

110TH CONGRESS  
1ST SESSION

# S. 1579

To amend the Coastal Zone Management Act.

---

IN THE SENATE OF THE UNITED STATES

JUNE 7, 2007

Ms. SNOWE (for herself, Ms. CANTWELL, and Mr. LEVIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

---

## A BILL

To amend the Coastal Zone Management Act.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Coastal Zone Enhancement Reauthorization Act of  
6 2007”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendment of Coastal Zone Management Act of 1972.
- Sec. 3. Findings.
- Sec. 4. Policy.
- Sec. 5. Changes in definitions.
- Sec. 6. Reauthorization of management program development grants.

- Sec. 7. Administrative grants.
- Sec. 8. Coastal resource improvement program.
- Sec. 9. Certain Federal agency activities.
- Sec. 10. Coastal zone management fund.
- Sec. 11. Coastal zone enhancement grants.
- Sec. 12. Coastal community program.
- Sec. 13. Technical assistance; resources assessments; information systems.
- Sec. 14. Performance review.
- Sec. 15. Walter B. Jones awards.
- Sec. 16. National Estuarine Research Reserve System.
- Sec. 17. Coastal zone management reports.
- Sec. 18. Authorization of appropriations.
- Sec. 19. Deadline for decision on appeals of consistency determination.
- Sec. 20. Effects of climate change on coastal zone management.
- Sec. 21. Coordination with Federal Energy Regulatory Commission.

1 **SEC. 2. AMENDMENT OF COASTAL ZONE MANAGEMENT ACT**  
 2 **OF 1972.**

3 Except as otherwise expressly provided, whenever in  
 4 this Act an amendment or repeal is expressed in terms  
 5 of an amendment to, or repeal of, a section or other provi-  
 6 sion, the reference shall be considered to be made to a  
 7 section or other provision of the Coastal Zone Manage-  
 8 ment Act of 1972 (16 U.S.C. 1451 et seq.).

9 **SEC. 3. FINDINGS.**

10 Section 302 (16 U.S.C. 1451) is amended—

11 (1) by redesignating paragraphs (a) through  
 12 (m) as paragraphs (1) through (13);

13 (2) by inserting “ports,” in paragraph (3) (as  
 14 so redesignated) after “fossil fuels,”;

15 (3) by inserting “including coastal waters and  
 16 wetlands,” in paragraph (4) (as so redesignated)  
 17 after “zone,”;

1           (4) by striking “therein,” in paragraph (4) (as  
2           so redesignated) and inserting “dependent on that  
3           habitat,”;

4           (5) by striking “well-being” in paragraph (5)  
5           (as so redesignated) and inserting “quality of life”;

6           (6) by inserting “integrated plans and strate-  
7           gies,” after “including” in paragraph (9) (as so re-  
8           designated);

9           (7) by striking paragraph (11) (as so redesign-  
10          ated) and inserting the following:

11          “(11) Land and water uses in the coastal zone  
12          and coastal watersheds may significantly affect the  
13          quality of coastal waters and habitats, and efforts to  
14          control coastal water pollution from activities in  
15          these areas must be improved.”; and

16          (8) by adding at the end thereof the following:

17          “(14) There is a need to enhance cooperation  
18          and coordination among states and local commu-  
19          nities, to encourage local community-based solutions  
20          that address the impacts and pressures on coastal  
21          resources and on public facilities and public service  
22          caused by continued coastal demands, and to in-  
23          crease state and local capacity to identify public in-  
24          frastructure and open space needs and develop and  
25          implement plans which provide for sustainable

1 growth, resource protection and community revital-  
2 ization.

3 “(15) The establishment of a national system of  
4 estuarine research reserves will provide for protec-  
5 tion of essential estuarine resources, as well as for  
6 a network of State-based reserves that will serve as  
7 sites for coastal stewardship best-practices, moni-  
8 toring, research, education, and training to improve  
9 coastal management and to help translate science  
10 and inform coastal decisionmakers and the public.”.

11 **SEC. 4. POLICY.**

12 Section 303 (16 U.S.C. 1452) is amended—

13 (1) by striking “the states” in paragraph (2)  
14 and inserting “state and local governments”;

15 (2) by striking “programs” the first place it ap-  
16 pears in paragraph (2) and inserting “programs,  
17 plans, and strategies”;

18 (3) by striking “waters,” each place it appears  
19 in paragraph (2)(C) and inserting “waters and habi-  
20 tats,”;

21 (4) by striking “agencies and state and wildlife  
22 agencies; and” in paragraph (2)(J) and inserting  
23 “and wildlife management, and”;

1           (5) by striking “specificity” in paragraph (3)  
2           and inserting “specificity, cooperation, coordination,  
3           and effectiveness”;

4           (6) by inserting “other countries,” after “agen-  
5           cies,” in paragraph (5);

6           (7) by striking “and” at the end of paragraph  
7           (5);

8           (8) by striking “zone.” in paragraph (6) and in-  
9           serting “zone;”; and

10          (9) by adding at the end thereof the following:

11          “(7) to create and use a National Estuarine  
12          Research Reserve System as a Federal, State, and  
13          community partnership to support and enhance  
14          coastal management and stewardship through State-  
15          based conservation, monitoring, research, education,  
16          outreach, and training; and

17          “(8) to encourage the development, application,  
18          training, technical assistance, and transfer of inno-  
19          vative coastal management practices and coastal and  
20          estuarine environmental technologies and techniques  
21          to improve understanding and management decision-  
22          making for the long-term conservation of coastal  
23          ecosystems.”.

