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Coastal Zone Management Act (CZMA): Overview and Issues for Congress

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SUMMARY

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Coastal Zone Management Act (CZMA): Overview and Issues for Congress

Congress enacted the Coastal Zone Management Act (CZMA; P.L. 92-583, 16 U.S.C. §§1451-1466) in 1972 and has amended the act 11 times, most recently in 2009. CZMA sets up a national framework for states and territories to consider and manage coastal resources. If a state or territory chooses to develop a coastal zone management program and the program is approved, the state or territory (1) becomes eligible for several federal grants and (2) can perform reviews of federal agency actions in coastal areas (known as *federal consistency determination reviews*).

Each level of government plays a role in coastal management under CZMA. At the federal level, the National Oceanic and Atmospheric Administration's (NOAA's) Office for Coastal Management (OCM) in the Department of Commerce implements CZMA's national policies and provisions. OCM administers CZMA under several national programs; the National Coastal Zone Management Program (NCZMP) is the focus of this report. To participate in the NCZMP, states and territories (hereinafter referred to as states) must adhere to guidelines set out in CZMA and related regulations. States determine the details of their coastal management programs (CMPs), including the boundaries of their coastal zones, issues of most interest to the state, and policies to address these issues, among other factors. Local governments then implement the approved CMPs, often through land use regulations.

The Secretary of Commerce must approve state CMPs. Once the Secretary approves a state's CMP, the state is eligible to receive the NCZMP's benefits and is referred to as a *participant* in the program (16 U.S.C. §1455). Participation in the NCZMP provides several advantages to participants, including eligibility for federal grant programs and the right to review federal actions for consistency with state coastal policies. Thirty-five states and territories (including states surrounding the Great Lakes, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands) are eligible to participate. Although all 35 eligible states have at some point chosen to participate, 34 are currently part of the NCZMP.

Since 1972, NOAA has allocated over $2 billion in coastal zone management-related grants to eligible coastal states. States have received amounts ranging from $13 million to over $106 million in grant funding, depending on factors such as how long the state has been a part of the NCZMP, the state's size and population, and extent of the state's applications to grant programs.

CZMA consistency provisions (Section 307) require federal actions that have reasonably foreseeable effects on coastal uses or resources to be consistent with the enforceable policies of a participant's approved CMP. These actions may occur in the state's approved coastal zone or in federal or out-of-state waters (which may cause interstate coastal effects). Federal agencies or applicants proposing to perform these federal actions must submit a consistency determination to the potentially affected participant, certifying that the actions are consistent with state coastal policies and providing participants the opportunity to review their determinations (16 U.S.C. §1456).

The 116th Congress may consider changes to CZMA. These changes may address issues such as growing population and infrastructure needs and changing environmental conditions along the coast, questions about the effectiveness of CZMA implementation, and expired authorization of appropriations for CZMA grant programs. Some of these concerns were addressed in proposed legislation in the 115th Congress, such as legislation to expand grant programs to cover more topics and affected groups, and may be addressed in the 116th Congress.

Contents

Introduction 1
Coastal Zone Management Act 2
National Coastal Zone Management Program 2
How States and Territories Become Part of the NCZMP 3
Why States and Territories May Choose to Join the NCZMP 4
Access to Federal Grant Programs 4
Federal Consistency Determination Review 7
Issues for Congress 11
Changes Along the Coast 11
Effectiveness of CZMA Implementation 12
Authorization of Appropriations for CZMA Grant Programs 13

Figures

Figure 1. Amounts Disbursed by CZMA Grant Program, FY1972-FY2017 6
Figure 2. CZMA Consistency Determination Objection Appeals to the Secretary of Commerce, 1972-April 2018 11

Tables

Table 1. Current Coastal Zone Management Act (CZMA) Grant Programs 5
Table 2. Summary of CZMA Consistency Provisions by Federal Action Type 9

Table A-1. Chronology: CZMA and Amendments 15
Table B-1. Coastal Zone Management Act of 1972, as Amended 16
Table B-2. Coastal Zone Act Reauthorization Amendments of 1990 17

Appendixes

Appendix A. Coastal Zone Management Act of 1972 (CZMA) and Its Amendments 15
Appendix B. Section-by-Section Summaries 16

Contacts

Author Information 17

Introduction

Congress enacted the Coastal Zone Management Act (CZMA; P.L. 92-583, 16 U.S.C. §§1451-1466) in 1972 and has amended the act 11 times, most recently in 2009.[1] Congress deliberated and passed the act at a time when concern about environmental degradation spurred passage of many of the nation's environmental statutes.[2] CZMA sets up a national framework for states and territories to consider and manage coastal resources. If a state or territory chooses to develop a coastal management program and the program is approved, the state or territory (1) becomes eligible for several federal grants and (2) can perform reviews of federal agency actions in coastal areas (known as *federal consistency determination reviews*).

Since 1972, many of the trends that called congressional attention to coastal management have continued. Over a third of the U.S. population lived in shoreline counties in 2010, with more expected by 2020 as people continue to migrate to coastal areas to take advantage of economic opportunities, retire, and pursue recreational interests. Coastal areas are also home to economic sectors such as fishing, transportation, defense, offshore energy, and tourism and to natural resources such as estuaries, beach systems, and wetlands. The shoreline likely will continue to be affected by pressures to develop and preserve areas, large-scale events (e.g., hurricanes and tsunamis), and long-term changes (e.g., relative sea level, changes in rainfall, wetland loss, and increased temperatures).[3] In addition to responding to these pressures, Congress may continue to consider whether CZMA is being effectively implemented and whether changes should be made to CZMA grant programs.

This report provides a review of CZMA with a specific focus on the National Coastal Zone Management Program (NCZMP). The report discusses how and why states and territories may choose to participate in the national program (namely to access federal grant programs and undertake federal consistency determination reviews) and recent issues for Congress. The appendixes include information about amendments to CZMA over time and section-by-section summaries of current CZMA provisions.

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[1] The Coastal Zone Management Act (CZMA; P.L. 92-583, 16 U.S.C. §§1451-1466) received broad support in both chambers. The Senate passed its version of the bill (S. 3507, 92nd Congress) by a 68-0 roll-call vote, and the House passed its version (H.R. 1414, 92nd Congress) by a 376-6 roll-call vote. The conference report was adopted by voice vote in both chambers. In addition to CZMA, the 92nd Congress considered but did not enact more general national land use planning legislation. Some Members of Congress concluded that the challenges the general land use legislation was intending to address were most concentrated in coastal areas and warranted immediate attention. U.S. Congress, Senate Committee on Commerce, *Bill Report on S. 3507, National Coastal Zone Management Act of 1972*, S. Rpt. 92-753, p. 3. The result was CZMA, with the intent by some Members to fold coastal management into more encompassing legislation at a later date. U.S. Congress, Conference Committee, *Conference Report to Accompany S. 3507, Coastal Zone Management Act of 1972*, H. Rept. 92-1544, p.13. See **Appendix A** for an overview of amendments to the Coastal Zone Management Act.

[2] For example, Congress passed the National Environmental Policy Act (P.L. 91-190) and created the Environmental Protection Agency in 1970. The Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500; also known as the Clean Water Act) also were enacted in this period.

