

**REPORT OF THE  
VIRGINIA COASTAL STUDY COMMISSION**

**TO  
THE GOVERNOR  
AND THE GENERAL ASSEMBLY OF VIRGINIA**



**Senate Document No. 19**

**COMMONWEALTH OF VIRGINIA  
Department of Purchases and Supply**

**Richmond**

**1977**

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**DIVISION OF LEGISLATIVE SERVICES**

BRAGDON R. BOWLING, JR.

SUSAN T. GILL

SIEGLINDE F. NIX

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Richmond, Virginia  
January 1977**

TO: Honorable Mills E. Godwin, Jr., Governor of Virginia

and

The General Assembly of Virginia

**I. INTRODUCTION**

A. Creation of the Commission.—During the 1975 Session of the General Assembly, Senator Joseph V. Gartlan, Jr., Fairfax, introduced legislation to create a commission to study the effects upon Virginia of possible exploration and development of the Outer Continental Shelf. Senate Joint Resolution No. 137 established the Virginia Coastal Study Commission. The Commission was directed to study the offshore, interface and onshore effects of possible exploration and development of the Outer Continental Shelf adjacent to Virginia's coast. See Appendix I for Senate Joint Resolution No. 137.

B. Inclusion of Coastal Resources Management Program.—During the following Session of the General Assembly in 1976, Senator Gartlan introduced additional legislation as to the work of the Virginia Coastal Study Commission. Senate Joint Resolution No. 39 directed the Commission to include the Coastal Zone Management Program within its study. See Appendix II for Senate Joint Resolution No. 39.

C. Membership.—The Commission is composed of eleven members, including: Senator Joseph V. Gartlan, Jr., Chairman, Fairfax; Delegate Glenn B. McClanan, Vice-Chairman, Virginia Beach; Senator Herbert H. Bateman, Newport News; A. G. Clark, Jr., AMOCO Oil Company, Yorktown; David Favre, Conservation Council of Virginia; Delegate Evelyn M. Hailey, Norfolk; Ivan D. Mapp, Virginia Beach; Delegate George N. McMath, Accomac; Delegate Calvin G. Sanford, Hague; Delegate Alson H. Smith, Jr., Winchester; Harry E. Tull, Jr., Saxis. Edward Wilson, the State Outer Continental Shelf coordinator and Deputy Director of the

Virginia Energy Office was named as ex-officio member of the Commission. The staff to the Commission include Bragdon R. Bowling, Jr., Susan T. Gill, and Sieglinde F. Nix of the Division of Legislative Services. Executive branch assistance has been provided by Don Budlong of the Office of the Secretary of Commerce and Resources, Norman Larsen of the Virginia Marine Resources Commission, and Roger Anderson and John B. Pleasants of the Virginia Institute of Marine Science. James Moore of the Attorney General's Office also assisted.

D. Background.—The coastal area of Virginia is unique for its land and marine resources. Although it comprises nearly one-third of the Commonwealth's total land area, it supports over sixty-two percent of the Commonwealth's population. Coastal Virginia is rich in cultural and historic tradition. Natural resources, which are the basis for a diverse economic base, provide varied recreational opportunities and offer unmatched environmental attributes. However, the coastal land and water resources which are the basis for these activities and attributes are limited and fragile, and require a thoughtful and caring stewardship by all Virginians. Today residential growth, industrial development, energy production, marine-based industries, recreational activities, federal civilian and defense agencies, and commercial interests all compete for use of these resources. The decisions about how these resources are used, protected, and conserved has to be founded upon adequate state and local planning, clearly defined state policies, appropriate administrative procedures, and the necessary state organization.

This Commission began its study of and concern for resource management in Tidewater Virginia with a specific interest in the exploration and development of outer continental shelf oil and gas resources, their onshore effects, and what the state and local response should be. This interest and concern has been extended to the issues and needs of coastal resources management. The executive branch has been developing alternative means for allowing the state and local governments to approach resource management problems in Tidewater Virginia through its Coastal Resources Management Program. The Coastal Study Commission has joined in this work because of its interest in the Commonwealth's coastal resources and the need to bring a legislative perspective to its development.

