

Pars. (5), (6). Pub. L. 101-508, §6203(b)(6), added pars. (5) and (6).

1980—Pub. L. 96-464, in amending section generally, expanded declaration of policy to provide for higher level of protection for significant natural coastal resources and inserted provisions for special area management planning to increase predictability for necessary coastal-dependent economic growth, improve hazard mitigation, and improve predictability in government decisionmaking.

§ 1453. Definitions

For purposes of this chapter—

(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) [48 U.S.C. 731 et seq.], 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. 1801 et seq.], 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.

(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 chapter, 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;¹

(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 deep-water port, as defined in section 1502(10)² of title 33).

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 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.

(6a) 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 and natural resources in the coastal zone.

(7) 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

¹ So in original. The semicolon probably should be a colon.

² See References in Text note below.

with fresh water derived from land drainage. The term includes estuary-type areas of the Great Lakes.

(8) 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) The term “Fund” means the Coastal Zone Management Fund established under section 1456a(b) of this title.

(10) 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 1456(g) of this title.

(11) 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 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) 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 in accordance with the provisions of this chapter, setting forth objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone.

(13) 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 1331(a) of title 43) or the siting, construction, expansion, or operation of any new or expanded energy facilities directly required by such exploration, development, or production.

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

(15) The term “public facilities and public services” means facilities or services which are financed, in whole or in part, by any 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.

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

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

(Pub. L. 89-454, title III, §304, as added Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1281; amended Pub. L. 94-370, §3, July 26, 1976, 90 Stat. 1013; Pub. L. 96-464, §4, Oct. 17, 1980, 94 Stat. 2061; Pub. L. 101-508, title VI, §6204, Nov. 5, 1990, 104 Stat. 1388-302; Pub. L. 102-587, title II, §2205(b)(3)-(7), Nov. 4, 1992, 106 Stat. 5050, 5051.)

REFERENCES IN TEXT

The Submerged Lands Act, referred to in par. (1), is act May 22, 1953, ch. 65, 67 Stat. 29, as amended, which is classified generally to subchapters I and II (§§1301 et seq., 1311 et seq.) of chapter 29 of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of Title 43 and Tables.

Act of March 2, 1917, referred to in par. (1), is act Mar. 2, 1917, ch. 145, 39 Stat. 951, as amended, known as the Puerto Rican Federal Relations Act and also as the Jones Act, which is classified principally to chapter 4 (§731 et seq.) of Title 48, Territories and Insular Possessions. Section 8 of the Act is classified to section 749 of Title 48. For complete classification of this Act to the Code, see Short Title note set out under section 731 of Title 48 and Tables.

The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, referred to in par. (1), is contained in section 1 of Pub. L. 94-241, set out as a note under section 1801 of Title 48, Territories and Insular Possessions.

Act of March 24, 1976, referred to in par. (1), is Pub. L. 94-241, Mar. 24, 1976, 90 Stat. 263, which is classified generally to subchapter I (§1801 et seq.) of chapter 17 of Title 48, Territories and Insular Possessions. For complete classification of this Act to the Code, see Tables.

Section 1 of the Act of November 20, 1963, referred to in par. (1), is section 1 of Pub. L. 88-183, Nov. 20, 1963, 77 Stat. 338, which was classified to section 1701 of Title 48, Territories and Insular Possessions, and was repealed by Pub. L. 93-435, §5, Oct. 5, 1974, 88 Stat. 1212. See section 1705 of Title 48.

Section 1502 of title 33, referred to in par. (5)(iii), was subsequently amended, and section 1502(10) no longer defines the term “deepwater port”. However, such term is defined elsewhere in that section.

AMENDMENTS

1992—Par. (1). Pub. L. 102-587, §2205(b)(3), made technical amendment to directory language of Pub. L. 101-508, §6204(a). See 1990 Amendment note below.

Pub. L. 102-587, §2205(b)(5), struck out “the outer limit of” before “the outer limit of State title”, and substituted “(48 U.S.C. 1705),” for “(48 U.S.C. 1705).”

