

1 **S.** _____ / **H.R.** _____
2

3 To amend the Coastal Zone Management Act of 1972 to establish National
4 priorities, to clarify certain State authorities, to require State comprehensive
5 coastal management plans, to authorize grants to coastal States, to establish a
6 basis for program performance measures and evaluation, to authorize a system of
7 National Estuarine Research Reserves, to establish certain program coordination
8 requirements, and for other purposes.
9

10 **SECTION 1. SHORT TITLE.**

11 This Act may be cited as the “Coastal Management Act of 2009.”
12

13 **SECTION 2. CONGRESSIONAL FINDINGS.**

14 (a) 16 U.S.C. 1451 is hereby amended by deleting the entirety of
15 subsections (a) through (m) and inserting subsection (b) (1) through (8) of
16 this Section.

17 (b) The Congress finds that---

18 (1) The Nation’s oceans, Great Lakes, and coasts provide vital
19 ecological, economic, and cultural values to the Nation as a whole.

20 (2) There is a national interest in effectively managing the
21 resources and values of the Nation’s oceans, Great Lakes, and coasts
22 for this and future generations.

23 (3) Coastal states face new and increasingly complex social,
24 environmental, technological, and governance challenges, including
25 but not limited to impacts from climate change, increasing pressures
26 to develop in high risk areas and valuable habitats; management of
27 natural resources; energy development; and maintaining the
28 infrastructure of the Nation’s ports and waterways.

29 (4) Successful management of the resources, uses, and assets of
30 the Nation’s coasts requires a renewed commitment among all levels

1 of government to cooperate and integrate programs and activities to
2 meet national objectives, to leverage financial and technical resources,
3 to enhance coastal governance and management capacity, and to
4 engage non-governmental organizations, stakeholders and the public.

5 (5) It is in the national interest for all federal agencies to
6 support the purposes, national priorities, and national objectives of
7 this Act through the implementation of programs and authorities
8 affecting the Nation's coastal regions.

9 (6) For more than 35 years, the Coastal Zone Management Act
10 has provided coastal states with financial resources and authority to
11 manage the Nation's coastal resources to protect and restore valuable
12 habitat, provide public access to coastal waters, guide coastal
13 development, promote citizen stewardship of coastal resources and
14 other objectives.

15 (7) It is in the national interest for Congress to maintain the
16 authorities and program services of coastal states approved under the
17 1972 Coastal Zone Management Act and to strengthen the planning,
18 management, and coordination capabilities of the coastal states and
19 those federal agencies with coastal resource management
20 responsibilities to meet the needs of their constituencies and national
21 coastal objectives.

22 (8) States require adequate resources to meet national coastal
23 priorities through programs that are based on comprehensive program
24 assessments, incorporate performance measures, and are improved
25 through periodic program evaluations.

26

1 **SECTION 3. CONGRESSIONAL DECLARATION OF POLICY.**

2
3 (a) 16 U.S.C. 1452 is hereby amended by deleting the entirety of
4 subsections (1) and (2) and inserting subsections (b) of this Section.

5 (b) The Congress finds and declares that it is national policy —

6 (1) to preserve, protect, restore, enhance and manage the
7 resources of the Nation’s coastal region for this and succeeding
8 generations while enabling compatible, sustainable, and appropriate
9 development.

10 (2) to encourage and assist the states in exercising their coastal
11 stewardship and management responsibilities by maintaining the
12 authorities and essential program services of state coastal management
13 programs and to provide incentives to states to develop and implement
14 programs to address national coastal management priorities to:

15 (A) support healthy, resilient coastal communities and
16 economies;

17 (B) protect and restore coastal ecosystems, habitats,
18 waters, and unique resources including historic, cultural,
19 aesthetic, and recreational resources;

20 (C) prepare for effects of climate change on the nation’s
21 coasts and coastal communities; and,

22 (D) ensure that local, state, regional, and federal coastal
23 programs are coordinated and integrated at all appropriate
24 scales.

1 (3) to ensure that all federal programs affecting coastal
2 resources and coastal lands of the United States are planned and
3 conducted in conformance with the national policies of this Act.

