

Coastal Zone Management Act

Agencies: National Oceanic and Atmospheric Administration (within the Department of Commerce)

Citation: [16 U.S.C. §§ 1451 et seq.](#)

Enacted as: the “Coastal Zone Management Act of 1972”, on October 27, 1972

Where Law Applies: The Act encourages coastal states to develop and implement Coastal Zone Management Plans, with the aim of preserving, protecting, developing, and restoring the coastal zone and coastal resources. The term "coastal zone," as applied to coastal states, includes the coastal waters, the lands found in and under the coastal waters, and the adjacent shorelands (16 U.S.C. § 1453(1)). The coastal zone extends, in the Great Lakes, to the international boundary between the United States and Canada and, in other areas, to the outer limit of state title and ownership under the [Submerged Lands Act](#) (43 U.S.C. §§ 1301 *et seq.*), the Act of March 2, 1917 (48 U.S.C. § 709), the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, as approved by the Act of March 24, 1976 (48 U.S.C. § § 1801 *et seq.*), or Section 1 of the Act of November 20, 1963 (48 U.S.C. § 1705) (16 U.S.C. § 1453). However, “coastal zone” specifically excludes "lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents."

The CZMA contains a "federal consistency provision," that requires federal agency activities that have reasonably foreseeable effects on state coastal zones to be consistent to the maximum extent practicable with the enforceable policies of a coastal state’s federally approved coastal management program (16 U.S.C. § 1456). (*See also*, NOAA’s Office of Coastal Resource Management, [“Landward boundaries of state coastal zones under the CZMA”](#)).

Summary:

The goal of the [Coastal Zone Management Act \(CZMA\)](#) (16 U.S.C. §§ 1451 *et seq.*) is to encourage states to preserve, protect, develop and, where possible, restore and enhance valuable natural coastal resources. Participation by states is voluntary. To encourage states to participate, the federal government, through the Secretary of Commerce (Secretary), may provide grants to states that are willing to develop and implement a comprehensive [coastal zone management program](#) (section 306). The Secretary has delegated many of his responsibilities under the CZMA to the National Oceanic and Atmospheric Administration (NOAA). To date, NOAA has approved a coastal management program for each U.S. state, territory, and commonwealth that has an ocean or Great Lake coastline. NOAA approved the first state program in 1976, for the State of Washington. In 2011, Alaska became the first and only state to leave the CZM program after its program expired by way of a sunset provision in state legislation. Most recently, NOAA approved Illinois’ state program, making a total of 34 current coastal management programs.

Approval of a state’s coastal management program by NOAA results in the application of the CZMA [Federal Consistency](#) provision with respect to the state’s coastal resources and uses.

Thereafter, federal agency activities having reasonably foreseeable coastal effects must be consistent to the maximum extent practicable with the federally-approved enforceable policies of the state's management program. In addition, activities of non-federal entities having reasonably foreseeable coastal effects must be fully consistent with the coastal management program's enforceable policies if the activity requires a federal permit or license or seeks federal funding. States with approved coastal management plans may object to proposed federal activities or federally-licensed or permitted activities. In the case of federal activities, the CZMA provides for a process by which the federal agency and the state may negotiate a resolution of the parties' differences. The proposed federal activity can proceed, however, if the federal agency concludes that the activity is consistent to the maximum extent practicable, and that full consistency is prohibited by existing law; or if the federal agency concludes that the activity is in fact fully consistent. In the case of federally-licensed or permitted activities by non-Federal applicants, the CZMA provides a process whereby the Secretary can sustain the state's objection (in which case the activity does not go forward), or override a state's objection to an applicant's certification, if the Secretary finds that the federal license or permit activity is consistent with the objectives of the CZMA or is otherwise necessary in the interest of national security (section 307(c)).

In carrying out his functions and responsibilities under the CZMA, the Secretary shall consult with, cooperate with, and, to the maximum extent practicable, coordinate his activities with other interested federal agencies (section 307(a)). The Secretary shall not approve the management program submitted by a state pursuant to section 306 of the CZMA unless the views of federal agencies principally affected by such program have been adequately considered (section 307(b)). Additionally, the Secretary shall provide technical assistance to coastal states in developing and implementing their coastal zone management programs (section 306B(d)).

Furthermore, the CZMA authorizes the [National Estuarine Research Reserve System \(NERRS\)](#). Under the CZMA, the Secretary of Commerce may make grants, not to exceed 50 percent of the cost of the project, which enable coastal states to acquire, develop, and operate estuarine research reserves (section 315). Designation of an estuarine reserve requires a state to agree to long-term management of the site for research purposes, and to provide information for use by coastal zone managers.

Source: [16 U.S.C. §§ 1451 et seq.](#)

See also: http://coastalmanagement.noaa.gov/about/media/CZMA_10_11_06.pdf

Legislative History:

The U.S. Congress passed the CZMA in October 1972 ([Public Law 92-583](#)), establishing a voluntary national program within the Department of Commerce to encourage coastal states to develop and implement coastal zone management plans. Leading up to the CZMA, Congress debated whether to pass a national land use law to address growing public concerns about the Nation's coasts, which were being degraded by urban development, loss of farmlands, habitat destruction, and pollution. In 1969, the Commission on Marine Sciences, Engineering and Resources (known as the Stratton Commission, after its chairman Julius Stratton) produced a report, *Our Nation and the Sea*, which called for the establishment of "State Coastal Zone Authorities" to manage coastal waters and adjacent lands. Instead of passing a mandatory land

use law, Congress enacted the CZMA - a voluntary program with incentives for state participation. Federal funding and the ability to review federal permits and activities to ensure consistency with federally-approved state coastal programs encouraged U.S. states, territories, and commonwealths to establish coastal zone management programs.

