



COASTAL ZONE ACT POSITION PAPER The League of Women Voters Supports Strengthening Regulations Implementing the Coastal Zone Act of 1971

Delaware's Coastal Zone, established by the Coastal Zone Act (CZA) on June 28, 1971, is **roughly 2-7 miles wide and 115 miles long**, extending along the eastern shore of Delaware from Wilmington down to the state's southern boundary. The Coastal Zone includes the banks of the C&D Canal within Delaware. (See <http://www.dnrec.delaware.gov/Admin/CZA/Documents/Map%20of%20the%20Coastal%20Zone.pdf>)

The **law originated in Governor Russell Peterson's love of bird watching** and subsequent desire to save the beautiful coastline. Several unsuccessful challenges to the Act have arisen over the years: in 1974, in 1977, and in 1984. An uphill battle even initially, the CZA is often seen by businesses as a threat, but citizen support for the Act has been sufficient to counter the "anti-business" arguments of its opponents. A common argument is that each request for use into the CZ should be considered individually. At each turn of events Peterson urged people to save their coast; he said the Chamber of Commerce should be censured for saying that Delaware's CZA made Delaware anti-business.

The **Regulations** for the Act were not **passed** until May 11, 1999.

The Environmental Indicators Technical Advisory Committee, chaired by Dick Fleming, issued its recommendations for the establishment of Goals and Indicators in March, 1999. **Goals and Indicators** would serve as a baseline upon which to measure improvement or degradation of the CZ environment. **The Goals and Indicators have never been adopted by DNREC**, and there is therefore no way to determine whether specific proposals would meet the intent of the act.

The **CZA prohibits** the construction of new heavy industry in the Coastal Zone, although 14 industrial sites existing at the time the CZA was passed are grandfathered. The CZA also prohibits offshore bulk transfer facilities in the CZ outside the Port of Wilmington.

Electric power plants, publicly-owned wastewater treatment plants, recycling plants, and residential development are **exempted** from the Act.

The Secretary and the Coastal Zone Industrial Control Board (CZICB) **must consider these elements** when reviewing permit requests: 1) environmental impact; 2) economic effect; 3) aesthetic effect; 4) number and type of supporting facilities required; 5) effect on neighboring land uses; 6) county and municipal comprehensive plans.

Each CZ permit application must include an "**offset proposal**" which clearly demonstrates that its proposal more than offsets the applicant's new polluting emissions, resulting in a net reduction of pollution in the CZ. DNREC approves Emission Reduction Credits (ERCs) to assist in achieving the offsets, and Delaware's Economic Development Office grants the offsets from its Delaware inventory.

Current issues are largely in the enforcement of the CZA and its Regulations. **The League of Women Voters urges DNREC to correct these weaknesses in the regulatory requirements:**

- DNREC has failed to institute the legally required Goals and Indicators¹;
- DNREC makes little or no attempt to monitor offsets to make sure they are continually in place;
- DNREC does not include carbon dioxide as a pollutant that must be offset;
- There is no easily accessible means of a public understanding of ERCs trading and granting process.

¹ An environmental indicator is "a numerical parameter which provides scientifically-based information on important environmental issues, conditions, trends... collectible with reasonable cost and effort over long time periods.... used to monitor progress towards environmental goals." *Coastal Zone Regulations 3.0*