
COASTAL ZONE MANAGEMENT REAUTHORIZATION ACT OF
1985

MAY 15, 1985.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. JONES of North Carolina, from the Committee on Merchant Marine and Fisheries, submitted the following

REPORT

[To accompany H.R. 2121]

[Including cost estimate of the Congressional Budget Office]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 2121) to provide for the reauthorization of the Coastal Zone Management Act of 1972, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Coastal Zone Management Reauthorization Act of 1985".

REFERENCE

Sec. 2. Whenever in this Act an amendment or repeal is expressed in terms of an amendment, or repeal, of a section, subsection, paragraph, or other provision, the reference is to be considered to be made to a section, subsection, paragraph, or other provision of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) unless otherwise specified.

REDUCTION OF ADMINISTRATIVE GRANTS

Sec. 3. (a) Section 312(c) (16 U.S.C. 1458(c)) is amended by striking "if the Secretary determines" and all that follows thereafter and inserting in lieu thereof the following: "if the Secretary determines that the coastal state—

"(1) is failing to make significant improvement in achieving the coastal management objectives specified in section 303(2) (A) through (I); or

"(2) is failing to make satisfactory progress in providing in its management program for the matters referred to in section 306(i) (A) and (B)."

(b)(1) Subsection (a) of Section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455) is amended by striking, "The Secretary may" and all that follows through "if the Secretary—" and substituting in lieu thereof the following: "The Secretary may make grants to any coastal state for the purpose of administering that state's management program, if the state provides for the applicable fiscal year: 20 per centum of the grant for Fiscal Year 1986; 30 per centum of the grant for Fiscal Year 1987; 40 per centum of the grant for Fiscal Year 1988; and 50 per centum of the grant for each fiscal year thereafter. The Secretary may make the grant only if the Secretary—"

(b)(2) Section 306A is amended by striking section (d)(1) and substituting in lieu thereof the following: "(d)(1) The Secretary may make grants to any coastal state for the purpose of carrying out the project or purpose for which such grants are awarded, if the state provides for the applicable fiscal year: 20 per centum of the grant for Fiscal Year 1986; 30 per centum of the grant for Fiscal Year 1987; 40 per centum of the grant for Fiscal Year 1988; and 50 per centum of the grant for each fiscal year thereafter."

(c) Section 306(g) (16 U.S.C. 1455) is amended by deleting the second sentence, and inserting in lieu thereof the following: "The state shall promptly notify the Secretary of any amendment or modification and submit it for Secretarial approval. The Secretary may suspend all or part of any grant made under this section pending state submission of the amendment or modification."

NATIONAL ESTUARINE RESERVE RESEARCH SYSTEM

SEC. 4. Section 315 (16 U.S.C. 1461) is amended to read as follows:

"NATIONAL ESTUARINE RESERVE RESEARCH SYSTEM

"(a) ESTABLISHMENT OF THE SYSTEM.—There is established the National Estuarine Reserve Research System (hereinafter referred to in this section as the 'System') that consists of—

"(1) each estuarine sanctuary designed under this section as in effect before October 1, 1985; and

"(2) each estuarine area designated as a national estuarine reserve under subsection (b).

Each estuarine sanctuary referred to in paragraph (1) is hereby designated as a national estuarine reserve.

"(b) DESIGNATION OF NATIONAL ESTUARINE RESERVES.—After September 30, 1985, the Secretary may designate an estuarine area as a national estuarine reserve if—

"(1) the Governor of the coastal state in which the area is located nominates the area for that designation; and

"(2) the Secretary finds that—

"(A) the area is a representative estuarine ecosystem that is suitable for long-term research and contributes to the biogeographical and typological balance of the System;

"(B) the law of the coastal state provides long-term protection for reserve resources to ensure a stable environment for research;

"(C) designation of the area as a reserve will serve to enhance public awareness and understanding of estuarine areas, and provide suitable opportunities for public education and interpretation; and

"(D) the coastal state in which the area is located has complied with the requirements of any regulations issued by the Secretary to implement this section.

"(c) ESTUARINE RESEARCH GUIDELINES.—The Secretary shall develop guidelines for the conduct of research within the System that shall include—

"(1) a mechanism for identifying, and establishing priorities among, the coastal management issues that should be addressed through coordinated research within the System;

"(2) the establishment of common research principles and objectives to guide the development of research programs within the System;

"(3) the identification of uniform research methodologies which will ensure comparability of data, the broadest application of research results, and the maximum use of the System for research purposes;

"(4) the establishment of performance standards upon which the effectiveness of the research efforts and the value of reserves within the System in addressing the coastal management issues identified in subsection (1) may be measured; and

"(5) the consideration of additional sources of funds for estuarine research than the funds authorized under this Act, and strategies for encouraging the use of such funds within the System, with particular emphasis on mechanisms established under subsection (d).

In developing the guidelines under this section, the Secretary shall consult with prominent members of the estuarine research community.

"(d) PROMOTION AND COORDINATION OF ESTUARINE RESEARCH.—The Secretary shall take such action as is necessary to promote and coordinate the use of the System for research purposes including—

"(1) requiring that the National Oceanic and Atmospheric Administration in conducting or supporting estuarine research, give priority consideration to research that uses the System; and

"(2) consulting with other Federal and state agencies to promote use of one or more reserves within the system by such agencies when conducting estuarine research.

"(e) FINANCIAL ASSISTANCE.—(1) The Secretary may, in accordance with such rules and regulations as the Secretary shall promulgate, make grants—

"(A) to a coastal state—

"(i) for purposes of acquiring such lands and waters, and any property interests therein, as are necessary to ensure the appropriate long-term management of an area as a national estuarine reserve,

"(ii) for purposes of operating or managing a national estuarine reserve and constructing appropriate reserve facilities, or

"(iii) for purposes of conducting educational or interpretive activities; and

"(B) to any coastal state or public or private person for purposes of supporting research and monitoring within a national estuarine reserve that are consistent with the research guidelines developed under subsection (c).

"(2) Financial assistance provided under paragraph (1) shall be subject to such terms and conditions as the Secretary considers necessary or appropriate to protect the interests of the United States, including requiring coastal states to execute suitable title documents setting forth the property interest or interests of the United States in any lands and waters acquired in whole or part with such financial assistance.

"(3)(A) The amount of the financial assistance provided under paragraph (1)(A)(i) of subsection (e) with respect to the acquisition of lands and waters, or interests therein, for any one national estuarine reserve may not exceed an amount equal to 50 percent of the costs of the lands, waters, and interests therein or \$4,000,000, whichever amount is less.

"(B) The amount of the financial assistance provided under paragraph (1)(A) (ii) and (iii) and paragraph (1)(B) of subsection (e) may not exceed 50 percent of the costs incurred to achieve the purposes described in those paragraphs with respect to a reserve.

"(f) EVALUATION OF SYSTEM PERFORMANCE.—(1) The Secretary shall periodically evaluate the operation and management of each national estuarine reserve, including education and interpretive activities, and the research being conducted within the reserve.

"(2) If evaluation under paragraph (1) reveals that the operation and management of the reserve is deficient, or that the research being conducted within the reserve is not consistent with the research guidelines developed under subsection (c), the Secretary may suspend the eligibility of that reserve for financial assistance under subsection (e) until the deficiency or inconsistency is remedied.

"(3) The Secretary may withdraw the designation of an estuarine area as a national estuarine reserve if evaluation under paragraph (1) reveals that—

"(A) the basis for any one or more of the findings made under subsection (b)(2) regarding that area no longer exists; or

"(B) a substantial portion of the research conducted within the area, over a period of years, has not been consistent with the research guidelines developed under subsection (c).

"(g) ANNUAL REPORT.—Beginning with fiscal year 1986, the Secretary shall provide to the Congress an annual report that sets forth, with respect to the period covered by the report—

"(1) new designations of national estuarine reserves;

"(2) any expansion of existing national estuarine reserves;

"(3) the status of the research program being conducted within the System; and

"(4) a summary of the evaluations made under subsection (f)."

The Secretary shall submit the report within three months after the end of the fiscal year covered by the report.

REPEALS

SEC. 5. The following are repealed:

(1) Section 310 (16 U.S.C. 1456c; relating to research and technical assistance programs and grants).

(2) Section 314 (16 U.S.C. 1460; establishing the Coastal Zone Management Advisory Committee).

(3) Subsection (c) of section 15 of the Coastal Zone Management Act Amendments of 1976, Public Law 94-370 (16 U.S.C. 1451 note; relating to certain additional personnel positions).

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 6. Section 318 (16 U.S.C. 1464) is amended as follows:

(1) Subsection (a) is amended—

(A) by amending paragraph (1) to read as follows:

“(1) Such sums, not to exceed \$40,000,000 for the fiscal year ending September 30, 1986, \$38,000,000 for the fiscal year ending September 30, 1987, \$36,000,000 fiscal year ending September 30, 1988, and \$35,000,000 for each of the fiscal years ending September 30, 1989, September 30, 1990, and September 30, 1991, as may be necessary for grants under Section 306, to remain available until expended.”.

(B) By amending paragraph (2)—

(i) by striking “\$20,000,000”, and inserting in lieu thereof “\$16,000,000”, and

(ii) by striking “September 30, 1985,” and inserting in lieu thereof “September 30, 1991,”;

(C) by amending paragraph (4) by striking “September 30, 1985,” and inserting in lieu thereof “September 30, 1991,”;

(D) by amending paragraph (5) by striking “September 30, 1985,” and inserting in lieu thereof “September 30, 1991,”; and

(E) by amending paragraph (6)—

(i) by striking “\$6,000,000” and inserting in lieu thereof “\$5,000,000”, and

(ii) by striking “September 30, 1985,” and inserting in lieu thereof “September 30, 1991,”.

EFFECTIVE DATE

SEC. 7. This Act takes effect October 1, 1985.

PURPOSE OF LEGISLATION

In 1972, the Congress found that “there is a national interest in the effective management, beneficial use, protection, and development of the coastal zone”. As a result, it enacted the Coastal Zone Management Act (CZMA) (Public Law 92-583).

The CZMA was intended by Congress to encourage and assist coastal states to voluntarily develop and implement coastal management programs meeting certain minimum federal standards specified in the Act. To achieve this, Congress provided two main incentives to encourage coastal states’ participation in the CZM program:

(1) Federal financial assistance of up to 80 percent (66½ percent until 1976) of program costs in developing and implementing state coastal zone management programs; and

(2) The federal consistency provision that requires federal agencies, applicants for federal permits, and state and local government applicants for federal financial assistance to conduct their activities and projects in a manner which is general-

ly consistent with the federally approved coastal zone management programs.

To the extent that 28 out of 35 U.S. coastal states or territories have voluntarily developed and implemented federally-approved coastal state management programs, the CZMA has largely been successful in accomplishing one of its major intentions.

In recognition of this Act's successes, the House Merchant Marine and Fisheries Committee has considered and reported a bill, H.R. 2121, to reauthorize portions of the Coastal Zone Management Act of 1972. The main provisions in this bill, as reported by the Committee, are as follows.

H.R. 2121 allows the Secretary of Commerce to make grants under sections 306 and 306A to coastal states, provided those grants are matched by a state contribution of 20 percent of the grant for Fiscal Year 1986; 30 percent of the grant for Fiscal Year 1987; 40 percent of the grant for Fiscal Year 1988; and 50 percent of the grant for each fiscal year thereafter. These amendments to sections 306 and 306A of the Act reflect the Committee's position that one of the major purposes of the Act—to get coastal states to develop their own coastal management programs—has largely been accomplished. As more fully explained in this report, the Committee has decided to reduce gradually to 50 percent the federal share of grants under sections 306 and 306A. It is also recognized that coastal management under the CZMA meets important national objectives and merits continued federal support.

H.R. 2121 also amends Section 315 of the CZMA by establishing the "National Estuarine Reserve Research System," thus renaming the existing Estuarine Sanctuaries as National Estuarine Reserves. These Section 315 amendments contained in H.R. 2121 provide further guidance to NOAA and the coastal states regarding the research purposes of the estuarine reserves.

H.R. 2121 repeals Section 310 of the CZMA, Section 314 of the CZMA, and Section 15(c) of the CZMA Amendments of 1976.

Section 318 of the CZMA is amended to reauthorize appropriations for the Section 306 Administrative Grants Program for an amount not to exceed \$40 million for Fiscal Year 1986; \$38 million for Fiscal Year 1987; \$36 million for Fiscal Year 1988; and \$35 million for Fiscal Years 1989, 1990, and 1991. The bill reauthorizes appropriations for Section 306A in an amount not to exceed \$16 million for each fiscal year through 1991. H.R. 2121 also reauthorizes appropriations for Section 309 in an amount not to exceed \$3 million for each fiscal year through 1991, and Section 315 in an amount not to exceed \$9 million for each fiscal year through 1991. Finally, H.R. 2121 reauthorizes appropriations for administrative expenses for the implementation of the CZMA in an amount not to exceed \$5 million for each fiscal year through 1991.

These authorization levels provide savings, when compared with present authorization levels, to the Federal Treasury of \$99 million by 1991. The Committee was careful not to raise any annual authorization level for any program above the current level.

The amendments to the CZMA of 1972 made by H.R. 2121 would take effect October 1, 1985.

COMMITTEE ACTION

H.R. 2121 was introduced on April 18, 1985, by Ms. Mikulski and six cosponsors including Mr. Breaux, Mr. Waxman, Mr. Lowry of Washington, Mr. Hughes, Mr. Foglietta, and Mr. Tallon.

Prior to the introduction of H.R. 2121, the Subcommittee on Oceanography held two hearings on the reauthorization of the Coastal Zone Management (CZM) program and considered the following bills: H.R. 1234, introduced by Mr. Tauzin on February 21, 1985; and H.R. 1445, introduced by Mr. Studds and Mr. Panetta on March 6, 1985. The first hearing, on March 28th, focused on the national interest served by the CZM program, its effectiveness, and the need for reauthorization. On April 2, 1985, a second hearing was held on the National Estuarine Sanctuary Program and the consistency provision proposed in H.R. 1445.

