

# COASTAL ZONE MANAGEMENT

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(91-46)

HEARING  
BEFORE THE  
SUBCOMMITTEE ON RIVERS AND HARBORS  
OF THE  
COMMITTEE ON PUBLIC WORKS  
HOUSE OF REPRESENTATIVES  
NINETY-FIRST CONGRESS

FIRST SESSION

ON

**H.R. 14845**

TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT  
TO PROVIDE FOR THE ESTABLISHMENT OF A NATIONAL  
POLICY AND COMPREHENSIVE NATIONAL PROGRAM FOR THE  
MANAGEMENT, BENEFICIAL USE, PROTECTION, AND DEVELOPMENT  
OF THE LAND AND WATER RESOURCES OF THE  
NATION'S ESTUARINE AND COASTAL ZONE

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DECEMBER 3, 1969

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Printed for the use of the Committee on Public Works



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51-082 O

WASHINGTON : 1970

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# COASTAL ZONE MANAGEMENT

WEDNESDAY, DECEMBER 3, 1969

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON RIVERS AND HARBORS  
OF THE COMMITTEE ON PUBLIC WORKS,  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 10:10 a.m., in room 2167, Rayburn House Office Building, Hon. James J. Howard presiding.

Mr. HOWARD. The Subcommittee on Rivers and Harbors of the House Public Works Committee will please come to order.

The chairman of the House Committee On Public Works, the Honorable George H. Fallon, would like to present an opening statement. Mr. Chairman.

The CHAIRMAN. The Clean Water Restoration Act of 1966 (Public Law 89-753) authorized a study of the effects of pollution in the estuaries and estuarine zones of the United States. This act required the Secretary of the Interior to present to the Congress by November 3, 1969, recommendations for a comprehensive national program to preserve, study, use and develop the estuaries of the Nation, and the respective responsibilities which should be assumed by Federal, State, and local governments and by public and private interests.

This study has been completed by the Secretary of the Interior and his report was submitted to the Congress, along with proposed legislation recommended by the Secretary implementing the study. This proposed legislation resulted in the introduction of H.R. 14845 which I was pleased to sponsor.

Briefly, H.R. 14845 would provide for—

A cooperative program between the Federal and coastal State governments;

Federal grants to coastal States to assist them in developing comprehensive management programs for the land and water resources of the coastal zones;

Federal grants to implement the management programs;

Federal review on a continuing basis of the comprehensive management program and of the performance of each coastal State; and

Establishment of advisory committees in the Department of the Interior on matters of policy concerning the coastal zone.

This is important legislation that deserves our very careful consideration, along with other recommendations made by the Secretary in his report on the national estuarine pollution study. I commend the Secretary for his very fine report and for what I am certain will be an excellent summation of the report this morning.

Mr. HOWARD. Thank you, Mr. Chairman.

Section 201(b) of the Clean Water Restoration Act of 1966 authorized the Secretary of the Interior to undertake a comprehensive study of the effects of pollution in the estuaries and estuarine zones of the United States. This legislation, which originated in the Committee on Public Works, directed that in conducting the study, the Secretary should assemble, coordinate, and organize all existing pertinent information on the Nation's estuaries and estuarine zones; carry out a program of investigations and surveys to supplement existing information in representative estuaries and estuarine zones; and to identify the problems where further research and study are required.

The Secretary was directed to submit to the Congress by November 3, 1969, a final report of this study. The report was required to include, but not be limited to—

- (1) An analysis of the importance of estuaries to the economic and social well-being of the people of the United States and of the effects of pollution upon the use and enjoyment of such estuaries;
- (2) A discussion of the major economic, social, and ecological trends occurring in the estuarine zones of the Nation; and
- (3) Recommendations for a comprehensive national program for the preservation, study, use, and development of estuaries of the Nation, and the respective responsibilities which should be assumed by Federal, State, and local governments, and by public and private interests.

Today, we meet to receive a summary of this report from the Secretary of the Interior, the Honorable Walter Hickel. The three-volume report entitled, "The National Estuarine Pollution Study" has been submitted to the Congress and referred to this committee. In addition, the Secretary has submitted proposed legislation implementing the conclusions of the study. This recommended legislation has been introduced by the distinguished chairman of the Committee on Public Works, Representative George H. Fallon, and cosponsored by three of my colleagues on the committee: Representative Cramer, Harsha and Clausen. The chairman of the Subcommittee on Rivers and Harbors, Representative John Blatnik, is also one of the cosponsors.

If there are no objections, H.R. 14845 will be made a part of the record at this point.

(Bill referred to follows:)

91ST CONGRESS  
1ST SESSION

# H. R. 14845

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 1969

Mr. FALLON (for himself, Mr. BLATNIK, Mr. CRAMER, Mr. HARSIA, and Mr. DON H. CLAUSEN) (by request) introduced the following bill; which was referred to the Committee on Public Works

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## A BILL

To amend the Federal Water Pollution Control Act to provide for the establishment of a national policy and comprehensive national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's estuarine and coastal zone.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That as a result of a comprehensive study carried out pur-  
4       suant to section 5 (g) of the Federal Water Pollution Con-  
5       trol Act, as amended, and the information derived therefrom  
6       of the effects of pollution, including sedimentation, in the  
7       estuaries and estuarine zones of the United States on naviga-  
8       tion, flood control, recreation, water supply and water power,

1 and on other beneficial purposes, the Congress finds and  
2 declares that it is necessary to establish a national policy  
3 to encourage and assist the coastal States to exercise effec-  
4 tively their responsibilities over the Nation's estuarine and  
5 coastal zones through development and implementation of  
6 comprehensive management programs to achieve effective  
7 use of the coastal zone through a balance between develop-  
8 ment and protection of the natural environment.

9       SEC. 2. This Act may be cited as the National Estuarine  
10 and Coastal Zone Management Act of 1970.

11       SEC. 3. Section 19 of the Federal Water Pollution Con-  
12 trol Act, as amended, is redesignated as section 20. After sec-  
13 tion 18 of the Federal Water Pollution Control Act, as  
14 amended, there is hereby inserted the following new section:

15       "SEC. 19. (a) For the purposes of this section—

16       “(1) ‘Estuary’ means all or part of the mouth of a river  
17 or stream or other body of water having unimpaired natural  
18 connection with open sea and within which the sea water is  
19 measurably diluted with fresh water derived from land drain-  
20 age.

21       “(2) ‘Coastal zone’ means the land, waters, and lands  
22 beneath the waters in close proximity to the coastline (in-  
23 cluding the Great Lakes) and strongly influenced by each  
24 other. For purposes of identifying the objects of planning,  
25 management, and regulatory programs the coastal zone ex-

1 tends seaward to the outer limit of the United States terri-  
2 torial sea. Within the coastal zone as defined herein are in-  
3 cluded areas influenced or affected by water from an estuary  
4 such as, but not limited to, salt marshes, coastal and inter-  
5 tidal areas, sounds, embayments, harbors, lagoons, inshore  
6 waters, and channels.

7 “(3) ‘Coastal State’ means any State of the United  
8 States bordering on the Atlantic, Pacific, or gulf coast or  
9 the Great Lakes, and includes Puerto Rico, and the Virgin  
10 Islands.

11 “(4) ‘Secretary’ means the Secretary of the Interior.

12 “(b) CONGRESSIONAL FINDINGS; DECLARATION OF  
13 POLICY.—

14 “(1) Congress hereby finds that there is a national in-  
15 terest in the effective management, beneficial use, protec-  
16 tion, and development of the land and water resources of the  
17 Nation’s estuarine and coastal zone for the following rea-  
18 sons:

19 “(A) The pressures of population growth and economic  
20 development, including requirements for industrial, com-  
21 mercial, residential development, recreation, exploitation of  
22 mineral resources, and fossil fuels, transportation and other  
23 navigation, waste disposal, and exploitation of fish and other  
24 living marine resources, impose an increasing number of con-  
25 flicting demands upon the finite resources of the coastal zone.

1       “(B) Estuaries, marshlands, and other parts of the  
2 coastal zone contain extremely valuable habitat for fish and  
3 wildlife which move beyond State boundaries; such areas  
4 are vital to the life support of a major part of the Nation’s  
5 commercial and sport fisheries harvest; such areas, particu-  
6 larly the estuaries, constitute ecological systems which are  
7 susceptible to destruction and disruption by man.

8       “(C) Continued unplanned or uncoordinated develop-  
9 ment activities in the coastal zone pose an immediate threat  
10 of irreversible harm to the coastal zone and its resources  
11 and a loss of the benefits it offers.

12       “(D) The coastal zone is a valuable area for multiple  
13 economic, recreational, and resource uses.

14       “(E) The interest in the coastal zone extends to the  
15 citizens of all the States, and is not limited to the citizens in  
16 the coastal States.

17       “(c) PROGRAM DEVELOPMENT GRANTS.—

18       “(1) The Secretary is authorized to make grants to  
19 any coastal State for the purpose of assisting in the develop-  
20 ment of a comprehensive management program for the land  
21 and water resources of the coastal zone. Such grants shall  
22 not exceed 50 per centum of the costs of such program de-  
23 velopment. Other Federal funds received from other sources  
24 shall not be used to match such grants. In order to qualify  
25 for grants under this subsection, the coastal State must

1 demonstrate to the satisfaction of the Secretary that such  
2 grants will be used to develop a comprehensive management  
3 program consistent with the requirements set forth in sub-  
4 section (d) (3) hereof. Successive grants may be made  
5 annually, provided however that no subsequent grant shall  
6 annually: *Provided, however,* That no subsequent grant shall  
7 be made under this subsection until the Secretary finds that  
8 the coastal State is adequately and expeditiously developing  
9 such a comprehensive management program. Upon comple-  
10 tion of the development of the coastal State's comprehensive  
11 management program, the coastal State shall submit such  
12 program to the Secretary for review.

13 “(2) No annual grant to a single coastal State shall be  
14 made under this subsection in excess of \$200,000.

15 “(d) OPERATING GRANTS.—

16 “(1) The Secretary is authorized to make annual grants  
17 to such coastal State for not more than 50 per centum of the  
18 costs of administering such program if he approves a coastal  
19 State's management program, in accordance with subsection  
20 (3) hereof. Federal funds received from other sources shall  
21 not be used to pay the coastal State's share of costs.

22 “(2) Such grants shall be allotted to the States with  
23 approved programs based on regulations of the Secretary,  
24 which shall take into account the amount and nature of the

1 coastline and area covered by the plan, population, and other  
2 relevant factors.

