



## Evaluation of Multiple Use Issues and Habitat Threats Affecting Northeast Living Marine Resources

by  
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Estuarine and coastal lands and waters are used for many purposes that compete for space and resources. These frequently conflicting competitive uses generate contentious issues and often threaten the health and productivity of living marine resources and their habitats.

The National Marine Fisheries Service (NMFS) is required to address the issues and threats arising from conflicting uses of marine resources by developing recommendations which balance the conservation of productive fish habitat and fisheries with other societal needs.

In 1985, the NMFS published the *Regional Action Plan: Northeast Regional Office & Northeast Fisheries Center (Technical Memorandum NMFS-F/NEC-37)*, which was based on an analysis of the many activities that NMFS performs while exercising its legislated and administrative responsibilities. The report listed eight major issues affecting living marine resources and habitat that posed potential threats to those resources, and prioritized the identified threats.

The Mid-Atlantic Fishery Management Council is collaborating with NMFS in a current effort to update this information. For now, information from the 1985 report is used in the development of council fishery management plans. Although the information is a decade old, it constitutes the best available data.

### Issues and Associated Threats - 1985

In the discussion that follows, which describes the issues and threats identified in the 1985 report, 'issue' and 'threat' are defined as:

*Issue* - an anthropogenic activity that results in an

effect or consequence that generates contention. Environmental and socioeconomic issues have evolved from the multiple, often conflicting, uses of coastal lands and waters. These issues must be resolved with respect to their impacts on marine organisms, habitat and society.

*Threat* - a perception of potential damage or harm related to anthropogenic activities. Threats occur when human activities cause changes in physical habitat, water or sediment chemistry, or structure and function of biological communities. The adverse effects to marine organisms, their habitats, and society resulting from any given threat are demonstrable, but usually not completely quantifiable. More than one threat is often associated with each multiple-use issue.

Some threats culminate in the absolute loss or long-term degradation of the aquatic environment or specific aquatic habitats, while others only cause temporary, short-term perturbations. Both these types of threats are of serious concern to the public. The eight issues identified in the 1985 report, and the threats associated with those issues are discussed individually below.

**Waste Disposal and Ocean Dumping** - Ocean disposal has historically been an attractive alternative to land-based disposal because of its relative economic advantages. Long-term disposal has degraded marine habitats and compromised the health of fish stocks. Public confidence in seafood quality has also been diminished as a result of ocean disposal.

**Coastal Urbanization** - Construction in the coastal zone generally degrades habitat quality, either directly or indirectly. Direct effects are associated (*continued on p. 2*)



(continued from p. 1) with activities that physically alter aquatic and wetland habitats, such as dredging, filling, and bulkheading. More insidious but equally as damaging effects are associated with nonpoint source pollution from upland runoff and chemical leachates. An inherent problem with coastal development lies in the cumulative impact of manifold small-scale projects.

Other secondary threats associated with coastal urbanization include increased requirements for electric power and freshwater, flood control, increased volumes of municipal and industrial point source discharges, and increased demand for improved infrastructure, such as highways.

**Energy Production and Transport** - As population growth in coastal areas accelerates, so does the demand for energy for municipal, industrial, and commercial uses. Associated threats include construction of new oil- and coal-fired power plants which generate waste heat, chemicals, and solids as well as energy. Marine and anadromous organisms are harmed by cooling water intakes. Reduced freshwater flows due to dam construction, increased transportation accidents (e.g., tanker groundings), and exploration for new energy sources (e.g., Outer Continental Shelf oil and gas drilling) are other potential threats.

**Port Development and Use** - Habitat threats associated with port use and development include dredging and subsequent disposal of dredged material, management of contaminated spoil, and filling for infrastructure construction.

**Coastal Watershed Development and Management** - Development in coastal watersheds results in many of the same resource threats as in coastal areas. Additional habitat threats include stream channelization and relocation, and freshwater diversion and impoundment.