At the March 28th hearing, the subcommittee heard testimony from three panels. Panel I was composed of David J. Brower, Associate Director, Center for Urgan and Regional Studies, University of North Carolina at Chapel Hill; Edwin N. Sidman, President, the Beacon Companies, Boston, Massachusetts; Alison Fahrer, Chairman, Florida Governor's Coastal Resources Citizen Advisory Committee; Sarah Chasis, Senior Staff Attorney, Natural Resources Defense Council (NRDC) representing the Coast Alliance, NRDC, the Environmental Policy Institute, the Sierra Club, National Audubon Society, Friends of the Earth and the Garden Clubs of America. Each of these witnesses supported reauthorization of the CZMA and gave examples of benefits derived from the work of state coastal management programs.

Panel II featured Anthony J. Calio, Acting and Deputy Administrator, the National Oceanic and Atmospheric Administration (NOAA). He represented the Administration's view that only the Estuarine Sanctuary Program and federal CZM administrative expenses for the CZM program should be reauthorized, but at a lower level than in the 1980 reauthorization of the CZMA.

Panel III consisted of two witnesses. Gail S. Shaffer, Secretary of State, New York State, and Richard F. Delaney, Chairman of the Coastal States Organization joined Panel I in expressing strong support for the reauthorization of the CZMA.

On the morning of April 2d, testimony regarding amendments to the National Estuarine Sanctuary Program was received. NOAA's Sanctuary Programs Division Chief, Dr. Nancy Foster, represented the Administration's position. Also on the panel were John R. Clark, representing himself and the American Littoral Society and John Costlow, Professor and Director, Duke University Marine Laboratory, Beaufort, North Carolina. Both supported the passage of the Estuarine Sanctuary amendments in H.R. 1445, and applauded their emphasis on estuarine research.

During the afternoon hearing on April 2d, four witnesses testified on the amendment in H.R. 1445 to section 307(c)(1) of the Act providing that federal activities, including oil and gas leasing, must be reviewed to determine whether they directly affect the coastal zone. Supporting the Administration's view that the existing consistency provisions require no legislative change, and that oil and gas leasing activities should not be included in consistency review,

was Peter L. Tweedt, Director, Office of Ocean and Coastal Resource Management, NOAA. Agreeing with the Administration's position, Donna R. Black testified on behalf of the American Petroleum Institute, the Western Oil and Gas Association, and the National Ocean Industries Association. She later submitted additional written statements. Delineating the opposite view were Andrew Palmer, for the Environmental Policy Institute, Natural Resources Defense Council, and the Coast Alliance; and John A. Saurenman, Deputy Attorney General, State of California, on behalf of California's Attorney General, John K. Van de Kamp.

As a result of these hearings, the Oceanography Subcommittee decided to proceed with the markup of a CZM reauthorization bill. At the Subcommittee Markup on April 24, 1985, two amendments were offered to H.R. 2121. Mr. Shumway's amendment added sections 3(b)(1) and (2) to decrease the federal share of grants for program administration and resource management improvements under sections 306 and 306A of the 1972 CZMA. The amendment provided that the federal share of these grants shall be " * * * not more than" 80 percent in fiscal year 1986; 70 percent in fiscal year 1987; 60 percent in fiscal year 1988; and 50 percent in each subsequent year.

Mr. Studds, however, expressed concern with the " * * * not more than * * * per centum" language in both the Shumway amendment and the existing statute. His concern was based on the possibility that this language allows the Secretary of Commerce to make grants to coastal states for less than the specified proportion of the costs of administering each state's management program. To preclude this possibility, Mr. Studds offered an amendment to the Shumway amendment to substitute the words " * * * equal to * * * per centum" for the language in question. Mr. Shumway was concerned that the Studds amendment, if enacted, could automatically increase the federal obligation under sections 306 and 306A if a state increased the costs of its program. The Studds amendment was adopted by voice vote. The Shumway amendment, as amended, was adopted by unanimous voice vote.

After the above action was taken, the Subcommittee reported the amendment bill to the Full Committee on Merchant Marine and Fisheries by unanimous voice vote.

At the May 1st Full Committee Markup, two amendments were proposed. In response to the concerns which Mr. Studds expressed at the Subcommittee Markup, Mr. Shumway offered a further clarifying amendment to section 3(b)(1) and (2) of the H.R. 2121. Mr. Shumway's amendment, adopted by voice vote, requires that the participating states shall provide the following portions of grants under sections 306 and 306A of the CZMA: 20 percent in fiscal year 1986; 30 percent in fiscal year 1987; 40 percent in fiscal year 1988; and 50 percent in each subsequent year.

Subcommittee Chairwoman Mikulski offered an amendment to change section 306(g) of the CZMA to require that states promptly submit any program changes for federal review and approval, and to clarify that the Secretary may suspend the federal portion of section 306 grants until such changes are submitted for review. The amendment was adopted by voice vote.

Subsequent to the above actions, Chairman Jones made a motion to favorably report H.R. 2121, the Coastal Zone Management Reauthorization Act of 1985, to the House of Representatives. By unanimous voice vote on May 1, 1985, the Committee on Merchant Marine and Fisheries ordered H.R. 2121, as amended, reported to the Full House.

LEGISLATIVE HISTORY

Although enacted almost two decades prior to the establishment of a national coastal management program, the Submerged Lands Act of 1953 affected the evolutionary thinking of those interested in the management of the Nation's coast. The Submerged Lands Act explicitly recognized coastal state jurisdiction over the lands and the living and nonliving resources of the 3-mile territorial sea.

During the 1950's and 1960's, national interest in recreation, estuarine protection, land use policy, and ocean resources influenced development of coastal management legislation.

At this time, there was a growing recognition of a serious fragmentation of land and water use planning and control mechanisms within each coastal state. The diffusion of responsibilities among state agencies and the low priority given marine matters by most state governments, among other factors, led to a recommendation by the 1969 Commission on Marine Science, Engineering and Resources (Stratton Commission) that:

* * * a Coastal Zone Management Act be enacted which will provide policy objectives for the coastal zone and authorize Federal grants-in-aid to facilitate the establishment of State Coastal Zone Authorities empowered to manage the coastal waters and adjacent land. (page 57)

A number of CZM bills were introduced in the 91st Congress (1969-1970). The bills differed slightly with the primary variance focusing on the landward reach of the coastal zone. Those bills that reflected a landward orientation, generally, assigning authority for the administration of the program to the Department of the Interior, were referred to the House Public Works Committee or the Senate Public Works Committee.

Other bills, with more of a seaward orientation and generally assigning authority for administration to the National Council on Marine Resources and Engineering Development, an executive advisory group created under the Marine Resources and Engineering Act of 1966, were referred to the House Merchant Marine and Fisheries Committee or the Senate Commerce Committee.

Both chambers held several days of hearings on the coastal management bills. Issues raised during those deliberations included defining the inland boundary of the coastal zone, determining the degree of flexibility authorized in state programs and, the amount of federal-state matching shares for program development and administration grants, the advisability of including programs for estuarine sanctuaries, and delineating the precise structure of state authority over the land and water use activities in the coastal zone.¹ Practically every bill agreed on the seaward extent of the coastal zone—out to the edge of the territorial sea.

National land use bills also received considerable attention during the 91st Congress. Management concepts in these bills incorporated and expanded on concepts proposed in coastal zone legislation. The land use legislation identified management of special areas, including coasts. Coastal management was to be subsumed within national land use legislation, much as an earlier concept of protecting estuarine areas had been absorbed by the larger concept of coastal zone management. Action on the land use bills was impeded by a complex committee structure, while coastal zone management bills proceeded further in the legislative process. However, no final action was taken on any of these resources management bills in the 91st Congress.

The most prominent coastal zone bills considered during the 92nd Congress (1971-72) were those introduced by Representative Alton A. Lennon of North Carolina and Senator Ernest F. Hollings of South Carolina. These bills put responsibility for the administration of the program in the Department of Commerce's newly established National Oceanic and Atmospheric Administration [NOAA]. Both bills define the coastal zone as seaward to the outer limits of the territorial sea, an area in which the states had clear authority to act under the Submerged Land Act, and inland to the extent that the land was "influenced by the water".

The Senate Commerce Committee reported Senator Hollings' coastal zone management bill on April 19, 1972, and the full Senate passed the legislation six days later by a 68-0 vote.

In the House, the Committee on Merchant Marine and Fisheries reported Congressman Lennon's bill on May 5, 1972 after holding eight days of hearings. Before final House passage on August 2, 1972, an amendment was accepted, by a 261-112 vote, to shift the federal administration of the program from the Department of Commerce to the Department of the Interior. Thus amended, the coastal zone bill was passed 376 to 6. The text of the House-passed bill was then substituted for the Senate bill and returned to the Senate. Both Houses insisted on their provisions and conferees were appointed.

The conference report was accepted by both chambers on October 12, 1972. The conferees adopted the Senate provision to designate the Department of Commerce as the responsible agency citing NOAA's capability to assist state and local governments. Provisions were made for future concurrence with the Department of the Interior in the event national land use legislation became law. President Nixon signed the Coastal Zone Management Act on October 27, 1972, as Public Law 92-583. At that time, he urged the passing of comprehensive land use legislation and the creation of a Department of Natural Resources to coordinate federal resource programs.

It was nearly 14 months after enactment, however, before the first appropriation for state planning grants was made. Some \$7.2 million was provided. During the 93rd Congress (1973-1974) only minor changes were made to the Act to increase and extend the authorization for section 305 program planning grants and section 315 estuarine sanctuary grants.

The Arab oil embargo of 1973 and the Nation's call for energy self sufficiency soon led to expanded demands for more offshore oil

and gas activity and concern about potential environmental impacts along the coast. The result was a confluence of forces that led to major amendments to the CZMA in the 94th Congress (1975-1976).

Of the several bills introduced to amend the CZMA in both chambers, most provided for increased planning responsibilities for the states, provisions for interstate coordination of coastal management policies and some type of offshore-related impact funding program for coastal states.

In the Senate, the key legislation was S. 586, introduced by Senator Hollings. Five days of hearings were held during the Spring of 1975. Two issues, the possible impacts from offshore activities and federal-state relations in outer Continental Shelf (OCS) matters, dominated the debate.

In the House, the primary legislation was H.R. 3981, introduced by Congressman Murphy of New York and considered by the Committee on Merchant Marine and Fisheries' Subcommittee on Oceanography. Issues similar to those in the Senate were considered by the Merchant Marine Committee, while, at the same time, a select Ad Hoc Committee on the OCS considered amendments to the Outer Continental Shelf Lands Act (OCSLA).

The Senate Commerce Committee reported S. 586 on July 11, 1975. The legislation gave special emphasis to provisions on federal consistency, a coastal-energy facility impact program, interstate coordination, research and training, and funds to acquire public access to beaches and to preserve islands. The Senate passed the bill (73-15) on July 16, 1975.

House action on the coastal zone bill came at the beginning of the second session of the 94th Congress. The Committee on Merchant Marine and Fisheries reported H.R. 3981 on March 4, 1976, and a week later the House passed the bill by a vote of 370 to 14. Passage of H.R. 3981 was vacated and S. 586, amended to contain the language of the House bill, was sent to the Senate and a conference committee was called for.

The conference committee completed its work on June 24, 1976. The conference substitute melded the concepts, definitions, and provisions from both bills with most efforts centered on a compromise coastal energy impact program (CEIP).

Generally, the allocation formula in the House bill for determining a state's share of the fund was accepted by the conferees. The CEIP program provided assistance in the form of grants, loans and loan guarantees to states and localities where impacts from coastal energy activities were anticipated or were occurring. In a last minute agreement with the Administration, a restriction was imposed on the OCS formula grants provision (section 308(b)). Under the agreement, a coastal state could use such grants only if it had exhausted its CEIP loan funds.

Additionally, the conference substitute made a number of additional changes to sections 305 and 306 of the CZMA in conformance with similar provisions in both the House and Senate bills. With respect to federal consistency, the conference committee created a new subparagraph (B) in subsection 307(c)(3) to establish consolidated state review of OCSLA-required licenses and permits contained in exploration and development plans.

The conference report was agreed to by the Senate on June 29, 1976 and by the House on the following day. President Ford signed the Coastal Zone Management Act Amendments of 1976 into law as Public Law 94-370 on July 26, 1976. In his accompanying statement, the President urged the Secretary of Commerce to implement expeditiously the provisions of the bill and noted that the issues of energy and the environment would be of high priority in the years to come.

The 95th Congress (1977-1978) was the scene of a major debate to revise the OCS Lands Act. Issues that had become important since the 1953 enactment of the OCSLA included: coordination and compensation for injury to users of the OCS, responsibility and liability for the effects of oil pollution from the OCS, the method of awarding leases to private companies, and the need for mechanisms to involve states and localities in offshore decisions.

Legislation to reform the OCSLA was reported by the Senate Committee on Interior and Insular Affairs and approved by the Full Senate on July 15, 1977, by a vote of 60 to 18. The Select Committee on the OCS reported its bill to the House which passed it by a vote of 291 to 91 on February 2, 1978.

The resulting conference committee worked for over 5 months to resolve many of the difference in the two bills. A key feature in the conference committee was debate over Title V of the amendments. That title involved amendments to the CZMA, with a particular emphasis on modifications to the CEIP. An important part of the resulting changes was the elimination of the requirement that states must exhaust their loan funds to be eligible for OCS formula grants. Additionally, the authorization level for the formula grants was raised from \$50 million per year to \$130 million per year and extended to a 10 year authorization. Other changes were made to the CEIP including the establishment of a new grant program to assist states to carry out their responsibilities under the modernized OCSLA. A recognition of the coastal management programs of the states was also explicitly made in a number of provisions in the basic OCS Lands Act, including cross-references to the CZMA federal consistency requirements in the sections on exploration and production plans.