4 (4) to encourage the participation and cooperation of the public,
5 non-governmental organizations, businesses, educational institutions,
6 and others in carrying out the purposes of this Act.

7 (5) to periodically assess the performance of state and federal
8 agencies in meeting the national policies of this Act and report the
9 results of that assessment to the Congress.

10
11 **SECTION 4. CERTAIN PROVISIONS OF THE COASTAL ZONE**
12 **MANAGEMENT ACT OF 1972 RETAINED.**

13 (a) The following provisions of the Coastal Zone Management Act of
14 1972 (16 U.S.C. 1451 et seq.) are hereby repealed:

15 (1) 16 U.S.C. 1454;

16 (2) 16 U.S.C. 1455 subsections (a), (b), and (c);

17 (3) 16 U.S.C. 1455a;

18 (4) 16 U.S.C. 1456 subsections (a), (b), (g), (h), and (i);

19 (5) 16 U.S.C. 1456b;

20 (6) 16 U.S.C. 1456c;

21 (7) 16 U.S.C. 1456d;

22 (8) 16 U.S.C. 1458;

23 (9) 16 U.S.C. 1463a; and,

24 (10) 16 U.S.C. 1463b.

25 (b) All definitions under 16 U.S.C. 1453 are retained except as
26 amended and added to by subsection (d) of this Section;

1 (c) Sections 16 U.S.C. 1455b protecting coastal waters and 16 U.S.C.
2 1456a coastal zone enhancement grants are retained until all participating
3 states have an approved Coastal Action Plan or seven years following the
4 enactment of this Act, whichever comes first.

5 (d) The following sections and subsections are specifically retained:

6 (1) 16 U.S.C. 1455(d); coastal state coastal management
7 programs approved under this section remain approved;

8 (2) 16 U.S.C. 1455(d); coastal state Coastal Zone boundaries
9 approved under this section remain approved;

10 (3) 16 U.S.C. 1455(e); program amendment criteria under this
11 section are retained;

12 (4) 16 U.S.C. 1456(c); federal consistency review authority
13 provided to coastal States under this section is retained;

14 (5) 16 U.S.C. 1461; the National Estuarine Research Reserves
15 approved under this section remain approved;

16 (6) 16 U.S.C. 1465; appeals to the Secretary, is retained;

17 (7) 16 U.S.C. § 1465 (b)(3)(B) is retained and amended to
18 insert "one time only" after "The Secretary may only stay the 160-day
19 period described in paragraph (1)" and before "for a period not to
20 exceed 60 days."

21 (e) DEFINITIONS. — The following definitions are added to those
22 retained under 16 U.S.C. 1453:

23 (1) The term “Coastal Planning Area” means an area or areas
24 identified by the state that may extend beyond a coastal state’s official
25 Coastal Zone boundary within which the state determines that it is
26 necessary or desirable to plan for and manage uses and resources in
27 order to meet its coastal management objectives.

1 (2) The definition of “coastal zone” in U.S.C. 1453 (1) is
2 repealed and replaced with: The term “coastal zone” means the area
3 delineated by a state and approved by the Secretary for the purposes
4 of applying state enforceable policies that are approved by the
5 Secretary under 16 U.S.C. 1455(d).

6 (3) The term “resilient” as applied to coastal communities and
7 coastal ecosystems means the ability to adapt to and recover from
8 disturbances including but not limited to riverine and ocean flooding,
9 coastal erosion, hurricanes and tropical storms, sea level rise, lake
10 level fluctuations, volcanic events, tsunamis, fisheries declines,
11 harmful algal blooms, infestations of invasive species, and other
12 natural hazards.

13
14 **SECTION 5. GRANTS TO STATES.**

15 (a) Authorization — The Secretary is authorized to make grants to any
16 coastal state with an approved Coastal Management Program for the
17 purposes of carrying out this Act as described in this Section.

18 (1) The Secretary shall take into consideration the provisions of
19 48 U.S.C. Section 1469a declaring Congressional Policy regarding
20 waiver of matching funds by territories or commonwealths.
21 Additionally, the Secretary shall inform the territories or
22 commonwealths of the applicable rules under which waiver by the
23 territories or commonwealths can be sought.

