

COASTAL ZONE MANAGEMENT ACT AMENDMENTS OF 1980

MAY 15 (legislative day, JANUARY 3), 1980.—Ordered to be printed

Mr. CANNON, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 2622]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2622) to improve coastal zone management in the United States, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill do pass.

PURPOSE

The bill amends the Coastal Zone Management Act of 1972, as amended, to provide for 5 full years of authorization for section 306, a section which provides funds to coastal States to implement approved coastal zone management plans. The overall authorization level corresponds generally to the budget level proposed by the administration figures. The bill further amends sections 302 and 303, incorporating all of the administration's proposed changes in policy with additional policy language recognizing the role of living marine resources and special area management planning in coastal zone management.

Section 306 is amended to include the administration initiative which permits coastal States to continue to refine and make significant improvements in coastal management through use of up to 30 percent of the Federal grant to implement the policy goals identified in section 303. In addition, the bill recognizes the benefits to be gained in rehabilitating deteriorating urban waterfront areas and historic preservation through an amendment to section 306, resource management improvement grants, which is in keeping with the policy objective identified in section 302(2)(E). The Committee has reauthorized section 309 which provides for interstate coordination with certain additional technical amendments. Section 312 is amended to provide for more structured review of State performance and greater flexi-

bility to provide an opportunity for States which address specific weaknesses in their programs. The bill also directs the Secretary of Commerce to conduct a periodic review of the coastal energy impact program and the resource management improvement grants.

The provisions requiring an annual report are amended to require a biennial report instead. The bill includes additional language recognizing the current review of Federal programs that affect coastal resources which is being carried out by NOAA at the direction of the President, and requires that the results be reported to the Congress and the Council on Environmental Quality, with recommendations for resolving conflicts which are identified in the review.

Section 315 is revised by deleting the beach access provisions and raising the ceiling on Federal expenditures for estuarine sanctuaries from \$2 million to \$3 million, while maintaining the administration's proposed authorization level.

The bill authorizes \$45 million for 306 implementation grants: \$5 million for resource management improvement grants under 306A; \$5 million for interstate cooperation grants under section 309; \$6 million for estuarine sanctuaries under section 315(1); \$4 million for island preservation under section 315(2); and \$6 million for administrative costs, for a total of \$71 million annually for 5 fiscal years.

BACKGROUND AND NEED

The Coastal Zone Management Act was enacted in 1972 and is administered by the Office of Coastal Zone Management in the National Oceanic and Atmospheric Administration of the Department of Commerce. Nineteen States and territories have approved coastal zone management programs at the present time, covering roughly 68 percent of the Nation's coastline. Several additional States are continuing to develop programs.

Last year the Committee reviewed the status of the national effort in coastal zone management, considering the specific benefits which had been produced in the 5 years of funding provided the program. An authorization hearing was held concerning section 305 of the act, the planning grant provisions which have enabled coastal States and territories to develop their specific programs. All of the 35 coastal States and territories had participated in the national program at that time. The conclusion reached by the Committee as a result of the hearing was that section 305 had accomplished its basic task and did not require an extension of authorization.

This year the Committee has taken up the reauthorization of section 306, which provides implementation funds to coastal States with approved programs. In the course of this effort, many thoughtful suggestions for amendments to the act have been considered from the conservation community, various industrial and economic users, State and local government, and other coastal constituent interests with a legitimate stake in the future of the coastal zone management program. Among them, the Coastal States Organization (CSO) sponsored an assembly in January, 1979, to examine legislative options for the future of the national program. The assembly brought together a blend of experts in the Nation on coastal zone management. Partici-

pants included representatives from industry, environmental organizations, academia, Federal, regional, State, and local agencies, as well as congressional staff. In the final report of the assembly, "Coastal Management—Options for the '80's," specific suggestions were made for refinement of the policy section to achieve greater specificity and greater natural resource protection. Many other individuals and organizations have been studying the act and its established program, and have provided recommendations for change, such as the National Advisory Committee on Oceans and Atmosphere.

On August 2, 1979, the President transmitted to the Congress his second Environmental Message. In that message, the President identified for the Nation the immense importance of our coastal resources and, responding to a proposal by the conservation community, declared 1980 as the "Year of the Coast." The message outlined several initiatives which needed immediate attention, among them the reauthorization of the basic provisions of the Coastal Zone Management Act. In April, 1980, recommendations for amendments were submitted to the Congress by the administration which were a direct outgrowth of the Environmental Message.

The Committee held a hearing on April 30, 1980 at which time S. 2622, the administration amendments, H.R. 6979, the substitute bill of the House Merchant Marine and Fisheries Committee, and other recommendations were considered. At the hearing, H.R. 6979 generally received overwhelming support.

Full Committee mark-up was held on May 8, 1980 to consider S. 2622. An amendment in the nature of a substitute was adopted and S. 2622 was ordered reported. The bill combines the best features of both approaches, the Committee feels, as well as giving consideration to specific suggestions made by members which are in keeping with the Environmental Message and the purpose of the coastal zone management program. The basic foundation of the act is sound.

COMMITTEE ACTION

Findings.—A new section 302(f) has been added, as proposed by the administration, to emphasize the importance of the water element in coastal management programs. Intensively used coastal water areas, where existing or potential conflicts among competing uses may occur require more direct attention than has been given to date, and effective management in these areas has been identified as an urgent national priority. Efforts to plan for and manage coastal water activities are dominated currently by fragmented and sometimes inconsistent Federal programs. Existing State coastal management programs need to devote a greater level of attention to these activities, and the Secretary of Commerce should assist States in implementation. Sufficient technical assistance is important in enabling the States to develop a higher degree of management in these areas. Coordination should be carried out with Federal agencies with responsibilities for activities significantly affecting the oceans or Great Lakes.

Declaration of policy.—The Committee has expanded upon the original language of section 303 to state more clearly the need for State coastal zone management programs to address the specific

policy areas identified in the Environmental Message and incorporated in the original administration bill.

S. 2622, as reported, calls for protection of significant natural resources, and the means for doing so may include, but not necessarily be limited to, inventory and designation efforts. Enforceable standards play a central part in providing actual protection and should be regarded as a pivotal part of any such effort. Section 303(2) (A) addresses these points.

Minimizing the loss of life and property through hazard mitigation is a policy area which the Committee feels requires a great deal more emphasis than it has previously received. Comments were made in the hearing regarding the cycle of Federal expenditures in promoting development in high hazard areas which suffer from flooding, erosion, storm surge, subsidence, and salt-water intrusion. Development may be subsidized under any number of Federal programs. Disaster strikes, lives and property are endangered, and additional Federal expenditures are required for disaster relief. The Federal Government then re-subsidizes development in the aftermath of the disaster, or in the face of inevitable and ageless erosion, flooding, and storms; and the cycle repeats itself. Serious questions were raised in the hearing about the advisability of continuing to underwrite such development with public funds, particularly in light of the need to decrease Federal expenditures governmentwide. The Committee believes that the coastal zone management program should play a lead role by increasing attention to hazard mitigation in both developed and undeveloped areas, and post-disaster recovery and mitigation planning. The Committee expects NOAA to continue working closely with the Federal Emergency Management Agency, and specifically the Flood Insurance Administration to decrease public expenditures in these areas over the long-term. Section 303(2) (B) addresses this matter.

