

# COASTAL ZONE MANAGEMENT ACT 101



## Module 3: Permitting

NOAA Office for Coastal Management  
[coast.noaa.gov/captivate/czmaPermittingFinal](http://coast.noaa.gov/captivate/czmaPermittingFinal)

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**Disclaimer:** Coastal management programs vary. This module does not provide descriptions of the permitting structures and processes for each of the 34 participating states, but rather gives general information.

## Introduction

If you are new to the permitting process, you may be wondering:

- What are examples of permitting program structures and roles?
- How does permitting works in my state's coastal management program?
- How do I begin the permit application review process?
- How does the Coastal Zone Management Act (CZMA) inform my permitting work?

Use this module to get the answers!

## Permitting Responsibilities

Many coastal management programs use permitting to manage land and water resources and their uses. How states structure permitting for their coastal management programs varies. For example, a coastal management program could rely on

- A single lead state agency with comprehensive permitting authority,
- A network of state permitting authorities and agencies, or
- Local government permitting authorities.

Depending on the structure of the coastal management program, state staff members involved in carrying out program requirements through permitting could have a variety of responsibilities, such as

- Reviewing state permit applications and issuing permits that are consistent with coastal management program policies,
- Reviewing state or local permit applications or decisions by networked state agencies or local governments for consistency with coastal management program policies,
- Coordinating with other state agencies, local governments, and applicants, or
- Coordinating with federal agencies for CZMA federal consistency purposes.

## Permitting Scenarios

Permits may be required for a variety of land and water uses. Three examples are provided below. Do any of them sound familiar?

1. *A private developer is proposing a 200-room hotel on a beachfront property adjacent to a marine protected area. The site has documented cultural resources, is valued by residents for recreational activities, and contains an established population of a shorebird on the endangered species list.*
2. *An owner of a single-family home, located on an estuary, is proposing an erosion control structure.*

3. *A municipality is proposing a raised, wooden public access way, a parking lot, and restrooms on a shoreline parcel. The parcel includes dunes and is considered an area of particular concern because of its substantial recreational value and designation as a sensitive bird habitat.*

## Permitting Support

Need help getting started?

Permit Applications - Understanding the Review Process

[Get a worksheet](#) to start the permit application review process.

[Learn more](#) about permit application review and which sections of the CZMA shape the permitting process.

Permitting – Understanding How it Works

[Get a worksheet](#) to discover how permitting works in your program.

[Learn more](#) about basic permitting concepts and which sections of the CZMA shape the permitting process.

## Permit Review Process

While each coastal management program has its own permit review process, programs commonly employ three basic steps. To get started, consider the questions provided under each of these steps.

1. **Screening** the permit application.
2. **Review and analysis** for project consistency with policies and standards.
3. **Recommendation and decision** about the permit application.

### Screening

In each step, you will find starter questions, along with explanations and links to relevant sections of the CZMA:

1. **Examine the basic details of a proposed project to determine if the project is subject to review.**
  - a. Is the development within the coastal zone boundaries? If the development is outside the coastal zone boundaries, is the development still subject to state coastal management program review, or is a state permit that is linked to the coastal management program still needed?
  - b. What type of land or water use is proposed?
  - c. Has this type of activity been identified as a permissible use, and a use that is subject to management measures?

- d. What is the coastal management program's responsibility for issuing permits or reviewing permits issued by other state agencies?
- e. Is a permit required?

**2. Identify the kind of permit required, application materials needed, and permitting timelines.**

- a. What type of permit is needed (specific to the project)?
- b. What application materials are required?
- c. What are the timelines for processing an application (e.g., gathering information, application review, response, decision-making)?

**3. Identify the standards of review, decision-making process, and other authorizations needed.**

- a. What natural resources are on and adjacent to the project site?
- b. Is the proposed project within an area of particular concern? If so, does this use appear on the prioritized list of uses for the area of concern?
- c. What are the standards for development projects?
- d. What is the process for decision-making? Who makes the decision?
- e. How does the public get involved in the permitting process?
- f. Are there local government, interstate, regional, area-wide, or other state agencies with authorities that apply to the project? Have you communicated with them? Are there potential conflicts?
- g. Are federal authorizations required?