President Carter praised the new OCS law for providing an improved balance between timely energy development and environmental protection when he signed Public Law 95-372 on September 18, 1978.

Except for the CEIP provisions, all other sections of the CZMA were scheduled to expire at the end of fiscal year 1980. This was the year designated by the President as the "Year of the Coasts."

Beginning in the fall of 1979 and extending through 1980, the Oceanography Subcommittee, under the chairmanship of Representative Studds, launched a nationwide series of hearings to evaluate CZM and to make recommendations to the 96th Congress about the reauthorization of the program. Working in conjunction with the Senate Commerce Committee, the Merchant Marine Committee proposed a series of changes to the basic CZM Act that resulted in the Coastal Management Improvement Act of 1980. The legislation clarified national coastal objectives by providing more specificity in the policy section of the Act. Coastal states were

called upon to make improvements in their coastal management programs by requiring them to spend an increasing proportion of each section 306 grant, up to 30 percent, on improvement activities.

The 1980 legislation also established a new section entitled "The Coastal Resources Improvement Program". Inserted as section 306A of the CZMA, the new \$20 million annual grant program was designed to provide assistance to states in meeting low-cost construction, land acquisition, and shoreline stabilization expenses associated with the designation of areas for preservation and restoration, the revitalization of urban waterfronts and ports, and public access to coastal areas.

The basic program was reauthorized for five years, although slight modifications were made in the authorization levels of various sections of the program. The OCS formula grants section was reduced to a level of \$75 million per year.

On June 3, 1980, the Senate passed S. 2622.

On September 30, 1980, the House passed H.R. 6979 by a voice vote, vocated passage, and passed S. 2622 as amended. The Senate then accepted the House amendments on the same day, passed the bill by a voice vote, and sent it to the President. The President signed the CZM bill on October 17, 1980, as Public Law 96-464.

Neither the 97th nor 98th Congresses passed legislation amending the CZMA. In response to administration proposals to terminate federal funding of coastal management grants, a series of "ocean grant" bills (frequently referred to as OCS revenue sharing legislation), introduced by Chairman Walter B. Jones, were passed by the House in 1982 and 1983. In 1984, the block grant legislation was approved by a House-Senate conference committee and the resulting conference report was passed in the House by a 312-94 vote. The full Senate never voted on either of the House-passed bills in 1982 or 1983, nor the 1984 conference report.

Although no new CZM legislation has been enacted during the first term of President Reagan, Congress has appropriated funds and transferred loan repayments from the CEIP fund, for section 306 grants to states. (See Table II).

STATE COASTAL PROGRAMS

Program status

Procedurally, the CZMA established a voluntary, two-stage, matching grant assistance program. The first stage, now completed, provided grants to coastal states for development of coastal management programs meeting certain federal requirements. State programs which, in the judgment of the Secretary of Commerce, met the requirements of the federal Act, received federally-approved status and became eligible for the second stage of grants. This second stage of grants involves ongoing federal assistance for states to implement their federally-approved, coastal programs. Since passage of the CZMA, all 35 eligible states and territories have participated in the program to some degree (see Table I).

TABLE I.—STATUS OF STATE COASTAL ZONE MANAGEMENT PROGRAMS

State/territory	Actual or estimated Federal approval date by fiscal year (ends September 30)	Comments and status July 30, 1982
Washington	1976	A *
Oregon	1977	A
California	1978	A
Massachusetts	1978	A
Wisconsin	1978	A
Rhode Island	1978	A
Michigan	1978	A
North Carolina	1978	A
Puerto Rico	1978	A
Hawaii	1978	A
Maine	1978	A
Maryland	1978	A
New Jersey (bay and ocean shore segment)	1978	A
Virgin Islands	1978	A
Alaska	1978	A
Guam	1978	A
Delaware	1979	A
Alabama	1979	A
South Carolina	1979	A
Louisiana	1980	A
Mississippi	1980	A
Connecticut	1980	A
Pennsylvania	1980	A
New Jersey (remaining section)	1980	A
Northern Marianas	1980	A
American Samoa	1980	A
Florida	1981	A
New Hampshire	1982	A
New Hampshire (ocean and harbor segment)	1982	A
New York	1982	A
Virginia	1984	Expected to be approved.
Ohio	Nonparticipating	Landowners and developers opposed land-use controls, especially erosion hazard setback.
Indiana	do	State unable to develop adequate legislative base.
Georgia	do	State program document failed to meet § 306 requirements.
Minnesota	do	Intense local opposition in two northernmost coastal counties.
Illinois	do	State unable to develop adequate legislative base.
Texas	do	Gov. Clements withdrew program from federal consideration.

* A = Approved.

Source: OCZM Information Update.

Early state response to the CZMA was strong. By 1975, every coastal state had begun development of a management program under section 305. In fact, prior to passage of the CZMA several states had already begun independent efforts that could be loosely categorized as coastal management and welcomed federal assistance. Additionally, assurances of federal consistency provided incentives to coastal states desirous of greater influence over federal agency actions affecting coastal resources. Currently, 28 (23 states and five territories) of the original 35 participants have programs which have achieved federally-approved status. The State of Virginia has recently submitted a program document for federal

review and approval. At present, six states are not actively participating in the program. Considering the 29 programs for which federal approval has been or is expected to be attained, the national CZM network covers in excess of 93 percent of the Nation's marine and Great Lakes coastline.

During the development or pre-approval stage of CZMA implementation, the principal federal role was the provision of assistance to states—both financial and technical. During this period, the primary federal objective was to encourage state participation, and by using the incentives of financial aid and federal consistency, to weave national goals into state programs. From 1974-79, NOAA provided roughly \$67.5 million in program development grants to 35 coastal states and territories (see Table II).

TABLE II.—APPROPRIATION HISTORY, COASTAL ZONE MANAGEMENT ACT OF 1972, 1974-79

	(In thousands of dollars)						
	1974	1975	1976	TQ	1977	1978	1979
Program development grants	7,200	12,000	12,000	3,000	17,803	11,028	4,535
Program administration grants.....		2,100	4,850	1,203	6,142	18,212	24,700
Energy impact formula grants.....					10,000	17,690	27,750
Interstate grants							
Estuarine sanctuary grants.....	4,000				1,500	300	3,000
Program management administration expenses.....	800	900	1,150	2,970	1,208	3,592	3,209
Total CZM.....	12,000	15,000	18,000	4,500	39,663	50,822	63,194
Planning grants.....					3,500	3,500	
Loans, guarantees, repayment assistance					110,000	110,000	
Environmental grants					1,500	1,500	
OCS State participation grants.....							
Total CEIP.....					115,000	115,000	

TABLE II.—APPROPRIATION HISTORY, COASTAL ZONE MANAGEMENT ACT OF 1972, 1980-85

	(In thousands of dollars)					
	1980	1981	1982	1983	1984	1985
Program development grants						
Program administration grants.....	32,450	33,962	(¹)	(²)	* 5,000	36,000
Energy impact formula grants.....	27,750	7,172				
Interstate grants				250	300	1,000
Estuarine sanctuary grants.....	3,000	3,000	2,000	2,930	2,930	2,930
Program management administration expenses.....	4,963	5,201	3,180	3,229	3,176	3,275
Total CZM:						
Appropriation and transfer	68,163	49,335	38,180	13,579	27,406	43,205
Appropriations only	68,163	49,335	5,180	6,409	11,406	43,205
Planning grants.....						
Loans, guarantees, repayment assistance						
Environmental grants						
OCS State participation grants.....			(³)	(⁴)		
Total CEIP:						
Appropriation and transfer		3,000	3,000			
Appropriations only						

¹ 33,000 deferred from CEIP loan fund and reprogrammed.

² 7,170 CEIP appropriation transfer; principal and interest repayment.

³ Also: 16,000 CEIP appropriation transfer.

⁴ 3,000 reprogrammed from 110,000 loan fund.

The program implementation or post-approval stage began in 1976 when the State of Washington became the first to surmount the hurdle of federal approval. The State of Oregon followed suit in 1977. The majority of state programs were approved during the period 1978-1982. (See Table I.) Therefore, while the CZMA was enacted 13 years ago, most state programs have been operating for less than half that long.

The nature and structure of CZM programs vary widely from state to state. This diversity was intended by Congress. Some states, like North Carolina, passed comprehensive legislation as a framework for coastal management. Other states, like Oregon, used existing land-use legislation as the foundation for their federally-approved programs. Finally, states like Florida and Massachusetts networked existing, single-purpose laws into a comprehensive umbrella for coastal management. The national program, therefore, is founded in the authorities and powers of the coastal states and local governments. Through the CZMA, these collective authorities are orchestrated in order to serve the "... national interest in the effective management, beneficial use, protection, and development of the coastal zone." (CZMA, section 302(a)). Success in melding these diverse components into a cohesive national network demands ongoing commitment and a sense of partnership from all levels of government.

State CZM programs are dynamic and continue to evolve and mature. The State of Florida, for example, recently enacted wetlands protection legislation which could dramatically improve its ability to manage sensitive coastal environments. In addition, the State is currently considering a wide variety of coastal legislative initiatives, including proposals aimed at local comprehensive planning; erosion hazard setbacks, and barrier island protection. Clearly, state program development did not end with the last grant under section 305. Rather, state programs continue to develop and to evolve as values and priorities change and as better information and technical capabilities become available. Similarly, the federal role continues to evolve, requiring sustained federal commitment.

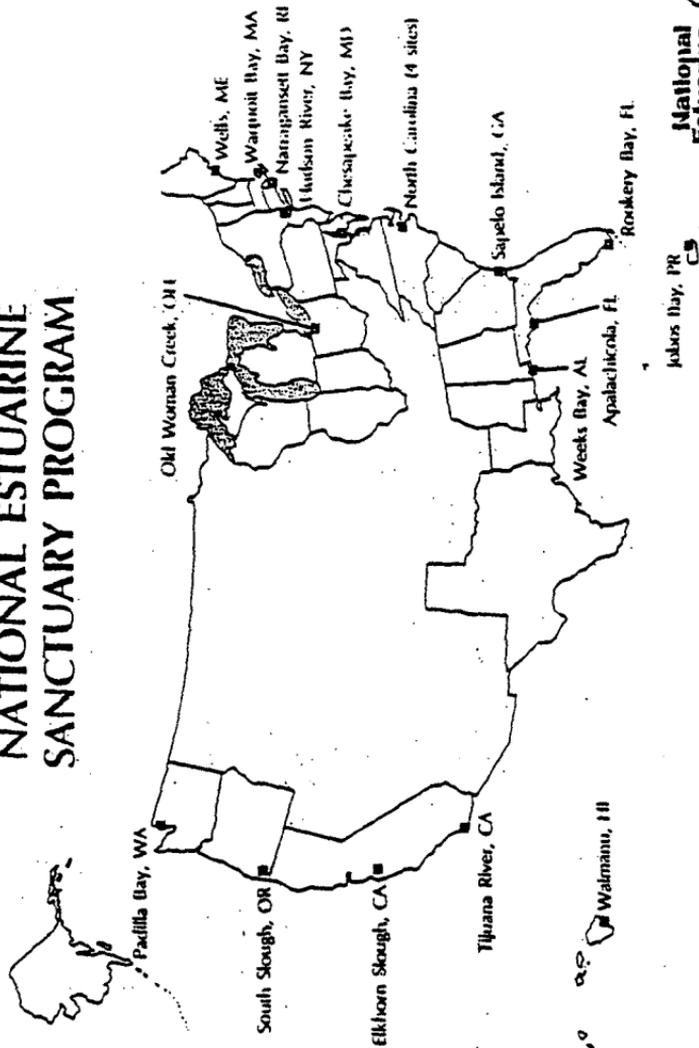
Estuarine sanctuaries

The idea for the development of the National Estuarine Sanctuary (NES) program was spawned in 1969 by the Stratton Commission in its report recommending an overall plan for a national oceanographic program. "The Nation needs natural laboratories for long-term study of the rhythms and relationships governing the estuarine environment. Specific representative sites should be selected for careful, prolonged study to permit the accumulation of basic knowledge essential for understanding the statics and dynamics of the coastal regime." The Commission then suggested sample estuarine and coastal management legislation to accomplish these goals.

Section 315 of the CZMA is intended to fulfill one part of the Stratton Commission's plan. It authorizes the Secretary of Commerce to make grants, not to exceed fifty percent of the cost of the project, which enable coastal states to acquire, develop and operate estuarine sanctuaries. The natural and human processes occurring within these "natural field laboratories" are to be studied. Little further guidance is given in the Act.

The National Oceanic and Atmospheric Administration (NOAA) is responsible for implementing the program. The first estuarine sanctuary, South Slough, was designated in Oregon in 1974. Currently, fifteen sites compose the national system, with a complete system of 25-30 sites ultimately envisioned. Two other sites are in the process of receiving approval by NOAA as estuarine sanctuaries. (See Figure I) According to NOAA's NES Program regulations, 15 CFR Part 921, issued June 27, 1984, designation of a Sanctuary signifies that a state has agreed to advance estuarine science through long-term management, provide information for use by coastal zone managers, and allow access by the general public to normally inaccessible natural areas, where, through interpretive programs, they can learn to appreciate coastal and estuarine ecology in an out-of-doors setting.

FIGURE 1
NATIONAL ESTUARINE
SANCTUARY PROGRAM



National
Estuarine
Sanctuary
Program

The specific goals of the NES Program are to:

(1) Establish a series of sites representing the ecological and regional variety of estuarine ecosystems found in the United States and its territories (ecologically unique sites are not appropriate candidates and habitat protection is considered a by-product of the program, rather than a goal);

(2) Conduct long-term research and provide educational opportunities on-site in estuarine environments;

(3) Set aside sites on an ecosystem basis, so that the land and water areas which constitute an ecological unit will be included within the boundaries of each Sanctuary; and

(4) Select areas which are relatively undisturbed by human activity to represent natural ecological conditions as much as possible.

