

Calendar No. 724

114TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 114-399

THE COASTAL COORDINATION ACT OF 2016

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 3038



DECEMBER 9, 2016.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

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DECEMBER 9, 2016.—Ordered to be printed

Mr. THUNE, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 3038]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 3038) to reauthorize the Coastal Zone Management Act of 1972, and for other purposes, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

PURPOSE OF THE BILL

The purpose of S. 3038 is to reauthorize the Coastal Zone Management Act (CZMA) of 1972 (16 U.S.C. 1451 et seq.). The bill also would: outline new objectives for coastal states to address when applying for grants; encourage interstate and regional coordination of contiguous areas, shared resources, and interstate waters; allow for the expansion of several National Estuarine Research Reserves; and authorize the Secretary of Commerce (Secretary) to award grants to eligible entities to develop strategies and implement action plans to protect and restore the Gulf of Mexico ecosystem.

BACKGROUND AND NEEDS

Coastal communities are home to almost 165 million people, support 70 million jobs, and contribute almost \$9.5 trillion to the U.S. economy, accounting for 57 percent of the Nation's economic output as of 2013.¹ Congress recognized the importance of growth in the Nation's coastal zones by passing the CZMA in 1972. It was last

¹“NOAA's National Coastal Zone Management Program.” National Oceanic and Atmospheric Administration, accessed March 30, 2016, at <https://coast.noaa.gov/czm>.

amended in the Energy Policy Act of 2005.² The Office for Coastal Management, administered by the National Oceanic and Atmospheric Administration (NOAA), provides for the management of the Nation's coastal resources, including the Great Lakes. The Office oversees three national programs: the National Coastal Zone Management Program (including the Coastal Zone Enhancement Program and the Coastal Nonpoint Pollution Control Program) (Program); the National Estuarine Research Reserve System (NERRS); and the Coastal and Estuarine Land Conservation Program (CELCP).

The Program is a voluntary partnership between the Federal Government and coastal and Great Lakes States and territories. Currently, 34 of the 35 eligible States and territories participate in the Program.

Alaska participated in the Program from 1979 until 2011 when the State legislature did not extend its participation in the Program, which by Alaska State law required a periodic review by State lawmakers.³ When it was first established in 1978, Alaska's participation in the Program was unusual compared to other States' participation in the Program in that it was decentralized, allowing local coastal districts to adopt their own plans.⁴ Other States took a more centralized approach with the State government managing coastal management. The decentralized nature of Alaska's original program made its administration cumbersome.⁵ In 2003, Governor Frank Murkowski led the effort to centralize control within the Alaska State Department of Natural Resources rather than with the local communities.⁶ Oil and gas extraction groups supported the efficiency of the reforms, while local governments opposed the diminution of their prior influence over coastal zone management.⁷

In 2010, Alaska State legislators representing the rural areas of the State attempted to undo Governor Murkowski's revisions and reinstate Alaska's participation in the Program as it was originally conceived.⁸ The State legislation stalled because of a disagreement about the appropriate level of control between Governor Murkowski and the local coastal districts over coastal management decisions.⁹ As a matter of Alaska State law, because the special session ended without the Alaska legislature extending participation in the Program, its coastal program sunset, and Alaska withdrew from the Program under the CZMA.

Alaska State law allows for its citizens to initiate legislation to be considered first by the State Legislature, and then, if not adopted, considered by a popular vote of its citizens.¹⁰ This process is re-

²P.L. 109-58.

³Alaska Coastal Management Program Withdrawal From the National Coastal Management Program Under the Coastal Zone Management Act, 76 Fed. Reg. 39857, July 7, 2001, at, <http://www.gpo.gov/fdsys/pkg/FR-2011-07-07/html/2011-16987.html>.

⁴Tim Bradner, "State's Coastal Zone Management Authority to Expire This Month," *Alaska Journal of Commerce*, June 3, 2011.

⁵Ibid.

⁶Ibid.

⁷Ibid.

⁸Tim Bradner, "Coastal management initiative fails by a heavy margin," *Alaska Journal of Commerce*, August 30, 2012.

⁹Tim Bradner, "State's Coastal Zone Management Authority to Expire This Month," *Alaska Journal of Commerce*, June 3, 2011.

¹⁰Gordon Harrison, "Alaska's Constitution: A Citizen's Guide," at <http://w3.legis.state.ak.us/docs/pdf/citizens—guide.pdf>.

ferred to as the indirect initiative. On January 17, 2012, supporters turned in 33,500 signatures to the Alaska Division of Elections office to propose an initiative to reestablish States' coastal management program. The measure was not enacted by the State legislature during the 2012 session. It was presented to the voters on an August 2012 ballot, where the initiative failed to gain a majority of votes.¹¹

The Program aims to balance competing land and water issues through State and territorial coastal management programs. A wide range of issues are addressed through the Program, including coastal development, water quality, public access, habitat protection, energy facility siting, ocean governance and planning, and coastal hazards. The Federal consistency component of the Program seeks to ensure that Federal actions with reasonably foreseeable effects on coastal uses and resources are consistent with the enforceable policies of a State's approved coastal management program. This also applies to federally authorized and funded non-Federal actions.

The Coastal Zone Enhancement Program provides incentives to States to enhance their State coastal management programs within nine key areas: wetlands; coastal hazards; public access; marine debris; cumulative and secondary impacts; special area management planning; ocean and Great Lakes resources; energy and government facility siting; and aquaculture.

Lastly, the Coastal Nonpoint Pollution Control Program ensures that participating States have the necessary tools to prevent and control polluted runoff. Between 2011 and 2014, the Program protected over 18,750 acres of coastal habitat and restored over 12,000 acres of degraded coastal habitat.¹² Prior to amendments to the CZMA in 1990, the CZMA included a section to provide an interstate grant program and facilitate interstate agreements. With coastal development, there is now an increased need for interstate and regional coordination to effectively manage coastal uses and resources. S. 3038 would amend several sections of the CZMA to encourage coordinated management of shared resources.

NERRS is a network of 28 coastal sites designated to protect and study estuarine systems.¹³ Established through the CZMA, the reserves represent a partnership program between NOAA and the coastal States. NOAA provides funding and national guidance, while each site is managed daily by a lead State agency or university with input from local partners. The research reserves cover 1.3 million acres of estuaries and are focused on stewardship, research, training, and education.¹⁴ Topics covered include nonpoint source pollution, resilient communities, habitat restoration, and invasive species. Overall, the reserve systems serve as field laboratories that provide a greater understanding of estuaries and how humans impact them.

¹¹Tim Bradner, "Coastal management initiative fails by a heavy margin," *Alaska Journal of Commerce*, August 30, 2012.

¹²"NOAA's National Coastal Zone Management Program," National Oceanic and Atmospheric Administration, accessed March 30, 2016, at <https://coast.noaa.gov/czm>.

¹³"National Estuarine Research Reserve System," National Oceanic and Atmospheric Administration, accessed April 12, 2016, at <https://nerrs.noaa.gov/>.

¹⁴"NOAA's National Coastal Zone Management Program," National Oceanic and Atmospheric Administration, accessed March 30, 2016, at <https://coast.noaa.gov/czm>.

Directed by the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives, a 2016 Blue Ribbon Panel crafted a NERRS Recommendations Report highlighting current program status and needs of the system. Accordingly, NOAA is also working with its partners to develop a strategic plan to strengthen the system and guide future expansion. NOAA and the State of Hawaii will designate He'eia National Estuarine Research Reserve as the system's 29th reserve. S. 3038 contemplates the potential to expand and strengthen the system to account for changing conditions and novel research applications consistent with the Blue Ribbon panel and NOAA strategy.

The CELCP provides matching funds to State and local governments to purchase threatened coastal and estuarine lands or obtain conservation easements.¹⁵ To be considered, the land must be important ecologically or possess other coastal conservation values such as historic features, scenic views, or recreational opportunities. Each year, subject to available funding which was last appropriated at \$3 million in fiscal year (FY) 2012, NOAA runs a funding competition with two phases—a State and a national competition. NOAA initiates the competition by issuing a Federal funding opportunity notice that includes eligibility information, including who may apply, how many proposals each eligible coastal State or territory may submit, and how much funding may be requested for each project. To compete for funding, prospective projects must be in a State, trust territory, or commonwealth with a federally approved coastal zone management program or national estuarine research reserve. To date, this program has supported projects in 29 States.¹⁶

Between 2004 and 2012, seven Regional Ocean Partnerships were established among governors of States with shared regional marine resources. Established in 2004, the Gulf of Mexico Alliance (GOMA) was the first Regional Ocean Partnership, and focuses on issues that relate to the shared marine resource interests of Florida, Alabama, Mississippi, Louisiana, and Texas. Current GOMA priorities include coastal resilience, data and monitoring, education and engagement, habitat, water resources, wildlife, and fisheries. GOMA represents the kind of collaboration of resource management envisioned by the CZMA. S. 3038 would further encourage interstate and regional cooperation in managing coastal zone uses and resources.

