

may not be renewed. A proposed amendment, modification, or change which has been given preliminary approval and is not finally approved under this paragraph shall not be considered an enforceable policy for purposes of section 1456 of this title.

(Pub. L. 89-454, title III, § 306, as added Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1283; amended Pub. L. 93-612, § 1(2), Jan. 2, 1975, 88 Stat. 1974; Pub. L. 94-370, § 5, July 26, 1976, 90 Stat. 1017; Pub. L. 96-464, § 5(a), Oct. 17, 1980, 94 Stat. 2062; Pub. L. 99-272, title VI, § 6043(b)(1), (c), Apr. 7, 1986, 100 Stat. 124, 125; Pub. L. 101-508, title VI, § 6206(a), Nov. 5, 1990, 104 Stat. 1388-303; Pub. L. 102-587, title II, § 2205(b)(1)(A), (B), (8), Nov. 4, 1992, 106 Stat. 5050, 5051.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (e)(2), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

AMENDMENTS

1992—Subsecs. (a) to (d), (e)(2), (3)(A). Pub. L. 102-587 substituted “coastal state” and “coastal states” for “coastal State” and “coastal States”, respectively, wherever appearing, and substituted period for semicolon at end of subsec. (b).

1990—Pub. L. 101-508 amended section generally, substituting present provisions for provisions which authorized grants for administering a state management program, provided for a ratio of Federal to State contributions, allocation of grants, program requirements, required authority for management of coastal zone, required findings prior to approval of grants, allocation to other political subdivisions, program modification, segmental development, and inventory and designation of areas of national significance and standards for protection of coastal resources.

1986—Subsec. (a). Pub. L. 99-272, § 6043(b)(1), amended introductory text generally, which prior to amendment read as follows: “The Secretary may make grants to any coastal state for not more than 80 per centum of the costs of administering such state’s management program if the Secretary—”.

Subsec. (g). Pub. L. 99-272, § 6043(c), inserted “, and subject to the following conditions:” in provisions preceding par. (1), added pars. (1) to (3), and struck out provision that except with respect to any management program amendment which was made before Oct. 1, 1978, for the purpose of complying with the requirements of section 1454(b)(7), (8) and (9) of this title, no grant was to be made under this section to any coastal state after the date of such amendment or modification, until the Secretary approved such amendment or modification.

1980—Subsec. (a). Pub. L. 96-464, § 5(a)(1), in opening text, substituted “The Secretary may make grants” for “The Secretary may make a grant annually”, added par. (3), and provision following par. (3) which defined the costs of administering a management program.

Subsec. (b). Pub. L. 96-464, § 5(2), struck out proviso that no annual grant made under this section shall be in excess of \$2,000,000 for fiscal year 1975, in excess of \$2,500,000 for fiscal year 1976, and in excess of \$3,000,000 for fiscal year 1977.

Subsec. (i). Pub. L. 96-464, § 5(a)(3), added subsec. (i).

1976—Subsec. (a). Pub. L. 94-370, § 5(1), raised the federal share of grants to 80 per centum from 66½ per centum of the cost of administering a state’s management program, substituted requirement that Secretary approve state’s management program in accordance with subsecs. (c), (d), and (e) and find that such programs

meet requirements under section 1454(b) of this title for requirement that Secretary approve state’s management programs in accordance with subsec. (c), and struck out proviso that Federal funds from other sources shall not be used to pay the state’s share of costs.

Subsec. (c)(2)(B). Pub. L. 94-370, § 5(2), inserted provisions that mechanism not be found to be effective by Secretary until management agency meets certain requirement such as notice to affected zoning authority, 30-day period for zoning authority to respond with recommendations, and action to be taken by management agency where zoning authority does submit recommendations.

Subsec. (c)(8). Pub. L. 94-370, § 5(3), inserted “planning for, and” before “in the siting of” and reference to energy facilities in, or which significantly affect, such state’s coastal zone and inserted proviso that in the case of energy facilities, the Secretary shall find that the state has given consideration to any applicable interstate energy plan or program.

