

(Pub. L. 109–58, title III, §382, Aug. 8, 2005, 119 Stat. 738.)

### Editorial Notes

#### REFERENCES IN TEXT

The Coastal Zone Management Act of 1972, referred to in text, is title III of Pub. L. 89–454, as added by Pub. L. 92–583, Oct. 27, 1972, 86 Stat. 1280, which is classified generally to this chapter (§1451 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1451 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the Energy Policy Act of 2005, and not as part of the Coastal Zone Management Act of 1972 which comprises this chapter.

## § 1467. Establishment of the Digital Coast

### (a) Establishment

#### (1) In general

The Secretary shall establish a program for the provision of an enabling platform that integrates geospatial data, decision-support tools, training, and best practices to address coastal management issues and needs. Under the program, the Secretary shall strive to enhance resilient communities, ecosystem values, and coastal economic growth and development by helping communities address their issues, needs, and challenges through cost-effective and participatory solutions.

#### (2) Designation

The program established under paragraph (1) shall be known as the “Digital Coast” (in this section referred to as the “program”).

### (b) Program requirements

In carrying out the program, the Secretary shall ensure that the program provides data integration, tool development, training, documentation, dissemination, and archive by—

(1) making data and resulting integrated products developed under this section readily accessible via the Digital Coast internet website of the National Oceanic and Atmospheric Administration, the GeoPlatform.gov and data.gov internet websites, and such other information distribution technologies as the Secretary considers appropriate;

(2) developing decision-support tools that use and display resulting integrated data and provide training on use of such tools;

(3) documenting such data to Federal Geographic Data Committee standards; and

(4) archiving all raw data acquired under this Act at the appropriate National Oceanic and Atmospheric Administration data center or such other Federal data center as the Secretary considers appropriate.

### (c) Coordination

The Secretary shall coordinate the activities carried out under the program to optimize data collection, sharing, and integration, and to minimize duplication by—

(1) consulting with coastal managers and decision makers concerning coastal issues, and sharing information and best practices, as the Secretary considers appropriate, with—

(A) coastal States;

(B) local governments; and

(C) representatives of academia, the private sector, and nongovernmental organizations;

(2) consulting with other Federal agencies, including interagency committees, on relevant Federal activities, including activities carried out under the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3501 et seq.), the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.), and the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892 et seq.);

(3) participating, pursuant to section 216 of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note), in the establishment of such standards and common protocols as the Secretary considers necessary to assure the interoperability of remote sensing and other geospatial data with all users of such information within—

(A) the National Oceanic and Atmospheric Administration;

(B) other Federal agencies;

(C) State and local government; and

(D) the private sector;

(4) coordinating with, seeking assistance and cooperation of, and providing liaison to the Federal Geographic Data Committee pursuant to Office of Management and Budget Circular A–16 and Executive Order 12906 of April 11, 1994 (59 Fed. Reg. 17671), as amended by Executive Order 13286 of February 28, 2003 (68 Fed. Reg. 10619); and

(5) developing and maintaining a best practices document that sets out the best practices used by the Secretary in carrying out the program and providing such document to the United States Geological Survey, the Corps of Engineers, and other relevant Federal agencies.

### (d) Filling needs and gaps

In carrying out the program, the Secretary shall—

(1) maximize the use of remote sensing and other geospatial data collection activities conducted for other purposes and under other authorities;

(2) focus on filling data needs and gaps for coastal management issues, including with respect to areas that, as of December 18, 2020, were underserved by coastal data and the areas of the Arctic that are under the jurisdiction of the United States;

(3) pursuant to the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3501 et seq.), support continue improvement in existing efforts to coordinate the acquisition and integration of key data sets needed for coastal management and other purposes, including—

(A) coastal elevation data;

(B) land use and land cover data;

(C) socioeconomic and human use data;

(D) critical infrastructure data;

(E) structures data;

(F) living resources and habitat data;

(G) cadastral data; and

(H) aerial imagery; and

(4) integrate the priority supporting data set forth under paragraph (3) with other available data for the benefit of the broadest measure of coastal resource management constituents and applications.

**(e) Financial agreements and contracts**

**(1) In general**

In carrying out the program, the Secretary—  
(A) may enter into financial agreements to carry out the program, including—

(i) support to non-Federal entities that participate in implementing the program; and

(ii) grants, cooperative agreements, interagency agreements, contracts, or any other agreement on a reimbursable or non-reimbursable basis, with other Federal, tribal, State, and local governmental and nongovernmental entities; and

(B) may, to the maximum extent practicable, enter into such contracts with private sector entities for such products and services as the Secretary determines may be necessary to collect, process, and provide remote sensing and other geospatial data and products for purposes of the program.