SUMMARY OF PROVISIONS

If enacted, S. 3038 would do the following:

- Reauthorize CZMA through FY 2021.
- Outline new objectives for coastal States to address when applying for grants such as interstate water resource and management planning and oil spill response.
- Encourage interstate and regional coordination of contiguous areas, shared resources, and interstate waters.

¹⁵“Coastal and Estuarine Land Conservation Program,” National Oceanic and Atmospheric Administration, accessed April 12, 2016, at <https://coast.noaa.gov/czm/landconservation>.

¹⁶Ibid.

- Allow for the expansion of several National Estuarine Research Reserves such as the Guana-Tolomato Matanzas reserve, the Rookery Bay Reserve, and the Apalachicola Reserve.
- Authorize the Secretary of Commerce to award grants to eligible entities to develop strategies and implement action plans to protect and restore the Gulf of Mexico ecosystem.

LEGISLATIVE HISTORY

S. 3038 was introduced on June 9, 2016, by Senators Nelson and Wicker. The CZMA was last amended through the Energy Policy Act of 2005 (P.L. 109–58).

On June 15, 2016, the Committee met in open Executive Session and, by a voice vote, ordered S. 3038 reported favorably with an amendment (in the nature of a substitute).

Amendments were offered by Senators Booker and Schatz – both were accepted. The amendment offered by Senator Schatz would add any production, transportation, transfer, or storage of renewable energy to the list of energy facilities. Renewable energy would not be prioritized over pre-existing forms of energy facilities such as electric generating plants, petroleum plants, and oil and gas plants. The amendment as modified by Senator Booker would direct the Secretary of Commerce to promote the use of the NERRS systems for research by line offices of NOAA. It also would direct the Secretary of Commerce to consult with representatives of the Office of Oceanic and Atmospheric Research (OAR), the National Ocean Service (NOS), the National Marine Fisheries Service (NMFS), appropriate industries, Non Governmental Organizations, universities, and other Federal, State, and local partners to assess opportunities to better integrate research and habitat management. Lastly, it would require the Secretary of Commerce to include in the report required under this title a summary of the consultations between the representatives listed above.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 3038—Coastal Coordination Act of 2016

Summary: S. 3038 would reauthorize the Coastal Zone Management Act of 1972 (CZMA), which governs federal and state environmental management of coastal areas. The bill would authorize appropriations for grants to state and local governments and other coastal zone management programs administered by the National Oceanic and Atmospheric Administration (NOAA). The bill also would authorize NOAA, in consultation with Texas, Louisiana, Mississippi, Alabama, and Florida, to create programs for the conservation and restoration of the Gulf of Mexico ecosystem.

CBO estimates that implementing S. 3038 would cost \$423 million over the 2017–2021 period, assuming appropriation of the authorized amounts. Enacting S. 3038 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting S. 3038 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

S. 3038 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary effect of S. 3038 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2017	2018	2019	2020	2021	2017–2021
INCREASES IN SPENDING SUBJECT TO APPROPRIATION						
Coastal Zone Management Grants:						
Authorization Level	80	80	80	80	80	400
Estimated Outlays	24	44	60	72	80	280
National Estuarine Research Grants:						
Authorization Level	25	25	25	25	25	125
Estimated Outlays	20	24	25	25	25	119
Gulf of Mexico Coordination Programs:						
Authorization Level	5	5	5	5	5	25
Estimated Outlays	4	5	5	5	5	24
Total Costs:						
Authorization Level	110	110	110	110	110	550
Estimated Outlays	48	73	90	102	110	423

Basis of estimate: CBO assumes S. 3038 will be enacted near the start of 2017 and that the necessary amounts will be appropriated for each fiscal year. Estimated outlays are based on historical spending patterns for similar programs. In 2015, NOAA allocated about \$65 million to all Coastal Zone Management activities, including Coastal Zone Management grants and National Estuarine Research grants.

The bill would authorize the appropriation of \$80 million annually through 2021 for NOAA to award grants to manage, preserve, and restore coastal wetlands. CBO estimates that those grants would cost \$280 million over the 2017–2021 period with the remainder being spent after 2021.

S. 3038 also would authorize the appropriation of \$25 million annually through 2021 for NOAA to award grants to states and private entities to fund research on estuaries. CBO estimates that those grants would cost \$119 million over the 2017–2021 period.

Finally, S. 3038 would authorize the appropriation of \$5 million annually for NOAA to coordinate with Texas, Louisiana, Mississippi, Alabama, and Florida to develop and implement programs to restore and conserve the Gulf of Mexico ecosystem. Those programs would include methods to improve water quality, protect living resources, improve wildlife habitats, and otherwise strengthen the gulf's ecosystem. CBO estimates that implementing that program would cost \$24 million over the 2017–2021 period.

Pay-as-you-go considerations: None.

Increase in long-term direct spending and deficits: CBO estimates that enacting the legislation would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

Intergovernmental and private-sector impact: S. 3038 contains no intergovernmental or private-sector mandates as defined in UMRA and would benefit coastal states and local governments by authorizing federal grants and technical assistance for coastal management programs. Any costs incurred by those entities, including matching contributions, would result from participation in voluntary federal programs.

Estimate prepared by: Federal Costs: Robert Reese; Impact on State, Local, and Tribal Governments: Jon Sperl; Impact on the Private Sector: Amy Petz.

Estimate approved by: H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

S. 3038, as reported, does not create any new programs or impose any new regulatory requirements, and therefore would not subject any individuals or businesses to new regulations.

ECONOMIC IMPACT

The legislation is not expected to have a negative impact on the Nation's economy.

PRIVACY

The reported bill is not expected to impact the personal privacy of individuals.

PAPERWORK

S. 3038 would require the Secretary of Commerce to submit to Congress a report summarizing the administration of this title during each period of 5 consecutive FYs.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title; table of contents; references.

This section would provide the short title of the bill, "the Coastal Coordination Act of 2016." It also contains a table of contents for the bill, and references that amendments or repeals refer to the CZMA.

Title I – Coastal Zone Management Act of 1972 amendments

Section 101. Congressional findings.

This section would amend findings in section 302 of the CZMA (16 U.S.C. 1451) about the national interest in coastal zones to include coastal resilience. It also would include tourism and non-mineral energy development coastal uses. The findings would emphasize that local government and coordination are important to protecting State coastal interests.

Section 102. Definitions.

This section would amend several definitions in section 304 of the CZMA (16 U.S.C. 1453) such as “estuary” to reflect the current science. The definition of a “coastal resource of national significance” would be amended to include resources with research, geological, hydrological, ecological, water quality, and flood risk reduction value. It also would add a definition for the term “working waterfront” as the land, infrastructure, and waterways used for a water-dependent activity.

Section 103. Coastal resource improvement program.

This section would amend the Coastal Resource Improvement Program under section 306A of the CZMA (16 U.S.C. 1455a) to add objectives regarding the preservation or redevelopment of working waterfronts, and the development of a coordinated process to maximize the efficiency of processing permits related to activities in the coastal zone.

Section 104. Coordination and cooperation.

This section would add a subsection to section 307 of the CZMA (16 U.S.C. 1456) on interstate and regional coordination to the Federal consistency provisions. Before amendment in 1990, the law contained language to facilitate interstate agreements under a section for an interstate grant program that was stricken. To reestablish interstate coordination, the amendment made by this section would encourage States to prioritize coordinating coastal zone policies in a way that does not negatively impact another State’s coastal zone and establish an effective mechanism to resolve mutual interstate or regional problems that affect the coastal zone such as water quantity or quality across watersheds. To facilitate State coordination, the amendment made by this section would authorize interstate compacts for management of each State’s coastal zone and shared interstate resources. The amendment made by this section also would allow the Secretary of Commerce to provide non-binding mediation for a serious disagreement between two or more willing “coastal states.”

Section 105. Coastal zone enhancement grants.

This section would amend the coastal zone enhancement grants under section 309 of the CZMA (16 U.S.C. 1436) by adding specified purposes, including interstate water resource planning and impacts of oil spills or other accidents resulting from Outer Continental Shelf energy activities. The amendment would specify that section 309 grants are direct allocations per State based on the ex-

isting formula, minimums, and maximums, ensuring that the fiscal and technical needs of the coastal states are accounted for.

