

111TH CONGRESS  
1ST SESSION

# H. R. 1905

To amend the Coastal Zone Management Act of 1972 to require the Secretary of Commerce to establish a coastal climate change adaptation planning and response program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2009

Mrs. CAPPS (for herself, Ms. BORDALLO, Mr. FARR, and Ms. MATSUI) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To amend the Coastal Zone Management Act of 1972 to require the Secretary of Commerce to establish a coastal climate change adaptation planning and response program, and for other purposes.

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 State Climate  
5       Change Planning Act”.

1 **SEC. 2. PLANNING FOR CLIMATE CHANGE IN THE COASTAL**  
2 **ZONE.**

3 (a) IN GENERAL.—The Coastal Zone Management  
4 Act of 1972 (16 U.S.C. 1451 et seq.) is amended by add-  
5 ing at the end the following:

6 “CLIMATE CHANGE ADAPTATION PLANNING

7 “SEC. 320. (a) IN GENERAL.—The Secretary shall  
8 establish consistent with the national policies set forth in  
9 section 303 a coastal climate change adaptation planning  
10 and response program to—

11 “(1) provide assistance to coastal states to vol-  
12 untarily develop coastal climate change adaptation  
13 plans pursuant to approved management programs  
14 approved under section 306, to minimize contribu-  
15 tions to climate change and to prepare for and re-  
16 duce the negative consequences that may result from  
17 climate change in the coastal zone; and

18 “(2) provide financial and technical assistance  
19 and training to enable coastal states to implement  
20 plans developed pursuant to this section through  
21 coastal states’ enforceable policies.

22 “(b) GUIDELINES.—Within 180 days after the date  
23 of enactment of this section, the Secretary, in consultation  
24 with the coastal states, shall issue guidelines for the imple-  
25 mentation of the grant program established under sub-  
26 section (c).

1       “(c) CLIMATE CHANGE ADAPTATION PLANNING  
2 GRANTS.—

3               “(1) IN GENERAL.—The Secretary, subject to  
4 the availability of appropriations, may make a grant  
5 to any coastal state for the purpose of developing cli-  
6 mate change adaptation plans pursuant to guidelines  
7 issued by the Secretary under subsection (b).

8               “(2) PLAN CONTENT.—A plan developed with a  
9 grant under this section shall include the following:

10               “(A) Identification of public facilities and  
11 public services, coastal resources of national  
12 significance, coastal waters, energy facilities, or  
13 other land and water uses located in the coastal  
14 zone that are likely to be impacted by climate  
15 change.

16               “(B) Adaptive management strategies for  
17 land use to respond or adapt to changing envi-  
18 ronmental conditions, including strategies to  
19 protect biodiversity and establish habitat buffer  
20 zones, migration corridors, and climate refugia.

21               “(C) Requirements to initiate and main-  
22 tain long-term monitoring of environmental  
23 change to assess coastal zone adaptation and to  
24 adjust when necessary adaptive management

1 strategies and new planning guidelines to attain  
2 the policies under section 303.

3 “(D) Other information considered nec-  
4 essary by the Secretary to identify the full  
5 range of climate change impacts affecting coast-  
6 al communities.

7 “(3) STATE HAZARD MITIGATION PLANS.—  
8 Plans developed with a grant under this section shall  
9 be consistent with State hazard mitigation plans and  
10 natural disaster response and recovery programs de-  
11 veloped under State or Federal law.

12 “(4) ALLOCATION.—Grants under this section  
13 shall be available only to coastal states with manage-  
14 ment programs approved by the Secretary under sec-  
15 tion 306 and shall be allocated among such coastal  
16 states in a manner consistent with regulations pro-  
17 mulgated pursuant to section 306(c).

18 “(5) PRIORITY.—In the awarding of grants  
19 under this subsection the Secretary may give priority  
20 to any coastal state that has received grant funding  
21 to develop program changes pursuant to paragraphs  
22 (1), (2), (3), (5), (6), (7), and (8) of section 309(a).