[3] National Oceanic and Atmospheric Administration (NOAA), *Coastal Land Cover Change Summary Report, 1996-2010*, 2014, at https://coast.noaa.gov/data/digitalcoast/pdf/landcover-report-summary.pdf; NOAA and U.S. Fish and Wildlife Service, *Status and Trends of Wetlands in the Coastal Watersheds of the Coterminous United States, 2004-2009*, 2013, at https://www.fws.gov/wetlands/Documents/Status-and-Trends-of-Wetlands-In-the-Coastal-Watersheds-of-the-Conterminous-US-2004-to-2009.pdf; and U.S. Global Climate Research Program, *Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment*, Volume II, 2018, at https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf.

Coastal Zone Management Act

Congress enacted CZMA "to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the nation's coastal zones."[4] Although CZMA has been amended 11 times (**Appendix A**), the national policies as declared by Congress have stayed relatively consistent over time. They currently include the following six policies:

1. to preserve, protect, develop, and, if possible, restore or enhance coastal resources;
2. to encourage and assist states and territories to effectively exercise their development and management responsibilities in the coastal zone, giving full consideration to ecological, cultural, historic, and aesthetic values as well as the needs for compatible economic development;
3. to encourage the preparation of special area management plans to protect significant natural resources, support reasonable coastal-dependent economic growth, and improve protection of life and property;
4. to encourage the participation and cooperation of the public, state and local governments, interstate and other regional agencies, and federal agencies to carry out CZMA;
5. to encourage coordination and cooperation with and among appropriate federal, state, and local agencies, and international organizations, in collection, analysis, and dissemination of coastal management information and research; and
6. to respond to changing circumstances affecting the coastal environment and resources and their management by encouraging states and territories to consider ocean uses that may affect the coastal zone.[5]

Under CZMA, each level of government plays a role in coastal management. At the federal level, the National Oceanic and Atmospheric Administration's (NOAA's) Office for Coastal Management (OCM) in the Department of Commerce (DOC) implements CZMA's national policies and provisions. To participate in the NCZMP, states must adhere to guidelines as set in statute and related regulations. States and territories, however, determine the details of their coastal management programs (CMPs), including the boundaries of their coastal zones, issues of most interest to the state, and policies to address these issues, among other factors. Local governments implement the approved CMPs, often through land use regulations.

National Coastal Zone Management Program

OCM administers CZMA provisions under four national programs: NCZMP, National Estuarine Research Reserve System (NERRS), and Digital Coast. This report focuses on the NCZMP.[6] The

[4] Long title of CZMA, P.L. 92-583.

[5] 16 U.S.C. §1452.

[6] The National Estuarine Research Reserve System program funds research and monitoring in 29 protected coastal areas. The Digital Coast is an online platform with a curated collection of web-based spatial information, visualization and predictive tools, and training for U.S. coastal managers and technicians. The Office for Coastal Management (OCM) houses the Coral Reef Conservation Program, which supports efforts to preserve, sustain, and restore coral reef ecosystems across NOAA. More information on all of these programs can be found at NOAA, "Learn About the Programs" at https://coast.noaa.gov/about/.

NCZMP encourages interested coastal states and territories (hereinafter referred to as *states*) to work with NOAA to develop and implement coastal zone management programs.[7] To join, states must develop CMPs pursuant to CZMA and federal regulations. States that join the NCZMP are eligible for several federal grants and have the right to review federal actions for consistency with state coastal policies.

How States and Territories Become Part of the NCZMP

If a state chooses to become part of the NCZMP, it must develop a CMP pursuant CZMA Section 306 and NOAA regulations. CMPs must contain "a broad class of policies for ... resource protection, management of coastal development, and simplification of governmental processes."[8]

The Secretary of Commerce (the Secretary) must conclude that the state has completed certain tasks (e.g., included required program elements and coordinated with local and regional agencies) to approve the CMP. Once the Secretary approves the state's CMP, the state is eligible to receive the NCZMP's benefits and is referred to as a *participant* of the national program.[9] The Secretary is expected to evaluate participants at least once every three years to determine whether they are working toward their stated plans.[10]

Thirty-five states and territories (including states surrounding the Great Lakes, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands) are eligible to participate. Although all 35 eligible states and territories have at some point chosen to participate, 34 are currently part of the NCZMP.[11]

Variety Among State Coastal Management Programs

Although the Coastal Zone Management Act (CZMA; P.L. 92-583, 16 U.S.C. §§1451-1466) and related regulations require states and territories to include specific components and take certain steps in developing their coastal management programs (CMPs), states and territories have flexibility in their programs' structure and focus. CMPs vary in terms of where in each participant's government the program is situated, the relationships between state and local levels of government, and which issues are emphasized.

[7] The majority of CZMA provisions are voluntary, with the notable exception of Section 6217, the Coastal Zone Reauthorization Amendments Act (§6127 of P.L. 101-508), which added a mandatory component to CZMA: the National Coastal Nonpoint Pollution Control program, which requires coastal states with approved coastal management programs to reduce polluted runoff to coastal waters through specific land-based measures.

[8] 16 U.S.C. §§1454-1455 and 15 C.F.R. §923.3(c).

[9] 16 U.S.C. §1455.

[10] 15 C.F.R. §923.132. Thirty-three of the 34 programs have been evaluated since 2009. Illinois's recent evaluation findings have not been finalized. Information about evaluation criteria can be found at NOAA, *Reporting Guidance, Recommendations, and Evaluation Metrics*, 2018 at https://coast.noaa.gov/czm/media/reporting-guidance-recommendations-evaluation-metrics.pdf. Past evaluations can be found at NOAA, "Evaluation Findings" at https://coast.noaa.gov/czm/evaluations/evaluation_findings/index.html. Information about ongoing evaluations can be found at NOAA, "Program Evaluations" at https://coast.noaa.gov/czm/evaluations/.

[11] Alaska's legislature did not renew its coastal management program on July 1, 2011, resulting in its withdrawal from the National Coastal Zone Management Program (NCZMP). NOAA, "Alaska Coastal Management Program Withdrawal from the National Coastal Management Program Under the Coastal Zone Management Act (CZMA)," 76 *Federal Register* 39857, July 7, 2011. According to some, Alaska's choice to discontinue the program was influenced by natural resource extraction agencies and divisive political discourse. Others argue that legislation to reestablish program would have created a larger coastal zone and have adverse impacts on the state. Ryan M. Wilson, *Why Did Alaska Eliminate the Alaska Coastal Management Program?*, 2018, at https://scholarworks.alaska.edu/handle/11122/8751, and Mark Thiessen, "Coastal Management Initiative Fails by a Heavy Margin," *Alaska Journal of Commerce*, (2012), at http://www.alaskajournal.com/business-and-finance/2012-08-31/coastal-management-initiative-fails-heavy-margin#.XB2FW1xKiUk.

One major variation among CMPs is the program's placement in the participant's governmental structure, which may indicate how that participant approaches coastal management For example, most participants, such as California, Delaware, and Wisconsin, have nested their coastal programs within established agencies or offices or have distributed CMP responsibilities across state agencies with authority in the coastal zone; established agencies and offices may tend to emphasize the topics and issues that are already a part of their responsibilities. The broader responsibilities for these agencies range from protection of natural or living resources and environmental protection and regulation to planning. Within the administering agencies or offices, some participants have created independent units that address only coastal management topics (e.g., Georgia's Department of Natural Resources, Coastal Resources Division), whereas others have assigned coastal management to units that already had other responsibilities (e.g., New York's Department of State). For some participants, such as Massachusetts, the program is a part of the governor's office, rather than an agency. One participant, Rhode Island, has created a stand-alone coastal management agency.

