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COASTAL AREAS OF PARTICULAR CONCERN

Part I: ELEVEN STATE APPROACHES

Part II: AN APPROACH FOR CONNECTICUT

Prepared for the  
COASTAL AREA MANAGEMENT PROGRAM  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
STATE OF CONNECTICUT

by  
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August 1975



## P R E F A C E

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The report is meant to provide the information on administrative approaches to designation of areas of particular concern. Views or opinions herein are those of the author and are offered to provide insight and to stimulate discussion on these issues. The report does not necessarily reflect the policies, official or unofficial, of the Connecticut Coastal Area Management Program or Advisory Board.

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The Connecticut Coastal Area Management Program wishes to thank all those who contributed to this report. We are especially grateful to those who provided in-house staff reports. This willingness to share ideas with others to promote productive discussion is appreciated.

This report is a very good example of how coastal states are very eager to exchange ideas for mutual benefit.

## Introduction

This paper is the result of a special survey of 29 coastal states conducted by the Connecticut Coastal Area Management Program. It provides as summary of eleven state approaches to designating and managing geographic areas of particular concern as provided for in the Coastal Zone Management Act of 1972.

Each state's approach is summarized, a brief comparison with Section 920.13 of the Coastal Zone Management Act's rules and regulations is made, a list of references is provided (each numbered, with those numbers used as footnotes within each state summary) and a contact person is identified for more information.

Generally, three approaches were taken by the states to designating geographic areas of particular concern: 1) state-initiated, 2) a nomination process and 3) a cooperative state/local effort.

Many states rely on a technical, state-initiated process for evaluating areas as areas of particular concern. Those states are: California, Florida, Maine, Maryland, New York, North Carolina and Rhode Island. This does not mean however that all other inputs were not considered. Primary responsibility rested with the state.

A nomination process or one relying on extensive public input for initiative was suggested for three states: Delaware, Illinois and Oregon. The approaches vary considerably between states but the principle is the same.

One state, Washington, choose a two phase designation process. First, the state designated a broad area of concern (shorelines of statewide significance) and then let local government determine other areas of particular concern through a local planning process.

A majority of the states reviewed here had a headstart in developing their approaches because they have operated under their own state coastal planning enabling legislation for several years. They include: California (1972), Delaware (1971), Florida (1970), Maine (1969), Oregon (1971), Rhode Island (1971) and Washington (1971). North Carolina (1974) also has their own state enabling legislation, although their headstart was very short. The other states have had to practically start from scratch.

When reviewing these summaries, it is very important to remember the context within which these approaches were developed. The length and problems of the coast vary considerably from state to state. Perhaps more importantly though, it is necessary to look at a state's coastal zone

management program within the context of the state's overall land-use planning efforts. Some information on context was provided in each summary.

## CALIFORNIA

The Coastal Zone Conservation Commission (established by the state's voters in 1972), in a tentative recommendation dated July 29, 1975, proposed a coastal planning structure that emphasized the local planning role. This proposal would require all local governments within the coastal boundary [jurisdictions abutting the shoreline, within 1,000 yards of the mean high tide line and areas necessary to protect coastal agriculture, flood plains, watersheds and public services (sewer, water, road programs)] to prepare a Coastal Element for their General Plan.

"The Coastal Element shall set forth the local government's application of relevant portions of the (state) Coastal Plan including the policies, standards, regulations, conditions, specific programs and measures, together with precise maps, necessary for the proper use, protection and enhancement, as appropriate of coastal natural and manmade resources."<sup>1</sup>

The subjects the Coastal Element is to address would include California's definition of geographic areas of particular concern:

- a) location, distribution or design of new development which could singly or cumulatively have an adverse impact;
- b) location and design of development to encourage its concentration in existing areas and the reservation of appropriate shoreline areas;
- \*c) a program to acquire and maintain accessways, open space lands, parks and preserves and provide ample public recreational opportunities;
- \*d) protection of manmade resources such as sites of unique cultural, historical, architectural or archaeological significance;
- \*e) protection and rehabilitation of existing low and moderate income areas;
- f) maintenance or procedures and standards to review the design of new development consistent with the Coastal Plan;
- \*g) protection of prime agricultural lands;
- \*h) protection of forestry resources (including highly scenic coastal timberlands);
- \*i) design and location of development on flood plains and in areas having high geologic risks;
- j) correlation of development with the capacities of existing and future transportation and public service systems;

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\*Geographic areas of particular concern.

- k) location of development to minimize use of energy;
- \*l) protection of coastal wetlands and water resources including restrictions on erosion, runoff and silt, diking, filling and dredging;
- m) conservation of water supplies;
- \*n) protection of significant areas of coastal natural living communities (as defined in the Coastal Plan);
- o) protection of air quality through regulations controlling the location, distribution and design of new development;
- p) protection of soil and mineral resources through regulations on building, grading, runoff, erosion, dust, waste materials and spoils disposal.<sup>1</sup>

The DRAFT proposal cites special clarifying provisions for the handling of several areas in the Coastal Element: agricultural land, flood plains, watersheds, public trust lands (navigation areas, fisheries), areas of public access to tidelands and beaches (physical maintenance).

A certification process is recommended before permit authority is granted to local governments to implement their Coastal Element. A higher authority (either a regional or state-level agency) will handle any appeals from local decisions.

The Coastal Plan may also require:

- 1) subregional plans for large, development-impacted areas;
- 2) specific plans for sensitive coastal resources (wetlands, highly scenic areas);
- 3) special considerations in Coastal Elements (areas to be designated by the state) for:
  - consolidation of small subdivided but undeveloped lots;
  - right of first refusal to purchase areas (beaches);
  - termination clause on permits of development in highly selected areas;
  - non-conforming use removal by means of local zoning regulations.<sup>1</sup>

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\*Geographic areas of particular concern.

The Coastal Plan proposes the creation of a Coastal Conservation Trust to carry out the acquisition portions of the plan.

It must be remembered that this proposal is made in addition to a state-level land-use planning program that satisfies 75 per cent of the requirements of the national land use policy and assistance act as envisioned by S. 268.

To mention a few existing program elements: the California Environmental Quality Act (California's NEPA); requirements that local General Plans must include a conservation, seismic, safety, land use, open space, scenic highway and housing elements; an Urban Geology Master Plan dealing with geologic hazards; an approved set of environmental goals and policies to be followed by local governments; a definition and designation of areas of critical environmental concern and a proposed implementation process.<sup>2</sup>

As proposed, the Coastal Plan would be incorporated as a separate function (including its planning, oversight and review powers) into a yet-to-be-established comprehensive state land-use planning agency.<sup>3</sup>

§ 920.13 .Geographic areas of particular concern.

(1) Areas of unique, scarce, fragile, or vulnerable natural habitat, physical feature, historical significance, cultural value, and scenic importance;

(2) Areas of high natural productivity or essential habitat for living resources, including fish, wildlife, and the various trophic levels in the food web critical to their well-being;

(3) Areas of substantial recreational value and/or opportunity;

(4) Areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters;

(5) Areas of unique geologic or topographic significance to industrial or commercial development;

(6) Areas of urban concentration where shoreline utilization and water uses are highly competitive;

(7) Areas of significant hazard if developed, due to storms, slides, floods, erosion, settlement, etc.; and

(8) Areas needed to protect, maintain or replenish coastal lands or resources, such areas including coastal flood plains, aquifer recharge areas, sand dunes, coral and other reefs, beaches, offshore sand deposits, and mangrove stands.

The Coastal Element as framed by the current proposal will address all the categories of areas the Coastal Zone Management Act proposed except for identification of areas of unique geologic or topographic significance to industrial or commercial development.

References-

1. Coastal Zone Conservation Commissions. Tentative Recommendations of the State Commission for the Coastal Plan Element: Government, Powers and Funding to Carry Out the Coastal Plan. July 29, 1975.
2. American Bar Association. Young Lawyers Section. Summaries of Land Use Regulation in Eight States. 1974.
3. Coastal Zone Conservation Commissions. Preliminary Coastal Plan; Hearing Draft. March 1975.

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## DELAWARE

Delaware has approached designating areas of particular concern from three directions.<sup>1</sup>

A series of workshops are being held to solicit the reactions and recommendations of key private sector interest groups to some of the basic questions asked by the Coastal Zone Management Act. Designating areas of particular concern and defining priority and permissible land and water uses will be discussed. Representatives from agriculture, conservation, industry, recreation and tourism and large scale developers will attend.

The second direction is a pilot study of two Delaware counties to determine what critical natural areas they may possess. The Delaware Nature Education Center (the contractor) will be using the following criteria to delineate natural critical areas:

A critical natural area contains some feature(s) of unique or typical natural occurrence in its situation, type of plant life, animal-plant community, or geological, archaeological, aesthetic features or combinations thereof. Selection of critical natural areas will be based upon the best judgement of the assembled expert advisory committee and staff coupled with supportive data from field study and any other existing resource material. Each site examined will be rated by the research team on the factors listed below:

- air quality,
- water quality,
- noise,
- visual appeal,
- degree of recent or unhealed manmade disturbance,
- unusualness, rarity or uniqueness,
- educational uses,
- research uses.<sup>2</sup>

The complete survey will include field examination and photographing of areas, a ranking of areas according to their protection needs, preparation of a map showing the exact extent of the area, a literature search on information about each area and a determination of ownership. Professionals and non-professionals will be reviewing the areas.

The third direction will be formulating a management methodology which will "assess and reflect the relationships between various resources and the impacts of various actions necessitated by some kind of use or activity in the (coastal) zone."<sup>1</sup> This third step is not very advanced at this time.

Delaware is building on its previous coastal zone management activity including: the Coastal Zone Act of 1971 and the Wetlands Act of 1973.<sup>3</sup>

§ 920.13 .Geographic areas of particular concern.

(1) Areas of unique, scarce, fragile, or vulnerable natural habitat, physical feature, historical significance, cultural value, and scenic importance;

(2) Areas of high natural productivity or essential habitat for living resources, including fish, wildlife, and the various trophic levels in the food web critical to their well-being;

(3) Areas of substantial recreational value and/or opportunity;

(4) Areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters;

(5) Areas of unique geologic or topographic significance to industrial or commercial development;

(6) Areas of urban concentration where shoreline utilization and water uses are highly competitive;

(7) Areas of significant hazard if developed, due to storms, slides, floods, erosion, settlement, etc.; and

(8) Areas needed to protect, maintain or replenish coastal lands or resources, such areas including coastal flood plains, aquifer recharge areas, sand dunes, coral and other reefs, beaches, offshore sand deposits, and mangrove stands.

A complete comparison is not possible at this time.

References-

1. Letter from David S. Hugg, Delaware State Planning Office, August 19, 1975.
2. Delaware Nature Education Center. Proposal for a Kent and Sussex Counties Critical Natural Areas Study. July 15, 1975.
3. Delaware State Planning Office. Delaware Coastal Zone Management Program Application; Second Grant Period. May 1975.

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## FLORIDA

In 1970, the Florida Legislature created the Florida Coastal Coordinating Council to pull together four state departments concerned with the coastal environment. The Council was dissolved this year, but the following outline of their approach to geographic areas of particular concern is still intact.

Three "zones of concern" which reflect natural suitability for development and present use were established:

1. Preservation: no development suitable;
2. Conservation: carefully controlled development suitable;
3. Development: intensive development suitable.

Eight basic factors were considered in designating the zones of concern in the coastal area:

- ecological significance of the area and its tolerance to alteration;
- water classification of adjacent waterbodies\*;
- soils suitability of the area;
- susceptibility of the area to flooding, both from storm surge and runoff;
- archaeological and historical significance of the area;
- unique environmental features that may warrant protection;
- geological information, where available;
- present use of the area.<sup>1</sup>

The following are the detailed definitions given for each category and specific sub-category examples. The sub-categories could be considered specific geographic areas of particular concern.

Preservation Category- Those portions of the coastal zone which have overriding ecological, hydrological, physiographic, historical or socio-economic importance to the public at large. Preserving the natural integrity of these areas enhances the aesthetics and quality of life for residents and tourists, provides a measure of natural hurricane protection, helps maintain a minimum ecological balance and promotes maintenance of our invaluable commercial and sport

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\*A system used by the Florida Department of Pollution Control.

fisheries. Public policy should attempt to protect these areas from development to the maximum degree legally possible consistent with private property rights as determined by the courts. In cases where private property rights are involved and all other legal alternatives for achieving preservation goals have proven inappropriate, public funds should be expended for purchase of areas in immediate jeopardy of destruction. 1

Sub-Categories:

- class I and II waters,
- marine grass beds,
- selected coastal marshes,
- selected coastal mangroves,
- selected freshwater swamps and marshes,
- Gulf and Atlantic beaches and dunes,
- selected estuarine beaches,
- designated wilderness areas,
- historical and archaeological sites,
- other unique environmental features,
- portions of hurricane flood zone.

Conservation Category- Those areas of the coastal zone that are not absolutely critical to regional ecological integrity (except certain wildlife refuges), but because of their physical character or present use provide "buffer zones" for preservation areas and represent retention of use options for future generations. These areas require special precautions when being converted to development in order to avoid direct or indirect consequences harmful to the public health, safety and welfare. 1

Sub-Categories:

- class III waters,
- aquatic preserves,
- aquaculture leases,
- spoil islands,
- scenic vistas,
- forestry and game management areas,
- wildlife refuges,
- parks and recreation areas,
- river flood plains,
- marginal lands,
- portions of hurricane flood zone.

Development Category- In general, these areas are well-suited for intensive development and are not considered to be environmentally fragile. However, some presently developed areas (classified as "conflict" areas) would have been recommended for "conservation" or "preservation" had they not already been developed. The category "development" does not inherently imply complete development of areas so designated; rather, it indicates that if intensive development is to occur at all, it should be directed to these areas. Zoning for specific uses (including intensive agriculture) within "development" areas is recommended to be the responsibility of local governments, utilizing state guidelines. Specific state criteria will apply to shoreline-uses and "key facilities" and will serve as standards for local zoning authorities. 1

Sub-Categories:

- class IV and V waters,
- presently developed areas- non-conflict, conflict,
- undeveloped lands- suitable for intensive development,
- undeveloped lands suitable for intensive development with corrections,
- portions of hurricane flood zone.

The Florida Coastal Zone Management Atlas, 1972, (presently being updated) contains maps showing preservation, conservation and development categories for each coastal county. All land is in one category or another. In addition, each category has a table devoted to it further outlining existing information on each sub-category. For each sub-category, the tables contain: priority uses, a description, the state's objectives, responsible state agencies (statutory authority may or may not be present), method of identification, state policy/criteria and existing support and controls. Tables A, B and C reproduce this information in pages 13 to 24.<sup>1</sup>

Florida already has an extensive state land-use planning program including a nomination process for designating areas of critical environmental concern and a review process for developments of regional impact.

TABLE A: PRESERVATION CRITERIA AND POLICY

| <u>Subcategory</u>                  | Class I Waters (fresh water)                                                                                                                                                                                                                                                                                                   | Class II Waters (coastal waters)                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Marine Grass Beds                                                                                                                                                                                                                                                                                            |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Priority Use</u>                 | Public water supplies                                                                                                                                                                                                                                                                                                          | Shellfish harvesting and propagation of marine life.                                                                                                                                                                                                                                                                                                                                                                                                                                              | Propagation of sport and commercial fisheries; waterfowl and wading bird food production.                                                                                                                                                                                                                    |
| <u>Description</u>                  | Surface fresh water used as a potable source of public water supplies or withdrawn for treatment as such.                                                                                                                                                                                                                      | Coastal waters which have the capability of supporting shellfish harvesting. Class II waters are the most stringent marine classification.                                                                                                                                                                                                                                                                                                                                                        | Submerged grassy areas essential to the propagation and nourishment of fisheries. Generally limited in depth to 6-10' but could be deeper in clearer water.                                                                                                                                                  |
| <u>State's Objectives</u>           | To preserve and protect sources of potable waters in the coastal zone.                                                                                                                                                                                                                                                         | To preserve shellfish resources by protecting designated marine areas from pollution and to allow natural development and growth of animal and vegetative organisms, such areas acting as breeding and feeding grounds for marine organisms.                                                                                                                                                                                                                                                      | To protect from pollution and preserve breeding and feeding areas essential to maintain and enhance the sport and commercial fisheries and bird life of the state.                                                                                                                                           |
| <u>Responsible State Agencies *</u> | 1. Dept. of Pollution Control<br>2. Division of Health, Dept. of Health and Rehabilitative Services<br>3. Dept. of Natural Resources, Div. of Interior Resources                                                                                                                                                               | 1. Dept. of Pollution Control<br>2. Division of Health, Dept. of Health and Rehabilitative Services<br>3. Trustees of Internal Improvement Trust Fund<br>4. Dept. of Natural Resources (Survey & Management, Div. of Marine Resources, Div. of Interior Resources).                                                                                                                                                                                                                               | 1. Trustees of the Internal Improvement Trust Fund<br>2. Dept. of Natural Resources<br>3. Dept. of Pollution Control<br>4. Game & Fresh Water Fish Commission                                                                                                                                                |
| <u>How Identified</u>               | By Dept. of Pollution Control Planning Div. according to state water quality criteria.                                                                                                                                                                                                                                         | By Dept. of Pollution Control according to federal water quality criteria.<br><br>Shellfish areas are further certified by the Div. of Health, Dept. of Health & Rehabilitative Services before the product can be marketed.                                                                                                                                                                                                                                                                      | By aerial photography and by field surveys conducted by the Dept. of Natural Resources, the CCC and/or the National Marine Fisheries Service of NOAA, and other governmental or scientific groups.                                                                                                           |
| <u>State Policy/Criteria</u>        | Definitive criteria for Class I Waters are given in the Rules of the Dept. of Pollution Control, Chapter 17-3, Pollution of Waters, and in Chapter 373, Florida Statutes.<br>Chapter 72-299, Laws of Florida places management responsibility for the state's water resources with the Div. of Interior Resources.             | Definitive criteria for Class II Waters are given in the Rules of the Dept. of Pollution Control, Chapter 17-3, Pollution of Waters, and in Chapter 373, Florida Statutes.<br>Chapter 72-299, Laws of Florida places management responsibility for the state's water resources with the Div. of Interior Resources.<br>The Survey & Management Section of Dept. of Natural Resources is required to make biological reports on all construction and dredging projects seaward of the M.H.W. line. | Submerged lands are under the control of the TITF, except those previously sold to private owners or transferred to municipalities. Recent TITF and Cabinet policy has been not to disturb marine grass beds except in cases of overriding public interest.<br><br>Reference: Chapter 253, Florida Statutes. |
| <u>Listing Support and Controls</u> | Dept of Pollution Control and Div. of Health monitors Class I waters and DPC has enforcement powers to stop pollution if the purity standards are not being maintained. The Florida Div. of Interior Resources is charged with regulating the use & development of the state's water resources, (Ch. 72-299, Laws of Florida). | Dept. of Pollution Control has enforcement powers to maintain quality standards of Class II Waters. Div. of Health approves harvested shellfish for human consumption. Div. of Marine Resources carries out shellfish research, enforces fishing regulations and leases shellfish beds.<br>The Florida Div. of Interior Resources is charged with regulating the use & development of the state's water resources, (Ch. 72-299, Laws of Florida).                                                 | TITF process dredge and fill permit requests and make recommendations for action to the Cabinet. DNR (Survey & Management) must make biological report on each dredge and fill request. If significant marine grass beds are involved, such reports are adverse and may cause denial of request.             |

\*The agencies designated may or may not presently have statutory powers with regard to responsibility to the subcategories.

