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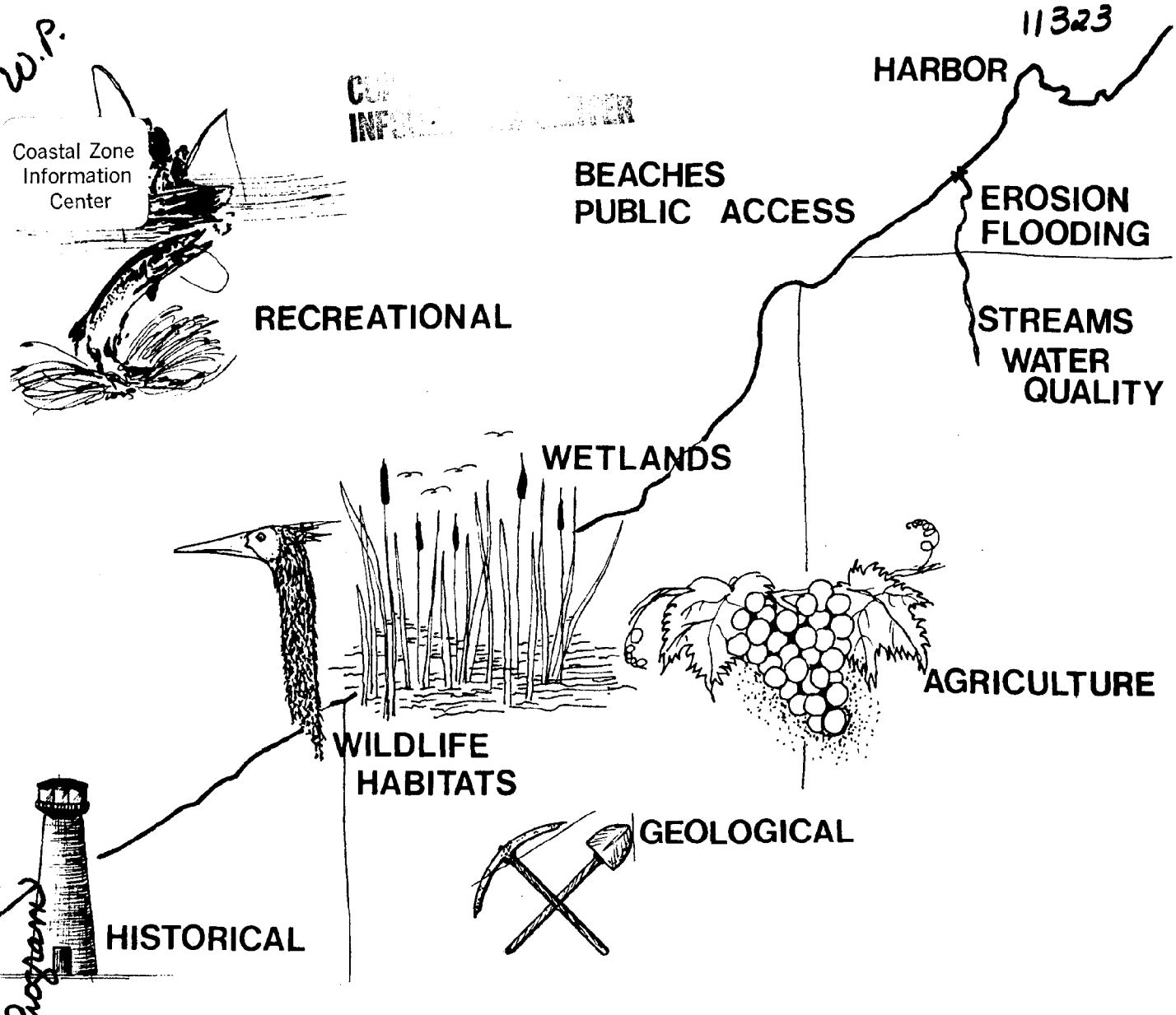

FIRST YEAR REPORT

CHAUTAUQUA COUNTY NEW YORK

1976

CZM

COASTAL ZONE MANAGEMENT

PREPARED FOR: DEPARTMENT OF STATE DIVISION OF STATE PLANNING

PREPARED BY: CHAUTAUQUA COUNTY DIVISION OF PLANNING

Coastal Zone Management Program
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This report analyzes local and state water/land use issues and proposes goals and objectives to counter these problems. Additionally, it researches existing information sources, zoning and master plans as well as possible management approaches. Mapping efforts included natural features and development areas (existing and proposed). Finally, preliminary boundaries are also discussed.

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February 27, 1976

Mr. Henry Williams, Director
Department of State
Division of State Planning
162 Washington Street
Albany, New York 12000

Dear Hank,

In accordance with our Coastal Zone Management Program Development Agreement, we are pleased to submit the Final Report for the first year.

The primary objectives of the first year has been to lay the foundation for a comprehensive coastal program which will ultimately lead to a lessening of land use conflicts and the protection of natural features in the study area. We believe this report will provide a valuable input to the creation of a viable State Coastal Zone Program.

We look forward to a coordinated effort in the second year of this program.

Sincerely,

John R. Luensman

John R. Luensman, Director
Planning & Development

JRL:ms

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"INTRODUCTION"

I. Purpose

Protection of land and water resources within the Coastal Zone is the primary purpose of this program. Chautauqua County is fortunate, compared to many other political subdivisions, in that development is and has been relatively static within this county. Thus, much of the natural beauty is still in such a state that it is possible to perserve it for this and future generations.

Cooperation of all public and private sectors in creating the mechanism to be used will be the determining factor in the success of this program.

II. Philosophy and Methods

Early in the program it became obvious from contacts with local representatives that the CZM Program is a very abstract idea to many people and organizations at the local level. Because of this it has been difficult and at times impossible to obtain the type of involvement and participation which would be most desirable. Activity 3 discusses this problem in more detail.

From this beginning has evolved the general philosophy of the County CZM Program. An attempt is being made to utilize all existing information sources presently available. Along with this, samples of public/private input have been solicited (e.g. Commercial fisherman, Town Boards, Planning Board etc.). From this has come the preliminary 1st year CZM plan. The second year will bring

with it a stronger public participation effort since it will now be possible to present for review a rough tentative plan. Hopefully, this plan will bring to light many problem areas in a understandable form.

In capsul, a tentative plan will be formulated which when presented to the public should result in a fairly complete list of problems. This in turn will provide the foundation for defining the goals and objectives of the program and methods of implementation.

III. Goals

Generally speaking the goals of the local CZM program coincide with those of the preliminary state goals. Reserving specific comments to the Activity 1 discussion, it can be noted that the (balancing of conservation with development appears to be the overriding principle with which this program is formulated around). Thus the goal will be to create a mechanism which will be acceptable at the state and federal level and more importantly will provide a viable tool at the county implementation level.

The tentative goals and objectives existing at this time are subject to further scrutinizing at both the local and state level. Flexibility remains a main criteria throughout the formulation stage.

IV. Objectives

The first year program consists of ten tasks. These tasks made up the foundation for defining the objectives of the program.

First, the state goals and objectives will be

reviewed in order to localize them to this county. All available information sources will be utilized along with public participation input. Specifically zoning and master plans will be examined and other pertinent sources.

From this input expected products will include the mapping of present and potential land/water uses within preliminary CZM boundaries.

Finally, a study of legal approaches will be examined to determine the optimum method of implementation.

V. Verbal Description of Coastal Zone

Chautauqua County is situated as the "Western Gateway" of New York State. The Western and Southern Boundaries of the county adjoin the State of Pennsylvania while Cattaraugus County New York bounds the county on the East.

Chautauqua County has a total area of 1,080 square miles. Land elevations range from 573 feet above mean sea level along the shoreline of Lake Erie to 2,190 feet in the unglaciated southeast corner of the county. The Major topographic features of the county are: (1) county extending inland from the shores of Lake Erie a distance of from three to nine and one-half miles with elevations ranging from the Lake Erie level to 900 feet, (2) to the south of the lake plain is an escarpment which rises abruptly some 600 feet to an upland plateau, (3) an upland plateau which occupied four-fifths of the county with elevations ranging from 1,240 feet to 2,190 feet above mean sea level, and (4) on the upland plateau, tucked in a hill system that runs in a northwesterly-southeasterly direction, Chautauqua Lake, a fresh water lake 17 miles long and ranging in width from one-half to two miles wide.

With the exception of a very small area in the southeastern corner of the county, the total county has been under at least one glacier. Geological maps indicate a number of ice sheet edges and terminal moraines.

The Erie Lake Plain and the escarpment between the upland plateau and the lake plain are part of the Great Lakes - St. Lawrence watershed. The major use of land in this area is for the raising of small fruits; the major crop being Concord grapes. This lake plain is essentially what makes up the Coastal Zone for Chautauqua County. See Illustration on page .

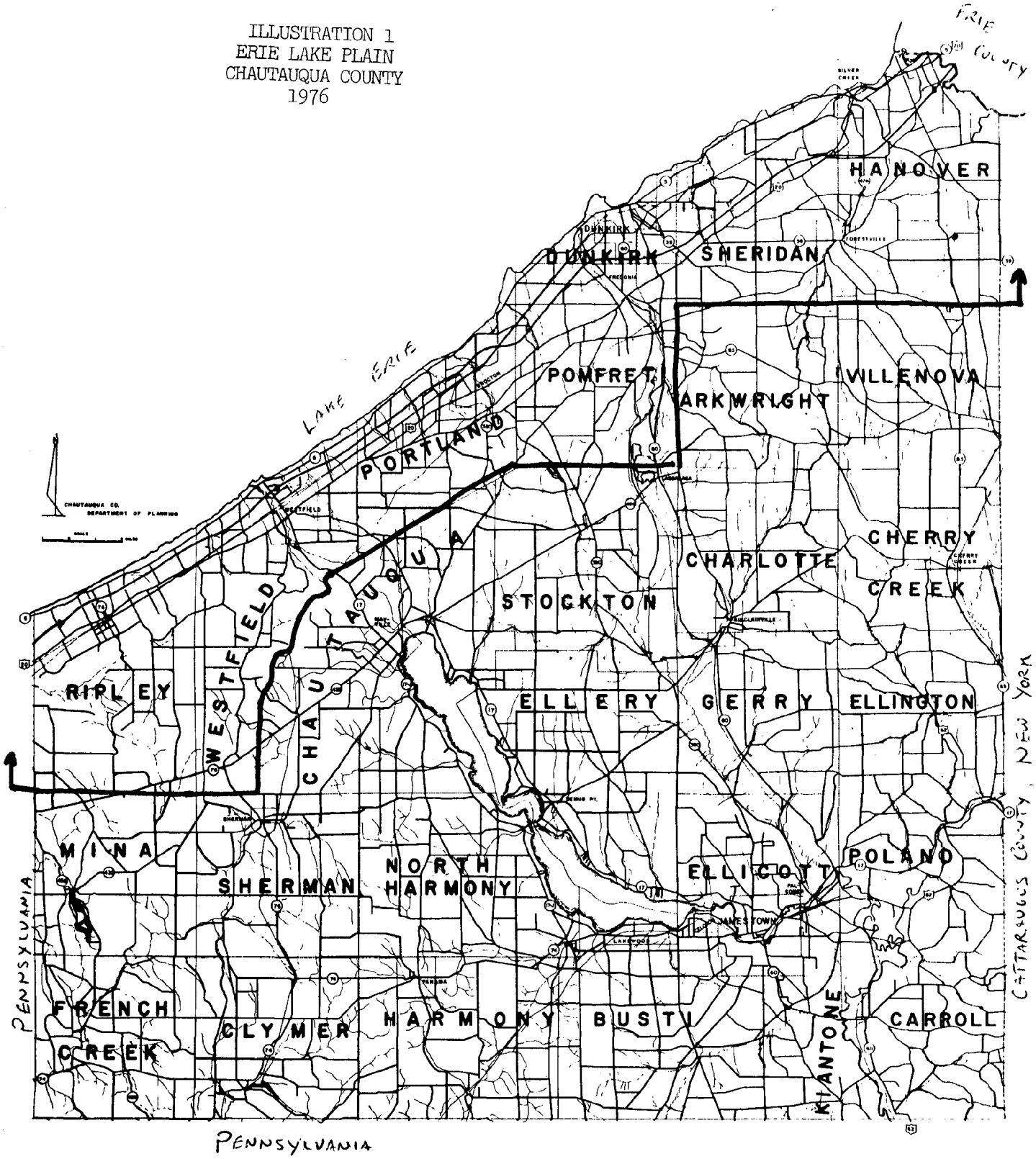
Briefly the Coastal Zone can generally be discribed as having 42 miles of shoreline bordered by 7 townships, 1 city and 4 villages. Many of these political subdivisions are rural oriented with agriculture as a primary economic base. In some instances, zoning is nonexistent.

About 29 miles of the shoreline is shale bluff which ranges from 28 to 28 feet in height. The pattern of development behind the bluff area is scattered year round and seasonal homes interwoven with farms, (some of which are abandoned) and vineyards. Development is held back by the lack of quality water.

The other 13 miles of shoreline have bluffs ranging from an elevation of 28 feet to low beach and sand dune areas. Recent high waters of Lake Erie threaten about 2 miles of this area, at varying degrees. Development is very intense with most of the 13 miles served by municipal water systems.

Further back from the shoreline, and running parallel to Lake Erie is a transportation corridor made up of the NYS Thruway, Routes 5 and 20 and a railroad system.

ILLUSTRATION 1
ERIE LAKE PLAIN
CHAUTAUQUA COUNTY
1976



On either side of Route 20 and going back to around the 1000' contour line is what we refer to as the "grapebelt." Approximately 20,000 acres is devoted to the grape industry within this coastal area.

Finally, many streams and creeks within the watershed area cut down through the Northerly edge of the Allegany Plateau and terminate in Lake Erie.

Of the county's population of 147,305 in 1970, 54,683 citizens or 37.1% of the total, lived in the Erie Lake Plain municipalities. The majority of this population was located along and adjacent to State Routes 5 and 20. The largest concentration was in the Dunkirk-Fredonia area which contains the Towns of Dunkirk and Pomfret, the Village of Fredonia and the City of Dunkirk. These municipalities and towns contained almost 60% of the Lake Plain population. The Villages of Silver Creek, Brocton, Westfield, and the Hamlet of Ripley are like beads strung along the thoroughfares of the Lake Plain. These communities accounted for an additional 9,376 of the Erie Lake Plain population. The remaining 12,916, with the exception of the 908 persons in the Village of Forestville, are distributed among the other municipal units and mainly below the geographic ridge which forms the edge of the Erie Lake Plain. The population density per square mile ranged from over 2,500 in the City of Dunkirk to 32 persons per square mile in the Town of Westfield.

VI. Visual Description of Coastal Zone

A slide presentation has been produced and is being utilized in the public participation process. The following is a brief listing of the slides by general category:

A. Unique Characteristics: Grapelands, Gas Drilling, Proposed Power Plant, Water and Sewerage Deficiencies.

B. Typical characteristics: Recreation (land and water) transportation, utilities, second homes, grapelands, residential/commercial/industrial development.

C. Shorescape - bluffs, beaches, harbor facilities.

D. Land Form - openspace, gorges, woodland and bush

E. Land use - Recreation (land and water) residential, commercial (land and water related), industry, transportation.

F. Problem Areas - Flood prone areas, water and sewerage deficiencies.

ACTIVITIES

Task 1.2 Goals & Objectives

I. Introduction

A. Purpose & Objectives

The objective of this task is to review statewide goals and objectives, identify county issues and problems and finally to formulate Chautauqua County's goals and objectives.

The purpose will be to provide the basic framework for structuring the overall plan.

B. Methodology

The first step in this task was a background research effort to obtain a general feel for the state goals and objectives and whether they represent the general conditions found in this county. Most of this effort took place within the government sector with contacts including such organizations as the Agricultural Extension service. The primary source of information was the human and material input from the County Planning Department.

Next came the review at the local level of the state goals and objectives. Contact was made with legislative, planning, civic and private groups. Not only were goals and objectives discussed, but the process of defining basic problems of each community was taken on. The outcome of this effort is seen in Illustrations 2 and 3 titled Preliminary CZM Goals and Objectives and CZM Related Problems. These illustrations are located on pages 14 thru 23. Additionally, Appendix 36 (page 165) lists each meeting attended along with contributions

Made which are related to this task. In nearly every meeting, the goals and objectives (and problems) found on pages and were discussed and attempts were made to get feedback with limited success.

As new information has become available, additions and deletions were accomplished and this will continue throughout the formulation and possibly even into the "306" administration phase.

Additionally, an attempt was made to encourage a futuristic outlook in predicting what the needs and subsequent problems would be in the years to come. Finally, programs already in progress (e.g.,National Flood Insurance Programs) were discussed and an attempt was made to define their shortcomings and whether or not a problem still existed which was within the realm of the CZM Program.

Finally, other methods employed, besides the holding of meetings, was the questionnaire. Two (2) questionnaires have been developed which have provided local people the opportunity to relay what they feel are areas of concern which the CZM program should address. These questionnaires can be found on pages 46 and 52 and will be further discussed in Activity 3 (Public Participation).

II. Products

To localize the state goals and objectives certain additions were made as indicated in Illustration 2 (page 14). Underlining was used to emphasize these changes. As can be seen (Illustration 2), one goal was added to those already existing; namely,

"Provide for the formulation of a viable management program." This point came up often in discussions with local representatives that the end result must be realistic and sensitized to local needs in order for it to be implemented.

The objectives that were added, it can be seen, were added to localize and thus insure that the plan would cope with Chautauqua County's needs. For example, Objective (g)under Goal III concerns itself with a serious development problem within the county; specifically, the development upon soils which are not conducive to private septic systems.

The quite extensive list of problems (Illustration 3) is divided into unique and not so unique problems existing within Chautauqua County.

III. Conclusion

A. Findings

The preliminary state goals and objectives generally speaking are very comprehensive in their coverage of Chautauqua County's experience. Specifics that were added onto the list include the protection of grapelands and the limiting of development in areas where soils do not adequately receive sewerage and thus are undesirable for home septic systems (see maps IV and V).

Additionally, Goal V was added on to emphasize the importance of preparing a program which will be acceptable and in fact desired at the local level. For example, it is proposed that in order to further sensitize the CZM plan, it might be advantageous to take land ownership into consideration. This is

especially true where a natural feature is either owned by a limited number or at the other end of the spectrum, is owned by a multitude with small lots being the rule. This goal should provide a practical viewpoint which could be of vital importance.

Along with goals and objectives, a preliminary list of problems was also compiled which points out both unique problems and concerns within the county and problems which are common within the state.

Besides the grapeland preservation and areas having water/sewerage deficiencies, perhaps the most important concern is the construction of a one billion dollar plus power facility which is scheduled to be complete by 1985. Recently (March 8, 1975) the application and environmental statement was completed and initial review indicates that it will provide a detailed analysis of both land and water for the sites studied (see map VII).

There are, of course, many other less unique concerns which are presently highlights throughout the state. Offshore gas drilling is one such concern which presents itself as a very emotional one. Chautauqua County is also very concerned with drilling on land within the county since approximately 5,500 wells are presently in existence. Another concern is the development of harbors and creeks for recreational, safety and flood protection purposes.

B. Significance of Findings

The significance of this task to the local CZM Program is paramount. The list of goals and objectives must express the

needs of the county since it will provide the cornerstone for the final CZM Program. At the state level this list is also very important since it will lead to the coordination of all local plans into the final state plan which must be accepted by the federal government.

In summary, the significance of local input is emphasized when we realize that probably one of the greatest resources to be found is not even suggested in the state goals and objectives; namely, the preservation of the county's grapelands which presently accounts for 60% of the state's production.

Illustration 2
Preliminary CZM Goals & Objectives
for Chautauqua County & State of New York
February 1976

I. Goal - Preserve, Protect, develop and where possible, restore and enhance natural resources of the State's Coastal Zone for this and succeeding generations.

Objectives - (a) Preserve Wetlands, (b) Protect restore and maintain unique and high quality wildlife and habitats, (c) Protect distinct geologic formations such as cliffs and gorges (e.g. Chautauqua) (d) Regulate removal of mineral resources such as sand, gravel and natural gas (land and offshore) (e) Protect commercial and recreational fishing through proper conservation techniques.

II. Goal - Provide opportunities, for this and future generations, to enjoy and to use amenities within the Coastal Zone.

Objectives - (a) Provide public access and public recreation, (b) Preserve and enhance scenic views

III. Goal - Promote the health, safety, welfare and economic well-being of all citizens through wise use and management of the State's Coastal Zones.

Objectives - (a) Promote orderly development, especially of underdeveloped land and beachfronts and avoid land use conflicts and unnecessary degradation of natural resources, (b) Promote planned development of ports (Dunkirk and Barcelona), power facilities (proposed Niagara Mohawk) sewage treatment, fossil fuels, and water oriented commercial and industrial developments, (c) Improvement of air and water quality, (d) Assurance of the adequacy of water supplies, (e) Promote wise use natural-hazard (e.g. erosion) areas, (f) Preservation of viable agricultural and forest lands including grape lands (g) Promote orderly development in areas where water and sewerage deficiencies exist. (h) Promote development projects which will lessen natural disasters and provide safe recreational use (Cattaraugus Creek Project).

IV. Goal - Coordinate the plans, programs and projects of various governmental and private interests involved in the Coastal Zone.

Objectives - (a) Monitor federal, state and local plans to avoid duplication, (b) Assure compatibility of CZM program with existing and future public programs, (c) Assure opportunity for public participation, (d) Develop policies and procedures for making development decisions when local, regional or state interests are in conflict.

V. Goal - Provide for the formulation of a Viable Management Program.

Objectives - (a) Insure that the management program created is acceptable at the town, village and city levels of government to the greatest extent possible by formulating and reviewing plans at the local level.

NOTE: _____ Designates local goals/objectives not included in preliminary state list.

Illustration 3
CZM Related Problems
For Chautauqua County

I. Unique Problem Areas of Chautauqua County Coastal Zone

A. Grapebelt Preservation

1. Background

a. 10% of Lake Erie Watershed within Chautauqua County is utilized for grape vineyards.

b. Nearly 50% of all Chautauqua County farms produce grapes (100,000 tons annually).

c. Chautauqua County ranks in top 10 in country (1969).

d. Chautauqua County ranks 1st in State in total production (60% of State).

e. Unique climate is characteristic which makes this land adaptable to grape vineyards and not the soil.

f. Economically, the grape industry probably accounts for 10-25% of the Lake Erie Watershed productivity.

2. Concerns (Specific Examples)

a. Urban pressures provide conflicts with agricultural districts are unable to adequately cope with. (e.g. residential/commercial encroachment, e.g. use of pesticides near urban encroachment, e.g. pressures which will appear due to Niagara Mohawk's 1.5 billion dollar plant)

b. Year-round shipping is an emotional concern - it is feared that keeping ice off lake could affect climate conditions and thus the growing season could be changed adversely. Emotional problem without scientific background.

c. Air pollution (from local and distant sources) could affect the delicate growth cycle of grapes. (e.g. blowing of gas wells releases within many vineyards a brine solution which could have adverse effects, e.g. Niagara Mohawk project will be utilizing large quantities of coal)

B. Development in Areas that have Water/Sewerage Deficiencies

1. Background

a. The lake plain has many areas which supply poor quality and low quantity of water.

b. Many areas of the lake plain have soils which are not conducive to private sewerage systems. (See map V .)

2. Concerns

a. Development has taken place in many areas which have undesirable water and sewerage characteristics.

b. Pressure to supply municipal water to these areas is often strong. Not only is it expensive, but it sometimes leads to the need for municipal sewerage treatment because of increased consumption.

c. Linear development is thus encouraged which in some areas is very undesirable.

C. Niagara Mohawk Power Facility Project

1. Background

a. 1.5 billion dollar project slated to begin in 1980 and be complete in 1985

b. Anticipate using 90,000 tons of coal daily

c. Will provide many economic benefits for area (e.g. approximately 1000 construction jobs/200 permanent jobs).

d. Sizable land purchases have already taken place in two locations by Niagara Mohawk.

