

PART I PROGRAM OVERVIEW

This document is the Final Environmental Impact Statement (FEIS) for Minnesota's Lake Superior Coastal Program. It is the third printed version of the program manual. It was preceded by the draft Minnesota's Lake Superior Coastal Program (MLSCP) document and the Draft Environmental Impact Statement (DEIS). Written comments and oral testimony received from two public hearings on the DEIS are addressed in this document. Other comments and suggestions for changes from review of the DEIS were considered and where appropriate, incorporated into this FEIS. This document essentially contains a description of the federal program and how Minnesota's program will be implemented. It includes a description of the boundary, setting and socioeconomic characteristics of the coastal area. It also contains a listing of the existing management policies and authorities and special programs and management areas that are currently in place to protect the coastal resources.

A. OVERVIEW

Established by the Congress in 1972, the Coastal Zone Management Act (CZMA) makes states and territories along the coasts of the Atlantic and Pacific Oceans, the Gulf of Mexico, and the Great Lakes eligible to participate in the Coastal Zone Management Program. The CZMA affirms a **national commitment to the effective protection and rational development of coastal areas** by providing assistance and encouragement to coastal states to voluntarily develop and implement management programs for their coastal areas. Responsibility for administering the national program rests with the Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce.

The goal of the Coastal Zone Management Program is to preserve, protect, develop, and where possible, restore and enhance coastal resources for present and future generations.

Through a partnership of state, local, and federal agencies and units of government, the national program seeks to sustain coastal communities, sustain coastal ecosystems, and improve government efficiency. The management aspect of the program will be administered through the already existing authorities within state and federal rules and regulations. The Coastal Program will not in effect perform any management duties, other than to administer the Coastal Program grants program and consistency reviews.

1. Benefits of a Federally Approved Coastal Management Program (CMP)

Benefits to states that participate in the program include:

- C Financial Assistance - Approximately \$600,000 per year to implement Minnesota's Lake Superior Coastal Program.
- C Technical Assistance - Workshops and training coordinated with other state, federal, and local agencies and organizations to address common coastal issues and data and research information through NOAA's National Ocean Service.
- C Federal Consistency - This component requires that actions of federal agencies be consistent with approved state coastal management programs.

Indirect benefits include participation in a program that provides a network of resource and business professionals nationwide that together work to solve problems common to coastal areas. Shoreline, streambank and bluffland erosion, aquatic nuisance species, harbor development and dredging issues, permit simplification processes, data sharing, public participation processes and use of technology are issues and strategies where states have shared their expertise through this program.

2. Minnesota's Lake Superior Coastal Program

Beginning in 1993, Minnesota has worked to develop a coastal management program for the Lake Superior area. Citizen participation was a key component in the development of the program beginning with an issues forum in January 1994, continuing with the formation of work groups to develop the program boundary and implementation process for the program, the participation by local units of government and local stakeholders through presentations, joint meetings, and open house presentations. This process is concluding with review and comment on various drafts of the program document.

Minnesota is recognized nationally for its leadership in resource protection programs. The Coastal Management Program that developed is one based on the strength of the existing policies and authorities that address land and water uses and resource protection in the area. Further, the North Shore of Lake Superior is on the leading edge of local "grassroots" shoreland management planning as exemplified by the North Shore Management Plan. Using the combined resources, organization, and implementation abilities of federal, state, and local governments that manage land and water resources in the state, Minnesota developed a program that together would address the balance between resource protection, development, and sustainability for both the resources and the local economy.

Throughout this document, Minnesota's Lake Superior Coastal Program maybe called the MLSCP or Coastal Program.

B. MAJOR COMPONENTS OF MINNESOTA'S LAKE SUPERIOR COASTAL PROGRAM

1. Public Participation

Throughout program development, public participation has been fundamental. Public forums, open house public meetings, presentations to organizations and local units of government, a newsletter published almost monthly and local work groups have all been components of program development. During implementation, a "Governor's Council on Minnesota's Coastal Program" will initially be established through an executive order, consisting of 15 individuals. In the second phase, legislation will establish this council as the "Coastal Council" with a membership of 15 to 17 individuals. These individuals will represent the geographic and ideological diversity of the North Shore and will seek public input through regular needs assessment to assist in developing program priorities.

2. The State's Lead Agency

The Department of Natural Resources (DNR) has been designated as the lead agency for Minnesota's Lake Superior Coastal Program. A coalition of state resource agencies including the Pollution Control Agency, the Board of Water and Soil Resources, the Department of Health and the Department of Agriculture will, however, work with the DNR to coordinate administrative and implementation functions of the program.

The role of the lead agency is to administer Minnesota's Lake Superior Coastal Program. Administrative responsibilities include serving as the fiscal agent for the program, as staff to the Coastal Council, as liaison between NOAA and state and local agencies and units of government, and the overall coordinator for components including state and federal consistency. A program coordinator will facilitate the program from an office within the coastal area as defined in the program document. This office will be located in Two Harbors, Minnesota.

3. A Coastal Council Will be Established

Initially a "Governor's Council on Minnesota's Coastal Program" will be established through an executive order. This council will be made up of 15 people who will make recommendations to the Commissioner of the DNR on Minnesota's Lake Superior Coastal Program. As soon as possible, the Coastal Council will be established through legislation. This council will be made up of 15-17 individuals as the primary decision making body for the grant component of Minnesota's Lake Superior Coastal Program.

