

Coastal Zone Management Act Review of Offshore Renewable Energy Projects

Intergovernmental Renewable Energy
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<https://www.coast.noaa.gov/>



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NATIONAL COASTAL ZONE MANAGEMENT PROGRAM

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Coastal Zone Management Act (CZMA)

October 27, 1972

Encourages coastal states, Great Lake states, and United States territories and commonwealths (“coastal states”) to be proactive in managing the uses and resources of the coastal zone for their benefit and the benefit of the Nation.

Recognizes a national interest in coastal uses and resources and the importance of balancing resource protection with economic, recreational and cultural needs.

Establishes a **voluntary** program; if a state participates, it must develop and implement a comprehensive management program pursuant to federal requirements and NOAA must approve the program.

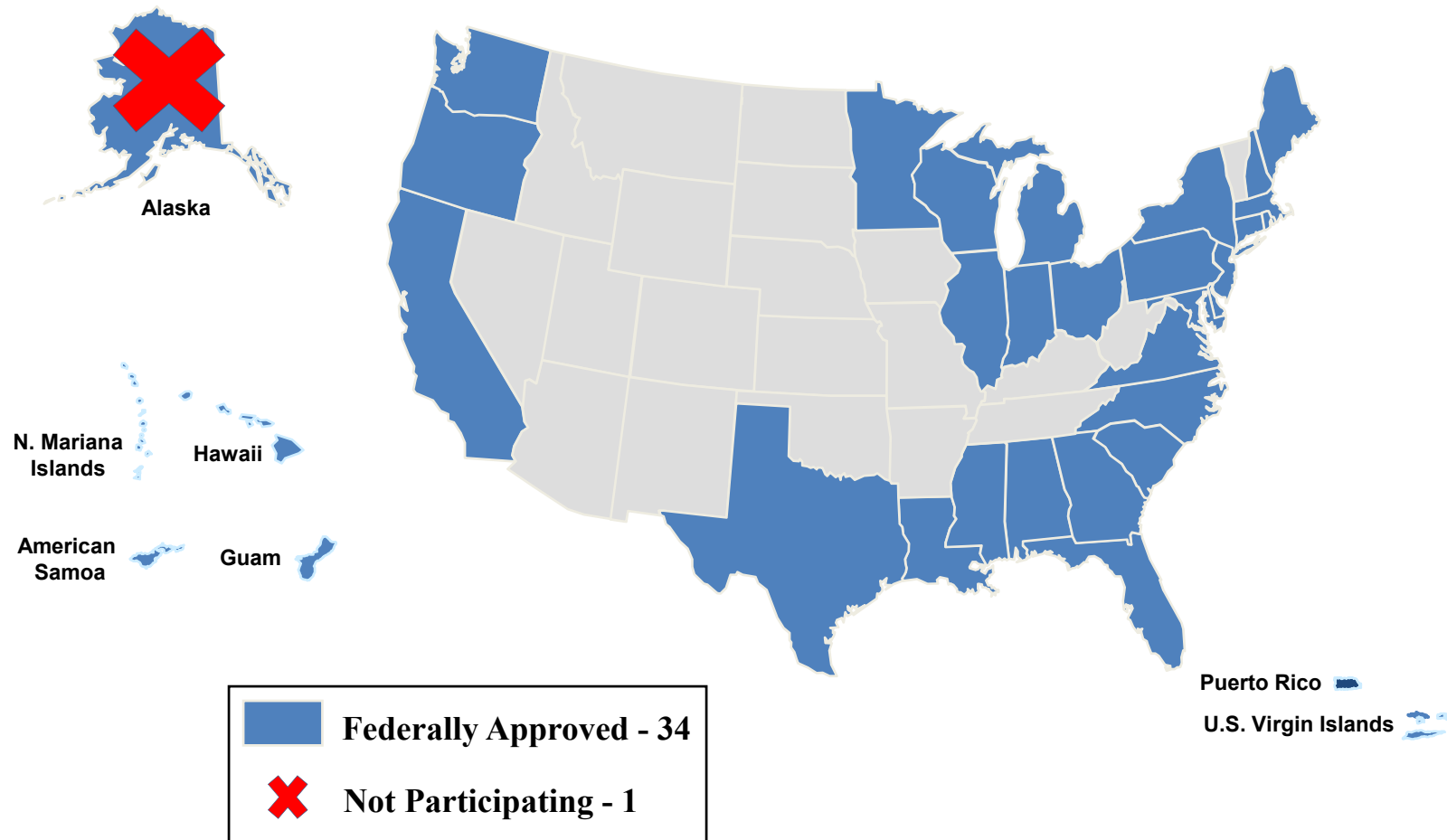
Gives states a unique and powerful review authority for federal actions that could affect state coastal uses or resources (called the **federal consistency** provision).