2. Concerns

a. Ecological problems should be minimized due to efforts and money being expended to meet federal/state standards. A substantial buffer zone is anticipated. Still, this is a major concern.

b. Development pressures, some of which are temporary in nature, will be created in the housing, commercial and recreational areas, to name a few. The above pressures must be guided properly so as to minimize the adverse effects which will result.

D. Implementation of CZM Plan

1. Background

a. Much of the coastal area is rural oriented in Chautauqua County

b. Some towns and villages have no zoning and feel that this is their "home rule" right.

2. Concerns

a. The need for management of the coastal zone probably would not be denied by many. However, the tools used to implement may be difficult to come by since zoning may not be acceptable in certain areas.

b. Whether a public education/information program can be devised which will effectively lead to the acceptance of the program is a concern.

II. Other Less Unique Problems for Chautauqua's Coastal Zone

A. Offshore Gas Drilling

1. Background

a. Drilling off of N.Y.S. shores in Lake Erie is presently banned by the State.

b. The shortage of natural gas is exerting pressure on the State to remove this ban.

c. Presently the Canadians have 700-800 wells which have not caused any out-of-the-ordinary ecological problems.

2. Concerns

a. Because of prevailing winds, leaks or spills are considered to be a primary concern.

b. The possible escape of brine solutions from beneath the floor of the lake is a concern.

c. It is felt that this whole situation is an emotional concern which requires much research and stringent regulations and enforcement if the ban is lifted.

B. Fishing

1. Background

a. Certain desirable fish populations are becoming more scarce each year, while other less desirable species are more abundant.

b. Lake Erie and certain streams are polluted (sewage and solid waste) so as to contaminate the water and not provide an ideal environment for fish life.

2. Concerns

a. Lake Erie & certain streams are polluted due to inadequate sewerage systems and unauthorized dumping. This results in a water quality which often is not desirable for the fish population.

b. The control of both the commercial and recreational fisherman does not appear to be adequate with regards to types of fish and quantities allowed to be caught.

c. Research and facts concerning present situations in the lake do not at times appear to be the basis for certain decisions regarding the adoption of controls.

d. Adequate public access to fishing areas does not appear to be adequate at the present time.

C. Water Quality

1. Background

a. The Quality of Waters in the CZ decide much of the fate of the recreational value of the lake.

b. Some communities draw their water supply from Lake Erie.

2. Concerns

a. Although improvements in water quality have been noted in recent years, there is still much that must be done to reduce the flow and dumping of pollutants into the lake. Unauthorized dumping of garbage in areas that don't have house to house pickups is just one example. The treatment of sewerage,especially during heavy rainfalls is a cause for concern as are the many ineffective private septic systems along the lakes and streams.

D. Port & Harbor Development

1. Background

a. Harbor improvements are being proposed for both Dunkirk and Barcelona Harbors.

b. A small boat harbor is proposed on Cattaraugus Creek.

c. One of the purposes of the Cattaraugus Creek Project is to reduce flooding which occurs on an almost annual basis.

2. Concerns

a. The overall cost of these projects is a primary problem in making these and other projects a reality. The sources of local funds could be a problem.

b. The number of persons who would benefit from these projects is felt by some to be too low to warrant the expense.

c. Without these projects, safety of recreational and commercial crafts is not optimum.

d. Economic and social benefits are not being optimized without these developments.

E. Flood/Erosion Control

1. Background

a. Of the 13 political subdivisions bordering the lake in the first tier of townships, nine are eligible under National Flood Insurance Act, one has applied and three have not yet been officially notified of an existing potential flood hazard.

b. Of the 42 miles of beachfront property, about two miles is threatened at varying degrees.

c. Generally, in the spring the most severe flooding occurs in the Town of Hanover (Sunset Bay)

d. Much of the erosion is due to the record high water levels of Lake Erie and will be eliminated when lake levels drop.

2. Concerns

a. Not all communities are participating in the National Flood Insurance Program.

b. Erosion damage consists of undermining of structures, failure of breakwalls (e.g. City of Dunkirk), uncovering of sewerage lines along the beachfront, and loss of lakefront property.

F. Preservation & Creation of Parks, Access to Lake, etc.

1. Background

a. Presently there exist many parks, access areas to the lake, natural wonders such as Chautauqua Gorge and scenic views.

b. Many of the material amenities are preserved so as to insure this and future generations continual enjoyment.

2. Concerns

a. Existing beaches are inadequate in many areas (e.g. Dunkirk Beach) and should be improved. Additionally, the number of public beaches is small and no effort presently exists to study this situation in order to find a remedy.

b. Natural wonders such as the Chautauqua Gorge and many scenic view areas are presently under ownership patterns and controls such that they could in many cases be permanently altered or unavailable for public use.

c. Boat launch facilities do not appear to be adequate. However, public development in this area could compete adversely with the private sector.

G. Existing Land Use Control

L. Background

a. Of the 13 political subdivisions adjacent to the lake, three have no zoning, four have basic zoning and six have detailed ordinances.

Task 2.1 Information Sources

I. Introduction

A. Purpose & Objectives

The purpose of this task is to identify and assess existing information and sources of information relating to the coastal zone of Chautauqua County. It is felt that the primary reference sources will be the County Planning Division files and library, which not only contains county-wide reports, but also contains most local reports.

More specifically, the objectives of this task will be as follows:

- Identify potential information sources from sources found in the Planning Division of the county.
- Categorize these sources by topic. (See list of Mapping Requirements, Illustration 18.)
- Analyze these sources for accuracy and completeness and determine areas which appear to be void. (See Illustration 5.)
- Attempt to find other sources for areas which have void areas.
- Prepare tentative bibliography for distribution to public and private groups for their comments and suggestions (2nd year task).
- Avoid duplication of efforts.

The overall purpose of this task should be defined as an attempt to avoid duplicate efforts by utilizing information which presently exists. Also, this information should provide an ideal cross reference of information to insure accuracy. By referring to different sources, a biased point of view should be minimized.

B. Methodology

Simply stated, the primary method used is that of a file search of potential sources of information. Human sources of information are also being utilized where needed to fill gaps. In the second year of the program an extensive effort utilizing personal contact will be implemented to fill the void areas. The academic community in particular should be able to provide much needed information.

The categories used in listing sources (see Illustration 4) come from the list of Mapping Requirements and additionally, contain a general category. This general category contains multiple topics and general information; e.g. USGS topo maps or Background for the Seventies which has a multitude of topics covered within it.

The contract suggests that an "annotated" bibliography is required. However, a decision was made to not completely fulfill this requirement due to the fact that this appears to be a very academic task with no direct bearing on the quality of the overall product. Illustration 4 does list known sources of information but is not annotated.

As can be seen from Appendix 36, very little input was obtained at local meetings. It is suggested that a primary reason for this lack of input is the abstract nature of the program and the absence of a feeling of crises. The second year effort should be more responsive in this area with a more aggressive outreach and feedback program.

II. Products

The major product of this activity is the bibliography which follows on page 28. Many of the sources listed have not at this point been extensively examined and incorporated into this first year effort. In fact, it is expected that many of these sources will not be used in any way after they are reviewed in depth. Documents not directly used still are invaluable as a means of self-education.

An important fact to remember is that this is but a preliminary list and it will and should be altered on a regular basis. Other organizations and interested people should be able to provide much input.

The second major product under this activity is a list of areas which do not seem to be covered by any existing documents to the degree desired for this study. This list is found in Illustration 5 on page 32. Again, this is just a tentative list and hopefully, as research continues, this list will shrink. In the final analysis those items which remain should be analyzed to determine if original research is possible and, if so, what level of effort would be required. Finally, the agency which would perform this task would have to be decided upon. Part II of Illustration 5 indicates specifically the nature of the areas requiring more research. It should be pointed out that many of these suggested deficiencies were not called for by the contract and, in fact, are supplemental. Some of these tasks cannot be performed locally and some may be determined to be unnecessary. It should be pointed out that much of the mapping which is the responsibility of DEC (e.g., wetlands, wildlife sancturay, etc.) and without this work completed, it will be difficult to finalize the management plan.

III. Conclusions

A. Findings

The sources which are presently at our disposal seem adequate with the exception of the very technically related areas (e.g. water quality Geologic Formation, Wildlife, Prime Timber, etc.). The Department of Environmental Conservation will be providing some of this information (eg. Wetlands) while the Application/EIS for the Niagara Mohawk Power Corporation's Proposed Power Site should also be informative. The possibility also exists that Sea Grant and the academic community will provide materials which will cover the void areas.

B. Significance of Findings

Because of the uncommon nature of CZM planning the importance of utilizing past experience as a guide and thus attempting to minimize errors, cannot be overstated.

It is absolutely necessary to continue to search for new sources of information in order to insure that Chautauqua County Plan will be viable and complete. These efforts will be exapnded in the second year to include such sources as Sea Grant at SUNY at Fredonia.

Illustration 4
CZM Bibliography by Topics
Chautauqua County
February 1976

I. Recreation & Leisure

A Proposed County Park System for Chautauqua County, Park Study Committee, June 1968
Preservation of Natural Features & Scenic Views in N.Y.C., N.Y.C. Planning Comm., November 1974
Preliminary Tourism Study of Chautauqua County, Chautauqua County Department of Planning, 1976
Bikeway Routes of Chautauqua County, Chautauqua County Department of Planning, March 1976
Preliminary Work Paper on Historical Sites & Aboriginal Sites within Chautauqua County, Chautauqua County Department of Planning, March 1976
Second Homes Report, Chautauqua County Department of Planning, August 1973
Appalachian Resource Studies, Recreation & Culture, Office of Planning and Coordination, 1970
Community Action Plans - Outdoor Recreation - National Association of Counties
Recreation & Open Space, Onondaga County Department of Planning, March 1962
Parks & Recreation, Nassau County Planning Commission, August 1964
Outdoor Recreation & Open Space, December 1968
Recreation Plan, Warren County,Pennsylvania, Warren County Planning Commission
An Appriasal of Potentials for Outdoor Recreation Development, Chautauqua County
Status of Federal Great Lakes Harbors in N.Y.S., Buffalo District Corps of Engineers
Outline for Recreational Site Selection, R.I. McCosh
Public Recreation in Chautauqua County by Chautauqua County Department of Planning
Lets Save the Most Important Open Space--Now, Dwight F. Pettie, April 1967
Coast of Lake Erie - Cattaraugus Creek Harbor, N.Y., Corps of Engineers, 1967
New York State Appalachain Resource Studies, Recreation & Culture, Office of Planning Services
Dunkirk Harbor, N.Y., U.S. Army Corps of Engineers, December 1970
Draft Environmental Statement, Dunkirk Harbor, N.Y., June 1975
Dunkirk Harbor, N.Y. Design Memorandum #1, Corps of Engineers, June 1975
Wild, Scenic & Recreational Rivers, Environmental Conservation Law 15-2707
Chautauqua Gorge Preservation Program, Workpaper, Chautauqua County Department of Planning 1975
Marine Zoning, Nassau County Planning Commission, 1970
A Current View of Area Preservation, S.W. Jacobs, December 1964
Cattaraugus Creek Harbor, New York, Corps of Engineers, November 1974
STW Recreation Study, 1976

II. Natural Resources

Lake Erie Environmental Studies, Fredonia State University, 1973-1975
Gravel Survey of Chautauqua County from 1937 Soils Map, Chautauqua County Department of Planning
LUNR Map Overlays, Office of Planning and Coordination, 1969
Soils Maps of Chautauqua County
Our Natural Gas Supply-What are the Problems? by B. Warren Beebe, May 1969
Department of Environmental Conxervation Statement on Natural Gas
Natural Characteristics, Herkimer & Oneida Counties, November 1965
The Regulation of Quarries, American Society of Planning Officials, April 1953
Municipal Control of Gravel Pits & Stone Quarries, State Department of Commerce, 1951
Section 404 Permit System for Wetlands, Corps of Engineers, September 1975
Rules & Regulations for Mineral Resources, N.Y.S. Department of Environmental Conservation, April 1974
The Economics of Timber & Lumber in Chautauqua County, Curtis H. Bauer, January 1974
Land Use & Natural Resource (LUNR) Inventory, Office of Planning and Coordination, June 1969
Report on Gas Drilling in Chautauqua County, C. Fagan, 1975
Value of N.Y.S. Reforestation Lands, C. Bauer, December 1969
Preliminary Forest Survey Statistics, 1967
Wetland Map of Chautauqua County, Department of Environmental Conservation (Not Completed)

III. Developed Land

Statewide Master Plan for Transportation, Department of Transportation
Land Use 1965, Herkimer & Oneida Counties, 1965
Transportation in Onondaga-Syracuse Metropolitan Area, Onondaga Department of Planning
The Role of Easements in New York's Open Space Planning by L.W. Libby
Planning for Open Space in Suffolk County, Suffolk County Department of Planning, May 1964

IV. Developed Agricultural Land

Agricultural District Map of Chautauqua County by Department of Planning, 1974
1969 Census of Agriculture, U.S. Department of Commerce
History of Wine Grapes, T.D. Jordon, November 1969
Agricultural District Act
Preserving Agricultural Land in N.Y.S., Commission On Preservation of Agricultural Land, January 1968

V. Potential Development Areas

Industrial Site Survey, Chautauqua County Department of Planning, 1973
Comprehensive Industrial Development Program Reports (3), Byington, 1973
1995 Land Use Plan
County Action Plans-Air Pollution
County Action Plans-Water Pollution
Patterns of Land Use, Onondaga County Reg. Planning Board, August 1961
Niagara River Environmental Study
N.Y.S. Physical Development Study Plan for 1990, N.Y.S. Office of Planning and Coordination
Urban Renewal Plan, Dunkirk, N.Y.

A Methodology to Achieve the Integration of Coastal Zone Science & Regional Planning, Lee F. Kappelman, 1974
People & The Sound, New England River Basins Commission
Marine Science Affaris, Report of the President, April 1971
N.Y.S. Development Plan I, Office of Planning & Coordination, January 1971
N.Y.S. Appalachian Program-A Development Plan, Appalachian Regional Commission, January 1968

Illustration 5
PRELIMINARY CZM AREAS REQUIRING FURTHER RESEARCH
CHAUTAUQUA COUNTY
FEBRUARY 1976

I. Recreation & Leisure:
   a. Scenic Transportation Corridors
   b. Geologic Formations
   c. Cliff Bluffs
   d. Historic Sites/Architectural Sites
   e. Archaeological Interest Areas
   f. Potential Public Access Areas
   g. Stream Spawning Areas

II. Natural Resources:
   a. Prime Timber Areas
   b. Wildlife Preserves & Endangered Species
   c. Wetlands
   d. Fragile, Rare & Endangered Plants
   e. Aquatic Natural Resources

III. Developed Lands:
   a. Urban Open Space

IV. Agricultural Lands:
   a. Prime/Unique Agricultural Areas

V. Potential Development Areas:
   a. Potential Commercial/Industrial Areas
   b. Potential Residential Areas
   c. Undevelopable Areas - Bedrock
   d. Slopes 25% or Greater
   e. Multiple Use Areas
   f. Land & Water Pollution Areas
   g. Multiple Ownership Patterns

VI. Utilities/Facilities:
   a. Watersheds, Aquifers & Recharge Areas
   b. 303 Basin Plans
   c. Fossil Fuel Storage Areas
   d. Proposed Landfills

VIII. Zoning & Flood Areas:
   a. Shoreline Erosion
   b. Potential CZM Boundaries

Illustration 5 (Part II)
Preliminary CZM Areas Requiring Further Research
Chautauqua County
February 1976

I. Recreation and Leisure:

a. Scenic Transportation Corridors - So far this element has been accomplished using topographic maps. To complete this identification process it will be necessary to conduct a field study of proposed routes. Additionally, public input could prove very useful.

b. Geologic Formations - The academic community and the public should be further questioned in order to ensure that no geographic formation of significance has been neglected.

c. Cliff Bluffs - A survey conducted by helicopter and utilizing topo maps is the basis of the present knowledge. A field trip to determine significant bluffs and their adaptability for preservation and or public access must be questioned.

d. Historic/Architectural Sites - A contract should be let in Nov. 76 for the creation of a Historic/Architectural survey and comprehensive preservation plan. This should more than satisfy the CZM needs.

e. Archaeological Interests - This office has researched all available data on this topic. A procedure for ensuring the preservation of significant areas should be considered and coordinated with those interested in economic development. This should probably be done at the state/federal level.

f. Public Access Areas - Criteria should be developed for determining where public access should be ensured. Among other things this should include a determination of the need for different types of access (e.g. beach, overview, boat launch, etc.) by location. Additionally, a field study should be conducted.

g. Stream Spawning Areas - DEC should be contacted to ensure that all spawning and stocking areas are identified. Additionally, fish, game and conservation clubs input should be sought to determine additional existing spawn areas and their adequacy.

II. Natural Resources:

a. Prime Timber Areas - It appears that this function may be beyond the capabilities of this department. Further contact with authorities should take place to determine the importance of this resource within the CZ.

b. Wildlife Preserves and Endangered Species - Again, further research is needed to ensure that existing and potential preserves are identified (e.g. bird sanctuary west of Canadaway Creek. The Autobon Society and Academic Community should be most helpful in this area.

c. Wetlands - N.Y.S. DEC has been given the responsibility for identifying wetlands.

d. Fragile, Rare and Endangered Plants - It will be necessary to seek out experts in this area since the first year effort did not uncover such sources.

f. Land and Water Pollution Areas - It appears that this task is beyond the capabilities of the county in most respects. Federal/State organizations should act on this matter.

g. Multiple ownership patterns - If any acquisition program is going to be considered, it is out feeling that ownership patterns will be a necessary element of this effort. However, the need for a comprehensive mapping effort does not appear to be needed; Instead, as acquisition is foreseen such surveys can be conducted to assist in determining feasibility and desirability.

VI. Utilities and Facilities:

a. Watersheds, Acquifiers, and Recharge Areas - Identification of these specifics is to be performed by the State DEC.

b. 303 Basin Plans - again, this is a function of the State DEC. Additionally, DEC has been contracted to do 208 Planning for the county.

c. Fossil Fuel Storage Areas - This task has been completed at this time.

d. Proposed Landfills - The location of landfills has been a continuous effort for the county. The state DEC is a partner in this effort.

VII. Zoning and Flood Areas:

a. Shoreline Erosion - This problem has been assigned to the state for the 2d year program. A preliminary identification of errosion areas has been completed. Sea Grant is active in this area.

b. Potential CZM Boundaries - A regional approach must be made in order to assure compatibility with the state/federal plan. Meetings with adjacent state/county officials are anticipated.

Task 3.2 Public Participation

I. Introduction

A. Purpose & Objectives

The purpose of this task is to identify and establish the necessary mechanisms for citizen and public official participation in the program formulation and also to provide interested parties with educational information on Coastal Zone Management.

This task has proven itself to be one of the most difficult to accomplish and at the same time it is essential in the creation of a viable program which will have public backing.

B. Methodology

Numerous methods have been incorporated to activate a public participation program in Chautauqua County. However, the primary effort in the first year has been at the town level where meetings were held normally with the planning boards or the legislative bodies. It was felt that these representatives would be able to provide a representative attitude of the general populace so as to be able to come up with a tentative plan. Supplemental information was also received from speical interest groups such as the League of Women Voters, commercial fishermen, etc.

In the second year of the CZM program, public participation will take on a much more pronounced role. The following Products section describes in detail what was accomplished in the first year and what is anticipated in the future.

II. Products

To accomplish the objectives of this phase of the program, the following techniques have either been fully accomplished or have been started so as to be ready for the second year program.

1. Creation of Educational Materials

a. Two questionnaires (Illustrations 6 and 7, page 46) have been drawn up and distributed to selected individuals in order to test their worth. After initial evaluation, numerous changes were made.

The first questionnaire consists of nearly forty questions which are of the open ended type. They are purposely very general in nature but they do cover most areas which might potentially be included in the CZM plan. This questionnaire includes a brief description of the CZM program and a statement concerning the reasons for the questionnaire. A list of CZM Topics is also included in order to encourage the participant to deal with the entire coastal zone management question and not just the localized problems which they are most familiar with.

The first questionnaire requires a basic background in CZM which normally has been accomplished by an informational meeting supplemented by a slide presentation.

The second questionnaire (page 52) also serves as an educational tool but this is not its primary objective. Instead, this questionnaire tries to determine what the attitude of CZ inhabitants and users is concerning a management program. This questionnaire will be used in the second and third years to hopefully obtain a feel for where the program is succeeding and where it is weak.

This questionnaire will be available for general distribution, although a general knowledge of the CZM program will be desirable in filling it out.

b. A potential list of state as well as local goals and objectives has been drafted for handout. Again, the purpose is dual. Not only will it provide a discussion base but it also will get interested parties directed toward the desirable products of CZM. Emphasis has and will continue to be placed on changing these goals and objectives as need be. (See Illustration 2, page 14)

c. Related to the above list is a compilation of CZM Related Problems. This list was compiled by talking with people who attended town meetings and in addition specialists were sought out along with their opinions. The list at this time is tentative and expresses many opinions.

Some of the people contacted include representatives of commerical fishing, conservation groups, realtors, league of women voters, municipal officials and planners.

This list is located in Illustration 3, page 16.

d. Other handouts which have an educating effect include a priority rating system for land/water uses (Illustration 20, page 104) and a list of Mapping Requirements of the program.

2. Public meetings have been used with mixed levels of success. A slide presentation was created which accompanies the presentation. The slides in general cover visually what is displayed in the list of problem areas.

In the first year of CZM Planning, an attempt was made to expose either the Town/Village Planning Boards or the legislative bodies in order to receive their backing and generate input.

In the first year, the primary means of gathering input was through town level meetings and by contacting special interest groups. At the first regional meeting called in which all Towns/Villages/Cities were invited to send representatives, only one person showed up. It is our feeling that this was due at least partially to a lack of knowledge on this program as well as a lack of crisis. Until this program is introduced locally and the people are adequately educated to realize that some good can come of it, there will undoubtedly be little general support and participation. Experiences so far indicate that CZM is too abstract of an idea for the average citizen to digest and become involved in. This problem should be eliminated in the second year when the tentative proposals are presented for review.

The reader should refer to Appendix 36 (page 164) for a concise listing of first year meetings with dates, participants and accomplishments.

The second year program will have as its objective the exposure of the CZM planning process to the public at large for their input. Public meetings will be the primary tool used.

The film "Its Your Coast," shown at the March CZM conference has been recorded on video tape for inclusion in the presentations.

3. Preparation for a display at the County Fair has been underway for some time. It is proposed at this time that not only a public information effort will be made but also there will be a brief questionnaire which will try to determine the need for such a program, problems and general implementation techniques.

4. Sea Grant was asked near the end of 1975 for assistance in educating the public on the CZM program. They agreed to shoulder much of the process of utilizing the news media to meet this need. Progress was made in creating news releases but due primarily to a change in personnel this objective has not gotten off the ground. Additionally, a commitment was made by Sea Grant to create a bi-monthly news bulletin for distribution.

   An assurance was given than when the new representative comes on board, that he will be devoting a large portion of his time to the education of the public on the CZM program.

5. The creation of a Citizen's Advisory Board (CAB) has begun with the creation of a tentative list of areas which should be represented. This list is shown in Illustration 8, page 56. A number of individuals have shown an interest in actively participating on such a board. The formation of this group is expected to take place within the first quarter of the second year program. It is expected that the members will have some knowledge and interest in at least one area of importance. This is not to say that the participants will or should be technical experts, since the generalist will also be welcome.

The first functions of the board will be to analyze what has been accomplished to date and make suggestions for changes and additions. Where it is deemed advisable, ad hoc committees will be formed from the CAB and other appropriate and willing persons. These ad hoc committes will be given specific problems with which to deal. Solutions proposed will be presented to the public as well as to the CAB.

It is envisioned that the CAB will have representatives present at meetings held throughout the program duration. Hopefully, these board members will actively participate in the meetings.