**Agriculture** - Principal resource threats associated with agriculture are erosion and subsequent sedimentation, nonpoint source pollution including nutrient enrichment and pesticide contamination, and wetland drainage and/or impoundment.

**Marine Mineral Extraction** - Physical degradation of habitat and

destruction of benthic biological community structure are the primary resource threats resulting from mining aggregate and shell.

**Coastal and Wetland Use and Modification** - Physical and chemical degradation of water and sediment quality resulting from residential and recreational development in wetlands and adjacent shallow waters negatively impacts marine biological communities and habitats. Demand for public access, piers, bulkheads, marinas, boat ramps, and navigational improvements all contribute to these environmental stresses. Ditching, diking, and impounding for wildlife management or nuisance insect control are other potential habitat threats associated with this issue.

After identifying and describing the leading issues affecting living marine resources and habitat, an attempt was made to prioritize associated threats. In 1985, the perceived priority of threats affecting habitats were as follows: 1) Urban and Port Development; 2) Ocean Disposal; 3) Dams; 4) Agricultural Practices; 5) Industrial Waste Discharges; 6) Domestic Waste Discharges; 7) OCS Oil and Gas Development; 8) Insect Control; 9) Water Diversion; 10) Sand and Gravel Mining; 11) Power Generation.

#### Issues and Threats Re-evaluated

Of course, multiple-use issues are constantly changing, as are the real or perceived impacts of certain activities on living marine resources. For example, concern over Outer Continental Shelf (OCS) oil and gas drilling were paramount during the 1970s and early '80s in New England and the Mid-Atlantic areas. Catastrophic oil well blow-outs in California and the Gulf of Mexico were perceived as portends of disaster by the public. However, when exploratory drilling yielded no commercial quantities of oil or gas in the North and Mid-Atlantic, OCS activities ceased to be a significant immediate or near-term future threat to resources and habitats in the Northeast.

Similarly, ocean dumping, the previously ranked second highest threat to habitat, has diminished in importance as a real or perceived threat in the Northeast.

With the exception of disposal of dredged material, ocean dumping has been discontinued (for the most part) in this region. Therefore, any discussion of multiple-use issues and threats, as well as their priority ranking, must be considered merely a guide to contemporary coastal and oceanic activities that do, or that probably will, require considerable attention by those concerned with the health and production of regional fisheries. These issues need to be reconsidered periodically to determine priorities for future program emphasis and direction.

#### Updating FMPs

As discussed above, habitat issues and their associated threats change through time. However, habitat sections and subsequent recommendations in fishery management plans (FMPs) prepared by fishery management councils in the Northeast region are still based on ten-year old multiple use issue data, for lack of more recent information. Because fishery management plans influence decision-makers with respect to determinations affecting living marine resources and habitat, it is imperative that FMP habitat sections be based on more current information.

Consequently, the Mid-Atlantic Fishery Management Council has requested that we in NMFS help them update information on habitat issues for their future plans. As stated previously, some issues are no longer relevant; however, many new issues continue to develop. For example, recent workshops held nationally identified several issues that potentially pose threats to living marine resources and habitat, including habitat impacts related to fishing gear use (e.g., scraping, dredging); and aquaculture (e.g., conflicting uses, pathogen introduction, and habitat degradation).

Those interested in contributing to the re-evaluation of issues and associated threats should provide their comments to Tim Goodger, National Marine Fisheries Service, 904 South Morris Street, Oxford, MD 21654; Phone 410/226-5771.

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# The Coastal Zone Management Act: Controlling Coastal Nonpoint Pollution

This Federal law enlists State cooperation in managing development and pollution in the coastal zone.

The Coastal Zone Management Act (CZMA) was signed into law by President Nixon in 1972 in response to growing national concern over coastal and ocean pollution. The message behind the CZMA is clear. Increasing and competing demands caused by population growth and economic development are impacting sensitive, irreplaceable coastal resources, and it is in the nation's best interest to manage these areas wisely.