One of the criticisms which has been leveled at the coastal zone management program has been the lack of specificity for facility siting. The Committee believes that priority consideration should be given to the many and varied coastal-dependent uses which must be accommodated in the coastal zone through such means as expedited review processes, and encourages these uses to occur in areas with pre-existing development. Consideration is given to this concern under section 303(2) (C).

The need for better public access to the coast for recreational purposes predates the Coastal Zone Management Act, as well as being a major concern which continues today. The Committee feels, however, in keeping with both the administration and House proposals, as well as a majority of witnesses at the hearing, that progress can be better realized through a direct policy statement. Section 303(2) (D) reflects this need.

States continue to fund increasing numbers of waterfront planning and design projects in their localities, reflecting the growing national trend in waterfront revitalization, reclamation, and renewal of existing areas, many of which have significant historic and cultural value. The Office of Coastal Zone Management has been instrumental in establishing a task force of representatives from 18

Federal agencies, the Urban Waterfront Action Group, to improve coordination and delivery of services to waterfront communities. The Committee believes that this kind of investment in existing facilities and structures is sound management, and has incorporated section 303(2)(E) from the administration proposal. The Committee expects the coastal zone management program to continue to play a lead role in this area.

In light of the cumbersome procedures and inadequate coordination that occurs throughout State and Federal governments in regard to coastal resources, the Committee believes that many processes could be modified within the confines of the law to serve the public interest better through expedited decisionmaking. Section 303(2)(F) speaks to this issue. Permit simplification is one important means available to respond to this problem.

Since the coastal zone management program, by its very nature, becomes involved with activities carried out by other Federal agencies, it is necessary that these agencies have ample opportunity to have their views fully considered. Section 303(2)(G) calls for continued consultation and coordination with affected Federal agencies, as well as requiring adequate consideration of their points of view.

Public participation has been an important element in the formation and continuing dynamic development of the coastal zone management program, and the Committee believes that the coastal zone management policy should reflect the significant role that public participation plays. Section 303(2)(H) reflects this belief. Public participation activities may include such mechanisms as public meetings, hearings where appropriate, proper notification so that the public can become involved in the process, citizen advisory committees, and public education.

In accordance with the need to place more emphasis on the water element in coastal zone management expressed previously in section 302(f), the Committee feels that living marine resources require further attention from the Office of Coastal Zone Management and State coastal management programs. Particularly important is the linkage with State fish and wildlife agencies. The objectives of this area of activity should encompass those of the existing coastal fisheries assistance program and primarily help establish a comprehensive approach to living marine resource management, coordinate the objectives and operations of State and Federal coastal zone management and fisheries habitat agencies, provide better data and information on living marine resources, and improve management of fish stocks in coastal ocean and Great Lakes waters. The Committee notes that given the history and purpose of the legislation, this effort should not duplicate other Federal fisheries programs which emphasize development, especially facility construction projects. These and related types of projects are more appropriately dealt with through existing efforts in the Economic Development Administration, Coastal Plains Regional Planning Commission, the National Marine Fisheries Service, the Sea Grant program, and many others.

Special area management planning as envisioned in section 303(3) is an outgrowth of coastal zone management implementation in some States, and is a process which the Committee feels can provide sub-

stantial benefits, such as the following: increased specificity through uniform and consistent policies among Federal, State, and local agencies that control development in a specific area; increased predictability of Government decisions on specific plans and permit applications; expedited review of applications for development permits or conservation proposals; balanced and comprehensive consideration of long-term economic and environmental needs in a given area; and enhanced long-term protection for valuable coastal resources.

Conflicts frequently arise between protection of significant natural resources (identified in section 303(2)(A)) and providing for necessary economic growth. Delays occur which frustrate industry as well as the economic, social and fiscal goals of a community, and frequently result in a greater and unneeded loss of important ecosystems and fragile habitat in the end.

Resolution of these conflicts is a complex process involving a myriad of governmental agencies, economic interests, and the public. The multi-faceted decisionmaking process often results in added cost to both the public and private sectors, time delays in decisionmaking, and incremental decisions which may not adequately consider cumulative impacts within prescribed geographic areas. Some experience has been gained in special area management planning which shows considerable promise in addressing these concerns.

This process was used successfully to create estuarine sanctuaries in the Apalachicola river basin on the Gulf coast of Florida, and the Elkhorn Sough in California. SAMP processes are being carried out in Coos Bay, Oreg., and Greys Harbor, Wash., both of which involve the port authority as the initiator of the process. Successful and differently focused efforts have occurred in Everett, and Padilla Bay, Wash.

It is anticipated that planning efforts supported under this subsection will be applied to geographic areas large enough to benefit from a systems management approach yet practical from a management or decisionmaking standpoint. Examples of such areas are estuarine systems, bays, barrier islands, or urban waterfronts, as well as high hazard areas. Geographic specific management plans should be prepared by including appropriate public and private interests and implementing authorities of Federal, State, and local government. Plans should incorporate to the extent possible, planning and permitting requirements of all implementing authorities to maximize the ability of implementing authorities to use the plans as a guide for decisionmaking. Special area management plans are not intended to circumvent statutory responsibilities of regulatory agencies, but rather can be prepared as a means of advance resolution of public interest conflicts in identifying areas for preservation and development.

The Committee has included a definition of special area management planning in section 304(16) in addition to the policy language in section 303(3).

Administrative grants.—The Committee endorses the administration proposal to provide for more effective management through using a portion of the Federal grants under section 306 for significant improvements in the policies identified in section 303(2). The Commit-

tee believes that a 30 percent ceiling is necessary for such purposes unless a State chooses to expend more of the Federal share in this endeavor. This approach was almost universally endorsed in the hearing. It should be noted that improvements in every policy area are not necessarily required, given the individuality of the States programs. This section is tied to section 312 which requires evaluation of State programs. NOAA and the States are expected to consult, using the evaluation results, and establish priority areas for use of the improvement funds.

Coastal resources improvement program.—A new section 306(A) has been included which provides specifically for the rehabilitation and restoration of deteriorating urban waterfronts and areas of historic and cultural value. This expands on the policy statement in section 303(2)(E), and should be administered by the State agency implementing the coastal zone management program. Again, this approach was endorsed by a majority of witnesses in the hearing.