TABLE A: PRESERVATION CRITERIA AND POLICY (continued)

| <u>Subcategory</u>                   | <u>Selected Coastal Marshes</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <u>Selected Coastal Mangroves</u>                                                                                                                                                                                                                                                                              | <u>Gulf and Atlantic Beaches and Dunes</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Priority Use</u>                  | <p>Propagation of marine life</p> <p>Hurricane protection</p> <p>Aesthetics</p> <p>Waterfowl and wading bird habitat</p>                                                                                                                                                                                                                                                                                                                                                                                                             | <p>Propagation of marine life</p> <p>Hurricane protection</p> <p>Prevention of shore erosion</p> <p>Aesthetics</p> <p>Propagation of bird life</p>                                                                                                                                                             | <p>Prevent beach erosion</p> <p>Protection of properties from erosion</p> <p>Recreation</p> <p>Aesthetics</p> <p>Hurricane protection (dunes)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <u>Description</u>                   | <p>Low coastal areas covered by grassy, salt-tolerant vegetation subject to tidal ebb &amp; flow during any part of the tidal cycle. Includes the "high marsh" beyond the mean high water line. These areas constitute the basis of Florida's valuable marine fisheries. Such coastal marshes that have regional significance to marine ecology would be selected for preservation. Lesser marshes would be classified as "marginal lands" under conservation areas.</p>                                                             | <p>Shore-fringing strands of red, black and/or white mangrove having regional significance regarding maintenance of biological productivity, stabilization of shorelines, or aesthetics.</p>                                                                                                                   | <p>Ocean-fronting beaches along the Gulf and Atlantic shorelines. The beach zone extends inland beyond the MHW line to the coastal construction setback line and may extend inland one or more dunes.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <u>State's Objectives</u>            | <p>To protect from pollution and preserve coastal marshes necessary for maintenance of the basic elements of the food chain.</p>                                                                                                                                                                                                                                                                                                                                                                                                     | <p>To protect from pollution and preserve stands of coastal mangrove of regional significance from destruction by coastal development.</p>                                                                                                                                                                     | <p>To preserve the state's beaches from unnecessary erosion caused by construction in the beach zone and to preserve coastal dunes as natural hurricane barriers and as sources of natural beach replenishment material, thereby enhancing recreational and aesthetic values. To encourage participation in beach restoration programs.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <u>Responsible State Agencies*</u>   | <ol style="list-style-type: none"> <li>1. Trustees of the Internal Improvement Trust Fund</li> <li>2. Dept. of Natural Resources</li> <li>3. Dept. of Pollution Control</li> <li>4. Game &amp; Fresh Water Fish Commission</li> </ol>                                                                                                                                                                                                                                                                                                | <ol style="list-style-type: none"> <li>1. Trustees of the Internal Improvement Trust Fund</li> <li>2. Dept. of Natural Resources</li> <li>3. Dept. of Agriculture and Consumer Services, Div. of Forestry</li> <li>4. Dept. of Pollution Control</li> <li>5. Game &amp; Fresh Water Fish Commission</li> </ol> | <ol style="list-style-type: none"> <li>1. Dept. of Natural Resources, Bureau of Beaches and Shores</li> <li>2. Trustees of the Internal Improvement Trust Fund</li> <li>3. Dept. of Agriculture and Consumer Services, Division of Forestry</li> <li>4. Dept. of Community Affairs, Flood Insurance Program</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <u>How Identified</u>                | <p>Selected by the CCC in conjunction with other DNR agencies, by means of aerial photography, soil surveys, topographic maps and field surveys.</p>                                                                                                                                                                                                                                                                                                                                                                                 | <p>Selected by the CCC in conjunction with other DNR agencies, by means of aerial photography and field surveys.</p>                                                                                                                                                                                           | <p>By Dept. of Natural Resources, &amp; C.C.C. using aerial photography, field engineering and topographic surveys.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <u>State Policy/Criteria</u>         | <p>Recent state agency and Cabinet decisions have generally disapproved permit applications which would destroy coastal marshes. However, the "high marsh" landward of the MHW line is not protected and may be in private ownership.</p> <p>Reference: Chapter 253, Florida Statutes.</p>                                                                                                                                                                                                                                           | <p>Recent state agency and Cabinet decisions have generally disapproved permit applications which would destroy significant areas of mangrove.</p> <p>Reference: Chapter 253, Florida Statutes.</p>                                                                                                            | <p>Establishment of a coastal construction setback line based on beach processes.</p> <p>Reference: Chapter 161-053, Florida Statutes.</p> <p>Any new coastal construction or change of existing structures for shore protection purposes must obtain a DNR permit. State policy favors public access to state owned beaches below the mean high water line which are managed by the IITF as part of state lands.</p> <p>Reference: Chapter 161-041, Florida Statutes.</p>                                                                                                                                                                                                                                                                                                                                        |
| <u>Existing Support and Controls</u> | <p>Coastal marshes seaward of the MHW line are under the control of the IITF, unless previously sold to private owners or transferred to municipalities. All such lands are subject to state regulations with regard to dredging and filling and development, which requires a permit based on:</p> <ol style="list-style-type: none"> <li>1) Local authority approval</li> <li>2) Biological (ecological) report</li> <li>3) Hydrographic survey (if required by DNR)</li> <li>4) IITF approval</li> <li>5) DPC approval</li> </ol> | <p>The biological reports required by dredge &amp; fill or coastal construction permitting procedures would be adverse if significant damage to mangroves would result. However, the state's present jurisdiction is only seaward of the MHW line.</p>                                                         | <p>Dept. of Natural Resources, Bureau of Beaches &amp; Shores establishes the setback line after surveys and public hearings. The setback line is then recorded in the public records of the Clerk of the Circuit Court of the county and municipality affected. Objecting upland owners are granted a review of the setback line upon written request to Dept. of Natural Resources. DNR decision is subject to judicial review. Violations are classified as a public nuisance and will be removed at expense of the owner or by DNR and cost becomes a lien on the property. DNR may exempt parts of the coastline not endangered by erosion. If setback line has not yet been established, the 50-foot setback from MHW applies. Permits are required for construction of any erosion control structures.</p> |

\*The agencies designated may or may not presently have statutory powers with regard to responsibility to the subcategories.

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TABLE A: PRESERVATION CRITERIA AND POLICY (continued)

| <u>Subcategory</u>                                                                                                          | <u>Estuarine Beaches</u>                                                                                                                                                                                                                                                                                                  | <u>Wilderness Areas</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <u>Selected Fresh Water Swamps and Marshes</u>                                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Priority Use</u>                                                                                                         | Prevent beach erosion<br>Recreation<br>Aesthetics                                                                                                                                                                                                                                                                         | Protection of the biophysical environment<br>Aesthetics<br>Scientific research<br>Recreation<br>Fish and Wildlife habitat                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Ecological balance<br>Fresh water retention<br>Possible water recharge                                                                                                                                                                                                                  |
| <u>Description</u>                                                                                                          | Selected estuarine beaches suitable for shore recreation with appropriate public access.                                                                                                                                                                                                                                  | Areas selected by the Interagency Advisory Committee on the State Wilderness System to be preserved in their natural state. Wilderness areas are characterized as being of one or more of the following principal types:<br><br>1) Biological<br>2) Aesthetic<br>3) Scientific<br><br>Federal Wilderness Areas are included in this subcategory.                                                                                                                                                                                                                                                                                            | Low, poorly-drained areas characterized by water tolerant vegetation and predominantly internal drainage.                                                                                                                                                                               |
| <u>State's Objectives</u>                                                                                                   | To protect estuarine beaches from erosion caused by indiscriminate construction and to utilize some for public recreation.                                                                                                                                                                                                | To protect the natural environment in selected state-owned areas, to restrict further development except that necessary for administration and management, and to permit recreational uses that are not ecologically disruptive. To protect such areas from pollution.                                                                                                                                                                                                                                                                                                                                                                      | To protect from pollution and preserve selected fresh water swamps as natural ecological units, as natural retention mechanisms and surface water storage.<br><br>To protect such areas from outside development or pollution and enhance the natural growth cycles of flora and fauna. |
| <u>Responsible State Agencies **</u>                                                                                        | 1. Dept. of Natural Resources, Bureau of Beaches and Shores<br>2. Trustees of the Internal Improvement Trust Fund<br>3. Dept. of Agriculture and Consumer Services, Div. of Forestry                                                                                                                                      | 1. Trustees of the Internal Improvement Trust Fund<br>2. Interagency Advisory Committee: TIITF<br>DNR--Recreation and Parks; CCC<br>G&FWFC<br>Agriculture<br>DPC<br>3. Dept. of Agriculture and Consumer Services, Div. of Forestry                                                                                                                                                                                                                                                                                                                                                                                                         | 1. Department of Natural Resources<br>2. Game and Fresh Water Fish Commission<br>3. Dept. of Agriculture and Consumer Services, Division of Forestry                                                                                                                                    |
| <u>How Identified</u>                                                                                                       | From aerial photography, topographic maps and field surveys by C.C.C.                                                                                                                                                                                                                                                     | By the Interagency Advisory Committee on the State Wilderness System using aerial photography, topographic maps, and field surveys.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Identified from aerial photography, topographic maps and Soil Conservation Service soil maps by the Coastal Coordinating Council in cooperation with other state agencies.                                                                                                              |
| <u>State Policy/Criteria</u>                                                                                                | Any new coastal construction or change of existing structures for shore protection purposes must obtain a DNR permit. State policy favors public access to state-owned beaches below the mean high water line which are managed by the TIITF as part of state lands.<br><br>Reference: Chapter 161-041, Florida Statutes. | State criteria for wilderness areas are based on rules adopted by the TIITF after considering those applied to federal wilderness areas and wilderness systems of other states. There will be no commercial development and no additional development for the comfort and convenience of users. The primary use is to protect the natural environment. Public use is limited to hiking, bathing, boating, sport fishing, hunting, picnicking, sight-seeing, camping, nature study and research to the extent compatible with the purpose for which the wilderness area was established.<br><br>Reference: Chapter 70-355, Florida Statutes. | Except for those swamps currently protected as a part of national, state or county parks, or wildlife refuges or wilderness areas, such swamps are not state protected. The Coastal Coordinating Council recommends those of regional significance be preserved.                        |
| <u>Existing Support and Controls</u>                                                                                        | DNR shore protection construction or modification permits are required only for construction on state-owned lands; there are no existing supports and controls on privately-owned estuarine beaches and shores.                                                                                                           | Identification and control of wilderness areas are under the supervision of the TIITF, who are advised by an Interagency Advisory Committee, and who after public hearings, may set aside state lands by resolution. Rules and regulations for wilderness areas are now under study by the TIITF.                                                                                                                                                                                                                                                                                                                                           | These areas are largely unprotected except in special use areas such as wildlife refuge, wilderness areas and parks. Under Ch. 72-299, Laws of Florida, the Div. of Interior Resources will have jurisdiction over such areas.                                                          |
| *The agencies designated may or may not presently have statutory powers with regard to responsibility to the subcategories. |                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                         |

TABLE A: PRESERVATION CRITERIA AND POLICY (End)

| <u>Subcategory</u>                   | Historical and Archaeological Sites                                                                                                                                                                                                                                                                                                                | Other Unique Environmental Features                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Priority Use</u>                  | Culture<br>Aesthetics<br>Recreation                                                                                                                                                                                                                                                                                                                | Environmental protection<br>Aesthetics<br>Recreation<br>Wild rivers                                                                                                                                                                                                                                                                                                                                                                   |
| <u>Description</u>                   | Areas of outstanding historical or archaeological significance designated by either the federal government or the Florida Division of Archives and History of the Dept. of State.                                                                                                                                                                  | Unusual and natural features characteristic of a coastal region and occupying a comparatively small geographic area. Examples would be selected reefs, waterfalls, caves or caverns, sinkholes, springs, bluffs, rivers, etc.                                                                                                                                                                                                         |
| <u>State's Objectives</u>            | To preserve, protect and allow public access and display of sites important to Florida history and archaeology.                                                                                                                                                                                                                                    | To protect from pollution and preserve and protect unique environmental features not otherwise protected.                                                                                                                                                                                                                                                                                                                             |
| <u>Responsible State Agencies %</u>  | 1. Division of Archives and History, Secretary of State's Office<br>2. Department of Community Affairs                                                                                                                                                                                                                                             | 1. Trustees of the Internal Improvement Trust Fund<br>2. Department of Natural Resources<br>3. Department of Pollution Control<br>4. Game and Fresh Water Fish Commission                                                                                                                                                                                                                                                             |
| <u>How Identified</u>                | By Division of Archives and History, Office of Secretary of State, through research of literature, historical surveys conducted by the state, and information from local historical groups.                                                                                                                                                        | By aerial photography, topographic maps and field investigations by the Coastal Coordinating Council in cooperation with other agencies.                                                                                                                                                                                                                                                                                              |
| <u>State Policy/Criteria</u>         | The state's policy is to protect and preserve historic sites and properties including buildings and objects of scientific and historical value relating to the history, government and culture of the state.<br><br>Reference: Chapter 267, Florida Statutes.                                                                                      | The state has, in the past, incorporated many unique environmental areas into its state park system. However, there remain areas having unusual environmental features that the CCC recommends be protected by the state to enhance the aesthetic and recreational values of the coastal zone. These would, in general, be of comparatively small geographic area.<br><br>Reference: CCC/Coastal Zone Resources Corporation Contract. |
| <u>Existing Support and Controls</u> | The Bureau of Historic Sites and Properties has the responsibility to locate, acquire, protect and promote the location, acquisition and preservation of historic sites and properties.<br><br>The Bureau of Historic Museums has the responsibility to promote and encourage throughout the state, knowledge and appreciation of Florida history. | There is no existing support or control for "other unique environmental features" which are not included in wilderness areas or parks or aquatic preserves.                                                                                                                                                                                                                                                                           |

\*The agencies designated may or may not presently have statutory powers with regard to responsibility to the subcategories.