Section 106. National estuarine research reserve system.

This section would amend the NERRS under section 315 of the CZMA (16 U.S.C. 1461) by authorizing the Secretary to evaluate whether to expand the Guano-Tolomato Matanzas reserve, the Rookery Bay reserve, and the Apalachicola reserve. Additionally, the amendment made by this section would require the Secretary to provide recommendations to the NERRS system to address any deficiencies. It also would authorize the NERRS program to accept private or non-profit donations to carry out research, stewardship, and education at the reserves.

Section 107. Coastal zone management reports.

This section would amend section 316 of the CZMA (16 U.S.C. 1462) to require the Secretary to report to Congress on the program once every 5 years instead of on a biennial basis.

Section 108. Technical and conforming amendments.

This section would amend several sections of the CZMA to correct technical errors in that Act.

Section 109. Authorization of appropriations.

This section would amend section 318 of the CZMA (16 U.S.C. 1464) and authorize appropriations for the CZMA from FY 2017 to FY 2021 with \$80 million for the section 306, 306A, and 309 grant programs, and \$25 million for the section 315 NERRS.

Title II – Gulf of Mexico regional coordination

Section 201. Sense of Congress.

This section would list findings regarding protection and restoration efforts in the Gulf of Mexico at the Federal, State, and local levels. It would express the congressional desire for consistency and coordination among Gulf of Mexico restoration efforts.

Section 202. Purposes.

This section would list the major purposes of the title, including to expand and strengthen cooperative voluntary efforts to conserve and restore the Gulf of Mexico, and to coordinate Federal and State actions relating to the management of the Gulf of Mexico ecosystem.

Section 203. Gulf of Mexico regional coordination.

This section would authorize the Secretary of Commerce to award grants to eligible entities to develop strategies and implement action plans to protect and restore the Gulf of Mexico ecosystem, and authorize the formal collaboration of Federal, State, local, and private participants in the five Gulf States as partners on environmental issues affecting the Gulf of Mexico. This section would define the “Gulf of Mexico Alliance” as the nonregulatory, inclusive network of partners established in 2004 and “eligible entities” as a consortium of four or more States that have a shoreline on the Gulf of Mexico.

Section 204. Authorization of appropriations.

This section would authorize \$5,000,000 to carry out this title for FY 2017 through FY 2021.

*Title III – Coastal zone impacts**Section 301. Agency consultations regarding coastal zone impacts.*

This section would update the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) to reflect the authorities of current Federal agencies and laws. This section would add NOAA, the Department of Commerce, and “the head of any potentially impacted ‘coastal state’” to the list of entities to be consulted under that Act. It also would allow for an impacted “coastal state” to provide recommendations to mitigate impacts to fisheries, wildlife, and wildlife resources. The definition of “wildlife” and “wildlife resources” would include fisheries as defined in section 3 the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

COASTAL ZONE MANAGEMENT ACT OF 1972

[16 U.S.C. 1451 et seq.]

SEC. 302. CONGRESSIONAL FINDINGS.

[16 U.S.C. 1451]

The Congress finds that—

[(a)](1) There is a national interest [in the effective management, beneficial use, protection, and development of the coastal zone] *in the effective management, beneficial use, protection, development, and resilience of the coastal zone and coastal natural resources.*

[(b)](2) The coastal zone is rich in a variety of natural, commercial, recreational, ecological, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation.

[(c)](3) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for [industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources] *industry, commerce, development, tourism, recreation, extraction of mineral resources, energy development, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources,* have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion.

[(d)](4) The habitat areas of the coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations.

[(e)](5) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost.

[(f)](6) New and expanding demands for food, energy, minerals, defense needs, recreation, waste disposal, transportation, and industrial activities in the Great Lakes, territorial sea, exclusive economic zone, and Outer Continental Shelf are placing stress on these areas and are creating the need for resolution of serious conflicts among important and competing uses and values in coastal and ocean waters[;].

[(g)](7) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values.

[(h)](8) In light of competing demands and the urgent need to protect and to give high priority to natural systems in the coastal zone, present [state] *State* and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate.

[(i)](9) The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the [states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests] *States to exercise their full authority over the lands and waters in the coastal zone by assisting the States, in cooperation with Federal agencies and with the participation of and coordination with local governments and other vitally affected interests*, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

[(j)](10) The national objective of attaining a greater degree of energy self-sufficiency would be advanced by providing Federal financial assistance to meet [state] *State* and local needs resulting from new or expanded energy activity in or affecting the coastal zone.

[(k)](11) Land uses in the coastal zone, and the uses of adjacent lands which drain into the coastal zone, may significantly affect the quality of coastal waters and habitats, and efforts to control coastal water pollution from land use activities must be improved.

[(l)](12) Because global warming may result in a substantial sea level rise with serious adverse effects in the coastal zone, coastal states must anticipate and plan for such an occurrence.

[(m)](13) Because of their proximity to and reliance upon the ocean and its resources, the coastal states have substantial and significant interests in the protection, management, and development of the resources of the exclusive economic zone that can only be served [by the active participation of coastal states in all Federal programs affecting such resources] *by the active participation and coordination in all Federal programs and activities affecting such resources* and, wherever appropriate, by the development of [state ocean] *State ocean* resource plans as part of their Federally approved coastal zone management programs.

SEC. 303. CONGRESSIONAL DECLARATION OF POLICY.

[16 U.S.C. 1452]

The Congress finds and declares that it is the national policy—

(1) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations;

(2) to encourage and assist the [states] *States* to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and esthetic values as well as the needs for compatible economic development, which programs should at least provide for—

(A) the protection of natural resources, including wetlands, floodplains, estuaries, beaches, dunes, barrier islands, coral reefs, and fish and wildlife and their habitat, within the coastal zone,

(B) the management of coastal development to minimize the loss of life and property caused by improper development in flood-prone, storm surge, geological hazard, and erosion-prone areas and in areas likely to be affected by or vulnerable to sea level rise, land subsidence, and saltwater intrusion, and by the destruction of natural protective features such as beaches, dunes, wetlands, and barrier islands[.],

(C) the management of coastal development to improve, safeguard, and restore the quality of coastal waters, and to protect natural resources and existing uses of those waters,

(D) priority consideration being given to coastal-dependent uses and orderly processes for siting major facilities related to national defense, energy, fisheries development, recreation, ports and transportation, and the location, to the maximum extent practicable, of new commercial and industrial developments in or adjacent to areas where such development already exists,

(E) public access to the coasts for recreation purposes,

(F) assistance in the redevelopment of deteriorating urban waterfronts and ports, and sensitive preservation and restoration of historic, cultural, and esthetic coastal features,

(G) the coordination and simplification of procedures in order to ensure expedited governmental decisionmaking for the management of coastal resources,

(H) continued consultation and coordination with, and the giving of adequate consideration to the views of, affected Federal agencies,

(I) the giving of timely and effective notification of, and opportunities for public and local government participation in, coastal management decisionmaking,

(J) assistance to support comprehensive planning, conservation, and management for living marine resources, including planning for the siting of pollution control and aquaculture facilities within the coastal zone, and im-

proved coordination between State and Federal coastal zone management agencies and State and wildlife agencies, and

(K) the study and development, in any case in which the Secretary considers it to be appropriate, of plans for addressing the adverse effects upon the coastal zone of land subsidence and of sea level rise; and

(3) to encourage the preparation of special area management plans which provide for increased specificity in protecting significant natural resources, reasonable coastal-dependent economic growth, improved protection of life and property in hazardous areas, including those areas likely to be affected by land subsidence, sea level rise, or fluctuating water levels of the Great Lakes, and improved predictability in governmental decisionmaking;

(4) to encourage the participation and cooperation of the public, [state] *State* and local governments, and interstate and other regional agencies, as well as of the Federal agencies having programs affecting the coastal zone, in carrying out the purposes of this title;

(5) to encourage coordination and cooperation with and among the appropriate Federal, State, and local agencies, and international organizations where appropriate, in collection, analysis, synthesis, and dissemination of coastal management information, research results, and technical assistance, to support State and Federal regulation of land use practices affecting the coastal and ocean resources of the United States; and

(6) to respond to changing circumstances affecting the coastal environment and coastal resource management by encouraging States to consider such issues as ocean uses potentially affecting the coastal zone.

SEC. 304. DEFINITIONS.