## State-Federal Partnerships

A strong state/federal partnership is established by the CZMA. States develop comprehensive coastal management programs meeting federal standards in exchange for federal funding and a say in federal actions affecting their coastal zones.

The Department of Commerce's National Oceanic and

Atmospheric Administration (NOAA) administers the CZMA program. To qualify for federal funding, states must incorporate into their programs the protection of natural resources including wetlands, estuaries, beaches, dunes and barrier islands. Coastal development is to be managed, especially in flood and erosion prone areas. In addition, the public must be provided with access to the shoreline for recreation.

Along with federal funding, the CZMA also gives states a tool to ensure that activities that affect a state's coast are consistent with the state's own plans for its coast. The consistency provision requires the federal government, and private parties using federal licenses or permits, to abide by state laws, regulations and policies that are part of a state's coastal management program. The consistency provision

ensures state input over dredging and dumping activities, offshore oil and gas development, and other activities that affect the lands and waters of a coastal state.

The following Atlantic coast states have federally approved coastal zone management plans: Connecticut, Delaware, Florida, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia.

## State Solutions to Nonpoint Pollution

The Coastal Nonpoint Pollution Control Program was created by Section 6217 of the Coastal Zone Management Act Reauthorization Amendments of 1990 (CZARA). This program is part of the Coastal (*continued on p.7*)

## Facts About the Coast and the CZMA

### The Coast...

- ...supports 34% of national employment, providing more than 28 million jobs.
- ...provides boating and fishing opportunities for an estimated 94 million Americans annually.
- ...produces 70% of the US commercial and recreational fisheries harvest.

### Signs of Coastal Stress...

- ...are evidenced by an increase in closed shellfish beds - from 13% in 1966 to 37% in 1990.
- ...are indicated by the 2,438 beach advisories and closings issued in 23 states during 1993. The beach closings were a result of disease causing bacteria and virus contamination of coastal waters from storm runoff combined with sewage, and malfunctioning septic systems.
- ...are aggravated by nonpoint pollution or polluted runoff into coastal waters from farms, city and suburban streets, logging and mining

operations, marinas, and other non-pipeline discharges. This type of pollution accounts for half the pollution entering coastal waterbodies, and remains the last largely unchecked source of coastal pollution.

### The Coastal Zone Management Act...

- ...allows coastal development, but requires that it be done wisely. From 1970 to 1989, 15.5 million permits were issued for residential and commercial construction on the coasts.
- ...is a voluntary program that states choose to participate in. States are required to address some specific issues, but how these issues should be dealt with are not stipulated, providing tremendous flexibility.
- ...provides funding to states for voluntary development and implementation of coastal zone management plans. Since 1974, over \$700 million has been distributed in the form of grants to states.

## Clean Water Act Reauthorization Passes House

### *Environmentalists Fear a Backwards Slide After Twenty Years of Progress*

On May 16, H.R. 961 passed the House of Representatives by a vote of 240-185; this bill reauthorizes and substantially revises the Clean Water Act. Although supporters of the bill state that it will protect the environment and remove unnecessary regulatory and economic burdens, opponents argue that it is a special interest deregulatory measure that will reverse the progress made since the initial act became law in 1972. Select provisions of H.R. 961 are included below.

**Coastal Zone Management Program** - Representative Sherwood Boehlert (R-NY) introduced an amendment that removed the original H.R. 961 language to repeal the Coastal Zone Management Program. Representative Boehlert's amendment, which was adopted, was further amended to permit coastal states to either develop non-enforceable polluted runoff control programs under the Clean Water Act's Section 319 Nonpoint Source Program, or continue developing enforceable programs under the Coastal Zone Management Act. In addition, the EPA may require a state to develop a Coastal Zone Management Program if they find that the state's 319 program is insufficient to protect water quality.