TABLE B: CONSERVATION CRITERIA AND POLICY

| <u>Subcategory</u>                                                                                                          | <u>Class III Waters</u>                                                                                                                                                                                                                                                                                        | <u>Aquatic Preserves</u>                                                                                                                                                                                                                                                                                                                  | <u>Aquaculture Leases</u>                                                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Priority Use</u>                                                                                                         | Fish & wildlife propagation<br>Water contact sports                                                                                                                                                                                                                                                            | Recreation<br>Research & education<br>Aesthetics<br>Maintenance of marine productivity<br>Propagation of wildlife                                                                                                                                                                                                                         | Cultivation of animal and/or plant life.                                                                                                                                                                                                                                           |
| <u>Description</u>                                                                                                          | All coastal waters not otherwise classified. Includes bays, rivers, lakes, estuaries and open waters of the territorial sea.                                                                                                                                                                                   | Coastal and marine areas of exceptional biological, aesthetic, educational and/or scientific value.                                                                                                                                                                                                                                       | Leases granted for exclusive use of submerged bottom areas and the overlying water column for the purpose of cultivating animal and/or plant life. Traditional oyster leases are not included in this subcategory.                                                                 |
| <u>State's Objectives</u>                                                                                                   | To insure wise use of our water resources. To maintain the quality of these waters at a level which will be suitable for water contact sports and propagation of fish and wildlife.                                                                                                                            | To provide adequate overall protection to coastal areas having exceptional aesthetic, biological, scientific or educational values and the establishment of a statewide system of such preserves for Florida.                                                                                                                             | To allow certain state-owned submerged bottom lands and the overlying water column to be leased for aquaculture industries or research and insure that such areas are utilized in a productive manner in the public interest.                                                      |
| <u>Responsible State Agencies *</u>                                                                                         | 1. Dept. of Pollution Control<br>2. Div. of Health<br>3. Dept. of Natural Resources, Div. of Marine Resources<br>4. Game and Fresh Water Fish Commission<br>5. Dept. of Natural Resources, Div. of Interior Resources.                                                                                         | 1. Trustees of the Internal Improvement Trust Fund<br>2. Dept. of Natural Resources<br>3. Dept. of Pollution Control                                                                                                                                                                                                                      | 1. Trustees of the Internal Improvement Trust Fund<br>2. Dept. of Natural Resources<br>3. Game and Fresh Water Fish Commission                                                                                                                                                     |
| <u>How Identified</u>                                                                                                       | By the Dept. of Pollution Control according to state water quality criteria.                                                                                                                                                                                                                                   | By the Interagency Advisory Committee on Submerged Land Management, after careful study and deliberation of the area's biological, aesthetic or scientific value.                                                                                                                                                                         | By the applicant for a lease from the TIITF.                                                                                                                                                                                                                                       |
| <u>State Policy/Criteria</u>                                                                                                | Definitive criteria for Class III Waters are given in the Rules of the Dept. of Pollution Control, Chapter 17-3, Florida Administrative Code, and in Chapter 373, Florida Statutes.                                                                                                                            | No alteration of physical conditions within aquatic preserves except minimum dredging & spoiling for authorized public navigation projects.<br><br>Reference: Report Number Two of the Interagency Advisory Committee on Submerged Land Management.<br><br>TIITF resolution of November 24, 1969.<br><br>Chapter 69-432, Laws of Florida. | Public notice and hearings required before lease may be granted. Such lease will not be granted if the appropriate county commission adopts and files a resolution of objection to the lease.<br><br>Reference: Chapter 253, Florida Statutes, Agriculture Lease Guidelines—TIITF. |
| <u>Existing Support and Controls</u>                                                                                        | Class III Waters are monitored on a monthly basis by the Dept. of Pollution Control and Div. of Health with assistance from the Marine Patrol.<br><br>The Florida Div. of Interior Resources is charged with managing the use and development of the state's water resources (Chapter 72-299 Laws of Florida). | Cabinet approves or disapproves TIITF staff recommendations. The Marine Patrol of DNR and the Dept. of Pollution Control assist in enforcement of regulations.                                                                                                                                                                            | Cabinet approval required for all aquaculture leases.<br><br>TIITF staff responsible for enforcement, assisted by Marine Patrol and Game and Fresh Water Fish Commission.                                                                                                          |
| *The agencies designated may or may not presently have statutory powers with regard to responsibility to the subcategories. |                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                    |

TABLE B: CONSERVATION CRITERIA AND POLICY (continued)

| <u>Subcategory</u>                                                                                                          | Publicly-owned Spoil Islands                                                                                                                                                                                                                                                                                                                                              | Hurricane Flood Zone                                                                                                                                                                                                                                                                                                                                                                                                                                             | River Flood Plains                                                                                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Priority Use</u>                                                                                                         | Aesthetics<br>Bird/wildlife habitat<br>Recreation                                                                                                                                                                                                                                                                                                                         | Uses which require waterfront locations<br><br>Public Recreation<br><br>Uses that will not unnecessarily jeopardize human life or economic welfare.                                                                                                                                                                                                                                                                                                              | Timber management<br><br>Greenbelts<br><br>Recreation<br><br>Aquifer recharge<br><br>Wildlife habitat                                                                                                                                                                                        |
| <u>Description</u>                                                                                                          | Artificial islands created with material dredged from state-owned lands to create or deepen channels in passes, bays, lagoons, bayous, etc. Many such islands exist along the Intracoastal Waterway.                                                                                                                                                                      | Lands between the shoreline and the 100 year flood line. These areas are subject to flooding during hurricane conditions.                                                                                                                                                                                                                                                                                                                                        | Lands lying along drainage corridors (rivers & streams) that are subject to flooding on a regular basis. May include swampy areas; generally contain mixed alluvial, poorly drained soils.                                                                                                   |
| <u>State's Objectives</u>                                                                                                   | To protect in the public interest, state-owned spoil islands for use as plant and animal habitats and limited recreational activity. To establish, where possible, natural vegetation on such manmade islands.                                                                                                                                                            | To discourage, in the public interest, through appropriate land use controls, any development in the Hurricane Flood Zone which would unnecessarily jeopardize human life or economic welfare. To prevent development that would have undesirable ecological effects on coastal waters and wetlands.                                                                                                                                                             | To prevent unnecessary flood losses caused by unwise development of flood prone areas and to preserve the ecological values of flood plains.                                                                                                                                                 |
| <u>Responsible State Agencies *</u>                                                                                         | 1. Trustees of the Internal Improvement Trust Fund<br>2. Dept. of Natural Resources<br>3. Game and Fresh Water Fish Commission<br>4. Dept. of Agriculture and Consumer Services, Div. of Forestry                                                                                                                                                                         | 1. Dept. of Community Affairs<br>2. Dept. of Natural Resources<br>3. Coastal Coordinating Council<br>4. Trustees of the Internal Improvement Trust Fund<br>5. State Div. of Planning<br>6. Dept. of Pollution Control<br>7. Dept. of Health and Rehabilitative Services, Div. of Health<br>8. Dept. of Commerce                                                                                                                                                  | 1. Dept. of Community Affairs<br>2. Dept. of Natural Resources<br>3. Game and Fresh Water Fish Commission<br>4. Trustees of the Internal Improvement Trust Fund<br>5. Dept. of Agriculture and Consumer Services, Div. of Forestry<br>6. State Div. of Planning                              |
| <u>How Identified.</u>                                                                                                      | By the CCC and TIITF staff using aerial photography, U.S.C.G.S. navigational charts, and review of records indicating approved spoil deposition areas.                                                                                                                                                                                                                    | Determined through surveys currently being conducted for the U.S. Dept. of Housing & Urban Development in conjunction with its flood insurance program. Surveys are being conducted by several federal agencies.                                                                                                                                                                                                                                                 | By the CCC, Bureau of Water Resources, and U.S. Corps of Engineers, utilizing aerial photography, soil surveys, U.S.G.S. topographic maps, and past history of flooding.                                                                                                                     |
| <u>State Policy/Criteria</u>                                                                                                | Spoil islands, unless conveyed from state ownership by deed, are under the jurisdiction of the TIITF. Any modification of spoil islands requires a Trustee permit. The Cabinet is on record as favoring nondevelopment of spoil islands.<br><br>Reference: Chapter 253, Florida Statutes, Chapter 18, Florida Administrative Code, Cabinet Resolution of August 11, 1970. | National Flood Insurance Program criteria apply to all areas below the 100 year flood line.<br><br>Reference: National Flood Insurance Act of 1968 (42 U.S.C. 4001, 82 Stat. 572).<br>Also: Parts 1909 and 1910 of Subchapter B of Chapter VII of Title 24 CFR.                                                                                                                                                                                                  | None except under the Federal Flood Insurance Program.<br><br>Reference: National Flood Insurance Act of 1968 (42 U.S.C. 4001, 82 Stat. 572). Also: Parts 1909 and 1910 of Subchapter B of Chapter VII of Title 24 CFR.                                                                      |
| <u>Existing Support and Controls</u>                                                                                        | As indicated in references cited, especially Chapter 253.12, Florida Statutes, and Chapter 18.2, Rules of TIITF.                                                                                                                                                                                                                                                          | The Dept. of Community Affairs coordinates the Flood Insurance Program which requires that local governments adopt land use controls in such areas to qualify for flood insurance. Under Chapter 253, Florida Statutes, the DNR, Div. of Beaches and Shores is charged with establishing a setback line for coastal construction along the Gulf and Atlantic beach shorelines. Pending Federal legislation would give further support to the state's objectives. | Local ordinances as authorized by Chapter 69-139, Laws of Florida.<br><br>The Federal Flood Insurance Program provides for studies which identify flood prone areas.<br><br>Under Chapter 72-299, Laws of Florida, the Div. of Interior Resources may have authority for flood plain zoning. |
| *The agencies designated may or may not presently have statutory powers with regard to responsibility to the subcategories. |                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                              |

TABLE B: CONSERVATION CRITERIA AND POLICY (continued)

| <u>Subcategory</u>                                                                                                          | <u>Scenic Vistas</u>                                                                                                                                                                                                        | <u>Forestry &amp; Game Management Areas</u>                                                                                                                                                                                                                                                                                                                                                                               | <u>Wildlife Refuges</u>                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Priority Use</u>                                                                                                         | Aesthetics                                                                                                                                                                                                                  | Timber production<br>Hunting                                                                                                                                                                                                                                                                                                                                                                                              | Wildlife habitat<br>Recreation, not including hunting                                                                                                                                                                                                                                                                              |
| <u>Description</u>                                                                                                          | Peripheral parcels of land and/or water having exceptional scenic or aesthetic values including rivers and highways. Such areas may include bluffs, hills, or other vantage points that afford a unique scenic perspective. | Areas having high-quality timber or good timber producing potential and/or support game populations large enough to allow inclusion into the state's game management program.                                                                                                                                                                                                                                             | Areas specifically set aside for the protection of wildlife. Such areas may be subject to multiple use management as in the case of State Parks, all of which are game refuges.                                                                                                                                                    |
| <u>State's Objectives</u>                                                                                                   | To conserve in the public interest certain selected areas judged to have exceptional scenic or aesthetic values.                                                                                                            | To provide the state with a stockpile of timber resources and/or to provide areas that will support public hunting under the auspices of the Game and Fresh Water Fish Commission.                                                                                                                                                                                                                                        | To protect wildlife in the coastal zone; to reserve lands as nature areas.                                                                                                                                                                                                                                                         |
| <u>Responsible State Agencies*</u>                                                                                          | 1. Dept. of Natural Resources<br>2. Dept. of Transportation                                                                                                                                                                 | 1. Dept. of Agriculture and Consumer Services, Div. of Forestry<br>2. Game and Fresh Water Fish Commission                                                                                                                                                                                                                                                                                                                | 1. Game and Fresh Water Fish Commission<br>2. Dept. of Natural Resources<br>3. Trustees of the Internal Improvement Trust Fund<br>4. Dept. of Agriculture and Consumer Services, Div. of Forestry                                                                                                                                  |
| <u>How Identified</u>                                                                                                       | By CCC and Dept. of Natural Resources in cooperation with local interests.                                                                                                                                                  | Forestry management areas are selected and protected by the Div. of Forestry & by private owners.<br><br>Wildlife management areas are selected by the Game and Freshwater Fish Commission. These areas may be state-owned or managed through agreements with private land owners.                                                                                                                                        | From maps provided by the Game and Fresh Water Fish Commission or by agencies and groups having control over such areas.                                                                                                                                                                                                           |
| <u>State Policy/Criteria</u>                                                                                                | None except when these areas are included in state-controlled special use areas such as State Parks, Wilderness Areas, Aquatic Preserves or State Forests.                                                                  | Div. of Forestry may acquire lands, designate reforestation areas, and manage all State Forests and reforestation areas in the public interest.<br><br>Reference: Chapter 589 and 590, Florida Statutes.<br><br>Criteria for Wildlife Management areas are given in the <i>Wildlife Code of the State of Florida</i> , Game and Fresh Water Fish Commission, July, 1971.<br><br>Reference: Chapter 372, Florida Statutes. | No game may be taken or possessed on any area closed by Game and Fresh Water Fish Commission order as a wildlife refuge. No guns, dogs, traps, or other game taking devices allowed in such areas.<br><br>Reference: Chapter 16E-7; Chapter 16E-8, Wildlife Code of the State of Florida. Chapter 372, Florida Statutes.           |
| <u>Existing Support and Controls</u>                                                                                        | None except in state-owned special use areas, and in some instances, local zoning ordinances.                                                                                                                               | Div. of Forestry has eminent domain powers for acquiring forest road rights of way or private property judged by the Div. to be suitable and desirable for State Forests.<br><br>Violation of any rule or regulation adopted by the Game and Fresh Water Fish Commission is punishable as a misdemeanor.                                                                                                                  | Enforcement is primarily by wildlife officers of the Game and Fresh Water Fish Commission, assisted by local law enforcement officers, Marine Patrol officers, State Park managers, and deputy wildlife officers. National Park rangers participate in enforcement within national parks, memorials and national wildlife refuges. |
| *The agencies designated may or may not presently have statutory powers with regard to responsibility to the subcategories. |                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                    |

TABLE B: CONSERVATION CRITERIA AND POLICY (End)

| <u>Subcategory</u>                   | Parks and Recreation Areas                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Marginal Lands                                                                                                                                                                                                                                                             |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Priority Use</u>                  | Recreation<br>Aesthetics                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Recreation<br>Greenbelts/Open Space<br>Timber Production<br>Extensive agriculture/grazing, if these activities do not require draining or pumping.<br>Wildlife habitat                                                                                                     |
| <u>Description</u>                   | Areas and facilities devoted to recreational activities of various types. May include historical or archaeological sites, game refuges or unique environmental features.                                                                                                                                                                                                                                                                                                                                                               | Lands which due to soil characteristics, drainage problems, or other physical restrictions, require major alteration in order to be made suitable for urban development. These areas should be subject to strict performance standards when being converted to urban uses. |
| <u>State's Objectives</u>            | To create, maintain, and where needed, expand outdoor recreation and park facilities for the benefit of state residents and visitors; to conserve state lands for future recreation needs.                                                                                                                                                                                                                                                                                                                                             | To assure that development of these areas does not result in direct or indirect consequences harmful to the public health, safety and welfare.                                                                                                                             |
| <u>Responsible State Agencies*</u>   | 1. Dept. of Natural Resources, Division of Recreation & Parks<br>2. Dept. of Transportation<br>3. Dept. of Agriculture and Consumer Services, Div. of Forestry                                                                                                                                                                                                                                                                                                                                                                         | 1. Dept. of Natural Resources<br>2. Trustees of the Internal Improvement Trust Fund<br>3. Dept. of Agriculture and Consumer Services, Div. of Forestry                                                                                                                     |
| <u>How Identified</u>                | By DNR in cooperation with the agencies or governmental bodies that have established the parks.                                                                                                                                                                                                                                                                                                                                                                                                                                        | By the CCC through use of soil surveys, topographic surveys, aerial photography and field investigations.                                                                                                                                                                  |
| <u>State Policy/Criteria</u>         | State Park authority is stated in Chapters 592, 575, and 418, Florida Statutes.                                                                                                                                                                                                                                                                                                                                                                                                                                                        | None at this time except as related to other endeavors.                                                                                                                                                                                                                    |
| <u>Existing Support and Controls</u> | The Div. of Recreation and Parks has the authority to administer and manage State Parks. A very limited power of eminent domain is available for acquisition of property. Financial assistance is available through the Land & Water Conservation Act of 1965: P.L. 88-578 (78 Stat. 897); 16 U.S.C. 4601; amended by P.L. 90-401.<br><br>Financial assistance to local government is available through the Dept. of Housing & Urban Development Legacy of Parks Program (Title 4 of P.L. 91-609) and the Land Acquisition Trust Fund. | None at this time.                                                                                                                                                                                                                                                         |

\*The agencies designated may or may not presently have statutory powers with regard to responsibility to the subcategories.

TABLE C: DEVELOPMENT CRITERIA AND POLICY

| <u>Subcategory</u>                   | Class IV Waters                                                                                                                                                                                                                                                                                             | Class V Waters                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Priority Use</u>                  | Agricultural and industrial water supply                                                                                                                                                                                                                                                                    | Navigation, utility and industrial use.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <u>Description</u>                   | Surface waters designated by the Dept. of Pollution Control for use as agricultural or industrial water supply.                                                                                                                                                                                             | Surface waters designated by the Dept. of Pollution Control for navigation, utility and industrial use. Water quality standards for Class V Waters are the lowest of any applied to surface waters in Florida.                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <u>State's Objectives</u>            | To prevent degradation of surface waters used for agricultural or industrial activities, and, if possible, to enhance the quality of those waters.                                                                                                                                                          | To prevent further degradation of waters so classified, and, if possible, enhance the quality of these waters.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <u>Responsible State Agencies*</u>   | 1. Dept of Pollution Control<br>2. Div. of Interior Resources                                                                                                                                                                                                                                               | 1. Dept of Pollution Control<br>2. Div. of Interior Resources                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <u>How Identified</u>                | By Dept. of Pollution Control, Planning Div., according to state water quality criteria.                                                                                                                                                                                                                    | By Dept. of Pollution Control, Planning Div., according to state water quality criteria.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <u>State Policy/Criteria</u>         | Definitive criteria for Class IV Waters are given in the Rules of the Dept. of Pollution Control, Chapter 17-3, Pollution of Waters.                                                                                                                                                                        | Definitive criteria for Class V Waters are given in the Rules of the Dept. of Pollution Control, Chapter 17-3, Pollution of Waters. These waters must show decided and definite enhancement no later than January, 1973, and possibly will be reclassified as water quality improves.                                                                                                                                                                                                                                                                                                                                                                      |
| <u>Existing Support and Controls</u> | Dept. of Pollution Control monitors Class IV Waters and has enforcement powers to stop pollution if the water quality standards are not being maintained.<br>The Div. of Interior Resources is charged with managing the use and development of the state's water resources. (Ch. 72-299, Laws of Florida). | Dept. of Pollution Control monitors Class V Waters and has enforcement powers to stop pollution if water quality standards are not maintained.<br><br>The Div. of Interior Resources is charged with managing the use and development of the state's water resources.<br><br>The U.S. Army Corps of Engineers is responsible for regulating dumping in navigable water bodies.<br><br>Reference: Water Quality Improvement Act of 1970 (Public Law 91-224), Florida Air and Water Pollution Control Act (Chapter 403, Florida Statutes), Florida Water Resources Act (Ch. 72-299, Laws of Florida)<br><br>Refuse Act of 1899 (33 U.S.C. 401-413 Sec. 407). |

\*The agencies designated may or may not presently have statutory powers with regard to responsibility to the subcategory.

