

# Calendar No. 211

109TH CONGRESS  
1ST SESSION

# S. 360

[Report No. 109-137]

To amend the Coastal Zone Management Act.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2005

Ms. SNOWE (for herself, Mr. KERRY, Mr. SARBANES, Ms. CANTWELL, Mr. LEVIN, Mr. DEWINE, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 15, 2005

Reported by Mr. STEVENS, with an amendment

[Strike all after the enacting clause and insert the part printed in italic]

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## A BILL

To amend the Coastal Zone Management Act.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coastal Zone Enhance-  
5 ment Reauthorization Act of 2005”.

1 **SEC. 2. AMENDMENT OF COASTAL ZONE MANAGEMENT**  
 2 **ACT.**

3 Except as otherwise expressly provided, whenever in  
 4 this Act an amendment or repeal is expressed in terms  
 5 of an amendment to, or repeal of, a section or other provi-  
 6 sion, the reference shall be considered to be made to a  
 7 section or other provision of the Coastal Zone Manage-  
 8 ment Act of 1972 (16 U.S.C. 1451 et seq.).

9 **SEC. 3. FINDINGS.**

10 Section 302 (16 U.S.C. 1451) is amended—

11 (1) by redesignating paragraphs (a) through  
 12 (m) as paragraphs (1) through (13);

13 (2) by inserting “ports,” in paragraph (3) (as  
 14 so redesignated) after “fossil fuels,”;

15 (3) by inserting “including coastal waters and  
 16 wetlands,” in paragraph (4) (as so redesignated)  
 17 after “zone,”;

18 (4) by striking “therein,” in paragraph (4) (as  
 19 so redesignated) and inserting “dependent on that  
 20 habitat,”;

21 (5) by striking “well-being” in paragraph (5)  
 22 (as so redesignated) and inserting “quality of life”;

23 (6) by striking paragraph (11) (as so redesi-  
 24 gnated) and inserting the following:

25 “(11) Land and water uses in the coastal zone  
 26 and coastal watersheds may significantly affect the

1 quality of coastal waters and habitats, and efforts to  
 2 control coastal water pollution from activities in  
 3 these areas must be improved.”; and

4 (7) by adding at the end thereof the following:

5 “(14) There is a need to enhance cooperation  
 6 and coordination among states and local commu-  
 7 nities, to encourage local community-based solutions  
 8 that address the impacts and pressures on coastal  
 9 resources and on public facilities and public service  
 10 caused by continued coastal demands, and to in-  
 11 crease state and local capacity to identify public in-  
 12 frastructure and open space needs and develop and  
 13 implement plans which provide for sustainable  
 14 growth, resource protection and community revital-  
 15 ization.”.

16 **SEC. 4. POLICY.**

17 Section 303 (16 U.S.C. 1452) is amended—

18 (1) by striking “the states” in paragraph (2)  
 19 and inserting “state and local governments”;

20 (2) by striking “waters,” each place it appears  
 21 in paragraph (2)(C) and inserting “waters and habi-  
 22 tats,”;

23 (3) by striking “agencies and state and wildlife  
 24 agencies, and” in paragraph (2)(J) and inserting  
 25 “and wildlife management, and”;

1           (4) by inserting “other countries,” after “agen-  
2           cies,” in paragraph (5);

3           (5) by striking “and” at the end of paragraph  
4           (5);

5           (6) by striking “zone.” in paragraph (6) and in-  
6           serting “zone;”; and

7           (7) by adding at the end thereof the following:

8           “(7) to create and use a National Estuarine  
9           Research Reserve System as a Federal, state, and  
10          community partnership to support and enhance  
11          coastal management and stewardship; and

12          “(8) to encourage the development, application,  
13          and transfer of innovative coastal and estuarine en-  
14          vironmental technologies and techniques for the  
15          long-term conservation of coastal ecosystems.”.

16 **SEC. 5. CHANGES IN DEFINITIONS.**

17          Section 304 (16 U.S.C. 1453) is amended—

18          (1) by striking “and the Trust Territories of  
19          the Pacific Islands,” in paragraph (4);

20          (2) by striking paragraph (8) and inserting the  
21          following:

22          “(8) The term ‘estuarine reserve’ means a  
23          coastal protected area which may include any part  
24          or all of an estuary and any island, transitional area,  
25          and upland in, adjoining, or adjacent to the estuary,

1 and which constitutes to the extent feasible a nat-  
 2 ural unit, established to provide long-term opportu-  
 3 nities for conducting scientific studies and edu-  
 4 cational and training programs that improve the un-  
 5 derstanding, stewardship, and management of estu-  
 6 aries.”; and

7 (3) by adding at the end thereof the following:

8 “(19) The term ‘coastal nonpoint pollution con-  
 9 trol strategies and measures’ means strategies and  
 10 measures included as part of the coastal nonpoint  
 11 pollution control program under section 6217 of the  
 12 Coastal Zone Act Reauthorization Amendments of  
 13 1990 (16 U.S.C. 1455b).

14 “(20) The term ‘qualified local entity’ means—

15 “(A) any local government;

16 “(B) any areawide agency referred to in  
 17 section 204(a)(1) of the Demonstration Cities  
 18 and Metropolitan Development Act of 1966 (42  
 19 U.S.C. 3334 (a)(1));

20 “(C) any regional agency;

21 “(D) any interstate agency;

22 “(E) any nonprofit organization; or

23 “(F) any reserve established under section  
 24 315.”.

1 **SEC. 6. REAUTHORIZATION OF MANAGEMENT PROGRAM**  
2 **DEVELOPMENT GRANTS.**

3 Section 305 (16 U.S.C. 1454) is amended to read as  
4 follows:

5 **“SEC. 305. MANAGEMENT PROGRAM DEVELOPMENT**  
6 **GRANTS.**

7 “(a) STATES WITHOUT PROGRAMS.—In fiscal years  
8 2006 and 2007, the Secretary may make a grant annually  
9 to any coastal state without an approved program if the  
10 coastal state demonstrates to the satisfaction of the Sec-  
11 retary that the grant will be used to develop a manage-  
12 ment program consistent with the requirements set forth  
13 in section 306. The amount of any such grant shall not  
14 exceed \$200,000 in any fiscal year, and shall require State  
15 matching funds according to a 4-to-1 ratio of Federal-to-  
16 State contributions. After an initial grant is made to a  
17 coastal state under this subsection, no subsequent grant  
18 may be made to that coastal state under this subsection  
19 unless the Secretary finds that the coastal state is satis-  
20 factorily developing its management program. No coastal  
21 state is eligible to receive more than 4 grants under this  
22 subsection.

23 “(b) SUBMITTAL OF PROGRAM FOR APPROVAL.—A  
24 coastal state that has completed the development of its  
25 management program shall submit the program to the  
26 Secretary for review and approval under section 306.”

1 **SEC. 7. ADMINISTRATIVE GRANTS.**

2 (a) **PURPOSES.**—Section 306(a) (16 U.S.C. 1455(a))  
 3 is amended by inserting “including developing and imple-  
 4 menting coastal nonpoint pollution control program com-  
 5 ponents,” after “program,”.

6 (b) **EQUITABLE ALLOCATION OF FUNDING.**—Section  
 7 306(e) (16 U.S.C. 1455(e)) is amended by adding at the  
 8 end thereof “In promoting equity, the Secretary shall con-  
 9 sider the overall change in grant funding under this sec-  
 10 tion from the preceding fiscal year and minimize the rel-  
 11 ative increases or decreases among all the eligible States.  
 12 The Secretary shall ensure that each eligible State receives  
 13 increased funding under this section in any fiscal year for  
 14 which the total amount appropriated to carry out this sec-  
 15 tion is greater than the total amount appropriated to carry  
 16 out this section for the preceding fiscal year.

17 (c) **ACQUISITION CRITERIA.**—Section 306(d)(10)(B)  
 18 (16 U.S.C. 1455(d)(10)(B)) is amended by striking “less  
 19 than fee simple” and inserting “other”.

20 **SEC. 8. COASTAL RESOURCE IMPROVEMENT PROGRAM.**

21 Section 306A (16 U.S.C. 1455a) is amended—

22 (1) by inserting “or other important coastal  
 23 habitats” in subsection (b)(1)(A) after “306(d)(9)”;

24 (2) by inserting “or historic” in subsection  
 25 (b)(2) after “urban”;

1           (3) by adding at the end of subsection (b) the  
2 following:

3           “~~(5) The coordination and implementation of~~  
4 approved coastal nonpoint pollution control plans:

5           “~~(6) The preservation, restoration, enhance-~~  
6 ment or creation of coastal habitats.”;

7           (4) by striking “and” after the semicolon in  
8 subsection (e)(2)(D);

9           (5) by striking “section.” in subsection  
10 (e)(2)(E) and inserting “section,”;

11           (6) by adding at the end of subsection (e)(2)  
12 the following:

13           “~~(F) work, resources, or technical support~~  
14 necessary to preserve, restore, enhance, or cre-  
15 ate coastal habitats; and

16           “~~(G) the coordination and implementation~~  
17 of approved coastal nonpoint pollution control  
18 plans.”; and

19           (7) by striking subsections (d), (e), and (f) and  
20 inserting after subsection (e) the following:

21           “~~(d) SOURCE OF FEDERAL GRANTS; STATE MATCH-~~  
22 ING CONTRIBUTIONS.—

23           “~~(1) IN GENERAL.—~~If a coastal state chooses  
24 to fund a project under this section, then—

1           “(A) it shall submit to the Secretary a  
2 combined application for grants under this sec-  
3 tion and section 306;

4           “(B) it shall match the combined amount  
5 of such grants in the ratio required by section  
6 306(a) for grants under that section; and

7           “(C) the Federal funding for the project  
8 shall be a portion of that state’s annual alloca-  
9 tion under section 306(a).