## **II. VIRGINIA'S COASTAL RESOURCES MANAGEMENT PROGRAM**

The Commonwealth of Virginia is now entering its third year in the study and development of a Coastal Resources Management Program. The Office of the Secretary of Commerce and Resources assumed responsibility for this program on July 1, 1976. Prior to that time, the Division of State Planning and Community Affairs had conducted the program. That agency was dissolved by mandate of the 1976 General Assembly.

Virginia chose to undertake this effort to study the ways in

which the Commonwealth could improve the management of coastal resources. The federal legislation which has encouraged coastal states to enter similar programs is the Coastal Zone Management Act of 1972. This act, amended in 1976, is aimed toward prudent management and preservation of coastal land and water resources. It allows and encourages states to develop a management program for these resources. Although states are primarily responsible, the Virginia State government is striving to have local governments and planning district commissions participate in this program as well.

A coastal resources management program has to address certain basic issues. It must:

- A. Identify the boundaries of the coastal zone.
- B. Define what constitutes permissible land and water uses which have a direct and significant impact on coastal waters.
- C. Inventory and designate areas of particular concern.
- D. Identify the means by which the state or its political subdivisions propose to exert control over permissible land and water uses.
- E. Establish broad guidelines for priorities of coastal land and water uses.
- F. Describe the organizational structure which will implement the program.
- G. Define the means for protecting and providing access to public beaches.
- H. Establish the processes for planning the location of energy facilities and for managing their effects on coastal resources.
- I. Assess the effects of shoreline erosion and develop the means for controlling it.

Virginia is developing her program with grant assistance from the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, U. S. Department of Commerce. The planning staff of the Secretary of Commerce and Resources is working with several executive branch agencies, citizen advisory groups, regional planning agencies, local governments, and federal agencies. A draft document, Alternatives for Coastal Resources Management in Virginia, has been developed primarily through the combined efforts of the planning work of the staff of the Secretary of Commerce and Resources, the management experience of the Marine Resources Commission, and the advisory and research services of the Virginia Institute of Marine Science.

Acceptance of the Commonwealth's Coastal Resources Management program by the U. S. Secretary of Commerce will qualify Virginia and her local governments for federal financial aid

to support a continuing program. This financial aid may be used for such purposes as planning; acquisition of sites of recreational, historic, or ecological benefit; financing public facilities necessitated by energy resource development in the outer continental shelf; administration of improved coastal management and permitting procedures; and for further research.

The Commonwealth's interest in this program is to improve the management and stewardship of her coastal land and water resources. Coastal resources management is not new to Virginia; federal, state, and local authorities have exercised control over the uses of coastal lands and waters for many years. Permits for dredging, filling and pollutant discharges; regulations for the taking of fin and shellfish and alterations of wetlands and local zoning authority over the use of land are all examples of current resource management. However, these actions to date have still not accounted for all the management needs of coastal lands and waters which, if misused, might be irreplaceably lost for any future use.

A coastal resources management program differs from other related programs. It is intended to establish state recognition of the uniqueness of a particular geographic area for its natural resources and the importance of those resources for the environmental enjoyment and economic well-being of future generations. It should assist local governments in setting land and water use priorities and it offers the chance for private groups and the public at large to contribute to the ways in which resources are managed in the coastal area.

This effort to suggest improved ways of managing coastal resources represents the first attempt by the Commonwealth of Virginia to take a comprehensive look at the problems, needs, issues and solutions to coastal land and water management. It does not represent a final plan or set of management practices. The management of coastal resources will continue to evolve into improved practices, changing authority and responsibility among the levels of government and better application of research.

The development of the coastal resources management program is a challenging, complex task. It deals with the issues of land, air, and water uses and their relationships. It anticipates certain changes in government organization and perhaps a greater exercise of authority by state and local governments over coastal lands and waters. It demands intensive research and information gathering. It requires widespread public understanding, acceptance and participation. It must consider the prospects of onshore development as the result of energy resource exploration in the outer continental shelf and it must provide complete and adequate planning and procedures to preserve fragile ecological areas, historic sites and recreation areas.

