

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

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

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

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

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

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

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

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

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

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

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

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

PROC. NO. 5030. EXCLUSIVE ECONOMIC ZONE

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

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

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

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

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

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

Within the Exclusive Economic Zone, the United States has, to the extent permitted by international law, (a) sovereign rights for the purpose of exploring, exploiting, conserving and managing natural resources, both living and non-living, of the seabed and subsoil and the superjacent waters and with regard to other activities for the economic exploitation and exploration

of the zone, such as the production of energy from the water, currents and winds; and (b) jurisdiction with regard to the establishment and use of artificial islands, and installations and structures having economic purposes, and the protection and preservation of the marine environment.

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

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

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

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

RONALD REAGAN.

§ 1454. Submittal of State program for approval

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

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

AMENDMENTS

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

Subsec. (a). Pub. L. 104-150, §2(a), substituted “1997, 1998, and 1999” for “1991, 1992, and 1993” and “four grants” for “two grants”.

1992—Pub. L. 102-587 substituted “coastal state” for “coastal State” in last sentence of subsec. (a) and in subsec. (b).

1990—Pub. L. 101-508 amended section generally, substituting present provisions for provisions which authorized management program development grants, established program requirements, set limits on grants, provided for grants for completion of development and

implementation of management programs, provided for allocation of grants, reversion of unobligated grants, and grants to other political subdivisions, required submission of program for review and approval, and set forth an expiration date of grant authority.

1976—Subsec. (a). Pub. L. 94-370 incorporated existing provisions into par. (1), limiting applicability of such provisions to subsec. (c), and added par. (2).

Subsec. (b). Pub. L. 94-370 added pars. (7) to (9) and effective date provisions of such paragraphs after par. (9).

Subsec. (c). Pub. L. 94-370 substituted provision that grant should not exceed 80 per centum of a coastal state's costs for purposes described in subsection (a)(1) of this section for provision that grant should not exceed 66 $\frac{2}{3}$ per centum of the costs of the program in any one year, expanded to four the number of grants a state is eligible to receive pursuant to this subsection, and struck out provision that Federal funds received from other sources shall not be used to match such grants.

Subsec. (d). Pub. L. 94-370 substituted provisions authorizing Secretary to make grants annually to any coastal state for purposes described in subsection (a)(2) and setting forth eligibility prerequisites for initial implementation grants for provisions, which were incorporated into subsec. (h), authorizing Secretary to review and approve the state's submitted management program which on final approval terminates state's eligibility under this section, but commences state's eligibility under section 1455 of this title.

Subsec. (e). Pub. L. 94-370 restructured existing provisions into pars. (1) and (2), and as so restructured, substituted in provisions preceding par. (1) reference to shall be made to, and allocated among, the coastal states for reference to shall be allocated to the states, and in par. (1) inserted proviso relating to the waiver at the option of the Secretary of the 10 per centum maximum requirement.

Subsec. (f). Pub. L. 94-370 substituted "The amount of any grant" for "Grant" and "the coastal state" for "a state".

Subsec. (g). Pub. L. 94-370 substituted "any coastal state" for "the state" and inserted "received by it" before "under this section".

Subsecs. (h), (i). Pub. L. 94-370 added subsec. (h) which incorporated provisions of former subsec. (d), redesignated former subsec. (h) as (i), and substituted "September 30, 1979" for "June 30, 1977".

1975—Subsec. (e). Pub. L. 93-612 inserted proviso relating to the waiver by the Secretary of the 1 per centum minimum requirement upon request by the coastal state.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-150, §2(b)(3), June 3, 1996, 110 Stat. 1380, provided that: "This subsection [amending this section and section 1456a of this title] shall take effect on October 1, 1999."

§ 1455. Administrative grants

(a) Authorization; matching funds

The Secretary may make grants to any coastal state for the purpose of administering that State's management program, if the State matches any such grant according to the following ratios of Federal-to-State contributions for the applicable fiscal year:

(1) For those States for which programs were approved prior to November 5, 1990, 1 to 1 for any fiscal year.

(2) For programs approved after November 5, 1990, 4 to 1 for the first fiscal year, 2.3 to 1 for the second fiscal year, 1.5 to 1 for the third fiscal year, and 1 to 1 for each fiscal year thereafter.

(b) Grants to coastal states; requirements

The Secretary may make a grant to a coastal state under subsection (a) only if the Secretary

finds that the management program of the coastal state meets all applicable requirements of this chapter and has been approved in accordance with subsection (d).

(c) Allocation of grants to coastal states

Grants under this section shall be allocated to coastal states with approved programs based on rules and regulations promulgated by the Secretary which shall take into account the extent and nature of the shoreline and area covered by the program, population of the area, and other relevant factors. The Secretary shall establish, after consulting with the coastal states, maximum and minimum grants for any fiscal year to promote equity between coastal states and effective coastal management.

(d) Mandatory adoption of State management program for coastal zone

Before approving a management program submitted by a coastal state, the Secretary shall find the following:

(1) The State has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, State agencies, local governments, regional organizations, port authorities, and other interested parties and individuals, public and private, which is adequate to carry out the purposes of this chapter and is consistent with the policy declared in section 1452 of this title.

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

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

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

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

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

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

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

(G) A definition of the term "beach" and a planning process for the protection of, and access to, public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecological, or cultural value.

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