**State Revolving Loan Fund** - Federal funds available to help states pay for construction of water treatment facilities and other water pollution control programs are dispersed under the State Revolving Loan Fund or SRF. These funds were substantially cut during floor deliberations. An amendment introduced by Representative Steve Largent (R-OK) cuts the SRF by \$200 million per fiscal year from 1997 to 2000. In addition, \$500 million originally designated for states to use in developing their non-point source pollution programs was completely eliminated.

**Dredging** - Dredging provisions included in H.R. 961 will make changes to both the Clean Water Act and the Ocean Dumping (Marine Protection, Research, and Sanctuaries) Act. Under changes to the Clean Water Act, the U.S. Army Corps of Engineers (Corps) is given the authority to designate dumpsites for dredged material in state waters (shore out to 3 miles) in addition to federal

waters (3 to 200 miles offshore). The "least costly" alternative for disposal of dredged material is required to be used. This language raises concern because of the way costs are calculated. Ancillary effects such as impacts to fishery resources or coastal tourism are rarely considered; only the actual cost of transport and dumping are calculated. This would make open water disposal the least costly alternative in most cases.

Changes to the Ocean Dumping Act include changes in responsibility for the Corps and Environmental Protection Agency (EPA). The Corps is given EPA's former responsibility of preparing dumpsite management plans and monitoring dumpsites. The Corps is also given the authority to dump at undesignated dumpsites for up to five years without EPA approval. Both of these provisions are of concern to environmentalists and others because of the conflict between the newly designated duties and the inherent missions and expertise of the two agencies.

**Wetlands** - Wetlands will be categorized as either "A," "B" or "C" in declining order of ecological importance and protection afforded. EPA Assistant Administrator for Water Robert Perciasepe estimates that between 60-80% of wetlands currently under protection will be vulnerable. No more than 20% of the land in any one county may be classified as type "A."

Landowners will be compensated by the federal government when property decreases in value because of wetlands regulations. In addition, the federal government will be required to establish wetland mitigation banks in each state.

**Minimum Stream Flows** - A 1994 Supreme Court ruling (*City of Tacoma v. State of Washington Department of Ecology*) gave states the right to place conditions on water quality certificates issued pursuant to Section 401 of the Clean Water Act that are designed to protect the biological integrity of a body of water. This includes maintaining minimum instream flows to protect fisheries resources such as salmon, striped bass and other anadromous species.

## Voting Record for Representatives of Atlantic Coast States - H.R. 961

**Maine - Republicans:** Longley-Y  
**Democrats:** Baldacci-N

**New Hampshire - Republicans:**  
Bass-Y, Zeff-Y

**Massachusetts - Republicans:**  
Blute-Y, Torkildsen-Y  
**Democrats:** Frank-Y, Kennedy-N, Markey-N, Meehan-N, Moakley-N, Neal-N, Olver-N, Studds-N

**Rhode Island - Democrats:**  
Kennedy-N, Reed-N

**Connecticut - Republicans:**  
Franks-Y, Johnson-N, Shays-N  
**Democrats:** DeLauro-N, Gejdenson-N, Kennelly-N

**New York - Republicans:**  
Boehlert-N, Forbes-N, Frisa-Y, Gilman-N, Houghton-Y, Kelly-Y, King-Y, Lazio-N, McHugh-Y, Molinari-Y, Paxon-Y, Quinn-Y, Solomon-Y, Walsh-Y  
**Democrats:** Ackerman-N, Engel-N, Flake-N, Hinchey-N, LaFalce-N, Lowey-N, Maloney-N, Manton-N, McNulty-N, Nadler-N, Owens-N, Rangel-N, Schumer-N, Serrano-N, Slaughter-N, Towns-N,

Velazquez-N

**New Jersey - Republicans:**  
Franks-Y, Frelinghuysen-N, LoBlundo-N, Martini-N, Roukema-N, Saxton-N, Smith-N, Zimmer-N  
**Democrats:** Andrews-N, Menendez-N, Pallone-N, Payne-N, Toricelli-N

