

40 years of the CZMA: Impacts and Innovations

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Dedication to Peter Douglas

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This special issue of the *Coastal Management Journal* is dedicated to Peter Douglas, long-time Executive Director of the California Coastal Commission and dedicated advocate for coastal resources. Through activism, education, litigation, political advocacy, and public service, Peter laid the foundation for coastal management in California and influenced coastal management nationally. He also brought a profound passion to coastal management in California and nationally. His influence on the CZMA was dramatic: by tirelessly advocating for coastal management in California, he set a high standard for its counterparts in other states. In memory of Peter, this issue highlights the history and future of the CZMA and includes three California-focused articles.

Introduction

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Published in June 2013, the CZMA special-themed issue of the *Coastal Management Journal* commemorates forty years of the Coastal Zone Management Act – the CZMA - by telling stories of the CZMA in practice at the national, state, and local levels. These stories reveal that passing a bill through Congress can be a roller-coaster ride and that success often is appreciated only in hindsight. The contributing authors tell how serendipity and tenacity are key ingredients to enable visionary, dedicated people to bring the law to life. They reveal that the CZMA is more than a statute; it has been a fulcrum for leveraging partnerships, which are critical for ensuring that protection and restoration of the nation's coasts are successful over the long term. The articles in this issue memorialize and describe some of the events and efforts that helped to implement the Coastal Zone Management Act over the past forty years.

CZARA of 1990: A Critical Time for Coastal Management

[Tom Kitsos](#), *Ocean Policy Consultant*

[Gary Magnuson](#), *National Oceanic and Atmospheric Administration*

[Jeannie Lewis](#), *Georgia Coastal Nonpoint Source Management Program*

In recognition of the 40th Anniversary of the Coastal Zone Management Act, it is important to note that the successful implementation of the nation's primary coastal law has depended, and

will continue to depend, on its legitimacy and institutionalization in the nation's political culture. This legitimacy was challenged in the 1980s by proposals to defund the program and undercut federal consistency, one of its fundamental principles in the federal-state coastal resource management partnership. From this threat came action: with the passage of the 1990 Coastal Zone Reauthorization Amendments (CZARA of 1990), Congress stepped in to defend and strengthen the partnership by clarifying the coastal resource management relationship between the federal and state governments and addressing for the first time in law the inextricable link between land use activities and coastal water quality. This paper examines the passage and results of the enactment of the CZARA of 1990, which reversed the effects of damaging litigation to preserve and, arguably, expand a state's consistency authority. The legislation also resulted in the creation of the National Coastal Nonpoint Source Pollution Control Program, by establishing a mandatory mechanism to protect coastal water quality and terrestrial and aquatic habitats from nonpoint source pollution. Although underfunded in the years since its inception, coastal nonpoint programs have successfully catalyzed multiple initiatives advancing the protection of coastal resources.

CZM in California: Success and Challenges Ahead

[Charles Lester](#), *California Coastal Commission*

Since the passage of Proposition 20 in 1972, the three agencies that make up the California Coastal Program have played an essential role in providing public access and recreation to and along the coast and protecting sensitive coastal and marine resources, while also providing for priority coastal and other economic development. The California Coastal Act of 1976 established the Coastal Commission as a permanent, independent state agency to plan for and regulate development in the coastal zone. In 1977, acting under the Coastal Zone Management Act, NOAA approved California's program, which includes the Commission and the California Coastal Conservancy and the San Francisco Bay Conservation and Development Commission. This article focuses on the contributions of the Coastal Commission which, through its partnerships with local government, has approved hundreds of thousands of coastal development permits and played an important oversight role to assure that local development is consistent with the Coastal Act. Using its federal CZMA authority, the Commission has also reviewed over 2700 federal agency actions, to assure that activities such as federal offshore oil leasing and development, dredging, and military activities are fully consistent with the Coastal Act. But management challenges will continue. New commitment to and investment in coastal management will be needed for the California program's continued success.

