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STAFF PAPER

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STRATEGIES FOR NATURAL RESOURCE
DECISION-MAKING *<*

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New England River Basins Commission

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INTRODUCTION

Background

The Congress is now considering legislation which would authorize major new national programs for natural resource planning and management. Enactment of these bills -- particularly the water quality amendments, and the land use and coastal zone bills -- will bring about significant changes in the way in which resource decisions are going to be made. The change may be felt most keenly by the states, who are to take primary responsibility for making and implementing decisions about the natural environment. The exercise of these state responsibilities is reinforced by major new requirements for linking the planning and management of natural resources.

The change reflects a policy advanced by the President and concurred in by the Congress, that states should exercise the full range of authority available to them for managing and protecting the resource base through direct exercise of state authority, state guidance and at least some degree of control over local governments, and state influence on federal actions. The federal government will back up the states with technical assistance and funding support.

The fact that the three major programs showed signs of being enacted this year initiated interest in analyzing both present and proposed planning programs. Three actions led to this review of new requirements and opportunities: (1) the request of state members at the May 24, 1972 meeting of the New England River Basins

Commission; (2) the assignment of the Commission's Chairman to a committee of the federal Council of Representatives of the Water Resources Council to review the pending legislation; and (3) the request of the Governors' Conference to report on ways in which the states could best respond individually and together to the new planning opportunities.

Purpose of the Paper

The three new or revised programs for water quality, land use, and the coastal zone, taken together and in concert with existing programs, place financial resources and responsibilities of unprecedented scope on the states. The purpose of this staff paper is to bring before the states, who will be facing these responsibilities, the range of planning requirements and opportunities of both the present and proposed programs; and to indicate viable alternatives for action. We hope to stimulate discussion of the most effective ways for states and other participants to respond to the challenge of making the best decisions possible concerning the quality and productivity of future environments.

In addition to trying to provide a basis for discussing individual state responses we are also looking at the collective response -- the regional problems and opportunities of the New England region as a whole.

This paper begins with a summary statement, continues with five chapters, and concludes with three appendices. The chapters analyze existing federal planning assistance programs, state resource planning efforts in New England, planning priorities of the pending national legislation, options for future integrated state

planning programs, and the potential role of NERBC. The appendices provide more detail for the first three chapters on selected federal planning assistance programs, natural resource planning programs of the New England states, and the pending federal natural resource legislation. These appendices are designed to stand alone for use as separate handbooks of program details.

We hope, then, that this paper and subsequent discussions will help states, the federal government, and the New England region capitalize on what is a unique opportunity to mount and sustain an effective program of restoration, protection, management, and utilization of the environment. Specifically, it is expected that the paper as it is modified by subsequent consideration, including discussion at the Commission's conference on September 14, will be the basis for a report to the New England Governors (requested at the July 7, 1972 meeting of the Governors' Conference). Therefore, any comments on this paper will be most welcome.

CONCLUSIONS

The Congress will soon enact legislation requiring the states to develop and implement programs for controlling critical land uses and values, for management of coastal zones, and for management of water quality. This legislation places an extraordinary burden on the states as the principal maker of decisions about the uses and management of basic natural resources. In short, the future use and value of these resources will depend heavily on quality of state performance. It is essential that the states have a full opportunity to consider the most effective way of managing these new natural resource decision-making programs, in conjunction with other natural resource programs already carried out by the states.

While these new programs will be separately authorized by the Congress, the states will wish to consider ways of securing their integration to produce balanced and coordinated programs for managing their natural resource assets. It is a clear bias of this report that a degree of integration of new and existing natural resource decision-making programs at the state level is desirable.

On the basis of the analysis entered in this report, other major conclusions emerge. These conclusions are offered as principles that may prove useful to government officials concerned with effective administration of natural resource planning and management programs.

- For effective resource management, it is clear that states must play a pivotal and central role in planning administration. In order to fulfill this role most effectively, the efforts being put forth to strengthen state comprehensive policy formulation and statewide functional planning should be accelerated.

- Every state will wish to examine its own needs and issues and proceed with its version of restructuring in light of its particular needs. What is appropriate or feasible in a large urban state may be completely inappropriate or infeasible in a small non-urban state. As a corollary, the traditional approaches of individual states are often colored by interagency relationships that have developed over the years which may be beneficial or constraining.

- While methods may vary widely, effective state processes for natural resource decision-making should include certain common characteristics; namely: (1) plans and programs for managing the physical environment which are designed to contribute to the achievement of social, economic and environmental goals and objectives established by or concurred in by elected public officials; (2) a focal point within state governments which will provide an overview of related natural resource planning programs in the context of overall goals and objectives; (3) mechanisms to develop and

maintain working linkages among state natural resource programs, and between state-local and state-regional-federal programs; (4) a linkage to budget decision-making, in both the executive and legislative branches; and (5) mechanisms for citizen participation and review.

- At the interstate level it is apparent that there is need for an efficient mechanism for analyzing and facilitating responses to regional problems and needs. Such a mechanism should study and report on existing and potential interstate conflicts, address itself to natural resource issues common to all states, and spearhead coordination of efforts at the interstate level in a manner complementary to the planning policies of individual states. These tasks must be in concert with the crucial pivotal role of the state in the federal system. Because agencies of the federal government operate through regional offices (and with an increasing degree of decentralization of authority to federal regional offices) means for closer federal-state and interagency coordination at the regional level should be pursued. The New England River Basins Commission, at the option of its member states, could perform these functions.

CHAPTER ONE
EXISTING FEDERAL PLANNING ASSISTANCE PROGRAMS

There are several relevant conclusions which emanate from an examination of a selected number of federal planning assistance programs, as they relate to state resource planning efforts in the New England region. They become particularly apparent when viewed in the context of the individual state planning programs and their management. These conclusions can be placed in five broad categories:

- the types of assistance programs and their characteristics;
- the form of the total mix of federal assistance;
- the level of funding in recent fiscal years;
- the administrative considerations of the state;
- and
- degree to which federal programs encourage program integration at the state level.

A number of federal financial assistance programs were selected for analysis, both in terms of their characteristics and the degree to which they complement the planning efforts of the recipient states. These programs included HUD's 701 comprehensive planning grants, the Department of Interior's outdoor recreation plan and water resources research grants, Environmental Protection Agency programs in air, water quality management and planning, and solid waste management, Water Resources Council funding for water planning, Farmer's Home Administration water and waste disposal grants, and the Department of Commerce's

Economic Development Assistance program. The importance of these programs varies by functional area and state, and, of course, by available funding. The specific features of each are covered more thoroughly in the Appendix A; analysis of these programs, however, indicates substantial variation in objectives, uses, and eligibility. Of the programs selected, most focus on the state as the logical coordinating level of government, although many are authorized to provide grants to areawide, local and interstate agencies as well. Some are even available to non-governmental and private agencies. Chart 1-1 on the following pages summarizes the major features of these ten selected programs.

From just this list of selected programs, it is obvious that planning assistance from the federal level comes in many forms. For example, assistance can be considered a direct planning grant which supports plan preparation or update. Other forms of assistance support management programs of which planning may be a small portion, or not even a portion at all. Research and demonstration grants, on still another front, provide indirect planning assistance through support for planning related studies.

Moreover, the concept of planning changes substantially depending on the context in which it is used. For instance, the same term ('planning') often applies unfortunately to both so-called 'comprehensive' planning and 'detailed' planning, the purposes of which are substantially different. And, in addition to these specific programs herein selected, one can point to an even wider variety of forms of assistance which the federal government provides to individual state planning efforts.

Chart 1-1. Characteristics of Federal Planning Assistance Programs

Program	Water Quality Management Planning	State and Interstate Water Pollution Control Program	Solid Waste Planning Grants	Air Pollution Control Program Grants	'70' Comprehensive Planning Assistance
Federal Agency	EPA	EPA	EPA	EPA	HUD
Authorization	Sec. 3(c) of Federal Water Pollution Control Act	Sec. 7 of Federal Water Pollution Control Act, as amended	Sec. 207, Solid Waste Disposal Act, as amended	Clean Air Act of 1963, as amended	Housing Act of 1954, as amended
Objectives	Assistance to planning agencies for development of comprehensive abatement plans for basins and which will meet applicable state water quality requirements	To assist agencies in establishing and maintaining adequate measures for the prevention and control of water pollution	To assist agencies and organizations at all levels in plans and programs in solid waste management	To assist agencies at all levels in planning, developing, establishing, improving and maintaining adequate air control programs	To strengthen planning and decision-making of local, regional and state governmental officials
Types of Assistance	Project Grants	Formula Grants	Project Grants	Project Grants	Project Grants
Uses and Restrictions	For payment of administrative costs, including planning; only for direct planning purposes	Broad support; studies, planning, surveillance and enforcement; local assistance, training and public administration	For making surveys, plans, etc. for waste disposal systems at a regional level; providing for recovery and re-use of materials where possible.	Costs incurred in conduct of a project, including supplies and training. Cannot be used for construction of facilities	Broad range of planning and management activities may be supported, including strengthening governmental institutions and systems
Re-application Coordination	With local governments, state water pollution control agency, and other state, Federal and international agencies where appropriate. Also OMB Circular No. A-95, revised	Formal and informal meetings to evaluate previous year's program and plan preparation, between regional EPA office and State agency. OMB Circular No. A-95, revised	OMB Circular No. A-95, revised	Official of state agency must coordinate local efforts prior to grant; OMB Circular No. A-95	All state applications must be reviewed by Governor (or his designee) and all applications covered under regulations set forth in OMB Circular No. A-95 revised
Assistance Consideration	No grant can exceed 50% of administrative expenses.	Basic allotment to each state with remainder determined through complicated formulae. Note: New legislation expected to modify allocation formulae	Up to 2/3 for single municipality; 3/4 in any other case	75% for agencies having substantial responsibility in carrying out a regional implementation plan; other 2/3. Regional Maintenance grants, 60%; others 50%	Grants normally for 2/3 of cost, 3/4 in development area, economic development districts, etc.
National Authorizations	FY '73 \$5,370,000 (est) '72 5,370,000 (est) '71 1,658,470	FY '73 \$20,000,000 (est) '72 15,000,000 (est) '71 10,000,000	FY '73 \$5,965,000 (est) '72 3,122,000 (est) '71 2,900,000	FY '73 \$53,513,000 (est) '72 42,900,000 (est) '71 30,200,000	FY '73 \$100,000,000 (est) '72 100,475,000 '71 45,794,000
Range of Assistance	\$23,430 - \$990,000	\$20,000 - \$660,000	\$5,000 - \$150,000	\$1,200 - \$2,780,000	N.A.
Average Grant	\$125,000	\$169,000	\$33,700	\$132,000	N.A.

Chart 1-1. Characteristics of Federal Planning Assistance Programs (cont.)

Program	Water Resources Research	Land and Water Conservation Fund State Plan Program	Development District Planning Assistance	Title III - Water Resources Planning
Federal Agency	Dept. of Agriculture, FHA	Dept. of Interior, BOR	Dept. of Commerce, EDA	Water Resources Council
Authorization	Consolidated Farmers' Home Administration Act of 1961, as amended	Title II, Section 200 of the Water Resource Research Act of 1964	Public Works and Economic Development Act of 1965, as amended	Water Resources Planning Act
Objectives	Efficient and orderly rural development; efficient development of community water and sewer facilities	Support of research into any aspect of water problems related to the mission of the Dept. of Interior	Assist in making and updating state outdoor recreation plan required for State participation in grant program	Increased participation by states in water and related land resource planning
Types of Assistance	Project Grants	Project Grants and Contracts	Project Grants	Formula Grants
Uses and Restrictions	Grants for technical and professional services, test wells, and soil and water investigations. Plan must be limited to rural areas and may not include towns over 5,500 in population	To meet necessary expenses of specific water resource research projects	For preparation of plans, for surveys, technical studies, data collection and analysis	State preparation of water and related plans, participation in Federal-State comprehensive planning and training
Preapplication Coordination	Review by state, metropolitan and local government agencies. OMB Circular No. A-93, revised	None	OMB Circular No. A-95 revised	OMB Circular No. A-95, revised
Assistance Consideration	Assistance may be for total project cost	No cost sharing required by statute; however, some cost-sharing may be required to meet provisions of OMB Circular A-100, and significant cost sharing may be appropriate	Grants made on 50-50 basis matching	Allocated to states on basis of population, land area, need and per capita income. Up to 50% of cost of state program must be provided by state
National Authorizations	FY '73 \$2,000,000 '72 2,000,000 '71 2,642,550	FY '73 \$4,300,000 (est) '72 4,300,000 (est) '71 3,400,000	FY '73 \$3,600,000 (est) '72 4,300,000 (est) '71 1,200,000	FY '73 \$3,000,000 (est) '72 3,000,000 '71 3,752,831
Range of Assistance	\$500 - \$317,000	\$20,000 - \$150,000	\$2,000 - \$500,000	\$7,380 - \$124,000
Average Grant	\$12,000	\$65,000	\$55,000	\$70,000

Examples of the latter can be found in the NERBC region. Cooperative efforts between state agencies and the Soil Conservation Service, and the Forest Service are two programs in which technical, rather than direct financial assistance, is made available. On the interstate level, cooperative efforts between the states and federal agencies occur through NERBC. Direct aid for specific programs in various functional areas is available through the New England Regional Commission. All of these programs and many more go to make up the total resources available directly or indirectly through the federal government to complement the individual state's programs.

The multiplicity of these programs and forms of assistance naturally pose the question: Is there one type of assistance which appears to be most effective? In response, each was developed with a specific purpose in mind, a fact which makes it extremely difficult to generalize. It can be said, however, that, administrative issues aside, program grants, which allow a fair degree of flexibility in the actual expenditures mix and cooperative efforts which provide technical versus financial assistance are the most favored by the states. This is an area, however, in which substantially more evidence is necessary before conclusions can be reached.

Despite the fact that a consideration of only these selected programs provides a skewed picture of the total assistance provided the states by the federal government, what funding levels are involved in these programs? The following table has been compiled to portray the estimated amounts of funding that have gone to the seven NERBC states in the last two fiscal years in the seven programs for which information was readily available. It must be

pointed out, however, that these figures represent estimates only, and may not include unreported funding. If they err in any direction it is that they underestimate the total grants made.

Chart 1-2 . Estimated Federal Assistance Grants for Selected Planning Programs for New England, Fiscal Years 1971 and 1972.

<u>State</u>	<u>1971 & 1972*</u>
Connecticut	\$ 2,874,608
Maine	1,322,266
Massachusetts	3,758,146
New Hampshire**	647,160
Rhode Island	773,600
Vermont**	777,543
<hr/>	
NEW ENGLAND	\$10,153,323

*Programs include: HUD '701', Bureau of Outdoor Recreation planning funds, EDA, EPA's air and water quality programs, solid waste management planning grants, and Water Resources Council Title III grants.

**Total EDA grants to N.H. -Vt. Development Council divided equally between these states.

One of the primary concerns of both federal and state officials is the administration of these various programs. A necessary evil, this administration does have to contend with a variety of schedules, deadlines, and accounting procedures. Put these facts on

top of the variations in formula or matching requirements, planning requirements, and necessary work items and geographical bases to be utilized, and the bases for confusion and frustration set in. Needless to say, any effort at program integration at the state level should be encouraged.

Such streamlining is, in fact, taking place on an experimental basis at the present time in New England. It takes on several forms. The Federal Regional Council's development of an integrated grant application procedure has received its initial test in the region in conjunction with the State of Rhode Island. Apparently successful to date, the administration of integrated application resulted in far less effort having to be expended by individual agencies at both the state and federal levels, will minimize the number of periodical reports required, and, only incidently resulted in slightly more financing from the federal government than the individual-applications route would have provided. In the course of its preparation, a program approach was utilized which encouraged the integrated thinking of the major planning programs of the state.

A similar experiment between EPA and New York State is currently underway, which attempts to coordinate the package of programs administered by EPA. Some encouragement toward integration is provided through the application procedures for Water Resources Council Title III funds to states. In this application, the number of related programs administered at the state level must be enumerated and evidence provided that the state's total resource planning program is "comprehensive" in nature.

Another form of streamlining occurring on the federal scene was initiated by the formation in 1967 of the Interagency Committee to Provide Continuing Coordination of Water and Sewer Programs. The agencies on this committee are the Farmers' Home Administration, the Environmental Protection Agency, the Economic Development Administration and Department of Housing and Urban Development. All of these federal agencies, of course, have both planning and implementation assistance available to state, areawide and local agencies.

The major obstacles to a four agency agreement on standard requirements and planning guidelines concern the differences between the needs and capabilities of rural areas versus urban areas in the area of water quality. FHA and EDA, both of whom deal more specifically with rural areas, feel that they cannot finance water supply and pollution abatement facilities which are made to conform to stricter EPA and HUD requirements. A compromise solution is evidently in progress at the present time.

In the meantime, HUD and EPA have come to an agreement which provides for standardized administration of comprehensive and functional planning and constructional grant requirements related to policy planning, integrated water quality functional planning, and the development of fully integrated waste water systems. Quite importantly under this agreement, planning is required on two related planning areas: the hydrological basin and the metropolitan region. As a result a project must be included in plans for both areas to be eligible for construction grants.

The demand that two sets of plans be in preparation is presenting a challenge to many state resource and areawide planners. Nevertheless, these provisions begin to distinguish among the purposes of plans for both geographic areas and specify the responsibilities of agencies at different levels.

Joint agency administration is also a technique undergoing some experimentation at the present time. In Massachusetts, there is presently an effort to develop a comprehensive planning program involving both HUD and EPA. Although the success of this particular program may be in doubt at the present time, the concept holds some promise for introducing more rationality into state program development. Also, the NERBC's interstate programs provide a forum for state and federal agencies to combine their efforts in resource planning.

Finally, the Office of Management and Budget's Circular A-95, as revised, provides a mechanism for assuring a certain degree of preapplication coordination for a wide range of federal grant programs, both at the metropolitan and state level. In addition, Circular A-98 requires that federal agencies provide that grant award notices be sent from federal agencies to the state clearinghouse in order that records of actual federal grants may also be monitored at the state level. Interestingly, a couple of states have taken advantage of this coordinating system. At the New York State Budget Office a computerized system is being developed which will permit monitoring of grant progress and potentially tie the federal assistance programs to the state's implementation program (as represented by the budget and financial agency).

In summary, there is need for improvement in the administration of federal grants, a fact acknowledged by state and federal people alike. Some efforts are being made to test possible alternative procedures, and others are likely to follow. Complementarity of assistance requirements for pending legislation in the resource field must be encouraged. The opportunity and challenges of pending legislation demand that steps in this direction be taken with due haste.

The following chapter demonstrates the role of federal assistance in the resource planning programs of the New England states and New York. It focuses on the mechanisms encouraging more integrated programs at the state level.

CHAPTER TWO

STATE RESOURCE PLANNING EFFORTS IN NEW ENGLAND

State planning for land or water resources in New England, like its counterparts in other states in the nation, is influenced by two opposing types of factors. One type tends to encourage a certain similarity in the character of the planning programs developed, while still another set of indigenous factors combine to endow each state with its characteristic approach to environmental planning.

Among the factors tending to standardize the structure of the state planning efforts (among state agencies and substate units as well) are the general commonalities of environmental problems, the heightened awareness of the electorate to social, economic and environmental issues, human and natural resource scarcity and inadequate financial resources. Moreover, the evolution of the federal government's role in providing incentives and supplementary financing for program development (including planning), acquisition, construction, etc. has evoked common responses from the various states. The need to use management tools more effectively has gradually brought about reorganizational efforts which tend toward similar lines from state to state, and encourage the adoption of comparable programming techniques. In most if not all the states, a planning organization with primary coordinating responsibilities for all state planning programs in water and land has evolved. Finally, as all states seem to find themselves somewhat "in the same boat," it has been the trend for states to compare notes, and even imitate the success achieved by other states.

On the other hand, there is an impressive list of equally important factors which preserve the unique character of each state's approach, and reinforce the need for it to develop necessary management techniques in its peculiar context. Each has its particular sets of problems related to the degree of scarcity (or maldistribution) of all resources (natural and otherwise), and the character of the demand for available resources and facilities. In addition, the basic mood of the people varies substantially among states even in as an apparently homogeneous region as New England. Standards for the utilization of resources and preferences for space are a function of the immediate demands on natural resources and desires of the community.