TABLE C: DEVELOPMENT CRITERIA AND POLICY (continued)

| <u>Subcategory</u>                                                                                                                 | Presently Developed Lands—Non-conflict                                                                                                                                                                                                                                                                                                                                                                                                                       | Presently Developed Lands—Conflict                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Priority Use</u>                                                                                                                | Development, according to local desires and needs, utilizing environmental safeguards.                                                                                                                                                                                                                                                                                                                                                                       | Those uses allowed in "conservation" areas.                                                                                                                                                                                                                                                                                                                                                |
| <u>Description</u>                                                                                                                 | Lands already developed in a manner compatible with the natural environment of the area.                                                                                                                                                                                                                                                                                                                                                                     | Lands presently developed that under C.C.C. planning criteria would have been classified "preservation" or "conservation" in their natural state. Inherent physical or ecological restrictions may or may not have been adequately compensated for.                                                                                                                                        |
| <u>State's Objectives</u>                                                                                                          | To maintain or improve quality of life in these areas, including public health and welfare.                                                                                                                                                                                                                                                                                                                                                                  | To encourage compatible use of these areas and discourage future development that does not recognize and adequately neutralize the environmental conflicts involved.                                                                                                                                                                                                                       |
| <u>Responsible State Agencies*</u>                                                                                                 | <ol style="list-style-type: none"> <li>1. Dept. of Community Affairs</li> <li>2. State Div. of Planning</li> <li>3. Dept. of Commerce</li> <li>4. Coastal Coordinating Council</li> <li>5. Div. of Health, Dept. of Health and Rehabilitative Services</li> <li>6. Dept. of Pollution Control</li> <li>7. Dept. of Transportation</li> <li>8. Dept. of Natural Resources</li> <li>9. Div. of Forestry, Dept. of Agriculture and Consumer Services</li> </ol> | <ol style="list-style-type: none"> <li>1. Dept. of Community Affairs</li> <li>2. Coastal Coordinating Council</li> <li>3. State Div. of Planning</li> <li>4. Div. of Health, Dept. of Health and Rehabilitative Services</li> <li>5. Dept. of Pollution Control</li> <li>6. Dept. of Natural Resources</li> <li>7. Div. of Forestry, Dept. of Agriculture and Consumer Services</li> </ol> |
| <u>How Identified</u>                                                                                                              | By the CCC, in cooperation with other agencies, utilizing aerial photography and analysis techniques.                                                                                                                                                                                                                                                                                                                                                        | By the CCC, in cooperation with other agencies, utilizing aerial photography and analysis techniques.                                                                                                                                                                                                                                                                                      |
| <u>State Policy/Criteria</u>                                                                                                       | The CCC will develop general guidelines and criteria for new shoreline uses and key facilities within these areas.                                                                                                                                                                                                                                                                                                                                           | Local authorities and developers should be alerted to the environmental dangers associated with additional future development in "conflict" areas.                                                                                                                                                                                                                                         |
| <u>Existing Support and Controls</u>                                                                                               | Chapter 70-259, Laws of Florida, charges the CCC with developing "... a comprehensive plan for the protection, development and zoning of the coastal zone ..."                                                                                                                                                                                                                                                                                               | <p>National Flood Insurance Program</p> <p>Building Codes</p> <p>Chapter 70-259, Laws of Florida, charges the CCC with developing "... a comprehensive plan for the protection, development and zoning of the coastal zone ..."</p>                                                                                                                                                        |
| <p>*The agencies designated may or may not presently have statutory powers with regard to responsibility to the subcategories.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                            |

TABLE C: DEVELOPMENT CRITERIA AND POLICY (continued)

| <u>Subcategory</u>                                                                                                          | Undeveloped Lands Suitable for Intensive Development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Undeveloped Lands Suitable for Intensive Development with Corrections                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Priority Use</u>                                                                                                         | Development, according to local desires and needs, utilizing environmental safeguards.                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Development according to local desires and needs, utilizing environmental safeguards.                                                                                                                                                                                                                                                                      |
| <u>Description</u>                                                                                                          | Lands needing little or no modification to make them suitable for development. These areas have elevations, soils, topography and other physical conditions favorable for development (with the addition of proper sanitary facilities).                                                                                                                                                                                                                                                                                                                       | Lands having some physical limitations but suitable for intensive development with certain modification such as improvement of drainage, installation of sewage collection systems and establishment of central water supplies.                                                                                                                            |
| <u>State's Objectives</u>                                                                                                   | To assist local planning and zoning officials, developers and landowners in determining those areas best suited to intensive development and assure that development occurs in a fashion that is compatible with the physical environment.                                                                                                                                                                                                                                                                                                                     | To assist local planning and zoning officials, developers and landowners in determining those areas where intensive development activities will require additional expenditures to become environmentally compatible.                                                                                                                                      |
| <u>Responsible State Agencies *</u>                                                                                         | As development occurs in these areas, all of the local, state and federal agencies involved in urban areas will become active. Initially, however, the most involved state agencies will be:<br><br>1. Dept. of Community Affairs<br>2. State Div. of Planning<br>3. Dept. of Commerce<br>4. Coastal Coordinating Council<br>5. Div. of Health, Dept. of Health and Rehabilitative Services<br>6. Dept. of Pollution Control<br>7. Dept. of Transportation<br>8. Dept. of Natural Resources<br>9. Div. of Forestry, Dept. of Agriculture and Consumer Services | 1. Dept. of Community Affairs<br>2. State Div. of Planning<br>3. Dept. of Commerce<br>4. Coastal Coordinating Council<br>5. Div. of Health, Dept. of Health and Rehabilitative Services<br>6. Dept. of Pollution Control<br>7. Dept. of Transportation<br>8. Dept. of Natural Resources<br>9. Div. of Forestry, Dept. of Agriculture and Consumer Services |
| <u>How Identified</u>                                                                                                       | By the CCC, in cooperation with local and regional planning agencies and utilizing analysis techniques developed by the CCC.                                                                                                                                                                                                                                                                                                                                                                                                                                   | By the CCC, in cooperation with local and regional agencies and utilizing analysis techniques developed by the CCC.                                                                                                                                                                                                                                        |
| <u>State Policy/Criteria</u>                                                                                                | The CCC will develop general guidelines and criteria for shoreline uses and "key facilities" within these areas.                                                                                                                                                                                                                                                                                                                                                                                                                                               | The CCC will develop general guidelines and criteria for "key facilities" that have regional impact.                                                                                                                                                                                                                                                       |
| <u>Existing Support and Controls</u>                                                                                        | Under Chapter 70-259, Laws of Florida, the CCC is charged with developing "... a comprehensive state plan for the protection, development and zoning of the coastal zone ..."                                                                                                                                                                                                                                                                                                                                                                                  | Chapter 70-259, Laws of Florida, charges the CCC with developing "... a comprehensive plan for the protection, development and zoning of the coastal zone ..."                                                                                                                                                                                             |
| *The agencies designated may or may not presently have statutory powers with regard to responsibility to the subcategories. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                            |

TABLE C: DEVELOPMENT CRITERIA AND POLICY (End)

|                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Subcategory</u>                                                                                                          | Hurricane Flood Zone                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <u>Priority Use</u>                                                                                                         | Uses which require waterfront locations.<br>Public recreation<br>Uses that will not unnecessarily jeopardize human life or economic welfare.                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <u>Description</u>                                                                                                          | Lands between the shoreline and the 100 year flood line. These areas are subject to flooding during hurricane conditions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <u>State's Objectives</u>                                                                                                   | To discourage, in the public interest, through appropriate land use controls, any development in the Hurricane Flood Zone which would unnecessarily jeopardize human life or economic welfare. To prevent development that would have undesirable ecological effects on coastal waters and wetlands.                                                                                                                                                                                                                                                                                                     |
| <u>Responsible State Agencies*</u>                                                                                          | 1. Dept. of Community Affairs<br>2. Dept. of Natural Resources<br>3. Coastal Coordinating Council<br>4. Trustees of the Internal Improvement Trust Fund<br>5. State Div. of Planning<br>6. Dept. of Pollution Control<br>7. Div. of Health, Dept. of Health and Rehabilitative Services<br>8. Dept. of Commerce                                                                                                                                                                                                                                                                                          |
| <u>How Identified</u>                                                                                                       | Determined through surveys currently being conducted for the U.S. Dept. of Housing and Urban Development in conjunction with its flood insurance program. Surveys are being conducted by several federal agencies.                                                                                                                                                                                                                                                                                                                                                                                       |
| <u>State Policy/Criteria</u>                                                                                                | National Flood Insurance Program criteria apply to all areas below the 100 year flood line.<br><br>Reference: National Flood Insurance Act of 1968 (42 U.S.C. 4001, 82 Stat. 572) Also: Parts 1909 and 1910 of Subchapter B of Chapter VII of Title 24 CFR.                                                                                                                                                                                                                                                                                                                                              |
| <u>Existing Support and Controls</u>                                                                                        | The Dept. of Community Affairs coordinates the Flood Insurance Program which requires that local governments adopt land use controls in such areas to qualify for flood insurance. Under Chapter 253, Florida Statutes, the Trustees of the Internal Improvement Trust Fund have authority to control bulkhead lines. Under Chapter 161.053, Florida Statutes, the DNR, Division of Beaches & Shores is charged with establishing a setback line for coastal construction along the Gulf and Atlantic Beach shoreline. Pending federal legislation would give further support to the state's objectives. |
| *The agencies designated may or may not presently have statutory powers with regard to responsibility to the subcategories. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

**§ 920.13 .Geographic areas of particular concern.**

(1) Areas of unique, scarce, fragile, or vulnerable natural habitat, physical feature, historical significance, cultural value, and scenic importance;

(2) Areas of high natural productivity or essential habitat for living resources, including fish, wildlife, and the various trophic levels in the food web critical to their well-being;

(3) Areas of substantial recreational value and/or opportunity;

(4) Areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters;

(5) Areas of unique geologic or topographic significance to industrial or commercial development;

(6) Areas of urban concentration where shoreline utilization and water uses are highly competitive;

(7) Areas of significant hazard if developed, due to storms, slides, floods, erosion, settlement, etc.; and

(8) Areas needed to protect, maintain or replenish coastal lands or resources, such areas including coastal flood plains, aquifer recharge areas, sand dunes, coral and other reefs, beaches, offshore sand deposits, and mangrove stands.

According to Mary Lou Stursa of Florida's Bureau of Coastal Zone Planning, the process outlined in the preceeding pages will provide the basis for development guidelines for Coastal Zone Management Act categories 1, 2, 3, 7 and 8. Categories 3, 5 and 6 were left unaddressed.<sup>2</sup>

References-

1. Coastal Coordinating Council. Florida Coastal Zone Management Atlas. 1972.
2. Letter from Mary Lou Stursa, Bureau of Coastal Zone Planning, July 22, 1975.

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## ILLINOIS

Illinois has proposed, for in-house discussion, a nomination process for defining geographic areas of particular concern in its second and third program years. It will be based directly on the categories listed in subsection 920.13 of the Coastal Zone Management Act rules and regulations. Illinois' relatively limited 59 mile, urban shoreline will allow the state to be much more detailed in its designation process than many other states regardless of the method chosen.

An evaluation/nomination process with three stages is tentatively scheduled to begin operating this year.<sup>1</sup> They are:

1. Area of Concern. A generalized geographic area relating to the coastal zone and to subjects of concern which exhibit significant problems or opportunities as perceived by a public or private participant in the Coastal Zone Management Program and which is worthy of further study. Criteria derived from assessing the following representative factors will assist in these designations: areas of substantial recreational value or high natural productivity or unique or fragile features, unique geologic or topographic significance for industrial or commercial development; areas of significant hazard, such as high risk erosion or flooding areas; and areas of intense competition for shoreline resources. 2 (These areas will not be reflected in the ultimate management program.)

2. Area of Particular Concern. An area of concern which has been designated for intensive study by the state because of its relative importance to the coastal zone, the immediacy of need for a decision, the level of public investment committed or to be committed, or the potential extent of social or economic impact of coastal zone management on existing private properties. This area may be both a study area and a management area involving public bodies at any or all levels. 2 These areas will be evaluated as to their level of concern: federal, state, regional (two or more adjacent municipalities) or of local concern.

3. Area of Particular State Concern. An area of particular concern which has been officially designated by the state, following required public hearings, to be of such importance to the citizens of the state as to require the exercise of some level of state responsibility for appropriate land and/or water resource management. The responsible agencies shall specify the boundaries of the area and the reasons why the area is of particular concern. 2 (Only those areas of particular state concern will be reflected in the management program.)

Nominations for areas of concern will be taken from any state agency or consultant to the Coastal Zone Management Program, any local unit of government, a special interest group or the general public. Local governments are presently receiving small planning grants to help them designate areas of concern.<sup>1</sup> Details of the nomination application have not been finalized but will be forthcoming shortly.

The initial round of evaluation will be done by two state-level groups: the Division of Water Resources and the Lake Michigan Shoreline Advisory Committee. This evaluation will try to eliminate those areas that do not qualify, consolidate or redefine areas and avoid conflicts. Municipalities in which areas are nominated will be notified and asked for their comments.

After approval as an area of concern, the sponsor of the area will be requested to submit a formal, detailed application for designating the area an area of particular concern. These applications will go through the same evaluation and notification procedure as areas of concern and, in addition, special public hearings will be held in the program's third year.

Areas of particular concern may be designated to be of concern to federal, state, regional or local governments. Designation of an area as an area of particular state concern would require the state to perform a management function. It would also provide for certain types of assistance to local governments (even in home rule communities).

Presently, the evaluation criteria are general, but they will be expanded shortly. They are:

- each area must meet the intent of one or more types of areas described in the Coastal Zone Management Act's rules and regulations;
- the vulnerability to change would be considered (positive and negative) and would include: immediacy of change, the rate of change, the effect of change on unique or scarce resources, the intensity of impact resulting from the change and the irreversibility of change;
- the intensity of concern on the part of four groups would be considered: property owners and residents, special interest groups, governing bodies and the general public;
- the level of concern - federal, state, regional or local would be considered. 2

The proposal points out that local governments would benefit from the designation of an area of particular state concern because the state's financial, legal, technical and administrative resources will be applied to the problems and opportunities in those areas.

Initial designation of the areas of particular state concern should be completed by June 1976.<sup>1</sup> Other areas could be added after that date by the same process.

Illinois does not have a strong state land-use planning system to call on to supplement or enhance its Coastal Zone Management Program.

§ 920.13 . Geographic areas of particular concern.

(1) Areas of unique, scarce, fragile, or vulnerable natural habitat, physical feature, historical significance, cultural value, and scenic importance;

(2) Areas of high natural productivity or essential habitat for living resources, including fish, wildlife, and the various trophic levels in the food web critical to their well-being;

(3) Areas of substantial recreational value and/or opportunity;

(4) Areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters;

(5) Areas of unique geologic or topographic significance to industrial or commercial development;

(6) Areas of urban concentration where shoreline utilization and water uses are highly competitive;

(7) Areas of significant hazard if developed, due to storms, slides, floods, erosion, settlement, etc.; and

(8) Areas needed to protect, maintain or replenish coastal lands or resources, such areas including coastal flood plains, aquifer recharge areas, sand dunes, coral and other reefs, beaches, offshore sand deposits, and mangrove stands.

All categories are covered by the nomination process.

References-

1. Telephone Conversation with Chris Shafer, Illinois Coastal Zone Management Program. August 28, 1975.
2. Barton-Aschman Associates, Inc.. Preliminary Procedures for Designating Areas of Particular Concern. June 30, 1975.

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## MAINE

Development of the Maine Coastal Plan began in 1969 and has resulted in an advanced concept of coastal management. Areas of particular concern were defined and an overall management approach developed during that long lead time.

Maine's coastal resources management program contains three elements;

1. areas of particular concern designation;
2. suitability of areas for activities of major state concern;
3. preliminary regional land-use plans.