Of course, an open door policy will exist at all public meetings as well as at CAB meetings. All meetings will be adequately advertised with agendas planned ahead of time and publicized.

Not only will CAB members represent as many interest areas as possible, but they also should represent as many regions (Towns, Cities, Villages) and as many minority groups as possible.

6. If it appears that public meetings, CAB, ad hoc committes and other conventional means are not adequate for producing the optimum end product, then other means such as workshops will be used. A determination will be made in the second year as to the best procedures to be used to get input at an acceptable level.

Another process which will help the public participation program is the evaluation of other states' CZM programs as

well as the exchange of ideas between N.Y.S. contractors that have a similar rural populace makeup. Already, an exchange of ideas has begun with a number of contractors on different aspects of the programs, eg. Land Use Priority Rating System.

7. An illustration entitled, "Coastal Zone Management: Competition for Land and Water Usage," was created by this department as an educational tool. So far, it has been used primarily at town level meetings as a basis for discussion.

In the second year, it is anticipated that this visual representation will be utilized in advertising meetings, for handouts and many other ways.

III. Conclusions

A. Findings

Information which has come about as a result of the public participation program is to be found throughout all sections of this report. For example, many of the problems listed in Illustration 3 are a direct result of public input.

As far as the PROCESS of public participation goes, there are no concrete objective conclusions; instead, opinions seem to be the order of the day.

For example, as has been the experience in the past with other federally originated programs such as the National Flood Insurance Program, the initial thrust of local representatives was towards defining what local problems are and whether this program will provide the funding to alleviate their problems. A prime example of this happened at the April 23, 1975 conference

at Niagara Falls when a group of citizens from the Silver Creek area presented a statement whic attempted to solicit support and monies for a creek development project in their area. The conference leader explained that this was not the central purpose of the CZM process but this obviously gave the Chautauqua representatives little satisfaction.

Other findings with regards to the techniques utilized are as follows:

1. Questions provide an excellent means of educating the public as well as a means of obtaining input into the program. Success with the questionnaires has been primarily achieved by going over the individual questions at meetings and probing for opinions. Very little response has been achieved in handing out of the questionnaires and asking for them to be mailed back. Perhaps as the program becomes known to more people there will be a greater response rate.
2. Illustrations are extremely useful and should be more fully utilized. The "Competition for Land and Water Usage," Illustration 9 (oversized illustration) extremely informative and was used extensively at public meetings. Along with this a slide presentation prepared by this department was found to be a very good presentation technique.
3. Comments on public meetings have already been made but the overall feeling that we have is that they have had mixed success in the past but should become more useful as the program begins to take form and becomes less abstract.

4. Further comments on the use of news media, ad hoc committees, citizens' advisory boards, County Fair display, etc., will be reserved for the second year program when they will come into being more fully.

B. Significance

Public participation has not come of age in Chautauqua County with relation to CZM. The statewide stumbling blocks which will hopefully not be present in the second year should lead to a viable program in the future. The experiences we have had so far point out that much time and effort will be required to make DZM work and the ultimate success will be dependent on designing a plan which has the people of the county and their needs as the focal point. Only if this comes about will implementation of a viable program take place.

Illustration 6

COASTAL ZONE MANAGEMENT PROGRAM
CHAUTAUQUA COUNTY
QUESTIONNAIRE INSTRUCTIONS

A. Background

N.Y.S. has submitted to the Office of Coastal Zone Management an application for FY 1975 in the amount of $550,000 to create a State Coastal Zone Management Program. This first year application has been accepted and in turn the state has contracted with the county to act as the local coordinating agency for the State. The final state program is expected after three (3) years.

Briefly the concerns of this program will include, but not be limited to (1) water quality, (2) land use, (3) public access, (4) impact of utility plants, (5) flooding, erosion and lake levels, (6) port and waterfront developments and (7) environmental impact of economic development.

For the purposes of this grant, the coastal zone is defined as the waters of Lake Erie and adjacent lands. The extent of the lands included will be decided during the first year of planning.

Public participation is considered to be of utmost importance in the development of this management program. This questionnaire is only one mechanism which will be utilized, public meetings, workshops and hearings being other tools which may be used.

B. Reason for Questionnaire

The primary purpose of this questionnaire is to provide a mechanism by which interested parties, both private and public, may relay ideas on coastal zone management to the county for possible inclusion in the plan. Additionally, the purpose is to provide a comprehensive summary of topics which will be of interest to the study.

It is admitted that many of the questions are biased but we invite points of view from all sides. We hope, in fact, that the questions will invoke discussion and comments from a variety of points of view. The ultimate goal will be the defining of problems along the coast along with possible solutions, all of which will be hopefully incorporated into the management plan.

Finally, it is hoped that those not wishing or not able to actively participate in formulating the overall plan at public gatherings, will utilize this questionnaire to make their feelings known.

C. How to fill out Questionnaire
   1. Fill in as many questions as possible including the comment sections.
   2. Use back of questionnaire or a separate sheet for other comments, when needed.
   3. Where appropriate, provide possible solutions along with problems.
   4. Specify the priority of the problems (high, medium, low).
   5. Contact the Division of Planning, Court House, Mayville, New York 14757 (phone 753-7111, ext. 336) for more information.
   6. Return questionnaire as soon as possible to insure consideration of ideas for the management plan.

CZM Questionnaire Topics

A. Least Disruptive Developments & Considerations
   1. Ecological
      a. Aquatic (thermal, wastes)
      b. Land (smoke, noise, etc.)
   2. Aesthetics
   3. Forest & Brush
   4. Geological - Natural Resources
   5. Harbor & Waterway Improvements
   6. Historical
   7. Open Space
   8. Recreation/Leisure
      a. Land - Parks
      b. Water/Beach - Public Access/Fishing
   9. Wildlife
   10. Wetlands /Vegetation

B. Human Controlled Land Use Developments & Considerations
   1. Agriculture (Including Grapes & Orchards)
   2. Commercial/Industrial
   3. Residential
   4. Transportation
   5. Utilities (gas, electric, water, sewer, solid waste)
      a. Site & Line Location
      b. Drilling Gas & Oil Wells (land & offshore)

C. Other Considerations
   1. Natural Disasters - flooding, erosion
   2. Planning-Administrative-Participation
   3. Legal
   4. Implementation
   5. Economics
   6. Boundaries

COASTAL ZONE MANAGEMENT QUESTIONNAIRE
CHAUTAUQUA COUNTY
1976

Part A - Least Disruptive Land Use Developments & Considerations

1. Ecological:
   a. Are water resources (streams, lake, aquifiers) within the CZ as free from polution as desired? Yes_____ No_____ Comments:_____

   _____

   b. Is air quality a problem to be improved upon within the CZ? Yes_____ No_____ Comments:_____

   _____

2. Aesthetics: (artistic, beautiful, pleasing to the eye)
   Should aesthetics be a primary concern in regards to development within the Coastal Zone? Yes_____ No_____ Comments:_____

   _____

3. Forest & Brush:
   Should forest management and preservation be given a high priority in a CZM program? Yes_____ No _____ Comments:_____

   _____

4. Geological (Natural Resources):
   a. Should fossil fuels, sand, gravel and other natural resources be exploited without controls within the CZ? Yes_____ No_____ Comments:_____

   _____

   b. Should oil and gas drilling on land and water be controlled more fully? Yes_____ No_____ Comments:_____

   _____

5. Harbor & Waterway Improvements:
   a. Are port and stream improvement projects desireable along Lake Erie? Yes_____ No_____ Comments:_____

   _____

   b. Are existing port facilities adequate to handle commercial, recreational and safety needs? Yes_____ No_____ Comments:_____

   _____

6. Historical:
   Are historical points of interest being adequately protected within the CZ? Yes_____ No_____ Comments:_____

   _____

7. Open Space:
   Should open space development be controlled within the CZ so as to minimize use conflicts? Yes_____ No _____ Comments:_____

   _____

8. Recreation:
   a. Is coastal recreation sufficient for the needs of local citizens? Yes_____ No_____ Comments:_____

   _____

   b. Is there adequate public access (beaches, boat ramps, etc.) to Lake Erie? Yes_____ No_____ Comments:_____

   _____

   c. Is the tourist and recreational value of the CZ being fully utilized (eg. sufficient parks, etc.)? Yes_____ No_____ Comments:_____

   _____

9. Wild Life:
   Are the living coastal resources such as fish and wild life in need of protection such as more controls over wild life habitats and fish spawn areas? Yes_____ No_____ Comments:_____

   _____

10. Wetlands:
    Should "wetlands" and other unique or fragile ecological areas be protected from human encroachment so as to preserve this limited resource? Yes_____ No_____ Comments:_____

    _____

Part B - Human Controlled Land Use Developments & Considerations

1. Agriculture:
   Are farmlands (includes grape vineyards and orchards) and potentially viable farmlands adequately protected by present controls such as agricultural districts? Yes_____ No_____ Comments:_____

   _____

2. Commercial/Industrial:
   Should a greater effort be made to locate commercial and industrial structures where they will have the least negative effect on the CZ, that is where they will not interfere with other higher priority uses when possible? Yes_____ No_____ Comments:_____

   _____

3. Residential:
   In filling the need for housing in the CZ should an effort be made to consider other priority uses along with the rights of property owners? Yes_____ No_____ Comments:_____

   _____

4. Transportation:
   Should future transportation needs consider other land uses of higher priority? Yes_____ No_____ Comments:_____

   _____

5. Utilities (gas, electric, water, sewer, solid waste):
   a. Is it possible to improve the handling of solid waste and wastewater (industrial, commercial, residential) within the CZ? Yes_____ No_____ Comments:_____

      _____

   b. Is the present utility service satisfactory with regards to location and environmental concerns, etc.? Yes_____ No_____ Comments:_____

      _____

   c. Are there areas present within the CZ where development should be limited or not allowed due to an inadequate supply (or quality) of water available and (or) soils not conducive to sewerage systems? Yes_____ No_____ Comments:_____

      _____

   d. Can the proposed Niagara Mohawk power facility be developed at the suggested sites without undue impact upon other Coastal Zone resources? Yes_____ No_____ Comments_____

      _____

Part C - Miscellaneous Considerations

1. Natural Disasters:
   Should construction in flood and erosion-prone areas be discouraged (controlled or prohibited in some cases) so as to minimize disaster damage? Yes_____ No_____ Comments: _____

   _____

2. Planning & Administration:
   a. Are regional (Westfield, Dunkirk, Silver Creek) meetings the optimum way of insuring public participation in the CZM planning process (alternative would be town or county meetings)? Yes_____ No_____ Comments: _____

      _____

3. Legal:
   a. Can CZM be achieved to the desired level without an undue adverse impact on private property rights? Yes_____ No_____ Comments:_____

   b. Will the new Environmental Conservation Law (requiring Environmental Quality Review i.e. Impact Statement) have a significant effect on the CZM Program? Yes_____ No_____ Comments:_____

4. Implementation:
   a. Should the mechanism for implementing this program be controlled locally at the town/village/city level? Yes_____ No_____ Comments:_____

   b. Should zoning be considered as a viable tool in implementing the overall management program? Yes_____ No_____ Comments:_____

   c. Should different land uses be classified by priority in order to determine which competition for land and water use will prevail? Yes_____ No_____ Comments:_____

5. Economics:
   Can the expansion of economic activities and employment opportunities be achieved without undue damage or destruction of natural resources and scenic values? Yes_____ No_____ Comments:_____

6. Boundaries:
   Is the defining of CZM Boundaries a major task which demands attention in the first year of the contract, with possible boundaries being based on watershed boundaries, transportation routes, municipal boundaries or a set distance, etc.? Yes_____ No_____ Comments:_____

Part D - Required Information

1. Town or political subdivision of person completing questionnaire:_____

Part C - Optional Information

1. Name, address & phone # of person filling out Questionnaire:_____

2. Name, address & phone # of other persons who might be interested in contributing information or participating in the CZM Program:_____

3. How could this program be improved?_____

4. Other comments:_____

COASTAL ZONE MANAGEMENT QUESTIONNAIRE
CHAUTAUQUA COUNTY
1976

Part A- Please answer as directed

1. Which three of the following COMMUNITY topics do you think reflect the most serious problems in your Coastal Zone today? (Please number 1, 2, and 3, using 1 for the problem you consider most serious).

___ crime and law enforcement
___ jobs and unemployment
___ recreation
___ pollution
___ community services
___ zoning
___ transportation
___ housing
___ other: please specify
___ health care
___ education
___ no opinion

2. Which three of the following SOCIAL and ECONOMIC factors do you think would IMPROVE living in the Coastal Zone area in the future? (Please number 1, 2, and 3, using 1 for the factor you consider most important).

___ more people living in the area
___ fewer people living in the area
___ different kinds of housing should be available
___ better transportation facilities
___ lower taxes
___ more jobs
___ better schools
___ more industrial development
___ more commercial development
___ better public services (police, fire protection, utilities)
___ more recreational and cultural facilities
___ no changes necessary
___ no opinion
___ other: please specify
_____

3. Before planning land use development of the Coastal Zone area, what do you feel should be the most important CONSIDERATIONS? (Please number 1, 2, and 3, using 1 for the consideration you feel to be most important).

___ ecology (i.e. wastes, pollution, etc.)
___ aesthetics
___ forest and brush
___ geology - natrual resources
___ harbor and waterway improvements
___ historical considerations
___ open space
___ recreation/leisure
___ wildlife
___ wetlands
___ economic consideration
___ other: please specify
_____

4. Specify in which of the following areas land-use planning is most needed. (Please number 1, 2, and 3, using 1 for the area you consider most important).

___agricultural (including grapes and orchards)
___commercial
___industrial
___residential
___transportation
___utilities and facilities (elec., water, sewer, solid waste)
___Resource development (gas/oil well drilling - land and offshore)
___other: please specify
_____

Part B- Please answer briefly but thoroughly

1. Defining the Coastal Zone is a vital part of the CZM program. What factor(s) would you consider most important in determining its boundaries(Examples being watershed boundaries, route 20, etc.)?

2. What do you consider to be a viable means of implementing the overall CZM program? Take into consideration the different levels of government involved (e.g. local, state, federal, etc.) and the mechanisms at their disposal (e.g. zoning, legislation, etc.)

3. What role do you think public participation should play in the CZM program? How would you recommend that the role be carried out?

4. Very briefly, what does Coastal Zone Management mean to you?

Part C

1. Use the following space to comment freely on any aspects of this questionnaire or the CZM program in general:

Part D- Required information:

1. Town or political subdivision of person completing questionnaire:

   _____

   How long have you lived there? _____

Part E- Optional information:

1. Name, address and phone number of person(s) filling out questionnaire:

   _____

   _____

   _____

   _____

2. Your age, circle appropriate group:

   16-30 31-50 51-65 over 65

3. Your sex

   ___Male ___Female

4. Name, address and phone number of persons who might be interested in contributing information or participating in the CZM program

   _____

   _____

   _____

   _____

Your time and effort in filling out this questionnaire is very much appreciated.

Illustration 8
CZM Citizen Advisory Committee Makeup
Chautauqua County
1976

I. Recreation & Leisure
Harbor Masters
Park Managers
Historic Preservation
Fishing & Other Sportsmen
Sporting Facilities (Tennis, Bikes, etc.)
Boating & Swimming

II. Natural Resources
Wildlife Specialist
Forester
Geologist
Biologist (Land & Aquatic)
General Environmentalist
Conservationalists

III. Development (Planning & Zoning)
Planners - Local, County, Regional Private
Zoning (Local & County)
Environmental Health
Real Estate
Utilities/Facilities

IV. Economic
Industrial, Commercial, Agriculture
Residential
Transportation
Fishing - Commercial

V. Other:
Political (Local & State)
Natural Disaster
Beach Associations
Legal
Education
Chamber of Commerce
League of Women Voters
Service Organizations

Illustration 10
CZM PUBLIC PARTICIPATION
Technical Guideline Summary

I. Purpose - Purpose of public participation is generally to get input on the following: (a) boundaries, (b) selecting permissible land and water uses, (c) designating areas of particular concern and (d) establishing priority of uses.

II. Methods - The following methods should be incorporated into the program to educate and provide an opportunity to the public to participate in order to insure that the plan is developed with the public and not for the public:

a. Advisory Council - identify issues and problems, establish goals and objectives, review plans, convey public attitude to staff, formulate ways of getting public input, participate in meetings, rotate meeting site, meet monthly

b. Workshops - review specific problems

c. Public Information Meetings - distribute information, receive feedback which generally is reactive to the agenda, staff and advisory committee should participate, change location of meetings, publicize meetings in advance, distribute summary sheets at meeting along with agenda, use theme with public appeal.

d. Public Hearings - formal requirement of CZM Act 1972, should hold hearings on major work elements such as boundaries. Must have: 30 days notice, handouts, different locations, timed to permit seasonal population a voice, summary should be made available to public and sec. of commerce

e. Questionnairs - used for sensing attitudes, priorities, issues, etc. Must assure that results are representative.

f. Public Information - Purpose is to develop an awareness of CZ, clarify issues, explain benefits of program, educate individuals so that they can provide knowledgeable input. Methods of informing public include: audio visual materials such as slides and illustrations, public exhibits, newspaper coverage, brochures and fact sheets.

g. Assistance sources - Sea Grant Institute is a primary source for aiding the public participation process.

III. Implementation - The success of the CZM program is dependent on a viable participation and informational program throughout the development (305) and management (306) phases. Educational information must be available so that participants can actively participate. Advisory committees should meet monthly and public meetings should take place quarterly with the place of the meetings changing. Adjacent contractors (Erie County) should coordinate their efforts, eg. joint preparation of informational materials.

Illustration 12

Planning Study Set For Lake Erie Plain

MAYVILLE — Chautauqua County soon will be entering into a three-year, $30,000 study of short- and long-range planning for the Lake Erie coastal plain.

The legislature's Environmental Affairs Committee last night authorized the county executive to sign an agreement for the project with the state Office of Planning Services.

Elements to be studied include land use, public access, impact of utility plants, erosion, and port and water front, economic and lake level development.

According to Busti legislator R. Theodore Smith, who explained the plan, the study will be significant in assessing the impact of the planned $800 million Niagara Mohawk plant and proposed natural gas drilling on Lake Erie. Both could affect the grape crop on the coastal plain, he said.

The study is funded under the federal Coastal Zone Act of 1972 and makes $550,000 available to New York state for each of three years, Mr. Smith said.

Under the contract the county's Department of Planning and Development would conduct the study and be reimbursed by the state. It would run for one year and be subject to two annual renewals Mr. Smith said.

The initial phase of the study would identify existing land use areas on the plain, including sectors designated as "unique, fragile or historic;" natural hazard areas; sections of renewable resources (such as forests) natural resource and major development areas (such as beach, vacant tracts, ports, parks and utilities).

Evaluation of laws and determination of the environmental impact of changes in land management policies will be a major aspect of the study, Mr. Smith said.

Under the contract, the Department of Planning and Development is to solicit citizen involvement through public meetings and workshops, it was indicated. The views of environmental groups and local planning agencies also are to be sought.

Task 4.2 Zoning & Master Plans

I. Introduction

A. Purpose & Objectives

The purpose of this task is to assess the extent of interest by state, regional and local agencies in CZ land use planning. To fulfill this objective, an appraisal of local government plans, zoning and subdivision regulations will take place. Additionally, other applicable laws and their relationship to the CZM program will be examined.

B. Methodology

The first step taken was that of gathering all known land use plans, zoning ordinances, subdivision plans, etc. A request was sent out to all municipalities for current copies of all zoning related ordinances. The County Planning Division already has copies of existing comprehensive plans.

The next step was to examine current zoning ordinances and classify local land uses into a county-wide system.

The mapping of different zoning districts took place on 11" x 22" copies of 7-1/2 minute USGS maps. (See Part II)

With regards to 701 comprehensive plans within the CZ, it is the feeling of this division that these plans in most cases show that most of the lands within the CZ are designated for use as Agricultural/Residential and thus the mapping of these lands would serve no real purpose. Instead, a currently prepared 1985 land use plan prepared at the county is being used. This plan should give a more current and realistic depiction of present and future land uses.

II. Products

The major product of this task is, of course, the mapping effort. Map VIII (Part II) shows the various zoning districts using county-wide categories as follows:

Residential

Business, Commercial

Industrial

Agriculture & Conservation

Along with the mapping of zoning districts, the following categories were also taken from the 1995 county land use plan:

Urban Areas with Water and/or Sewerage

Urban Areas in Need of Water and/or Sewerage

Industrial Park Locations

Public & Quasi Public Lands

Viable Agricultural Areas

Small Farms and/or Open Rural Areas

Transportation Systems

These items can be found in Part II of this report.

Within the CZ area there are five municipalities that had Subdivision Regulations Prepared for them under a 701 contract back in 1965. Of these municipalities, three have approved and are enforcing the regulations. These municipalities have the greatest densities within the CZ (City and Town of Dunkirk and Village of Fredonia). The Township of Hanover also has and is enforcing a subdivision regulation.

The status of other ordinances/laws can be found in Table 13 (page 62). It can be seen that mobile homes are controlled very strictly within the CZ with only one township not having such a regulation.

Gas well drilling has skyrocketed in the last couple years to the point where many municipalities have adopted or are contemplating adoption of drilling regulations. Table 13 shows that eight communities have either adopted or are contemplating adoption of a drilling regulation. According to a report done in 1975 entitled, Report on Gas Well Drilling in Chautauqua County the major concerns that landowners have are with site restoration, royalties and property tax evaluations. Site restoration in particular is of interest to the CZ plan.

Table 13 also shows which municipalities have building codes, junk yard ordinances, sign ordinances and National Flood Insurance regulations.

ILLUSTRATION 13
STATUS OF LAND USE ORDINANCES & REGULATION
CHAUTAUQUA COUNTY COASTAL ZONE

MARCH 1976

	Zoning Ord.	Subdivision Regulations	Mobile Home Ordinance	Oil & Gas Well Regulations	Building Code	Junk Car Ord.	Sign Ord.	Nat. Flood Insurance
Hanover	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Silver Creek	Yes	No	Yes	No	Yes	Yes	Yes	Yes
Sheridan	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Pomfret	Yes	No	Yes	Proposed	No	Yes	No	Yes
Fredonia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Dunkirk (C)	Yes	Yes	Yes	Proposed	Yes	Yes	Yes	Yes
Dunkirk (T)	Yes	Yes	Yes	Yes	No	No	Yes	Yes
Portland	No	No	Yes	No	No	Yes	No	No
Brocton	No	No	No	No	No	Yes	No	No
Westfield (T)	Yes	No?	Yes	Yes	Yes	Yes	Yes	Yes
Westfield (V)	Yes	No?	Yes	Yes	Yes	Yes	Yes	Yes
Ripley	No	No	Yes	No	No	No	No	No

III. Conclusions

A. Findings

Local municipalities have varied degrees of interest in land use management within the Coastal Zone. Table 13 gives a good indication as to the degree of interest, by showing the types of regulations which have been passed. Note that certain communities have only one or two enforced regulations. With few exceptions, the goals of the CZM program will not even be slightly met by existing ordinances. Basic zoning ordinances are outdated and not in tune to where and to what degree development should take place. Even agricultural districts are not sufficiently strong so as to insure preservation of grapelands.

In some instances, experience tells us that for one reason or another the existing ordinances are not adhered to. This possibly could be due to a lack of expertise or possibly because the ordinance is not appropriate for the situation which exists.

As previously stated, 701 comprehensive plans generally have not and are not being implemented. A probable cause of this lack of activity is at least partially contributed to the makeup of local planning boards. Many of these boards are either non-existent while all of them are only part-time (usually one meeting per month) and react only to special crisis type situations. It should be pointed out that there are many very qualified individuals on many of these boards but the time and political barriers in their way often is too much to overcome. Along with this we also wish to point out that many of the plans are just not realistic, given the growth patterns of the area.

The legislation and other regulations which local municipalities are subject to often times are not known, are not fully understood or are not taken advantage of. For example, the county passed a resolution a number of years ago providing recreational funds for local municipalities and yet few took advantage of this program. This same thing, we feel, is happening with state and federal regulations as well as grants.