24 **SEC. 5. CHANGES IN DEFINITIONS.**

25          Section 304 (16 U.S.C. 1453) is amended—

1           (1) by striking “and the Trust Territories of  
2 the Pacific Islands,” in paragraph (4);

3           (2) in paragraph (6)(B)—

4                 (A) by inserting “(ix) use or reuse of facili-  
5 ties authorized under the Outer Continental  
6 Shelf Lands Act (43 U.S.C. 1331 et seq.) for  
7 energy-related purposes or other authorized ma-  
8 rine related purposes;” after “transmission fa-  
9 cilities;”; and

10                (B) by striking “and (ix)” and inserting  
11 “and (x);

12           (3) by striking paragraph (8) and inserting the  
13 following:

14                 “(8) The terms ‘estuarine reserve’ and ‘estua-  
15 rine research reserve’ mean a coastal protected area  
16 that—

17                         “(A) may include any part or all of an es-  
18 tuary and any island, transitional area, and up-  
19 land in, adjoining, or adjacent to the estuary;

20                         “(B) constitutes to the extent feasible a  
21 natural unit; and

22                         “(C) is established to provide long-term  
23 opportunities for conducting scientific studies  
24 and monitoring and educational and training  
25 programs that improve the understanding,

1           stewardship, and management of estuaries and  
2           improve coastal decisionmaking.”;

3           (4) by inserting “plans, strategies,” after “poli-  
4           cies,” in paragraph (12);

5           (5) in paragraph (13)—

6                 (A) by inserting “or alternative energy  
7                 sources on or” after “natural gas”;

8                 (B) by striking “new or expanded” and in-  
9                 serting “new, reused, or expanded”; and

10                (C) by striking “or production.” and in-  
11                serting “production, or other energy related  
12                purposes.”;

13           (6) by striking “policies; standards” in para-  
14           graph (17) and inserting “policies, standards, incen-  
15           tives, guidelines,”; and

16           (7) by adding at the end the following:

17                “(19) The term ‘coastal nonpoint pollution con-  
18                trol strategies and measures’ means strategies and  
19                measures included as part of the coastal nonpoint  
20                pollution control program under section 6217 of the  
21                Coastal Zone Act Reauthorization Amendments of  
22                1990 (16 U.S.C. 1455b).

23                “(20) The term ‘qualified local entity’ means—

24                       “(A) any local government;

1           “(B) any areawide agency referred to in  
2           section 204(a)(1) of the Demonstration Cities  
3           and Metropolitan Development Act of 1966 (42  
4           U.S.C. 3334 (a)(1));

5           “(C) any regional agency;

6           “(D) any interstate agency;

7           “(E) any nonprofit organization; or

8           “(F) any reserve established under section  
9           315.”.

10 **SEC. 6. REAUTHORIZATION OF MANAGEMENT PROGRAM**

11 **DEVELOPMENT GRANTS.**

12           Section 305 (16 U.S.C. 1454) is amended to read as  
13 follows:

14 **“SEC. 305. MANAGEMENT PROGRAM DEVELOPMENT**  
15 **GRANTS.**

16           “(a) STATES WITHOUT PROGRAMS.—In fiscal years  
17 2008 and 2009, the Secretary may make a grant annually  
18 to any coastal state without an approved program if the  
19 coastal state demonstrates to the satisfaction of the Sec-  
20 retary that the grant will be used to develop a manage-  
21 ment program consistent with the requirements set forth  
22 in section 306. The amount of any such grant shall not  
23 exceed \$200,000 in any fiscal year, and shall require State  
24 matching funds according to a 4-to-1 ratio of Federal-to-  
25 State contributions. After an initial grant is made to a

1 coastal state under this subsection, no subsequent grant  
2 may be made to that coastal state under this subsection  
3 unless the Secretary finds that the coastal state is satis-  
4 factorily developing its management program. No coastal  
5 state is eligible to receive more than 4 grants under this  
6 subsection.

7 “(b) SUBMITTAL OF PROGRAM FOR APPROVAL.—A  
8 coastal state that has completed the development of its  
9 management program shall submit the program to the  
10 Secretary for review and approval under section 306.”.

11 **SEC. 7. ADMINISTRATIVE GRANTS.**

12 (a) PURPOSES.—Section 306(a) (16 U.S.C. 1455(a))  
13 is amended by striking “administering that State’s man-  
14 agement program,” and inserting “administering and im-  
15 plementing that State’s management program and any  
16 plans, projects, or activities developed pursuant to such  
17 program, including developing and implementing applica-  
18 ble coastal nonpoint pollution control program compo-  
19 nents,”.

20 (b) EQUITABLE ALLOCATION OF FUNDING.—Section  
21 306(e) (16 U.S.C. 1455(e)) is amended by adding at the  
22 end thereof “In promoting equity, the Secretary shall con-  
23 sider the overall change in grant funding under this sec-  
24 tion from the preceding fiscal year and minimize the rel-  
25 ative increases or decreases among all the eligible States.

1 To the extent practicable, the Secretary shall ensure that  
2 each eligible State receives increased funding under this  
3 section in any fiscal year for which the total amount ap-  
4 propriated to carry out this section is greater than the  
5 total amount appropriated to carry out this section for the  
6 preceding fiscal year.