Through the NES Program, 261,945 acres of estuarine waters, marshes, shoreline, and adjacent uplands are being preserved for long-term research and public educational and interpretive activities. When the network is complete, it should represent all 27 of the Nation's biological and geographical coastal regions, selected by the NES Program to reflect regional variations in the coastal zone. The biogeographic classification scheme is used to ensure that the NES system includes at least one site from each region (see figure II). NOAA uses a second classification system, the typology system (15 CFR Part 921, Appendix No. 2), to ensure that sites in the program reflect the wide range of estuarine types within the Nation. In selecting future sites, priority will be given to important ecosystem types as yet unrepresented. Any single site may represent several ecosystem types or physical characteristics.

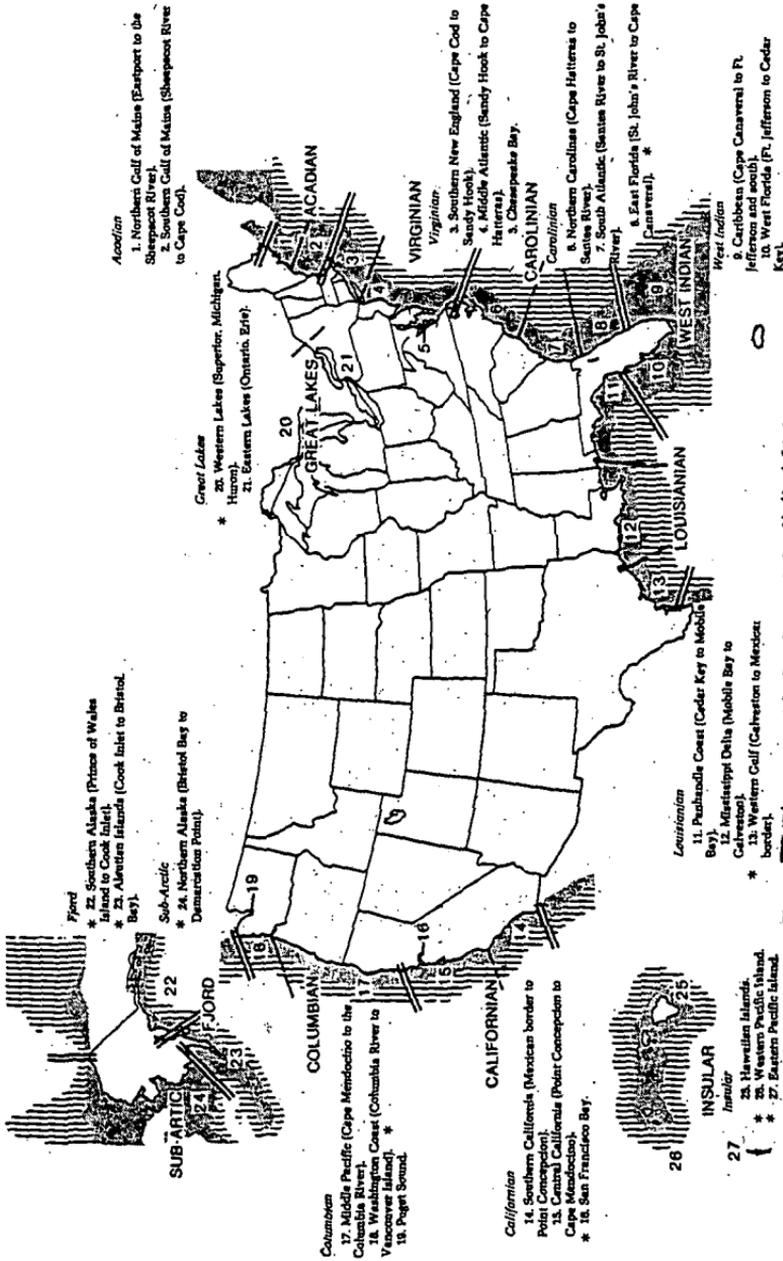


Figure II Biogeographic Regions of the United States.

What follows is a brief description of each of the 17 Sanctuaries, beginning with Old Woman Creek, Ohio, and progressing clockwise around the coast of the United States:

Old Woman Creek National Estuarine Sanctuary (NES), Ohio.—Established in August, 1977, this Sanctuary, a predominantly fresh water system, encompasses 600 acres surrounding a creek flowing into Lake Erie. It is located in the Eastern Great Lakes biogeographical region. The system has no tidal action, but instead is affected by storms and lake-level rise. Several research projects are ongoing in the Sanctuary, including water quality monitoring, a crustacean zooplankton distribution investigation, an assessment of fish recruitment and habitat utilization in the sanctuary, and a survey of terrestrial vertebrates. Depositional processes, and fluvial erosion and sedimentation are also being studied. Plans are proceeding to enlarge the visitor center where educational programs and workshops are held. To help fund projects and sanctuary operations, Ohio has developed an income tax check-off system whereby taxpayers can donate all or a portion of their tax refund to the state's natural areas preservation fund, part of which is made available to the Sanctuary.

Wells NES, Maine.—Situated in the Acadian region, on the shores of the Gulf of Maine, this Sanctuary presently encompasses 140 acres of the Laudholm Farm, and it is expected that, in 1986, acquisition of the entire farm will be complete. Acquired in 1984, 90 of the 140 acres are wetland, and 50 acres are transitional uplands. The Sanctuary itself was established in September, 1982. The town of Wells, Maine, is also working to secure other key estuarine land and water areas in the Little River and Webhannet Estuaries. Educational brochures are being prepared to explain the Sanctuary's value. Baseline environmental studies are beginning to be prepared to provide a description of the area, help focus research efforts, and track changes in the character of the Sanctuary.

Waquoit Bay, Massachusetts.—In November, 1984, the Commonwealth of Massachusetts received an acquisition and development grant to purchase the vacant 2,250 acre Swift Estate located on a bluff on the north side of Waquoit Bay in Barnstable County, on the southern shore of Cape Cod. The estuary falls within the Virginian biogeographical region. An old Victorian mansion will be renovated and used as the Sanctuary's central facility. The Sanctuary has not yet been formally established, as the final management plan is incomplete.

Narragansett Bay NES, Rhode Island.—Established in September, 1980, the Sanctuary covers 2,629 acres of islands and marshland in the Virginian region. Recently, Rhode Island's Department of Environmental Management hired a sanctuary manager and signed a formal Memorandum of Understanding with NOAA which established the basis for the long-term operation and management of the Sanctuary. In December, the final performance report was submitted for a research project concerning the impact of human activity on the Sanctuary, as shown by historical changes in heavy metal inputs and changes in vegetation. Scientists tested layers of salt marsh peat to determine changes over time in the contamination level in the Bay's environment. Other on-site research projects include the gathering, processing and recording of meteorological

data on North Prudence Island; a study of the erosion resistance of cohesive sediments; and an analysis of the impact of pollution on the growth rate and age structure of the bivalve *nucula annulata*.

Hudson River NES, New York.—Located in the Virginian region, this Sanctuary was established in September, 1982. It is comprised of 4,165 acres along the 150 mile stretch of the River from New York City to Albany. The renovation and expansion of the Bard College Ecology Field Station are underway to support research in each of the four components of the Sanctuary—Stockport, Tivoli, Iona and Piermont. Research is being conducted to measure community composition and standing crop of vascular vegetation at Tivoli Bay, as well as to study the structure of the fish community.

Chesapeake Bay NES, Maryland.—One 2,840 acre site makes up this Virginian Sanctuary, established in September, 1981. This is the Monie Bay site. Research is being conducted on waterfowl use and environmental stresses associated with man-made ponds in Chesapeake Bay marshes. Until January, 1985, a second site at Rhode River had been promised by the Smithsonian Institution.

North Carolina NES.—September, 1982, marked the commencement of the two year establishment of this four site system. The barrier beach sites are as follows: Currituck Banks—2,807 acres; Zekes Island—1,165 acres; Rachael Carson Island on which wild horses roam—2,2025 acres; and Masonboro Island—5,046 acres. These sites are all in the Carolinian region. Nature walks and field trips originating from the Fort Fisher Marine Resources Center are ongoing. Currently a habitat mapping project is underway at the Rachael Carson site.

Sapelo Island NES, Georgia.—Established in June, 1975, as the second Sanctuary, the Sapelo Island Sanctuary in the Carolinian region covers 7,400 acres of marshlands. It has been completely acquired. The Georgia Coastal Resources Division conducts a monitoring program in the Sanctuary, consisting of a 15-minute trawl in the Duplin River each quarter of the year. The trawl net's contents are identified, weighed and measured. The recorded data shows changes within the estuarine system, as well as the effects of human activity on the resource. Sapelo Island investigations over the past 35 years have generated many of the pioneering discoveries demonstrating the importance of salt marshes.

Rookery Bay NES, Florida.—This 9,554 acre, mainly mangrove forest Sanctuary in the West Indian biogeographic region came into existence in September, 1977. Only 68 percent of the multi-habitat area has been acquired, however. Highlights of the Sanctuary's activities include consultation between the Sanctuary Manager and scientists, government, and elected officials in the Rookery Bay Region, to explore research needs; the location of a trailer to provide short-term housing for researchers; continuing studies on benthic invertebrates and water quality monitoring; and studies on meiofauna and trophic interactions in the Bay's seagrass beds.

Jobs Bay NES, Puerto Rico.—The management plan for Jobs Bay, in the West Indian region, established in September, 1981, has recently been completed. The Sanctuary features mainly mangrove islands, but also Bay bottoms and fringing coral reefs. It has been completely acquired. Construction of a visitor center on the 2,800 acre site has started, and research is underway to examine the con-

tribution of mangrove forest leaf litter to ecosystem production. Another project being conducted is the investigation of the habitat needs of migrant and resident birds.

Apalachicola NES, Florida.—Field trips, seminars, and workshops are being hosted by this 192,758 acre Sanctuary (only 10,000 acres are actually managed by the NES Program; the rest are managed by various state agencies), situated in the West Indian biogeographical region and established in 1979. A research subcommittee has been established to help plan and review research projects. The Sanctuary has labs and an educational facility, and in April, 1984, a visitors center was opened. A vascular plant survey of the Apalachicola Bay wetlands in Florida is in progress. The Sanctuary generates \$10 million annually from the oyster, shrimp, crab and finfish industry it supports. This industry directly employs 60 to 85 percent of the local community.

Weeks Bay, Alabama.—1,718 acres of water and 950 acres of land make up the area which is expected to be established as the Weeks Bay NES, once the Final Management Plan and EIS are approved. A resource study plan will then be undertaken. Currently the state is monitoring the shrimp population in the Bay.

Waimanu Valley NES, Hawaii.—This 5,900 acre Sanctuary in the Insular region was established in June, 1976. A research agenda has been prepared; however, because the final management plan for the Sanctuary has not been approved, little research has been implemented. An aquatic and terrestrial inventory is planned as the initial project. Water quality monitoring is being conducted by the state Department of Land and Natural Resources because a bacterium, *Lepto spirosis*, from sources of manure is causing infection and recently, death.

Tijuana River NES, California.—This southern California Sanctuary, in the California region, encompasses 2,521 acres of tidal salt marsh and riparian habitats. Acquisition of two land parcels has been completed and negotiations are underway with additional landowners to complete the acquisition process. The Sanctuary was established in 1981. A combination research/habitat restoration laboratory is being constructed to accommodate projects to develop nursery stock necessary for local wetland restoration, as well as to focus on pollution and arid salt marsh ecology. Other research projects are an historical photo analysis of the Sanctuary; a study of the effects of wastewater on macroalgae; an investigation of phytoplankton response to nutrient enrichment and salinity reduction; and the effects of wastewater additions on the habitat of the endangered Clapper Rail bird. Dunes leveled by winter storm waves have been rebuilt and are being stabilized by native plants and seeds. Field trips and nature walks are offered and an education coordinator is being hired.

Elkhorn Slough NES, California.—Another Sanctuary located in the Californian region, Elkhorn Slough, dates back to September, 1979. It consists of tidal marsh, mudflats, grasslands and scrub oak forests. Besides sponsoring tours, lecture series, a newsletter, workshops and training sessions, the staff of the 1,150 acre Sanctuary is examining the colonization of recently created wetlands. Scientists are monitoring plant colonization by censusing seedlings, and the establishment of bird, invertebrate and fish populations is the

marsh, tidal flat and channel habitats. They are also studying the group composition, and feeding and resting patterns of harbor seals which frequent the area, as well as their response to disturbance. Visitor and interpretive facilities are nearly complete.

South Slough NES, Oregon.—South Slough, the first estuarine Sanctuary, was established in June, 1974. Situated in the Columbian region, it encompasses 4,476 acres of submerged aquatic vegetation, mud flats, pine forests and small islands. A visitors' center has been completed and is now being expanded. Outings and workshops are planned. To date, a research program has not been implemented, and the primary focus has been education. However, a study is being conducted on the impact of an exotic eel grass species, *Zostera japonica*, which has invaded from the Seattle, Washington area.

Padilla Bay NES, Washington.—Established in September 1980, the Padilla Bay Sanctuary is in the Columbian region along Puget Sound. Guided nature walks, weekend films and slide shows, field trips workshops on hawkwatching, nature photography and wooden boat building, a Junior Ecologists Program, and a mini-explorers nature study program have composed the bulk of the 11,600 acre Sanctuary's activities. Its tidally flushed areas and extensive shallow mud flats are thought to be a rookery for 150 breeding pairs of Great Blue Heron. Funding strategies and priorities among public and private sources are being examined in a research program development project which will be applicable to the national system of estuarine sanctuaries. Three research projects have recently been funded. These are: (1) an investigation of the origin and fate of organic nitrogen in the Bay; (2) a baseline water quality monitoring study; and (3) a Dungeness crab study.