A prime example of the inactivity of municipalities is the National Flood Insurance Program. Even though contact was made by federal, state and county officials on a regular basis, a large percentage of the CZ municipalities failed to enter the program until the county personally became involved in "spoon feeding" them the program. Their reasons for not entering such programs usually start with the argument that they don't need the program and often this is at least partially due to a lack of understanding.

It is very predictable that such programs as the Freshwater Wetlands program will not be voluntarily picked up at the local level unless a personal effort is made by a county or state agency to explain such programs and assist in their implementation.

Finally, a word of defense for local municipalities. Many of the programs devised at federal and state levels do not understandably consider all of the administrative and financial implications of such regulations. Most rural municipalities do not have full-time employees that have the expertise to implement these programs. Threatening correspondence has the effect of antagonizing

the locals and convincing them that they really don't need the program anyway. Thus, we would like to suggest that legislation must be flexible enough to be applicable to each circumstance and it must be so designed to be easily understood, believed in and administered.

B. Significance

It is proposed that in the second year of this program that a series of model ordinances be formulated which apply to local needs. That is, after further examination of the present regulations (Table 13 and Illustration 26) and discussions at the local level of needs, it is proposed that thought be given to creation of a package system of ordinances which can be utilized by even the most skeptical municipal units. Personal contact and education will be the key to success for this program. Some of the examples of potential areas to be examined for need are gas well drilling, junk car controls, gravel pits, protection of scenic views, open land protection and many others.

By producing mini-land/water use plans which are more understandable, it is hoped that eventually a comprehensive plan will be formed. It is realized that many areas in need of control must be regulated at the state or federal level. These items also could be presented in a mini-plan which would be designed to easily fit into the overall scene.

Task 4.3 Intergovernmental Process

I. Introduction

A. Purpose & Objectives

Determining feasible mechanisms for continued intergovernmental relationships is the main purpose of this task. The objectives are thus to analyze existing relationships between local governments and higher level governments and to try to pick out those relationships which seem to be productive for all parties as opposed to those which are a hindrance.

B. Methods Used

An attempt was made at town level meetings to enter into a discussion of the existing contacts which local government has with the county, state and federal government and further to analyze these relationships.

Additionally, the long questionnaire (Illustration 6) used in the public participation process has a series of questions which try to establish which mechanisms should be used to implement a CZM program and at what level of government it should be controlled.

II. Products

None at this time.

III. Conclusions

A. Findings

Preliminary discussions show that a lack of understanding of a program and its intent often is the cause of discontent among local municipalities. A prime example of this is the National Flood Insurance Program. The regulations to be followed were not adequately explained by federal or state agencies to the local people or their representatives. Not until the County began visiting each township to explain the program and the reason for its existence, did municipalities agree to enter the program.

Home rule and overlapping jurisdiction is also a constant problem, especially in rural areas of the county. The question has been brought out in many instances that the level of control should be at the lowest possible level of government which has the ability to be effective.

B. Significance of Findings

From all of this comes the conclusion that for this or any other similar program to succeed, there must be a concentrated effort to educate honestly the public as to how programs will effect them both positively and negatively. We feel that from past experience that this educational effort must be as personal as possible so as to encourage participation and understanding. Regional meetings in Buffalo will not provide this man to man contact which is desired. Of course the economics of providing the "personal touch" must be considered. Finally, in the second year program, we are hopeful that Sea Grant will be producing a regular newsletter which will keep interested parties current on CZM happenings.

In the end it is felt that to be successfully implemented, every attempt must be made to make sure that the programs are sensitized to local needs and that control is at the lowest possible level. Generalized statewide plans which do not account for local need will generally be fought to the end and thus may be implemented only on paper.

Task 6.2 CZM Boundaries

I. Introduction

A. Purpose & Objectives

The ultimate purpose of this task is to define the boundary(s) of the CZ in Chautauqua County in such a way so as to make it easily identified and acceptable for the statewide program.

The objectives are to do the following: (1) define the study area which is the ultimate boundary within which any possible CZM boundary will be located; (2) analyze different criteria for defining the CZM boundary; (3) propose alternative boundaries; and (4) insure that the public will have the opportunity to provide an input into the final choice.

B. Method

Essentially, this Department did the original research in order to fulfill the first three objectives stated above.

First, the Coastal Zone Management Technical Guidelines were reviewed for input (See Illustration 14, page 73, for Summary). Next a list was compiled which includes all of the land and water uses which might be in need of controls. It was decided that the list of Mapping Requirements (see Illustration 18) which had been already created served this purpose to a certain degree. From this starting point was developed a list of "Possible Criteria Used to Define CZM Boundaries" as seem in Illustration 15, page 74.

Next, a further refinement took place which resulted in Illustration 16 , Page 75, which visually depicts "Feasible CZM Boundaries."

II. Products

In defining the criteria which is to be used to design the study area and the CZM Boundary alternatives, a brainstorming session was used along with the technical guidelines supplied by the state. The resultant list of possible criteria to be used is found in illustration 15, page 74.

Visually, these different boundaries are found in the illustration entitled "Potentially Feasible CZM Boundaries" found in Illustration 16, page 75. Note that many of the criteria proved to be too abstract to use and thus were eliminated for practical reasons.

From the above was born what was felt to be a realistic preliminary boundary system. After discussions at the town and county level, (see Appendix 36) it was felt that different degrees of control were required at different points within the Coastal Zone Area. Thus, as seen in Illustration 17, page 76, a Four Zone System was derived. Zone I utilizes Route 5 as its inland boundary and the international water boundary as its water side line. The most stringent controls, it is felt, should occur in this zone. That is, those land/water uses which scored highest should be highly encouraged (Group A, Illustration 22) while lower ranked items (Group B) should be discouraged or at least strictly controlled.

In Zone II (bounded by Routes 5 and 20) it is suggested that a lesser degree of control be maintained than for Zone I. Group A items should be highly encouraged while Group B should be allowed but in selected areas where they will not result in adverse affects on Group A.

On the other hand, Group B uses should be encouraged to take place in Zones III and IV where their effects will not be so strong on the most fragile areas close to Zone I. When feasible, the lower portion of Group B should be contained within Zone IV; however, Zone IV is still susceptible

to strict water contamination controls so this should be kept in mind. Zone III is comprised of those lands located between Route 20 and the outer municipal boundaries of the first tier towns. Zone IV includes additional lands which are within the Lake Erie Watershed but outside of the first tier town boundaries.

The boundary scene, the reader is reminded, is only a preliminary plan which is still subject to public scrutiny and major changes. It does provide a foundation from which to work.

III. Conclusions

A. Findings

There are a multitude of potential boundaries that could be used within the County of Chautauqua and the State. The tentative proposal made here may be somewhat complex, however, it may also provide the flexibility required to make the plan workable. In analyzing this proposal it might be deemed advisable to reduce the number of zones.

The study area, as can be seen on either Illustration 16 or 17, was chosen as the Lake Erie Watershed. For our purposes this appeared both logical and realistic in providing an area which will include all potential investigative regions.

B. Significance

The importance of defining the CZ boundary in such a manner so as to achieve and maintain effective and consistent controls cannot be overstated. The end product must be a marriage of needs of all levels of the public and private sector. Thus, the public participation process must be encouraged to the fullest.

Illustration 14

CZM BOUNDARIES
Technical Guideline Summary

I. Alternative approaches to defining CZM Boundaries:

- Biophysical - Boundary can be determined by using biological, geological or physical factors or a combination of natural features, eg. watershed, flood plain, escarpment. This method may require detailed delineation in order to permit identification for control purposes.

- Biophysical/Administrative - Utilize existing and easily located natural features so as to include critical biophysical features, eg. municipal boundaries, highways, etc., which include within them the biophysical features. This method would enable more effective control because of the ease in identification.

- Multiple - Different zones would be delineated based on the function to be controlled, eg. watershed would delineate boundary for controlling water purity within the coastal zone or Route 5 might be used as the boundary for controlling water related recreation and public access. Thus, the intensity of control might vary within each different zone, generally with the most intense controls found close to the water and the least restrictive controls far away from the waterfront. Administration would undoubtedly be more of a problem if this method was used.

II. General Purpose:

- Initial boundaries will be modified and refined as the CZM program develops. Initial boundaries will probably be larger than final boundary to insure that sufficient area is analyzed.

- Goal will be to establish boundaries which accurately define land and water areas where the CZM program can achieve and maintain effective and consistent controls.

- Definition - CZ includes the waters and adjacent shorelands strongly influenced by each other. It extends from the international boundary inland to the extent necessary to control shorelands which have a direct and significant impact on the coastal waters.

III. Procedures in Defining Boundaries

- Must determine types of uses and geographic areas of concern which are to be controlled and their locations prior to drafting boundaries. Refer to CZM mapping requirements.

- Coordination with adjacent coastal areas must be accomplished.

- Participation by the public is essential in order to develop viable boundaries which can be implemented. A feedback system must be created. Public participation techniques should include information meetings with slide and graphic displays, pamphlets to simply explain boundary proposals and news releases which detail the refined boundaries.

- Proposed Boundaries shall be delineated on Base Maps (1" = 2000' - 7-1/2 minute - 11" x 22") and on a Summary Map (1" = 2 miles).

- A narrative text shall be prepared which will describe the method, analysis and procedures used in boundary delineation. Critical assumptions, standards and criteria used shall be identified.

ILLUSTRATION 15

POSSIBLE CRITERIA USED TO DEFINE CZM BOUNDARIES

CHAUTAUQUA COUNTY

1975

I. Biophysical

- Topography - Escarpment
- Flood Plain
- Natural Areas - Gorge, etc.
- Forests
- Wildlife/Plantlife - Land & Water
- Pollution Areas (Air, Water, Visual, etc.)
- Watershed of Lake Erie

II. Administrative

- Political Boundaries
- Comprehensive Plan Development Lines
- Transportation Corridors
- Zoning Land Uses
- Recreation Uses
- Agricultural District Lines
- International Lake Boundary
- Set Distances (Feet, Miles)
- Contour Lines
- Ownership Patterns of Land
- Sewerage & Water Systems

ILLUSTRATION 16

FEASIBLE CZM BOUNDARIES

CHAUTAUQUA COUNTY

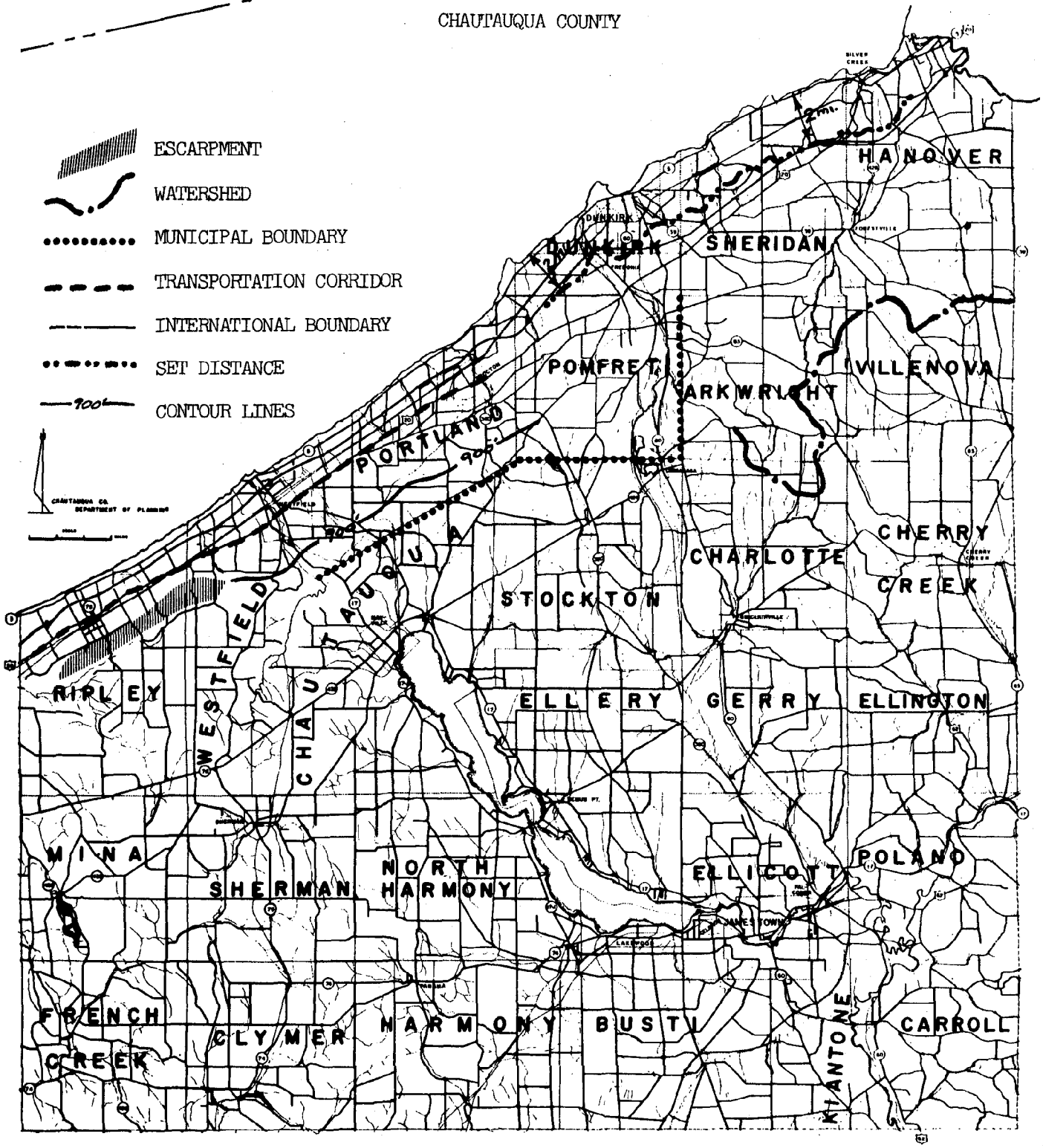
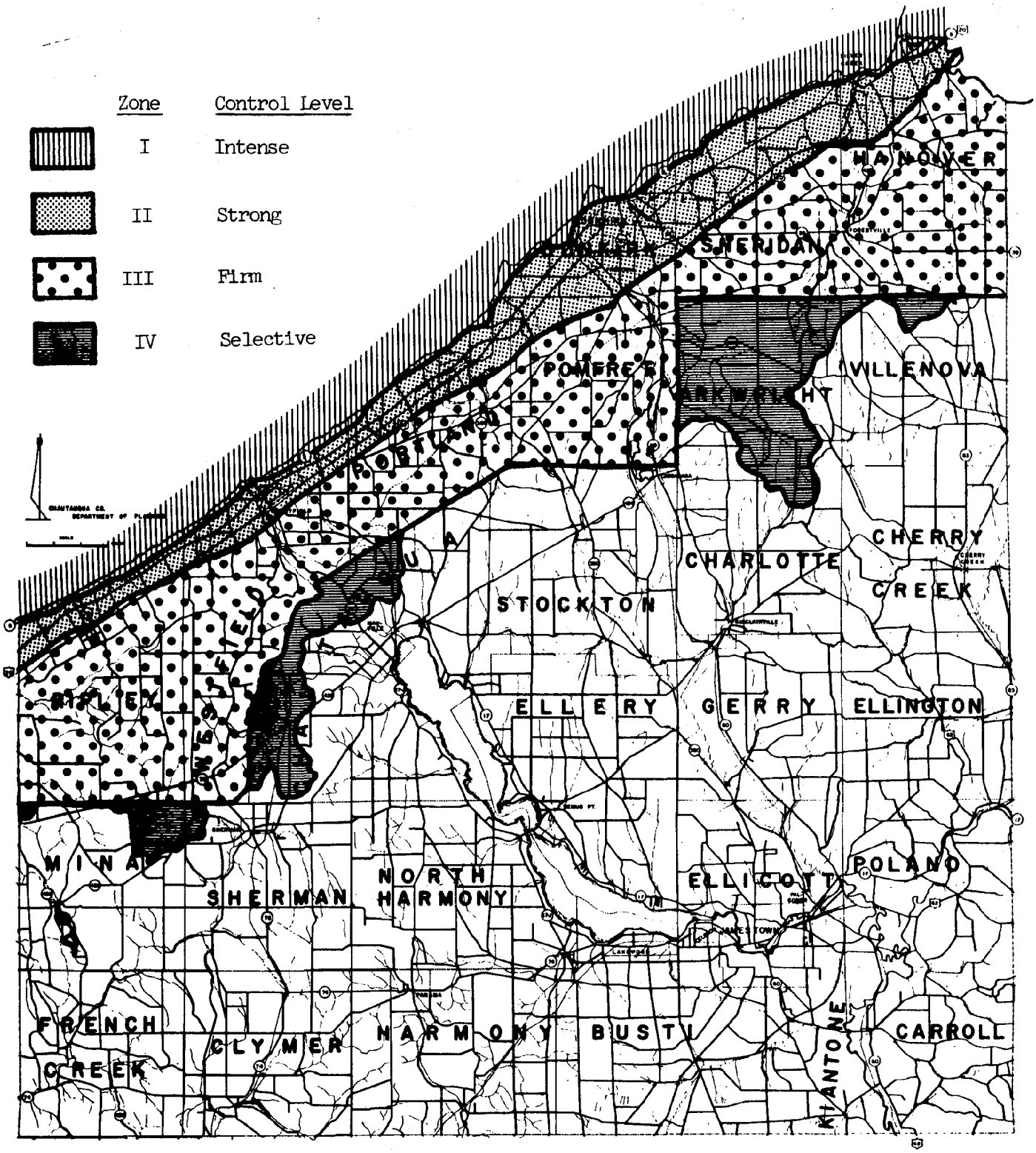


ILLUSTRATION 17

PRELIMINARY CZM PRIORITY ZONES

CHAUTAUQUA COUNTY



Task 7.3 Research & Map Land/Water Uses & Potential Uses

I. Introduction

A. Purpose

The purpose of this task is to map and analyze geographic areas of particular concern for their natural resource value. Areas requiring further study by the county or other agencies will be documented.

B. Methods

The first step in this process was the formulation of a comprehensive list of items that were to be investigated for mapping. Essentially, this list came about through the examination of background data (see Illustration 4, page 28) and by reveiwing the state CZM contract for local applicability.

Some time later the list of areas to be mapped was refined by analyzing the list of CZM Problems (Illustration 3, page 16).

At a later date we met with the N.Y.S. Department of Environmental Conservation (DEC) in order to review what both agencies had mapped and what they anticipated in their work effort.

The actual mapping has been accomplished on 11 x 22 inch overlays with the 7-1/2 minute quad USGS topographic maps as the base. This size was chosen because it was recommended by DEC as being the size which will be used for a statewide atlas of the land/water uses within the coastal zone.

II. Products

By referring to Illustration 18, "CZM Land/Water Use Mapping" one can get an overview into the physical makeup of Chautauqua County's Coastal Zone. This illustration lists uses by the following topics: (1) Recreation & Leisure, (2) Natural Resources, (3) Developed Lands, (4) Potential Development including utilities; and finally, (5) Natural Disruptions.

A very detailed picture of the Coastal Zone can be achieved by referring to Part II of this report which consists of the maps (overlays) which delineate land/water uses. Illustration 19 (page 91) entitled "CZM Mapping Legend" gives a summary of the symbols used to denote different uses.

The following is a categorical description of selected mappings along with comments on the degree of completion and areas which will require more attention by either this department or other agencies.

- Recreation & Leisure - (Map I)
  - Overview Sites - The county park study initial investigation came up with seven potential overview sites within the CZ Study Area, one of which has already been partially developed by the county.
  - Scenic transportation corridors exist mainly along State Route 5. However, these corridors and others have not been identified at this time.
  - Gorge Creek Areas - Three major gorge creek areas exist within the Study Area. One proposal has already been submitted for protecting the largest gorge but success has been limited.
  - Harbors - along the county's Lake Erie border are located

three harbors. On the records are requests for improvements of these facilities for various reasons.

- Historic sites are abundant in Chautauqua County and it is anticipated that a detailed study will commence very soon to supplement much information which is already gathered. To date, no mapping has taken place in this area.
- Archaeological interests have been extensively researched by this department in the last year. Most of these already known sites are included on the maps.
- Public Access - Initial study shows us that the Lake Erie shoreline is dotted with approximately 20 points of public access which includes beaches, public docks, boat launches and parks. Additionally, without considering ownership patterns, four possible public access points stand out. The second year of the CZM program should result in a much more thorough investigation of both existing and potential access points and their adequacy.
- Parks and other recreational facilities are mapped quite extensively throughout the CZ study area. For example; tennis, camping, boating, streams, bike routes (proposed) and snowmobile routes have been designated.

• Natural Resources (Map II)

- N.Y.S. Reforestation Lands - There is one major state reforestation area within the study area and two others which border the southern proposed study boundary. The primary gorge creek within the county falls partially within state forest lands.

- County Reforestation Lands - One large and two relatively small county reforestation areas exist in the study area.
- Forest Lands - Because of the large percentage of the county which consists of forest and brush, it was decided that only areas located within State Route 5 would be included in the initial investigation. As seen on the maps, Chautauqua County is indeed fortunate to still have such a large portion of its lands (adjacent to the lake) still in forest. Protection and proper development within this national feature will undoubtedly be a primary objective of the CZM program.
- Prime Timber Areas, it was discovered, have not been studied at this point of time and thus are omitted from this initial effort.
- Gravel Deposits - A large percentage of Chautauqua County contains soils which have a very low gravel content. This is also the case along Lake Erie, where gravel is very scarce between Route 20 and the lake. A detailed map of areas containing soils acceptable for sewerage systems (gravel present) is to be found on Map V.
- Existing and Abandoned Gravel Pits - have been delineated and are generally speaking a considerable distance inland from the lake.
- Wildlife, Wetlands, Plantlife and Aquatic Natural Areas - These areas have not, to the best of our knowledge, been the topic of much research with the exception of wetlands and the Lake Erie Generating Station application.

Our present feelings are that the personnel and money involved to analyze such areas is not available locally. Thus, we assume that the state would have to provide this service.

- Developed Lands (Map III)
  - Developed Beachfront - There are approximately seven areas adjacent to Lake Erie which have had concentrated development. This mapping effort is preliminary and excludes the City of Dunkirk and the lakeside Village of Silver Creek.
  - Commercial, Industrial & Residential Areas have not been mapped at this time except with regards to the zoning districts as seen on Map VIII. Further study is expected in the second year of this project.
  - Transportation Systems are delineated on this map along with Municipal Boundaries. The predominant transportation flow is parallel to Lake Erie upon three state systems and via a rail system.
  - Industrial Parks - The City of Dunkirk and Village of Fredonia have the central location and population density which has resulted in the formation of one industrial park with another one ready for construction in the same vacinity.
  - Rural Open Space is very abundant within the study area to the point where only those open spaces on the lake side of Route 5 have been recorded. Urban open space has not been mapped at this time but this is anticipated in the second year effort.

- Agricultural Lands (Map IV)
  - Active Grapelands make up an estimated 10% of the CZ Study Area (Lake Erie Watershed) as is witnessed on the maps. Most of these grapelands are located between Routes 5 and 20.
  - Prime & Unique Agricultural Areas have not been shown on the maps. However, they coincide with the agricultural districts and the grapelands. These areas will be plotted in the second year effort.
  - Agricultural Districts (Law) - These districts are not to be confused with the zoning districts. In the North County there have been six agricultural districts formed adjacent to Lake Erie.
  - Other Existing Agricultural Lands have not been mapped at this time.
- Potential Development Areas (Map V)
  - Soils Acceptable for Septic Systems is at this time the only item which has been placed on this series of maps. It should be pointed out that this exercise is very general in nature and shows those areas, which without an extensive soil survey, are most likely to provide the best conditions for a "home" septic system. The importance of this for future development where municipal systems do not exist cannot be overemphasized.
  - Potential Commercial, Industrial & Restricted Areas, excessive slopes, multiple use areas, existing pollution, multiple ownership and undevelopable areas are not as yet mapped. These items will be examined in the second year.