Recent reorganizational efforts have concentrated on the development of departments of Environmental Affairs (or some similar nomenclature) within which major environmental programs are being consolidated and coordinated. In several cases, the joint placement of operational and regulatory responsibilities in this new department has further consolidated the impact that this one department can have on environmental management. In some, however, the activities of this department remain formally independent of the so-called state planning offices although inter-agency committees and task forces often bring these agencies together for coordination. A related issue surrounds the question of the functions that should be given to a so-called department of natural resources. In some states this department partially substitutes for one in environmental affairs; in others it has lost its major functions to the newly created environmental affairs agency. In short there does not seem to be any consistent notion of where environmental affairs stop and natural resource affairs

begin, or whether they are synonomous.

In recent years there has been an increase in the efforts to consolidate functional natural resource planning at the state level. The degree of interagency cooperation, both formal and informal, varies greatly by state. However, one can distinguish a lag time between coordination among (a) functional planning efforts and (b) comprehensive planning efforts. Although this lag is understandable, one conclusion remains inescapable - that integration at the statewide policy level will be essential for management to attain the effectiveness demanded by administrators, the general public, and the policy intent of the pending bills. The fact that this policy integration tends to require a more formal relationship among agency officials not only emphasizes the difficulty in establishing such integration, but also underlines its extreme significance in the conduct of state planning efforts.

Complete or even partial reorganization has been a feature of most states during the past decade. In obvious response to the issues, it is almost certain that progress toward more effective environmental management would have been severely paralyzed without it. Only one of the ramifications of reorganization is the ability to bring together a relatively few number of individuals at the state level, under whom most of the programs of common interest and relationship have been placed through reorganization. For effective policy formulation, this is a necessary first step.

On the other hand, the difficulty in obtaining consolidation often relates directly to the scale of operations in each state and the

complexity of issues facing it. For instance, the small size of some states may greatly reduce the scope of each planning effort and one may find it somewhat easier to consolidate the functional planning efforts in one state agency. To provide such comprehensive planning in one agency is another issue, especially in a larger state.

There are other approaches, of course, on the statewide level. A recently promulgated concept is that of a planning council, consisting of the governor, heads of relevant state departments, but dominated by citizens, either elected at large or appointed by the governor for given terms. Being closer to the citizens, this council could, through its own staff, prepare and continually update a comprehensive plan for the state and use it as a basis for formulating a recommended budget to the governor each year. The best solution for any one state may be one or a combination of these general approaches. Each state should at least be aware of the inherent strengths and weaknesses of the approach it chooses.

The degree to which the areawide approach for planning coordination is utilized by each state is also a function of the scale of operations in that state. Although regional planning agencies find great difficulty in overcoming local prejudices at the town level, they, too, can play a major role in the eventual integration of planning programs. These agencies are not only increasing in importance; they already provide evidence of some consolidation between water resource planning and management and urban land use and community development.

To the degree to which certain environmental issues are viewed as crucial by the state has greatly influenced the regulatory powers which have been vested in agencies dealing with water and land use planning. The recent evolution of land use control programs in some states emphasize the "crisis" nature of these issues in these states. One cannot assert, however, that an increase in state land use controls is a general phenomena throughout the region. The issue exists in all, of course, but the apparent "crisis" is viewed quite differently from state to state.

Finally, each existing state's structure has its unique inherent capacities. These are supplemented by a variety of other devices/aids provided through federal programs which may also be unique to the state. For instance, Rhode Island is one of the first states to experiment with an integrated grant application for federal funding assistance. New York has a package of planning related services provided to it annually through the Corps of Engineers, and each state has a particular program or two it is conducting in cooperation with one or more federal agencies such as the Soil Conservation Service, the Geological Survey, etc. A truly comprehensive overview of each state's planning efforts can ill afford to overlook the importance of these supplemental programs and the form of "assistance" they represent to the states' resource and management planning efforts.

The next chapter summarizes the major provisions of several bills currently being considered by Congress to supplement and enhance planning efforts of the states. As will be seen, their passage, singly or collectively, will provide many challenges and opportunities for all the region's states.

CHAPTER THREE

PROVISIONS OF PENDING FEDERAL RESOURCE LEGISLATION

At the present time, there are several bills progressing through Congress, each of which could significantly affect the current state planning efforts and together provide major opportunities for integrating planning programs at the state level. These bills, which are discussed in greater detail in Appendix C, provide for planning for water quality, land use, and coastal zone management. While specific aspects of each planning program vary considerably, this report emphasizes points of commonality, and opportunities for consolidating and integrating planning efforts.

In addition to the three major bills which are the focus of this report, there are other pending bills which contain provisions for planning natural resources, notably the Rural Development Act and the power plant siting bills. The Rural Development Act has recently been reported out of conference and has been cleared for presidential signature. This Act represents a potential source of planning funds and opportunities for those states with significant rural areas (defined in the Act as areas generally with a population of less than 50,000, or adjacent areas of less than 100 persons per square mile); planning highlights are included in the chart comparing the provisions of several pending programs. Power plant siting legislation is still under consideration in each house, with a number of differing bills being discussed. The Commission staff will continue to monitor highlights of the two major bills as they are reported out of committee.

There are several major features of the pending legislation which are of importance for state planning programs: the states have primary responsibility for natural resource planning within their boundaries; the federal government is responsible for administration, guidance, and funding support; for each program the states must each designate a single state agency to be responsible for resource planning and management; there is a substantial level of funding provided to the states to carry out their widened responsibilities; there are specific requirements to be met for states to be eligible for funding; and there are specific requirements for planning processes and plans which often overlap with the requirements of the other programs. The chart on the following pages compares and contrasts some of the major provisions of the bills as they now stand. These charts are based on interpretations of the bills as set out in Appendix C.

Of major importance is the emphasis in all three bills on the primary responsibility and right of the states to plan for and manage their natural resources. Each state must designate a single state agency to assure that the requirements of the legislation are met. While the state agency may delegate certain of the tasks to other agencies at the state, regional, local, or interstate levels, it is the designated state agency which must oversee these activities and which retains final authority and responsibility for the resource plans and their implementation.

At this time, it appears that two federal agencies will be responsible for the administration of the three bills. The water quality legislation will be administered at the federal level by the Environmental Protection Agency, while both the land use and coastal

Chart 3-1. Characteristics of Pending Federal Natural Resource Legislation

Planning Assistance Program	Basin waste treatment plans	Areawide waste treatment plans	State planning process for water pollution control	State program for water pollution control																		
Federal Administering Agency	EPA	EPA	EPA	EPA																		
Legislative Reference	Sec. 102 of House and Senate versions of the Federal Water Pollution Control Act Amendments of 1972	Sec. 208 (House) and Sec. 209 (Senate) of the Federal Water Pollution Control Act Amendments of 1972	Sec. 303(c) (House only) of the Federal Water Pollution Control Act Amendments of 1972	Sec. 106 of House and Senate versions of the Federal Water Pollution Control Act Amendments of 1972																		
Objectives of the Planning Portions	To develop comprehensive water quality control and pollution abatement plans for basins in the state	To develop areawide waste treatment management plans as part of a planning process to provide a management concept coordinating the many separate requirements of the Act	To develop a statewide planning process which results in detailed plans for all the navigable waters in the state	To assist states in carrying out an effective water pollution control program																		
Use and Restrictions	To be used only for expenses involved in developing basin plans	To be used for the expenses of both developing and implementing areawide plans for areas with substantial water quality control problems	To be used for the expenses of preparing a statewide planning process consistent with the 1972 amendments	To be used for any reasonable expense including enforcement and permit programs; the Senate bill authorizes use of these funds for areawide plans too																		
Grantee	Any appropriate planning agency (must meet specific criteria)	Any appropriate planning agency (must meet specific criteria)	State, presumably water pollution control agency	States and interstate agencies																		
Grant Formula	Up to 50% of administrative expenses	100% of costs for first two years; 75% thereafter	Not specified	On basis of population and extent of the water pollution problem in the state; or on basis of program costs																		
Total Program Authorizations	Not specified	<table border="1"> <thead> <tr> <th>House</th> <th>Senate</th> </tr> </thead> <tbody> <tr> <td>FY 72 ---</td> <td>\$100 mil.</td> </tr> <tr> <td>FY 73 \$100 mil.</td> <td>\$150 mil.</td> </tr> <tr> <td>FY 74 \$150 mil.</td> <td>\$200 mil.</td> </tr> </tbody> </table>	House	Senate	FY 72 ---	\$100 mil.	FY 73 \$100 mil.	\$150 mil.	FY 74 \$150 mil.	\$200 mil.	Not specified	<table border="1"> <thead> <tr> <th>House</th> <th>Senate</th> </tr> </thead> <tbody> <tr> <td>FY 72 ---</td> <td>\$30 mil.</td> </tr> <tr> <td>FY 73 \$60 mil.</td> <td>\$30 mil.</td> </tr> <tr> <td>FY 74 \$75 mil.</td> <td>\$35 mil.</td> </tr> <tr> <td>FY 75 ---</td> <td>\$40 mil.</td> </tr> </tbody> </table>	House	Senate	FY 72 ---	\$30 mil.	FY 73 \$60 mil.	\$30 mil.	FY 74 \$75 mil.	\$35 mil.	FY 75 ---	\$40 mil.
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FY 72 ---	\$100 mil.																					
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FY 74 \$75 mil.	\$35 mil.																					
FY 75 ---	\$40 mil.																					
Inducements	None	After 2 years, treatment works must conform to areawide plan for state to receive construction grants. Senate: areawide plans must be underway by FY 73 to receive Sec. 106 grants.	Must have approved state planning process for approval of Title IV permit program	The grantee must maintain expenditures of non-federal funds at at least FY 71 level																		

Chart 3-1. Characteristics of Pending Federal Natural Resource Legislation (cont.)

Planning Assistance Program	State planning process and implementation program for land use	State management program for the Coastal Zone	State plan for rural development												
Federal Administering Agency	Department of the Interior	Dept. of the Interior (H) Dept. of Commerce (S)	Department of Agriculture												
Legislative Reference	Sec. 302, 303, 304 of Land Use Policy and Planning Act of 1972 (Senate); Sec. 201 of National Land Policy, Planning and Management Act of 1972 (House)	Section 305 of House and Senate version of the Coastal Zone Management Act of 1972	Sec. 1103 of Senate version of Rural Development Act of 1972 (House version not available)												
Objectives of the Planning Portions	To assist states in developing and implementing a state land use process and (in the Senate) program designed to achieve wise use of the non-federal lands and developing a framework for formulating interstate, state, regional and local land use policies	To assist states in developing a management program for the coastal zone	To assist states in the planning for rural development												
Uses and Restrictions	To be used for the expenses of developing and implementing a state land use planning process and (in Senate) program, excluding land acquisition	For developing a management program; there are separate implementation grants	To be used for the expenses of preparing rural development plans. Sec. 908 changes definition of rural areas to less than 50,000 population and areas which do not include any cities or more than 10,000												
Grantee	Designated state agency with power to implement; pass on provisions to interstate, regional and local agencies	The state, with transfer to local, areawide, and interstate agencies	Any appropriate public planning agency												
Grant Formula	Up to 90% of costs during first year, less in subsequent years; state matching funds may not come from other federal programs	House: State may receive up to 15% of total grant (ie. \$900,000 in FY 73); Senate: up to 10% and no less than 1%. All grants to cover 2/3 state costs	100%												
Total Program Authorizations	(Senate) \$100 mil. annually for eight years; (House) from \$54 to \$30 mil. annually over five years	<table border="0"> <tr> <td>House</td> <td>Senate</td> </tr> <tr> <td>FY 73 \$6 mil.</td> <td>From FY '74</td> </tr> <tr> <td>FY 74 \$6 mil.</td> <td>thru '77 sums</td> </tr> <tr> <td>FY 75 \$4 mil.</td> <td>are authorized</td> </tr> <tr> <td></td> <td>as necessary</td> </tr> <tr> <td></td> <td>FY 73 \$12 mil.</td> </tr> </table>	House	Senate	FY 73 \$6 mil.	From FY '74	FY 74 \$6 mil.	thru '77 sums	FY 75 \$4 mil.	are authorized		as necessary		FY 73 \$12 mil.	\$10,000,000
House	Senate														
FY 73 \$6 mil.	From FY '74														
FY 74 \$6 mil.	thru '77 sums														
FY 75 \$4 mil.	are authorized														
	as necessary														
	FY 73 \$12 mil.														
Inducements	States ineligible for grants may have portions of funds withheld from Airport, Highway, and Land and Water Conservation Fund grants.	States with approved programs are eligible for implementation grants	Must have state rural development plan to receive rural development revenue sharing												

zone bills appear headed for the Department of the Interior, although probably different departmental agencies.

Among the common elements of each bill are requirements for effective public participation in the planning processes, coordination and consultation with other agencies involved in related programs, and a number of specific subject areas for inclusion in the plan. Each of these elements suggest the need for some coordination and integration of the three programs.

These major features introduce a number of opportunities and problems for those engaged in planning efforts at the state and interstate levels. Opportunities are there for coordination and integration to simplify planning efforts and take advantage of economies of scale wherever possible. At the same time, the new programs pose some major problems to the states who must meet a series of deadlines and requirements to be eligible for funding support under these and, in some cases, other federal programs.

Opportunities for planning coordination and integration are set out in each of the three bills. Coordination and integration are encouraged not only during the planning stage, but also between the planning process and the implementation process. The requirement in the land use bill that the designated state agency should have both planning authority and regulatory powers over land development demonstrates the emphasis placed on integration. Further the opportunities for taking advantage of economies of scale, through, for example, making resource data available and useful to other planning efforts, are reinforced by the fact that

the three programs are in addition to resource planning programs already ongoing.

Opportunities for planning coordination by state agencies with other agencies both within the state and among states are particularly important and are discussed in separate sections of this report. The role of regional planning agencies, and the role of the New England River Basins Commission and other interstate agencies are each discussed in a separate chapter. All these examples show the wide range of opportunities available to states in responding to their reaffirmed responsibility for resource planning and management.

These opportunities are challenged, on the other hand, by a group of potential problems which must be considered by planners. Taken on top of current planning responsibilities, the many new requirements pose a major challenge to states to develop workable and positive planning programs. Such difficulties as meeting schedules and deadlines -- particularly some of the earliest ones -- without the time to adjust coordination processes and train personnel could likely occur. Administration of these programs by different federal agencies and possibly different state agencies could create diseconomies and duplication, and even discourage program integration. Further methods for meeting the many requirements of the bills are not yet clearly specified. The administering federal agencies could ease some of these problems through creating comparable and complementary guidelines and coordinated schedules, and encouraging designation of comparable regional planning areas. The Region's states, moreover, should assist the federal agencies in creating guidelines which reflect the region's needs and approaches.

In summary, the effect of existing and pending federal-state programs directed at the planning of natural resources is immense. The cumulative effect of these programs and those now pending before the Congress can produce a permanent change in the nature of the nation's environmental commitment. The federal government has chosen, quite deliberately, however, not to impose upon the states or upon regions specific requirements as to how to administer these programs. That is a wise choice, since each state and each multi-state region will wish to develop structures which make sense to it. This does not mean, however, that it is either necessary or wise for the New England states or the New England region to assume that the full opportunity can be realized by developing distinct structures for administering each of the new categorical programs offered by the federal government.

On the contrary, effective management of the diverse list of federal natural resource planning assistance programs requires a deliberate structuring of state institutions for the purpose of achieving integration of functional programs -- for land, water, air, recreation resources, etc. There is also an urgent need for integration at an interstate level, in which interstate considerations are carefully analyzed, and in which the natural resources management activities of federal agencies are closely linked with the objectives and programs developed by the states.

These, then, are some of the major features, opportunities and problems of the pending resource programs. Considered along with the provisions of current planning programs, they suggest a number of alternatives for future state action.

CHAPTER FOUR
INTEGRATED STATE PLANNING PROGRAMS --
OPTIONS FOR THE FUTURE

In this chapter, the primary concern is with the options available to the states for performing effective resource planning and not total management, although the relationship between planning and implementation must be considered. One of the important ways of integrating natural resource management programs is the establishment of appropriate state forums for preparing or coordinating plans for such programs.

Each of the New England states, and New York, has been developing ways for coordinating their natural resource plans as illustrated in Chapter Two and Appendix B. In most states, planning of closely-related functions is already conducted on a relatively integrated basis, reflecting both organizational consolidations and informal relationships that evolve in the context of day-to-day operations. On the other hand, the integration of more diverse functional objectives into comprehensive state policy has lagged, primarily because of: (1) the lack of attention previously given to such policy; (2) the difficulty of achieving integration in overall policy setting; and (3) the fact that comprehensive state planning probably must rely on formal interagency relationships toward which only recently have reorganizational efforts been directed.

Chart 4-1. Selected Characteristics of Alternative Organizations for State Planning

Organizational Structure for Planning	Planning Responsibility		Implementation Responsibility			Organizational Considerations				
	Comprehensive	Functional	Comprehensive	Review		Regulatory	Head	Staff	Funding	Administrative Control
				Functional	By Others					
Single Agency	Yes	By Others	Yes	By Others	By Others	Indep.	Own	Separate	Strong	
Lead Agency	Yes	Individually but not collectively	Yes	Yes	Individually but not collectively	Lead	Lead	Lead	Medium	
Interagency	Yes	Individually but not collectively	Yes	Yes	Individually but not collectively	Indep.	Own	Separate	Weak	
Multi-agency	No	Individually but not collectively	No	Yes	Individually but not collectively	Multiple	Separate	Separate	None	

are, by definition, conspicuously absent in this approach. The multi-agency's other characteristics are in line with this inherent drawback; there is no administrative control over comprehensive planning, and funding and staff are provided on an agency by agency basis.

Another important differentiation is that between interagency and lead agency approaches. Although the latter is not among the traditional approaches utilized by state government, it is being applied among federal agencies and has characteristics useful for consideration at the state level. At first glance there is little difference between the two with respect to the responsibility for planning or the link to implementation powers. The major difference relates rather to the degree of consolidation of administrative control over interagency activities which is demonstrated in the provision of staff and funding.

The lead agency represents a concept with potentially greater administrative control by virtue of the fact that the lead agency manages the comprehensive studies with its own staff and source of planning monies and with only a secondary role for other agencies. Whether this approach is preferable in practice depends on whether a functional agency can lead in the development of comprehensive state policy, and obtain the consent of other functional agencies, as well as an interagency approach with representatives from a number of different agencies working together as equals, perhaps with an independent chairman and staff. Admittedly the line of differentiation between the two alternatives is hazy; however, the issues which arise in discussing the two are significant to a state attempting to foster an effective planning program in the natural resource field.

Perhaps the most significant differentiation can be made between the so-called single agency and lead or interagency approaches. As defined in this staff paper, the primary difference between the single and joint alternatives can best be represented as a tradeoff between planning objectivity and its link to regulatory power. That is, the two joint efforts are characterized by collective comprehensive policy development and individual regulatory powers, whereas the single agency represents the ultimate in consolidation of comprehensive planning, but with regulatory powers vested in other agencies. The single agency approach, however, does have an independent head, its own staff and funding source, and in this sense represents a relatively strong administrative control over comprehensive planning. It stops short, however, of being the first and last word in state resource management. Functional planning is generally left to other agencies but with formal requirements for exchange of information and review of policies and programs between the state planning agency and the individual functional agencies. Some functional planning responsibilities which are key determinants of comprehensive policy, such as land use, and jurisdiction over the planning of some natural regions which enhance many functions, such as the coastal zone, might be vested more appropriately in the single agency.

Some states may choose to give the responsibility for all three new resource management programs -- water quality, land use, and coastal zone -- to one agency, such as a department of natural resources or an environmental protection department. While this course would place all natural resource planning in a single agency, it would also be necessary to establish a lead

agency, interagency or another single agency (with comprehensive responsibilities) in order to integrate social, economic and natural resource considerations into a single set of statewide policies.

The assignment of any or all of the three new resource management programs to a single department with both planning and implementation powers appears consistent with the intent of pending Congressional action which requires a link between policy development and execution. However, it is believed that this requirement could also be satisfied by assigning to an interagency board or single planning agency without implementing power the primary responsibility for formulating resource plans as long as that board or agency designates a state body with appropriate powers to administer the management of the resources. In other words, it does not appear necessary to establish a super state agency with planning and regulatory powers in order to integrate and coordinate resource planning and to maintain the desired bridge between planning and management. The primary need is that effective integration and coordination take place; how it takes place is of secondary importance.

In conclusion, it can be said that the issue of the organizational structure of state government, and the location of the planning function within it, has specific implications for the effective planning of the region's natural resources. As has been suggested, each state's approach can be unique, reflecting a host of factors which clearly differentiate its chosen path from that of its neighbors. Such variation among states should lead to conclusions which will evolve and gradually reshape the planning and management systems of state government.