Coastal resources management must finally be a method of making public decisions about the use of coastal resources to which the federal, state, and local governments can subscribe, if not in every detail, then at least in principle and purpose. The Commonwealth must carry out such a program to serve the best

interests of its citizens.

### **III. ALTERNATIVES FOR MANAGEMENT OF COASTAL RESOURCES**

The basic issue which the Commonwealth faces during the third year of developing its Coastal Resources Management Program is deciding what state and local authorities, organization, and programs will be needed to improve the management of its coastal resources, and what the boundaries of the coastal zone should be. A variety of planning and management measures now appear possible for implementing the program, but these must be subjected to careful scrutiny during the third program planning year. The question of management must be considered in conjunction with the question of boundaries. The type and means of management program(s) finally selected will determine the boundaries of Virginia's coastal zone. It will also determine the state-level organization required to implement the program.

**Boundaries:** The seaward boundary has been established by federal statute as three miles east of the coastal baselines. Federal lands themselves have been determined by the U. S. Department of Justice to be excluded from the State's coastal zone. The inland boundary(ies) has not yet been determined.

If wetlands management and other existing state and local regulatory programs are designated as the Coastal Resources Management Program, then the upper limits of tidal marches would define the inland boundary. Should "geographic areas of particular concern" be included as a means of management, their boundaries which would be site specific, would also define part of the coastal zone. The inland boundary could be defined to include all Tidewater Virginia (defined in § 62.1-13.2) (roughly along the I-95 corridor or fall line). Within Tidewater, local jurisdictions could choose to delineate shoreline areas for management purposes to prevent or reduce any detrimental effects land uses may have on the marine environment. Hence, between the fall line and the 3-mile limit, the coastal zone could be delineated by "tiers" of boundaries.

**Continuation of Current Programs:** The Commonwealth and its political subdivisions always have the option to rely on existing resource management controls and not add any further land and water management regulation in coastal Virginia. Essentially, this would mean that current enforcement of water quality standards, management of wetlands and subaqueous (bottom) lands, regulation of taking of finfish and shellfish, and local land use controls would constitute the management program. The inland boundary of the coastal zone could then be defined as the upper limits of tidal marshes.

One procedural means of improving this current regulatory approach to Coastal Resources Management is to improve the coordination of state permitting licenses and the coordination of



state-federal permit decisions. The Council on the Environment is now drafting procedures to implement its mandate to provide an optional state permit coordination process. The Marine Resources Commission is currently meeting with federal agencies to speed the review on projects over which both state and federal agencies exercise permit authority. These types of improvements are underway and would be an integral part of a Coastal Resources Management Program.

State Planning and Policy Making: The opportunity exists for state level planning for coastal estuaries, bays, and the territorial waters. This would begin with an inventory and an analysis of current and potential uses of coastal waters. It could lead to state policies and designation of priorities of use, by area, based upon current and projected uses, endangerment to marine resources, potential fisheries productivity, and economic and recreational needs. Implementation could be by such means as state support of aquaculture and survey and redesignation of public oyster grounds.

Another way of meeting coastal resource management objectives is the application of "key facilities" planning and environmental impact review program at the state level. This would ensure that state agency planning for certain major facilities, such as bulk transmission lines, port and docking facilities, and highways was coordinated from the outset. It would also include the coordinated state review of the environmental impact statements of these proposed facilities. A key facilities program would apply throughout the coastal zone.

To guide the use and management of coastal resources, the state government could establish a continuing policy planning program for the coastal area. This effort would be carried out through the lead coastal resources management agency and would be based upon existing statutes, policies, and plans as well as those coastal issues perceived at the local, regional, and state levels. A policy plan of this nature would deal with such issues as the use of natural resources, energy and economic development, and demographic trends. While not a management program per se, policy planning would set out the Commonwealth's goals and objectives for the entire coastal area and help to provide a state and local framework for coastal management decisions.

