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COMMENT: WHY CZMA FAILED

The 1979 Virginia General Assembly has defeated the Coastal Zone Management Act (CZMA) for the state. The original legislation was introduced in the 1978 session by Senator Joseph Gartland (D-Fairfax). It was reported to the Senate's 1979 session with minor amendments following joint committee-public hearings. In the Senate the Agriculture, Conservation and Natural Resources Committee weakened the legislation; it was further diluted by amendment on the Senate floor. Even so, the regulatory scheme was unacceptable to the House. Members of the House Conservation and Natural Resources Committee voted against passage of the bill 10 to 8, one member abstaining. Half of the Committee's members were from coastal areas.

Failure to pass the legislation cost Virginia \$3 million in federal funds earmarked for state and local planning agencies under section 305 of the federal CZMA and additional funds for local agencies under section 308 of the CZMA (Costal Energy Impact Program).

Virginia public sentiment seemed to favor passage of the bill and its concept of regulating development in nonvegetated shore lands. There was a consensus at public hearings that some form of management of the state's coastal areas was essential. Delegate George Grayson (D-Williamsburg, Poquoson, York and James City) reported that 80 percent of his constituents responding to a survey favored restrictions on coastal development. In addition, the Virginia Beach delegation, representing a vested interest in the proposed legislation, also favored some regulation.

Several catalysts affected the demise of the bill. Lobbyists for realtors, home builders, and Teneco invested much time and effort in pressing delegates of nonaffected areas to vote no. These special interest groups provided the greatest input to local legislators from districts in which coastal management would have little direct effect, relaying the fears of their eastern counterparts. Conservationists from the Piedmont and the mountains seemed to make little effort to gain support for the bill through their representatives.

Environmentalists' lack of leverage seems at least partially related to the fact that they have no system for tallying votes on environmental issues in the state. Virginia needs a system of accountability for monitoring environmental legislation like the coastal zone management plan proposal.

Opposition to the CZMA also came from coastal areas. One of the most active opponents of the CZMA was Senator Herb Bateman (R-Newport News). His resistance to the bill may reflect the fact that the law firm of which he is a member represents large institutional lenders, developers and builders on the Peninsula. Senator Bateman was not alone. Many members of the real estate board feared that the regulations either would make their work more difficult or would decrease the volume of real estate sales by encouraging new development to locate outside the designated coastal zone.

There is a lesson for the state's environmentalists to learn from the demise of Virginia's Coastal Zone Management Act. Fragmentation among supporters of environmental legislation must be reduced. Proponents of various methods of regulation must begin to place more emphasis on their common goals and reduce parochialism on how these goals should be accomplished. Squabbling is politically and environmentally harmful.

Nor can environmentalists act in a political vacuum. More effort must be made to bring the support of outside groups to specific pieces of legislation. For instance, the seafood industry should have been one of CZMA's strongest supporters because of the adverse effect of wetlands filling on fish production, yet they exerted no pressure for the legislation. Hunters, sport fishermen and water recreation enthusiasts could provide a power base for future legislative proposals for sound environmental management.

As for the CZMA's future, there are a number of possibilities. Some legislators plan to try incorporating the most fragile nonvegetated shoreline areas into the existing Tidal Wetlands Act. (See VA. CODE ANN. §§62.1-13.1 to 62.1-13.20.) Some localities may try to establish local boards to control coastal development locally. Under either of these solutions, federal CZMA funds would be unavailable. An attempt to reintroduce the state's CZMA is possible, but would prove procedurally difficult since Virginia's four-year planning period and funding has expired under the federal statute. 16 U.S.C. §1451 et seq. Several other states have adopted coastal management plans: California, New Jersey, North Carolina, Maryland, Maine, and Oregon, to name a few. It is a concept that deserves continued attention by the bar, legislators and interested environmental and business organizations at both the state and federal levels.

A.B.