**(2) Fees**

**(A) Assessment and collection**

The Secretary may, to the extent provided in advance in appropriations Acts, assess and collect fees for the conduct of any training, workshop, or conference that advances the purposes of the program.

**(B) Amounts**

The amount of a fee under this paragraph may not exceed the sum of costs incurred, or expected to be incurred, by the Secretary as a direct result of the conduct of the training, workshop, or conference, including for subsistence expenses incidental to the training, workshop, or conference, as applicable.

**(C) Use of fees**

Amounts collected by the Secretary in the form of fees under this paragraph shall be available to the extent and in such amounts as are provided in advance in appropriations Acts for—

(i) the costs incurred for conducting an activity described in subparagraph (A); or

(ii) the expenses described in subparagraph (B).

**(3) Survey and mapping**

Contracts entered into under paragraph (1)(B) shall be considered “surveying and mapping” services as such term is used in and as such contracts are awarded by the Secretary in accordance with the selection procedures in chapter 11 of title 40.

**(f) Ocean economy**

The Secretary may establish publically available tools that track ocean and Great Lakes economy data for each coastal State.

**(g) Authorization of appropriations**

There is authorized to be appropriated to the Secretary \$4,000,000 for each fiscal year 2021 through 2025 to carry out the program.

(Pub. L. 116–223, § 4, Dec. 18, 2020, 134 Stat. 1068.)

**Editorial Notes**

REFERENCES IN TEXT

This Act, referred to in subsec. (b)(4), is Pub. L. 116–223, Dec. 18, 2020, 134 Stat. 1067, known as the Digital Coast Act. For complete classification of this Act to the Code, see Short Title of 2020 Amendment note set out under section 1451 of this title and Tables.

The Ocean and Coastal Mapping Integration Act, referred to in subsecs. (c)(2) and (d)(3), is subtitle B of title XII of Pub. L. 111–11, Mar. 30, 2009, 123 Stat. 1421, which is classified generally to chapter 48 (§3501 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 3501 of Title 33 and Tables.

The Coastal Zone Management Act of 1972, referred to in subsec. (c)(2), is title III of Pub. L. 89–454, as added by Pub. L. 92–583, Oct. 27, 1972, 86 Stat. 1280, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1451 of this title and Tables.

The Integrated Coastal and Ocean Observation System Act of 2009, referred to in subsec. (c)(2), is subtitle C of title XII of Pub. L. 111–11, Mar. 30, 2009, 123 Stat. 1427, which is classified generally to chapter 49 (§3601 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of Title 33 and Tables.

The Hydrographic Services Improvement Act of 1998, referred to in subsec. (c)(2), is title III of Pub. L. 105–384, Nov. 13, 1998, 112 Stat. 3454, which is classified principally to subchapter IV (§892 et seq.) of chapter 17 of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title of 1998 Amendment note set out under section 851 of Title 33 and Tables.

Executive Order 12906, as amended by Executive Order 13286, referred to in subsec. (c)(4), is Ex. Ord. No. 12906, Apr. 11, 1994, 59 F.R. 17671, as amended by Ex. Ord. No. 13286, §25, Feb. 28, 2003, 68 F.R. 10624, which is set out as a note under section 1457 of Title 43, Public Lands.

CODIFICATION

Section was enacted as part of the Digital Coast Act, and not as part of the Coastal Zone Management Act of 1972 which comprises this chapter.

**Statutory Notes and Related Subsidiaries**

FINDINGS

Pub. L. 116–223, §2, Dec. 18, 2020, 134 Stat. 1067, provided that: “Congress makes the following findings:

“(1) The Digital Coast is a model approach for effective Federal partnerships with State and local government, nongovernmental organizations, and the private sector.

“(2) Access to current, accurate, uniform, and standards-based geospatial information, tools, and training to characterize the United States coastal region is critical for public safety and for the environment, infrastructure, and economy of the United States.

“(3) More than half of all people of the United States (153,000,000) currently live on or near a coast and an additional 12,000,000 are expected in the next decade.

“(4) Coastal counties in the United States average 300 persons per square mile, compared with the national average of 98.

“(5) On a typical day, more than 1,540 permits for construction of single-family homes are issued in coastal counties, combined with other commercial, retail, and institutional construction to support this population.

“(6) Over half of the economic productivity of the United States is located within coastal regions.