Subsec. (g). Pub. L. 94-370, § 5(4), inserted requirement that except for pre-Oct. 1, 1978 amendments of management programs, for purposes of complying with section 1454(b)(7), (8), and (9) of this title, no grant shall be made under this section to any coastal state after the date of an amendment until approved by Secretary.

1975—Subsec. (b). Pub. L. 93-612 substituted provisos establishing maximum amount of annual grant for fiscal years 1975, 1976, and 1977, establishing a minimum of 1 per centum of the total appropriated amount, and providing for waiver of the 1 per centum minimum upon request of the coastal State, for proviso limiting an annual administrative grant to a maximum of 10 per centum and a minimum of 1 per centum of the total appropriated amount.

EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-464, § 5(b), Oct. 17, 1980, 94 Stat. 2062, provided that: “The amendments made by subsection (a)(1) and (2) of this section [amending this section] apply with respect to grants made after September 30, 1980, under section 306 of the Coastal Zone Management Act of 1972 [this section] and, within two hundred and seventy days after such date, the Secretary of Commerce shall issue regulations relating to the administration of subsection (a) of such section 306 (as so amended by such subsection (a)(1)).”

ADDITIONAL PROGRAM REQUIREMENTS

Pub. L. 101-508, title VI, § 6206(b), Nov. 5, 1990, 104 Stat. 1388-306, provided that: “Each State which submits a management program for approval under section 306 of the Coastal Zone Management Act of 1972 [16 U.S.C. 1455], as amended by this subtitle (including a State which submitted a program before the date of enactment of this Act [Nov. 5, 1990]), shall demonstrate to the Secretary—

“(1) that the program complies with section 306(d)(14) and (15) of that Act, by not later than 3 years after the date of the enactment of this Act; and

“(2) that the program complies with section 306(d)(16) of that Act, by not later than 30 months after the date of publication of final guidance under section 6217(g) of this Act [16 U.S.C. 1455b(g)].”

§ 1455a. Coastal resource improvement program

(a) Definitions

For purposes of this section—

(1) The term “eligible coastal state” means a coastal state that for any fiscal year for which a grant is applied for under this section—

(A) has a management program approved under section 1455 of this title; and

(B) in the judgment of the Secretary, is making satisfactory progress in activities

designed to result in significant improvement in achieving the coastal management objectives specified in section 1452(2)(A) through (K) of this title.

(2) The term “urban waterfront and port” means any developed area that is densely populated and is being used for, or has been used for, urban residential recreational, commercial, shipping or industrial purposes.

(b) Resource management improvement grants

The Secretary may make grants to any eligible coastal state to assist that state in meeting one or more of the following objectives:

(1) The preservation or restoration of specific areas of the state that (A) are designated under the management program procedures required by section 1455(d)(9) of this title because of their conservation recreational, ecological, or esthetic values, or (B) contain one or more coastal resources of national significance, or for the purpose of restoring and enhancing shellfish production by the purchase and distribution of clutch material on publicly owned reef tracts.

(2) The redevelopment of deteriorating and underutilized urban waterfronts and ports that are designated in the state’s management program pursuant to section 1455(d)(2)(C) of this title as areas of particular concern.

(3) The provision of access to public beaches and other public coastal areas and to coastal waters in accordance with the planning process required under section 1455(d)(2)(G) of this title.

(4) The development of a coordinated process among State agencies to regulate and issue permits for aquaculture facilities in the coastal zone.

(c) Uses, terms and conditions of grants

(1) Each grant made by the Secretary under this section shall be subject to such terms and conditions as may be appropriate to ensure that the grant is used for purposes consistent with this section.