CHAPTER FIVE
POTENTIAL CONTRIBUTIONS BY NERBC

Just as the pending legislation is pressing the states to reexamine their natural resource planning programs, so should the Commission. This chapter, therefore, reflects upon the present program and the future role of NERBC in light of the requirements and opportunities of the pending land use, coastal zone, and water quality legislation.

Present Activities

The Water Resources Planning Act of 1965 (PL 89-80) designates the Commission as the principal agency for the coordination of plans --federal, state, interstate, local, non-governmental plans-- for use and development of water and related land resources. The Act also directs the Commission to prepare a comprehensive, coordinated joint plan (CCJP) for federal, state, interstate, local and non-governmental development of water and related land resources. The Water Resources Council has provided flexibility to each commission by not defining the "comprehensive, coordinated joint plan", and by continuing a long-established tradition of interpreting very broadly the phrase "water and related land resources".

The New England River Basins Commission is unique in that it serves (or soon will serve) six whole states constituting a political and economic region, as well as portions of New York. This fact has been significant in shaping the Commission's approach to its

work. The Commission anticipated federal policy by asserting as a part of its own program strategy that the state should be a primary region for making decisions about water and related land resources management. The Commission's strategy for the comprehensive regional plan now includes a regionwide overview, called for working purposes the New England Framework. At the regional level, the Framework will be kept up to date through periodic regional assessments in cooperation with the national assessments developed by the Water Resources Council. The Framework process also calls for development of somewhat more detailed "Guide Plans" for each state, under state leadership and with Commission assistance. (The Maine, New Hampshire and Vermont Guide Plans are now underway.) These "Guide Plans" are specifically intended to constitute a guide to federal as well as state action - reminiscent to the land use and coastal zone bills - and are to be formally adopted by NERBC as elements of the CCJP. The Commission's strategy also provides for federal-state development of recommended management programs (Level "B" plans as defined by the Federal Water Resources Council) for subregions with unusually complex problems -- Southeastern New England, Long Island Sound, the Connecticut River Basin. Periodic reports are called for to recommend implementing priorities by state and major basin. Special studies such as power plant siting, offshore oil, flood plain management, dam safety and others, are designed to help focus regional resources on regionwide problems.

NERBC activities at the regional level serve several purposes. The regional assessment-framework effort provides information on regionwide needs and problems as a direct input into state planning

processes, and into federal policy and program development. The state guide plans constitute a framework for evaluation of water and related land management from a statewide viewpoint. Special studies, such as those analyzing potential inputs of offshore oil development and power plant siting, provide a factual basis for state and regional action on issues of regionwide significance. These regional analyses identify and may help to avoid and resolve interstate conflicts.

As noted previously, the Commission's program includes a sharp focus on the state as the basic unit for decision-making on use of water and related land resources. This emphasis reflects a conviction that sound management cannot be achieved unless there is explicit linkage between state water and related land planning and management activities and those of federal agencies; that the resource base cannot be effectively managed through uncoordinated activities of a number of levels of government; that integration of local, state and federal activities at the state level into a coherent natural resource management program must be achieved if the political process is to function effectively. The Commission's strategy also recognizes the necessity of conducting analyses and developing management programs on the basis of hydrologic and other physiographic regions. For water and related resources and uses particularly, management programs must be based on basin analyses, whether on intrastate or interstate basins. The prospects of public understanding and of effective political support can be substantially enhanced by making certain that state voters and elected public officials can evaluate basin management needs against the interests of the state and its political subdivisions. The Commission also serves as a continuing forum for interstate, federal-state and interagency federal coordination -- a forum for

exchange of information in needs, problems, current planning activities, potential conflicts, techniques and ideas.

The Commission may, and has, through studies and reports on state programs as well as in formal media, encouraged strengthening and coordination of state approaches to natural resources planning and management and has probably strengthened consideration of regional needs in administration of state programs.

An increasingly important function of the Commission is in providing services to its member states upon request. Special studies on power plant siting problems, offshore oil development proposals, dam safety, flood plain management, state coastal zone management structures are characteristically undertaken at a state's request.

The Commission has been of some help in developing a constituency of private citizens interested in regional natural resource issues. Commission sponsorship of conferences on specific issues of regional significance have helped establish patterns of cooperation among representatives of state, interstate and federal agencies and private interest groups.

Some Potential Contributions

An analysis of contributions NERBC might make to achieving the objectives of the pending land use, coastal zone and water quality legislation will necessarily be based on certain central policy assumptions:

- 1) prime responsibility for administering each of the new programs is vested in a federal lead agency (Department of the Interior for land use and probably coastal zone; Environmental Protection Agency for water quality);
- 2) each state is to develop plans and programs for management of its resources;
- 3) individual states are encouraged to cooperate with each other, and are encouraged to establish or make use of existing interstate mechanisms for such cooperation.

Given these basic assumptions, and the nature of the Commission's current activities, a number of observations on potential roles may be made.

If the states so choose, it seems clear that the Commission may be designated as a primary mechanism for interstate and regional cooperation in development of state land use and coastal zone management programs. Formal mechanisms do not presently exist for interstate cooperation in these fields. In water quality, the existing New England Interstate Water Pollution Control Commission (NEIWPC) already provides a mechanism for this field. NEIWPC is, of course, a member agency of NERBC.

NERBC activities relative to the new programs should be evaluated primarily from the standpoint of service to development of state programs; to a lesser degree as a service to the federal administering agency; and from the standpoint of the overall regional interest.

The Commission could relatively easily broaden its regional analysis (assessment-framework) efforts to develop information on regional land use and coastal zone problems and needs as an input to the development of state programs. These regional analyses presently incorporate all water uses and management activities and deal extensively with land use. The Long Island Sound and Southeastern New England studies, covering the coastal lands and waters of Massachusetts (except the Merrimack drainage) and Rhode Island, and the Connecticut and New York shorelines of Long Island Sound, are direct contributions to state coastal zone, land use and water quality in the study areas. Formal understandings should be worked out with the states to define relationships between state coastal zone and land use planning programs in these study areas to assure efficiency and economy. (Water quality planning relationships have already been clarified.) Relationships between state land use plans and the Connecticut River supplemental study, which focuses on flood management alternatives should also be defined. The need for and scope of any future joint basin planning programs proposed by the Commission should reflect fully the land use, coastal zone and water planning programs authorized by the new legislation. The Commission could, without modification of its current operating habits, undertake special studies on problems and needs of regional significance affecting state land use and coastal zone programs. The power plant siting and offshore oil studies are illustrative.

On the face of it, a case can be made that the interests of the region as a whole in land use and coastal zone management will be more effectively considered in development of state programs if information about regional needs and problems is in the hands of the states when they are formulating their state programs.

The Commission may also serve as a forum for coordination between the states, and between federal and interstate agencies and the states on connection with the new programs. The Commission serves this purpose for water and related land resources generally; has worked specifically toward this end with reference to the coastal zone; and has more recently undertaken to be of service for this purpose in the broader field of land use. The forum function is a "natural" for the Commission.

A third major category of Commission activities-- in addition to regional analysis, special studies and the general forum function -- may be considered under a concept of specific services.

The Commission may assist the states, and the region as a whole by providing both professional staff and a forum for discussion of ways to help correlate state planning strategies. While each state is unique, the chances of resolving interstate problems in land use, coastal zone and water quality management, and of getting a firm fix on regional problems and needs, may be enhanced if state programs are, in a sense modular. "Modular", that is, to the extent that land use or coastal zone planning for portions of interstate basins or estuarine regions or metropolitan areas can be evaluated against the interests of the entire planning region. And modular in the sense that land use, coastal zone and water quality plans covering overlapping interstate regions can be analyzed for total impact. Some consistency in approaches among the states to population and economic projection methodologies, in land use classification schemes and in information storage and retrieval systems would be helpful. A degree of cooperation in designation of substate planning regions will be necessary for many interstate

problem areas under each of the new programs. It would also be helpful to seek, both within and between states, common substate planning regions for purposes of all three programs to the degree feasible. This document, and the accompanying conference, suggest more detailed ways of encouraging intra- and interstate integration; the Commission can help serve this objective.

The Commission may also serve as a forum and use its professional staff to promote coordination in program administration by the responsible federal agencies. It may be possible, for instance, to develop within the region an unusual degree of correlation between planning horizons, application and reporting requirements, review processes, etc. among the three new programs, and perhaps other federally-assisted state natural resources planning programs as well. A possibility here -- possible assuming substantial delegations of authority to regional federal administrator as envisioned by the President -- may be a bloc grant to states for natural resources planning yielding federal support from several agencies through a single application.

It is conceivable that the states would find it desirable to develop a core regional technical staff, to provide at shared cost a regional resource of certain specialized disciplines. Such a staff unit could function as part of the River Basins Commission. As noted, existing staff of the River Basins Commission serves an informal technical assistance function now.

It is also possible that the Commission could work out with its member federal agencies mechanisms for organizing federal technical assistance services. There may be efficiencies both for

the states and for federal agencies in a regional federal technical assistance focal point for natural resources.

The Commission may also serve a natural function by assisting states in developing new interstate institutions for detailed planning and management activities. The water quality legislation will clearly lead to new basin management mechanisms; it is possible that such mechanisms may develop for coastal zone, and perhaps land use management. The Commission provides a natural forum for interstate cooperation in these circumstances, perhaps particularly for considering interstate mechanisms for both land and water where these seem sensible to the states.

On occasion, at the request of the states, the Commission may act in effect as a planning consultant, undertaking certain planning activities as inputs to the state plans. These would characteristically deal with interstate problem areas, and would necessarily be contracted for and funded individually.

Finally, the Commission may serve the states and the region by developing some process for reviewing and commenting on state plans and programs as they are developing, hopefully prior to formal transmittal to the administering federal agencies. This activity would presumably involve technical analysis by Commission staff, followed by a more policy-oriented commentary by Commission members. This function may also be construed as a service to the federal administering agency.

Constraints on Commission Contributions

In order for the Commission to undertake a major service function to the region in the context of the land use, coastal zone and water quality legislation, it is clear that additional financial resources will be required. The language of the three bills suggest that the states may make use of the Commission for appropriate purposes if they wish; and that the Commission could be funded to perform such services under the cost-sharing provisions of the individual bills. In other words, we assume that the states may transfer to an interstate agency such as the Commission a portion of the planning and program development funds it receives under each federal program, accompanied by the required state matching funds, to perform certain tasks contributing to meeting requirements of the legislation.

It is possible that both policy and legal questions may be raised on this point requiring negotiation in Washington. It is also clear that the Commission may not expand its basic authorities through this route--that is, the Commission is a planning and coordinating agency, not a management or regulatory agency, and cannot be made such without amendment to the Water Resources Planning Act. We assume, however, that the Commission's current concern for "water and related land resources" is broad enough to permit it to perform the planning and coordinating services mentioned here without amendment.

Relevance of the Federal Regional Council Concept

The Nixon Administration is pursuing a conscious policy of strengthening coordination in the delivery of federal services within interstate regions. The President has established federal

regional councils, organized along uniform interstate regional boundaries, across the nation. These councils are organized primarily for improving the administration of federal programs in the human resources area. The Office of Management and Budget has also been exploring the concept of federal regional natural resources councils, to secure more effective coordination and administration of federal natural resources programs. Such councils exist on an experimental basis in the San Francisco Bay area, in the Pacific Northwest, and in the Southeast.

Serious consideration should be given to the possibility of securing more intensive coordination of federal natural resource programs in New England including both direct federal program activities and administration of federal grant programs.

Since NERBC already has a statutory coordinating function relative to water and related land resources planning, some thought should be given to whether the Commission may not also be used to secure the objectives of the experimental federal natural resources councils in program administration generally. This subject has been discussed on two occasions by representatives of the Office of Management and Budget, the chairmen of other River Basin Commissions, and staff of the Water Resources Council. The process is continuing; no firm conclusions have been reached.

The present federal regional councils functioning in the human resources area draw their authority from an Executive Order of the President. Similarly, NERBC is established by an Executive Order under authority of the Water Resources Planning Act.

A de facto federal natural resources council could be established in New England by an Executive Order authorizing and directing the Commission chairman and all (or selected) federal members to perform the functions of such a body, either as federal members of NERBC or as federal officials upon whom the President places an additional responsibility. In effect, this would have the Chairman and the federal members functioning both as a federal regional natural resources council for purposes of federal program coordination, and as members of NERBC for those activities authorized by the Water Resources Planning Act.

It is useful to note that under existing law, the chairman serves both as chairman of the Commission and as coordinating officer of the federal members for purposes of the Water Resources Planning Act (P. L. 89-80, section 202(a)).

Should the state members desire, a parallel structure for coordination of state viewpoints vis a vis the administration of federal programs could be built around the Commission vice chairman. As provided by the Water Resources Planning Act, a vice chairman is elected by the state members of each Commission, who serves as chairman and coordinating officer of the state members. Commission staff might presumably be assigned to the vice chairman for this purpose.

There is some danger in creating a federal-state split within an institution which is designed to secure cooperation and coordination between federal and state programs. The Commission would want to consider this and other questions carefully. On the other hand, a federal program coordinating structure related to the chairman

and federal members of the Commission may be more accessible to state officials than an unrelated federal regional natural resources council.

Suggestion for Evaluating NERBC Role

We have already noted basic policy thrusts of the new bills:

- 1) federal responsibility vested in a lead agency;
- 2) the state as the principal decision-maker;
- 3) encouragement for interstate cooperation.

Commission activities should be appraised on the basis of whether they contribute to realizing the objectives of the bills in ways consistent with these thrusts. Commission activities should also be evaluated against certain key characteristics of the Commission:

- the nature of the chairmanship, i. e., a Presidential appointment with a statutory federal coordination responsibility;
- representation of regional officials of federal agencies;
- the nature of the vice-chairmanship, i. e., elected by the state members with a statutory authority to coordinate;
- state representation through gubernatorial appointees;
- professional staff jointly supported by states and the federal government;
- the policy declaration in the Planning Act emphasizing "optimum development of the Nation's natural resources" and "comprehensive, coordinated joint planning" for water and related land resources;

- a statutory charge to the commissions to serve as the "principal agency" for coordination of water and related land resources plans by all levels of government and the private sector;
- a statutory responsibility to prepare a comprehensive, coordinated joint plan for water and related land resources, acting in large part through federal and state agencies with competence in specific fields;
- statutory authority to recommend priorities, and to undertake special studies of water and related land resource problems.

Other Regional Resource Agencies

Discussion of the potential roles of the New England River Basins Commission brings to attention roles of other regional agencies in the management of the natural resources of the region. Since it is a theme of this paper to suggest to the states ways of integrating natural resource planning programs at the state level, a similar analysis of regional agencies seems in order. In addition to NERBC--specifically discussed in this staff paper--two other regional agencies have well established roles in resource management in New England, the New England Regional Commission and the New England Interstate Water Pollution Control Commission. The Regional Commission has a broad charter for strengthening the regional economy. It consists of a Presidential appointee and the New England Governors. Its legislative authority (The Public Works and Economic Development Act of 1965) specifically authorizes the Commission to study and to take steps to strengthen the management of natural resources. The Commission has done

so in a number of ways, under its research, demonstration, planning assistance and supplemental grant authorities.

NEIWPCC has authority to promulgate water quality standards on interstate waters, conduct research, facilitate exchange of information, and is embarked on a major wastewater treatment plant operator training program. It is seeking authority for enforcement and monitoring.

These agencies, and others, have important potentials which should be fully explored and exploited.

It is suggested, therefore, that an analysis be undertaken of these and other regional agencies. Their activities and the manner in which they may be strengthened and better coordinated are an obvious subject for study.

APPENDIX A
SELECTED EXISTING FEDERAL
PLANNING ASSISTANCE PROGRAMS

One of the first facts to be encountered in an investigation of federal domestic assistance programs designed to aid the planning efforts of the various regional, state, and interstate agencies is the difficulty of differentiating among programs authorized for "planning", "program" development, "research" and "demonstration". Planning can involve all of these, of course, and a well-managed resource planning program will probably include aspects of each. There are some assistance programs, for example, which offer monies strictly for planning assistance. The Bureau of Outdoor Recreation's state planning grants and EPA's Water Quality Management Planning sec. 3(c) grants are of this type. There are also grants for programs, e.g. HUD "701" and EPA water pollution control program sec. 7, which provide partial support for total programs, of which planning, per se, may only be one small part.

Research programs such as the Title II programs of the Office of Water Resources Research of the Department of the Interior may provide funds for studies directly related to a state or other agency's planning effort. Likewise monies for demonstration projects, cooperative efforts between state and federal agencies, and even certain construction grants may include "planning" assistance.

In a related manner, it is often difficult to distinguish between comprehensive and detailed functional planning. As a general rule of thumb, therefore, one must be careful and precise when

discussing his meaning of the term "planning". This rule applies most appropriately when discussing the types of federal assistance programs available for local, state and regional agencies, and the type of activity being carried out in functional agencies.

With these thoughts in mind, the following discusses the range of a selected number of programs available from various federal agencies to assist the planning efforts of state natural resource agencies in the Commission's region. It will primarily cover those programs through which states can receive financial assistance for planning purposes. Obviously, there are other forms of assistance, technical and otherwise, which concern a much wider range of federal agencies and perhaps deserve more consideration than possible in this paper. Corps of Engineers studies, and cooperative work with the Department of Agriculture's Soil Conservation Service are two notable examples. Some of these will be alluded to during the discussion. Among the financial assistance grant programs, however, those considered to be the most important in terms of size of direct financial assistance to state water and related land planning efforts are the following, by agency:

Selected Federal Planning Assistance Programs

Dept. of Housing and Urban Development -
"701" Comprehensive Planning Assistance

Dept. of Interior -
Bureau of Outdoor Recreation: Outdoor Recreation
State Planning Assistance
Office of Water Resources Research: Title II
Research Grants

Environmental Protection Agency -
Solid Waste Planning Grants
Air Pollution Control Program Grants
Water Pollution Control State and Interstate Program
(section 7) Grants
Water Pollution Control Comprehensive Basic
Planning (section 3(c)) Grants

Dept. of Agriculture -
Farmers' Home Administration: Comprehensive
Areawide Water and Sewer Planning Grants

Dept. of Commerce -
Economic Development Administration:
New England Regional Comm. Development
District Program
Economic Development-Planning Assistance

Water Resource Council -
Title III Water Resources Planning Program

All of these programs have had some impact on planning efforts in New England and New York. Individually, they have been directed at developing a plan or planning program in various areas of water management (primarily water supply and pollution control) as well as programs in land planning, solid waste and air quality control management, economic development and recreation.

As might be expected, not all monies from certain programs are used in similar manner by participating states. Furthermore, the eligibility of agencies varies. As a matter of fact, among the New England states there is some divergency in the type of agency which receives the money; some programs' resources are not tapped at all in some states. Other programs have not yet developed in terms of the financial resources authorized to permit agencies at all eligible levels of government to participate in the programs.

Chart Eligibility of Existing Federal Planning Assistance Programs

<u>Program</u>	<u>Federal Administrator</u>	<u>Eligible Agencies</u>			
		<u>Inter-state</u>	<u>State</u>	<u>Regional</u>	<u>Local</u>
"701"	HUD		*	*	*
Water Resource Plng.	WRC	*	*		
Water Quality Mgt. sec. 3(c)	EPA		*	*	
Water Pollution Control sec.7	EPA	*	*		
Solid Waste Planning	EPA	*	*	*	*
Air Pollution Control	EPA	*	*	*	*
Outdoor Recreation Plng.	BOR		*		
Water & Sewer Plng.	FHA		*	*	*
Water Research	OWRR		*	*	*
Development Districts	EDA			*	

Source: Federal Domestic Assistance Catalogue, Office of Management of Budget

The above table dramatizes the key role of the state in the participation of these programs. With the exception of the EDA development program, the state is the only level involved in all programs. Local and regional agency participation in some programs is constrained by eligibility requirements; other programs are not presently active at these levels. For example, 3(c) funds are now in use only at the regional level in

the New England Region, and only by two or three agencies; solid waste programs at the regional level exist in only one region and have not yet been utilized by local government. Likewise, water research money has been a small part of the total planning effort and in only two or three states since its inception. Therefore, most programs which contribute substantially to the comprehensive water and related land planning program in the region focus chiefly on the states.

The chart on pages 1-3 and 1-4 provides a thumb-nail sketch of these programs, their characteristics and requirements. It includes the authorization and objectives of each, the use to which the money may be put, the preapplication coordination required, matching or formula considerations, and the range and size of grants.

