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William C. Brewer Jr.

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SYMPOSIUM

THE CONCEPT OF STATE AND LOCAL RELATIONS UNDER THE CZMA

WILLIAM C. BREWER, JR.*

One of the relationships essential to an effective coastal zone program is the complex of rights and duties which link a state with its municipalities. This relationship has special importance because of the predominant role that cities and towns have played in land use control in the United States. Accordingly, the Coastal Zone Management Act of 1972 (CZMA)¹ prescribes certain minimum requirements for the state-locality relationship. This Article will examine those standards and relate them to the other provisions of the Act, bearing in mind the important functions performed by localities in the regulation of land use.

LAND USE CONTROL

State and Local Involvement

Land use control, in principle, consists of an appropriate land use plan, regulations which embody the plan, and an enforcement mechanism which usually takes the form of zoning.² In practice, however, plans tend to remain unused, while zoning ordinances are enacted which reflect established social patterns more than any considered land use plan.³ Moreover, experience with both zoning

* B.A., Williams College; LL.B., Harvard Law School. General Counsel, National Oceanic and Atmospheric Administration.

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1. 16 U.S.C. §§ 1451-64 (Supp. II, 1972).

2. See generally N. WILLIAMS, *THE STRUCTURE OF URBAN ZONING* (1st ed. 1966). Zoning has been assailed as a "stop-gap" measure which provides no solution to environmental problems. See S. LEWIN, A. GORDON & C. HARTELIUS, *LAW AND THE MUNICIPAL ECOLOGY* 94-95, 176 (1st ed. 1970).

3. See S. MAKIELSKI, *THE POLITICS OF ZONING* 41-69 (1966).

and land use planning is comparatively limited in the United States, the first comprehensive zoning ordinance having been enacted only in 1916⁴ and land use control appearing still more recently at the state and federal levels.

Planning has a longer history, but, like zoning, has been confined largely to cities. Some early plans, such as Major Pierre Charles L'Enfant's design for the District of Columbia, and the 1893 Burnham Plan for Chicago, profoundly affected urban landscapes. More typical, however, was the requirement imposed by Massachusetts in 1913 for the establishment of planning boards by all cities with populations of more than 10,000⁵; the effect of the statute upon urban development was hardly noticeable. Among the major reasons for the failure of planning to fulfill the hopes of those who expected it to solve urban problems has been the limited social-political base of most planning efforts and the relatively narrow scope of local zoning.⁶ The apparent lesson of this experience is that an effective land or water use program must be founded solidly upon community support in the planning stage and utilize flexible regulatory tools during implementation.

Federal Involvement

Only recently has the federal government involved itself in control of land uses. In 1954 the Section 701 Program under the Housing Act of 1954,⁷ for the first time provided federal planning grants for smaller cities; substantial grants since have been made under this program to state, regional, and local authorities, with \$100 million now available for comprehensive planning grants.⁸ Increased awareness of environmental issues led to enactment during the 1970's of legislation directed toward protection of the environment, the first wave of legislation including the Federal Water Pollution Control Act Amendments,⁹ the Clean Air Act,¹⁰ and the Noise Control Act.¹¹

4. 1 R. ANDERSON, *AMERICAN LAW OF ZONING* § 2.07 (1968).

5. Act of Apr. 16, 1913, ch. 494, § 1, 1913 Mass. Acts & Resolves 405.

6. See 3 R. ANDERSON, *supra* note 4, § 18.01.

7. 40 U.S.C. §§ 460-62 (1970).

8. Department of Housing and Urban Development; Space, Veterans, and Certain Other Independent Agencies Appropriation Act, 1975, Pub. L. No. 93-414, 88 Stat. 1095 (1974).

9. 33 U.S.C. §§ 1251-1376 (1970).

10. 42 U.S.C. §§ 1857-57(l) (1970).

11. 42 U.S.C. §§ 4901-18 (Supp. II, 1972).

These were followed by the Flood Disaster Protection Act,¹² which required the designation of high-risk flood plains. Most important for land and water use control was the Coastal Zone Management Act.