A second variation among CMPs is how programs divide responsibilities between the state and local levels of government. In some participating states, such as Washington, the coastal program is largely administered at the local level by county and city governments. In most other participating states, such as Alabama, the state level of government retains responsibility for implementing most or all of the program.

A third variation is the selection of program components that participants choose to emphasize, such as the protection of natural resources and the management of coastal development. A participant's focus may depend on characteristics of its coastal zone, major activities in the coastal zone, and associated issues and challenges. Illinois, for example, has chosen to provide grants to local projects related to beach access and shoreline erosion, among other topics. The program in neighboring Indiana has focused on protecting and enhancing natural, cultural, and historical resources.

Why States and Territories May Choose to Join the NCZMP

Participation in the NCZMP provides various benefits to participants, including access to several federal grant programs and the right to review federal actions for consistency with state coastal policies. These provisions have been mainstays of CZMA since its development and enactment.[12]

Access to Federal Grant Programs

Coastal states or territories with approved CMPs are eligible to apply for federal grants for coastal zone management. Grant programs have changed over time to reflect congressional priorities and have included grants for program development, coastal energy impacts, and research and technical assistance. Currently, CZMA authorizes the Secretary of Commerce to provide grants related to program administration (Section 306), coastal resource improvement (Section 306A), coastal and estuarine land conservation (Section 307A), coastal enhancement objectives (Section 309), technical assistance (Section 310), and coastal nonpoint pollution control (Section 6217) (**Table 1**).[13]

[12] U.S. Congress, Senate Committee on Commerce, *Legislative History of the Coastal Zone Management Act of 1972, as Amended in 1974 and 1976 with a Section-by-Section Index*, committee print, prepared by the Congressional Research Service, 94th Cong., 2nd sess., 1976, CMP-1976-COM-0021.

[13] The current version of CZMA also refers to the Coastal Zone Management Fund, a mechanism for NOAA to provide loans to various coastal entities for coastal zone work. The fund was established, operated, and was amended several times, and it is unclear whether the fund could function under the language of the current statute. According to NOAA, if Congress appropriated dollars to the fund, changes or new legislation still would be needed to allow NOAA to provide loans, and to receive repayments for new loans. Email from NOAA's Office of Legislative and Intergovernmental Affairs, November 7, 2018.

Table 1. Current Coastal Zone Management Act (CZMA) Grant Programs

Program[a]	Program Summary
Section 306. Administrative Grants (16 U.S.C. §1455)	The Secretary of Commerce may allocate grants to coastal states with approved coastal management programs (CMPs) to administer the program. Grants are allocated based on extent and nature of the shoreline and area covered by the program, population of the area, and other relevant factors. State cost share is required. Implementing regulation at 15 C.F.R. §923.90-923.96, and 15 C.F.R. §923.110.
Section 306A. Coastal Resource Improvement Program (16 U.S.C. §1455a)	The Secretary of Commerce may provide grants to eligible coastal states to assist with (1) preservation or restoration of areas of conservation, recreational, ecological, and aesthetic value or of national significance; (2) the redevelopment of urban waterfronts and ports identified as areas of concern; (3) access to public beach and coastal areas; and (4) the development of a coordinated process among state agencies to regulate and issue permits for aquaculture facilities in the coastal zone. State cost share is required.[b]
Section 307A. Coastal and Estuarine Land Conservation Program (16 U.S.C. §1456-1 and 16 U.S.C. §1456d)	The Secretary of Commerce may conduct a program to make competitive grants to coastal states with CMPs or to National Estuarine Research Reserve System (NERRS) units to acquire property or interest in property that will further the goals of the CMP, NERRS management plan, regional or state watershed protection or management plan, or state land acquisition plan that is consistent with an approved CMP. State cost share is required. [b]
Section 309. Coastal Zone Enhancement Grants (16 U.S.C. §1456b)	The Secretary of Commerce may provide competitive grants to eligible coastal states for development and implementation of coastal zone enhancement objectives, including (1) protecting, restoring, or enhancing existing coastal wetlands or creating new coastal wetlands; (2) preventing or reducing threats to life and destruction of property by eliminating or managing development in hazardous areas; (3) providing increased current and future public access; (4) reducing marine debris; (5) developing and adopting procedures to consider and manage cumulative and secondary impacts of coastal growth and development; (6) preparing and implementing special area management plans for important coastal areas; (7) planning for the use of ocean resources; (8) adopting procedures and enforceable policies to facilitate energy facility siting; and (9) adopting procedures and policies to evaluate and facilitate public and private aquaculture in the coastal zone. Grants are allocated based on evaluation and ranking of the state's comprehensive, multiyear statement of goals and methods to achieve priority enhancement objectives, as determined by the National Oceanic and Atmospheric Administration (NOAA) and the state, with a yearly minimum and maximum. NOAA may fund projects of special merit in addition to the allocated state funds. No state cost share is required. Implementing regulations at 15 C.F.R. §923.121-923.128.
Section 310. Technical Assistance (16 U.S.C. §1456c)	The Secretary of Commerce may enter into contracts or other arrangements to provide technical assistance and management-related research in support of the development and implementation of coastal zone enhancement-related amendments to CMPs and international cooperative efforts.[b]
Section 6217. Coastal Nonpoint Pollution Control Program (16 U.S.C. §1455b)	The Secretary of Commerce, in consultation with the Environmental Protection Agency administrator, may provide grants to states and territories with approved CMPs for development of state coastal nonpoint pollution control programs. Grants will be allocated based on regulations pursuant to Section 306 grants and state cost share is required.[b]

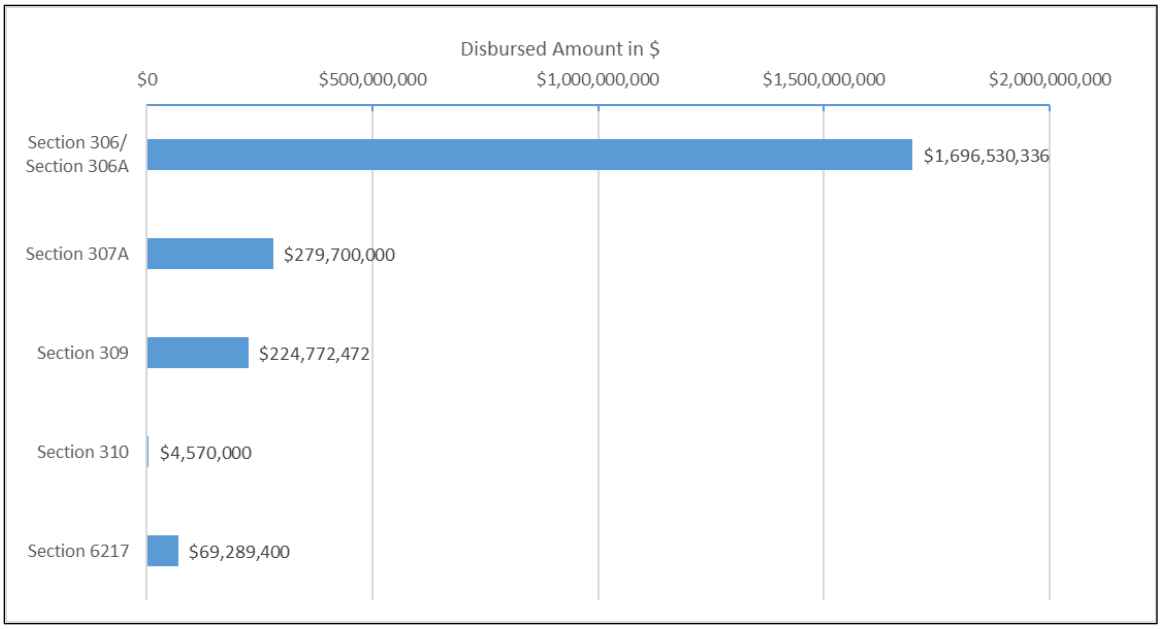
Source: Congressional Research Service (CRS).

a. The Secretary of Commerce has delegated to the NOAA assistant administrator many responsibilities related to the programs described in this table.

b. NOAA has not promulgated regulations related to Sections 306A, 307A, 310, or 6217. Instead, NOAA provides guidance documents for applicants to review before submitting grant applications.