Areas of particular concern are defined as areas where the interests of different groups are likely to conflict and where land use significantly affects the state and its people as a whole.<sup>1</sup>

Ten categories of areas were developed (Figure 1 on pages 33 and 34 note specific examples in each category):

I. Hazard Areas- Floodplains of both tidal and inland waters as well as other types of areas which present similar hazards are of concern because of safety considerations, the danger of environmental damage, and unnecessary private and public costs associated with inappropriate development in these areas;

II. Significant Natural, Scientific, Historic, Cultural or Archaeological Resources- These are of concern because of their value in promoting a better understanding of the natural world and the traditions of man;

III. Areas Where Development Significantly Affects the General Public and Which are Under Intense Development Pressure- Substantial, sometimes conflicting developments occur within these areas and such development activity can significantly affect the public at large. Examples of two specific types of areas within this category are fragile shoreland areas and areas along federal and state highways;

IV. Economically Valuable and Potentially Valuable Natural Resources- The resources in these areas lend themselves to uses which can provide significant economic returns to the region. Specifically included within this category are significant mineral deposits, sites suitable for aquaculture, and prime agricultural areas;

V. Ecologically Sensitive Areas- These areas are of concern both because of the vital role which they play in the functioning of natural systems and their vulnerability to changes induced by development and extensive use. This broad category includes wetlands (both fresh and salt water types), and beach and dune systems;

VI. Significant Recreational Resources- Recreational resources are particularly important in Maine's coastal zone because recreation

Figure 1

A listing of the specific types of areas to be shown as a part of this presentation follows:

- I. Hazard Areas
  1. Floodplains
  2. Other hazard areas
- II. Areas of natural, scientific, cultural, historic and prehistoric significance.
- III. Areas where development affects the public and which are under intense development pressure
  1. Shoreland areas as defined in state law.
  2. Areas within 250 feet of highways
- IV. Areas with economically valuable or potentially valuable natural resources
  1. Areas with valuable or potentially valuable mineral resources
  2. Existing and potential aquaculture sites
  3. Existing and potential agricultural areas
  4. Areas which are intensively managed for and highly productive of timber products
- V. Ecologically Sensitive Areas
  1. Wetlands
  2. Beach and dune systems
  3. Areas especially vulnerable to erosion
  4. Other significant ecologically sensitive areas
- VI. Areas which offer significant recreational opportunities
  1. Significant beaches
  2. Heavily used footpaths
  3. Heavily used canoe routes
  4. Other areas which offer significant recreational opportunities

VII. Significant Scenic Areas

1. Significant scenic viewpoints and foreground components of the views
2. Significant scenic or aesthetic areas or sites

VIII. Routes of Public Access

IX. Important Habitat

1. Deer Wintering Areas
2. Waterfowl nesting areas
3. Waterfowl overwintering areas
4. Clam flats
5. Worm flats
6. Lobster habitat
7. Scallop beds
8. Streams used by anadromous fish (salmon, alewives, smelt)
9. Lakes and ponds of high value for sport fishing
10. Others similar

X. Watersheds of municipal water supplies

taken from: Program and Process for the Acquisition, Analysis, Synthesis and Display of Information Relevant to Resource Planning in the Coastal Zone.

pressures are substantial and growing. Furthermore, very little coastal land is in public ownership. Specific types of areas included in this general category are significant beaches, heavily used footpaths and others;

VII. Significant Scenic Areas- These areas are of concern because they affect the experiences of the general public in an area. Scenery is one of the outstanding qualities of the coast and is recognized as being a legitimate concern in numerous state statutes as well as the Coastal Zone Management Act. Examples of types of areas which are included under this broad category are scenic vistas and particularly scenic stretches of highway;

VIII. Existing and Potential Routes of Public Access- Access is a key element in the public's use and enjoyment of coastal resources. Lack of access to the coast is a real and growing problem in Maine. While the public is guaranteed the right of navigation and fishing in the intertidal zone, in many areas the right is in fact non-existent since adjacent shorelands are privately owned. For these reasons, existing and potential routes of access to the coastline are of prime concern;

IX. Important Habitats- Habitats which support relatively large populations of important animal species (or rare and endangered species) are of concern because of the tangible and intangible values of these populations. This category includes significant deer wintering areas, waterfowl nesting areas, waterfowl overwintering areas, clam and worm flats and lobster concentration areas;

#### X. Watersheds of Municipal Water Supplies.<sup>1,2</sup>

The types of areas included in these categories are similar to Maine's State Register of Critical Areas for sites of "natural, scenic, scientific and historical... overriding state interest."<sup>3</sup> The coastal plan defines areas of particular concern more broadly and is not as highly selective as the special Critical Areas Advisory Board.

To further help in the management process, the suitability of land and water areas for selected activities of major state concern was explored. This included two major elements:

- selected large-scale development activities;
- suitability of surface water areas for waste discharge from development activities.

Selected large-scale development activities fall into two categories:

1. activities which involve the construction of large buildings such as industrial plants, warehouses, port facilities, power plants, commercial complexes, office buildings, shopping centers, auditoriums, etc.;
2. large residential developments or subdivisions (further differentiated by the method of sewage disposal employed).<sup>1</sup>

A detailed definition includes:

- A. large buildings (over 60,000 square feet of floor space);
- B. large subdivisions (over 20 acres) with septic sewage disposal;
- C. large subdivisions with sewage collection systems.<sup>1</sup>

The coastal area was then analyzed to determine how suitable it was for large-scale development. Three levels of suitability were defined:

- areas suitable for 1 of 3 uses above (A, B or C);
- areas of intermediate suitability for 1 of 3 uses above (A, B or C);
- areas unsuitable for 1 of 3 uses above (A, B or C).<sup>1</sup>

Three principle land and resources features were used as determinates in the suitability process:

1. soil and surficial geologic material which are either improperly drained, unstable or otherwise unsuitable for construction and maintenance of large buildings;
2. bedrock geologic conditions which are either waterbearing, unstable or otherwise unsuitable for the construction and maintenance of large buildings;
3. locations on or in flood plains, areas of scientific significance, areas of historic and prehistoric significance, significant scenic or aesthetic areas, the foregrounds of significant views, wetlands, significant beach areas or beach and dune systems, shoreland areas especially vulnerable to erosion or slumping, other significant ecologically sensitive areas, and significant wildlife habitats (including deer wintering areas and waterfowl nesting areas).<sup>1</sup>

The theory and basis for Maine dealing in such a detailed way with developments of large-scale was taken directly from their Site Location of Development Act which regulates large-scale land uses.

The suitability of surface water areas for waste discharge from development activities is an assessment of the capacity of water areas to assimilate the currently unavoidable discharge of waste from develop-

ment activities.

The concern is with legally discharge wastes following "best practicable" treatment of organic materials from sewage, paper mill waste and food processing waste, disease bearing bacteria, plant nutrient and suspended solids from sewage, urban runoff and eroding soil, heavy metals, toxic chemicals, radiation and nutrients from industrial and other sources, and heated water from power plants and other industries.

This would include large-scale developments and small facilities requiring licenses and producing substantial volumes of waste.

The basis for this suitability determination is a variety of water protection and improvement laws (as applied to lakes and rivers) in Maine. Maine's Water Quality Classification law is also involved.

A third element in Maine's Coastal Plan is the preliminary regional land-use plan.

The regional land-use plans are to be very general and not site specific. They will designate areas for expansion of development within a ten year planning horizon. They will not deal with major land use changes or with facilities that must be segregated from other uses (oil refineries and nuclear power plants are examples).

Four principles will guide the development of the regional land-use plans:

1. development should be located in areas which are the most suitable for such use from the point of view of resource capabilities;
2. development should avoid use conflicts;
3. intense development should be clustered around nodes to allow efficient provision of services and maintenance of open space;
4. areas of existing development are the best nodes to build around, since they would be difficult- if not practically impossible- to remove and further because they represent the integration of factors which are natural focal points for development. 1

Regional plans will begin the discussion of the allocation of coastal resources. Four land-use classes were devised from natural resource features for the regional land-use plans. All land in the coastal area will be analyzed and placed in one of these four land-use classes. Figure 2 defines these areas clearly on page 38.

Maine would implement its coastal plan through laws already in effect and by bolstering local and regional planning capabilities. Five

The Suitability of Land and Water Areas for Selected Activities of Major State Concern

**Summary Chart of Criteria Used  
in Delineating Land Use Classes**

*Land Use Classes and Areas to be Included*

**Land Use Class I**

(Moderate to high intensity development)

1. Areas with existing moderate to high intensity development (more than approximately 200 principle buildings per square mile); and
2. Areas developed at a lower intensity which have slopes less than 15%; soil, geologic, and hydrologic conditions suitable for intense development; locations where intense development would not conflict with public values as reflected in the designation of areas of particular state concern or otherwise; locations contiguous with or closely proximate to an existing or desired development center; are needed to accommodate the amount of moderate to high intensity development expected to occur over the next 10 years; and which have a comparative advantage for accommodating this intensity of development relative to other areas in the vicinity.

**Land Use Class II**

(Low intensity development)

1. Areas most appropriate for low intensity development because of a general land use pattern of low intensity non-agricultural or forestry development and either absolute or comparative unsuitability for moderate to high intensity development. The undeveloped portions of these areas have slopes of less than 15%; soil, geologic, and hydrologic conditions suitable for low intensity development; locations where low intensity develop-

ment would not conflict with public values as reflected in the designation of areas of particular state concern or otherwise; and are accessible.

**Land Use Class III**

(Management)

1. Areas most appropriate for agricultural or forest management because of a general land use pattern of agricultural or forest use; unsuitability for development because of slopes greater than 15%; poor soil conditions (including shallowness, poor drainage, presence of impervious layers, etc.) the existence of hazards such as flooding, conflicts between the use of these areas for development and public values as reflected in the designation of areas of particular state concern or otherwise (of particular importance in this regard is the value of maintaining areas highly suitable for agricultural or forest production in an undeveloped condition) and/or inaccessibility.

**Land Use Class IV**

(Areas with significant public values)

1. Areas with significant public values as reflected in the designation of areas of particular state concern. The public values considered in the designation of this class include scientific, historic, cultural, archaeological, ecologic, recreational, and scenic values as well as public access.

*Subdesignations Within Land Use Classes*

**Land Use Class I**

(moderate to high intensity development)

Where areas within Land Use Class I are appropriate for only one type of development, they are designated as such. The designations are:

Industrial  
Commercial, and  
Residential

The factors considered in determining subdesignations include resource characteristics and compatibility with existing uses.

**Land Use Class III**

(management)

Areas within Land Use Class III where special care must be exercised in conducting agricultural or forest operations are designated as "caution" areas. These include shorelands, slopes over 25%, soil slump areas and others.

laws are the focal points:

1. The Site Location of Development Law,
2. A State Register of Critical Areas,
3. Mandatory Shoreline Zoning and Subdivision Control,
4. Wetlands Protection Act,
5. State Department of Environmental Protection, Water Quality Protection Laws.

§ 920.13 .Geographic areas of particular concern.

(1) Areas of unique, scarce, fragile, or vulnerable natural habitat, physical feature, historical significance, cultural value, and scenic importance;

(2) Areas of high natural productivity or essential habitat for living resources, including fish, wildlife, and the various trophic levels in the food web critical to their well-being;

(3) Areas of substantial recreational value and/or opportunity;

(4) Areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters;

(5) Areas of unique geologic or topographic significance to industrial or commercial development;

(6) Areas of urban concentration where shoreline utilization and water uses are highly competitive;

(7) Areas of significant hazard if developed, due to storms, slides, floods, erosion, settlement, etc.; and

(8) Areas needed to protect, maintain or replenish coastal lands or resources, such areas including coastal flood plains, aquifer recharge areas, sand dunes, coral and other reefs, beaches, offshore sand deposits, and mangrove stands.

Maine's categories do not deal with the Coastal Zone Management Act's urban concentrations category.

They divided up one category into two parts. Category 1 was divided into: significant natural, scientific, historic, cultural or archaeological resources; significant scenic areas; and ecologically sensitive areas.

Two categories are added which are not specifically noted: economically valuable and potentially valuable natural resources and existing and potential routes of public access.

References-

1. Coastal Planning Group. An Introduction to the Maine Coastal Plan.  
November 1974.
2. Coastal Planning Group. Program and Process for the Acquisition, Analysis,  
Synthesis and Display of Information Relevant to Resource Planning  
in the Coastal Area. 1974.
3. State Planning Office. Maine's Critical Area Program (revised draft).  
March 30, 1975.

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## MARYLAND

Maryland has had a vigorous in-house discussion of their approach to areas of particular concern going for the past several months. The following summary indicates their most recent thinking. It does not reflect their final thoughts on the matter by any means.

Areas of particular concern are defined as areas that possess intrinsic cultural or natural values that, for explicitly stated reasons, are of such importance to the coastal resources of the state of Maryland that the state should play a role in the management of those areas.<sup>1</sup>

Specific areas noted by Maryland are:

- all tidal waters and associated submerged lands, extending seaward to the extent of state jurisdiction and landward (upstream) to the upper extent of tidal influence;
- all state and private tidal wetlands as defined by the Maryland Wetlands Act and as mapped pursuant to the Act;
- all upland shorelines of tidal waters and tidal wetlands extending inland 600 feet or in another definition, contiguous shoreline land-use units;
- critical inland natural areas as defined subject to the on-going study of inland natural areas.<sup>1</sup>

Areas of natural hazards are defined in the course of Maryland's determination of permissible uses.

The two broadest areas of particular concern (the first and third areas above) form the major framework within which Maryland defines Shoreline Planning Elements. An early staff paper concluded that controlling uses within or that have an impact on areas of particular concern and uses that have a significant impact upon coastal waters was to be Maryland's main emphasis.

Shoreline Planning Elements are defined as a method of implementing the areas of concern program to manage shoreline uses.

The Shoreline Planning Elements are designed to achieve five goals:

- A. protection and enhancement of submerged aquatic resources;
- B. protection and enhancement of wetland resources;
- C. protection and enhancement of upland natural values;
- D. preservation and enhancement of public use and enjoyment of coastal resources;
- E. protection of the public welfare.

A detailed definition of each of the five Shoreline Planning Elements and its associated management objectives follows.

1. Resource Protection Areas- natural areas of particular concern including tidal wetlands, non-tidal wetlands (greater than five acres), critical upland natural areas (approximately 700 inventoried to date in a special continuing study), and aquatic critical areas; important historic and archaeological areas; prime agricultural lands;

Management Objectives-

- tidal wetlands: to protect the natural values associated with tidal wetlands by enhancing the effective implementation of the existing wetlands protection act;
- non-tidal wetlands: to protect the natural values associated with non-tidal wetlands;
- upland natural areas: to protect high priority upland natural areas;
- aquatic critical areas: to protect these areas;
- historic and archaeological areas: to protect areas of state or national significance;
- prime agricultural land: to preserve these areas for agricultural use;

2. Low Use Lands- areas with current development densities less than one unit per five acres;

Management Objectives-

- to allow development that results in a minimum impact on shoreline character and aquatic resources, is compatible with the development suitability of the land and water resource base, and is consistent with the county master development plan and zoning ordinance;

3. Community Areas- unincorporated areas with a development density greater than one unit per five acres;

4. Developmental Critical Areas- Baltimore harbor; other incorporated waterfront cities; proposed major development, major facility, industrial or port sites; suitable major development, major facility, industrial or port sites;

Management Objectives-

- objectives are being formulated in a separate project;

5. Federal Lands- all federally owned shoreline lands including wildlife management areas and military lands.

Management Objectives-

-- no objectives proposed.<sup>2</sup>

To achieve the management objectives of Low Use Areas and Community Areas, Maryland identified "potential impacts and associated activities which interfere with the achievement of the five major goals and (developed) suitability factors to be applied to... help determine 'permissible uses.'"<sup>2</sup> Table D on pages 45 through 47 reproduces this information. Zoning and land-use guidelines will be developed reflecting the suitability criteria.

Primary responsibility for planning will still be vested in the county. "State concerns with economic growth and development and use decisions of greater than local impact as expressed through the state land-use and economic development plan will also be reflected in local land-use and development plans."<sup>2</sup>

The coastal zone management program's efforts to designate areas of particular concern will be "closely tied into critical areas programs established in the (Maryland) Department of State Planning by the State Land Use Act of 1974."<sup>3</sup>

To briefly elaborate, Maryland has been quite active in state land-use planning. They have issued a series of technical reports to support the preparation of a State Development Plan. The Plan will have an emphasis on the concept of natural capability/suitability of land to support land uses.

Table D

Chart I - Protection and Enhancement of Aquatic Resources

| Impacts                                                                                                                  | Activities                                                                                                                                                                                                               | Suitability factors                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1) Degradation of H <sub>2</sub> O Quality<br>- Point source: Industrial, municipal<br>- Non-point source<br>- Aesthetic | Dredging and Spoil disposal<br>Filling<br>Canal dredging<br>Channelization<br>Industrial & public waste outfalls<br>Faulty septic tanks<br>Offshore construction                                                         | Location of Hazard areas- e.g. tidal inundation, erosion areas<br>Water Quality<br>Location of shellfish beds<br>Location of finfish areas, especially spawning<br>Location of submerged or emergent vegetation |
| 2) Destruction of Aquatic Habitat<br>- Construction<br>- Dumping/Filling<br>- Removal                                    | Recreation<br>Shipping traffic<br>Pipeline, sub-surface cable construction<br>Boat discharges<br>Clearing & Tilling<br>Application of pesticides & herbicides<br>Construction of roads and bridges<br>Vegetation removal | flushing rates<br>Boat facility sites<br>Soil erodibility<br>Soil percolation qualities<br>Waterwastes receiving capacity<br>Waste Water Treatment capabilities & location<br><del>Location</del>               |

Chart II - Protection and Enhancement of Wetland Values

| Impacts                                                                                                                                                                                 | Activities                                                                                                                                                     | Suitability factors                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| 1) Degradation<br>- Chemically, i.e. water pollution<br>- Physically, siltation, vegetation disturbance, modifying water flow<br>- Aesthetic - including incompatible adjacent land use | Dredging<br>Channelization<br>Filling<br>Constructions - on site<br>Construction-adjacent land<br>Vegetation removal<br>All other activities listed in Table I | Wetland acreage<br>Vegetation type<br>Wetlands location<br>Wetland Wildlife<br>Water flow & flushing<br>Adjacent land use<br>Water Quality |

Chart III - Protection and Enhancement of Upland Natural Values

| Impacts                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Activities                                                                                                                                                                                                                     | Suitability factors                                                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1) Degradation - Air Quality</p> <p>2) Destruction: Coastal Zone interest in upland areas can be justified only as the upland relates or provides a linkage to wetland and aquatic ecosystems. This interest would lie in maintaining upland areas as a buffer (both visual and hydro-lic) and as use of the upland affects public use of the coastal resources. The other area that must be included is pre-emption of areas by non-coastal dependent uses.</p> | <p>Auto emmissions<br/>Industrial air discharges</p> <p>Open burning<br/>Elemenation of adequate aquatic buffer (already defined) by vegetation removal, digging, tilling or construction</p> <p>Pre-emptive use<br/>Noise</p> | <p>-air sheds<br/>-setbacks</p> <p>-vegetation<br/>-location of natural areas<br/>location of potential<br/>-public use areas<br/>-erosion rates<br/>-soils</p> <p>-land use</p> |

Chart IV - Preservation and Enhancement of Public Use and Enjoyment

| Impacts                                                                                                                                                                                                             | Activities                                                      | Suitability factors                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1) Use that pre-empts existing or potential opportunities for : coastal related public recreation, including beach swimming, boat launching, pier fishing, crabbing, nature study, camping, picnicking, etc.</p> | <p>Construction (pre-emptive use)</p> <p>Vegetation removal</p> | <p>area type<br/>area location<br/>areas site type<br/>beach width<br/>access<br/>vegetation<br/>water quality<br/>water depths<br/>water bottom material<br/>erosion rates<br/>vistas<br/>wildlife</p> |

Chart V - Protection of Public Welfare

| Impacts                                                                                                                                                                | Activities                                    | Suitability <i>factor</i>                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|--------------------------------------------------------------------------|
| 1) Loss of life or property, or health resulting from natural acts.                                                                                                    | Location of life or property in hazzard areas | location of floodplains<br>areas of tidal unindation; high erosion areas |
| taken from: <u>Areas of Particular Concern and Permissible Uses: The Shoreline Element. (Draft). 7-24-75. Coastal Zone Management, Water Resources Administration.</u> |                                               |                                                                          |

§ 920.13 .Geographic areas of particular concern.