[16 U.S.C. 1453]

For the purposes of this title—

(1) The term “coastal zone” means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes islands, transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of State title and ownership under the Submerged Lands Act (43 U.S.C. 1301 et seq.), the Act of March 2, 1917 (48 U.S.C. 749), the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, as approved by the Act of March 24, 1976 (48 U.S.C. 1681 note), or section 1 of the Act of November 20, 1963 (48 U.S.C. 1705), as applicable. The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters, and to control those geographical areas which are likely to be affected by or vulnerable to sea level rise. Excluded from the coastal zone are lands the use of which is by law subject solely

to the discretion of or which is held in trust by the Federal Government, its officers or agents.

(2) The term “coastal resource of national significance” means any coastal wetland, beach, dune, barrier island, reef, estuary, or fish and wildlife habitat, [if any such area is determined by a coastal state to be of substantial biological or natural storm protective value] *if any such area is determined by a coastal state, alone or in combination with other such areas, to be of substantial biological, research, geological, hydrological, natural, ecological, storm protective, water quality, or flood risk protective value.*

(3) The term “coastal waters” means (A) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (B) in other areas, those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of sea water, including, but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.

(4) The term “coastal state” means a state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. For the purposes of this title, the term also includes Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands, and American Samoa.

(5) The term “coastal energy activity” means any of the following activities if, and to the extent that (A) the conduct, support, or facilitation of such activity requires and involves the siting, construction, expansion, or operation of any equipment or facility; and (B) any technical requirement exists which, in the determination of the Secretary, necessitates that the siting, construction, expansion, or operation of such equipment or facility be carried out in, or in close proximity to, the coastal zone of [any coastal state] *any State*;

(i) Any outer Continental Shelf energy activity.

(ii) Any transportation, conversion, treatment, transfer, or storage of liquefied natural gas.

(iii) Any transportation, transfer, or storage of oil, natural gas, or coal (including, but not limited to, by means of any deepwater port, as defined in section 3(10) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(10)).

(iv) *Any production, transportation, transfer, or storage of renewable energy.*

For purposes of this paragraph, the siting, construction, expansion, or operation of any equipment or facility shall be “in close proximity to” the coastal zone of [any coastal state] *any State* if such siting, construction, expansion, or operation has, or is likely to have, a significant effect on such coastal zone.

[(6) The term “energy facilities” means any equipment or facility which is or will be used primarily—

[(A) in the exploration for, or the development, production, conversion, storage, transfer, processing, or transportation of, any energy resource; or

[(B) for the manufacture, production, or assembly of equipment, machinery, products, or devices which are involved in any activity described in subparagraph (A).

【The term includes, but is not limited to (i) electric generating plants; (ii) petroleum refineries and associated facilities; (iii) gasification plants; (iv) facilities used for the transportation, conversion, treatment, transfer, or storage of liquefied natural gas; (v) uranium enrichment or nuclear fuel processing facilities; (vi) oil and gas facilities, including platforms, assembly plants, storage depots, tank farms, crew and supply bases, and refining complexes; (vii) facilities including deepwater ports, for the transfer of petroleum; (viii) pipelines and transmission facilities; and (ix) terminals which are associated with any of the foregoing.】

(6) *The term “energy facilities”—*

(A) *means any equipment or facility which is or will be used primarily—*

(i) *in the exploration for, or the development, production, conversion, storage, transfer, processing, or transportation of, any energy or renewable energy resource;*
or

(ii) *for the manufacture, production, or assembly of equipment, machinery, products, or devices which are involved in any activity described in clause (i); and*

(B) *includes—*

(i) *electric generating plants;*

(ii) *petroleum refineries and associated facilities;*

(iii) *gasification plants;*

(iv) *facilities used for the transportation, conversion, treatment, transfer, or storage of liquefied natural gas;*

(v) *uranium enrichment or nuclear fuel processing facilities;*

(vi) *oil and gas facilities, including platforms, assembly plants, storage depots, tank farms, crew and supply bases, and refining complexes;*

(vii) *facilities including deepwater ports, for the transfer of petroleum;*

(viii) *facilities for the production, transportation, transfer, or storage of renewable energy;*

(ix) *pipelines and transmission facilities; and*

(x) *terminals which are associated with any of the foregoing.*

[(6a)](7) 【The】*The term “enforceable policy” means 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] land uses and water uses and natural resources in the coastal zone.*

[(7)](8) *The term “estuary” means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived [from land drainage] from land drainage, or where there is tidal influence without regard to salinity. The term includes estuary-type areas of the Great Lakes.*

[(8)](9) The term “estuarine sanctuary” means a research area which may include any part or all of an estuary and any island, transitional area, and upland in, adjoining, or adjacent to such estuary, and which constitutes to the extent feasible a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

[(9)](10) The term “Fund” means the Coastal Zone Management Fund established under section 308(b).

[(10)](11) The term “land use” means activities which are conducted in, or on the shorelands within, the coastal zone, subject to the requirements outlined in section 307(g).

[(11)](12) The term “local government” means any political subdivision of, or any special entity created by, any coastal state which (in whole or part) is located in, or has authority over, such [state’s] *State’s* coastal zone and which (A) has authority to levy taxes, or to establish and collect user fees, or (B) provides any public facility or public service which is financed in whole or part by taxes or user fees. The term includes, but is not limited to, any school district, fire district, transportation authority, and any other special purpose district or authority.

[(12)](13) The term “management program” includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the [state] *State* in accordance with the provisions of this title, setting forth objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone.

[(13)](14) The term “outer Continental Shelf energy activity” means any exploration for, or any development or production of, oil or natural gas from the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a))), or the siting, construction, expansion, or operation of any new or expanded energy facilities directly required by such exploration, development, or production.

[(14)](15) The term “person” means any individual; any corporation, partnership, association, or other entity organized or existing under the laws of any [state] *State*; the Federal Government; any state, regional, or local government; or any entity of any such Federal, [state] *State*, regional, or local government.

[(15)](16) The term “public facilities and public services” means facilities or services which are financed, in whole or in part, by any [state] *State* or political subdivision thereof, including, but not limited to, highways and secondary roads, parking, mass transit, docks, navigation aids, fire and police protection, water supply, waste collection and treatment (including drainage), schools and education, and hospitals and health care. Such term may also include any other facility or service so financed which the Secretary finds will support increased population.

(17) *The term “renewable energy” means any energy that has recently originated from the sun, including direct and indirect solar radiation and intermediate solar energy forms, such as wind, ocean thermal gradients, ocean currents and waves, hy-*

dropower, photovoltaic energy, products of photosynthetic processes, organic wastes, and others.

[(16)](18) The term “Secretary” means the Secretary of Commerce.

[(17)](19) The term “special area management plan” means a comprehensive plan providing for natural resource protection and reasonable coastal-dependent economic growth containing a detailed and comprehensive statement of policies; standards and criteria to guide public and private uses of lands and waters; and mechanisms for timely implementation in specific geographic areas within the coastal zone.

[(18)](20) The term “water use” means a use, activity, or project conducted in or on waters within the coastal zone.

(21) *The term “working waterfront” means waterfront lands, waterfront infrastructure, and waterways that are used for a water-dependent commercial activity.*

SEC. 306. ADMINISTRATIVE GRANTS.

[16 U.S.C. 1455]

* * * * *

(d) **MANDATORY ADOPTION OF STATE MANAGEMENT PROGRAM FOR COASTAL ZONE.**—Before approving a management program submitted by a coastal state, the Secretary shall find the following:

(1) The State has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, State agencies, local governments, regional organizations, port authorities, and other interested parties and individuals, public and private, which is adequate to carry out the purposes of this title and is consistent with the policy declared in section 303.

(2) The management program includes each of the following required program elements:

(A) An identification of the boundaries of the coastal zone subject to the management program.

(B) A definition of what shall constitute permissible land uses and water users within the coastal zone which have a direct and significant impact on the coastal waters.

(C) An inventory and designation of areas of particular concern within the coastal zone.

(D) An identification of the means by which the State proposes to exert control over the land uses and water uses referred to in subparagraph (B), including a list of relevant State constitutional provisions, laws, regulations, and judicial decisions.

(E) Broad guidelines on priorities of uses in particular areas, including specifically those uses of lowest priority.

(F) A description of the organizational structure proposed to implement such management program, including the responsibilities and interrelationships of local, areawide, State, regional, and interstate agencies in the management process.

(G) A definition of the term “beach” and a planning process for the protection of, and access to, public beaches and

other public coastal areas of environmental, recreational, historical, esthetic, ecological, or cultural value.

(H) A planning process for energy facilities likely to be located in, or which may significantly affect, the coastal zone, including a process for anticipating the management of the impacts resulting from such facilities.

(I) A planning process for assessing the effects of, and studying and evaluating ways to control, or lessen the impact of, shoreline erosion, and to restore areas adversely affected by such erosion.