Since 1972, NOAA has allocated over $2 billion in coastal zone management-related grants to eligible coastal states and territories (**Figure 1**).[14] NOAA disbursed the majority of the funds under Sections 306 and 306A grant programs.[15] All 35 coastal states and territories received a portion of the funds since 1972, including Alaska, which is not currently a part of the NCZMP. States have received amounts ranging from $13 million to over $106 million in grant funding, depending on factors such as how long the state has been a part of the NCZMP, the state's size and population, and the extent of its success in competitive grant programs.

Figure 1. Amounts Disbursed by CZMA Grant Program, FY1972-FY2017



Source: CRS with data from NOAA's Office of Legislative and Intergovernmental Affairs, October 29, 2018.

Notes: Grant programs discontinued by Congress, such as Section 309 interstate grants, are not included in this figure. NOAA has combined funding information for Sections 306 and 306A grants. Section 307A grants include funds received from the Great Lakes Restoration Initiative (GLRI) reserved for use in Great Lakes states only. A portion of Section 307A funds were from GLRI in FY2010-FY2012. All Section 307A funds were from GLRI in FY2013-FY2017.

In FY2017, Congress appropriated $85 million to NOAA for coastal management grants. Of that total, NOAA allocated nearly $58 million for Section 306 grants, with smaller amounts awarded for Sections 306A, 309, and 310 grants or withdrawn via government-wide rescissions and Department of Commerce NOAA assessments.[16] The current CZMA grant program authorizations of appropriations have expired, but Congress has continued to fund the programs (see "Authorization of Appropriations for CZMA Grant Programs" for a longer discussion of the topic).

[14] Email from NOAA's Office of Legislative and Intergovernmental Affairs, October 29, 2018.

[15] Additionally, during several periods since 1972, Congress appropriated funding to the Section 310 program to implement and support other programs such as the National Coastal Nonpoint Pollution Control program and the Regional Coastal Resilience grant program. Emails from NOAA's Office of Legislative and Intergovernmental Affairs, November 15, 2018, and December 12, 2018.

[16] Email from NOAA's Office of Legislative and Intergovernmental Affairs, November 15, 2018. NOAA allocations for FY2018 and FY2019 are currently unavailable.

Federal Consistency Determination Review

CZMA Section 307 requires federal actions that have reasonably foreseeable effects on coastal uses or resources to be consistent with the enforceable policies of a participant's approved CMP.[17] These actions may occur in the state's approved coastal zone or in federal or out-of-state waters (which may cause interstate coastal effects). Federal agencies or applicants proposing to perform these federal actions must submit a consistency determination to the potentially affected participant to consider whether the actions are consistent with state coastal policies.[18]

Legislation and NOAA regulation have defined several terms related to consistency review, including the following:

- *Coastal zone* is defined as the coastal waters and adjacent shorelands, strongly influenced by each other, and includes islands, transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends in Great Lakes waters to the international boundary and in other areas seaward to the outer limit of the state title and ownership under various acts, such as the Submerged Lands Act.[19] The zone extends inland from the shorelines only to the extent necessary to control shorelands and to control those geographical areas that are likely to be affected by or vulnerable to sea level rise.[20] Identification of the coastal zone boundaries is a required part of an approved CMP.[21]
- *Effect on coastal use or resource* refers to "any reasonable foreseeable effect on any coastal use or resource resulting from a federal agency activity or federal license or permit activity," including federal assistance to state and local governments.[22] Effects may be environmental or impact coastal use; may be direct or secondary; and may result from the incremental impact of past, current, or future actions.[23] The determination of whether the action will have a reasonably foreseeable effect is also known as the *effects test.*
- *Enforceable policies* are "state policies which are legally binding through constitutional provisions, laws, regulations, land use plans, ordinances, or judicial or administrative decisions, by which a state exerts control over private and public land and water uses and natural resources of the coastal zone."[24]
- *Federal actions* include federal agency activities, federal license or permit activities, outer continental shelf plans, and federal assistance to state and local governments.[25]

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[17] 16 U.S.C. §1456(c)(1)(A).

[18] 16 U.S.C. §1456(c)(1)(C); 16 U.S.C. §1456(c)(3)(A); 16 U.S.C. §1456(c)(3)(B); and 16 U.S.C. §1456(d).

[19] 67 Stat. 29.

[20] 16 U.S.C. §1453(1).

[21] 16 U.S.C. 1455(d)(2)(A).

[22] 15 C.F.R. §930.11(g).

[23] 15 C.F.R. §930.11(g).

[24] 15 U.S.C. §1453; 15 C.F.R. §930.11(h).

[25] NOAA has defined "*federal actions*" in regulation. "*Federal agency activities*" means "any functions performed by or on behalf of a Federal agency in the exercise of its statutory responsibilities" (15 C.F.R. §930.31). "*Federal license of permit activities*" is defined as "any authorization that an applicant is required by law to obtain in order to conduct activities affecting any land or water use of natural resource of the coastal zone and that any Federal agency is empowered to issue to an applicant" (15 C.F.R. §930.51). "*OCS [outer continental shelf] plans*" means "any plan for the exploration or development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act (43 U.S.C. §§1331 et seq.), and the regulations under that Act, which is submitted to the Secretary of the Interior or designee following management program approval and which describes in detail federal license or

NOAA requires participants to submit lists of federal actions that are subject to consistency determination reviews and their general geographic areas.[26]

- *Interstate coastal effect* refers to any reasonably foreseeable effect resulting from a federal action occurring in one state on any coastal use or resource of another state that has an approved CMP. Effects may be environmental or impact coastal use; may be direct or secondary; and may result from the incremental impact of past, current, or future actions.[27] A state must identify a list of federal actions in other states for approval by NOAA to perform interstate consistency determination reviews.[28]

Participant reviews of federal actions are context-specific and depend on the location and action in question, with different rights and responsibilities assigned to the federal agency, applicants, and participants involved. Details of the action—such as which party determines the foreseeable effects, the length of the participant review period, the effect of a participant's objection to the action, and the available conflict resolution or appeals options—depend on the federal action in question (**Table 2**).[29]

Resolutions to participant objections to consistency determinations depend on the federal action in question, as follows:

- Federal agency activities and development projects: If a participant objects to a federal agency's consistency determination, the participant may request mediation from the Secretary of Commerce or OCM. Regardless of the mediation outcomes, the federal agency may proceed with its activities or development projects if
  - the agency provides a legal basis for *being consistent to the maximum extent practicable*,[30] or
  - the agency has concluded that its proposed action is fully consistent with the participant's enforceable policies.[31]
- Federal license or permit activities, outer continental shelf plans, and federal assistance to state and local governments: If the participant objects to the consistency certification, the federal agency cannot authorize the action unless the Secretary of Commerce overrides the objection.[32] The applicant may appeal

permit activities" (15 C.F.R. §930.73). "*Federal assistance*" is defined as "assistance provided under a federal program to an applicant agency through grant or contractual arrangements, loans, subsidies, guarantees, insurance, or other form of financial aid" (15 C.F.R. §930.90-91). 16 U.S.C. §1456(c)(1)(C); 16 U.S.C. §1456(c)(3)(A); 16 U.S.C. §1456(c)(3)(B); and 16 U.S.C. §1456(d).