24 (2) Grants issued under this Act shall not be subject to a general
25 administrative charge.

1 (b) Grants for Essential Program Services — The Secretary shall
2 award non-competitive, formula-based funding to states to maintain
3 Essential Program Services.

4 (1) The Secretary shall, after consulting with the states, develop
5 a formula for allocating funds for Essential Program Services that
6 shall take into account the extent and nature of the shoreline and area
7 included in the state’s program, the population of the coastal zone,
8 and other relevant factors.

9 (2) The Secretary shall award Grants for Essential Program
10 Services on an annual basis.

11 (c) Grants for State Comprehensive Program Assessments and Coastal
12 Action Plans — The Secretary shall make grants to states to conduct
13 comprehensive program assessments and prepare Coastal Action Plans; such
14 grants shall enable states to conduct an assessment and planning process
15 pursuant to Section 7 of this Act within a two-year period.

16 (d) Grants for implementation of state Coastal Action Plans —

17 (1) The Secretary, in consultation with the states, shall develop
18 rules for awarding annual implementation grants to the states as
19 provided in Section 7(g)(3) of this Act. These grants shall be allocated
20 in a fair and equitable manner to all participating states.

21 (e) A state shall match any grant made by the Secretary according to
22 the following ratios of Federal-to-state contributions for the applicable fiscal
23 year:

24 (1) for preparing a state comprehensive assessment and Coastal
25 Action Plan prepared pursuant to Section 7 of this Act, no match is
26 required;

1 (2) for Essential Program Services described in subsection (b)
2 of this section, a 1 to 1 federal to non-federal match is required for
3 any fiscal year;

4 (3) for implementation of a state Coastal Action Plan approved
5 by the Secretary under subsection (c) of this section, a 2 to 1 federal to
6 non-federal match is required for any fiscal year.

7
8 **SECTION 6: ESSENTIAL PROGRAM SERVICES**

9 (a) Congress declares that it is in the national interest to retain the
10 Essential Program Services provided by coastal states in carrying out their
11 authorities and programs approved under 16 U.S.C.1455(d), such as but not
12 limited to issuing or approving permits; reviewing federal consistency
13 certifications; soliciting, awarding and administering grants or contracts;
14 performance reporting; providing education, outreach, and training;
15 acquiring and applying scientific information; maintaining information
16 technology capacity and services; providing assistance to local governments;
17 intergovernmental coordination; and program oversight and administration.

18 (b) The Secretary shall make grants to coastal states to carry out
19 Essential Program Services as provided in Section 5(b) of this Act.

20
21 **SECTION 7. STATE COASTAL ASSESSMENTS AND ACTION**
22 **PLANS.**

23 (a) Coastal states are encouraged to develop and implement Coastal
24 Action Plans to address one or more of the objectives under the four national
25 priorities described in Sections 8 – 11 of this Act.

26 (b) To be eligible for funding to address these national priorities,
27 states must first conduct a comprehensive assessment described under

1 subsection (c) of this Section and prepare a multi-year coastal action plan
2 based on the assessment.

3 (c) Comprehensive Program Assessment Contents.

4 (1) The Secretary shall, in consultation with the states and other
5 federal agencies, establish standards for the content of the
6 Comprehensive Program Assessment and shall provide technical
7 assistance to states for the purpose of conducting the assessment. In
8 establishing these standards and providing assistance, the Secretary
9 shall allow for completion of such assessments within one year in
10 order to provide a basis for a state Coastal Action Plans.

11 (2) The standards established by the Secretary shall provide for
12 comprehensive program assessments to address the four national
13 coastal priorities in this Act and contain the following elements:

14 (A) an analysis of the status and trends of coastal natural
15 resources, land uses, economic and social conditions of coastal
16 communities;

17 (B) a scoping of the key coastal management issues
18 within the states' Coastal Zone and Coastal Planning Area and
19 identification of needed improvements to management capacity
20 to meet national coastal management priorities;

21 (C) an inventory and description of multi-state regional
22 conditions and opportunities to address coastal management
23 issues on a regional basis;

24 (D) an analysis of information needs to address issues
25 and needs identified in the assessment and to support
26 implementation of Coastal Action Plans;

1 (E) an assessment of the opportunities to coordinate state
2 and local programs and activities with relevant Federal
3 programs and activities that affect coastal resources; and,

4 (F) an inventory of any special area management plans
5 for important coastal areas.