Still unrepresented within the sanctuary system are 12 biogeographic regions, depicted by an asterisk in Figure II. The Committee recognizes and supports NOAA's objective of establishing sanctuaries in each of these regions. But, progress in establishing new sanctuaries has been slow, in part because states were emphasizing CZM program development in the 1970's. The process of land acquisition has been more difficult and time-consuming than was originally envisioned. Priority is thus being given to completion of acquisition in the 17 designated sanctuaries. However, while NOAA previously focused on identification and acquisition of sites, it has recently begun to emphasize the management of the sanctuaries it has designated, as well as the implementation of effective research and interpretive activities. As a result of protecting vital habitats for estuarine-dependent plant and animal life, including endangered species, relatively pristine areas are available for use as controls against which to measure ecological changes in other estuarine areas. Additionally, long-term continuing studies of the same habitat or organisms with minimal vandalism and disturbance can be undertaken. Research results translated into accessible information benefits coastal zone managers, educators, and the general public. NOAA is working with the states to encourage students to take advantage of these opportunities.

In 1983, NOAA initiated a National Estuarine Sanctuaries Research Program with seven low-cost information projects designed to collect and interpret environmental and socio-economic baseline

data at the Old Woman Creek, Hudson River, Narragansett, and Rookery Bay Sanctuaries. In 1984, seven more baseline studies were funded to describe the physical, biological, and chemical components of these sites. To date, over 20 specific projects have been identified for funding, and an approach to a National Estuarine Research Plan has been identified. It is scheduled for full implementation in fiscal year 1987. NOAA has devised a set of ranking criteria to establish the priority of each research effort, as well as research, policies and guidelines, and a schedule for the preparation, submission, review, and selection of site-specific sanctuary research plans. Publication of research results are encouraged.

National interest in coastal zone management

Congress enacted the Coastal Zone Management Act of 1972 (CZMA) (Public law 92-583) to serve the interests of the United States "in the effective management, beneficial use, protection, and development of the coastal zone" (section 302(a) of the CZMA. Congress found that the coastal zone of the United States is "rich in a variety of natural, commercial, recreational, ecological, industrial and esthetic resources" (section 302(b)), and that such resources have been lost or damaged, or are threatened by loss or damage because of the increasing demands upon the land and water uses and natural resources of the coastal zone caused by population growth and economic development (section 302 (c), (d), (e), (f) and (g)). In 1972, Congress recognized that the "key" to more effective management, protection, and use of the land and water uses and resources of the Nation's coastal zone was to be found in encouraging and assisting the states to exercise their "full authority" over the lands and waters in the coastal zone by establishing coastal zone management programs, incorporating "unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance" (section 302(i)).

Congress declared four basic national coastal zone management (CZM) policies:

(1) To preserve, protect, develop, and where possible, to restore or enhance the resources of the coastal zone of the United States (section 303(1));

(2) To encourage and assist the states to develop and to implement CZM programs meeting specified national standards (section 303(2));

(3) To encourage the preparation of "special area management plans" to protect nationally significant natural resources, to ensure "reasonable coastal-dependent economic growth," to provide "improve protection of life and property in hazardous areas," and to improve predictability in governmental decision-making (section 303(3)); and

(4) To encourage the participation and the cooperation of public, state and local governments, interstate and other regional agencies, and federal agencies in achieving the purposes of the CZMA (section 303(4)).

To further these national CZM policies, Congress determined that state programs must, at a minimum, provide for:

(1) The protection of natural resources, including but not limited to, wetlands, floodplains, estuaries, beaches, dunes, bar-

rier islands, coral reefs, and fish and wildlife and their habitat within the coastal zone;

(2) The management of coastal development to minimize the loss of life and property in hazardous areas;

(3) Priority consideration of coastal-dependent uses, and an orderly process for siting major facilities related to national defense, energy, fisheries development, recreation, ports and transportation, and the location of new development in or adjacent to areas already developed;

(4) Public access to the coasts for recreation purposes;

(5) Assistance in the redevelopment of urban waterfronts and ports, and preservation and restoration of historic, cultural and esthetic coastal features;

(6) Coordination and simplification of governmental decision-making for the management of coastal resources;

(7) Consultation and coordination with federal agencies;

(8) Participation by the public and local governments in coastal management decisionmaking; and

(9) Comprehensive planning, conservation and management for living marine resources, including planning for the siting of pollution control and aquaculture facilities in the coastal zone, and improved coordination between state and federal agencies.

Congress provided two main incentives for states to develop and maintain CZM programs meeting certain federal standards in order to achieve the national goals of the CZMA. The first incentive is the offer of federal financial assistance of not more than 80 percent of the costs of developing and implementing each state's program (section 306(a)). The second incentive is provided by the consistency provisions of section 307. According to these provisions, activities and projects of federal agencies "directly affecting" the coastal zone of states with CZM programs approved under the CZMA must be conducted in a manner which is consistent "to the maximum extent practicable" with the enforceable policies of such programs (section 307(c)(1) and (2)). Federally-permitted activities "affecting" the land or water uses in the coastal zone, including activities described in a plan of exploration or development for any area of the OCS leased under the Outer Continental Shelf Lands Act, must be conducted in a manner "consistent" with state programs (section 307(c)(3) (A) and (B)). Further, federal agencies may not approve financial assistance to states or local governments for projects that are inconsistent with such state programs (section 307(d)). Acting upon these incentives, 28 coastal states and territories have developed and implemented CZM programs that have been approved by the Secretary of Commerce under the CZMA.

This Committee has received testimony regarding the activities of these programs in achieving the national goals of the CZMA, some of which are noted below:

Protecting natural resources

As part of its CZM program, South Carolina has enacted legislation to protect valuable wetlands. Since 1978, South Carolina has allowed public fill of only 28.18 net acres of its 500,000 acres of wetlands;

Louisiana's CZM program has prevented the destruction of three million acres of wetlands by rerouting the construction of new access canals for oil and gas activities away from wetland areas to the existing network of canals;

Many states and territories, including Maine, Massachusetts, Rhode Island, Connecticut, New York, South Carolina, Florida, Oregon, California, and the Virgin Islands have developed oil spill contingency plans as part of their CZM programs;

Many states, including Michigan, Maryland, and Mississippi, have protected large areas of sensitive habitats from improper development as part of their CZM programs;

American Samoa and Guam have developed comprehensive mapping systems that provide better protection for their extensive coral reefs;

Protecting lives and property from coastal hazards

Florida has spent CZMA funds to develop hurricane evacuation plans for low-lying areas of the state vulnerable to hurricane damage;

North Carolina has established construction setback standards and regulations in order to control beach erosion. The state expects these measures will reduce property losses along 150 miles of oceanfront;

Michigan and New York require developers to observe similar construction setbacks for state beaches and dunes. Both states have established setback requirements for high erosion areas along their Great Lakes shorelines;

Puerto Rico used CZMA funds to initiate a \$36 million flood control project to provide flood insurance and to relocate 1,500 families living in high hazard, flood-prone areas.

Siting facilities in the coastal zone

Washington used CZMA funds to evaluate 17 state ports as sites for the construction of OCS platforms;

Oregon has designated sites for OCS platform construction projects, coal transshipment and other coastal-dependent energy facilities;

Rhode Island converted a large surplus Navy base into a major onshore support base for oil and gas exploration in the mid and North Atlantic. Rhode Island also provided dock space and support facilities for displaced commercial lobster fisherman by redeveloping the fishing port of Galilee;

Massachusetts approved a public trust lands law recommended by the state CZM program that requires critical waterfront space to be reserved for water-dependent uses.

Public access to the coast

New Jersey used CZMA funds to design a continuous waterfront walkway along 18 miles of the Hudson River to ensure public access;

California has obtained public access to ocean beach areas, including seven miles of beach at Malibu, access to which was

Many states, including South Carolina, Maryland, and New Jersey, have prepared detailed access manuals to assist boaters in reaching recreational waters.

Redeveloping urban waterfronts

In New York, more than 150 municipalities, from Buffalo and New York City to small villages located on Lake Ontario, the Hudson River, and Long Island Sound, have used CZM funds to institute local waterfront revitalization plans. As a result, they have been able to retain important fishing industries and restore waterfront recreation areas at Greenport and Mamaroneck, develop a historic riverfront at Troy, and renew the Dunkirk Harbor;

To promote tourism, Michigan encouraged redevelopment of abandoned riverfront and lakeshore areas by packaging development sites, increasing the marketability of industrial riverfront corridors through inexpensive esthetic improvements, and building walkways along historical canal locks at Sault Ste. Marie;

Between 1978 and 1980, the Michigan CZM program provided Detroit with \$100,000 in CZM seed funds to plan, design and engineer a major urban waterfront redevelopment effort, the Linked Riverfront Parks project. It proved so successful that the city subsequently appropriated more than \$3.5 million for additional park development. As a directed result of these CZM-based efforts, the Stroh's Brewing Company and a private developer, American Natural Resources, are now planning two residential-commercial projects along the Detroit River totaling more than \$160 million in private investment;

Port Angeles, Washington, a small community located in the Juan de Fuca Strait near the Canadian border, applied \$21,000 in CZM seed funds toward a design and construction of a \$2.5 million city pier, park and aquarium, and invested another \$2.4 million in private and public funds to rehabilitate its shoreline. In a separate CZM-funded project, community volunteers and municipal crews are constructing a four-mile scenic urban waterfront trail, complete with viewing platforms, rest stations for joggers, and interpretive centers to educate the public about its harbor area.

Simplifying Government decisionmaking:

To reduce permit processing delays, states such as North and South Carolina, Connecticut, New York, Louisiana, and Maine issued public notices for proposed projects jointly with the Corps of Engineers. When North Carolina and Connecticut now issue their permits, approval by the Corps of Engineers follows for 90 percent requests, and in much less time;

To speed up permit processing in states such as Michigan, Hawaii, and Rhode Island, permit requests are prioritized into major and minor project categories. Projects such as dock extensions are considered minor and permit approval is generally granted within two to three weeks. While permits for more complex projects may require up to three months, processing time has been reduced significantly;

Coastal programs staff in Michigan and Hawaii have combined their permit monitoring systems with computerized data bases

status of pending permit applications, but to steer potential applicants away from areas where projects are unlikely to be approved. Michigan monitors more than 4,000 permits each year using this method. As a result of computerization, the state is able to retrieve, revise, and compile a greater degree of information on the state's fish spawning grounds, high risk erosion and flood hazard areas, the habitats of endangered species, and other sensitive coastal resources;

An urban waterfront action group established jointly by the Pennsylvania and New Jersey CZM programs has guided multi-million dollar projects within the Delaware River estuary through a complex regulatory process;

Florida consolidated the scattered efforts of ten state agencies that had been implementing 26 different laws into a single coastal management program administered by one lead agency. The re-organization led to more efficient governmental permit decisionmaking, improved coordination among state agencies, and better communication between the general public and the state on coastal issues.

Coordinating with Federal agencies

Early consultation between oil companies proposing to drill offshore and affected states has enhanced oil recovery efforts by reducing potential conflicts. A survey of all OCS consistency certifications submitted to states for review since 1978 showed that more than 96 percent were found to be in compliance with state coastal programs. In fact, of 1,336 consistency certifications reviewed by states for OCS regions in the Gulf of Mexico, the Pacific, Atlantic, and Alaska since 1978, only five have been denied;

New York relied on the consistency process to negotiate a land swap that helped convert surplus federal coastal land into a state park at Montauk Point and, at the same time, expand federal holdings in the Fire Island National Seashore;

The consistency process enabled the Washington and Oregon CZM programs to negotiate an agreement with the U.S. Department of Interior to provide the state's crab fishermen with advance notice of federal seismic testing for oil and gas in the Northern Pacific, thereby reducing damage to crabbing equipment;

Connecticut entered into negotiations with AMTRACK using consistency procedures to ensure beach access in an area which would have otherwise been blocked due to fencing of a high speed rail bed. Since railroads are statutorily exempt from local regulation and AMTRAK is a private corporation, chartered by Congress, the consistency provisions provided both parties with the only mechanism, short of litigation, for reaching this agreement.

Public participation

Alaska and New York introduced sound land use planning and natural resource management to rural coastal communities for the first time as a result of their coastal management programs, enabling local officials to adequately address and resolve issues in connection with oil and gas development, wetlands preservation and fisheries management;

Most states ensure continuing public and local involvement in state coastal management decisions by requiring the development and implementation of state coastal plans to reflect the particular needs of local communities. Alaska, California, Connecticut, North Carolina, Oregon, and Washington delegate authority for coastal management directly to local governments so that communities under state CZM stewardship can effectively tailor coastal plans to their specific resource needs.

Conserving living marine resources

Using CZM funds to map its oyster grounds allowed South Carolina to identify oyster quantity and quality in state waters for the first time since 1897. To boost shellfish production, the state also developed a mechanical oyster harvester and helped transfer thousands of bushels of seed oysters from polluted oceanbeds to cleaner waters;

New York took strong, cost-effective measures to improve its commercial fishing industry by leveraging \$20,000 in CZM grant funds to finance a feasibility study for a new fishery processing and distribution center, the Brooklyn Fishport. The study, conducted in 1979, led the Port Authority of New York and New Jersey to alter invest \$27 million toward its construction. The Fishport, which opened in 1984, now serves as a base for commercial fishing boats, processing, distribution and warehousing facilities. The state CZM program expects the Fishport to create 3,000 new jobs within the coastal zone and generate \$9 million in local and state tax revenues annually;

New York City's waterfront revitalization program also provided CZM funds for a new Center for Marine Research at Kingsborough Community College in Brooklyn;

Florida is improving its fishery management efforts by documenting the long-term effect of habitat changes such as channel dredging, bulkheading and marsh and mangrove conversions on various fish populations. The extent and causes of habitat loss along 6,000 miles of Florida coastline are being documented on a site-specific basis in order to protect key habitats and save permit processing time;

In Boston, where an overloaded and antiquated sewer system supporting 43 communities has caused severe water pollution, the courts have imposed a moratorium on new sewer connections until the Commonwealth's legislature takes action to clean up the Harbor. To assist the legislature, the Massachusetts CZM program helped assess the Harbor's pollution levels, assisted in the coordination of a governor's task force to address the problem, and drafted a legislative cleanup proposal. These efforts led to passage of a bill which transferred control of the Boston harbor sewer and water systems to a new independent authority and provided both financial resources and institutional latitude to improve water quality;

Michigan applied \$30,000 in CZM funds to inventory for the first time the spawning grounds of fish species throughout its Great Lakes waters. The data—collected through on-site evaluations and interviews with commercial fisherman—describes not only the spawning cycles of particular fish species, but their habitats and

the characteristics of surrounding lakebeds. Use of inventory data has enabled the state to restore native fish populations and to balance commercial and sport use of fish resources in its lakes.