(3) The State has—

(A) coordinated its program with local, areawide, and interstate plans applicable to areas within the coastal zone—

(i) existing on January 1 of the year in which the State's management program is submitted to the Secretary; and

(ii) which have been developed by a local government, an areawide agency, a regional agency, or an interstate agency; and

(B) established an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (6) and with local governments, interstate agencies, regional agencies, and areawide agencies within the coastal zone to assure the full participation of those local governments and agencies in carrying out the purposes of this title; except that the Secretary shall not find any mechanism to be effective for purposes of this subparagraph unless it requires that—

(i) the management agency, before implementing any management program decision which would conflict with any local zoning ordinance, decision, or other action, shall send a notice of the management program decision to any local government whose zoning authority is affected;

(ii) within the 30-day period commencing on the date of receipt of that notice, the local government may submit to the management agency written comments on the management program decision, and any recommendation for alternatives; and

(iii) the management agency, if any comments are submitted to it within the 30-day period by any local government—

(I) shall consider the comments;

(II) may, in its discretion, hold a public hearing on the comments; and

(III) may not take any action within the 30-day period to implement the management program decision.

(4) The State has held public hearings in the development of the management program.

(5) The management program and any changes thereto have been reviewed and approved by the Governor of the State.

(6) The Governor of the State has designated a single State agency to receive and administer grants for implementing the management program.

(7) The State is organized to implement the management program.

(8) The management program provides for adequate consideration of the national interest involved in planning for, and managing the coastal zone, including the siting of facilities such as energy facilities which are of greater than local significance. In the case of energy facilities, the Secretary shall find that the State has given consideration to any applicable national or interstate energy plan or program.

(9) The management program includes procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational ecological, historical, or esthetic values.

(10) The State, acting through its chosen agency or agencies (including local governments, areawide agencies, regional agencies, or interstate agencies) has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power—

(A) to administer land use and water use regulations to control development, to ensure compliance with the management program, and to resolve conflicts among competing uses; and

(B) to acquire fee simple and less than fee simple interests in land, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

(11) The management program provides for any one or a combination of the following general techniques for control of land uses and water uses within the coastal zone:

(A) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement.

(B) Direct State land and water use planning and regulation.

(C) State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any State or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

(12) The management program contains a method of assuring that local land use and water use regulations within the coastal zone do not unreasonably restrict or exclude land uses and water uses of regional benefit.

(13) The management program provides for—

(A) the inventory and designation of areas that contain one or more coastal resources of national significance; and

(B) specific and enforceable standards to protect such resources.

(14) The management program provides for public participation in permitting processes, consistency determinations, and other similar decisions.

(15) The management program provides a mechanism to ensure that all State agencies will adhere to the program.

(16) The management program contains enforceable policies and mechanisms to implement the applicable requirements of the Coastal Nonpoint Pollution Control Program of the State required by section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990.

* * * * *

SEC. 306A. COASTAL RESOURCE IMPROVEMENT PROGRAM.

[16 U.S.C. 1455a]

(a) DEFINITIONS.—For purposes of this section—

(1) The term “eligible coastal state” means a coastal state that for any fiscal year for which a grant is applied for under this section—

(A) has a management program approved under section 306; and

(B) in the judgment of the Secretary, is making satisfactory progress in activities designed to result in significant improvement in achieving the coastal management objectives specified in section 303(2)(A) through (K).

(2) The term “urban waterfront and port” means any developed area that is densely populated and is being used for, or has been used for, urban residential recreational, commercial, shipping or industrial purposes.

(b) RESOURCE MANAGEMENT IMPROVEMENT GRANTS.—The Secretary may make grants to any eligible coastal state to assist that [state in] *State in* meeting one or more of the following objectives:

(1) The preservation or restoration of specific areas of [the state] *the State* that (A) are designated under the management program procedures required by section 306(d)(9) because of their conservation recreational, ecological, or esthetic values, or (B) contain one or more coastal resources of national significance, or for the purpose of restoring and enhancing shellfish production by the purchase and distribution of [clutch] *cultch* material on publicly owned reef tracts.

(2) The redevelopment of deteriorating and underutilized urban waterfronts and ports that are designated in the [state’s] *State’s* management program pursuant to section 306(d)(2)(C) as areas of particular concern.

(3) The provision of access to public beaches and other public coastal areas and to coastal waters in accordance with the planning process required under section 306(d)(2)(G).

(4) The development of a coordinated process among State agencies to regulate and issue permits for aquaculture facilities in the coastal zone.

(5) *The preservation or redevelopment of working waterfronts in the coastal zone.*

(c) USES, TERMS AND CONDITIONS OF GRANTS.—

(1) Each grant made by the Secretary under this section shall be subject to such terms and conditions as may be appro-

appropriate to ensure that the grant is used for purposes consistent with this section.

(2) Grants made under this section may be used for—

(A) the acquisition of fee simple and other interests in land;

(B) low-cost construction projects determined by the Secretary to be consistent with the purposes of this section, including but not limited to, paths, walkways, fences, parks, and the rehabilitation of historic buildings and structures; except that not more than 50 per centum of any grant made under this section may be used for such construction projects;

(C) in the case of grants made for objectives described in subsection (b)(2)—

(i) the rehabilitation or acquisition of piers to provide increased public use, including compatible commercial activity,

(ii) the establishment of shoreline stabilization measures including the installation or rehabilitation of bulkheads for the purpose of public safety or increasing public access and use, and

(iii) the removal or replacement of pilings where such action will provide increased recreational use of urban waterfront areas,

but activities provided for under this paragraph shall not be treated as construction projects subject to the limitations in paragraph (B);

(D) engineering designs, specifications, and other appropriate reports; and

(E) educational, interpretive, and management costs and such other related costs as the Secretary determines to be consistent with the purposes of this section.

(d) STATE MATCHING CONTRIBUTIONS; RATIO; MAXIMUM AMOUNT OF GRANTS.—

(1) The Secretary may make grants to any coastal state for the purpose of carrying out the project or purpose for which such grants are awarded, if [the state] *the State* matches any such grant according to the following ratios of Federal [to state] *to State* contributions for the applicable fiscal year: 4 to 1 for fiscal year 1986; 2.3 to 1 for fiscal year 1987; 1.5 to 1 for fiscal year 1988; and 1 to 1 for each fiscal year after fiscal year 1988.

(2) Grants provided under this section may be used to pay a coastal state's share of costs required under any other Federal program that is consistent with the purposes of this section.

(3) The total amount of grants made under this section to any eligible coastal state for any fiscal year may not exceed an amount equal to 10 per centum of the total amount appropriated to carry out this section for such fiscal year.

(e) ALLOCATION OF GRANTS TO LOCAL GOVERNMENTS AND OTHER AGENCIES.—With the approval of the Secretary, an eligible coastal state may allocate to a local government, an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an inter-

state agency, a portion of any grant made under this section for the purpose of carrying out this section; except that such an allocation shall not relieve **[that state]** *that State* of the responsibility for ensuring that any funds so allocated are applied in furtherance of **[the state's]** *the State's* approved management program.

(f) OTHER TECHNICAL AND FINANCIAL ASSISTANCE.—In addition to providing grants under this section, the Secretary shall assist eligible coastal states and their local governments in identifying and obtaining other sources of available Federal technical and financial assistance regarding the objectives of this section.

SEC. 307. COORDINATION AND COOPERATION.

[16 U.S.C. 1456]

(a) FEDERAL AGENCIES.—In carrying out his functions and responsibilities under this title, the Secretary shall consult with, cooperate with, and, to the maximum extent practicable, coordinate his activities with other interested Federal agencies.

(b) ADEQUATE CONSIDERATION OF VIEWS OF FEDERAL AGENCIES.—The Secretary shall not approve the management program submitted by a **[state]** *State* pursuant to section 306 unless the views of Federal agencies principally affected by such program have been adequately considered.

(c) CONSISTENCY OF FEDERAL ACTIVITIES WITH STATE MANAGEMENT PROGRAMS; CERTIFICATION.—

(1)(A) Each Federal agency activity within or outside the coastal zone that affects any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved State management programs. A Federal agency activity shall be subject to this paragraph unless it is subject to paragraph (2) or (3).

(B) After any final judgment, decree, or order of any Federal court that is appealable under section 1291 or 1292 of title 28, United States Code, or under any other applicable provision of Federal law, that a specific Federal agency activity is not in compliance with subparagraph (A), and certification by the Secretary that mediation under subsection (h) is not likely to result in such compliance, the President may, upon written request from the Secretary, exempt from compliance those elements of the Federal agency activity that are found by the Federal court to be inconsistent with an approved State program, if the President determines that the activity is in the paramount interest of the United States. No such exemption shall be granted on the basis of a lack of appropriations unless the President has specifically requested such appropriations as part of the budgetary process, and the Congress has failed to make available the requested appropriations.