6 (d) The planning period for each state assessment and Coastal Action
7 Plan prepared pursuant to this Section shall be five years. Each five-year
8 Coastal Action Plan, when approved by the Secretary, shall be the basis for:

9 (1) annual implementation grant awards to the state to carry out
10 the approved plan, subject to appropriations;

11 (2) technical assistance and training partnerships with NOAA
12 agencies; and

13 (3) integration and coordination of federal agency programs
14 related to coastal resources and uses in that state's coastal planning
15 area.

16 (e) Each state Coastal Action Plan shall contain:

17 (1) an assessment as described in subsection (c) of this Section
18 of the status and trends of coastal resources and uses, management
19 needs, and opportunities for program improvement within the state's
20 coastal planning area and, where appropriate, within a larger region in
21 conjunction with adjacent states;

22 (2) a five year plan of action to meet one or more of the
23 objectives under one or more of the national coastal priorities
24 described in Sections 8 – 11 of this Act;

1 (3) the actions to be taken over the planning period, outcomes
2 for the actions, and performance indicators by which the Secretary can
3 determine the progress of the state in meeting its objectives under the
4 national coastal priorities;

5 (4) any technical and scientific assistance required to meet the
6 state's performance objectives; and,

7 (5) research, information, or training needs, including those that
8 can appropriately be met by the National Estuarine Research Reserve
9 System, Sea Grant, or the National Centers for Coastal Ocean
10 Science.

11 (f) A state Coastal Action Plan may contain:

12 (1) tasks needed to address issues and activities in a Coastal
13 Planning Area beyond the state's federally approved Coastal Zone
14 boundary, such as tasks with interstate or regional partners, coastal
15 watersheds, and ocean resources and uses beyond state waters; and,

16 (2) ancillary plans and programs that support the overall
17 Coastal Action Plan, such as Coastal and Estuarine Land Conservation
18 Program (CELCP) plans, plans for scientific research and monitoring,
19 outreach or education plans, stormwater and non-point pollution
20 control plans, existing watershed or ecosystem-based management
21 plans, plans prepared and adopted by any National Estuarine Research
22 Reserve and National Estuary Comprehensive Conservation
23 Management Plans.

24 (g) Adoption of, approval of, and amendments to a Coastal Action

25 Plan:

1 (1) Prior to submittal to the Secretary, a state shall hold at least
2 three public comment meetings on the proposed Coastal Action Plan,
3 at least two of which shall be held inside the boundaries of the state's
4 Coastal Planning Area.

5 (2) The Secretary shall, within 120 days of enactment of this
6 Act, consult with the states and establish rules for the submittal,
7 review, and approval of state Coastal Action Plans. Such rules shall
8 provide that the Secretary will reach a final determination regarding
9 Coastal Action Plans within 180 days of submittal.

10 (3) The rules shall give due consideration to the need for Action
11 Plans to reflect the unique circumstances and conditions of the various
12 coastal states in addressing the National Priorities as identified in the
13 comprehensive assessments.

14 (4) Approval by the Secretary of a state Coastal Action Plan
15 shall be the basis for an agreement between the Secretary and the state
16 to provide annual implementation funding to the state to carry out the
17 plan, subject to appropriations. The Secretary may consult with
18 appropriate federal agencies when reviewing and approving a state
19 Coastal Action Plan.

20 (5) The Secretary, in consultation with the states, shall establish
21 rules for submittal and approval of an annual implementation work
22 program and for procedures to amend a state Coastal Action Plan to
23 adapt to changing conditions.

24 (h) Federal agencies with programs or authorities affecting coastal
25 resources, uses, and activities shall assist the coastal states in developing the

1 required assessments, by providing research, information, or other technical
2 assistance as appropriate.

