

(b) Allocation

(1) Of funds appropriated in any fiscal year, not more than \$500,000 shall be reserved for administration of this chapter by the National Oceanic and Atmospheric Administration and the Environmental Protection Agency.

(2) Funds appropriated in a fiscal year which are available after allocation pursuant to paragraph (1), shall be used to support the administrative costs of Boards established pursuant to section 1447b(a) of this title, provided that such funding does not exceed \$300,000 for each research Board in each fiscal year.

(3) Seventy-five percent of funds appropriated in a fiscal year available after allocation pursuant to paragraphs (1) and (2), shall be allocated equally among Boards located in regions submitting research project grant applications pursuant to section 1447d(b) of this title.

(4) Twenty-five percent of funds appropriated in a fiscal year available after allocation pursuant to paragraphs (1) and (2), shall be allocated among Boards located in regions submitting research project grant applications pursuant to section 1447d(b) of this title which, in the judgment of the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Administrator of the Environmental Protection Agency, propose the most needed and highest quality research.

(Pub. L. 92-532, title IV, §407, as added Pub. L. 101-593, title III, §301, Nov. 16, 1990, 104 Stat. 2969.)

CHAPTER 33—COASTAL ZONE MANAGEMENT

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§ 1451. Congressional findings

The Congress finds that—

(a) There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone.

(b) The coastal zone is rich in a variety of natural, commercial, recreational, ecological, in-

dustrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation.

(c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion.

(d) The habitat areas of the coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations.

(e) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost.

(f) New and expanding demands for food, energy, minerals, defense needs, recreation, waste disposal, transportation, and industrial activities in the Great Lakes, territorial sea, exclusive economic zone, and Outer Continental Shelf are placing stress on these areas and are creating the need for resolution of serious conflicts among important and competing uses and values in coastal and ocean waters;¹

(g) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values.

(h) In light of competing demands and the urgent need to protect and to give high priority to natural systems in the coastal zone, present state and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate.

(i) The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

(j) The national objective of attaining a greater degree of energy self-sufficiency would be advanced by providing Federal financial assistance to meet state and local needs resulting from new or expanded energy activity in or affecting the coastal zone.

(k) Land uses in the coastal zone, and the uses of adjacent lands which drain into the coastal zone, may significantly affect the quality of coastal waters and habitats, and efforts to control coastal water pollution from land use activities must be improved.

(l) Because global warming may result in a substantial sea level rise with serious adverse

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

effects in the coastal zone, coastal states must anticipate and plan for such an occurrence.

(m) Because of their proximity to and reliance upon the ocean and its resources, the coastal states have substantial and significant interests in the protection, management, and development of the resources of the exclusive economic zone that can only be served by the active participation of coastal states in all Federal programs affecting such resources and, wherever appropriate, by the development of state ocean resource plans as part of their federally approved coastal zone management programs.

(Pub. L. 89-454, title III, §302, as added Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1280; amended Pub. L. 94-370, §2, July 26, 1976, 90 Stat. 1013; Pub. L. 96-464, §2, Oct. 17, 1980, 94 Stat. 2060; Pub. L. 101-508, title VI, §6203(a), Nov. 5, 1990, 104 Stat. 1388-300.)

AMENDMENTS

1990—Subsec. (d). Pub. L. 101-508, §6203(a)(1), inserted “habitat areas of the” before “coastal zone”.

Subsec. (f). Pub. L. 101-508, §6203(a)(2), inserted “exclusive economic zone,” after “territorial sea.”

Subsecs. (k) to (m). Pub. L. 101-508, §6203(a)(3), added subsecs. (k) to (m).

1980—Subsecs. (f) to (j). Pub. L. 96-464, §2(1), (2), added subsec. (f) and redesignated former subsecs. (f) to (i) as (g) to (j), respectively.

1976—Subsec. (b). Pub. L. 94-370, §2(1), inserted “ecological,” after “recreational.”

Subsec. (i). Pub. L. 94-370, §2(3), added subsec. (i).

SHORT TITLE OF 2009 AMENDMENT

Pub. L. 111-11, title XII, §12501, Mar. 30, 2009, 123 Stat. 1442, provided that: “This Act [probably should be “sub-title”, meaning subtitle E (§§ 12501, 12502) of title XII of Pub. L. 111-11, enacting section 1456-1 of this title] may be cited as the ‘Coastal and Estuarine Land Conservation Program Act.’”

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-456, title I, §101, Dec. 10, 2004, 118 Stat. 3630, formerly set out as a note under this section, was transferred and is set out as a note under section 4001 of Title 33, Navigation and Navigable Waters.