Geographic Areas of Particular Concern: The Coastal Resources Management program might also include provisions for identifying, designating, and managing "geographic areas of particular concern." These areas would be identified on the basis of certain criteria, such as: unique natural resource features, potential and necessity for development, or historical significance. The managing authority for such areas would likely be local governments, but may be state or federal agencies if state or federal jurisdiction is involved. Areas of particular concern would be site specific. Their extent could range from an entire wetlands area to sites of limited acreage.

Land Use Management; the State-Local Role: Finally, the importance of land use planning and management in a coastal



program raises the issue of local government involvement and the state-local relationship generally. Any additional land planning and management measures which may be deemed essential to program implementation must be based upon the impact of land use on wetlands and coastal waters. Identifying such areas and instituting or improving programs to manage these land areas would be the prime responsibility of local government. Localities could have the option of selecting shoreline areas within which they could exercise special land use controls. Implicit in this portion of coastal resources management is the need for state assistance to local governments for improving land use planning and management, with particular consideration being given to the effects of land use on the marine environment. Such assistance could be both staff technical advice and grants, and it could be provided directly or in conjunction with planning district commissions. Additional legislation may be necessary to enable localities to carry out these responsibilities.

State Organization: The matter of state agency responsibility will depend upon the management program. No further management measures would probably mean that the Marine Resources Commission would be the logical agency to assume the prime state responsibility for coastal resources management. On the other hand, as more state activities are considered which are beyond the Commission's current legal mandate, other state agencies would become involved. As administrative, planning, and resource management responsibilities become more extensive, the likelihood would increase that the prime responsibility would be centered in an agency with a broad planning and environmental mandate, such as that now assigned to the Council on the Environment. New legislation could be required to extend the authority and responsibility of current agencies to implement the program and there is still the responsibility of a new agency or office being established to head the state program.

Implementation of a coastal resources management program will require state organization for a variety of administrative duties. Besides the responsibilities of providing public information, consulting with federal agencies, and coordinating state agencies' implementation of different elements of the program, the lead agency for coastal resources management may have to carry out grant administration duties, administer the Coastal Energy Impact Fund, review federal consistency determinations, and work with adjacent states. Although these are routine administrative tasks, they are essential to the program.

The ideas and alternatives set forth in the Commonwealth's Coastal Resources Management program are intended to elicit public and governmental comments and suggestions for establishing the management program. The Office of the Secretary of Commerce and Resources will be responsible during calendar 1977 for conducting the review and revision of these ideas and suggestions, conducting public meetings and hearings, and for formulating the executive branch program proposals. This effort should be concluded in late 1977.

#### **IV. THE ONSHORE IMPACTS OF ENERGY RESOURCE DEVELOPMENT**

In 1974, Virginia State agencies prepared a report entitled, "Virginia and the Outer Continental Shelf: Problems, Possibilities, and Posture." This document addressed much of the information previously developed by various sources, including the federal Council on Environmental Quality. The Virginia report focused on key outer continental shelf (OCS) issues and formulated recommendations that essentially remain unchanged.

The most recent action took place in July, 1976, when President Ford signed into law the Coastal Zone Management Act Amendments of 1976 (P.L. 94-370). This legislation incorporated OCS activity and the associated onshore impacts as an integral part of coastal resources management. The effect of the new legislation remains unclear and has yet to be tested. However, OCS and energy facility siting are already realities in the Commonwealth, with major attention being devoted to Brown & Root's proposed fabrication yard at Cape Charles, El Paso Company's planned liquefied natural gas (LNG) processing plant at Kiptopeke, and the Hampton Roads Energy Company's plans for a refinery in Portsmouth. There is always the potential for expansion of the existing port and refinery facilities. The presence of the Columbia liquefied natural gas (LNG) pipeline and terminal near the Potomac River represents another potential development related to offshore energy exploration. Furthermore, offshore support activity may be drawn to Tidewater because of available port and logistic support facilities.