3 “(3) Prior to granting approval of a comprehensive  
4 management program submitted by a coastal State, the Sec-  
5 retary shall find that—

6 “(A) the Governor of the coastal State has desig-  
7 nated a single agency to receive and administer the  
8 grants for implementing the management plan set forth  
9 in subsection (D) hereof and the management plan and  
10 changes thereto have been reviewed and approved by  
11 the Governor;

12 “(B) the coastal State is organized to implement  
13 the management plan set forth in subsection (D)  
14 hereof;

15 “(C) the agency or agencies responsible for imple-  
16 menting such management plan have vested in them the  
17 regulatory authorities necessary to implement the plan,  
18 including but not limited to, permit authority, authority  
19 to acquire interests in real property through the power  
20 of eminent domain and zoning authority, or authority to  
21 require local zoning to conform with the State manage-  
22 ment plan;

23 “(D) the coastal State has developed and adopted a  
24 management plan for its coastal zone adequate to carry

1 out the purposes of this section and containing the fol-  
2 lowing provisions:

3 “(aa) an identification of the boundaries of the  
4 portions of the coastal State subject to the manage-  
5 ment plan;

6 “(bb) an identification and recognition of the  
7 national, State, and local interests in the preserva-  
8 tion, use, and development of the coastal zone;

9 “(cc) a feasible land and water use plan, con-  
10 sistent with applicable water quality standards, with-  
11 in specific sections of the coastal zone reasonably  
12 reflecting the needs of industry, transportation, rec-  
13 reation, fisheries, wildlife, natural area protection,  
14 and residential development and other public and  
15 private needs, taking into account both short-term  
16 and long-term requirements;

17 “(dd) a description of the coastal State’s cur-  
18 rent and planned programs for management of its  
19 coastal zone consistent with the management plan;

20 “(ee) an identification and description of the  
21 means by which the management plan and other  
22 resource use and management plans at the Federal,  
23 State, and local levels in which the coastal State is  
24 represented or is a participant concerning use, con-

1           servation, and management of the coastal zone will  
2           be coordinated, including the relationship of the  
3           management plan to State, interstate, and regional  
4           comprehensive planning as appropriate;

5           “ (ff) procedures for adequate review of State  
6           and local and private projects for consistency with  
7           the management plan;

8           “ (gg) procedures for furnishing advice as to  
9           whether Federal and federally assisted projects are  
10          consistent with the management plan;

11          “ (hh) procedures for modification and change  
12          of the management plan, including public notice and  
13          hearing;

14          “ (ii) the plan was developed in cooperation  
15          with relevant Federal agencies, State agencies, local  
16          governments, and all other interests;

17          “ (jj) procedures for regular review and up-  
18          dating of the management plan;

19          “ (kk) adequate provisions for disseminating  
20          information concerning the management plan and  
21          any subsequent modifications or changes therein;  
22          and

23          “ (ll) provision for conducting, fostering, or uti-  
24          lizing relevant research.

25          “ (E)    coastal State has provided for adequate

1 public notice and public hearings in the development  
2 of the management plan.

3 “(4) Grants under this subsection shall be subject to  
4 the following limitations:

5 “(A) no annual grant to a single coastal State shall  
6 be made under this section in excess of \$200,000; and

7 “(B) no grant funds shall be used for the acquisi-  
8 tion of real property.

9 “(5) With the approval of the Secretary, the Gov-  
10 ernor of a coastal State may allocate to an interstate agency  
11 a portion of the grant under subsections (c) and (d) of this  
12 section for the purpose of carrying out the provisions of  
13 said subsections provided such interstate agency has the  
14 authority to meet the applicable provisions of subsection  
15 (d) (3) of this section otherwise required of the coastal  
16 State.

17 “(e) REVIEW OF PERFORMANCE.—

18 “(1) The Secretary shall conduct a continuing review  
19 of the comprehensive management programs of the coastal  
20 States and of the performance of each coastal State.

21 “(2) The Secretary shall have the authority to terminate  
22 any financial assistance extended under subsection (d) of this  
23 section and to withdraw any unexpended portion of such  
24 assistance if: (1) he determines that the coastal State is  
25 failing to adhere to and is not justified in deviating from the

1 program approved by the Secretary; and (2) the coastal  
2 State has been given notice of proposed termination and with-  
3 drawal and an opportunity to present evidence of adherence or  
4 justification for altering its program.

5 “(f) (1) ADVISORY COMMITTEES FOR MANAGEMENT  
6 OF THE CANAL ZONE.—The Secretary is authorized to estab-  
7 lish in the Department of the Interior advisory committees to  
8 consult with and make recommendations to the Secretary on  
9 matters of policy concerning the coastal zone. Any such com-  
10 mittee shall be composed of persons designated by the Sec-  
11 retary and shall perform such functions and operate in such  
12 manner as the Secretary may direct.

13 “(2) Members of such advisory committees who are  
14 not regular full-time employees of the United States, while  
15 serving on the business of the committees including travel-  
16 time may receive compensation at rates not exceeding the  
17 daily rate for GS-18; and while so serving away from their  
18 homes or regular places of business may be allowed travel  
19 expenses, including per diem in lieu of subsistence, as author-  
20 ized by section 5703 of title 5, United States Code, for  
21 individuals in the Government service employed intermit-  
22 tently.

23 “(g) INTERAGENCY COORDINATION AND COOPERA-  
24 TION.—

25 “(1) The Secretary shall not approve the plan submit-

1 ted by the State pursuant to subsection (d) until he has  
2 solicited the views of Federal agencies principally affected  
3 by such plan or his evidence that such views were provided  
4 the State in the development of the plan. In case of serious  
5 disagreement between any Federal agency and the State in  
6 the development of the plan the Secretary shall seek to medi-  
7 ate the differences.

8 “(2) All Federal agencies conducting or supporting  
9 activities in the coastal area shall seek to make such activities  
10 consistent with the approved plan for the area. States and  
11 local governments submitting applications for Federal assist-  
12 ance in coastal areas shall indicate the views of the appro-  
13 priate State or local agency as to the relationship of such  
14 activities to the approved plan for the coastal area. Federal  
15 agencies shall not approve proposed projects that are incon-  
16 sistent with the plan without making investigation and finding  
17 that the proposal is, on balance, sound. The Secretary shall  
18 be advised by the heads of other agencies of such problems  
19 and be provided an opportunity to participate in any investi-  
20 gation.

21 “(h) Nothing in this section shall be construed—

22 “(1) to diminish either Federal or State jurisdic-  
23 tion, responsibility, or rights in the field of water  
24 resources planning, development, or control; nor to  
25 displace, supersede, limit or modify any interstate com-

1 pact or the jurisdiction or responsibility of any legally  
2 established joint or common agency of two or more  
3 States, or of two or more States and the Federal Gov-  
4 ernment; nor to limit the authority of Congress to  
5 authorize and fund projects;

6 “(2) to change or otherwise affect the authority  
7 or responsibility of any Federal official in the discharge  
8 of the duties of his office except as required to carry  
9 out the provisions of this section;

10 “(3) as superseding, modifying, or repealing exist-  
11 ing laws applicable to the various Federal agencies,  
12 except as required to carry out the provisions of this  
13 section; nor to affect the jurisdiction, powers, or pre-  
14 rogative of the International Joint Commission, United  
15 States and Canada, the Permanent Engineering Board  
16 and the United States Operating Entity or Entities estab-  
17 lished pursuant to the Columbia River Basin Treaty,  
18 signed at Washington, January 17, 1961, or the Inter-  
19 national Boundary and Water Commission, United States  
20 and Mexico;

21 “(i) MISCELLANEOUS.—

22 “(1) The Secretary shall develop, after appropriate con-  
23 sultation with other interested parties, both Federal and non-  
24 Federal, such rules and regulations covering the submission  
25 and review of applications for grants authorized by subsec-

1 tions (c) and (d) as may be necessary to carry out the  
2 provisions of this section.

3 “(2) A coastal State receiving a grant under the provi-  
4 sions of subsections (c) and (d) of this section, the agency des-  
5 igned by the Governor to administer such grant, and an in-  
6 terstate agency allocated a portion of a grant under the provi-  
7 sions of subsection (d) shall make reports and evaluations in  
8 such form, at such times, and containing such information  
9 concerning the status and application of Federal funds and  
10 the operation of the approved management program as the  
11 Secretary may require, and shall keep and make available  
12 such records as may be required by the Secretary for the  
13 verification of such reports and evaluations.

14 “(3). The Secretary, the head of another Federal agency  
15 concerned, and the Comptroller General of the United States,  
16 or any of their duly authorized representatives, shall have  
17 access, for the purpose of audit and examination, to any  
18 books, documents, papers, and records of a grant recipient  
19 that are pertinent to the grant received under the provisious  
20 of subsections (c) and (d) of this section.

21 “(j) APPROPRIATIONS.—

22 “(1) There are authorized to be appropriated:

23 “(A) the sum of \$2,000,000 for fiscal year 1971  
24 and such sums as may be necessary for the fiscal years

1       thereafter prior to June 30, 1975, for grants under sub-  
2       section (c) of this section; and

3       “(B) such sums as may be necessary for the fiscal  
4       year ending June 30, 1972, and for each succeeding  
5       fiscal year thereafter for grants under subsection (d)  
6       of this section.

7       “(2) There are also authorized to be appropriated such  
8       sums as may be necessary for the Secretary to carry out the  
9       provisions of this section.”

Mr. HOWARD. The Chair now recognizes the gentleman from Ohio, Mr. Harsha.

Mr. HARSHA. Mr. Chairman. I would like to reinforce the position expressed by the Clean Waters Restoration Act of 1966, which authorized a study of the effects of pollution in the estuaries and estuarian zones of the United States. That study has been prepared and forwarded to the Congress. It is in several large heavy volumes which we are studying in detail in order to decide upon the final legislation to be brought forth by this committee. We have seen the need for planning and organized use of our Nation's waters. The estuaries are, of course, part of the Nation's rivers and as such this committee has taken them into account in past legislation and I am sure that we will be continuing to do so in the future.

I wish to commend the Secretary of Interior for having resolved upon a Federal-State approach in this legislation and anticipate that great emphasis will be given to the States' prerogatives and plans for the use of their rivers.

If I may do so, I would like to emphasize the feeling that I have that we should not be overly concerned with semantics here. The estuaries are by definition part of our fresh waterways of the United States and we are to some extent concerned with natural pollution here. The ecology that has developed from it and the prevention of misuse of the rivers and their associated bodies of water. I wish to thank the Secretary for his efforts in accomplishing this study and for furnishing the study to us as promptly as he has.

Mr. HOWARD. Thank you, Mr. Harsha.

Do any other members of the subcommittee wish to make a statement at this time?

Mr. WRIGHT. Mr. Chairman, I certainly want to welcome here Secretary Hickel, a distinguished public servant, who more and more is earning the appreciation and gratitude of the Nation and the Members of Congress, and particularly the members of this committee.

He is aware that the Nation, of course, by its geological nature, is particularly susceptible to pollution; that pollution affects an ever-growing number of our population, being by nature somewhat low and flat geological zones, they also are attractions for buildings and occasionally in their zeal to expand their cities, their subdivisions, they run the risk, I fear, of upsetting the delicate geological and natural balances.

I welcome this study. I applaud the Secretary and those who have worked with him, for their diligence in its preparation and look forward to his testimony here today.

Mr. HOWARD. Thank you. We are very happy now to have the honor to appear before the committee, the Secretary of the Interior, Mr. Hickel. Welcome to the subcommittee.

Mr. Hickel, before you begin your testimony, I would like to take a moment to make a statement and ask a question; a statement that certainly the Department of the Interior and the Public Works Committee, the members of the Public Works Committee, must necessarily work very closely together. There must be a close relationship because so much of our responsibility coincides with your responsibility.

There has been some question over the past 11 months; certainly in my office, as to how much of a coordination there would be. I refer to letters that I, as a Representative of the Third Congressional District

in New Jersey, have directed to you. One letter concerned attitudes—future attitudes of the Department of Interior on water pollution control, and more specifically, on legislation that has been introduced in the House and Senate to create a national seashore in the Third Congressional District of New Jersey.

The letters were sent to you on January 8, 1969. This letter was sent to you at the statehouse, Juneau, Alaska. My office was informed a few days later that all mail directed to the Secretary of Interior-designate should be sent to an interim office here in Washington. So, on January 14, that letter with those questions was sent to you at your interim office.

I can imagine that it takes a while to get an office settled down; to be able to look at the mail and prepare answers to it.

On March 18 of 1969, when I had not had a reply from you nor the courtesy of acknowledgement of receipt of my letters, I sent another letter to you referring to these two letters and again asking for a reply or acknowledgment of receipt of these letters.

Being rather frustrated this November, still not having had a reply or courtesy of acknowledgment of receipt of the letters, I joined in the dialog with one of my colleagues on the floor of the House concerning his objections to your not answering a letter in the space of 5 weeks. I think that is a very short time, since I have been waiting since January, rather patiently—impatiently at times—and this was reported in the Congressional Quarterly of November 7 under the title, "I Am Not Even Sure There Is a Wally Hickel," which was my statement.