(C) Each Federal agency carrying out an activity subject to paragraph (1) shall provide a consistency determination to the relevant State agency designated under section 306(d)(6) at the earliest practicable time, but in no case later than 90 days before final approval of the Federal activity unless both the Federal agency and the State agency agree to a different schedule.

(2) Any Federal agency which shall undertake any development project in the coastal zone of [a state] *a State* shall insure that the project is, to the maximum extent practicable, consistent with the enforceable policies of approved state management programs.

(3)(A) After final approval by the Secretary of a [state's] *State's* management program, any applicant for a required Federal license or permit to conduct an activity, in or outside of the coastal zone, affecting any land or water use or natural resource of the coastal zone of [that state] *that State* shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the enforceable policies of the [state's] *State's* approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to [the state] *the State* or its designated agency a copy of the certification, with all necessary information and data. Each coastal state shall establish procedures for public notice in the case of all such certifications and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, [the state] *the State* of its designated agency shall notify the Federal agency concerned that [the state] *the State* concurs with or objects to the applicant's certification. If [the state] *the State* or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the [state's] *State's* concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until [the state] *the State* or its designated agency has concurred with the applicant's certification or until, by the [state's] *State's* failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from [the state] *the State*, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

(B) After the management program of any coastal state has been approved by the Secretary under section 306, any person who submits to the Secretary of the Interior 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 regulations under such Act shall, with respect to any exploration, development, or production described in such plan and affecting any land or water use or natural resource of the coastal zone of [such state] *such State*, attach to such plan a certification that each activity which is described in detail in such plan complies with the enforceable policies of such [state's] *State's* approved management program and will be carried out in a manner consistent with such program. No Federal official or agency shall grant such person any license or permit for any activity described in detail in such plan until [such state] *such State* or its designated agency receives a copy of such cer-

tification and plan, together with any other necessary data and information, and until—

(i) **[such state]** *such State* or its designated agency, in accordance with the procedures required to be established by **[such state]** *such State* pursuant to subparagraph (A), concurs with such person's certification and notifies the Secretary and the Secretary of the Interior of such concurrence;

(ii) concurrence by **[such state]** *such State* with such certification is conclusively presumed as provided for in subparagraph (A), except if **[such state]** *such State* fails to concur with or object to such certification within three months after receipt of its copy of such certification and supporting information, **[such state]** *such State* shall provide the Secretary, the appropriate **[federal]** *Federal* agency, and such person with a written statement describing the status of review and the basis for further delay in issuing a final decision, and if such statement is not so provided, concurrence by **[such state]** *such State* with such certification shall be conclusively presumed; or

(iii) the Secretary finds, pursuant to subparagraph (A), that each activity which is described in detail in such plan is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

If **[a state]** *a state* concurs or is conclusively presumed to concur, or if the Secretary makes such a finding, the provisions of subparagraph (A) are not applicable with respect to such person, **[such state]** *such State*, and any Federal license or permit which is required to conduct any activity affecting land uses or water uses in the coastal zone of **[such state]** *such State* which is described in detail in the plan to which such concurrence or finding applies. If **[such state]** *such State* objects to such certification and if the Secretary fails to make a finding under clause (iii) with respect to such certification, or if such person fails substantially to comply with such plan as submitted, such person shall submit an amendment to such plan, or a new plan, to the Secretary of the Interior. With respect to any amendment or new plan submitted to the Secretary of the Interior pursuant to the preceding sentence, the applicable time period for purposes of concurrence by conclusive presumption under subparagraph (A) is 3 months.

(d) APPLICATIONS OF LOCAL GOVERNMENTS FOR FEDERAL ASSISTANCE; RELATIONSHIP OF ACTIVITIES WITH APPROVED MANAGEMENT PROGRAMS.—State and local governments submitting applications for Federal assistance under other Federal programs, in or outside of the coastal zone, affecting any land or water use of natural resource of the coastal zone shall indicate the views of the appropriate **[state]** *State* or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Inter-governmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with the enforceable policies

of a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security.

(e) CONSTRUCTION WITH OTHER LAWS.—Nothing in this title shall be construed—

(1) to diminish either Federal [or state] or *State* jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources, submerged lands, or navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or [more states] *more States* or of two or [more states] *more States* and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

(2) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

(f) CONSTRUCTION WITH EXISTING REQUIREMENTS OF WATER AND AIR POLLUTION PROGRAMS.—Notwithstanding any other provision of this title, nothing in this title shall in any way affect any requirement (1) established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, or (2) established by the Federal Government or by [any state] *any State* or local government pursuant to such Acts. Such requirements shall be incorporated in any program developed pursuant to this title and shall be the water pollution control and air pollution control requirements applicable to such program.

(g) CONCURRENCE WITH PROGRAMS WHICH AFFECT INLAND AREAS.—When [any state's] *any State's* coastal zone management program, submitted for approval or proposed for modification pursuant to section 306 of this title, includes requirements as to shorelands which also would be subject to any Federally supported national land use program which may be hereafter enacted, the Secretary, prior to approving such program, shall obtain the concurrence of the Secretary of the Interior, or such other Federal official as may be designated to administer the national land use program, with respect to that portion of the coastal zone management program affecting such inland areas.

[(h) MEDIATION OF DISAGREEMENTS.—In case of serious disagreement between any Federal agency and a coastal state—

[(1) in the development or the initial implementation of a management program under section 305; or

[(2) in the administration of a management program approved under section 306;

[(1) the Secretary, with the cooperation of the Executive Office of the President, shall seek to mediate the differences involved in such disagreement. The process of such mediation shall, with respect to any disagreement described in paragraph (2), include public hearings which shall be conducted in the local area concerned.]

(h) MEDIATION OF DISAGREEMENTS.—

(1) IN GENERAL.—The Secretary may mediate a serious disagreement between any Federal agency and a coastal state or between two or more willing coastal states—

(A) in the development or the initial implementation of a management program under section 305;

(B) in the administration of a management program approved under section 305; or

(C) in coordination and cooperation under this section.

(2) COOPERATION.—The Secretary, with the cooperation of the Executive Office of the President, shall seek to mediate the differences involved in a disagreement described in paragraph (1).

(3) PUBLIC HEARINGS.—Mediation under this subsection shall, with respect to any disagreement described in paragraph (1)(B), include public hearings in the local area concerned.

(i) FEDERAL FEE.—

(1) With respect to appeals under subsections (c)(3) and (d) which are submitted after the date of the enactment of the Coastal Zone Act Reauthorization Amendments of 1990, the Secretary shall collect an application fee of not less than \$200 for minor appeals and not less than \$500 for major appeals, unless the Secretary, upon consideration of an applicant's request for a fee waiver, determines that the applicant is unable to pay the fee.

(2)(A) The Secretary shall collect such other fees as are necessary to recover the full costs of administering and processing such appeals under subsection (c).

(B) If the Secretary waives the application fee under paragraph (1) for an applicant, the Secretary shall waive all other fees under this subsection for the applicant.

(3) Fees collected under this subsection shall be deposited into the Coastal Zone Management Fund established under section 308.

(j) INTERSTATE AND REGIONAL COORDINATION.—

(1) The coastal states are encouraged—

(A) to coordinate State coastal zone planning, policies, and programs with respect to contiguous areas, shared resources, and interstate waters of such States;

(B) to study, plan, and implement unified coastal zone policies with respect to such areas; and

(C) to establish an effective mechanism, and participate in mediation under subsection (h), to identify, examine, and cooperatively resolve mutual problems with respect to the marine and coastal areas which affect, directly or indirectly, the coastal zone.

(2) Subject to paragraph (3), the coastal zone activities described in this subsection may be conducted pursuant to interstate or regional agreements or compacts.

(3) Two or more coastal states may negotiate and enter into any interstate or regional agreement or compact to do the following unless the agreement or compact conflicts with any law or treaty of the United States:

(A) To develop and administer coordinated coastal zone planning, policies, programs, and dispute resolution.

(B) To establish executive instrumentalities or agencies that such States consider necessary for the effective implementation of an agreement or compact under this subsection.

(4) An agreement or compact under paragraph (3) shall be binding and obligatory upon any State or party thereto without further approval by Congress.

SEC. 307A. AUTHORIZATION OF THE COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM.