**1. Examine the basic details of a proposed project to determine if the project is subject to review.**

- a. Is the development within the **coastal zone boundaries**? If the development is outside the coastal zone boundaries is the development still subject to state coastal management program review, or is a state permit that is linked to the coastal management program still needed?

Each coastal management program has a coastal zone boundary. The boundary of a state or territory's coastal zone defines the areas where the *coastal management program* has a regulatory and management interest. The coastal zone boundary has four elements: the inland boundary, the seaward boundary, areas excluded from the coastal zone boundary, and interstate boundaries. The CZMA regulations include requirements for each. For example, the boundary extends inland to the extent necessary to control the land and water uses that have direct and significant impact on the state's coastal waters, or are likely to be affected by or vulnerable to sea level rise. In some cases, such as coastal programs of the Pacific islands, the entire state or territory is within the coastal zone. In other programs, the boundaries may be closer to the physical shoreline and not extend to inland counties or cities.

In many states, permit programs are not limited to regulating proposed activities within the coastal zone, but rather exercise their regulatory authority over a larger area. In addition, through the CZMA federal consistency provision, states also review proposed activities that need a federal license or permit outside the coastal zone.

Federal lands, lands controlled by the federal government through a lease or other legal instrument, or lands held in trust by the federal government are excluded from the coastal zone. However, state permits may still be required for nonfederal applicants conducting activities on excluded federal lands, and CZMA federal consistency review applies to federal actions proposed on excluded federal lands.

**CZMA:** [16 U.S.C. § 1453](#) (Section 304 (1)); [16 U.S.C. § 1455](#) (Section 306 (d)(2)(A))

**Regulations:** [15 C.F.R. Subpart 923](#) (Subpart D: Boundaries)

b. What **type of land or water use** is proposed?

Many types of land and water use occur in the coastal zone. Examples include transportation, agriculture, recreation and tourism, marine-related activities, dredging, and residential, commercial, and industrial development.

**CZMA:** [16 U.S.C. § 1453](#) (Section 304 (10) and (18))

**Regulations:** [15 C.F.R. Subpart 923](#) (Subpart B: Uses Subject to Management)

c. Has this type of activity been identified as a **permissible use**, and a use that is subject to **management measures**?

A coastal management program defines and identifies the land and water uses subject to the terms of the management program. These uses are those with direct and significant impacts on coastal waters or on geographic areas likely to be affected by or vulnerable to sea level rise.

**CZMA:** [16 U.S.C. § 1455](#) (Section 306 (d)(2)(B))

**Regulations:** [15 C.F.R. Subpart 923](#) (Subpart B: Uses Subject to Management)

d. What is the coastal management program's **responsibility for issuing permits**?

Who is responsible for permitting depends on which approach or combination of approaches is used to manage land and water uses. The CZMA specifies that state coastal management programs use at least one of three approaches:

- a. State establishment of criteria and standards for local implementation

- b. Direct state-level planning and regulation of land and water uses
- c. State-level administrative review of development plans, projects, or land and water use regulations

Depending on which approach is taken, the lead state agency for the program, networked state partner agencies, area-wide agencies, regional agencies, or local governments could be responsible for permitting.

**CZMA:** [16 U.S.C. § 1455](#) (Section 306 (d)(11))

**Regulations:** [15 C.F.R. Subpart 923](#) (Subpart A: General) and [15 C.F.R. Subpart 923](#) (Subpart E: Authorities and Organization)

- e. Is a **permit** required?

Coastal management programs use a variety of regulatory and non-regulatory management tools such as zoning, permitting, leasing of public lands, and acquisition. Permitting is an important regulatory tool used by many. By requiring permits, a coastal management program can help ensure development and other land and water uses are compliant with program policies. Permits may be required for construction projects, some types of business operations, or other activities that may be regulated by governments, such as changes in type of use or intensity of use. The coastal management program's policies, standards, and permitting process will govern what requires a permit.