7 (c) ACQUISITION CRITERIA.—Section 306(d)(10)(B)  
8 (16 U.S.C. 1455(d)(10)(B)) is amended by striking “less  
9 than fee simple” and inserting “other”.

10 (d) CONFORMING AMENDMENT.—Section  
11 306(d)(13)(B) (16 U.S.C. 1455(d)(13)(B)) is amended by  
12 inserting “policies, plans, strategies,” after “specific”.

13 **SEC. 8. COASTAL RESOURCE IMPROVEMENT PROGRAM.**

14 Section 306A (16 U.S.C. 1455a) is amended—

15 (1) by inserting “or other important coastal  
16 habitats” in subsection (b)(1)(A) after “306(d)(9)”;

17 (2) by inserting “or historic” in subsection  
18 (b)(2) after “urban”;

19 (3) by adding at the end of subsection (b) the  
20 following:

21 “(5) The coordination and implementation of  
22 approved coastal nonpoint pollution control plans,  
23 strategies, and measures.

24 “(6) The preservation, restoration, enhance-  
25 ment or creation of coastal habitats.”;

1 (4) by inserting “planning,” before “engineer-  
2 ing” in subsection (c)(2)(D);

3 (5) by striking “and” after the semicolon in  
4 subsection (c)(2)(D);

5 (6) by striking “section.” in subsection  
6 (c)(2)(E) and inserting “section;”;

7 (7) by adding at the end of subsection (c)(2)  
8 the following:

9 “(F) work, resources, or technical support  
10 necessary to preserve, restore, enhance, or cre-  
11 ate coastal habitats; and

12 “(G) the coordination and implementation  
13 of approved coastal nonpoint pollution control  
14 plans, strategies, measures.”; and

15 (8) by striking subsections (d), (e), and (f) and  
16 inserting after subsection (c) the following:

17 “(d) SOURCE OF FEDERAL GRANTS; STATE MATCH-  
18 ING CONTRIBUTIONS.—

19 “(1) IN GENERAL.—If a coastal state chooses  
20 to fund a project under this section, then—

21 “(A) it shall submit to the Secretary a  
22 combined application for grants under this sec-  
23 tion and section 306;

1           “(B) it shall match the combined amount  
2           of such grants in the ratio required by section  
3           306(a) for grants under that section; and

4           “(C) the Federal funding for the project  
5           shall be a portion of that state’s annual alloca-  
6           tion under section 306(a).

7           “(2) USE OF FUNDS.—Grants provided under  
8           this section may be used to pay a coastal state’s  
9           share of costs required under any other Federal pro-  
10          gram that is consistent with the purposes of this  
11          section.

12          “(e) ALLOCATION OF GRANTS TO QUALIFIED LOCAL  
13          ENTITY.—With the approval of the Secretary, the eligible  
14          coastal state may allocate to a qualified local entity a por-  
15          tion of any grant made under this section for the purpose  
16          of carrying out this section; except that such an allocation  
17          shall not relieve that state of the responsibility for ensur-  
18          ing that any funds so allocated are applied in furtherance  
19          of the state’s approved management program and con-  
20          sistent with the policies of this Act.

21          “(f) ASSISTANCE.—The Secretary shall assist eligible  
22          coastal states in identifying and obtaining from other Fed-  
23          eral agencies technical and financial assistance in achiev-  
24          ing the objectives set forth in subsection (b).”.

1 **SEC. 9. CERTAIN FEDERAL AGENCY ACTIVITIES.**

2 Section 307(c)(1) (16 U.S.C. 1456(c)(1)) is amended  
3 by adding at the end the following:

4 “(D) The provisions of paragraph (1)(A),  
5 and implementing regulations thereunder, with  
6 respect to a Federal agency activity inland of  
7 the coastal zone of the State of Alaska, apply  
8 only if the activity directly and significantly af-  
9 fects a land or water use or a natural resource  
10 of the Alaskan coastal zone.”.

11 **SEC. 10. COASTAL ZONE MANAGEMENT FUND.**

12 (a) TREATMENT OF LOAN REPAYMENTS.—Section  
13 308(a)(2) (16 U.S.C. 1456a(a)(2)) is amended to read as  
14 follows:

15 “(2) Loan repayments made under this sub-  
16 section shall be retained by the Secretary and depos-  
17 ited into the Coastal Zone Management Fund estab-  
18 lished under subsection (b) and shall be made avail-  
19 able to the States for grants as under subsection  
20 (b)(2).”.

21 (b) USE OF AMOUNTS IN FUND.—Section 308(b) (16  
22 U.S.C. 1456a(b)) is amended by striking paragraphs (2)  
23 and (3) and inserting the following:

24 “(2) Subject to appropriation Acts, amounts in  
25 the Fund shall be available to the Secretary to make  
26 grants to the States for—

1           “(A) projects to address coastal and ocean  
2 management issues which are regional in scope,  
3 including intrastate and interstate projects; and

4           “(B) projects that have high potential for  
5 improving coastal zone and watershed manage-  
6 ment.

7           “(3) Projects funded under this subsection shall  
8 apply an integrated, watershed-based management  
9 approach and advance the purpose of this Act to  
10 preserve, protect, develop, and where possible, to re-  
11 store or enhance, the resources of the Nation’s  
12 coastal zone for this and succeeding generations.”.