None of these acts provides comprehensive federal control over land or water use. Instead they are concerned with the allocation of a specific resource or the avoidance of a specific disaster. Even the broadly phrased CZMA is confined geographically to the coastal areas, and it restricts the federal role to funding rather than controlling the management of coastal zone development. Although these measures might constitute the first very gradual steps toward comprehensive land use planning, broad land use legislation thus far has not received extensive congressional support.¹³

PLANNING UNDER CZMA

Though limited geographically and in the role assigned to the federal government, the Coastal Zone Management Act nonetheless represents the first move away from a specialized response toward general planning for a broad geographical portion of the United States. The area involved, the land-sea interface, has a significance beyond its actual size as a result of the disproportionate population growth in the area, the conflict of uses in the vertical and horizontal planes, and the delicate nature of the prevailing ecosystems. Strictly speaking, the Act is water-oriented, and the coverage of land, though significant, is derivative.¹⁴ Under the terms of the Act, states are given financial incentives to establish a unified plan for their coastal areas in order to reconcile the environmental requirements of the coastal ecosystem with its numerous and conflicting uses.¹⁵ It places primary responsibility for planning on the states rather than the federal government.¹⁶ Despite the inevitable effect

12. 42 U.S.C.A. §§ 4002-4128 (Supp. 1975).

13. Comprehensive legislation is before Congress, however. See H.R. 3510, 94th Cong., 1st Sess. (1975); 2 CCH CONG. INDEX 5054 (1975-76); Trevaskis, *National Land Use Policy*, 9 REAL PROP., PROB. & TR. J. 639 (1974).

14. Section 304(a) in part provides that the coastal zone "extends 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." 16 U.S.C. § 1453(a) (Supp. II, 1972).

15. *Id.* § 1455. Under section 306(a), the federal government may absorb a maximum of two-thirds of the administrative costs of an approved state management program. *Id.* § 1455(a).

16. *Id.* § 1455(a)-(h).

that the Act itself, and regulations adopted pursuant to it, will have upon the content of state programs, the Act reflects a conscious attempt to promote the making of detailed land use decisions at the state level.

Giving responsibility to the states rather than the federal government, however, is only one side of the coin. The other, so far less discussed and less understood, is the requirement that some traditional prerogatives of localities regarding land use be tempered by the interests of the nation and the region.¹⁷ The Act represents the first national attempt to take some land use planning out of the exclusive domain of individual municipalities and establish it as a coherent state program supported by explicit federal policy. Full recognition nevertheless is given to the prevailing view that regulation of most activities in the coastal zone can be left to local discretion, usually in the form of zoning.

State and Local Interests

Among the activities which require consideration at the state level are energy facilities providing regional or statewide service, heavy industry, ports, major recreational facilities, and wildlife reservations.¹⁸ Because of the constraints placed upon local govern-

17. Section 306(c)(8) requires that a management program include, among other things, an "adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature." *Id.* § 1455(c)(8). In addition section 306(e)(2) requires that programs provide "a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit." *Id.* § 1455(e)(2).

18. The comment to Coastal Zone Management Program Approval Regulation 923.15 lists activities which are other than local in nature, the siting of which may involve the national interest:

Requirements	Cognizant Federal Agencies
1. Energy production and transmission.	Oil and gas wells; storage and distribution facilities; refineries; nuclear, conventional, and hydroelectric powerplants; deepwater ports. Federal Energy Administration, Federal Power Commission, Bureau of Land Management, Atomic Energy Commission, Maritime Administration, Geological Survey, Department of Transportation, Corps of Engineers.
2. Recreation (of an interstate nature)	National seashores, parks, forests; large and outstanding beaches and recreational waterfronts; wildlife reserves. National Park Service, Forest Service, Bureau of Outdoor Recreation.
3. Interstate transportation	Interstate highways, airports, aids to navigation; ports and harbors, railroads. Federal Highway Administration, Federal Aviation Administration, Coast Guard, Corps of Engineers, Maritime Administration, Interstate Commerce Commission.

ments by their limited resources and their accountability to a local constituency, the Act directs state programs to give "adequate consideration" to the siting of such major activities,¹⁹ the burdens and the benefits of which are shared by localities, states, and regions. More importantly, state programs must assure that local zoning does not "unreasonably restrict or exclude land and water uses of regional benefit."²⁰

That decisions concerning major facilities thus are required to be made in a state or regional context does not imply neglect of local concerns. Hearings and consultations with local governments during the planning and implementation stages are prerequisite to approval of a coastal zone program.²¹ Experience with the development of programs indicates that these requirements do induce much local participation.²² To describe the state role with respect to major facilities as preemptive of local government would be misleading; decisionmaking instead is to be a cooperative process with significant contributions to be made by all levels of government.