I have heard some reply to the questions that I asked about the Sandy Hook National Seashore, in reading a press release put out by my colleague on the other side, on the other side of the aisle and on the other side of the Capitol, Senator Clifford Case, did have a prompt reply from you to the question I had asked in early January.

The 500,000 people in my district are vitally interested in the Secretary of Interior's position on this matter and do not want to feel that they are to be punished during the entire term of the Nixon administration because they were stupid enough, perhaps, to have sent a Democrat to the Congress of the United States. And I, on November 19, wrote a letter to the President—President Nixon, asking him to instruct his Secretary of the Interior to please answer all of his mail in a bipartisan fashion.

In November, when Mr. Harsha from Ohio, and I discussed the mail that was not answered, I understand the following day he received a hand-delivered reply. I am sure today that there is a Wally Hickel. As to his feelings toward Members of Congress and members of the Public Works Committee who may not be of his party, I am still uncertain. So, I am very happy to be able to be assured that you are here, Mr. Secretary, and I wonder if, very briefly, because I don't want to take the time of the committee, but this is the first chance—my first chance in 11 months and I would like to have some response concerning this complete ignoring of the Third Congressional District of the State of New Jersey.

**STATEMENT OF HON. WALTER J. HICKEL, SECRETARY OF THE  
INTERIOR**

Secretary HICKEL. Thank you, Mr. Chairman. I am Wally Hickel; I was born in Kansas in August of 1919. And I don't know how anybody could have missed me during the hearings in January of last year—this past January.

As to your letter, not being facetious, I have no apologies, the January letter of the 19th that you referred to—

Mr. HOWARD. The 14th.

Secretary HICKEL. What happened to that letter—there weren't any intentions because you were of the opposite party, that the letter wasn't answered. It was possible at that time that literally thousands of letters came in saying what a bad guy I was and I was trying to get around to those letters. I read your testimony on the Hill about the letters not being answered, and I literally shook up our Department. And I will say this: That there is a letter now that is about 5 weeks old that is quite lengthy in its reply and you will have that reply, if not today, tomorrow. I have gone over it somewhat two or three times to be sure that all my philosophies are in there and it is not just a bureaucratic reply to a letter.

I am more than concerned about our relationship and our cooperation in those areas in which you are concerned; especially in the Gateway National Recreation Area that you referred to, Sandy Hook, Jamaica Bay, and Breezy Point.

I hope that in the reply that you will get that it will answer those questions to your satisfaction, and I would just say this: That I don't say that we get any more or any less mail than anyone else, but Congress, regardless of where they come from. Congressmen or Senators, or their political party, I want those letters answered as promptly and expeditiously as possible. It hasn't been true in your case, obviously.

I would hope that the next time you write me a letter you pick up the phone and say you are writing me and I will pick up the phone and tell you when I am answering it.

Mr. HOWARD. I have to watch my units. I do thank you for your reply. I never would have indicated that Secretary Hickel was a bad guy, as you referred to it, and I didn't, until perhaps 6 or 8 or 10 months went by.

Secretary HICKEL. That is a long enough time to have a baby, and that is too long.

Mr. HOWARD. Thank you very much. And I thank the committee for bearing with me so that I may relieve some of my frustrations.

Mr. Secretary, please proceed.

Mr. GROVER. Mr. Chairman, Mr. Secretary, if I may make one comment. I am one of the cosponsors of the Sandy Hook National Seashore bill, having served there for a short time in the Coast Artillery. It is a beautiful spot. Maybe we can impress upon the Secretary—maybe we have a little more attention, but we don't have any basis

for comparison of the response of the other side of the aisle or this side of the aisle with regard to your correspondence, although I am the cosponsor of the legislation, but I never wrote to the Secretary.

Mr. HOWARD. Thank you.

Secretary HICKEL. All I can say is that I am very much in favor of the Gateway National Recreation area and we are having a little interplay within the administration.

Mr. Chairman, I see Congressman Cramer came in. Welcome Congressman Cramer and members of the committee.

I welcome these hearing today on the administration's coastal zone management bill.

The Clean Water Restoration Act of 1966, which originated with the Public Works Committees of the Congress, authorized the Department of the Interior to study the estuaries and estuarine zones of the United States and report our findings to Congress.

Our findings were to include recommendations for a comprehensive national management program for the Nation's estuaries. That report, now before you, concludes that our estuaries are seriously polluted, and that the unwise use of the lands and waters of our estuarine zones not only contributes to this pollution, but is rapidly destroying valuable natural resources. While the statutory directive was to study the estuarine zones, the findings concluded that the management problems of our estuaries relate directly to the entire coastal zone, and that any management system must deal with the coastal zone in its entirety.

The coastal zone management bill before you, H.R. 14845, which the Department of the Interior recently transmitted to the Congress, represents the first step in President Nixon's administration toward reform of land and water use in the area of our country where population and technology, aided by a rash of overlapping political jurisdictions, are causing alarming pollution and destruction of these resources.

What is happening in the coastal zone of America represents the basic, but too often ignored, conservation issue throughout the United States—the lack of wise use—without abuse—of our land and water. This is essentially an institutional and political problem. It should be dealt with candidly and thoroughly.

The coastal States of the United States, which for the purpose of this bill includes the Great Lakes States, comprises approximately 75 percent of this country's population. Over the last 30 years the population of the coastal counties has increased by 78 percent, compared with a national growth rate of 46 percent.

The population in this area will again more than double by the year 2020—so we do face an imperative need for action.

The coastal zone contains most of America's large metropolitan cities. And it is here that we see the urban crisis of overcrowding. If present trends continue, the populations between Boston, New York, Baltimore, and Washington will, in the not-too-distant future, comprise a single urban mass—a "sardine can" of people in our coastal zones—People pollution.

Obviously these large metropolitan centers demand—and attract—a vast array of industrial and service activities.

The challenge to provide facilities to meet the requirements of a growing population—such as powerplants, housing, and transportation systems—demands vision and anticipation of needs—not just reaction.

Our coastal beaches, and increasingly our estuaries are attracting millions of Americans for all forms of recreation. And this is true even though most of this land is in private ownership and inaccessible to the general public.

The concentration of recreation in our coastal zone has, in most places, become so intense that the people who go there and the resources that take the pressure, are too often shortchanged.

Likewise, the public has a legitimate interest in protecting the beauty of our landscape.

And our coastal areas are as beautiful as they are varied.

But too often these values—immeasurable in economic terms—receive inadequate consideration in the marketplace.

Most importantly, the coastal zone of the United States, particularly the estuaries, is rich in the production of vast quantities of both plant and animal life.

Although we usually think only of oysters, crabs, clams, and shrimp, at least two-thirds of all our Nation's commercial and sport fisheries are dependent on the estuaries.

All the wildlife and birds that depend upon marine aquatic life as a food supply are likewise dependent on the natural functioning of our estuaries. The marshes and wetlands provide a rich habitat for large numbers of migratory waterfowl and other fish and wildlife.

The estuarine zones—where fresh water meets the sea—and the lands above and beneath its waters form a complex ecosystem which is subject to cumulative and often subtle destruction by manmade alterations.

The environment of the coastal zone is threatened by all the pressures I have mentioned in basically two forms: Pollution of its waters and the physical alteration—and destruction—of its lands by housing, industry, and transportation development.

I need only mention the Everglades, San Francisco Bay, Biscayne Bay, the Chesapeake Bay as pointed examples of what manmade pressures do to these limited resources.

Industrial and metropolitan sewage, agricultural pollution, and waste discharges are the basic causes of this pollution.

Residential and industrial development, often aided by short-range zoning practices and the dredging and filling of the wetlands, create the most serious physical alteration of the coastal zone.

Of course, the members of this committee are very familiar with the present means of dealing with water pollution. In this area we do have a Federal/State system which is essentially sound. But the use and regulation of the contiguous lands and wetlands pose altogether different regulatory and institutional problems. The unrestricted use of private property by its owner is practically "sacred" in American public thinking. But, in fact, private land is regulated and controlled daily by a great variety of public controls, essentially local in nature.

While there are many complex forces working against rational land use in the coastal zone, two fundamental motivations control: The

property tax structure and the short-run economic advantages of dredging and filling wetlands.

In general, the character of land use especially in the metropolitan areas, is shaped by the tax structures of local governments which depend on the property tax for their revenue base.

Considering the minimal revenues available to local governments in the face of their many needs, I can understand their problem.

Much of it results from the fact that the Federal Government has simply sapped the supply of money from incomes and forced the local governments to depend more heavily upon the development of land as its major source of revenue. This, in turn, has often penalized the wise use of land by encouraging local governments to zone just to increase revenues.

The low, flat wetlands of the estuaries provide a cheap source of land for building. The short-run advantages of dredging and filling these wetlands for development are often at the expense of the natural functioning of the estuarine system.

The local governments' "handle" on land use has essentially been zoning.

The powers of zoning, and other forms of private land use regulation, have historically been delegated by the States to the local communities, counties, and cities.

And they now jealously guard these prerogatives.

Consequently, given the motivation of local governments to increase the value of land for tax purposes, the zoning authority exercised by local governments over these lands quite often aid and encourage its rapid and misdirected development.

The Federal Government's role in preserving scenic, recreational, and wildlife areas has emphasized outright acquisition—an expensive process—especially given the fact that land values typically increase so rapidly—between the time purchase of the area is authorized—and the time the funds are ultimately made available.

I want to stress that I am not saying all zoning is bad or that acquisition is necessarily ineffective.

What I am saying is that neither is enough—and something new is imperative.

Consequently, the purpose of this administration's legislation is not simply to impose Federal regulation, nor is it simply to provide more money—for more planning—just for the sake of more planning. Simply put, it is to encourage and assist the State governments of the coastal zone to effectively manage their land and water resources.

The emphasis of our legislation is upon State management of these resources.

States cover a wide enough geographical area for effective regulation of competing uses.

The States possess traditional legal authority over wetland alteration.

Further, the States possess inherent powers over zoning, and our State governments have existing agencies already equipped to deal with a number of activities in the coastal zone.

Finally, the States are not as subject to immediate short-run economic pressures as are local governments—but the States are still closer to many problems than is the Federal Government.

The proposed legislation would provide grants to States for the development and operation of coastal zone management programs. To qualify, the coastal State would be required to assume two necessary functions:

The preparation of comprehensive plans for the development and preservation of its estuarine and coastal zone, and

The ability to regulate alterations in the submerged lands and waters—and the authority, either directly or through partnership with local governments, to see that local zoning conforms with a statewide plan.

The basis of this approach is to develop effective regulatory powers, based on and implementing comprehensive planning.

In the past, regulation has often lacked effective planning, and much planning has lacked regulation.

What is really needed is a national land use policy. We must establish procedures and mechanisms to assure that our lands and waters are devoted to their highest and best use in the interests of society as a whole.

For too long the Federal Government has dealt with tough environmental issues either timidly, irrationally, too late, or simply not at all.

The Federal Water Pollution Control Act is one of the few exceptions.

Our bill presents a rational balance in dealing with the difficult question of land use planning and regulation.

I would like to make one last point. Wise, multiple use of resources does not mean a halt or slowdown in industrial and economic growth.

On the contrary, I believe that estuarine and coastal areas in most cases, can accommodate necessary industry and transportation facilities, and still protect its natural resources and scenic beauty and provide recreation.

But the problem has been that uses not necessary in these areas, as well as necessary, but haphazard, development have preempted important conservation and recreation needs. The present system has worked against sound conservation of resources, which—once lost—are gone forever.

Wise use—without abuse—is the key.

We must wisely use our natural resources to provide suitable housing for our people—electrical power and transportation systems to serve all our needs—large areas to enjoy the solitude of nature, and areas for the preservation of living systems essential to man. As the pressures of population and development continue to threaten the resources of the coastal zone, we must come to grips with the institutional causes of this phenomenon. This requires bold reform. It also requires real dialog. This bill provides the reform. The hearings you hold can provide the latter.