Developing special area management plans

Special area management plans developed for Grays Harbor, Washington, and the Columbia River estuary in Oregon and Washington avoided potential resource conflict by identifying specific sites for future port development, recommending policies for port expansion, and by including sites for pre-approved dredge material disposal and estuarine mitigation;

The Maryland CZM program and the Corps of Engineers devised a special management plan that helps industry locate or expand its operations near the Baltimore Harbor without damaging the area's ecological balance. Developed with \$53,000 in CZM funds, the Baltimore Harbor Environmental Enhancement Plan enables the state and the Corps to pre-identify mitigation sites within the Harbor to help offset the negative environmental effect of port filling activities. Mitigation, in Maryland's case, meant converting fill sites into valuable wetlands and fishing reefs. The plan has saved existing industries approximately \$5 million in reduced regulatory costs and new industries another \$25 million;

A bi-state urban waterfront action group supervised the preparation of a similar enhancement plan for the Philadelphia, Pennsylvania/Camden, New Jersey Port which identified more than 70 sites suitable for fill conversion;

In Mississippi, special area management plans were developed for ports and industrial areas, urban waterfronts and shorefronts to provide permitting predictability and to balance expanding economic interests with preservation of the state's coastal resources. The plan designated areas such as Biloxi's downtown waterfront, the port of Pascagoula, and several waterfront industrial parks for special management;

A special area management plan developed for Hilton Head Island, South Carolina, enables local officials to manage the Island's rapid growth by identifying erosion trends, polluted water resources, and potential hurricane and flood evacuation problems;

A 1984 Connecticut law encourages local governments to establish special harbor commissions to prepare and enforce local harbor management plans in conjunction with the Corps of Engineers and under the supervision of the state's CZM program. Plans are tailored to meet the specific resource needs of individual harbors whether the issue is congested coastal waters, lack of adequate disposal areas for dredged materials, or inadequate boating facilities. They also link "dry side" land use zoning in coastal areas with water-dependent activities specified in the plan. Once the state adopts and approves its plan, permit and enforcement authority for construction, dredging, and fill activities that was once held by state and federal agencies may be developed to local jurisdictions.

Promoting economic development

A \$25,000 CZM study demonstrated the ecological and economic significance of a dune system in Seabrook, New Hampshire. The study identified Seabrook Dunes as the last natural back sand dune

formation in the state, explained the area's importance as a habitat for endangered wildlife and rare species of flora and fauna, and described the dune's critical role in protecting regional shorelines against damaging storm surges. The study led Seabrook residents to invest \$450,000 in town funds to acquire all of the dune's 53 acres;

Maine's CZM program estimates that for every federal coastal dollar invested by the state, \$9 in private, state and local funds has been generated for capital investment and for projects such as pier rehabilitation and fish and cargo port construction. Maine is currently preparing a detailed investment strategy to help guide long-term private and public investment along its coast;

Tacoma, Washington, applied a \$25,000 CZM grant to upgrade its Ruston Way Waterfront and, in doing so, attracted \$10 million in private investment and another \$9 million in state and local funds for park acquisition and development. Washington CZM staff estimate the cost-benefit ratio of this investment as 1:760;

New York relied on joint CZM and state funds to establish a state-of-the-art Tidal Gauge System that enables ship and barge operators in New York Harbor and along the Hudson River to increase cargo loads, reduce vessel layover time, and avoid accidents. The first of its kind in the country, the system provides subscribers linked by telephone lines with accurate and timely data on tidal levels critical to port users. The New York CZM program estimates that the several million dollars annually by reducing a ship's waiting time to unload cargo and by decreasing the need to transfer cargo to smaller vessels;

Massachusetts directed \$25,000 in CZM seed funds to more than 50 communities for the design of fish piers and commercial dock improvements. These CZM grant funds set the stage for an additional \$18 million in state bonds for coastal facility improvements.

The activities and projects conducted by state CZM programs listed above indicate the range of activities undertaken by state programs to further the national goals of the CZMA. This Committee believes that the 28 state CZM programs approved under the CZMA have succeeded to a remarkable degree in serving the national goals of coastal management, and that the success of these state programs justifies continuing federal financial support of them. Further, the Committee reaffirms the commitment of the Congress to uphold its side of the federal and state partnership to protect, manage, and develop the Nation's coastal resources. This commitment has been honored by providing substantial financial support to develop CZM programs in the 35 coastal states and territories. From 1972 until today, the Secretary of Commerce has been authorized to make grants to any eligible coastal state for not more than 80 percent (until 1976, for not more than 66 $\frac{2}{3}$ percent) of the costs of administering such state's management program. As state coastal programs have developed, the typical result has been that states have paid an increasing share of the costs of their coastal management programs. Indeed, information received during this Committee's hearings on the reauthorization of the CZM program indicates that most states have been and are currently paying substantially more than 20 percent of the costs of their CZM programs, and that many states, including Alaska, Delaware, Hawaii,

New Hampshire, California, North Carolina and Rhode Island, are already paying approximately 50 percent or more of their program costs.

The Administration has argued that the coastal states should bear the entire burden of the costs of their CZM programs. This Committee rejects this argument for two reasons: first, state CZM programs approved by the Secretary of Commerce serve important national interests recognized by the Congress and the Executive Branch in the CZMA, and should be supported by the Federal Government; second, the coastal states cannot pay the entire costs of their coastal programs, and the elimination of all federal financial support would jeopardize the existence of many programs and seriously curtail the activities of most programs.

However, this Committee recognizes that the language of section 306(a) of the CZMA, which commits the Federal Government to pay not more than 80 percent of the cost of state coastal management programs, no longer accurately reflects what the federal role in CZM should be and does not accord well with the Committee's view that CZM in the United States is a partnership between the Federal Government and the coastal states. With 28 of 35 coastal states or territories presently in the national program, the national objective to get states to develop coastal management programs has largely been accomplished. However, the Committee further recognizes that the national interests served by state coastal management programs amply justify the continued federal commitment to pay a share of the costs of implementing state programs. As a result, this Committee has amended sections 306 and 306(A) of the CZMA to reduce gradually the federal share and correspondingly increase the state share of the matching grant funds to a more equitable 50/50 ratio and partnership.

For those coastal states currently providing less than 50 percent of their program costs, this phased increase in state matching fund requirements over four years, in the opinion of this Committee, will allow sufficient time for such states to provide adequate financial support for their programs. For the authorized years after 1988, it is the intention of this Committee that the grants awarded under sections 306 and 306A to provide financial support of the federal and state partnership to implement coastal management in the United States shall require 50 percent in state matching funds. The Committee expects that for the period authorized after fiscal year 1988, the Federal Government will be providing approximately half of the cost of implementing approved coastal management programs.

Estuarine sanctuaries: a need for improvements

The Nation needs natural laboratories for long-term study of the rhythms and relationships governing the estuarine environment. Specific representative sites should be selected for careful, prolonged study to permit the accumulation of basic knowledge essential for the understanding of the statics and dynamics of the coastal regime.

This recommendation was made in 1969 in the highly influential report of the Stratton Commission. In response, Congress enacted

section 315 of the CZMA. By authorizing financial assistance to coastal states for the acquisition, development, and operation of estuarine sanctuaries, Congress sought to establish a system of "natural field laboratories" within which the natural and human processes affecting estuaries could be studied.

Now, more than 12 years since enactment of the CZMA, several problems with the National Estuarine Sanctuary Program (NES) program have been noted. Particularly disturbing is the lack of progress in developing a directed and nationally coordinated program of research within the sanctuaries. In part, this lack of progress is understandable, as initial impetus in program development was directed towards site acquisition efforts. Nonetheless, the Committee has made disturbing discoveries in two particularly important areas: first, virtually no clearly established linkage exists between the NES program and the scientific community; and second, the lack of an adequate conduit between this program and coastal zone managers.

In response to such discoveries, the Committee has adopted the amendments of section 4 of H.R. 2121, renaming the NESP as the National Estuarine Reserve Research System (System) and clarifying the System's research responsibilities. However, before discussing these concerns in more detail, it is appropriate to acknowledge the success of the programs, so that the Committee's concerns not be misconstrued. The Committee fully supports the System as originally envisioned. The amendments are proposed on the premise that those original purposes may be better served in the years ahead.

A. Program accomplishments

Aside from the conduct and coordination of estuarine research, the System serves other important objectives. Substantial progress has been made in these areas.

Estuarine sanctuary sites provide an excellent mechanism for communicating, to the general public, the importance, values, and sensitivities of estuarine environments. Classes, guided walks, and workshops are offered at most sanctuaries and are available to schools from kindergarten through the university level and to groups, individuals, and families. Some sites include visitor facilities and more are planned. The public is encouraged to take advantage of both formal and informal opportunities to learn about estuaries through this program. Success in this area is important to enhance public awareness regarding the opportunities in, and sensitivities of, estuarine environments. In the future, however, greater attention must be focused upon the translation of research results through educational and interpretive activities. Particularly, specific educational and interpretive activities should be focused toward coastal management decisionmakers and individuals or groups who routinely make decisions that affect estuarine and coastal environments.

The protection of habitat is another important, although incidental benefit of the System. To provide a stable environment for scientific research, the natural features and characteristics of each reserve must be preserved. Within the 15 existing reserves, nearly 262,000 acres of estuarine waters, marshes, shoreline, and adjacent

uplands are preserved. Multiple-uses of reserve resources are generally encouraged to the extent that they may be achieved without disruption of the estuary's natural characteristics or ongoing scientific investigations.

While such accomplishments are noteworthy, they are secondary or incidental to the program's principal objectives—the stimulation, coordination, and translation of estuarine research in support of coastal management decisionmaking. As mentioned previously, the Committee has discovered clear deficiencies in the attainment of this central goal.

B. Linkage to the scientific community

The National Estuarine Reserve Research System is designed to provide, through federal support, a nationwide system of representative estuaries providing a stable environment for the conduct of estuarine research. The completed system is to represent a full range of the variations possible in estuarine environments. Not only are these reserves intended to furnish attractive environments for scientific research, it is also expected they will serve as valuable scientific controls, providing a system of "checks-and-balances" for research conducted in other estuarine environments. Success, therefore, is contingent upon the involvement and enthusiasm of the scientific community.

Successful implementation of the System requires a strong linkage between the program and the estuarine research community. The Committee has found no compelling evidence that such a relationship exists on other than a very localized basis. On a national level, the Committee has found an almost uniform lack of awareness among the scientific community and among other federal agencies which commonly conduct or fund estuarine research. In 1983, the National Research Council of the National Academy of Sciences (NAS), issued a report entitled: "Fundamental Research on Estuaries: the Importance of an Interdisciplinary Approach". This report investigated the current state of estuarine research, making recommendations regarding the future needs and directions of estuarine research. That report makes no mention of the NES program.

The Federal Government is the principal source of financial support for estuarine research nationwide. The Federal Government provides direct financial assistance to universities and independent scientists for the conduct of estuarine research. Additionally, federal agencies conduct "in-house" research in support of their estuarine management and development responsibilities. NOAA's National Marine Pollution Programs Office estimates that the Federal Government expended nearly \$20 million on estuarine pollution research in Fiscal Year 1983. It is roughly estimated that the total federal expenditure for estuarine research during that fiscal year was approximately \$40 million. However, the Committee has found no evidence of any coordinated effort to utilize the system of National Estuarine Sanctuaries in the conduct of this federally-funded research. This absence of a clear working relationship between the NES program and the scientists and agencies conducting estuarine research nationwide is a problem which must be remedied in a timely manner. Responsibility for correcting this deficiency must

be shared equally by NOAA, other federal agencies, the estuarine research community, and the Congress. The amendments in section 4 of H.R. 2121 are designed to fulfill the Congressional responsibility in this regard. The Committee believes that significant progress must be made in this area. Otherwise, it is clear that the program will fall short of fulfilling its intended objective.

B. Providing a conduit to coastal decisionmakers

In order to support and coordinate directed estuarine research and improve coastal decisionmaking, an effective conduit must be established between the System and those individuals and officials responsible for making decisions affecting estuarine resources. Such a conduit must involve a two-way exchange of information: first, a mechanism to ascertain which problems and information are of greatest priority to coastal managers; and second, research results must be readily available to support decisions regarding estuarine resources. The Committee has found that no such conduit yet exists.

The Committee recognizes and applauds recent efforts by NOAA to redirect the NES program. Initiation of the National Sanctuary Research Program in 1983 is indicative of this change in direction. The Committee recommends continued attention to the development of a National Estuarine Reserve Research Plan and efforts to establish a more clear relationship between research effort and sanctuary management. The Agency must take actions to more actively solicit the interest and participation of other federal agencies in conducting research within estuarine reserves. Additionally, NOAA should use its own inhouse resources to promote utilization and development of the reserve system. Identification of coastal management priorities should become an area of focus in conducting coastal program evaluations pursuant to section 312 of the CZMA. Finally, during the development of NOAA's National Estuarine Research Plan, consideration should be given to the establishment of a mechanism to translate, coordinate, and disseminate research results. Again, the Committee applauds the recent efforts of NOAA, but reiterates the importance of resolving deficiencies in the implementation of the National Estuarine Sanctuaries Program.

