated water quality management planning under Section 208. DEC participates in such activities in Nassau-Suffolk, New York City, Central New York and Erie-Niagara areas. *

Prognosis

Remaining DEC technical liaison will depend on demands of substate participants during the remainder of the program year.

2. Prepare a summary report setting for the accomplishments of the intergovernmental coordination effort.

DOS

Progress and Prognosis

Will be accomplished at end of program year.

DEC

Progress and Prognosis

Will be accomplished at end of program year by submission of report to DOS for inclusion in overall final report.

TASK 4.4

STATEMENT OF TASK

Establish and Operate a Mechanism for Achieving Interagency Coordination at the State Level

Products Expected

1. Establish a State Interagency Advisory Committee to disseminate information on the State Coastal Zone Program and to assure that functional agencies will have an opportunity to participate in the Program's development and express their needs and concerns in the Coastal Zone.

DOS

Progress

70% complete. Orginally formed as the State Agencies CZM Committee, the State Interagency Planning Advisory Committee principal goal is to assist in coordinating State land and water use, and housing planning activities including CZM, 701 and 208 activities. The Committee has met several times during the program year and discussed the CZM Program in general as well as individual elements such as land and water uses and boundaries. *

Prognosis

The Committee will hold further meetings before the program year ends: however, the agendas of these sessions will more intensely focus on CZM matters as the data from the second year work program, potential conflicts and developing State policy are presented for the members' review and consideration.

DEC

Progress

75% complete. DEC participation has been through the DOS Interagency Planning Advisory Committee which among other matters considers CZM planning. DEC has made some specific presentations at such meetings, for example, on boundaries. *

Prognosis

Participation by DEC in interagency CZM deliberation will continue during 4th quarter of 2nd year at approximately the same rate as the preceding portion of the work year.

2. Apart from the Advisory Committee sessions, meet with representatives of various State agencies to discuss their plans and programs and reach understandings with these agencies on such matters as GAPC's, regional facilities, and recreation and development needs in the State coastal zone.

DOS

Progress and Prognosis

Meetings have been held with the Public Service Commission, State Energy Office and other agencies to deal with CZ issues of specific interest to them, in particular, the question of regional facilities. These types of contacts will increase for the reasons described in 1. above. *

DEC

Progress and Prognosis

75% complete. DEC, in carrying out its regular resource management and environmental protection functions, has frequent opportunity for coordination with other State agencies in a variety of matters affecting the coastal zone. This includes liaison such as that with the Public Service Commission on power plan and transmission line siting; the Department of Transportation on coastal highways, port facilities and dredging; the Department of Health on drinking water quality, monitoring and testing for toxic chemicals and with respect to consumption of fish and shellfish; the Office of Parks and Recreation on public access to shorelands and location of boating facilities; and the Office of General Services on location and management of state owned shorelands and lands under water. *

3. Prepare summary report at end of program year on meetings held, results and decisions reached on key issues of multi-functional concern.

DOS

Progress and Prognosis

Not scheduled until end of program year.

DEC

Progress and Prognosis

Contribution to DOS in preparing summary report not scheduled until later in program year.

TASK 4.5

STATEMENT OF TASK

Coordination and Liaison with Adjacent States Relative to Key CZM Program Interests

Products Expected

1. State CZM staff will meet directly with their counterparts in the adjoining states of Connecticut, New Jersey, Pennsylvania and Rhode Island to discuss proposed boundaries, geographic areas of particular concern and other factors which transcend state boundaries. Similarities and differences in approaches and policies between New York and these other states will be acknowledged.

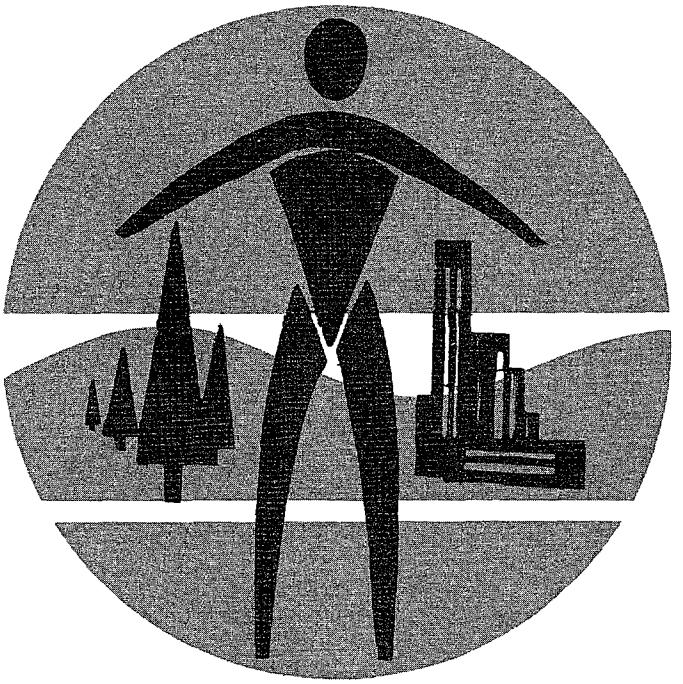
DOS/DEC

Progress

50% complete - DOS and DEC have met representatives of CZM planning units in adjoining states on several occasions thus far in the program year. In addition, opportunities to discuss the common coastal zone concerns of the four states immediately adjacent to New York occur at meetings of more formal interstate organizations such as the New England River Basins Commission, the New England-New York Coastal Zone Task Force, the Great Lakes Basin Commission, Mid-Atlantic States Coastal Zone Task Force and the Mid-Atlantic Governors Coastal Resource Council. Particular attention has been given to the matter of a suitable coordinating and advisory mechanism for Long Island Sound, the objective being to establish a body that can focus upon that important section of the State's coastal zone. *

Prognosis

Whereas the discussions to date have been of a tentative nature, reflecting the data-gathering and analytical stages of the CZMP process, these contacts will be more substantive during the remainder of this program year, and into Year III, as Boundary and GAPC concepts are clarified and sites better defined on land and offshore (as in the case of seaward boundary differences). Preliminary acknowledgments of similarities or differences will be made where possible and steps will be taken to initiate the investigation of mechanisms to resolve differences, if any. Efforts to establish an advisory mechanism relating to Long Island Sound will be pursued further. *



New York State Department of Environmental Conservation

Interim Report
on

Inventory and Analysis of Existing State and Federally-legislated Programs and Activities Relative to New York's Coastal Zone
(Tasks 4.1 and 9.1)

Prepared by

New York State Department of Environmental Conservation
Office of Program Development, Planning and Research
50 Wolf Road
Albany, New York 12233

The preparation of this report was financially aided through a Federal Grant from the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, under the Coastal Zone Management Act of 1972.

This report was prepared under the Coastal Zone Management Act of 1972 for the Division of State Planning, Department of State.

July, 1976 REVISED OCTOBER, 1976

Grant Number: 04-5-158-50002

TABLE OF CONTENTS

INTRODUCTION 1

PROGRAM REVIEWS 3

Department of Environmental Conservation's Programs

A. Environmental Review Programs 4
National Environmental Policy Act 5
State Environmental Quality Review 6
State Capital Projects Review 7
Cumulative Impact 8

B. Land Related Programs 9
Tidal Wetlands 10
Freshwater Wetlands 11
Wetland Acquisition and Restoration 12
Flood Plain Management-National Flood Insurance Program ... 13
Shore Erosion Control Program 14
Approval of New Solid Waste Management Facilities 15
Fish and Wildlife Management Act (FWMA) 16
Fish Propagation and Management 17
Wildlife Propagation and Management 18
Public Access to Fishing Areas 19
Endangered Animal Species 20
Land and Forest Resources 21
Oil and Gas Well Spacing, Pooling, and Unitization 22
Oil and Gas Leases on State Lands 23
Plugging Oil and Gas Wells 24
Mined Land Reclamation 25
Wild, Scenic and Recreational Rivers Program 26
Protection of Natural and Man-Made Beauty 27
State Nature and Historical Preserve Trust 28
Endangered Plant Species Protection 29

C. Water Related Programs 30
Marine and Coastal Resources 31
Oil Spill Contingencies and Liabilities 32
Realty Subdivisions: Sewerage Service & Water Supply 33
Water Supply Approval 34
State Pollutant Discharge Elimination System (SPDES)..... 35
Protection of Waters 36
River Improvement Program 37
Waste Collection Registration Program 38

D. Air Pollution Control Programs 39
Air Quality Maintenance Planning 40
Significant Deterioration of Air Quality 41
Permits for Sources of Air Pollution 42
Indirect Source Control 43
Upgrading State/Municipal Air Pollution Sources Under EQBA. 44

Other State Agency Programs 45
Siting of Major Steam Electric Generating Facilities 46
Gas Pipeline and Electric Transmission Line Certification ... 47
Agricultural Districting 48
Parks and Recreation 49
Transportation 50
Public Lands Law (PLL) 51

PRELIMINARY DISCUSSION OF PROGRAM
STRENGTHS AND DEFICIENCIES 52

NEXT STEPS 63

APPENDIX A - SAMPLE FORMAT OF ANALYSIS OF
COASTAL ZONE ELEMENT 64

INTRODUCTION

The purpose of this report is to inventory State and federally-legislated programs and authorities applicable to coastal areas and to analyze their relationship to coastal zone management. Based on this analysis, there is a preliminary discussion of strengths, deficiencies, gaps and overlaps in State programs and authorities. Out of this discussion will ultimately come recommendations for incorporating into the Coastal Zone Management Program any additional programs and authorities that may be needed for the control of land and water uses.

This task is being undertaken in accordance with several requirements in the Coastal Zone Management Act of 1972. Section 305 (b)(4) requires, as an element of the management program, that the State identify the means it proposes to use for controlling land and water uses in the coastal zone which impact upon coastal waters. In addition, section 306 (c)(7) requires that the State must have the authorities necessary for program implementation. It is evident, therefore, that the satisfaction of these requirements presupposes an identification and evaluation of existing programs and regulations as a basis for developing an effective management program incorporating these and any new programs or regulations that may be required.

This first year report is divided into three parts. The first portion consists of over 40 one-page reviews of current State programs and authorities. The majority of these focus on Department of Environmental Conservation programs, with the remainder covering other State agencies. Included are federally-legislated programs carried out by State agencies or federal acts such as the National Environmental Policy Act (NEPA) in which DEC reviews draft environmental impact statements. These one-page program reviews in-

clude a paragraph analyzing the program's relationship to coastal zone management. During the second year, the status of each program will be updated and additional reviews will be prepared for any other State programs determined to be relevant to coastal zone management.

The reviews serve as a basis for the second part of the report which is a preliminary discussion of the strengths and deficiencies of existing State programs and authorities to regulate and/or manage coastal zone land and water uses. Gaps in programs and authorities to deal with these uses are emphasized along with any overlapping program functions which should be streamlined to eliminate unnecessary duplication of effort.

The third part of this report entitled "Next Steps" presents recommendations for completing the entire program inventory and analysis early in the second year of the Coastal Zone Management Program. It is suggested that detailed analyses be undertaken of all elements of a State Coastal Zone Management Program with respect to current State programs and authorities. This will help to determine existing program strengths and deficiencies more precisely for each element. These analyses will subsequently be used in the second year program for the task of developing alternative institutional arrangements and techniques for implementing a State Coastal Zone Management Program.

PROGRAM REVIEWS

The following one-page reviews of current State programs and authorities focus on those applicable to coastal areas. The majority are Department of Environmental Conservation programs, with the remainder covering other State agencies with coastal area interests. The major purpose of these reviews is to describe regulatory and management functions as a basis for the discussion in the following section of the extent to which these functions can be incorporated into a Coastal Zone Management Program that effectively controls land and water uses. During the second year, additional reviews will be prepared for any other State programs determined to be relevant to coastal zone management. Also, the status of each program will be updated.

ENVIRONMENTAL REVIEW PROGRAMS

NATIONAL ENVIRONMENTAL POLICY ACT

Program Description

The National Environmental Policy Act of 1969 applies to all Federal agencies undertaking an action - including construction, funding or licensing activities - which may have a significant impact on the environment. For such proposals, the Act requires the responsible Federal agency to prepare and distribute for public review a Draft Environmental Impact Statement. Based on comments received on the Draft E.I.S., a final E.I.S. is prepared which should be used by the Federal Agency in acting on the proposed action.

In New York State, DEC was designated by the Governor's Office (Hurd-Douglass Memorandum, May 7, 1971) as the agency responsible for coordinating the State's review of draft NEPA statements, among State agencies. Federal agencies also obtain comments on these statements from local agencies and through the Regional Clearinghouses (RPB's).

DEC review of Draft E.I.S.is concentrated on the adequacy and accuracy of the statement. During the review of a Draft E.I.S., deficiencies in the statement may be identified which, when brought to the attention of the responsible Federal agency, could alter the project or result in denial of the action.

Statutory Authority

P.L. 91-190 (National Environmental Policy Act of 1969); Hurd-Douglass Memorandum designates NYS DEC as NEPA statement coordinator for New York State.

Program Status

NEPA reviews are of an on-going nature. There have been forty to fifty reviews a year, including atomic energy projects.

Relationship to Coastal Zone Management

In conjuction with SEQR, NEPA will be an important tool for carrying out an effective CZM program by ensuring that federal projects are scrutinized for their environmental effects. As a necessary accompaniment to a CZ management program, it will assist in making certain that project proposals for the coastal zone meet identified permissible land and water uses.

Other Agencies Involved

While DEC is the coordinating State agency, other state agencies as well as local governments provide comments.

STATE ENVIRONMENTAL QUALITY REVIEW

Program Description

Under SEQR, State agencies and local governments are required to prepare an environmental impact statement for any action that may have a significant effect on the environment. The purpose is to incorporate environmental factors into the existing planning and decision-making processes at the earliest possible time along with social and economic considerations. This will be accomplished by the adoption of general environmental review guidelines as promulgated by DEC. These guidelines will serve as: an administrative template for local and statewide environmental impact review; and a mechanism for coordinating and streamlining interagency environmental review.

Statutory Authority

Environmental Conservation Law, Article 8

Program Status

The effective date of SEQR was to have been June 1, 1976. However, the State Legislature passed and the Governor signed a bill extending the date as follows: To September 1, 1976 for actions undertaken by State agencies; to June 1, 1977 for actions undertaken by local governments, including those funded by State government; to September 1, 1977 for all licensing and permitting activities of State and local governments.

Relationship to Coastal Zone Management

SEQR is one of the most important tools for carrying out an effective CZM program. It will supplement the existing NEPA system covering federal projects by ensuring that State and local projects are also scrutinized for their environmental impacts. As a necessary accompaniment to a CZ management program, it will assist in making certain that project proposals for the coastal zone meet identified permissible land and water uses. The effective dates of SEQR should correspond well with the CZM timetable.

Other Agencies Involved

All State and local government agencies undertaking action that would significantly affect the environment.

STATE CAPITAL PROJECTS REVIEW

Program Description

Under the provisions of a memorandum in 1972 from the Division of the Budget to State Agency heads, administrative procedures have been established requiring that DEC conduct an environmental assessment of State agency projects proposed for capital construction. These procedures have been incorporated in the State budget preparation manual as Item 73. The type of projects for which these assessments must be made are defined in the manual. State agencies are required to submit to this process as a condition of gaining budget approval.

Statutory Authority

Item 73, State Budget Preparation Manual.

Program Status

DEC screens about 150 projects a year for review. About half of the project proposals are sent to DEC Regional Offices for review. The remainder are disposed of at the Central Office in the Environmental Analysis Office. The vast majority of these projects are initiated by SUNY and DOT. Most are routine such as boiler installation, construction of DOT maintenance facilities, or drainage facilities.

Relationship to Coastal Zone Management

When the State Environmental Quality Review (SEQR) procedures become effective, the need for the State Capital Projects Review process should be eliminated. SEQR will cover not only what is addressed by this process but projects financed by State bonding authorities as well as local projects.

Other Agencies Involved

State agencies proposing projects.

CUMULATIVE IMPACT

Program Description

Cumulative impact review is an administrative mechanism presently in use by DEC that empowers the Commisisoner to comprehensively review projects with diverse environmental impacts. It has been used with such projects as the proposed construction of second home communities. The cumulative impact powers of the State arise from an amendment to the Environmental Conservation Law (Section 3-0301(b). This section empowers the Commissioner to:

> "Promote and coordinate management of water, land, fish, wildlife, and air resources to assure their protection, enhancement, provision, allocation, and balanced utilization consistent with the environmental policy of the State and take into account the cumulative impact upon all of such resources in making any determination in connection with any license, order, permit, certification or other similar action or promulgating any rule or regulation, standard or criterion."

An applicant can qualify for cumulative impact review simply by applying for a DEC permit, license, certification, etc. It is then up to the Commisisoner to decide whether or not to require cumulative environmental impact review. Only large, far reaching projects usually require such review.

Statutory Authority

ECL 3-0301(b).

Program Status

Cumulative impact reviews are undertaken in response to project proposals.

Relationship to Coastal Zone Management

This administrative mechanism should certainly be integrated into the CZ management program to ensure that any large projects proposed for coastal areas receive the necessary comprehensive cumulative review. Such a review process will be especially valuable in the coastal zone since a great deal of information on coastal resources will be available from which to judge impacts.

Other Agencies Involved

None.

LAND RELATED PROGRAMS

TIDAL WETLANDS

Program Description

This program is designed to preserve and protect tidal wetlands, and to prevent their despoilation and destruction, giving due consideration to the reasonable economic and social development of the State. There are two program phases; inventory and regulatory. The inventory phase involves: (a) the identification by NYS DEC of approximately 25,000 acres of tidal wetlands on the Atlantic Coast, Long Island Sound, and Hudson River up to the Tappan Zee Bridge; and (b) a moratorium on development in tidal wetlands which expires on completion of the inventory. The regulatory phase involves: (a) promulgation of final rules and regulations (set for November 10, 1976) allowing only those uses of tidal wetlands and a 300 foot buffer strip that are compatible with the preservation, protection and enhancement of the present and potential values of tidal wetlands; (b) the requirement of a permit for any activity directly or indirectly altering or impairing the natural condition or function of any tidal wetland; (c) the provision for cooperative agreements with counties, cities, towns and villages for tidal wetland preservation and enhancement.

Permits are required for: (1) any form of draining, dredging, excavation or removal, either directly or indirectly, of soil, mud, sand, shells, gravel or other aggregate; (2) any form of dumping, filling or depositing, either directly or indirectly, of any soil, stones, sand, gravel, mud, rubbish or fill of any kind; (3) the erection of any structures of construction of any roads; (4) the driving of any pillings or placing of any other obstructions, whether or not changing the ebb and flow of the tide; (5) any form of pollution, including but not limited to, installing a sewage septic tank, cesspool, leach field or seepage pit, running a sewer outfall, discharging sewage effluent or other liquid wastes into or so as to drain into a tidal wetland and the use of any pesticide or herbicide; (6) installation of a dry well, storm water sewer, retention basin, filter, open swale or pond for drainage or run-off control purposes; and (7) the operation of motor vehicles, including air boats and all other all-terrain vehicles, within a tidal wetland (except for educational or scientific research purposes).

Statutory Authority

Environmental Conservation Law Article 25, NYS Tidal Wetlands Act (Chapter 790, Laws of 1973). This act repeals Chapter 545, Laws of 1959, The Long Island Wetlands Act.

Program Status

The inventory portion of the program is nearing completion. A task force is preparing the land use rules and regulations, with a draft version scheduled for public hearings this summer. The program is on a time schedule commensurate with the Coastal Zone Program.

Relationship to Coastal Zone Management

The program will be an integral component of the CZM program for the following reasons: (1) it identifies tidal wetlands and associated resource data and values; (2) it assists in designating a landward coastal zone boundary; geographic areas of particular concern (GAPC); and permissible and priority uses; and (3) it provides for a permit system regulating uses or activities in tidal wetlands and, hence in the coastal zone.

Other Agencies Involved

Nassau Suffolk Regional Planning Board; municipal governments when cooperative agreements made.

FRESHWATER WETLANDS

Program Description

The Freshwater Wetlands Act calls for the inventory and regulation of freshwater wetlands throughout the State. There are three major components: (1) an interim permit program; (2) an inventory of wetlands; and (3) a permanent permit program. The interim permit program went into effect in September, 1975 and states that no one may conduct a regulated activity (such as dredging, filling and polluting) in a wetland without obtaining an interim permit. DEC determines whether or not a particular area is a wetland subject to regulations. Permits are granted only if the applicant can demonstrate that a hardship would be suffered without the permit.

The inventory identifies and maps all wetlands over the statutory minimum size of 12.4 acres (3 hectares), as well as smaller wetlands not covered under the law.

The permanent regulatory program goes into effect as the inventory is completed. Each local government may adopt a wetlands protection law at least as restrictive as the State law and regulate wetlands within its boundaries, with DEC providing technical assistance and performing monitoring activities to ensure compliance with the State law. If a local government does not want to participate, does not have the technical capacity, or fails to implement the program effectively, the county can carry out the program. If the county refuses, or operates the program unsatisfactorily, regulation would revert to DEC

A special appeal and review process is established through an Appeals Board. Also, to help ensure management of wetlands, the law provides for cooperative management agreements between DEC and wetland owners.

Statutory Authority

ECL Article 24, Freshwater Wetlands Act of 1975

Program Status

The interim permit program has been in effect since September, 1975 and will continue until permanent regulations become effective. The inventory is about 45 percent complete with emphasis on coastal zone counties along the Hudson River and the Great Lakes-St. Lawrence area. All mapping is scheduled for completion in 1977.

Relationship to Coastal Zone Management

As with the Tidal Wetlands Program, this program willbe an integral component of the CZM program for the following reasons: (1) it identifies freshwater wetlands and associated resource data and values; (2) it assists in designating a landward coastal zone boundary; geographic areas of particular concern (GAPC); and permissible and priority uses; (3) it provides for an interim permit system and a subsequent local government regulatory process governing uses and activities in freshwater wetlands above a certain size located in coastal areas subject to the CZM program.

Other Agencies Involved

Local governments and, possibly in some case, counties.

WETLAND ACQUISITION AND RESTORATION

Program Description

DEC's Division of Fish and Wildlife develops and implements plans to restore wetlands as productive natural areas for a variety of living things. Restoration programs are carried out under the Tidal Wetlands Act; on small marshes constructed on private lands under lease or on State owned lands; and on some State Wildlife Management Areas. Major activities include construction and maintenance of water control structures and dikes; manipulation of water levels and wetland vegetation; and establishment of food plots.

Technical assistance is given for wetlands restoration projects. The Environmental Quality Bond Act provides $4 million for wetlands restoration projects in public ownership or dedicated in perpetuity and administered through a municipality. Rules and regulations have been prepared covering such projects.