Twelve of the positions (three from each of the four coastal counties) and three to five positions (from an at-large pool) for a total of 15-17 will be selected from nominees chosen from within each county and submitted by local units of government. Appointments will be made by the Governor with each member serving up to two consecutive four-year terms. The council will assist in determining grant program priorities, as well as review and select programs and projects for grant funding. It will also assist and recommend overall program direction to the program coordinator.

4. Coastal Boundary

The “coastal area” as defined by the program’s coastal boundary follows the nearest legal coastal township along the shore, or approximately six miles inland. In the metropolitan area around Duluth it includes all of the cities of Duluth, Hermantown, Proctor, Carlton, Wrenshall and Cloquet and all or parts of the adjacent townships. This area was determined to have the most significant impact on Lake Superior and its tributaries.

5. Networked Program

Each state develops a program that best fits its organizational structure and addresses the issues in the coastal area. Three types of program organization are recognized through the national program:

- C Direct Permitting - where the lead state agency directly implements law(s) which regulate or manage coastal development;
- C Networked - where the lead state agency coordinates with other state and local agencies which together manage land and water uses and protect coastal resources; and
- C Local Coastal Programs - where the lead state agency works with local units of government to develop state approved local coastal programs.

Minnesota has developed a networked program that uses existing state policies and authorities that are implemented by a number of different state agencies and local units of government.

Local Governments create comprehensive land use plans and establish zoning ordinances to implement these plans. Local governments are also active in economic development issues in their communities. Through the state’s Coastal Program, local units of government have an opportunity to obtain financial and technical assistance to develop and implement inventories, plans, and projects basic to the community environment and infrastructure.

State Agencies implement a wide range of programs managing coastal resources and development. Air and water quality standards, protected water permits, and shoreland and floodplain managements are just a few activities administered at the state level. The number of agencies, regulations, and permits is often confusing to the public and to other agencies. Through this program an effort to coordinate, simplify and streamline planning, processes, and permitting will be encouraged.

Federal Agencies conduct many projects and activities in the coastal area. Federal agencies own land such as military bases, national forests, and national monuments; administer federal laws and programs such as national defense, endangered species protection, and the dredging of

navigational channels; and provide financial assistance for projects including our transportation systems. Federal actions are usually exempt from state laws and regulations. Once a state's coastal management plan has been approved however, federal actions which are likely to affect any coastal use or resource must be conducted consistently to the maximum extent practicable with the enforceable policies of the state's coastal management program. Review of these actions will be coordinated by the Department of Natural Resources and an effort for early coordination with federal agencies on projects will be a priority during program implementation.

6. Based on Existing Policies and Authorities

The national Coastal Zone Management Program, established through the enactment of the Coastal Zone Management Act (CZMA) of 1972, does not create any federal regulatory authority, nor mandate the adoption of any additional state regulations. Instead, Minnesota's Lake Superior Coastal Program will be based on existing state policies and authorities governing land and water use and resource protection. In other words, the development and implementation of Minnesota's Lake Superior Coastal Program does not create any new permits and does not require any new regulations, zoning ordinances or enforceable mechanisms. The state legislature, state agencies, and local government units can adopt new laws or new rules according to existing processes and mechanisms. The state maintains the position that existing regulatory and voluntary mechanisms exist in Minnesota to adequately meet the intent of the Coastal Nonpoint Program (Section 6217 of CZARA, 1990).

Further, the public will have the opportunity to provide input on the effectiveness of the state's policies, authorities, and programs that are included in Minnesota's Lake Superior Coastal Program document during program reviews conducted by OCRM every two to three years.

7. State Agencies Must be Consistent With the Coastal Program

By participating in the national program, state agencies agree to be consistent with the enforceable policies of Minnesota's Lake Superior Coastal Program. State agencies continue to exercise existing authorities. The consistency requirement is not intended to provide new criteria for any agency's permit decisions. Program consistency for state agencies means that state agencies must comply with the enforceable policies, laws, and regulations of the state. An executive order and memorandums of agreement will be developed to ensure understanding and compliance with this program component. A method of reporting actions of state agencies relative to the state's Coastal Program will be developed to document compliance if necessary.

8. Actions of Federal Agencies Must be Consistent With the Coastal Program

Actions of federal agencies, including direct activities; federal licenses, permits or other required federal approvals to non-federal applicants; and financial assistance programs to state agencies and local governments, also must be consistent with the state enforceable policies of Minnesota's Lake Superior Coastal Program. The process developed encourages early coordination and review and comment on certain federal actions that affect the coastal area.

C. SUMMARY

Participation in the national Coastal Zone Management Program provides a number of opportunities for Minnesota to address issues of development, resource protection, and public access along the North Shore that go beyond political boundaries. Opportunities for additional financial and technical resources certainly provide motivation to participate, but benefits also include incentives to review and revise redundant or complex permitting or regulatory processes, opportunities to share information, technology, training and staff, and through the network of coastal states and related organizations, and the potential to effect change on a national scale.

Minnesota's Lake Superior Coastal Program is not another plan to implement. It is instead, a new tool to implement existing programs and to provide funding for unique or under-funded opportunities.