There are other conclusions that can be drawn from this chart. For instance, assistance is available through a number of different federal agencies. That is, it is possible for one state's water resource planning agency to obtain money from EPA, OWRR (Office of Water Resources Research), FHA, HUD and the Water Resources Council. Slightly different in purpose and use to which it can be put, each provides one or more elements to an agency's planning program.

For most planning assistance programs, provisions are made for coordination only before the application for assistance is submitted through the Office of Management and Budget's Circular No. A-95, as revised. These procedures deal with a whole range of federal programs, not just those in water and

related land use planning. As will be seen later, some states are viewing these procedures not just as another red-tape necessity, but as an opportunity to coordinate their range of state programs and as a part of a monitoring system for program implementation.

There is also a great deal of variation in the formula or matching requirements of these programs, only one sign of the potential confusion of application preparation for a number of programs. Although many of these discrepancies among programs exist for understandable reasons, it is nonetheless clear that the time is approaching when new procedures in grant administration will be appropriate. In fact a number of initial attempts are now being initiated by federal agencies to bring about some degree of coordination/integration into the existing assistance programs. Some of these will be mentioned in the next section.

It should be mentioned that there are a small number of other programs, which, for particular states, also play significant roles in supplementing the financial resources available for state and regional planning. In Maine (and possibly in the near future in New York State) funds from so-called Dingell-Johnson and Pittman-Robinson Fish and Wildlife restoration programs are being used to evolve a continuing planning process in fish and wildlife. These funds are administered through the Dept. of Interior's Bureau of Sport Fisheries and Wildlife. The significance of the State of Maine's program, in which a major data information system is being developed, is far-reaching. Although a federal program is not authorized primarily as a fish and

wildlife planning grant program, research and coordination are considered legitimate activities. Perhaps other similar programs will be developed in other states or through other federal programs.

In other programs, the Corps of Engineers participates directly with the State of New York, quite uniquely, in providing planning services each year. Authorized through the Rivers and Harbors Act of 1965, this program provides a useful supplementary series of studies which can contribute substantially to the State's total planning program for water and related resources. There are other unique programs through other federal agencies which affect resource planning in the New England region. Some of these are discussed in Appendix B. These are in addition to the ongoing activities of a number of other federal agencies which contribute technical assistance and data and participate directly in state, areawide and local programs. The exclusion of these latter programs in no way implies their lack of importance to the total resource planning effort in New England.

APPENDIX B

NATURAL RESOURCE PLANNING PROGRAMS OF THE STATES

State resource planning programs are the result of initiatives taken by the agencies of the respective states, often with the encouragement provided by federal programs, such as those described in Appendix A. The purpose of this section is to summarize the major planning programs currently underway in each state, to identify the agencies primarily responsible for these planning efforts, and to show which federal planning programs provide assistance. Supplementary data at the end of this appendix will show the funding through each of the federal planning assistance programs to each of the region's states in fiscal years 1971 and 1972.

It is difficult and perhaps unwise to attempt to generalize about the resource planning programs of the various states even in as supposedly homogenous an area as that of New England and New York. As noted, there is a wide range of experience in these planning programs, a reflection of the number of alternative organizational structures for planning and inherently different set of priorities on resource issues. To a large degree, and despite the common influence of federal programs, the character of each state's total approach to resource planning is as much a function of each state's perception of resource issues and degree of leadership or organizational expertise as it is of any other factor. Furthermore, it can be argued that many states have preceded overtures from the federal government attempting to coordinate their programs. Many of the region's

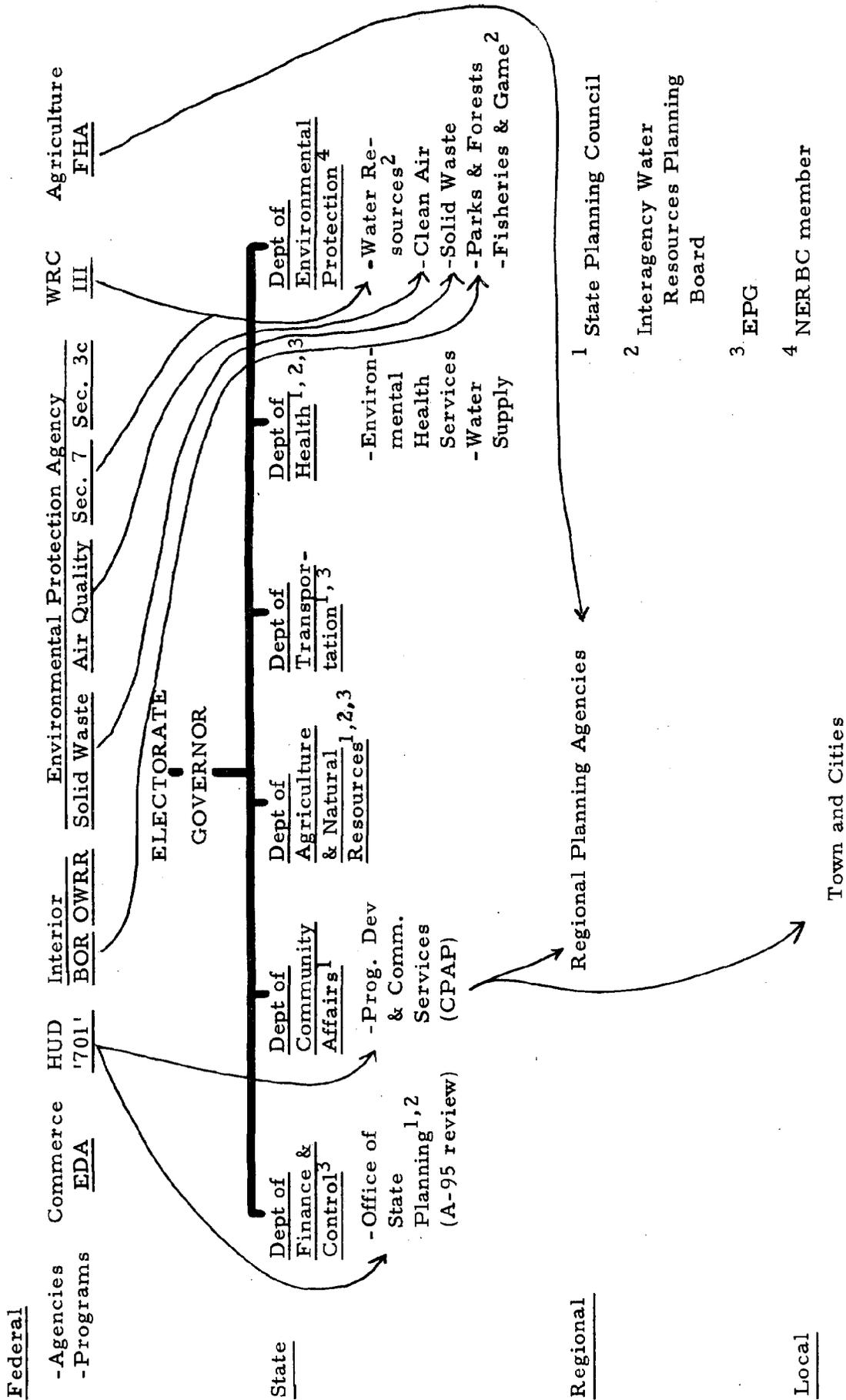
states, for example, are presently undergoing at least a partial reorganization process and can point to increasing day-to-day coordination of planning efforts among agencies.

This short review will draw attention to the common and unique features of each state's approach and underline the major issues facing each. In addition to the reorganization that has occurred in most states, the development of environmental agencies designed to consolidate related environmental programs and the role of so-called offices of state planning as primary coordinating agencies at the state level have been common features. In a couple of instances, innovations involving functional programs demonstrate that state government can play the major role in resource planning being asked of it by the present federal administration. Each state, however, independent of its programs and approach, has a unique and informative story to relate about its unique approach.

Connecticut

Gradual and deliberate evolution of a statewide planning effort characterizes the recent history of Connecticut's program in water and related land planning. The Office of State Planning, located in the Department of Finance and Control is responsible for overall coordination for other state's planning efforts. It prepares statewide and interregional plans and defines logical planning regions and assists in their formation and with technical services. It also carries out A-95 review procedures at the state level. The Department of Community Affairs houses the local assistance programs. Regional planning agencies, however, deal directly through the Office of State Planning. In addition to

CHART B-1



STATE OF CONNECTICUT ORGANIZATION FOR LAND AND WATER RESOURCE PLANNING AND FLOW OF FEDERAL PLANNING ASSISTANCE

HUD funds and state and local contributions, their support has come from transportation planning grants and, in a few cases, from Farmers Home Administration Water and Waste Disposal Planning Grants.

Other major actors in Connecticut's planning programs include the recently organized Department of Environmental Protection. In this department, the previous planning and program development functions of the Water Resources Commission are included with those of air quality control and solid waste management. This Department also combines major sections of the Department of Agriculture and Natural Resources and the Department of Health. Not unlike patterns evolving in other states, the Department is divided into two sections, environmental quality and conservation preservation. Open space planning, therefore, once conducted through the Department on Agriculture and Natural Resources is now included in the new Department. The new Department also conducts the state's water quality program and was directly responsible for the solid waste management planning. As a result of the latter, a unique approach to waste management is being established in Connecticut. Briefly, this approach exploits the potential role of solid waste in energy production and will feature substantial participation by the private sector.

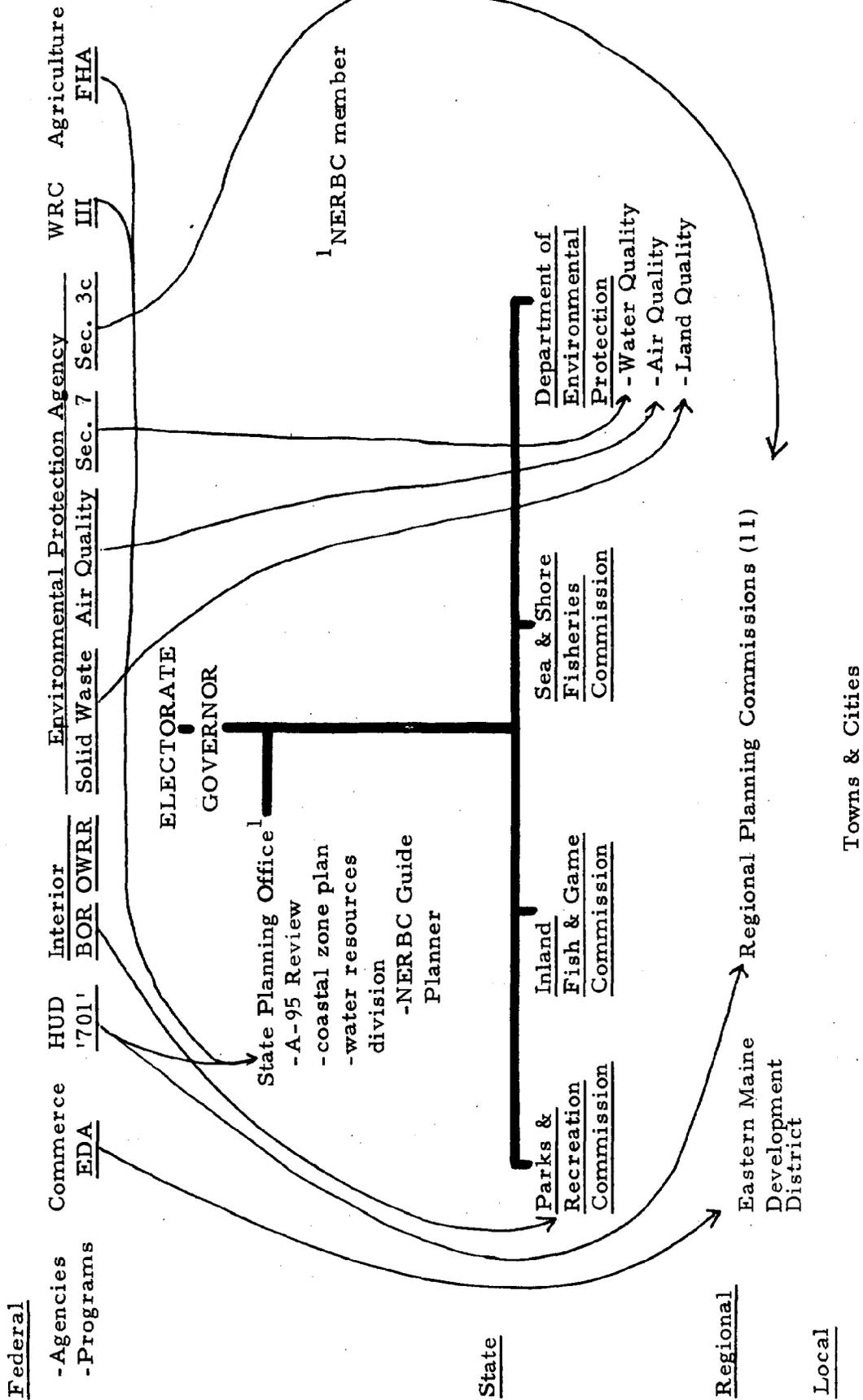
The Departments of Health and Transportation have played key roles in the state's Interregional Planning Program, and serve, with a host of other state agencies on the so-called State Planning Council, which has been relatively inactive since its formation under the state's present administration. Recently,

however, the Environmental Planning Group of the Council has been activated. This group draws together a number of people in the environmental field, including the Commissioner of Agriculture and Natural Resources and representatives of the Departments of Transportation, Community Affairs, Finance and Control, Health, and the Development and Research Commission. A more active coordinating group is the Interagency Water Resources Planning Board comprised of members from Water Resources, Health, Fisheries and Game and the Office of State Planning. This Board, through its technical staff, is preparing a long-range plan for the management of the state's water resources.

Maine

Major state government reorganization has also taken place in the State of Maine. The State Planning Office, serving as staff to a legislative research committee and the Governor of Maine produced a report recommending major departmental reorganization. Subsequent legislation resulted in the implementation of most of the major recommendations during the last session of the legislature, including seven new departments. The seven new departments are Agriculture, Commerce and Industry, Environmental Protection, Finance and Administration, Educational and Cultural Services, Manpower Affairs, and Transportation. A Department of Natural Resources, recommended by the State Planning Office, was not implemented by the legislature. The Department of Natural Resources would have included four existing natural resource agencies. New legislative proposals regarding this new Department may include all four, or any combination of these four agencies. The following chart portrays major agencies

CHART B-2



STATE OF MAINE ORGANIZATION FOR LAND AND WATER RESOURCE PLANNING AND FLOW OF FEDERAL PLANNING ASSISTANCE

currently involved in water and land use planning, as well as the sources of federal assistance to their programs.

The State Planning Office reflects what appears to be a growing practice in being attached directly to the Governor's office, a location which emphasizes its role in short-range as well as long-range functional planning. A major accomplishment of the State Planning Office has been the development of official Planning and Development Districts, which were adopted by Executive Order of the Governor on January 26, 1972. These 8 districts coincide with the major river basins of the state, deviate only slightly from county boundaries, and are concurrent with the boundaries of the regional planning commissions. They are designed to serve as a focal point for the coordination and integration of planning efforts at local, state, and Federal levels of government.

A major coastal zone management planning study is being conducted through the Office of State Planning. An overview analysis has been conducted for the entire shoreline area of the state, and a pilot area study project on Penobscot Bay, involving 11 towns has been completed. It is anticipated that this study may serve as a prototype for similar, detailed coastal studies along the entire Maine coast.

At present, the New England River Basins Commission has a Guide Planner working on a guide plan team made up of members from the Department of Environmental Protection of the State Planning Office and the Water Resources Division. The "guide-

planner" concept provides a vehicle for helping states to develop guide plans as elements of the New England water resource plan. During the first year of the two-year program, the guide planners in the three northern states are assisting these states in meeting basin plan requirements of HUD and EPA.

Responsibility for the protection of Maine's major resources is vested in the new Department of Environmental Protection, which consists of three major divisions: air quality control, water quality control and land quality control. In each of these reside planning and resource programs for air and water quality as well as solid waste management.

As in Vermont, Maine has recently initiated several land-use control programs which are currently administered by the Department of Environmental Protection. These include the Site Selection Act and the Mandatory Zoning and Subdivision Control Act. Under the Site Selection Act, all development proposals greater than 20 acres in size are subject to the approval of the Department of Environmental Protection. Under the Mandatory Zoning and Subdivision Control Act, local communities must zone all shoreland areas within 250 feet of a navigable body of water by July 1, 1973. The state may impose zoning standards on communities which fail to implement zoning by that deadline.

The Parks and Recreation Commission receives BOR planning funds and has recently completed a comprehensive state recreation plan which gives the state 5 years' eligibility for receiving BOR funds.

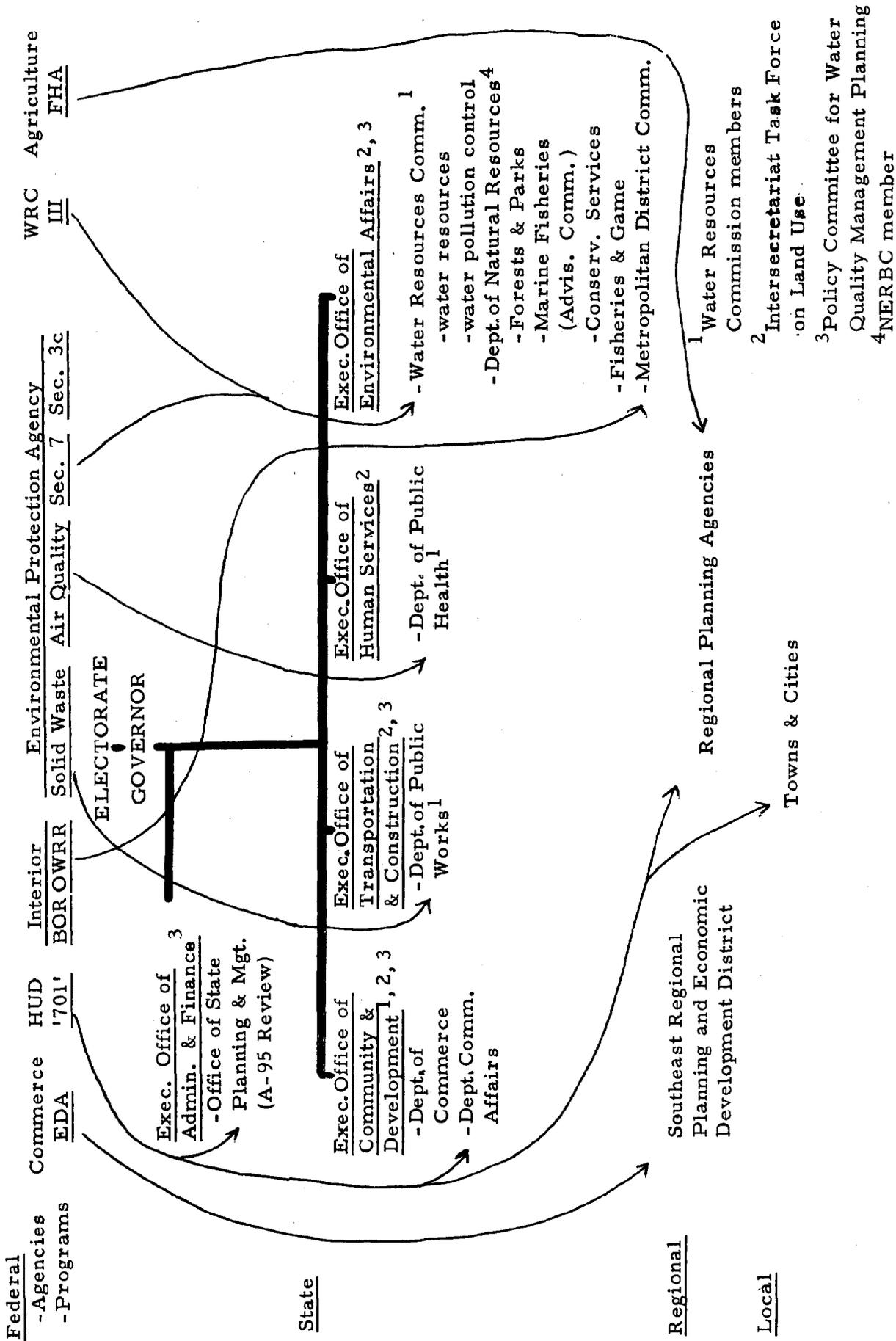
A major planning effort is growing around the unique efforts of two other departments, Inland Fish and Game and Sea and Shore Fisheries. Through imaginative use of program funds from fish and wildlife restoration acts, data and planning efforts are being developed on a computerized statewide basis. The backbone of the computerized data system is called the MIDAS (Maine Information Display Analysis System) System. In order to integrate MIDAS capabilities with the data and planning needs of other state agencies, the administration of this system is being transferred to the jurisdiction of the State Planning Office.