Private landowners are encouraged to manage wetlands through Division staff participation in State grant-in-aid programs and by direct consultation with Division staff.

The Environmental Quality Bond Act also provided $18 million for the acquisition of tidal wetlands and $5 million for the purchase of freshwater wetlands.

Statutory Authority

Environmental Conservation Law, Article 24 and 25; Environmental Quality Bond Act, Section 260 (2)

Program Status

The restoration program has moved very slowly, with only about $500,000 having been spent of the $4 million allocated in the Bond Act. Of the funds allocated for the purchase of tidal and freshwater wetlands, only a small amount has thus far been expended.

Relationship to Coastal Zone Management

Depending upon the availability of funds from the Bond Act, the CZ management program could benefit from the use of such funds for the purchase of those tidal or freshwater wetlands in the coastal zone which are especially critical for preservation and are best held in public ownership.

Other Agencies Involved

Municipalities in some cases.

FLOOD PLAIN MANAGEMENT-NATIONAL FLOOD INSURANCE PROGRAM

Program Description

This non-structural program provides federal subsidized flood insurance in return for local regulation of land uses in flood hazard areas. It is designed to limit vulnerable new development in flood risk areas and to provide a routine insurance program to cover flood losses that do occur. The program has three basic parts: (1) notification of special flood hazard areas through official Flood Hazard Boundary Maps prepared by HUD showing areas having a one percent annual chance of being flooded; (2) enactment of an emergency flood insurance program to include, as a minimum: (a) a building permit system with permit review to insure sites are reasonably free from floods and (b) regulations for flood prone areas, including minimal subdivision controls; and (3) enactment of the regular flood insurance program upon preparation by HUD of a Flood Insurance Rate Map and an accompanying detailed engineering study. After receiving this map, a community must expand its flood plain management regulations to protect new construction from future flooding.

Some of these regulations would include: (1) a building permit system for new or altered construction in the 100 year flood zone; (2) prohibition against new structures and other development projects (including landfills) within the floodway; and (3) regulations against the expansion of non-conforming existing uses.

Statutory Authority

Federal: Flood Disaster Protection Act of 1973 (P.L. 93-234); Housing and Urban Development Act of 1969 (P.L. 91-152); Housing and Urban Development Act of 1968 (National Flood Insurance Act of 1968)(P.L. 90-448). State: ECL Article 36, Chapter 839, Laws of 1974, enacted June 7, 1974, effective September 1, 1974.

Program Status

HUD notification of flood hazard areas has been completed, although additional areas may be determined at a later date. (1500 out of 1600 municipalities in the State received notification.) 1200 communities have established Flood Insurance Eligibility. NYS DEC has adopted regulations to be applied in case of local default.

Relationship to Coastal Zone Management

Since the landward extent of the 100 year flood is one of the criteria being used for delineating a preliminary coastal zone boundary, the regulatory measures adopted under this program will apply within the coastal zone management area. Accordingly, these measures will constitute an important and major element of that portion of the CZM program dealing with the regulation of permissible and prohibited land uses. In this respect, the objectives of both programs coincide, the Flood Insurance program providing an excellent implementation mechanism to carry out some CZM objectives.

Other Agencies Involved

Municipality usually undertakes the program.

HURRICANE PROTECTION AND SHORE EROSION CONTROL PROGRAM

Program Description

Under New York State law, shore erosion control and protection from hurricane flooding are limited to construction of protective works along the Atlantic shoreline of the State, the North Shore of Long Island and the Easterly Shoreline of Staten Island. Protective works are constructed by the Corps of Engineers through a Federal-State-local program or by the State through a State-local program. Municipalities must provide necessary lands, maintain the project and reimburse the State for 30% of non-federal construction costs. Areas to be protected must be publicly owned. The program is subject to environmental permit procedures and environmental impact statements.

Federal involvement in beach erosion control and hurricane protection in the last 15 years has reduced the state-local program to projects in limited areas not covered under the Federal program or to interim protection works pending completion of a federal study. The Federal-State-local projects are usually much larger in scope and may cost in excess of 20 million dollars.

Statutory Authority

Federal: Public Laws 727, 826, 874, 298, 661; State: Laws of 1945, Chapter 535 (McKinney Unconsolidated, Title 4, Ch. 7).

Program Status

The programs are ongoing as needed. More than one hundred state-local goverment shore protection projects have been built since 1946 costing more than $27,000,000. In the federal-state-local program, Beach Erosion Control and/or Hurricane Protection Studies have been completed for the entire south shore of Long Island and New York City. The north shore of Suffolk County has also been studied. These studies resulted in congressionally authorized projects in various stages of development, with a current estimated total cost in excess of $250,000,000. Two projects are currently under construction at East Rockaway Inlet and at Fire Island Inlet and the south shore westerly to Jones Inlet.

Relationship to Coastal Zone Management

As an ongoing structural program, shore erosion control has a significant and close relationship to a CZM program principally by providing structural means of implementing CZM program objectives. For example, in areas where increased recreational needs can be met by beach restoration, the construction of beach protection facilities can be undertaken through this program. Or, where it is determined under the CZM program that existing uses need protection because of large public investment, this program could be used as an implementing mechanism.

Other Agencies Involved

U.S. Corps of Engineers; local governments.

APPROVAL OF NEW SOLID WASTE MANAGEMENT FACILITIES

Program Description

New solid waste management facilities require approval from DEC under Title 5 of ECL Article 27; the purpose is to provide a unified regulatory framework in the State to assure that solid waste management is conducted in a safe, efficient, economic, and environmentally sound manner. The Department provides assistance in the selection of appropriate sites. Detailed engineering plans must be submitted and approved for all new facilities with eventual reuse of a site a major consideration in the design review process. Following construction, an operator certification process goes into effect, similar to certification for wastewater treatment plant operators; this process is designed to gain better quality operations by ensuring that the operator has had sufficient training and experience.

Statutory Authority

ECL Article 27, Title 5.

Program Status

This is an on-going approval process operating in response to facility approval requests.

Relationship to Coastal Zone Management

To the extent that new solid waste management facilities are proposed for coastal areas, this approval program will help ensure that the facilities are appropriately located and designed, especially with respect to environmental effects. In turn, the CZ management program will be able to provide a great deal of information concerning geographic areas of particular concern, permissible land and water uses, etc., which will serve as input into the approval process for any new facilities proposed for coastal areas.

Other Agencies Involved

Municipalities submitting proposals for new facilities.

FISH AND WILDLIFE MANAGEMENT ACT (FWMA)

Program Description

This Act, which became effective April 1, 1958, gives the Department authority to develop and administer programs for fish and wildlife management in cooperation with private landowners. It has been interpreted to also include programs for public access to public lands and waters.

The Act provides for the development of these programs from proposals originating in the various fish and wildlife management regions in which they are to be applied. These regions are conterminous with the Department administrative regions.

In return for cooperative agreements between the Commissioner and individual landowners, the Department provides technical services and materials for carrying out approved fish and wildlife management practices on cooperators' lands. In addition, the management plan or program usually includes provision for protective law enforcement patrol.

FWMA is viewed by the Division of Fish and Wildlife primarily as a device for providing public access to private lands for the enjoyment of fish and wildlife resources. Such access to the present time has been arranged under various cooperative agreements for periods of time mutually agreed to by the Division and the FWMA Cooperator. Most agreements have been for hunting and fishing, with posting and enforcement by the Department.

The Division plans in the future to encourage FWMA agreements for the general enjoyment of fish and wildlife, such as bird watching, where there are unique opportunities on private lands.

Statutory Authority

ECL Article 11, Title 5

Program Status

There are presently 38 FWMA areas including 1800 cooperators covering 500,000 acres of land and water in 36 counties.

Relationship to Coastal Zone Management

This program is significant for CZ management in several respects. First, identification of FWMA areas in the coastal zone will assist in the designation of geographic areas of particular concern (GAPC's); second, this program could be used as a component of the CZM program to involve additional private landowners in cooperative fish and wildlife management practices that would be compatible with coastal zone management objectives.

Other Agencies Involved

The county's chief executive officer appoints representatives to the Regional Fish and Wildlife Management Boards. Members of the State Board include among others, the Commissioner of Agriculture and Markets, the Dean of the New York State College of Agriculture, the Dean of the New York State Forestry College, the Chairman of the State Soil Conservation Committee, and the Chairman of the State Forest Practice Board.

FISH PROPAGATION AND MANAGEMENT

Program Description

DEC's Division of Fish and Wildlife is involved in a number of activities which relate to the propagation and management of fish. These activities fall within the five fish and wildlife program areas of environmental protection ; environmental management; species management, public use and extension services.

Fish propagation is accomplished artifically in State fish hatcheries and/or through various management practices carried out in suitable waters.

Fisheries management is broadly interpreted under 11-0303 and 11-0305 of the ECL and includes development of harvest regulations; fish stock and habitat inventories and monitoring; lake and stream habitat protection, improvements and maintenance; species management; provision for public access to the fish resources through acquisition and development; and general public education and training.

There are 16 hatcheries operated and maintained by the Department. These facilities produce mostly cold water species.

A new $4.5 million Great Lakes salmonid hatchery is being planned for stocking the waters of Lakes Ontario and Erie during the 1978-1979 season.

The Great Lakes hatchery is part of a projected $15 million hatchery moderization and improvement program which has been proposed by the Department. The overall goal of this program is fewer and larger hatcheries operating at higher efficiency; with a lower unit cost per fish produced.

Statutory Authority

ECL 11-0303 and 11-0305.

Program Status

About 4,400 miles of cold water streams are being stocked annually. Over 60 warmwater lakes and ponds are stocked annually as well as some urban warmwater streams.

Relationship to Coastal Zone Management

DEC fish propagation and management activities are significant for coastal zone management, especially now that salmonid stocking programs are planned for the Great Lakes. Resultant impacts of these programs on several coastal communities in the Great Lakes could be great, with a concomitant need to develop programs to protect land and water resources. In turn, the maintenance of a viable fish propagation and management program will depend upon the effectiveness of a coastal zone management program that includes measures to preserve and protect those types of environments critical to maintenance of fish populations.

Other Agencies Involved

None.

WILDLIFE PROPAGATION AND MANAGEMENT

Program Description

DEC activities relating to the propagation and management of wildlife fall within five program areas of environmental protection, environmental management, species management, public use, and extension services. Environmental protection programs include inventorying, monitoring, and assessing the condition of various species and habitats, and the actions which would impact these conditions, such as pesticide and herbicide applications. Other protection activities include participation in critical area identification and regulation, in the state acquisition of such areas, and in the analysis of environmental impact statements.

Environmental management involves both structural and non-structural habitat improvement activities for both large and small game and other wildlife through cultivation of a diversity of vegetative types, provision of browse and development of wintering areas. Some experimental burning is also done to modify ground cover. Wetlands management has implications for waterfowl and other aquatic wildlife species.

Species management is traditionally associated with the 53 game species. Activities include survey and inventory; regulation of take and protection of resting areas; and rearing, stocking, trapping and transferring. Programs cover large and small game, upland game birds, waterfowl and furbearers. There are special programs for nuisance species control, endangered species protection, enjoyment of non-game species, control of certain predator species, and pheasant rearing.

Public use activities include acquisition of hunting lands and purchase of public access easements. Trails, access roads, and parking areas are also developed and maintained. The division also runs controlled hunts on special state lands, trials of hunting dogs, and wildlife management camping areas. The Fish and Wildlife Management Act, which is discussed separately on page , is most significant in terms of public access.

Wildlife extension services consist of environmental education activities, preparation of publications and news releases, hunter safety training, and waterfowl identification courses.

Statutory Authority

ECL. Articles 11 and 13.

Program Status

Nearly 180,000 acres of state land are managed for wildlife along with nearly 500,000 acres of private land. This includes maintenance of 131 marshes on state land and 400 marshes on private land. Two game farms are operated. About 100 thousand young pheasants were distributed in 1975. In cooperation with federal waterfowl management programs, DEC banded some 10,000 birds last year. Nearly 1500 wildlife nuisance complaints are handled annually. In 1975, hunter safety training was provided for nearly 90,000 new hunters.

Relationship to Coastal Zone Management

DEC wildlife propagation and management programs are significant for CZM where they take place in the coastal zone. In particular, habitat improvement activities in coastal freshwater and tidal wetlands, carried on for the benefit of waterfowl hunting, can benefit coastal zone non-game wildlife species. In addition, significant wildlife habitats are being identified throughout the coastal zone and some may be designated as Geographic Areas of Particular Concern (GAPC). Such areas will be subject to protection and preservation under the CZM Program, thus assuring the maintenance of habitat which is vital to continuation of a viable wildlife management program.

Other Agencies Involved

None.

PUBLIC ACCESS TO FISHING AREAS

Program Description

The Division of Fish and Wildlife has a program under the authority of 3-0305 of the ECL, the Parks and Recreation Bond Act of 1960, and more recently the Environmental Quality Bond Act of 1972, to acquire public fishing access to lakes, large rivers and quality steams, including the provision of boat launching sites. These purchases help to ensure continued fisheries management on the many lakes and rivers owned by the public.

The Bond Act provides for the acquisition of fishing rights on quality streams as well as for the purchase of selected lands on major rivers, lakes and coastal waters to provide public access or to protect the right of public use of such waters.

Public access to fishing areas on State owned lands has also been provided, and has received major emphasis. Additional fishing access is obtained by incorporating provisions for public use in private and public water development projects and through cooperative planning with other agencies such as the Corps of Engineers.

Statutory Authority

ECL 3-0305; Parks and Recreation Bond Act of 1960; Environmental Quality Bond Act of 1972.

Program Status

Twenty boat launching sites on major waters were obtained by purchase, lease, permit or transfer of jurisdiction from other public agencies prior to the 1960 Bond Act. More than 70 lauching sites have been acquired and developed since the 1960 Bond Act. DEC maintains over 1100 miles of public easement access to fishing streams, rivers, lakes and coastal waters.

Relationship to Coastal Zone Management

For those lakes and rivers falling within the coastal zone boundary, including marine waters, this program could continue to be used to obtain public access to fishing areas identified as having substantial recreational value if access were provided. This could be done in conjunction with the CZM Act amendments of 1976 providing for 50% federal matching grants to acquire lands for access to public beaches and other public coastal areas.

Other Agencies Involved

Office of Parks and Recreation

ENGANGERED ANIMAL SPECIES

Program Description

The Endangered Species Unit of the Division of Fish and Wildlife develops programs to establish and maintain populations of endangered and threatened wildlife species in the State. Preliminary surveys are made to determine the apparent status of candidates for endangered species classification. Once a species has been classified as endangered, its range, habitat requirements, available habitat, reasons for decline and other basic life history information are determined. Management programs are developed and initiated which will provide protection and enhancement of the species and its habitat, and either natural or artificial re-establishment of the species in as much of its former range as is feasible.

Four species of wildlife (American peregrin falcon, Indiana bat, Eastern timber wolf, and Eastern Puma) recognized by the U.S. Fish and Wildlife Service as endangered, are presently found in or have been extirpated from the State. The State has also classified the bog turtle, bald eagle, and American Osprey as endangered. These and other species which may be classified as endangered or threatened require immediate efforts on their behalf if they are to continue to be found in or restored in New York State.

Statutory Authority

ECL 11-0535

Program Status

Some efforts have already been undertaken in this program. During the past summer, a survey of osprey nests on Long Island was made. In addition to the Osprey, further efforts will be directed toward determining the status and protecting the habitat of the bald eagle, bog turtle, Indiana bat, massasauga rattlesnake, and peregrine falcons. For the bald eagles, ospreys, and peregrine falcons, attempts will be made to establish viable populations through release of hand-reared birds and egg transfer. Also, a study will be made of the feasibility of re-establishing the puma in the State.

Relationship to Coastal Zone Management

This is a significant program from the standpoint of coastal zone management since several of the endangered species depend upon the maintenance of habitats within the coastal zone for their successful establishment and long-term existence. Such habitats are required to be designated Geographic Areas of Particular Concern (GAPC) in the CZM program and provisions made for the protection and/or preservation. Thus, the CZM program will provide an excellent means of ensuring that necessary habitats for endangered species are protected.

Other Agencies Involved

None.

LAND AND FOREST RESOURCES

Program Description

DEC has many responsibilities for managing the lands and forests of New York. Several programs relate to portions of the coastal zone, particularly those areas adjacent to the Great Lakes and St. Lawrence River. Under ECL 9-0501, the Department has the power to acquire lands outside of the Adirondack and Catskill Parks which are adapted for reforestation and the establishment and maintenance of forests for watershed protection, the production of timber and other forest products and for recreation and other purposes. Such reforestation areas, which must consist of at least five hundred acres of contiguous lands, may be acquired by gift, purchase or appropriation.

In addition, under ECL 9-0717 a county, city, town, village, school district or any other political subdivision of the State, may acquire lands by purchase or gift to use for forestry purposes.

Statutory Authority

ECL 9-0501 and 0717

Program Status

850,000 acres of State forest land have been acquired under ECL 9-0501.

Relationship to Coastal Zone Management

In coastal areas where it is deemed desirable to acquire lands for watershed protection, recreation, or other coastal zone objectives, if the land can also be used for reforestation and forest management purposes, these programs provide the necessary authority for acquisition. Thus, they definitely should be included in the CZ program as possible management devices.

Other Agencies Involved

None.

OIL AND GAS WELL SPACING, POOLING, AND UNITIZATION

Program Description

Under Article 23 of the ECL, well density is regulated in oil or gas pools discovered after October 1, 1963. In the absence of a spacing order no well can be drilled closer than 1320 feet from any other producing oil or gas well completed in the same pool. After notice and public hearing, the Department can establish spacing units for each pool if it finds these are necessary to prevent waste and to protect correlative rights. A spacing order shall also specify the procedure to be followed for compulsory integration of interests within the individual spacing unit if voluntary intergration cannot be agreed upon within 90 days.

The program prevents uneconomic overdevelopment of a pool caused by wells being drilled with no semblance of order or reason. Substantial acreages are involved in the leases taken by operators affected by this program. This law applies only within the 3 mile limit.

Statutory Authority

Environmental Conservation Law, Article 23.

Program Status

The spacing orders have been issued, including two during 1974 involving about 640 acres each.

Relationship to Coastal Zone Management

While not of major significance for CZ management, this law will nevertheless, be applicable and of value in those oil and gas pools located within the boundaries of the to-be-designated coastal zone.

Other Agencies Involved

None.

OIL AND GAS LEASES ON STATE LANDS

Program Description

The program makes available all State lands, except State park lands, for oil and gas leasing upon approval of the State agency having jurisdiction over the particular piece of land. The process include definition of leased area, construction of maps for the area, placing of the area for leasing, and advertising for competitive bids with the award going to the highest responsible bidder. There is some negative impact on the land, although only a small percent of the land is disturbed during operations. All oil and gas leases are limited in duration to ten years and as long thereafter as oil or gas is produced in commercial quantities. After operations cease, the property must be left in a condition satisfactory to the agency having jurisdiction over the land.

Statutory Authority

Environmental Conservation Law, Title 11, Article 23.

Program Status

Substantial acreages are involved. By 1974-75, about 85,000 acres of State lands were under lease.

Relationship to Coastal Zone Management

This program could have significant effects in coastal areas where State lands are determined to contain oil and/or gas. To the extent that such information is presently known, it must be considered during development of the management program, particularly when permissible land and water uses and priority uses for particular areas are being considered. Once SEQR becomes effective, it would appear that the provisions of this program will be strengthened if it is determined that an environmental impact statement would be required for leasing.

Other Agencies Involved

Any government agency with jurisdiction over certain State lands. With respect to lands under water held by the State, jurisdiction is in the Office of General Services.

PLUGGING OIL AND GAS WELLS

Program Description

Under Title 3 of Article 23, ECL, the operator of a well that is unproductive or that becomes a non-commercial producer must obtain a permit from the Department and plug the well in a satisfactory manner. The Bureau of Minerals maintains surveillance of as many plugging operations as manpower permits. In cases where a well is not plugged and there is a well plugging and surface restoration bond in force, the bonding company is held responsible for funding the plugging operation. The State is empowered to take temporary possession of the land. The State than hires a contractor to plug under Departmental plugging standards and recovers the expended funds from the bonding company to the limits of the bond and from the operator if the bond is insufficient. This law applies only within the 3 mile limit.

Statutory Authority

Environmental Conservation Law, Article 23, Title 3

Program Status

This permit and plugging procedure is on-going and carried out as needed. At the end of 1974, at least 1500 wells needed plugging. During 1975, 553 wells were plugged.

Relationship to Coastal Zone Management

If an unplugged well in the coastal zone is a source of land or water pollution, or responsible for other adverse environmental effects, this program will enable action to be taken to correct the situation. For this reason, this program must be incorporated into and made an integral part of a coastal zone management program.

Other Agencies Involved

None

MINED LAND RECLAMATION

Program Description

This program was enacted to control the environmental impacts of surface and underground mining and assure suitable reclamation of mined areas. All public and private mining operations extracting over 1,000 tons of material within a twelve month period, including sand and gravel, must have a permit to proceed from DEC. The permit application must include both a plan for the mining operation and a plan for the reclamation of the mined area to bring it to a condition compatible with its surroundings and encourage its future re-use. The plans are to be related to officially adopted local government land use plans and regulations. If a permit is granted, the applicant except for political subdivisions or municipalities must post a bond to assure compliance with the approved mined use plan.

DEC is taking steps to integrate the Mined Land Reclamation Law with review processes set up under the State Environmental Quality Review Act (SEQR).

Statutory Authority

Environmental Conservation Law, Article 23, Title 27.

Program Status

The permit program is now in effect under draft rules and regulations; hearings on the draft regulations were held in February, 1976, and revisions are now being made. Primary emphasis at this time is being placed on the first of two major phases of the program - registration of all active mining operations in the state. Upon completion of the first phase, the second phase which consists of full implementation will begin.

Relationship to Coastal Zone Management

To the extent that proposals for mining are made within the boundaries of the coastal zone management area, this program will help ensure that reclamation of the mined area takes place.

Other Agencies Involved

None.

WILD, SCENIC AND RECREATIONAL RIVERS PROGRAM

Program Description

Established by State legislation in 1972, this is a program to preserve, protect and enhance rivers with outstanding natural, scenic, historic, ecological and recreational values, parallelling a 1968 Federal law for a similar national program. This State system provides the Commissioner of the Department of Environmental Conservation jurisdiction over components of the rivers system outside the Adirondack Park and on State owned land within the Adirondacks. Rivers are classified into the system by the legislature, which may also specify certain rivers for study by DEC and/or APA with respect to possible classification. Both agencies may also initiate recommendations to the legislature. The law establishes criteria for "wild," "scenic," and "recreational" classifications and provides that DEC and APA must define boundaries and develop and enforce regulations for the management and protection of streams, once classified.

