

COASTAL ZONE MANAGEMENT SESSION

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An Overview of the Coastal Zone Management Program in the United States

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This afternoon we are talking about coastal zone management. This has become an important issue in the USA, much more so than in the countries of the Caribbean, and it might be of interest to examine the reasons for this difference. The United States has become a heavily industrialized nation, and much of the industrial development has taken place along our coasts because of the economics of water transportation. One result of this has been a considerable destruction of coastal lands and a heavy pollution load on the nearshore ecosystem. Other countries might well say, "You developed your industrial capability at the expense of some of your coastal zone, and we want to develop ours; don't attempt to stop us by trying to get us to undertake a program in coastal zone management before we have industrialized enough to require such a program." I must admit that I am totally in sympathy with this feeling. The question is not one of coastal industrialization and development *or* preservation of your coastal and nearshore resources, but rather the need to establish a national coastal zone management policy that insures the optimal use of your coastal zone. The need for developing coastal chemical plants must be balanced against the threat of mercury contamination in fish that you eat. The need for the disposal of sewage in coastal waters must be weighed against the desire to have unpolluted swimming beaches. The need to bring big ships into harbors like Cartagena Bay must be weighed against the desire to keep oil spills and sewage discharge to acceptable levels. So there are conflicting uses of the coastal zone that demand some degree of management for their resolution. Although the coastal zone is where the sea and the land meet, the problems arise because it is also where the sea and man meet.

In order to put the whole question of coastal zone management in the proper perspective, I would like to summarize for you the steps that led to a Coastal Zone Management in the United States, how this program works, and how one state – Florida – is meeting this challenge.

The following material is taken from a preliminary draft of the introduction to the State of Florida's Coastal Zone Management Program with only very small changes.

In the last half of the 1960s, the fragile nature of the nation's coastal zone and the intense conflicts occurring there drew the attention of the general public, the federal government, and many members of Congress. A special Commission on Marine Science, Engineering, and Resources was established by President Johnson in 1966, and in its report, "Our Nation and the Sea, a Plan for National Action" (M.S. Government, 1969), the Commission concluded, "The key to more effective use of our coastline is the introduction of a management system permitting conscious and informed choices among development alternatives. . . for this productive region in order to ensure both its enjoyment and sound utilization."

Two other government reports, the "National Estuarine Pollution Study" (1969) and the "National Estuary Study" (1970), also suggested that a comprehensive federal/state management system for coastal areas be established.

Debate on coastal management legislation centered in the 91st and 92nd Congresses. The final result was the Coastal Zone Management Act of 1972 which was signed into law by the President on October 27, 1972, and represented the first piece of comprehensive land and water management legislation passed by Congress. The basic Coastal Zone Management Act was amended and given new authority in 1976, demonstrating continued concern by the Congress.

Considered an example of "New Federalism," the Act places the responsibility to act upon the coastal states. Their participation is totally voluntary. Congress declared it to be the national policy "To preserve, protect, develop, and where possible, to restore or enhance the resources of the nation's coastal zone for this and succeeding generations." The Act provides financial assistance to states to help in developing and implementing "management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development." As a carrot to encourage state participation, funds are now granted on a 4/5 federal, 1/5 state basis. An important provision of the Act provides for increased state control over federal activities. Once the federal government approves a state's management program, federal actions within or affecting a state's coastal zone must be consistent with the state's coastal management program to the maximum extent practicable.

As amended in 1976, states are allowed 4 years to plan their management programs. If the program meets the requirements spelled out in the Coastal Zone Management Act, states will then receive grants to implement their plans which will also be funded on a 4:1 federal: state basis.

The Act is more concerned with the "process" devised by the states in their management programs than with specific land or water use decisions. In order to have their programs approved, states must address several requirements in their management programs: (1) an identification of the *boundaries* of the coastal zone; an identification of *uses to be managed* within the coastal zone boundary: uses which have a direct and significant impact on coastal waters and resources; an identification of the *means of control* over uses to be managed to promote,

encourage, restrict, prohibit or otherwise direct the uses; (2) an inventory and designation of *areas of particular concern* within the coastal zone, including guidelines on priorities of use within those areas; a process for designating *areas for preservation or restoration*; (3) a process for anticipating and managing the *impacts from energy facilities* in or affecting the coastal zone; a planning process that will identify public *shorefront* areas appropriate for access and/or protection; a planning process that will assess the effects of *shoreline erosion*; (4) a description of the *organizational structure* proposed to implement the management program, including the responsibilities and inter-relationships of local, regional, and state agencies in the management process. An important aspect of the Coastal Zone Management Act requires that the public and all levels of government (local through federal) be involved in the process of developing a state program. Congress recognized that if coastal management is to succeed, it must be developed along with the coastal communities and be fully understood, accepted, and supported by those persons most directly affected.