Massachusetts

Reorganization is the key word to describe the current stage of program development in the Commonwealth. Sweeping changes are being proposed for most of the state government structure; ramifications of these changes are exemplified in the resource fields. The nature of the 1969 reorganization has been that existing departments have continued with their functions and names although placed differently in the state organizational structure. Further changes in functions and structure now await redefinition by individual secretaries of the Executive Offices.

Planning efforts to date have been undertaken with the assistance of the federal programs itemized on Chart B-3. Recently, coordination among agencies is occurring under the Governor's initiative for both water quality and land use programs. As the diagram indicates, for example, federal planning assistance is provided to a number of agencies or departments of the Commonwealth with coordination now vested in a set of interagency policy committees and technical staffs.

CHART B-3



COMMONWEALTH OF MASSACHUSETTS ORGANIZATION FOR
WATER AND LAND RESOURCE PLANNING AND FLOW OF FEDERAL PLANNING ASSISTANCE

HUD '701' funds, which have formed the basic planning program funds for statewide planning efforts throughout the country have not been used in Massachusetts to develop a statewide land use plan or coordinated planning program. Although HUD money does funnel down to a series of regional planning agencies formed on a multi-town basis, through the Department of Community Affairs of the Executive Office of Communities and Development,¹ '701' funds for the Office of Administration and Finance are currently being used to assist the reorganization process of state government itself. These funds are supplemented by grants from the New England Regional Commission. The ultimate structure that this reorganization will take is unknown at this time; hopefully, the continual integration of state and regional planning efforts (with federal assistance programs) will be one element of this reorganization.

Regional planning agencies, the recipients of HUD '701' money plus a very small amount from the Commonwealth, receive a large share of their funding through the United States Department of Transportation, administered through the Office of Transportation and Construction. It is this regional level at which the integration of water and land planning are being integrated.

In the Office of Environmental Affairs reorganization has brought the Water Resources Commission, one of the unifying bodies of state water resource planning, into the Department of Natural

¹ Uniquely, one of these regional bodies, the Metropolitan Area Planning Council, can, through state charter, deal directly with Federal agencies, thereby bypassing state administration.

with a number of other agencies. The Commission's membership includes a representative from the Department of Public Works, the Department of Public Health, the Agriculture Department as well as from the Department of Communities and Development, the Natural Resources Department and the Metropolitan District Commission. The functions of the Conservation Services Division, including the preparation of the statewide recreation plan (BOR), are also incorporated into Natural Resources. Comprehensive areawide water and waste disposal plans which serve as partial requirements for federal funding for pollution control facilities, are being conducted at the regional planning level mentioned earlier. These studies are being carried out through the cooperative efforts of the Soil Conservation Service of the Department of Agriculture and its River Basin Program.

A different story emerges, however, in the consideration of the location of air and solid waste programs at the state level. Major state responsibility for air quality presently resides with the division of Environmental Health of the Department of Public Health. The state's Solid Waste Planning Program is situated in still another department, that of public works, itself the recipient of federal funding. Finally, one of the regional agencies in Massachusetts is the only regional agency of its type of New England that has a federal solid waste planning grant.

A signal of the future direction of organization within the Office of Environmental Affairs is represented by the suggestion for reorganization presently being considered by the Water Resources Task Force on Environmental Reorganization. A recent public discussion of the task force's preliminary recommendations indicated that integrated planning may become a much more central function in the Office's program. That is, a number of resource programs, including those of agriculture, land, water, open space and ocean and coastal resources, would be placed side-by-side and coordinated through a common planning program. Under the task force's recommendation, water quality and water resource management would become major program elements. A third level of the state's resource program would be regional delivery systems for specific services in water quality, supply, flood control, navigation, etc. A chart portraying this proposed structure is shown on the following page.

Interagency coordination is occurring at both a policy and technical level in Massachusetts. A new Intersecretariat Task Force on Land Use has been established which includes five of the executive offices shown in Chart B-3. A working group for this task force includes staff members from the Department of Community Affairs and Office of State Planning and Management.

A Policy Committee for Water Quality Management Planning was established on an ad-hoc basis for developing a coordinated application for EPA funds. It consists of the Executive Offices of Communities and Development, Administration and Finance, Environmental Affairs, and Transportation and Construction. Its technical committee includes staff from the Departments of

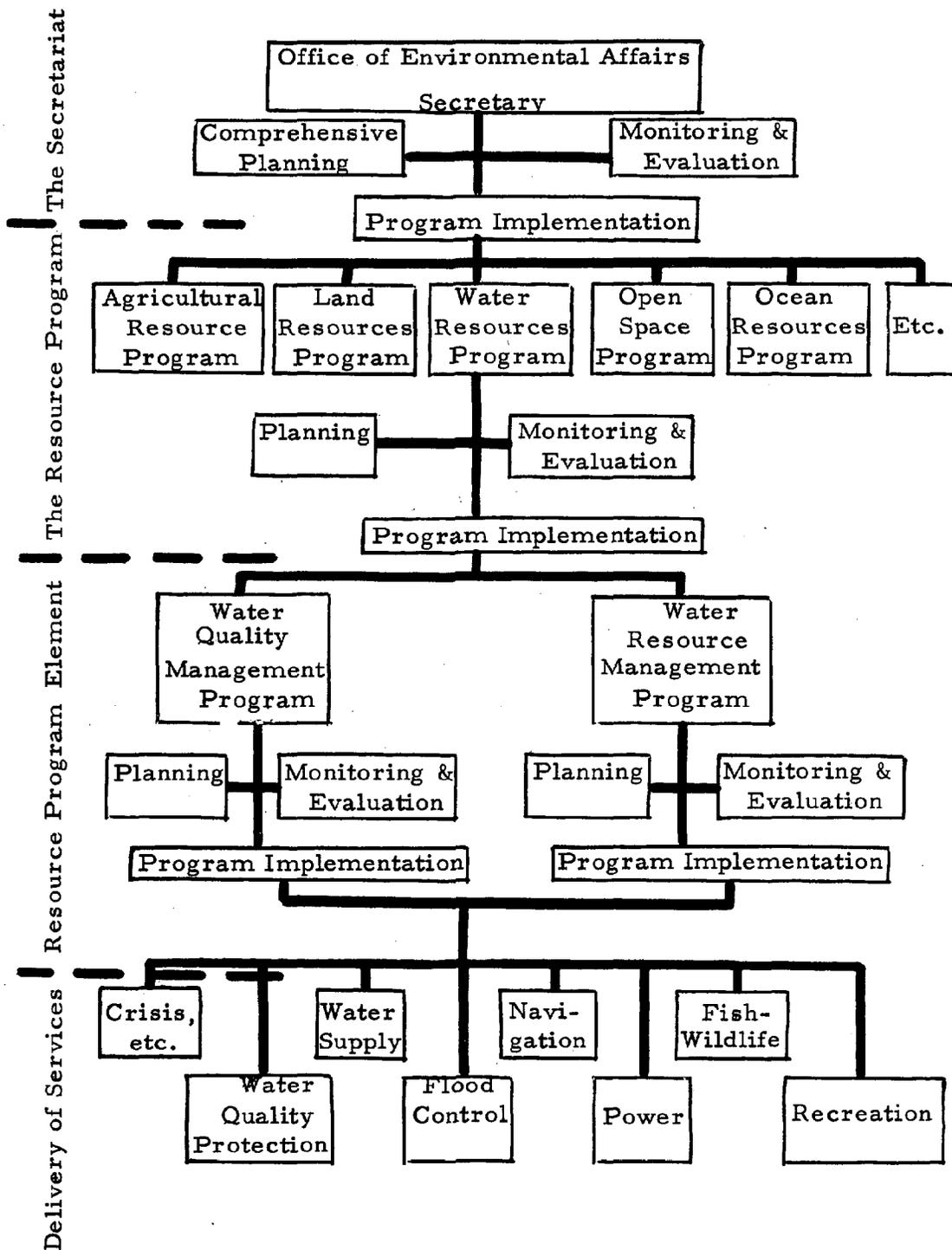


Chart B-4 Proposed Water Resources Program of Office of Environmental Affairs

Source: Adapted from Water Resources Task Force on Environmental Reorganization, Preliminary Report, June ,1972 Figure 4.

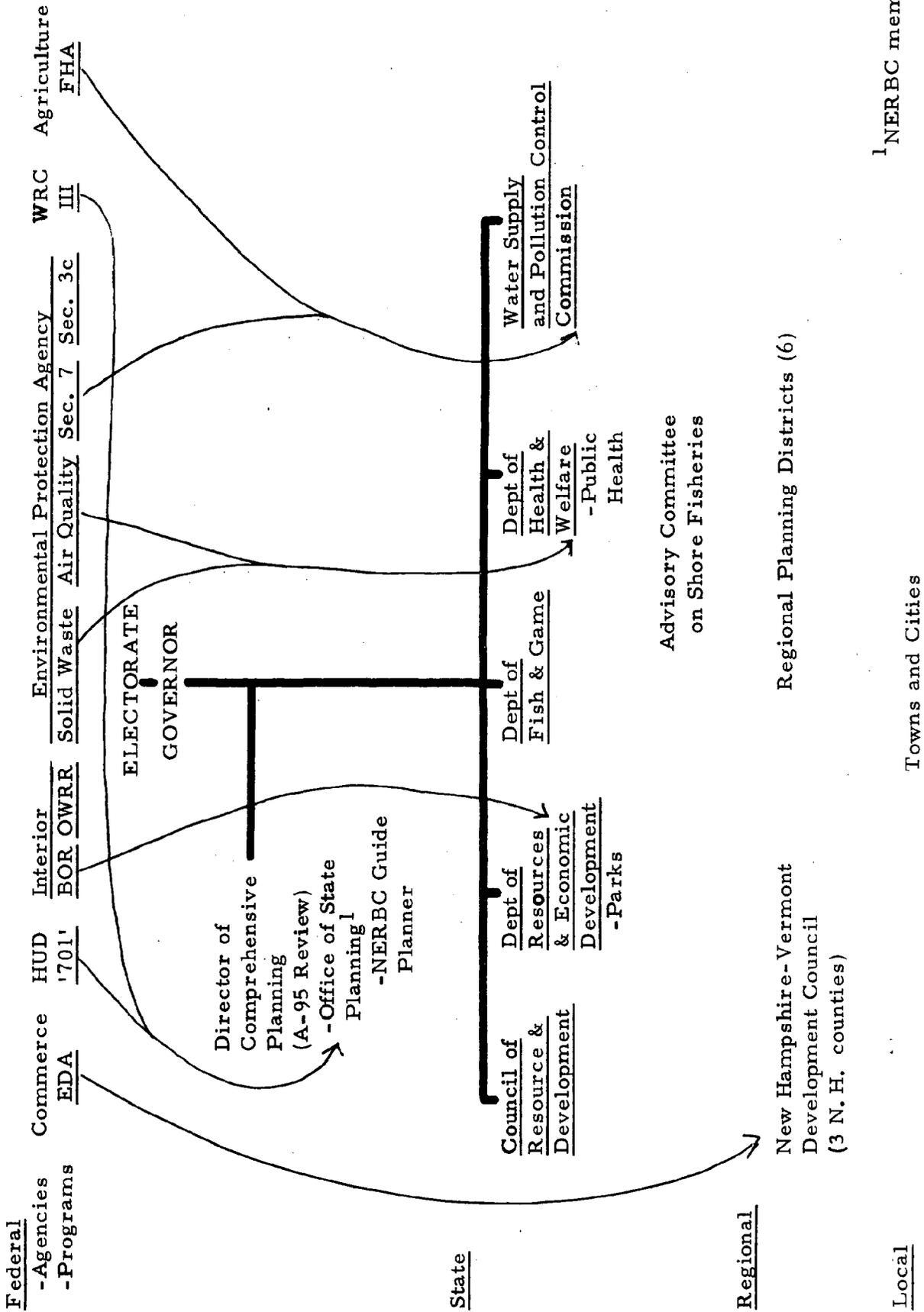
Commerce and Development and Community Affairs, State Planning and Management, the State Water Resources Commission, the Departments of Natural Resources, Public Works, plus each of the twelve regional planning agencies.

A final word about the state's reorganizational process. The ten cabinet departments, created to consolidate the functions and activities of over 300 agencies, boards and commissions, have each been given two years to develop legal changes and adopt responsibilities which will be the foundation for the real reorganization of Commonwealth government. Until further information on the ultimate complexion of these changes is known, it is difficult to predict the overall effect on the state's water and land resource planning programs and their eventual integration.

New Hampshire

The structure of government in New Hampshire does not correspond directly to any of those outlined in other states. There are common elements to some programs, however. For instance, the Office of State Planning is statutorily attached to the Governor's office, under the supervision of Director of Comprehensive Planning, a non-statutory position new to this administration. The Director of Comprehensive Planning oversees the '701' funded and state-funded activities of the several regional planning districts of the state, and performs the A-95 review. The remainder of the resource planning structure varies from that in other states.

CHART B-5



NEW HAMPSHIRE ORGANIZATION FOR LAND AND WATER RESOURCE PLANNING
AND FLOW OF FEDERAL PLANNING ASSISTANCE

There are five major departments through which most of the state's natural resource planning programs are carried out. The Office of State Planning exercises a supervisory function over resources planning. In the Department of Resources and Economic Development, the previous home of the Office of State Planning, outdoor recreation planning is conducted. In addition, that department supervises forest and park planning for the state. At the Department of Health and Welfare, in the Division of Public Health, both the state's air quality and solid waste management programs are being carried out. The major water programs are administered by a third department, the Water Supply and Pollution Control Commission. Importantly, however, the comprehensive planning functions of this Commission have been carried out with and by the Office of State Planning with whom it has a close working relationship. The Fish & Game Department maintains a planning function in relation to 1) stream bank acquisition; 2) wildlife management; 3) maintenance of natural habitats and feeding grounds.

With Vermont, New Hampshire participates in an EDA program for its northern area. The joint state Development Council, a private, non-profit corporation and administering agency for the New Hampshire-Vermont Economic Development District, serves as a policy body to stimulate development of this district.

Recently, the State's regional planning districts were reduced from 17 to 6 and the new districts have just begun to become operational. The ultimate relationship between these districts

and statewide planning is evidently awaiting final decisions on reorganization of the state planning functions.

New Hampshire has a Council of Resources and Development which functions as an inter-agency coordinating body, and reviews all sales of surplus state land. The chairman is the Director of the Office of State Planning.

NERBC's Guide Planner in New Hampshire is attached to the Office of State Planning, which is the recipient of both HUD comprehensive planning assistance and Water Resource Council Title III funds. As mentioned earlier, it also carries out comprehensive basin planning for water resource programs in the State.

Finally, sponsored by a grant from the New England Regional Commission and the National Science Foundation, a coastal resources plan is also currently being prepared in the Office of State Planning.

New York

One of the first states to reorganize its environmental programs was New York. As will be seen, most of the resource planning programs dealt with in this report are now located in the State's Department of Environmental Conservation. New York's state planning program has been developing for over the past decade. The Office of Planning Services, the successor to the original Office of Planning Coordination, is located in the Governor's office, and presently serves a coordinating role, especially

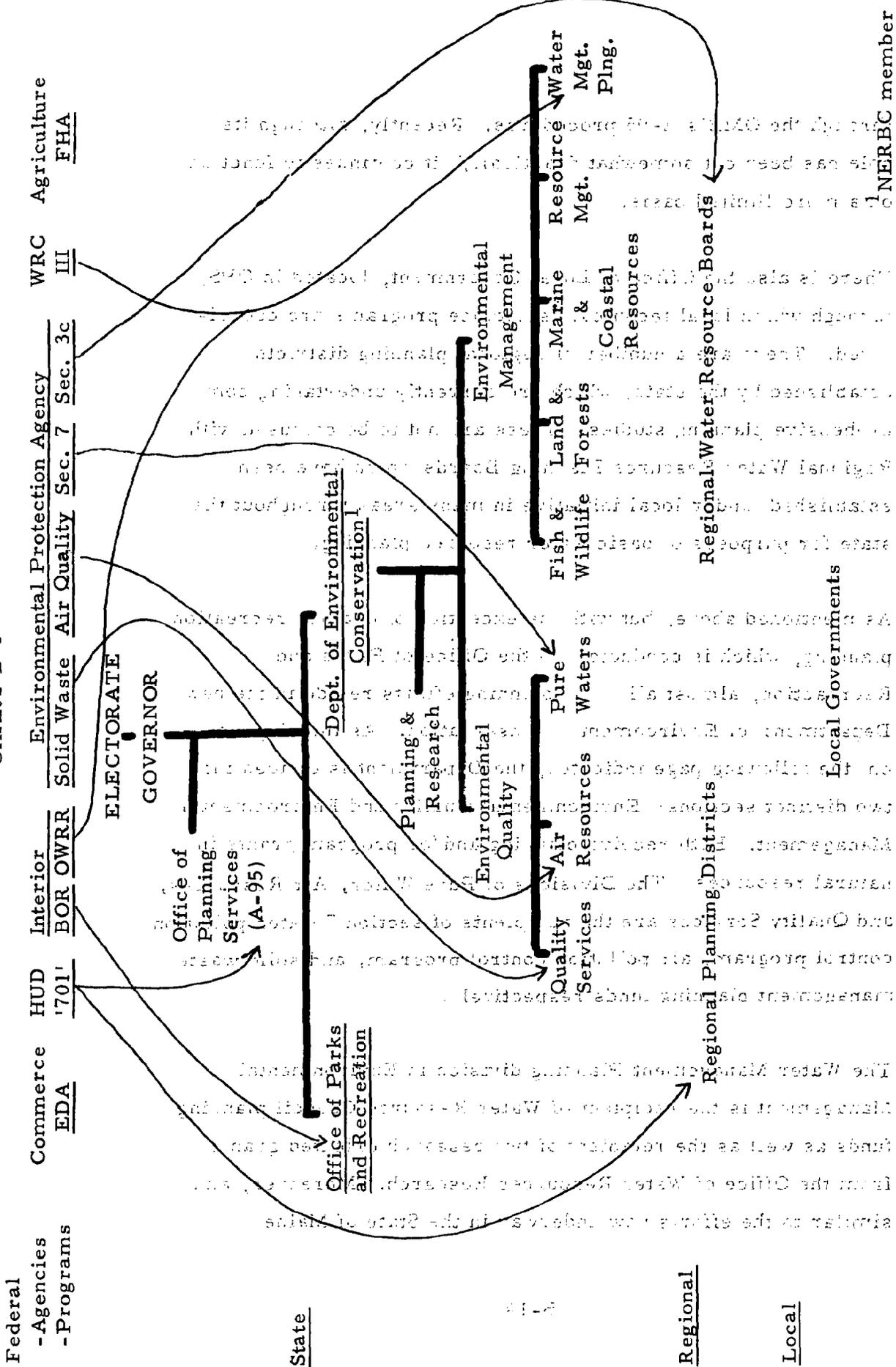
through the OMB's A-95 procedures. Recently, although its role has been cut somewhat drastically, it continues to function on a more limited basis.

There is also the Office of Local Government, located in OPS, through which local technical assistance programs are coordinated. There are a number of regional planning districts established by the state, which are currently undertaking comprehensive planning studies. These are not to be confused with Regional Water Resource Planning Boards which have been established under local initiative in many areas throughout the state for purposes of basic water resource planning.

As mentioned above, but with the exception of outdoor recreation planning, which is conducted in the Office of Parks and Recreation, almost all planning efforts reside in the new Department of Environmental Conservation. As the diagram on the following page indicates, the Department is divided into two distinct sections: Environmental Quality and Environmental Management. Both receive planning and/or program grants in natural resources. The Divisions of Pure Water, Air Resources, and Quality Services are the recipients of section 7 water pollution control program, air pollution control program, and solid waste management planning funds respectively.

The Water Management Planning division in Environmental Management is the recipient of Water Resource Council planning funds as well as the recipient of two research oriented grants from the Office of Water Resources Research. Moreover, and similar to the efforts now underway in the State of Maine,

CHART B-6



NERBC member

STATE OF NEW YORK ORGANIZATION FOR LAND AND WATER RESOURCE PLANNING
AND FLOW OF FEDERAL PLANNING ASSISTANCE

proposals are being made to launch a planning program in Fish and Wildlife, using federal fish and wildlife resotration funds plus anadromous fish act funds administered by the federal Bureau of Sports Fisheries and Wildlife.