I thank you, Mr. Chairman.

Mr. HOWARD. Thank you very much, Mr. Secretary, for your very informative testimony this morning.

On page 6 of the bill, lines 20, 21 and 22, it speaks of the zoning authority or the authority to require local zoning to conform with the State management plan.

One of the requirements for participation in the grant program is that the agency responsible for implementing the management plan must either have zoning authority or the authority to require local zoning to conform with the State management plan. And you stated this several times in your testimony.

Further, the States possess further power over zoning and State governments have existing agencies equipped to deal with the number of activities in the coastal zones, and following that, the States would have to assume two necessary functions, preparation of a comprehensive plan of development of the coastal zone and the ability to regulate alterations in the submerged waters, and so forth.

This zoning has been a highly controversial requirement in other legislative and compact proposals—usually bitterly attacked by cities and counties which would be required to surrender local authorities they possess.

Has the Department discussed this particular subject with the States, counties, and cities in the coastal States, and, if so, what has been their reaction to this broad authority?

Secretary HICKEL. Mr. Chairman, we haven't discussed this in detail or held any so-called hearings in-house with cities, counties, or townships at that level. We have had in-house discussions on what would be the effect, if I might digress for a moment.

Having been a State Governor; having been on planning commissions in cities and boroughs and counties and such myself, I do know there will be sensitive areas which they will object to. But I also think—and I think this from not only experience that I have had myself, but in discussing it with various colleagues in-house—that there is a desire in America today that something be done to protect these coastal areas, and that this desire extends even to the people involved and to the governments involved in the local areas.

I know, for a specific example, the State of Washington was wrestling with this problem in its legislature, trying to get some management of its coastal areas.

I think, yes, there will be opposition at the local level, but I think if we approach this problem in a positive nature, showing that the inherent value will increase in the long range, I think we will get them over on our side.

But above all, I think that it is imperative that something be done about it.

Mr. HOWARD. You feel there is a selling job to be done?

Secretary HICKEL. Yes, there is.

Mr. HOWARD. I note that the definition of coastal zones includes the Great Lakes. I have always thought of the Great Lakes as an inland waterway.

How are the problems in the Great Lakes similar to those of what has been traditionally considered our coastal States?

Secretary HICKEL. I will only talk about, in a philosophical way, trying to meet a problem that is inherent on the Great Lakes as much as it is on our coastal areas. I realize that the Great Lakes basically are inland waters. But I think that the public problem is the same, regardless of the location. So, we are trying to attack the overall situation, knowing full well there is an argumentative approach to the difference in the two areas. But we think the problem is there.

Mr. HOWARD. On page V-33 of volume 3 of your report, you state, and I quote:

The Water Resources Council, established in the Water Resources Planning Act of 1965 (PL 89-90) awards planning grants to the States for their comprehensive planning in the development of water and related land resources, including estuarine resources. This planning considers that the nation's watersheds and to the rivers which supply them with fresh water. These watershed relationships determine the characteristics of estuaries and coastal areas and influence their usefulness to man. Among the many objectives of such planning is a consideration of appropriate regional institutional arrangements necessary to implement the comprehensive plans. It also advises the President on national water policy, maintains a continuing assessment of national water supply needs, and coordinates the activities of Federal water resources agencies. The Council also oversees the execution of congressionally authorized comprehensive water and related land resources planning projects for specific river basins. Existing Federal-State river basin commissions under the aegis of the Council are organized and functioning in 15 of the 30 coastal States, and alternative Federal-State planning coordination mechanisms are organized in all the remaining coastal areas under the general leadership of the Water Resources Council.

Secretary HICKEL. Yes; thank you, Mr. Chairman. I think that the bill provides that I have to coordinate, as Chairman of the Water Resources Council, with all the other Federal agencies that might be involved in this particular act. I think, and I will turn this over to my Undersecretary in a moment—that there is some overlapping. But I also think there are some vacuums in the whole planning between water pollution control, the Water Resources Council activities, and what we are trying to do. And I don't know how to better answer that than to say that what we are trying to do is to finally arrive at legislation for which we don't have the authority in the Water Pollution Act, for an example, or under the Water Resources Council's mandate. Land use in those areas would pinpoint the problem.

Mr. CRAMER. The makeup of the Water Resource Council, as I understand it, was established by the Water Resource Planning Act of 1965, and, Mr. Chairman, as I recall, was made up of members of the Cabinet, with the Secretary to have jurisdiction over water problems generally. Isn't that correct?

Secretary HICKEL. That is correct.

Mr. CRAMER. You indicated you serve on that Water Resources Council. Who else serves?

Secretary HICKEL. The Secretaries of Health, Education, and Welfare, Agriculture, Commerce, and the Army and the Chairman of the Federal Power Commission. That is pretty close; quite a goodly number.

Mr. CRAMER. As I understand it, the objective of that was to provide for general policy decisions on the high cabinet level relating to water resources programs. Of course, in addition to this, the report states that the act also permits awarding of planning grants for their comprehensive planning in the developing of water and related land resources.

Could you indicate how you feel that the bill before us would dovetail into that general planning authority?

Secretary HICKEL. If I could just make it sort of in a nutshell.

The Water Resources Council basically is a planning agency. What we really are trying to arrive at is management in those areas in conjunction with State plans, and then in conjunction with the local areas;

in conjunction with the State. I think it is the management of those areas with some legislative power, that is lacking. I think that is what we need.

In a general way, does that answer your question, Congressman Cramer?

Mr. CRAMER. Well, the acting chairman has expressed legitimate concern and question with regard to the overlapping and integration of the two different agencies if this becomes law.

It seems to me it is fully justified to have an estuarine emphasis, as suggested in this legislation. And it is necessary to provide amendatory language that they shall work in cooperation with the Water Resources Council, which they have to do anyway, then I think that would have to be a matter of simply an amendment. But I think, frankly, you have to have emphasis on estuary problems. They are certainly some of the most significant in my area, in the west coast of Florida. And I see this proposal is for establishing a Gulf of Mexico physical region which takes into consideration all the fish and wildlife development on a long-range basis and protection of it in that entire area.

Do you see any difficulty in coordinating the activities of the Council—Water Resources Council, and this estuarine agency?

Secretary HICKEL. You mean in our bill?

Mr. CRAMER. Yes; if this bill becomes law.

Secretary HICKEL. I think that our bill would pinpoint the responsibility of whose jurisdiction it is to really see to it that this comes about.

The Water Resources Council is more of a coordinating agency. They meet four times a year. And if I might say, it is one of those things where really no one has the responsibility but everybody is in the act.

I don't want to really criticize it quite that way, but it is one of those things that happens.

I think in order to solve the problems I see in the coastal areas that we are trying to solve, we have to be given the responsibility and the direction by Congress to say this should be done. And then I think you will see it happen. Otherwise, the Water Resources Council is just a good coordinating agency of the very important planning function, but it really doesn't get to the heart of the problem, which is the ultimate management of the coastal areas.

Mr. CRAMER. Without this, and I don't mean to take up the chairman's time, but I want to follow up with one question. Without this legislation, which specifically provides for management and use in development of water resources in the Nation's estuarine coastal zones; without this legislation having authority, not only for grants, but management grants, there would be no management grant authority in existence; is that correct?

Secretary HICKEL. That is right. Without this legislation that is right.

Mr. CRAMER. No question but what the present Water Resources Council does have such authority?

Secretary HICKEL. That is true.

Mr. CRAMER. That is all I have.

Mr. HOWARD. The Chair is very happy to recognize the chairman of the Subcommittee on Rivers and Harbors, the gentleman from Minnesota, the Honorable John Blatnik.

Representative Blatnik is one of the great leaders in the field of natural resources development and the conservation of our resources. He was the co-author and leader in the fight for the Saint Lawrence Seaway Project which opened the sea lanes of the world to the heart of the North American Continent. He has been the leader in the improvement of the Great Lakes Navigation System of canals, locks and connecting channels to accommodate safe passage of large vessels. He has secured legislation for investigation by the Corps of Engineers of means of extending the navigation season of the Great Lakes and Saint Lawrence Seaway, and it is my understanding that he intends to do even more on this subject later this year.

In addition to all the foregoing, Representative Blatnik is the "Father of the Water Pollution Control Program", and was the first member of Congress to recognize the importance of this type of legislation. He is a conservationist's conservationist and is tremendously interested in preserving this Nation's natural resources.

Mr. BLATNIK. Thank you very much.

Mr. Secretary, I welcome you to this hearing this morning. I am sorry I was held up earlier.

Mr. Secretary, if I may proceed for a minute or two in more general terms in trying to get a better idea of what is going to happen in this area of estuaries, planning and water area, which are so extremely important. I must confess that after reading your statement, and only skipping through parts of your conclusions on the comprehensive national program, I really don't see any program. This is no criticism. This is trying to underscore how complicated this problem is and to double underline how urgent it is that we really work out, you know what.

You outline quite well what is to be done, but do not reveal how it is going to be done.

What I am driving at, you have just about touched the periphery. You talk about the population growth in the coastal States of the United States, including the Great Lakes States, which comprise approximately 75 percent of the country's population. You stated:

Over the last 30 years the population of the coastal counties has increased by 78 percent compared with a national growth rate of 46 percent. This is twice as fast, and it is going to increase, not at a uniform rate but at an increasingly accelerated speed. The population in this area will again more than double by the year 2020.

I am sure it will quadruple because the total population of the country will also double.

What I am getting at, is not the incredible population growth, but the lopsided way in which it grows.

We are just going to continue to have a population compressed closer and closer together in these large areas. You call them "megapolopolis."

Do we really know how to go about having a balanced program? You talk about having the States cooperate in resource use and preservation; how are you going to achieve that, due to the fact that there

is no control over this one variable, the absolute certainty with which the population is going to keep on concentrating and compressing and condensing in these areas?

Secretary HICKEL. Congressman, I well agree with what you say and I raised the same question the last several weeks; Can we be strong enough? But I think we have to start, and I think we have to tell the States to act. We are asking the States to come up with their plans and we are asking them to present their plans to us so that we can have a national policy with some sort of continuity. We think this is the way we start.

I think we need a national land-use policy and I so stated in my testimony. I don't know whether this is salable. I don't know whether that is attainable at this time. But I do think this bill will start, start a program where we will have a national policy, because we are asking the States to come in with their programs and we will sort of oversee to see if those programs fit some sort of a national policy.

We are really trying to say: "Let us see if we can't have some general bounds on the use of these coastal areas in conformity of all other areas."

Mr. BLATNIK. I agree with completely, but how will that be done? How will that be achieved?

Secretary HICKEL. The only lever we will have will be that the grants won't be available to those States that don't want to submit their programs to us. And beyond that it would take much stronger legislation, which might have to happen. I say that very candidly, but I think we have to start; and I think that we have to sell the idea that there has to be some sort of a national land-use policy. I am not just using words; I am trying to implement a program. And I think that the States, which don't have those terrific pressures on the local level, can come up with their programs and present them to us and we can see how they balance out with the contiguous States. Then we can approve their plan, and will be on the right track. It may not be fast enough, but that is the direction we are trying to go.

We don't have any other lever except to grant some money. Isn't that right?

Mr. BLATNIK. That is true. But on page 7 you say in your statement that what is really needed is a national land-use policy. We must establish procedures and mechanisms to assure that our lands and waters are devoted to their best use in the interests of society as a whole.

Secretary HICKEL. That is correct.

Mr. BLATNIK. Again, we have to take a look. What would be our population distribution in, say, 30 years or 50 years from now? And we pretty well see it; it is projected on a chart on a screen ahead of you, much more clearly than we were able to project the mobility of our population when we were considering the highway program in 1955 in this committee. I just don't see how you are going to control our population distribution.