Par. (2). Pub. L. 102-587, §2205(b)(6), substituted “The term” for “the term”.

Par. (6a). Pub. L. 102-587, §2205(b)(4), made technical amendment to directory language of Pub. L. 101-508, §6204(b). See 1990 Amendment note below.

Par. (9). Pub. L. 102-587, §2205(b)(7), amended par. (9) generally. Prior to amendment, par. (9) read as follows:

“The term ‘Fund’ means the Coastal Energy Impact Fund established by section 1456a(h) of this title.”

1990—Par. (1). Pub. L. 101-508, § 6204(a)(1), as amended by Pub. L. 102-587, § 2205(b)(3), inserted “, and to control those geographical areas which are likely to be affected by or vulnerable to sea level rise” before period at end of third sentence.

Pub. L. 101-508, § 6204(a)(2), as amended by Pub. L. 102-587, § 2205(b)(3), substituted “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.” for “the United States territorial sea.” at end of second sentence.

Par. (6a). Pub. L. 101-508, § 6204(b), as amended by Pub. L. 102-587, § 2205(b)(4), added par. (6a).

Par. (18). Pub. L. 101-508, § 6204(c), substituted “a use, activity, or project conducted in or on waters within the coastal zone” for “activities which are conducted in or on the water; but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge or runoff of water pollutants except the standards, criteria, or regulations which are incorporated in any program as required by the provisions of section 1456(f) of this title”.

1980—Pars. (2) to (4). Pub. L. 96-464, § 4(1)–(3), added par. (2), redesignated former pars. (2) and (3) as (3) and (4), and in par. (4), as so redesignated, substituted “Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands, and American Samoa” for “Guam and American Samoa”. Former par. (4) redesignated (5).

Pars. (5) to (16). Pub. L. 96-464, § 4(1), redesignated pars. (4) to (15) as (5) to (16). Former par. (16) redesignated (17).

Pars. (17), (18). Pub. L. 96-464, § 4(1), (4), (5), added par. (17) and redesignated former par. (17) as (18).

1976—Par. (1). Pub. L. 94-370, § 3(1), redesignated par. (a) as (1), substituted “The term ‘coastal’” for “‘Coastal’”, and inserted “islands,” after “and includes”.

Par. (2). Pub. L. 94-370, § 3(2), redesignated par. (b) as (2), substituted “The term ‘coastal’” for “‘Coastal’”, “(A)” for “(1)”, and “(B)” for “(2)”.

Par. (3). Pub. L. 94-370, § 3(3), redesignated par. (c) as (3) and substituted “The term ‘coastal’” for “‘Coastal’”.

Pars. (4), (5). Pub. L. 94-370, § 3(4), added pars. (4) and (5).

Par. (6). Pub. L. 94-370, § 3(5), redesignated par. (d) as (6) and substituted “The term ‘estuary’” for “‘Estuary’”.

Par. (7). Pub. L. 94-370, § 3(6), redesignated par. (e) as (7) and substituted “The term ‘estuarine’” for “‘Estuarine’” and “estuary and any island, transitional area, and upland in, adjoining, or adjacent to such estuary, and which constitutes” for “estuary, adjoining transitional areas, and adjacent uplands, constituting”.

Par. (8). Pub. L. 94-370, § 3(7), added par. (8).

Par. (9). Pub. L. 94-370, § 3(7), added par. (9), incorporating provisions of par. (i), which was struck out by Pub. L. 94-370, § 3(11).

Par. (10). Pub. L. 94-370, § 3(7), added par. (10).

Par. (11). Pub. L. 94-370, § 3(8), redesignated par. (g) as (11) and substituted “The term ‘management program’” for “‘Management program’”.

Pars. (12) to (14). Pub. L. 94-370, § 3(9), added pars. (12) to (14).

Par. (15). Pub. L. 94-370, § 3(9), added par. (15), incorporating provisions of par. (f), which was struck out by Pub. L. 94-370, § 3(7).