Legislation creating the Department of Environmental Conserva- tion required the preparation of a statewide environmental plan by September 1972, to serve as an advisory document to guide planning and development, both private and public, at all levels. This work is being coordinated through the planning and research arm of the Department.

The State's Department of Health has conducted county-by-county studies on water supply and comprehensive sewerage planning program has been underway for several years. At present, a cooperative effort entitled the Eastern New York River Basins Study is underway and involves the water management planning division of DEC and the Soil Conservation Service.

New York has recently been involved in a test project of the Environmental Protection Agency concerning consolidated applications within that federal agency. Initial returns on the project, which combines planning and program grant applications in air quality, water quality and solid waste management, as well as radiation control, indicate that simpler procedures have been developed with shorter application forms, that there is more flexibility in using the funds among programs, and that there are significant technical efficiencies related to its adoption. For instance, this system encourages common location systems for stationary pollution sources for air and water quality programs

and the lumping together of funds for laboratory services which could be shared jointly by divisions within the same agency. A variation on the integrated application theme, this experiment, like that with the integrated grant application in Rhode Island, may prove to be a forerunner of new, streamlined procedures for applying for and administering federal grant assistance programs.

A final comment on the A-95 review procedure as set up by the State of New York. Although the formal review system is coordinated through the Office of Planning Services, total control on the status of applications for state and federal monies, of both a planning and implementation nature is achieved through the Budget Department. Under development and about to go into operation is a computerized system which not only follows the progress of grant application but also monitors the amounts of money granted under various programs (through OMB A-98 reporting system). Under current practice, each of the federal agencies is responsible for reporting to state agencies the monies granted under well over 200 different federal programs. In New York, and in other states, e.g. Connecticut and Rhode Island, the state is taking the initiative to keep track of actual federal expenditures, not just applications. The development of an efficient system of this type can be a useful tool in the implementation stages of programming at the state level.

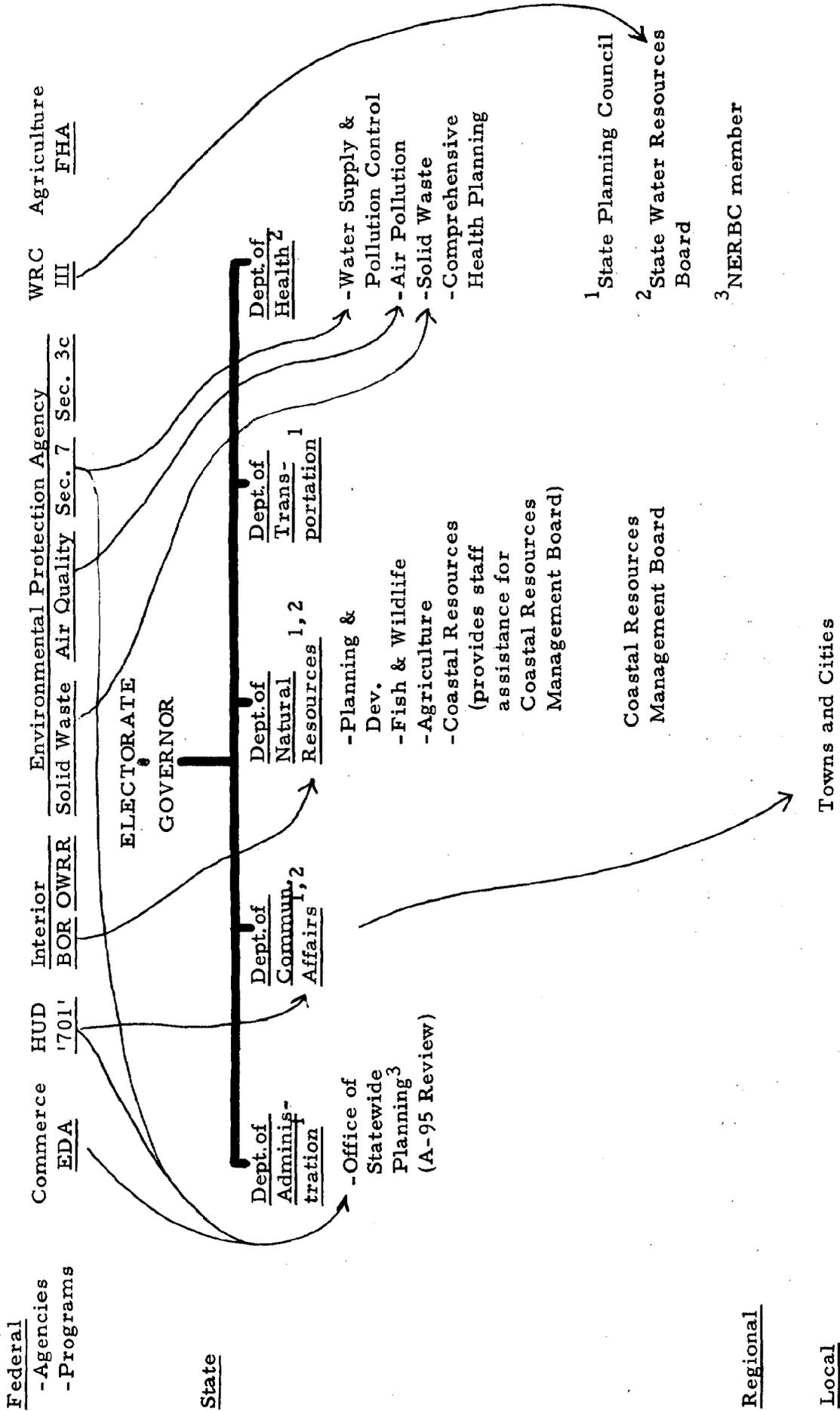
Rhode Island

The executive branch of state government in Rhode Island is presently divided into 13 departments each of which is directly responsible to the Governor. Some of these departments, specifically those most directly related to the planning efforts at the state level, are shown in the chart on the next page. Although funding from federal sources is directed to a number of different departments of Rhode Island's state government, there exist two coordinating bodies which tie water and related land planning together. Several departments have a representative on the State Planning Council which serves as a policy-making body for the Statewide Planning Program in the Department of Administration. Local and federal officials are also represented on the Council.

The State Water Resources Board is primarily responsible for water resource planning in the state. It consists of representatives from several state departments, members chosen by the Governor for three year terms, and the chairman of the joint legislative water resources committee. The Board's staff, for example, utilizes Water Resources Council Title III planning grants.

The Statewide planning program in the Department of Administration prepares and maintains a state guide plan, several pieces of which have been completed. It secondarily conducts planning work for several of the other state agencies and handles the A-95 review procedures. For instance, outdoor recreation, water and sewer, solid waste and economic development planning are conducted by its staff for other departments. It also provides

CHART B-7



STATE OF RHODE ISLAND ORGANIZATION FOR LAND AND WATER RESOURCE PLANNING
AND FLOW OF FEDERAL PLANNING ASSISTANCE

planning assistance to the Governor and the General Assembly. The Department of Community Affairs has a division of planning and development which provides planning assistance for the smaller communities of the state.

There are two other departments which also play important roles in statewide planning in Rhode Island. The Department of Natural Resources administers BOR planning funds for outdoor recreation; through its division of Coastal Resources, staff assistance is provided for the recently formed Coastal Resource Management Council. The Department of Health contains the divisions responsible for water pollution, air quality and solid waste management, although funds for the operation of the latter two programs have not yet been allocated by the Environmental Protection Agency.

At present there are no monies from the Office of Water Resources Research, the Farmers Home Administration, or section 3(c) which have been granted for planning or related research to Rhode Island state agencies.

A major step toward greater integration of state and federal programs has been taken with a recent integrated grant application submitted by the Statewide planning program to and approved by the New England Federal Regional Council. This application, an innovation designed to facilitate both state and federal procedures, includes requests for funds (not only planning funds per se) from seven separate federal programs. Among them are planning related grants from EDA, HUD, BOR, NERCOM and EPA. The apparent success of this approach in

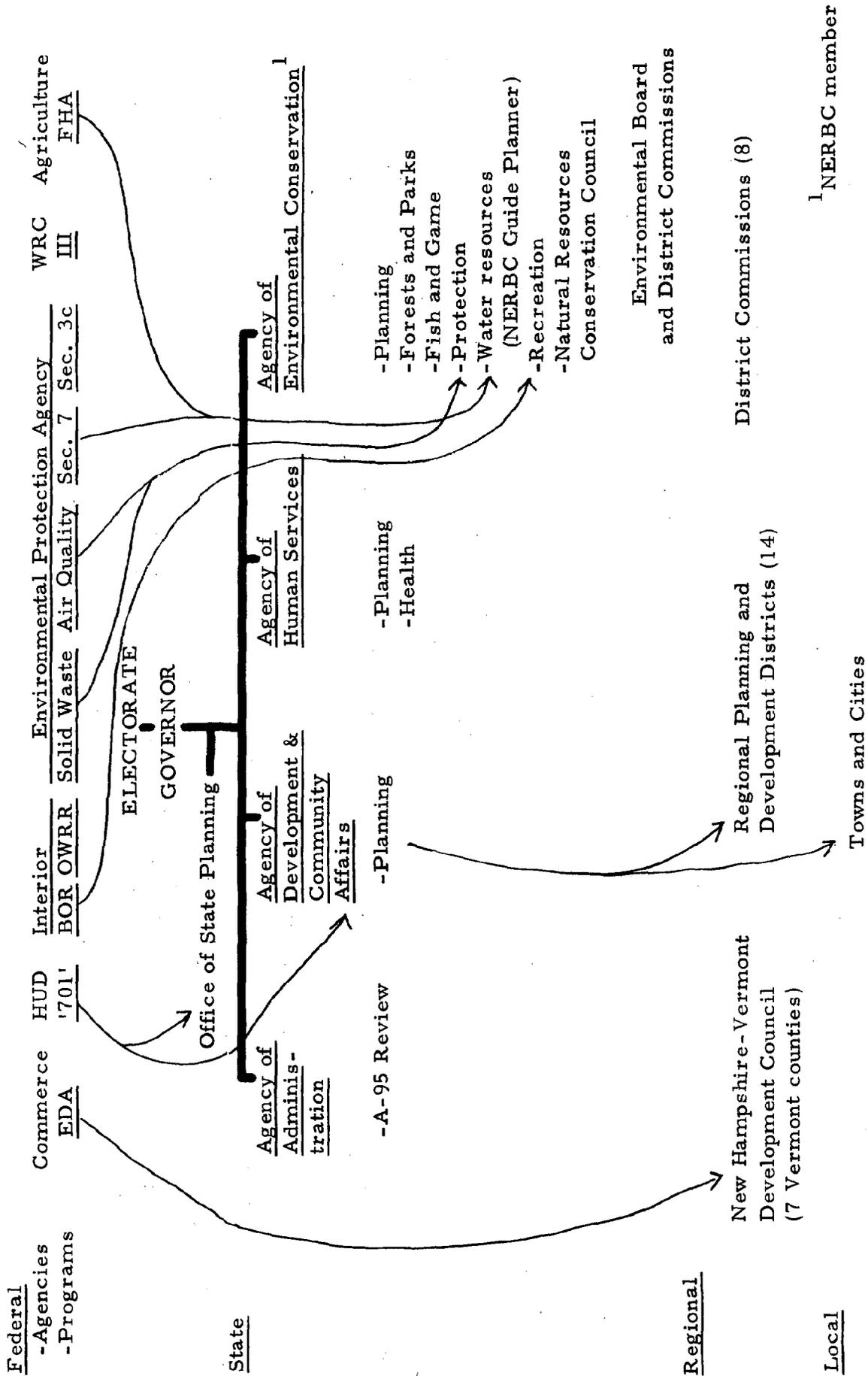
Rhode Island and the opportunities it potentially offers for consolidation and coordination of statewide planning programs throughout New England and the nation, bear watching by Rhode Island's neighbors.

Finally, the Governor has recently appointed an Environmental Task Force which will be examining the present manner in which the state's various environmental programs are administered and coordinated. It is too early to forecast the recommendations which will evolve from its work. Some degree of reorganization may be included.

Vermont

1970 reorganization of state government in Vermont has completely modified the structure within which state water and land use planning are conducted. At present there are four major agencies: administration, development and community affairs, human services, and environmental conservation. Each of these has a planning function, all of them with the possible exception of human services, in the natural resource area. In addition, the Office of State Planning, attached directly to the Governor's office, is the prime land use planning agency at the state level. It operates with HUD "701" funds, with money indirectly from the New England Regional Commission and, of course, the state itself. Local technical assistance, however, is provided through the planning division of the Agency of Development and Community Affairs. The regional planning and development districts, recently organized in fourteen regions of the state, operate with assistance from both the State Planning Office and the Agency of Development and Community Affairs.

CHART B-8



STATE OF VERMONT ORGANIZATION FOR LAND AND WATER RESOURCE PLANNING
AND FLOW OF FEDERAL PLANNING ASSISTANCE

It is in the Agency of Environmental Conservation, however, that major changes have culminated. For example, this agency consolidated the activities of the three major natural resource bodies of the state: fish and game, forest and parks, and water resources. Hence, all EPA money for air, water and solid waste, as well as the BOR recreation planning grant and water resources planning funds (EPA, WRC, & FHA) go or have gone into this agency.

Vermont has recently adopted, somewhat uniquely, a state land use and control program. Through the Land Use and Development Act, known as Act 250, an Environmental Board was established to prepare this plan for later submittal to the state legislature. Actually, three plans are to be prepared: interim capability, capability and development and a land use plan per se. The Environmental Board is attached to the Agency as are eight district commissions throughout the state, through which development proposals are reviewed on the basis of conformity to established criteria within Act 250. Evidently, however, there is some discrepancy between the geographic areas covered by the regional planning and development districts and the district commissions. A whole series of related bills passed the 1970 legislature² and set the stage for a major new thrust into environmental management at the state level in Vermont.

² Among the bills passed were those creating the Agency of Environmental Conservation, one regulating land sales practices, requirements for permits for waste water discharge into state waters, a shoreline zoning act, etc.

The guide planner of the NERBC in Vermont works in cooperation with the water resources division of the Agency of Environmental Conservation.

Federal Planning Assistance Grants to New England

As demonstrated earlier, federal planning assistance cannot be measured solely in terms of the programs selected for this paper. Nevertheless, the amount of funds which have been granted to the states give some indication of the purely financial assistance provided annually.

Figures have been gathered on most of the federal programs included in this paper for the two previous years. They are presented in Chart B-9 on the following page. They are only estimates, and of course should be treated as such. They fail to reflect some programs which a state has participated in previously or may be participating in this fiscal year. The roughly \$5 million per year do not include funds received from three programs: FHA, OWRR and EPA 3(c).

Chart B-9. Estimated Federal Assistance Grants for Selected Planning Resource Programs in New England for fiscal years 1971 and 1972, by state and by program. (As of August 15, 1972)

Federal Program	in thousands of dollars						Total
	State						
	Conn.	Me.	Mass.	N.H.	R.I.	Vt.	
HUD-701	\$ 360	\$ 360	\$1,344	\$ 49	\$450	\$250	\$ 2,813
EPA -APC	1,916	134	1,010	277	-	229	3,566
-WPC	335	127	666	161	220	66	1,575
-SWP	163	72	345	14	-	31	625
WRC-III	101	128	127	90	104	110	660
Com-EDA	-	497	266	56	-	56	875
Int-BOR	-	5	-	-	-	36	41
TOTAL	2,875	1,323	3,758	647	774	778	\$10,155
Annually							
-per capita	\$.47	\$.70	\$.33	\$.44	\$.41	\$.88	\$.43
-per sq. mile	\$2.87	.21	2.28	.35	3.19	.41	.76

Source: Management Information Systems Advisory Group,
Federal Regional Council, Boston

United States Water Resources Council

APPENDIX C
AN ANALYSIS OF PENDING FEDERAL
NATURAL RESOURCE LEGISLATION

Introduction

Several major bills concerning natural resources are now being considered by the United States Congress. These bills -- the water quality amendments, the land use bill, and the coastal zone bill -- all declare it Congressional policy to assure the primary responsibilities and rights of states to plan for and manage their natural resources. In support of this policy, all three programs call for preparation of comprehensive resource plans and authorize substantial funds to develop and carry them out. While it may be some time before these funds are actually made available to the states -- either the bills bill pass and appropriations will follow late this session or early the next; or the authorizing bills themselves will be delayed until next session -- it is still important to take a close look at the legislation now. Early investigation will help to identify points of commonality among the bills, establish where requirements of one program may also serve to fulfill the requirements of another, suggest opportunities for integration of present and pending programs and for cooperation and coordination between programs, levels of government, and between states themselves. Prompt analysis of the provisions of the bills should facilitate state development of proposed planning processes and of initial planning and therefore enable states to qualify as early as possible for planning grants.

This analysis concentrates on the planning aspects of the pending legislation -- the responsible agencies, planning requirements, funding, schedules, and, where appropriate, special inducements to carry out planning.

The language of the bills emphasizes the importance of comprehensive resource planning and provides for continuous review by the lead federal agencies to assure that each state is making real progress toward both developing a workable plan and implementing it.

The specific planning programs called for in the pending legislation are:

Water Quality Amendments:

- Comprehensive pollution control and abatement plans for basins;
- Areawide waste treatment management plans, for areas with serious water quality control problems;
- Level B comprehensive river basin plans, of the Water Resources Council;
- State planning processes or inventories;
- State water pollution control programs, which include plans.

Land Use

- State land use planning processes and programs.

Coastal Zone

- State coastal zone management programs;
- Management program for the contiguous zone of the U.S.

Planning details are not always parallel in the House and Senate versions of the bills. Therefore, for quick comparison of both similar and differing provisions, the analysis which follows is arranged on facing pages, with the House language on the left hand page and the Senate on the right. For each planning program, the analysis sets out:

1. the agency responsible for planning;
2. specific requirements for planning;
3. funding amounts and channels;
4. schedules;
5. special inducements to carry out planning (where appropriate); and
6. additional mechanisms for coordination of state plans with the plans and activities of the federal government (where provided).

Status of the Legislation

As of this writing (August 25, 1972) the status of the pending legislation is as follows:

Water Quality Amendments. S. 2770 and HR. 11896 have been passed by the respective houses and are still in conference committee. At last report, the conferees have reached compromise agreements on all but one issue relating to thermal pollution.

Land Use Bills. Both S. 632 and HR. 7211 have been reported out of committee and await floor action.

Coastal Zone Bills. Both S. 3507 and HR. 14146 have been passed and await compromise in conference committee, not yet convened.

Rural Development Act. A compromise bill has been reported out of conference and has been cleared for presidential signature.

Power Plant Siting. Several bills are still in committee.

Water Quality Amendments

Introduction. The House and Senate versions of the Federal Water Pollution Control Act Amendments of 1972 call for the preparation of several types of plans to meet the goal or policy of eliminating the discharge of pollutants into navigable waters by 1985. The bills declare it national policy that areawide waste treatment management planning processes be developed and implemented in each state. According to the House committee report, almost \$1 billion is authorized for state, basin and area-wide planning. Congressional policy recognizes, preserves, and protects the primary responsibilities and rights of the states to plan for the development and use, including restoration, preservation, and enhancement of land and water resources. In order to achieve the policy objectives, Congress calls for federal technical services and financial aid to state and interstate agencies and municipalities in connection with the prevention and abatement of pollution in navigable waters.

The House bill calls for:

- . a state pollution control program (Sec. 106);
- . a state planning process (Sec. 303(e)), to include:
 - areawide waste treatment management plans (Sec. 208),
 - level B river basin plans (Sec. 209); and
- . comprehensive pollution control and abatement plans by basin (Sec. 102).

The Senate bill calls for:

- . state pollution control program (Sec. 106), to include:
 - areawide waste treatment management plans (Sec. 209),

- a report on the water quality of the state's navigable waters (Sec. 305(b)); and
- . comprehensive pollution control and abatement plans by basin (Sec. 102).

These processes, plans, and programs are set out in varying levels of detail. Also, some requirements appear to overlap: for example, comprehensive pollution control and abatement plans for basins must include recommendations for treatment works and methods for financing them; areawide waste treatment management plans for areas with substantial water quality control problems must identify necessary treatment works and methods of carrying out the plan including financing. However, there is provision for assuring that these two types of plans are consistent with each other. In another example, the Senate bill calls for the state pollution control program to include areawide plans, but does not mention basin plans as being part of the state-wide program.

The following sets out the details of the provisions for planning in the water quality amendments.