10          “(2) USE OF FUNDS.—Grants provided under  
11 this section may be used to pay a coastal state’s  
12 share of costs required under any other Federal pro-  
13 gram that is consistent with the purposes of this  
14 section.

15          “(e) ALLOCATION OF GRANTS TO QUALIFIED LOCAL  
16 ENTITY.—With the approval of the Secretary, the eligible  
17 coastal state may allocate to a qualified local entity a por-  
18 tion of any grant made under this section for the purpose  
19 of carrying out this section; except that such an allocation  
20 shall not relieve that state of the responsibility for ensur-  
21 ing that any funds so allocated are applied in furtherance  
22 of the state’s approved management program.

23          “(f) ASSISTANCE.—The Secretary shall assist eligible  
24 coastal states in identifying and obtaining from other Fed-

1 eral agencies technical and financial assistance in achiev-  
2 ing the objectives set forth in subsection (b).”.

3 **SEC. 9. COASTAL ZONE MANAGEMENT FUND.**

4 (a) TREATMENT OF LOAN REPAYMENTS.—Section  
5 308(a)(2) (16 U.S.C. 1456a(a)(2)) is amended to read as  
6 follows:

7 “(2) Loan repayments made under this sub-  
8 section—

9 “(A) shall be retained by the Secretary and  
10 deposited into the Coastal Zone Management  
11 Fund established under subsection (b); and

12 “(B) subject to amounts provided in Ap-  
13 propriations Acts, shall be available to the Sec-  
14 retary for purposes of this title and transferred  
15 to the Operations, Research, and Facilities ac-  
16 count of the National Oceanic and Atmospheric  
17 Administration to offset the costs of imple-  
18 menting this title.”.

19 (b) USE OF AMOUNTS IN FUND.—Section 308(b) (16  
20 U.S.C. 1456a(b)) is amended by striking paragraphs (2)  
21 and (3) and inserting the following:

22 “(2) Subject to Appropriation Acts, amounts in  
23 the Fund shall be available to the Secretary to carry  
24 out the provisions of this Act.”.

1 **SEC. 10. COASTAL ZONE ENHANCEMENT GRANTS.**

2 Section 309 (16 U.S.C. 1456b) is amended—

3 (1) by striking subsection (a)(1) and inserting  
4 the following:

5 “(1) Protection, restoration, enhancement, or  
6 creation of coastal habitats, including wetlands,  
7 coral reefs, marshes, and barrier islands.”;

8 (2) by inserting “and removal” after “entry” in  
9 subsection (a)(4);

10 (3) by striking “on various individual uses or  
11 activities on resources, such as coastal wetlands and  
12 fishery resources.” in subsection (a)(5) and inserting  
13 “of various individual uses or activities on coastal  
14 waters, habitats, and resources, including sources of  
15 polluted runoff.”;

16 (4) by adding at the end of subsection (a) the  
17 following:

18 “(10) Development and enhancement of coastal  
19 nonpoint pollution control program components, in-  
20 cluding the satisfaction of conditions placed on such  
21 programs as part of the Secretary’s approval of the  
22 programs.

23 “(11) Significant emerging coastal issues as  
24 identified by coastal states, in consultation with the  
25 Secretary and qualified local entities.”;

1           (5) by striking “proposals, taking into account  
2           the criteria established by the Secretary under sub-  
3           section (d).” in subsection (e) and inserting “pro-  
4           posals.”;

5           (6) by striking subsection (d) and redesignating  
6           subsection (e) as subsection (d);

7           (7) by striking “section, up to a maximum of  
8           \$10,000,000 annually” in subsection (f) and insert-  
9           ing “section.”; and

10          (8) by redesignating subsections (f) and (g) as  
11          subsections (e) and (f), respectively.

12 **SEC. 11. COASTAL COMMUNITY PROGRAM.**

13          The Act is amended by inserting after section 309  
14          the following:

15 **“SEC. 309A. COASTAL COMMUNITY PROGRAM.**

16          “(a) COASTAL COMMUNITY GRANTS.—The Secretary  
17          may make grants to any coastal state that is eligible under  
18          subsection (b)—

19                 “(1) to assist coastal communities in assessing  
20                 and managing growth, public infrastructure, and  
21                 open space needs in order to provide for sustainable  
22                 growth, resource protection and community revital-  
23                 ization;

24                 “(2) to provide management-oriented research  
25                 and technical assistance in developing and imple-

1       menting community-based growth management and  
2       resource protection strategies in qualified local enti-  
3       ties;

4             “(3) to fund demonstration projects which have  
5       high potential for improving coastal zone manage-  
6       ment at the local level;

7             “(4) to assist in the adoption of plans, strate-  
8       gies, policies, or procedures to support local commu-  
9       nity-based environmentally-protective solutions to  
10      the impacts and pressures on coastal uses and re-  
11      sources caused by development and sprawl that  
12      will—

13             “(A) revitalize previously developed areas;

14             “(B) undertake conservation activities and  
15      projects in undeveloped and environmentally  
16      sensitive areas;

17             “(C) emphasize water-dependent uses; and

18             “(D) protect coastal waters and habitats;

19             and

20             “(5) to assist coastal communities to coordinate  
21      and implement approved coastal nonpoint pollution  
22      control strategies and measures that reduce the  
23      causes and impacts of polluted runoff on coastal wa-  
24      ters and habitats.”.

1       “(b) ELIGIBILITY.—To be eligible for a grant under  
2 this section for a fiscal year, a coastal state shall—

3           “(1) have a management program approved  
4 under section 306; and

5           “(2) in the judgment of the Secretary, be mak-  
6 ing satisfactory progress in activities designed to re-  
7 sult in significant improvement in achieving the  
8 coastal management objectives specified in section  
9 303(2)(A) through (K).

10       “(c) ALLOCATIONS; SOURCE OF FEDERAL GRANTS;  
11 STATE MATCHING CONTRIBUTIONS.—

12           “(1) ALLOCATION.—Grants under this section  
13 shall be allocated to coastal states as provided in  
14 section 306(e).

15           “(2) APPLICATION; MATCHING.—If a coastal  
16 state chooses to fund a project under this section,  
17 then—

18           “(A) it shall submit to the Secretary a  
19 combined application for grants under this sec-  
20 tion and section 306; and

21           “(B) it shall match the amount of the  
22 grant under this section on the basis of a total  
23 contribution of section 306, 306A, and this sec-  
24 tion so that, in aggregate, the match is 1:1.

1 “(d) ALLOCATION OF GRANTS TO QUALIFIED LOCAL  
2 ENTITY.—

3 “(1) IN GENERAL.—With the approval of the  
4 Secretary, the eligible coastal state may allocate to  
5 a qualified local entity amounts received by the state  
6 under this section.

7 “(2) ASSURANCES.—A coastal state shall en-  
8 sure that amounts allocated by the state under para-  
9 graph (1) are used by the qualified local entity in  
10 furtherance of the state’s approved management  
11 program, specifically furtherance of the coastal man-  
12 agement objectives specified in section 303(2).

13 “(e) ASSISTANCE.—The Secretary shall assist eligible  
14 coastal states and qualified local entities in identifying and  
15 obtaining from other Federal agencies technical and finan-  
16 cial assistance in achieving the objectives set forth in sub-  
17 section (a).”.

18 **SEC. 12. TECHNICAL ASSISTANCE.**

19 Section 310(b) (16 U.S.C. 1456c(b)) is amended by  
20 adding at the end thereof the following:

21 “(4) The Secretary may conduct a program to  
22 develop and apply innovative coastal and estuarine  
23 environmental technology and methodology through  
24 a cooperative program. The Secretary may make ex-

1 tramural grants in carrying out the purpose of this  
 2 subsection.”.

3 **SEC. 13. PERFORMANCE REVIEW.**

4 Section 312(a) (16 U.S.C. 1458(a)) is amended by  
 5 inserting “coordinated with National Estuarine Research  
 6 Reserves in the state” after “303(2)(A) through (K).”.