4. Production of food and fiber	Prime agricultural land and facilities; forests; mariculture facilities, fisheries.	Soil Conservation Service, Forest Service, Fish and Wildlife Service, National Marine Fisheries Service.
5. Preservation of life and property	Flood and storm protection facilities; disaster warning facilities.	Corps of Engineers, Federal Insurance Administration, NOAA, Soil Conservation Service.
6. National defense and aerospace	Military installations; defense manufacturing facilities; aerospace launching and tracking facilities.	Department of Defense, NASA.
7. Historic, cultural, esthetic and conservation values	Historic sites; natural areas; areas of unique cultural significance; wildlife refuges; areas of species and habitat preservation.	National Register of Historic Places, National Park Service, Fish and Wildlife Service, National Marine Fisheries Service.
8. Mineral resources Associated facilities	Mineral extraction facilities needed to directly support activity.	Bureau of Mines, Geological Survey.

40 Fed. Reg. 1688 (1975).

19. 16 U.S.C. § 1455(c)(8) (Supp. II, 1972).

20. *Id.* § 1455(e)(2).

21. The state must allow maximum participation by federal and state agencies, regional organizations, port authorities, local governments, and other private and public interested parties in developing a comprehensive management program. *Id.* § 1455(c)(1). The state must coordinate its program with applicable local, areawide, and interstate plans to assure the maximum participation of local governments and regional agencies. *Id.* § 1455(c)(2). Pursuant to these objectives, the state must hold public hearings in the development of its management program. *Id.* § 1455(c)(3).

22. See, e.g., 11 HOUSTON L. REV. 1152, 1184-88 (1974).

Moreover, distinctions drawn between land and water use decisions made by states and those made by municipalities are more political and philosophical than legal. Inasmuch as most municipalities are by definition creatures of the state, formed at the will of the legislature and operating within statutory constraints,²³ their powers and authorities can be taken away, at least in principle, by the legislature.²⁴ In practice, however, the traditional powers of municipalities are guarded with extraordinary emotional attachment and are clothed by the public with a sanctity that far exceeds that conferred by statute. Though in some states a portion of the municipal powers is founded upon a state constitution,²⁵ the more common practice is to establish and permit alteration of those powers by legislation.²⁶ Despite the availability of statutory authority, the need for divesting municipalities of a portion of their traditional control over land and water uses is, nevertheless, one of the most difficult political problems confronting coastal zone planning.

Some of this political sensitivity is due to the numerous and diverse tasks which municipal corporations perform within the state. In a sense, like the specialized cells of a living creature, they are the state. While the phrases "local governments" or "municipal corporations" customarily are used to denominate cities, towns, and villages that have the power of local legislation, the terms also may embrace a bewildering variety of agricultural, conservation, drainage, fire, highway, irrigation, flood control, park, power, public utility, sanitary, school, sewer, water, and other corporations or entities performing almost every task known to state government. Whatever their specific function, these organizations are likely to have their freedom of action constrained by coastal zone planning.

Another source of political difficulty is the dual role of municipal corporations, which act "not only [as] a body corporate but also [as] a body politic . . . endowed with the right to exercise . . . a portion of the political power of the state."²⁷ As a body politic, a local government serves as an agency of the state, applying, within

23. 1 E. YOKLEY, MUNICIPAL CORPORATIONS § 6 (1956).

24. See *Reynolds v. Sims*, 377 U.S. 533, 575 (1964).

25. "[T]here is a recent trend toward the adoption of 'home rule' charters by constitutional provision, the effect of which is to grant to a far greater degree the usual powers of local government to the respective municipal corporations." 1 E. YOKLEY, *supra* note 23, § 4.

26. *Id.* §§ 11-12.