13 **SEC. 11. COASTAL ZONE ENHANCEMENT GRANTS.**

14 Section 309 (16 U.S.C. 1456b) is amended—

15           (1) by striking subsection (a)(1) and inserting  
16 the following:

17           “(1) Protection, restoration, enhancement, or  
18 creation of coastal habitats, including wetlands,  
19 coral reefs, marshes, and barrier islands.”;

20           (2) by inserting “and removal” after “entry” in  
21 subsection (a)(4);

22           (3) by striking “on various individual uses or  
23 activities on resources, such as coastal wetlands and  
24 fishery resources.” in subsection (a)(5) and inserting  
25 “of various individual uses or activities on coastal

1 waters, habitats, and resources, including sources of  
2 polluted runoff.”;

3 (4) by adding at the end of subsection (a) the  
4 following:

5 “(10) Development and enhancement of coastal  
6 nonpoint pollution control program components,  
7 strategies, and measures, including the satisfaction  
8 of conditions placed on such programs as part of the  
9 Secretary’s approval of the programs.

10 “(11) Significant emerging coastal issues as  
11 identified by coastal states, in consultation with the  
12 Secretary and qualified local entities.”;

13 (5) by striking “changes” in subsection  
14 (b)(2)(A) and inserting “changes, or for projects  
15 that demonstrate significant potential for improving  
16 ocean resource management or integrated coastal  
17 and watershed management at the local, state, or re-  
18 gional level,”;

19 (6) by striking “proposals, taking into account  
20 the criteria established by the Secretary under sub-  
21 section (d).” in subsection (c) and inserting “pro-  
22 posals.”;

23 (7) by striking subsection (d) and redesignating  
24 subsections (e), (f), and (g) as subsections (d), (e),  
25 and (f), respectively; and

1           (8) by striking “in implementing this section,  
2           up to a maximum of \$10,000,000 annually.” in sub-  
3           section (e), as redesignated, and inserting “for  
4           grants to the States.”.

5 **SEC. 12. COASTAL COMMUNITY PROGRAM.**

6           The Act is amended by inserting after section 309  
7           the following:

8 **“SEC. 309A. COASTAL COMMUNITY PROGRAM.**

9           “(a) COASTAL COMMUNITY GRANTS.—The Secretary  
10          may make grants to any coastal state that is eligible under  
11          subsection (b)—

12                 “(1) to assist coastal communities in assessing  
13                 and managing growth, public infrastructure, and  
14                 open space needs in order to provide for sustainable  
15                 growth, resource protection and community revital-  
16                 ization;

17                 “(2) to provide management-oriented research  
18                 and technical assistance in developing and imple-  
19                 menting community-based growth management and  
20                 resource protection strategies in qualified local enti-  
21                 ties as long as such strategies are consistent with  
22                 the policies of this Act;

23                 “(3) to fund demonstration projects which have  
24                 high potential for improving coastal zone manage-  
25                 ment at the local level;

1           “(4) to assist in the adoption of plans, strate-  
2           gies, policies, or procedures to support local commu-  
3           nity-based environmentally-protective solutions to  
4           the impacts and pressures on coastal uses and re-  
5           sources caused by development and sprawl that  
6           will—

7                   “(A) revitalize previously developed areas;

8                   “(B) undertake conservation activities and  
9           projects in undeveloped and environmentally  
10          sensitive areas;

11                  “(C) emphasize water-dependent uses; and

12                  “(D) protect coastal waters and habitats;

13          and

14           “(5) to assist coastal communities to coordinate  
15          and implement approved coastal nonpoint pollution  
16          control strategies and measures that reduce the  
17          causes and impacts of polluted runoff on coastal wa-  
18          ters and habitats.”.

19          “(b) ELIGIBILITY.—To be eligible for a grant under  
20          this section for a fiscal year, a coastal state shall—

21                  “(1) have a management program approved  
22          under section 306; and

23                  “(2) in the judgment of the Secretary, be mak-  
24          ing satisfactory progress in activities designed to re-  
25          sult in significant improvement in achieving the

1 coastal management objectives specified in subpara-  
2 graphs (A) through (K) of section 303(2).

3 “(c) ALLOCATIONS; SOURCE OF FEDERAL GRANTS;  
4 STATE MATCHING CONTRIBUTIONS.—

5 “(1) ALLOCATION.—Grants under this section  
6 shall be allocated to coastal states as provided in  
7 section 306(c).

8 “(2) APPLICATION; MATCHING.—If a coastal  
9 state chooses to fund a project under this section,  
10 then—

11 “(A) it shall submit to the Secretary a  
12 combined application for grants under this sec-  
13 tion and section 306; and

14 “(B) it shall match the amount of the  
15 grant under this section on the basis of a total  
16 contribution of section 306, 306A, and this sec-  
17 tion so that, in aggregate, the match is 1:1.

18 “(d) ALLOCATION OF GRANTS TO QUALIFIED LOCAL  
19 ENTITY.—

20 “(1) IN GENERAL.—With the approval of the  
21 Secretary, the eligible coastal state may allocate to  
22 a qualified local entity amounts received by the state  
23 under this section.

24 “(2) ASSURANCES.—A coastal state shall en-  
25 sure that amounts allocated by the state under para-

1 graph (1) are used by the qualified local entity in  
2 furtherance of the state’s approved management  
3 program, specifically furtherance of the coastal man-  
4 agement objectives specified in section 303(2) and  
5 the policies of this Act.