House Water Quality
Sec. 106

Pollution Control Programs (Sec. 106)

According to the committee report, this section substantially increases the federal encouragement and support of state programs authorized under Section 7 of the existing law. The state or interstate agency program developed in compliance with Sec. 106 is expected to describe the relationship between the various program elements required by other portions of the Act, including Sec. 102 basin plans, Sec. 208 areawide plans, Sec. 209 comprehensive river basin plans, and Sec. 303(e) state plans. The Sec. 106 program is to serve as the vehicle for developing a meaningful working relationship between the states, interstate agencies, and the federal government. The report emphasizes that the use of areawide and basin plans as the keystone for much of the state and local water quality management efforts is required to assure effective and efficient use of limited state resources.

1. Responsible Agencies:

The states and interstate agencies receive grants to assist them in carrying out programs for the prevention and abatement of pollution.

2. Program Provisions:

The House bill does not detail what the state program is to include. It simply says that the state or interstate agency must submit the program for the approval of the EPA Administrator (see item #4 below). The committee report does stress that the program should show the relationship between the various plans required under the Act (see above).

Pollution Control Programs (Sec. 106)

Sec. 106 state and interstate programs, according to the committee report, would continue to include the elements of Section 7 of the existing law, and would add new elements including development of regional waste treatment management plans, intergovernmental cooperation, data collection, analysis and reporting, among others.

1. Responsible Agencies:

Same as the House bill (see opposite).

2. Program Provisions:

State or interstate programs must include the following elements:

- a. the development or administration of areawide plans;
- b. establishment and operation of data gathering, analysis, and updating;
- c. a procedure for reviewing before construction the location of new sources of pollution;
- d. provisions for intergovernmental cooperation to insure that discharges in one state will not interfere with water quality efforts in another state;
- e. installation requirements for discharge monitoring equipment; reporting and implementation authority;
- f. inventory, and ranking, by priority, of needs for treatment works;
- g. procedures to assure maintenance and enhancement of state water quality.

House Water Quality
Sec. 106

3. Funding:

Grants will be made to the responsible agency based on either the regulations of the Administrator which are themselves based on the extent of the pollution problem in the state, or on reasonable costs of developing and carrying out a pollution program, whichever is less.

FY 1973	\$60 million
FY 1974	75 million

These funds may be used for any reasonable expenses including enforcement and permit programs.

4. Schedule:

Within 120 days after enactment, the responsible agency must submit to the EPA Administrator a summary report of the current status of the state pollution control program, and whatever additional data the Administrator may require.

Thereafter, by July 1 of each year, the program itself must be submitted to the Administrator for his approval.

5. Inducements:

The responsible agency must maintain expenditures of non-federal funds at a level of at least as much as in fiscal year 1971.

3. Funding:

Grants will be made on the basis of population and the extent of the water pollution program according to EPA regulations.

FY 1972	\$30 million
FY 1973	30 million
FY 1974	35 million
FY 1975	40 million

These funds may be used for developing part of the areawide plans (see Senate Sec. 209, item #2g).

4. Schedule:

For 1972 funding, a report must be submitted to the Administrator within 120 days after enactment.

For 1973 and subsequent funding, the provisions shown in item #2 above must be met.

5. Inducements:

As in the House bill, the responsible agency must maintain expenditures of non-federal funds at a level of at least as much as in fiscal year 1971 plus increasing amounts in subsequent years.

Beginning in fiscal year 1973, a state or interstate agency in order to qualify for a grant, must begin areawide plans, indicate that it has begun work on the Sec. 305 study, and impose monitoring requirements on point source owners.

House Water Quality

Sec. 102

Comprehensive Programs for Water Pollution Control,
Including River Basin Plans, Sec. 102

Sec. 102 extends current Section 3 authority for the EPA to conduct comprehensive water quality management planning and to make grants to planning agencies to prepare basin plans.

1. Responsible Agencies:

The Administrator, in cooperation with other federal agencies, state water pollution control agencies, interstate agencies, and municipalities and industries involved, shall prepare and develop comprehensive programs for abating or reducing the pollution of navigable waters and ground waters.

Planning agencies are to prepare comprehensive pollution control and abatement plans for basins, which include rivers, streams, coastal waters, sounds, estuaries, bays, lakes, and portions thereof, as well as lands drained thereby.

Planning agencies are eligible for EPA funding if they provide for adequate representation of appropriate state, interstate, local or, when appropriate, international interests in the planning area; and are capable of developing the plan.

2. Program and planning provisions:

The comprehensive programs should give due regard to improvements necessary to conserve waters for public water supply, propagation of fish and aquatic life and of wildlife, recreational purposes, and agricultural, industrial and other legitimate uses.

While consideration for storage for regulating streamflow for water quality control may be included in a federal reservoir or impoundment project, storage or water release should not be considered a substitute for proper treatment or waste control.

Comprehensive Programs for Water Pollution Control,
Including River Basin Plans, Sec. 102

Sec. 102 parallels Section 3 of the existing law.

1. Responsible Agencies:

The Administrator prepares and develops programs in cooperation with the public, as well as the other participants listed in the House bill.

Planning agencies prepare basin plans for basins as defined in the House bill, and are subject to the same eligibility requirements. The Senate committee report describes grant recipients as "states -- or, with the approval of the Governor, subdivisions of states."

2. Program and Planning Provisions:

The Senate bill does not include here the list of improvements for consideration in comprehensive programs of the House bill, although similar language appears in state reporting requirements of Sec. 305(b).

The Senate bill includes similar language to the House bill regarding regulation of streamflow, and adds to the authority of the Administrator the responsibility for determining when low flow augmentation is an appropriate technique for supplementing primary pollution control programs.

House Water Quality
Sec. 102

2. Planning Provisions (cont.):

Basin plans are to:

- a. be consistent with applicable water quality standards, effluent or other limitations, and thermal discharge regulations established pursuant to current law in the basin;
- b. recommend such treatment works as will provide the most effective and economical means of collection, storage, treatment and elimination of pollutants and recommend means to encourage both municipal and industrial use of such works;
- c. recommend maintenance and improvement of water quality in the basin and recommend methods of adequately financing facilities necessary to implement the plan; and
- d. be developed in cooperation with and consistent with any comprehensive plans prepared by WRC, any areawide waste management plan developed pursuant to Sec. 208, and any state plan developed pursuant to Sec. 303(e).

3. Funding:

At the request of a Governor, or Governors, the Administrator may make a grant to a planning agency for up to 50% of the planning agency's administrative costs for a period of up to 3 years. Funding appears to be provided in Sec. 517, which contains funding for all sections not otherwise specifically funded. It may also be possible to draw upon Sec. 106 funds for developing the state program.

4. Schedule:

No specific schedule for plan development is given, although funding appears to be authorized for fiscal years 1973, 1974, and 1975, to remain available until spent.

5. Inducements:

No special sanctions are imposed.

2. Planning Provisions (cont.):

Senate basin plans contain the same four elements as the House bill (described opposite), with the additional language in item #2b that both treatment works and sewer systems are to be recommended.

3. Funding:

As in the House bill, the Administrator, at the Governor's request, may make a grant for up to 50% of planning agency administrative costs for up to 3 years.

The Senate committee report stresses the need for river basin planning and states that a separate, expanded authorization is provided. However, it is not clear where this authorization is provided. It may be included in Sec. 516 which contains funding for all sections not otherwise specifically funded. It may also be possible to draw upon Sec. 106 funds for developing the state programs.

4. Schedule:

No specific schedule for plan development is given, although funding appears to be authorized through fiscal year 1975, to be available until spent.

5. Inducements:

No special sanctions.

House Water Quality

Sec. 208

Areawide Waste Treatment Management Plans (Sec. 208)

1. Responsible Agencies:

A single representative organization is to be designated by the Governors as capable of developing effective plans for its area. The state or interstate areas are to be identified by the Governors according to EPA guidelines, and are defined as those with substantial water quality control problems.

2. Planning Provisions:

Sec. 208 areawide waste treatment management plans are required as part of a planning process to provide a management concept coordinating the many separate requirements of the Act.

The planning has several significant steps and requirements:

- a. The Administrator will issue guidelines for the purpose of designating urban industrial areas and other areas with serious water quality control problems;
- b. The Governor of each state is to designate areas requiring areawide planning and appoint a single representative planning agency for each area;
- c. Within 2 years after the planning agency is designated the planning process must be in operation ;
- d. The plan itself must include:
 - (1) identification of treatment works needed to meet municipal and industrial waste treatment needs over a 20-year period;
 - (2) establishment of construction priorities for treatment works and time schedules for initiation and completion of treatment works;
 - (3) establishment of a regulatory program to implement waste treatment management requirements, regulate location, modification and construction of facilities which may discharge pollutants, and assure that any industrial or commercial wastes discharged into treatment works meet applicable pretreatment requirements;

Areawide Waste Treatment Management Plans (Sec. 209)

1. Responsible Agencies:

Same as the House bill with the additional proviso that the planning organization be composed of elected officials from the general purpose local governments in the planning area and other appropriate individuals capable of developing a plan.

2. Planning Provisions:

Same as the House bill, items #2a, 2b, 2c, and 2d(1) - 2d(3) opposite, with the following difference in item #2c: the plan must have been developed within 2 years.

House Water Quality
Sec. 208

2. Planning Provisions (cont.):

- (4) identification of agencies necessary to construct, operate and maintain treatment facilities;
 - (5) identification of the measures necessary to carry out the plan including financing, the period of time necessary to carry out the plan, and costs of carrying out the plan and the economic, social, and environmental impact of carrying out the plan on schedule;
 - (6) a process to identify agriculturally related non-point sources of pollution and set forth procedures and methods to control such sources;
 - (7) a process to identify mine related sources of pollution and set forth procedures and methods to control these sources;
 - (8) a process to identify construction activities and related sources of pollution and procedures and methods for their control;
 - (9) a process to identify salt water intrusion into rivers, lakes, and estuaries resulting from reduction of fresh water flow and set forth procedures and methods to control such intrusion.
- e. The planning process must be consistent with Sec. 201 which calls for application of the best practicable waste treatment technology before discharge, including reclaiming and recycling water, and confined disposal of pollutants, and consideration of advanced waste treatment technology and aerated treatment-spray-irrigation technology.
- f. The Army Corps of Engineers are authorized to provide technical assistance to planning agencies.
- g. The Governors shall certify annually that areawide plans are consistent with basin plans.
- h. As part of the planning process and at the time a plan is submitted to the Administrator for his approval the Governor is to designate a waste treatment management agency to implement the plan. This will be the agency to receive and spend federal grants for construction of waste treatment facilities.

2. Planning Provisions (cont.):

Same as in the House bill, items #2d(4) through (9) with the following wording for item #2d(5): identification of measures necessary to achieve waste treatment management plans and practices, time period necessary, cost of achieving the plans and practices, and the social and economic impact of achieving them on time.

- e. Senate language is similar, but it does not mention advanced waste treatment technology and aerated treatment-spray-irrigation technology.
- f. Same as in House bill.
- g. The Governor shall certify the plan before it is submitted to the Administrator. Wherever the Governor determines that items #2d(6) through (9) above should be consistent on a statewide basis, Sec. 106 funds may be used for that purpose.
- h. One or more waste treatment management agencies may be designated at the time the plan is submitted to the Administrator.

House Water Quality
Sec. 208

3. Funding:

The Administrator shall make grants to planning agencies to cover reasonable costs of meeting the planning provisions shown in item #2, preceeding.

<u>FY</u>	<u>\$</u>	<u>% costs covered</u>	<u>Army</u>
1973	\$100 mill.	100%	\$50 mill.
1974	150 mill.	100	50 mill.
1975	--	100	(to support
1976	--	75	provision of
1977	--	75	technical
		(and there- after)	assistance to the planning agency)

4. Schedule:

The planning process must be underway within 2-1/2 years of enactment. This schedule is based on three deadlines shown in the bill:

- a. the Administrator must publish guidelines on planning areas within 120 days of enactment;
- b. 60 days after that, the planning agency must be designated;
- c. 2 years after the planning agency is designated, the process must be in operation.

5. Inducements:

After the plan is approved, no construction grants will be authorized unless the treatment works are in conformance with the areawide plan.

Senate Water Quality
Sec. 209

3. Funding:

The Administrator shall make grants to planning agencies to cover costs of developing the areawide plan, as follows:

<u>FY</u>	<u>\$</u>	<u>% costs covered</u>	<u>Army</u>
1972	\$100 mill.	100%	such sums as
1973	150 mill.	100	may be nec-
1974	200 mill.	75 (and	essary to
		thereafter)	give techni-
			cal assistance
			to the plan-
			ning agency

Funds for grants to carry out areawide plans are provided in Sec. 207, and represent 5% of all monies for Title II activities including construction grants.

4. Schedule:

The plan must be developed within 2-1/2 years of enactment, with the possible extension of six months. This schedule is based on three deadlines shown in the bill:

- a. the Administrator must publish guidelines on planning areas within 90 days after enactment;
- b. 60 days after that, the planning agency must be designated;
- c. 2 years after the planning agency is designated, the plan must be developed.

5. Inducements:

The development or administration of areawide plans must be underway by the beginning of fiscal year 1973 for states or interstate agencies to be eligible for Sec. 106 program grants. After July 1, 1974, no construction grants will be authorized unless the treatment works are in conformance with the areawide plan.

House Water Quality
Sec. 209

Level B Comprehensive River Basin Plans (Sec. 209)

1. Responsible Agency:

The President, acting through the Water Resources Council, is directed to prepare level B plans.

2. Planning Provisions:

Level B comprehensive river basin plans, under the Water Resources Planning Act of 1965, are to be developed for all basins in the country, with priority given to those basins within areas designated in Sec. 208 as having substantial water quality control problems.

3. Funding:

Not more than \$200 million.

4. Schedule:

Plans are to be developed as soon as is practicable, and no later than January 1, 1980.

5. Inducements:

No special sanctions.

Level B Comprehensive River Basin Plans

There is no comparable language in the Senate bill requiring preparation of level B plans throughout the country.

House Water Quality
Sec. 303(e)

State Planning Processes (Sec. 303(e))

1. Responsible Agencies:

The State, with the approval of the EPA Administrator.

2. Planning Provisions:

Planning processes are those which result in plans for all the navigable waters in the state, and which include:

- a. effluent limitations and schedules;
- b. incorporation of all elements of applicable areawide waste treatment management plans under Sec. 208, and applicable basin plans under Sec. 209 (Sec. 102 basin plans are not mentioned here);
- c. total maximum daily load for pollutants;
- d. procedures for revision;
- e. adequate authority for intergovernmental cooperation;
- f. adequate implementation, including schedules of compliance for revised or new water quality standards;
- g. controls over the disposition of all residual waste from water treatment processing; and
- h. inventory and ranking, in order of priority, of needs for construction of waste treatment works.

3. Funding:

Funding for Sec. 303(e) appears to be included in Sec. 516, which authorizes monies for all sections not specifically funded.

4. Schedule:

The state must submit its proposed planning process to the Administrator within 120 days after enactment; it must be approved or disapproved within 30 days after that. The Administrator shall review the process "from time to time."

5. Inducements:

The planning process must be approved in order for the Title IV permit program to be approved by the Administrator.

State Planning Processes

There is no directly comparable language, but Sec. 106 of the Senate bill is similar in part to portions of Sec. 303(e) of the House bill.

House Water Quality

State Water Quality Inventory

There is no directly comparable language in the House bill, although there are similar provisions in Sec. 102 basin plans (for item #2b opposite), and in Sec. 208 (and Senate Sec. 209) areawide plans (for items #2d and 2e opposite).

State Water Quality Inventory (Sec. 305(b))

1. Responsible Agency:

The state.

2. Planning Provisions:

Each state must prepare a report which:

- a. describes the water quality of all navigable waters in the state;
- b. analyzes the extent to which all navigable waters provide for the protection and propagation of a balanced population of shellfish, fish and wildlife, and allow recreational activities in and on the water;
- c. analyzes the extent to which the elimination of the discharge of pollutants and level of water quality for fish recreation, have been or will be achieved by the requirements of the Act, together with recommendations as to additional action necessary to achieve the objectives;
- d. estimates economic and social costs necessary to achieve the Act's objectives, the economic and social benefits, and an estimate of the date of such achievement; and
- e. describes the nature and extent of non-point sources of pollutants, and recommends programs to control them including program costs.

3. Funding:

Funding appears to be provided in Sec. 516, which authorizes monies for all sections not specifically funded.

4. Schedule:

The first report is to be submitted to the EPA Administrator by July 1, 1974. Subsequent reports are to be submitted annually.

5. Inducements:

Beginning in fiscal year 1973, a state must begin work on its report to be eligible for Sec. 106 grants.

Land Use Bills

Introduction. The House and Senate land use bills reaffirm the constitutional responsibilities of the states to plan and manage their land resources and authorize federal assistance to the states for land use planning. The House bill calls for the development of state land use planning processes; the Senate bill for land use planning processes and programs.

State land use plans (the processes and programs) are to focus on identifying certain kinds of lands (critical environmental areas) and certain kinds of land uses (large-scale developments, key facilities, etc.) of more than local significance, and on developing provisions and authorities for controlling development in these critical situations, either directly or by state veto of local actions.

House Land Use

State Land Use Planning Processes

1. Responsible Agencies:

Each state is responsible for developing a state land use planning process. For the purposes of the Act, a state may mean any one of the 50 states, plus Puerto Rico, Guam, American Samoa, and the Virgin Islands. (The District of Columbia is not included.)

In order to receive grants, each state must designate an eligible state land use planning agency. Such an agency is one which is established by the Governor or by law and which has the following:

- a. primary authority and responsibility for developing and administering a comprehensive land use planning process; and
- b. competent interdisciplinary professional and technical staff, plus consultant services.

States may delegate planning authority and responsibility for planning or land use control to other state, regional, or local governmental entities, as long as decisions of substantial impact beyond their boundaries are subject to state review.

State Land Use Planning Processes and Programs

1. Responsible Agencies:

Each state is responsible for developing a state land use planning process and program. For the purposes of the Act, a state may mean any one of the 50 states, District of Columbia, Puerto Rico, and any U. S. territory or possession.

Each state must designate an eligible state land use planning agency. Such an agency is to be designated as part of the planning process, is to be established by the Governor or by law, and has the following:

- a. primary authority and responsibility for developing and administering the state land use program; and
- b. competent interdisciplinary professional and technical staff, plus consultant services.

These two requirements are the same as those in the House bill. In addition, the Senate bill requires the eligible agency to be one which:

- c. gives priority to developing a data base for the land use process;
- d. coordinates its work with:
 - (1) planning of all state agencies undertaking federally supported planning programs related to land use;
 - (2) state agency regulatory activities;
 - (3) all other relevant planning activities of state agencies;
 - (4) planning activities of 204 areawide agencies, local governments, and federal agencies.
- e. has authority to conduct hearings; and
- f. has authority to make information available to the public.

The Senate bill neither authorizes nor denies transfer of planning authority to other governmental agencies.

House Land Use

2. Planning Provisions:

The House Committee report distinguishes between development of state plans and state planning processes, calling processes less restrictive than plans. Public land management agencies are to develop land use plans for the public lands which have one landowner directed by Congress, but states are to develop state land use planning processes since "... there are many landowners involved (who are) unaccustomed to living under the restrictions land use plans may impose. This matter is left to the respective states, but the bill provides incentives to move ahead . . ."

A state land use planning process is one which takes into account all land and other natural resources in the state and provides for:

- a. development of an adequate data base;
- b. coordination of planning and regulatory activities of state agencies, and the planning activities of areawide, interstate, local and federal agencies;
- c. consideration of various conditions, needs, projections, and unique characteristics including ecological, environmental, geological, hydrological and physical conditions that influence land development; recreation needs as shown in the state outdoor recreation plan; and the nature and quantity of land to be used or suitable for agriculture and forestry, industry including mining, transportation and utility facilities, urban development, rural development, health and other services;
- d. substantial and meaningful public involvement and continued participation by local governments;
- e. cooperative planning of federal lands;
- f. technical assistance and training; and

2. Planning Provisions:

According to the Senate committee report, the Senate bill does not require comprehensive statewide planning. Rather, it singles out the most critical and far-reaching land use activities -- those which provide the framework, structure and major influences in shaping local, regional and state land use patterns -- and provides assistance to the states to focus available resources and planning expertise on these activities.

First, the state is to develop a state land use planning process consisting of adequate funding, staff, data base, and state planning agency. Then, the state is to develop a state land use program which concentrates on four categories of critical areas and uses of more than local concern.