Impacts of Outer Continental Shelf Development: Development of the outer continental shelf is dependent upon the land resources. Onshore activities such as refineries, tank farms, petrochemical complexes, and the like, and consequent development of housing, schools, restaurants, shopping centers, and other service facilities will change the patterns of land use. While there are demonstrable benefits related to such development, there are also burdens such as costs for the added public services, including police and fire protection, local administration hospitals, increased water requirements (both domestic and industrial), and solid waste and sewage disposal. Further, there are the attendant potentials for air and water pollution.

Virginia has a number of major concerns with respect to OCS development and its onshore impact. Included among these are:

1. The possibility of rapid, uncontrolled growth, particularly in the largely rural Eastern Shore;
2. Air and water pollution resulting from OCS-related industrial development, as well as secondary development;
3. The demand for large amounts of water to support any development, especially in the Hampton Roads/York River area and the Eastern Shore; and

4. The requirements for increased public services, facilities and local government overhead.

In general, Virginia can expect some impacts, although they cannot be precisely predicted at present. The Eastern Shore, for example, can be expected to experience modest population increases and concurrent demands upon social and physical systems. The most profound effect would be changes in the region's economy, lifestyle and landscape pattern from one based primarily on agriculture, fishing and produce-related industry, to one based on the oil and gas development.

The Hampton Roads/York River area continues to experience increases in both population and industrial development, which may tax not only the social and physical support systems of the area, but also the natural resource base. Both water supply and air quality considerations could conceivably act as limiting physical factors. Supplying sufficient water to the Hampton Roads/York River area is a problem today, and demand increases of over 80 million gallons per day by 1985 may prove impossible without reclamation of treated domestic water waste, the importation of water from other river basins, or the desalinization of seawater. New air pollutant discharges could likewise prove to be unacceptable.

Base Data and Information Requirements: The Commonwealth and its political subdivisions require a good deal of information to cope with the onshore impacts of OCS development. These information needs are based upon a lack of experience in the area of oil and gas resource development, the environmental sensitivity of the Chesapeake Bay, the requirements of local land planning and management, the importance of the marine environment as an economic and recreational base, and the need to provide public services.

To plan and manage its resources effectively in the face of activity caused by outer continental shelf development, the Commonwealth needs a detailed understanding of the types of energy related facilities to be constructed; the amount, type and production level of resources especially in the Mid-Atlantic, but also in the North and South Atlantic; the by-products of gas and oil development; potential discharges and emissions; land area requirements, supporting utilities and services needed; and required transportation improvements.

State agencies must depend upon lessons learned from other areas; become acquainted with all federal, state, and local rules, regulations, practices and procedures for permitting the facilities related to OCS development; and must ensure state-local cooperation in exchanging information.

Among the Commonwealth's information priorities are the identification of suitable locations for pipeline landfalls and corridors and the assessments of the economic impacts of OCS development. Anticipated state and local revenue increases, added service demands, needed financing measures, and methods of coping with potential "boom/bust cycles" are all subjects about

which additional research is needed.

State agencies administering the Coastal Resources Management Program will need to be aware of procedures for monitoring energy related activities within the state's jurisdiction, ways of improving vessel traffic management, and how to improve emergency procedures for dealing with oil spills and the discharge of hazardous substances. The state is also obligated to educate the public about the prospects and requirements of OCS-onshore development activities.

To develop land use plans and implement land management practices needed for coping with onshore energy development, local governments require extensive base planning data. Requirements include detailed data on population, employment, training needs and manpower availability, wages and salaries, and income levels. Natural resource inventories must include geographic (topography, soils and geology); hydrologic (wetlands, estuaries, rivers, and groundwater) and meteorologic characteristics. Land use, transportation facilities, community facilities and services, utilities, and historic site data are also necessary.

Finally, the State and localities are faced with the need to identify federal development grant and loan programs which will help them cope with energy development. Beyond this, the state and localities must acquaint themselves with the associated planning and grant administration requirements.