Par. (16). Pub. L. 94-370, § 3(10), redesignated par. (h) as (16) and substituted “The term ‘water use’” for “‘Water use’”.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

PROC. NO. 5030. EXCLUSIVE ECONOMIC ZONE OF THE UNITED STATES OF AMERICA

Proc. No. 5030, Mar. 10, 1983, 48 F.R. 10605, provided:

WHEREAS the Government of the United States of America desires to facilitate the wise development and use of the oceans consistent with international law;

WHEREAS international law recognizes that, in a zone beyond its territory and adjacent to its territorial sea, known as the Exclusive Economic Zone, a coastal State may assert certain sovereign rights over natural resources and related jurisdiction; and

WHEREAS the establishment of an Exclusive Economic Zone by the United States will advance the development of ocean resources and promote the protection of the marine environment, while not affecting other lawful uses of the zone, including the freedoms of navigation and overflight, by other States;

NOW, THEREFORE, I, RONALD REAGAN, by the authority vested in me as President by the Constitution and laws of the United States of America, do hereby proclaim the sovereign rights and jurisdiction of the United States of America and confirm also the rights and freedoms of all States within an Exclusive Economic Zone, as described herein.

The Exclusive Economic Zone of the United States is a zone contiguous to the territorial sea, including zones contiguous to the territorial sea of the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands (to the extent consistent with the Covenant and the United Nations Trusteeship Agreement), and United States overseas territories and possessions. The Exclusive Economic Zone extends to a distance 200 nautical miles from the baseline from which the breadth of the territorial sea is measured. In cases where the maritime boundary with a neighboring State remains to be determined, the boundary of the Exclusive Economic Zone shall be determined by the United States and other State concerned in accordance with equitable principles.

Within the Exclusive Economic Zone, the United States has, to the extent permitted by international law, (a) sovereign rights for the purpose of exploring, exploiting, conserving and managing natural resources, both living and non-living, of the seabed and subsoil and the superjacent waters and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds; and (b) jurisdiction with regard to the establishment and use of artificial islands, and installations and structures having economic purposes, and the protection and preservation of the marine environment.

This Proclamation does not change existing United States policies concerning the continental shelf, marine mammals and fisheries, including highly migratory species of tuna which are not subject to United States jurisdiction and require international agreements for effective management.

The United States will exercise these sovereign rights and jurisdiction in accordance with the rules of international law.

Without prejudice to the sovereign rights and jurisdiction of the United States, the Exclusive Economic Zone remains an area beyond the territory and territorial sea of the United States in which all States enjoy the high seas freedoms of navigation, overflight, the laying of submarine cables and pipelines, and other internationally lawful uses of the sea.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of March, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

RONALD REAGAN.

PROC. NO. 10071. REVISION TO UNITED STATES MARINE
SCIENTIFIC RESEARCH POLICY

Proc. No. 10071, Sept. 9, 2020, 85 F.R. 59165, provided: The United Nations Convention on the Law of the Sea of 10 December 1982 (Convention) generally reflects customary international law. Section 3 of Part XIII of the Convention provides that coastal states, in the exercise of their jurisdiction, have the right to regulate, authorize, and conduct marine scientific research in their Exclusive Economic Zone (EEZ) and on their continental shelf. Marine scientific research in the EEZ or on the continental shelf shall be conducted with the consent of the coastal state.

In Proclamation 5030 of March 10, 1983 (Exclusive Economic Zone of the United States of America) [set out above], the President announced the establishment of the EEZ of the United States. The Proclamation asserts the sovereign rights and jurisdiction of the United States in its EEZ and confirms the rights and freedoms of all states, as provided under international law. In an accompanying Presidential Statement of March 10, 1983 (United States Oceans Policy), the President acknowledged that international law allows coastal states to exercise jurisdiction over marine scientific research in their respective EEZs, but stated that the United States had elected not to do so to the fullest extent permitted under international law, in an effort to encourage such research. Presidential Decision Directive-36 of April 5, 1995 (United States Policy on Protecting the Ocean Environment), emphasizes that the policy of the United States is to protect and monitor the ocean and coastal environment and conserve living marine resources, recognizing that doing so, in an open and collaborative manner, supports our economic and national security interests.