3
4 **SECTION 8. NATIONAL PRIORITY: SUPPORT HEALTHY,**
5 **RESILIENT COASTAL COMMUNITIES AND**
6 **ECONOMIES.**

7 (a) The Congress declares it a national policy to assist coastal states
8 and local governments to plan for and promote healthy, resilient coastal
9 communities and economies.

10 (b) To meet the policy in subsection (a) of this Section, Congress
11 establishes the following national objectives:

12 (1) enhance the ability of states and local governments to make
13 sound management decisions about coastal development, natural
14 resource protection, and economic development that are consistent
15 with national objectives;

16 (2) protect and improve public access to coastal habitats,
17 beaches, shores, and waters;

18 (3) provide for appropriate coastal-related economic
19 development opportunities;

20 (4) accommodate energy resource development where
21 appropriate;

22 (5) protect, maintain, and enhance cultural and historical
23 resources;

24 (6) manage development pressures to conserve and maintain
25 working waterfronts;

26 (7) manage new development to protect coastal habitats,
27 resources and uses;

1 (8) protect coastal water quality by controlling and reducing
2 stormwater runoff from coastal watersheds;

3 (9) increase the resilience of coastal communities and
4 ecosystems; and

5 (10) align federal programs that affect development in coastal
6 communities with state and local plans, programs, and objectives for
7 coastal management.

8 (c) PROGRAMS TO ACHIEVE THE PRIORITY --- The Secretary
9 shall provide financial and technical assistance to coastal states to:

10 (1) enhance the planning, management, and technical capacity
11 of coastal states and local governments;

12 (2) enhance public access to coastal waters, including
13 provisions to assist communities to plan for, acquire, and develop
14 access to ocean shores, estuaries, rivers, or lakes in the coastal zone;

15 (3) re-develop, protect, and maintain shoreline and water-
16 related uses and, when appropriate, necessary infrastructure while
17 ensuring public access to coastal waters and maintaining historical
18 resources in waterfront areas. Grants to coastal states under this Act
19 may support planning, acquisition, restoration, and redevelopment of
20 waterfront uses and provision of public access to coastal waters and
21 shorelands;

22 (4) ensure that facilities to develop and supply needed energy
23 resources are planned and developed to minimize or avoid adverse
24 impacts on adjacent uses and natural resources;

25 (5) enhance community resilience to coastal natural hazards and
26 other disturbances through such measures as land use planning,

1 hazards mitigation, natural resource protection, cultural resource
2 enhancement or preservation, and economic diversification; and,
3 (6) carry out tasks in the state's approved Coastal Action Plan
4 to meet the objectives of subsection (b) above.

5 (d) Integration of Related Federal Programs to Achieve the Priority -
6 The Secretary shall develop and implement procedures to integrate and
7 coordinate other federal programs related to the objectives of this section
8 when providing financial and technical assistance to coastal states for the
9 purposes or achieving the objectives of this section.

10

11 **SECTION 9. NATIONAL PRIORITY: PROTECT AND RESTORE**
12 **COASTAL ECOSYSTEMS, HABITATS, WATERS, AND**
13 **UNIQUE RESOURCES.**

14 (a) The Congress declares it a national policy to protect, restore, and
15 manage coastal, estuarine, and marine ecosystems, habitats and unique
16 resources in order to ensure their integrity, productivity, diversity and
17 functional health at all geographic scales.

18 (b) To meet the policy in subsection (a) of this Section, Congress
19 establishes the following national objectives:

20 (1) restore, enhance and protect coastal, estuarine and marine
21 habitats and living resources;

22 (2) restore and protect water quality in coastal, estuarine and
23 marine waters;

24 (3) participate in watershed scale ecosystem planning and
25 management strategies;

1 (4) develop and apply best scientific and technological
2 solutions in restoring and protecting coastal, estuarine and marine
3 habitats and ecosystems;

4 (5) improve capacity of coastal resources managers at the state
5 and local level by providing new tools and technologies to manage
6 habitat protection and restoration;

7 (6) develop solutions to sediment management on a state and
8 regional level; and

9 (7) reduce and remove marine debris.