Secretary HICKEL. Let's go on further.

Mr. BLATNIK. For example, right back, obviously, these large metropolitan centers demand and attract a vast array of industrial and service activities; that is going to continue; that is on page 2.

Secretary HICKEL. That is right.

Mr. BLATNIK. Getting back to the desirability, the attractiveness of these areas, the attraction will be there and it will keep on drawing like a magnet, more and more people. You can have industry; you will have commercial uses; home uses, preparational uses. Take all the uses you can think of. The demands and pressures will continue. How are you going to control that?

Secretary HICKEL. No. 1, when I talk about national land use policy, I envision in the next 10 or 20 years, in all the public domains—public lands and public waters—that comprise the coastal zone and Continental Shelf; that we are going to have to set out an inventory and catalog what is the wisest use of that piece of public water. Maybe it is for marine life; maybe it is for recreation; maybe it is for navigation; maybe it is for development. But I think we have never had a real wise use of our lands in America.

I am not saying that it has been wrong; I am just saying when you look to the year 2000, is it going to be the wisest use of public domain to graze a cow on 40 acres, or to do something else. And I am not against grazing cattle. But, I am saying: is that the wisest use? Is it the wisest use of a piece of seashore to use it for a total residential area; to dump garbage in; or is the wisest use maybe for a fishery or for recreation or maybe even for mineral development?

But we have to face the problem. The States can't face it. The public demands it.

I think we have to come up with some sort of a national land-use policy for these public areas, these areas that really belong to the public.

We accept restrictions on our land. We accept it when I buy a lot or you buy a lot. We accept the fact that we can use it for certain purposes. I think it is a responsibility of ownership and the Government has the ownership of these various vast areas. I think it is their responsibility to come up with a plan.

Mr. BLATNIK. What I am trying to emphasize—I am not questioning—is that your objectives are absolutely sound. I agree with you on the utilization as well as the preservation. I agree with that.

What I am trying to say is that I am beginning to feel and to believe more and more that there is something awesome about this population distribution and no matter what we do, we are going to be behind with everything. This goes back to the core of the problem of our cities. We can't keep up with the traffic congestion, the air pollution, the water pollution, the crime, the lack of educational facilities, recreational facilities, open spaces, drug control—you name it. No matter what the activity is, we are behind.

Now, say in water pollution, no matter how great our efforts are, we are falling further and further behind.

Secretary HICKEL. I agree.

Mr. BLATNIK. No matter how good our intentions are or how knowledgeable a few people may be as planners, I still don't see how we are going to put into effect a workable program and to be able to discuss it and put it into effect.

Let me read one paragraph from an article: "Can Anyone Want a City," by Gus Tiler, assistant president of the International Ladies' Garment Workers in the Saturday Review of last November 8. I thought it was an extremely well-done piece dealing with the popula-

tion and the problems of the cities; the regional planners, thinking years ago about mass transit, industrial struggling and other problems facing every major city in America. This has certainly been true here in the Capital City.

Two generations ago they proposed a network of mass transportation. What happened is the whole thing sort of broke down somewhere along the line owing to the piecemeal makeup of an expensive highway system, overloaded with struggling commuters. It couldn't pay its way. The more it declined the more they raised the rates. What happened is this, for example, in one specific area nearby:

"On a hot August weekend this year, in 1969, Jones Beach"—you have been there and you are familiar with the area—"had to close down for a full hour because 60,000 cars tried to get into the parking lot with a capacity of 24,000."

How do you do it unless you stack them one on top of each other? Many, two-thirds of them, were minicars, or Volkswagens.

Secretary HICKEL. Maybe we need a pill for the automobile.

Mr. BLATNIK. The cars moved onto the Robert Moses State Park and so jammed the 6,000 car lot there as to force a 2-hour shutdown. Overcrowding of the recreation spots is due not only to more people with more cars, and to pollution of waters by the dumping of garbage—what I am getting at now is this lopsided growth of the population. It is predictable, quite accurately, that the population growth will continue to be lopsided in certain areas.

How are you going to manage it? No matter how good your intentions are; no matter how good your support may be, and certainly if you are to leave it to the States, each in its own way, individually the States could never build an integrated highway system. It had to be done in a joint effort. It had to be done with the Federal Government and the States and municipalities and private industry working together.

Secretary HICKEL. I agree with you; I totally agree. It is just how strong a bill can we get. I have not argued with what you say. And in our own house, in our own discussions, I mentioned that: are we going strong enough? Then we also have to start selling from the local area on up. We have to take or attain politically what is attainable. I think this is just a bare start. I don't even say it is a good start, but it is a start. We have to start someplace. And when you talk about a national land-use policy, I made them change the word from planning to policy, because people inherently have a fear of Federal encroachment upon individual rights, and there is nothing wrong with that feeling.

What we have to do is sell the idea in the best interest. We must have some national approach to these very pressing problems.

I would welcome any suggestions that are attainable that would achieve those ends.

Mr. BLATNIK. Obviously, as you conclude—again, with no criticism intended, I am trying to underline the importance. It is going to take the combined effort and combined judgment of everybody in the Congress and the administration and at the Federal level, and leaders on the State level and on the metropolitan level, just to determine what must be done.

We pretty well know what is happening.

You conclude, very properly and correctly, on page 8 of your statement:

As the pressures of population and development continue to impinge upon the finite resources of the coastal zone, we must come to grips with the institutional causes of this phenomena. This requires bold reform; it also requires real dialog.

You are just not going to resist the enormous pressures of this population for these attractive sites. And as you conclude: "As the pressures of population and development continue to impinge," to squeeze, to compress and eventually to smother, that is exactly what is going to happen in 30 years. You don't even need a computer or a sliderule; you can see that this is coming; it is on its way. And I am not satisfied we have any mechanism or objectives to cope with the situation. You say we must come to grips with the institutional grips or causes of this phenomena.

It is moving by inches each year, just as certainly as we sit here. This is coming upon us, and our question is: How are you going to meet the challenge? You say this requires bold reform; requires real dialog, and that this bill provides the reform. I don't know where it does, frankly.

I think you state the objectives well.

Secretary HICKEL. I think it basically starts out with giving the States the authority to present the plan to us for approval. And then the next State, if it had a plan completely different or contradictory than the State adjacent to it presented, we could say these plans are not compatible. We are trying to start with compatible management of the area. If you want to strengthen the bill for more regulatory authority, if this is attainable, I don't object, because I see the necessity. I see the necessity completely of what has to happen; but then we have to start.

It is like Apollo 1 to Apollo 12. I think we had some stages in there.

Mr. BLATNIK. I appreciate your statement and we shall, as you state further, hold hearings and get more into the problem. How are you going to resist this glacier of human pressure that is coming upon us? You will have to have some way of just denying access of certain numbers of citizens to the areas.

Secretary HICKEL. I think that is done somewhat by a land use policy. I think that can be done. It is acceptable in the local area; it should be acceptable on a national level.

This bill cannot solve the population problem, but I think if we do have a national land use policy, that better distribution or redistribution of population will really take care of some of the pressures we have in America today, and even throughout the world. I think the problem is how do we attract the population out of these concentrated centers and not use compulsion to do it. And I think therein lies the real direction that I think we have to go on this, which is the use of this national planning of both land and water. We are thinking about it.

Mr. HOWARD. Thank you. I know, Mr. Secretary, you do have to leave in a very few minutes. I do want to recognize the ranking Republican on the subcommittee, Mr. Harsha of Ohio.

Mr. HARSHA. I want to thank you for an excellent statement and certainly for a very imaginative effort to deal with this problem, and

I am particularly happy that you went into great lengths as to this, although there was some question raised about it. This is part of the problem. Certainly if we are going to deal with the problem we ought to deal with it in toto and not piecemeal. We have to be going into this problem and I think due to your initiative in this we are now coming to a point where we will deal with the problem and we ought to deal with the whole package, rather than part of it.

Mr. HARSHA. I want to thank you for an excellent statement and certainly for a very imaginative effort to deal with this problem, and I am particularly happy that you went into great lengths as to this, although there was some question raised about it. This is part of the problem. Certainly if we are going to deal with the problem we ought to deal with it in toto and not piecemeal. We have to be going into this problem and I think due to your initiative in this we are now coming to a point where we will deal with the problem and we ought to deal with the whole package, rather than part of it.

I notice in the bill it provides for certain open-end authorization for funding, on page 13 at the bottom of the page:

As of fiscal year 1971 and such sums as may be necessary for the fiscal years thereafter prior to June 30, 1975.

Heretofore, the committee has been, at least rather hesitant about authorizing open-end authorization or writing that into the law.

Should the committee continue the practice of using specific amounts or specific sums to further this legislation, do you have any suggestion as to what sums might be used for these years, rather than just the open-end authorization?

Secretary HICKEL. Congressman, one of the real problems that we have, when I said: "What are we going to do with \$2 million?" If we don't have the experience of knowing what we really need. I think we are saying that because we don't know.

We tossed around the ideas so we said, "Let's leave it open-ended until we have a little experience; until we see what we do need."

I really don't know. I have a feeling we are using a very small figure, when you talk about the coastal areas, and I am apologetic for it, because we don't know where to start.

We welcome your suggestions and the open-ended approach is for the very reason that we don't have the answers.

Mr. HARSHA. You indicate how the coastal zoning planning would be accomplished.

Secretary HICKEL. How would it be accomplished?

Mr. HARSHA. Yes.

Secretary HICKEL. Basically, the State would come in, would present a plan to us, and then a contiguous State would present a plan, too. Those plans would have to be compatible and we would be the overseer; and those plans would have to meet our criteria before they were approved or given grants. And so we would be starting to have some sort of continuity of planning or management of those contiguous areas.

Mr. HARSHA. Well, do you have any criteria or suggested criteria of what you think should be these plans?

Secretary HICKEL. Starting on page 7, we identified the boundaries. Do you have a copy of the bill, Congressman?

Mr. HARSHA. Yes.

Secretary HICKEL. That gives a brief description of what we intend to do to give some management to these areas, down to review of performance.

Mr. HARSHA. Who would actually carry out and enforce the land-use zoning?

Secretary HICKEL. Actually, what would happen, once we approved the plan is the State would then have the obligation of implementing the plan. Maybe that is not strong enough, but it is a place to start. And then the reason we use the State level, is the pressures for use of those local areas aren't as great as in the city or county.

Mr. Congressman, Boyd Gibbons, might want to amplify on that, my Deputy Under Secretary.

Mr. HOWARD. May we have your full name.

**STATEMENT OF BOYD GIBBONS, DEPUTY UNDER SECRETARY,  
DEPARTMENT OF THE INTERIOR**

Mr. GIBBONS. Boyd Gibbons. Your specific question has to do with how the practice of zoning would be carried out under this bill.

The purpose here is to secure the powers within the State governments to at least have the authority to see that local zoning conforms to a statewide comprehensive plan.

This doesn't necessarily mean that the State, in fact, is going to be zoning every piece of private land within the coastal zone. This will more than likely still be done by the local political subdivisions.

However, this will be done by the political subdivisions in light of a statewide plan that says what uses should be made of certain lands and to the extent that the actual zoning by the local government entity conforms with the plan, the zoning practice would be, in fact, carried out by those local governments. But when the local governments begin to zone, contrary to the statewide land use plan, then we are asking that the States have authority then to see that the local zoning conforms to the statewide plan. And this will, of course, vary from State to State.

Mr. HARSHA. As I understand it, the tool you have to force the State to provide a plan that meets with your criteria, or will eventually receive your approval, is the withholding of grants?

Secretary HICKEL. That is where you start.

Mr. GIBBONS. That is correct. But on the problem of zoning, you are dealing with private land and the attempt of this bill is to build on the existing political institutions and to transfer some of the authority; not all of it.

Mr. CRAMER. I understand the Secretary has to leave in a few minutes. I would like to take this opportunity to make one or two observations and ask a question, if I may, Mr. Chairman.