SECTION-BY-SECTION ANALYSIS OF H.R. 2121, AS REPORTED

Section 1. Short Title

This Section states the short title of the bill, which is the "Coastal Zone Management Reauthorization Act of 1985".

Section 2. Reference

This Section states the changes in existing law made by this bill shall be changes made to the Coastal Zone Management Act of 1972, as amended, unless otherwise specified.

Section 3. Reduction of Administrative Grants

Section 3(a) of the bill amends Section 312(c) of the CZMA to add a new requirement that the Secretary reduce financial assistance extended to any coastal state under Section 306, and withdraw any unexpended part of the reduction; if the Secretary determines that

the coastal state is failing to make satisfactory progress in providing, in its approved CZM program, for inventorying and designating areas containing coastal resources of national significance, and for providing protection for such resources, as described in Section 306(i), (A) and (B) of the CZMA. Other requirements of Section 312(c) are not substantively affected. Any reduction in financial assistance would be subject to the other requirements of Section 312(c) with respect to the percentage by which that assistance may be reduced.

Section (3)(b)(1) of the bill amends Section 306(a) of the CZMA to allow the Secretary to make grants to any coastal state for the purpose of administering that state's management program, if the state provides for the applicable fiscal year: 20 percent of the grant for Fiscal Year 1986; 30 percent of the grant for Fiscal Year 1987; 40 percent of the grant for Fiscal Year 1988; and 50 percent of the grant for each fiscal year thereafter. The Secretary may make the grant only if the Secretary makes the findings and approvals specified in Section 306(a)(1), (2) and (3).

This amendment is intended to reduce gradually to 50 percent the federal share of grants awarded under Section 306. NOAA's practice generally has been to award grants to states under circumstances in which NOAA paid 80 percent of the grant, and states were required to put up a 20 percent matching share. This amendment is not intended to alter the mechanism by which NOAA has historically determined state matching shares. The annual appropriation and NOAA's allocation formula derived from Section 306(b) will continue to govern the Secretary's determination of the maximum grant that may be awarded to each coastal state in any fiscal year.

Section (3)(b)(2) of the bill amends Section 306A(d)(1) of the CZMA, to allow the Secretary to make grants under that section to any coastal state for the purpose of carrying out the project or purpose for which a grant may be awarded under that section, if the state provides for the applicable fiscal year: 20 percent of the grant for Fiscal Year 1986; 30 percent of the grant for Fiscal Year 1987; 40 percent of the grant for Fiscal Year 1988; and 50 percent of the grant for each fiscal year thereafter.

Under current law, no grant may be made under Section 306A(d)(1) exceeding 80 percent of the cost of carrying out the purpose or project for which it is awarded. This amendment would increase the required percentage which the state must provide of the grant from 20 percent in Fiscal Year 1986; up to 50 percent in Fiscal Year 1989, and thereafter, according to the scheduled described in the amendment with respect to each applicable fiscal year.

The amount of any grant awarded will be determined by the Secretary, will be governed by available appropriations and other constraints such as Section 306A(d)(3), and need not constitute any minimum or maximum percentage of the total cost of the purpose or project for which the grant is awarded.

These amendments to Section 306(a) and 306A(d)(1) in no way preclude a coastal state from "over-matching" (i.e., actually paying more than the required percentage of the grant), or from paying additional monies (i.e., other than the state match for the grant)

towards payment of the total cost of the coastal zone program or related projects. These amendments also do not decrease any authority of, or obligation upon, the Secretary under any section of the CZMA (such as Section 306(i) or 312(c)) which allows or requires the Secretary to reduce, withdraw, or withhold a grant.

Section 3(c) of the bill amends Section 306(g) of the CZMA by deleting the second sentence and substituting new language which requires the state to promptly notify the Secretary of any amendment or modification and submit it for Secretarial approval to include the amendment or modification as part of the state's approved CZM program. The amendment also authorizes the Secretary to suspend part or all of any grant made under Section 306, beginning on the date when the state adopts the amendment or modification; the Secretary is to reinstate the grant immediately after the state submits the amendment or modification to the Secretary, seeking the Secretary's approval for inclusion of the amendment or modification in the state's approved CZM program. This amendment is intended to correct a problem in the existing Section 306(g), which may be interpreted as prohibiting the Secretary from making any Section 306 grant to the state during the time after an amendment or modification has been adopted by the state, but before that amendment or modification had finally been approved by the Secretary for inclusion in the state's approved CZM program. The Committee does not believe that the CZMA ever was intended to prevent the Secretary from issuing a Section 306 grant to a state, in circumstances where the state's previous Section 306 grant had routinely expired, and when the state had an amendment or modification pending before the Secretary for approval. Requiring the Secretary to withhold all of the grant in every such situation, even through both the state and the Secretary were acting in good faith to submit expeditiously and approve the amendment or modification, is not a reasonable result. The amendment to Section 306(g) proposed in Section (3)(c) of the bill would remedy this situation, but still would allow the Secretary the discretion to suspend a grant if the state fails to submit program changes, such as relevant new state laws, for review and approval of the Secretary to be part of the state's federally-approved CZM program.

Section 4. National Estuarine Reserve Research System

This section replaces current Section 315 of the CZMA. This section establishes the National Estuarine Reserve Research System ("System"), renames the existing estuarine sanctuaries as national estuarine reserves, and provides guidance to NOAA and the coastal states regarding the research purposes to the estuarine reserves. The amendments in this section also clarify the education and interpretation responsibilities of the program, to increase public awareness of the importance of estuarine areas.

The amendment provides that the Secretary may designate an estuarine area as a national estuarine reserve only if certain specified requirements are met, including the requirement that the Governor of the coastal state in which the area is located nominate the area for designation as a national estuarine reserve.

The amendment requires the Secretary to develop guidelines for the conduct of research within the System. The guidelines are to help promote the coordination of research within the System, establish common research principles and objectives, encourage uniform research methodologies which will ensure comparability of data, and encourage the maximum use of the System for research purposes. The research guidelines also must consider additional sources of funds for estuarine research and strategies for encouraging the use of these additional funds within the System. The amendment also requires the Secretary to take necessary action to promote and coordinate the use of the System for research purposes, including requiring that NOAA, when conducting or supporting estuarine research, give priority consideration to research that uses the System. The Secretary also is required to consult with other federal and state agencies to promote use of one or more reserves within the System by those agencies when they are conducting estuarine research.

The amendment allows the Secretary to make grants to a coastal state for purposes of acquiring lands and waters, or for acquiring property interests in lands or waters less than fee simple ownership, as are necessary to ensure the appropriate long-term management of an area as a national estuarine reserve. The Secretary also may issue grants for purposes of: operation or management of a national estuarine reserve; construction of appropriate facilities; or conduct of educational or interpretive activities. The Secretary also may make grants to any coastal state or public or private person for purposes of supporting research and monitoring within a national estuarine reserve that are consistent with the research guidelines developed under new Section 315(c). The amount of financial assistance provided with respect to acquisition of lands and waters or property interests therein, for any one national estuarine reserve, may not exceed 50 percent of the cost of the lands, waters, and interests therein, or \$4 million, whichever is less. The amount of financial assistance provided for purposes of operating or managing a reserve, constructing facilities, conducting educational or interpretive activities, or supporting research and monitoring, may not exceed 50 percent of the cost to achieve those purposes with respect to a particular reserve.

The amendment also requires the Secretary to evaluate periodically the operation and management of each national estuarine reserve. If the evaluation reveals that operation and management of the reserve is deficient, or that the research being conducted in the reserve is not consistent with the research guidelines developed under new Section 315(c), the Secretary may suspend the eligibility of that reserve for further financial assistance under new Section 315(e) until the deficiency or inconsistency is corrected. The amendment also authorizes the Secretary to withdraw the designation of an estuarine area as a national estuarine reserve if the evaluation reveals that the basis for one or more of the required findings regarding designation of the area as a reserve no longer exists, or if a substantial portion of the research conducted within the area, over a period of years, has not been consistent with the research guidelines developed under new Section 315(c).

The amendment requires the Secretary to provide an annual report to the Congress describing new designations of estuarine reserves, expansion of existing reserves, the status of the research program being conducted in the System, and a summary of the evaluations of any reserves.

Section 5. Repeals

This Section repeals: Section 310 of the CZMA, relating to research and technical assistance programs and grants; Section 314 of the CZMA, relating to the Coastal Zone Management Advisory Committee; and Section 15(c) of the Coastal Zone Management Act Amendments of 1976, relating to the establishment of four additional personnel positions which were intended to be filled with individuals carrying out functions relating to the Coastal Energy Impact Program.

Section 6. Authorization of Appropriations

This Section amends Section 318 of the CZMA. The effect of this amendment is to:

- (1) Reauthorize Section 306 in an amount not to exceed \$40 million for Fiscal Year 1986, \$38 million for Fiscal Year 1987, \$36 million for Fiscal Year 1988, and \$35 million for each of the Fiscal Years 1989, 1990, and 1991. Appropriations for each fiscal year for grants under Section 306 are to remain available until expended;
- (2) Reauthorize Section 306A in an amount not to exceed \$16 million for each fiscal year through Fiscal Year 1991. Appropriations for each fiscal year for grants under Section 306A are to remain available until expended;
- (3) Reauthorize Section 309 in an amount not to exceed \$3 million for each fiscal year through Fiscal Year 1991. Appropriations for each fiscal year for grants under Section 309 are to remain available until expended;
- (4) Reauthorize Section 315 in an amount not to exceed \$9 million for each fiscal year through Fiscal Year 1991. Appropriations for each fiscal year for grants under Section 315 are to remain available until expended; and
- (5) Reauthorize monies for administrative expenses incident to administration of the CZMA, in an amount not to exceed \$5 million for each fiscal year through Fiscal Year 1991.

As compared to the authorization levels in the existing CZMA, these amendments could provide savings to the federal Treasury, during the duration of these reauthorized programs, of up to \$69 million under Section 306, up to \$24 million under Section 306A, and up to \$6 million under Section 318(a)(6) administrative expense (total equals \$99 million in savings). The amendments in this bill do not raise annual authorization levels for any program.

Section 7. Effective Date

The amendments made by this bill would take effect on October 1, 1985.

INFLATIONARY IMPACT STATEMENT

Pursuant to the requirements of clause (2)(1)(4) of Rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 2121, as amended, will have no significant inflationary impact upon prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Pursuant to clause 7 of Rule XIII of the Rules of the House of Representatives, the Committee estimates the maximum cost of H.R. 2121, as amended, to be \$73 million in fiscal year 1986, \$71 million in fiscal year 1987, \$69 million in fiscal year 1988, and \$86 million in each of the fiscal years 1989 through 1991. For the purpose of estimating outlays, the Committee adopts the estimates made by the Congressional Budget Office.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirements of (2)(1)(3)(A) of Rule XI of the Rules of the House of Representatives, no formal oversight findings or recommendations have been made by the Committee on the subject of H.R. 2121. The Committee conducted two days of hearings in Washington, D.C. on the national interest and other aspects of the Coastal Zone Management Act in 1985. While the Committee has not made any formal oversight findings as a result of those hearings, H.R. 2121 was developed in response to the information gathered at the oversight hearings. The Committee will continue to exercise its oversight responsibility over the Coastal Zone Management Act diligently.

2. With respect to the requirements of clause (2)(1)(3)(B) of Rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 2121, as amended, does not contain any new budget authority or tax expenditures.

3. With respect to the requirements of clause (2)(1)(3)(D) of Rule XI of the Rules of the House of Representatives, the Committee has received no report from the Committee on Government Operations on the subject of H.R. 2121.

4. With respect to the requirements of clause (2)(1)(3)(C) of Rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following estimate of the cost of H.R. 2121 from the Director of the Congressional Budget office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 15, 1985.

Hon. WALTER B. JONES,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 2121, the Coastal Zone Management Act of 1985.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

RUDOLPH G. PENNER, *Director.*

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 2121.
 2. Bill title: Coastal Zone Management Act of 1985.
 3. Bill status: As ordered reported by the House Committee on Merchant Marine and Fisheries, May 1, 1985.
 4. Bill purpose: H.R. 2121 would reauthorize funding for programs established by the Coastal Zone Management Act of 1972. Section 3 of the bill would require states to increase their share of program administration and resource management improvement costs. Section 4 would amend the act to emphasize research on estuaries by establishing the National Estuarine Reserve Research System.
- H.R. 2121 would authorize appropriations of \$33 million a year through fiscal year 1991 for federal administrative expenses and grants for (1) the estuarine program, (2) the coastal resource improvement program, and (3) programs conducted pursuant to interstate agreements. Appropriations of \$40 million in fiscal year 1986, \$38 million in fiscal year 1987, \$36 million in fiscal year 1988, and \$35 million a year through fiscal year 1991 would be authorized for state administrative assistance.
5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1986	1987	1988	1989	1990
Estimated authorization level.....	73	71	69	68	68
Estimated outlays.....	66	71	69	68	68

The costs of this bill fall within budget function 300.

Basis of estimate: For purposes of this estimate, it is assumed that H.R. 2121 will be enacted during fiscal year 1985 and that the full amounts authorized will be appropriated prior to the beginning of each fiscal year. Outlays have been estimated on the basis of historical spending patterns. H.R. 2121 would repeal three provisions of the Coastal Zone Management Act. The repeal of these provisions would have no impact on the federal budget.

6. Estimated cost to State and local governments: CBO has not completed its estimate of the costs to state and local governments.