While rules and regulations have not yet been promulgated, it is DEC's intent to delegate as much of the program as practical to local governments, providing they demonstrate the ability and willingness to meet minimum management standards. The key to local land use controls in designated river areas is local/State cooperation and action through appropriate management devices such as local codes, zoning and land-owner agreements. To facilitate this cooperation and action, the initial DEC program guidelines call for the appointment, by the Commissioner of DEC, of local management advisory committees to assist the Department in the development and implementation of management programs.

Statutory Authority

Environmental Conservation Law Article 15, Title 27 (1972)

Program Status

Approximately 55 rivers have been designated in the Adirondack Park and an additional six have been designated outside. Two of these are on Long Island, with sections of them possibly falling within that part of the coastal area to be designated as the coastal zone for management purposes. Several other rivers in coastal zone counties along the Hudson River are currently being studied or have had studies completed which recommend their inclusion into the system. Preliminary studies have been done on a number of streams in the Great Lakes Coastal Zone counties of Jefferson and St. Lawrence to determine their eligibility for possible inclusion in the system.

Relationship to Coastal Zone Management

This program is significant for the CZM program in several respects. The designation of rivers in coastal areas will assist in the determination of a landward CZM boundary and in the designation of geographic areas of particular concern (GAPC's). The land and water use criteria for each designated river's classification will assist in the determination of CZM permissible and priority uses for wild and scenic rivers in the coastal zone. The land and water use regulations for each river classification can be incorporated into CZM program as an implementing mechanism.

Other Agencies Involved

Adirondack Park Agency; municipal governments where appropriate.

PROTECTION OF NATURAL AND MAN-MADE BEAUTY

Program Description

Under Article 49 of the Environmental Conservation Law, DEC has the power to develop policies and programs to preserve and enhance the natural and man-made beauty of the State and to encourage, facilitate and assist in the coordination of various State agencies desiring to further the objectives of the program. DEC is also encouraged to advise and assist local governments in developing and coordinating policies and programs with respect to natural beauty. Other functions given DEC include the power to: inventory, study and survey the State's scenic, aesthetic and cultural resources; designate scenic sites, areas and highways in the State and develop programs for their preservation and enhancement; promote the application of aesthetic considerations in the location, design, construction and maintenance of State lands, projects and buildings, and serve as a clearinghouse for information relating to the preservation and enhancement of natural and man-made beauty.

Statutory Authority

Environmental Conservation Law, Article 49

Program Status

No specific programs of DEC are currently based on this article.

Relationship to Coastal Zone Management

Given the extensive scenic and aesthetic resources of New York's coastal zone, the powers given to DEC under this law could be used as the basis for designating specific scenic sites and areas in the coastal zone and developing programs to ensure their preservation and protection.

Other Agencies Involved

Other State agencies and local governments could become involved.

STATE NATURE AND HISTORICAL PRESERVE TRUST

Program Description

This program provides for the acquisition and administration of lands and waters outside of the Forest Preserve Counties which, because of their wilderness character and natural beauty, or geological, historical and ecological significance, should be preserved. Properties so dedicated constitute the State Nature and Historical Preserve. Recommendations for inclusion or acquisition of properties for the Preserve, and for their administration are made by the State Nature and Historical Preserve Trust whose chairman is the Commissioner of NYS DEC.

The Environmental Quality Bond Act of 1972 is the current major vehicle for providing funds to implement the acquisition program. Under the Act, $2.5 million is available for property acquisition in Western New York, $3 million in Central New York, and $4.5 million for the Hudson Valley, New York City and Long Island.

Statutory Authority

NYS Constitution, Article XVI, Section 4; Environmental Conservation Law, Article 45 and Article 51, Sec. 51-0701 (3)(EQBA).

Program Status

Wile the program has been operational since the 1972 Bond Act was passed, no funds have yet been expended to acquire lands. However, several parcels are being administered under the program, having been acquired through donations.

Relationship to Coastal Zone Management

This program can be useful to CZM in several respects. First, if natural areas near the coastline have already been identified as being suitable for acquisition by the Trust, they are undoubtedly eligible for designation as geographic areas of particular concern that should be preserved and protected under the CZM program. Second, the Trust provides an excellent means for acquiring and preserving these natural areas located within the coastal zone. Third, areas identified by the Trust as suitable for acquisition can be used to help determine a coastal zone boundary for management purposes.

Other Agencies Involved

The Trust consists of the Commissioners of the Department of Environmental Conservation and Parks and Recreation; the Chairman of the Council of Parks and Recreation and four lay members appointed by the Governor.

ENDANGERED PLANT SPECIES PROTECTION

Program Description

The State's endangered plant species legislation provides for preparation of a list of endangered plant species meriting protection which should not be picked or removed from their native habitat. The law makes it a violation to knowingly pick, pluck, sever, remove or carry away any protected plant, without consent of the owner. Violations are punishable by a fine not to exceed $25. The list of protected plants was prepared by a committee of 28 leading biologists and is incorporated into rules and regulations for the program.

Statutory Authority

ECL Article 9-1503 (1974); 6 NYCRR Part 193.2, 193.3 (1975)

Program Status

The program is on-going with rules and regulations in effect.

Relationship to Coastal Zone Management

This law could be effective in those coastal areas where the location of rare and endangered plant species are known. However, these are not now generally known. If the proposal by the State Museum to conduct such an inventory is funded, this law would be the principal regulatory device for protecting endangered plants and as such should be incorporated into the CZ management program.

Other Agencies Involved

State Museum for inventory

WATER RELATED PROGRAMS

MARINE AND COASTAL RESOURCES

Program Description

DEC has numerous responsibilities for managing certain animals and plants of the marine environment including the fish, shellfish, crustaceans and other invertebrate animal resources. The marine environment (marine and coastal district) subject to management is defined by law to include the waters of the Atlantic Ocean within three nautical miles from the coastline and all other tidal waters within the state, including the Hudson River up to the Tappan Zee Bridge. Such marine environments include the ocean, sound, bays, harbors, rivers, creeks, marshes and the underlying substrates.

The Department coordinates and manages all aspects of shellfish production, and is responsible for developing and maintaining expertise on the marine algae resource. One responsibility is administration of the New York State Shellfish Sanitation Program which requires the monitoring of the sanitary condition of all shellfish-growing waters within the State and the licensing and inspection of intra and interstate shipment of all shellfish. Data gathered on sanitary conditions are utilized in determining those areas that may be certified for the direct harvesting of shellfish.

The Department also conducts management programs designed to maximize the sustained availability and utilization of shellfish resources. These include shellfish transplanting operations, leasing state-owned underwater lands, and the issuance of numerous kinds of permits. Other programs are designed to conserve and manage the many species of marine finfish and crustaceans for recreational and commercial uses.

Statutory Authority

ECL Article 13.

Program Status

These are all on-going programs.

Relationship to Coastal Zone Management

The various program responsibilities of DEC for managing marine and coastal fishery resources are significant for the CZ management program in several respects. First, information on the locations of highly productive marine fishery environments can be used for the inventory and designation of geographic areas of particular concern (GAPC's) and the identification of permissible and priority uses; second, existing DEC management programs to protect the fishery resources can be incorporated into the CZM program to control water uses.

Other Agencies Involved

Several federal agencies, including the U.S. Public Health Service.

OIL SPILL CONTINGENCIES AND LIABILITIES

Program Description

Article 71 of the Environmental Conservation Law provides for strict penalties and strict liabilities for spills of bulk liquids. New York State has an unofficial Oil Spill Contingency Plan, contained in Chapter 1810 of DEC's Policies and Procedures Manual (PPM). A Handbook elaborating the PPM's is being prepared and will be promulgated within the next 6 months. NYS DEC provides support as requested by the Coast Guard and the Federal Environmental Protection Agency under the National Oil Spill Contingency Plan.

Outer Continental Shelf spills are covered in the national level by a separate memorandum of understanding between the U.S. Department of State, Transportation, and Interior. NYS's role in relating to this separate contingency plan has not yet been established.

Statutory Authority

ECL Article 71, 1941.

Program Status

Applied as necessary.

Relationship to Coastal Zone Management

Since spills of oil and other bulk liquids can have adverse effects on the coastal environment, this enforcement program is significant from the standpoint of being a deterrent against such occurances. As such, it must be incorporated into the CZ management program to aid in preventing damage to coastal resources.

Other Agencies Involved

None.

REALTY SUBDIVISIONS: SEWERAGE SERVICE AND WATER SUPPLY

Program Description

Any subdivision of five or more parcels must receive approval from DEC, or the city, county or part-county department of health having jurisdiction, of its plans for obtaining and furnishing adequate sewerage facilities and a water supply. Approval must be given before any lots are sold, leased or rented or before any permanent building is erected.

Statutory Authority

ECL 17-1505, 1515; 6 NYCRR 653.

Program Status

This is an ongoing approval process operated in response to submission of plans.

Relationship to Coastal Zone Management

This is a basic approval process which, by ensuring adequate sewerage facilities and water supply for subdivisions, helps to prevent water pollution. As such, it certainly must be incorporated into a coastal zone management program as a means of controlling land uses which affect water quality of coastal waters and adjacent streams, estuaries, wetlands, etc.

Other Agencies Involved

City and county health departments.

WATER SUPPLY APPROVAL

Program Description

This program provides for DEC review and approval, after public notice and possible hearing, of proposed new water supplies, both with respect to distribution to the public and/or taking of large quantities of ground or surface water for either public distribution or private use. Such required approval constitutes a major review power over large scale developments throughout the State. This review power has been expanded by regulations such as Part 615 which can require, for subdivision approval, the submission of an environmental impact statement to enable DEC to determine possible adverse environmental impacts.

Statutory Authority

Environmental Conservation Law, Title 15, Article 15; 6 NYCRC,Part 601, also Part 615.

Program Status

Water supply approval is a regulatory program of an on-going nature. About 150 permits a year are issued on the average and one-third to one-half of these are for new subdivisions. The remainder are for extensions of existing systems or additional wells for existing systems.

Relationship to Coastal Zone Management

This is a regulatory program that is of considerable importance to implementation of a CZM program through its State powers to deny or limit water supply approval to developments not meeting water supply standards or creating adverse impacts on existing supplies. The application of this power within the boundaries of the to-be-designated coastal zone will permit, when the provisions of Part 615 of 6 NYCRC are invoked, a review of the potential environmental impact of the entire project of which the application represents a part. Of course, when SEQR becomes effective, its provision should cover the requirement for an environmental impact assessment. However, the actual power to deny water supply approval will be one means by which SEQR can be implemented if adverse environmental impacts with respect to water supply are found.

Other Agencies Involved

Joint regulation by NYS Health Department and local health departments emphasize public health rather than environmental concerns.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES)

Program Description

State or National Pollutant Discharge Elimation System (SPDES/NPDES) permits are required of all parties who propose to discharge pollutants into the State's waters. However, while SPDES is similar to NPDES, it also includes not only surface water pollutant discharges over 10,000 gallons per day, but all subsurface discharges (excepting individual house systems of 1000 gallons per day or less). DEC incorporated NPDES in its issuance of SPDES permits as of October 28, 1975.

DEC issues such permits, specifying effluent limitations and standards, compliance schedules and required monitoring, after public notice and optional public hearing regarding all discharge permit applications. All industrial, commercial, municipal and residential discharges are covered (explicitly including five or more lot subdivisions) unless they discharge through a municipal sewage treatment system.

Since SPDES requires that the water quality classification of the water receiving the discharge cannot be contravened, the system has considerable impact on future locations and intensity of development and on proposed changes in existing land uses.

Statutory Authority

Federal: Water Pollution Control Act of 1972 (P.L. 92-500), Sections 301, 302, 306, 307, 402; State: Environmental Conservation Law Article 17, Title 8; 6 NYCRR 750-757, Chapter X, Subchapter A, Article 1; 6 NYCRR 652, Chapter X, Subchapter A, Article 1.

Program Status

SPDES is an on-going program. All existing and future wastewater discharges must be issued permits, monitored and reissued permits on a five year basis.

Relationship to Coastal Zone Management

SPDES will be an important mechanism for coastal zone management, particularly in helping to maintain the water quality classifications of coastal waters by requiring certain treatment levels of existing and new discharges. In some cases where the CZM program may call for revision in water quality classifications as a result of changes in desired water uses for a particular area, SPDES can be an important tool to be used in achieving the new classifications.

Other Agencies Involved

The U.S. EPA is kept informed of the status of discharge permits issued. DEC receives inputs for SPDES processing from local and county health departments. DEC also provides input to local health departments in the form of plan reviews.

PROTECTION OF WATERS

Program Description

Under this law, permits are required for: changes, modifications, or disturbances to beds or banks of protected streams (those classified C "trout" or higher); excavations or fills in navigable waters or adjacent estuaries, tidal marshes and wetlands; and the construction of sizable dams or docks. Permits must be obtained from DEC and hearings may be held, if necessary, prior to such permit issuance.

Permits are granted only after a determination that the health, safety and welfare of the people in the state will not be affected by the proposed action and that the natural resources of the State, including soil, forests, water, fish and aquatic resources will not be adversely affected.

Plans to disturb a stream or navigable waters will not be approved if the proposal causes unnecessary soil erosion, increased water turbidity, irregular variations in water velocity, water temperature and water levels, pollution of waters, loss of fish and aquatic resources, the danger of flooding or the destruction of natural habitat.

Statutory Authority

ECL Article 15, Title 5; 6 NYCRR Part 608

Program Status

This is an ongoing program carried out in response to permit applications.

Relationship to Coastal Zone Management

This is a permit program which will be of considerable importance to implementation of a CZM program since many of the permits deal directly with activities proposed in that portion of coastal areas designated as the coastal zone for management purposes. Primarily, the requirement for permits will be an important element of the CZM program by making it possible to control proposed activities such as fills and excavations which are deemed undesirable in certain geographic areas of particular concern (GAPC) that are designated for protection or preservation. Also, this program will be one means of controlling and regulating permissible land and water uses when these are identified for the coastal zone.

Other Agencies Involved

None

RIVER IMPROVEMENT PROGRAM

Program Description

This program provides a method by which a project may be undertaken to improve the channel, construct dikes or regulate the flow of a river for the protection of life, property and the public health or welfare from damage by floods. The projects are undertaken at the expense of the owners of the properties and of the political subdivisions of the State which receive the benefits of the projects. River improvement districts, which are public corporations, may be created to carry out the program for a particular river or portion of the river and may receive federal aid either in the form of direct financing or actual performance of the work by a federal agency.

Statutory Authority

Environmental Conservation Law, Article 15, Title 23.

Program Status

The need for this program, with its local financing provisions, has largely been superceded by the availability of federal aid for flood control projects under various programs.

Relationship to Coastal Zone Management

This program would be applicable only to the Hudson River coastal zone from New York City to Troy and to the St. Lawrence River coastal zone. It is conceivable, in the course of developing a CZM program, that the control of certain land and/or water uses in these coastal areas could be accomplished by implementation of this program.

Other Agencies Involved

Municipalities.

WASTE COLLECTION REGISTRATION PROGRAM

Program Description

Those who commercially clean septic tanks or cesspools, or marina sanitary waste-holding facilities, or scavenge or dispose of commercial wastes and industrial process wastes, must register with DEC. (Most industrial wastes are now handled privately but will be brought in under the law by amendment in the near future.) Application indicates the type of waste and the proposed method or place of disposal. Certification is granted if the $25 fee is paid and if the means of disposal is acceptable to the Department. The program is implemented by the Central Office, Regional Office, or County Health Department, depending upon the applicant. There are about 750 commercial collectors in the State, disposing of more than 165 million gallons of wastes a year. Of this, about 30 million gallons is spread on agricultural land, or lagooned and disposed in a sanitary land fill. Improper disposal could lead to contamination of ground or surface waters or to a condition that would be detrimental to growth of vegetation.

Statutory Authority

ECL 27-0301, Title 3; 6 NYERR 364

Program Status

Registration and certification is carried out in response to application.

Relationship to Coastal Zone Management

There could be significant implications of this program for CZ management, particularly if these wastes are spread on agricultural land or sanitary land fills in coastal areas. Improper disposal could lead to contamination of ground or surface waters or to a condition that would be detrimental to wetlands or other ecologically significant coastal areas. For these reasons, this registration program should be incorporated into the CZ management program to ensure proper disposal that takes into account designated geographic areas of particular concern, permissible land and water uses, etc.

Other Agencies Involved

County health departments in some cases.

AIR POLLUTION CONTROL PROGRAMS

AIR QUALITY MAINTENANCE PLANNING

Program Description

In response to federal requirements and a federal court case, air quality maintenance areas have been identified throughout the State where national air quality standards may be exceeded because of expected growth and development between 1975 and 1985. The federal court ruled that the basic State Implementation Plans did not address the maintenance of standards once these standards are achieved, as required by the Act. Accordingly, the federal EPA indicated that all plans submitted by States were deficient and that a formal maintenance planning process would be needed.

Ten areas of New York State are designated maintenance planning areas. New York City, Nassau, Suffolk, Westchester and Rockland counties comprise one Air Quality Maintenance Area. The nine other areas include the Mid-Hudson, Capital District, Utica-Rome, Syracuse, Rochester, Niagara Frontier, Jamestown, Elmira-Corning and Binghamton regions. If the analysis of an area reveals the likelihood of a national air quality standards violation, plans will be formulated to insure maintenance of the air standards. If a violation is not probable within the 1975-85 period, designation of the area is not rescinded; however, a plan for the area is not required.

The plans for some areas could include controls on the modification and location of present and future areawide transportation facilities, industrial and residential development, and construction of indirect sources.

Statutory Authority

P. L. 91-604 (Clean Air Amendments of 1970), Section 110. Court decision in NRDC v EPA, 1973 Sec. 40, CFR Part 51.

Program Status

Analysis is proceeding for the ten areas. Present schedules call for approved plans for the designated areas by 1978.

Relationship to Coastal Zone Management

For those portions of the coastal zone located in a designated air quality maintenance area, the plans for these areas could include extensive controls over certain types of land uses based on the need to maintain air quality standards. Because the dispersal of development is often more conducive to the achievement of air quality standards, there may be conflicts with other objectives for the coastal zone which may call for more concentrated development in order to preserve or achieve certain other coastal zone values. Conversely, benefits could accrue to the coastal zone if land use controls to achieve air quality standards prevent certain types of development that may be deleterious to the coastal zone.

Other Agencies Involved

Regulations require involvement of local and regional planning agencies in the planning process, plus the state transportation planning agency.

SIGNIFICANT DETERIORATION OF AIR QUALITY

Program Description

Perhaps the most controversial element of the interpretation of the national Clean Air Act is the significant deterioration or "non-degradation" issue. Current U.S. Environmental Protection Agency regulations are based on a Supreme Court decision stating that the Clean Air Act prohibits the degradation of air quality in areas that presently have cleaner air than required by Federal primary and secondary ambient air quality standards.

Current regulations allow States the option of designating areas as Class I, Class II or Class III. Class I designation allows for a very small increment of air degradation to Class III which would approach the national standards.

Congress is presently amending the Clean Air Act to affirm the non-degradation in the law rather than the regulations. The proposed legislation would reduce federal authority in favor of expanding the State and local role, but would still maintain the three classification options. The pending legislation states that no area may exceed 90% of lowest national standards for all pollutants; variances by the States may be granted for coal conversions or gas, curtailments, temporary particulate sources, and new foreign pollution sources. Certain regions such as national parks and wilderness areas would automatically receive the Class I designation.

Statutory Authority

P. L. 91-604 (Clean Air Act Amendments of 1970)

Program Status

Awaiting amendments to the Clean Air Act

Relationship to Coastal Zone Management

The concept of non-degradation of air quality is far-reaching and could have substantial effects on the nature, extent and location of future development in the coastal zone, depending upon the content of the Congressional amendments to the Clean Air Act currently being considered. Any coastal zone management program will have to be cognizant of and incorporate provisions of non-degradation rules and regulations into the program. In New York, there are likely to be numerous sections of the coastal zone falling within the more stringent classification. In addition, the designation of Geographic Areas of Particular Concern in the coastal zone will aid New York in assigning classifications to areas within the coastal zone.

Other Agencies Involved

Regulations developed, once the new amendments are enacted, will likely call for formal intergovernmental participation.

PERMITS FOR SOURCES OF AIR POLLUTION

Program Description

DEC has the authority to issue permits for sources of air contamination and does so through a number of rules and regulations. Specifically, the Department regulations require that a permit to construct be obtained from the Department before a source of air pollution may be built, installed or modified. The regulations also require that a certificate to operate be obtained from the Department before a source of air pollution may be operated. For both permits and certificates, applicants must provide proof that the source will not violate air quality standards nor any of the emission regulations which apply. Both federal and state air quality standards are considered in reviewing applications. The emission standards cover the full range of air pollution sources, including industrial processes, storage facilities, combustion installation and incinerators. The degree of air contaminant emission control required varies from source to source on the basis of source size and the potential environmental effect of emissions. Larger sources which are more easily and economically controlled and sources that emit more toxic materials are required to control to a greater degree.

Statutory Authority

ECL 19-0301.

Program Status

This is an on-going program which issues permits as requested.

Relationship to Coastal Zone Management

With respect to air quality in coastal areas, this permit program will help ensure that appropriate standards are met. Accordingly, the program should be incorporated into the CZ management program as one more means to maintain desired environmental quality.

Other Agencies Involved

None.

INDIRECT SOURCE CONTROL

Program Description

This permit procedure prevents construction or modification of an indirect source of air contamination without a valid permit to construct from NYSDEC. Indirect sources are facilities which do not have air contaminant emissions themselves but which attract a large number of motor vehicles. Construction affected includes parking lots, roads and highways, airports, stadiums, and other facilities with large associated parking for automobiles. The size and location of the indirect source determine whether the construction comes within the scope of the regulation. DEC can disapprove construction or modification of an indirect source if the source would either cause a new violation or exacerbate an existing violation of any applicable air quality standard at any time in the ten years following the construction or modification. However, the permit procedure emphasizes encouraging prospective indirect source owners to adequately design and locate facilities so as to minimize the impact of vehicular emissions as opposed to simply approving or disapproving the proposed construction.

Statutory Authority

P. L. 91-604 (Clean Air Amendments of 1970); Environmental Conservation Law, Section 3-0301, 19-0301, 19-0303.

Program Status

This permit procedure is an on-going program.