- Utilities & Facilities (Maps VI & VII)
  - Existing Water and/or Sewerage Systems exist basically near the urban centers of the county.
  - Areas in Need of Water and/or Sewerage Systems are derived from the county's newly prepared land-use map. Most of these areas outlined extend outward from the urban centers where the density presently or in the future will warrant such extensions.
  - Municipal Reservoirs & Sewerage Treatment Plants are also located on Map VI.
  - Watersheds, Aquifers, Recharge Areas & 303 Basin Plans are not to be found in the first year mapping effort. It is anticipated that these items will be accomplished by the State DEC with the exception of watershed delineation.
  - Gas/Oil Wells - The boom in gas well drilling in Chautauqua County (nearly 5,000 wells in the last three years) and the activity involving the lifting of the Lake Erie Drilling Ban has focused much attention on this most important area.
  - Gas Reservoir & Storage Areas are shown on Map VII with the major reservoir located in the towns of Sheridan and Hanover.
  - Gas Utility Service Areas & Lines basically are to be found within the villages and city as well as along Route 20. Additionally, the area between the Dunkirk-Fredonia Region and the Silver Creek/Forestville area seems to be well covered.

- Existing Generating Facilities within the City of Dunkirk are mapped.
- Proposed Electric Generation Sites - Niagara Mohawk Power Corporation has expended millions of dollars in the purchase of two sites and in the preparation of an Environmental Statement. The Portland site is favored over the Sheridan site by the power company.
- Sanitary Disposal Sites - Presently the county is doing extensive research in trying to find an acceptable solution to the solid waste problem in the county. At this time only one county landfill is located within the CZ Study Area. Included in the mapping are old sites and others which have been proposed.

• Zoning & Flood Areas (Map VIII)
  - Zoning Districts - From all of the existing local zoning maps came the zoning districts found on Map VIII. The local ordinances utilized a multitude of zones which were categorized into one of four districts for our purpose. These districts include Residential, Commercial, Industrial and Agriculture-Conservation.
  - Flood Prone Areas - The source used to delineate flood prone areas was the Federal Insurance Administration maps provided under the National Flood Insurance Program.
  - Shoreline Erosion - Due to the abnormally high lake levels, brought about by above average precipitation, much erosion has taken place and will probably continue

for many years. The mapping done is primarily the result of a survey done by the County Planning Department during 1973 high water levels.

- Potential CZM Boundaries - The criteria for CZM boundaries can be found in Task 6.2 along with a summary map.

III. Conclusions

A. Findings

Idealistically, it would be very rewarding and advantageous to have all of the mapping 100% complete at this time. If this were the case then each series of maps for a section of the Coastal Zone could be placed on top of each other to determine where in fact conflicts exist or could exist. However, not all of the Natural Resources have been mapped (eg. Wetlands, Aquatic Life, Wildlife, Prime Timber, etc.) and most definitely the potential development areas have not been completely projected.

A list of areas which are in need of more study is to be found on page 32 (Illustration 5).

Preliminary findings lead us to the opinion that the following conflicts exist to one degree or another:

(1) Gorge Preservation is being held up by ownership patterns and at the same time this private ownership is keeping access to a minimum in many instances.

(2) Rivers are basically being protected adequately except in certain urbanized/industrialized areas.

(3) Wildlife Preservation (Land and Aquatic) is not well understood and economic considerations seem to be paramount in many cases.

(4) Wetlands which are small in size probably are being filled for development purposes in some instances.

(5) Urban Open Space is not generally looked upon as being valuable in its present open state.

(6) Potential Parks are often put into private use without even having identified them.

(7) Historic Sites or sites which have architectural significance have not been identified and thus are difficult to protect.

(8) Public fishing facilities and beaches are felt to be inadequate in some areas, yet little is being done to acquire and protect these areas for the public's good.

(9) Ports and harbors have been a great concern of many lakeshore residents with financial problems stalling most improvements.

(10) Overview sites often are lost to the public by uncontrolled growth of forest and brushlands.

(11) Aquifers have not been identified sufficiently to determine if they are being infringed upon.

The first year contract between the county and the state was not specific with regards to mapping requirements. It appears that many of the areas still in need of mapping could be considered supplemental or are the job of the State DEC. Additionally, as the program progresses, other presently unidentified areas will surely be identified and these areas will be mapped.

B. Significance of findings

The importance of the mapping effort cannot be overstated. By accurately identifying Natural Features there will be more likelihood of protection and perservation of them. By educating

both the private and public sectors as to the importance of these features, it is likely that the support needed to achieve preservation will occur. Thus, mapping can be considered to be a first step in the CZM process.

Illustration 18
CZM LAND/WATER USE MAPPING
CHAUTAUQUA COUNTY
FEBRUARY 1976

I. Recreation & Leisure	Overview Sites (Existing & Proposed) Scenic Transportation Corridors Gorge Creek Areas & Geologic Formations Cliff Bluffs Harbors Historic Sites Archaeological Interests Public Access to Lakes Beaches (Public & Private) Fishing (Public) Boat Launch (Public & Private) Public Lakefront Parks & Other Recreational Facilities (e.g. Tennis) Commercial Recreation Streams (Spawning Areas, Canoeing, etc.) Bike Routes/Snowmobile Routes
II. Natural Resources	State/County Reforestation, etc. Prime Timber Areas Forests (Public & Private) - Within Route 5 Forests - Outside Route 5 Gravel Deposits (Similar to Soils for Septic) Gravel Pits (Existing & Abandoned) Wildlife Preserves & Endangered Species Habitat Wetlands Fragile, Rare, Endangered Plants Other Natural Areas (State Nature Preserve) Aquatic Natural Resources
III. Developed Lands	Developed Beachfront/River Commercial Industrial Areas Residential Areas Transportation Systems Municipal Boundaries Industrial Parks Urban Open Space Rural Open Space (Inside Route 5)
IV. Agricultural Lands	Active Grapelands Other Existing Agricultural Lands Agricultural Districts (Law) Prime/Unique Agricultural Areas

V.	Potential Development Areas	Potential Commercial/Industrial Areas Potential Residential Areas Undevelopable Areas (Bedrock, soils, etc.) Slopes 25% or Greater Multiple Use Areas Soils Acceptable for Septic Systems Existing Land & Water Pollution (Air, Noise, Water) Multiple Ownership Patterns
VI.	Utilities/Facilities	Areas in Need of Sewer/Water Existing Water Systems Existing Sewerage Systems Municipal Reservoirs Sewerage Treatment Plants Watersheds, Acquifiers & Recharge Areas 303 Basin Plans
VII.	Utilities/Facilitie (continued)	Gas & Oil Wells Existing Gas Utility Service Fossil Fuels (Storage, Refining, Distribution) Elec. Generating Facilities (Existing & Proposed) Landfills & Relay Stations (Existing & Proposed)
VIII.	Zoning & Flood Areas	Zoning Districts Flood Prone Areas Shoreline Erosion Potential CZM Boundaries

Illustration 19

CZM MAPPING LEGEND

CHAUTAUQUA COUNTY

1976

MAP I RECREATION & LEISURE

OVERVIEW SITES

SCENIC TRANSPORTATION CORRIDORS

GORGE CREEK AREAS, GEOLOGIC FORMATIONS, CLIFFS & BLUFFS

H HARBORS

HISTORIC SITES

ARCHAEOLOGICAL INTERESTS

· SITE OF RELICS

· PROPERTIES OR LOTS WITH SITES

· VILLAGE LOCATIONS

PUBLIC ACCESS TO LAKES

· PROPOSED

· EXISTING

PARKS & OTHER RECREATIONAL FACILITIES

T · TENNIS

C · CAMPING

G · GOLF COURSE

M · MARINA

P · PARK

S · SWIMMING POOL

MU · MUSEUM

F · COUNTY FAIR GROUNDS

R · LAKE FRONT RESORT

· BEACHES (PUBLIC & PRIVATE)

STREAMS

BIKE ROUTES

SNOWMOBILE ROUTES

MAP II NATURAL RESOURCES

N.Y.S. REF	N.Y.S. REFORESTATION LAND
CO.	COUNTY REFORESTATION LAND
	PRIME TIMBER AREAS
5	FOREST LAND (PUBLIC & PRIVATE) NORTH OF ROUTE 5
	FOREST LAND (PUBLIC & PRIVATE) SOUTH OF ROUTE 5
	GRAVEL DEPOSITS - SEE SOILS SUITABLE FOR SEPTIC SYSTEMS · MAP V
⚒	GRAVEL PITS (EXISTING & ABANDONED)
	WILDLIFE PRESERVES & ENDANGERED SPECIES HABITAT
	WETLANDS
	FRAGILE, RARE, ENDANGERED PLANTS
	OTHER NATURAL AREAS (STATE NATURE PRESERVES)
	AQUATIC NATURAL RESOURCES

MAP III DEVELOPED LANDS

DEVELOPED BEACHFRONT / RIVER

COMMERCIAL INDUSTRIAL AREAS

RESIDENTIAL AREAS

TRANSPORTATION SYSTEMS

ROUTE 5

NEW YORK STATE THRUWAY

ROUTE 20

THOROUGHFARES

COLLECTORS

RAILROAD

TOWNSHIP BOUNDARIES

MUNICIPAL BOUNDARIES

INDUSTRIAL PARK

URBAN OPEN SPACE

R

RURAL OPEN SPACE
(INSIDE ROUTE 5)

MAP IV AGRICULTURAL LANDS

G ACTIVE GRAPELANDS

PRIME & UNIQUE AGRICULTURAL AREAS

AGRICULTURAL DISTRICTS (LAW)

OTHER EXISTING AGRICULTURAL LANDS

MAP V POTENTIAL DEVELOPMENT AREAS

POTENTIAL COMMERCIAL/INDUSTRIAL AREAS

POTENTIAL RESIDENTIAL AREA

SLOPES 25% OR GREATER

MULTIPLE USE AREAS

SOILS ACCEPTABLE FOR SEPTIC SYSTEMS

EXISTING LAND & WATER POLLUTION (AIR, NOISE, WATER)

MULTIPLE OWNERSHIP PATTERNS

UNDEVELOPABLE AREAS (BEDROCK, SOILS, ETC.)

MAP VI UTILITIES/FACILITIES

EXISTING WATER & OR SEWERAGE SYSTEMS

AREAS IN NEED OF WATER & OR SEWERAGE SYSTEMS

MUNICIPAL RESERVOIRS

STP SEWERAGE TREATMENT PLANTS

WATERSHEDS, AQUIFERS, & RECHARGE AREAS

303 BASIN PLANS

MAP VII UTILITIES/FACILITIES
(continued)

GAS WELLS

× EXISTING - PRODUCING WELL

• WELL SITE OR DRILLING

OIL WELLS

EXISTING - PRODUCING WELL

WELL SITE OR DRILLING

FOSSIL FUELS - GAS

RESERVOIR BOUNDARY

STORAGE AREA BOUNDARY

EXISTING GAS UTILITY SERVICE

GSA SERVICE AREA

SERVICE LINES

TRANSMISSION LINES

ELECTRIC GENERATING FACILITIES

EGF EXISTING

PROPOSED NIAGARA-MOHAWK SITE FACILITIES BOUNDARY

STUDY AREA FOR PROPOSED NIA.-MOHAWK FACILITIES

SANITARY DISPOSAL SITES

CLOSED MUNICIPAL DISPOSAL SITE

CLOSED PRIVATE DISPOSAL SITE

EXISTING MUNICIPAL DISPOSAL SITE

PROPOSED RURAL CONTAINER SYSTEM

RECOMMENDED DISPOSAL AREA

ALTERNATE DISPOSAL AREA

MAP VIII ZONING & FLOOD AREAS

Task 7.4 - Resource Significance

I. Introduction

A. Purpose

Prepare a methodology on various aspects of natural resources to determine the future designation of priorities and permissible/prohibited uses within the coastal zone. Additionally, an initial determination of the "level of significance" of various land/water uses will be accomplished.

B. Methodology

The example found in the state contract became the basis for objectively classifying different uses within the coastal zone as to their priority and ultimately whether or not they would be permissible/prohibited uses.

From discussions with the public, this matrix system which initially had only four categories was looked upon as being a realistic system. However, it was understandably suggested that perhaps there were many more categories which should be included in ranking land/water uses. Thus, Illustration 20, entitled "CZM Priority Rating System" was brainstormed into existence. It can be seen that nearly 20 categories are included in the ranking process.

The next step was to list potential land/water uses. This was done by categories as seen in Illustration 21, page 105.

Finally, the above system and list was put together by actually assigning a score for each use by category. A sample form and a few selected uses are shown in Illustration 22,

page 106. It should be pointed out at this time that this is an initial score determination as is Illustration 20. Upon further public and private review, there is a good chance that changes will be enacted or that perhaps a new system may be devised.

The end product of the process is the list of "Preliminary Land/Water Uses by Priority" as found in Illustration 23, page 107.

The final goal of this task was to determine the "level of significance" of the various land/water uses. That is, are the potential and existing uses of national, state or local concern. Since no guidelines were provided for this item, it became apparent that the imagination of the person compiling this list would determine the outcome. Generally speaking, an environmental point of view was taken in this endeavor. The results are found on page 108 (Illustration 24,"Level of Significance of Land/Water Uses")

II. Products

The major product of this task seems to be the CZM Priority Rating System which, even though it is tentative, does provide a cornerstone from which to build. Ideally, this system will result in the assignment of points to a land/water use so that a use which is completely desirable in relation to location, environment, economics and social aspects, to name a few, would obtain a score of 100 points. On the other hand, a completely undesirable use would obtain a zero score and would thus probably be discouraged in the Coastal Zone Management area.

Realistically, this rating system and for that matter any rating system will not produce the above described results. Instead, it is our opinion that such a system is just an indicator which will provide an objective method to determine which potential uses are most desirable and should be encouraged as opposed to those which should be discouraged within certain areas of the Coastal Zone.

At this point a reminder should be inserted to inform the reader that it has been proposed that certain zones may require more or less control and thus it may be advisable to keep certain uses completely out of one zone while at the same time another zone may be suited for that use (see Illustration 17, page 76). Logically, more controls would seem advisable in areas that have more natural features.

The other products associated with this task have already been mentioned in the introductory statement and are self-explanatory. They include the following:

Illustration 21 CZM Conflicting Land/Water Uses

22 CZM Priority Rating Tally Sheet

23 Preliminary Land/Water Uses by Priority

24 Level of Significance of Land/Water Uses

III. Conclusions

A. Findings

If the priority rating system found in Illustration 20 is utilized, uses which have positive effects on the environment, Natural Features & Cultural values will be rated as very desirable. For example, Gorge, River & Wildlife preservation are seen as very desirable while Heavy Industry & Solid Waste Sites are seen as relatively undesirable. The main word to be emphasized is "relatively" since most will agree that all of the uses listed are needed but in relative degrees along the lake shore. In other words, Solid Waste Sites should not be placed so as to destroy or distract from natural features which generally are immobile. Instead, these waste sites and industries, etc., should be located away from fragile and limited Natural Features where the least harmful effects will take place.

Variations of this principle of "Least Harmful Effects" have and will continue to take place within the coastal zone. For in this real world property ownership rights exist and must be protected. A property owner must be given the priviledge of receiving a reasonable return but at the same time (s)he must realize that this is not an absolute right to utilize land in any way. The health, welfare and convenience of the populace as a whole must be considered.

Associated with the above opinions is the difference between items which are rated as low priority items as opposed to "Prohibited" items. The state contract mentions "Prohibited"

items and we feel that this may in many cases be too strong of a term. It is suggested that the second year program come up with a clarification of this difference.

Exceptions are bound to arise when objectivity is attached to a very subjective topic such as was done here with the priority system. The end product (tentative) created has many loopholes. For example, water related industry came out with a very low score and yet by definition it belongs adjacent to Lake Erie in Zone I. Perhaps, in order to defend this system, it should be suggested that this use should be placed in a low priority area of Zone I where it will not conflict with other uses which are of a higher priority.

B. Significance

The priority system suggested here could lead to a meaningful method of developing the CZ of Chautauqua County over the long run. It will not solve all land/water use conflicts overnight. However, if it results in the realization that two or more uses are not in most cases capable of sharing the same land/water space, then we will be moving in the right direction.

This proposed priority system must, as has already been suggested, go through a period of public scrutiny. Hopefully, those that review this system will do so with the good of many in mind and with an open mind. Hopefully, those that find faults will also make positive suggestions on how to change the system so as to improve it.

Illustration 20

CZM Priority Rating System
Chautauqua County
1976

		Beneifical Priority I		Benign Priority II		Tolerable Priority III		Adverse Priority IV	
I.	Location								
	A. Mobility	Set Location	6	Limited Mobility	4	Very Mobile	2	Completely Mobile	0
	B. Coastal Requirements	Adjacent to Water	6	Desirable near Water	4	Desirable in CZ	2	any where	0
	Subtotal								
II.	Environmental Impact								
	A. Air Quality	No Pollution	5	Slight Pollution	4	High Rate Poll.	2	Extensive	0
	B. Water Quality	No Pollution	5	Slight "	4	High Rate "	2	Extensive	0
	C. Noise Pollution	None	5	Slight "	4	High Rate "	2	Extensive	0
	D. Wildlife	Positive effect	6	Neutral	4	Negative	2	Very Disruptive	0
	E. Vegetation & Wetlands	Positive effect	6	Neutral	4	Negative	2	Very Disruptive	0
	F. Marine plant & Animal life	Positive effect	6	Neutral	4	Negative	2	Very Disruptive	0
	Subtotal								
III.	Land & Water Use Impact								
	A. Intensity/Density of Use	Very low	5	Average	4	Above Average	2	High	0
	B. Flooding/Erosion effects	Positive effect	5	No effect	4	Some Negative	2	Extensive Neg.	0
	C. Complementary to other uses	Very Complemen.	5	Complementary	4	Neutral	2	Uncomplementary	0
	Subtotal								
IV.	Economic Impact								
	A. Employment	Creates many jobs	5	Creates few jobs	4	No effect	2	Cases lost jobs	0
	B. Tax Revenues Created	High	5	Medium	4	Low	2	Negative	0
	Subtotal								
V.	Social/Cultural/Recreational Impact								
	A. Effects on Aesthetic Value	Extrem. Positive	5	Slightly Positive	4	Neutral	2	Negative effect	0
	B. Historical/Archaeological Value	Extrem. Positive	5	Slightly Positive	4	Neutral	2	Negative effect	0
	C. Recreation & Leisure value	Extrem. Positive	5	Slightly Positive	4	Neutral	2	Negative effect	0
	D. Private/Public Preference	Very desirable	5	Slightly Positive	4	Neutral	2	Negative	0
	Subtotal								
VI.	Miscellaneous								
	A. Uniqueness of Use	Very Positive	5	Somewhat	4	Slightly	2	Neg. Unique	0
	B. Adequacy of Legal Requirements	Fully Adequate	5	Adequate	4	Minor changes	2	Substan. changes	0
	Subtotal								
	Total Points Possible		100						

Illustration 21
CZM CONFLICTING LAND/WATER USES
CHAUTAUQUA COUNTY
1976

I. Agriculture
- A. General Farming
- B. Grape Vineyards & Orchards

II. Residential
- A. Conventional Homes
- B. Mobile Homes
- C. Water Related Homes/Developments

III. Commercial/Industrial
- A. Commercial
- B. Water Related Commercial
- C. Light Industry
- D. Heavy Industry
- E. Industry Requiring Water

IV. Recreation & Leisure
- A. Boat Launches
- B. Public Fishing Facilities
- C. Beach Development
- D. Ports & Harbors
- E. Parks
- F. Overview Sites
- G. Rivers (Fish, Canoe, etc.)
- H. Gorges & Natural Wonders

V. Historic
- A. Historic Sites
- B. Archaeological Sites

VI. Utilities/Facilities
- A. Electric Power Plants
- B. Sewerage Treatment Plants
- C. Solid Waste Site
- D. Transportation Systems
- E. Municipal Reservoirs/ Purification Plants
- F. Aquifiers/Recharge Areas

VII. Natural Resources
- A. Forests/Brushland
- B. Prime Timber Areas
- C. Wetlands (Inc. Plant Life)
- D. Gravel/Sand, etc., Sources
- E. Gas Wells - Offshore
- F. Gas Wells - Land

VIII. Wildlife
- A. Wildlife Preserves
- B. Biological Concerns (Water)

IX. Miscellaneous
- A. Urban Open Space
- B. Rural Open Space

Illustration 22
CZM Priority Rating Tally Sheet
Chautauqua County
1976

Category	Land or Water use and assigned score				
	VINYARDS	LANDFILL	WETLAND		
I. Location					
A. Mobility	4	4	6		
B. Coastal Requirements	4	0	0		
II. Environmental Impact					
A. Air Quality	5	4	5		
B. Water Quality	5	4	4		
C. Noise Pollution	4	4	5		
D. Wildlife	4	0	6		
E. Vegetation and Wetlands	2	0	6		
F. Marine Plansts & Animals	4	4	5		
III. Land/Water use Impact					
A. Intensity of Use	2	2	5		
B. Flood/Erosion Effects	2	2	5		
C. Complementary to other uses	4	0	5		
IV. Economic Impact					
A. Employment	4	4	2		
B. Tax Revenue Created	4	0	0		
V. Social/Cultural Rec. Impact					
A. Aesthetic Value	2	0	5		
B. Historical/Archiological	2	0	2		
C. Recreation and Leisure	2	0	5		
C. Private/Public Preference	4	0	2		
VI. Miscellaneous					
A. Uniqueness of Use	5	0	5		
B. Adequacy of Legal Req.	4	4	4		
Total Points	67	32	77		

Illustration 23
PRELIMINARY LAND/WATER USES BY PRIORITY
CHAUTAUQUA COUNTY
1976

Land/Water Use Group A	Score	Land/Water Use Group B	Score
Gorge	85	Archaeological Sites	69
Rivers (Fishing, etc.)	84	Reservoir/Purification	64
Wildlife Preserve	94	Gas Wells/Offshore	63
Biological Aquatic Preserve	84	General Farming	62
Prime Timber	81	Water Related Residential	61
Wetlands	81	Conventional Homes	56
Urban Open Space	81	Gas Wells/Land	56
Parks	80	Mobile Home Parks	52
Forest/Brush	80	Sand/Gravel Pits	52
Rural Open Space	79	Commercial-Water Related	51
Historic Sites	77	Commercial	46
Public Fishing Facilities	75	Electric Power Plants	46
Public Beaches	74	Light Industry	42
Ports & Harbors	73	Transportation	41
Overview Site	73	Industry-Water Related	38
Acquifier	72	Sewerage Treatment	37
Boat Launch	71	Heavy Industry	33
Vineyards/Orchards	69	Solid Waste Site	29

Note: This priority list includes all existing or potential uses including both GAPC (Geographic Areas of Particular Concern) and resource uses (Development).

Illustration 24

Level of Significance of Land/Water Uses

Chautauqua County

1976

Uses	Highest Significance Level
Gorge	Local
Rivers	State
Wildlife Preserve	Federal
Biological Aquatic Preserve	Federal
Prime Timber	State
Wetlands	State
Urban Open Space	Local
Parks	State
Forest/Brush	Local
Rural Open Space	Local
Historic Sites	Federal
Public Fishing Facilities	State
Public Beaches	Local
Ports/Harbors	State
Overview Site	Local
Aquifer	Local
Boat Launch	Local
Vineyards/Orchards	State
Archaeological Sites	Federal
Reservoir Purification	Local
Gas Wells/Offshore	Federal
General Farming	Local
Water Related Residential	Local
Conventional Homes	Local
Gas Wells/Land	Federal
Mobile Home Parks	Local
Sand/Gravel Pits	Local
Commercial-Water Related	Local
Commercial	Local
Electric Power Plants	State
Light Industry	Local
Transportation	State
Industry - Water Related	Local
Sewerage Treatment	State
Heavy Industry	Local
Solid Waste Site	Local

Task 8.1 Potential Development Areas

I. Introduction -

A. Purpose - Identify potential development areas based on analysis of land/water uses and additionally to identify areas where natural resource considerations may conflict with economic development activities.