[26] 15 C.F.R. §930.34(b)-(c); 15 C.F.R. §930.53-930.54; 15 C.F.R. §930.74; and 15 C.F.R. §930.95. NOAA has promulgated regulations for review of unlisted actions. See regulations listed above for more details.

[27] 15 C.F.R. §930.151.

[28] 15 C.F.R. §930 Subpart I.

[29] NOAA also has illustrated the federal agency activities and federal licenses and permits process in a step-by-step flowchart at NOAA Office for Coastal Management, *CZMA Federal Consistency Overview*, Section 307 of the Coastal Zone Management Act of 1972, 2016, at https://coast.noaa.gov/czm/consistency/media/federal-consistency-overview.pdf. The flowcharts are in Appendix C of that report.

[30] The term *consistent to the maximum extent practicable* is defined as "fully consistent with the enforceable policies of management programs unless full consistency is prohibited by existing law applicable to the Federal agency" (15 C.F.R. §930.32).

[31] 15 C.F.R. §930.43.

[32] 16 U.S.C. 1456(c)-(d); 15 C.F.R. §930.64; 15 C.F.R. §930.80; and 15 C.F.R. §930.97.

to the Secretary, who then will review the administrative record and may override a participant's objection if he or she finds that the action is consistent with the objectives of CZMA or is necessary for national security.[33] For example, in 2008, the Secretary of Commerce overrode Maryland's objection to an applicant's consistency determination, finding that "the project [was] consistent with the objectives of CZMA."[34]

Table 2. Summary of CZMA Consistency Provisions by Federal Action Type

	Federal Agency Activities and Development Projects	Federal License or Permit Activities	Outer Continental Shelf Plans	Federal Assistance Activities to State and Local Governments
Proposed action subject to participant review if it...	Affects any land or water use or natural resource of state coastal zone, regardless of location of activity.	Affects any land or water use or natural resource of state coastal zone and activity is listed in participant's CMP or NOAA approves review of unlisted activity.	Affects any land or water use or natural resource of state coastal zone.	Affects any land or water use or natural resource of state coastal zone and activity is listed in participant's CMP or participant reviews unlisted activity.
Consistency Requirement	*Consistent to the maximum extent practicable* with participant CMP enforceable policies[a]	Consistent with participant CMP enforceable policies	Consistent with participant CMP enforceable policies	Consistent with participant CMP enforceable policies
Participant Review Period	60 days (plus 15-day extension or alternative period agreed to by participant and federal agency)	6 months	3 months (participant may extend to 6 months)	Participant clearinghouse schedule
Impact of Participant Objection	Federal agency may proceed only if it provides legal basis for being *consistent to the maximum extent practicable*[b]	Federal agency may not authorize activity unless Secretary overrides objection	Federal agency may not authorize activity unless Secretary overrides objection	Federal agency may not authorize activity unless Secretary overrides objection
Conflict Resolution	Mediation by Secretary of Commerce or OCM[c] (voluntary process and nonbinding decision)	Applicant may appeal to Secretary of Commerce to override participant objection (binding decision)	Applicant may appeal to Secretary of Commerce to override participant objection (binding decision)	Applicant may appeal to Secretary of Commerce to override participant objection (binding decision)

Source: CRS, adapted from National Oceanic and Atmospheric Administration (NOAA), *CZMA Federal Consistency Overview*, January 2016, at https://coast.noaa.gov/czm/consistency/media/federal-consistency-overview.pdf; 16 U.S.C. §1456; and 15 C.F.R. Part 930.

[33] 16 U.S.C. 1456(c)-(d); and 15 C.F.R. Subparts G and H.

[34] Department of Commerce, Decision and Findings by the U.S. Secretary of Commerce in the Consistency Appeal of AES Sparrows Point LNG, LLC and Mid-Atlantic Express, LCC from an Objection by the State of Maryland, June 26, 2008, p. 43, at https://coast.noaa.gov/czm/consistency/appeals/fcappealdecisions/mediadecisions/aes.pdf.

Notes: CMP = coastal management program; OCM = NOAA Office for Coastal Management

a. The term *consistent to the maximum extent practicable* is defined as "fully consistent with the enforceable policies of management programs unless full consistency is prohibited by existing law applicable to the Federal agency" (15 C.F.R. §930.32).

b. More information about the impact of the participant's objection to proposed federal actions can be found at 15 C.F.R. §930.43.

c. More information about the availability of mediation for proposed federal actions can be found at 15 C.F.R. §930.44.

According to NOAA, participants review thousands of federal consistency determination each year, with more than half of the reviews being for federal license or permit activities.[35] Remaining reviews are, in descending order, federal agency activities and development projects, federal financial assistance activities, and outer continental shelf plans.[36] Over time, participants have concurred with 93% to 95% of the federal consistency determinations they have reviewed.[37] The high concurrence rate may indicate that participants, federal agencies, and applicants often have negotiated project modifications or alternatives before the formal review process.[38]

Since the first CMP was approved in 1978, 45 consistency decisions have been subject to secretarial appeals, most recently in 2014 (**Figure 2**).[39] Of the 45 appeals, the Secretary overrode participant objections in 14 cases and agreed with the participant in the other 31 cases. An additional 65 appeals have been settled or withdrawn after they reached the secretarial level but before a determination was made, and 33 additional requests for appeals were dismissed or overridden on procedural grounds.[40] As of April 2018, there were no appeals pending before the Secretary of Commerce.[41]

[35] Email from NOAA's Office of Legislative and Intergovernmental Affairs, October 25, 2018.

[36] Email from NOAA's Office of Legislative and Intergovernmental Affairs, October 25, 2018.

[37] NOAA, *CZMA Federal Consistency Overview: Section 307 of the Coastal Zone Management Act of 1972,* at https://coast.noaa.gov/czm/consistency/media/federal-consistency-overview.pdf.

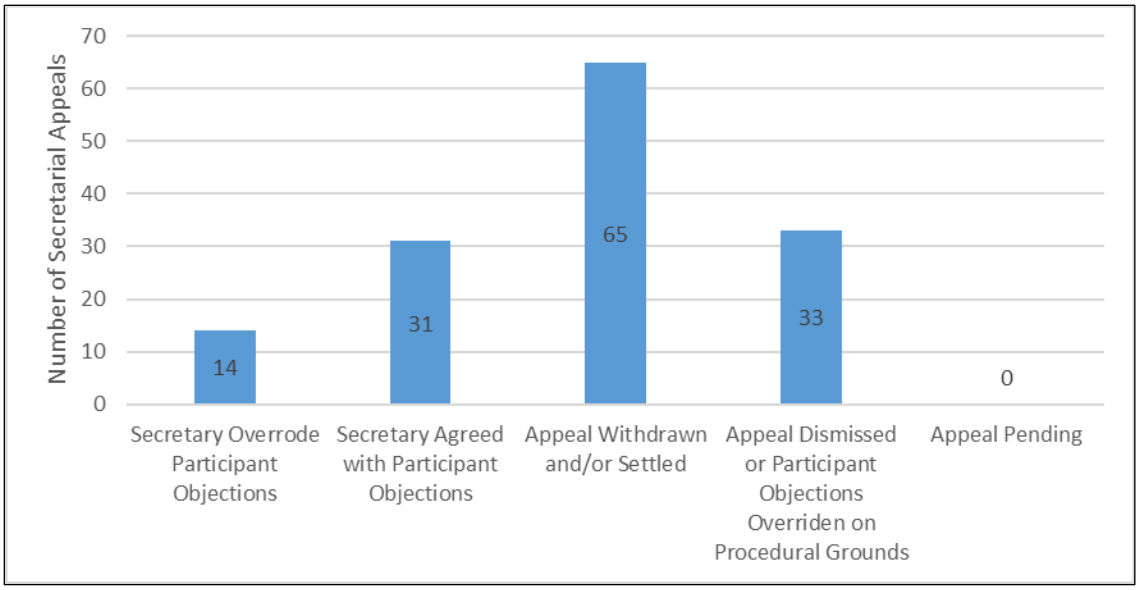
[38] Email from NOAA's Office of Legislative and Intergovernmental Affairs, October 25, 2018.