The Committee expects that preservation action would be properly linked to section 306(c)(9) and urban waterfront redevelopment to section 305(c)(3), both of which are designation processes. The Committee believes that section 306(A) funds should be regarded primarily as seed money for use in conjunction with other Federal program funds, and particularly as the non-Federal share frequently required under many of these programs. NOAA is expected to play a lead role in the Federal community in carrying out this provision, and work with the States and other Federal agencies to facilitate identification and utilization of related funds.

Interstate cooperation.—The Committee has reauthorized this section and added various technical amendments to improve implementation. In addition, an eligibility requirement has been stated so that funds expended under this section are done so through a State which as an approved management plan, is progressing under a section 305 planning grant, or is pursuing a coastal management effort independently which conforms to the requirements of section 306 with a broad policy framework commensurate with section 303.

Review of performance.—The Committee amends section 312 in S. 2622 as reported, to provide clear direction for evaluation of State programs. Evaluations in the past have caused considerable discussion by the States programs, the Coastal States Organization, and the Coastal Zone Management Advisory Committee, among others. Section 312 identifies specific requirements to be met in evaluation, and also provides for explicit discretion on the part of the Secretary where remedial action can be taken in a timely fashion. The coastal States should benefit from a more direct understanding of expectations, as well as have substantial flexibility in correcting identified problems areas. Periodic evaluation is called for on usage of funds under both the coastal energy impact fund and the resource management improvement program, which may be conducted in conjunction with the basic program evaluation.

Annual report.—The Committee has amended section 316 to provide for a biennial report rather than requiring one on an annual basis. The current reporting system has not worked well in the past, given the time limits for reporting in the present act, and the fact that some

States are administered and evaluated on a basis which exceeds 1 fiscal year. To ensure congressional review of the evaluation phase of the national program, section 316 reporting requirements have been expanded to direct the Secretary to include a summary of the evaluation findings prepared pursuant to section 312, as well as any actions taken as a result of those findings.

The Committee recognizes the President's directive to conduct a review of Federal coastal programs to identify conflicts between the policies of this act and other programs. The Committee assumes that those Federal programs which are reviewed under this section will be a manageable number and bear a significant relationship to the coastal zone. In addition, the Committee requires that the results of the review be reported to the Congress and to the Council on Environmental Quality, so that recommendations for both legislative and administrative changes will receive full consideration in the appropriate quarter. The Committee views this report with seriousness and encourages the President to follow up on the recommendations which will be made through executive orders and other appropriate means.

Estuarine sanctuaries and island preservation.—The estuarine sanctuaries program has been a highly successful element in the national coastal zone management program. The Committee has directed that the authorization be extended for this effort, and that the \$2 million cap on expenditures for acquisition of estuarine sanctuaries be raised to \$3 million, an unfortunate recognition of the impact of inflation. Demand for estuarine sanctuaries has been high from the beginning and continues to grow, a fact which the Committee has been delighted to see.

Acquisition for island preservation is maintained and authorized. In light of the President's recent focus on barrier islands, the Committee believes it is important to maintain this element in the program and extend the effort. The Committee also wishes to point out that preservation of barrier islands has direct applicability to hazard mitigation, which the Committee considers one of its high priorities. It should be noted that access is addressed under section 306(A).

Authorization of appropriations.—The Committee, sensitive to the benefits of reducing Federal expenditures, has adopted the administration's proposed annual budget level of \$71 million overall. The Committee believes strongly that 5 full years of authorization is necessary to see that State coastal zone management structures are properly integrated administratively and politically within the States.

The Committee has deleted the retroactive phaseout provision contained in the administration proposal. The Committee believes such a provision would unfairly penalize those States which embraced the coastal zone management concept first, at a time when it was still unproven. Further, the Committee has had firsthand experience in the past with overly optimistic timeframes for section 305 planning grants, and believes that if the State and Federal investment in coastal zone management is to produce a reasonably high level of effective management, a reasonable period of time should be permitted for this to occur. The chart below shows the specific funding levels authorized for appropriations by the Committee in section 318, as compared to the levels proposed by the administration.

COMPARISON OF CZM BILLS' AUTHORIZATION LEVELS

[In millions of dollars]

Fiscal year	State administration grants (306)		Resource improvement grants (306A)		State cooperation (309)		Estuarine sanctuaries (315(1))		Island preservation (315(2))		Program administration		Total
	S. 2622 ¹	Substitute ²	S. 2622	Substitute	S. 2622	Substitute	S. 2622	Substitute	S. 2622	Substitute	S. 2622	Substitute	
1981	50	45	0	5	0	5	6	6	10	4	5	6	71
1982	50	45	0	5	0	5	6	6	10	4	5	6	71
1983	215	45	0	5	0	5	6	6	10	4	5	6	46.83
1984	215	45	0	5	0	5	6	6	10	4	5	6	46.83
1985	215	45	0	5	0	5	6	6	10	4	5	6	46.83
1986	215	45	0	5	0	5	6	6	10	4	5	6	46.83
1987	215	45	0	5	0	5	6	6	10	4	5	6	46.83
1988	215	45	0	5	0	5	6	6	10	4	5	6	46.83
Total	315	225	0	25	0	25	30	30	20	20	40	30	355

¹ Proposed authorization level for fiscal year 1981 is \$71,000,000—29.7 percent lower than current authorization level.

² Proposed authorization level for fiscal year 1981 is the same as S. 2622.

OTHER PROVISIONS CONSIDERED

Federal consistency.—Section 307 of the Coastal Zone Management Act of 1972, as amended, has engendered considerable discussion since the passage of the act, and the subsequent amendment of a portion of the original language in 1976 and 1978. The basic language found in section 307(c)(1) has, however, remained as originally framed in the law.

The Committee believes that significant benefits have been produced through the Federal consistency clause. Consultation has occurred between States and Federal agencies at a point when States have had an opportunity to plan for and respond to the effects of Federal activities which carry a direct link to impacts in the coastal zone. In addition, Federal agencies have been able to conform their activities to State coastal zone management requirements before committing public resources to an effort which might be found to be inconsistent. In a period when the Congress and the administration are profoundly concerned with the effect of the Federal budget level on the Nation's economy, and are seeking to eliminate Federal deficit spending, such an approach is all the more necessary. Otherwise, wasteful expenditures may occur which do not serve the public interest. The Federal consistency provision also provides a significant opportunity for States to influence, within the confines of the act, Federal activities in the coastal zone, and serves as an inducement for voluntary State participation in this most important national program.

The Committee wishes to note that section 307 has application to problems in coastal hazard mitigation and other coastal development activity in which there is Federal participation or support. This was pointed out in the original conference report concerning section 307(c) with the conferees stating:

* * * that as to Federal agencies involved in any activities directly affecting the State coastal zone and any Federal participation in development projects in the coastal zone, the Federal agencies must make certain that their activities are to the maximum extent practicable consistent with approved State management programs.¹

The Committee believes that the provision can be a useful tool in carrying out the policies identified by the President in the Environmental Message, and which have been incorporated in S. 2622 as reported.