B. Methodology -

During the first year of the CZM program Chautauqua County began a county wide land use report which focuses on needs through the year 1995. This preliminary report has become the basis for defining potential development areas.

The basic criteria in delineating areas where development is to take place is structural density as it presently exists and where the pressures for municipal sewerage and or water exists. Table 25, page 110 gives the reader a feel for growth along the Lake Erie Plain.

In almost all cases existing roadways comprise the major guiding factor for this growth. Additionally, since such a large portion of the county (around 75%) has soils which are not conducive to home septic systems this factor plays a large role also. (See Map V - Part II)

Table 25
Population Changes and Density
Erie Lake Plain

	Population[1]				1970 POPULATION PER SQUARE MILE[2]	PROJECTED 1973 POPULATION[3]
	1950	1960	1970	% Change 1960-1970		
Dunkirk (T)	887	1,541	1,646	+6.8%	250	1,677
Dunkirk (C)	18,007	18,205	16,855	-7.4	3,586	16,569
Hanover	6,375	7,301	7,829	+7.2	74	8,233
Silver Creek	3,068	3,310	3,182	-3.9	2,448	3,591
Forestville	786	905	908	+0.3	908	932
Pomfret	9,596	11,459	13,890	+21.2	90	14,941
Fredonia	7,095	8,477	10,326	+21.8	2,107	11,575
Portland	3,339	3,605	3,802	+5.5	74	3,870
Brockton	1,380	1,416	1,370	-3.2	913	1,422
Ripley	2,694	2,848	2,934	+3.0	37	3,189
Ripley (H)	1,229	1,247	1,173	-5.9	994	---
Sheridan	2,037	2,539	2,527	-0.5	66	2,541
Westfield	5,001	5,498	5,200	-5.4	35	5,306
Westfield (V)	3,663	3,878	3,651	-5.9	961	3,716

Note: 1 Town figures include villages and hamlets but not the city of Dunkirk
2 Town figures exclude villages, hamlets and the city of Dunkirk
3 Source: Current Population Report, Vs Dept. Commerce, Series P25, No. 577,

Chautauqua County can consider herself in a very advantageous position relative to many other counties because of the non-dynamic growth experience that has existed for some time which is expected to continue. Presently, the Coastal Zone still has many natural features which are not experiencing intense development pressures. Thus, the opprotunity to protect these features can indeed be a reality.

At this point in the CZM program it is difficult to concretely point the finger at any natural features which are to be reduced to a lesser state in the near future. Mapping efforts are not complete as far as both natural features and potential development goes. Refinement and additions in this mapping effort are expected to take place in the 2d year.

Perhaps the greatest single untapped source of information is the 5 million dollar (12 volume) Environmental Statement on the two potential sites for a Coal Electric Generating Station. This report should provide an indepth benchmark of both water and land natural features for not only the area studied but also the entire Coastal Zone Study Area. This report was issued only a few months ago and thus its impact is not fully realized.

The method to initially be used to determine where conflicts between natural features and development either exist of might exist in the future is the "overlay" method. By placing the overlays (See Part II Maps) on top of each other it will be possible to pinpoint areas of conflict for which attention must take place. As the mapping effort progresses so will this identification process.

II. Products -

The major product of this task is of course the mapping effort found in Part II of this report.

Maps I & II show the natural features found in the Coastal Zone Study Area while maps III & IV show areas already developed. Map V shows areas where either development is expected or where it is not possible. Maps VI & VII show areas where utilities exist which naturally is directly related to areas where development is encouraged. Finally, Map VIII shows areas which are zoned along with areas which are subject to natural disaster. Task 7.3 has a verbal description of each map.

An important point to mention is that the Maps in part II of this report are not transparent mylars as are the originals. When the mapping effort is considered to be final then transparencies will be transmitted.

III. Conclusions

A. Findings -

Potential Development Areas seem to exist in areas where the population density has placed a strain on the existing sewerage and water systems to the point where municipal systems are in demand. Upon installation of a municipal system there is more development pressure following. The Maps found in Part II show where these development pressures exist.

Again, by introducing the natural features on the transparencies over the development areas it is possible to determine where conflicting areas exist.

B. Significance -

The preservation of limited Natural features will be dependent upon the identification of all of these features and then the subsequent pressure exerted to keep development out of these areas through an acceptable method. If we fail in this endeavor, one by one natural features will be either degraded or taken out of reach of the public at large.

Task 9.3 Legal & Institutional

I. Introduction

A. Purpose -

Determine the need, desirability and feasibility of New Coastal Zone Management approaches and techniques as opposed to existing controls. In other words, determine if present laws and ordinances are adequate to manage the Coastal Zone.

B. Methodology

The first step in the process of analyzing whether or not existing legislation was adequate in managing the CZ was to perform a file search to identify existing legislation and rules which relate to the regulation of the CZ. The list comprized is to be found on page 121 and is entitled CZM Related Legislation (Illustration 26) and is by no means considered complete.

The next step was to examine CZM legislation and the state contract in order to determine what requirements were legally needed to fulfill federal requirements in managing the CZ. Illustration 27, Implementation Methods (Page 123) summarizes just what is required to fulfill federal requirements.

Finally, research and discussions of possible approaches for managing the CZ took place. Perhaps one of the more informative sources found was the document entitled "Preservation of National Features and Scenic Views in N.Y.C." A summary of this document is found in Illustration 28, page 125 .

II. Products

The study of existing legislation which is in effect or will be shortly, produced a list of over thirty laws or procedures which are concerned with Ecology, Wildlife, Wetlands, Recreation, Historical, Agriculture, Utilities/ Facilities, Planning, Natural Disaster, Transportation and potentially many more. This list is found on page 121 (Illustration 26).

Perhaps the largest impact will come about from the State Environmental Policy Act of 1975 which appears to require an environmental assessment statement for almost any public project which could have a "significant" effect on the environment.

Other laws effectively control air and water pollution as well as wetland preservation. On the other hand, fishing, recreation, aesthetic and historic controls do not seem to be nearly adequate enough. Agriculture protection under the Agriculture Districting Act is an improvement over the prior situation but there might still be needs in this area. Forests along with unique open spaces presently have few protections. Utility controls are very extensive as witnesses by the reports produced for proposed sewer and electric generation and transmission facilities. Land use planning in general is not adequate with some municipalities not even having zoning laws on the books. National disaster legislation in the form of the National Flood Insurance program is beginning to improve the flooding

picture county wide. Finally, transportation projects are reviewed to great degrees with the environment a prime issue.

Illustration 27, Implementation Methods (Page 123) suggests the possible levels of control of a Coastal Zone program. Ideally those in Chautauqua County feel that controls would best be implemented at the town level. However, realistic consideration must be given to at least partial control at the state and even federal level. The final proposed method of implementation will obviously have much to do with which levels of government will handle this management task.

The third section of this Illustration provides a summary of steps to be taken to determine the level of control needed. The main point brought out is that a review is needed of existing laws to determine if they are adequate to meet the goals and objectives of this program and thus provide the mechanism to protect and encourage wise use of our natural features.

Finally, Illustration 28 is presented to provide the reader with a feel for what might be the type of end product produced to provide the mechanism for improving specified features of the Coastal Zone, namely visual protection of natural areas and views.

Basically two methods of protection are suggested, public purchase and controlling development rights. The various ways to implement either of these methods are

included. Another interesting and important point which is brought out is that the importance of having a commission or group which is knowledgeable and ready to act is absolutely necessary. This commission idea is something which should be examined.

III. Conclusions

A. Findings

Initial investigations and discussions point out that the existing system of laws and regulations, although a step in the right direction, is not adequate to realize the goals and objectives of this management program.

For example, present laws do not seem to provide for the adequate protection of distinct geologic formations such as gorges as is seen in Illistration 2, "Summary of Goals and Objectives." Other important areas which are listed under goals and objectives which do not seem to have adequate legislation to bring them about include: (a) Providing public access (b) preserving scenic views (c) Promoting orderly development of beachfronts (d) Promote planned development of parts (e) provide realistic development in areas where water and sewerage deficiencies exist (f) assure compatibility of CZM programs with existing and future public programs.

On the other hand, there are many areas which seem to be adequate, at least at this point in time, for protecting the CZ and encouraging orderly development. Perhaps one of the best examples of this is the Wetlands Act which should provide adequate protection for most of the wetlands in the county.

A major item which may be beyond the scope of most participants as far as legal decisions is the right of the individual property owner. It is obvious that for the natural resources of the CZ to be protected for the populace as a whole that certain land owners will have to give up certain rights and possibly in some cases they will be asked to give up property. Assurances must be built into the management Program that the rights of the individual property owner will not be denied.

B. Significance -

In producing a viable management plan it appears that leagal considerations will be paramount. A delicate line exists between what should be acomplished by this program and how it can be accomplished. Compromises are inevitable.

Each goal and objective must be looked at separately with relations to what has been done and what must be done and how it can be accomplished most efficiently. To do this, the experiences of other states and Canada must be referred to in order to avoid the pitfalls which are to be expected.

A last significant point is that for such a system to work in the end it must not only be legal but it must also be acceptable to the public at large and it must be in their interest. Care must be taken to insure that private input is encouraged. Finally, the coordinator of Federal, State and local municipalities must be insured.

Illustration 26
CZM Related Legislation & Rules
Chautauqua County
1975

I. Ecological (Water, Air, Waste):
- Conservation Bill of Rights
- Stream Protection Act - DEC
- Marine Sanitation Device Law
- Environmental Quality Bond Act 1972
- Resource Management & Protection Program (eg. Pure Water) DEC
- Environmental Quality Bond Program (Water, Air, Waste, etc.) DEC
- National Environmental Policy Act 1969
- "Little NEPA" - A4533 - State Environmental Policy Act 1975
- A-7650 - Expanded Authority to Protect Natural Resources
- S-1819 Bans Phosphorus Cleaning Products
- Great Lakes Water Quality Control Commission (International)

II. Wildlife & Wetlands:
- Wetlands Act 1973
- Fish & Wildlife Conservation-DEC
- A-2689 Control of Dredging & Filling of Waters
- A-6620 Extension of Fishing Regulations (Time, Size & Number)
- A-7067 Controls Commercial Netting of Calmon
- A-7361 Controls Sturgeon Fishing
- County Resolution 216-75 Recreation Aid to Municipalities

III. Recreation, Aesthetic, Historic, Harbors
- Outdoor Recreation Dev. Bond Act 1965
- State Comp. Outdoor Recreation Plan - Parks & Rec.
- Review of State Parks, Harbors & Historic Sites - Parks & Rec.
- Upstate Port Plan - DOT
- 1965 River & Harbors Act

IV. Forest, Brush, Open Space, Agriculture
- Agriculture Districting - DEC
- A-4384 Mandatory Soil & Water Conservation Plans

V. Utilities/Facilities (Elec., Gas, Water, etc.):
   Small Watershed Projects - DEC
   Hearings & Environ. Impact Analysis of Elec. Gen. Fac. - PSC

VI. Planning & Development
   Review of Residential, Commercial & Indust. Dev. - UDC
   Local Zoning & Subdivision Laws, etc.
   Appalachian Regional Dev. Act - DOS
   Rural Development Act 1972
   701 Program

VII. Natural Disaster:
   Flood Protection Control Prog.
   Natural Flood Insurance Prog. - FIA

VIII. Transportation:
   Review of Transportation Projects - DOT & DPW

IX. Other:
   Nat. Sea Grant College & Program Act 1966

Illustration 27
Implementation Methods

The following will be considered as some of the possible elements in the implementation of a coordinated statewide program:

1) Provide the necessary authority for implementing coastal zone management through local government action.
2) Increased regulatory powers for the State Department of Environmental Conservation or other State operating or regulatory agencies.
3) Establishment of a new State agency or commission to have primary responsibility for implementing the management program.
4) Establishment of area-based management bodies to have primary responsibility for implementation.
5) A state permit system to regulate all or some types of development in the coastal zone or in geographic areas of particular concern.
6) A system of criteria, standards and guidelines which local laws and regulations must satisfy, and administrative review and approval of local coastal zone regulations.
7) Interstate compacts or international agreements for regulation of land and water uses in coastal areas.
8) Strengthening or other modification of State agency operating and regulatory procedures concerning the coastal zone.

In addition, it will be determined whether the recommendation of any of the above mechanisms requires State legislation. If such legislation is necessary, the management program shall include a draft of appropriate legislation relating to:

1) State and/or local administration of land and water use regulations, State and/or local control of land development, and State and/or local mechanisms for resolving conflicts among competing uses;

2) State or local acquisition of fee simple and lesser interests in land, water and other rights necessary to achieve conformance with the management program.

Means of Exerting Control Over Land and Water Uses (Section 920.14)*

In order to meet the Federal requirement that techniques and innovative strategies must be developed to exert control over the permissible land and water uses referred to in Section 920.12,* a management program shall:

1) Evaluate existing State and local laws and regulations to determine their adequacy in terms of: enforcing the permissible land and water uses assigned to various segments of the coastal zone; and meeting goals and objectives as defined elsewhere in the management program.

2) Indicate which existing State and local control mechanisms need to be upgraded, strengthened, or otherwise modified in order to achieve goals and objectives.

3) Assess existing State and local relationships in terms of goals and objectives for the coastal zone in order to maximize the efficiency of each level of government in carrying out its appropriate regulatory and administrative roles.

4) Contain recommendations for consideration by the relevant authorities, as necessary, that will establish one of the following (as required by Federal regulations):

- Local administration of coastal zone management criteria and standards subject to administrative review and enforcement;
- Direct State land and water use planning and regulation in addition to that which exists;
- State administrative review of all governmental and private plans, programs, projects and regulations for consistency with the management program;
- or a combination of these techniques, as conditions in the coastal zone, local preferences, and satisfaction of goals and objectives may require.

Illustration 28

CZM Implementation Techniques

Chautauqua County

Feb. 1976

I. Two Basic Categories:

Assume development conforms to natural area preservation

Preserve Natural Areas for public use

II. The technique utilized should be dependent on character and needs of the natural area, its intended use for which it is suited and the ownership patterns.

III. Summary of two basic categories:

A. Directing development to conform to Natural Areas Preservation

(1) Public Works Policies - utilitze underground, development should conform with contour without excessive cuts and fills, routing of gas/water mains to max preservation, encourage natural drainage, do not extend Public Service into preservation areas.

(2) Large Lot Zoning - acquire open unique areas for public use, or encourage public development, require law density development in hilly forest areas, increase minimum lot size of hilly areas, encourage PUD's so as to encourage flexibility in the siting of buildings.

(3) Institutional Dev. control density of large tracks of land which have natural areas

(4) Special Police power regulations - control tree cutting and grading, preserve wetlands, flood plain zoning as a temporary method, preferential assessment of taxing natural undeveloped land at its unimproved value with

the differential paid if development occurs thus reducing windfall profits. (not legal at this time).

B. Acquiring and/or designating natural areas for preservation and public usage

(1) PUD's should be encouraged since they permit pooling of open space which hopefully would include natural areas. The size of the PUD development should be as long as possible to improve the chances of combining open spaces in a coherent system. Incentives are possible such as increases in flow area if open space needs are met.

(2) Development right transfer - encourage chister development and open space with original overall density the same by buying and shifting development rights.

(3) Open space dedication or cash-in-lieu contributions - Subdivision developer would be required to dedicate portion of land equal to that which normally would be open and if natural area as specified in comprehensive plan is larger, then funds would be used to purchase the land. Funds used might come from contributions from developers.

(4) Property Development Tax - Tax on new residential development to finance acquisition and develop a park etc. Similar to (3) above but not limited to subdivisions.

(5) Special Assessments District - land owners who will receive benefit of purchase contribute toward that purchase.

(6) Easements - conservation easement is most common with development rights being bought to help land in its natural state etc. Advantage is cost and land is

kept in tax rolls.

(7) Donations - some land owners because of love of land in its natural state etc. can be pursuaded to donate easements or fee title to their land. A program of land phillanthropy is a desirable step to take to bring about donations. One dollar leases are also used. Maintenance and management of possible donations must be available to encourage donations.

(8) Public Acquisition (Federal & State) Hud and Bureau of Outdoor Rec. have programs for both acquisition and development of open space. Various techniques are also available within the state.

(9) Use of existing publicly owned land - any of these lands should easily be protected if they have natural significance.

IV. Summary - Small natural areas or features can be preserved under PUD or selected zoning methods. On the other hand, conservation of larger areas is more difficult primarily because of the initial cost to purchase a large track of land. Alternatives to this have been discussed (1 thru 9) and it is important that these mechanisms are ready for action when opportunity knocks. The size, area and other factors associated the natural area will determine which mechanism is to be utilized.

V. Organizational Requirements

Many agencies within the county have a direct concern for the preservation of natural areas. It might be advisable to

form a Interagency Environmental Policy Board which would coordinate the preservation plan.

Four basic objectives should be considered in order to organize administratively. They include:

(1) develop an overall conservation policy which includes guidelines for future development

(2) Coordinate programs and actions of relevent agencies

(3) Provide expert technical advice and supervision

(4) develop private finances and organizations to supplement government conservation programs and funds.

Source: Preservation of Natural Features and Scenic Views in N.Y.C.

APPENDICES

(3)

APPENDIX 29
SUMMARY
COASTAL ZONE MANAGEMENT ACT OF 1972

Section 302 Congressional Findings

- the key to effective protection and use of land and water resources in the coastal zone is to encourage states to exercise authority over lands and waters in the coastal zone by assisting the states in developing land and water use programs for the coastal zone.

Section 303 Declaration of Policy

- the coastal waters and their adjacent shorelands are being taxed through increased demands by the population for recreation, economic development, mineral and forest resources, waste disposal and fish harvesting. Such demands are leading to damage or loss of important ecological, cultural, historic and aesthetic values in the coastal zone. The key to safeguarding this land and water area is to have each coastal state develop land and water use programs with full cooperation and assistance by Federal and local governments.

Section 304 Definitions

- coastal zone: coastal waters and the adjacent shorelands influenced by each other and in proximity to the shorelines of several coastal states. The zone includes also transitional and intertidal areas, salt marshes, wetlands and beaches. In Great Lake waters zone extends to the international boundary, and in other areas, seawards to the outer limit of the U.S. territorial sea. Zone extends inland only to an extent necessary to control shorelands. Excluded are lands in trust by the Federal Government.

- coastal waters: in the Great Lakes area, the water within U.S. territorial jurisdiction including connecting waters, harbors, roadsteads and estuary type areas. In other areas, waters adjacent to shorelines which contain a measurable quantity of sea water are coastal waters.

- coastal state: a U. S. state bordering the Atlantic, Pacific, Artic Oceans, the Gulf of Mexico, Long Island Sound, and the Great Lakes. Also included will be Puerto Rico, Virgin Islands, Guam and American Samoa.

- estuary: a part of a river or stream or other water body having unimpaired connection to the open sea. Term also includes areas of the Great Lakes.

- estuarine sanctuary: a research area in any part or all of an estuary.

- management program: a comprehensive statement in words and other communication media setting forth objectives, policies and standards to guide public and private uses of lands and waters in the coastal zone.

Section 305 Management Program Development Grants

The Secretary of Commerce, through the Office of Coastal Zone Management of the National Oceanic and Atmospheric Administration (NOAA), will make annual grants to any coastal state for the purpose of assisting in the development of a management program for a state's coastal zone. This program will include:

- an identification of a coastal zone boundary,
- permissible land and water uses within a coastal zone,
- designation of areas of particular concern,
- means by which a state will control the land and water uses including legislative enactments, regulations, judicial decisions, and constitutional provisions,
- a priority of uses within the coastal zone,
- a description of an implementation scheme including interrelationships of local, areawide, state, regional and interstate agencies.

Under Section 305, up to three annual grants will be given. The grants shall not exceed 66 2/3 percent of the costs of the program in any one year. Such annual grants will be used to develop a management proggram consistent with requirements set forth in Section 306, including the designation by the Governor of a coastal state of a single agency to receive and administer the grants. Each state will receive additional grants, after the initial grant, only if it satisfactorily demonstrates progress towards development of a management program. Once a management program is approved by the Secretary of Commerce through NOAA, funding for program development under Section 305 ceases. However, grants for program administration may become available under Section 306. Annual management program development grants will equal not more than 10% nor less than 1% of the appropriated funds. The 1% minimum may be waived, however, if requested by a coastal state. Funds not used by a state will be added to the overall available funds. Each coastal state "may allocate to a local government, to an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, to a regional agency, or to an interstate agency, a portion of the grant under this section, for the purpose of carrying out the provisions of this section." Funding under Section 305 expires June 30, 1977.

Section 306 Administrative Grants

Grants of up to 66 2/3 percent of cost of a management program area available to eligible coastal states for administering a management program. No annual grant (as amended) under section 306 "shall be in excess of $2 million for fiscal year 1975, in excess of $2½ million for fiscal year 1976, nor in excess of $3 million for fiscal year 1977." No annual grant shall be less than 1 percent of total amount appropriated. The one percent minimum may be waived, however, if requested by a coastal state.

Requirements for these grants under Section 306 include:

- a management program for a coastal zone which has been adopted through NOAA by the Secretary of Commerce. This program, should have had full participation by Federal, state and local agencies, regional groups, port authorities and public and private parties,

- a program that has been coordinated with local, areawide and interstate plans,

- a program which establishes continuing coordination with local, regional and interstate groups within a coastal zone to assure full participation,

- a program which has had public hearings on its intent,

- a program in which a single state agency has been designated by the governor of the particular coastal state for implementing and administering the program.

Prior to being granted approval by the Secretary of Commerce, a management program must also provide for general techniques for land and water control in coastal zone:

- State establishment of standards for local implementation,

- direct state land and water use planning; or

- State review of development plans, regulations, variances by state or local authority or private developer.

A coastal state may allocate a portion of its funds for administration of the management program to a local government,areawide or regional agency. This "shall not relieve the state of the responsibility for ensuring that any funds so allocated are applied in furtherance of such state's approved management program."

The management program may be developed and adopted in geographic segments. At the time segmentation is approved, by NOAA, the state must agree to follow through with a coordinated management program for the remaining portions of its coastline.

Section 307 Interagency Coordination and Cooperation

The views of Federal agencies must be considered in a state's coastal zone program. Likewise, a federal agency undertaking a development in the coastal zone must assure consistency with the state's management program. A state or local government applying for federal funding for programs "affecting the coastal zone" must assure that the project is consistent with the coastal zone program.

The Coastal Zone Management Act will not diminish Federal or State responsibility or control of water resources, submerged lands, or navigable waters, nor will this Act affect jurisdiction or powers of the International Joint Commission, the International Boundary and Water Commission, the Permanent Engineering Board, and entities pursuant to the Columbia River Basin Treaty.

The Federal Water Pollution Control Act, the Clean Air Act and any other requirement established by Federal, State or local government pursuant to these Acts will not be affected by this Coastal Zone Management Act.

Section 308 Public Hearings

Public hearings on coastal zone management programs are required. Such hearings should be announced at least 30 days prior to a hearing.

Section 309 Review of Performance

If a coastal state deviates from the accepted management program without approval, financial aid may be terminated.

Section 310 Records

Records, including those which account for "the amount and disposition of the funds received under the grant," will be kept to facilitate an effective audit by the Comptroller General of the U. S., the Secretary of Commerce or their representatives.

Section 311 Advisory Committee

A Coastal Zone Management Advisory Committee, to be established by the Secretary of Commerce, will advise and make recommendations on matters of policy concerning the coastal zone.

Section 312 Estuarine Sanctuaries

Estuarine sanctuaries can receive grants of up to 50 percent of cost of acquisition, development and operation for creating field data gathering laboratories and making studies of the "natural and human processes" occurring within the estuaries of the coastal zone. The Federal share of the cost for each such sanctuary shall not exceed $2 million.