(2) Grants made under this section may be used for—

(A) the acquisition of fee simple and other interests in land;

(B) low-cost construction projects determined by the Secretary to be consistent with the purposes of this section, including but not limited to, paths, walkways, fences, parks, and the rehabilitation of historic buildings and structures; except that not more than 50 per centum of any grant made under this section may be used for such construction projects;

(C) in the case of grants made for objectives described in subsection (b)(2)—

(i) the rehabilitation or acquisition of piers to provide increased public use, including compatible commercial activity,

(ii) the establishment of shoreline stabilization measures including the installation or rehabilitation of bulkheads for the purpose of public safety or increasing public access and use, and

(iii) the removal or replacement of pilings where such action will provide increased recreational use of urban waterfront areas,

but activities provided for under this paragraph shall not be treated as construction projects subject to the limitations in paragraph (B);

(D) engineering designs, specifications, and other appropriate reports; and

(E) educational, interpretive, and management costs and such other related costs as the Secretary determines to be consistent with the purposes of this section.

(d) State matching contributions; ratio; maximum amount of grants

(1) The Secretary may make grants to any coastal state for the purpose of carrying out the project or purpose for which such grants are awarded, if the state matches any such grant according to the following ratios of Federal to state contributions for the applicable fiscal year: 4 to 1 for fiscal year 1986; 2.3 to 1 for fiscal year 1987; 1.5 to 1 for fiscal year 1988; and 1 to 1 for each fiscal year after fiscal year 1988.

(2) Grants provided under this section may be used to pay a coastal state’s share of costs required under any other Federal program that is consistent with the purposes of this section.

(3) The total amount of grants made under this section to any eligible coastal state for any fiscal year may not exceed an amount equal to 10 per centum of the total amount appropriated to carry out this section for such fiscal year.

(e) Allocation of grants to local governments and other agencies

With the approval of the Secretary, an eligible coastal state may allocate to a local government, an areawide agency designated under section 3334 of title 42, a regional agency, or an interstate agency, a portion of any grant made under this section for the purpose of carrying out this section; except that such an allocation shall not relieve that state of the responsibility for ensuring that any funds so allocated are applied in furtherance of the state’s approved management program.

(f) Other technical and financial assistance

In addition to providing grants under this section, the Secretary shall assist eligible coastal states and their local governments in identifying and obtaining other sources of available Federal technical and financial assistance regarding the objectives of this section.

(Pub. L. 89-454, title II, §306A, as added Pub. L. 96-464, §6, Oct. 17, 1980, 94 Stat. 2062; amended Pub. L. 99-272, title VI, §6043(b)(2), Apr. 7, 1986, 100 Stat. 124; Pub. L. 101-508, title VI, §§6207, 6216(a), Nov. 5, 1990, 104 Stat. 1388-307, 1388-314; Pub. L. 102-587, title II, §2205(b)(9)-(12), Nov. 4, 1992, 106 Stat. 5051; Pub. L. 104-150, §7(1), June 3, 1996, 110 Stat. 1381.)

AMENDMENTS

1996—Subsec. (b)(4). Pub. L. 104-150 added par. (4).

1992—Subsec. (a)(1)(B). Pub. L. 102-587, §2205(b)(10), substituted “through (K)” for “through (I)”.

Subsec. (b)(1). Pub. L. 102-587, §2205(b)(9), made technical amendment to directory language of Pub. L. 101-508, §6216(a). See 1990 Amendment note below.

Subsec. (b)(2). Pub. L. 102-587, §2205(b)(11)(A), substituted “that are designated in the state’s management program pursuant to section 1455(d)(2)(C) of this title as areas of particular concern” for “that are des-

ignated under section 1454(b)(3) of this title in the state's management program as areas of particular concern".

Subsec. (b)(3). Pub. L. 102-587, § 2205(b)(11)(B), substituted "access to" for "access of" and "1455(d)(2)(G)" for "1454(b)(7)".

Subsec. (c)(2)(C). Pub. L. 102-587, § 2205(b)(12), in closing provisions, substituted "shall not be" for "shall not by".