[39] NOAA, Office for Coastal Management, *Appeals to the Secretary of Commerce Under the Coastal Zone Management Act (CZMA) –April 26, 2018,* at https://coast.noaa.gov/czm/consistency/media/appealslist.pdf.

[40] In addition to the decisions noted in the text, the Secretary of Commerce has delegated questions of threshold (i.e., whether the appeal meets the form and timeliness requirements set in regulation) to the NOAA general counsel and substantive appeal decisions to the Under Secretary for Oceans and Atmosphere. NOAA, Office for Coastal Management, *Appeals to the Secretary of Commerce Under the Coastal Zone Management Act (CZMA) –April 26, 2018,* at https://coast.noaa.gov/czm/consistency/media/appealslist.pdf.

[41] NOAA, Office for Coastal Management, *Appeals to the Secretary of Commerce Under the Coastal Zone Management Act (CZMA) –April 26, 2018,* at https://coast.noaa.gov/czm/consistency/media/appealslist.pdf.

Figure 2. CZMA Consistency Determination Objection Appeals to the Secretary of Commerce, 1972-April 2018



Source: NOAA, Office for Coastal Management, *Appeals to the Secretary of Commerce Under the Coastal Zone Management Act (CZMA) –April 26, 2018*, at https://coast.noaa.gov/czm/consistency/media/appealslist.pdf.

Issues for Congress

Congress may continue to consider the effects of natural and man-made changes on the coast, the effectiveness of CZMA implementation, and the expired CZMA grant program authorizations of appropriations. These concerns have been considered in previous Congresses and/or have been recently raised by government agencies and various coastal stakeholders.

Changes Along the Coast

Congress may continue to examine CZMA in light of continued population and infrastructure growth along the coast, as well as coastal hazards such as flooding and erosion. According to the 2010 census, coastal shoreline counties were home to over 123 million people (39% of the U.S. population), and were expected to grow by another 10 million people by 2020.[42] The ocean and Great Lakes economy accounted for 2.3% of total employment and contributed $320 billion to the total U.S. gross domestic product in 2015.[43] Much of the population and infrastructure growth has occurred in shoreline communities amid ecosystems such as beaches, reefs, sea grasses, wetlands, estuaries, and deltas. The combination of built and natural systems has been and likely will continue to be affected by changes in sea level (and its impacts, such as higher tides, greater

[42] NOAA, *NOAA's State of the Coast, National Coastal Population Report: Population Trends from 1970 to 2020*, 2013, at https://aamboceanservice.blob.core.windows.net/oceanservice-prod/facts/coastal-population-report.pdf.

[43] NOAA has classified industries such as marine construction, living resources, offshore mineral extraction, ship and boat building, tourism and recreation, and marine transportation as the ocean and Great Lakes economy. NOAA, Office for Coastal Management, *NOAA Report on the U.S. Ocean and Great Lakes Economy*, 2018, at https://coast.noaa.gov/data/digitalcoast/pdf/econ-report.pdf.

storm surge, saltwater intrusion, erosion, etc.), local rainfall, increasing water and air temperatures, and ocean acidification, among other factors.

Several bills to amend CZMA would have addressed some of these changes. In the 115th Congress, Members proposed bills focused on climate change preparedness or adaptation (e.g., H.R. 3533 and H.R. 4426) and "working waterfronts" (e.g., H.R. 1176).[44] Other proposals would have expanded CZMA grant programs to locations (the District of Columbia, e.g., S. 3146 and H.R. 2540) and groups (Indian tribes, e.g., H.R. 2607) currently not eligible to apply to the grant programs. [45] In previous Congresses, other bills proposed additional grant programs related to offshore activities, such as renewable energy siting surveys (e.g., H.R. 1690, 111th Congress), responses to oil spills and other disasters related to outer continental shelf energy activity (e.g., H.R. 3757, 112th Congress), aquaculture siting (e.g., H.R. 2046, 104th Congress), harmful algal blooms (e.g., H.R. 4235, 105th Congress), and Great Lakes restoration (e.g., S. 2337, 108th Congress). Some scholars have argued for substantial revision or improvements to CZMA to account for changes along the coast.[46]

Effectiveness of CZMA Implementation

Congress may examine how NOAA has implemented CZMA and whether changes to the agency, the law, or the law's implementation are necessary. The effectiveness of CZMA implementation, specifically the NCZMP, has been evaluated since the law's enactment by a variety of entities, including the Department of Commerce inspector general, the Office of Management and Budget, the Government Accountability Office (GAO), and scholars. Evaluations have noted a range of issues, from monitoring and measuring the success of the program as a whole to issues concerning specific grant programs.

GAO reported several issues with NOAA's implementation of CZMA and program evaluation in a 2014 report, including limitations to the coastal zone management performance measurement system, weaknesses in NOAA's method for selecting stakeholders for state program evaluations, and the agency's limited use of collected performance data.[47] NOAA agreed with the recommendations. It is unclear whether NOAA has completed changes to address GAO's recommendations fully. In a separate 2016 study, GAO surveyed state coastal zone managers about the actions NOAA was taking under CZMA to support state efforts to make marine coastal ecosystems more resilient to climate change. GAO found that state coastal zone managers "generally had positive views of the actions NOAA [was] taking."[48]

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[44] According to H.R. 1176, proposed in the 115th Congress, "*working waterfront*" is defined as "real property (including support structures over water and other facilities) that provides access to coastal waters to persons engaged in commercial fishing, recreational fishing businesses, boatbuilding, aquaculture, or other water-dependent, coastal-related business and is used for, or that supports, commercial fishing, recreational fishing businesses, boat-building, aquaculture, or other water-dependent, coastal-related business." H.R. 1176 would have established a Working Waterfront Task Force and grant programs to preserve and protect coastal access for water-dependent commercial activities.

[45] The District of Columbia is not considered an eligible state or territory under the current CZMA.

[46] Alisha Summers et al., "Failure to Protect Beaches Under Slowly Rising Sea Level," *Climatic Change*, vol. 151 (2018), pp. 427-443, and Lindsay Garten, "The Coastal Zone Management Act: A Mixed Success," *Consilience: The Journal of Sustainable Development*, vol. 16, no. 1 (2016), pp. 1-13.

[47] U.S. Government Accountability Office (GAO), *Coastal Zone Management: Opportunities Exist for NOAA to Enhance Its Use of Performance Information*, GAO-14-592, July 16, 2014, pp. 22-24.