Relationship to Coastal Zone Management

This permit procedure will affect land use aspects of the CZM program by the major impact that air quality considerations will have on any proposed development in certain portions of the coastal zone, primarily those near large urban areas. In heavily used coastal areas such as Long Island, the overall effect may be beneficial with respect to other coastal resources since certain types of development with possible adverse effects on these resources may not be built if air quality standards will be contravened. Thus, this permit procedure should be incorporated into a CZM program as one means of exerting control over certain types of land uses in some portions of the coastal zone.

Other Agencies Involved

None.

UPGRADING STATE/MUNICIPAL AIR POLLUTION SOURCES UNDER EQBA

Program Description

The Environmental Quality Bond Act of 1972 authorizes the State to provide funding (partial for municipal, full for State) for upgrading stationary air pollution sources. $50 million is provided for upgrading State facilities; $100 million is provided for municipal air quality improvement projects. The State funds municipal projects up to 50% of the cost of the project. In New York State most municipal incinerators do not have adequate emission control to handle the burning of 20,000 tons of solid waste daily. Environmental Quality Bond Act funds provide for necessary improvements to reduce particulates. Priority is given to those State facilities not meeting emission standards in those areas of the State where ambient air quality standards are not being met.

Statutory Authority

Environmental Quality Bond Act, Title 3, Chapter 658, Laws of 1972

Program Status

To date, municipalities have submitted a total of 346 applications requesting State assistance. Thirty of these applications have been approved. In the State sector, 132 projects have been approved and 106 projects completed.

Relationship to Coastal Zone Management

This is not a significant program for most of the coastal zone. However, in those areas where air pollution from State or municipal stationary sources is a problem, the program does provide funds for emission control. Most likely to benefit are the coastal areas of Long Island, New York City and the lower Hudson where the population is large and incinerators and other air pollution sources more numerous.

Other Agencies Involved

Municipalities that receive funds are responsible for work done to the air pollution source.

OTHER STATE AGENCY PROGRAMS

SITING OF MAJOR STEAM ELECTRIC GENERATING FACILITIES

Program Description

DEC participates in Article VIII (Steam Electric Generation Facilities) proceedings as a statutory party empowered to present expert testimony "concerning the potential impact of the proposed facility and any alternative facility or energy source of the environment, and whether and how such facilities would comply with applicable State and municipal environmental protection laws, standards, policies, rules and regulations" (PSL, Art. VIII; S 144.1.b). Applicants for a steam electric generating facility of 50,000 kilowatts or more must obtain a certificate of environmental compatibility and public need from the NYS Board on Electric Generating Siting and the Environment. The Commissioner of Environmental Conservation is one of the five statutory members of the Board. DEC also furnishes, by law, an Associate Hearing Examiner for the hearings during which the Record is established upon which the application must be approved, denied, or modified. The Board possesses broad discretionary powers to modify proposed certifications with respect to site, type of generation, and design features subject to the constraint that such modifications must be based upon the Record. Participation in any Article VIII case is open to all interested parties, subject to the administrative mechanisms established in the law.

Statutory Authority

Public Service Law, Article VIII

Program Status

This review process is an on-line program and coordination activity is done on an as-required basis. Article VIII preceedings are given a high priority in environmental analysis activity.

Relationship to Coastal Zone Management

Article VIII proceedings will be an integral part of the Coastal Zone Management Program. They will help ensure that proposals to construct a facility as large as a major power plant, which could possibly have widespread adverse environmental effects if located in certain parts of the coastal zone, are subject to a thorough review so that all possible conditions, safeguards, alternatives and impacts are considered.

Other Agencies Involved

Local governments as well as the private sector participate along with DEC in providing input to PSC in Article VIII proceedings.

GAS PIPELINE AND ELECTRIC TRANSMISSION LINE CERTIFICATION

Program Description

Article VII of the New York State Public Service Law (PSL) requires new gas transmission pipelines and new major electric transmission lines to obtain Public Service Commission certification of environmental compatibility and public need prior to construction. A formal hearing process is provided for both types of certification on receipt of an application. DEC, the Department of Commerce and the Secretary of State are statutory parties to the proceedings.

Statutory Authority

PSL Article VII

Program Status

The certification proceedings are carried out in response to applications.

Relationship to Coastal Zone Management

For gas pipeline and electric transmission line facilities proposed for coastal areas, the required certification process will help ensure that the proposals meet the objectives of the CZ Management program with respect to permissible land and water uses and preservation and protection of certain designated geographic areas of particular concern(GAPC's). For these reasons, the certification process should be incorporated into the CZM program as one more means by which controls are exercised over land and water uses.

Other Agencies Involved

DEC, Department of Commerce and the Secretary of State.

AGRICULTURAL DISTRICTING

Program Description

The program provides for the creation of agricultural districts of 500 acres or more to foster continued viable agricultural operations and protect such areas from extensive non-farm development, regulations hampering agriculture, and prohibitive taxation. More specifically, creation of an agricultural district has the following effects: (1) local regulations that unreasonably restrict farming in agricultural districts are to be limited; (2) policies of State agencies are to reflect the importance of farming in agricultural districts; (3) the exercise of eminent domain and the advance of public funds that would facilitate non-farm land uses within an agricultural district are to be limited; (4) the power of certain public service districts to impose benefit assessments or special district (add valorem) levies is to be limited; and (5) most land within an agricultural district will be eligible for an agricultural value assessment.

Creation of districts depends upon local initiative, representing strong intentions at county and local levels to maintain agriculture as a significant land use. After approval by the county, every district must be certified by the Commissioner of Environmental Conservation as to its consistency with State environmental policies and objectives. Such certification is granted only after reviews by the Department of State as to possible conflicts with State comprehensive plans and by the Agricultural Resources Commission to assure that the district is predominantly viable agricultural land. Since September 1975 districts of 2000 acres or more defining unique and irreplaceable agricultural land may be created by the Commissioner of Environmental Conservation.

Statutory Authority

Agricultural and Markets Law, Article 15AA (Chapter 479, Laws of 1971, as amended).

Program Status

The program has been in operation since September, 1972. There are presently over 3½ million acres of land in 170 Agriculture Districts in 45 counties of the State. Within coastal zone counties, 55 districts have been created as of January, 1976.

Relationship to Coastal Zone Management

Where agricultural districts fall within the boundary of the coastal zone management area, there will be a degree of added protection for agricultural lands that would not otherwise exist. This may be particularly important in some of the fruit growing areas along the Great Lakes where close proximity to coastal waters is beneficial for certain species. However, it should be noted that an agricultural district does not guarantee iron-clad preservation of agricultural lands, but only makes it more difficult for development to disrupt farming activities.

Other Agencies Involved

Agriculture Resources Commission; Department of State; county governments.

PARKS AND RECREATION

Program Description

The New York State Office of Parks and Recreation (OPR) undertakes a number of activities. It has the power to acquire land, and develop, preserve, manage, maintain and operate properties. OPR can also enter into contract with other individuals and groups for these purposes. Currently, OPR holds 142 different properties, many of them in the coastal zone area, ranging from natural and historic preservation areas to areas developed for intensive recreation.

OPR has an enforcement function through the State Park and Parkway Police and through the administration of the Recreational Vehicle and Navigation Laws. The placing of navigation markers and the charting of certain inland waters are also an OPR responsibility where the Coast Guard and/or New York State Department of Transportation does not perform these functions.

The OPR has either direct responsibilities for State programs and/or directly manages Federal programs providing grants-in-aid for the acquisition and development of recreational areas and for the preservation of historic sites. In this capacity OPR accepts and reviews applications, provides for appropriate budgetary, audit and other State support, provides for the appropriate environmental analysis and maintains the appropriate acts and documents for these projects.

The Commissioner of OPR is State Liaison Officer for recreation and historic preservation. In this role, in addition to the grants-in-aid and operations functions mentioned above, the Commissioner is in some cases required to and in other cases has the powers to review and comment on projects sponsored by other agencies. Most of these functions relate to the preservation and use of recreational land and waters and historically and archeologically important sites.

Statutory Authority

NYS Laws of 1970, Chapter 140; L. 1971, Chapters 426, 745, 868, L. 1972, Chapters 660, 662, 663.

Program Status

These are all on-going programs

Relationship to Coastal Zone Management

Existing OPR programs can be useful to CZM in several respects. Identification of OPR properties in coastal areas will assist in the determination of the boundaries of the coastal zone subject to the management program and in the designation of geographic areas of particular concern. OPR powers to manage its properties can be incorporated into the CZM program as a means to control land and water uses on these properties. The powers of OPR could be used in appropriate instances to acquire coastal lands suitable for recreation or historic preservation. Finally, the review powers of OPR should be incorporated into the CZM program to ensure that projects sponsored by other agencies do not adversely affect OPR recreational or historic sites.

Other Agencies Involved

Other State agencies proposing projects that may adversely affect OPR properties.

TRANSPORTATION

Program Description

The New York State Department of Transportation (DOT) has the responsibility to coordinate and develop comprehensive, balanced transportation policy and to coordinate and assist in the development and operation of the transportation facilities and services that the State requires. Such facilities include highways, rapid transit, railroad, bus, marine and aviation facilities and services, whether publicly or privately owned, developed, operated or maintained.

Statutory Authority

New York State Transportation Law.

Program Status

These are on-going programs.

Relationship to Coastal Zone Management

Since the location of transportation facilities in coastal areas could have major impacts on land and water uses within the coastal zone, there must be a mechanism incorporated within the CZM Program to ensure that these impacts are eliminated or minimized. Because many transportation facilities are federally-funded, the National Environmental Policy Act would require the preparation of an Environmental Impact Statement (EIS) for such federally-funded projects. This would serve as an appropriate mechanism to review impacts. In addition, implementation of the State Environmental Quality Review Act (SEQR) will ensure that remaining non-federally-funded projects are scrutinized for their environmental impacts. With these two environmental review mechanisms (NEPA and SEQR) in place, assessment of the environmental impact of transportation facilities proposed for coastal areas is assured.

Other Agencies Involved

DEC; municipalities.

PUBLIC LANDS LAW (PLL)

Program Description

The Office of General Services (OGS) has responsibility for the general care and superintendence of all State land, upland and underwater, which is not vested in some other State department, division, bureau or agency. The Commissioner of General Services is generally empowered to issue leases, grants easements and licenses for dredging, bulkheads, fills and structures, pipelines, and cables, both underwater and aerial. However, under an amendment to the Public Lands Law, OGS no longer has responsibility for the licensing and regulation of the taking of sand, gravel or other materials found in underwater State lands bordering Erie County, most of Chautauqua County, and all of Long Island.

Specific programs include:

(1) Grants of Unappropriated State Lands (PLL, Article 3): These are lands to which the State holds title and are not directed by law to any specific use. Included are lands declared surplus to the needs of any State agency. Lands are sold at public auctions to private individuals or municipalities.

(2) Underwater Land Grants (PLL, Article 6): Grants in perpetuity of underwater land may be made to owners of adjacent land to promote commerce or for other agricultural, recreational, transportation or conservation purposes. Permits from various government agencies may be required.

(3) Extracting Minerals from State and Private Lands (PLL, Article 7): Permits may be issued to enter upon State lands for working a mine or extracting any minerals. Royalties are payable to the State.

(4) Underwater Land Easements (PLL, Subdivision 2): In order to control the placement of structures on State underwater land, construction beyond an upland owner's riparian rights must be authorized by an easement on underwater lands not appropriated to any immediate use.

(5) Removing Material from Underwater Lands (PLL, Subdivision 5,Section 3): This program licenses and regulates the removal of sand, gravel, or other material from the underwater lands of the State. Most of this removal is done in connection with a requirement for fill material or keeping navigable channels open.

Statutory Authority

Public Land Laws, Articles 2,3,6,and 7.

Program Status

These are ongoing programs.

Relationship to Coastal Zone Management

The powers given the State under the Public Lands Law are potentially very significant for coastal zone management, particularly as means to exert controls over permissible land and water uses. However, it would be necessary to know where the lands subject to the PLL are located, especially the unappropriated upland and underwater lands. Most of the grants, leases, easement, licenses, permits, etc. which can be issued under the PLL are for activities that may have adverse effects on the coastal environment. Accordingly, it is essential that these fall under the purview of the CZ management program. When SEQR becomes effective, it would appear that the grants, leases, etc. will be subject to issuance of an environmental impact statement.

Other Agencies Involved

DEC; NYS DOT; NYS Geological Survey; NYS Department of State; NYS Power Authority; U.S. Army Corps of Engineers; and municipalities.

PRELIMINARY DISCUSSION OF PROGRAM STRENGTHS AND DEFICIENCIES

Introduction

New York State in recent years has enacted a number of strong environmental regulatory and management programs that can be incorporated into and whose provisions will greatly enhance the effectiveness of a Statewide Coastal Zone Management Program. The existence of such programs may make the process of developing a management program somewhat easier than it would otherwise be. However, this in no way underestimates the difficulties inherent in the process since, as will be seen below, there are a number of land and water resources of the coastal zone that still lack the necessary regulations or management controls for adequate preservation, protection or development. Such controls will have to be devised and incorporated into the management program through state legislation.

Program Strengths

The following is a brief discussion of existing State programs and authorities containing regulatory and/or management provisions which could be incorporated into the Coastal Zone Management Program to protect and/or preserve land and water uses and natural resources. The relationship to these land and water uses and natural resources to existing programs is graphically illustrated in attached Chart A.

Implementation of the Tidal Wetlands Act will provide a strong regulatory structure for the preservation and protection of tidal wetlands, which would most likely be designated as geographic areas of particular concern (GAPC) under the Coastal Zone Program. For a variety of ecological reasons which have been increasingly enunciated in recent years, tidal wetlands need the protection which the Act proposes to provide. In addition to these ecological reasons, the

protection of tidal wetlands will contribute to the maintenance of open space and scenic values and the prevention of erosion. Assuming that the final rules and regulations to be promulgated in November, 1976 do indeed provide the protection needed, the Act should be incorporated as a basic component of the Coastal Zone Management Program.

A related act, the Freshwater Wetlands Act, provides for another regulatory program which will protect and preserve freshwater wetlands above 12.4 acres on a statewide basis. With respect to the CZM program, this will primarily affect freshwater wetlands in the Great Lakes-St. Lawrence and the Hudson River coastal zones. The exemption from protection of wetlands below 12.4 acres may be a deficiency in the act. However, the Commissioner of DEC is given the discretion to include wetlands smaller than 12.4 acres in the program if they have unusual local importance by providing benefits of flood and storm control, wildlife habitat, protection of water resources, recreation, pollution treatment, erosion control, educational and scientific research, open space or sources of nutrients and fish sanctuaries. This is an important discretionary power which would appear to ensure that freshwater coastal zone wetlands under 12.4 acres that are designated as GAPC's under the CZM program could be protected. As with the Tidal Wetlands Act, the Freshwater Wetlands Act should be incorporated into the Coastal Zone Management Program as a basic component.

The Environmental Quality Bond Act provided funds for the acquisition and restoration of tidal and freshwater wetlands. However, very little money has been spent to date for either purpose. Assuming that funds become available soon, the Coastal Zone Management Program could benefit from the use of these funds to purchase those tidal or freshwater wetlands in the coastal zone which are especially critical for preservation and are best held in public ownership.

One of the most important acts that should be incorporated into the CZM program is the State Environmental Quality Review Act. It will supplement the existing NEPA system covering federal projects by ensuring that State and local projects are also scrutinized for their environmental impacts on coastal zone land and water uses. A related existing program, State Capital Projects Review, should not be needed once SEQR procedures become effective.

Articles seven and eight of the Public Service Law, dealing respectively with gas pipeline and electric transmission line certification and the siting of major steam electric generating facilities, are significant review proceedings that should be incorporated into the CZM program. They will help ensure that facilities proposed under these articles adequately meet requirements for the protection and/or preservation of coastal zone land and water uses. Much of the resource inventory information and data gathered under the CZ program will serve as input into these proceedings.

The State Pollutant Discharge Elimination System (SPDES) should be an important component of a Coastal Zone Management Program. The system will be particularly important in maintaining the water quality classifications of coastal waters by requiring certain treatment levels of existing and new discharges. In cases where the CZM program may call for revision in water quality classifications as a result of changes in desired water uses for a particular area, SPDES can be used to help achieve the new classifications.

Another strong existing program that will assist in maintaining desired land and water uses is that carried out under ECL Article 15 requiring permits for certain types of changes, modifications or disturbances to streams and navigable waters or adjacent estuaries, tidal marshes, and wetlands. This permit

system will especially make it possible to control proposed activities such as fills and excavations in certain GAPC's that are designated for protection or preservation.

The National Flood Insurance Program will be a significant non-structural component of the CZM program due to its incentive provisions for local regulation of land uses in flood hazard areas. Since the extent of such flood hazard areas is one of the criteria being used for delineating a preliminary coastal zone boundary, the regulatory measures adopted under this program will constitute an important and major element of that portion of the CZM program dealing with the regulation of permissible and prohibited land uses in flood hazard areas. A problem that could arise is the adequacy of local enforcement of flood hazard area regulations.

The protection and/or enhancement of air quality in coastal areas is covered by a number of programs based on the federal Clean Air Act Amendments of 1970. Major provisions relate to requirements for air quality maintenance planning and the need to prevent significant deterioration of air quality. The necessity to obtain permits for direct and indirect sources of air pollution is the principal means of program implementation. Based on the need to meet air quality standards, there could be extensive controls over certain types of land uses in coastal areas by the power to approve or deny permits. Since these are strong existing programs, their incorporation into the CZM program will not only contribute to the achievement and maintenance of air quality standards but have ancillary benefits to other coastal resources wherever development is restricted because of air quality consideration.

Several programs dealing with solid waste and waste collection should be significant components of the CZM program. One requires DEC approval of new

solid waste management facilities. To the extent that such facilities are proposed for coastal areas, this approval program will help ensure that the facilities are appropriately located and designed, especially with respect to environmental effects. The other, the waste collection registration program, should also be incorporated into the CZM program to ensure that improper disposal does not take place.

The provision of public access to private lands for the enjoyment of fish and wildlife resources is a strong point of the Fish and Wildlife Management Act (FWMA). Currently, there are plans to encourage FWMA agreements for the general enjoyment of fish and wildlife, such as bird-watching. As such, this program could be used as a significant component of the CZM program to involve additional private landowners in cooperative practices that would be compatible with other coastal zone amangement objectives. Another DEC and Parks and Recreation Program provides for the purchase of public fishing access to lakes and large rivers, including the provisions of boat launching sites. Accordingly, for those lakes and rivers falling within the coastal zone, this program could be used to obtain public access to fishing areas identified as having substantial recreational value if access were provided.

Another fish and wildlife program of considerable importance to coastal zone management in New York is that related to freshwater fish propagation and management. In particular, salmonid stocking programs planned for the Great Lakes could have significant economic and environmental impacts on several coastal communities. For this reason, coastal zone management must be cognizant of such a resource improvement program so that its associated coastal zone impacts are covered in a management program. In turn, the CZ management program must ensure

that measures are taken to preserve and protect those types of environments critical to maintenance of fish populations. Such measure, of course, relate to maintenance of water quality, preservation of wetlands, etc. As earlier noted, programs already exist in these areas whose objectives should be coordinated with fish maintenance objectives.

Related to freshwater fish programs are DEC's extensive program responsibilities for managing marine and coastal fishery resources. The objectives of these various management programs must be understood and incorporated into the coastal zone management program to ensure that marine coastal resources are protected.

The recently-enacted Mined Land Reclamation Act should control the environmental impacts of surface and underground mining and assure suitable restoration of mined areas. To the extent that mining proposals are made within the boundaries of the coastal zone, this program should ensure that reclamation takes place. Thus, it should be incorporated into the CZM program. With respect to oil and gas wells, there are several applicable programs. The most important one is that which provides for the plugging of wells so that adverse environmental effects are minimized. For those wells in the coastal zone, this is a significant law that needs to be incorporated into the CZM program.

With respect to historic sites and public recreation in the coastal zone, the Office of Parks and Recreation has numerous powers and responsibilities relating to acquisition, development, management and preservation. There are a number of areas where OPR programs can be incorporated into the CZM program. OPR powers to manage its properties can be used as a means to control land and water uses on these properties. The powers of OPR could be used in certain instances to

acquire coastal lnads suitable for recreation or historic preservation. Finally, the review powers of OPR could be used to ensure that projects sponsored by other agencies do not adversely affect OPR recreational or historic sites in the coastal zone.

Program Deficiencies

The foregoing discussion centered on existing state programs that have sufficient powers for incorporation into a Coastal Zone Management Program as a means to regulate, control or manage a range of land and water uses as well as natural resources. However, there are a number of uses and natural resources that are not sufficiently covered either because of weaknesses or deficiencies in existing state programs or lack of any programs at all. The following discussion focuses on these program deficiencies and gaps which will have to be rectified in the development of a State Coastal Zone Management Program.

As noted in the previous section, water supply and sewerage facility approvals and/or permits are required for developments above certain sizes. Permits are also required for activities or projects that may disturb streams, estuaries, wetlands, etc. Other permits may be required for sources of air pollution. The recently-adopted amendment to the Environmental Conservation Law providing for cumulative impact review allows DEC to require applicants for projects or developments to submit an overall conceptual report or environmental impact assessment along with required permit applications. However, as satisfactory as this new procedure is, it would seem that in such areas as the coastal zone where all development proposals must be carefully scrutinized, there should be an additional program requirement for early notification of development proposals, before they arrive at the permit application stage. Such

a requirement would save a great deal of effort by the developer in planning his project if he knew at a very early stage the environmental constraints he may face. This would be particularly applicable in the coastal zone with its critical environmental areas, many of which will be designated as geographic areas of particular concern.

As an alternative to early notification, there is also the possibility of developing guidelines for developers under the CZM program that would spell out in detail the environmental limitations and regulations covering the various types of lands and waters within the boundaries of the coastal zone. It would then be the responsibility of the developer to determine the suitability of his project or development with respect to CZ land and water resources before it gets to the permit application stage.

While there are several programs statewide that deal with scenic resources, their application has been minimal. Given the extensive scenic and aesthetic resources of New York's coastal zone, definite policies and programs are needed in the CZM program to provide adequate protection of these resources. Article 49 of the Environmental Conservation Law, dealing with the protection of natural and man-made beauty, could be one vehicle for achieving the desired protection by incorporating its powers into a CZM program if deemed sufficient after investigation. So far, the extensive provisions of this law have not been used. The State Nature and Historical Preserve Trust could also be used in the CZM program for acquisition of naturally scenic areas in the coastal zone if and when funds are released from the 1972 Environmental Quality Bond Act for such purposes. The State's Wild, Scenic and Recreational Rivers Program will provide some protection of scenic areas alongside those few designated rivers

in the coastal zone. In such cases, the program's land and water use regulations applicable to each designated river could be incorporated into the CZM program as an implementing mechanism.