Many witnesses at the hearing addressed the need for changes in this provision. After close to 2 full years of experience in the majority of coastal States no specific instance could be cited where a consistency certification carried out by the State agency administering coastal zone management caused a serious delay or impediment to industry. The record on OCS consistency certification in California was scrutinized in the hearing and found to average 21 days. Additional materials submitted by other witnesses and the Office of Coastal Zone Management upheld this point, citing in addition Maryland and New Jersey, each of which are responding within 3 weeks on the average. The Com-

¹ Conference Report on S. 3507, 92nd Congress, 2nd Session, Report No. 92-1544.

mittee is pleased with this effort and commends both the States for their development of timely procedures and industry for its cooperative efforts. The conclusion of most witnesses was that the provision has worked well to date and no amendment is necessary. The Committee concurs on this view.

A concern was raised at the hearing that section 307 may be used by the States to override Federal authority in OCS leasing activities. This has not been borne out by the record to date. It may be useful to note that State coastal zone management plans are approved under section 306, and are the direct result of, and must continue to be responsive to, a set of federally mandated goals set out in the Coastal Zone Management Act, in order for Federal consistency to be applicable at the State level.

There has been only one significant conflict in the history of this provision. This has resulted in the first use of the process under the act. The State of California requested that the Department of Commerce conduct the mediation between the State and the Department of the Interior concerning the application of Federal consistency to certain pre-lease activities conducted by that Department. The process resulted early this year in a directive from the Secretary of Commerce to NOAA to initiate a rulemaking on the term, "directly affecting," since no compromise was reached between the parties. As noted earlier, section 307(c)(1) has remained as originally drafted. The Committee amended section 307 in the 94th Congress to insert the term "leases" wherever the phrase "licenses or permits" appeared, and stated in the Committee report:

In practical terms, this means that the Secretary of the Interior would need to seek the certification of consistency from adjacent State [s] . . . before entering into a binding lease agreement with private oil companies.²

In the conference that followed, a compromise was agreed to which responded to this principle by adding a new OCS plan provision to section 307(c)(3) applying consistency to licenses and permits in these plans. The Department of the Interior's activities which preceded lease sales were to remain subject to the requirements of section 307(c)(1). As a result, intergovernmental coordination for purposes of OCS development commences at the earliest practicable time in the opinion of the Committee, as the Department of the Interior sets in motion a series of events which have consequences in the coastal zone. Coordination must continue during the critical exploration, development, and production stages.

The Committee sees no justification to depart from this point of view. The Committee hopes that through the rulemaking, future areas of disagreement over the application of Federal consistency will be substantially reduced, especially given the excellent record of application shown by the coastal States.

Technical assistance.—The administration has proposed deleting the specific authorization for section 310, and the Committee is in agreement with this. The Office of Coastal Zone Management has been fund-

² Report of the Commerce Committee on S. 586, 94th Congress, 1st Session, Report No. 94-277, July 11, 1975, page 20.

ing technical assistance through section 306 and other means, which the Committee understands and supports. Technical assistance is a vital ingredient in the success of hazard mitigation efforts, special area management planning, conservation and management of living marine resources, and other coastal zone management efforts. The National Sea Grant Program might play a more effective role in supporting technical assistance needs as well; better coordination between the coastal zone management program and Sea Grant would certainly be useful in this regard.

National Coastal Zone Management Advisory Committee.—Suggestions have been received by the Committee that this advisory committee, established under section 314, serves no useful purpose and should be terminated. The Committee believes that this approach is premature at this point. The Coastal Zone Management Advisory Committee should continue to function, in the eyes of the Committee, but with a more constructive attitude in its purpose and utility toward the program. The Advisory Committee should take a self-critical look at its function, and define a more specific substantive role for itself. The Advisory Committee should keep the Committee informed as to its final disposition in this matter and the kinds of contributions it is making as a result. Given the current state of the Federal budget and the economy, the Committee reserves the right to review the efforts of the Advisory Committee to decide whether termination is justified at a later date.

Coastal energy impacts.—Expanded coastal energy impacts from the increased transportation and storage of coal have been brought to the attention of the Committee by individual Members, coastal States, and other affected parties. They have correctly pointed out that a combination of oil shortages, the national commitment to become energy self-sufficient, the President's mandatory coal conversion program, and the U.S. Environmental Protection Agency's clean air standards which necessitate the use of Western coal, necessitates increases in the amount of coal utilization and movement. Impacts from the increased use of coal, especially its transportation and storage, will be particularly experienced by the Great Lakes and North Atlantic States, as well as other coastal areas where coal transshipment activities take place. It is estimated that by the year 2000, coal transshipment in the Great Lakes alone will reach 135 million tons per year, a 300 percent increase over the 1977 figures, and more than double the historic high of 1948.

Coastal States experience numerous problems from coal related activities. These include increased port dredging and resulting dredge disposal problems, the loss of valuable coastal wetlands from coal storage and fly ash disposal, and the displacement of coastal parks and recreational boating facilities as well as decreased public access. The Committee recognizes the projected increase in impacts from coal transshipment are directly related to a series of federally induced decisions. Therefore, it is appropriate that the Coastal Energy Impact Program (CEIP), section 308 of the Coastal Zone Management Act, should be a vehicle to assist States in mitigating these increased impacts. The Committee has reviewed existing sections in the CEIP, including funding implications to determine what appropriate meas-

ures can be found. Existing section 308(d)(4) provides for grants to coastal States to prevent, reduce, or ameliorate any unavoidable loss of valuable environmental and recreational resources from a coastal energy activity. The act defines coastal energy activity to include the transportation and storage of coal. The Committee recognizes that the past history of funding for section 308(d)(4) has been inconsistent and may not provide the long term financial assistance needed to deal with increased impacts from coal transshipment.

The Committee expects the Secretary to work closely with coastal States impacted by coal transshipment activities, and other Federal agencies, to provide the maximum amount of available funds to coastal States, through section 308(d)(4) and any other appropriate assistance program. The Committee will continue to evaluate the adequacy of the existing CEIP, and also take note of related energy assistance programs currently being considered by Congress, in determining what future changes and additions may be necessary to address the issue of coal transshipment impacts. The Committee also recognizes that additional Federal induced energy decisions dealing with alternative energy sources such as Ocean Thermal Energy Conversion (OTEC), thermal and biomass conversion, and others may result in additional adverse impacts to coastal States. The Committee applauds these recent advances in alternative energy sources and encourages States to continue their involvement in the development and refinement of these activities, especially OTEC. At this time, the Committee believes it would be inappropriate to expand the impact assistance provisions of the CEIP to include possible impact from OTEC, or any other new energy resource activity, without first knowing the nature of and degree of such adverse impacts on effected coastal zones. The Committee does intend to monitor the development of OTEC activities in coastal States, especially Hawaii, in order to determine if the CEIP may need to be modified to provide assistance to mitigate impacts from OTEC and other coastal energy activities.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 14, 1980.