10 (c) PROGRAMS TO ACHIEVE THE PRIORITY --- The Secretary
11 shall provide financial and technical assistance to coastal states to:

12 (1) manage coastal stormwater by developing and applying best
13 practices and management measures to reduce or avoid adverse water
14 quality impacts on coastal waters caused by stormwater and other
15 non-point runoff from development and other land or water uses;

16 (2) develop state capacity to enhance state and local coastal
17 planning and decision-making to restore, protect, and enhance
18 ecosystems, habitats, and natural resources of estuaries, beaches,
19 nearshore ocean, coastal shorelands, and coastal watersheds;

20 (3) acquire data, information, and technology necessary and
21 relevant to ocean, coastal, and estuarine habitats and uses and
22 implement programs that use this data, information, and technology to
23 protect unique resources; and

24 (4) carry out tasks in the state's approved Coastal Action Plan
25 to meet the objectives of subsection (b) above.

1 (d) Integration of Related Federal Programs to Achieve the Priority -
2 The Secretary shall develop and implement procedures to integrate and
3 coordinate other federal programs related to the objectives of this section
4 when providing financial and technical assistance to coastal states for the
5 purposes or achieving the objectives of this section.

6
7 **SECTION 10. NATIONAL PRIORITY: PREPARE FOR CLIMATE**
8 **CHANGE ON THE NATION’S COASTS AND COASTAL**
9 **COMMUNITIES.**

10 (a) The Congress declares it a national policy to encourage and enable
11 all coastal states and communities to plan and prepare for the impacts of
12 climate change on the Nation’s coastal communities and environment.

13 (b) To meet the policy in subsection (a) of this Section, Congress
14 declares the following objectives:

15 (1) adopt a state coastal climate change adaptation strategy for
16 each coastal state;

17 (2) develop state capacity to enable state and local governments
18 to assess, plan for, and respond to potential effects of climate change
19 including but not limited to sea level rise and inundation, lake level
20 changes, changes in coastal and marine ecosystems, migration of
21 coastal features and habitats, increased frequency and severity of
22 storm events, changes in precipitation and temperature patterns, and
23 infestations of non-native species;

24 (3) delineate potential sea level inundation and hazard risk areas
25 for all coastal areas;

1 (4) provide legal, financial, and other appropriate mechanisms
2 to address migration of coastal wetlands, beaches, barrier islands, and
3 other habitats and features as a result of climate-induced water level
4 changes; and,

5 (5) coordinate Federal programs that support public
6 infrastructure potentially affected by sea level rise, fluctuations in
7 Great Lakes water levels, and other effects of climate change with
8 coastal state and local government adaptation plans.

9 (c) PROGRAMS TO ACHIEVE THE PRIORITY --- The Secretary
10 shall provide financial and technical assistance to coastal states to:

11 (1) prepare and implement state climate change adaptation
12 plans that shall include the following elements:

13 (A) Identify potential sea level inundation and other
14 climate change risks;

15 (B) Account for migration of coastal features and habitats
16 such as coastal wetlands, beaches, and barrier islands due to
17 climate-induced water level changes;

18 (C) Ensure that decisions about new public infrastructure
19 and private development account for the potential effects of
20 climate change;

21 (D) Identify opportunities to relocate infrastructure or
22 development out of hazardous areas;

23 (E) Enhance the capacity of local governments to assess,
24 plan for, and carry out programs to address the effects of
25 climate change;

1 (F) Ensure that federal programs that fund public
2 infrastructure, or otherwise support community development,
3 are compatible with and supportive of state and local climate
4 change adaptation programs;

5 (G) Identify and prioritize continuing research and data
6 collection needs to support implementation and revision of plan
7 elements related to climate change; and,

8 (H) Describe requirements to initiate and maintain long-
9 term monitoring of key environmental and socioeconomic
10 changes.