Pushing the CZMA Envelope

[Sarah Christie](#), *California Coastal Commission*

In the words of former California Coastal Commission Executive Director Peter Douglas, the history of how the California coast was saved is one of the greatest repositories of untold stories in California's modern history. Although the Commission has had a dramatic and tangible impact on California's coastal geography, the general public is largely unaware of its early accomplishments. This paper is the beginning of an effort to chronicle the rich and largely untold

stories of California's majestic coastal legacy. This paper will tell one of those stories: how the Coastal Commission utilized the Coastal Zone Management Act to prevent Southern Pacific Railroad from developing a seven-mile stretch of the Monterey Bay shoreline. In so doing, the Commission made possible the creation of the Monterey Peninsula Recreational Trail, a public bicycle and pedestrian path that has grown to sixteen miles in length and links together all of the seaside communities and state parks from Pacific Grove to Castroville.

The California Coastal Act, Ports, and Environmental Justice

[Angie Fredrickson](#), *Port of Seattle*

Consistent with the policy set forth in the Coastal Zone Management Act, which encourages states to balance resource protection and economic development, the California Coastal Act stipulates the need for balancing utilization and conservation of coastal resources, taking the social and economic needs of the citizens of California into account. The Coastal Act requires that existing commercial port districts be preserved, modernized, and expanded as necessary, both to ensure continued economic prosperity and to minimize or eliminate the need for the creation of new port areas within the state. These measures functioned as a type of smart growth planning for ports and may have played a critical role in averting maritime commercial sprawl along the California coast. At the same time, the combination of this growth, and the Coastal Act requirement that maritime activities be concentrated within established port areas, resulted in rapid expansion of the largest west coast ports. One result of this port expansion has been disproportionately large environmental and health impacts on surrounding communities. Although the Coastal Act requires that ports minimize all substantial adverse environmental impacts, it also calls on ports to modernize and construct new facilities as needed, within these historic port areas. This paper examines the potential role that the Coastal Act's requirements for ports may have played in exacerbating environmental justice issues related to air quality, water quality, and other port-related environmental impacts.

It's a Wonderful Coast: Or Every Time a Bell Rings, Long Island Sound is Protected

[Mary-Beth Hart](#), *Connecticut Department of Energy and Environmental Protection*

In Frank Capra's classic film *It's a Wonderful Life*, a despondent man is taken on a journey to see what life would have been like without him. The journey paints a bleak picture of life without the protagonist, and the film provides him with countless examples of how the world would have been considerably worse if he didn't exist. And in true Hollywood form, the hero is ultimately reassured that he had an enormously positive impact on the lives of those he touched, even though he couldn't quite measure his accomplishments. The despondent protagonist of that film, George Bailey, is the perfect metaphor for Connecticut's Coastal Management Program. As coastal managers, it is easy to lose sight of the many accomplishments of management efforts, and the ripple effects of those efforts, perhaps because those accomplishments are taken for granted. Perhaps the true value of Connecticut's coastal management program, and other state programs, may lie in that intangible, immeasurable idea of what coasts would be like without it. This paper takes readers on a George Bailey-esque journey by identifying the accomplishments of the Connecticut Coastal Management Program in the 30+ years since its adoption in January

1980, reviewed and cataloged in the context of the question: what if the Connecticut program never existed?

Coastal Zone Management: Using No-Build Areas to Protect the Shorefront
[Christa Rabenold](#), National Oceanic and Atmospheric Administration

The U.S. coast is susceptible to a number of natural hazards, including coastal storms, flooding, coastal erosion, tsunamis, and sea level rise which are exacerbated as development and redevelopment along our coasts continue and coastal populations rise. As the impacts of these hazards become greater, coastal states and territories must balance coastal resource uses with preservation of the natural resources and protection of lives and property. While most land use decisions are made at the local level, states can and do play a role in directing new development and redevelopment away from hazard-prone places along shorefronts through their coastal management programs. To better understand and communicate how state programs manage ocean and Great Lake shorefront development, NOAA's Office of Ocean and Coastal Resource Management conducted a study to find where states do not allow development. These "shorefront no-build areas" are established through a number of mechanisms, including shoreline setbacks, rolling easements, and zoning, to prevent inappropriate development and protect public interests that such development may negatively affect. This article provides results of this study and the art and science of regulating shorefront development to protect the public interest.