

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

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

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

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

CHAPTER 33—COASTAL ZONE MANAGEMENT

- | | | | |
|--------|---|--|--|
| Sec. | | | |
| 1451. | Congressional findings. | | |
| 1452. | Congressional declaration of policy. | | |
| 1453. | Definitions. | | |
| 1454. | Submittal of State program for approval. | | |
| 1455. | Administrative grants. | | |
| | (a) Authorization; matching funds. | | |
| | (b) Grants to coastal states; requirements. | | |
| | (c) Allocation of grants to coastal states. | | |
| | (d) Mandatory adoption of State management program for coastal zone. | | |
| | (e) Amendment or modification of State management program for coastal zone. | | |
| 1455a. | Coastal resource improvement program. | | |
| | (a) Definitions. | | |
| | (b) Resource management improvement grants. | | |
| | (c) Uses, terms and conditions of grants. | | |
| | (d) State matching contributions; ratio; maximum amount of grants. | | |
| | (e) Allocation of grants to local governments and other agencies. | | |
| | (f) Other technical and financial assistance. | | |
| 1455b. | Protecting coastal waters. | | |
| | (a) In general. | | |
| | (b) Program contents. | | |
| | (c) Program submission, approval, and implementation. | | |
| | (d) Technical assistance. | | |
| | (e) Inland coastal zone boundaries. | | |
| | (f) Financial assistance. | | |
| | (g) Guidance for coastal nonpoint source pollution control. | | |
| | (h) Authorization of appropriations. | | |
| | (i) Definitions. | | |
| 1456. | Coordination and cooperation. | | |
| | (a) Federal agencies. | | |
| | (b) Adequate consideration of views of Federal agencies. | | |
| | (c) Consistency of Federal activities with State management programs; Presidential exemption; certification. | | |
| | (d) Application of local governments for Federal assistance; relationship of activities with approved management programs. | | |
| | | Sec. | |
| | | (e) Construction with other laws. | |
| | | (f) Construction with existing requirements of water and air pollution programs. | |
| | | (g) Concurrence with programs which affect inland areas. | |
| | | (h) Mediation of disagreements. | |
| | | (i) Application fee for appeals. | |
| 1456a. | Coastal Zone Management Fund. | | |
| 1456b. | Coastal zone enhancement grants. | | |
| | (a) "Coastal zone enhancement objective" defined. | | |
| | (b) Limits on grants. | | |
| | (c) Evaluation of State proposals by Secretary. | | |
| | (d) Promulgation of regulations by Secretary. | | |
| | (e) No State contribution required. | | |
| | (f) Funding. | | |
| | (g) Eligibility; suspension of State for noncompliance. | | |
| 1456c. | Technical assistance. | | |
| 1456d. | Coastal and Estuarine Land Conservation Program. | | |
| 1457. | Public hearings. | | |
| 1458. | Review of performance. | | |
| | (a) Evaluation of adherence with terms of grant. | | |
| | (b) Public participation; notice of meetings; reports. | | |
| | (c) Suspension of financial assistance for noncompliance; notification of Governor; length of suspension. | | |
| | (d) Withdrawal of approval of program. | | |
| | (e) Notice and hearing. | | |
| 1459. | Records and audit. | | |
| | (a) Maintenance of records by recipients of grants or financial assistance. | | |
| | (b) Access by Secretary and Comptroller General to records, books, etc., of recipients of grants or financial assistance for audit and examination. | | |
| 1460. | Walter B. Jones excellence in coastal zone management awards. | | |
| | (a) Establishment. | | |
| | (b) Annual selection of recipients. | | |
| | (c) Solicitation of nominations for local government recipients. | | |
| | (d) Solicitation of nominations for graduate student recipients. | | |
| | (e) Funding; types of awards. | | |
| 1461. | National Estuarine Research Reserve System. | | |
| | (a) Establishment of System. | | |
| | (b) Designation of national estuarine reserves. | | |
| | (c) Estuarine research guidelines. | | |
| | (d) Promotion and coordination of estuarine research. | | |
| | (e) Financial assistance. | | |
| | (f) Evaluation of System performance. | | |
| | (g) Report. | | |
| 1462. | Coastal zone management reports. | | |
| | (a) Biennial reports. | | |
| | (b) Recommendations for legislation. | | |
| | (c) Review of other Federal programs; report to Congress. | | |
| 1463. | Rules and regulations. | | |
| 1463a. | Omitted. | | |
| 1463b. | National Coastal Resources Research and Development Institute. | | |
| | (a) Establishment by Secretary; administration. | | |
| | (b) Purposes of Institute. | | |
| | (c) Determination of Institute policies. | | |
| | (d) Establishment of Advisory Council; functions and composition. | | |
| | (e) Administration of Institute. | | |
| | (f) Evaluation of Institute by Secretary. | | |
| | (g) Report to Secretary. | | |

- Sec.
- (h) Access to Institute books, records, and documents.
 - (i) Status of Institute employees.
 - (j) Authorization of appropriations.
1464. Authorization of appropriations.
- (a) Sums appropriated to Secretary.
 - (b) Limitations.
 - (c) Reversion to Secretary of unobligated State funds; availability of funds.
1465. Appeals to Secretary.
- (a) Notice.
 - (b) Deadline.
 - (c) Application.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 544f, 1455b, 3505, 6406 of this title; title 33 sections 1503, 1508, 2801, 2902; title 42 sections 9111, 9115; title 43 sections 1351, 1356a, 1866; title 46 section 13101.

§ 1451. Congressional findings

The Congress finds that—

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

(b) The coastal zone is rich in a variety of natural, commercial, recreational, ecological, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation.

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

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

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

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

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

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

(i) The key to more effective protection and use of the land and water resources of the coast-

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

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

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

(l) Because global warming may result in a substantial sea level rise with serious adverse effects in the coastal zone, coastal states must anticipate and plan for such an occurrence.

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

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

AMENDMENTS

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

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

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

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

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

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

SHORT TITLE OF 1996 AMENDMENT

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

SHORT TITLE OF 1990 AMENDMENT

Section 6201 of title VI of Pub. L. 101-508 provided that: "This subtitle [subtitle C (§§6201-6217) of title VI of Pub. L. 101-508, enacting sections 1455b, 1456c, and 1460 of this title, amending this section and sections 1452 to 1456b, 1458, 1461, and 1464 of this title, and enacting provisions set out as notes under this section and