## 2. Identify the kind of permit required, application materials needed, and permitting timelines.

- a. What **type of permit** is needed (specific to the project)?

Coastal management programs may issue multiple types of permits. For example, some coastal management programs have major and minor coastal permits. The coastal management program's policies, standards, and permitting process will govern what type of permit needed.

**CZMA:** [16 U.S.C. § 1453](#) (Section 304 (6a)); [16 U.S.C. § 1455](#) (Section 306 (d)(2)(D), d(10), (d)(11))

**Regulations:** [15 C.F.R. Subpart 923](#) (Subpart A: General) and [15 C.F.R. Subpart 923](#) (Subpart E: Authorities and Organization)

- b. What **application materials** are required?

Applicants may be required to submit a variety of application materials, such as a description of the proposed activity, a site plan, and environmental documents. The coastal management program's policies, standards, and permitting process will govern the materials required.

**CZMA:** [16 U.S.C. § 1453](#) (Section 304 (6a)); [16 U.S.C. § 1455](#) (Section 306 (d)(2)(D), d(10), and (d)(11))

**Regulations:** [15 C.F.R. Subpart 923](#) (Subpart A: General) and [15 C.F.R. Subpart 923](#) (Subpart E: Authorities and Organization)

- c. What are the **timelines** for processing an application (e.g., gathering information, application review, response, decision-making)?

Timelines and deadlines may apply to different parts of the permit process such as reviewing the application, requesting additional information from the applicant, completing the analysis, making a recommendation, and making a decision. The coastal management program's policies, standards, and permitting process will govern the timelines for permit application processing.

**CZMA:** [16 U.S.C. § 1453](#) (Section 304 (6a)); [16 U.S.C. § 1455](#) (Section 306 (d)(2)(D), d(10) and (d)(11))

**Regulations:** [15 C.F.R. Subpart 923](#) (Subpart A: General) and [15 C.F.R. Subpart 923](#) (Subpart E: Authorities and Organization)

### 3. Identify the standards of review, decision-making process, and other authorizations needed.

- a. What **natural resources** are on and adjacent to the project site?

Many types of natural resources could occur within the coastal zone. Examples include wetlands, floodplains, beaches, dunes, barrier islands, coral reefs, estuaries, and fish and wildlife and their habitat.

**CZMA:** [16 U.S.C. § 1451](#) (Section 302); [16 U.S.C. § 1452](#) (Section 303)

- b. Is the proposed project within an **area of particular concern**? If so, does this use appear on the **prioritized list of uses** for the area of concern?

All coastal management programs have inventoried and designated areas of particular concern in the coastal zone. These designations were bestowed because of the areas' coastal-related values or characteristics, or because the areas may face pressures that require special management attention beyond the general planning and regulatory system. Each coastal management program provides guidelines on use priorities, including guidelines on uses of lowest priority. The programs also have procedures for designating future areas of particular concern.

**CZMA:** [16 U.S.C. § 1455](#) (Section 306 (d)(2)(C))

**Regulations:** [15 C.F.R. Subpart 923](#) (Subpart C: Special Management Areas)

- c. What are the **standards of review for development projects**?

The program develops coastal policies to guide and manage land and water activities that may affect coastal resources. Coastal policies address a number of issues such as natural, historic, cultural, and visual resources; public access; coastal-dependent and recreational uses; and coastal hazards. The coastal policies govern what is allowable and contain legal authorities, performance standards, or other techniques or procedures used to enforce those policies. Permitting is a common tool used to implement and enforce coastal policies.

**CZMA:** [16 U.S.C. § 1453](#) (Section 304 (6a)); [16 U.S.C. § 1455](#) (Section 306 (d)(2)(D), d(10), and (d)(11))

**Regs:** [15 C.F.R. Subpart 923](#) (Subpart A: General) and [15 C.F.R. Subpart 923](#) (Subpart E: Authorities and Organization)

- d. What is the **process for decision-making**? Who makes the decision?