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State & Territorial CZMA Programs



Office for Coastal Management

(within NOAA's National Ocean Service)

- Administers the Coastal Zone Management Act.
- Approves state programs and changes to the programs.
- Awards grants
- Evaluates state programs
- Provides management and technical assistance
- Oversees federal consistency compliance
- Provides mediation assistance
- Provides expertise on national coastal policy issues
- Provides tools for coastal managers – [Digital Coast](https://coast.noaa.gov/digitalcoast/).

<https://coast.noaa.gov/digitalcoast/>



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What is “Federal Consistency”?

The Coastal Zone Management Act (CZMA) requires that all **federal actions** that may have reasonably foreseeable **effects** on the **uses or resources** of a state’s coastal zone be consistent with the **enforceable policies** of the state’s coastal management program.

See CZMA § 307 (16 U.S. Code § 1456).



Application of CZMA Federal Consistency

- Recognizes that there may be overlapping state and federal interests in coastal uses and resources
- Provides a role for states in the federal decision-making process when there are coastal effects
 - States may review, not manage, federal actions
 - States do not have the last word in the federal process
- Encourages early state-federal coordination and cooperation
 - Provides a forum for identifying and resolving issues
 - Results in concurrences for 95 percent of reviews



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CZMA National Interest Balance

States do not have the last word

Federal Agency Activities

- Coastal effects determination made by federal agencies
- Federal agencies may proceed over state's objection
- Presidential exemption available