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-150, §1, June 3, 1996, 110 Stat. 1380, provided that: “This Act [enacting section 1465 of this title, amending sections 1454, 1455a, 1456a, 1456b, 1461, and 1464 of this title, and enacting provisions set out as a note under section 1454 of this title] may be cited as the ‘Coastal Zone Protection Act of 1996.’”

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-508, title VI, §6201, Nov. 5, 1990, 104 Stat. 1388-299, provided that: “This subtitle [subtitle C (§§ 6201-6217) of title VI of Pub. L. 101-508, enacting sections 1455b, 1456c, and 1460 of this title, amending this section and sections 1452 to 1456b, 1458, 1461, and 1464 of this title, and enacting provisions set out as notes under this section and section 1455 of this title] may be cited as the ‘Coastal Zone Act Reauthorization Amendments of 1990.’”

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-272, title VI, §6041, Apr. 7, 1986, 100 Stat. 124, provided that: “This subtitle [subtitle D (§§ 6041-6047) of title VI of Pub. L. 99-272, amending sections 1455, 1455a, 1456a, 1458, 1461, and 1464 of this title, repealing sections 1456c and 1460 of this title, and repealing provisions set out as a note under this section] may be cited as the ‘Coastal Zone Management Reauthorization Act of 1985.’”

SHORT TITLE OF 1980 AMENDMENT

Pub. L. 96-464, §1, Oct. 17, 1980, 94 Stat. 2060, provided: “That this Act [enacting sections 1455a and 1463a of this title, amending this section and sections 1452, 1453, 1455, 1456a, 1456b, 1458, 1461, 1462, and 1464 of this title, and enacting provisions set out as notes under sections 1455, 1458, and 1463a of this title] may be cited as the ‘Coastal Zone Management Improvement Act of 1980.’”

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-370, §1, July 26, 1976, 90 Stat. 1013, provided: “That this Act [enacting section 1511a of Title 15, Commerce and Trade, and sections 1456a to 1456c of this title, amending this section, sections 1453 to 1456 and 1457 to 1464 of this title, and section 5316 of Title 5, Government Organization and Employees, and enacting provisions set out as notes under section 1511a of Title 15 and section 1462 of this title] may be cited as the ‘Coastal Zone Management Act Amendments of 1976.’”

SHORT TITLE

Pub. L. 89-454, title III, §301, as added by Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1280, provided that: “This title [enacting this chapter] may be cited as the ‘Coastal Zone Management Act of 1972.’”

HYPOXIA ASSESSMENT

Pub. L. 110-114, title V, §5022, Nov. 8, 2007, 121 Stat. 1203, provided that: “The Secretary [of the Army] may participate with Federal, State, and local agencies, non-Federal and nonprofit entities, regional researchers, and other interested parties to assess hypoxia in the Gulf of Mexico.”

HARMFUL ALGAL BLOOMS AND HYPOXIA RESEARCH AND CONTROL

Pub. L. 108-456, title I, §102 (part), Dec. 10, 2004, 118 Stat. 3630, formerly set out as a note under this section, was transferred to section 4001a of Title 33, Navigation and Navigable Waters.

Pub. L. 105-383, title VI, Nov. 13, 1998, 112 Stat. 3447, as amended by Pub. L. 108-456, title I, §§102-105, Dec. 10, 2004, 118 Stat. 3630-3633; Pub. L. 110-161, div. B, title V, §528, Dec. 26, 2007, 121 Stat. 1930, formerly set out as a note under this section, was transferred to chapter 53 (§4001 et seq.) of Title 33, Navigation and Navigable Waters.

FINDINGS AND PURPOSE OF COASTAL ZONE ACT REAUTHORIZATION AMENDMENTS OF 1990

Pub. L. 101-508, title VI, §6202, Nov. 5, 1990, 104 Stat. 1388-299, provided that:

“(a) FINDINGS.—Congress finds and declares the following:

“(1) Our oceans, coastal waters, and estuaries constitute a unique resource. The condition of the water quality in and around the coastal areas is significantly declining. Growing human pressures on the coastal ecosystem will continue to degrade this resource until adequate actions and policies are implemented.

“(2) Almost one-half of our total population now lives in coastal areas. By 2010, the coastal population will have grown from 80,000,000 in 1960 to 127,000,000 people, an increase of approximately 60 percent, and population density in coastal counties will be among the highest in the Nation.

“(3) Marine resources contribute to the Nation’s economic stability. Commercial and recreational fishery activities support an industry with an estimated value of \$12,000,000,000 a year.

“(4) Wetlands play a vital role in sustaining the coastal economy and environment. Wetlands support and nourish fishery and marine resources. They also protect the Nation’s shores from storm and wave damage. Coastal wetlands contribute an estimated \$5,000,000,000 to the production of fish and shellfish in the United States coastal waters. Yet, 50 percent of

the Nation's coastal wetlands have been destroyed, and more are likely to decline in the near future.