6 “(e) ASSISTANCE.—The Secretary shall assist eligible  
7 coastal states and qualified local entities in identifying and  
8 obtaining from other Federal agencies technical and finan-  
9 cial assistance in achieving the objectives set forth in sub-  
10 section (a).”.

11 **SEC. 13. TECHNICAL ASSISTANCE; RESOURCES ASSESS-**  
12 **MENTS; INFORMATION SYSTEMS.**

13 (a) IN GENERAL.—Section 310 (16 U.S.C. 1456c) is  
14 amended—

15 (1) by inserting “(1)” before “The Secretary”  
16 in subsection (a);

17 (2) by striking “assistance” in the first sen-  
18 tence in subsection (a) and inserting “assistance,  
19 technology and methodology development, training  
20 and information transfer, resources assessment,”;

21 (3) by resetting the second and third sentences  
22 in subsection (a) as a new paragraph and inserting  
23 “(2)” before “Each”;

1           (4) by striking “and research activities” in sub-  
2           section (b)(1) and inserting “research activities, and  
3           other support services and activities”;

4           (5) by adding at the end of subsection (b)(1)  
5           the following: “The Secretary may conduct a pro-  
6           gram to develop and apply innovative coastal and es-  
7           tuarine environmental technology and methodology  
8           through a cooperative program, and to support the  
9           development, application, training and technical as-  
10          sistance, and transfer of effective coastal manage-  
11          ment practices. The Secretary may make extramural  
12          grants in carrying out the purpose of this sub-  
13          section.”;

14          (6) by adding at the end of subsection (b)(3)  
15          the following: “The Secretary shall establish regional  
16          advisory committees including representatives of the  
17          Governors of each state within the region, univer-  
18          sities, colleges, coastal and marine laboratories, Sea  
19          Grant College programs within the region and rep-  
20          resentatives from the private and public sector with  
21          relevant expertise. The Secretary will report to the  
22          regional advisory committees on activities under-  
23          taken by the Secretary and other agencies pursuant  
24          to this section, and the regional advisory committees  
25          shall identify research, technical assistance and in-

1 formation needs and priorities. The regional advisory  
2 committees are not subject to the requirements of  
3 the Federal Advisory Committee Act (5 U.S.C.  
4 App.).”; and

5 (7) by adding at the end the following:

6 “(c)(1) The Secretary shall consult with the regional  
7 advisory committees concerning the development of a  
8 coastal resources assessment and information program to  
9 support development and maintenance of integrated coast-  
10 al resource assessments of state natural, cultural and eco-  
11 nomic attributes, and coastal information programs for  
12 the collection and dissemination of data and information,  
13 product development, and outreach based on the needs  
14 and priorities of coastal and ocean managers and user  
15 groups.

16 “(2) The Secretary shall assist coastal states in iden-  
17 tifying and obtaining financial and technical assistance  
18 from other Federal agencies and may make grants to  
19 states in carrying out the purpose of this section and to  
20 provide ongoing support for state resource assessment and  
21 information programs.”.

22 (b) CONFORMING AMENDMENT.—The section head-  
23 ing for section 310 (16 U.S.C. 1456c) is amended to read  
24 as follows:

1 **“SEC. 310. TECHNICAL ASSISTANCE, RESOURCES ASSESS-**  
2 **MENTS, AND INFORMATION SYSTEMS.**

3 **SEC. 14. PERFORMANCE REVIEW.**

4 Section 312(a) (16 U.S.C. 1458(a)) is amended—

5 (1) by striking “continuing review of the per-

6 formance” and inserting “periodic review, no less

7 frequently than every 5 years, of the administration,

8 implementation, and performance”;

9 (2) by striking “management.” and inserting

10 “management programs.”;

11 (3) by striking “has implemented and enforced”

12 and inserting “has effectively administered, imple-

13 mented, and enforced”;

14 (4) by striking “addressed the coastal manage-

15 ment needs identified” and inserting “furthered the

16 national coastal policies and objectives set forth”;

17 and

18 (5) by inserting “coordinated with National Es-

19 tuarine Research Reserves in the state,” after

20 “303(2)(A) through (K),”.

21 **SEC. 15. WALTER B. JONES AWARDS.**

22 Section 314 (16 U.S.C. 1460) is amended—

23 (1) by striking “shall, using sums in the Coast-

24 al Zone Management Fund established under section

25 308” in subsection (a) and inserting “may, using

26 sums available under this Act”;

1           (2) by striking “field.” in subsection (a) and in-  
 2           serting the following: “field of coastal zone manage-  
 3           ment. These awards, to be known as the ‘Walter B.  
 4           Jones Awards’, may include—

5           “(1) cash awards in an amount not to exceed  
 6           \$5,000 each;

7           “(2) research grants; and

8           “(3) public ceremonies to acknowledge such  
 9           awards.”;

10          (3) by striking “shall elect annually—” in sub-  
 11          section (b) and inserting “may select annually if  
 12          funds are available under subsection (a)—”; and

13          (4) by striking subsection (e).

14 **SEC. 16. NATIONAL ESTUARINE RESEARCH RESERVE SYS-**  
 15 **TEM.**

16          (a) Section 315(a) (16 U.S.C. 1461(a)) is amended  
 17 by striking “consists of—” and inserting “is a network  
 18 of areas protected by Federal, state, and community part-  
 19 nerships which promotes informed management of the Na-  
 20 tion’s estuarine and coastal areas through interconnected  
 21 programs in resource stewardship, education and training,  
 22 monitoring, research, and scientific understanding con-  
 23 sisting of—”.