A major program deficiency in the coastal zone is the lack of any program providing for the collection and updating of information on the location and types of rare and endangered plant and animal species. Without such information, it is not possible to enforce, in particular, the State's endangered plant species law. With respect to plant species, some information does exist but it is dated and would need extensive and expensive field checking. When information on species' locations became available, it would serve as necessary input into the designation of GAPC's and of permissible and priority land and water uses in the coastal zone. Such information would also be needed in deciding on development proposals.

Under New York State Law, shore erosion control and protection from hurricane flooding are limited to construction of protective works along the Atlantic shore-line, the North Shore of Long Island and the easterly shoreline of Staten Island. The Great Lakes are not included, except for two federal demonstration projects being conducted there. Expansion of shore erosion control to the Great Lakes under the CZM Program appears to be a desirable objective where it is determined under the program that existing land and water uses need protection because of large public investments. Or, for example, in Great Lakes' areas where increased recreational needs can be met by beach restoration, the construction of beach protection facilities could be undertaken through this program.

While the agricultural districting program does provide a degree of added protection for agricultural lands that would not otherwise exist, it does not

guarantee preservation in the face of development pressures. Thus, if it is determined that certain agricultural lands and practices must be preserved within the coastal zone boundaries, additional measures will have to be undertaken to strengthen and/or supplement the program.

Program Overlaps and Conflicts

There are several areas where overlapping programs and authorities create situations that would hinder the effective implementation of a Coastal Zone Management Program. Several of these overlaps are identified and briefly discussed below, but by no means in the detail that will eventually be needed to make recommendations for the management program. The more detailed discussion will be undertaken in the second year program.

Many projects and developments require numerous permits from DEC and other agencies before actual construction can begin. A major complaint in recent years, as more and more permits have been required, is the delay associated with the permit application and approval process. Each of the permits require that certain information be submitted with the permit application. In many cases, the same or similar information is required for a variety of permits. This would suggest that a simplified, streamlined permit application procedure would not only save time and expense for the applicant where several different permits are required but enable DEC to process the applications more efficiently. In essence, this is the "one-stop shopping" concept recently suggested by DEC Commissioner Peter A.A. Berle as one means of speeding up the response to permit applications. The Coastal Zone Management Program conceivably could be used to test this concept since it covers a relatively small area of the State but incorporates the types of environments and ecological systems for which many permits are required.

There are several relatively new, federal programs carried out at the State level which call for controls over land use and development to help achieve program objectives. Specifically, these are the requirements for achievement of air quality standards through the implementation of air quality maintenance plans, non-degradation regulations, and indirect source controls and the requirements for achievement of water quality standards by implementing Section 208 plans of P.L. 92-500. However, there could be conflicts between the two programs and their objectives for land use. For example, the dispersal of development is more conducive to the achievement of air quality, while more concentrated development is desirable for efficient and economical sewage treatment. Development of a Coastal Zone Management Program should provide an excellent opportunity to resolve such conflicts not only in the context of achieving air and water quality objectives but other objectives important to the preservation and protection of the coastal zone.

New York, as well as other coastal zone states, is faced with the problem of conflicts with adjoining states over the development and implementation of a Coastal Zone Management Program. For example, an ecologically significant GAPC designated for preservation by New York may be adversely affected by a nearby area in an adjoining state designated for intensive port development. Resolution of such conflicts between the programs of bordering states will need to be resolved as the CZM Program is developed. This can be accomplished by periodic on-site visits and conferences which are currently scheduled for the second year program.

Next Steps

Additional, more detailed analyses of existing State programs and authorities must be undertaken early in the second year of the coastal zone program to supplement the preliminary discussion in the preceeding section. These analyses will then be used later in the second year for the task of developing alternative institutional arrangements and techniques for implementing a State Coastal Zone Management Program.

Appendix A illustrates a format for the detailed analysis which focuses separately on each coastal zone element and the existing State programs that pertain to it. The elements would correspond to the land and water uses and natural resources listed in chart A. For each element analyzed, several questions would first be answered with respect to each existing State program applicable to the element. These questions are listed in Appendix A. Following this, an analysis would be undertaken in the context of the goals and objectives developed for each element. Included would be a discussion of the adequacy of existing programs to implement the goals and objectives for the particular element, the elimination of any existing program duplication, and the types of additional programs that may be needed.

It must be emphasized that agreement on statewide goals and objectives for each of the coastal zone elements is essential before the analysis can be completed.

Appendix A

SCENIC AREAS

Existing State Programs and Authorities Affecting Scenic Areas

I. Name of Program

A. What does it now do with respect to scenic areas?

B. Can it be used to achieve scenic area preservation goals and objectives under the Coastal Zone Management Program?

C. Does it overlap with any other programs?

Analysis

I. Are existing programs adequate for incorporation into a Coastal Zone Management Program without modification?

II. If not, what modifications are needed or what additional programs are recommended?

III. Is there program duplication which should be eliminated?

M: Management
R: Regulatory (Permit)
P: Planning
C: Coordination/Refer-review
X: Related Areas
E: Enforcement

State Programs	Agency	Water Uses				Land Uses														Natural Resources						Others
		Ports	Navigation	Water Pollution	Water Supply	Agricultural Lands	Commercial	Industrial	Sub division	Energy Facilities	Open Space	Historic Sites	Public Recreation	Public Access	Scenic Areas	Flood Plains	Forests	Wetlands	Other Critical Areas	Air Pollution	Dredge & Fill	Shoreland Erosion	Mining	Fisheries	Wildlife	
TIDAL WETLANDS	DEC	X	X	X			X	X	X	X	X		X		X	X		MR	X		X		X	X	X	
FRESHWATER WETLANDS	DEC LOCAL GOV'T			X		X	X	X	X	X	X		X		X	X		MR	X		X		X	X	X	
WETLANDS ACQUISITION AND RESTORATION	DEC																	M	X					M	M	
NATIONAL ENVIRONMENTAL POLICY ACT	DEC	C	C	C	C		C	C	C	C			C	C							C		C			
STATE ENVIRONMENTAL QUALITY REVIEW	DEC	C	C	C	C		C	C	C	C			C							C	C		C			
STATE CAPITAL PROJECT REVIEW	DEC	C	C	C	C					C											C					
CUMULATIVE IMPACT	DEC	C					C	C	C	C											C		C			
REALTY SUBDIVISIONS: SEWERAGE SERVICE AND WATER SUPPLY	DEC HD			R	R				R																	
STATE POLLUTANT DIS-CHARGE ELIMINATION SYSTEM (SPDES)	DEC			R	X		X	X	X	X			X													
PROTECTION OF WATERS	DEC	R	X		X						X				X	X		X	X		R		R	X		
WATER SUPPLY APPROVAL	DEC				R		X	X	X																	
FLOOD PLAIN MANAGEMENT-NATIONAL FLOOD INSURANCE PROGRAM	DEC					X	R	R	R	R	X					M										

State Programs	Agency	Water Uses				Land Uses														Natural Resources						
		Ports	Navigation	Water Pollution	Water Supply	Agricultural Lands	Commercial	Industrial	Sub division	Energy Facilities	Open Space	Historic Sites	Public Recreation	Public Access	Scenic Areas	Flood Plains	Forests	Wetlands	Other Critical Areas	Air Pollution	Dredge & Fill	Shoreland Erosion	Mining	Fisheries	Wildlife	Others
WASTE COLLECTION REGISTRATION PROGRAM	DEC			R	X	X												X	X					X	X	
FISH AND WILDLIFE MANAGEMENT ACT (FWMA)	DEC												X	X				X	X					M	M	
FISH PROPAGATION AND MANAGEMENT	DEC			X									M	M				X	X					M		
PUBLIC ACCESS TO FISHING AREAS	DEC												M	M										X		
MARINE AND COASTAL RESOURCES	DEC			X									X	X					X					M		
LAND AND FOREST RESOURCES	DEC										X		M	X	X		M		X						X	
OIL SPILL CONTINGENCIES AND LIABILITIES	DEC		X	E						X													X			
OIL AND GAS WELL SPACING POOLING AND UTILIZATION	DEC									X													R			
OIL AND GAS LEASES ON STATE LANDS	DEC									X													R			
PLUGGING OIL AND GAS WELLS	DEC			X						X													R			

State Programs	Agency	Water Uses				Land Uses														Natural Resources						
		Ports	Navigation	Water Pollution	Water Supply	Agricultural Lands	Commercial	Industrial	Sub division	Energy Facilities	Open Space	Historic Sites	Public Recreation	Public Access	Scenic Areas	Flood Plains	Forests	Wetlands	Other Critical Areas	Air Pollution	Dredge & Fill	Shoreland Erosion	Mining	Fisheries	Wildlife	Others
RIVER IMPROVEMENT PROGRAM	DEC	X	M	X	X						X			X		M			X		X	M		X		
SITING OF MAJOR STEAM ELECTRIC GENERATING FACILITIES	PSC DEC			X	X					R			X	X					X	X				X		
GAS PIPELINE AND ELECTRIC TRANSMISSION LINE CERTIFICATION	PSC DEC									R	X		X	X	X				X						X	
AIR QUALITY MAINTENANCE PLANNING	DEC						PR	PR	PR	PR	X									R						
SIGNIFICANT DETERIORATION OF AIR QUALITY	DEC						PR	PR	PR	PR	X									R						
PERMITS FOR SOURCES OF AIR POLLUTION	DEC						R	R	R	R										R						
INDIRECT SOURCE CONTROL	DEC						R	R	R										R	R						
UP GRADING STATE/ MUNICIPAL AIR POLLUTION SOURCES UNDER EQBA	DEC									MR										MR						
APPROVAL OF NEW SOLID WASTE MANAGEMENT FACILITIES	DEC			X	X						X		X		X			X	X							X

MEMORANDUM

TO: T. Eichler - Attention Wm. L...
FROM: Kenneth F. Wich, Asst. Director, Division of Fish and Wildlife
SUBJECT: CZM Inventory and Analysis of Existing Programs

DATE: September 2, 1976

We have several comments on this document:

1. There is a curious mixture of aquatic programs listed in the "Land Related Programs" section; e.g., fish propagation and management.

2. There is no review of our wildlife propagation and management program.

3. Fish and Wildlife Management Act (P.16) - It should be made clear that the individuals listed under "Other agencies Involved" are advisory members of the board only and have no vote.

4. Public Access to Fishing Areas (P.18) - An even more recent authority for this program is the Environmental Bond Act! This Act provides for both waterway access and stream fishing rights. No mention is made of the fishing rights program, which is pertinent to the coastal zone. No mention is made of access to the marine waters of the State.

5. There is no mention of our Endangered animal species program, which is established by law and funded in contrast to endangered plants!

6. There is a program underway for collecting information on endangered animals contrary to the statement on P.58.

New York State Department of Environmental Conservation

MEMORANDUM

TO: William Lee
FROM: John Dragonetti
SUBJECT: Interim Report on Inventory and Analysis of Existing State and Federally-Legislated Programs and Activities Relative New York's Coastal Zone
DATE: August 26, 1976

Pages 20 through 23 of the above captioned document are substantially correct. There are several minor points which you may wish to address.

The second paragraph on page 20 contains a typographical error in the word affected.

In the first sentence on page 23 the term restoration should be replaced by the term reclamation. The penultimate sentence in paragraph 1 improperly conveys our relationship to local government. Reclamation plans are not required to comply with local government plans. The rules and regulations ask how the reclamation plan relates to officially adopted town or county regulations.

The last sentence in paragraph 1 should refer to the mined land use plan and not just the reclamation plan.

All reference to the register of unreclaimed mines in paragraph 2 should be deleted. Part 427 of the rules and regulations which address this point has been deleted from the latest draft.

JJD/mm

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233

Peter A.A. Berle
Commissioner

DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
RECEIVED
AUG 26 1976
Office of Program Development
Planning and Research

MEMORANDUM

TO: Mr. Eichler

FROM: Mr. O'Toole

SUBJECT: COMMENTS ON INTERIM REPORT ON INVENTORY AND ANALYSIS OF EXISTING STATE AND FEDERALLY-LEGISLATED PROGRAMS AND ACTIVITIES RELATIVE TO NEW YORK'S COASTAL ZONE

DATE: August 26, 1976

We have reviewed portions of this report relevant to water quality management programs and have no significant comment.

The report is an excellent compendium of environmental regulatory programs and will be of considerable utility in the CZM and 208 programs.

PJS:vbk

New York State Department of Environmental Conservation

MEMORANDUM

Al Lillyquist

TO: ~~William Lee~~

FROM: James F. Kelley

SUBJECT: Comments on CZM Paper--Inventory of Existing Programs Relative to New York State's Coastal Zone

DATE: August 26, 1976

Attached are Ron Miller's comments on his area of concern. Al Tedrow has no comment.

The Water Management Programming Group comments follow:

1. Flood Plain Management - Page 13

   Program status out of date, currently over 1200 New York State communities now participating.

2. Shore Erosion Control - Page 14

   Two Federal projects are being confused and should be separated. To my knowledge, the State is not participating in the Shoreline Erosion Control Demonstration Program. For details on the State's Shore Protection Program, see John Harman's recently completed catalogue of State programs.

Attachment
JFK/ea

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233

Peter A.A. Berle,
Commissioner

M E M O R A N D U M

TO: Bill Lee

FROM: Ron Miller Ron Miller

THRU: ~~Eldred Rich~~

SUBJECT: COMMENTS ON CZM PAPER -- INVENTORY OF EXISTING PROGRAMS RELATIVE TO NEW YORK STATES COASTAL ZONE

DATE: August 26, 1976

I have limited my comments to two Air Pollution Control Program areas for which I have either responsibility or some detailed knowledge.

AIR MAINTENANCE Page 38

(1) Mention is made that the New York Metro Area is one maintenance area. Others within the CZ, Albany, Rochester, Buffalo and mid-Hudson are not mentioned.

(2) If violation of standards, based upon the analysis underway, is not predicted within the 1975-1985 period, designation is not rescinded, but, no plan needs to be formulated for that time period. Evaluation of maintenance is supposed to be a continuous process with formal review every five years.

(3) I don't quite agree with the statement on relationship to CZM. There could be significant conflicts between maintenance and CZM requirements. For example, the air problems are within the core urban areas of New York City and suburbs. The shore fronts have relatively better air quality. Industry may not be able to expand in the core areas because of maintenance regs and seek "fringe areas" including low density critical areas of the CZ.

(4) In addition to participation of local and regional planning agencies, the regs require involvement of State CZM, Section 208 and transportation planning agencies. Attached are the regs on intergovernmental coordination.

SIGNIFICANT DETERIORATION Page 39

(1) Mention should be made that the proposed amendments now being considered in Congress would still maintain the three classification options, with the 90% stipulation being an override.

(2) As proposed by the current Senate amendments, certain areas such as national parks and wildernesses would get automatic Class I designation.

(3) Definition of critical areas of concern from the CZM analysis will aid New York State in assigning classifications to areas with the State's CZ.

(4) The regs that will be developed, once the Clean Air Act Amendments of 1976 are enacted, will likely call for formal intergovernmental participation. Other State agencies and local governments will be participating since classification of areas must balance air quality preservation needs with development requirements.

RHM:lb
Attachments

cc: Rick Hogan

REGIONAL MARINE RESOURCES COUNCIL
Minutes of the One Hundred and Fifty-Fourth Meeting

4.3

DATE: August 16, 1976

PLACE: Hauppauge, New York

PRESENT:
Edward C. Stephan, Chairman
Edward Patterson, Vice-Chairman
John Baiardi
Phil Barbato
Mario Del Vicario representing John Zammit
Leo Geyer
Albert Jensen representing Randolph Stelle
L. Kiehn representing Richard Marks
Roselle Leader representing Hall Winslow
Dennis Moran representing Herbert Davids
Ray Morgan representing John Zammit
Robert Nuzzi representing John Flynn
Judy Patterson representing Claire Stern
Peter J. Puglese representing John Zammit
Dennis Puleston
J. R. Schubel
Joseph Shapiro
Nathaniel Talmage
Edith Tanenbaum
Harold Udell
J. Vaughn representing Carl Eisenschmeid
✓ Chester Zawacki representing Anthony Taormina (DEC M.& C. RESOURCES)
Clarke Williams, Research Administrator
DeWitt Davies, Principal Planner
Sy Robbins, Planner

ABSENT:
Charles Barnett
Frank Basile
Edward Bradley
Lee Blumberg
A. Harry Brenowitz
John Burns
Ann Carl
Robert Cusumano
Charles Durfor
Francis Hyland
Carlyn Larson
Lt. Cmdr. Marotta
Leonard Ratushewitz
Ron Sake
Walter Smith
George Vanderborgh
William R. Wilson
Lee E. Koppelman, Executive Director.

GUESTS: Capt. John B. Curray, National Party Boat Owners Association
Dr. Robert J. Valenti, New York Ocean Science Laboratory
Dr. Israel Wilenitz, Nassau-Suffolk Regional Planning Board
David J. Fallon, NYS Department of Environmental Conservation
Fred Muschacke, NYS Department of Environmental Conservation
Pio Massetti, Suffolk County Dept. of Public Works
Pete Sanko, Sea Grant Advisory Service

A regular meeting of the Regional Marine Resources Council was held on Monday, 16 August 1976 at 2:05 p.m. in the 12th Floor Conference Room of the H. Lee Dennison Office Building, Veterans Memorial Highway, Hauppauge, New York. Admiral Edward C. Stephan presided.

MINUTES

The Minutes of the 19 July 1976 meeting were approved as mailed to the membership.

CORRESPONDENCE AND ANNOUNCEMENTS

A. The MRC has received a letter from John Zammit of the Army Corps of Engineers, New York District, indicating that the Corps will accept the MRC's comments on Public Notice No. 8548, covering the maintenance dredging of the L.I. Intracoastal Waterway, until 23 August 1976.

B. The MRC has received notes taken by Dr. Martin Garrell of the L.I. Environmental Council during the MRC's visit to Greenport on June 21, 1976 (see Attachment A).

C. The MRC has received a copy of the report "Phase 2 Report of Technical Investigation of Alternatives for New York-New Jersey Metropolitan Area Sewage Study Disposal Management Program" June 1976, prepared for the Interstate Sanitation Commission by Camp, Dresser, and McKee, Environmental Engineers, Boston, Mass. A summary news release is attached (Attachment B).

D. The Army Corps of Engineers will hold a public hearing on the Suffolk County Department of Environmental Control dredging report for the Southwest Sewer District Bergen Point outfall on Tuesday, August 24, at 7:00 p.m. at the Suffolk County Legislative Building hearing room, Veterans Memorial Highway, Hauppauge.

PRESENTATION OF DR. ROBERT VALENTI

Dr. Robert J. Valenti of the New York Ocean Science Laboratory, described the status of finfish aquaculture on Long Island. Finfish aquaculture is presently in its infancy, but has advanced beyond the research stage. It is geared

toward gourmet items with a high market value to offset production costs, and can be competitive by supplying those items when natural sources are scarce. Nevertheless, commercial fishermen perceive a threat.

The major obstacle to successful finfish aquaculture on L.I. is the inability to get long term leases on underwater land on which to anchor floating cages. An attempted project in East Hampton Town in Peconic Bay involving striped bass was stymied because the Town would not grant a lease. Suffolk County's status regarding the leasing of underwater lands in the Peconics is unclear. To make aquaculture work, it must be made a preferred use, and zoning problems relating to support facilities must be overcome. Additional problems include the aesthetic appearance of floating cages, and competition for water surface area in quiet sheltered waters from recreational boaters.

DISCUSSION OF INTRACOASTAL WATERWAY DREDGING

The MRC discussed the merits of the Army Corps of Engineers maintenance dredging project described in Public Notice No. 8548 which was mailed to the membership with the announcement of this meeting. A summary of the April 1974 draft EIS was distributed (Attachment C). The result of the discussion are reflected in Admiral Stephan's letter to the Corps (Attachment D).

There being no further business, the meeting adjourned at 3:45 p.m.

LONG ISLAND ENVIRONMENTAL COUNCIL
95 middle neck road
port washington, n.y. 11050 [516] 883-4725

Long Island Oyster Co., George Vanderborgh

Oysters raised at Northport, Greenport, Oyster Bay and New Haven, then seeded. Hatchery oysters can be harvested in two years with one year on bottom. 20,000 A for aquaculture. Oysters pumped from bottom using 12" dia pumps replacing dredges. 1000 bu/da. Flushing time for oystersis around 24 hrs, though law says days. Starfish problem. Garbage from pumping goes into settling tank then gets dumped

240 oysters bring $19 per box. Workers get $40/da, work between 5A.M. and 11 or 12.

Afternoon Program

Walt Smith: Greenport had fish meal industry 1840-1900 with 22 oyster factories Present value of marine industry using 10 X mult. is around 270 million for whole county. 40% of all boats are used for fishing.

Billy Pell: one major problem is lack of dockage. Attempt to set up coop for a new dock stopped by zoning in Southold. Contrast C&M Dock in Hampton Bays, a wise business decision. Dollars from commercial fishing remain in County in Jobs and Equipment. $ funding a problem - $11000 for boat sold requires front end capital. Small business opportunities

Bob Hamilton, Jr. - Southold Baymen's Assn.: Complaints about over-regulation and mis-regulation;traps, haul seines, gill nets have unnecessary week-end restrictions. No enforcement against lobster poaching. Objects to bulk loading and dredging messing up the creeks. Why $2000 to plant clams from out-of-state . Prefer to re-plant polluted water clams from nearby. Only 28 C.O.s from Westchester east on LIS

Tony Taormina: DEC policy is that fisheries belong to everyone but three million recreational fishermen in NYS have voice over thirty thousand commercial fishermen. Gill netting hurt by those who abuse . Town of Southold vs. Town of Riverhead on shellfish transplants; this should be resolved. Dec had program of leasing which should take care of lack of town shellfish beds. Need for uniform regulation in coastal states, e.g. size of lobsters and lengths of finfish. Tidal Wetlands act should improve circumstances

John Plock: County fights us on sanitary codes, forces SIOC to hook up to village sewage line, haul 1000 gpd solids to Cutchogue dump. But 1983 EPA standards are met by discharge. Sanitary regulations not equally enforced alongshoreline. Figure of 70 MPN is out of date for definition of polluted waters. 50% of surf clams closed off Rockaways. Represents 250000 bu/yr and $1.5 million. Why not more landfill disposals? (Answer by Bob Villa --- open discharges and BOD loadings ARE a problem for Suffolk.)

Jim Monsell: 7% of plant design in Greenport carried by SIOC. Sterling Creek needs to be cleaned up.