HON. HOWARD W. CANNON,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 2622, the Coastal Zone Management Act Amendments of 1980.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

MAY 14, 1980.

1. Bill number: S. 2622.
2. Bill title: Coastal Zone Management Act Amendments of 1980.
3. Bill status: As ordered reported by the Senate Committee on Commerce, Science, and Transportation, May 8, 1980.
4. Bill purpose: This bill authorizes the appropriation of \$71 million for fiscal year 1981 through fiscal year 1985 to carry out provisions of the Coastal Zone Management Act of 1972. In addition it amends that act to clarify national policy concerning the protection of the nation's coastal zones.

Authorization level:

Fiscal year:	<i>Millions</i>
1981 -----	\$71
1982 -----	71
1983 -----	71
1984 -----	71
1985 -----	71

Estimated outlays:

Fiscal year:	<i>Millions</i>
1981 -----	42
1982 -----	77
1983 -----	76
1984 -----	73
1985 -----	71

The cost of this bill fall within budget function 300.

6. Basis of estimate: This bill specifically authorizes funds for fiscal year 1981 through fiscal year 1985 to carry out various grant programs authorized by the Coastal Zone Management Act. For the purpose of this estimate, it is assumed that all funds authorized will be appropriated prior to the beginning of each fiscal year. Outlay estimates were based on information provided by the agency and on historical spending data for ongoing programs. Of the total \$355 million authorized by this legislation, approximately \$16 million is anticipated to be spent after fiscal year 1985.

7. Estimate comparison: None.

8. Previous CBO estimate: On May 14, 1980 CBO prepared a cost estimate for H.R. 6979, the Coastal Zone Management Improvement Act of 1980, as ordered reported by the House Committee on Merchant Marine and Fisheries on May 7, 1980. H.R. 6979 authorized appropriations of \$101 million for fiscal years 1981 through 1988 and \$116 million for fiscal years 1984 and 1985.

9. Estimate prepared by: Debbie Goldberg.

10. Estimate approved by:

C. G. NUCKOLS,
(For James L. Blum,
Assistant Director for Budget Analysis).

REGULATORY IMPACT STATEMENT

The bill, S. 2622, as reported, extends the authorization for the basic provisions of the Coastal Zone Management Act of 1972, as amended, for 5 additional years. The legislation also makes certain refinements

in the policy, evaluation, and implementation sections of the act, all of which are in accordance with the present purpose of the law.

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee concludes that because this bill does not regulate private business activity or any other private activity, the implementation of S. 2622, as reported, will have no direct impact on the personal privacy of any individual or business. The bill does not require that any records be kept by any individual or business, nor are any reports required to be filed, or regulations required to be promulgated which will directly affect any individual or business beyond the existing level of regulation.

SECTION-BY-SECTION ANALYSIS

Section 1

Section 1 of S. 2622, as reported, states the short title of the bill as the "Coastal Zone Management Act Amendments of 1980".

Section 2

This section amends section 302 to provide a new finding which recognizes the need for greater emphasis on managing coastal waters within the coastal zone, to provide better conflict resolution between competing uses.

Section 3

Section 3 amends existing section 303 to provide more refined policy which addresses the need for a higher level of protection for significant natural resources such as wetlands, floodplains, estuaries, beaches, dunes, barrier islands, coral reefs, and fish and wildlife; management of coastal development to minimize loss of life and property caused by improper development in flood-prone, storm surge, and erosion-prone areas, and areas of subsidence and saltwater intrusion; priority consideration for coastal-dependent uses, orderly processes for facility siting, and siting in areas of existing development to the maximum extent feasible; public access to the coast for recreation purposes; redevelopment of deteriorating urban waterfronts and sensitive preservation and restoration of areas with high historic and cultural value; coordinated and simplified procedures to ensure expedited governmental decisionmaking; continuing consultation and coordination with adequate consideration given to the views of affected Federal agencies; timely and effective opportunities for public participation; and assistance for comprehensive planning, conservation, and management of living marine resources within the coastal zone. In addition, a new subsection (3) is added which encourages the use of special area management planning to improve natural resource protection, increase predictability for necessary coastal-dependent economic growth, improve hazard mitigation, and improve predictability in Government decisionmaking. Subsection (4) reinserts the existing language found now in section 303(d).

Section 4

Section 4 amends section 304 of the act by providing a new definition describing special area management planning which corresponds to the new policy language under section 303(3). The inclusion in a

special area management plan of both standards and criteria for usage, and mechanisms for timely implementation are critical elements.

Section 5

This section amends section 306 of the act to permit the Secretary to make up to 80-percent grants for implementation of State programs, using up to 30 percent of the grants to require significant improvements in achieving the coastal management objectives specified in section 303(2) (A) through (I). The Secretary is required to issue regulations to implement the amendment within 1 year after the end of current fiscal year.

Section 6

A new section 306A establishes a "resource management improvement program" to address the need for revitalization of deteriorating urban waterfront areas and historic preservation in the coastal zone. Low-cost projects are primarily envisioned for funding, with a ceiling of 50 percent of the total expenditure for a given project. An eligible coastal State may not receive more than 10 percent of the total amount appropriated in a given year.

Section 7

Section 7 amends existing section 309 which covers interstate cooperation. A number of technical amendments are made to this section, as well as a provision making it clear that only States which meet the basic eligibility requirements in the act can receive funding under this section.

Section 8

This section amends existing section 312 to make more explicit the evaluation requirements for both coastal States and territories and the agency administering this section. Additional flexibility is added to the authority of the Secretary to permit more dynamic remedial action to correct weaknesses, short of withdrawal of approval. Regulations to administer the section are required within 1 year of the enactment of the legislation.

Section 9

This section amends section 316 to change the annual reporting requirement to a biennial one. In addition, the Secretary is called upon to conduct a systematic review of Federal programs to identify conflicts between such programs and the purposes and policies of this title. The Secretary is to notify agencies with which such conflicts exist within 1 year after the enactment of this legislation, and promptly submit a report to the Congress and the Council on Environmental Quality containing the results of the review. The report must also carry both administrative and legislative recommendations to resolve the conflicts which have been identified.

Section 10

Section 315 is amended by striking out the term "beach access", which is now contained in both section 303 and section 306A. The spending limitation of \$2 million for acquisition for estuarine sanctuaries is raised to \$3 million.

Section 11

Appropriations are authorized, through amendments to section 318, for 5 full fiscal years at the rate of \$45 million annually for basic section 306 implementation; \$5 million annually for section 306A grants; \$5 million for section 309 grants; \$6 million for section 315(1) grants governing estuarine sanctuaries and \$4 million for section 315(2) grants governing island preservation; and \$6 million for administrative expenses in carrying out the program.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in *italic*, existing law in which no change is proposed is shown in *roman*):

COASTAL ZONE MANAGEMENT ACT OF 1972 (16 U.S.C. 1451 ET SEQ.)