As I gather, this whole procedure—and I cosponsored it for the purpose of putting before this Congress and the Nation needed emphasis on estuarine control and long-range programing and planning to preserve this very vital resource of this Nation. That is the basic objective, is it not, when it comes to the detail as to exactly how it can be carried out and consistent with the plan contained in volume 1.

But I understand the basic thrust is to get the States into programing a long range or the preservation for estuarine areas and

proper use, whatever that proper use is, and to see that program having been set up, is administered on a long-range basis to preserve those areas.

Let me give you an example. On page 1160, part 260 of volume 1, you cite Tampa Bay and Pensacola Bay, and you are familiar with those?

Secretary HICKEL. Yes, sir.

Mr. CRAMER. As I understand it, the State could then say to Tampa Bay area and the Pensacola area, as an example, that those communities surrounding it should get together and come up with a plan, zoningwise, a long-range plan, under the jurisdiction and supervision of the State, as part of their comprehensive plan for the statewide control of estuarine areas and then you would have the jurisdiction of approving that comprehensive plan as such. But the actual zoning would be done by the local communities under the basic guidance of the State. The objective would be to keep Tampa Bay a live bay. It is going to be a dead bay if this isn't done.

Isn't that the basic thrust of it; so your local communities would retain their basic zoning authority within the State-constituted, comprehensive plan. That is the thrust of this?

Secretary HICKEL. Yes. And we see to it that the State plan would also have some continuity with another contiguous State, if it was overlapping, so we would see to it that they were going in the right direction. That is the thrust of the bill.

Mr. CRAMER. Then one other question and I am finished. You suggested the gulf coast area as one of the reasons, which seems to me to have a lot of logic, because their problems are somewhat similar, the fisheries, the shrimp and wildlife and such are somewhat similar.

Now, it has been suggested by some that there would be established regional laboratories, and what have you, for estuarine research and so forth.

Do you have authority at the present time to establish those? Would it be necessary to give consideration to adding that to this legislation, or what?

I think maybe you presently have authority, but——

#### STATEMENT OF RUSSELL TRAIN, UNDER SECRETARY, DEPARTMENT OF THE INTERIOR

Mr. TRAIN. We do have authority within the Department, within our own programs.

Mr. HOWARD. Could we have your full name.

Mr. TRAIN. Russell Train, Under Secretary of the Department of the Interior.

We do have authority within the Department. We do have certain coastal laboratory facilities, as you know: the commercial fishery, the Board of Fish and Wildlife; the Federal Water Pollution Administration, among others. There is a need which I believe this committee and other bodies recognize for a more comprehensive and better coordinated approach to coastal laboratory needs involving not only the Department of the Interior functions, but related functions of other Federal agencies and probably universities and other institutions, and this is a need the Department feels we should get at very shortly.

Mr. CRAMER. Thank you.

Mr. KLUCZYNSKI. I want to thank the gentleman from Ohio for yielding to me.

To follow up on the comments of my good friend from Minnesota, Mr. Blatnik, I have been talking for some time, as have other members of this committee, as to the need to plan and then actively go to work on providing for the distribution of our population over much greater land areas.

This committee's jurisdiction covers so many of the areas that effort would require.

Would you be prepared, Mr. Secretary, to work with us toward that goal?

Secretary HICKEL. Mr. Congressman, I think that is an excellent goal. It is a long-range goal. After we have the Public Land Law Review Committee report—and I am not hiding behind their report, I want to see what it says—I think we should address ourselves to what I stated before, cataloging and inventorying all of our public domain, both coastal and land, and come up with the wisest uses. As I mentioned, really the redistribution or attraction of population from these highly densified areas to the other areas, is a practical thing. Until we come up and say this is the wisest use of the land, we don't have anything to go on. I think it has to be done.

Mr. KLUCZYNSKI. Mr. Secretary, I am glad to see you here this morning. The legislation before us would also apply to the Great Lakes. And, as you know, I have a great interest in the protection of those lakes, as well as all other waters of the Nation.

I also agree with your philosophy upon which you have based your program—"use without abuse"—with the States and the local governments. I know we will be able to work together effectively to deal with all forms of pollution.

Once again, let me say I am happy to have you here, Mr. Secretary.

Secretary HICKEL. Thank you.

Mr. BLATNIK. The gentleman from Chicago has been one of the strong supporters for programs on the Great Lakes, the largest navigational route, I believe, in the world. He was in the forefront and among the leadership for the St. Lawrence Seaway and the coastline that this committee handled, and later the deepening and widening of the channels and the enlargement of the harbors, and the protection of the recreational areas, including the beaches.

Again we have to refer to the population growth, and I hate to get back to it, because I don't care how good the plans are, if they are going to be drawn up in an airtight compartment, they are going to be drawn up in an airtight compartment in a sinking ship. You talk about a long-range program. It is not a long-range program, maybe just a few statistics. The first 100 million people in America were reached in about 1917, in World War I. It took about 300 years to reach that 100 millions people.

In the last 50 years, 1967, we got the second 100 million people; that is why we have problems today.

We are behind in any avenue of human endeavor you can think about because we didn't foresee in 50 years, which is one-sixth of 300 years, the coming of the second 100 million people.

We have had 90 million children born since 1945, the year before I was elected to Congress.

Now, in the next 30 years we will have our third 100 million people. We are talking about long-range planning. It has to be planning right now, and more than planning, it has to be working out the mechanisms, whatever they may be, and I don't know what they are, to begin to put these programs into effect.

Frankly, time is of the essence. So, again I will stress the importance, because as I said before, not to have just competition among the population for the uses of these areas, they are going to be pressed, compressed, and eventually just smothered by the human masses, by the density and natural attraction of things pulling these people together—but to develop, not only a plan, but the means for carrying out that plan.

Secretary HICKEL. I agree. Would you excuse me, I have to be someplace at a quarter to 12.

Mr. HOWARD. We have been very happy to have you before the subcommittee. We were very happy to have your testimony.

Mr. HARSHA. Again, I would like to thank you. As usual, we are happy that you came.

What does this legislation do in assisting the States to protect their interests, if those interests happen to differ from the Secretary's? Is there protection afforded the States, if they have interests that are involved in this zoning problem over the comprehensive planning problem that seemed to differ from your overall objectives?

Mr. TRAIN. Of course, the basic protection which the bill provides the States in this connection is that it places the initial responsibility for developing the plan and then in implementing the plan, upon the State itself. So the initiative for the details of a state plan lies with the State itself. And I believe that that arrangement provides a very basic protection against the kind of problem which you refer to.

Mr. HARSHA. What if you have a conflict between the neighboring State, then we arrive at a stalemate some way, don't we, because of these peculiar interests of the first State?

Mr. TRAIN. In the final analysis, I suppose what would happen in such a case, if there is an irreconcilable conflict, I would assume the Secretary would have to not approve one or the other of the two plans. This seems like a most unlikely situation. If that were the case, of course, the only penalty paid by the State would be the loss of this rather modest grant money.

And so I don't really think that there is what you would call a Federal club at all. There is a rather modest—the legislation is designed to encourage the States to develop comprehensive management plans within the framework of a very broad statement of national policy, and not to beat the States over the head into some kind of conformity with a national plan.

Mr. HARSHA. Now, who will make the final determination of the boundaries of the coastal plain, subject to the management plan?

Mr. TRAIN. Each State will make its own determination. The coastal zone as defined by the legislation, gives a seaward boundary that is faced by the 3-mile territorial sea boundary, but the inland boundary is defined as the area strongly influenced by the sea.

Now, that is necessarily a somewhat vague and indefinite boundary, but purposely so. Here again, one of the efforts of this bill is to leave maximum initiative with the States, and it could well be that each

coastal State will come up with a somewhat different definition of its coastal zone. And there is nothing in this legislation, nor in the thinking within the Department that would consider this inappropriate. There are local differences; there are regional differences; and it is the whole purpose of the approach the administration is taking in this legislation, to appropriately recognize those differences as long as they do not do violence to the overriding national policy as laid down in the bill.

Mr. HARSHA. All right, can estuaries be separated from whatever rivers in determining the environmental impact?

Mr. TRAIN. That is a very difficult question. I think we all recognize it and I don't think I can answer it. I know I cannot answer it categorically.

In some cases; yes. In other cases, I think that the estuarine aspects, the marine influences, extend sufficiently upstream that a fairly large portion of a river stream could be conceivably considered as part of the estuarine system in the coastal zone.

Mr. HARSHA. Do you contemplate that all rivers that in any way are influenced and affected by water from an estuary would be included in the coastal zone?

Mr. TRAIN. Well, I would like to go back first to reemphasize the point that I have made, that a great deal of leeway is left by this legislation to the State in the definition of the coastal zone which will come under its management plan. And I think it's quite possible that each State could answer the question you have asked, in its own way. So, we may get variances in that respect.

Is that responsive to your question?

Mr. HARSHA. It is probably as responsive as you can be to a difficult question—but in the gray area?

Mr. TRAIN. On that I think that is a very fair and accurate comment. We are exploring new grounds; plowing new fields, so to speak, with this legislation.

Now, there are areas of uncertainty as to definition and scope. These are left purposely.

Now, I would think that we would all welcome a great deal of innovation and imaginative new thinking on the part of State and local governments.

Now, I think we would be making a mistake at this juncture in time to lay down very clear categoric rules, a framework within which all plans would have to fit. I think that would be a mistake.

What we really look for here is innovation, and hopefully this bill will encourage it.

Mr. HARSHA. It would be difficult to lay out categoric guidelines until we have some experience.

Mr. TRAIN. That is very much the case, and also, as the Secretary points out, in answer to an earlier question, the bill provides for—I would say an unusual degree of cooperation, and consultation with other agencies, and this is to be the case in the drawing up of the regulations which would implement the legislation, and also in the review by the Department of the plan of individual States. That is, it is the intent of this bill and it is the expressed requirement that the Secretary consult with all other agencies that have an interest.

Mr. HARSHA. Thank you.

Mr. HOWARD. The gentleman from California.

Mr. ANDERSON. How did you arrive at the figure of \$200,000 as a limit for each State?

For example, the need of one State with basically few problems with a small coastline, as contrasted to another State with a large, long coastline with many industrial and growth complications, and many estuarine problems. How did you logically arrive at such a figure for both needs? I am thinking of California, where we have many problems and would have some difficulty in trying to get along on a \$200,000 grant, as contrasted to another State that does not have these problems?

Mr. TRAIN. The total authorization is \$2 million for the first fiscal year. And that, of course, is itself an arbitrary amount. And the \$200,000 has no particular magic to it. It wasn't arrived at by any particular mathematical computations.

Mr. ANDERSON. Is it a workable formula to have the same amount for each State? For example I don't see how they can get started in California with a \$200,000 grant, and, at the same time I can see where it would be too much money for another State that doesn't have any complex problems.

Mr. TRAIN. It is quite plain we cannot, under this bill, give \$200,000 to each of the States involved in coastal zone management. There are some 31 coastal States, I believe—coastal and Great Lakes, and they must divide up amongst themselves, assuming total participation by those States, an authorized sum of \$2 million. So, it is quite plain if some get \$200,000, a number of others will get substantially less. And this figure is simply designed to provide and suggest a moving yardstick, depending upon the individual State's needs. And there are certain criteria set out in the bill which the Secretary is to look at in arriving at the amount of the grant, yet at the same time putting on a ceiling consistent with the need to stay under the total authorization of \$2 million.

Mr. ANDERSON. Now, following some of the questions asked earlier; a State, as part of this biophysical regional plan that you have drawn up, takes grant money, submits their report—their plan to the Department of the Interior; and what happens then? What steps are taken to implement it? Does it just become another plan that lays there? Just what do you do with it?