**Delaware - Republicans:** Castle-N

**Pennsylvania - Republicans:**  
Clinger-Y, English-Y, Fox-N, Gekas-Y, Goodling-X, Greenwood-N, McDade-Y, Shuster-Y, Walker-Y, Weldon-N  
**Democrats:** Borski-N, Coyne-N, Doyle-Y, Fattah-N, Foglietta-N, Holden-Y, Kanjorski-N, Klink-Y, Mascara-Y, McHale-N, Murtha-N

**Maryland - Republicans:**  
Bartlett-Y, Ehrlich-N, Gilchrest-N, Morella-N  
**Democrats:** Cardin-N, Hoyer-N, Mfume-N, Wynn-N

**Virginia - Republicans:**  
Bateman-Y, Billey-Y, Davix-N, Goodlatte-Y, Wolf-N  
**Democrats:** Boucher-N,

Moran-N, Payne-N, Pickett-Y, Scott-N, Sisisky-Y

**North Carolina - Republicans:**  
Ballenger-Y, Burr-Y, Coble-Y, Funderburk-Y, Heineman-Y, Jones-Y, Myrick-Y, Taylor-Y  
**Democrats:** Clayton-N, Hefner-Y, Rose-Y, Watt-N

**South Carolina - Republicans:**  
Graham-Y, Inglis-Y, Sanford-N, Spence-Y  
**Democrats:** Clyburn-N, Spratt-N

**Georgia - Republicans:** Barr-Y, Chambliss-Y, Collins-Y, Deal-Y, Gingrich-X, Kingston-Y, Linder-Y, Norwood-Y  
**Democrats:** Bishop-Y, Lewis-N, McKinney-N

**Florida - Republicans:** Billrakis-Y, Canady-Y, Diaz-Balart-N, Foley-Y, Fowler-Y, Goss-N, McCollum-Y, Mica-Y, Miller-Y, Ros-Lehtinen-N, Scarborough-Y, Shaw-Y, Stearns-Y, Weldon-Y, Young-Y  
**Democrats:** Brown-N, Deutsch-N, Gibbons-N, Hastings-N, Johnston-N, Meek-N, Peterson-N, Thurman-N

An amendment to H.R. 961 introduced by Greg Laughlin (D-TX) establishes a dispute resolution process for resolving differences between the Federal Energy Regulatory Commission (FERC) and the states with regard to state water quality certification of FERC-licensed hydroelectric projects. National environmental and fisheries groups including Trout Unlimited and the Pacific Rivers Council have stated that the Laughlin amendment "runs roughshod over the states' long-standing role in water quality protection," and "would establish FERC as advocate, judge, and jury in water quality certification disputes with states."

**Cost/Benefit Analysis** - The EPA will be required to conduct cost/benefit analyses on regulations. No regulatory requirement could be established where social, environmental, and economic benefits are not reasonably related to anticipated costs.

**Other Provisions** - Other provisions in H.R. 961 include: federal permits for effluent discharge will be easier to receive; regulations will be scaled back for municipality operated facilities such as waste treatment operations; enhanced (secondary or tertiary) sewage treatment requirements can be waived when municipalities dump

wastewater into deep ocean waters; increases in point source discharges may be allowed as incentive for nonpoint source reductions and development of watershed management plans; funding for regional National Estuary Programs is authorized for implementation monitoring of management plans in addition to plan development; and federal facilities are required to comply with federal and local water pollution abatement requirements.

### Senate Action

It is unlikely that Senate action on CWA reauthorization will occur this year. However, Senator Johnston (D-LA) recently introduced wetlands bill S. 851, *The Wetlands Reform Act of 1995*. This bill has many of the same provisions as H.R. 961, including the wetlands classification scheme and the preemption of states from enacting more stringent regulations to protect their wetlands. The House bill will carry over into 1996 (the second year of the Congressional term) in the absence of further action this year.