Section 302 of that Act (16 U.S.C. 1451).

CONGRESSIONAL FINDINGS

SEC. 302. The Congress finds that—

(a)–(e) * * *

(f) *New and expanding demands for food, energy, minerals, defense needs, recreation, waste disposal, transportation, and industrial activities in the Great Lakes, territorial sea, and Outer Continental Shelf are placing stress on these areas and are creating the need for resolution of serious conflicts among important and competing uses and values in coastal and ocean waters.*

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

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

[(h)] (i) The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

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

Section 303 of that Act (16 U.S.C. 1452).

[DECLARATION OF POLICY

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

DECLARATION OF POLICY

SEC. 303. The Congress finds and declares that it is the national policy—

(1) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations;

(2) to encourage and assist the States to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and aesthetic values as well as to needs for economic development, which programs should at least provide for—

(A) the protection of significant natural resources, including wetlands, floodplains, estuaries, beaches, dunes, barrier islands, coral reefs, and fish and wildlife and their habitat, which may include the inventory and designation of areas containing such resources and the establishment of enforceable standards for such protection;

(B) the management of coastal development to minimize the loss of life and property caused by improper development in flood-prone, storm surge, and erosion-prone areas and in areas of subsidence and saltwater intrusion, and by the destruction of natural protective features such as beaches, dunes, wetlands, and barrier islands;

(C) priority consideration being given to coastal-dependent uses and orderly processes for siting major facilities related to national defense, energy, fisheries development, recreation, ports and transportation, and the location, to the maximum extent feasible, of new commercial and industrial developments in areas where such development already exists;

(D) public access to the coasts for recreation purposes;

(E) assistance in the redevelopment of deteriorating urban waterfronts and ports, and sensitive preservation and restoration of historic, cultural, and aesthetic coastal features;

(F) the coordination and simplification of procedures in order to ensure expedited governmental decisionmaking for the management of coastal resources;

(G) continued consultation and coordination with, and the giving of adequate consideration to the views of, affected Federal agencies;

(H) the giving of timely and effective notification of, and opportunities for public participation in coastal management decisionmaking; and

(I) assistance to support comprehensive planning, conservation, and management for living marine resources within the coastal zone, and improved coordination between State and Federal coastal zone management agencies and State fish and wildlife agencies;

(3) to encourage the preparation of special area management plans which provide for increased specificity in protecting significant natural resources, reasonable coastal-dependent economic growth, improved protection of life and property in hazardous areas, and improved predictability in governmental decisionmaking; and

(4) to encourage the participation and cooperation of the public, State and local governments, and interstate and other regional agencies, as well as of the Federal agencies having programs affecting the coastal zone, in carrying out the purposes of this title.

Section 304 of that Act (16 U.S.C. 1453).

DEFINITIONS

SEC. 304. For the purposes of this title—

(1)—(15) * * *

(16) The term “special area management plan” means a comprehensive plan providing for natural resource protection and reasonable coastal-dependent economic growth containing a detailed and comprehensive statement of policies; standards and criteria to guide public and private uses of lands and waters; and mechanisms for timely implementation, in specific geographic areas within the coastal zone.

[(16)](17) The term “water use” means activities which are conducted in or on the water; but does not mean or include the establishment of any water quality standard or criteria or the regulations which are incorporated in any program as required by the provisions of section 307 (f).

Section 306 of that Act (16 U.S.C. 1455).

ADMINISTRATIVE GRANTS

SEC. 306. [(a) The Secretary may make a grant annually to any coastal state for not more than 80 per centum of the costs of administering such state’s management program if the Secretary (1) finds

that such program meets the requirements of section 305(b), and (2) approves such program in accordance with subsections (c), (d), and (e) (a) *The Secretary may make grants to any coastal State for not more than 80 percent of the costs of administering such State's management program if the Secretary—*

(1) *finds that such program meets the requirements of section 305(b);*

(2) *approves such program in accordance with subsections (c), (d), and (e); and*

(3) *finds, if such program has been administered with financial assistance under this section for at least 1 year, that the coastal State will expend an increasing proportion of each grant received under this section (but not more than 30 percent of the grant unless the State chooses to expend a higher percentage) on activities that will result in significant improvement being made in achieving the coastal management objectives specified in section 303(2) (A) through (I).*

For purposes of this subsection, the costs of administering a management program includes costs incurred in the carrying out, in a manner consistent with the procedures and processes specified therein, of projects and other activities (other than those of a kind referred to in clauses (A), (B), or (C) of section 306A (c) (2) that are necessary or appropriate to the implementation of the management program.

(b) Such grants shall be allocated to the states with approved programs based on rules and regulations promulgated by the Secretary which shall take into account the extent and nature of the shoreline and area covered by the plan, population of the area, and other relevant factors: Provided, [that no annual grant made under this section shall be in excess of \$2,000,000 for fiscal year 1975, in excess of \$2,500,000 for fiscal year 1976, nor in excess of \$3,000,000 for fiscal year 1977: Provided further, that no annual grant made under this section shall be less than 1 per centum of the total amount appropriated to carry out the purposes of the section: And provided further,] That the Secretary shall waive the application of the 1 per centum minimum requirement as to any grant under this section, when the coastal state involved requests such a waiver.

(c)-(h) * * *

New section 306A of that Act.

RESOURCE MANAGEMENT IMPROVEMENT GRANTS

SEC. 306A. (a) *For purposes of this section—*

(1) *the term "eligible coastal State" means a coastal State that for any fiscal year for which a grant is applied for under this section—*

(A) *has a management program approved under section 306; and*

(B) *in the judgment of the Secretary is making satisfactory progress which will result in significant improvements pursuant to section 306(a) (3).*

(2) *The term "urban waterfront" means any developed area that—*

(A) fronts or abuts on coastal waters, and

(B) is located in a municipality or township which is, in whole or part, within the coastal zone.

(b) The Secretary may make grants annually to any eligible coastal State to assist that State in meeting one or more of the following objectives:

(1) The preservation or restoration of specific areas of the State that (A) are designated under the management program procedures required by section 306(c)(9) because of their conservation, recreational, ecological, or aesthetic values.

(2) The redevelopment of deteriorating and underutilized urban waterfronts and ports that are designated under section 305(b)(3) in the State's management program as areas of particular concern.

(3) The provision of access to public beaches and other public coastal areas and to coastal waters.

(c) (1) Each grant made by the Secretary under this section shall be subject to such terms and conditions as may be appropriate to ensure that the grant is used for purposes consistent with this section.