1990—Subsec. (b)(1). Pub. L. 101-508, § 6216(a), as amended by Pub. L. 102-587, § 2205(b)(9), substituted "1455(d)(9)" for "1455(c)(9)".

Pub. L. 101-508, § 6207, inserted before period at end of, or for the purpose of restoring and enhancing shellfish production by the purchase and distribution of clutch material on publicly owned reef tracts".

1986—Subsec. (d)(1). Pub. L. 99-272 amended par. (1) generally. Prior to amendment, par. (1) read as follows: "No grant made under this section may exceed an amount equal to 80 per centum of the cost of carrying out the purpose or project for which it was awarded."

§ 1455b. Protecting coastal waters

(a) In general

(1) Program development

Not later than 30 months after the date of the publication of final guidance under subsection (g), each State for which a management program has been approved pursuant to section 306 of the Coastal Zone Management Act of 1972 [16 U.S.C. 1455] shall prepare and submit to the Secretary and the Administrator a Coastal Nonpoint Pollution Control Program for approval pursuant to this section. The purpose of the program shall be to develop and implement management measures for nonpoint source pollution to restore and protect coastal waters, working in close conjunction with other State and local authorities.

(2) Program coordination

A State program under this section shall be coordinated closely with State and local water quality plans and programs developed pursuant to sections 1288, 1313, 1329, and 1330 of title 33 and with State plans developed pursuant to the Coastal Zone Management Act of 1972, as amended by this Act [16 U.S.C. 1451 et seq.]. The program shall serve as an update and expansion of the State nonpoint source management program developed under section 1329 of title 33, as the program under that section relates to land and water uses affecting coastal waters.

(b) Program contents

Each State program under this section shall provide for the implementation, at a minimum, of management measures in conformity with the guidance published under subsection (g), to protect coastal waters generally, and shall also contain the following:

(1) Identifying land uses

The identification of, and a continuing process for identifying, land uses which, individually or cumulatively, may cause or contribute significantly to a degradation of—

(A) those coastal waters where there is a failure to attain or maintain applicable water quality standards or protect designated uses, as determined by the State pursuant to its water quality planning processes; or

(B) those coastal waters that are threatened by reasonably foreseeable increases in pollution loadings from new or expanding sources.

(2) Identifying critical coastal areas

The identification of, and a continuing process for identifying, critical coastal areas adjacent to coastal waters referred to in paragraph (1)(A) and (B), within which any new land uses or substantial expansion of existing land uses shall be subject to management measures in addition to those provided for in subsection (g).

(3) Management measures

The implementation and continuing revision from time to time of additional management measures applicable to the land uses and areas identified pursuant to paragraphs (1) and (2) that are necessary to achieve and maintain applicable water quality standards under section 1313 of title 33 and protect designated uses.

(4) Technical assistance

The provision of technical and other assistance to local governments and the public for implementing the measures referred to in paragraph (3), which may include assistance in developing ordinances and regulations, technical guidance, and modeling to predict and assess the effectiveness of such measures, training, financial incentives, demonstration projects, and other innovations to protect coastal water quality and designated uses.

(5) Public participation

Opportunities for public participation in all aspects of the program, including the use of public notices and opportunities for comment, nomination procedures, public hearings, technical and financial assistance, public education, and other means.

(6) Administrative coordination

The establishment of mechanisms to improve coordination among State agencies and between State and local officials responsible for land use programs and permitting, water quality permitting and enforcement, habitat protection, and public health and safety, through the use of joint project review, memoranda of agreement, or other mechanisms.

(7) State coastal zone boundary modification

A proposal to modify the boundaries of the State coastal zone as the coastal management agency of the State determines is necessary to implement the recommendations made pursuant to subsection (e). If the coastal management agency does not have the authority to modify such boundaries, the program shall include recommendations for such modifications to the appropriate State authority.

(c) Program submission, approval, and implementation

(1) Review and approval

Within 6 months after the date of submission by a State of a program pursuant to this section, the Secretary and the Administrator shall jointly review the program. The program shall be approved if—