7 **SEC. 14. WALTER B. JONES AWARDS.**

8 Section 314 (16 U.S.C. 1460) is amended—

9 (1) by striking “shall, using sums in the Coast-  
 10 al Zone Management Fund established under section  
 11 308” in subsection (a) and inserting “may, using  
 12 sums available under this Act”;

13 (2) by striking “field.” in subsection (a) and in-  
 14 serting the following: “field of coastal zone manage-  
 15 ment. These awards, to be known as the ‘Walter B.  
 16 Jones Awards’, may include—

17 “(1) cash awards in an amount not to exceed  
 18 \$5,000 each;

19 “(2) research grants; and

20 “(3) public ceremonies to acknowledge such  
 21 awards.”;

22 (3) by striking “shall elect annually—” in sub-  
 23 section (b) and inserting “may select annually if  
 24 funds are available under subsection (a)—”; and

25 (4) by striking subsection (c).

1 **SEC. 15. NATIONAL ESTUARINE RESEARCH RESERVE SYS-**  
2 **TEM.**

3 (a) Section 315(a) (16 U.S.C. 1461(a)) is amended  
4 by striking “consists of—” and inserting “is a network  
5 of areas protected by Federal, state, and community part-  
6 nerships which promotes informed management of the Na-  
7 tion’s estuarine and coastal areas through interconnected  
8 programs in resource stewardship, education and training,  
9 and scientific understanding consisting of—”.

10 (b) Section 315(b)(2)(C) (16 U.S.C. 1461(b)(2)(C))  
11 is amended by striking “public education and interpreta-  
12 tion; and”; and inserting “education, interpretation, train-  
13 ing, and demonstration projects; and”.

14 (c) Section 315(c) (16 U.S.C. 1461(c)) is amended—

15 (1) by striking “RESEARCH” in the subsection  
16 caption and inserting “RESEARCH, EDUCATION, AND  
17 RESOURCE STEWARDSHIP”;

18 (2) by striking “conduct of research” and in-  
19 serting “conduct of research, education, and re-  
20 source stewardship”;

21 (3) by striking “coordinated research” in para-  
22 graph (1)) and inserting “coordinated research, edu-  
23 cation, and resource stewardship”;

24 (4) by striking “research” before “principles”  
25 in paragraph (2);

1           (5) by striking “research programs” in para-  
2           graph (2) and inserting “research, education, and  
3           resource stewardship programs”;

4           (6) by striking “research” before “methodolo-  
5           gies” in paragraph (3);

6           (7) by striking “data,” in paragraph (3) and in-  
7           serting “information,”;

8           (8) by striking “research” before “results” in  
9           paragraph (3);

10          (9) by striking “research purposes,” in para-  
11          graph (3) and inserting “research, education, and  
12          resource stewardship purposes,”;

13          (10) by striking “research efforts” in para-  
14          graph (4) and inserting “research, education, and  
15          resource stewardship efforts”;

16          (11) by striking “research” in paragraph (5)  
17          and inserting “research, education, and resource  
18          stewardship”; and

19          (12) by striking “research” in the last sentence.

20          (d) Section 315(d) (16 U.S.C. 1461(d)) is amend-  
21          ed—

22                 (1) by striking “ESTUARINE RESEARCH.—” in  
23                 the subsection caption and inserting “ESTUARINE  
24                 RESEARCH, EDUCATION, AND RESOURCE STEWARD-  
25                 SHIP.—”;

1           (2) by striking “research purposes” and insert-  
2           ing “research, education, and resource stewardship  
3           purposes”;

4           (3) by striking paragraph (1) and inserting the  
5           following:

6           “(1) giving reasonable priority to research, edu-  
7           cation, and stewardship activities that use the Sys-  
8           tem in conducting or supporting activities relating to  
9           estuaries; and”;

10          (4) by striking “research.” in paragraph (2)  
11          and inserting “research, education, and resource  
12          stewardship activities.”; and

13          (5) by adding at the end thereof the following:

14          “(3) establishing partnerships with other Fed-  
15          eral and state estuarine management programs to  
16          coordinate and collaborate on estuarine research.”.

17          (e) Section 315(e) (16 U.S.C. 1461(e)) is amended—

18          (1) by striking “reserve,” in paragraph  
19          (1)(A)(i) and inserting “reserve; and”;

20          (2) by striking “and constructing appropriate  
21          reserve facilities; or” in paragraph (1)(A)(ii) and in-  
22          serting “including resource stewardship activities  
23          and constructing reserve facilities; and”;

24          (3) by striking paragraph (1)(A)(iii);

1           (4) by striking paragraph (1)(B) and inserting  
2 the following:

3           “(B) to any coastal state or public or pri-  
4 vate person for purposes of—

5           “(i) supporting research and moni-  
6 toring associated with a national estuarine  
7 reserve that are consistent with the re-  
8 search guidelines developed under sub-  
9 section (e); or

10           “(ii) conducting educational, interpre-  
11 tive, or training activities for a national es-  
12 tuarine reserve that are consistent with the  
13 education guidelines developed under sub-  
14 section (e).”;

15           (5) by striking “therein or \$5,000,000, which-  
16 ever amount is less.” in paragraph (3)(A) and in-  
17 serting “therein. Non-Federal costs associated with  
18 the purchase of any lands and waters, or interests  
19 therein, which are incorporated into the boundaries  
20 of a reserve up to 5 years after the costs are in-  
21 curred, may be used to match the Federal share.”;

22           (6) by striking “and (iii)” in paragraph (3)(B);

23           (7) by striking “paragraph (1)(A)(iii)” in para-  
24 graph (3)(B) and inserting “paragraph (1)(B)”;

1           (8) by striking “entire System.” in paragraph  
2           (3)(B) and inserting “System as a whole.”; and

3           (9) by adding at the end thereof the following:

4           “(4) The Secretary may—

5                   “(A) enter into cooperative agreements, fi-  
6                   nancial agreements, grants, contracts, or other  
7                   agreements with any nonprofit organization, au-  
8                   thorizing the organization to solicit donations to  
9                   carry out the purposes and policies of this sec-  
10                  tion, other than general administration of re-  
11                  serves of the System and which are consistent  
12                  with the purposes and policies of this section;  
13                  and

14                   “(B) accept donations of funds and serv-  
15                   ices for use in carrying out the purposes and  
16                   policies of this section, other than general ad-  
17                   ministration of reserves of the System and  
18                   which are consistent with the purposes and poli-  
19                   cies of this section.

20           Donations accepted under this section shall be con-  
21           sidered as a gift or bequest to or for the use of the  
22           United States for the purpose of carrying out this  
23           section.”.

24           (f) Section 315(f)(1) (16 U.S.C. 1461(f)(1)) is  
25           amended by inserting “coordination with other state pro-

1 grams established under sections 306 and 309A,” after  
 2 “including”.

3 **SEC. 16. COASTAL ZONE MANAGEMENT REPORTS.**

4 Section 316 (16 U.S.C. 1462) is amended—

5 (1) by striking “to the President for trans-  
 6 mittal” in subsection (a);

7 (2) by striking “zone and an evaluation of the  
 8 effectiveness of financial assistance under section  
 9 308 in dealing with such consequences;” and insert-  
 10 ing “zone;” in the provision designated as (10) in  
 11 subsection (a);

12 (3) by inserting “education,” after the “stud-  
 13 ies,” in the provision designated as (12) in sub-  
 14 section (a);

15 (4) by striking “Secretary” in the first sentence  
 16 of subsection (c)(1) and inserting “Secretary, in con-  
 17 sultation with coastal states, and with the participa-  
 18 tion of affected Federal agencies;”;

19 (5) by striking the second sentence of sub-  
 20 section (c)(1) and inserting the following: “The Sec-  
 21 retary, in conducting such a review, shall coordinate  
 22 with, and obtain the views of, appropriate Federal  
 23 agencies.”;

24 (6) by striking “shall promptly” in subsection  
 25 (c)(2) and inserting “shall, within 4 years after the

1 date of enactment of the Coastal Zone Enhancement  
2 Reauthorization Act of 2005,”; and

3 (7) by adding at the end of subsection (e)(2)  
4 the following: “If sufficient funds and resources are  
5 not available to conduct such a review, the Secretary  
6 shall so notify the Congress.”.

7 **SEC. 17. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 318 (16 U.S.C. 1464) is amended—

9 (1) by striking paragraphs (1) and (2) of sub-  
10 section (a) and inserting the following:

11 “(1) for grants under sections 306, 306A, and  
12 309—

13 “(A) \$90,500,000 for fiscal year 2006;

14 “(B) \$94,000,000 for fiscal year 2007;

15 “(C) \$98,000,000 for fiscal year 2008;

16 “(D) \$102,000,000 for fiscal year 2009;

17 and

18 “(E) \$106,000,000 for fiscal year 2010.

19 “(2) for grants under section 309A—

20 “(A) \$29,000,000 for fiscal year 2006;

21 “(B) \$30,000,000 for fiscal year 2007;

22 “(C) \$31,000,000 for fiscal year 2008;

23 “(D) \$32,000,000 for fiscal year 2009;

24 and

25 “(E) \$32,000,000 for fiscal year 2010.