Permitting decisions can be made in a variety of ways. For example, some coastal management programs have an appointed commission or board that makes the decision whether to approve permits. Each coastal management program's policies, standards, and permitting process govern the process for decision-making.

**CZMA:** [16 U.S.C. § 1453](#) (Section 304 (6a)); [16 U.S.C. § 1455](#) (Section 306 (d)(2)(D), d(10), and (d)(11))

**Regulations:** [15 C.F.R. Subpart 923](#) (Subpart A: General) and [15 C.F.R. Subpart 923](#) (Subpart E: Authorities and Organization)

- e. How does the **public get involved** in the permitting process?

The CZMA emphasizes that coastal decisions should provide for public participation, which includes giving the public timely and effective notice and opportunities to participate. For program approval, the CZMA requires that coastal management programs include public participation specifically in the permitting process. The coastal management program's policies, standards, and permitting process will govern how the public engagement process works.

**CZMA:** [16 U.S.C. § 1452](#) (Section 303 (2)(I)); [16 U.S.C. § 1455](#) (Section 306 (d)(14))

**Regulations:** [15 C.F.R. Subpart 923](#) (Subpart F: Coordination, Public Involvement and National Interest)

- f. Are there **local government, interstate, regional, area-wide, or other state agencies with authorities** that apply to the project? Have you communicated with them? Are there potential conflicts?

The CZMA encourages the participation of state and local governments, as well as interstate and other regional agencies that have interests and responsibilities affecting the coastal zone. The CZMA requires that coastal management programs include an effective mechanism for continued consultation and coordination with those local governments and agencies with the goal of achieving a balance of diverse interests in the coastal zone. The program's policies, standards, and permitting process will govern how the coordination process works.

CZMA: [16 U.S.C. § 1452](#) (Section 303 (4)); [16 U.S.C. § 1455](#) (Section 306 (d)(3)(B))

**Regulations:** [15 C.F.R. Subpart 923.50 and 923.57](#) (Subpart F: Coordination, Public Involvement and National Interest)

- g. Are **federal authorizations required**?

If a federal authorization is required for the project, such as a federal permit or license, federal consistency might apply in addition to the coastal management program's permit requirements. State coastal management federal consistency review can apply to projects needing federal authorizations within and outside the state's coastal zone and such reviews are conducted in accordance with NOAA's regulations. In some states, in order for a federally authorized project to be consistent with the enforceable policies of a state's coastal management program, the non-federal applicant must obtain the requisite state permit. The staff reviewing the permit might be the same person conducting federal consistency reviews, or in some states the person conducting federal consistency reviews may be a different person who coordinates with permitting staff.

The "[Federal Consistency Overview](#)" and the NOAA "[Federal Consistency Regulations](#)" (15 C.F.R. part 930) provide detailed information on federal consistency and the consistency process. Each coastal management program has a federal consistency contact who can provide information on how the federal consistency and permitting processes coordinate.

In general, federal consistency requires that federal actions, within and outside the coastal zone, that have reasonably foreseeable effects on any coastal use (land or water) or natural resource of the coastal zone be consistent with the enforceable policies of a state's federally approved coastal management program. Federal actions include federal agency activities, federal license or permit activities, and federal financial assistance activities. Federal agency activities must be consistent to the maximum extent practicable with the enforceable policies of a state coastal management program, and license and permit and financial assistance activities must be fully consistent.

CZMA: [16 U.S.C. § 1456](#) (Section 307).

**Regulations:** [15 C.F.R. Part 930](#)

## Review and Analysis

Evaluate the project for consistency with the coastal zone management program's applicable policies and regulations, which may consider a wide range of coastal issues, such as the following.

1. Will the project have a direct and significant impact on coastal waters and water quality?
2. Does it impact open space or recreational use of the shoreline?
3. Would climate change and sea level rise impact it now or over time? How?
4. How might the project affect natural resources or the use of them?
5. How might the project affect historic, cultural, and visual resources?
6. Given existing uses and activities in this area, can the coastal resources support the project?
7. How compatible are existing and proposed uses?