If S. 851 goes through the Subcommittee process, it will next be considered by the Senate Committee on Public Works and the Environment. Committee Chairman Senator Chafee (R-RJ) has stated that the *(continued on p. 7)*

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# Congressionally Mandated Wetlands Study Completed

After several attempts at the revision and consolidation of the different wetland delineation manuals used by federal agencies drew fire from environmentalists and sectors of the business community, Congress requested the National Research Council (NRC) to establish a committee to study the scientific characterization of wetlands. In early May, NRC released the study findings in a report entitled *Wetlands: Characteristics and Boundaries*. The wetlands classification approach included in the Clean Water Act reauthorization recently passed by the House of Representatives is not supported by the study findings.

"Wetlands regulation is a source of considerable friction between private landowners and the federal government for many reasons, but multiple definitions, field manuals, and agency responsibilities have contributed to confusion among citizens and corporations whose land may be

affected," said study committee chair William Lewis Jr. "The constructive reforms the committee suggests can make federal oversight of wetlands more consistent and more scientifically credible."

The study's main recommendation is the adoption of a single new manual which would make identification and regulation of wetlands more consistent. The report presents and explains the scientific basis for such a new manual, which should include greater recognition of differences in wetlands from region to region. The wetlands language in H.R. 961 and recently introduced S. 851 mirrors the wetland manual revision which was proposed in 1991. The NRC study does not support such an approach, stating "Some groups have suggested the creation of a national scheme that would designate wetlands of high, medium and low value based on some general guidelines involving size, location, or

some other factor that does not require field evaluation. It is not possible, however, to relate such categories in a reliable way to objective measures of wetland functions..."

The NRC study states, "Agricultural wetlands can be particularly important for controlling water quality, preventing floods, and maintaining biodiversity...[The relative] dryness of wetlands does not indicate their functions or value. Wetlands that are isolated from other surface waters...are not necessarily less valuable." However, H.R. 961 and S. 851 virtually end protection for farmed wetlands, drier-end wetlands and isolated wetlands.

*To obtain a copy of the NRC report, send \$37.95 plus \$4 shipping and handling to National Academy Press, 2101 Constitution Ave., NW, Box 285, Washington, DC 20055 or call 1-800-624-6242.*

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## Florida Adopts Takings Legislation

Late last month, Governor Lawton Chiles signed into law a measure allowing landowners to seek compensation if their property is devalued by future government regulations. The law goes into effect in October, and states that property owners are entitled to compensation when future government 'inordinate' regulations keep them from making the money they reasonably expected to make from their property. What constitutes 'inordinate' is up to the courts to decide.

Previous law protected property owners only if regulations resulted in a total loss of land value. While previous legal procedures delayed such lawsuits from getting to court for years, the current legislation assures action in just six months. Property owners will also be given the right to use of a special mediator to resolve such disputes with the government.

Some environmentalists are concerned that the new law will intimidate municipalities already on tight budgets

from passing development restrictions to control growth and protect the environment. Reimbursing individuals for regulatory "takings" could prove very expensive, and the new law could easily open the door to a flood of costly lawsuits.

Proponents of the legislation believe that it is a good thing for government agencies to be more cautious about passing regulations that affect property owners. Florida state representative Dean Sanders (D) stated, "I think folks are ready for government to think twice before they just adopt a regulation. That's part of the intention here - to think about the impact you could potentially have on a property owner." Saunders also believes that the threat of court action will help drive some creative solutions.

Because the law affects only future laws or regulations, it has no effect on existing growth management and other comprehensive land use plans already on the books. *Adapted from The Gainesville Sun, May 19, 1995.*

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## **Clean Water Act Reauthorization** (continued from p.5)

Clean Water Act is one of America's most successful environmental laws and does not require radical rewriting or weakening. Subcommittee Chair Faircloth (R-NC) may attempt to circumvent Committee review by attaching the bill to a fast-moving piece of unrelated legislation. If this occurs, the bill may still be routed back through the Committee.