1 of which \$10,000,000, or 35 percent, whichever is  
 2 less, shall be for purposes set forth in section  
 3 ~~309A(a)(5)~~;

4 ~~“(3) for grants under section 315—~~

5 ~~“(A) \$18,000,000 for fiscal year 2006;~~

6 ~~“(B) \$19,000,000 for fiscal year 2007;~~

7 ~~“(C) \$20,000,000 for fiscal year 2008;~~

8 ~~“(D) \$21,000,000 for fiscal year 2009;~~

9 and

10 ~~“(E) \$22,000,000 for fiscal year 2010.~~

11 ~~“(4) for grants to fund construction projects at~~  
 12 ~~estuarine reserves designated under section 315,~~  
 13 ~~\$15,000,000 for each of fiscal years 2006, 2007,~~  
 14 ~~2008, 2009, and 2010; and~~

15 ~~“(5) for costs associated with administering this~~  
 16 ~~title, \$7,000,000 for fiscal year 2006 and such sums~~  
 17 ~~as are necessary for fiscal years 2007–2010.”;~~

18 (2) by striking “306 or 309.” in subsection (b)  
 19 and inserting “306.”;

20 (3) by striking “during the fiscal year, or dur-  
 21 ing the second fiscal year after the fiscal year, for  
 22 which” in subsection (c) and inserting “within 3  
 23 years from when”;

24 (4) by striking “under the section for such re-  
 25 verted amount was originally made available.” in

1 subsection (e) and inserting “to states under this  
2 Act.”; and

3 (5) by adding at the end thereof the following:

4 “(d) PURCHASE OF OTHERWISE UNAVAILABLE FED-  
5 ERAL PRODUCTS AND SERVICES.—Federal funds allo-  
6 cated under this title may be used by grantees to purchase  
7 Federal products and services not otherwise available.

8 “(e) RESTRICTION ON USE OF AMOUNTS FOR PRO-  
9 GRAM, ADMINISTRATIVE, OR OVERHEAD COSTS.—Except  
10 for funds appropriated under subsection (a)(5), amounts  
11 appropriated under this section shall be available only for  
12 grants to states and shall not be available for other pro-  
13 gram, administrative, or overhead costs of the National  
14 Oceanic and Atmospheric Administration or the Depart-  
15 ment of Commerce.”.

16 **SEC. 18. SENSE OF CONGRESS.**

17 It is the sense of Congress that the Undersecretary  
18 for Oceans and Atmosphere should re-evaluate the calcula-  
19 tion of shoreline mileage used in the distribution of fund-  
20 ing under the Coastal Zone Management Program to en-  
21 sure equitable treatment of all regions of the coastal zone,  
22 including the Southeastern States and the Great Lakes  
23 States.

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the*  
 3 *“Coastal Zone Enhancement Reauthorization Act of 2005”.*

4 (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 5 *this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. Amendment of Coastal Zone Management Act of 1972.*

*Sec. 3. Findings.*

*Sec. 4. Policy.*

*Sec. 5. Changes in definitions.*

*Sec. 6. Reauthorization of management program development grants.*

*Sec. 7. Administrative grants.*

*Sec. 8. Coastal resource improvement program.*

*Sec. 9. Certain Federal agency activities.*

*Sec. 10. Coastal zone management fund.*

*Sec. 11. Coastal zone enhancement grants.*

*Sec. 12. Coastal community program.*

*Sec. 13. Technical assistance; resources assessments; information systems.*

*Sec. 14. Performance review.*

*Sec. 15. Walter B. Jones awards.*

*Sec. 16. National Estuarine Research Reserve System.*

*Sec. 17. Coastal zone management reports.*

*Sec. 18. Authorization of appropriations.*

*Sec. 19. Deadline for decision on appeals of consistency determination.*

*Sec. 20. Coordination with Federal Energy Regulatory Commission.*

6 **SEC. 2. AMENDMENT OF COASTAL ZONE MANAGEMENT ACT**

7 **OF 1972.**

8 *Except as otherwise expressly provided, whenever in*  
 9 *this Act an amendment or repeal is expressed in terms of*  
 10 *an amendment to, or repeal of, a section or other provision,*  
 11 *the reference shall be considered to be made to a section or*  
 12 *other provision of the Coastal Zone Management Act of*  
 13 *1972 (16 U.S.C. 1451 et seq.).*

14 **SEC. 3. FINDINGS.**

15 *Section 302 (16 U.S.C. 1451) is amended—*

1           (1) by redesignating paragraphs (a) through (m)  
2 as paragraphs (1) through (13);

3           (2) by inserting “ports,” in paragraph (3) (as so  
4 redesignated) after “fossil fuels,”;

5           (3) by inserting “including coastal waters and  
6 wetlands,” in paragraph (4) (as so redesignated) after  
7 “zone,”;

8           (4) by striking “therein,” in paragraph (4) (as  
9 so redesignated) and inserting “dependent on that  
10 habitat,”;

11           (5) by striking “well-being” in paragraph (5) (as  
12 so redesignated) and inserting “quality of life”;

13           (6) by inserting “integrated plans and strate-  
14 gies,” after “including” in paragraph (9) (as so re-  
15 designated);

16           (7) by striking paragraph (11) (as so redesign-  
17 ated) and inserting the following:

18           “(11) Land and water uses in the coastal zone  
19 and coastal watersheds may significantly affect the  
20 quality of coastal waters and habitats, and efforts to  
21 control coastal water pollution from activities in these  
22 areas must be improved.”; and

23           (8) by adding at the end thereof the following:

24           “(14) There is a need to enhance cooperation and  
25 coordination among states and local communities, to

1       *encourage local community-based solutions that ad-*  
2       *dress the impacts and pressures on coastal resources*  
3       *and on public facilities and public service caused by*  
4       *continued coastal demands, and to increase state and*  
5       *local capacity to identify public infrastructure and*  
6       *open space needs and develop and implement plans*  
7       *which provide for sustainable growth, resource protec-*  
8       *tion and community revitalization.*

9               *“(15) The establishment of a national system of*  
10       *estuarine research reserves will provide for protection*  
11       *of essential estuarine resources, as well as for a net-*  
12       *work of State-based reserves that will serve as sites for*  
13       *coastal stewardship best-practices, monitoring, re-*  
14       *search, education, and training to improve coastal*  
15       *management and to help translate science and inform*  
16       *coastal decisionmakers and the public.”.*

17   **SEC. 4. POLICY.**

18       *Section 303 (16 U.S.C. 1452) is amended—*

19               *(1) by striking “the states” in paragraph (2)*  
20       *and inserting “state and local governments”;*

21               *(2) by striking “programs” the first place it ap-*  
22       *pears in paragraph (2) and inserting “programs,*  
23       *plans, and strategies”;*

1           (3) by striking “waters,” each place it appears  
2           in paragraph (2)(C) and inserting “waters and habi-  
3           tats,”;

4           (4) by striking “agencies and state and wildlife  
5           agencies; and” in paragraph (2)(J) and inserting  
6           “and wildlife management, and”;

7           (5) by striking “specificity” in paragraph (3)  
8           and inserting “specificity, cooperation, coordination,  
9           and effectiveness”;

10          (6) by inserting “other countries,” after “agen-  
11          cies,” in paragraph (5);

12          (7) by striking “and” at the end of paragraph  
13          (5);

14          (8) by striking “zone.” in paragraph (6) and in-  
15          serting “zone;”; and

16          (9) by adding at the end thereof the following:

17                 “(7) to create and use a National Estuarine Re-  
18                 search Reserve System as a Federal, state, and com-  
19                 munity partnership to support and enhance coastal  
20                 management and stewardship through State-based  
21                 conservation, monitoring, research, education, out-  
22                 reach, and training; and

23                 “(8) to encourage the development, application,  
24                 training, technical assistance, and transfer of innova-  
25                 tive coastal management practices and coastal and es-

1 *tuarine environmental technologies and techniques to*  
2 *improve understanding and management decision-*  
3 *making for the long-term conservation of coastal eco-*  
4 *systems.”.*

5 **SEC. 5. CHANGES IN DEFINITIONS.**

6 *Section 304 (16 U.S.C. 1453) is amended—*

7 *(1) by striking “and the Trust Territories of the*  
8 *Pacific Islands,” in paragraph (4);*

9 *(2) in paragraph (6)(B)—*

10 *(A) by inserting “(ix) use or reuse of facili-*  
11 *ties authorized under the Outer Continental*  
12 *Shelf Lands Act (43 U.S.C. 1331 et seq.) for en-*  
13 *ergy-related purposes or other authorized marine*  
14 *related purposes;” after “transmission facili-*  
15 *ties;”; and*

16 *(B) by striking “and (ix)” and inserting*  
17 *“and (x);*

18 *(3) by striking paragraph (8) and inserting the*  
19 *following:*

20 *“(8) The terms ‘estuarine reserve’ and ‘estuarine*  
21 *research reserve’ mean a coastal protected area that—*