(1) Areas of unique, scarce, fragile, or vulnerable natural habitat, physical feature, historical significance, cultural value, and scenic importance;

(2) Areas of high natural productivity or essential habitat for living resources, including fish, wildlife, and the various trophic levels in the food web critical to their well-being;

(3) Areas of substantial recreational value and/or opportunity;

(4) Areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters;

(5) Areas of unique geologic or topographic significance to industrial or commercial development;

(6) Areas of urban concentration where shoreline utilization and water uses are highly competitive;

(7) Areas of significant hazard if developed, due to storms, slides, floods, erosion, settlement, etc.; and

(8) Areas needed to protect, maintain or replenish coastal lands or resources, such areas including coastal flood plains, aquifer recharge areas, sand dunes, coral and other reefs, beaches, offshore sand deposits, and mangrove stands.

Maryland chose to identify broad areas of particular concern, i.e. areas of tidal influence and contiguous shoreline land uses, and let their permissible uses investigation develop many of the items mentioned in the Coastal Zone Management Act's categories as areas of particular concern.

The main thrust of Maryland's areas of concern definition is to provide a framework within which permissible uses will be defined.<sup>4</sup>

In its present form, there is no provision made for identifying cultural areas of concern in the Act's categories.

References-

1. Coastal Zone Management Program. DRAFT General Program Framework for Areas of Particular Concern and Permissible Uses. May 1975.
2. Coastal Zone Management Program. DRAFT Areas of Particular Concern and Permissible Uses: The Shoreline Element. July 24, 1975.
3. Coastal Zone Management Program. Request for Assistance Under Section 305. April 16, 1975.
4. Telephone Conversation with William Jackson, Maryland Coastal Zone Management Program, August 4, 1975.

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## NEW YORK

At this writing, only natural areas of particular concern have been identified by the New York Coastal Zone Management program. The full definition of areas of particular concern will not be complete until the publication of an Operations Manual to help local and regional governments plan for the coastal area.<sup>1</sup>

New York envisions three groupings for its "natural critical areas."

1. Fragile and unique resource areas where development not carefully regulated and controlled could result in likely irreversible damage. In some cases complete protection from development may be required.<sup>2</sup>

Examples:

- essential or productive wildlife habitats;
- shorelands of streams;
- endangered or threatened species habitat;
- special physical features (gorges);
- prehistoric sites;
- scenic sites.<sup>2</sup>

2. Special natural productive areas where development not carefully regulated and controlled could result in the loss, reduction or irreversible damage of continued longterm productivity and/or use to meet water, food, fiber, mineral resource and energy requirements.<sup>2</sup>

Examples:

- prime agriculture and forest areas;
- aquifers and aquifer recharge areas;
- water supply lands;
- valuable mineral resource areas;
- valuable natural or essentially natural areas for the production of energy from wind, sun and/or geothermal sources.<sup>2</sup>

3. Special natural problem areas where development not carefully regulated and controlled could mean endangerment to life and property.<sup>2</sup>

Examples:

- flood plains;
- slopes of 15% or greater;
- unstable soil and bedrock areas;
- areas not naturally suited to development- sand dunes, barrier beaches, bluffs, high water table.<sup>2</sup>

Four major "value components" were used to identify natural critical areas:

- A. intrinsic qualities or characteristics of the natural resource;

- B. biological productivity;
- C. protection of the natural ecological systems;
- D. problems or hazards resulting from use not consistent with the nature of the natural resources. <sup>2</sup>

Priority for inventorying these natural critical areas will go to those areas that may be of greater importance with regard to determining land-use suitability. New York determined the following to be high priority areas:

- essential or productive wildlife habitats;
- shorelands of streams with significant undeveloped areas;
- endangered or threatened species habitat;
- rare or endangered plant communities;
- urban open spaces suitable as wildlife habitats. <sup>2</sup>

New York may draw from a variety of state land-use planning experiences to supplement its coastal zone management program. The Legislature is also currently considering a critical resource areas bill to identify statewide critical areas. <sup>3</sup>

§ 920.13 . Geographic areas of particular concern.

- (1) Areas of unique, scarce, fragile, or vulnerable natural habitat, physical feature, historical significance, cultural value, and scenic importance;
- (2) Areas of high natural productivity or essential habitat for living resources, including fish, wildlife, and the various trophic levels in the food web critical to their well-being;
- (3) Areas of substantial recreational value and/or opportunity;
- (4) Areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters;
- (5) Areas of unique geologic or topographic significance to industrial or commercial development;
- (6) Areas of urban concentration where shoreline utilization and water uses are highly competitive;
- (7) Areas of significant hazard if developed, due to storms, slides, floods, erosion, settlement, etc.; and
- (8) Areas needed to protect, maintain or replenish coastal lands or resources, such areas including coastal flood plains, aquifer recharge areas, sand dunes, coral and other reefs, beaches, offshore sand deposits, and mangrove stands.

A complete comparison cannot be made at this time.

References-

1. Telephone Conversation with Charles C. Morrison, Jr.  
Chief, Land Resources Planning Group. July 29, 1975.
2. Land Resources Planning Group. DRAFT Guidelines-CZM Operations  
Manual Identification of Geographic Areas of Particular Concern:  
Natural Critical Areas. July 1975.
3. Charles C. Morrison, Jr., Critical Areas: An Emerging  
Strategy. July 1975.

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## NORTH CAROLINA

The North Carolina coastal zone management program was conceived under a state-initiated coastal management act that has developed and is operating a program with emphasis on local government's role (county in this case).

The Coastal Area Management Act of 1974 required the Coastal Resources Commission to develop state guidelines for the public and private use of land and water areas within the coastal area. The Commission completed that task in January (1975).

The guidelines are centered around management goals provided in the Act and give particular attention to the nature of development appropriate within various types of areas of environmental concern. Interim areas of environmental concern should be approved by the Commission this November (1975).<sup>1</sup>

North Carolina defines areas of environmental concern as "areas- water as well as land- in which uncontrolled or incompatible development might result in irreparable damage."<sup>2</sup>

Seven categories of areas of environmental concern are defined in the North Carolina Act and guidelines:

1. Coastal Wetlands-

- low tidal marshland,
- other coastal marshland;

2. Estuarine Waters- all waters seaward of the dividing line between coastal fishing waters and inland fishing waters (established by the state in 1965);

3. Renewable Resource Areas-

- watersheds or aquifers- small surface water supplies,
- watersheds or aquifers- special aquifer areas (outer banks\* and barrier islands);

4. Fragile, Historic or Natural Resource Areas-

- existing national or state forests,
- existing national or state parks,
- existing wildlife refuges, preserves or management areas owned by the state or federal government,
- complex natural areas (wilderness areas),
- areas that sustain remnant species (rare and endangered species),
- areas that contain unique geologic formations,
- historic places,
- registered natural landmarks (as registered by the

---

\*outer banks- seaward side of barrier islands.

U.S. Secretary of the Interior);

5. Public Trust Areas (public right of access)-

-- public trust waters (recreation, sport fishing, boating);

6. Natural Hazard Areas-

-- sand dunes along the outer banks,  
-- ocean beaches and shorelines (on outer banks),  
-- floodways,  
-- river flood plains,  
-- coastal flood plains,  
-- excessive erosion areas- coastal inlet lands,  
-- excessive erosion areas- ocean erodible areas,  
-- excessive erosion areas- estuarine and sound and river  
erodible areas;

7. Areas Which Are or May Be Impacted by Key Facilities (not addressed in the guidelines)-

-- airports,  
-- major interchanges,  
-- major frontage access roads,  
-- major facilities for the development, generation and  
transmission of energy on non-federal land. 2,3

The guidelines present each area of environmental concern with a similar format. Each has a brief description, a statement of significance, the policy objective(s) and appropriate land uses. Figure 3 on page 56 provides one example. The Coastal Resources Commission has also issued maps spatially locating the interim areas of environmental concern on a county by county basis.

To implement the Act, North Carolina relies upon its county land-use planning process. Guidelines were developed to help the counties produce the three main components of the newly required coastal planning element: 1) a land classification map, 2) a local land-use issues, goals and objectives statement (incorporating state goals and objectives) and 3) a written text describing and designating appropriate development for areas of environmental concern (incorporating state approved uses from the guidelines). [The last two requirements are self-explanatory.] The results of this process will be reviewed by the Commission for consistency with state guidelines.

The standard North Carolina Land Classification System in use has five classes of land:

1. Developed- lands where existing population density is moderate to high and where there are a variety of land uses which have the nec-

Figure 3

5.5. Fragile, Historic or Natural Resource Areas - Areas that Sustain Remnant Species.

a. Description. Areas that sustain remnant species are those places that support native plants or animals, rare or endangered, within the coastal area. Such places provide habitat conditions necessary for the survival of existing populations or communities of rare or endangered species within the county. Determination will be by the Commission based upon accepted lists published by the State or Federal Government and written reports or testimony of competent experts indicating that a species is rare or endangered within the coastal area.

b. Significance. The continued survival of certain native plants and animals in the coastal area that are now rare or endangered cannot be assured unless the relatively few well defined areas providing necessary habitat conditions are protected from development or land uses that might alter these conditions. These habitats and the species they support provide a valuable educational and scientific resource.

c. Policy Objective. To preserve habitat conditions necessary to the continued survival of rare or endangered native plants and animals and minimize development or land uses that might jeopardize known areas that support remnant species.

d. Appropriate Land Uses. Appropriate land uses shall be those consistent with the above policy objective. Lands within the AEC shall not be planned for uses or kinds of development that will unnecessarily jeopardize the habitat conditions responsible for the continued survival of the respective plants or animals.

taken from: State Guidelines for Local Planning in the Coastal Area.

essary public services;

2. Transition- lands where local government plans to accomodate moderate to high density development during the following ten year period and necessary public services will be provided to accomodate that growth;

3. Community- lands where low density development is grouped in existing settlements or will occur in such settlements during the following ten year period and which will not require extensive public services now or in the future;

4. Rural- lands whose highest use is for agriculture, forestry, mining, water supply, etc. based on their natural resource potential. Also included are lands for future needs not currently recognized;

5. Conservation- fragile, hazard and other lands necessary to maintain a healthy natural environment and necessary to provide for the public health, safety and welfare. 3

The land classification system encourages uniformity and consistency between local governments and aids in the Coastal Resources Commission's review process. It also provides an overall, general framework for public policy: acquisition, regulation and taxation.

Every county in the coastal zone will classify its land into one of the above categories. During the classification process the state guidelines require an extensive set of data items to be analyzed. They are aimed at addressing these issues:

- A. the impact of population and economic trends;
- B. the provision of adequate housing and other services;
- C. the conservation of productive natural resources;
- D. the protection of important natural environments;
- E. the protection of cultural and historic resources.<sup>3</sup>

A complete list of required and optional data items is contained in Figure 4 on page 58.

The ultimate implementing mechanism for directing appropriate development in areas of environmental concern is permit authority.

Anyone seeking to develop in any area of environmental concern will have to obtain a special permit in addition to those already required. A division of permit authority is made based on the size of the proposed development.

For major developments or any development that now needs any state

Figure 4

REQUIRED AND OPTIONAL DATA ANALYSIS ITEMS

| ELEMENT                                     | REQUIRED                                                                                                                                                                                                                                                                                                                                                                                         | OPTIONAL                                                                                                                                                                                                                           |
|---------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. PRESENT CONDITIONS:</b>               |                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                    |
| a. Population and Economy                   | Brief analysis, utilizing existing information.                                                                                                                                                                                                                                                                                                                                                  | More detailed analyses relating to human resources (population composition, migration rates, educational attainment, etc.) and economic development factors (labor force characteristics, market structure, employment mix, etc.). |
| b. Existing Land Use                        | Mapped at generalized categories, Figure II.                                                                                                                                                                                                                                                                                                                                                     | Mapped with more detailed categories including more detailed analyses, building inventory, etc.                                                                                                                                    |
| c. Current Plans, Policies, and Regulations |                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                    |
| 1) Plans & Policies                         | 1) Listing and summary.                                                                                                                                                                                                                                                                                                                                                                          | 1) Detailed impact analysis of plans & policies upon land development patterns.                                                                                                                                                    |
| 2) Local Regulations                        | 2) Listing and description of their enforcement mechanism.                                                                                                                                                                                                                                                                                                                                       | 2) Detailed assessment of adequacy and degree of enforcement.                                                                                                                                                                      |
| 3) Federal & State Regulations              | 3) Listing and summary (to be provided by N. C. Dept. of Natural & Economic Resources).                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                    |
| <b>2. CONSTRAINTS:</b>                      |                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                    |
| a. Land Potential                           |                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                    |
| 1) Physical Limitations                     | 1) Analysis of following factors (maps if information available): <ul style="list-style-type: none"> <li>• Hazard Areas</li> <li>• Areas with soil limitations</li> <li>• Sources of water supply</li> <li>• Steep slopes</li> </ul>                                                                                                                                                             | 1) Detailed analysis and mapping of required items.                                                                                                                                                                                |
| 2) Fragile Areas                            | 2) Analysis of following factors (maps if information available): <ul style="list-style-type: none"> <li>• Wetlands</li> <li>• Frontal Dunes</li> <li>• Beaches</li> <li>• Prime wildlife habitats</li> <li>• Scenic and Prominent High Points</li> <li>• Unique Natural Areas</li> <li>• Other Surface Waters</li> <li>• Fragile Areas</li> </ul>                                               | 2) Detailed analysis and mapping of required items.                                                                                                                                                                                |
| 3) Areas with Resource Potential            | 3) Analysis of following factors (maps if information available): <ul style="list-style-type: none"> <li>• Areas well-suited for woodland management</li> <li>• Productive and unique agricultural lands</li> <li>• Mineral sites</li> <li>• Publicly-owned forests, parks, fish and game lands, and other outdoor recreational lands</li> <li>• Privately-owned wildlife sanctuaries</li> </ul> | 3) Detailed analysis and mapping of required items.                                                                                                                                                                                |
| b. Capacity of Community Facilities         | <ul style="list-style-type: none"> <li>• Identification of existing water and sewer service areas</li> <li>• Design capacity of water treatment plant, sewage treatment plant, schools, and primary roads</li> <li>• Per cent utilization of the above</li> </ul>                                                                                                                                | Detailed community facilities studies or plans (housing, transportation, recreation, water and sewer, police, fire, etc.).                                                                                                         |
| <b>3. ESTIMATED DEMAND:</b>                 |                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                    |
| a. Population and Economy                   |                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                    |
| 1) Population                               | 1) 10-yr. estimates based upon Dept. of Administration figures as appropriate.                                                                                                                                                                                                                                                                                                                   | 1) Detailed estimate and analysis, adapted to local conditions using Department of Administration model.                                                                                                                           |
| 2) Economy                                  | 2) Identification of major trends and factors in the economy.                                                                                                                                                                                                                                                                                                                                    | 2) Detailed economic studies.                                                                                                                                                                                                      |
| b. Future Land Needs                        | Gross 10-yr. estimate allocated to appropriate Land Classes.                                                                                                                                                                                                                                                                                                                                     | Detailed estimates by specific land use category (commercial, residential, industrial, etc.).                                                                                                                                      |
| c. Community Facilities Demand              | Consideration of basic facilities needed to service estimated growth.                                                                                                                                                                                                                                                                                                                            | Estimates of demands and costs for some or all community facilities and services.                                                                                                                                                  |

taken from: State Guidelines for Local Planning in the Coastal Area.

permit, or occupies a land or water areas of greater than 20 acres or a single parcel with 60,000 square feet of floor space or more will require a permit from the state.

Minor developments or any development not a major development will be required to obtain a permit from local authorities.

Energy facility siting in the coastal area will also be handled under the Coastal Area Management Act and not by the State Utilities Commission.

The current work of the North Carolina Land Policy Council and past state land-use planning efforts will help North Carolina's coastal area management efforts.

§ 920.13 .Geographic areas of particular concern.