24          (b) Section 315(b)(2) ((16 U.S.C. 1461(b)(2)) is  
 25 amended—

1           (1) by inserting “for each coastal state or terri-  
2           tory” after “research” in subparagraph (A);

3           (2) by striking “public awareness and” in sub-  
4           paragraph (C) and inserting “state coastal manage-  
5           ment, public awareness, and”; and

6           (3) by striking “public education and interpre-  
7           tation; and”; in subparagraph (C) and inserting  
8           “education, interpretation, training, and demonstra-  
9           tion projects; and”.

10          (c) Section 315(c) (16 U.S.C. 1461(c)) is amended—

11           (1) by striking “RESEARCH” in the subsection  
12           caption and inserting “RESEARCH, EDUCATION, AND  
13           RESOURCE STEWARDSHIP”;

14           (2) by striking “conduct of research” and in-  
15           serting “conduct of research, education, and re-  
16           source stewardship”;

17           (3) by striking “coordinated research” in para-  
18           graph (1)) and inserting “coordinated research, edu-  
19           cation, and resource stewardship”;

20           (4) by striking “research” after “common” in  
21           paragraph (2);

22           (5) by striking “research programs” in para-  
23           graph (2) and inserting “research, education, and  
24           resource stewardship programs”;

1 (6) by striking “research” after “uniform” in  
2 paragraph (3);

3 (7) by striking “data,” in paragraph (3) and in-  
4 serting “information,”;

5 (8) by striking “research” after “application  
6 of” in paragraph (3);

7 (9) by striking “research purposes;” in para-  
8 graph (3) and inserting “research, education, and  
9 resource stewardship purposes;”;

10 (10) by striking “research efforts” in para-  
11 graph (4) and inserting “research, education, and  
12 resource stewardship efforts”;

13 (11) by striking “research” in paragraph (5)  
14 and inserting “research, education, and resource  
15 stewardship”; and

16 (12) by striking “research” in the last sentence.

17 (d) Section 315(d) (16 U.S.C. 1461(d)) is amend-  
18 ed—

19 (1) by striking “ESTUARINE RESEARCH.—” in  
20 the subsection caption and inserting “ESTUARINE  
21 RESEARCH, EDUCATION, AND RESOURCE STEWARD-  
22 SHIP.—”;

23 (2) by striking “research purposes” and insert-  
24 ing “research, education, and resource stewardship  
25 purposes”;

1           (3) by striking paragraph (1) and inserting the  
2 following:

3           “(1) giving reasonable priority to research, edu-  
4 cation, and stewardship activities that use the Sys-  
5 tem in conducting or supporting activities relating to  
6 estuaries;”;

7           (4) by striking “research.” in paragraph (2)  
8 and inserting “research, education, and resource  
9 stewardship activities; and”;

10          (5) by adding at the end thereof the following:

11          “(3) establishing partnerships with other Fed-  
12 eral and state estuarine management programs to  
13 coordinate and collaborate on estuarine research.”.

14          (e) Section 315(e) (16 U.S.C. 1461(e)) is amended—

15           (1) by striking “reserve,” in paragraph  
16 (1)(A)(i) and inserting “reserve; and”;

17           (2) by striking “and constructing appropriate  
18 reserve facilities, or” in paragraph (1)(A)(ii) and in-  
19 serting “including resource stewardship activities  
20 and constructing reserve facilities; and”;

21           (3) by striking paragraph (1)(A)(iii);

22           (4) by striking paragraph (1)(B) and inserting  
23 the following:

24           “(B) to any coastal state or public or pri-  
25 vate person for purposes of—

1                   “(i) supporting research and moni-  
2                   toring associated with a national estuarine  
3                   reserve that are consistent with the re-  
4                   search guidelines developed under sub-  
5                   section (c); or

6                   “(ii) conducting educational, interpre-  
7                   tive, or training activities for a national es-  
8                   tuarine reserve that are consistent with the  
9                   education guidelines developed under sub-  
10                  section (c).”;

11                 (5) by striking “therein or \$5,000,000, which-  
12                 ever amount is less.” in paragraph (3)(A) and in-  
13                 serting “therein. Non-Federal costs associated with  
14                 the purchase of any lands and waters, or interests  
15                 therein, which are incorporated into the boundaries  
16                 of a reserve up to 5 years after the costs are in-  
17                 curred, may be used to match the Federal share.”;

18                 (6) by striking “and (iii)” in paragraph (3)(B);

19                 (7) by striking “paragraph (1)(A)(iii)” in para-  
20                 graph (3)(B) and inserting “paragraph (1)(B)”;

21                 (8) by striking “entire System.” in paragraph  
22                 (3)(B) and inserting “System as a whole.”; and

23                 (9) by adding at the end thereof the following:

24                 “(4) The Secretary may—

1           “(A) enter into cooperative agreements, fi-  
2           nancial agreements, grants, contracts, or other  
3           agreements with any nonprofit organization, au-  
4           thorizing the organization to solicit donations to  
5           carry out the purposes and policies of this sec-  
6           tion, other than general administration of re-  
7           serves or the System and which are consistent  
8           with the purposes and policies of this section;  
9           and

10           “(B) accept donations of funds and serv-  
11           ices for use in carrying out the purposes and  
12           policies of this section, other than general ad-  
13           ministration of reserves or the System and  
14           which are consistent with the purposes and poli-  
15           cies of this section.