22 *“(A) may include any part or all of an es-*  
23 *tuary and any island, transitional area, and up-*  
24 *land in, adjoining, or adjacent to the estuary;*

1           “(B) constitutes to the extent feasible a nat-  
2           ural unit; and

3           “(C) is established to provide long-term op-  
4           portunities for conducting scientific studies and  
5           monitoring and educational and training pro-  
6           grams that improve the understanding, steward-  
7           ship, and management of estuaries and improve  
8           coastal decisionmaking.”;

9           (4) by inserting “plans, strategies,” after “poli-  
10          cies,” in paragraph (12);

11          (5) in paragraph (13)—

12           (A) by inserting “or alternative energy  
13           sources on or” after “natural gas”;

14           (B) by striking “new or expanded” and in-  
15           serting “new, reused, or expanded”; and

16           (C) by striking “or production.” and insert-  
17           ing “production, or other energy related pur-  
18           poses.”;

19          (6) by striking “policies; standards” in para-  
20          graph (17) and inserting “policies, standards, incen-  
21          tives, guidelines,”; and

22          (7) by adding at the end the following:

23           “(19) The term ‘coastal nonpoint pollution con-  
24           trol strategies and measures’ means strategies and  
25           measures included as part of the coastal nonpoint pol-

1 *lution control program under section 6217 of the*  
 2 *Coastal Zone Act Reauthorization Amendments of*  
 3 *1990 (16 U.S.C. 1455b).*

4 “(20) *The term ‘qualified local entity’ means—*

5 “(A) *any local government;*

6 “(B) *any areawide agency referred to in*  
 7 *section 204(a)(1) of the Demonstration Cities*  
 8 *and Metropolitan Development Act of 1966 (42*  
 9 *U.S.C. 3334 (a)(1));*

10 “(C) *any regional agency;*

11 “(D) *any interstate agency;*

12 “(E) *any nonprofit organization; or*

13 “(F) *any reserve established under section*  
 14 *315.”*

15 **SEC. 6. REAUTHORIZATION OF MANAGEMENT PROGRAM DE-**  
 16 **VELOPMENT GRANTS.**

17 *Section 305 (16 U.S.C. 1454) is amended to read as*  
 18 *follows:*

19 **“SEC. 305. MANAGEMENT PROGRAM DEVELOPMENT**  
 20 **GRANTS.**

21 “(a) *STATES WITHOUT PROGRAMS.—In fiscal years*  
 22 *2006 and 2007, the Secretary may make a grant annually*  
 23 *to any coastal state without an approved program if the*  
 24 *coastal state demonstrates to the satisfaction of the Sec-*  
 25 *retary that the grant will be used to develop a management*

1 program consistent with the requirements set forth in sec-  
 2 tion 306. The amount of any such grant shall not exceed  
 3 \$200,000 in any fiscal year, and shall require State match-  
 4 ing funds according to a 4-to-1 ratio of Federal-to-State  
 5 contributions. After an initial grant is made to a coastal  
 6 state under this subsection, no subsequent grant may be  
 7 made to that coastal state under this subsection unless the  
 8 Secretary finds that the coastal state is satisfactorily devel-  
 9 oping its management program. No coastal state is eligible  
 10 to receive more than 4 grants under this subsection.

11       “(b) *SUBMITTAL OF PROGRAM FOR APPROVAL.*—A  
 12 coastal state that has completed the development of its man-  
 13 agement program shall submit the program to the Secretary  
 14 for review and approval under section 306.”.

15 **SEC. 7. ADMINISTRATIVE GRANTS.**

16       (a) *PURPOSES.*—Section 306(a) (16 U.S.C. 1455(a))  
 17 is amended by striking “administering that State’s man-  
 18 agement program,” and inserting “administering and im-  
 19 plementing that State’s management program and any  
 20 plans, projects, or activities developed pursuant to such pro-  
 21 gram, including developing and implementing applicable  
 22 coastal nonpoint pollution control program components,”.

23       (b) *EQUITABLE ALLOCATION OF FUNDING.*—Section  
 24 306(c) (16 U.S.C. 1455(c)) is amended by adding at the  
 25 end thereof “In promoting equity, the Secretary shall con-

1 *sider the overall change in grant funding under this section*  
2 *from the preceding fiscal year and minimize the relative*  
3 *increases or decreases among all the eligible States. To the*  
4 *extent practicable, the Secretary shall ensure that each eligi-*  
5 *ble State receives increased funding under this section in*  
6 *any fiscal year for which the total amount appropriated*  
7 *to carry out this section is greater than the total amount*  
8 *appropriated to carry out this section for the preceding fis-*  
9 *cal year.*

10 *(c) ACQUISITION CRITERIA.—Section 306(d)(10)(B)*  
11 *(16 U.S.C. 1455(d)(10)(B)) is amended by striking “less*  
12 *than fee simple” and inserting “other”.*

13 *(d) CONFORMING AMENDMENT.—Section*  
14 *306(d)(13)(B) (16 U.S.C. 1455(d)(13)(B)) is amended by*  
15 *inserting “policies, plans, strategies,” after “specific”.*

16 **SEC. 8. COASTAL RESOURCE IMPROVEMENT PROGRAM.**

17 *Section 306A (16 U.S.C. 1455a) is amended—*

18 *(1) by inserting “or other important coastal*  
19 *habitats” in subsection (b)(1)(A) after “306(d)(9)”;*

20 *(2) by inserting “or historic” in subsection (b)(2)*  
21 *after “urban”;*

22 *(3) by adding at the end of subsection (b) the fol-*  
23 *lowing:*

1           “(5) *The coordination and implementation of*  
 2 *approved coastal nonpoint pollution control plans,*  
 3 *strategies, and measures.*

4           “(6) *The preservation, restoration, enhancement*  
 5 *or creation of coastal habitats.”;*

6           (4) *by inserting “planning,” before “engineer-*  
 7 *ing” in subsection (c)(2)(D);*

8           (5) *by striking “and” after the semicolon in sub-*  
 9 *section (c)(2)(D);*

10          (6) *by striking “section.” in subsection (c)(2)(E)*  
 11 *and inserting “section;”;*

12          (7) *by adding at the end of subsection (c)(2) the*  
 13 *following:*

14                 “(F) *work, resources, or technical support*  
 15 *necessary to preserve, restore, enhance, or create*  
 16 *coastal habitats; and*

17                 “(G) *the coordination and implementation*  
 18 *of approved coastal nonpoint pollution control*  
 19 *plans, strategies, measures.”; and*

20          (8) *by striking subsections (d), (e), and (f) and*  
 21 *inserting after subsection (c) the following:*

22                 “(d) *SOURCE OF FEDERAL GRANTS; STATE MATCHING*  
 23 *CONTRIBUTIONS.—*

24                         “(1) *IN GENERAL.—If a coastal state chooses to*  
 25 *fund a project under this section, then—*

1           “(A) it shall submit to the Secretary a com-  
2           bined application for grants under this section  
3           and section 306;

4           “(B) it shall match the combined amount of  
5           such grants in the ratio required by section  
6           306(a) for grants under that section; and

7           “(C) the Federal funding for the project  
8           shall be a portion of that state’s annual alloca-  
9           tion under section 306(a).

10          “(2) USE OF FUNDS.—Grants provided under  
11          this section may be used to pay a coastal state’s share  
12          of costs required under any other Federal program  
13          that is consistent with the purposes of this section.

14          “(e) ALLOCATION OF GRANTS TO QUALIFIED LOCAL  
15          ENTITY.—With the approval of the Secretary, the eligible  
16          coastal state may allocate to a qualified local entity a por-  
17          tion of any grant made under this section for the purpose  
18          of carrying out this section; except that such an allocation  
19          shall not relieve that state of the responsibility for ensuring  
20          that any funds so allocated are applied in furtherance of  
21          the state’s approved management program and consistent  
22          with the policies of this Act.

23          “(f) ASSISTANCE.—The Secretary shall assist eligible  
24          coastal states in identifying and obtaining from other Fed-

1 *eral agencies technical and financial assistance in achiev-*  
 2 *ing the objectives set forth in subsection (b).”.*

3 **SEC. 9. CERTAIN FEDERAL AGENCY ACTIVITIES.**

4 *Section 307(c)(1) (16 U.S.C. 1456(c)(1)) is amended*  
 5 *by adding at the end the following:*

6 *“(D) The provisions of paragraph (1)(A),*  
 7 *and implementing regulations thereunder, with*  
 8 *respect to a Federal agency activity inland of the*  
 9 *coastal zone of the State of Alaska, apply only*  
 10 *if the activity directly and significantly affects a*  
 11 *land or water use or a natural resource of the*  
 12 *Alaskan coastal zone.”.*

13 **SEC. 10. COASTAL ZONE MANAGEMENT FUND.**

14 *(a) TREATMENT OF LOAN REPAYMENTS.—Section*  
 15 *308(a)(2) (16 U.S.C. 1456a(a)(2)) is amended to read as*  
 16 *follows:*

17 *“(2) Loan repayments made under this sub-*  
 18 *section shall be retained by the Secretary and depos-*  
 19 *ited into the Coastal Zone Management Fund estab-*  
 20 *lished under subsection (b) and shall be made avail-*  
 21 *able to the States for grants as under subsection*  
 22 *(b)(2).”.*

23 *(b) USE OF AMOUNTS IN FUND.—Section 308(b) (16*  
 24 *U.S.C. 1456a(b)) is amended by striking paragraphs (2)*  
 25 *and (3) and inserting the following:*

1           “(2) Subject to appropriation Acts, amounts in  
2           the Fund shall be available to the Secretary to make  
3           grants to the States for—

4                   “(A) projects to address coastal and ocean  
5                   management issues which are regional in scope,  
6                   including intrastate and interstate projects; and

7                   “(B) projects that have high potential for  
8                   improving coastal zone and watershed manage-  
9                   ment.