Suggestions For State Activity: With respect to the possibilities for OCS development and its effects on the Commonwealth, certain recommendations are in order. They reflect the need for Virginia to derive maximum benefit from whatever resources may be discovered on the outer continental shelf, while protecting the environment to the greatest extent possible.

1. Virginia is currently involved in the development of a Coastal Resources Management (CRM) plan. This program should continue to account for the possibility of outer continental shelf oil and gas exploration and development. Any planning for, and regulation of, outer continental shelf development should be included as a part of the Coastal Resources Management planning effort.
2. Because the Supreme Court ruled against the states in 1974, federal legislation to require sharing of federal rents, bonuses, and royalties received from the leasing of outer continental shelf lands, should be supported. Arrangements to pass funds to the localities should be endorsed and expedited, because they bear the brunt of the onshore impacts. These impacts include not only the public services which must be furnished, but also those less easily quantified impacts, such as the threat of oil spills, modifications to coastal ecology and shifts in population.
3. The Commonwealth's Secretary of Commerce and Resources should be encouraged to continue coordinating all contacts among the State and federal governments and industrial



interests. The Secretary's office should serve as a focal point in matters concerning the development of the outer continental shelf. Close liaison should be maintained among state agencies having an interest in the marine environment and its resources, including the Virginia Energy Office, the Virginia Institute of Marine Science, the State Water Control Board, the Virginia Marine Resources Commission, the Council on the Environment, the Division of Industrial Development, the Department of Conservation and Economic Development, and the Air Pollution Control Board.

4. Research problems concerning hydrocarbons and the marine environment should be jointly studied by the Atlantic coastal states and the federal government in order to prevent needless duplication. Virginia should continue to develop an adequate offshore research and monitoring capability to support these studies.

5. The Virginia Wetlands Acts of 1972 should be reviewed and modified to encourage local planning for wetlands alterations, as opposed to the case-by-case method currently in use. Unvegetated shoreline requires protection. Technical advice regarding wetlands alterations and surveillance of such activities should continue to be provided by appropriate state agencies such as the Virginia Institute of Marine Science and the Virginia Marine Resources Commission, respectively.

6. Detailed criteria should be developed for approval of permits for the placing of structures (including pipelines) in the marine environment. Methods of construction, route selection, operational monitoring and requirements for removal upon obsolescence should be included. A detailed study should be made of problems encountered in states where offshore activity has been going on and the procedures developed to handle them. Pipeline corridor studies should be promptly undertaken by Virginia state agencies.

7. Local governments expected to bear the impact of onshore development should be encouraged (with state assistance) to plan for and regulate projected growth in their areas. This would be done in order that they may derive maximum benefit from such growth, with the least possible expense to their traditional values and lifestyles. State guidelines should be developed for this process.

8. Recognizing that production of oil and gas from the outer continental shelf can result in development of large industrial complexes such as refineries, tank farms and petrochemical plants, all of which have an impact of regional as well as local magnitude, the Commonwealth should act to increase its role in the planning and control of these developments. For example, pipeline access through transitional shoreland areas should be controlled so that the numbers of pipeline corridors will be kept to a minimum. The state should consider the need for criteria and minimum standards to be used in the review and processing of the siting of these development of greater than local

significance.

## **V. CONDITIONAL ZONING**

In 1976 the General Assembly amended § 15.1-491(a) to extend the provisions for conditional zoning to all counties east of the Chesapeake Bay. The Virginia Coastal Study Commission has learned that the authority given by this legislation has enabled Northampton County to negotiate with Brown and Root conditions as to the zoning of Brown and Root land. The conditions relate to many aspects of the Eastern Shore community such as population, water quality, community facilities (i.e. schools, hospitals) and highways. For example, under the provisions of conditional zoning there is a limit to the maximum work force who will work within the proposed new industrial facility at any given time after the issuance of the first building permits. Also, Brown and Root will be responsible for test wells in conjunction with the State Water Control Board to ensure that the potable water will not be harmed by salt water intrusion. Brown and Root also has an agreement with Cape Charles to supply potable water to them as well as sewage facilities.