(2) Grants made under this section may be used for—

(A) the acquisition of fee simple and other interests in land;

(B) low-cost construction projects determined by the Secretary to be consistent with the purposes of this section, including, but not limited to, paths, walkways, fences, parks, and the rehabilitation of historic buildings and structures; except that not more than 50 percent of any grant made under this section may be used for such construction projects;

(C) in the case of grants made for objectives described in subsection (b)(2)—

(i) the rehabilitation or acquisition of piers to provide increased public use, including compatible commercial activity,

(ii) the installation or rehabilitation of bulkheads for the purpose of increasing public access and use, and

(iii) the removal of pilings where such action will provide increased recreational use of urban waterfront areas;

(D) engineering designs, specifications, and other appropriate reports; and

(E) management costs and such other related costs as the Secretary determines to be consistent with the purposes of this section.

(d) (1) No grant made under this section may exceed an amount equal to 80 percent of the cost of carrying out the purpose or project for which it was awarded.

(2) Grants provided under this section may be used to pay a coastal State's share of costs required under any other Federal program that is consistent with the purposes of this section.

(3) The total amount of grants made under this section to any eligible coastal State for any fiscal year may not exceed an amount equal to 10 percent of the total amount appropriated to carry out this section for such fiscal year.

(e) With the approval of the Secretary, an eligible coastal State may allocate to a local government, an areawide agency designated

under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency, a portion of any grant made under this section for the purpose of carrying out this section; except that such an allocation shall not relieve that State of the responsibility for ensuring that any funds so allocated are applied in furtherance of the State's approved management program.

(f) In addition to providing grants under this section, the Secretary shall assist eligible coastal States and their local governments in identifying and obtaining other sources of available Federal technical and financial assistance regarding the objectives of this section.

Section 309 of that Act (16 U.S.C. 1456b).

INTERSTATE GRANTS

SEC. 309. (a) The coastal states are encouraged to give high priority—

(1) to coordinating state coastal zone planning, policies, and programs with respect to contiguous areas of such states; and

(2) to study, planning, and implementing unified coastal zone policies with respect to such areas.

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

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

(1) developing and administering coordinated coastal zone planning, policies, and programs pursuant to sections 305 and 306; and

(2) establishing executive instrumentalities or agencies which such states deem desirable for the effective implementation of such agreements or compacts.

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

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

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

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

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

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

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

INTERSTATE GRANTS

Sec. 309. (a) The coastal States are encouraged to give high priority—

(1) to coordinating State coastal zone planning, policies, and programs with respect to contiguous areas of such States;

(2) to studying, planning, and implementing unified coastal zone policies with respect to such areas; and

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

The coastal zone activities described in paragraphs (1), (2), and (3) of this subsection may be conducted pursuant to interstate agreements or compacts. The Secretary may make grants annually, in amounts not to exceed 90 percent of the cost of such activities, if the Secretary finds that the proceeds of such grants will be used for purposes consistent with section 305 and 306.

(b) The consent of the Congress is hereby given to two or more encouraged to give high priority to the coastal zone activities described which do not conflict with any law or treaty of the United States, for—

(1) developing and administering coordinated coastal zone planning, policies, and programs pursuant to sections 305 and 306; and

(2) establishing executive instrumentalities or agencies which such States deem desirable for the effective implementation of such agreements or compacts.

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

(c) Each executive instrumentality or agency which is established by an interstate agreement or compact pursuant to this section is en-

couraged to give high priority to the coastal zone activities described in subsection (a). The Secretary, the Secretary of the Interior, the Chairman of the Council on Environmental Quality, the Administrator of the Environmental Protection Agency, the Secretary of the department in which the Coast Guard is operating, and the Secretary of Energy, or their designated representatives, shall participate ex officio on behalf of the Federal Government whenever any such Federal-State consultation is requested by such an instrumentality or agency.

(d) If no applicable interstate agreement or compact exists, the Secretary may coordinate coastal zone activities described in subsection (a) and make grants to assist any group of two or more coastal States to create and maintain a temporary planning and coordinating entity to carry out such activities. The amount of such grants shall not exceed 90 percent of the cost of creating and maintaining such an entity. The Federal officials specified in subsection (c), or their designated representatives, shall participate on behalf of the Federal Government, upon the request of any such temporary planning and coordinating entity for a Federal-State consultation.

(e) A coastal State is eligible to receive financial assistance under this section if such State meets the criteria established under section 308(g)(1).

Section 312 of that Act (16 U.S.C. 1458).

【REVIEW OF PERFORMANCE

【SEC. 312. (a) The Secretary shall conduct a continuing review of—

【(1) the management programs of the coastal states and the performance of such states with respect to coastal zone management; and

【(2) the coastal energy impact program provided for under section 308.

【(b) The Secretary shall have the authority to terminate any financial assistance extended under section 306 and to withdraw any unexpended portion of such assistance if (1) he determines that the state is failing to adhere to and is not justified in deviating from the program approved by the Secretary; and (2) the state has been given notice of the proposed termination and withdrawal and given an opportunity to present evidence of adherence or justification for altering its program.】

REVIEW OF PERFORMANCE

SEC. 312. (a) The Secretary shall conduct a continuing review of the performance of coastal States with respect to coastal management. Each review shall include a written evaluation with an assessment and findings concerning the extent to which the State has implemented and enforced the program approved by the Secretary, addressed the coastal management needs identified in section 303(2) (A) through (I), and adhered to the terms of any grant or cooperative agreement funded under this title.

(b) For the purpose of making the evaluation of a coastal State's performance, the Secretary shall conduct public meetings and provide opportunity for oral and written comments by the public. Each such

evaluation shall be prepared in report form and the Secretary shall make copies thereof available to the public.

(c) The Secretary may reduce any financial assistance extended to any coastal State under section 306, and withdraw any unexpended portion of such reduction, if the Secretary determines that the coastal State is failing to make significant improvement in achieving the coastal management objectives specified in section 303(2) (A) through (I). Such reduction may be up to but not exceed 30 percent of the amount that would otherwise be available to the coastal State under section 306 in any given year.

(d) The Secretary shall withdraw approval of the management program of any coastal State, and shall withdraw any financial assistance available to that State under this title as well as any unexpended portion of such assistance, if the Secretary determines that the coastal State is failing to adhere to or is not justified in deviating from (1) the management program approved by the Secretary, or (2) the terms of any grant or cooperative agreement funded under section 306, and refuses to remedy the deviation.

(e) Management program approval and financial assistance may not be withdrawn under subsection (d), unless the Secretary gives the coastal State notice of the proposed withdrawal and an opportunity for a public hearing on the proposed action. Upon the withdrawal of management program approval under subsection (d), the Secretary shall provide the coastal State with written specifications of the actions that should be taken, or not engaged in, by the State in order that such withdrawal may be canceled by the Secretary.