Since its enactment, the CZMA has been amended multiple times. [Public Law 93-612](#) amended the law in 1985, making minor technical revisions to the administration of the grant program. One year later, [Public Law 94-370](#) established the Coastal Energy Impact Program and added the national objective of achieving a greater level of energy independence based on new or expanded energy activity in or affecting the coastal zone. In addition, the categories of activities subject to Federal consistency review expanded to include outer continental shelf exploration and development plans. This amendment also: created an Interstate Grants Program and a Research Technical Assistance Program; mandated a continuing national system for evaluating the performance of state management activities; expanded the purpose of the estuarine sanctuaries program to include public access; and authorized appropriations through fiscal year 1979.

The CZMA was next amended in 1978 by [Public Law 95-372](#), Title V of the Outer Continental Shelf Lands Act Amendments. This authorized Continental Shelf Grants to coastal States through fiscal year 1983 and clarified the responsibility of coastal States to review consistency certifications for related activities. The Coastal Zone Management Improvement Act of 1980 ([Public Law 96-464](#)) reauthorized the CZMA for five years, established a new system of Resource Management Improvement Grants, added provisions for withdrawing financial assistance based on evaluations of state coastal plans, and created procedures by which Congress could disapprove of regulations promulgated to implement the CZMA.

In 1985, Subtitle D of the Consolidated Omnibus Budget Reconciliation Act ([Public Law 99-272](#)) amended the CZMA by modifying cost-sharing requirements for financial assistance and stipulating administrative procedures for approving changes to CZM programs. This amendment also established the National Estuarine Research Reserve System for designating national reserves, and provided guidelines for estuarine research. Subtitle D authorized appropriations through fiscal year 1990; that same year, section 7 of the Recreational Boating Safety Act of 1986 ([Public Law 99-262](#)) amended the original law to provide for the return of unobligated funds which were not spent for the allocated fiscal year.

The Coastal Zone Reauthorization Amendments (CZARA) of 1990, within the Omnibus Budget Reconciliation Act of 1990 ([Public Law 101-508](#)), again reauthorized the CZMA and made some major, substantive amendments to the Act. The Federal consistency provisions in the 1972 statute were amended to overturn the U.S. Supreme Court decision, *Secretary of the Interior v. California* ([464 U.S. 312 \(1984\)](#)), that Federal OCS oil and gas lease sales were not subject to the Federal consistency provisions in the CZMA. The statute was amended to read that “any Federal activity **within or outside** of the coastal zone that affects **any land or water use or natural resource of the coastal zone**” shall be “consistency to the maximum extent practicable with the enforceable policies” of a State’s CZM program (emphasis added). The CZARA of 1990 also: repealed the Coastal Energy Impact Program; established a new Enhancement Grants Program; established a new Coastal Nonpoint Source Pollution Control Program; increased financial assistance for land acquisition under the National Estuarine Research Reserve System;

and authorized appropriations through fiscal year 1995. For an excellent summary of the CZARA of 1990 and the political background surrounding its enactment, see: Thomas Kitsos, Gary Magnuson & Jeannie Lewis (2013): [CZARA of 1990: A Critical Time for Coastal Management, Coastal Management](#), 41:3, 198-218.

The CZMA has undergone relatively minor amendments since 1990, including minor technical corrections to the law in 1992 ([Public Law 102-587](#)). In 1996, [Public Law 104-150](#) amended the CZMA to: allow the Secretary of Commerce to provide development grants to states to develop management programs; establish a grants program for state to regulate aquaculture facilities; define coastal zone enhancement objectives and limits for CZM grants to states; and authorize appropriations through fiscal year 1995. Subsequently, the law was further amended in 1998 and 2004 (Public Laws [105-383](#) and [108-456](#)) to establish a program for the prevention and control of harmful algal blooms and hypoxia. The 2004 amendments extended authorization of appropriations to the Secretary of Commerce for research, monitoring, and outreach through fiscal year 2008. Most recently, the CZMA was amended in 2009 ([Public Law 111-11](#)), which established the Coastal and Estuarine Land Conservation Program to protect important coastal and estuarine areas.

Sources:

- U.S. Fish & Wildlife Service, [Digest of Federal Resource Laws: Coastal Zone Management Act of 1972](#)
- Thomas Kitsos, Gary Magnuson & Jeannie Lewis (2013): [CZARA of 1990: A Critical Time for Coastal Management](#), Coastal Management, 41:3, 198-218.
- Robert Bailey & Kristen Fletcher (2013): [Forty Years of the CZMA: Impacts and Innovations, 41 Coastal Management](#), Coastal Management, 41:3, 193-197.

Other Relevant Sources:

- NOAA Ocean & Coastal Resource Management:
 - [Coastal Zone Management Act](#)
 - [Federal Consistency Overview](#)
- Biodiversity Heritage Library, [Legislative History of the Coastal Zone Management Act of 1972, as amended in 1974 and 1976 with a section-by-section index](#): prepared at the request of Hon. Warren G. Magnuson, chairman, Committee on Commerce and Hon. Ernest F. Hollings, chairman, National Ocean Policy Study, for the use of the Committee on Commerce and National Ocean Policy Study pursuant to S. Res. 222 (1976).