To help in the analysis, consider the following.

1. Is more information needed to identify and understand impacts? If so, what information?
2. Does your program have subject matter experts who can be consulted?
3. Are the impacts allowable under the program policies and regulations?
4. If the project or aspects of the project are not consistent, can the project be modified or conditioned to mitigate impacts? Does your program have a list of standard permit conditions?
5. If the project is not allowable and cannot be modified or conditioned, should the development be prohibited?

## Recommendation and Decision

Once the project analysis is complete, a recommendation or determination will be made. If the decision is made to approve the permit, the permit will be issued once all conditions and requirements are met. Some questions to consider are provided below.

1. What are the **requirements** needed and process used to document the analysis?
2. What is the **recommendation**?
3. When is the **decision** made?
4. Once the decision is made, **how is the permit issued**?
5. How is the **permit monitored**?

## How Permitting Works

### 1. Proactive Protection

What do you know about the coastal areas in your region? Coastal areas, rich in natural, cultural, historic, and visual resources, are in high demand and are often an important part of the economy. The coastal environment, however, is vulnerable to impacts of land and water uses. Shorelines also have significant hazard exposure, which can put development at risk. Poor development practices can

threaten sensitive coastal ecosystems, put lives and property in harm's way, and impact the economic and social health of communities.

The CZMA recognizes the importance of effective and proactive protection of coastal land and water resources for the benefit of coastal communities, states, and the nation.

## **2. Permitting Land and Water Uses**

Do you know what land and water uses require a permit under your coastal management program? A coastal management program defines and identifies the land and water uses subject to the terms of the management program. These uses are those with direct and significant impacts on coastal waters or on geographic areas likely to be affected by or vulnerable to sea level rise. Residential, commercial, and industrial development, as well as transportation, agriculture, recreation and tourism, marine-related facilities, and dredging represent commonly permitted uses.

Coastal management programs often use permitting to manage these and other uses. By requiring permits, a coastal management program can help ensure that development and other land and water uses are compliant with program policies designed to manage coastal resources.

**Example:** In the [Alabama](#) Coastal Management Program, the Alabama Department of Environmental Management regulates land and water uses that have the potential to impact Alabama's coastal resources. These types of projects include construction on Gulf-fronting properties; commercial and residential development on properties greater than five acres; projects impacting wetlands or water bottoms; construction of new, or expansion of existing, marinas; installation of groundwater wells with a capacity greater than 50 gallons per minute; siting, construction, and operation of energy facilities; shoreline stabilization projects; and discharges to coastal waters.

## **3. Permitting Leadership**

Do you know if local governments or state agencies are responsible for permitting in your coastal management program? In coastal management programs, the state lead agency for the program, networked state partner agencies, area-wide agencies, regional agencies, or local governments could be responsible for permitting. Who is responsible depends on how the coastal management program sets up the authorities to manage land and water uses. The CZMA specifies three approaches that can be used. States choose the approach or combination of approaches that reflect their needs.

Three approaches to managing land and water uses help determine who is responsible for permitting.

### **1. Direct state-level planning and regulation of land and water uses.**

This is the most commonly used technique. State-level agencies handle planning and permitting. Coastal management programs may handle this function directly within one lead agency that has comprehensive statutory authority and issues all permits, or they may rely on state-level partner agencies with permitting authority to create a network of program authorities. In the case of networked programs, the lead agency is responsible for being the point of contact with NOAA, managing financial awards, and monitoring and evaluating the management of the

state's coastal resources. A networked program offers strong administrative coordination between state agencies and state officials responsible for land use programs and permitting. States may have coordinating bodies, executive orders, memoranda of agreements, or other mechanisms to accomplish this coordination.

**Examples:**

The [Rhode Island](#) Coastal Management Program uses comprehensive statutory authority and associated regulations to manage land and water uses. A single state agency, the Coastal Resources Management Council, and an associated decision-making council appointed by the governor are responsible for implementing the authorities.

