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Welcome to the first edition of *eJournal*, published by Robinson & Cole's [Coastal Resources Management Center](#). *eJournal* reports on issues concerning coastal and ocean law, coastal permitting and management, fisheries, and coastal habitat restoration.

Robinson & Cole recently created the Coastal Resources Management Center to advise clients on coastal development and permitting issues and assist them in obtaining municipal, state, and federal coastal permit approvals for coastal projects and for ongoing coastal business operations. Members of the center also help our coastal clients defend enforcement actions and resolve riparian disputes. The center is an interdisciplinary alliance of attorneys, environmental analysts, and lobbyists from the firm's environmental, land use, real estate, construction, governmental relations, utility, public finance, and corporate law practices.

We hope you enjoy reading *eJournal*. Go to the "Contact" section of the [Coastal Resources Management Center](#) web page if you have any comments on our new publication. Please feel free to forward *eJournal* to your colleagues.

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Coastal Resources eFeature Article(s)

NOAA's Coastal and Estuarine Land Protection Program Taking Shape

The Department of Commerce, Justice, and State Appropriations Act of 2002 (Public Law 107-77), adopted on November 28, 2001, authorized the Coastal and Estuarine Land Conservation Program (CELCP). The program, administered by the secretary of commerce through the National Oceanic and Atmospheric Administration (NOAA), protects important coastal and estuarine lands that have significant ecological, conservation, recreational, historical, or aesthetic value, or are threatened by development, and provides funding for projects that ensure conservation of the coastal and estuarine areas for the benefit of future

generations.

Public Law 107-77 also requires NOAA to prepare guidelines to establish the eligibility, procedural, and programmatic requirements for participation in the program, including (1) developing a state coastal and estuarine land conservation plan, (2) establishing a process for identifying and ranking qualified projects, and (3) developing a process for conducting peer review and selection of projects at the national level. After developing these guidelines for nearly a year, NOAA published a notice in the Federal Register on October 22, 2002, announcing that the *Draft Guidance for the Coastal and Estuarine Land Conservation Program (CELCP)* is available for public review and comment. The CELCP document can be found at [NOAA's website](#). Comments must be submitted by **November 21, 2002**, to Elaine Vaudreuil, Office of Ocean and Coastal Resource Management (N/ORM), NOAA's National Ocean Service, 1305 East-West Highway, Silver Spring, MD 20910; (301) 713-3155, extension 103; or via email to [Elaine Vaudreuil](#).

The Coastal and Estuarine Land Protection Act, proposed in the U.S. Senate on June 11, 2002, further enhances the CELCP, established by the Appropriations Act of 2002, by amending the Coastal Zone Management Act to authorize the acquisition of undeveloped coastal areas by the federal and state governments and nongovernmental organizations to ensure their protection from development. The Act (1) reauthorizes the Coastal and Estuarine Land Protection Program administered by NOAA for the "purposes of protecting the environmental integrity of important coastal and estuarine areas, including wetlands and forests, that have significant conservation, recreation, ecological, historical, or aesthetic values and that are threatened by conversion from their natural, undeveloped, or recreational state to other uses," (2) authorizes NOAA to make matching grants to coastal states with approved coastal zone management plans or National Estuarine Research Reserve units to acquire property that will further the goals of a Coastal Zone Management Plan/Program, a National Estuarine Research Reserve management plan or a regional or state watershed protection plan (The maximum federal share shall be no more than 75 percent of the funding for any grant), (3) authorizes NOAA to provide up to \$5,000,000 to a broad spectrum of federal, state, and nongovernmental entities for regional watershed protection demonstration projects that will protect coastal and estuarine environments (At least 15 percent of funds made available under the bill must be for acquisitions that benefit National Estuarine Research Reserve units), and (4) requires that coastal and estuarine lands acquired under this bill be managed and preserved by a conservation easement. The bill proposes \$60,000,000 for fiscal year 2003 and each fiscal year thereafter to carry out the provisions of the bill and \$5,000,000 for fiscal year 2003 for a regional watershed protection demonstration. The bill was reported out of the Senate Commerce, Science, and Transportation Committee and placed on the Senate Legislative Calendar for further action last month.