7. Estimate comparison: None.
8. Previous CBO estimate: None.
9. Estimate prepared by: Deb Reis.
10. Estimate approved by: C.G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

DEPARTMENTAL REPORTS

On April 23, 1985 the Committee forwarded copies of H.R. 2121 to the following agencies: Department of the Interior, Department of Commerce, Department of Transportation, Department of Defense, and the Environmental Protection Agency. As of May 15, 1985, the Committee has received no reports from the agencies.

CHANGES IN EXISTING LAW

In compliance with clause 3 of the rule XIII of the Rules of the House of Representatives, as amended, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

16 U.S.C. 1458

§ 1458. Review of performance

(a) EVALUATION OF ADHERENCE WITH TERMS OF GRANTS.—

* * * * *

(c) FAILURE TO MAKE SIGNIFICANT IMPROVEMENT; REDUCTION OF FINANCIAL ASSISTANCE.—The Secretary shall reduce any financial assistance extended to any coastal state under section 1455 of this title (but not below 70 per centum of the amount that would otherwise be available to the coastal state under such section for any year), and withdraw any unexpected portion of such reduction, [if the Secretary determines that the coastal state is failing to make significant improvement in achieving the coastal management objectives specified in section 1452(2)(A) through (I) of this title.] *if the Secretary determines that the coastal state—*

(1) is failing to make significant improvement in achieving the coastal management objectives specified in section 1452(2)(A) through (I); or

(2) is failing to make satisfactory progress in providing to its management program for the matters referred to in section 1455(i)(A) and (B).

* * * * *

16 U.S.C. 1455

§ 1455. Administrative grants

(a) AUTHORIZATION.—[The Secretary may make grants to any coastal state for not more than 80 per centum of the costs of administering such state's management program if the Secretary—] *The Secretary may make grants to any coastal state for the purposes of administering that state's management program, if the state provides for the applicable fiscal year: 20 per centum of the grant for Fiscal Year 1986; 30 per centum of the grant for Fiscal Year 1987; 40 per centum of the grant for Fiscal Year 1988; and 50*

per centum of the grant for each fiscal year thereafter. The Secretary may make the grant only if the Secretary—

* * * * *

(g) PROGRAM MODIFICATION.—Any coastal state may amend or modify the management program which it has submitted and which has been approved by the Secretary under this section, pursuant to the required procedures described in subsection (c) of this section. [Except with respect to any such amendment which is made before October 1, 1978, for the purpose of complying with the requirements of paragraphs (7), (8), and (9) of section 1454(b) of this title, no grant shall be made under this section to any coastal state after the date of such an amendment or modification, until the Secretary approves such amendment or modification.] *The state shall promptly notify the Secretary of any amendment or modification and submit it for Secretarial approval. The Secretary may suspend all or part of any grant made under this section pending state submission of the amendment or modification.*

* * * * *

16 U.S.C. 1455a

§ 1455a. Coastal resource improvement program

(a) DEFINITIONS.—

* * * * *

(d) MAXIMUM AMOUNT OF GRANTS.—[(1) No grant made under this section may exceed an amount equal to 80 per centum of the cost of carrying out the purpose or project for which it was awarded.] *(1) The Secretary may make grants to any coastal state for the purpose of carrying out the project or purpose for which such grants are awarded, if the state provides for the applicable fiscal year: 20 per centum of the grant for Fiscal Year 1986; 30 per centum of the grant for Fiscal Year 1987; 40 per centum of the grant for Fiscal Year 1988; and 50 per centum of the grant for each fiscal year thereafter.*

* * * * *

§ 1461. [Estuarine sanctuaries, access to coastal areas; preservation of islands

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

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

[(2) acquiring lands to provide for the preservation of islands, or portions thereof.

The amount of any such grant shall not exceed 50 per centum of the cost of the project involved; except that, in the case of acquisi-

tion of any estuarine sanctuary, the Federal share of the cost thereof shall not exceed \$3,000,000. No grant for acquisition of land may be made under this section without the approval of the Governor of the State in which is located the land proposed to be acquired.]

NATIONAL ESTUARINE RESERVE RESEARCH SYSTEM

(a) **ESTABLISHMENT OF THE SYSTEM.**—*There is established the National Estuarine Reserve Research System (hereinafter referred to in this section as the "System") that consists of—*

(1) *each estuarine sanctuary designated under this section as in effect before October 1, 1985; and*

(2) *each estuarine area designated as a national estuarine reserve under subsection (b).*

Each estuarine sanctuary referred to in paragraph (1) is hereby designated as a national estuarine reserve.

(b) **DESIGNATION OF NATIONAL ESTUARINE RESERVES.**—*After September 30, 1985, the Secretary may designate an estuarine area as a national estuarine reserve if—*

(1) *the Governor of the coastal state in which the area is located nominates the area for that designation; and*

(2) *the Secretary finds that—*

(A) *the area is a representative estuarine ecosystem that is suitable for long-term research and contributes to the biogeographical and typological balance of the System;*

(B) *the law of the coastal state provides long-term protection for reserve resources to ensure a stable environment for research;*

(C) *designation of the area as a reserve will serve to enhance public awareness and understanding of estuarine areas, and provide suitable opportunities for public education and interpretation; and*

(D) *the coastal state in which the area is located has complied with the requirements of any regulations issued by the Secretary to implement this section.*

(c) **ESTUARINE RESEARCH GUIDELINES.**—*The Secretary shall develop guidelines for the conduct of research within the System that shall include—*

(1) *a mechanism for identifying, and establishing priorities among, the coastal management issues that should be addressed through coordinated research within the System;*

(2) *the establishment of common research principles and objectives to guide the development of research programs within the System;*

(3) *the identification of uniform research methodologies which will ensure comparability of data, the broadest application of research results, and the maximum use of the System for research purposes;*

(4) *the establishment of performance standards upon which the effectiveness of the research efforts and the value of reserves within the System in addressing the coastal management issues identified in subsection (1) may be measured; and*

(5) the consideration of additional sources of funds for estuarine research than the funds authorized under this Act, and strategies for encouraging the use of such funds within the System, with particular emphasis on mechanisms established under subsection (d).

In developing the guidelines under this section, the Secretary shall consult with prominent members of the estuarine research community.

(d) **PROMOTION AND COORDINATION OF ESTUARINE RESEARCH.**—The Secretary shall take such action as is necessary to promote and coordinate the use of the System for research purposes including—

(1) requiring that the National Oceanic and Atmospheric Administration, in conducting or supporting estuarine research, give priority consideration to research that uses the System; and

(2) consulting with other Federal and state agencies to promote use of one or more reserves within the system by such agencies when conducting estuarine research.

(e) **FINANCIAL ASSISTANCE.**—(1) The Secretary may, in accordance with such rules and regulations as the Secretary shall promulgate, make grants—

(A) to a coastal state—

(i) for purposes of acquiring such lands and waters, and any property interests therein, as are necessary to ensure the appropriate long-term management of an area as a national estuarine reserve,

(ii) for purposes of operating or managing a national estuarine reserve and constructing appropriate reserve facilities, or

(iii) for purposes of conducting educational or interpretive activities; and

(B) to any coastal state or public or private person for purposes of supporting research and monitoring within a national estuarine reserve that are consistent with the research guidelines developed under subsection (c).

(2) Financial assistance provided under paragraph (1) shall be subject to such terms and conditions as the Secretary considers necessary or appropriate to protect the interests of the United States, including requiring coastal states to execute suitable title documents setting forth the property interest or interests of the United States in any lands and waters acquired in whole or part with such financial assistance.

(3)(A) The amount of the financial assistance provided under paragraph (1)(A)(i) of subsection (e) with respect to the acquisition of lands and waters, or interests therein, for any one national estuarine reserve may not exceed an amount equal to 50 percent of the costs of the lands, waters, and interests therein or \$4,000,000, whichever amount is less.

(B) The amount of the financial assistance provided under paragraph (1)(A)(ii) and (iii) and paragraph (1)(B) of subsection (e) may not exceed 50 percent of the costs incurred to achieve the purposes described in those paragraphs with respect to a reserve.

(f) **EVALUATION OF SYSTEM PERFORMANCE.**—(1) The Secretary shall periodically evaluate the operation and management of each

national estuarine reserve, including education and interpretive activities, and the research being conducted within the reserve.

(2) If evaluation under paragraph (1) reveals that the operation and management of the reserve is deficient, or that the research being conducted within the reserve is not consistent with the research guidelines developed under subsection (c), the Secretary may suspend the eligibility of that reserve for financial assistance under subsection (e) until the deficiency or inconsistency is remedied.

(3) The Secretary may withdraw the designation of an estuarine area as a national estuarine reserve if evaluation under paragraph (1) reveals that—

(A) the basis for any one or more of the findings made under subsection (b)(2) regarding that area no longer exists; or

(B) a substantial portion of the research conducted within the area, over a period of years, has not been consistent with the research guidelines developed under subsection (c).

(g) ANNUAL REPORT.—Beginning with fiscal year 1986, the Secretary shall provide to the Congress an annual report that sets forth, with respect to the period covered by the report—

(1) new designations of national estuarine reserves;

(2) any expansion of existing national estuarine reserves;

(3) the status of the research program being conducted within the System; and

(4) a summary of the evaluations made under subsection (f).

The Secretary shall submit the report within three months after the end of the fiscal year covered by the report.

16 U.S.C. 1456c

[§ 1456c. Research and technical assistance for coastal zone management

[(a) PROGRAMS SUPPORTING DEVELOPMENT AND IMPLEMENTATION CONDUCTED BY SECRETARY; ASSISTANCE OF EXECUTIVE BRANCH; CONTRACTS OR OTHER ARRANGEMENTS.—The Secretary may conduct a program of research, study, and training to support the development and implementation of management programs. Each department, agency, and instrumentality of the executive branch of the Federal Government may assist the Secretary, on a reimbursable basis or otherwise, in carrying out the purposes of this section, including, but not limited to, the furnishing of information to the extent permitted by law, the transfer of personnel with their consent and without prejudice to their position and rating, and the performance of any research, study, and training which does not interfere with the performance of the primary duties of such department, agency, or instrumentality. The Secretary may enter into contracts or other arrangements with any qualified person for the purposes of carrying out this subsection.

[(b) GRANTS; LIMITS.—The Secretary may make grants to coastal states to assist such states in carrying out research, studies, and training required with respect to coastal zone management. The amount of any grant made under this subsection shall not exceed 80 per centum of the cost of such research, studies, and training.

[(c) COORDINATION WITH OTHER ACTIVITIES; AVAILABILITY OF RESULTS.—

[(1) The Secretary shall provide for the coordination of research, studies, and training activities under this section with any other such activities that are conducted by, or subject to the authority of, the Secretary.

[(2) The Secretary shall make the results of research conducted pursuant to this section available to any interested person.]

16 U.S.C. 1460

[1460. Coastal Zone Management Advisory Committee

[(a) The Secretary is authorized and directed to establish a Coastal Zone Management Advisory Committee to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the coastal zone. Such committee shall be composed of not more than fifteen persons designated by the Secretary and shall perform such functions and operate in such a manner as the Secretary may direct. The Secretary shall insure that the committee membership as a group possesses a broad range of experience and knowledge relating to problems involving management, use, conservation, protection, and development of coastal zone resources.

[(b) Members of the committee who are not regular full-time employees of the United States, while serving on the business of the committee, including traveltime, may receive compensation at rates not exceeding \$100 per diem; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of Title 5 for individuals in the Government service employed intermittently.]

16 U.S.C. 1451 Note

[Establishment of Positions and Fixing of Compensation by Secretary of Commerce; Appointments. Section 15(c) of Pub. L. 94-370 provided that: "The Secretary may, to carry out the provisions of the amendments made by this Act [see Short Title of 1976 Amendment note under this section] establish, and fix the compensation for, four new positions without regard to the provision of chapter 51 of title 5, United States Code at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title. Any such appointment may, at the discretion of the Secretary, be made without regard to the provisions of such title 5 governing appointments in the competitive service."]

16 U.S.C. 1464

§ 1464. Authorization of appropriations; limitations

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

[(1) such sums, not to exceed \$48,000,000 for each of the fiscal years occurring during the period beginning October 1,

1980, and ending September 30, 1985, as may be necessary for grants under section 1455 of this title, to remain available until expended;]

(1) *Such sums, not to exceed \$40,000,000 for the fiscal year ending September 30, 1986, \$38,000,000 for the fiscal year ending September 30, 1987, \$36,000,000 for the fiscal year ending September 30, 1988, and \$35,000,000 for each of the fiscal years ending September 30, 1989, September 30, 1990, and September 30, 1991, as may be necessary for grants under Section 1455 of this title, to remain available until expended;*

(2) such sums, not to exceed **[\$20,000,000]** *\$16,000,000* for each of the fiscal years occurring during the period beginning October 1, 1980, and ending **[September 30, 1985,]** *September 30, 1991*, as may be necessary for grants under section 1455a of this title, to remain available until expended;

(3) such sums not to exceed \$75,000,000 for each of the fiscal years occurring during the period beginning October 1, 1980, and ending September 30, 1988, as may be necessary for grants under section 1456a(b) of this title;

(4) such sums, not to exceed \$3,000,000 for each of the fiscal years occurring during the period beginning October 1, 1980, and ending **[September 30, 1985]** *September 30, 1991*, as may be necessary for grants under section 1456b of this title, to remain available until expended;

(5) such sums, not to exceed \$9,000,000 for each of the fiscal years occurring during the period beginning October 1, 1980, and ending **[September 30, 1985,]** *September 30, 1991*, as may be necessary for grants under section 1461 of this title to remain available until expended;

(6) such sums, not to exceed **[\$6,000,000]** *\$5,000,000* for each of the fiscal years occurring during the period beginning October 1, 1980, and ending **[September 30, 1985,]** *September 30, 1991*, as may be necessary for administrative expenses incident to the administration of this chapter.

* * * * *