In Executive Order 13840 of June 19, 2018 (Ocean Policy to Advance the Economic, Security, and Environmental Interests of the United States) [33 U.S.C. 857-19 note], I reaffirmed that the United States will continue to promote lawful use of the ocean by agencies, including the Armed Forces, and that the United States will continue to exercise its rights and jurisdiction and perform duties in accordance with applicable international law, including customary international law. Further, the United States will use the best available ocean-related science and knowledge, in partnership with the science and technology communities, to inform decisions and enhance entrepreneurial opportunities. In the Presidential Memorandum of November 19, 2019 (Ocean Mapping of the United States Exclusive Economic Zone and the Shoreline and Nearshore of Alaska) [33 U.S.C. 3501 note], I affirmed the importance of understanding our ocean systems and natural resources to our security, economic, and environmental interests.

Likewise, the exercise of jurisdiction by the United States over marine scientific research in its EEZ and on its continental shelf will result in greater access to data collected during such research and will increase maritime domain awareness, thereby reducing potential exposure to security, economic, and environmental risks.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim the following:

SECTION 1. Policy. The United States will exercise its right to regulate, authorize, and conduct marine scientific research, with a specific requirement to authorize, in advance, all instances of foreign marine scientific research, in the United States EEZ and on its continental shelf to the extent permitted under international law.

SEC. 2. Implementation. The Secretary of State (Secretary) shall have lead responsibility for implementing this proclamation, in consultation with relevant executive departments and agencies (agencies) and with the Ocean Policy Committee established in Executive Order 13840 (Ocean Policy Committee).

SEC. 3. Intelligence. The Intelligence Community of the Federal Government shall support the implementation of this proclamation, as appropriate.

SEC. 4. Information Sharing. To facilitate the process for reviewing applications for marine scientific research, agencies not part of the Intelligence Community shall share information related to marine scientific research with the Department of State, to the maximum extent authorized by law.

SEC. 5. Termination. This proclamation shall remain in effect until terminated by the President. At any time, but not less frequently than every 2 years from the date of this proclamation [Sept. 9, 2020], the Secretary may recommend that the President modify or terminate this proclamation. Any such recommendation by the Secretary shall be coordinated with the National Security Council staff and the Ocean Policy Committee.

SEC. 6. General Provisions. (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of September, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fifth.

DONALD J. TRUMP.

§ 1454. Submittal of State program for approval

Any coastal state which has completed the development of its management program shall submit such program to the Secretary for review and approval pursuant to section 1455 of this title.

(Pub. L. 89-454, title III, §305, as added Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1282; amended Pub. L. 93-612, §1(1), Jan. 2, 1975, 88 Stat. 1974; Pub. L. 94-370, §4, July 26, 1976, 90 Stat. 1015; Pub. L. 101-508, title VI, §6205, Nov. 5, 1990, 104 Stat. 1388-302; Pub. L. 102-587, title II, §2205(b)(1)(A), Nov. 4, 1992, 106 Stat. 5050; Pub. L. 104-150, §2(a), (b)(1), June 3, 1996, 110 Stat. 1380.)

AMENDMENTS

1996—Pub. L. 104-150, §2(b)(1), substituted “Submittal of State program for approval” for “Management program development grants” in section catchline, struck out “(b)” before “Any coastal state”, and struck out subsec. (a) which read as follows: “In fiscal years 1997, 1998, and 1999, the Secretary may make a grant annually to any coastal state without an approved program if the coastal state demonstrates to the satisfaction of the Secretary that the grant will be used to develop a management program consistent with the requirements set forth in section 1455 of this title. The amount of any such grant shall not exceed \$200,000 in any fiscal year, and shall require State matching funds according to a 4-to-1 ratio of Federal-to-State contributions. After an initial grant is made to a coastal state pursuant to this subsection, no subsequent grant shall be made to that coastal state pursuant to this subsection unless the Secretary finds that the coastal state is satisfactorily developing its management program. No coastal state