(1) Areas of unique, scarce, fragile, or vulnerable natural habitat, physical feature, historical significance, cultural value, and scenic importance;

(2) Areas of high natural productivity or essential habitat for living resources, including fish, wildlife, and the various trophic levels in the food web critical to their well-being;

(3) Areas of substantial recreational value and/or opportunity;

(4) Areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters;

(5) Areas of unique geologic or topographic significance to industrial or commercial development;

(6) Areas of urban concentration where shoreline utilization and water uses are highly competitive;

(7) Areas of significant hazard if developed, due to storms, slides, floods, erosion, settlement, etc.; and

(8) Areas needed to protect, maintain or replenish coastal lands or resources, such areas including coastal flood plains, aquifer recharge areas, sand dunes, coral and other reefs, beaches, offshore sand deposits, and mangrove stands.

North Carolina did not specifically follow the federal Coastal Zone Management Act in designing this program.

The North Carolina approach does not cover categories 3, 4, 5 or 6 leaving out most manmade features in the coastal area. Significant scenic and archaeological areas were also not included.

References-

1. Letter from Nina Gower, Office of Marine Affairs. July 30, 1975.
2. Legislature. Coastal Area Management Act of 1974.
3. Coastal Resources Commission. State Guidelines for Local Planning in the Coastal Area Under the Coastal Area Management Act of 1974. January 27, 1975.

OTHER. Secretary of Natural and Economic Resources. Report to the Coastal Resources Commission from the Secretary Relative to Designation of Interim Areas of Environmental Concern. 1975.

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## OREGON

Oregon's approach to designating coastal areas of particular concern is within the broader context of its statewide land-use planning initiatives. It is also a result of state enacted legislation creating the Oregon Coastal Conservation and Development Commission (OCC & DC) in 1971 and not the result of the federal Coastal Zone Management Act.

Oregon's Land Conservation and Development Commission (LCDC) has proposed a process for identifying areas of particular concern. The LCDC is empowered to delegate any of its functions to the OCC & DC if it desires. But, the LCDC retains controlling authority concerning state land-use planning.<sup>1</sup>

The LCDC DRAFT guidelines defines an area (or activity) of statewide significance as any area of the state considered by the Commission for designation as an area of statewide significance, provided it contains or has a significant impact upon historical, natural, scientific, cultural or economic resources or it prevents damage to an area that would result from uncontrolled development within the area.

The following are activities that may be designated by the LCDC as activities of statewide significance:

1. planning and siting of public transportation facilities;
2. planning and siting of public sewerage systems, water supply systems and solid waste disposal sites and facilities;
3. planning and siting of public schools;
4. other activities that may be recommended as significant by the LCDC.<sup>2</sup>

The LCDC may consider any area of the state as an area of statewide significance on its own, as the result of local nomination or upon a citizen's request. It prepares a background report on the area noting its boundaries, significance, local plans that effect it and why they do not adequately protect the area, dangers that would result from improper use, advantages to be achieved by controlling development and recommends a management plan.<sup>3</sup>

After approval of a significant area management plan by the LCDC and the Joint Legislative Committee on Land Use, all plans and actions of all levels of government must be in compliance with the management plan.<sup>3</sup>

The LCDC may also designate an area already of statewide significance as an area of critical state concern provided the area possesses important qualities so threatened by impending development or other activities as to warrant an immediate state restriction of those activities.<sup>3</sup>

The LCDC is to specify what uses are forbidden, an interim management system and a timetable for development of a critical area management plan.<sup>3</sup> All governmental plans or persons within the area must be in conformance with the management plan once an area of critical state concern is designated. Again it must have the approval of the LCDC and the Joint Legislative Committee on Land Use.

§ 920.13 .Geographic areas of particular concern.

(1) Areas of unique, scarce, fragile, or vulnerable natural habitat, physical feature, historical significance, cultural value, and scenic importance;

(2) Areas of high natural productivity or essential habitat for living resources, including fish, wildlife, and the various trophic levels in the food web critical to their well-being;

(3) Areas of substantial recreational value and/or opportunity;

(4) Areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters;

(5) Areas of unique geologic or topographic significance to industrial or commercial development;

(6) Areas of urban concentration where shoreline utilization and water uses are highly competitive;

(7) Areas of significant hazard if developed, due to storms, slides, floods, erosion, settlement, etc.; and

(8) Areas needed to protect, maintain or replenish coastal lands or resources, such areas including coastal flood plains, aquifer recharge areas, sand dunes, coral and other reefs, beaches, offshore sand deposits, and mangrove stands.

The Oregon approach has the capacity to accomodate all the categories the Coastal Zone Management Act envisions. The accomodation will come in time as the areas are guided through the designation process.

References-

1. Coastal Conservation and Development Commission. Oregon Coastal Zone Management Plan Implementation. October 1974.
2. Oregon State University. Oregon Land Use Legislation. Volume II. Enacted Bills. with the Executive Department. 1974.
3. Department of Land Conservation and Development. DRAFT- A Bill Providing Criteria and Procedure for the Designation of Areas of State-wide Significance and Critical State Concern. by the Joint Legislative Committee on Land Use. June 13, 1975.

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## RHODE ISLAND

In 1971, Rhode Island created the Coastal Resources Management Council to do the following things:

- identify all of the state's coastal resources;
- evaluate these resources;
- determine the current and potential uses of each resource;
- determine the current and potential problems of each resource;
- carry out resource management programs through implementing authority and coordination;
- formulate standards where they do not exist and re-evaluate existing standards where necessary. <sup>1</sup>

The Council has jurisdiction over any "development or operation within, above, or beneath the tidal water below the mean high water mark" and extending to the seaward limit of the state's jurisdiction. It is limited in jurisdiction to those land uses in which there is a reasonable probability of conflict with a coastal management plan or damage to the coastal environment. The guiding principle of the enabling legislation is to manage the state's coastal resources to preserve and restore ecological systems. The Council retains permit authority over land uses within its jurisdiction.

With regard to areas of particular concern, the Council was given specific instructions to study six areas:

1. power generating and desalination plants;
2. chemical or petroleum processing, transfer or storage areas;
3. mineral extraction;
4. shoreline protection facilities and physiographical features (including the protection of barrier beaches);
5. intertidal salt marshes;
6. sewage treatment and disposal and solid waste disposal facilities. <sup>1</sup>

The first in a series of special reports will be considered in November (1975) by the Council dealing with areas of particular concern. The report will nominate 28 environmental areas for consideration as areas of particular concern. Future reports will deal with economic and other classes of areas. <sup>2</sup>

To date, the Council has adopted policies and regulations for: sand and gravel extraction, barrier beaches, intertidal salt marshes, and chemical or petroleum processing, transfer or storage (vessel to vessel transfer of petroleum).

The Council has involved itself in many coastal issues following its

mandate to identify the state's coastal resources. A few areas not mentioned so far are: cables and pipelines, piers, docks and wharves, fishing and aquaculture, marine recreation, riparian rights, state-owned property and pollution control.

Other activities have been influencing the state's coastal zone management program.

The State Land Use Policies and Plan (1975) suggested that the state's land-use policies be administered by the state agencies that already have authority in the area. Among these agencies would be the Coastal Resources Management Council

The designation of statewide critical areas (areas of particular concern) would then encompass the speciality of each state agency. A variety of critical areas were mentioned in this context:

- highway interchanges,
- mass transit terminals,
- airports,
- water supply sources,
- flood plains,
- wetlands,
- salt water shore area,
- unique and significant natural areas,
- historic places. 3

Implementation of a statewide critical areas program would be by the establishment of specific standards and procedures for critical areas and developments of regional impact that local governments would enforce with state oversight.

Land in the state would be classified into three categories to which land-use standards would apply: urban areas, rural areas and conservation areas. Each area would have permitted uses and public services standards to meet. Standards for critical areas and developments of regional impact would be framed to fit each type of area. The purpose of the standards is to assure that an area is protected from incompatible development, such as in areas with inadequate public service facilities.

It is within this context that the Rhode Island coastal zone management program is being implemented.

§ 920.13 .Geographic areas of particular concern.

(1) Areas of unique, scarce, fragile, or vulnerable natural habitat, physical feature, historical significance, cultural value, and scenic importance;

(2) Areas of high natural productivity or essential habitat for living resources, including fish, wildlife, and the various trophic levels in the food web critical to their well-being;

(3) Areas of substantial recreational value and/or opportunity;

(4) Areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters;

(5) Areas of unique geologic or topographic significance to industrial or commercial development;

(6) Areas of urban concentration where shoreline utilization and water uses are highly competitive;

(7) Areas of significant hazard if developed, due to storms, slides, floods, erosion, settlement, etc.; and

(8) Areas needed to protect, maintain or replenish coastal lands or resources, such areas including coastal flood plains, aquifer recharge areas, sand dunes, coral and other reefs, beaches, offshore sand deposits, and mangrove stands.

In the course of dealing with legislatively mandated issues, areas of particular concern were identified.

The Council shortly will be dealing with a series of special reports on areas of particular concern.

References-

1. Coastal Resources Management Council. Coastal Resources Management Council Plan (Policies and Regulations). 1975. [selected sections].
2. Telephone Conversation with George Seavey, Coastal Resources Center, University of Rhode Island. September 2, 1975.
3. Statewide Planning Program. State Land Use Policies and Plan. January 1975. [selected sections].

OTHER. Statewide Planning Program. Work Program Fiscal Year 1975-1976. April 1975.

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## WASHINGTON

Washington's Section 306 grant application contained the following proposal to meet the Coastal Zone Management Act requirement for designating areas of particular concern. [A further refinement of this approach will be available in January 1976.<sup>1</sup>]

The passage of the Shoreline Management Act in 1971 and the publication of the Shorelines of Statewide Significance (SSS) form the basis for designating areas of particular concern in Washington.

The starting point for designating areas of particular concern is the SSS. On a general scale, these shorelines are broad areas of particular concern. Other, detailed areas of concern have been designated through the implementation of the Shoreline Management Act.

The Shoreline Management Act was implemented in three phases. First was the inventory which provided the information base from which local communities were to develop master programs. The second phase was the development of the master program by local governments in which shorelines of statewide significance were located. The programs required extensive public involvement and submission to the Department of Ecology for review. The third phase envisions the updating and refining of the master programs.

The master program is to provide an objective guide for regulating the use of shorelines of statewide significance. Program components include:

- a. economic development element for the location and design of industries, transportation facilities, port facilities, tourist facilities, commercial and other developments that are particularly dependent on shoreland locations;

- b. public access elements for assessing the need for providing public access to shoreline areas;

- c. circulation element for assessing the location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public facilities and correlating those facilities with the shoreline use elements;

- d. recreational element for the preservation and expansion of recreational opportunities through programs of acquisition, development and various means of less-than-fee acquisition;

- e. shoreline use element for considering:

- the pattern of distribution and location requirements of land uses on shorelines and adjacent areas, including, but not limited to, housing, commerce, industry, transportation, public buildings and utilities, agriculture, education and natural resources;

-- the pattern of distribution and location requirements of water uses including, but not limited to, aquaculture, recreation and transportation;

f. conservation element for the preservation of the natural shoreline resources, considering such characteristics as scenic vistas, parkways, estuarine areas for fish and wildlife protection, beaches and other valuable natural or aesthetic features;

g. historical/cultural element for protection and restoration of buildings, sites and areas having historic, cultural, educational or scientific value;

h. in addition to the above-described elements, local governments are encouraged to include in their master programs an element concerned with the restoration of areas to a natural, useful condition which are blighted by abandoned and dilapidated structures; local governments are also encouraged to include in their master programs any other elements, which because of present uses or future needs, are deemed appropriate and necessary to effectuate the Shoreline Management Act. 2

If, in reviewing the local master program, the Department of Ecology finds inconsistencies with the state's guidelines, suggestions for modification will be made for each inconsistency. Where a conflict cannot be resolved, the Department is authorized to adopt an alternative to the local master program. So far no alternatives have been adopted.

To help review the local master programs, a task force of local, state and federal agencies was established.

In addition to the material developed by the master programs, Washington has recently contracted to have a consultant develop a summation of all inventories, both state and local, dealing with information on the coastal zone. The compiled information will be published in a uniform format for the 5 coastal zone counties. The project should be completed by November (1975).

The state is also coordinating a local government effort to identify and designate "natural environments." [This process was done on a general level at an earlier date.] The natural environment designation would be placed on any area having a unique feature, such as: fragility, historic significance, or extreme natural systemic importance.

A summary of information for designating areas of particular concern in Washington is contained in Figure 5 on pages 72 and 73.

Figure 5

| AREAS OF PARTICULAR CONCERN                                                                                                                                        |                                                                   |                                                                                           | [Sources of Designation<br>by Category of Concern]                                                                                                                                                                                                                                                                                                                                        |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Category                                                                                                                                                           | Shorelines of<br>Statewide<br>Significance SSS                    | Local Shoreline<br>Management Master<br>Program Treatments                                | Other State Sponsored and<br>Conducted Studies & Projects<br>Which Designate, Define or Describe the Areas                                                                                                                                                                                                                                                                                |  |
| 1) Areas of unique, scarce,<br>fragile, or vulnerable natural<br>habitat, physical feature, histor-<br>ical significance, cultural value<br>and scenic importance. | Named SSS                                                         | Natural Designation and<br>specific treatments for such<br>areas in local master programs | State Parks - Historic Properties Preservation<br>Act of 1966.<br>State Highway Report - Scenic & Recreational<br>Hwy. Act.<br>Dept. of Natural Resources - Marine Atlas<br>DNR - Marine Lands Policy and Allocation<br>Plan<br>IAC - SCORPE Plan                                                                                                                                         |  |
| 2) Areas of High Natural Pro-<br>ductivity & Essential Habitat                                                                                                     | Selected SSS                                                      | Conservancy Designations                                                                  | DNR - Marine Atlas<br>Game Dept. - "Wildlife Recreation Program"<br>DNR - Marine Lands, Policy & Allocation Plan.<br>Oceanographic Commission of Washington -<br>"Oceanographic Resources of Wash"                                                                                                                                                                                        |  |
| 3) Areas of Substantial Recrea-<br>tional Opportunity                                                                                                              | Ocean Beach SSS<br>Named SSS<br>Puget Sound SSS<br>Large Lake SSS | Rural Designations Conservancy                                                            | IAC - (Interagency Comm. for Outdoor Rec.)<br>"SCORPE" Plan.<br>IAC - Inventories of Public & Privately<br>Owned Recreation Lands.<br>State Highway Dept. - Scenic & Recreation<br>Highway Act.<br>RCH 43.51 Ocean Beaches Act<br>IAC - Study of wild, scenic & Recreational<br>Rivers.<br>DNR - Marine Atlas<br>Oceanographic Comm. of WA. - "Oceanographic<br>Resources of Washington." |  |
| 4) Areas where developments<br>and facilities are dependent<br>upon utilization of, or access<br>to the Coastal Waters.                                            |                                                                   | Port Areas within urban<br>designations                                                   | DNR - Marine-Lands Policy & Allocation Plan<br>Puget Sound & Adjacent Waters Study<br>DNR - Marine Atlas<br>Oceanographic Comm. of Washington - "Ocean-<br>ographic Resources of Washington"                                                                                                                                                                                              |  |

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| Category                                                                                                             | Shorelines of<br>Statewide<br>Significance SSS | Local Shoreline<br>Management Master<br>Program Treatments | Other State Sponsored and<br>Conducted Studies & Projects<br>Which Designated, Define or Describe the Areas        |  |
|----------------------------------------------------------------------------------------------------------------------|------------------------------------------------|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|--|
|                                                                                                                      |                                                |                                                            | Thermal Power Plant Site Evaluation Council<br>DNR - Marine Atlas                                                  |  |
| 5) Areas of Unique Topographic<br>or geologic significance to<br>Industry.                                           |                                                | Urban Designation                                          | DNR-Marine Lands Policy & Allocation Plan<br>IAC - SCORPE Plan - Urban Rehabilitation                              |  |
| 6) Areas of Urban Concentration<br>and competition                                                                   |                                                | Urban Designation                                          | RCW 86.16 Flood Plains<br>DNR - St. Geologist's Office                                                             |  |
| 7) Areas of Significant Hazard<br>to Development                                                                     |                                                | Natural & Conservancy<br>Designations                      | RCW 86.16 Flood Plains<br>RCW 43.51 Ocean Beaches Act<br>DNR - Marine Lands Allocation Plan<br>DNR - Marine Atlas. |  |
| 8) Areas needed to maintain<br>Coastal Lands & Resources, Flood<br>Plains, Agriculture Recharge<br>areas, Sand Dunes | Ocean Beach SSS                                | Natural & Conservancy<br>Designations                      |                                                                                                                    |  |

§ 920.13 . Geographic areas of particular concern.

(1) Areas of unique, scarce, fragile, or vulnerable natural habitat, physical feature, historical significance, cultural value, and scenic importance;

(2) Areas of high natural productivity or essential habitat for living resources, including fish, wildlife, and the various trophic levels in the food web critical to their well-being;

(3) Areas of substantial recreational value and/or opportunity;

(4) Areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters;

(5) Areas of unique geologic or topographic significance to industrial or commercial development;

(6) Areas of urban concentration where shoreline utilization and water uses are highly competitive;

(7) Areas of significant hazard if developed, due to storms, slides, floods, erosion, settlement, etc.; and

(8) Areas needed to protect, maintain or replenish coastal lands or resources, such areas including coastal flood plains, aquifer recharge areas, sand dunes, coral and other reefs, beaches, offshore sand deposits, and mangrove stands.

Washington does not detail the areas of particular concern themselves, rather, the state provides sources of information for each category listed by the Coastal Zone Management Act. [See Figure 5.]