### **President Clinton Vows To Veto**

In a press conference held May 30, President Clinton promised to veto any CWA reauthorization bill that resembles H.R. 961. Accompanied by EPA Administrator Carol Browner and Secretary of the Interior Bruce Babbitt, President Clinton assessed H.R. 961 as an attempt to "roll back a quarter

century of bipartisan progress in public health and environmental protection."

President Clinton concluded his speech stating, "if the special interests should get it (H.R. 961) through the Senate as well, in the way that the House passed it, I will certainly have no choice to but to veto it. And I will do it happily and gladly for the quality of water in this country."

## **Coastal Zone Management Act** (continued from p. 3)

Zone Management Act Program, and is an important step in restoring coastal lands and waters.

Section 6217 is an incentive-based program that rewards collaboration among responsible federal and state agencies, and relies upon the actions of individual citizens and businesses who benefit from the coast rather than upon massive federal civil works projects or inflexible standards. In essence, Section 6217 builds upon past voluntary efforts but recognizes their limitations.

There is a pressing need to control polluted runoff into coastal waters. Residential, agricultural and industrial development has dramatically changed the nation's coasts. The concentration of people and economic activity in this narrow band has also led to an increased need for waste disposal. In many cases, the increased flow of pollutants has overwhelmed the ability of coastal waters to assimilate and/or dilute wastes. Runoff pollution from farm fields, city streets, parking lots and developed areas has resulted in a wide range of costly damages, both ecological and economical.

Although federal and state government investments in sewage treatment plants and the actions of private industry have reduced the flow of sewage and chemicals into the nation's waters, in the last 20 years little investment has been made in reducing the flow of pollutants from nonpoint sources.

Section 6217 establishes a timeline within which states with coastal zone management plans are to develop nonpoint pollution programs addressing five major sources of runoff: agriculture, forestry, urban, marinas and recreational boating, and hydromodification.

Instead of relying on cleanup of pollution once it is generated, Section 6217 stresses pollution prevention. Incorporating pollution reduction in the design of farms, manufacturing processes, logging and other practices is a much more cost effective approach.

Section 6217 is jointly administered by NOAA and the Environmental Protection Agency (EPA). EPA has prepared a document identifying economically feasible measures that states can take to curb runoff pollution. These are demonstrated techniques that have been tested in the real world. States are not required to adopt specific practices; rather, a state may select from the menu of EPA identified practices or it can adopt alternative methods if it can demonstrate that the same goal is achieved.

Working with NOAA, states have identified the geographical area in which the nonpoint control plan applies, the types of nonpoint pollution that will be subject to controls, the enforceable policies and laws that will ensure implementation, and mechanisms to provide for public participation.

Based on input from the states,

NOAA and EPA have been flexible in deadlines and in the steps that must be followed to craft state nonpoint control plans. By July 1995, it is anticipated that at least 20 of the 29 states with coastal zone management plans will submit state proposals for controlling polluted runoff to NOAA and EPA for review.

### **CZMA Reauthorization**

The Coastal Nonpoint Pollution Control Program is on the brink of implementation. States have spent five years crafting plans, and are nearly ready to go. However, the CZMA expires at the end of September. If the bill is not reauthorized by then, states may be in jeopardy of losing funding for developing and implementing their programs. Majority leaders have indicated that funding will not be appropriated for any expired legislation that has not been reauthorized. Rep. Saxton (R-NJ) has stated that he plans to introduce a reauthorization bill in the near future.

# Action Items

■ Stay informed about Clean Water Act Reauthorization by contacting the Clean Water Network at 202/624-9357 (p. 4)

■ Learn more about the Coastal Zone Management Act. Contact the Coast Alliance at 202/546-9554 (p. 5)

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