(f) The Secretary shall conduct a periodic review and evaluation of the implementation of the coastal energy impact program carried out under section 308, and of the coastal resource improvement program carried out under section 306A.

Section 315 of that Act (16 U.S.C. 1461).

ESTUARINE SANCTUARIES AND [BEACH ACCESS] ISLAND PRESERVATION

SEC. 215. The Secretary may, in accordance with this section and in accordance with such rules and regulations as the Secretary shall promulgate, make grants to any coastal state for the purpose of—

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

[2) acquiring lands to provide for access to public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecological, or cultural value, and for the preservation of islands. The amount of any such grant shall not exceed 50 percent of the cost of the project involved; except that, in the case of acquisition of any estuarine sanctuary, the Federal share of the cost thereof shall not exceed \$2,000,000.]

(2) acquiring lands to provide for the preservation of islands, or portions thereof. The amount of any such grant shall not exceed 50 percent of the cost of the project involved; except that in the case of acquisition for an estuarine sanctuary, the Federal share of the cost shall not exceed \$3,000,000.

Section 316 of that Act (16 U.S.C. 1462).

[ANNUAL REPORT] COASTAL ZONE MANAGEMENT REPORT

SEC. 316. (a) **[**The Secretary shall prepare and submit to the President for the transmittal to the Congress not later than November 1 of each year a report on the administration of this title for the preceding fiscal year. The report shall include but not be restricted to**]** *The Secretary shall consult with the Congress on a regular basis concerning the administration of this title and shall prepare and submit to the President for transmittal to the Congress a report summarizing the administration of this title during each period of 2 consecutive fiscal years. Each report, which shall be transmitted to the Congress not later than April 1 of the year following the close of the biennial period to which it pertains, shall include, but not be restricted to* (1) an identification of the state programs approved pursuant to this title during the preceding Federal fiscal year and a description of those programs; (2) a listing of the states participating in the provisions of this title and a description of the status of each state's programs and its accomplishments during the preceding Federal fiscal year; (a) an itemization of the allocation of funds to the various coastal states and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any state programs which have been reviewed and disapproved **[**or with respect to which grants have been terminated under this title**]** and a statement of the reasons for such action; (5) *a summary of evaluation findings prepared in accordance with subsection (a) of section 312, and a description of any sanctions imposed under subsections (c) and (d) of this section;* **[(5)]** (6) a listing of all activities and projects which pursuant to the provisions of subsection (c) or subsection (d) of section 307, are not consistent with an applicable approved state management program; **[(6)]** (7) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; **[(7)]** (8) a summary of a coordinated national strategy and program for the Nation's coastal zone including identification and discussion of Federal, regional, state, and local responsibilities and functions therein; **[(8)]** (9) a summary of outstanding problems arising in the administration of this title in order of priority; **[(9)]** (10) a description of the economic, environmental, and social consequences of energy activity affecting the coastal zone and an evaluation of the effectiveness of financial assistance under section 308 in dealing with such consequences; **[(10)]** (11) a description and evaluation of applicable interstate and regional planning and coordination mechanisms developed by the coastal states; **[(11)]** (12) a summary and evaluation of the research, studies, and training conducted in support of coastal zone management; and **[(12)]** (13) such other information as may be appropriate.

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

(c) (1) *The Secretary shall conduct a systematic review of Federal programs, other than this title, that affect coastal resources for pur-*

poses of identifying conflicts between the objectives and administration of such programs and the purposes and policies of this title. Not later than 1 year after the date of the enactment of this subsection, the Secretary shall notify each Federal agencies having appropriate jurisdiction of any conflict between its program and the purposes and policies of this title identified as a result of such review.

(2) The Secretary shall promptly submit a report to the Congress and to the Council on Environmental Quality consisting of the information required under paragraph (1) of this subsection. Such report shall include recommendations for legislative and administrative changes necessary to resolve existing conflicts among Federal laws that affect the uses of coastal resources.

Section 318 of that Act (16 U.S.C. 1464).

【AUTHORIZATION OF APPROPRIATIONS

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

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

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

【(3) such sums, not to exceed \$50,000,000 for each of the fiscal years ending September 30, 1977, and September 30, 1978, and not to exceed \$130,000,000 per fiscal year for each of the fiscal years occurring during the period beginning on October 1, 1978, and ending September 30, 1988, as may be necessary for grants under section 308(b);

【(4) such sums, not to exceed \$5,000,000 for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, September 30, 1982, and September 30, 1983, as may be necessary for grants under section 308(c) (2), to remain available until expended;

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

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

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

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

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

[(b) There are authorized to appropriated until October 1, 1986, to the Fund, such sums, not to exceed \$800,000,000 for the purposes of carrying out the provisions of section 308, other than subsections (b) and (c) (2), of which not to exceed \$50,000,000 shall be for purposes of subsections (c) (1) and (d) (4) of such section.

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

AUTHORIZATION OF APPROPRIATIONS

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

(1) such sums, not to exceed \$45,000,000 for each of the fiscal years occurring during the period beginning October 1, 1980, and ending September 30, 1985, as may be necessary for grants under section 306, to remain available until expended;

(2) such sums, not to exceed \$5,000,000 for each of the fiscal years occurring during the period beginning October 1, 1980, and ending September 30, 1985, as may be necessary for grants under section 306A, to remain available until expended;

(3) such sums, not to exceed \$50,000,000 for each of the fiscal years ending September 30, 1977, and September 30, 1978, and not to exceed \$130,000 per fiscal year for each of the fiscal years occurring during the period beginning on October 1, 1978, and ending September 30, 1988, as may be necessary for grants under section 308(b);

(4) such sums, not to exceed \$5,000,000 for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, September 30, 1982, September 30, 1983, as may be necessary for grants under section 308(c) (2), to remain available until expended;

(5) such sums, not to exceed \$5,000,000 for each of the fiscal years occurring during the period beginning October 1, 1980, and ending September 30, 1985, as may be necessary for grants under section 309, to remain available until expended;

(6) such sums, not to exceed \$6,000,000 for each of the fiscal years occurring during the period beginning October 1, 1980, and ending September 30, 1985, as may be necessary for grants under section 315(1), to remain available until expended;

(7) such sums, not to exceed \$4,000,000 for each of the fiscal years occurring during the period beginning October 1, 1980, and ending September 30, 1985, as may be necessary for grants under section 315(2), to remain available until expended;

(8) such sums, not to exceed \$6,000,000 for each of the fiscal years occurring during the period beginning October 1, 1980, and ending September 30, 1985, as may be necessary for administrative expenses incident to the administration of this title.

(b) There are authorized to appropriated until October 1, 1986, to the Fund, such sums, not to exceed \$800,000,000 for the purposes of carrying out the provisions of section 308, other than subsections (b) and (c) (2), of which not to exceed \$50,000,000 shall be for purposes of subsections (c) (1) and (d) (4) of such section.

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