16           Donations accepted under this section shall be con-  
17           sidered as a gift or bequest to or for the use of the  
18           United States for the purpose of carrying out this  
19           section.”.

20           (f) Section 315(f)(1) (16 U.S.C. 1461(f)(1)) is  
21           amended by inserting “coordination with other state pro-  
22           grams established under sections 306 and 309A,” after  
23           “including”.

24           **SEC. 17. COASTAL ZONE MANAGEMENT REPORTS.**

25           Section 316 (16 U.S.C. 1462) is amended—

1           (1) by striking “to the President for trans-  
2           mittal” in subsection (a);

3           (2) by striking “zone and an evaluation of the  
4           effectiveness of financial assistance under section  
5           308 in dealing with such consequences;” and insert-  
6           ing “zone;” in subsection (a)(10);

7           (3) by inserting “education,” after “studies,” in  
8           subsection (a)(12);

9           (4) by striking “Secretary” in the first sentence  
10          of subsection (c)(1) and inserting “Secretary, in con-  
11          sultation with coastal states, and with the participa-  
12          tion of affected Federal agencies;”;

13          (5) by striking the second sentence of sub-  
14          section (c)(1) and inserting the following: “The Sec-  
15          retary, in conducting such a review, shall coordinate  
16          with, and obtain the views of, appropriate Federal  
17          agencies.”;

18          (6) by striking “shall promptly” in subsection  
19          (c)(2) and inserting “shall, within 4 years after the  
20          date of enactment of the Coastal Zone Enhancement  
21          Reauthorization Act of 2007;” and

22          (7) by adding at the end of subsection (c)(2)  
23          the following: “If sufficient funds and resources are  
24          not available to conduct such a review, the Secretary  
25          shall so notify the Congress.”.

1 **SEC. 18. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 318 (16 U.S.C. 1464) is amended—

3 (1) by striking paragraphs (1) and (2) of sub-  
4 section (a) and inserting the following:

5 “(1) for grants under sections 306, 306A, and  
6 309—

7 “(A) \$90,500,000 for fiscal year 2008,

8 “(B) \$94,000,000 for fiscal year 2009,

9 “(C) \$98,000,000 for fiscal year 2010,

10 “(D) \$102,000,000 for fiscal year 2011,

11 and

12 “(E) \$106,000,000 for fiscal year 2012;

13 “(2) for grants under section 309A—

14 “(A) \$29,000,000 for fiscal year 2008,

15 “(B) \$30,000,000 for fiscal year 2009,

16 “(C) \$31,000,000 for fiscal year 2010,

17 “(D) \$32,000,000 for fiscal year 2011,

18 and

19 “(E) \$32,000,000 for fiscal year 2012,

20 of which \$10,000,000, or 35 percent, whichever is  
21 less, shall be for purposes set forth in section  
22 309A(a)(5);

23 “(3) for grants under section 315—

24 “(A) \$37,000,000 for fiscal year 2008,

25 “(B) \$38,000,000 for fiscal year 2009,

26 “(C) \$39,000,000 for fiscal year 2010,

1           “(D) \$40,000,000 for fiscal year 2011,  
2           and

3           “(E) \$41,000,000 for fiscal year 2012,  
4           of which up to \$15,000,000 may be used by the Sec-  
5           retary in each of fiscal years 2008 through 2012 for  
6           grants to fund construction and acquisition projects  
7           at estuarine reserves designated under section 315;

8           “(4) for costs associated with administering this  
9           title, \$7,500,000 for fiscal year 2008, \$7,750,000  
10          for fiscal year 2009, \$8,000,000 for fiscal year  
11          2010, \$8,250,000, for fiscal year 2011, and  
12          \$8,500,000 for fiscal year 2012; and

13          “(5) for grants under section 310 to support  
14          State pilot projects to implement resource assess-  
15          ment and information programs, \$6,000,000 for  
16          each of fiscal years 2008 and 2010.”;

17          (2) by striking “306 or 309.” in subsection (b)  
18          and inserting “306.”;

19          (3) by striking “during the fiscal year, or dur-  
20          ing the second fiscal year after the fiscal year, for  
21          which” in subsection (c) and inserting “within 3  
22          years from when”;

23          (4) by striking “under the section for such re-  
24          verted amount was originally made available.” in

1 subsection (c) and inserting “to states under this  
2 Act.”; and

3 (5) by adding at the end thereof the following:

4 “(d) PURCHASE OF OTHERWISE UNAVAILABLE FED-  
5 ERAL PRODUCTS AND SERVICES.—Federal funds allo-  
6 cated under this title may be used by grantees to purchase  
7 Federal products and services not otherwise available.

8 “(e) RESTRICTIONS ON USE OF AMOUNTS.—Except  
9 for funds appropriated under subsection (a)(4), amounts  
10 appropriated under this section shall not be available for  
11 administrative or overhead costs of the National Oceanic  
12 and Atmospheric Administration or the Department of  
13 Commerce. Amounts appropriated under subsection (a)(1)  
14 or (2) shall be available only for grants to States.”.