11 (2) enhance state and local government capacity to support
12 preparation and implementation of adaptation plans to address
13 potential effects of climate change on coastal communities and
14 resources;

15 (3) carry out coastal research, monitoring, and information
16 acquisition needed to support adaptation planning at the state and
17 local level, including the acquisition of high-resolution topographic
18 and bathymetric data for coastal shorelines to support predictions of
19 inundation from sea-level rise, storm surge, and shoreline change
20 related to climate change;

21 (4) carry out tasks in the state's approved Comprehensive Plan
22 to meet the objectives of subsection (b) above.

23 (d) Integration of Related Federal Programs to Achieve the Priority -
24 The Secretary shall develop and implement procedures to integrate and
25 coordinate other federal programs related to the objectives of this section

1 when providing financial and technical assistance to coastal states for the
2 purposes or achieving the objectives of this section.

3
4 **SECTION 11. NATIONAL PRIORITY: ENSURE THAT LOCAL,**
5 **STATE, REGIONAL AND FEDERAL COASTAL**
6 **PROGRAMS ARE COORDINATED AND INTEGRATED**
7 **AT ALL APPROPRIATE SCALES.**

8 (a) The Congress declares it a national policy to ensure that programs
9 for management, protection, restoration, or use of ocean, Great Lakes, and
10 coastal resources are appropriately coordinated and integrated through all
11 levels of government at all appropriate geographic scales, including regions
12 that align with the size and characteristics of ocean, Great Lakes, and coastal
13 ecosystems.

14 (b) To meet the policy in subsection (a) of this Section, Congress
15 declares the following national objectives:

16 (1) provide for the highest level Executive Branch coordination
17 among federal agencies;

18 (2) support implementation of the state Coastal Action Plans
19 through state-federal cooperative agreements where appropriate;

20 (3) promote coordination and integration among programs and
21 resources within NOAA;

22 (4) enable state coastal programs to be partners in developing
23 and implementing research programs identified in state strategies;

24 (5) encourage and support regional partnerships to adopt
25 strategies and action plans to address regional coastal, Great Lakes,
26 and ocean management issues and needs; and

1 (6) foster collaborative, cooperative solutions among federal,
2 state and local governments, businesses, and non-governmental
3 organizations to resolve coastal management issues and to support the
4 purposes of this Act.

5
6 (c) PROGRAMS TO ACHIEVE THE PRIORITY ---

7 (1) Federal Coordination.

8 (A) There is created in the office of the Secretary an
9 Integrated Interagency Committee on Coastal Management that
10 shall be convened to achieve the policies of this Act.

11 (1) The committee shall facilitate coordination and
12 consultation regarding the implementation of the policies
13 and priorities of this Act among Federal, State, Tribal,
14 and local governments, the private sector, foreign
15 governments, and international organizations.

16 (2) The committee membership shall be composed
17 of the Secretaries or their designees of those executive
18 branch departments and agencies with significant
19 authorities or programs regarding the use, management,
20 and protection of coastal resources.

21 (B) The Secretary shall coordinate the resources and
22 capacities of the following NOAA programs to support the
23 Coastal Action Plans to meet the purposes of this Act:

24 (1) the Office of Ocean and Coastal Resource
25 Management;

26 (2) the NOAA Coastal Services Center;

- 1 (3) the National Estuarine Research Reserve
2 System;
3 (4) the National Sea Grant Program;
4 (5) the National Centers for Coastal Ocean
5 Science; and
6 (6) the National Marine Fisheries Service.

7 (2) Regional Coordination.

8 (A) The Secretary shall provide scientific and technical
9 support for regional partnerships as may be established by the
10 states to plan for and carry out activities to address regional
11 coastal, Great Lakes and ocean management issues at an
12 ecosystem scale.

13 (B) The Secretary shall establish regional program
14 offices to provide coordinated technical assistance and services
15 to coastal states and to assist in integration of federal agency
16 programs in those regions that affect coastal resources.

17 (3) State and Local Coordination.

18 (A) The Secretary shall encourage coastal states to
19 provide grant funds provided under this Act to local
20 governments for planning and implementation actions to carry
21 out state Coastal Action Plans.