10           “(3) Projects funded under this subsection shall  
11           apply an integrated, watershed-based management  
12           approach and advance the purpose of this Act to pre-  
13           serve, protect, develop, and where possible, to restore  
14           or enhance, the resources of the Nation’s coastal zone  
15           for this and succeeding generations.”.

16 **SEC. 11. COASTAL ZONE ENHANCEMENT GRANTS.**

17           Section 309 (16 U.S.C. 1456b) is amended—

18                   (1) by striking subsection (a)(1) and inserting  
19                   the following:

20                   “(1) Protection, restoration, enhancement, or cre-  
21                   ation of coastal habitats, including wetlands, coral  
22                   reefs, marshes, and barrier islands.”;

23                   (2) by inserting “and removal” after “entry” in  
24                   subsection (a)(4);

1           (3) by striking “on various individual uses or  
2           activities on resources, such as coastal wetlands and  
3           fishery resources.” in subsection (a)(5) and inserting  
4           “of various individual uses or activities on coastal  
5           waters, habitats, and resources, including sources of  
6           polluted runoff.”;

7           (4) by adding at the end of subsection (a) the fol-  
8           lowing:

9           “(10) Development and enhancement of coastal  
10          nonpoint pollution control program components,  
11          strategies, and measures, including the satisfaction of  
12          conditions placed on such programs as part of the  
13          Secretary’s approval of the programs.

14          “(11) Significant emerging coastal issues as  
15          identified by coastal states, in consultation with the  
16          Secretary and qualified local entities.”;

17          (5) by striking “changes” in subsection (b)(2)(A)  
18          and inserting “changes, or for projects that dem-  
19          onstrate significant potential for improving ocean re-  
20          source management or integrated coastal and water-  
21          shed management at the local, state, or regional  
22          level.”;

23          (6) by striking “proposals, taking into account  
24          the criteria established by the Secretary under sub-

1        *section (d).” in subsection (c) and inserting “pro-*  
2        *posals.”;*

3                *(7) by striking subsection (d) and redesignating*  
4        *subsections (e), (f), and (g) as subsections (d), (e), and*  
5        *(f), respectively; and*

6                *(8) by striking “in implementing this section, up*  
7        *to a maximum of \$10,000,000 annually.” in sub-*  
8        *section (e), as redesignated, and inserting “for grants*  
9        *to the States.”.*

10 **SEC. 12. COASTAL COMMUNITY PROGRAM.**

11        *The Act is amended by inserting after section 309 the*  
12 *following:*

13 **“SEC. 309A. COASTAL COMMUNITY PROGRAM.**

14        *“(a) COASTAL COMMUNITY GRANTS.—The Secretary*  
15 *may make grants to any coastal state that is eligible under*  
16 *subsection (b)—*

17                *“(1) to assist coastal communities in assessing*  
18        *and managing growth, public infrastructure, and*  
19        *open space needs in order to provide for sustainable*  
20        *growth, resource protection and community revital-*  
21        *ization;*

22                *“(2) to provide management-oriented research*  
23        *and technical assistance in developing and imple-*  
24        *menting community-based growth management and*  
25        *resource protection strategies in qualified local enti-*

1 *ties as long as such strategies are consistent with the*  
2 *policies of this Act;*

3 *“(3) to fund demonstration projects which have*  
4 *high potential for improving coastal zone manage-*  
5 *ment at the local level;*

6 *“(4) to assist in the adoption of plans, strategies,*  
7 *policies, or procedures to support local community-*  
8 *based environmentally-protective solutions to the im-*  
9 *pacts and pressures on coastal uses and resources*  
10 *caused by development and sprawl that will—*

11 *“(A) revitalize previously developed areas;*

12 *“(B) undertake conservation activities and*  
13 *projects in undeveloped and environmentally*  
14 *sensitive areas;*

15 *“(C) emphasize water-dependent uses; and*

16 *“(D) protect coastal waters and habitats;*

17 *and*

18 *“(5) to assist coastal communities to coordinate*  
19 *and implement approved coastal nonpoint pollution*  
20 *control strategies and measures that reduce the causes*  
21 *and impacts of polluted runoff on coastal waters and*  
22 *habitats.”.*

23 *“(b) ELIGIBILITY.—To be eligible for a grant under*  
24 *this section for a fiscal year, a coastal state shall—*

1           “(1) *have a management program approved*  
2           *under section 306; and*

3           “(2) *in the judgment of the Secretary, be making*  
4           *satisfactory progress in activities designed to result in*  
5           *significant improvement in achieving the coastal*  
6           *management objectives specified in subparagraphs (A)*  
7           *through (K) of section 303(2).*

8           “(c) *ALLOCATIONS; SOURCE OF FEDERAL GRANTS;*  
9           *STATE MATCHING CONTRIBUTIONS.—*

10           “(1) *ALLOCATION.—Grants under this section*  
11           *shall be allocated to coastal states as provided in sec-*  
12           *tion 306(c).*

13           “(2) *APPLICATION; MATCHING.—If a coastal state*  
14           *chooses to fund a project under this section, then—*

15           “(A) *it shall submit to the Secretary a com-*  
16           *bined application for grants under this section*  
17           *and section 306; and*

18           “(B) *it shall match the amount of the grant*  
19           *under this section on the basis of a total con-*  
20           *tribution of section 306, 306A, and this section*  
21           *so that, in aggregate, the match is 1:1.*

22           “(d) *ALLOCATION OF GRANTS TO QUALIFIED LOCAL*  
23           *ENTITY.—*

24           “(1) *IN GENERAL.—With the approval of the*  
25           *Secretary, the eligible coastal state may allocate to a*



1           (3) by resetting the second and third sentences in  
2           subsection (a) as a new paragraph and inserting  
3           “(2)” before “Each”;

4           (4) by striking “and research activities” in sub-  
5           section (b)(1) and inserting “research activities, and  
6           other support services and activities”;

7           (5) by adding at the end of subsection (b)(1) the  
8           following: “The Secretary may conduct a program to  
9           develop and apply innovative coastal and estuarine  
10          environmental technology and methodology through a  
11          cooperative program, and to support the development,  
12          application, training and technical assistance, and  
13          transfer of effective coastal management practices.  
14          The Secretary may make extramural grants in car-  
15          rying out the purpose of this subsection.”;

16          (6) by adding at the end of subsection (b)(3) the  
17          following: “The Secretary shall establish regional ad-  
18          visory committees including representatives of the  
19          Governors of each state within the region, univer-  
20          sities, colleges, coastal and marine laboratories, Sea  
21          Grant College programs within the region and rep-  
22          resentatives from the private and public sector with  
23          relevant expertise. The Secretary will report to the re-  
24          gional advisory committees on activities undertaken  
25          by the Secretary and other agencies pursuant to this

1        *section, and the regional advisory committees shall*  
2        *identify research, technical assistance and informa-*  
3        *tion needs and priorities. The regional advisory com-*  
4        *mittees are not subject to the requirements of the Fed-*  
5        *eral Advisory Committee Act (5 U.S.C. App.).”;* and

6                *(7) by adding at the end the following:*

7                *“(c)(1) The Secretary shall consult with the regional*  
8        *advisory committees concerning the development of a coast-*  
9        *al resources assessment and information program to sup-*  
10        *port development and maintenance of integrated coastal re-*  
11        *source assessments of state natural, cultural and economic*  
12        *attributes, and coastal information programs for the collec-*  
13        *tion and dissemination of data and information, product*  
14        *development, and outreach based on the needs and priorities*  
15        *of coastal and ocean managers and user groups.*

16                *“(2) The Secretary shall assist coastal states in identi-*  
17        *fying and obtaining financial and technical assistance from*  
18        *other Federal agencies and may make grants to states in*  
19        *carrying out the purpose of this section and to provide on-*  
20        *going support for state resource assessment and information*  
21        *programs.”.*

22                *(b) CONFORMING AMENDMENT.—The section heading*  
23        *for section 310 (16 U.S.C. 1456c) is amended to read as*  
24        *follows:*