15 **SEC. 19. DEADLINE FOR DECISION ON APPEALS OF CON-**  
16 **SISTENCY DETERMINATION.**

17 (a) IN GENERAL.—Section 319 (16 U.S.C. 1465) is  
18 amended to read as follows:

19 **“SEC. 319. APPEALS TO THE SECRETARY.**

20 “(a) NOTICE.—Not later than 30 days after the date  
21 of the filing of an appeal to the Secretary of a consistency  
22 determination under section 307, the Secretary shall pub-  
23 lish an initial notice in the Federal Register.

24 “(b) CLOSURE OF RECORD.—

1           “(1) IN GENERAL.—Not later than the end of  
2 the 270-day period beginning on the date of publica-  
3 tion of an initial notice under subsection (a), except  
4 as provided in paragraph (3), the Secretary shall im-  
5 mediately close the decision record and receive no  
6 more filings on the appeal.

7           “(2) NOTICE.—After closing the administrative  
8 record, the Secretary shall immediately publish a no-  
9 tice in the Federal Register that the administrative  
10 record has been closed.

11           “(3) EXCEPTION.—

12           “(A) IN GENERAL.—Subject to subpara-  
13 graph (B), during the 270-day period described  
14 in paragraph (1), the Secretary may stay the  
15 closing of the decision record—

16           “(i) for a specific period mutually  
17 agreed to in writing by the appellant and  
18 the State agency; or

19           “(ii) as the Secretary determines nec-  
20 essary to receive, on an expedited basis—

21           “(I) any supplemental informa-  
22 tion specifically requested by the Sec-  
23 retary to complete a consistency re-  
24 view under this Act; or

1                   “(II) any clarifying information  
2                   submitted by a party to the pro-  
3                   ceeding related to information already  
4                   existing in the sole record.

5                   “(B) APPLICABILITY.—The Secretary may  
6                   only stay the 270-day period described in para-  
7                   graph (1) once and for a period not to exceed  
8                   60 days.

9                   “(c) DEADLINE FOR DECISION.—

10                  “(1) IN GENERAL.—Not later than 90 days  
11                  after the date of publication of a Federal Register  
12                  notice stating when the decision record for an appeal  
13                  has been closed, the Secretary shall issue a decision  
14                  or publish a notice in the Federal Register explain-  
15                  ing why a decision cannot be issued at that time.

16                  “(2) SUBSEQUENT DECISION.—Not later than  
17                  45 days after the date of publication of a Federal  
18                  Register notice explaining why a decision cannot be  
19                  issued within the 90-day period, the Secretary shall  
20                  issue a decision.”.

21                  (b) EFFECTIVE DATE.—The amendment made by  
22                  subsection (a) applies with respect to appeals under sub-  
23                  section (c) or (d) of section 307 of the Coastal Zone Man-  
24                  agement Act of 1972 (16 U.S.C. 1456) filed after the date  
25                  of enactment of this Act.

1 (c) SPECIAL RULE FOR APPEALS FILED ON OR BE-  
 2 FORE DATE OF ENACTMENT.—The Secretary of Com-  
 3 merce—

4 (1) shall close the administrative record for any  
 5 appeal under subsection (c) or (d) of section 307 of  
 6 the Coastal Zone Management Act of 1972 (16  
 7 U.S.C. 1456) that was filed on or before the date of  
 8 enactment of this Act within 180 days after such  
 9 date of enactment but not earlier than December 31,  
 10 2008;

11 (2) may not receive any additional filing with  
 12 respect to such an appeal; and

13 (3) shall issue a decision on the appeal within  
 14 90 days after closing the administrative record.

15 **SEC. 20. EFFECTS OF CLIMATE CHANGE ON COASTAL ZONE**  
 16 **MANAGEMENT.**

17 The Act (16 U.S.C. 1451 et seq.) is amended by add-  
 18 ing at the end the following:

19 **“SEC. 320. EFFECTS OF CLIMATE CHANGE ON COASTAL**  
 20 **ZONE MANAGEMENT.**

21 “In preparing and carrying out its management pro-  
 22 gram, a coastal state may—

23 “(1) conduct assessments, mapping, modeling,  
 24 and forecasting to understand the physical, environ-  
 25 mental, and socio-economic impacts of sea level rise,

1 changes in freshwater quality and quantity, ocean  
2 acidification, ocean warming, or other effects of  
3 global climate change on the coastal zone;

4 “(2) develop prevention, adaptation or response  
5 strategies to reduce vulnerability of coastal commu-  
6 nities and resources to such impacts, changes, and  
7 effects; and

8 “(3) establish mechanisms to increase local  
9 awareness of such impacts, changes, and effects.”.

10 **SEC. 21. COORDINATION WITH FEDERAL ENERGY REGU-**  
11 **LATORY COMMISSION.**

12 Within 180 days after the date of enactment of this  
13 Act, the Secretary of Commerce shall submit a report to  
14 the Congress on the development of a memorandum of un-  
15 derstanding with the Commissioner of the Federal Energy  
16 Regulatory Commission for a coordinated process for re-  
17 view of coastal energy activities that provides for—

18 (1) improved coordination among Federal, re-  
19 gional, State, and local agencies concerned with con-  
20 ducting reviews under the Coastal Zone Management  
21 Act of 1972 (16 U.S.C. 1451 et seq.); and

22 (2) coordinated schedules for such reviews that  
23 ensures that, where appropriate, the reviews are per-  
24 formed concurrently.

○