References-

1. Letter from Katherine J. Seel, Shorelands Division, Department of Ecology, August 8, 1975.
  2. Department of Ecology. Application for Assistance, Section 306. June 19, 1975.
- OTHER. Department of Ecology. Consideration of an Estuarine Sanctuary in the State of Washington. Working Document No. 1. November 1974.
- OTHER. Department of Ecology. Application for Initial Acquisition, Development and Operations Grant Under Provision of Section 312 of the Coastal Zone Management Act of 1972. 1975?

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PART II:  
AN APPROACH FOR CONNECTICUT

This proposal is a composite of the "Noteworthy Features" cited in my comparison of the approaches other states took to areas of particular concern (APC) definition and management to the CAM Proposal. These comparisons can be found immediately after the proposal.

The basic feature of this proposal is that the entire coastal planning area will not be evaluated through a detailed classification process as proposed in Florida or Maine. It assumes that the most important components of the coastal ecosystem will be identified and dealt with in the APC process.

One addition to APC definition has been a 1,000 foot wide special management area (SMA) extending from mean high tide. I felt that it was important to include this area as an APC because it represents the most fiercely contested real estate on the coastline. It is necessary that a detailed evaluation of the pressures, constraints and opportunities be made in this area. I also thought that a 1,000 foot width would be the minimum size (only about two city blocks) for the SMA. Anything less would be easily subverted and harder to analyze.

My follow through with a management proposal is new. The details of this proposal place the responsibility for justifying the selection of APCs and preparing management objectives and guidelines for land use in them on the state. The local governments in-turn would be required to adopt the state's guidelines with respect to APCs and take a detailed look at their 1,000 foot SMA (if they are included in it). The state would then review the results for consistency with state guidelines. Section 306 money would be made available to the local governments for their coastal planning activities.

One option that may be worth considering as an extra incentive (provided the Legislature agrees) is the suspension of a local government's permit authority in APCs until the coastal planning element is reviewed favorably by the state. If no other action is taken in the interim, this would have the effect of a moratorium on development in APCs.

Another option to consider would be the division of permit authority in APCs similar to the division North Carolina makes.

The Legislature would of course have to authorize this entire structure. The intent of such detailed APC reports is to provide a ready body of information to justify APCs to anyone who asks, i.e. legislators.

May I again make a pitch for a set of principles that would guide the development of the CAM program. If taken from existing state policy

and

and projected directly at the major fears of local government, they could provide a legitimizing and soothing force in a public relations sense.

My suggestions follow on page 1.

I hope this proposal stimulates in-office discussion.

## Basic Principles for the Development of the CAM Program

- I. Local government is recognized as the prime implementation mechanism for any state coastal area management program.
- II. Private property rights will be respected and preserved.
- III. Public participation will be encouraged in all phases of the development of the CAM Program and will be the key to its success.
- \*IV. Human activity must be guided by and in harmony with the special system of relationships found in the coastal area.
- \*V. The growing population and the expanding economy of the state have had a profound impact on the life-sustaining natural environment, especially in the coastal area. Coastal resources are now recognized as finite and precious.
- \*VI. To help the state fulfill its responsibility as trustee of the environment, the improvement, and coordination of environmental plans, functions, powers and programs of the state, as they affect the coastal area, in cooperation with the federal government, regions and local governments, other public and private organizations and concerned individuals, will be of prime concern to the CAM Program.
- \*VII. The CAM Program seeks to conserve, improve and protect the natural resources of the coastal area in order to enhance the health, safety and welfare of the people of the state.

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\*Taken from Title 22a Environmental Protection, Chapter 439 Department of Environmental Protection, Section 22a-1 Policy of the State.

## CONNECTICUT

Based on a review of many state approaches to designating and managing areas of particular concern, the following structure was developed.

Geographic areas of particular concern are defined as areas which are essential to the preservation and enhancement of the coastal environment and to the health, safety and general welfare of the citizens of Connecticut and Connecticut's coastal area.

Geographic areas of particular concern have the following characteristics:

- they are located in the coastal area and provide an essential resource base for and increase the development of the state's economy;
- they are located in the coastal area and provide a rare or unique environment with resources attractive and important to people from other parts of the state;
- they are located in the coastal area where development would be considered hazardous or seriously disruptive to the public and the coastal ecosystem.

Five categories of areas were developed and are listed below together with suggested management objectives\* and examples of specific areas.

### 1. Areas or Potential Areas Where Development and Facilities are Dependent Upon the Utilization of or Access to Coastal Waters;

Management Objective: To insure existing and future development occurs in a manner compatible with environmental concerns and capabilities;

Examples:

- harbors,
- navigation channels,
- power plants,
- facilities supporting commercial fishing,
- refineries,
- potential sites for large-scale development,
- special management area 1,000 feet wide extending inland from mean high tide;

### 2. Areas of Substantial Recreation and Open Space Value;

Management Objective: To protect and enhance the recreation and open space resources remaining in the coastal area;

---

\*Much of the language or intent of the management objectives was taken from existing state policies. Please see my memoranda on "Legal Basis for the CAM Program" and "Environmental Rights" for specific references.

Examples: (areas/issues)

- access question to coastal recreation areas,
- sites noted for development in the SCORP plan,
- sites noted for development in the LISRS,
- designation of agricultural land as open space,
- multiple use of public utility sites,
- disposition of water company-owned land,
- disposition of state-owned land,
- Connecticut Natural Areas,
- reuse of mined-out areas;

3. Areas Where Uncontrolled or Incompatible Development Could Cause Significant Damage to the Health and/or Property of the Public;

Management Objective: To prevent development that could cause property damage or endanger the public's health;

Examples:

- flood plains (riverine),
- tidal flooding,
- erosion-prone areas,
- land identified by the Conservation and Development Plan as unsuitable for development,
- unsuitable septic tank sites,
- inadequate landfill sites close to the coast,
- hazardous material storage areas;

4. Areas Needed to Protect, Maintain and Upgrade Coastal Resources and the Coastal Ecosystem;

a. Areas of High Renewable Natural Productivity-

Management Objective: To protect and enhance those areas to insure species survival and continuing economic benefits;

Examples:

- finfisheries (entire life cycle areas),
- lobster, conch concentrations,
- shellfisheries;

b. Areas of High Non-Renewable Natural Productivity-

Management Objective: To insure use in the most efficient manner possible with respect to environmental and land-use considerations;

Examples:

- energy resources,
- stone and gravel resources;

c. Ecologically Unique and Fragile Areas or Areas of Vital Functions;

Management Objective: To protect these areas from improper development that could disrupt the ecosystem, causing harm to important areas in the public's trust;

Examples:

- tidal marsh,
- inland wetland,
- Connecticut Natural Areas (habitat areas),
- rare and endangered plant and animal communities,
- water recharge areas,
- watersupply watersheds;

d. Degraded Resources;

Management Objective: To direct a special effort toward cleaning up or enhancing areas to meet acceptable environmental standards;

Examples:

- worst water pollution areas,
- worst air pollution areas,
- visually unattractive areas;

5. Areas of Unique Aesthetic, Cultural, Educational and Scenic Significance in the Coastal Area;

Management Objective: To protect and enhance these areas to promote an interesting and varied public experience;

Examples (areas/issues):

- historic sites,
- cultural sites,
- archaeological sites,
- Connecticut Natural Areas (educational),
- classrooms on the Sound idea by the LISRS,
- scenic areas as noted by the LISRS,
- access question to coastal amenities.

For each area designated, a report would be prepared including the following (if applicable): boundary definition (as clearly as possible), significance to the state or coastal area [which of the broad guidelines does it meet; what questions does it answer (see second draft of the proposal)], local and state plans or programs that effect the area and why they do not provide adequate protection to the area, dangers that would result from improper use, management objective(s), suggested management guidelines, permissible land uses and priority land uses.

The state should prepare a detailed, map inventory of constraints and opportunities in the 1,000 foot special management area. Constraints

should be based on natural resources information. Opportunities should be based on a composite of areas of resource potential, i.e. recreation and open space areas, scenic areas, sites for large-scale development and mineral resource areas.

All local communities containing a designated area of particular concern (APC) and/or are within the 1,000 foot special management area, would be required to develop a coastal planning element in their local plan indicating how state guidelines will be used in the local planning process.

[An APC designation does not automatically mean it is within the power of the local government to control. APCs that are the subjects of existing state programs would not be considered by the local government beyond an evaluation of that program's effectiveness in the local area. Many APCs could be under local control once the state defines and develops use guidelines for them. A list of APCs for consideration by the local government will have to be developed. A list of APCs (possibly additional ones) under state control would also be developed.]

The coastal planning element would include:

- spatial definition of all state-defined APCs;
- written text describing how the state's management guidelines were incorporated into the local planning instruments;
- written text describing how the state's permissible uses provisions were incorporated into the local zoning;
- written text describing how the state's priority use provisions were incorporated into the local planning process;
- written text evaluating existing state programs (a special listing to be developed) in APCs in light of management objectives. [optional, could prove interesting]

All written texts should contrast old local plans and regulations with proposed plans and regulations for the APCs.

In addition, within the above coastal planning element, a separate section should deal with the 1,000 foot special management area. That section would include:

- present condition- population, land use;
- constraints (as noted by the state)- natural, other APCs;
- areas with resource opportunities;

- capacity of local facilities- water, sewer, schools, roads and the percent of utilization;
- estimated demand (in ten years)- population, land use;
- methods to meet the demand by proposing-
  - regulations recognizing constraints,
  - changes in the capacity of facilities,
  - uses for opportunity areas.

Requirements for public hearings and similar procedures should be added for local adoption of the coastal element.

Once Section 306 money becomes available, grants could be made to local governments for the preparation of the coastal planning element and for administrative costs (optional).

The state would review the local coastal element against a background of its APC analysis (which outlined lacking local regulations among other things), management objectives and guidelines and permissible land priority uses. A pool of information will also be available when the regions complete their contract obligations.

Monitoring local adherence to adopted state land-use guidelines could be done by noting land-use changes in APCs and by regular state environmental monitoring units (air, water). Failure to properly regulate areas could result in the cutting off of any Section 306 money available to the community and forfeiting their regulatory authority in all APCs.

STATE - CAM PROPOSAL COMPARISONS

## CALIFORNIA - CAM Proposal Comparison:

Although most geographic areas of particular concern will be addressed, there is little discussion of overall guidelines for choosing the areas. Whatever guidelines exist, they were internalized and never revealed in the Plan. An area by area analysis is made, findings are announced, policies, guidelines and standards are set. The locals are then told to incorporate them into their local planning. There is no attempt to duplicate or incorporate the critical environmental areas process already in place in California (from which the CAM proposal was borrowed).

Perhaps it was felt that the critical environmental areas process already identified the areas of concern and all that was needed was to amplify, broaden and detail those and provide policies, guidelines and standards for coastal areas.

This presumption seems reasonable since the current implementation process for the critical environmental areas program envisions no new planning elements. Basically, it would rely on a variation of California's NEPA program. Critical environmental areas would be defined and located by the state for use in local planning maps. Whenever development was proposed in or in proximity to them, a special environmental impact report would be required. The state developed planning aids to help local governments prepare the special EIRs.

The Coastal Element seems to be a more coordinated and comprehensive approach to coastal resource planning versus the critical environmental areas process. A quick review of its requirements (a to p) will demonstrate that.

The California approach differs slightly from the approach North Carolina is taking under its own act. North Carolina geographically locates areas of concern the locals should include in their planning process and retains permit authority for all major developments in those areas. The context of the programs though is much different. California has a much more developed and implemented state land-use planning program.

Noteworthy Feature: requirement of a local coastal planning element, particularly emphasis on cumulative impact and capacity of public services.

DELAWARE - CAM Proposal Comparison:

There is no clear provision yet for a framework for designating areas of concern. The results of the workshops will be unknown for some time and even when available there is no indication how they will be used.

Noteworthy Feature- None at this time.

## FLORIDA -CAM Proposal Comparison:

Florida's system choose its categories based on management policies with a basic set of determining factors. Not only were areas defined as having particular concern, but they also fell into large management policy areas thus, in-effect, setting up three levels of concern. In this way, Florida dealt with the full range of concern while still identifying areas of particular concern.

Florida's approach moves toward the analysis and classification of every inch of its coastal zone since all the land present could be placed in one or another category and sub-category. The Coastal Zone Management Atlas is geared to such an analysis.

The CAM proposal is structured in a different way. There is a presumption of a preservation or conservation policy and then the areas themselves are weeded out based on broad guidelines and categories of areas. The concentration is on types of functional areas rather than as making them candidates for a particular management approach.

Florida asks, "What areas are worth preserving?". CAM asks, "What areas are needed to protect, maintain and upgrade coastal resources and the coastal ecosystem?"

The spectrum of concern is contained within each functional area classification in the CAM program. Concern in the Florida system is seen in the management approaches, i.e. preservation (most concern), conservation and development (least concern).

The basic factors considered to classify areas into a zone of concern are basically the same as the questions developed in the CAM proposal.

Noteworthy Feature: designation of conflict areas within the development category (areas that would have been in the preservation or conservation category had development not taken place).

## ILLINOIS - CAM Proposal Comparison:

This approach is very similar to Oregon's proposed statewide critical areas process. This proposal does, however, provide more guidance to the evaluators in choosing areas. It is also viewed as taking place mainly within the time-frame set by the 305 program development grants. (Additions can be made in subsequent years by the same process of course.) Oregon's proposal is a constant one.

The Coastal Zone Management Act categories are used as general guidelines for nominating the areas. The evaluation criteria outlined are very general and will be filled in shortly.

This proposal does not carry through to the regulation of permissible uses or the preparation of management plans for the areas of concern as does Oregon. It also does not have a mechanism for legislative control in the designation process.

As Oregon did, Illinois chooses to analyze each area on its merits (at various levels of designation) rather than setting guidelines and filling categories by an in-house, technical process as envisioned in the CAM proposal.

Noteworthy Feature: nomination process for adding areas of concern after initial work is completed.

MAINE - CAM Proposal Comparison:

There is not a clear use of guidelines for designation and a different categorical breakdown is used. Expansion of the suitability for development concept is a major difference. Emphasis was given to the access question where in the CAM proposal it was included as part of the entire recreation question. Maine doesn't deal with open space as such. Emphasis is not given to areas that would upgrade the coastal resources.

Noteworthy Feature; addition of watersupply watersheds (could be added to CAM category 3).

## MARYLAND - CAM Proposal Comparison:

Maryland's main concern is with managing land use in the coastal area within its broadly defined areas of concern; notably the first and third areas. The CAM proposal much more narrowly defines these areas.

Maryland's proposal steps from the definition of broad areas of concern right to an analysis of permissible uses. The areas of concern are used more like a planning boundary to define permitted uses than anything else.<sup>4</sup> Definition of permissible uses entails setting goals, defining planning units and proposing management objectives and a planning approach to meet those goals.

The CAM proposal concentrates on a method and reasoning for designating areas of concern rather than concentrating on permissible use considerations. The two are intimately related, but definition of the areas of concern deserves more attention in Connecticut.

Noteworthy Features: definition of a broad belt as an area of concern, perhaps within "X" feet of mean high tide and controlling whatever occurs there; the setting of management goals and objectives is important; definition of development impacts and suitability criteria in the table Maryland did is a good reference.

NEW YORK - CAM Proposal Comparison:

The New York proposal does not follow a smooth definition-guideline-category approach in the strict sense. New York's proposal is also limited to natural areas at this time.

New York identifies major value components but does not provide any guidance in their application to areas or a general definition of areas of particular concern. It is assumed that these components contain a spectrum of activity and that the most productive, most essential and most hazardous areas would be included as areas of concern.

Non-natural areas of particular concern will be developed shortly.

Noteworthy Feature: areas suitable for energy production: wind, sun, geothermal, offshore as an area of concern.

NORTH CAROLINA - CAM Proposal Comparison:

A smooth transition from definition to guidelines to all-inclusive categories was not made. Working under their own act gave them a ready-made format for their areas of particular concern approach so independent thought was not necessary.

North Carolina does have one of the only operating programs like the Coastal Zone Management Act requires.

Noteworthy Features: requiring local coastal land-use plans (uniform data requirements, uniform land classification system); regulation of major uses within areas of concern; U.S. natural landmarks register as a source of areas of concern.

OREGON - CAM Proposal Comparison:

The nomination process with simple guidelines for designating areas of concern is quite different than the CAM proposal. Oregon chooses to analyze each area on its merits rather than set guidelines and then define areas.

Noteworthy Features: preparation of a background report on each area of concern in the same format as Oregon's background report on a proposed significant area or activity may be helpful, i.e. boundaries, significance, local plans in effect and why they are not adequate, dangers from improper use, etc.; the two tiered designation system; the nomination procedure may have some merit after the initial work is completed.

RHODE ISLAND - CAM Proposal Comparison:

There is no effort to conform to the Coastal Zone Management Act format of areas of concern, permissible uses, priority uses. There is no systematic classification or justification for choosing special areas of concern. Rather, policies are developed around legislatively mandated topics or under the general exploration of coastal resources.

Noteworthy Feature: division of state into areas with certain levels of public service to prevent development in areas of inadequate service.

WASHINGTON - CAM Proposal Comparison:

California's approach paralleled Washington's in that the presence of the coastline requires preparation of a special planning element in the local plan. However, Washington does not call for the regulation of development by the state nor does it detail out, in a state coastal plan, standards and regulations in a variety of issue areas.

There is not a clear use of state guidelines for designation of areas of concern, at least from available information. It seems more like a free-for-all among local governments with state oversight.

Noteworthy Feature: points out the virtue of a good inventory of coastal resources information.

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