“(5) Nonpoint source pollution is increasingly recognized as a significant factor in coastal water degradation. In urban areas, storm water and combined sewer overflow are linked to major coastal problems, and in rural areas, run-off from agricultural activities may add to coastal pollution.

“(6) Coastal planning and development control measures are essential to protect coastal water quality, which is subject to continued ongoing stresses. Currently, not enough is being done to manage and protect our coastal resources.

“(7) Global warming results from the accumulation of man-made gases, released into the atmosphere from such activities as the burning of fossil fuels, deforestation, and the production of chlorofluorocarbons, which trap solar heat in the atmosphere and raise temperatures worldwide. Global warming could result in significant global sea level rise by 2050 resulting from ocean expansion, the melting of snow and ice, and the gradual melting of the polar ice cap. Sea level rise will result in the loss of natural resources such as beaches, dunes, estuaries, and wetlands, and will contribute to the salinization of drinking water supplies. Sea level rise will also result in damage to properties, infrastructures, and public works. There is a growing need to plan for sea level rise.

“(8) There is a clear link between coastal water quality and land use activities along the shore. State management programs under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) are among the best tools for protecting coastal resources and must play a larger role, particularly in improving coastal zone water quality.

“(9) All coastal States should have coastal zone management programs in place that conform to the Coastal Zone Management Act of 1972, as amended by this Act.

“(b) PURPOSE.—It is the purpose of Congress in this subtitle [see Short Title of 1990 Amendment note above] to enhance the effectiveness of the Coastal Zone Management Act of 1972 [16 U.S.C. 1451 et seq.] by increasing our understanding of the coastal environment and expanding the ability of State coastal zone management programs to address coastal environmental problems.”

ESTABLISHMENT OF POSITIONS AND FIXING OF COMPENSATION BY SECRETARY OF COMMERCE; APPOINTMENTS

Pub. L. 94-370, §15(c), July 26, 1976, 90 Stat. 1032, related to establishment and compensation of four new positions without regard to the provisions of chapter 51 of Title 5, Government Organization and Employees, prior to repeal by Pub. L. 99-272, title VI, §6045(3), Apr. 7, 1986, 100 Stat. 127.

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

EXECUTIVE ORDER No. 13554

Ex. Ord. No. 13554, Oct. 5, 2010, 75 F.R. 62313, which established the Gulf Coast Ecosystem Restoration Task Force, was revoked, concurrent with the termination of the Task Force, by Ex. Ord. No. 13626, §6(d), Sept. 10, 2012, 77 F.R. 56752, set out as a note under section 1321 of Title 33, Navigation and Navigable Waters.

§ 1452. Congressional declaration of policy

The Congress finds and declares that it is the national policy—

(1) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations;

(2) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and esthetic values as well as the needs for compatible economic development, which programs should at least provide for—

(A) the protection of natural resources, including wetlands, flood plains, estuaries, beaches, dunes, barrier islands, coral reefs, and fish and wildlife and their habitat, within the coastal zone,

(B) the management of coastal development to minimize the loss of life and property caused by improper development in flood-prone, storm surge, geological hazard, and erosion-prone areas and in areas likely to be affected by or vulnerable to sea level rise, land subsidence, and saltwater intrusion, and by the destruction of natural protective features such as beaches, dunes, wetlands, and barrier islands.¹

(C) the management of coastal development to improve, safeguard, and restore the quality of coastal waters, and to protect natural resources and existing uses of those waters,

(D) priority consideration being given to coastal-dependent uses and orderly processes for siting major facilities related to national defense, energy, fisheries development, recreation, ports and transportation, and the location, to the maximum extent practicable, of new commercial and industrial developments in or adjacent to areas where such development already exists,

(E) public access to the coasts for recreation purposes,

(F) assistance in the redevelopment of deteriorating urban waterfronts and ports, and sensitive preservation and restoration of historic, cultural, and esthetic coastal features,

(G) the coordination and simplification of procedures in order to ensure expedited governmental decisionmaking for the management of coastal resources,

(H) continued consultation and coordination with, and the giving of adequate consideration to the views of, affected Federal agencies,

(I) the giving of timely and effective notification of, and opportunities for public and local government participation in, coastal management decisionmaking,

(J) assistance to support comprehensive planning, conservation, and management for living marine resources, including planning for the siting of pollution control and aquaculture facilities within the coastal zone, and improved coordination between State and Federal coastal zone management agencies and State and wildlife agencies, and

(K) the study and development, in any case in which the Secretary considers it to be appropriate, of plans for addressing the adverse effects upon the coastal zone of land subsidence and of sea level rise; and

¹ So in original. The period probably should be a comma.