National Sea Grant College Program Establishes National Marine Law Center

The National Sea Grant Law Center was recently established at the University of Mississippi and will focus on distributing information on marine laws and policy and providing legal research and analysis of coastal and ocean law. Its services include publishing various newsletters on coastal law and policy and providing information to the Sea Grant community via their website. At the request of the U.S. Commission on Ocean Policy, the center published *Governing the Oceans*, a compilation of the most relevant regulations and statutes that apply to U.S. oceans, coasts and the management of marine resources. Click [here](#) for more information.

New Capping Technique Tested in Coastal Waters

According to the EPA, a blanket of sand over a giant underwater deposit of DDT appears to be working. In a recently issued report, a sand cap installed two years ago in waters off the coast of Los Angeles, California, over four test areas remained largely free of DDT residue. From 1947 to 1971, DDT was discharged into sewers that flowed into the ocean. An estimated 1,800 tons of DDT settled over 17 square miles on the sea floor. In 1996, the EPA declared this deposit off the Palos Verdes Peninsula a Superfund site. EPA officials expect to cover and cap additional areas of contaminated sea floor with clean sand and other sediment dredged from the nearby harbor.

National Management Measures to Control Nonpoint Source Pollution from Urban Areas Document Available for Comment

The EPA issued a draft technical guidance and reference document entitled *National Management Measures to Control Nonpoint Source Pollution from Urban Areas* to assist states, municipalities, and tribal managers in implementing nonpoint source pollution management programs. The draft document builds upon EPA's 1993 *Management Measures for Sources of Nonpoint Pollution in Coastal Waters* report prepared according to the Coastal Zone Act Reauthorization Amendments of 1990. The draft document is written from a "watershed perspective" and includes information on structural and nonstructural management practices useful to local and state agencies, landowners, developers, conservation groups, and other interested parties. The draft document outlines information on the best available, economically achievable means of reducing pollution of surface and ground water from urban areas, including stormwater management measures to address watershed protection, site development, new development runoff treatment, new and existing on-site wastewater treatment systems, bridges and highways, construction site

erosion, sediment, chemical control, pollution prevention, existing development, and operations and maintenance. The document is available at [EPA's web site](#). Hard copies can be obtained by contacting Rod Frederick at the address listed below or by calling (202) 566-1197. Comments on the draft document should be sent by **December 9, 2002**, to Rod Frederick, Assessment and Watershed Protection Division (4503-T), EPA, 1200 Pennsylvania Avenue N.W., Washington, D.C. 20460. Faxed comments should be sent to (202) 566-1331. Comments can be emailed to [Rod Frederick](#).

Two Bills to Control Marine Invasive Species Introduced in House

Two bills have recently been introduced in Congress to create a comprehensive strategy to combat invasive aquatic species in U.S. waters. The National Aquatic Invasive Species Act (H.R. 5396) and the Aquatic Invasive Species Research Act (H.R. 5395) would reauthorize and strengthen the National Invasive Species Act of 1996 and create standards for the release of ballast water into U.S. waters. The bills authorizes (1) \$150 million over five years for state and regional grants for early detection, screening, rapid response, and eradication in a safe and cost-effective manner, (2) \$152.5 million over five years for federal rapid response to incidents of invasive species introduction, (3) \$63.75 million over 5 years for efforts to prevent species from migrating to other regions, and (4) \$18.75 million over five years for recreational boater education on cleaning boats to prevent the spread of species. In addition, to protect against ballast water species invasion, the legislation would require all ships to carry out a minimum 95 percent volumetric open ballast water exchange prior to ballast discharge into U.S. waters, to carry out a ballast treatment that meets environmental soundness and effectiveness standards and certification processes developed by the U.S Coast Guard and the Environmental Protection Agency, or to retain ballast water on board.

New York Utility Considers Wind Farms Off Long Island's South Shore

New York's Long Island Power Authority (LIPA), the state-owned utility that serves some 1.1 million customers on Long Island, recently sought formal proposals from wind energy developers to investigate the feasibility of building wind turbines in the Atlantic Ocean southeast of Long Island to generate electricity. A LIPA and the New York State Energy Research and Development Authority study determined that up to 5,200 MW of electricity could be produced by wind turbines off Long Island's shores. A 314-square-mile band stretching three to six nautical miles off Long Island's south shore and east of Montauk Point, Long Island's easternmost land, is a potential area to place wind turbines. Click [here](#) for more information on the Long Island Offshore Wind Energy Initiative.

For more information. please contact:

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