Section 313 Annual Report

Not later than November 1 of each year an annual report on the administration of the Coastal Zone Management Act will be sent to the President from the Secretary of Commerce. Included in this report will be:

- an identification of the approved state programs

- a description of the status of each state's programs
- an itemization of the allocation of funds
- an identification of state programs disapproved or terminated
- all activities not consistent with approved management programs
- a summary of regulations in effect
- a summary of a coordinated national strategy
- a priority listing of outstanding problems arising in this Act
- recommendations for additional legislation necessary to achieve objectives of the Act.

Section 314 Rules and Regulations

Rules and regulations will be promulgated as may be necessary to carry out the provisions of the Coastal Zone Management Act.

Section 315 Authorization of Appropriations (as amended)

- $9 million for each of the fiscal years ending June 30, 1973, and June 30, 1974, and $12 million for each of the three succeeding fiscal years, "for grants under section 305, to remain available until expended";
- $30 million for the fiscal year ending June 30, 1974 and for each of the fiscal years 1975 through 1977, "for grants under section 306, to remain available until expended";
- $6 million for the fiscal year ending June 30, 1974 and for each of the three succeeding fiscal years, "for grants under section 312, to remain available until expended";
- $3 million for fiscal year 1973 "and for each of the four succeeding fiscal years, for administrative expenses incident to the administration of this title."

HS/lr

Prepared by:
Land Resources Planning Group
Office of Program Development, Planning and Research
April, 1975

APPENDIX 30
FRESHWATER WETLANDS ACT

SUMMARY

ENVIRONMENTAL CONSERVATION LAW

ARTICLE 24, SECTIONS 101-1303

- Effective Date: September 1, 1975

- Purpose: Preserve freshwater wetlands.

- Value of Wetlands: (1) Flood and storm control, (2) Wildlife habitat, (3) Recharging ground water supplies, (4) Recreation, (5) Pollution treatment (oxidation), and (6) open space and aesthetics, etc.

- Definition of Wetland: Lands and submerged lands commonly called marshes, swamps, etc., which support aquatic or semi-aquatic vegetation (e.g., wetland trees and shrubs, cattails, etc.). Also included are the waters which are surrounded by the lands described above.

- Mapping: DEC shall map wetlands of at least 12.4 acres and smaller areas which have unusual local importance. Mapping is expected to be completed within two years. Public hearings will be held prior to accepting the maps so as to provide the opportunity to the public of proposing additions or deletions.

- Local Implementation:

  (1) Towns, villages and cities may elect to adopt and implement a freshwater wetlands protection law (ordinance) that is at least as protective as the state act. This law (ordinance) must be adopted prior to Sept. 1, 1976.

  (2) If the towns, villages and cities do not act within the specified time, the County automatically has 90 days in which to adopt such an law.

  (3) If the County fails to act, the function is transferred to D.E.C.

- Permits:

(1) After the Wetlands Map is issued, many activities will require permits. Such activities include but are not limited to the following: draining, dredging, excavation, dumping and filling, erecting structures, roads, installation of sewage treatment facilties.

(2) Activities of farmers and other landowners in grazing, watering livestock, harvesting, cutting timber, draining land or wetlands for growing agricultural products, etc. shall be excluded from regulated activities and shall not require a permit. Public Health activities are also excluded.

(3) Permits shall be applied for with the Clerk of the local government having jurisdiction or D.E.C. if local governments are not participating. The application should describe the project and include a map of its relationship to wetlands. The applicant must also publish a notice of application in two newspapers.

(4) A public hearing shall take place 30 to 60 days after steps in (3) above are completed, if such a hearing is deemed necessary. Notice of public hearing or reason for no public hearing shall be published in two newspapers. The applicant shall be required to prove that the proposed activity is in accord with the law (ordinance).

(5) Prior to the completion of a Wetland Map by D.E.C., no activity may be conducted without applying to D.E.C. for an interim permit. Within 30 days, D.E.C. will determine if land in question will be a designated wetland. Applicant must prove that it would be a hardship to wait until the Wetlands Map is complete before applying.

(6) If a permit is granted, conditions may be included to limit the use and a bond may be required.

(7) If a permit is denied, the reasons shall be stated and an appeal procedure is permitted.

(8) Applicants may be charged a fee.

- Land-Use Regulations: After the Wetlands Map is completed, D.E.C. will classify wetlands according to their most appropriate uses and also they will prepare minimum land use regulations to permit only compatible land uses. Participating local governments will have six months, from date of receipt of the minimum land use regulations, to submit their own proposed regulations which must be at least as restrictive as D.E.C.'s regulations or reasons (social, economic, etc.) why it is not must be specified. D.E.C. must approve or disapprove the proposed regulations. Prior to adoption of regulations a hearing shall be held.

- Appeal & Review: An appeals board will be created to decide appeals, review D.E.C. decisions, etc. Any decision by the board may be judicially reviewed.

THE COASTAL ZONE

A JOINT PUBLICATION OF

NEW YORK SEA GRANT ADVISORY SERVICE

COOPERATIVE EXTENSION OF SUFFOLK COUNTY

NUMBER 1

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THE COASTAL ZONE MANAGEMENT ACT OF 1972

"to preserve, protect, develop, and where possible, to restore and enhance, the resources of the Nation's coastal zone for this and succeeding generations." With this goal as a guide,the Congress in October 1972 enacted the Coastal Zone Management Act.

Such a law was urgently needed for, in the words of Congress, "the increasing and competing demands upon the lands and waters of our coastal zone ... have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion".

Administered by the Office of Coastal Zone Management (National Oceanic and Atmospheric Administration, U. S. Department of Commerce), the act makes available to state governments funds for developing and implementing coastal zone management plans.

The law defines a management plan as "a comprehensive statement. . .setting forth objectives, policies and standards to guide public and private uses of lands and waters in the coastal zone". The coastal zone is defined as "coastal waters and adjacent shorelands strongly influenced by each other and in proximity to the shorelines, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches". The act specifies that "the zone extends...seaward to the outer limit of the United States territorial sea and inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters".

The act specifies that management programs be designed"to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic and aesthetic value as well as the need for economic development".

Section 305 authorizes grants for program development (planning). The program must include (a) identification of the coastal zone boundary,(b) permissible land and water uses within the zone, (c) designation of areas of particular concern, (d) means by which land and water uses will be controlled,

(Continued on page 4)

CZM STUDY UNDERWAY

With the aid of a $10,000 federal grant under the auspices of the Coastal Zone Management Act of 1972, Nassau - Suffolk Regional Planning Board has begun work on devising a comprehensive management plan for the Long Island coastal zone.

Among the major project activities are the deliniation of the coastal zone for management purposes and the compilation of long-term management goals and objectives.

Assisting the NSRPB is a Citizen Advisory Committee comprised of individuals representing diverse coastal zone interests. This CAC meets at 7:30 P.M. on the first Tuesday of each month in the Conference Room, 12th Floor, H. Lee Dennison Building, Hauppauge. All meetings are open to the public. Since the successful implementation of any coastal zone management plan must have the understanding and support of those who use the coastal area, participation by coastal users on this committee is vitally important.

CZM - IMPLICATIONS FOR THE COASTAL USER

The efforts currently underway to devise a management plan for Long Island's coastal zone will have very significant and long-range implications for all residents of the region - especially those whose livelihood is directly tied to it,be they baymen,marine contractors, sport fishermen, developers, marina operators,industrialists, sand miners or dredgers.

Any management program inevitably involves regulation of the use of the zone. These may be a hinderance to some,but a boon to others. Restrictions may create economic hardship, but can also generate new opportunities.

To appreciate the implications which coastal zone management can have for the coastal user, it is necessary to examine the nature and scope of problems around which the plan will evolve. What types of problems have been identified and what types of controls are most likely to be imposed?

One important issue is that of water quality. To maintain or upgrade the quality of the water in the bays may necessitate restriction of residential development near the shoreline, a limitation for builders. However, water pollution control would lead to reopening closed shellfish areas and stimulate the shellfish industry.

Another important issue centers on the use of motor vehicles on the beaches. Those who need to use their vehicles for commuting or fishing will find prohibitions on the use of vehicles a hardship. Others contend that it will help protect the fragile environment of the coastal zone.

The developer who desires to contract houses along the bays, ocean, or sound may be prohibited from doing so by environmental and visual standards. This restricts the developer,but others who desire access, both physical and visual, to these coastal areas will view this as a benefit.

And so it goes on and on, issue after issue, the pros and cons, the advantages and disadvantages, the restrictions and the opportunities.

It should be apparent that much is at stake for the coastal user in the preparation and implementation of a coastal zone management plan for Nassau and Suffolk Counties. The future use and quality of the coastal zone will be greatly influenced by this plan. It is important, therefore, that the users of these resources become actively involved in devising the plan to ensure that a balance is struck between environmental and economic concerns and values.

MRC STUDIES THE MARINE ENVIRONMENT

In 1967 the Nassau-Suffolk Regional Planning Board created a panel to study coastal zone concerns of Long Island. Named the Regional Marine Resources Council,this group is comprised of 17 voting members representing academic, commercial, governmental, and environmental interests in the two counties (8 members per county plus a chairman). In addition, the Council is advised by representatives of local, state, and federal agencies which have a direct interest in coastal zone management.

The primary role of the RMRC is to identify coastal zone problems and to develop a research program which will provide knowledge for dealing with these concerns. The Council also publishes guidelines and reviews certain projects.

The RMRC has identified 17 marine-related problems on the Long Island area. Four of these -water supply and wastewater disposal, dredging and spoil disposal, coastal protection, and wetlands - have been the subject of intensive study which has resulted in the issuance of Guidelines for Long Island Coastal Management in 1973.

The Council meets on the first and third Monday of each month. Persons wishing to attend meetings or to address the Council should contact the chairman in advance through the Regional Planning Board in Hauppauge.

COASTAL FLOODING AND THE NFIP

Bays. Rivers. Long Island Sound. The Atlantic Ocean. These bodies of water make Long Island bountiful and beautiful. But, they also pose a threat to the Island's residents. For where there is water, there also exists the threat of floods.

The peaceful waves that lap against the shorelines can become a raging force which can damage buildings, wash out roads, destroy crops, erode beaches and bluffs, and claim human lives. Few natural phenomona are as devastating as floods.

Despite this threat, we have built our communities in areas which are subject to periodic flooding. Furthermore, we have ignored or attempted to circumvent the natural action of water by physical modifications of the land and shorelines. The results have been great loss of property and life.

Although some flooding on Long Island is caused by rivers overflowing their banks, most is tidal flooding which occurs when high winds cause the waters of the ocean or sound to wash far inland during periods of rising tides. Along the South Shore, the ocean may override or break through the barrier beaches. This, in turn, causes flooding along the shoreline of the bays. Inlets along both the north and south shores may overflow under such circumstances, causing flooding of adjacent lands.

Hurricanes and "northeasters" have caused extensive damage along the Long Island shore. The hurricane of August 1938, the most severe on record, killed 38 persons and caused flooding of 35,000 acres of land which resulted in $6 million property damage. Hurricanes in 1954 and 1960 caused damage estimated at $1.5 and $1.9 million respectively and a 3-day storm in March 1962 caused $16 million in damages to property. If a storm equal in magnitude to the 1938 hurricane occurred today, property damage would exceed $70 million.Most of this damage would be caused by flooding.

The key to flood prevention and protection is flood plain management which has been defined as the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, flood control structures, emergency preparedness, flood insurance, public awareness, and land use controls.

Flood plain management requires that we recognize that flood hazards exist even after flood control works are completed and that we use the flood plain in a manner compatible with that threat. Sharing the flood plain with the body of water is the essence of flood plain management.

Flood plain management does not dictate that all areas subject to flooding remain undeveloped, although land use control is a major element of any program. However, the type and configuration of such development are extremely important. Carefully planned measures are needed to minimize structural damage and to protect human safety when floods do occur.

The key to effective flood plain management is the control of land use in these areas. Land use controls do not attempt to reduce or eliminate flooding per se, but are designed to shape flood plain development in such a manner as to lessen the damaging effects of floods. Such controls take the form of legal regulations, and building codes. Such land use measures are applicable primarily where development of the flood plain has not yet occurred. Their objective is to prevent construction of permanent structures on the flood plain and to minimize alteration of the flood plain caused by filling or excavating.

To encourage local communities to implement flood plain management measures, the Congress expanded the National Flood Insurance Program in 1973. The expanded program

(continued on page 4)

Coming soon ...

A symposium on The Middle Atlantic Continental Shelf and the New York Bight, November 3, 4, 5, at the American Museum of Natural History, New York City. For information, contact Marion Steinberg, New York State Sea Grant Institute, SUNY, 99 Washington Avenue, Albany 12210.

A conference on Effects of Energy-Related Activities on the Atlantic Continental Shelf -November 10, 11, 12, at Brookhaven National Laboratory, Upton. For information, contact Bernard Manowitz, Department of Applied Science, Brookhaven National Laboratory, Upton 11973.

COASTAL ZONE MANAGEMENT ACT....
(e) priority of uses within the coastal zone, and (f) description of the implementation scheme including agency interrelationships.

Under Section 306 funds are made available to administer (implement) the plan. To qualify for an administrative grant, the management plan must receive the approval of NOAA and the Governor must designate a single state agency to provide overall administration of the program. (In New York State, this agency is the Division of State Planning in the Department of State). Furthermore, the program must provide for general techniques for land and water control in the coastal zone involving either local implementation of state standards, direct state planning, or state review of plans and regulations.

The act also requires interagency coordination and cooperation relative to funding of projects affecting the coastal zone and provides for the creation of a Coastal Zone Management Advisory Committee which makes recommendations on matters of policy concerning the coastal zone.

Have you read...?

The Status and Potential of the Marine Environment, Nassau-Suffolk Regional Planning Board, 1966.

Guidelines for Long Island Coastal Management, Regional Marine Resources Council, NSRPB, 1973.

Fourteen Selected Marine Resource Problems of Long Island, Travelers Research Corporation, for the Regional Marine Resources Council, NSRPB, 1970.

Quality Standards for the Coastal Waters of Long Island, Regional Marine Resources Council, NSRPB, 1970.

Dredging on Long Island, Regional Marine Resources Council, NSRPB, 1972.

Coast Stabilization and Protection on Long Island, Regional Marine Resources Council, NSRPB, 1972.

Erosion of the North Shore of Long Island Regional Marine Resources Council, NSRPB, 1972.

COASTAL FLOODING....
enables property owners in flood prone areas to purchase federally subsidized flood insurance. However, before individual property owners can purchase such insurance, the community (township, village or city) in which their property is located must meet certain eligibility criteria. To qualify, a community must:

- adopt land use control regulations for flood hazard areas.
- require building standards for the construction and modification of any structures in flood hazard areas.
- prohibit fill or encroachments within the floodway which would impair the flood and discharge of waters.

To insure that all communities in New York qualify, the Legislature enacted a law in 1974 which authorizes the State to assist local governments in meeting the requirements for eligibility, even to the point of imposing and administering flood hazard regulations. The NFIP is administered through the NYS Department of Environmental Conservation.

Nearly every community on Long Island has met the minimum qualifications set forth in the NFIP. Property owners should contact their local governmental officials to determine if their houses or businesses are located in a flood hazard area. If such is the case, owners may purchase flood insurance from an insurance agent.

The intent of the NFIP is two-fold - to discourage development in flood prone areas and to enable owners of property already situated in such areas to obtain flood insurance.

To help property owners understand the program, Cooperative Extension of Suffolk County has compiled two bulletins - Coastal Flooding and You and Property Owners' Guide to Flood Insurance. Both can be obtained free by contacting David F. Newton, Land Use Management Specialist, Cooperative Extension of Suffolk County, 246 Griffing Avenue, Riverhead, New York 11901.

The Pollution Susceptibility of the Marine Waters of Nassau and Suffolk Counties Marine Sciences Research Center, 1974.

Appendix 32
CZM Slide Presentation Manuscript

Background of CZM

CZM started in 1972 with the passage of the CZM act. This is a Federal Law which is divided into two (2) parts, development of a program and administration. The development phase is to last for three years. Presently, Chautauqua County is finishing up the firstyear of this development phase. A description of the first year program will take place later.

Approximately 20 states are participating in this federal program with Washington and California in their third and final year of Program Development.

N.Y.S. has 2600 miles of coastline and as you probably have guessed, the great lakes are included in this category. N.Y.S. is second only to Claifornia in total coastline.

For the first year of the program, N.Y.S. received $550,000 in federal funds and provided $275,000 in matching funds. Chautauqua County received $10,000 for the first year development grant.

N.Y.S. started out very slowly in this endeavor mainly because of the Carey shakeup in Albany. The lead agency for the state was not named until the program was 1/4 over and then they reduced the staff from over 100 to 4 people. Leadership has been lacking but assurances have been made that the leadership will be present in the second year.

Need for CZM Program

The Coastal Zone of Chautauqua serves many different functions.

Private residences line the Lake Erie shores providing both seasonal and year-round homes.

Vineyards, orchards and other agricultural activities are maintained in the Lake Erie Plain.

Recreational Opportunities including marinas, beaches, fishing and resorts are scattered along the waterfront.

Scenic assets also attract both tourists and residents to the lake area.

The coastal area also attracts urban and industrial development.

To keep these industries and urban centers alive, power plants are located along the lake.

Onshore gas drilling is becoming a major industry with the possibility of offshore drilling starting in the near future.

Erosion and flooding have become a common occurence on the Lake Erie.

Development of harbors for both recreational reasons and flood protection are being proposed.

Many water and sewerage projects are either taking place or are awaiting funding.

Ecologically fragile areas such as wetlands and erosion prone shores exist in many coastal regions of the county.

We have seen that the shoreline possesses distinct physical and functional characteristics. The extensiveness and diversity of the coastal region provides opportunities for enhancing the quality of life of the county's residents. However, the coastline is undergoing many changes. A number of activities are taking place that need evaluating as to their ultimate effect on the people and the environment of New York.

For instance, will offshore gas drilling provide enough economic advantage and minimal environmental concerns so as to be acceptable?

Should communities that rely on Lake Erie for freshwater be concerned about the pollution which is still taking place?

Are there areas of the CZ where development is not desirable because of poor soil conditions which do not allow adequate septic system disposal?

Is historical preservation an area where efforts should be stepped up?

When it is suggested that Lake Erie be kept open year round for navigation, is the effect on the vineyards of the county taken into account?

To address these questions and many more, Chautauqua County and New York State have chosen to particiapte in the CZM program. We make this decision not only for ourselves but also for generations to come.

CZM Description

Turning now to the work program itself and what it entails.

HANDOUTS!!

The first year program is divided into 10 Tasks. Briefly, I will touch upon each of these tasks and by referring to the handout you can see with more detail what has transpired in the first year development phase.

Task 1.2 Goals & Objectives

The first task is entitled Goals & Objectives. The purpose of this task was to review statewide goals and objectives, identify county issues and problems and finally to formulate Chautauqua County's Goals & Objectives. The ultimate purpose is to provide the basic framework for structuring the overall plan. The tentative list of goals and objectives can be seen on pages 1 and 2 of the handout while the list of problems for the Coastal Zone Area can be seen on pages 3 through 10. The problems tie into the goals and objectives and were formulated by talking with people of various backgrounds.

If anyone thinks that we have left out a problem, (we're sure we have) we would appreciate hearing it. The questionnaire which is on pages 11 to 16 should provide a mechanism for bringing additional problems to light.

Task 2.1 Information Sources

Another requirement of our contract with the state calls for the preparation of a bibliography. The main purpose of this task is to avoid a

duplication of efforts by utilizing information which presently exists.

Task 3.2 Public Participation

The purpose of this task is to identify and establish the necessary mechanisms for citizen and public official participation in the program formulation and also to provide interested parties with educational information on CZM.

The task is proving itself to be one of the most difficult to accomplish and at the same time it is essential in the creation of a viable program which will have public backing.

A Citizen Advisory Board is to be created in the first part of the second year program. On page 17 of the handout is a list of interest areas which hopefully will describe the makeup of this Board.

Other methods of public participation are listed on page 18 and include; for example, workshops and questionnaires to name a few.

Taks 4.2 Zoning & Master Plans

The purpose of the fourth task, Zoning & Master Plans, is to assess the extent of interest by state, regional and local agencies in Coastal Zone Land Use planning by appraising local government's plans, zoning and subdivision plans.

Of the 12 municipalities adjacent to the lake shore, three have no zoning and many others have ordinances which are inadequate, outdated or simply not adhered to.

Task 4.3 Intergovernmental Process

The purpose of the next task, entitled Intergovernmental Process, is to examine existing relationships between local governments and higher leel governments to try to determine which relationships seem to be productive as opposed to those which are a hinderance.

Our study so far points out that to optimize the chances for success

of the CZM program, it is necessary that the county have direct and personal contact with local governments and that a strong educational process take place.

Task 6.2 CZM Boundaries

The objective of the CZM Boundaries task are to define the DZ Boundary in such a way so as to make it easily identified and acceptible for the statewide program.

On pages 19 and 20 of the handout are the basic guidelines for selection of Boundaries.

Preliminary boundaries, which are subject to change, include water and land to Route 5 as one zone; Route 5 to 20 as the second zone; Route 20 to town lines as the third zone; and the town lines to the watershed limits as the fourth zone. Each zone would be subject to different controls with Zone I (Lake to Route 5) having the most stringent controls.

Task 7.3 Mapping of Land & Water Uses

A major portion of the first year effort involved the mapping of Recreational Areas, Natural Resources, Developed Lands, Utilities, etc., which brings us to Task 7.3.

Pages 21 and 22 show the areas that were mapped and anyone wishing to see an example of the mapping, please see me after the presentation. Each area is covered by eight (8) transparencies covering various features of the county.

Task 7.4 Resource Significance

The preparation of a methodology to determine this priority of natural resources as well as permissible and prohibited uses within the CZ has been the purpose of Task 7.4.

Pages 23 through 26 describe this methodology which starts with a matrix and ends with a list of uses ranked by desirability. Hopefully, this method will result in an objective listing of land/water uses by desirability.

Task 8.1 Potential Development Areas

The purpose of Task 8.1 is to identify potential development areas so as to determine where natural features and future development may conflict. Thus, this was essentially a mapping effort.

Task 9.3 Legal & Institutional

The last task is entitled Legal & Institutional mechanisms. The goal of this task was to examine existing legislation in order to determine which laws are adequate to direct development in the CZ and where void areas exist.

On pages 27 and 28 of the handout can be found a list of current legislation which is related to the Coastal Zone.

Different methods to manage development are discussed in this section such as traditional zoning, purchase of natural features and buying development rights.

Of course, the rights of the individual landowner must be a prime concern for any implementation technique.

In conclusion, there are many misconceptions about any management program, arising to a large degree from apprehensions about state and federal dominance over local authority. The following points clarify the intent and purpose of the CZM Program.

COASTAL ZONE MANAGEMENT IS:

- A means to ensure a balance between economic, social and ecological concerns in the coastal zone.
- A way to promote efficiency and coordination in coastal zone development.

- An opportunity to integrate a broad range of local and regional interests into the State planning process.
- A method of providing relevant and substantive information that would guide local governments in making appropriate coastal land use decisions.

COASTAL ZONE MANAGEMENT IS:

- Not a zoning measure.
- Not a no-growth program. Economic growth is desirable and necessary, but should be accommodated in conjunction with other neeeds.
- Not an opening for extended Federal control. The program is designed to stimulate State leadership in management, with Federal programs being subordinate to State plans.
- Not an attempt by State government to dominate local authorities. The CZM law and the State program urge strong local control, with coordination through State guidelines.
- Not a master plan with preconceived solutions to coastal problems. Solutions may include guidelines that would serve as criteria to aid localities in land use decision-making, and other workable means for carrying out the management program.

Our coastal resources, limited by past exploitation and contamination, continue to be depleted. No society can long survive if it dissipates its resources recklessly (slide). Although it may be expensive to protect coastal resources, an even greater expense may be incurred by abuse and neglect. The cost will come not only in the health hazards of polluted

air and water, not only in the higher food, housing, and transportation costs that result from poor use of land and sprawling development, but also in a diminished overall quality of life.