1 **“SEC. 310. TECHNICAL ASSISTANCE, RESOURCES ASSESS-**  
2 **MENTS, AND INFORMATION SYSTEMS.”**

3 **SEC. 14. PERFORMANCE REVIEW.**

4 *Section 312(a) (16 U.S.C. 1458(a)) is amended—*

5 *(1) by striking “continuing review of the per-*  
6 *formance” and inserting “periodic review, no less fre-*  
7 *quently than every 5 years, of the administration, im-*  
8 *plementation, and performance”;*

9 *(2) by striking “management.” and inserting*  
10 *“management programs.”;*

11 *(3) by striking “has implemented and enforced”*  
12 *and inserting “has effectively administered, imple-*  
13 *mented, and enforced”;*

14 *(4) by striking “addressed the coastal manage-*  
15 *ment needs identified” and inserting “furthered the*  
16 *national coastal policies and objectives set forth”;* and

17 *(5) by inserting “coordinated with National Es-*  
18 *tuarine Research Reserves in the state,” after*  
19 *“303(2)(A) through (K),”.*

20 **SEC. 15. WALTER B. JONES AWARDS.**

21 *Section 314 (16 U.S.C. 1460) is amended—*

22 *(1) by striking “shall, using sums in the Coastal*  
23 *Zone Management Fund established under section*  
24 *308” in subsection (a) and inserting “may, using*  
25 *sums available under this Act”;*

1           (2) by striking “field.” in subsection (a) and in-  
 2           serting the following: “field of coastal zone manage-  
 3           ment. These awards, to be known as the ‘Walter B.  
 4           Jones Awards’, may include—

5           “(1) cash awards in an amount not to exceed  
 6           \$5,000 each;

7           “(2) research grants; and

8           “(3) public ceremonies to acknowledge such  
 9           awards.”;

10          (3) by striking “shall elect annually—” in sub-  
 11          section (b) and inserting “may select annually if  
 12          funds are available under subsection (a)—”; and

13          (4) by striking subsection (e).

14 **SEC. 16. NATIONAL ESTUARINE RESEARCH RESERVE SYS-**  
 15 **TEM.**

16          (a) Section 315(a) (16 U.S.C. 1461(a)) is amended by  
 17          striking “consists of—” and inserting “is a network of  
 18          areas protected by Federal, state, and community partner-  
 19          ships which promotes informed management of the Nation’s  
 20          estuarine and coastal areas through interconnected pro-  
 21          grams in resource stewardship, education and training,  
 22          monitoring, research, and scientific understanding con-  
 23          sisting of—”.

24          (b) Section 315(b)(2) ((16 U.S.C. 1461(b)(2)) is  
 25          amended—

1           (1) by inserting “for each coastal state or terri-  
2           tory” after “research” in subparagraph (A);

3           (2) by striking “public awareness and” in sub-  
4           paragraph (C) and inserting “state coastal manage-  
5           ment, public awareness, and”; and

6           (3) by striking “public education and interpreta-  
7           tion; and”; in subparagraph (C) and inserting “edu-  
8           cation, interpretation, training, and demonstration  
9           projects; and”.

10          (c) Section 315(c) (16 U.S.C. 1461(c)) is amended—

11           (1) by striking “RESEARCH” in the subsection  
12           caption and inserting “RESEARCH, EDUCATION, AND  
13           RESOURCE STEWARDSHIP”;

14           (2) by striking “conduct of research” and insert-  
15           ing “conduct of research, education, and resource  
16           stewardship”;

17           (3) by striking “coordinated research” in para-  
18           graph (1)) and inserting “coordinated research, edu-  
19           cation, and resource stewardship”;

20           (4) by striking “research” after “common” in  
21           paragraph (2);

22           (5) by striking “research programs” in para-  
23           graph (2) and inserting “research, education, and re-  
24           source stewardship programs”;

1           (6) by striking “research” after “uniform” in  
2 paragraph (3);

3           (7) by striking “data,” in paragraph (3) and in-  
4 sserting “information,”;

5           (8) by striking “research” after “application of”  
6 in paragraph (3);

7           (9) by striking “research purposes;” in para-  
8 graph (3) and inserting “research, education, and re-  
9 source stewardship purposes;”;

10          (10) by striking “research efforts” in paragraph  
11 (4) and inserting “research, education, and resource  
12 stewardship efforts”;

13          (11) by striking “research” in paragraph (5)  
14 and inserting “research, education, and resource stew-  
15 ardship”; and

16          (12) by striking “research” in the last sentence.

17          (d) Section 315(d) (16 U.S.C. 1461(d)) is amended—

18           (1) by striking “ESTUARINE RESEARCH.—” in  
19 the subsection caption and inserting “ESTUARINE RE-  
20 SEARCH, EDUCATION, AND RESOURCE STEWARD-  
21 SHIP.—”;

22           (2) by striking “research purposes” and insert-  
23 ing “research, education, and resource stewardship  
24 purposes”;

1           (3) by striking paragraph (1) and inserting the  
2 following:

3           “(1) giving reasonable priority to research, edu-  
4 cation, and stewardship activities that use the System  
5 in conducting or supporting activities relating to es-  
6 tuaries;”;

7           (4) by striking “research.” in paragraph (2) and  
8 inserting “research, education, and resource steward-  
9 ship activities; and”; and

10          (5) by adding at the end thereof the following:

11          “(3) establishing partnerships with other Federal  
12 and state estuarine management programs to coordi-  
13 nate and collaborate on estuarine research.”.

14          (e) Section 315(e) (16 U.S.C. 1461(e)) is amended—

15           (1) by striking “reserve,” in paragraph (1)(A)(i)  
16 and inserting “reserve; and”;

17           (2) by striking “and constructing appropriate  
18 reserve facilities, or” in paragraph (1)(A)(ii) and in-  
19 serting “including resource stewardship activities and  
20 constructing reserve facilities; and”;

21           (3) by striking paragraph (1)(A)(iii);

22           (4) by striking paragraph (1)(B) and inserting  
23 the following:

24           “(B) to any coastal state or public or pri-  
25 vate person for purposes of—

1           “(i) supporting research and moni-  
2           toring associated with a national estuarine  
3           reserve that are consistent with the research  
4           guidelines developed under subsection (c); or

5           “(ii) conducting educational, interpre-  
6           tive, or training activities for a national es-  
7           tuarine reserve that are consistent with the  
8           education guidelines developed under sub-  
9           section (c).”;

10           (5) by striking “therein or \$5,000,000, whichever  
11           amount is less.” in paragraph (3)(A) and inserting  
12           “therein. Non-Federal costs associated with the pur-  
13           chase of any lands and waters, or interests therein,  
14           which are incorporated into the boundaries of a re-  
15           serve up to 5 years after the costs are incurred, may  
16           be used to match the Federal share.”;

17           (6) by striking “and (iii)” in paragraph (3)(B);

18           (7) by striking “paragraph (1)(A)(iii)” in para-  
19           graph (3)(B) and inserting “paragraph (1)(B)”;

20           (8) by striking “entire System.” in paragraph  
21           (3)(B) and inserting “System as a whole.”; and

22           (9) by adding at the end thereof the following:

23           “(4) The Secretary may—

24           “(A) enter into cooperative agreements, fi-  
25           nancial agreements, grants, contracts, or other

1           *agreements with any nonprofit organization, au-*  
 2           *thorizing the organization to solicit donations to*  
 3           *carry out the purposes and policies of this sec-*  
 4           *tion, other than general administration of re-*  
 5           *serves or the System and which are consistent*  
 6           *with the purposes and policies of this section;*  
 7           *and*

8                   *“(B) accept donations of funds and services*  
 9                   *for use in carrying out the purposes and policies*  
 10                   *of this section, other than general administration*  
 11                   *of reserves or the System and which are con-*  
 12                   *sistent with the purposes and policies of this sec-*  
 13                   *tion.*

14           *Donations accepted under this section shall be consid-*  
 15           *ered as a gift or bequest to or for the use of the United*  
 16           *States for the purpose of carrying out this section.”.*

17           *(f) Section 315(f)(1) (16 U.S.C. 1461(f)(1)) is amended*  
 18           *by inserting “coordination with other state programs estab-*  
 19           *lished under sections 306 and 309A,” after “including”.*

20   **SEC. 17. COASTAL ZONE MANAGEMENT REPORTS.**

21           *Section 316 (16 U.S.C. 1462) is amended—*

22                   *(1) by striking “to the President for transmittal”*  
 23                   *in subsection (a);*

24                   *(2) by striking “zone and an evaluation of the*  
 25                   *effectiveness of financial assistance under section 308*

1 *in dealing with such consequences;” and inserting*  
2 *“zone;” in subsection (a)(10);*

3 *(3) by inserting “education,” after “studies,” in*  
4 *subsection (a)(12);*

5 *(4) by striking “Secretary” in the first sentence*  
6 *of subsection (c)(1) and inserting “Secretary, in con-*  
7 *sultation with coastal states, and with the participa-*  
8 *tion of affected Federal agencies;”;*