Specifically, the state land use planning process is to include:

- a. an inventory of the state's land and natural resources;
- b. economic, demographic, environmental data;
- c. land use needs for recreation, aesthetics, agriculture, mineral development, forestry, industry, commerce including power, transportation, urban development, rural development, health and other services;
- d. an inventory of environmental, geological, physical conditions which includes land use;
- e. needs concerning federal lands;
- f. institutional and financial resources for planning and management; and state and local programs which have land use impact of more than local concern;
- g. a method of identifying large-scale development and development and land use of regional benefit;
- h.. a method of inventorying areas of critical environmental concern and areas impacted by key facilities;

House Land Use

2. Planning Provisions (cont.):

g. methods to:

- (1) identify and control land use in areas of critical environmental concern; prevent actions in disregard of the planning process; assure that laws and regulations are in accord with the process; assure that those laws affecting coastal zones and estuaries take into account wetlands values and susceptibility to destruction;
- (2) identify and control land use in areas impacted by key facilities;
- (3) assure that local regulations do not unreasonably restrict development and land use of regional or national benefit;
- (4) assure that federal areas are not damaged or degraded;
- (5) regulate new subdivisions and developments to assure that improvements are adequate to serve projected needs, adequate financing to complete and maintain the improvements, and that overall design is adequate to prevent damage by natural occurrences;
- (6) control large-scale development of more than local significance;
- (7) control use of land around new communities and develop policy for influencing location of new communities.

The state land use planning process as called for in the House bill includes elements of both the Senate's planning process and program; the House planning process is not followed by a separate planning program.

2. Planning Provisions (cont.):
 - i. provision for technical assistance and training programs for state and local land use programs;
 - j. arrangements for exchanging land use information at federal, interstate, state, and local, and public levels;
 - k. a method for coordinating programs and services of all state and local agencies affecting land use;
 - l. the conducting of hearings, and preparation of reports;
 - m. consideration of interstate aspects of land use issues involving two or more states;
 - n. designation of a state planning agency.

After the state land use planning process is completed, the state must develop a land use planning program to include the planning process, plus methods for implementing:

- a. state authority over land use and development in areas of critical environmental concern;
- b. state authority over use of land impacted by key facilities plus authority over site location and location of key facilities;
- c. land use of regional benefit;
- d. state authority over large-scale development;
- e. pollution standards;
- f. regulation of large-scale subdivisions;
- g. revision of the land use program;
- h. dissemination of information to local governments and the public.

The above eight methods may be carried out through direct state land use planning and regulation, and/or through state review of local governmental plans and regulations.

House Land Use

3. Funding:	<u>FY</u>	<u>\$ (in millions)</u>	<u>% state costs</u>
	1973	--	--
	1974	54	90
	1975	45	75
	1976	45	75
	1977	30	50
	1978	30	50

Federal funds are to support both development and implementation of state land use processes, and are not to be used for land acquisition.

Amounts paid to the states will be estimated by the Secretary of the Interior prior to the beginning of each calendar quarter, or other period, and adjustments are made at the following quarter when necessary.

2. Planning Provisions (cont.):

In addition, the program must show that:

- i. areas of critical environmental concern include areas of major national significance which require special planning and management;
- j. the state is demonstrating good faith efforts to implement the program;
- k. state laws, regulations, and criteria affecting the land use program are consistent with the program itself;
- l. the program has been reviewed by the Governor;
- m. the state has coordinated the program with state; federal; local; and state and local agencies in other states for interstate areas; and the public;
- n. the state makes use of procedures in Sec. 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and Title IV of the Intergovernmental Cooperation Act of 1968, to advise the federal government whether federal or federally supported projects are consistent with the state land use program; and the state is participating in programs provided for in Sec. 701 of the Housing Act of 1954, as amended.

3. Funding:	<u>FY</u>	<u>\$ (in millions)</u>	<u>% state costs</u>
	1	100	90
	2	100	90
	3	100	90
	4	100	90
	5	100	90
	6	100	66 2/3
	7	100	66 2/3
	8	100	66 2/3

Federal funds should not be used for land acquisition, and should supplement, not replace state funds available for state land use planning activities. The federal grants are to support both development and implementation of state processes and programs.

The payment process is the same as in the House bill, described opposite.

House Land Use

4. Schedule:

There are no specific deadlines for developing the state land use planning processes, but penalties go into effect beginning July 1, 1976, if states are not eligible for grants (see item #5 below).

5. Inducements:

Sanctions imposed are similar to those in the Senate bill (described opposite) with 7% withholding in FY 1977, 14% in FY 1978, and 21% in FY 1979, and thereafter.

Funds withheld return to the aggregate of funds to be reallocated to states that do have eligible state land use processes.

Federal Highway funds withheld are exclusive of those for planning and research but do include Interstate Highway funds.

For the New England states and New York, sample amounts of withholding at a 7% annual rate range from \$1,969,000 for Vermont to \$26,907,000 for New York.

6. Additional Means of Coordinating Land Use Activities:

In addition to the provisions of the state land use processes, the bill calls for creation of several new organizations, and the study of others.

a. Office of Land Use Policy and Planning Administration

to be established in the Department of the Interior, and to be independent of any existing mission-oriented bureaus or agencies. Members include a Director, appointed by the President, and other officers and employees as may be required.

The Office is to have the following duties:

- (1) to cooperate with the states, local government, and interstate agencies in developing standard methods for collection, classification, and dissemination of data;

4. Schedule:

The planning process must be developed within 3 years of enactment, and the program within 5 years of enactment.

5. Inducements:

After five fiscal years from enactment, states found ineligible for a grant under the Act will have funds withheld from three grant-in-aid programs over a three-year period at a rate of 7% the first year, 14% the second, and 21% the third, to be withheld until the state becomes eligible.

The three programs are the Airport and Airway Development Act; Federal Aid Highway Act (interstate highway funds are not affected); and the Land and Water Conservation Fund.

Sample amounts of withholding at 7% for all three programs would range from \$520,000 for Vermont to \$7,500,000 for New York, annually.

6. Additional Means of Coordinating Land Use Activities:

As in the House bill, the Senate bill calls for creation of several new organizations, and the study of others.

a. Office of Land Use Policy Administration with the same members and duties as shown in the House bill (opposite and following page). The Senate bill calls for one additional duty of the Office:

- (7) to maintain a continuing study of the land resources of the United States and their uses.

House Land Use

6a. Office of Land Use Policy and Planning Administration (cont.):

- (2) to develop and maintain a federal land use information and data center to transmit land use data between federal agencies and to the states, local governments and the public;
- (3) to consult with other officials of the federal government responsible for administration of federal land use planning assistance programs to states, local governments, and other eligible agencies in order to coordinate the programs;
- (4) to administer the grant-in-aid program;
- (5) to provide administrative support for the National Land Use Board; and
- (6) other duties and responsibilities as assigned by the Secretary of Interior.

b. National Land Use Policy and Planning Board, with administrative support provided by the Office of Land Use Policy. Members include the Director of the Office of Land Use Policy (as Chairman), and representatives of Agriculture, Commerce, Defense, HEW, HUD, Transportation, EPA, the Water Resources Council, and other federal agencies as requested by the Secretary of the Interior.

The Board has the following duties:

- (1) to inform and advise Secretary on the relationship of the national land use policy to the other programs of the agencies on the board;
- (2) to advise the Secretary plus agencies who are preparing rules and regulations, including those on federal lands;
- (3) to assist the Secretary and agencies on the board in coordinating the review of state land use processes;
- (4) to advise on policy where the Secretary requests;
- (5) to report on policy matters introduced by representatives on the Board; and
- (6) to exert effort to assure development of consistent land use plans by public land management agencies.

b. National Advisory Board on Land Use Policy, with administrative support provided by the Office of Land Use Policy. Members are essentially the same as for the House Board, with the following exceptions: the Water Resources Council is not included, and there are added the AEC as a member, and as observers: CEQ, FPC, and OMB.

The duties of the Board are essentially the same as those shown in the House bill (opposite) with the following specific differences:

- (1) same
- (2) to advise the Secretary plus agencies who are preparing rules and regulations;
- (3) to assist the Secretary and agencies in the Board in coordinating the review of state land use processes and programs;
- (4) same
- (5) same
- (6) not included in the Senate bill.

House Land Use

c. Other Advisory Committees are provided for in the House bill. It does not include the Ad Hoc Federal-State Joint Committees of the Senate bill, but does authorize citizen advisory committees to represent citizen interests in public lands and to advise federal agencies. The committees advise the following departments:

- (1) Agriculture: 21 members to be appointed by the Secretary of Agriculture to advise that department;
- (2) Interior: 21 members to be appointed by the Secretary of Interior to advise that department;
- (3) Other: 21 members to be appointed by the President from 5 nominees from each of the following: Defense, DOT, HEW, HUD, Commerce, AEC, EPA.

with the following duties:

- (1) to advise on aspects of problems related to management of public lands;
- (2) to advise on the agency's activities which have an impact on land use planning;
- (3) other.

Local Advisory Councils may also be established to advise federal land management agencies. These may be regional, state, district, or local advisory councils.

d. Regional Coordination. The House bill also requires that the state land use process be coordinated with the planning activities of all state agencies, areawide agencies, interstate agencies, local governments and federal agencies.

Unlike the Senate bill, states are not specifically authorized to coordinate their planning through interstate agencies and to use their land use funds to do so. Yet the planning process must be coordinated with the land use planning activities of interstate agencies. Instead, the Director of the Land Use Policy Office is to formulate a procedure for coordinating land use planning in a region by the several federal, state, and local governmental departments and

c. Ad Hoc Federal-State Joint Committees to be set up with two-year terms, and have the following members: Federal agencies having jurisdiction over federal lands; representatives of affected user groups; and officials of affected state agencies and local government. Committees are established by the Secretary at the request of the Governor of any state involved.

Duties include:

- (1) study and recommend resolution of conflict between federal and non-federal lands;
- (2) investigate specific conflicts;
- (3) assist states and the Office of Land Use Policy on uniform methods of collecting and exchanging land use data; and
- (4) advise the Secretary during the review of state land use programs on opportunities for reducing potential conflict and improving coordination between state programs and federal land planning and management.

d. Interstate Coordination. To assure strengthening of existing laws, "the state land use program must be coordinated with other planning activities and programs of the federal government, regional entities, other states, state agencies, and local governments."

The Senate committee report states that "coordination of land use planning and management in interstate areas is a particularly difficult, but necessary, task if truly effective land use decision-making is to be conducted." In support of this policy, the states are authorized to coordinate land use planning processes and programs with appropriate interstate entities, and to use a reasonable

House Land Use

6d. Regional Coordination (cont.)

agencies, as well as private entities, engaged in activities which affect land use planning.

The House report, while recognizing that "much land use planning may eventually be on a regional basis . . . is not prepared at this time to stipulate what the regional organizations should be."

Instead, the Director is authorized and directed to investigate and study the need for and form of regional federal-state-local land use planning coordination councils, and report within three years of enactment to Congress.

6d. Interstate Coordination (cont.)

portion of their funds to do so.

These interstate entities may include river basin commissions, regional development agencies, and interstate compact commissions; and must assure the opportunity for participation in coordination process by federal and local governments and agencies, and members of the public affected by or affecting the program.

The state may use existing interstate entities or form new interstate compacts.

The Secretary is to study these entities for their effectiveness, and report his recommendations within two years of enactment to Congress.

Coastal Zone Bills

Introduction. The House and Senate coastal zone bills declare it national policy to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the preparation and implementation of management programs. Both bills give specific requirements for the management programs, and the House bill also authorizes a management program for the nation's contiguous zone to be coordinated with the coastal states.

A management program provides objectives, policies, and standards to guide coastal zone decision-making, and an organizational structure to implement the program.

House Coastal Zone

State Coastal Zone Management Programs

1. Responsible Agencies:

As in the Senate bill, the State is responsible for developing the management program, with no specific language requiring a single state agency (see opposite). A state may transfer portions of its grant to the agencies listed opposite, and, in addition, to a regional agency. There is no special mention of regional economic development commissions in the House committee report.

2. Planning Provisions:

No definition of "management program" is included.

State Coastal Zone Management Programs

1. Responsible Agencies:

The state is responsible for developing the state coastal zone management program. While a single agency must be named to implement the program, there is no similar language requiring naming of a single state agency to be responsible to develop the program. For the purposes of this Act, an eligible state is one which borders on the Atlantic, Pacific, Arctic, Gulf of Mexico, Long Island Sound, and the Great Lakes (i. e. : 30 states), plus Puerto Rico, Guam, the Virgin Islands, and American Samoa.

The state may transfer portions of a development grant to a local government, an areawide agency designated under Sec. 204 of the Demonstration Cities and Metropolitan Development Act, or to an interstate agency.

The Committee report adds that the transfer provision permits regional economic development commissions, whose jurisdiction includes the coastal zone of certain states, to assist the states in the planning.

2. Planning Provisions:

The Senate bill defines a "management program" as "a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the coastal State in accordance with the provisions of this title, setting forth objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone so as to minimize direct, significant, and adverse impact on the coastal waters, and governmental structure capable of implementing such a program."

House Coastal Zone

2. Planning Provisions (cont.)

Same as in Senate bill opposite.

The program may be developed and adopted in segments.

The committee report lists elements for inclusion in the program:

- . recreation
- . transportation
- . housing
- . fishing
- . power
- . communication
- . industry
- . mineral resource needs
- . protective requirements for water quality, fish and wildlife habitats, open space, and esthetic values
- . present and long-range use requirements which will not foreclose all options for future generations
- . flood control and shoreline erosion prevention
- . all other matters impinging upon coastal zone resource conservation "in the best sense of the word."

2. Planning Provisions (cont.)

A management program is to include:

- a. identification of the coastal zone boundaries;
- b. definition of permissible land and water uses to prevent adverse impact;
- c. inventory and designation of areas of particular concern;
- d. identification of state legal and constitutional authority to control land and water uses;
- e. guidelines on priority of uses;
- f. description of the organizational structure for implementation.

The program may be developed and adopted in segments.

The committee report lists the following elements for inclusion in the program:

- . tides and currents, including their effect upon beaches and other shoreline areas;
- . floods and flood damage prevention;
- . erosion, land stability, climatology, and meteorology;
- . ecology, including estuarine habitats of fish, shellfish, and wildlife;
- . recreation, including beaches, parks, wildlife preserves, sport fishing, swimming, and pleasure boating;
- . open space, including educational and natural preserves, scenic beauty, and public access to the coastline and coastal and estuarine areas, both visual and physical;
- . navigation;
- . commercial fishing;
- . present uses, known proposals for changes, and long-term requirements;
- . present ownerships, including administration of publicly owned properties;
- . present laws and regulations on land and water uses, and activities by all levels of government;

House Coastal Zone

2. Planning Provisions (cont.)

In addition, the bill requires the state to show the same seven items as in the Senate bill (opposite) with the additional proviso in the first item (#a) that the program is consistent with Sec. 303 policy, to encourage the participation of the public, and federal, state and local government and of regional agencies in the development of the program.

The House bill adds two more elements to the list:

- h. the program must provide for adequate consideration of the national interest in siting facilities of greater than local nature; and
- i. the program makes provision for designation of areas to be preserved or restored.

Amendments to the program must meet the nine requirements #a through #i.

2. Planning Provisions (cont.)

- . present population and future trends, including impact on population growth on the coastal and estuarine zone environments; and
- . such other factors as may be considered relevant.

In addition, the bill requires that the state must show that:

- a. it has developed a program according to the rules and regulations of the Secretary; and has provided full opportunity for participation by relevant federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties public and private; and particularly that views of federal agencies principally affected be adequately considered;
- b. it has coordinated with applicable local, areawide and interstate plans;
- c. it has an effective mechanism for continuing consultation and coordination between the management agency and local governments, interstate agencies, and areawide agencies to assure their full participation in carrying out the bill;
- d. it has held hearings on the program during its development;
- e. the Governor has approved the program;
- f. the Governor has designated a single agency to receiving and administering the grants for implementing the program;
- g. it is organized to implement the program with the opportunity for participation shown above.

Amendments to the program must meet the seven requirements directly above.

House Coastal Zone

2. Planning Provisions (cont.)

The House bill also includes the three provisions shown opposite.

3. Funding:	<u>FY</u>	<u>\$ (in millions)</u>	<u>% of state costs</u>
	1973	6	66 2/3
	1974	6	66 2/3
	1975	4	66 2/3

Grants may be for no more than 15 per cent, or \$900,000, for the first two years, \$600,000 during the third year. There is no minimum.

Each state may receive no more than two annual grants for program development; grants for implementing the program are authorized separately.

There is similar language regarding grants to a political subdivision.

2. Planning Provisions (cont.)

The state must also show that:

- h. it has authority, acting through its chosen agency or agencies including local governments, interstate and areawide agencies to:
 - (1) administer land and water use regulations, control development, resolve conflicts among competing uses;
 - (2) acquire interests in land, water and other property.
- i. it can call upon any one or combination of these techniques:
 - (1) state criteria and standards for local implementation;
 - (2) direct state land and water use planning and regulations;
 - (3) state review of all plans, projects and regulations of state, local authority or private developer with power to approve or disapprove.
- j. it has a method of assuring that local regulations do not exclude uses of regional benefit.

3. Funding:	<u>FY</u>	<u>\$ (in millions)</u>	<u>% of state costs</u>
	1973	12	66 2/3

Grants may be for no more than 10 per cent (\$1.2 million) and no less than 1 per cent (\$120,000).

For FY 1974 through 1977 such sums as may be necessary are authorized.

States may receive up to 3 annual grants for development of management programs; grants for implementing the program are authorized separately.

Grants may be made to a political subdivision of a state with area-wide powers if the state has not developed a management program. These grants would be terminated when the state does develop an acceptable program.

House Coastal Zone

4. Schedule:

There is no specific schedule for developing a state coastal zone management program, but the authority to make grants for this purpose expires June 30, 1975.

5. Inducements:

Once states have had their management programs approved by the Secretary, they are eligible for grants for program implementation.

6. Additional Provisions for Planning Coordination:

There is no provision for a National Coastal Resources Board, as in the Senate bill.

b. A Coastal Zone Management Advisory Committee, is to have no more than 10 members, and advise the Secretary (as in the Senate bill opposite).

4. Schedule:

There is no specific schedule for developing a coastal zone management program, but the authority to make grants for this purpose expires five years from enactment.

5. Inducements:

Once states have had their management program approved by the Secretary, they are eligible for grants for program implementation.

6. Additional Provisions for Planning Coordination:

a. A National Coastal Resources Board may, among other duties, seek to mediate differences in the case of serious disagreement between any Federal agency and a coastal state in the development of the program.

The Board is to be established in the Executive Office of the President and have as members the following:

- (1) The Vice President, as Chairman
- (2) Secretary of State
- (3) Secretary of the Navy
- (4) Secretary of the Interior
- (5) Secretary of Commerce
- (6) Chairman of AEC
- (7) Director of NSF
- (8) Secretary of HEW
- (9) Secretary of Transportation
- (10) Administrator of EPA
- (11) Others, as named by the President

b. A Coastal Zone Management Advisory Committee, composed of up to 15 members designated by the Secretary, to advise, consult with, and make recommendations to the Secretary. Members may or may not be federal employees.

House Coastal Zone

Management Program for the Contiguous Zone

1. Responsible Agencies:

A management program is to be developed for the contiguous zone (the 3 to 12 mile limit) by the Secretary of Commerce, in coordination with the Secretary of the Interior, and consultation with the Secretaries of Defense, DOT, and other interested parties.

When the House amended its bill to transfer administering authority from the Department of Commerce to Interior, it did not include an amendment to the language concerning the contiguous zone plan. Therefore it is not absolutely clear whether planning responsibility belongs to Interior in coordination with the Secretary of Commerce, or to Commerce in coordination with the Secretary of the Interior.

2. Planning Provisions:

The management program is to be developed for the benefit of:

- a. industry
- b. commerce
- c. recreation
- d. conservation
- e. transportation
- f. navigation
- g. public interest

and have provisions for the development, conservation and utilization of:

- a. fish and other living marine resources
- b. mineral resources
- c. fossil fuels
- d. development of aquaculture
- e. promotion of recreational opportunities
- f. coordination of research

Management Program for the Contiguous Zone

The Senate bill does not authorize development of a management program for the contiguous zone.

House Coastal Zone

2. Planning Provisions (cont.)

This plan should be coordinated with the coastal zone programs of the states, particularly with respect to areas to be preserved or restored for conservation, recreational, ecological, or esthetic values.

3. Funding:

There is no specific funding for development of the contiguous zone management program.

Since the administrative responsibility for the overall programs has now been given to the Department of the Interior, the possibility of drawing upon administrative monies for developing this program appears much less likely, if Commerce is still responsible for this Section.

4. Schedule:

No schedule is given for developing the program.

5. Inducements:

There are no special inducements.



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