27. 1 E. McQUILLAN, MUNICIPAL CORPORATIONS § 2.07a (3d ed. 1971).

a limited area, laws and regulations which are uniform throughout the state. As a body corporate, it serves as the instrument of the local inhabitants, "created to regulate and administer the internal or local concerns of the district embraced within its corporate limits in matters peculiar to such place and not common to the state at large."²⁸ This conflict, which is well illustrated by the problem of dealing with public service facilities,²⁹ appears frequently.³⁰

The concept that the public welfare with respect to certain critical or unpopular activities requires the state to review or override local decisions is not of recent origin. A growing number of state statutes replace local option with statewide controls for specific facilities; for example, Massachusetts³¹ and New Jersey³² now regulate

28. *Id.* § 1.56.

29. *See, e.g.,* Givigliano v. Veltri, ____ Colo. ____, 501 P.2d 1044 (1972) (sanitary disposal ordinance held preempted by state Public Utilities Commission regulations); Ringlieb v. Township of Parsippany-Troy, 59 N.J. 348, 283 A.2d 97 (1971) (municipality held to have no authority to invade the field of sanitary landfill regulation, a field preempted by state regulation).

30. One example of such conflict is the struggle resulting from the efforts of state legislatures to provide public beaches for its citizens, many or at least a voting majority of whom come from inland areas, and the determined efforts of coastal communities to prevent the use of beaches by nonresidents through the use of upland zoning requirements, limitations on parking on and off the street, and more esoteric restrictions upon conduct on the beach itself and the use of land in the immediate area. Another more celebrated example was the refusal of the town of Durham, New Hampshire, to accept a refinery proposed by the Onassis interests and supported by Governor Thompson of New Hampshire. *See* Spirou, *New Hampshire and the Durham Dilemma*, in STAFF OF THE SENATE COMM. ON COMMERCE, 93D CONG., 2D SESS., COASTAL ZONE MANAGEMENT, "THE COASTAL IMPERATIVE: DEVELOPING A NATIONAL PERSPECTIVE FOR COASTAL DECISION MAKING" 105 (Comm. Print 1974). A third example is the application by Brown & Root, a Houston-based firm, to construct a complex for the assembly of drilling rigs and production platforms near Cape Charles, Virginia. *Washington Post*, Mar. 11, 1975, § A, at 8, col. 3. The authorities of this small village on the Eastern Shore of Virginia and of rural Northampton County were forced to deal with the siting of a large industrial establishment of importance to the East Coast of the United States, and indeed to decide whether the proposed site is suitable for this activity at all. *Id.* A final example is the successful opposition by residents of St. Mary's County, Maryland, on the Potomac River, to a proposed refinery to provide petroleum products to the Washington, D.C., area. *Commissioners of St. Mary's County v. Steuart Petroleum Co.*, Equity No. A-5294 (Cir. Ct. Md., Dec. 10, 1974).

In such cases, the negative local reaction may be appropriate. It is difficult to argue, however, that such proposals can be considered effectively only by representatives of the point of impact without some consideration of factors such as the needs of the larger community, the availability of other more suitable and perhaps distant sites, and an evaluation of the safeguards which science may have available for reconciling the advantages of the facility with the protection of the local environment.

31. MASS. GEN. LAWS ch. 164, §§ 69G-R (Supp. 1975).

32. Coastal Area Facility Review Act, N.J. STAT. ANN. §§ 13:19-1 to -21 (Supp. 1975-76).

power plant siting, and Oregon³³ and Washington³⁴ have beach access and development statutes. On a broader scale, the referendum in California concerning Proposition 20 in 1972 established a measure of general zoning control over the municipalities through six Regional Commissions and the Coastal Commission.³⁵ Such statutes remain the exceptions, however.

State Responsibilities

Section 306 of the CZMA requires only a modest amount of state control over local actions of regional and statewide significance as a condition for federal support of state coastal zone programs.³⁶ There are three specific requirements.³⁷ First, the state must list those land and water uses, the benefits of which extend beyond the boundaries of the municipalities. To be included in this list are the "national interest" facilities referenced in section 306(c)(8).³⁸ Second, the state must provide a method for assuring that local controls "do not unreasonably restrict or exclude" such uses.³⁹ Third, the state must determine what constitutes an unreasonable restriction or exclusion of such uses by a municipality and must be prepared to enforce its determination on a continuing basis.⁴⁰

Certain technical information also must be included in the coastal zone program submitted for approval under section 306 to enable the Office of Coastal Zone Management to determine whether the arrangements for meeting these and other requirements are supported fully by state law and administrative procedures. The state must set forth the legal authorities upon which it bases its control of land and water uses.⁴¹ In addition, there must be a com-

33. Coastal Zone Management Act of 1971, ORE. REV. STAT. §§ 191.110-.180 (1974).

34. Shoreline Management Act of 1971, WASH. REV. CODE §§ 90.58.010-.930 (Supp. 1974).

35. California Coastal Zone Conservation Act of 1972, CAL. PUB. RES. CODE §§ 27000-650 (West Supp. 1975). See Comment, *Coastal Controls in California: Wave of the Future?*, 11 HARV. J. LEGIS. 463 (1974); 25 HASTINGS L.J. 191 (1973).