Among the other conditions agreed upon through conditional zoning is that Brown and Root provide the necessary matching funds to permit Northampton County \$250,000 of Industrial Access Funds to alleviate problems inherent in increased use of local highways such as State Highway 642.

Finally, another condition beneficial to residents of the Eastern Shore as a result of conditional zoning is that Brown and Root must hire the local people for jobs if possible and establish training programs for them.

The experience with conditional zoning on the Eastern Shore indicates that this enabling legislation could be beneficial to other localities in reacting to impacts of onshore developments. In the RECOMMENDATIONS section of the report § 15.1-491(a) has been amended so that conditional zoning will apply throughout the State.

## **VI. CONCLUSIONS**

1. A number of coastal issues which require federal, state, and local attention are evident and require further state analysis and recommendations for solutions. These include:

a. adverse effects of certain land and water uses on marine productivity;

b. problems posed to marine resources by discharges and spills;

c. detrimental effects of non-point pollution on marine resources;



d. overlapping, duplication, and delays caused by federal and state permitting procedures;

e. shoreline erosion;

f. the need for improved land planning and management to assist in protecting, conserving, and enhancing marine resources;

g. imminent exploration and development of offshore energy resources; and

h. the choice of organization and legal authorities which are needed by the state and local governments to deal with coastal resource management problems.

2. The matter of energy resource development on the outer continental shelf is an integral part of Coastal Resources Management. Congress has provided funds to assist states and their political subdivisions in coping with the onshore impacts of outer continental shelf development.

3. Although not yet tested, the provision in the Coastal Zone Management Act of 1972, as amended, that federal and federally-sponsored activities must be consistent with a state's Coastal Resource Management Plan may provide the Commonwealth an opportunity for greater influence on federal decisions in the coastal zone. With the provision that states must account for the rational interest in developing their Coastal Resource Management plans, the state-federal relationship on coastal resource matters can be one of reciprocity and has the potential for much closer and more cooperative state-federal ties.

4. The state-local relationship is a complementary one in Coastal Resource Management. On one hand, the state is responsible for water use management; on the other, local governments are responsible for land use management. The state government is obligated to provide financial and/or technical assistance to coastal localities to help them improve their land use controls and land management practices for protecting, preserving, and enhancing marine resources.

5. Because of the need for site specific decisions by coastal localities in dealing with the location of energy facilities, local governments need to have land planning and management tools available which allow them latitude and discretion.

6. New organizations and authorities for the state or local governments which are necessary to implement the Coastal Resource Management program may require action by the 1978 General Assembly.

7. The third year of the Commonwealth's coastal resources management program will be the most critical one in as much as the executive branch will be developing proposals for implementation and preparing for implementation during Calendar 1978. The importance of this program to the Commonwealth requires that the

General Assembly also take an active role in helping to shape the state's program.

## **VII. RECOMMENDATIONS**

1. That the General Assembly work closely with the Executive Branch in developing the Coastal Resources Management Program and preparing it for submission to the United States Department of Commerce.
2. That the work of this Commission be extended through calendar 1977 to represent the General Assembly's interest in Coastal Resources Management and to assist the Executive Branch in preparing its proposals for implementing the Coastal Resource Management Program.
3. That § 15.1-491 (a) be amended to allow conditional zoning by all municipalities and counties in the Commonwealth.

**Respectively submitted,**

**Joseph V. Gartlan, Jr., Chairman**

**Glenn B. McClanan, Vice-Chairman**

**Herbert H. Bateman**

**A. G. Clark, Jr.**

**David Favre**

**Evelyn M. Hailey**

**Ivan D. Mapp**

**George N. McMath**

**Calvin G. Sanford**

**Alson H. Smith, Jr.**

**Harry E. Tull, Jr.**

## **APPENDIX I**

### **SENATE JOINT RESOLUTION NO. 137**

Creating a commission to study the effects upon Virginia of possible exploration and development of the Outer Continental Shelf and to allocate funds therefor.