In contrast, the [Texas](#) Coastal Management Program's lead agency, the Texas General Land Office, regulates development on dunes and beaches but relies on a network of authorities and other state agencies to manage land and water uses throughout the coastal zone.

In the [Wisconsin](#) Coastal Management Program, the lead agency, the Wisconsin Department of Administration, does not implement any regulatory authority and uses a number of networked state authorities and agencies to manage uses.

2. State **establishment of criteria and standards for local implementation.**

If local governments have permitting authority, the coastal management program can use this authority to meet CZMA requirements. To make sure coastal interests are protected, the local government must meet standards and criteria developed by the state. The coastal management program may also provide technical assistance, funding support, or other assistance to local governments. In the event that a local government is not meeting coastal management goals, the state coastal management agency must be prepared and authorized to

- a. Directly enforce the entire local program,
- b. Directly enforce that portion of the local program that is being enforced improperly,
- c. Seek judicial relief against the local government for failure to properly enforce,
- d. Review local government actions on a case-by-case basis or on appeal and have the power to prevent those actions inconsistent with the policies and standards, or
- e. Provide a procedure whereby the responsibility for enforcing a program shifts to an intermediate level of government, assuming statutory authority exists to enable the intermediate level of government to assume this responsibility.

**Examples:**

In the [North Carolina](#) Coastal Management Program, permitting authority is partially implemented by local governments that process and issue minor permits in the coastal zone. Minor permit decisions can be appealed to the state lead agency, the Division of Coastal Management, and the decision-making body, the Coastal Resources Commission.

The [Louisiana](#) Coastal Management Program also includes local implementation. Parishes that develop local coastal programs can assume responsibility for managing certain activities within their jurisdictions.

3. **State-level administrative review of development plans, projects, or land and water use regulations.**

This technique is the least commonly used option. The state conducts administrative review of local plans, development, and other control measures on a case-by-case basis for consistency with the coastal management program. In this approach, there is no state law requiring authorities of local or state agencies to be consistent with the coastal policies. Instead, the coastal management program reviews for consistency.

#### 4. Permitting Boundaries

Do you know the coastal zone boundaries for your state or territory? The boundaries of a state or territory's coastal zone define the areas where the *coastal management program* has a regulatory and management interest.

The coastal zone boundary has four elements:

1. The inland boundary
2. The seaward boundary
3. Areas excluded from the coastal zone boundary
4. Interstate boundaries

The CZMA regulations ([15 C.F.R. Subpart 923](#) (Subpart D: Boundaries)) include requirements for each of the boundary elements.

In many states, permit programs are not limited to regulating proposed activities within the coastal zone but rather exercise their regulatory authority over a larger area. In addition, through the CZMA federal consistency provision, states also review proposed activities that need a federal license or permit outside the coastal zone.

**Examples:** In the Pacific islands and Delaware, the entire state or territory is within the coastal zone, while some coastal management programs cover entire counties. [Maryland's coastal zone](#), for instance, extends to the inland boundary of the 16 counties bordering the Atlantic Ocean, the Chesapeake Bay, and parts of the Potomac River. The program includes Baltimore City and all local jurisdictions within the counties. In contrast, in parts of California's San Francisco Bay, the inland boundaries only extend 100 feet landward of the shoreline.

NOAA maintains a [description of all coastal management program boundaries](#).

## 5. Policies and Standards

Do you know what the coastal policies and standards are for your coastal management program? Permitting is a common tool used to implement and enforce coastal policies. The coastal management program develops coastal policies (also referred to as “enforceable policies”) to guide and manage land and water activities that may affect coastal resources. Coastal policies are used to address a number of issues such as the management of ecological, historic, cultural, and visual resources; public access; coastal-dependent and recreational uses; and coastal hazards. When reviewing permit applications, the coastal policies, legal authorities, performance standards, or other techniques or procedures are used to determine what permits to issue, which ones to deny, and which requests are issues with certain conditions or modifications.