[16 U.S.C. 1456-1]

* * * * *

(f) MATCHING REQUIREMENTS.—

(1) IN GENERAL.—The Secretary may not make a grant under the program unless the Federal funds are matched by non-Federal funds in accordance with this subsection.

(2) COST SHARE REQUIREMENT.—

(A) IN GENERAL.—Grant funds under the program shall require a 100 percent match from other non-Federal sources.

(B) WAIVER OF REQUIREMENT.—The Secretary may grant a waiver of subparagraph (A) for underserved communities, communities that have an inability to draw on other sources of funding because of the small population or low income of the community, or for other reasons the Secretary deems appropriate and consistent with the purposes of the program.

(3) OTHER FEDERAL FUNDS.—Where financial assistance awarded under this section represents only a portion of the total cost of a project, funding from other Federal sources may be applied to the cost of the project. Each portion shall be subject to match requirements under the applicable provision of law.

(4) SOURCE OF MATCHING COST SHARE.—For purposes of paragraph (2)(A), the non-Federal cost share for a project may be determined by taking into account the following:

(A) The value of land or a conservation easement may be used by a project applicant as non-Federal match, if the Secretary determines that—

(i) the land meets the criteria set forth in [section 2(b)] *subsection (b)* and is acquired in the period beginning 3 years before the date of the submission of the grant application and ending 3 years after the date of the award of the grant;

(ii) the value of the land or easement is held by a non-governmental organization included in the grant application in perpetuity for conservation purposes of the program; and

(iii) the land or easement is connected either physically or through a conservation planning process to the land or easement that would be acquired.

(B) The appraised value of the land or conservation easement at the time of the grant closing will be considered and applied as the non-Federal cost share.

(C) Costs associated with land acquisition, land management planning, remediation, restoration, and enhancement may be used as non-Federal match if the activities are identified in the plan and expenses are incurred within the period of the grant award, or, for lands described **in (A) in subparagraph (A)**, within the same time limits described therein. These costs may include either cash or in-kind contributions.

* * * * *

SEC. 309. COASTAL ZONE ENHANCEMENT GRANTS.

[16 U.S.C. 1456b]

(a) “COASTAL ZONE ENHANCEMENT OBJECTIVE” DEFINED.—For purposes of this section, the term “coastal zone enhancement objective” means any of the following objectives:

[(1) Protection, restoration, or enhancement of the existing coastal wetlands base, or creation of new coastal wetlands.]

(1) Protection, restoration, or enhancement of existing coastal wetlands, seagrass beds, coral reefs, oyster habitat, and marine habitat, or creation of new coastal wetlands.

[(2) Preventing or significantly reducing threats to life and destruction of property by eliminating development and redevelopment in high-hazard areas, managing development in other hazard areas, and anticipating and managing the effects of potential sea level rise and Great Lakes level rise.]

(2) Increasing coastal resilience and preventing or reducing loss of life and property by limiting development and redevelopment in high-hazard areas, using natural and restoration approaches to reduce flood risk, or anticipating and managing the effects of potential sea level rise and Great Lakes level change.

(3) Attaining increased opportunities for public access, taking into account current and future public access needs, to coastal areas of recreational, historical, aesthetic, ecological, or cultural value.

(4) Reducing marine debris entering the Nation’s coastal and ocean environment by managing uses and activities that contribute to the entry of such debris.

(5) Development and adoption of procedures to assess, consider, and control cumulative and secondary impacts of coastal growth and development, including the collective effect on various individual uses or activities on coastal resources, such as coastal wetlands and fishery resources.

(6) Preparing and implementing special area management plans for important coastal areas.

[(7) Planning for the use of ocean resources.]

(7) Planning for the use of ocean and Great Lakes resources.

(8) Adoption of procedures and enforceable policies to help facilitate the siting of energy facilities and Government facilities and energy-related activities and Government activities which may be of greater than local significance.

(9) Adoption of procedures and policies to evaluate and facilitate the siting of public and private aquaculture facilities in the coastal zone, which will enable States to formulate, administer, and implement strategic plans for marine aquaculture.

(10) *Interstate water resource and coastal management planning to facilitate healthy and resilient coastal natural resources, land uses, and water uses, and to resolve water management conflict.*

(11) *Identification and adoption of procedures and enforceable policies to ensure sufficient response capabilities at the State level to address the environmental, economic, and social impacts of oil spills or other accidents resulting from Outer Continental Shelf energy activities with the potential to affect land or water use or natural resources of the coastal zone.*

(12) *The development of a coordinated process to maximize the efficiency of processing permits related to activities in the coastal zone.*

(b) LIMITS ON GRANTS.—

(1) Subject to the limitations and goals established in this section, the Secretary may make grants to coastal states to provide funding for development and submission for Federal approval of program changes that support attainment of one or more coastal zone enhancement objectives.

(2)(A) In addition to any amounts provided under section 306, and subject to the availability of appropriations, the Secretary may make grants under this subsection to States for implementing program changes approved by the Secretary in accordance with section 306(e).

(B) Grants under this paragraph to implement a program change may not be made in any fiscal year after the second fiscal year that begins after the approval of that change by the Secretary.

(c) EVALUATION OF STATE PROPOSALS BY SECRETARY.—The Secretary shall evaluate and rank State proposals for funding under this section, and make funding awards based on those proposals, taking into account the criteria established by the Secretary under subsection (d). The Secretary shall ensure that funding decisions under this section take into consideration the fiscal and technical needs of proposing States [and the overall merit of each proposal in terms of benefits to the public] *and are consistent with the rules and regulations promulgated under section 306.*

* * * * *

SEC. 312. REVIEW OF PERFORMANCE.

[16 U.S.C. 1458]

(a) EVALUATION OF ADHERENCE WITH TERMS OF GRANTS.—The Secretary shall conduct a continuing review of the performance of coastal states with respect to coastal management. Each review shall include a written evaluation with an assessment and detailed findings concerning the extent to which [the state] *the State* has implemented and enforced the program approved by the Secretary, addressed the coastal management needs identified in section 303(2)(A) through (K), and adhered to the terms of any grant, loan, or cooperative agreement funded under this title.

* * * * *

(e) NOTICE AND HEARING.—Management program approval and financial assistance may not be withdrawn under subsection (d), unless the Secretary gives the coastal state notice of the proposed

withdrawal and an opportunity for a public hearing on the proposed action. Upon the withdrawal of management program approval under this subsection (d), the Secretary shall provide the coastal state with written specifications of the actions that should be taken, or not engaged in, by [the state] *the State* in order that such withdrawal may be canceled by the Secretary.

SEC. 315. NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM.

[16 U.S.C. 1461]

* * * * *

(d) PROMOTION AND COORDINATION OF ESTUARINE RESEARCH.—The Secretary shall take such action as is necessary to promote and coordinate the use of the System for research purposes including—

(1) requiring that the National Oceanic and Atmospheric Administration, in conducting or supporting estuarine research, give priority consideration to research that uses the System; [and]

(2) consulting with other Federal and State agencies to promote use of one or more reserves within the System by such agencies when conducting estuarine research[.]; and

(3) *promoting the use of areas that comprise the System for research by line offices of the Administration, such as the Office of Oceanic and Atmospheric Research, the National Ocean Service, and the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration.*

(e) FINANCIAL ASSISTANCE.—

(1) The Secretary may, in accordance with such rules and regulations as the Secretary shall promulgate, make grants—

(A) to a coastal state—

(i) for purposes of acquiring such lands and waters, and any property interests therein, as are necessary to ensure the appropriate long-term management of an area as a national estuarine reserve,

(ii) for purposes of operating or managing a national estuarine reserve and constructing appropriate reserve facilities, or

(iii) for purposes of conducting educational or interpretive activities; and

(B) to any coastal state or public or private person for purposes of supporting research and monitoring within a national estuarine reserve that are consistent with the research guidelines developed under subsection (c).

(2) Financial assistance provided under paragraph (1) shall be subject to such terms and conditions as the Secretary considers necessary or appropriate to protect the interests of the United States, including requiring coastal states to execute suitable title documents setting forth the property interest or interests of the United States in any lands and waters acquired in whole or part with such financial assistance.

(3)(A) The amount of the financial assistance provided under paragraph (1)(A)(i) with respect to the acquisition of lands and waters, or interests therein, for any one national estuarine reserve may not exceed an amount equal to 50 percent of the

costs of the lands, waters, and interests therein or \$5,000,000, whichever amount is less.

(B) The amount of the financial assistance provided under paragraph (1)(A) (ii) and (iii) and paragraph (1)(B) may not exceed 70 percent of the costs incurred to achieve the purposes described in those paragraphs with respect to a reserve; except that the amount of the financial assistance provided under paragraph (1)(A)(iii) may be up to 100 percent of any costs for activities that benefit the entire System.