23 “(6) TECHNICAL ASSISTANCE.—The Secretary  
24 may provide technical assistance to a coastal state  
25 consistent with section 310 to ensure the timely de-

1       velopment of plans supported by grants awarded  
2       under this subsection.

3               “(7) FEDERAL APPROVAL.—In order to be eligi-  
4       ble for a grant under subsection (d), a coastal state  
5       must have its plan developed under this section ap-  
6       proved by the Secretary.

7       “(d) COASTAL ADAPTATION PROJECT GRANTS.—

8               “(1) IN GENERAL.—The Secretary, subject to  
9       the availability of appropriations, may make grants  
10      to any coastal state that has a climate change adap-  
11      tation plan approved under subsection (c)(7), in  
12      order to support projects that implement strategies  
13      contained within such plans.

14              “(2) PROGRAM REQUIREMENTS.—The Sec-  
15      retary within 90 days after approval of the first plan  
16      approved under subsection (c)(7), shall publish in  
17      the Federal Register requirements regarding appli-  
18      cations, allocations, eligible activities, and all terms  
19      and conditions for grants awarded under this sub-  
20      section. No less than 30 percent, and no more than  
21      50 percent, of the funds appropriated in any fiscal  
22      year for grants under this subsection shall be award-  
23      ed through a merit-based competitive process.

24              “(3) ELIGIBLE ACTIVITIES.—The Secretary  
25      may award grants to coastal states to implement

1 projects in the coastal zone to address stress factors  
2 in order to improve coastal climate change adapta-  
3 tion, including the following:

4 “(A) Activities to address physical disturb-  
5 ances within the coastal zone, especially activi-  
6 ties related to public facilities and public serv-  
7 ices, tourism, sedimentation, and other factors  
8 negatively impacting coastal waters, and fish-  
9 eries-associated habitat destruction or alter-  
10 ation.

11 “(B) Monitoring, control, or eradication of  
12 disease organisms and invasive species.

13 “(C) Activities to address the loss, deg-  
14 radation, or fragmentation of wildlife habitat  
15 through projects to establish or protect marine  
16 and terrestrial habitat buffers, wildlife refugia,  
17 other wildlife refuges, or networks thereof, pres-  
18 ervation of migratory wildlife corridors and  
19 other transition zones, and restoration of fish  
20 and wildlife habitat.

21 “(D) Implementation of projects to reduce,  
22 mitigate, or otherwise address likely impacts  
23 caused by natural hazards in the coastal zone,  
24 including sea level rise, coastal inundation,  
25 coastal erosion and subsidence, severe weather

1 events such as cyclonic storms, tsunamis and  
2 other seismic threats, and fluctuating Great  
3 Lakes water levels.

4 “(E) Provide technical training and assist-  
5 ance to local coastal policy makers to increase  
6 awareness of science, management, and tech-  
7 nology information related to climate change  
8 and adaptation strategies.

9 “(4) PROMOTION AND USE OF NATIONAL ESTU-  
10 ARINE RESEARCH RESERVES.—The Secretary shall  
11 promote and encourage the use of National Estua-  
12 rine Research Reserves as sites for pilot or dem-  
13 onstration projects carried out with grants awarded  
14 under this section.”.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
16 318(a) of the Coastal Zone Management Act of 1972 (16  
17 U.S.C. 1464) is further amended by striking “and” after  
18 the semicolon at the end of paragraph (1), by striking the  
19 period at the end of paragraph (2) and inserting “; and”,  
20 and by adding at the end the following:

21 “(3) for grants under section 320(c) and (d),  
22 such sums as are necessary.”.

23 (c) INTENT OF CONGRESS.—Nothing in this section  
24 shall be construed to require any coastal state to amend  
25 or modify its approved management program pursuant to

1 section 306(e) of the Coastal Zone Management Act of  
2 1972 (16 U.S.C. 1455(e)), or to extend the enforceable  
3 policies of a coastal state beyond the coastal zone as iden-  
4 tified in the coastal state's approved management pro-  
5 gram.

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