22 (B) A National Coastal Solutions Program is hereby
23 created to provide financial and technical assistance to coastal
24 states to employ collaborative problem solving among federal,
25 state and local governments, businesses, and non-governmental
26 organizations to resolve coastal management issues and to
27 support the purposes of this Act.

1 (C) The Secretary shall direct the National Estuarine
2 Research Reserve System, the NOAA Coastal Services Center
3 National Sea Grant Program, National Centers for Coastal
4 Ocean Science and National Marine Fisheries Service to
5 coordinate with and support the efforts of states and local
6 governments in carrying out the purposes of this Act, with
7 emphasis on research, monitoring, education and outreach,
8 training, and technical services.

9 (D) Coastal states are encouraged to use Special Area
10 Management Plans as a means of coordinating and integrating
11 the programs and authorities of local, state, and federal agencies
12 in carrying out the purposes of this Act.

13
14 **SECTION 12. MEASURING PERFORMANCE.**

15 (a) The Secretary shall consult with the coastal states and the National
16 Academy of Sciences to establish performance measures for each national
17 priority by which to determine the progress of the states and federal
18 agencies, in the aggregate, toward meeting the national policies and
19 objectives of this Act.

20 (b) The Secretary, in consultation with the states, shall adopt
21 regulations to establish a system of periodic program review. In developing
22 this system, the Secretary shall provide for:

23 (1) each state to report annually on the preceding year's work
24 program and progress toward achieving the objectives of that state's
25 approved Coastal Action Plan;

1 (2) procedures to amend a state coastal action plan during the
2 planning period based on the annual reports of progress by the state
3 and any change in conditions;

4 (3) an external evaluation of each state program prior to
5 preparation of the subsequent Comprehensive Resource Assessment
6 and Coastal Action Plan; and,

7 (4) review of essential program services as they support the
8 policies of this Act.

9 (c) The Secretary shall adopt measures to periodically review and
10 evaluate the performance of the various federal agencies tasked with
11 assisting the Secretary in meeting the purposes and objectives of this Act.

12 (d) Upon application by an island state or territory, the Secretary may
13 establish alternative performance measures to account for local conditions
14 that are not reflected in the national performance measures.

15
16 **SECTION 13. APPROVED PROGRAMS**

17 (a) States with Coastal Zone Management programs previously
18 approved by the Secretary under 16 USC Sec. 1455 shall not be required to
19 resubmit such programs for review and approval by the Secretary as a result
20 of passage of this legislation.

21 (b) The program authorities of states with Coastal Zone Management
22 programs previously approved by the Secretary under 16 USC Sec. 1455(d),
23 including authority under 16 U.S.C. 1456(c) shall remain unaffected by this
24 Act.

25 (c) Nothing in this Act is intended to alter the authorities of or the
26 constitutional relationship between states and local governments.

1 **SECTION 14. COASTAL AND ESTUARINE LANDS**

2 **CONSERVATION PROGRAM**

3 (a) The Secretary may conduct a Coastal and Estuarine Land
4 Conservation Program, in cooperation with appropriate State, regional, and
5 other units of government, for the purpose of protecting important coastal
6 and estuarine areas.

7
8 **SECTION 15. NATIONAL ESTUARINE RESEARCH RESERVE**
9 **SYSTEM**

10
11 **SECTION 16: AUTHORIZATION OF APPROPRIATION**

12 For fiscal year 2010

13
14 \$--- million for Section 6 (Essential Program Services; formula-based; 1:1
15 match)

16 \$--- million for Section 7 (Resource Assessments and Coastal Action Plans;
17 formula-based; no match)

18 \$--- million for Section 8 (Coastal Community Planning and Resilience;
19 plan-driven; 2:1 match)

20 \$--- million for Section 9 (Coastal Habitats and Ecosystems; plan-driven; 2:1
21 match)

22 \$--- million for Section 10 (Climate Change Adaptation; plan-driven; 2:1
23 match)

24 \$--- million for Section 11 (Governance; plan-driven; 2:1 match).

25 \$--- million for Section 12 (Performance Measurement; no match).

26 \$--- million for Section 14 (CELCP).

27 \$--- million for Section 15 (NERRS).