**Example:** In the [California](#) Coastal Management Program, the California Coastal Act provides policies and standards for development along the outer coast of the coastal zone. For example, Section 30251 addresses visual resources:

“The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.”

Additionally, the California Coastal Act includes policies on public access. For example, section 30211 states, “Development shall not interfere with the public’s right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.”

## 6. Areas of Particular Concern

Do you know if there are any areas of special concern in your state or territory and what makes them special? At the time of program development, coastal management programs inventoried and designated areas of particular concern in the coastal zone. These designations were bestowed because of the areas’ coastal-related values or characteristics, or because the area may face pressures which require special management attention beyond the general planning and regulatory system. Each coastal management program provides guidelines regarding priorities for how coastal resources are used. The programs also have procedures for designating future areas of particular concern.

**Example:**

The [Hawaii](#) Coastal Management Program designated five different types of areas of particular concern, including those with significant conservation, recreational, environmental, and visual values:

1. Shoreline setbacks areas – areas used to help protect life and property from coastal hazards

2. Natural area reserve systems – unique natural resources such as lava flows, tropical rainforests, and an alpine desert
3. Marine life conservation districts – areas designed to conserve and replenish marine resources
4. Estuarine reserve and wildlife sanctuaries – protected estuarine and wildlife areas
5. Community development districts – lands designated in support of alternative methods for managing and financing infrastructure for community development

For more information, see [State of Hawai'i, Office of Planning Hawai'i, Coastal Zone Management Program, Sustainable Management of the Islands](#), pages 40 to 46.

The Commonwealth of the [Northern Mariana Islands](#) Coastal Management Program designated five different types of areas of particular concern:

1. Shoreline – area between mean high water mark and 140 feet inland
2. Lagoon and reef – area extending seaward from the mean high water mark to the outer slope of the reef
3. Wetlands and mangrove – areas permanently or periodically covered with water and where species of wetlands or mangrove vegetation can be found
4. Port and industrial – land and water areas surrounding the commercial ports of Saipan, Tinian, and Rota
5. Coastal hazard – areas identified as a coastal flood hazard zones (V and VE) in Federal Emergency Management Agency Flood Insurance Rate Maps

## **7. Public Comment**

Do you know how your coastal management program handles the public comment process? Regardless of how the permitting process occurs, the CZMA emphasizes that coastal decision-making should provide for public participation, which includes giving the public timely and effective notice and opportunities to participate. The CZMA requires coastal management programs to include public participation in the permitting process. Public participation can impact the process that ultimately leads to decision-making. For example, in some cases, members of the public can appeal a permit decision. That appeal could then trigger a new review and a new decision on the permit.



# Permitting – How Does It Work in My State’s Coastal Management Program?

Not every coastal management program operates the same way. For people new to the permitting process, this document is helpful because it contains key questions to ask. Adding answers to this form creates a summary of foundational knowledge useful for any permit analysis.

**Note:** To complete the worksheet, have on hand the following resources:

- The coastal management program’s federally approved final environmental impact statement and program documents
- NOAA’s final approval findings for the coastal management program
- Authorities, policies, and standards for the program
- Information on the program’s permit application process

Program supervisors, colleagues, and subject matter experts are also helpful resources.

## 1. Proactive Protection

- a. What kinds of coastal resources are found in your region?
- b. What coastal resources are in high demand?
- c. What coastal hazards occur in your coastal zone? Which shorelines have the highest hazard exposure?
- d. What impacts is your coastal management program most concerned about?

## 2. Permitting Land and Water Uses

- a. What water uses require a permit under the coastal management program?
- b. What land uses require a permit?

## 3. Permitting Leadership

- a. Which approach or combination of approaches is used?
- b. What is the agency’s responsibility for issuing permits?

#### **4. Permitting Boundaries**

- a. Where are the boundaries of the coastal zone in this geography?
- b. Where does the federal government control lands?

