

Coastal Zone Management Act

What is the Coastal Zone Management Act?

The Coastal Zone Management Act (CZMA) is the Federal government's primary tool for fostering comprehensive management of our nation's coastal resources. The main objective of the CZMA is to "preserve, protect, develop, and where possible, to restore or enhance the resources of the nation's coastal zone." As a voluntary partnership between the Federal government and U.S. coastal states and territories, the CZMA gives states the flexibility to design programs that accommodate their unique challenges and legal frameworks.

Who is responsible for the CZMA?

At the Federal level, the National Oceanic and Atmospheric Administration (NOAA) is responsible for the interpretation of the CZMA. Specifically, the Office of Ocean and Coastal Resource Management (OCRM) oversees the application of the Federal consistency provision; provides management and legal assistance to coastal states, Federal agencies, tribes and others; and mediates CZMA related disputes. Each State with a coastal zone must develop a Coastal Zone Management Plan (CZMP).



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Do HRSA projects have to comply with the CZMA?

The Federal consistency provision requires Federal agency-supported development activities that have foreseeable effects on resources to be consistent, to the maximum extent practicable, with enforceable policies of State coastal management programs approved by NOAA. Federally funded activities, including grants, must be fully consistent with these policies.

If a HRSA grantee's project is located within—or will affect the coastal zone—it must ensure that the project is consistent with the State's CZMP. The State then concurs with or objects to this consistency determination.



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How does a grantee find out if its project is located in a coastal zone?

States develop the criteria for their coastal zones. Some states use specific criteria such as a measurement in feet from the ordinary high water mark. Other states designate entire coastal counties. Some states, such as Delaware, are entirely within the coastal zone. To find a description of the coastal zone for the state where your project is located, go to the NOAA website at <http://coastalmanagement.noaa.gov/mystate/docs/StateCZBoundaries.pdf>.

If it is determined that a grantee's project is within a coastal zone or will impact a coastal zone, what are the steps the grantee will have to take and how long will they take?

1. If there are no coastal effects, a Negative Determination should be provided to the state *at least 90 days* before any site activity is anticipated to start. If the grantee is preparing an Environmental Assessment (EA) that will be submitted to the State Coastal Management Program (State) for review, the Negative Determination must be included in the impacts section.
2. If coastal effects are reasonably foreseeable, then the grantee must submit a CD to the State *at least 90 days* before any site activity is anticipated to start. A CD should include a detailed description of the proposed activity, its expected coastal effects, and an evaluation of how the proposed activity is consistent with applicable enforceable policies in the state's CZMP. If the grantee is preparing an EA that will be submitted to the State for review, the CD must be included in the impacts section.
3. The State has 60 days from the date it receives the Negative Determination or CD (plus appropriate extensions) to concur with or object to the Negative Determination or CD. The State and HRSA may agree *in writing* to an alternative time period.
4. The State should provide for public comment on the state's consistency review.
5. *State concurrence is presumed if the state does not meet the established time frame for a decision.*
6. If a State agrees with a Negative Determination or CD, then the HRSA grantee may proceed with the activity after they submit a copy of the Negative Determination or CD and the state's response to HRSA for review (pending submission and approval of all other grant requirements).
7. In rare cases, a State may object to the determination. If so, the state's objection should clearly describe how the proposed activity is inconsistent with specific enforceable policies of the Federally approved CMP. The State and HRSA will attempt to resolve any differences during the remainder of the 90-day period. If resolution has not been reached at the end of the 90-day period, HRSA will consider postponing implementation of the project until the conflicts have been resolved. However, at the end of the 90-day period HRSA may proceed with the activity despite the State objection if HRSA clearly describes *in writing* to the State how the activity is consistent to the maximum extent practicable with the CMP.

HRSA can provide technical assistance to grantee for compliance with Federal laws and regulations affecting their projects when and as applicable. However, grantees are fully responsible for providing complete, accurate and timely documentation to satisfy all such compliance obligations, and to closely coordinate their activities and receive authorization from HRSA before undertaking their projects.



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