36. 16 U.S.C. § 1455 (Supp. II, 1972).

37. Coastal Zone Management Program Approval Regulation 923.17 requires: "In order to fulfill the requirement contained in Section 306(e)(2), the management program must show evidence that the State has developed and applied a method for determining uses of regional benefit, and that it has established a method for assuring that local land and water use controls in the coastal zone do not unreasonably or arbitrarily restrict or exclude those uses of regional benefit." 40 Fed. Reg. 1689 (1975).

38. 16 U.S.C. § 1455(c)(8) (Supp. II, 1972).

39. *Id.* § 1455(e)(2).

40. See *id.* § 1455(e)(1).

41. *Id.* § 1454(b)(4).

plete description of the organizational structure which is to be used to implement the coastal zone management responsibilities within the state government.⁴² If the program is to be carried out by several state entities with each sharing part of the operating responsibility, then the roles and responsibilities of each must be fully described.⁴³ Subject to appropriate supervision, it is clear that the governmental authority to effectuate the program may be delegated to, and grants allocated to, any of the agencies of the state or its local governments.⁴⁴

A grant of power to a municipality to execute part of the coastal zone program, typically through exercise of traditional local zoning authority, must meet two requirements: the municipality must control land and water uses within its boundaries in compliance with the provisions of the coastal zone management program,⁴⁵ and the municipality must avoid any actions which unreasonably restrict or exclude land or water uses of regional benefit.⁴⁶ In order to assure that these obligations are met, oversight authority must be vested in a state agency, section 306(c)(5) providing that there be at least one state coastal zone management agency which has certain minimum powers including the authority to receive federal grants and administer them in accordance with their terms.⁴⁷ Inferentially, this agency will be the agency to represent the state in dealing with the federal government on coastal zone management matters. It also must provide information and assistance to state and regional agencies, including local governments, which have operating responsibil-

42. *Id.* § 1454(b)(6).

43. *Id.*

44. Section 305(g) provides: "With the approval of the Secretary [of Commerce], the state may allocate to a local government, to an areawide agency designated under section 3334 of Title 42, 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." *Id.* § 1454(g).

Section 306(f) provides:

With the approval of the Secretary, a state may allocate to a local government, an areawide agency designated under section 3334 of Title 42, a regional agency, or an interstate agency, a portion of the grant under this section for the purpose of carrying out the provisions of this section: *Provided*, That such allocation 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.

Id. § 1455(f).

45. *Id.* § 1455(e)(1).

46. *Id.* § 1455(e)(2).

47. *Id.* § 1455(c)(5).

ities under the coastal zone program, for the purpose of coordinating their actions and assuring their "full participation" in carrying out the purposes of the Act.⁴⁸ This agency also should be charged with controlling or reviewing the actions of local governments with respect to land and water uses within their boundaries. An alternate arrangement would be to place the entire responsibility upon the state's chief legal officer, usually the attorney general.

For carrying out its control and review responsibilities, the state has available alternative methods, prescribed specifically in section 306(e)(1), which can be used either singly or in combination.⁴⁹ It must select its method or methods, support it or them with specific and adequate legislative authority, and set forth the means for control and review in the coastal zone management program.⁵⁰ This review process is intended to ensure the integrity of the coastal zone program and to assure that state goals for matters of regional or national concern are not thwarted by local action either intentionally or simply by inability to deal with complex land and water use problems. Under the Act, the state's responsibility in local affairs need go no further.

48. The "management agency" designated by the governor of the state "to receive and administer the grants for implementing the management program" must coordinate its activities with those of local government, interstate agencies, and regional or areawide agencies to maximize the participation of such bodies in coastal zone management. *Id.* §§ 1455(c)(2)(B), (c)(5).