WHEREAS, the environmental, energy, cultural and economic impact upon Virginia of possible offshore drilling for oil and related activities must be assessed before exploration and development takes place on the Outer Continental Shelf, hereinafter referred to as O.C.S., adjacent to Virginia's coast; and

WHEREAS, these assessments involve policy decisions that the executive and legislative branches of State government must make before the start of any exploration of Virginia's O.C.S.; and

WHEREAS, these policy decisions must be made with the benefit of public opinion and in light of the experiences of other states and in light of possible effects on commercial fishing, the tourist industry, the need for new industry in Virginia, the energy crisis and other matters; and

WHEREAS, the Commonwealth is participating in the coastal zone management program to develop a planning and management program for the coastal zone of the State; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring That there is hereby created the Virginia Coastal Study Commission. The Commission shall study the offshore, interface and onshore effects of possible exploration and development of the O.C.S. adjacent to Virginia's coast. The Commission shall make recommendations on the alternatives available to the State with information on the probable economic, cultural and environmental costs of such exploration and development.

The Commission shall also take into consideration the probable impact O.C.S. exploration will have on local government and include recommendations on what the State might do to assist these localities. An effort should be made to receive public comment.

The Commission shall consist of eleven members, five to be appointed by the Speaker of the House of Delegates from the membership thereof, two to be appointed by the Committee on Privileges and Elections of the Senate from the membership of the Senate and four to be appointed by the Governor to include one from established Virginia environmental groups, one from Virginia industry, and two from local government. If a vacancy occurs for any reason, the appropriate above named person or persons shall appoint a successor.

The legislative members of the Commission shall receive such

compensation as set forth in § 14.1-18 and all members shall be reimbursed for necessary expenses incurred in the performance of their duties in the work of the Commission. The Division of Legislative Services shall serve as staff to the Commission. The Secretary of Administration and the Secretary of Commerce and Resources and the agencies within their responsibility shall provide staff and otherwise assist the Commission its work. There is hereby allocated from the general appropriation to the General Assembly the sum of five thousand dollars for the purposes of this study.

All agencies of the State and all governing bodies and agencies of all political subdivisions of the State shall assist the Commission in its work.

The Commission shall make an interim report to the Governor and the General Assembly no later than December one, nineteen hundred seventy-five and a final report with recommendations no later than December one, nineteen hundred seventy-six. This resolution shall become effective only in the event the disposition of the U.S. v. Maine case is unfavorable to the Commonwealth of Virginia.

## **APPENDIX II**

### **SENATE JOINT RESOLUTION NO. 39**

WHEREAS, the Virginia Coastal Study Commission was created and charged by the 1975 General Assembly in Senate Joint Resolution No. 137, to study the offshore, interface and onshore effects of possible oil exploration and development of the Outer Continental Shelf adjacent to Virginia's coast; and

WHEREAS, the study initiated in the coastal states by the federal Coastal Zone Management Act of 1972 is considering, among other things, the possible effects of oil exploration and development; and

WHEREAS, the Division of State Planning and Community Affairs, the Virginia Institute of Marine Science and the Virginia Marine Resources Commission have just completed the first year of a scheduled three-year Coastal Zone Management Planning effort pursuant to the federal act; and

WHEREAS, it is important to Virginia that it be prepared for possible O.C.S. oil impacts, and it appears that the best way to insure readiness is through careful advance planning which can best be accomplished through Virginia's participation in the federal Coastal Zone Management Act; now therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia Coastal Study Commission is directed, in the course of its study, to consider what Virginia's role might be in working for and with the interests of coastal communities as the coastal zone management planning program continues, to facilitate communications between all concerned with the coastal zone management process and, in particular, to work in concert with the coastal zone management planners to guarantee all local interests access to the program. All State agencies shall assist the Commission upon request.

There is hereby allocated from the general appropriation to the General Assembly the sum of five thousand dollars to continue the Commission's study which was started by the General Assembly in 1975.

The Commission shall advise the Governor and the General Assembly on the Coastal Zone Management program including recommendations on policy and proposed State legislation. These recommendations shall be part of the Commission's final report which is due December one, nineteen hundred seventy-six.