No plan can deal with every possible event that might occur over a period of many years, particularly if the years are ones of rapid change. But the coastal zone management program provides a framework for coastal zone planning that will be just as useful during a time of scarcity as during a time of abundance. In either case, the careful use of limited coastal resources is essential if the coast is to be protected and used for future generations (slide).

If you would like to become involved in helping to develop the CZM plan for Chautauqua County, please contact the County Department of Planning in Mayville. We need your help if we are going to protect our limited but valuable coastal resources for future generations.

Questions?

Comments on the Handout?

Blue Handout?

APPENDIX 33

Proposed County Park System

Chautauqua County CZM Program

1976

The right of the populace of Chautauqua County to utilize certain unique lands is and has been a concern of many people. In 1966 a Park Study Committee was formed which led ultimately to a County Park Proposal. Today this proposal has in many areas materialized, however, many of the potential recreational/leisure lands have not been acquired nor have they been protected from development degradation.

It is hoped that the Coastal Zone Management Program will provide a new energy and tool which will revitalize this park concept and lead to its further implementation.

This park concept can be found in A Proposed County Park System for Chautauqua County New York by the Chautauqua County Park Study Committee with technical support from the County Dept. of Planning. Basically this report covers four main concepts which follow:

1. Lake Access
2. Overview Sites
3. Gorge Creek Areas
4. Travelways

Within the Lake Erie Watershed (Preliminary Maximum Boundary of the Coastal Zone) there exists five (5) proposed lake access, eight (8) overview sites, four (4) gorge creek concepts and seven (7) other sites. Following is a brief description of each of these concepts and they can be viewed on workmaps .

APPENDIX 33 (continued)

Potential Recreation/Leisure Sites

Coastal Zone of Chautauqua County

1976

Lake Access

1. Lake Access - Area between mouth of Chautauqua Creek and Barcelona development - Town of Westfield
2. 40 acre holding at end of Pecor Street - Town of Portland Lake Access
3. 40 acre holding South of Van Buren Point - Town of Portland Lake Access
4. Town park for Town of Sheridan - Lake Access
5. Lake Access to East Mud Lake - Town of Villenova

Overview Sites

6. Belson Road overview of Lake Erie - Town of Ripley
7. Mont Baldy Road overview of Lake Erie - Town of Westfield
8. Hogsback overview of Chautauqua Gorge - Creek - Town of Westfield
9. Thayer Road overview of Lake Erie - Town of Pomfret
10. Chautauqua Road overview of Lake Erie Town of Pomfret
11. Kelly's Corner Fredonia overview of Lake Erie and Dunkirk Fredonia Town of Pomfret
12. Canadaway overview site of Gorge - Creek - Town of Arkwright
13. Prospect Rd. overview site of Lake Erie - Town of Hanover

Other Sites

14. Private farm between thruway and Route 20 - Town of Ripley
15. Waterfalls on Little Canadaway Creek - Town of Pomfret
16. Dam site Fredonia reservior - Town of Pomfret
17. Hiking area along Walnut Creek - Town of Hanover

18. Water falls at Tupper Brook and Walnut Creek - Village of Forestville
19. Hiking area along Walnut Creek from old Route 20 to Lake Erie - Town of Hanover
20. Existing commercial site on Overhiser Rd. - Town of Hanover

Gorge Creeks

21. Twenty Mile and Palmers (Gorge) Gulf gorge-Creek Town of Ripley
22. Chautauqua and Little Chautauqua gorge - creek - Towns of Westfield and Chautauqua
23. Little Canadaway gorge - creek - Town of Pomfret
24. Canadaway gorge - creek - Town of Arkwright

Source: Proposed County Park System for Chautauqua County New York June 14, 1968

APPENDIX 33 (continued)
Potential Recreation/Leisure Sites
Coastal Zone of Chautauqua County
1976

Lake Access

1. Lake Access - Area between mouth of Chautauqua Creek and Barcelona development - Town of Westfield
2. 40 acre holding at end of Pecor Street - Town of Portland Lake Access
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6. Belson Road overview of Lake Erie - Town of Ripley
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9. Thayer Road overview of Lake Erie - Town of Pomfret
10. Chautauqua Road overview of Lake Erie Town of Pomfret
11. Kelly's Corner Fredonia overview of Lake Erie and Dunkirk Fredonia Town of Pomfret
12. Canadaway overview site of Gorge - Creek - Town of Arkwright
13. Prospect Rd. overview site of Lake Erie - Town of Hanover

Other Sites

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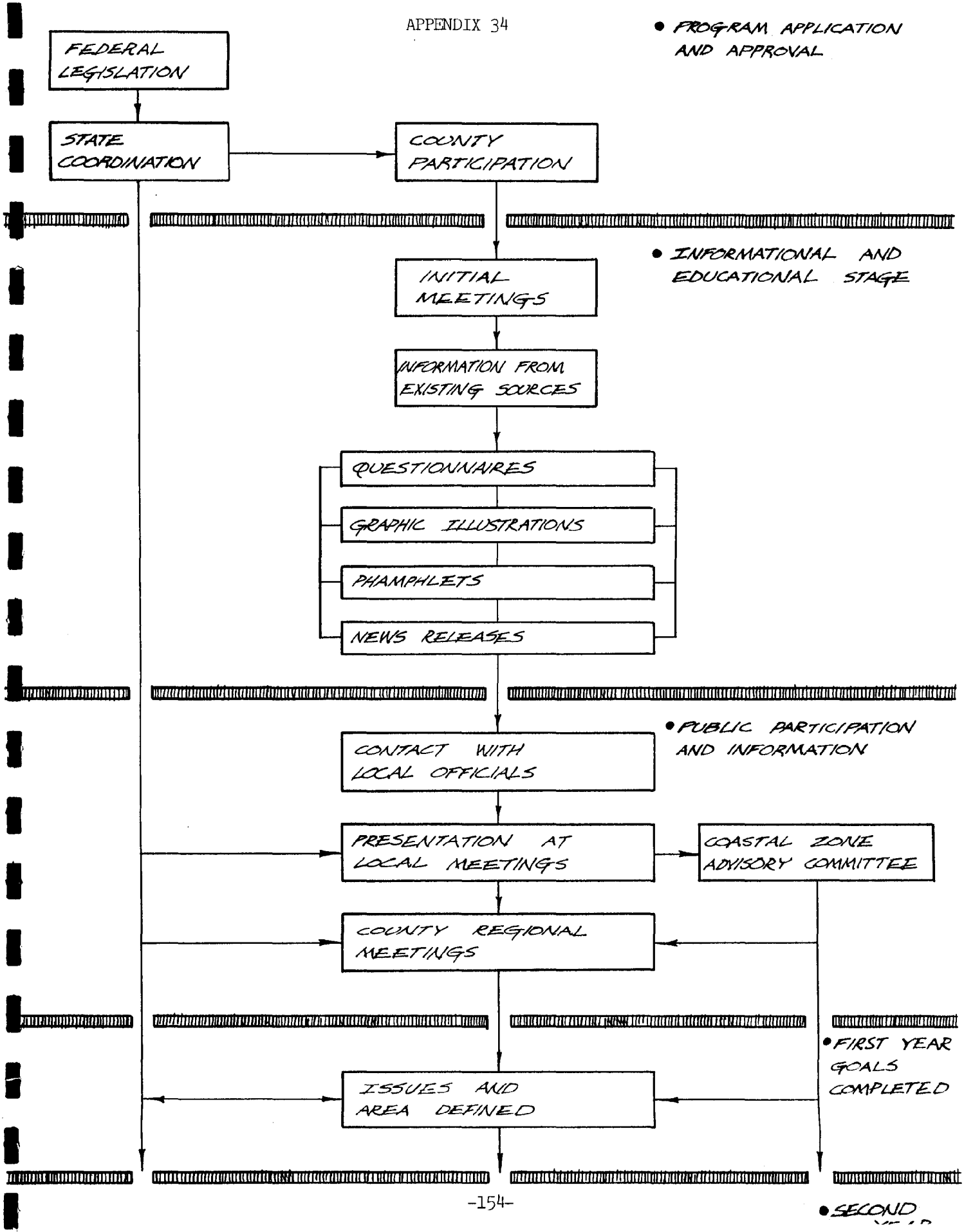
15. Waterfalls on Little Canadaway Creek - Town of Pomfret
16. Dam site Fredonia reservior - Town of Pomfret
17. Hiking area along Walnut Creek - Town of Hanover


• PROGRAM APPLICATION AND APPROVAL
FEDERAL LEGISLATION
STATE COORDINATION
COUNTY PARTICIPATION
• INFORMATIONAL AND EDUCATIONAL STAGE
INITIAL MEETINGS
INFORMATION FROM EXISTING SOURCES
QUESTIONNAIRES
GRAPHIC ILLUSTRATIONS
PHAMPHLETS
NEWS RELEASES
• PUBLIC PARTICIPATION AND INFORMATION
CONTACT WITH LOCAL OFFICIALS
PRESENTATION AT LOCAL MEETINGS
COASTAL ZONE ADVISORY COMMITTEE
COUNTY REGIONAL MEETINGS
• FIRST YEAR GOALS COMPLETED
ISSUES AND AREA DEFINED
• SECOND

APPENDIX 35

Critique of First Year CZM Report
Entitled
Coastal Zone Management
First Year Report for Chautauqua County, New York
by the
Chautauqua County Department of Planning and Development

February 27, 1976

GENERAL

The first year CZM contract between the State of New York, acting by and through its Department of State, and the Chautauqua County Department of Planning and Development, called for the completion of ten work tasks (Numbered 1.2, 2.1, 3.2, 4.2, 4.3, 6.2, 7.3, 7.4, 8.1, and 9.3).

A response was made to the following work tasks:

1.2 - Goals and Objectives
3.2 - Public Participation
4.3 - Determination of Feasible Mechanisms
6.2 - Coastal Zone Boundaries
(7.3 -
(7.4 - Analysis of Natural Resources
8.1 - Analysis of Land and Water Uses
9.3 - Legal and Institutional

A limited response was made to the following work tasks:

2.1 - Information Sources and Requirements
4.2 - Intergovernmental Process

The report is well-organized according to contract tasks. It succinctly and clearly states task objectives, methodology used, and conclusions. From these standpoints, the report was a pleasure to review.

There are a number of deficiencies in the report, as enumerated in the following section. Some of them will require a good deal of work to meet contract requirements. However, in spite of lack of completion of certain tasks such as 7.3, the report indicates that the CZM program for Chautauqua County is on the right track. There appears to be a good understanding of the program and its aims and objectives. There is also a good perception of the realities of local

feelings of wariness concerning such a program. Much work will have to be accomplished through the public participation phase to ensure that the clearest understanding possible of the program is obtained by the public as a whole and by local officials.

From a physical standpoint, the report was difficult to read in several places due to the poor quality of the copying. Written additions were not always legible.

SPECIFIC

Task No.	Pages		
1.2	9	1.	It is stated that there was a review of goals and objectives and problems and issues with legislative, planning, civic and private groups. These groups should be listed in the report, including name of group and date and location of meeting. The nature of the input from each group should also be discussed. This type of information could be put in the appendix.
		2.	Generally, the work performed for this task satisfies contract requirements.
2.1	27-30	1.	The contract states that an annotated bibliography is to be prepared. The bibliography on these pages does not meet this requirement.
		2.	The contract requires that the planning department hold meetings with organizations to obtain input on available data and information. There is no evidence that these meetings were held.
		3.	The contract states that data gaps will be identified, based on an inventory of material, input from work sessions, and individual discussions. While areas where further information is needed are listed, there is no indication given of the nature of the data gap. A brief paragraph should have been added discussing this for each area.

Task No.	Pages		
2.1	27-30	4.	This section needs the additional work noted above to meet contract requirements.
3.2	34-35	1.	As with the first comment for Task 1.2, the dates and locations of public meetings and meetings with local officials and special interest groups should be given.
		2.	Generally, this section appears to satisfy first year contract requirements.
4.2	54-61	1.	This section is good, as far as it goes. It is useful to include the table on Page 57 regarding the status of local land use ordinances and regulations. Also, the conclusion section is a relevant analysis. However, in addition to the tabular listing of local ordinances and regulations, an analysis of these should have been undertaken for each coastal zone municipality to determine "their relationship to State and local coastal zone programs and responsibilities". (CZ contract, Activity #4, 2nd in list of products expected).
		2.	The contract stated that State public agency activities and programs affecting the Chautauqua County coastal zone should be listed. This has apparently not been accomplished.
4.3	61-63	1.	This section satisfies contract requirements.
6.2	65	1.	It is not clear which criteria were used for delineating each of the four boundary zones. As it is now, there's no way to tell why the boundary of a particular zone is where it is.
		2.	It is not indicated if the proposed boundary zones were discussed with local government officials and other interested groups and individual citizens. If these discussions did take place, dates, locations and participants in the meetings should be provided, along with accounts of any modifications.

Task No.	Pages		
6.2	65	3.	Are there any boundary maps other than that (illustration 17, Page 71) in the report?
7.3	72-91	1.	While not all mapping has been completed, which was a contract requirement, the approach, technique, and types of areas mapped and proposed for mapping are well-executed. Criteria for GAPCs currently being developed by DOS will be of assistance during the second year in completing the mapping under this task.
		2.	This section is commendable for its clarity and organization which makes it easy to determine what has or has not been mapped.
		3.	The maps themselves are very clear and understandable.
7.4	92-102	1.	The approach taken to this task is logical and seemingly quite appropriate in designating priorities and permissible/prohibited uses.
8.1	103-107	1.	The approach taken to identifying potential development areas is reasonable. As is stated, this task cannot be completed until all mapping in Task 7.3 is also completed.
9.3	108	1.	It is not clear in this section if the required meetings with local communities, agencies, and interested parties took place in accordance with contract requirements.

Response to D.O.S. Division of State Planning Critique of
First Year CZM Report
entitled
Coastal Zone Management
First Year Report
Chautauqua County New York
February 27, 1976

General Comments:

1. This report will be retyped with corrections and additions added and six copies will be sent to your department.
2. Enclosed with this Response will be any updated or new illustrations/maps/cover, etc.
3. Specific comments follow which deal directly with the critique from your office dated May 27, 1976.
4. It is expected that these revisions, corrections and clarifications will satisfy the requirements for our final payment request. As you know, only $2,500 has been received to date.
5. Certain apparent contract requirements may have been incompletely dealt with in the initial submitted report and in this correspondence. Chautauqua County has decided to avoid spending a substantial amount of time on certain of these activities with the feeling that they are academic oriented and do not appear to be of much importance with regards to the quality of the final program. Details follow.
6. Note that the following comments are in direct response to your critique of May 27, 1976 and the paragraphs coincide with those of your critique.

Specific Comments:

Task No.	Page	D.O.S. Ref.	Comments
1.2	9	1.	Appendix 36 (enclosed) has been added to the report. Its purpose is to list each meeting attended to include data, organization, location and summarized minutes. In nearly every meeting the goals and objects (and problems) found on pages 14 to 23 were discussed. Limited feedback was derived from those meetings.
		2.	None necessary
2.1	27-30	1.	Admittently, the requirement for an annotated bibliography has not been met. However, it is our opinion that the additional effort required to fulfill this requirement is not justified when considering what the resultant product would be. We feel that this would be a very academic task with no bearing on the quality of the overall product. Furthermore, we feel that the added effort in other areas (e.g. mapping) more than offsets this slight deficiency.
		2.	Again, appendix 36 includes a list of all meetings held. Due mainly to the abstract nature of the program and the concern of participants in grasping the meaning of the program, little real input was received with regards to available data. The second

Task No.	Page	D.O.S. Ref.	
			year effort should and will have more direction in this area.
		3.	Part II of Illustration 5 (enclosed) has been created to give more of an indication of the nature of the areas requiring more research. It should be pointed out that many of these suggested deficiencies were not called for by the contract and in fact are supplemental to the effort at hand. Many of these tasks cannot be performed locally and some may be determined to be unnecessary altogether. I would like to emphasize that much of the mapping which is incomplete is the responsibility of DEC (wetlands primarily) and without this work completed we are put in an awkward position as far as the final land use plan is concerned.
		4.	None necessary
3.2	34-35	1.	See appendix 36 (enclosed)
		2.	None necessary
4.2	54-61	1.	It is the feeling of this department that a detailed analysis of local ordinances and regulations would show that with few exceptions the goals of the CZM program would not be even slightly met by these tools. One apparent exception would be in the town of Hanover where the National Flood Insurance program and the wetlands act have been incorporated into local laws. The basic zoning ordinances often times

Task No.	Page	D.O.S. Ref.	
			are not tuned to where development should take place based on utility availability or possibility. Recreation and the protection of Natural Resources are not real concerns of these ordinances. Even agricultural districts are not sufficiently strong so as to preserve the unique grapelands within the CZ. Finally, we feel that until a more concrete proposal which included a technique of implementation is proposed, that it would not be practical to analyze each ordinance separately.
		2.	State/Federal public agency activities and programs affecting the CZ area of the county are listed in Illustration 26. It appears that I failed to refer to that illustration in the text.
4.3	61-63	1.	None necessary
6.2	65	1.	Illustration 17 (enclosed) has been redrafted to improve its clarity. Zone I is bounded by State Route 5 while Zone II utilizes State Route 20 as its inward boundary. Zone III moves landward to the municipal boundaries of the first Tier Towns. Finally, Zone IV includes additional lands which are within the Lake Erie watershed but outside of the first Tier Town boundaries.

Task No.	Page	D.Q.S. Ref.	
		2.	See Appendix 36 (enclosed)
		3.	Illustration 17 has been redrafted to provide a clearer picture. Illustration 16 provides related background information.
7.3	72-91	1.	As suggested previously, the contract was not specific with regards to mapping requirements and we feel that the 1st year effort was more than adequate. Our list of areas which are still to be considered for further mapping, consists of many areas which are state responsibilities. Also, some of the areas probably would be of little value for program formulation relative to the effort which would be necessary to complete the mapping. Other areas will be completed in the 2nd year.
		2.	None necessary
		3.	None necessary
7.4	92-102	1.	None necessary
8.1	103-107	1.	None necessary
9.3	108	1.	See Appendix 36 (enclosed)

APPENDIX 36
FIRST YEAR CZM MEETINGS
CHAUTAUQUA COUNTY

Date	Organization	Location	Comments on Meeting
4/7/75	All Municipalities	Mayville	This was the first meeting on CZM and its purpose was to introduce all municipalities within the study area to the management concept. Unfortunately, only one person showed up which emphasized that much effort would be required to gain an interest in coastal planning. Discussion topics included the following: (a) state and local goals and objectives, (b) potential problem areas within CZ, (c) citizen participation.
6/25/75	All Municipalities	Each Municipality	Each municipality was personally visited with the purpose of briefly describing the objectives of the CZM Program and encouraging participation by the municipalities and then populace. A copy of the questionnaire was distributed along with a summary of the program. Assistance was offered to any municipality wishing to become more involved. To date, only one municipality returned the questionnaire and requested more information which was provided.
12/15/75	Town of Hanover	Silver Creek	The Town of Hanover has been the most responsive to the First Year CZM effort. At this meeting the planning board of the town made up the majority of those present. A review of the preliminary list of goals and objectives took place along with a review of the problem areas unique to Chautauqua County and the Town of Hanover. It was felt that this program was highly desirable and could be utilized to improve the quality of life for the whole county. A request for sources of input into the program brought out names of individuals and organizations; e.g., local Chamber of Commerce representative. A lenghthy disucssion of potential boundaries took place with the variable zone techniques being favored. However, it was felt that inclusion of the entire Lake Erie Watershed within the study would not be desireable mainly because of the difficulty of control and lack of significant effect in most cases upon the area within the Route 5 zone. The need for widespread participation and education was stressed by the participants

Date	Organization	Location	Comments on Meeting
			in order to optimize the chances for success. Very few comments were received concerning different approaches primarily because of the present lack of understanding of this new program. Participants felt that after a preliminary plan was formulated that it would be easier for them and others to provide more input. Questionnairs were distributed to those present. A completed questionnaire was returned some time later which presents the views of this group.
12/22/75	Realtors	Village of Fredonia	Handouts describing the CZM Program were distributed followed by a discussion of the program as it relates to realtors. A major problem to realtors was felt to be zoning ordinances which were either too restrictive or not restrictive enough and often not sensitive to the needs of the people. Support for the CZM concept was given and it was pointed out that a strong educational effort would be needed to make the program viable. Also, it will be important to have "teeth" in the final proposal to make implementation take place. With regards to educating the public, the realtors emphasized that the program must be brought to special interest groups and not presented merely at open county-wide meetings.
12/23/75	Commercial Fishermen	City of Dunkirk	The CZM concept was briefly described along with a review of the goals and objectives, boundaries and possible implementation techniques. Following this discussion an extensive period of time was spent dealing with the problems which commercial and recreational fishermen face on Lake Erie. Problems defined include: (a) local control of types and amounts of fish caught, (b) more enforcement of existing laws, (c) role of politics in policy making, (d) stricter control of sanitary systems and dumping of garbage into the lake.
12/23/75	Dunkirk Dept. of Development	City of Dunkirk	A briefing of City Development Personnel took place in order to familiarize them with the CZM effort and gain their support. Baiscally, the goals and objectives, boundaries, implementation techniques and public participation were discussed. A questionnaire was distributed to provide an opportunity for other input.

Date	Organization	Location	Comments on Meeting
1/6/76	Environmnetal Def. Council & League of Women Voters	Fredonia	A detailed description of the CZM program took place with a thorough coverage of local problems and goals and objectives. Participants emphasized that they thought that the program should be locally created and controlled and that the most pressing problem existing at this time is offshore gas drilling along with public access to a lessor degree. The importance of public education and participation was emphasized along with the utilization of Sea Grants' services. The general feeling was that the use of the watershed boundary as the CZM boundary would probably not be practically feasible since it is too extensive. The use of other boundaries such as Routes 5 or 20 seems more logical. Another point made was that the priority rating system method was advisable but that it was in need of refinement. Lastly, it was stressed that the important thing in implementing this plan is the keeping of the controls at the local level.
2/6/76	Dunkirk Town Board	Town of Dunkirk	A slide presentation was presented which emphasized local problems and the need for CZM. Additionally, the presentation included goals and objectives, boundaries and public participation as well as implementation techniques. Very little feedback or support came from the Board after or during the presentation.
3/4/76	Westfield Zoning Bd.	Westfield	During this dual zoning/CZM meeting a discussion of the purpose of the CZM program took place. Emphasis was placed on boundaries and public participation. A positive overall response for the program was received from the group.
4/29/76	League of Women Voters	Fredonia	This dinner meeting began with a slide presentation which covered the Background of the CZM Program, need for the program based on local and state-wide problems and the Work Program for the first year to include goals and objectives, information sources, public participation, zoning, boundaries, mapping, natural resources, development areas and finally enacting legislation. Throughout the presentation, questions and comments turned up resulting in a very spirited discussion. For example, the league is very interested in offshore gas well drilling and this led to a complete

Date	Organization	Location	Comments on Meeting
			discussion of how the CZM Program will help formulate how this topic will be handled. The league feels that the ban on off-shore drilling should not be lifted at this time and that the CZM Program should encourage research in this area in order to insure that the lake is not adversely affected or subjected to unnecessary stresses. Questionnaires (Illustration 6) were distributed and it was suggested that future meetings could be utilized to determine the league's stance on different issues. With regards to boundaries, it was suggested that the study area would probably be too large to effectively control. An invitation was extended to all those present to participate throughout the program and to provide sources of information. Another area discussed included the implementation method to be utilized. It was suggested that traditional zoning may not be the appropriate means of implementation.
5/10/76	Sheridan Zoning Board	Sheridan	A brief presentation on the CZM Program took place at this dual purpose meeting. Goals and objectives of the program, local problems and boundaries were the primary topics. A discussion on how zoning might play a role in the implementation of this program, took place.

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