49. Section 306(e) provides:

Prior to granting approval, the Secretary [of Commerce] shall also find that the program provides:

(1) for any one or a combination of the following general techniques for control of land and water uses within the coastal zone;

(A) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

(B) Direct state land and water use planning and regulation;
or

(C) State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any state or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

Id. § 1455(e).

50. *Id.* § 1454(b)(4).

Local Control of Coastal Zone Programs

Assuming the state desires to limit its participation in local affairs to a review function, forgoing, as most states probably will, the alternative of direct land and water use regulation by the state,⁵¹ two choices are available. The first represents a halfway point between full state control and full delegation to the municipalities; the second resembles full delegation, but incorporates a state review process.⁵²

Under the first alternative, as provided by section 306(e)(1)(A), the state will adopt "criteria and standards for local implementation."⁵³ These are detailed land and water use standards or regulations adopted under the authority of the coastal zone program and applicable to the coastal zone as a whole.⁵⁴ As an example, state standards might require minimum sanitary provisions for any dwelling in the coastal zone. Municipalities would be free to apply additional requirements and might be authorized to conform by law or ordinance the minimum state standards to individual soil and drainage conditions, local sewage disposal facilities, lot size, and other relevant factors. Local implementation by regulation of these criteria and standards must be subject to administrative review and enforcement. Only the regulations, not individual cases, should be subject to review, and the standard for review should be compliance with the state standards and criteria in the context of the coastal zone program.⁵⁵ Review could be performed by the attorney general as part of the broader review of local regulations which many states require prior to the effective date of local regulations, or review could be performed by the coastal zone agency. Whatever the method of review, it and the provisions for enforcement in the event of failure to comply with the criteria and standards must be incorporated in the coastal zone program and authorized by appropriate legislation.⁵⁶

The second alternative, provided by section 306(e)(1)(C), permits local adoption of regulations within the context of the coastal zone

51. *Id.* § 1455(e)(1)(B).

52. *Id.* § 1455(e)(i)(A), (e)(1)(C).

53. *Id.* § 1455(e)(1)(A).

54. *Id.* § 1455(e)(2).

55. *Id.* § 1455(e)(1)(A). The judicial system, of course, is available to review the application of the regulations to individual cases.

56. *Id.* § 1454(b)(4).

program itself without the intermediate step of preparing state criteria and standards for the entire coastal zone.⁵⁷ Some or all of the guidance which otherwise would be found in criteria and standards may, in certain states, already exist in laws with statewide application. Employing this alternative, local governments may proceed with their own land and water use regulations provided that a mechanism exists for automatic administrative review at the state level of such regulations for consistency with the coastal zone program, including provisions for public notice and hearing. The same requirements would apply to approval of specific development plans and projects, as well as to the granting of variances.⁵⁸ Considerable flexibility is possible while still meeting the test of the statute. As with the first alternative, the administrative reviewing authority may rest in any one of several state agencies,⁵⁹ although it might vary according to subject matter. These factors should be itemized by the terms of the coastal zone program.

Regardless of the alternative chosen, a temporary problem will exist concerning present municipal regulations. Provision must be made for an initial review process to determine the consistency of these regulations with the coastal zone program, and a reasonable period should be allowed to accomplish this one-time review. Once this review is finished, the normal procedures of section 306(e)(1)(A) or (C) would become effective.⁶⁰

CONCLUSION

One of the goals of the Coastal Zone Management Act of 1972 is to shift the focus of decisionmaking in certain areas of regional and national interest from the local to the state level. An attempt was made by the draftsmen of the Act to accomplish this shift with as little interference as possible with traditional local control of the zoning process. While administrative review of local actions is required to ensure consistency with the coastal zone management program, several options are available to complement the various

57. *Id.* § 1455(e)(1)(C).

58. *Id.*

59. The state is given virtually free rein in the development of an administrative structure to implement the management program. *See id.* § 1454(b)(6). Subject to the approval of the Secretary of Commerce, the state may act "through its chosen agency or agencies" for the implementation of its program. *Id.* § 1455(d).

60. *See* note 49 *supra*.

governmental structures of the coastal states. The development of an effective coastal zone management plan therefore must take cognizance of the different local-state relationships to develop an approach which can deal with the governmental structures and political realities in each state.