Mr. TRAIN. Well, again, what we are looking to is State programs. The State must come up with not only a plan, but also an institutional arrangement responsible for developing the plan and implementing it. So, I think that this is one assurance that plans once developed will have some teeth in them and will be implemented.

Mr. ANDERSON. Are there any teeth to implement the program? This is one of the concerns that I have. I don't see much that you could identify as teeth for enforcement, except that which you mentioned earlier; the withholding of possible grant money.

Mr. TRAIN. The teeth essentially are in the States, and once again, this is a Federal program that we are talking about, and a national policy; but the plans and the implementation of the plans are to be carried out by the States.

Now, the bill requires that, prior to the Secretary's granting of approval to any comprehensive management plan submitted by a State,

that plan must provide, among other things—and I am now going to read from page 6 of the bill, beginning at line 15—

That plan must provide that: the agency or agencies responsible for implementing such management plan have vested in them the regulatory authorities necessary to implement the plan, including but not limited to, permit authority; authority to acquire interests in real property through the power of eminent domain and zoning authority, or authority to require local zoning to conform with the State management plan.

It is not designed to specify in detail how the States will implement these plans.

Once again, I emphasize that the legislation gives the States broad latitude in working out the way best suited to their own institutions and their own traditions for implementing their plans.

Mr. ANDERSON. Is it only the States and the local governments that will implement the plan?

Mr. TRAIN. That is the way this legislation is drawn.

Mr. ANDERSON. Didn't you say in another part of the bill, that "nothing in this section shall be construed to diminish either Federal jurisdiction" and already the Federal Government has jurisdiction in many of these areas?

Mr. TRAIN. That is correct. But this bill does not interfere with any existing government programs.

Mr. ANDERSON. When the Federal authority in an area that is now under Federal jurisdiction comes up against the jurisdiction of the States and local governments—if you are going to have a Federal plan that you have approved and yet allow the State to implement it—what happens to the jurisdiction of the Federal Government?

Mr. TRAIN. I am not sure of your case, Mr. Anderson.

Mr. ANDERSON. I don't have a particular case. I am thinking of several possible instances.

Mr. TRAIN. We are talking essentially here about private lands.

Mr. ANDERSON. Not entirely.

Mr. TRAIN. Not entirely; no, sir. That is perfectly true. But, I think to a very great extent the shorelines of the United States, both coastal shorelines and the Great Lakes shorelines, are in private ownership. I don't know what the percentage is, but certainly a predominant percentage is in private ownership; perhaps not counting Alaska, because I suspect Alaska contains maybe more than half of the coastline of the United States; and most of that is public domain. So that there are really very few Federal programs that would be involved.

Most—well I would say, essentially all—control over private land is a matter of State and local jurisdiction. There is no Federal regulation of the use of private lands that I know of.

Mr. ANDERSON. One last question that I had wanted to ask the Secretary before he had to leave. He had been talking about control. The only real control that you have, as I see it, would be the withholding of grant money. I think he used the words "for the time being," and "as a start."

Do you intend to go beyond this at a later date with other types of muscle to enforce its provisions?

Mr. TRAIN. I don't recall exactly—

Mr. ANDERSON. Something like that. I think he used the words "for the time being," and I think he said later "as a start."

Mr. TRAIN. Without referring back to any earlier statement, I would say that—as the Secretary did—that we consider this legislation a first step and we are, as I said, plowing new ground here. It is a reform. I think it provides a somewhat basic departure in many ways, from previous practice. And I think we will want to learn from that experience and I think that as we gain that experience and as we more clearly understand both the needs and ways of dealing with people, that Congress and the executive branch and the States will be improving, adding to, and expanding the scope of this basic authority.

Mr. ANDERSON. Thank you.

Mr. HOWARD. Thank you.

Mr. McEWEN. Thank you, Mr. Chairman.

Mr. Train, on page 2 of the bill, beginning on line 21, the coastal zone is defined. Part 3 states, "including the Great Lakes."

My question is this: Will the term "Great Lakes" include the St. Lawrence River?

Mr. DeCAMP. I would say it would not include the St. Lawrence River.

Mr. TRAIN. That is Mr. Louis DeCamp of the Federal Water Pollution Control Administration.

Mr. McEWEN. The reason I raised the question, if I may be parochial, is that the western and northern boundaries of my congressional district lie on the eastern end of Lake Ontario for possibly something approaching 100 miles, and then approximately 100 miles contains all of the New York-American shore of St. Lawrence River, and I wondered if there would be a line of demarcation where this would leave off on Lake Ontario and exempt the St. Lawrence River, or whether it would include all of that waterway?

Mr. TRAIN. I would prefer to answer your question by going back to what I said earlier, and that is that the definition of the coastal zone in the first instance lies with the State. And I would say this: That if the State of New York felt that the shoreline of the St. Lawrence River, within the State, was fairly what it wanted to treat as the coastal zone for purposes of its comprehensive management plan, that the Department of Interior would take a very good look at that determination, and I would say would not hastily override that, because the purpose of the legislation is to give the States, as I have said, a very free hand, both in the definition of coastal zone and in the development of the plan itself.

Mr. McEWEN. And the second question I would like to ask Mr. Train is this: When we talk of the coastal zone along our seas, we don't have any problem of a contiguous biwater foreign territory in all of the Great Lakes and the St. Lawrence. We border in varying degrees of closeness and proximity with Canada. Maybe Lake Ontario and Lake Erie, a distance of over 100 miles.

In other areas, such as the Detroit River and the St. Lawrence, maybe a mile or less. And I just wondered how this would affect our plan of land use under the American side of these waters, if we had no comparable plans on the Canadian side; whether there would be some working together of the two countries of the Federal Governments or Federal Government with their States and Provinces?

Has that been given any consideration?

Mr. TRAIN. This, of course, has come to mind. The bill does not deal with the problem. I believe that the boundary on the Great Lakes is equidistant between the two shores. I may be incorrect upon that.

Mr. McEWEN. I think approximately in many areas and then well in the St. Lawrence River sometimes affected by the location of islands where the international line, because of a ship channel there, usually follows approximately the ship channel and may move toward the American shore and toward the Canadian shore.

Mr. TRAIN. Well, the effectiveness of any coastal zone plan adopted by a State with respect to a shoreline and waters, that would have an international boundary or another country contiguous to it, which had either contrary or conflicting activities permitted, the effectiveness of that plan would obviously be reduced, there is no question about it, and this is a problem that is not created by this bill.

I am sure it exists with respect to our existing water pollution abatement programs and so forth.

Now, this is something we could get at by our International Joint Commission with Canada and by bilateral discussions at various times.

Mr. McEWEN. On page 6 of the bill, Mr. Train, beginning at line 6, it states:

The Governor of the coastal State has designated a single agency to receive and administer the grants.

Would that include this single agency of the State in turn working with a number of agencies within the State?

Let me illustrate that, for example, in my own area. The State has recently instituted a commission charged with the responsibility of studying the land use of the riparian properties along the St. Lawrence River. It would seem to me, as I understand the structure and the purpose of that Commission, that it would be a logical agency to work on just such a plan as this legislation envisions, but their jurisdiction is not statewide. So, using that as an illustration, do you see this bill permitting or prohibiting, let's say, the New York State Department of Conservation, if that were the agency, in turn working with a regional commission of this type within the State, or a number of these regional commissions?

Mr. TRAIN. I would see no problem in this at all. And it is certainly not the intent of this legislation to create any such impediment.

This provision which you have referred to is designed to insure that there is one specific entity that the Federal Government can deal with, particularly in the giving of grants. But we would certainly encourage the State to require that that agency, if it is to be the responsible overall agency for the administration of the coastal zone management plan, actively work with, coordinate with all other State and local regional, et cetera, agencies involved in land-water planning; no question about it.

Mr. McEWEN. Do you envision under this legislation some uniformity of standards to be developed by the States, if I may contrast it with these sections on water quality that we have now, where the States submit their water quality plans to the Department, as I understand it, it looks at certain standards to be uniform nationally.

Mr. TRAIN. I would be very much surprised if we found much uniformity amongst the various State plans.

Now, we may with greater experience in this country, evolve in a certain direction and find certain common trends running through plans as a result of that evolution. But I would again stress that we recognize local differences, regional differences, and we would expect that there would be substantial differences among the States in the nature of their particular plans.

The bill does not set down certain specific requirements. It is quite limited but quite definite at the same time. To that extent the plans would have certain common elements. The provisions of which you have just referred must appear in all plans.

Now, there must be, all of the plans must be within the framework of the national policy which we set out in the bill. And we are looking to truly comprehensive State plans, so that if some very obvious resource value inherent in the coastal zone were overlooked or ignored by a State plan, such as fisheries, for example, or water pollution, for example, I would assume that that would be called to the State's attention, and if it persisted in ignoring that particular value there might be some question about the approval of the plan.

To that extent there would be a certain trend toward uniformity with respect to obvious coastal zones, but other than that very broad framework, we are not looking for uniformity.

Mr. McEWEN. Well, I share very strongly the view expressed by Secretary Hickel in his testimony of the need looking to the future; the need of land use planning, and I am sympathetic to what the gentleman from Minnesota said about how rapidly that need is moving in on us and in this rapidly growing country in terms of people and the pressures of the population and the industries that furnish those goods and services.

As has been pointed out by the Secretary in his testimony, the tremendous growth that we have had of population in our coastal areas. And I think we can anticipate a continuation of that pattern, except as it might be affected by land use restrictions that would be placed.

Now, it seems to me, depending upon what each State does to the extent that they restrict man's changing the estuary areas and the coastal areas, it will affect the future growth and development of that State.

My concern is: how do we encourage, if you restrict the changing of natural conditions, if, let's say, another State isn't going to go as far in that direction and, therefore, will hold up more economic growth development. I know that even zoning as to improvements that people put on their property to protect residential areas and so forth, is not without its problems. I think it is almost ironic, though, that man has accepted to quite an extent—at least in this country, zoning to protect the meager enhancement that he makes to what the Creator gave us, but when it comes to zoning to protect an irreplaceable resource, and that is what the Secretary recognized in his testimony when he said there is difficulty here; there is a reluctance to restrict the individual or the community, and what it can do in the future and *develop*, and I use the word in italics, it may be destructive to the ecology of that area. But we use the term "development." And I can see that if there is not some uniformity of standard and requirement of the States, one State may lag behind another, and I think we have a real problem in this area.

For example, Mr. Train, I recently responded to a question at a meeting in my district regarding a proposed multimillion dollar project that raised some possibility of a problem of thermal discharge. It was just in response to a question at a meeting and it was—and very little was reported in the press, but I received scores of letters endorsing what was interpreted to be my position. I received scores castigating me that I am against all progress. All I said was: I thought it was something we should look to and look into the question of thermal discharge.

My district borders Lake Ontario and the St. Lawrence River and Lake Champlain where we have an abundance of cold water and some of us can see increasing demands for both fossil fuel and thermal nuclear powerplants and thermal discharge, and I expressed the question I thought there were things we should look into immediately.

I think Secretary Hickel in the broad outline that he gave before the committee was recognizing things just like this are real problems.

Immediately the local community who was looking to a \$2 million facility and seeing what that would mean to their tax base reacted because they didn't want anyone, certainly not their Congressman, to raise any question about the desirability of a project that would mean what this would mean economically. Yet, I foresee that the demand for sites for this type of facility alone in my district, endowed as it is with cold water and in a country whose electrical energy requirements double every decade, we are going to be faced with a tremendous demand.

I had the very enlightening experience of being with the gentleman from South Carolina, Mr. Dorn, in his district and seeing a development by the power company on the upper reaches of the Savannah River and its tributaries, and I was impressed with the fact that they said this project costing \$500 million wasn't going to produce enough hydroelectric energy to justify the investment; that a large part of the benefit they were looking to was the creating of a great impounding of cool water near the headwaters of that river, in order to accommodate both the thermal discharge of nuclear generating facilities and fossil fuel plants.