9 *(5) by striking the second sentence of subsection*  
10 *(c)(1) and inserting the following: “The Secretary, in*  
11 *conducting such a review, shall coordinate with, and*  
12 *obtain the views of, appropriate Federal agencies.”;*

13 *(6) by striking “shall promptly” in subsection*  
14 *(c)(2) and inserting “shall, within 4 years after the*  
15 *date of enactment of the Coastal Zone Enhancement*  
16 *Reauthorization Act of 2005;”;* and

17 *(7) by adding at the end of subsection (c)(2) the*  
18 *following: “If sufficient funds and resources are not*  
19 *available to conduct such a review, the Secretary shall*  
20 *so notify the Congress.”.*

21 **SEC. 18. AUTHORIZATION OF APPROPRIATIONS.**

22 *Section 318 (16 U.S.C. 1464) is amended—*

23 *(1) by striking paragraphs (1) and (2) of sub-*  
24 *section (a) and inserting the following:*

1           “(1) for grants under sections 306, 306A, and  
2           309—

3                   “(A) \$90,500,000 for fiscal year 2006,

4                   “(B) \$94,000,000 for fiscal year 2007,

5                   “(C) \$98,000,000 for fiscal year 2008,

6                   “(D) \$102,000,000 for fiscal year 2009, and

7                   “(E) \$106,000,000 for fiscal year 2010;

8           “(2) for grants under section 309A—

9                   “(A) \$29,000,000 for fiscal year 2006,

10                  “(B) \$30,000,000 for fiscal year 2007,

11                  “(C) \$31,000,000 for fiscal year 2008,

12                  “(D) \$32,000,000 for fiscal year 2009, and

13                  “(E) \$32,000,000 for fiscal year 2010,

14           of which \$10,000,000, or 35 percent, whichever is less,

15           shall be for purposes set forth in section 309A(a)(5);

16           “(3) for grants under section 315—

17                   “(A) \$37,000,000 for fiscal year 2006,

18                   “(B) \$38,000,000 for fiscal year 2007,

19                   “(C) \$39,000,000 for fiscal year 2008,

20                   “(D) \$40,000,000 for fiscal year 2009, and

21                   “(E) \$41,000,000 for fiscal year 2010,

22           of which up to \$15,000,000 may be used by the Sec-

23           retary in each of fiscal years 2006 through 2010 for

24           grants to fund construction and acquisition projects

25           at estuarine reserves designated under section 315;

1           “(4) for costs associated with administering this  
2 title, \$7,500,000 for fiscal year 2006, \$7,750,000 for  
3 fiscal year 2007, \$8,000,000 for fiscal year 2008,  
4 \$8,250,000, for fiscal year 2009, and \$8,500,000 for  
5 fiscal year 2010; and

6           “(5) for grants under section 310 to support  
7 State pilot projects to implement resource assessment  
8 and information programs, \$6,000,000 for each of fis-  
9 cal years 2006 and 2007.”;

10           (2) by striking “306 or 309.” in subsection (b)  
11 and inserting “306.”;

12           (3) by striking “during the fiscal year, or during  
13 the second fiscal year after the fiscal year, for which”  
14 in subsection (c) and inserting “within 3 years from  
15 when”;

16           (4) by striking “under the section for such re-  
17 verted amount was originally made available.” in  
18 subsection (c) and inserting “to states under this  
19 Act.”; and

20           (5) by adding at the end thereof the following:

21           “(d) *PURCHASE OF OTHERWISE UNAVAILABLE FED-*  
22 *ERAL PRODUCTS AND SERVICES.—Federal funds allocated*  
23 *under this title may be used by grantees to purchase Federal*  
24 *products and services not otherwise available.*

1           “(e) *RESTRICTIONS ON USE OF AMOUNTS.*—*Except for*  
2 *funds appropriated under subsection (a)(4), amounts ap-*  
3 *propriated under this section shall be available only for*  
4 *grants to States and shall not be available for other pro-*  
5 *gram, administrative, or overhead costs of the National Oce-*  
6 *anic and Atmospheric Administration or the Department*  
7 *of Commerce.*”.

8   **SEC. 19. DEADLINE FOR DECISION ON APPEALS OF CON-**  
9                                   **SISTENCY DETERMINATION.**

10           (a) *IN GENERAL.*—*Section 319 (16 U.S.C. 1465) is*  
11 *amended to read as follows:*

12   **“SEC. 319. APPEALS TO THE SECRETARY.**

13           “(a) *NOTICE.*—*Not later than 30 days after the date*  
14 *of the filing of an appeal to the Secretary of a consistency*  
15 *determination under section 307, the Secretary shall pub-*  
16 *lish an initial notice in the Federal Register.*

17           “(b) *CLOSURE OF RECORD.*—

18                   “(1) *IN GENERAL.*—*Not later than the end of the*  
19 *270-day period beginning on the date of publication*  
20 *of an initial notice under subsection (a), except as*  
21 *provided in paragraph (3), the Secretary shall imme-*  
22 *diately close the decision record and receive no more*  
23 *filings on the appeal.*

24                   “(2) *NOTICE.*—*After closing the administrative*  
25 *record, the Secretary shall immediately publish a no-*

1       *tice in the Federal Register that the administrative*  
2       *record has been closed.*

3           “(3) *EXCEPTION.—*

4               “(A) *IN GENERAL.—Subject to subpara-*  
5       *graph (B), during the 270-day period described*  
6       *in paragraph (1), the Secretary may stay the*  
7       *closing of the decision record—*

8                   “(i) *for a specific period mutually*  
9       *agreed to in writing by the appellant and*  
10       *the State agency; or*

11                   “(ii) *as the Secretary determines nec-*  
12       *essary to receive, on an expedited basis—*

13                       “(I) *any supplemental informa-*  
14       *tion specifically requested by the Sec-*  
15       *retary to complete a consistency review*  
16       *under this Act; or*

17                       “(II) *any clarifying information*  
18       *submitted by a party to the proceeding*  
19       *related to information already existing*  
20       *in the sole record.*

21               “(B) *APPLICABILITY.—The Secretary may*  
22       *only stay the 270-day period described in para-*  
23       *graph (1) once and for a period not to exceed 60*  
24       *days.*

25           “(c) *DEADLINE FOR DECISION.—*

1           “(1) *IN GENERAL.*—Not later than 90 days after  
2           the date of publication of a *Federal Register* notice  
3           stating when the decision record for an appeal has  
4           been closed, the Secretary shall issue a decision or  
5           publish a notice in the *Federal Register* explaining  
6           why a decision cannot be issued at that time.

7           “(2) *SUBSEQUENT DECISION.*—Not later than 45  
8           days after the date of publication of a *Federal Reg-*  
9           *ister* notice explaining why a decision cannot be  
10          issued within the 90-day period, the Secretary shall  
11          issue a decision.”.

12          (b) *EFFECTIVE DATE.*—The amendment made by sub-  
13          section (a) applies with respect to appeals under subsection  
14          (c) or (d) of section 307 of the *Coastal Zone Management*  
15          *Act of 1972 (16 U.S.C. 1456)* filed after the date of enact-  
16          ment of this Act.

17          (c) *SPECIAL RULE FOR APPEALS FILED ON OR BE-*  
18          *FORE DATE OF ENACTMENT.*—The Secretary of Com-  
19          merce—

20                 (1) shall close the administrative record for any  
21                 appeal under subsection (c) or (d) of section 307 of  
22                 the *Coastal Zone Management Act of 1972 (16 U.S.C.*  
23                 *1456)* that was filed on or before the date of enact-  
24                 ment of this Act within 180 days after such date of  
25                 enactment but not earlier than December 31, 2006;

1           (2) *may not receive any additional filing with*  
2           *respect to such an appeal; and*

3           (3) *shall issue a decision on the appeal within*  
4           *90 days after closing the administrative record.*

5 **SEC. 20. COORDINATION WITH FEDERAL ENERGY REGU-**  
6                                   **LATORY COMMISSION.**

7           *Within 180 days after the date of enactment of this*  
8 *Act, the Secretary of Commerce shall submit a report to*  
9 *the Congress on the development of a memorandum of un-*  
10 *derstanding with the Commissioner of the Federal Energy*  
11 *Regulatory Commission for a coordinated process for review*  
12 *of coastal energy activities that provides for—*

13           (1) *improved coordination among Federal, re-*  
14 *gional, State, and local agencies concerned with con-*  
15 *ducting reviews under the Coastal Zone Management*  
16 *Act of 1972 (16 U.S.C. 1451 et seq.); and*

17           (2) *coordinated schedules for such reviews that*  
18 *ensures that, where appropriate, the reviews are per-*  
19 *formed concurrently.*

Calendar No. 211

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 360**

[Report No. 109-137]

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**A BILL**

To amend the Coastal Zone Management Act.

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SEPTEMBER 15, 2005

Reported with an amendment