INTERSTATE SANITATION COMMISSION

10 COLUMBUS CIRCLE • NEW YORK, N. Y. 10019
AREA CODE 212-582-0380

COMMISSIONERS
NEW YORK
NATALE COLOSI, PH.D.
CHAIRMAN
PETER A.A. BERLE
CHESTER SCHWIMMER
OLIVER J. TROSTER
NEW JERSEY
DAVID J. BARDIN
JOSEPH J. BRENNAN
JOANNE E. FINLEY, M.D.
LOUIS J. FONTENELLI
SAMUEL P. OWEN

COMMISSIONERS
CONNECTICUT
CARL R. AJELLO
JOHN F. CLARK
JOSEPH N. GILL
DOUGLAS S. LLOYD, M.D.
JOSEPH ZANDRI

THOMAS R. GLENN, JR.
DIRECTOR-CHIEF ENGINEER

CONTACT: Mr. Thomas R. Glenn
Director & Chief Engineer
(212) 582-0380

FOR IMMEDIATE RELEASE

July 28, 1976

The Interstate Sanitation Commission today released a report designed to help with solution of a mammoth sewage sludge disposal problem in the New York-New Jersey Metropolitan Area. Pyrloysis (a process for heat reduction in an oxygen deficient atmosphere) is favored as a particularly promising means of ridding the region of a projected 2,400 tons of semi-solid municipal sewage wastes expected to be produced daily by the year 2000. The report recommends the construction of six regional treatment facilities for the disposal of sewage sludge by pyrolysis. Only limited amounts of the regional sludge are seen as suitable for disposal on land.

(more)

The report is a technical document prepared by Camp, Dresser and McKee for the Commission (a tri-state agency of New York, New Jersey, and Connecticut) on the basis of a year-long study costing $200,000. The funds came from a grant by the U.S. Environmental Protection Agency (U.S. EPA).

Dr. Natale Colosi, Commission Chairman, said that the report, as well as an earlier one prepared a year ago by the same engineering consulting firm, will assist the Commission in making its own sludge management plan and recommendations due to be issued by the end of September. He emphasized that although the Camp, Dresser and McKee findings and supporting analyses are being made available to the state and local governments of the region so that they will have the benefit of the data and expert opinions they contain, the consultant's conclusions may or may not be those ultimately adopted by the Interstate Sanitation Commission in making its own report and presenting its own regional sludge management plan.

The report concludes that if federal policies should in effect prohibit or significantly curtail ocean disposal of sludge (the method now employed for approximately 70 percent of the region's municipal sludge output), pyrolysis is likely to be the best approach to disposal of the bulk of the wastes.

(more)

ATTACHMENT B

In the report prepared for the Interstate Sanitation Commission last year, all sludge treatment and disposal methods other than ocean disposal considered to be technologically available now or in the near future were examined. The current report, built upon the earlier one, also had available the results of the National Oceanic and Atmospheric Administration's study of present disposal in the offshore waters of the New York Bight and the consultant study done for U.S. EPA by the firm of Dames and Moore.

Camp, Dresser and McKee conclude that spreading either treated or untreated sludge on land in quantities sufficient to dispose of the expected volumes generated by the region's sewage treatment plants would be dangerous. The reason is that sludge contains cadmium, mercury, other heavy metals and a variety of other toxic ingredients which, unless required to be removed prior to the making of waste discharges into public sewer systems, are injurious to plant life and render foodstuffs produced on affected lands of dubious safety for human consumption. There is also danger of contamination of groundwaters and so of adverse effects on public water supplies and other wells.

Pyrolysis is to be preferred over incineration because it should create less air pollution and could be employed on a more

(more)

decentralized basis. While equipment for pyrolysis units to reduce sludge is not yet in commercial operation, the recent rate of development of this technology is such as to make it appear that the method could be in practical use by the early 1980s. Further, pyrolysis would recover thermal energy by utilizing waste heat.

Dr. Colosi said that the Commission undertook the present work on regional sludge management two years ago because it had become apparent that upgrading of sewage treatment plants as required by the federal government and the states, especially since enactment of the Federal Water Pollution Control Act Amendments of 1972, would inevitably cause treatment plants to generate vastly increased amounts of sludge in the course of removing more of the contaminants from the region's sewage before it is discharged into fresh or salt water streams and other waterbodies. What to do with the sludge is a particularly acute problem for the Metropolitan Area because of its highly urbanized character and the already difficult environmental conditions which prevail. If the present U.S. EPA intention to phase out ocean dumping of sludge by 1981 is implemented, the New York-New Jersey Metropolitan Area's largest public generators of sludge will have to institute new methods and adhere to extremely tight time schedules in instituting and accomplishing these changes. The Camp, Dresser and McKee report places the possibility of practical attainment of discontinuance of ocean dumping somewhat later than the announced U.S. EPA date but still presents local governments with essentially the same urgent problem.

ATTACHMENT C

RECEIVED
MAY 6 1974
NASSAU-SUFFOLK
REGIONAL PLANNING
BOARD

DRAFT
ENVIRONMENTAL STATEMENT

Prepared by
U.S. ARMY ENGINEER DISTRICT, NEW YORK, NEW YORK
April 1974

MAINTENANCE
OF
GREAT SOUTH BAY CHANNEL AND PATCHOGUE RIVER
AND
LONG ISLAND INTRACOASTAL WATERWAY, NEW YORK
NAVIGATION PROJECTS

3. RELATIONSHIP OF THE PROPOSED ACTION TO LAND USE PLANS

3.01. The proposed action does not conflict with land use plans developed for the South Shore of Long Island. The Comprehensive Development Plan for Long Island prepared by the Nassau Suffolk Regional Planning Board establishes a recreation-conservation-low density residential corridor along the south shore. (Nassau-Suffolk Regional Planning Board 1970). This plan requires the protection and preservation of all major shorefront wetlands and the remaining unprotected ponds, creeks and streams. By disposing of spoil below the mean high water on the barrier beaches, the proposed action avoids filling in wetlands and upland sites. Furthermore, the plan encourages the establishment of water thoroughfares to limit the effects of pleasure boats, which the proposed action accomplishes by confining pleasure craft and commercial vessel movements within the channel dimensions.

4. THE PROBABLE IMPACT OF THE PROPOSED ACTION ON THE ENVIRONMENT

4.01. Navigation. Maintenance dredging would result in safe navigation for the barges traveling to terminal facilities on Patchogue River and for fishing and recreational boats on the Intracoastal Waterway. During dredging, however, boating activities would be curtailed in the project area. Navigational buoys would be temporarily relocated to mark dredging areas to avoid congestion of craft in the dredging area.

4.02. Economy. The terminal facilities on Patchogue River would be used efficiently by permitting self propelled barges to be loaded to drafts that were the basis for project authorization. This would minimize any increase in vessel trips needed to accomodate the area's needs, and help maintain the economy of water transportation.

4.03. Transportation Facilities. The proposed action would have no effect on existing transportation facilities, except for the waterway.

4.04. Public Facilities. The proposed action would have no effect on the bridges, pipelines, and cables in the project area. The cables have been constructed under the permit regulations of the Department of the Army, and if subsequent actions should affect them, then it would be the owner's responsiblity to relocate them.

4.05. Recreation. The creation of temporary turbidity in the project area during dredging may temporarily lessen the enjoyment of water contact activities such as swimming, boating and fishing which are major activities at all state parks and other recreational facilities in the area. By scheduling dredging in the off seasons, in regard to recreation the adverse effects would be virtually eliminated. There are no historical, archeological or cultural pursuits of the area that would be affected.

6. ALTERNATIVES TO THE PROPOSED ACTION

6.01. The alternatives may be considered in two respects. One is the choice of whether maintenance dredging should continue, and if it is, the alternatives available for dredging, and for disposal of dredged materials.

6.02. Maintenance. An alternative to the maintenance action is not to perform maintenance. This would eliminate the adverse effects cited in section 4 and 5, but would inhibit the efficiency and economy of waterborne transportation. Industries dependent upon receipt of materials may consider relocation, other means of transportation, or increase the prices of their products. Relocation would be detrimental to the local level of income, employment and standard of living. Other means of transportation would be truck and rails, which would aggravate air and noise pollution and traffic problems. Increase in prices could cause economic hardships for consumers and hinder economic growth, since fuel oil delivered at Patchogue is used for heating purposes over a large area of eastern Long Island.

6.02.1 Another alternative to maintenance considered is that of extending the Setauket-Holtsville pipeline to Patchogue to supply local needs and abandon use of the channel for commercial navigational purposes. Implementing this alternative would eliminate the adverse effects cited in section 4, but it would produce adverse effects associated with construction and operation of inland terminals. A major effect would be land congestion in primarily residential areas as trucks would be utilized to transport the fuel a greater distance to local dealers than at present. Transportation costs of oil would increase and the individual consumers would be required to pay more than at present to heat their homes. The further out on Long Island consumers live, the more they would be required to pay for fuel oil since current plans call for extending the pipeline only as far east as Patchogue. There would be no transportation for shellfish and fresh fish and the regional economy which is dependent upon these resources would be expected to encounter some losses.

7. THE RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF MAN'S ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

7.01. Maintenance of the Federal navigation projects in the Great South Bays of Long Island maintains the economic short-term productivity of the area at somewhat of an expense to the biological long-term productivity of the area.

7.02. Long Island marshlands are threatened with being filled in as a result of all the dredging actions initiated by federal, state, local and private interests. The schedule maintenance of the federal channel will pose a constant threat to achieving this end.

7.03. Shellfish beds may possibly be disrupted with each operation, and, while not a significant portion of the total shellfish resource, the continuity of their long-term productivity will be affected.

8. ANY IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES WHICH WOULD BE INVOLVED IF THE PROPOSED ACTION SHOULD BE IMPLEMENTED

8.01. Although data has been given which tends to support the conclusion that most benthos do reestablish themselves after maintenance dredging, the loss of the benthos that would not be able to survive maintenance or reestablish themselves would be an irretrievable commitment of a natural resource. The funds and labor needed to maintain the channel are an irretrievable commitment of economic resources.

ATTACHMENT D

Regional Marine Resources Council

A COMMITTEE OF THE NASSAU-SUFFOLK REGIONAL PLANNING BOARD

E. C. STEPHAN
CHAIRMAN

LEE E. KOPPELMAN
EXECUTIVE DIRECTOR

CLARKE WILLIAMS
RESEARCH ADMINISTRATOR

Veterans Memorial Highway, Hauppauge, L. I., N. Y. 11787
Telephone (516) ~~360500~~ 979-2935

August 17, 1976

Col. Thomas C. Hunter, Jr.
District Engineer
Department of the Army
New York District, Corps of Engineers
26 Federal Plaza
New York, N.Y. 10007

Dear Colonel Hunter: Re: NANCP-E
Comments on Public Notice No. 8548

At its regular meeting held on 16 August 1976, the Regional Marine Resources Council reviewed the maintenance dredging of the Long Island Intracoastal Waterway Navigation Project as described in the above referenced public notice. In general, the Council does not have any objections or comments concerning the dredging of the Intracoastal Channel between the Patchogue River and Shinnecock Bay, assuming of course that the dredging is necessary to maintain associated recreational benefits which exceed the costs of the project. However, the Council submits the following comments regarding the disposal of dredged spoil generated by the channel dredging:

1. The Council supports the position taken by the Brookhaven Town Shellfish Commission on the location of spoil disposal sites near Moriches Inlet, and reiterates that the proposed spoil areas immediately to the east of Moriches Inlet should be relocated to the west side of the Inlet so as to lessen the chance of spoil reentry into Moriches Bay by littoral transport.

2. Should the Corps encounter duck sludge deposits in the channel right-of-way that require dredging to achieve project depth, the Council recommends that these materials not be spoiled on the barrier beach or in the surf zone.

3. All pipeline operations for the disposal of dredged spoil should be carefully monitored to assure that there is minimum leakage of material enroute.

4. In its selection of specific sites for the disposal of clean spoil, the Corps should consider the desirability of rehabilitating or re-establishing spoil islands and banks in the interior bays, such as John Boyle Island and the areas adjacent to the Fire Island National Seashore Watch Hill Channel, for the purpose of improving wildlife habitat. The suitability of spoil banks as habitat for terns and other beneficial birds could be improved by covering existing dense stands of Phragmites communis with spoil so as to allow nesting.

We appreciate your extension of the deadline for comments on this project.

Sincerely,

E. C. Stephan, USN (ret)
Chairman

ECS:er
cc to Mr. John Zammit
Dr. Lee E. Koppelman

SEP 29 1975

MEETING NOTES
Coastal Zone Management Program
Technical Advisory Committee
CDRPC Office, Sept. 18, 1975, 10:00 a.m.

ATTENDING: Albany County Planning Board - Michael Polovina; Albany Port District Commission - Frank Dunham; Capital District Transportation Committee - Paula J. Kelly; N.Y.S. Department of Environmental Conservation - William Lee; N.Y.S. Division of State Planning - Kevin J. Cross; N.Y.S. Parks and Recreation - Nancy Pierson; Rensselaer County Bureau of Planning - John Johnson; Rensselaer County Cooperative Extension - Donald Thompson and James E. Grey; SUNY Albany - Dr. Paul Marr; Troy Bureau of Planning - Peter J. Swota; USDA Soil Conservation Service - Seymour D. Goodman; CDRPC - S. Thyagarajan, Linda Bryant, Hal Wood.

Thyag welcomed the members of the Committee to this first meeting and spoke on the history and background of the Coastal Zone Management Program on the Federal and State levels. He outlined CDRPC's role in New York State's Program as subcontractor to the Division for State Planning providing input on the coastal zone in Albany and Rensselaer Counties. In the tasks of gathering and updating information and formulating recommendations for future land use and preservation in the Coastal Zone and for management techniques, the staff will be working closely with members of this committee. The committee is composed of representatives of the planning boards and environmental councils of Albany and Rensselaer counties, the regional and county cooperative extensions, Albany Port District Commission, Capital District Transportation Committee, U.S. Soil Conservation Service and New York State Department of Environmental Conservation, Division of State Planning, Hudson River Valley Commission, Parks and Recreation, and SUNY Albany.

Linda Bryant showed a series of slides of the coastal zone in Albany and Rensselaer Counties to illustrate the coastal zone's continuity overriding political boundaries, and the variety of coastal scenery and land uses along the Hudson River. She described the program's work items which cover the major information-gathering and decision-making aspects of the study, and which would require input and review by members of this Committee. At this point the staff has not scheduled regular meetings for this Committee, although we may do so in the future. For the present, we hope to work with members on an individual basis.

Hal Wood talked about the boundaries of the coastal zone and the problem of defining them broadly enough to include all possible geographic and land use features which directly impact the coastal waters and yet narrow enough to facilitate effective management. He showed various alternatives based on different criteria and the boundary proposed by CDRPC which was based primarily on highways, railroad grades and utility lines. The technical memorandum on Coastal Zone boundaries will soon be completed. Copies of the memo and proposed boundary map will be sent to Committee members for review and comment.

An important aspect of this program is involvement of local officials and citizens in the planning and management phases. Ms. Bryant described the first meeting, held on Tuesday, September 16th, of CDRPC's "Local Government Advisory Committee". It was a good beginning with a small but interested group. The

participants were willing to help us arrange public informational meetings on Coastal Zone Management in their respective communities during October and November.

The committee offered several useful comments and suggestions on the current and future work of the Program. Kevin Cross of the Division of State Planning commented that CDRPC has made at least as much progress on our work as other regional planning boards who g at the same time. He cautioned that the first phase deadline might be moved back from March to January of next year. Michael Polovina of Albany County Planning recommended that CDRPC work closely with both county planning units in the review of regulations and controls regarding coastal zone management and of the history of land use changes and decisions in the coastal zone. In reference to th preliminary boundary, Seymour Goodman of the Soil Conservation Service suggested extending the boundaries inland to the watershed lines of important tributaries to the Hudson to cover the possible impacts on coastal waters orginating within the watershed. In response to a question from Kevin Cross, Peter Swota of Troy Bureau of Planning stated that the preliminary CZM boundaries for City of Troy and CDRPC do coincide within the city line. Donald Thompson of Rensselaer County Cooperative Extension urged that CDRPC coordinate its decisions on boundaries and other program items with those being made for Columbia and Greene Counties south of this Region. Frank Dunham of the Albany Port Distirct Commission suggested that the preliminary upstate port study, soon to be published, would be most helpful to the Coastal Zone Management Program in this area.

Committee members should be hearing from us soon. Any questions or comments should be directed to Linda Bryant or Hal Wood of the CDRPC staff (457-1274).

WORK ITEMS IN COASTAL ZONE MANAGEMENT PROGRAM REQUIRING LOCAL INPUT

1. Inventory of Data Sources

   Up-to-date information on soils, topography, wetlands, agricultural and forest lands, land use, utility lines, historic places, etc.

2. Coastal Zone Boundaries

   Should include lands strongly influenced by the water body;
   Should extend inland to the extent necessary to control shorelines;
   Should include uses having direct impact on coastal waters;
   Should enable practical application of the management program.

3. Geographic Areas of Particular Concern

   Designation of significant areas: having unique, fragile or historic value; subject to natural hazard; containing renewable resources; containing non-renewable natural resources; of existing or future major development.

4. Potential Development Areas

   Priority I: Uses requiring or benefitting from a coastal location and having beneficial economic impact on the State or local economy or which serve a national interest; i.e., electric generating facilities. Such uses may have significant negative impact on natural resources.

   Priority II: Other economically beneficial uses which do not necessarily require coastal location but have lesser impact on natural resources; i.e., housing

   Priority III: Uses having negative impact on natural resources, not requiring coastal location, and with no significant impact on the State and local economy; i.e., solid waste disposal sites.

5. Review of Governmental Regulations and Controls

   Local master plans, zoning and subdivision ordinances, other local and regional programs and activities.

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233

Peter A. A. Berl
Commissioner

November 3, 1976

MEMORANDUM

TO: Meeting Participants - See Distribution

FROM: Fred Howell

SUBJECT: Meeting Between SLEOC and DEC Staff - October 28, 1976

The purpose of this meeting was to discuss the coastal zone planning program of each agency as a means of determining what can be done to ensure that the interests and concerns of DEC and SLEOC are adequately and consistently reflected in each other's program. This is particularly relevant and necessary to understand now as SLEOC moves into the preparation of its plan to be presented at public hearings in December. The discussion proceeded on a task-by task basis and is presented here in the order discussed.

I. Coastal Zone Boundaries

SLEOC's landward boundary, for its present coastal zone planning efforts, extends from the water's edge to a line parallel to and 1000 feet inland from the road nearest the shoreline. The State has not yet settled on a procedure for determining a CZM boundary on a statewide basis, although a draft paper outlining a rationale for such a boundary has been prepared and circulated to local and regional contractors for review and comment.

Fpllow-up

- In SLEOC's public hearings, their own recommended boundaries will be shown. DOS and DEC will develop recommendations for compatible statewide boundary determination by the time SLEOC CZM plan is ready for segmentation.

II. Mapping

SLEOC agreed to provide DEC as soon as possible with a list of what they are mapping for their own land and water management program together with available definitions, criteria and sources used for mapping each particular item. In turn, it was agreed that DEC would develop a similar list of what it is mapping, including a legend to indicate symbols to be used and other mapping specifications for the statewide mapping tasks. This legend is now being developed by DOS with assistance from DEC. When both DEC's and SLEOC's mapping lists are completed DEC will develop a matrix by which the lists can be compared and differences and

deficiencies noted. Corrective steps would then be taken to ensure that there is consistency as the sgemented program for CZM is developed by SLEOC.

Follow-up
- SLEOC to provide DEC on November 4 the list of items they are mapping.
- DEC will develop a similar list by November 4.
- DEC will develop matrix by November 10.
- DOS will complete legend for statewide mapping by December 1.

III. General Directions of SLEOC's Plan

Here, the discussion focused on the need for DEC to understand SLEOC's perception of environmental and resource-related problems and issues in their area. This is necessary so that DEC could then ensure that SLEOC receives full information and data as well as DEC's recommendations for problem and/or issue resolution. SLEOC agreed to send DEC a memo briefly outlining the environmental and resource related problems and issues in their area.

With respect to SLEOC's existing resource and environmental inventory information, DEC agreed to update and fill in any gaps in this information for which we had taken responsibility. This is indicated below by resource category along with the steps that have already been taken by both agencies to ensure statewide consistency of criteria used for resource identification and inventory.

Follow-up
- SLEOC memo to DEC outlining environmental resource-related problems and issues by mid November.
- DEC to update and fill gaps in information as noted below.

A. Soils

SLEOC is mapping areas with a "very poor"potential for development using septic systems. These would include such areas as freshwater marshes, flood plains, steep slopes, and areas with a seasonal water table above 6". The category used is derived from the "severe limitation" category used by SCS. At some point, before statewide mapping of development limitation areas in the coastal zone is undertaken, a decision will have to be made whether to use SLEOC's category of "very poor" or some other category derived from "severe limitation." In any event, this task does not present much of a problem from the standpoint of mapping consistency between SLEOC and the rest of the state.

Follow-up
- Decision to be made by January 1 on statewide mapping of development limitation areas due to soil condition.

B. Prime Farmland

The criteria for mapping are identical to those being used by DEC (Ted Fedak). There will be no problem in fitting SLEOC's work with statewide efforts.

Follow-up
- None.

C. Fisheries

Fisheries mapping has not yet been completed by the DEC personnel at Cape Vincent scheduled to assist SLEOC in this task. The mapping methodology is consistent with the significant fisheries habitat mapping being done by Bruce Zeisel for the remainder of the State's coastal zone. SLEOC is desirous of having this work done as soon as possible. It was agreed that every effort would be made to have this work expedited by DEC.

Follow-up
- DEC will meet with Ken Wich during the week of November 1 to arrange for mapping of fisheries habitat in SLEOC area as soon as feasible.

D. Flood Insurance

SLEOC needs an updated rundown on the status of the flood insurance program in the SLEOC area.

Follow-up
- Stan Colvin and Gordon Behn will provide updates on each individual community by November 15 for their respective DEC regions.

E. Upland Wildlife Habitats

DEC's Bruce Zeisel worked closely with SLEOC's Tom Cutter to ensure that the latter's significant wildlife habitat categories were consistent with what Bruce is doing for the rest of the State's coastal zone.

Follow-up
- None.

F. Prime Forests

None in SLEOC's coastal area.

Follow-up
- None

G. Geographic Areas of Particular Concern (GAPC)

Many of the above resource categories would eventually be designated as GAPC's under the segmented CZM program to be prepared by SLEOC. For their immediate plan being prepared under legislative mandate. SLEOC is not identifying GAPC's or permissible/prohibited uses in the same manner as required under the CZM program. Since DEC will be doing extensive work in this program year on criteria for identification of GAPC's and their permissible/prohibited/priority uses, it was agreed that this work could be used in the development of SLEOC's segmented CZM program next year.