[48] GAO, *Climate Change: Information on NOAA's Support for States' Marine Coastal Ecosystem Resilience Efforts,*

Some have argued that the implementation of some CZMA programs has been inadequate. For example, some have questioned whether Section 6217 provisions have been properly implemented. Section 6217 of the Coastal Zone Reauthorization Amendments Act (P.L. 101-508) amended CZMA to establish the Coastal Nonpoint Pollution Control Program (CNPCP). The CNPCP requires coastal states with approved CMPs to reduce polluted runoff to coastal waters through coastal nonpoint pollution control programs that include specific land-based measures. NOAA and the Environmental Protection Agency (EPA) jointly administer the CNPCP. Under Section 6217(c)(3), participants that fail to submit "approvable programs" lose a portion of their allotted funding under CZMA Section 306. Most participants received conditional approval between 1997 and 1998, and the majority have since received final approval. Several states have yet to receive final approval, including Alabama, Hawaii, Illinois, Indiana, Louisiana, Michigan, Mississippi, Ohio, Oregon, Texas, and Washington.[49] In 2009 and 2016, a private organization sued NOAA and EPA for continuing to grant funds to Oregon and Washington, respectively.[50] According to NOAA, the agency and EPA currently are working with the conditionally approved states to address the programs' remaining conditions.[51]

Authorization of Appropriations for CZMA Grant Programs

Although Congress has continued to appropriate funding for CZMA grant programs, the program's authorizations of appropriations have expired. Current CZMA coastal zone management grant programs were last authorized for appropriations in the following years:[52]

- Section 306 (Administrative Grants): FY1999;[53]
- Section 306A (Coastal Resource Improvement Grants): FY1999;
- Section 307A (Coastal and Estuarine Land Conservation Program): FY2013;[54]
- Section 309 (Coastal Zone Enhancement Grants): FY1999; and
- Section 6217 (Coastal Nonpoint Pollution Control Program): FY1995.[55]

Since 1995, two pieces of legislation have been enacted to reauthorize appropriations for a CZMA grant program (P.L. 104-150 in 1996, which reauthorized appropriations for Sections 306, 306A, and 309 grant programs, and P.L. 111-11 in 2009, which established and authorized appropriations for the Section 307A grant program). Introduced pieces of legislation have proposed to reauthorize and increase appropriations for Sections 306, 306A, and 309 grant programs (e.g., S. 1142 in the 104th Congress and S. 3038 in the 114th Congress) or add additional

GAO-16-834, September 28, 2016, p. 14.

[49] NOAA, "Coastal Nonpoint Pollution Control Program," at https://coast.noaa.gov/czm/pollutioncontrol/.

[50] "Judge OKs lawsuit seeking better protection of Puget Sound," *Peninsula Daily News*, September 21, 2017, at http://www.peninsuladailynews.com/news/judge-oks-lawsuit-seeking-better-protection-of-puget-sound/; Northwest Environmental Advocates, "Oregon Coast" at https://www.northwestenvironmentaladvocates.org/newblog/project/oregon-coast/; and Northwest Environmental Advocates, "Washington Fails Controlling Polluted Nonpoint Runoff," at https://www.northwestenvironmentaladvocates.org/newblog/places/washington/washington-polluted-nonpoint-runoff/.

[51] Email from NOAA's Office of Legislative and Intergovernmental Affairs, December 12, 2018.

[52] Authorized amounts for CZMA grant appropriations generally decreased in the 1980 (P.L. 96-464) and 1985 (P.L. 99-272) amendments and increased in the subsequent amendments. Section 310 does not have an authorization of appropriation.

[53] P.L. 104-150 authorized appropriations of $50.5 million for Sections 306, 306A, and 309 grants in FY1999.

[54] P.L. 111-11 authorized appropriations of $60 million for Section 307A grants in FY2013.

[55] P.L. 101-508 authorized appropriations of $12 million for Section 6217 grants in FY1995.

authorizations for new grant programs (e.g., H.R. 3533 in the 115th Congress and H.R. 1690 in the 111th Congress).

Congress appropriated $75 million to the NCZMP for "coastal zone management grants" in FY2018, despite the expired authorizations of appropriations.[56] In FY2019, as in FY2018, NOAA has proposed to eliminate all coastal management grants. According to the FY2019 budget proposal, NOAA would "continue to support states' participation in the National CZM program by reviewing and supporting implementation of states' management plans, supporting Federal consistency reviews, and providing technical assistance services."[57]

Some stakeholders have contended that financial assistance to states from the NCZMP is important and more funding is necessary. For example, in a 2016 GAO survey, state coastal zone managers stated that "financial assistance provided by NOAA [was] critical" and that "the amount of financial assistance available [was] insufficient to address states' needs in implementing projects."[58] NOAA officials also have stated that financial assistance for coastal zone management is in high demand. For example, the NOAA Regional Coastal Resilience grant program, administered under Section 310, received 132 applications requesting $105 million in FY2015; $4.5 million was available for grants.[59] Others argue that funding should not be appropriated to the grant programs, as noted above, making the authorizations for appropriations no longer necessary.

[56] The term used to refer to grant programs under CZMA within NOAA budget proposals and congressional documents has changed over time, ranging from *coastal management grants* generally to identifying specific grant programs. According to NOAA, *coastal zone management grants* include all of the current CZMA grant programs with the exception of the Section 307A grant program, which is requested under a separate budget line. If funds were appropriated under this separate budget line, the Section 307A grant program would be managed through the NCZMP. Email from NOAA's Office of Legislative and Intergovernmental Affairs, December 12, 2018. For a more in-depth explanation of the authorization and appropriations processes, see CRS Report RS20371, *Overview of the Authorization-Appropriations Process*, by Bill Heniff Jr.

[57] NOAA, *Budget Estimates Fiscal Year 2019*, p. 155, at https://www.corporateservices.noaa.gov/nbo/fy19_bluebook/FY19-NOAA-CJ.pdf.

[58] GAO, *Climate Change: Information on NOAA's Support for States' Marine Coastal Ecosystem Resilience Efforts,* GAO-16-834, September 28, 2016, p. 16.

[59] GAO, *Climate Change: Information on NOAA's Support for States' Marine Coastal Ecosystem Resilience Efforts,* GAO-16-834, September 28, 2016, p. 16. Congress appropriated funds to the Regional Coastal Resilience grant program from FY2015 to FY2017.