To receive federal approval of the program, the Governor of the state must approve the program, and the state must have developed the policies, arrangements, and authorities necessary for implementation. The Act specifies three alternative control mechanisms: (a) direct state regulation; (b) local regulation consistent with state established standards; or (c) local regulations with state review of all coastal zone development projects. A combination of any or all of the three is allowed.

The federal Act is administered by the Office of Coastal Zone Management of the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce.

As an example, let me discuss briefly Florida's Coastal Zone and the problems there, problems that perhaps can be prevented in the Gulf and Caribbean through advance planning.

Florida's coastal zone is its most important asset economically, biologically, and aesthetically. The coastal zone is the choice of residence for over 75% of the state's population. The principal transportation terminals for people and goods, the majority of the commercial centers, and the major industrial centers and military bases are in the coastal zone. It is visited by almost all of the over 25-million tourists that come to the state each year. It serves as a "recreation center" for citizens and visitors alike. By the year 2000, if present trends continue, Florida's coastal zone will contain 10-million permanent residents and will serve a yearly influx of several times that many visitors.

Florida, and especially the Florida coastal zone, has had an extremely rapid growth rate during the 1960s and 1970s. This growth has caused tremendous pressure on the coastal zone and has threatened the coast's attractiveness as a unique natural area. During the past decade, Florida's leaders began to recognize that many of the state's coastal areas were in serious trouble. Uncontrolled and unplanned, man's activities were degrading coastal resources at an unprecedented rate. Flood control measures and land development were causing water shortages and degraded water quality in much of southeast Florida. Estuarine resources, dependent upon fresh water runoff in the proper amount, quality, and timing, were being threatened. Massive fish kills were occurring in Escambia Bay and

other estuarine areas. Boca Ciega Bay was sacrificed for houses. Several coastal rivers were becoming open sewers, in danger of being destroyed completely. Many major shellfish beds were declared unsafe to utilize; some were destroyed completely. Once popular swimming areas could no longer be utilized because of pollution. Development had caused severe erosion of once beautiful beaches to the extent, in many cases, that the structures themselves were lost to the sea. The list was long and getting longer.

The writers of the 1968 Florida Constitution, recognizing that Florida's natural resources, especially its coastal resources, are the basis for Florida's economy and the primary attraction for residents and tourists alike, declared that: "It shall be the policy of the state to conserve and protect its natural resources and scenic beauty."

In an effort to follow this policy and to put a halt to the increasing threat to coastal resources, several legislative programs were initiated in the next several years. These included:

- 1) The establishment of an air and water pollution control agency and water quality standards.
- 2) More stringent state control of the use of most submerged lands and the overlying water. Permits and/or leases are required for such activities as bulk-heading, dredge and fill, marinas, aquaculture, and living and non-living resource extraction.
- 3) The establishment of beach development controls designed to prevent construction practices, even on private property, which might induce or accelerate erosion of Florida's beaches.
- 4) The establishment of special use areas such as the Aquatic Preserve System, the State Wilderness System, the Environmentally Endangered Lands Program, the State Park System, and Wildlife Refuges.
- 5) The passage of the Land and Water Management Act of 1972 establishing the Areas of Critical State Concern and the Developments of Regional Impact programs.
- 6) The passage of the Water Resources Act of 1972 to provide for the management of water and related land resources.

With the many governmental authorities and legal tools existing in Florida today, two obvious questions arise concerning a state commitment to coastal management. First, why is there a need for a coastal management program in Florida? Second, what does Florida stand to gain by continued participation in the federal coastal management program?

To answer these questions, an understanding of the wide variety of coastal problems that still exist in Florida is needed. These problems cover both the need to protect and conserve coastal resources and at the same time to accommodate growth and economic development. The various state legislative measures were directed primarily toward problems of environmental resources. They addressed specific problems and did not, in most cases, provide a systematic approach to evaluating *all* aspects of proposed projects or consider both the short- and long-term effects of a proposed use of coastal resources.

There is enough space in and around the coastal zone to accommodate growth *if it is planned and developed properly*. There is room for economic development, and such development is needed. The state must provide a mechanism which will encourage economic development while guiding it to physically and biologically suitable areas. An awareness and general understanding of the relationship between the amount, kind, and location of coastal resources and the true cost of their utilization is needed. This is lacking in the existing, largely regulatory framework.