“(7) Highly accurate, high-resolution remote sensing and other geospatial data play an increasingly important role in decision making and management of the coastal zone and economy, including for—

- “(A) flood and coastal storm surge prediction;
  - “(B) hazard risk and vulnerability assessment;
  - “(C) emergency response and recovery planning;
  - “(D) community resilience to longer range coastal change;
  - “(E) local planning and permitting;
  - “(F) habitat and ecosystem health assessments;
- and
- “(G) landscape change detection.”

#### DEFINITIONS

Pub. L. 116-223, §3, Dec. 18, 2020, 134 Stat. 1068, provided that: “In this Act [see Short Title of 2020 Amendment note set out under section 1451 of this title]:

“(1) COASTAL REGION.—The term ‘coastal region’ means the area of United States waters extending inland from the shoreline to include coastal watersheds and seaward to the territorial sea.

“(2) COASTAL STATE.—The term ‘coastal State’ has the meaning given the term ‘coastal state’ in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

“(3) FEDERAL GEOGRAPHIC DATA COMMITTEE.—The term ‘Federal Geographic Data Committee’ means the interagency committee that promotes the coordinated development, use, sharing, and dissemination of geospatial data on a national basis.

“(4) REMOTE SENSING AND OTHER GEOSPATIAL.—The term ‘remote sensing and other geospatial’ means collecting, storing, retrieving, or disseminating graphical or digital data depicting natural or man-made physical features, phenomena, or boundaries of the Earth and any information related thereto, including surveys, maps, charts, satellite and airborne remote sensing data, images, LiDAR, and services performed by professionals such as surveyors, photogrammetrists, hydrographers, geodesists, cartographers, and other such services.

“(5) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.”

### § 1468. Regional Ocean Partnerships

#### (a) Definitions

In this section:

##### (1) Administrator

The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

##### (2) Coastal State

The term “coastal State” has the meaning given the term “Coastal state”<sup>1</sup> in section 1453 of this title.

##### (3) Indian Tribe

The term “Indian Tribe” has the meaning given that term in section 5304 of title 25.

##### (4) Regional Ocean Partnership

The term “Regional Ocean Partnership” means a Regional Ocean Partnership designated under subsection (b).

#### (b) Regional Ocean Partnerships

##### (1) In general

A coastal State or Indian Tribe may form a partnership with—

(A) a coastal State that shares a common ocean or coastal area with the coastal State, without regard to whether the coastal States are contiguous; and

(B) States—

(i) that share a common ocean, coastal area, or watershed with the coastal State, without regard to whether the coastal States are contiguous; or

(ii) that would contribute to the priorities of the partnership; and

(C) Indian Tribes.

#### (2) Requirements

A partnership formed under paragraph (1) may apply for designation as a Regional Ocean Partnership in such time and manner as determined appropriate by the Secretary if the partnership—

(A) is established to coordinate the management of ocean, coastal, and Great Lakes resources among the members of the partnership;

(B) focuses on the environmental issues affecting the ocean, coastal, and Great Lakes areas of the members participating in the partnership;

(C) complements existing coastal and ocean management efforts of States and Indian Tribes on an interstate scale, focusing on shared regional priorities;

(D) does not have a regulatory function; and

(E) is not duplicative of an existing Regional Ocean Partnership designated under paragraph (3), as determined by the Secretary.

#### (3) Designation of certain entities as Regional Ocean Partnerships

The following entities are designated as Regional Ocean Partnerships:

(A) The Gulf of Mexico Alliance, comprised of the States of Alabama, Florida, Louisiana, Mississippi, and Texas.

(B) The Northeast Regional Ocean Council, comprised of the States of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.

(C) The Mid-Atlantic Regional Council on the Ocean, comprised of the States of New York, New Jersey, Delaware, Maryland, and Virginia.

(D) The West Coast Ocean Alliance, comprised of the States of California, Oregon, and Washington and the coastal Indian Tribes therein.

#### (4) Great Lakes

A partnership established under this section for the purposes described in subsection (d) with respect to a Great Lake may be known as a “Regional Coastal Partnership” or a “Regional Great Lakes Partnership”.

#### (c) Governing bodies of Regional Ocean Partnerships

A Regional Ocean Partnership shall have a governing body that—

(1) shall be comprised, at a minimum, of voting members from each coastal state<sup>2</sup> partici-

<sup>1</sup> So in original. Probably should be “coastal state” as it appears in section 1453 of this title.

<sup>2</sup> So in original. Probably should be “coastal State”.