Appendix A. Coastal Zone Management Act of 1972 (CZMA) and Its Amendments

Table A-1. Chronology: CZMA and Amendments

1972	**Coastal Zone Management Act of 1972 (P.L. 92-583)**. The act set out congressional findings and definitions related to the coastal zone; established several grant programs for the development and administration of a state coastal management program; required coordination across federal agencies, public hearings, performance reviews, record-keeping, and annual reports; established an advisory committee and estuarine sanctuaries; instructed the Secretary of Commerce to develop and promulgate rules and regulations to carry out the provisions, and authorized appropriations.
1975	**A bill to amend the Coastal Zone Management Act of 1972, to provide more flexibility in the allocation of administrative grants to coastal states, and for other purposes (P.L. 93-612)**. Amendments set limits on upper and lower size of grants to participants and increased some authorization of appropriation levels.
1976	**An Act to improve coastal zone management in the United States, and for other purposes (P.L. 94-370).** Amendments restated and altered large portions of CZMA; added several energy development specific provisions, including the Coastal Energy Impact Program (Section 308); created an Interstate Grants Program (Section 309); and reauthorized appropriations for most programs through FY1980.
1978	**Outer Continental Shelf Lands Act Amendments (P.L. 95-372).** Amendments in Title V of the act altered many of the energy provisions added in 1976, especially the Coastal Energy Impact Program (Section 308).
1980	**Coastal Zone Management Improvement Act of 1980 (P.L. 96-464)**. Amendments restated much of the existing law; added a new administrative grant category under Section 306A; amended sections authorizing the Coastal Energy Impact Program (Section 308), the Interstate Grants program (Section 309), the biennial report to Congress, reviews of performance, and penalties for nonperformance; and added a structure by which Congress could disallow a proposed rule (which was subsequently repealed). Authorized appropriations through FY1985.
1986	**Consolidated Omnibus Budget Reconciliation Act of 1985 (P.L. 99-272)**. Amendments in Section 6044 of the act replaced the Estuarine Sanctuary Program with the Estuarine Research Reserve System (Section 315) and added detail without changing the basic elements of the program.
1986	**Recreational Boating Safety Act of 1986 (P.L. 99-626)**. Amendments in Section 7 of the act required participants to return any unobligated funds, which the Secretary is to reobligate to other participants through the same grant.
1990	**Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508).** Amendments in subtitle C of Title VI of the act, known as the Coastal Zone Act Reauthorization Amendments of 1990, reauthorized CZMA through FY1995. P.L. 101-508 made changes to the findings sections, the management grants program, and the consistency provisions. It replaced the Coastal Energy Impact Program with the Coastal Zone Management Fund (Section 308) and Interstate Grants with Enhancement Grants (Section 309), amended provisions regarding estuarine research reserves, and established the Walter Jones awards. It also established the National Coastal Nonpoint Pollution Control Program (Section 6217).
1992	**Oceans Act of 1992 (P.L. 102-587)**. Amendments in Section 2205 of the act added fee information to the consistency determination appeals process and made technical changes.
1996	**Coastal Zone Protection Act of 1996 (P.L. 104-150)**. Amendments eliminated grants to assist states in preparing plans (Section 305), authorized appropriations through FY1999, changed funding-related details for several programs, and set deadlines for secretarial actions related to consistency determination appeals.
2005	**Energy Policy Act of 2005 (P.L. 109-58)**. Amendments in Subtitle G of the act amended the consistency determination appeals process.
2009	**Omnibus Public Land Management Act of 2009 (P.L. 111-11).** Amendments in Subtitle E of the act established the Coastal and Estuarine Land Conservation Program.

Appendix B. Section-by-Section Summaries

Table B-1. Coastal Zone Management Act of 1972, as Amended

Section	Section Summary
302 (16 U.S.C. §1451)	Lists 13 congressional findings about the national interest in the condition and changing circumstances of the coastal zone.
303 (16 U.S.C. §1452)	States the declaration of national policy and identifies the purposes of the act as "to preserve, protect, develop, and where ever possible, to restore or enhance" resources of the coastal zone; to assist states in implementing management plans for at least 12 listed purposes; to encourage special area management plans to improve predictable decisionmaking; to encourage intergovernmental cooperation; to encourage intergovernmental sharing of information; and to respond to changing circumstances affecting coastal environments.
304 (16 U.S.C. §1453)	Lists 18 definitions, including *coastal zone*, *coastal resources of national significance*, and *special area management plan*.
305 (16 U.S.C. §1454)	Authorizes participants to submit their management programs to the Secretary of Commerce for approval.
306 (16 U.S.C. §1455)	Authorizes grants to participants to administer approved programs. Specifies nine required program elements for plans and procedures for modifying or amending programs.
306A (16 U.S.C. §1455a)	Establishes the Coastal Resources Improvement Program, which provides grants to participants to preserve or restore resources that meet certain qualifications, to redevelop urban waterfronts, to provide access to coastal areas, and to provide a process to develop aquaculture facilities.
307 (16 U.S.C. §1456)	Authorizes the federal consistency provisions, which require that each participant be given the opportunity to certify that all federal actions in or affecting its defined coastal zone be consistent with its federally approved coastal management program. Also includes provisions for coordination and cooperation.
307A (16 U.S.C. §1456-1 and 16 U.S.C. §1456d)	Establishes the Coastal and Estuarine Land Conservation Program to protect coastal and estuarine areas that have conservation, recreation, ecological, historical, or aesthetic value. Authorizes the Secretary of Commerce to provide grants to participants to acquire property or interests in property.
308 (16 U.S.C. §1456a)	Describes the Coastal Zone Management Fund, which permitted the Secretary of Commerce to make loans to address regional issues, conduct demonstration projects, respond to emergencies and disasters, recognize excellence (see Section 314), and apply the public trust doctrine. The fund currently is not operational. It is unclear whether the current language would allow the Secretary of Commerce to make new loans or receive new repayments.
309 (16 U.S.C. §1456b)	Establishes the Coastal Zone Enhancement Grants program for nine specified purposes, including protecting and enhancing wetlands, addressing hazards, improving coastal access, reducing marine debris, developing procedures to address the secondary effects of coastal development, working with special area management plans, planning for ocean resources, and facilitating energy-related activities and aquaculture facilities.
310 (16 U.S.C. §1456c)	Authorizes the Secretary of Commerce to provide technical assistance and research results to participants to support their coastal management efforts.
311 (16 U.S.C. §1457)	Requires at least 30 days' notice for public hearings.

Section	Section Summary
312 (16 U.S.C. §1458)	Requires NOAA to periodically review and evaluate participants' performance in implementing their programs and permits the withholding or withdrawal of financial assistance if a participant is "failing to adhere" to its program.
313 (16 U.S.C. §1459)	Specifies the maintenance of records by participants and grants federal access to those records.
314 (16 U.S.C. §1460)	Establishes the annual Walter B. Jones Excellence in Coastal Zone Management Awards.
315 (16 U.S.C. §1461)	Authorizes the National Estuarine Research Reserve System. Establishes that participants may nominate sites to be protected by participants and used as research and education centers. Authorizes the Secretary of Commerce to make grants to acquire property, to operate and manage a reserve and facilities, and to conduct educational or interpretive activities.
316 (16 U.S.C. §1462)	Requires the Secretary of Commerce to prepare a biennial report for Congress. Reports are: to contain 12 specified elements that generally encompass the activities of the federal office in implementing the program, to lay out the status and accomplishments of participants' programs, and to make any recommendations for additional legislation.
317 (16 U.S.C. §1463)	Requires the Secretary to prepare and issue rules and regulations.
318 (16 U.S.C. §1464)	Authorizes appropriations through FY1999 for Sections 306 (§1455), 306A (§1455a), 309 (§1456b), and 315 (§1461).
319 (16 U.S.C. §1465)	Describes the appeals process and schedule for consistency determinations made under Section 307.

Source: Congressional Research Service (CRS).

Table B-2. Coastal Zone Act Reauthorization Amendments of 1990

Section	Section Summary
6217 (16 U.S.C. §1455b)	Enacted as part of the Omnibus Reconciliation Act of 1990 (P.L. 101-508, Title VI, Section 6217). Establishes the National Coastal Nonpoint Pollution Control Program. Requires participants to develop coastal nonpoint pollution control programs as part of their coastal management efforts; identifies program contents, the approval process, what portion of federal coastal zone and water pollution assistance could be lost for noncompliance; and authorizes appropriations.

Source: CRS.

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