#### **5. Policies and Standards**

- a. What are our coastal management program's coastal policies and standards, particularly, what are the "enforceable policies"?

#### **6. Areas of Particular Concern**

- a. What are the areas of special concern in our geography?
- b. What are the special values or characteristics of these areas?

#### **7. Public Comment**

- a. What are the standards and guidance for the public comment process including notification requirements?
- b. What is the role of public comment in the permit process?



# Permit Review Process: Questions to Ask

Permit application review can be complicated, but state coastal management programs commonly use three basic steps: screening, review and analysis, and recommendation and decision. To help those new to the permitting process, this document contains an initial set of questions to ask when approaching each step. The applicable questions vary by state, so talk with experienced staff members to modify this document and create a customized set of questions for your coastal management program.

**Note:** To complete the worksheet, have on hand the following resources:

- The coastal management program's federally approved final environmental impact statement and program documents
- NOAA's final approval findings for the coastal management program
- Authorities, policies, and standards for the program
- Information about the program's permit application process

Program supervisors, colleagues, and subject matter experts are also helpful resources.

## 1. Screening

Consider the questions below as you review the permit application to determine if the project is subject to a permit review.

### 1. Examine the basic details of a proposed project to determine whether the project is subject to review.

- a. Is the development within the coastal zone boundaries? If the development is outside the coastal zone boundaries, is the development still subject to state coastal management program review, or is a state permit that is linked to the coastal management program still needed?
- b. What type of land or water use is proposed?
- c. Has this type of activity been identified as a permissible use, and a use that is subject to management measures?

- d. What is your agency's responsibility for issuing permits or reviewing permits issued by other state agencies?
  - e. Is a permit required?
- 2. Identify the kind of permit required, application materials needed, and permitting timelines.**
- a. What type of permit is needed (specific to the project)?
  - b. Which materials are applicants required to submit?
  - c. What are the timelines (e.g., gathering information, review, response, decision-making)?
- 3. Identify the standards of review, decision-making process, and other authorizations needed.**
- a. What natural resources are on and adjacent to the project site?
  - b. Is the proposed project within an area of particular concern? If so, does this use appear on the prioritized list of uses for the site?
  - c. What are the standards for development projects?
  - d. What is the process for decision-making? Who makes the decision?
  - e. How does the public get involved in the permitting process?
  - f. Are there local government, interstate, regional, area-wide, or other state agencies with authorities that apply to the project? Have you communicated with them? Are there potential conflicts?
  - g. Are federal authorizations required?

## **2. Review and Analysis**

The project will be evaluated for consistency with the applicable policies and regulations. A wide range of coastal issues may be considered, as the example questions below show.

1. Is the proposed project an activity that may have a direct and significant impact on coastal waters, including water quality?
2. Does the project impact open space or recreational use of the shoreline, particularly if public access is a concern?
3. Would sea level rise impact the project now or over time? How?
4. How might this project affect ecological resources or the use of them?
5. How might this project affect historical, cultural, and visual resources?
6. Given existing uses and activities in this area, are the coastal resources capable of supporting this proposed activity? Is the activity suitable for the area?
7. How compatible are existing and proposed uses with each other and with the resources?

To assist with the analysis, consider the following:

1. Is more information needed to identify and understand impacts? If so, what information?
2. Does your program have subject matter experts who can be consulted?
3. Are the impacts allowable under the program policies and regulations?
4. If the project or aspects of the project are not consistent, can the project be modified or conditioned to mitigate impacts? Does your program have a list of standard permit conditions?
5. If the project is not allowable and cannot be modified or conditioned, should the development be prohibited?

### **3. Recommendation and Decision**

Once the project analysis is complete, a recommendation or determination will be made (if it is a permit that staff members can issue). If the decision is made to approve the permit, the permit will be issued once all conditions and requirements are met. Some questions to consider are provided here.

1. What are the requirements and process to document the analysis?
2. What is the recommendation?
3. When is the decision made?
4. Once the decision is made, how is the permit issued?
5. How is the permit monitored?

### **Notes:**