Follow-up
- DEC criteria for identification of GAPC's and permissible/prohibited/priority uses will be completed by March 31, 1977, the end of second CZM program year.

H. Rare and Endangered Plant Species

SLEOC has identified these and their habitats in its coastal area. At the present, this task is not being carried out on a statewide basis in the coastal zone, nor are there any plans that we know of to do so.

Follow-up
- None.

I. Water Quality

DEC agreed to provide SLEOC with any available information on water quality limiting segments, stream classifications and standards, etc., for the Lake Ontario East Basin which is one of the CZM study areas for which water quality planning efforts are underway this year by DEC. Comparable information is available already for the remainder of the SLEOC area from the Black River basin water quality plan done under Section 303(e) of the Federal Water Pollution Control Act Amendment of 1972.

Follow-up
- DEC to provide SLEOC with available information by November 12.

J. Regional Facilities

DEC will provide SLEOC with an update of proposed or acquired fishing access sites in their area during the past year.

Follow-up
- DEC to provide update to SLEOC by November 12.

K. Excluded Federal Lands

DEC will check on the status of work being done on the identification of federal lands under the jurisdiction of the Corps of Engineers, U.S. Fish and Wildlife Service and the Environmental Protection Agency. Any information available will be passed along to SLEOC.

Follow-up
- DEC to provide available information to SLEOC by November 12.

L. Minerals

SLEOC has inventoried sand and gravel locations using the same criteria as DEC (Ted Fedak) is using on a statewide basis.

Follow-up
- None.

M. Erosion

Shoreline erosion areas have been mapped using Corps of Engineer's information. DEC has no additional information to provide at this time. More information may be available much later if the anticipated Corps studies on shoreline damage are undertaken for Cayuga, Jefferson and St. Lawrence counties, similar to the one done for the Corps by SLEOC in Oswego County.

Follow-up
- None

N. Wastewater Management Facilities

A check will be made with the persons at DEC undertaking this task to determine the progress made in the inventory and mapping of these facilities. Any available information will be given to SLEOC.

Follow-up
- DEC to provide available information to SLEOC by November 12.

O. Air Quality

DEC will prepare a brief statement for SLEOC on the status of air quality and air quality control programs in their coastal area of concern.

Follow-up
- DEC to provide brief statement to SLEOC by November 12.

P. Radioactivity

SLEOC noted that preliminary findings indicated higher levels of radioactivity in wildlife in the vicinity of the nuclear plant in Oswego County. This may be an area of concern where DEC will eventually want to become involved.

Follow-up
- SLEOC will keep DEC informed of further findings.

IV. Review

It was agreed that DEC will be given the earliest opportunity possible for reviewing all plan recommendations made with respect to DEC interests in the SLEOC coastal area. Most of these will be made available in preliminary form before the public hearings in mid-December and again in final form before going to press in mid-February.

Follow-up
- DEC to review SLEOC plan recommendations concerning DEC as available. In some cases, a very short review period can be anticipated.

V. Legal/Institutional Arrangements

It was agreed that CZM staff and the Attorneys of SLEOC, DOS, and DEC would convene in Albany on November 4 to lay out a program which will address needs for legislation for both the implementation of the SLEOC plan and for State CZM work.

Follow-up

- Meeting on November 4 between SLEOC, DOS and DEC, CZM staff and attorneys.

Distribution

William Hicks
Gordon Behn
William Tyson
Gayle Harder
John Wilson
Robert Anderson
Stan Colvin
Fred Howell
Alan Lillyquist

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233

Peter A.A. Berle,
Commissioner

November 29, 1976

MEMORANDUM

TO: Participating Agencies

FROM: Fred Howell, DEC/CZM Program Manager

SUBJECT: Coastal Maps sent for Review and Comment

You should have received a package of maps and letter dated November 8, 1976, requesting review, change and comment on the coastal maps relative to your agency's area of concern.

We requested return of maps and comments by November 22, 1976. Information from your agency has not been received.

If you have not as yet prepared a response on the corrected maps, please call Henry Skoburn in this office at (518) 457 - 5557 as soon as possible to let us know if there are any problems.

Your cooperation in this matter will be most helpful.

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233

Peter A.A. Berle
Commissioner

July 16, 1976

Mr. Walker Banning
Central New York Regional Planning
and Development Board
Mid Town Plaza
700 East Water Street
Syracuse, New York 13210

Re: Central New York 208 AWTMP
Coordination with other programs

Dear Walker:

As discussed at the weekly 208 staff meeting on Tuesday, July 13, 1976, we remind you that it is imperative to coordinate all aspects of the 208 program with other existing programs such as the Air Quality Maintenance (AQMA), the Coastal Zone Management (CZM), and 201 facility plans. One aspect that presently must be scrutinized is population projections. It has been noted that there has been no coordination effort between the 208 and AQMA or other programs with respect to population projections. The population projections that have been developed by the 208 staff must be in agreement with the AQMA and all on-going programs.

We trust that steps are being taken to insure the compatability of the population projections with other on-going programs and request your written reply as to what steps have been taken and how future work tasks will be coordinated. Your immediate attention to this matter is requested.

Sincerely yours,

Colbath A. Tucker, P.E.
Chief, Regional Planning Section
Water Quality Planning Group
Office of Program Development,
Planning and Research

cc: C. Durfor
D. Welch
R. Hogan
W. Lee
K. Markussen
G. Hayes

The attached memo and Mission of the Map Advisory Committee were sent to the following on 2/1/77:

Geoffrey D. C. Orton - Commerce
Margaret Baldwin - OGS
Edward Saxby - OGS

STATE OF NEW YORK
DEPARTMENT OF STATE
162 WASHINGTON AVENUE
ALBANY, NEW YORK 12231

MARIO M. CUOMO
SECRETARY OF STATE

MEMORANDUM

January 31, 1977

TO: Map Advisory Committee Members

FROM: Kevin J. Cross KJC

As requested, enclosed is a copy of the original MAC statement of purpose. This MAC "mission" statement is relevant because the concerns of the committee at its inception appear to be consistent with those concerns expressed by MAC members at the general meeting of January 5.

Enclosure

PROBLEM

In recent years, there has been, within New York State government, rapid development and expansion of programs which require accurate, up-to-date maps and aerial photography and other remotely sensed imagery. The programs are involved with such functions as planning, inventory, surveillance and analysis, and often require that the mapping be compatible with the use of computer-based automatic data display systems in addition to being useful for more general applications. In order that the needs for these programs are met in a satisfactory, economic, and completely coordinated manner, with elimination of duplication, the Division of Budget, in October 1967, designated the Department of Transportation as the official clearinghouse for all mapping programs in the State, and established the interdepartmental Map Advisory Committee to foster coordination of the various map and aerial photography programs and needs of State agencies. The plan designates the Department of Transportation responsible for providing technical review of all mapping proposals of State agencies and making recommendations to the Map Advisory Committee for its consideration.

MISSION

The MAC is charged with the responsibility for promoting the development of statewide mapping and aerial photography programs which will meet the planning, inventory, decision-making, and program management needs of New York State. Its primary goal is to avoid duplication of State mapping and aerial photography expenditures, and to identify projects which will meet interagency needs more efficiently and at lower costs than individual agency projects would. The MAC makes recommendations to the Division of Budget for its consideration of such interagency needs.

Special concerns of the Committee include:

1. Types and scales of maps and aerial photography to be produced for State purposes.

2. Interdepartmental availability of mapping and aerial photography.

3. Establishment of standards for all State funded mapping and aerial photography activities.

4. Mapping and aerial photography related to the above covering all portions of New York State, undertaken by local, Federal and/or private agencies and not necessarily supported by State funds.

RESPONSIBILITIES

MAC shall review all requests for mapping referred to it by the Division of Budget or by DOT as a result of DOT's clearinghouse function. MAC's recommendation on matters involving State funds shall be forwarded to the Division of the Budget.

STATE OF NEW YORK
DEPARTMENT OF STATE
162 WASHINGTON AVENUE
ALBANY, NEW YORK 12231

MARIO M. CUOMO
SECRETARY OF STATE

M E M O R A N D U M

January 17, 1977

TO: Map Advisory Committee

FROM: Hank Williams

Enclosed are Minutes of the January 5 Meeting. Please let me know if you have comments or corrections.

Subcommittee meetings have been scheduled as follows:

Subcommittee 1 - Inventory	January 21 1 P.M. Room 115 Building 4 State Campus
Subcommittee 2 - Central Distribution	January 19 11 A.M. Department of State First Floor Conference Room
Subcommittee 3 - Procedure	January 21 11 A.M. Room 115 Building 4 State Campus

Enclosure

cc: Kevin Cross
David Markowitz

1/12/77

State of New York
Department of State
162 Washington Avenue
Albany, NY 12231

State Map Advisory Committee
Initial Meeting 1/5/77

OPENING REMARKS

H. Williams (State) - Introduced member agencies and reviewed historical background of the Committee. Committee was established in 1967 to aid Division of the Budget in allocating funds for mapping. Committee became inactive but interest was revived several months ago because of the obvious need to coordinate the State's diverse mapping activities.

It was suggested that MAC's value should be evaluated as soon as practicable. If Committee does not prove to be useful and effective, it should be disbanded.

Walter Saurack (DOB) - Indicated DOB had only peripheral interest in mapping. Accordingly, the Budget Director requested the Department of State to serve as Chairman. DOB is concerned with increasing efficiency and making best use of available State resources for mapping.

REVIEW OF MAPPING INTERESTS AND ACTIVITIES OF MEMBERS

Kevin Cross (State) - Described Department of State's mapping work under 701 Comprehensive Planning Assistance Program. An outline was distributed together with a proposed questionnaire. The DOS's mapping needs in coastal zone management were also reviewed.

Geoffrey D.C. Orton (Commerce) - Department of Commerce's maps include industrial sites, census repository, etc. These map needs are handled by staff. Big problem is that no statewide tourist - highway map exists. State funding has not been available. Funds have been requested in DOT's and Commerce's budgets for FY77-78 to do the work and print the maps.

Margaret Baldwin (OGS) - OGS Graphics Unit produces maps and publications as requested. Useragencies pay for production costs. OGS has 2 cartographers, 1 artist, 1 audio visual person.

Edward Saxby (OGS) - OGS has huge collection of maps, including valuable historical maps. Has been using maps from other agencies with increasing frequency, and is supportive of some statewide map system.

James Davis (State Museum and Science Service) - Museum publishes maps of: bedrock geology; unconsolidated materials; and derivative-interpretive maps, which are designed for planners and other non-scientists. Also produces seismistic (earthquake) maps and well-data maps. Is currently conducting field surveys to determine how land use decision-makers utilize maps. Has 1 cartographer. Does black and white mapping in-house; contracts out for color mapping. Is supportive of statewide map system.

John Harmon (DEC) - DEC utilizes DOT's services to considerable extent; also uses LUNR. DEC produces maps related to its statutory functions (i.e., Tidal Wetlands, flood areas, etc.).

DOT (Wilson Campbell in response to DEC) - DOT is anxious to see MAC become effective. Currently, overlapping and lack of communication prevail. DOT cites 40% cutback in staff as reason it cannot meet demands from other agencies and the public.

DEC wants DOT to predominate in statewide map system. Needs state land maps and stream classification maps. Says LUNR needs updating. Is supportive of statewide map system.

Nancy Pierson (OPR) - Indicated OPR is a user of other agencies' maps, particularly those of DOS and OGS. Its Planning Office is considering major statewide recreation map. Has park inventory available to public, but sees need for a tourist-oriented map similar to the map Commerce wants produced. Has inventory of Archaeological and Historic sites. Has done a Parkland Classification System showing land uses, flood plains, slope, wetlands, etc. Wants to see LUNR updated. OPR supports central role of DOT for mapping and wants to see increased interagency coordination.

Albert Ludik (Equalization and Assessment) - The 57 non-NYC counties must complete tax maps by 10/1/79. Twenty-one of the 57 have had their maps approved. Most of the other counties

are producing maps; some haven't started. E & A acts as a consultant to the counties, but is under-staffed and its role is limited. [illegible]. E & A sees need for adequate school districts maps.

Alan Madian (EDB) - Introduced Robert Crowder who suggested the Public Service Commission and the Department of Motor Vehicles should be on MAC. EDB is responsible for LUNR/LRIS program. EDB is currently developing land use classification system which is compatible with federal classification system.

E. Wilson Campbell (DOT) - DOT has three programs:

1. Basic Mapping Program, Using 1:24,000 Planimetrics - wants to update every 5 or 6 years but is operating now at a rate of completion every 14-15 years. Topo program has begun. 1:9,600 scale for urban area has been successful. Need exists for an updated county series.

2. Map Information Unit - eliminated last year and re-activated recently. Unit handles approximately 10,000 inquiries per year. Has maps available for borrowing by other agencies, and provides opportunity for public to use maps at DOT offices. Also, distributes "Record of Change Map".

3. Custom Mapping - supposed to do mapping for other agencies but has had its budget cut severely.

Alan Madian (EDB) - Posed following questions for MAC consideration:

1. What are the total expenditures for map-related activities in NYS?

2. What is the "optimal Base Map"?

3. What maps are currently being used by state agencies?

4. How long can a map be useful before it needs to be updated?

5. Should the mapping function be assigned to a single agency?

6. How can federal funds be used more efficiently?

7. To what extent can user-fees offset the costs of an extensive map program?

8. With regard to any given mapping proposal, is it "cost effective"?

(Madian is convinced that computerization, at least for the next 8 years, would not be cost effective.)

DISCUSSION AND NEXT STEPS

Following up on Al Madian's comments, several tasks were listed:

Tasks	Sub-Committee Members
1. Completion of an Inventory of Maps	DOS, OPR, DEC, E & A, DOT, EDB, PSC
2. Decision concerning central distribution of maps via single State Agency	DOT, DOS, OGS, Commerce
3. Development of procedures for reviewing mapping proposals	DEC, DOS, Budget, DOT, Education
4. Determination of Map Needs	(To be selected later)
5. Development of strategy and policy for meeting map needs	(To be selected later)

It was agreed that Tasks 1-3 should be initiated promptly with the member agencies participating as indicated. The Department of State will arrange meetings of the sub-committees to get them started. DOT also volunteered to provide staff support.

ADJOURNMENT

The meeting adjourned at 12:15 pm.

STATE OF NEW YORK
DEPARTMENT OF STATE
162 WASHINGTON AVENUE
ALBANY, NEW YORK 12231

MARIO M. CUOMO
SECRETARY OF STATE

MEETING NOTICE

TO: Interagency Planning Advisory Committee

FROM: Henry G. Williams

DATE AND TIME: Wednesday, January 5, 1977 - 1:00 p.m.
PLACE: First Floor Conference Room
162 Washington Avenue
Albany, NY

I am requesting that the Committee convene at the above time and place to discuss the following subjects:

1. Service Corridors
2. Coastal Zone Management Program
3. State Land Use and Housing Program

If the date and time selected pose a problem for you, please let me know as soon as possible.

Attendance-Initial Meeting 1/5/77

Agency	Representatives
Budget	Walter Saurack
Commerce	Geoffrey D.C. Orton
DEC	John Harmon
DOS	Henry G. Williams (Chairman) Kevin Cross, David Markowitz
DOT	Wilson Campbell
EDB	Alan Madian, Robert Crowder
State Museum and Science Service	James Davis
E & A	Albert Ludik
OGS	Edward Saxby, Margaret Baldwin
OPR	Nancy Pierson, Robert Reinhart

STATE OF NEW YORK
DEPARTMENT OF STATE
162 WASHINGTON AVENUE
ALBANY, NEW YORK 12231

MARIO M. CUOMO
SECRETARY OF STATE

M E M O R A N D U M

December 15, 1976

TO: Cita Simian
Chuck Guinn
Dennis Rapp
State CZM Citizens Advisory Committee

FROM: Hank Williams

RE: CZM Energy Advisory Panel

On November 18 I talked with the Environmental Land Use Subcommittee of the New York Power Pool about Coastal Zone Management activities. One of the items discussed was the way to provide for the involvement of energy related interests in the development of the State's CZM Program. The suggestion was made to create a CZM Energy Advisory Panel as part of our Public Involvement and Intergovernmental Coordination Process.

After thinking about this and discussing it informally with various individuals, I believe it would be useful to set up a CZM Energy Advisory Panel as follows:

CZM Energy Advisory Panel

Purpose: To advise the Secretary of State with respect to energy-related interests in or affecting the coastal zone. Particular attention would be directed to the requirement of the CZM Act pertaining to the establishment of a planning process for energy facilities siting in the coastal zone. In addition, the Panel would initiate and respond to policy proposals regarding energy-related interests in the development of the State's CZM Program.

Membership:

- Gas & Electric Utilities (one member from each of the utilities having a direct interest in the coastal zone)

- New York State Petroleum Council

- Other individuals or groups having particular interests in energy matters affecting the coastal zone

- Ex officio - State Energy Office, PSC, etc.

Organization

The Panel would be set up as the fifth advisory body to the State's CZM Program (see Attachment 1). It would meet at least twice annually, and at such additional times as may be necessary, upon the call of the Secretary of State.

It is emphasized that the proposed CZM Energy Advisory Panel would limit its attention to energy matters affecting the coastal zone.

Please let me know what you think of this idea. Upon receipt of your comment, I will make a recommendation to Mr. Cuomo.

Attachment

STATE INTERAGENCY PLANNING ADVISORY COMMITTEE

A G E N D A

September 2, 1976*

10 A. M.

---

1. Introduction..... Hank Williams
2. Northeast Water Study..... Tom Eichler
3. Coastal Zone Management Report on Land and Water Uses..... Bill Lee
4. Land Use Element Technical Reports.... Hank Williams
5. General Discussion.....

*Meeting held at: Room 128, DEC, 50 Wolf Road, Albany

STATE INTERAGENCY PLANNING ADVISORY COMMITTEE

AGENDA

June 24, 1976

---

1. Purposes of the Committee ..... Hank Williams (DSP)

2. Statewide land use and housing elements of the Comprehensive Planning Assistance Program..... Kevin Cross (DSP)

3. Water Resources Planning..... Tom Eichler (DEC)

4. Coastal Zone Management Program..... Hank Williams

   Coastal zone boundaries..... Bill Lee (DEC)

   Intergovernmental Coordination and Citizen Involvement Process..... Dave Buerle (DSP)

5. General discussion.....
   - Other planning and development activities
   - Items for future meetings

Meeting held at: Division of State Planning
Department of State
162 Washington Av.
Albany, N.Y. 12231

MEMORANDUM

STATE OF NEW YORK — DEPARTMENT OF STATE

DATE: May 6, 1976

TO: State Agencies CZM Committee OFFICE:

FROM: Hank Williams OFFICE:

SUBJECT: Highlights of State Agencies CZM Committee Meeting

Date of Meeting: April 21, 1976

Place of Meeting: Department of State
162 Washington Avenue
Albany, New York 12231

Personnel Attending: Dennis Rapp - PSC
Ivan Vamos - OPR
Tom Eichler - DEC
Bill Lee - DEC
John Judd - Sea Grant
Bill Tyson - SLEOC
Gayle Harder - SLEOC
Hank Williams - DOS
Ray Nurme - DOS
Dave Buerle - DOS
Lou Castiglione - DOS

The meeting addressed four matters: 1) background and purpose of of the committee; 2) status of the CZM Program; 3) OCS efforts; 4) structure of CZM advisory operations. Following are the main points discussed at the meeting.

1. Background and purpose of the committee

   - T. Eichler indicated it is essential to integrate efforts being made on the 701, 208, Air Quality and CZM Programs.

   - I. Vamos suggested that both DOT and the Health Dept. be included on the Committee.

2. Status of the CZM Program

   - R. Nurme stressed the program shift from feasibility in the first year to 306 program formulation in the second year.

   - Second year OCZM grant of $753,000 expected soon (some delay due to A-95 review); anticipate a submittal for additional funding after July 1 or October 1.

- Field visit by OCZM staff in March resulted in approval of second year work plan but included an admonition that the program must give evidence of moving toward the 306 phase in order to be funded in the third year.

- Second year program to stress: 1) Public Participation; 2) Demonstrated State Agency Coordination Mechanism; 3) Federal Consistency and Coordination; 4) Identification of GAPCs (Geographic Areas of Particular Concern); 5) Identification of Acceptable Uses in GAPCs; 6) Legal and Institutional Mechanismsto carry out the program.

- Segmentation in Nassau-Suffolk and St. Lawrence-Eastern Ontario areas was discussed. D. Rapp expressed concern that segmentation could preclude statewide options and approaches.

- Question raised about whether the Federal government requires a physical plan under the CZM Program; answer is that no overall land use plan in the CZ is envisioned but that GAPCs must be identified and mapped.

3. <u>OCS Efforts</u>

- Is a two year effort funded under Section 305 of CZM

- Greg Sovas of DEC is the OCS study manager; Steve Gordon of DEC has been New York State's OCS spokesman.

- New York City, the Nassau-Suffolk Regional Planning Board, the State Education Department, the Economic Development Board and the Office of Parks and Recreation will be contractual participants.

- A discussion developed on the problem of oil spills. W. Tyson inquired about whether OCS funds could be used in regard to the problem of oil spills on the Great Lakes. Answer is no. OCS applies only to marine coast. Great Lakes work would be done under regular CZM

4. <u>Structure of CZM Advisory Operations</u>

- I. Vamos stressed that interest groups to be represented on any CZ advisory committees should be balanced and spokesmen of interest groups identified.

- D. Rapp stressed that local government officials should be represented in the advisory structure.

- Nominees for various advisory groups should be forwarded to H. Williams of DOS.

- Agreement reached that meetings of this committee will be held on a monthly basis.

- DSP will distribute "interest categories" to state agencies for their review and comment. State agencies will also suggest names of individuals for CZM Citizens Advisory Panel.

Next Meeting: 9:30 a.m. Wednesday, May 19, 1976 at DOS, 162 Washington Avenue, Albany, New York

NOTES ON STATE AGENCY CZM COMMITTEE 4/21/76

HGW	Tom E.	B. Tyson
RAY	Bill L.	G. Harder
DAVE	Ivan	J. Judd
LOU	Denny	

1. BACKGROUND & PURPOSE.. HGW

Who should be members of CZM Committee?