Existing environmental legislation, because of its single-purpose, its fragmented nature, has caused problems for residential, commercial, and industrial developers. Many of these problems can be traced to governmental actions from the federal level on down to local agencies. Such problems often delay project approval and include: absence of interagency coordination regarding coastal resources; redundant permitting reviews by one or more levels of government; overlapping jurisdictional responsibilities among federal, state, regional, and local agencies; and conflicting governmental actions.

Under the State's existing situation, private sector developers are often faced with uncertain public policy and unclear public guidelines for development. Often, different governmental agencies will provide differing, even conflicting, comments on a proposed project. Administrative procedures often compound uncertainties and delays, and, as a result, much time and money are spent in obtaining decisions on projects. Most existing authorities are reactionary in approach, establishing adversary relationships with development interests. There is a need for a positive approach that will provide for government and private interaction early in the decision-making process.

The Florida Coastal Management Program will address environmental, economic, and institutional problems within a general resource management framework. Through implementation of the Florida Coastal Management Program, the scope of environmental permitting will be broadened to include economic considerations, and thereby, achieve a more balanced approach toward coastal resources allocation. The predictability of government actions on proposed developments will be increased by linking long-term planning and resource management with permitting and other regulatory and management functions.

Coastal management will provide a more positive approach to siting of future coastal development. Biophysical and socio-economic baseline data and clearly stated coastal management policies will give the developer an early indication as to the appropriateness of a proposed project. If the project is to be sited in an area of environmental sensitivity, the developer will be aware well ahead of time that he will have a great deal of difficulty in obtaining project approval. The program will provide additional positive assistance by identifying areas suitable for development activities. Because development standards and criteria will be more clearly identified, a by-product of this process should be a reduction in the number of legal disputes between private developers and governmental agencies.

Increased efficiency in government can also be anticipated through coastal management. The program will identify local, regional, and state responsibilities and eliminate redundant reviews where possible. Local government will be given the opportunity to play a significant role in program implementation. The pro-

gram will encourage and assist local government to develop effective planning and management techniques and coastal management expertise. With local government coastal management serving to complement existing statewide responsibilities, increased governmental efficiency should result.

Besides the resource and economic benefits that will accrue to Florida, several other advantages arise with participation in the federal CZM program. These additional benefits complement the other resource management aspects and range from government coordination to financial assistance. The most notable of these benefits are outlined as follows:

- 1) More efficient permitting coordination with the U.S. Army Corps of Engineers through enhanced joint state/federal permitting reviews.
- 2) Federal agency consistency with the provisions of the state CZM program to the extent that their actions affect coastal resources.
- 3) Potential designation as an "adjacent coastal state" under the Deepwater Port Act of 1974.
- 4) Federal financial assistance to manage the coastal zone in the amount of \$2.5 to \$3.5 million annually.
- 5) Grants to those local communities affected by coastal energy facilities for payment of additional required support services.
- 6) Grants for the establishment of estuarine sanctuaries and for the purchase of islands and shorefront access up to \$2 million per project.
- 7) A formal state role for reviewing Outer Continental Shelf oil and gas development plans.

For those of you that are sufficiently interested in the history and details of the United States Coastal Zone Management Program, I have brought with me copies of the Coastal Zone Management Act of 1972 plus copies of a paper by Zigurds Zite, a Professor of Law at the University of Wisconsin, entitled "A Legislative - Political History of the Coastal Zone Management Act of 1972." This paper gives more detail than I could possibly give in 20 minutes and will be of interest to those really concerned with the problems of coastal zone management.

In the United States, three states, Washington, Oregon, and California - the entire Pacific coast of mainland USA - have prepared programs which have been accepted and are being implemented. Some 13 additional states will join in the present fiscal year, and 13 more in 1979. Of special interest to the Gulf and Caribbean Fisheries Institute is the fact that federal grants to support fisheries planning and management activities in the territorial sea have been given to two states, Massachusetts and North Carolina.

For the Caribbean, I sincerely hope that you can avoid the complex coastal problems that in the United States required a Coastal Zone Management Program for their solution. What is needed for the Caribbean is an awareness of the potential problems that could result from uncontrolled coastal development and a commitment by your government to establish some sort of enforceable management policy to prevent these problems from developing in the first place. This will not, however, happen by itself. If you, the marine scientists, fisheries officers, fishermen, and marine-oriented government officials want to have a

coastal zone for your country that reflects a meaningful balance between conflicting uses, then it is up to you to educate the more land-oriented officials in your government that can accomplish it.

The sea and the land get along together amazingly well. It is only when man is injected into the system that the problems arise. Thus it is up to man to solve these problems so that the coastal zone can be optimally developed in the best interest of your country as a whole.

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