So, I can see the demand in this one area alone is going to be placed on areas that are endowed with a natural abundance of cool water, and I can see the problem of just how you established the land use as to where those facilities will be located.

Now, having pointed out my concern about some of the problems, I see down the road in this legislation, let me hasten to add that I think it is needed—and needed as a first step, and as the Secretary said, it is a little like Apollo 1 had to come before Apollo 2 and before Apollo 3. It is a point of beginning. But I can see real problems to the States in working this out with their communities, because, as the Secretary pointed out, zoning has traditionally—zoning of any kind has been a local function. This may require some substantial changes in State law. It may even in some of the constitutions of our States on this subject; on that point.

Mr. Train, has there been any study of exactly what authority the States have in this area of acting?

MR. TRAIN. Well, it is my understanding that the States possess the residual authority to zone but have, I think, in practically all cases,

if not all cases, delegated that authority, either by statute, or perhaps by State constitution, to local governments. And in some cases it is going to be necessary for the States to amend their legislation, and in some cases, conceivably, to amend their constitutions, if they wish.

Now, I think that this aspect of the legislation is the most—I hesitate to say revolutionary—but certainly it is the one that is going to give rise to the most public comment, and yet it is very likely the most important aspect of the legislation.

It is a very big step forward and I don't think that we should downgrade the first step provided by this bill as being an insignificant first step. I think it is a very significant one and I would hope that there would be a great deal of public discussion of this and some of the other problems to which you have just referred, because I think a great deal of public education is needed on this whole matter of land use, and I believe—I am confident—that this committee can play a very important role in that public educational process in identifying the problems and in encouraging informed public discussion. And I think that there is really a prerequisite to very much forward motion in this whole area.

Mr. McEWEN. Well, I couldn't agree with you more on that, Mr. Train, and I certainly want to make it clear that my questions and comments here in no way disagree with you; and I completely agree this is an important and a meaningful first step.

I do see some real problems in how to carry this out, and I think that you are quite right that we have got to develop a greater public awareness.

For instance, in the field of the abatement of water pollution, we were a little while in coming to an aroused public concern in this area. Pollution usually went downstream to somebody else and if the factory or mill provided jobs, that was the immediate plus that was seen and there was little concern for decades given to what we were doing to our water quantity.

But now there is a concern. And the legislative bodies from the Congress to local governing bodies are responding or endeavoring to respond to meet this need, and I think there is going to have to be the same public awareness here.

While I was in the New York Legislature we dealt to a limited extent with the question of the wetlands and we found the prevalent attitude was on wetlands, any marshy, swampy area where there was an estuary of a tidal water, or whether it was an inland swamp, man looked upon this as sort of a waste; it was something that he thought did nothing but breed mosquitoes; it wasn't pretty, esthetically attractive; it invited him to fill in, to improve it, develop it, until we started to learn a little bit about the word "ecology," and found that these areas, of course, contributed greatly to the balance of marine life. It is where many of the species spawned and their smaller forms of marine life where produced that feed others, and it took some public education to develop an understanding of why this was needed.

I think this is going to be a real area here, too, as we approach this nationally, that people understand what the problem is and why we need to consider these areas.

Mr. TRAIN. I think you also put your finger on an aspect of the problem and the program which would give rise to problems in the future, and that is with the lack of uniformity between the States

there could arise a competitive problem, primarily insofar as industrial locations are concerned. It may well be that as we gain experience and as the States gain experience with the program, and this sort of problem arises, and the public begins to understand it, that this will give rise to stronger guidelines and a move toward greater uniformity, I would suspect that would happen.

But, personally, I think that this is something that we should evolve toward, rather than trying to leap to at once.

Now, this is a little bit off the subject of this legislation, but it may well be that aside from State plans, we may need some clearer Federal or national guidelines in some specific areas of major impact, and you have mentioned nuclear power plants. Commercial jets are another one that comes to mind. These are very hardsiting problems to be left simply to local initiatives and decision. And I would simply say that I think that there may well be specific problem areas of this sort which do require more national attention than they are getting.

Mr. McEWEN. Very simply, Mr. Train, let's say that States A and B are adjacent to each other and each have the same number of miles of coastline area and one State should decide that 90 percent of it should be protected, its wetlands and so forth, not affected by man's development, while they decide to set 90 percent aside, and the adjacent State finds that only 10 percent in their opinion is needed.

Well, obviously the economic development and growth and job opportunities will be in the area having the greatest land available and unrestricted. And that is why I feel that you have to have under this some uniform standards, as I believe have been pretty well worked out in this field of water pollution, where the States have set standards but there have been standards set and they have been reviewed in the light of what were the conditions on that particular waterway.

I thank you, Mr. Chairman.

Mr. HOWARD. Thank you, Mr. Snyder.

Mr. SNYDER. Just to see if I am clear here, the requirements of the State are set out on pages 6, 7, and 8.

Am I correct in my understanding that the authority of the Federal Government to approve a feasible land and water use plan would be absolute?

Mr. TRAIN. Under this, with respect to plans submitted under this bill; yes.

Mr. SNYDER. Or else they didn't get the money?

Mr. TRAIN. That is correct; subject always to the administrative protection, and a Secretary cannot arbitrarily act without a basis.

Mr. SNYDER. This would, of course, involve litigation, and it probably would not be worth the effort.

Flipping on over to page 8, they have to establish procedures for accurate review, State and local private projects for consistency with management plans.

What is your idea of what that means?

Mr. TRAIN. Well, this goes back to the importance that has been stressed here of not only having plans, but having plans that are meaningful and result in action. And it is our feeling that if a State develops management plans which we approve, but then State projects and local projects within a State proceed in sublime ignorance of that State plan, that the program isn't working the way we want it and—

Mr. SNYDER. Then what you are saying now is that you have cancellation rights?

Mr. TRAIN. Of course, this is the provision we are talking about here with respect to the provision of the State plan in the first instance—the approval of the State plan in the first instance—and if we were satisfied that the State had an adequate process for this kind of review, then there would be no objection to it.

Now, if it does not have, in our view, an adequate procedure, the plan presumably would not be approved.

It does not spell out what that procedure should be. Here again it leaves a great deal of leeway to the State.

Mr. SNYDER. I am having a little bit of trouble in my mind now, in differentiating between what I read to you, which is subparagraph FF, and it seems to me you are describing to me what seems to be described in subparagraph hh. Maybe I need you to differentiate between the two for me.

Mr. TRAIN. I believe that I was misreading the bill. We are talking here not about the adoption of the management plan in the first instance, but the second stage, which is the operation of the plan.

Mr. SNYDER. Yes. But these procedures have to be established before the adoption of the first instance, if I understand it correctly.

I am for the approach, but I am worried about the mechanics. I can see all sorts of problems where there might be insignificant zoning changes.

Let's assume that somebody has a piece of property and it is approved in the plans as zoned for a one-family residential, and he wants to build a duplex. He wants to take mama and papa in; he has to get a change of zoning for the duplex. This is fairly inconsequential as far as your planning is concerned, probably nothing that you all would be much concerned about. But as I read this bill, I am concerned that he might not only have to seek approval of the local zoning board but the State agency through which you deal, and the Federal Government, to get that minor change made. I don't think that is what you mean. I don't think it is what the committee would want in the final analysis.

However, on the other hand, if he wanted to change from a single family residence to industrial, I would think this is something that would concern. I am not attempting to chop up the bill from the standpoint of what you want to do but we don't want to get ourselves embedded in a lot of bureaucratic red tape where it is not necessary and where it should not be.

This little guy that wants to go from a single family residence to a duplex might not be able to afford the time, effort, and cost that would be involved in this, and I don't think we would want to hamstring him to that point.

Mr. TRAIN. Well, certainly the bill does not intend to reach that kind of result.

Mr. SNYDER. Let me say I am sure it does not intend to. My only inquiry is whether it does without intention.

Mr. TRAIN. Well, on page 9 there are the provisions which cover review of performance by the States. And it does provide that the Secretary shall maintain a continuing review of the operation of State plans that have been approved for which grants have been given.

Now and then it goes on to state that the Secretary shall have the authority to terminate any financial assistance extended under the act, if he determines that the coastal State is failing to adhere to and is not justified in deviating from the program approved by the Secretary.

Secondly, that the coastal State has been given notice of the proposed termination and an opportunity to present evidence of adherence or justification for altering its program.

Now, I can't conceive that the Federal Government in administering this program would be seeking to interfere with or give oversight to individual zoning acts such as you are talking about.

I would say, though, that if there is a pattern that arises in a given State of disregard for the State's own plan which has been approved, then it is possible that the kind of action I have just described could be taken, but certainly not in the case of an individual, a minor individual action of some sort.

That is practically impossible to legislate against, as I think the Congressman is aware of.

Now, there is a rule of de minimus and there has to be a certain amount of administrative judgment embodied in carrying out such a program.

Mr. SNYDER. I am not so sure that it is impossible to legislate against these kind of problems.

Quite frankly, just off the top of my head, I think it might be rather easy if the bill were so drafted as to give the Secretary and the Federal Government the right of approval as to what it does in the original analysis of a comprehensive plan within categories of use, leaving thereafter the decision to a local authority so that they could change this plan provided they kept it within the same category. Category might not be the right word to use here, but I am thinking now of leaving to the local authority the right to change the use within the residential category. In our local community which wouldn't be involved in this, unless you are going up the Ohio River pretty far, there are probably half a dozen classifications within the residential; a half dozen classifications within the commercial category; three or four classifications within industrial.

Now, it seems to me that we could legislate so once the plan were approved as to general use, and so long as the State or local authority did not go outside of that general use, but kept within that category, that they could retain that prerogative, which I think, would be pretty much in keeping with the concept that you want to establish.

I just make those observations. I have a little trouble understanding subparagraph ff, hh, and jj, and their interworking relationships to each other, but I would say to you that I approve very much of the approach you are attempting to make.

Mr. TRAIN. I think if there is a problem of this sort under the bill we would be happy to work with the committee to try and resolve that.

Mr. SNYDER. It seems to me, as I read it, that there could be. I don't know that it would necessarily develop.

Mr. TRAIN. I don't think we have any particular expectations that States will be coming forward with detailed zoning classifications for every acre along their shoreline that would be approved by the Fed-

eral Government. I don't think it's intended but I think it could happen under the bill.

Mr. TRAIN. If the State submitted that to us and said this is the way we are zoning it; this was what they asked for; we approved the plan on that basis, we might get into that kind of operation. But this would be only because the States took that kind of initiative.

Mr. SNYDER. But you don't want to. It is an insurmountable task.

Mr. TRAIN. We certainly do not.

Mr. SNYDER. Thank you very much.

Mr. HOWARD. In answer to Congressman McEwen, you stated in some rivers, such as the St. Lawrence River, that you permit the State to determine what areas would be covered under the bill.

Well, suppose other States might want to go all the way up the Delaware or the Potomac or the Ohio or some other river, far beyond what the intent of this bill was, what would be the practical use under this bill for it? How would you handle that if the State determines they wish this base?

Mr. TRAIN. If it was clearly inconsistent with the purposes of the legislation as enacted by Congress, we would not approve the plan.

Mr. McEWEN. On that point, I believe coming up the estuaries, you come up to the point that there is, in effect, from the ocean waters; is that correct?

Mr. TRAIN. That is correct.

Mr. McEWEN. So, you would be going above where that effect would be. Of course, the Chairman knows the reason I raised the question on the St. Lawrence, it is a part of the Great Lakes; the St. Lawrence waterway. It is all one area.

Mr. HOWARD. Thank you, Mr. Train and the people from your Department who came down here this morning. I am sure that we will be in touch with each other in the future in developing this legislation.

The subcommittee stands in recess pending the call of the Chair.

(Whereupon, at 12:30 p.m. the committee was recessed.)