Tom Essential to insure integration of 208/701/CZM

Need "front line" thinking to guide CZM program

Ivan Definitely DOT; maybe HEALTH

2. REVIEW OF STATUS OF CZM PROGRAM RAY

- Shift from "feasibility" approach in first year effort to program aimed at achievement of 306.
- Federal OCZM to provide $750,000 in 2nd year; possibly more after July 1 or October 1. Some delay due to A95 review in processing the grant, but all approved and grant expected soon.
- Visit by Federal OCZM in March resulted in Fedeal ok of 2nd year; also admonishion that program had to be in good shape in order to get 3rd year. Key required items are 1) demonstrated state agency coordination mechanism; 2) advisory system; 3) Federal consistency and coordination; 4) identify gebgraphic areas of particular concern (State Agency CZM Committee especially important in this); 5) identify permissible uses in geographic areas of particular concern; 6) legal and institutional approach to carry out the CZM Program.
- CZM unique in identifying "comprehensive" role of Federal agencies
- Anticipate that CZM Committee would be very helpful in identifying facilities, performance standards, etc.
- Segmentation approach being pursued in N-S area; also StL-EO area

D. Rapp Observed that there are evident problems in segementation approach; particularly because segment may preclude statewide options and approaches Discussion of State's role in "geographic areas of particular concern".

3. DESCRIPTION OF OCS/CZM ACTIVITIES TOM

- Is a 2 year effort funding under Sec. 305
- DEC (Greg Sovas) is OCS study manager
- Steve Gordon has been OCS spokesman for NYS
- NSRPB, NYC, SED, EDB AND OPR will be contractual participants
- Info meeting re OCS scheduled for 5/10

Ivan How does DEC & OCS program relate to industry's oil spill operation

Bill Tyson Will OCS funds be directed to oil spills in Great lakes? Problem of oil spill in Great Lakes must be handled under regular CZM.

4. STRUCTURE OF CZM ADVISORY OPERATIONS

Ivan If a special interest group is identified their spokesman must be named and relationship with other interests clarified.

D.Rapp Question advisory structure

- what relationship to locals?
- statewide advisory group

Tom Intent of advisory operation is to link "committee of interest" in CZ areas into a Statewide program.

* Circulate list of names, by interest groups to people
  get nominees from
  3rd Thursday May 20 @ 10 am

* Supply agenda in advance

* Keep posted on CZM Newsletter, other matters

DOS	SEA GRANT	OPR
DEC	ST.L - EO	PSC
GOV's	EDB	

NOTES

STATE AGENCY CZM COMMITTEE 4/21/76 10:30 am

1. Background & Purpose of State Agency Committee

   - Need a group like this to keep State Agencies having direct intent fully posted
   - Meet once a month and receive all info
   - Help CZM Program by discussing key items to insure consistency with Agency's interests
   - Assist by providing technical aid in re on going program

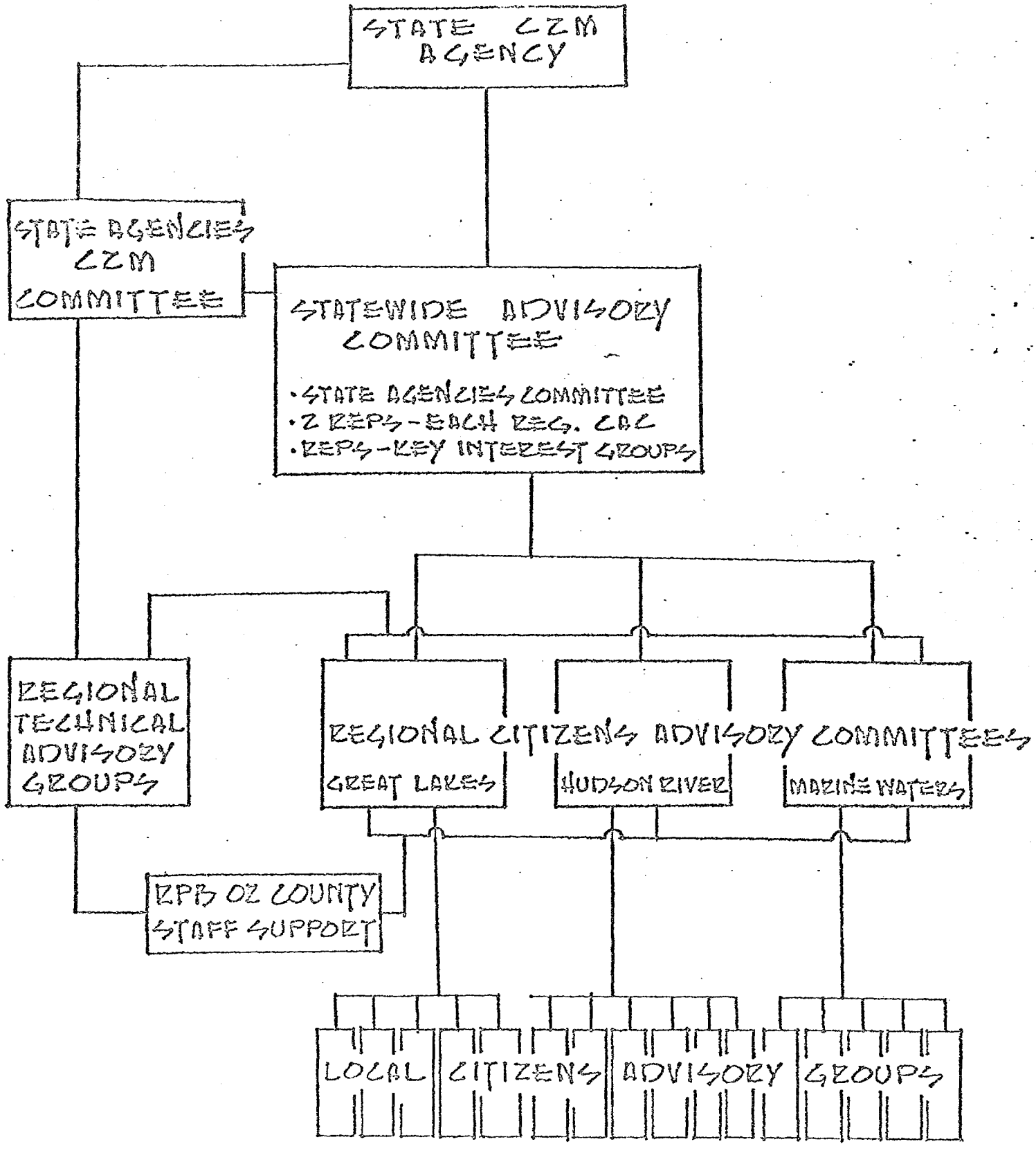
   "Should others join this group? Relation to State Interagency Planning Advisory.

2. Program Status

   - 1st year & 2nd year RAY
   - OCS TOM

3. Structure of CZM Advisory Operations

   - Chart
   - List & Hudson Gateway



PROPOSAL FOR A

STATEWIDE CZM ADVISORY STRUCTURE

MEMORANDUM

STATE OF NEW YORK — DEPARTMENT OF STATE

DATE: April 21, 1976

TO: File OFFICE:

FROM: Dave OFFICE:

SUBJECT: Meeting on CZM Statewide Advisory Committee

Date of Meeting: April 21, 1976

Place of Meeting: Department of State
162 Washington Avenue
Albany, New York 12233

Personnel Attending: Dennis Rapp-PSC
Ivan Vamos-OPR
Tom Eichler-DEC
Bill Lee-DEC
John Judd-Sea Grant
Bill Tyson-SLEOC
Gayle Harder-SLEOC
Hank Williams-DOS
Ray Nurme-DOS
Lou Castiglione-DOS
Dave Buerle-DOS

1. Hank discussed in general terms what would be discussed at this meeting.

2. Tom Eichler indicated that it was important to get this group together to help give guidance to the CZM program.

3. Tom talked about the fact that the 208 Wastewater Treatment Program, the Air Quality Program and indeed CZM all deal with the same clients, and all must deal with important institutional matters.

4. Ivan Vamos suggested that both DOT and the Health Dept. be included in this group. Suggested talking with Irv Grossman in the Health Dept.

5. Ray Nurme discussed the first year program--
   a. Based on determining the need, feasibility and desirability of coastal zone planning in New York State.
   b. Decided to follow a policy of having the studies carried out by regional, county and local agencies.

6. Ray Nurme talked about second year program--
   a. Discussed funding level in second year.
   b. Discussed the need for a public participation process.
   c. Second year program oriented to:
      1) Public Participation;
      2) Federal Coordination;
      3) Identifying Geographic Areas of Particular Concern;
      4) Identifying Acceptable and Priority Uses (for the Geographic Areas of Particular Concern);
      5) Legal and Institutional Mechanisms to carry out a program.
   d. Pointed out that a group like this could be of use in resolving conflicts, for instance between natural resources issues and economic development areas.

7. Objective of CZM Program is to have a policy plan to cover the CZ area as defined. There was some discussion on whether the Federal Government demands a physical plan.
   a. Federal Governement does not envision a plan which indicates allowable land use throughout the whole coastal zone.
   b. Federal Government does envision that Geographic Areas of Particular Concern (concern to the state) be actually put on a map.

8. Tom Eichler discussed the OCS activities.

9. Discussed the chart entitled "Proposal for a Statewide CZM Advisory Service".
   a. Ivan Vamos suggests that certain interest groups should be balanced off by conflicting interest groups.
   b. Dennis Rapp stressed that local governments must be represented as part of the advisory structure.
   c. A few agreed that local government people and local citizens could not work well on the same advisory structure.

10. Suggestion that this group will try to meet the third Thursday of each month at 10:00 a.m.

STATE OF NEW YORK
DEPARTMENT OF STATE
162 WASHINGTON AVENUE
ALBANY, NEW YORK 12231

MARIO M. CUOMO
SECRETARY OF STATE

DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
APR 1 1976
Office of Development
Planning and Research

April 8, 1976

Mr. Thomas Eichler
Director of Program Development
Planning and Research
New York State Department of
Environmental Conservation
50 Wolf Road
Albany, New York 12233

Dear Tom:

I am pleased to know that you have been designated as your Agency's representative to our State Interagency Planning Advisory Committee. Several other agencies have also named representatives, but there are still a few vacancies. Accordingly, I would prefer to wait a week or two before scheduling a meeting.

Initially, I propose to review our land use planning and coastal zone management activities to insure that our mutual interests are properly reflected in these programs. Other topics may subsequently come to our attention.

I will call you as soon as it is practicable to arrange a date for a meeting.

Thank you very much for your interest in this matter.

Sincerely,

Henry G. Williams
Director of State Planning

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233

Ogden Reid,
Commissioner

April 14, 1976

MEMORANDUM

TO: Program Division Directors

SUBJECT: Interagency Planning Advisory Committee

Please let me know of any matters you believe should be considered by the new Interagency Planning Advisory Committee, attached.

In advance of the first meeting, yet to be scheduled, it would be helpful to have any suggestions on topics or problem areas familiar to you which might be served by being on the agenda of this Committee.

I assume the overriding concern will be for the interrelation of very ambitious planning programs which are mainly federal mandates, having a primarily regional focus, under NYS supervision, all of which raise important institutional questions for implementation (208, Coastal Zone Management, Air Maintenance, 701 Land Use).

Thomas P. Eichler

Thomas P. Eichler
Director, Office of Program Development,
Planning and Research

Attachment
CC: Dr. Hullar

bcc: Bureau and Group Chiefs

File - CZM - State Agencies CZM Committee

STATE OF NEW YORK
DEPARTMENT OF STATE
162 WASHINGTON AVENUE
ALBANY, NEW YORK 12231

MARIO M. CUOMO
SECRETARY OF STATE

M E M O R A N D U M

May 3, 1976

TO: State Agencies CZM Committee

FROM: Hank Williams

A summary of our April 21 meeting is enclosed for your information.

Also enclosed is a list of "Interest Categories" that could be used to identify members of the proposed citizens advisory committee. It would be helpful if you would review the list of categories and suggest additions, deletions or changes in the basic approach. We also need names of specific individuals who may be considered for appointment to the advisory committee.

Our next meeting will be at 9:30 A.M. on May 19 (not May 20 as previously noted) at 162 Washington Avenue. At that time we will review our second year grant which was received today.

Enclosures

"CATEGORIES"

FOR

STATE CITIZENS' ADVISORY COMMITTEE

NEW YORK STATE COASTAL ZONE MANAGEMENT PROGRAM

1. Coastal Owners and Users - Residential
2. Coastal Owners and Users - Commercial and Industrial
3. Coastal Owners and Users - Agriculture/Aquaculture
4. Coastal Interest Groups - Conservation/Agriculture
5. Coastal Interest Groups - Ecological
6. Coastal Interest Groups - Historical/Cultural/Academic
7. Coastal Recreation - Providers
8. Coastal Recreation - Consumers
9. Unaffiliated Individuals - Inland
10. Unaffiliated Individuals - Coastal
11. Organized Labor

MEMORANDUM

STATE OF NEW YORK — DEPARTMENT OF STATE

DATE: May 6, 1976

TO: State Agencies CZM Committee OFFICE:

FROM: Hank Williams OFFICE:

SUBJECT: Highlights of State Agencies CZM Committee Meeting

Date of Meeting: April 21, 1976

Place of Meeting: Department of State
162 Washington Avenue
Albany, New York 12231

Personnel Attending: Dennis Rapp - PSC
Ivan Vamos - OPR
Tom Eichler - DEC
Bill Lee - DEC
John Judd - Sea Grant
Bill Tyson - SLEOC
Gayle Harder - SLEOC
Hank Williams - DOS
Ray Nurme - DOS
Dave Buerle - DOS
Lou Castiglione - DOS

The meeting addressed four matters: 1) background and purpose of of the committee; 2) status of the CZM Program; 3) OCS efforts; 4) structure of CZM advisory operations. Following are the main points discussed at the meeting.

1. Background and purpose of the committee

- T. Eichler indicated it is essential to integrate efforts being made on the 701, 208, Air Quality and CZM Programs.

- I. Vamos suggested that both DOT and the Health Dept. be included on the Committee.

2. Status of the CZM Program

- R. Nurme stressed the program shift from feasibility in the first year to 306 program formulation in the second year.

- Second year OCZM grant of $753,000 expected soon (some delay due to A-95 review); anticipate a submittal for additional funding after July 1 or October 1.

- Field visit by OCZM staff in March resulted in approval of second year work plan but included an admonition that the program must give evidence of moving toward the 306 phase in order to be funded in the third year.

- Second year program to stress: 1) Public Participation; 2) Demonstrated State Agency Coordination Mechanism; 3) Federal Consistency and Coordination; 4) Identification of GAPCs (Geographic Areas of Particular Concern); 5) Identification of Acceptable Uses in GAPCs; 6) Legal and Institutional Mechanismsto carry out the program.

- Segmentation in Nassau-Suffolk and St. Lawrence-Eastern Ontario areas was discussed. D. Rapp expressed concern that segmentation could preclude statewide options and approaches.

- Question raised about whether the Federal government requires a physical plan under the CZM Program; answer is that no overall land use plan in the CZ is envisioned but that GAPCs must be identified and mapped.

3. <u>OCS Efforts</u>

- Is a two year effort funded under Section 305 of CZM

- Greg Sovas of DEC is the OCS study manager; Steve Gordon of DEC has been New York State's OCS spokesman.

- New York City, the Nassau-Suffolk Regional Planning Board, the State Education Department, the Economic Development Board and the Office of Parks and Recreation will be contractual participants.

- A discussion developed on the problem of oil spills. W. Tyson inquired about whether OCS funds could be used in regard to the problem of oil spills on the Great Lakes. Answer is no. OCS applies only to marine coast. Great Lakes work would be done under regular CZM

4. <u>Structure of CZM Advisory Operations</u>

- I. Vamos stressed that interest groups to be represented on any CZ advisory committees should be balanced and spokesmen of interest groups identified.

- D. Rapp stressed that local government officials should be represented in the advisory structure.

- Nominees for various advisory groups should be forwarded to H. Williams of DOS.

- Agreement reached that meetings of this committee will be held on a monthly basis.

- DSP will distribute "interest categories" to state agencies for their review and comment. State agencies will also suggest names of individuals for CZM Citizens Advisory Panel.

Next Meeting: 9:30 a.m. Wednesday, May 19, 1976 at DOS, 162 Washington Avenue, Albany, New York

STATE INTERAGENCY PLANNING ADVISORY COMMITTEE

AGENDA

June 24, 1976

---

1. Purposes of the Committee ..... Hank Williams (DSP)

2. Statewide land use and housing elements of the Comprehensive Planning Assistance Program..... Kevin Cross (DSP)

3. Water Resources Planning..... Tom Eichler (DEC)

4. Coastal Zone Management Program..... Hank Williams

   Coastal zone boundaries..... Bill Lee (DEC)

   Intergovernmental Coordination and Citizen Involvement Process..... Dave Buerle (DSP)

5. General discussion.....
   - Other planning and development activities
   - Items for future meetings

Meeting held at: Division of State Planning
Department of State
162 Washington Av.
Albany, N.Y. 12231

14. COASTAL ZONE MANAGEMENT

1. A meeting of the State Interagency Planning Advisory Committee was held at the Department of State on June 24. One of the major agenda items was dicussionn of the proposed interest categories for the Statewide CZM Citizen Advisory Committee. The Committee should have been set up months ago to carry out a statewide public participation program for the CZM program. If DOS has not initiated the public participation program by August, the State may not be able to meet all requirements of the federal grant.

   DEC explained the approach being used for the delineation of a preliminary statewide coastal zone boundary. Slides were used to illustrate the step-by-step process by which a preliminary boundary is determined. Mr. Eichler discussed the water resources planning activities being carried out by OPDPR, emphasizing their interrelationships and significance to the development of a Coastal Zone Management Program.

2. DEC staff attended the 11th meeting of the Great Lakes Basin Commission Standing Committee on Coastal Zone Management in Duluth, Minnesota from July 13-14. The purpose of the meeting was to continue the required coordination of the CZM program with other Great Lakes States and Federal agencies. The Committee has decided to sponsor a regional public participation workshop in conjunction with the next Committee meeting to be held in September in Buffalo, New York. The workshop will be attended by selected members of each state's Citizen Advisory Committee. In order to participate in the workshop, New York should have the statewide CAC established before September.

3. As required by the second year contract between DEC and DOS, a second year work program for DEC was prepared and submitted to DOS. Included in the detailed work program are cost estimates, manpower allocations, products, and schedules for task completions.

4. A preliminary draft of the "Interim Report on Inventory and Analysis of Existing States and Federally-Legislated Programs and Activities Relative to New York's Coastal Zone" was completed and submitted to DOS.

5. DEC staff provided assistance to DOS in reviewing the revised first year CZM program reports prepared by New York City and the Black-River-St. Lawrence Regional Planning and Development Board.

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233

Peter A.A. I
Commission

January 6, 1977

MEMORANDUM

TO: State Interagency Planning Advisory Committee File

SUBJECT: January 5, 1977 Meeting

1. 701 Land and Hearing Elements

Kevin Cross gave an update of progress toward the August 1977 deadline for State land use and hearing elements to HUD:

- State has commented on the draft HUD regulations which would require the Governor to sign-off on the August submittal and send a copy to the Legislature;

- several first year reports have been completed by State, attached. Numbers 1-5 have been distributed to agencies including DEC for comments;

  (Jack, do we have all of them? Any comments? My impression is that they are not controversial.)

- the remaining reports on the list will come out soon;

- reports by other agencies, including DEC are about to be finalized and should be out soon.

State is pursuing a strategy of attempting to put together something they think the "Governor can sign." They still have to get HUD approval of a minimal submittal and then "go on to higher priorities" in other areas such as municipal assistance.

I expressed our concern about being involved in what Hank expressly states is a low priority for them and indicated we cannot simply agree that a complication of existing regulatory authorities leads to a conclusion that everything is great in land use when DEC has committed itself to further legislative proposals.

Hank suggested they will attempt to meet the public participation requirements through the RPB's in whatever they will also be doing.

State is just at the stage of now getting at recommendations, such as possibly requiring everyone to use common categories for sorting out land use.

2. Coastal Zone Management

Dennis Rapp advises all the maps are done identifying potential plant sites. Work is still going on for transmission facilities.

(Jack - can Fred confirm that we have this?)

Hank is setting an advisory group of utilities and oil companies.

(Jack - are you plugged in on this?)

Thomas P. Eichler
Director, Office of Program
Development and Planning

CC: Dr. Hullar
Mr. Finck - w/attachments

Tasks 4.5 and 5.2 [illegible] through Interstate Commissions.

Task 4.5 Assist DOS in Coordination and Liaison with Adjacent States Relative to Key CZM Program Interests

Through its membership in the Great Lakes Basin Commission (GLBC) and the New England River Basins Commission (NERBC), DEC has excellent coordination and liaison with the states and Federal agencies involved and has worked with them in their CZM programs. The commissions meet on a quarterly basis and have their CZM matters covered at each of their meetings. In addition, both commissions have CZM committees that meet periodically. Also, the Commissions have been establishing programs and priorities for Federal and Federal-assisted programs which include the coastal zone.

The NERBC has sponsored several coastal zone activities, particularly related to OCS during the year. These include:

- The Commission has completed the resource and land investigations (RALI) program under contract with the USGS for $350,000. The information is for the development and application of a methodology for siting onshore facilities associated with OCS development and has been well received. Program included three tasks: compilation of a fact book; scenarios for a high-find, medium-find, and a no-find for oil and gas on the Georges Bank; and to assist states in the design of their scenarios and the development of state OCS objectives.

- Three other OCS related activities include the establishment of a regional OCS technical service, producing an OCS film and completion of a gas facility study design.

- The CZM Committee held discussions on the coastal flood plain management and the links between the HUD Flood Insurance Program and the state CZM programs. Also, the integration of the water quality 208 program and CZM have been stressed.

- The CZM Committee provided liaison service with the states, assistance and information relative to a number of subjects including dredge disposal, public participation, and approaches to and contacts for Federal participation.

The GLBC has been conducting or been involved in several coastal zone studies and activities during the past year. These include:

- The Commission has provided a forum for communication with the U.S. Department of State so that the views of the states on water levels can be included in the State Department's discussions with their Canadian counterparts. There is a need for further regulation studies with the establishment of a water quantity board with participation by the states, a public advisory committee, and inclusion of the Canadian section of the St. Lawrence in further studies.

- A special four-month energy study by the Commission utilizing NOAA funds. This included the review of state and Federal siting laws and development of economic cost considerations so that trade-offs can be considered.

- The Commission has been involved with the Corps of Engineers in shoreline damage pilot studies for counties in the basin. Two of these, Oswego and Monroe Counties, have been completed in New York State. All of the New York State counties adjacent to the Great Lakes will be completed within the next two years.

- The Commission members discussed and expressed their views regarding a proposed IJC study of oil and wet gas drilling under the Great Lakes stating that no significant advances in technology for drilling have occurred since the 1970 IJC report and recommended no further action at this time.

- The CZM Committee sponsored its first public workshop in Buffalo on September 29-30.

- The CZM Committee had a meeting and workshop on the role of vegetation and bank stabilization in the Great Lakes shore zone.