Federal Authorizations to Non-Federal Entities

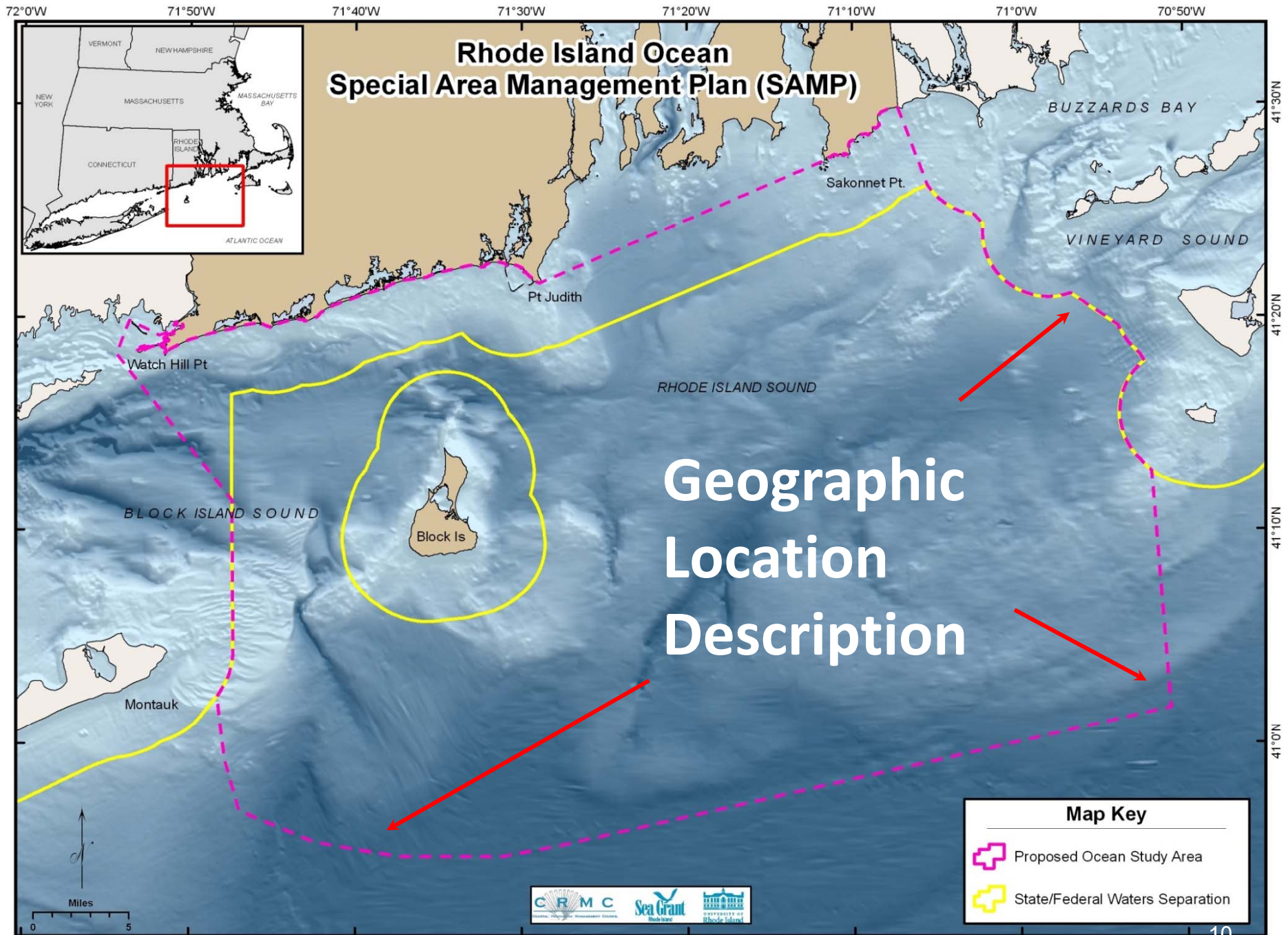
- If state objects, Federal agency cannot authorize the activity, unless . . .
- Non-federal applicant appeals state objection to the Secretary of Commerce and Secretary overrides state's objection



CZMA Review on the Outer Continental Shelf (OCS) (Federal Waters) – Outer Continental Shelf Lands Act (OCSLA)

- If BOEM holds a lease sale for a renewable energy project on the OCS, BOEM determines if coastal effects and which states get CZMA review.
 - If non-federal applicant applies to BOEM for approval of a renewable energy project on the OCS, CZMA review is not automatic.
 - **Automatic Review**: State must “list” the OCSLA authorization in its coastal program AND have a NOAA approved “geographic location description” (or “GLD”).
 - **Unlisted Activity Review**: If state does not list the OCSLA authorization or have a GLD, state can request NOAA approval to review an activity on a case-by-case basis. State does not need NOAA approval if applicant voluntarily agrees to provide state with CZMA review.
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How Do I Learn More?

NOAA federal consistency website:

<http://coast.noaa.gov/czm/consistency/>

- Coastal Zone Management Act
- Federal consistency regulations, 15 CFR Part 930
- Preambles to NOAA's 2000 and 2006 regulations
- Federal consistency overview document
- Federal consistency quick reference document
- State federal consistency Lists
- Federal consistency appeals



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Questions?



Photo – Block Island Wind by Betsy Nicholson, NOAA



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