(C) Notwithstanding subparagraphs (A) and (B), financial assistance under this subsection provided from amounts recovered as a result of damage to natural resources located in the coastal zone may be used to pay 100 percent of the costs of activities carried out with the assistance.

(f) EVALUATION OF SYSTEM PERFORMANCE.—

(1) The Secretary shall periodically evaluate the operation and management of each national estuarine reserve, including education and interpretive activities, and the research being conducted within the reserve.

(2) If evaluation under paragraph (1) reveals that the operation and management of the reserve is deficient, or that the research being conducted within the reserve is not consistent with the research guidelines developed under subsection (c), the Secretary may suspend the eligibility of that reserve for financial assistance under subsection (e) until the deficiency or inconsistency is remedied.

(3) The Secretary may withdraw the designation of an estuarine area as a national estuarine reserve if evaluation under paragraph (1) reveals that—

(A) the basis for any one or more of the findings made under subsection (b)(2) regarding that area no longer exists; or

(B) a substantial portion of the research conducted within the area, over a period of years, has not been consistent with the research guidelines developed under subsection (c).

(4) *In conducting an evaluation under paragraph (1), the Secretary shall—*

(A) consult with representatives of the Office of Oceanic and Atmospheric Research, the National Ocean Service, and the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration, appropriate industries, non-governmental organizations, universities, and other Federal, State, and local partners to assess opportunities to better integrate research and habitat management;

(B) leverage existing programs; and

(C) efficiently use existing funds and capitalize on local and regional capacity that can assist in meeting stakeholder needs for science-based information.

(g) REPORT.—The Secretary shall include in the report required under section 316 information regarding—

(1) new designations of national estuarine reserves;

(2) any expansion of existing national estuarine reserves;

- (3) the status of the research program being conducted within the System; **[and]**
- (4) a summary of the evaluations made under subsection (f)**[.]**; and
- (5) a summary of the consultation in subsection (f)(4).

SEC. 316. COASTAL ZONE MANAGEMENT REPORTS.

[16 U.S.C. 1462]

[(a) BIENNIAL REPORTS.—The Secretary shall consult with the Congress on a regular basis concerning the administration of this title and shall prepare and submit to the President for transmittal to the Congress a report summarizing the administration of this title during each period of two consecutive fiscal years. Each report, which shall be transmitted to the Congress not later than April 1 of the year following the close of the biennial period to which it pertains, shall include, but not be restricted to (1) an identification of the state programs approved pursuant to this title during the preceding Federal fiscal year and a description of those programs; (2) a listing of the states participating in the provisions of this title and a description of the status of each state's programs and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allocation of funds to the various coastal states and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any state programs which have been reviewed and disapproved, and a statement of the reasons for such action; (5) a summary of evaluation findings prepared in accordance with subsection (a) of section 312, and a description of any sanctions imposed under subsections (c) and (d) of section 312; (6) a listing of all activities and projects which, pursuant to the provisions of subsection (c) or subsection (d) of section 307, are not consistent with an applicable approved state management program; (7) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (8) a summary of a coordinated national strategy and program for the Nation's coastal zone including identification and discussion of Federal, regional, state, and local responsibilities and functions therein; (9) a summary of outstanding problems arising in the administration of this title in order of priority; (10) a description of the economic, environmental, and social consequences of energy activity affecting the coastal zone and an evaluation of the effectiveness of financial assistance under section 308 in dealing with such consequences; (11) a description and evaluation of applicable interstate and regional planning and coordination mechanisms developed by the coastal states; (12) a summary and evaluation of the research, studies, and training conducted in support of coastal zone management; and (13) such other information as may be appropriate.]

(a) REPORTS.—

(1) IN GENERAL.—The Secretary shall—

(A) consult with Congress on a regular basis concerning the administration of this title; and

(B) submit to Congress a report summarizing the administration of this title during each period of 5 consecutive fiscal years.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) an identification of the State programs approved under this title during the preceding 4 Federal fiscal years and a description of those programs;

(B) a list of the States participating in the provisions of this title and the status of each State's programs and accomplishments during the preceding 4 Federal fiscal years;

(C) an itemization of the allocation of funds to the various coastal states and a breakdown of the major projects and areas on which these funds were expended;

(D) an identification of each State program that was reviewed and disapproved, including the reasons for the disapproval;

(E) a summary of evaluation findings prepared in accordance with subsection (a) of section 312, and a description of any sanctions imposed under subsections (c) and (d) of that section;

(F) a list of all activities and projects which, under the provisions of subsection (c) or subsection (d) of section 307, are not consistent with an applicable approved State management program;

(G) a summary of the regulations issued by the Secretary or in effect during the preceding 4 Federal fiscal years;

(H) a summary of a coordinated national strategy and program for the Nation's coastal zone, including identification and discussion of Federal, regional, State, and local responsibilities and functions therein;

(I) a summary of outstanding problems arising in the administration of this title in order of priority;

(J) a description of the economic, environmental, and social consequences of energy activity affecting the coastal zone and an evaluation of the effectiveness of financial assistance under section 308 in dealing with such consequences;

(K) a description and evaluation of applicable interstate and regional planning and coordination mechanisms developed by the coastal states;

(L) a summary and evaluation of the research, studies, and training conducted in support of coastal zone management; and

(M) such other information as may be appropriate.

(b) RECOMMENDATIONS FOR LEGISLATION.—The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary **[deems]** *considers* necessary to achieve the objectives of this title and enhance its effective operation.

(c) REVIEW OF OTHER FEDERAL PROGRAMS; REPORT TO CONGRESS.—

(1) The Secretary shall conduct a systematic review of Federal programs, other than this title, that affect coastal resources for purposes of identifying conflicts between the objectives and administration of such programs and the purposes and policies of this title. Not later than 1 year after the date of the enactment of this subsection, the Secretary shall notify each Federal agency having appropriate jurisdiction of any conflict between its program and the purposes and policies of this title identified as a result of such review.

(2) The Secretary shall promptly submit a report to the Congress consisting of the information required under paragraph (1) of this subsection. Such report shall include recommendations for changes necessary to resolve existing conflicts among Federal laws and programs that affect the uses of coastal resources.

SEC. 317. RULES AND REGULATIONS.

[16 U.S.C. 1463]

The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for full participation by relevant Federal agencies, [state agencies] *State agencies*, local governments, regional organizations, port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this title.

SEC. 318. AUTHORIZATION OF APPROPRIATIONS.

[16 U.S.C. 1464]

[(a) SUMS APPROPRIATED TO SECRETARY.—There are authorized to be appropriated to the Secretary, to remain available until expended—

[(1) for grants under sections 306, 306A, and 309—

[(A) \$47,600,000 for fiscal year 1997;

[(B) \$49,000,000 for fiscal year 1998; and

[(C) \$50,500,000 for fiscal year 1999; and

[(2) for grants under section 315—

[(A) \$4,400,000 for fiscal year 1997;

[(B) \$4,500,000 for fiscal year 1998; and

[(C) \$4,600,000 for fiscal year 1999.]

(a) *SUMS APPROPRIATED TO SECRETARY.—There is authorized to be appropriated to the Secretary, to remain available until expended—*

(1) for grants under sections 306, 306A, and 309, \$80,000,000 for each of fiscal years 2017 through 2021; and

(2) for grants under section 315, \$25,000,000 for each of fiscal years 2017 through 2021.

* * * * *

FISH AND WILDLIFE COORDINATION ACT

[16 U.S.C. 661 et seq.]

SEC. 2. IMPOUNDING, DIVERTING, OR CONTROLLING OF WATERS.

[16 U.S.C. 662]

(a) **CONSULTATIONS BETWEEN AGENCIES.**—Except as hereafter stated in subsection (h) of this section, whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency first shall consult with the United States Fish and Wildlife Service, Department of the [Interior, and with the] *Interior, National Oceanic and Atmospheric Administration, Department of Commerce, the head of the agency exercising administration over the wildlife re-*

sources of the particular State wherein the impoundment, diversion, or other control facility is to be constructed, *and the head of any potentially impacted coastal state (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453))*, with a view to the conservation of wildlife resources by preventing loss of and damage to such resources as well as providing for the development and improvement thereof in connection with such water-resource development.

* * * * *

SEC. 8. DEFINITIONS.

The terms “wildlife” and “wildlife resources” as used herein include birds, fishes *and fisheries (as those terms are defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802))*, mammals, and all other classes of wild animals and all types of aquatic and land vegetation upon which wildlife is dependent.

○