

Coastal Zone Management Act Review of Offshore Renewable Energy Projects

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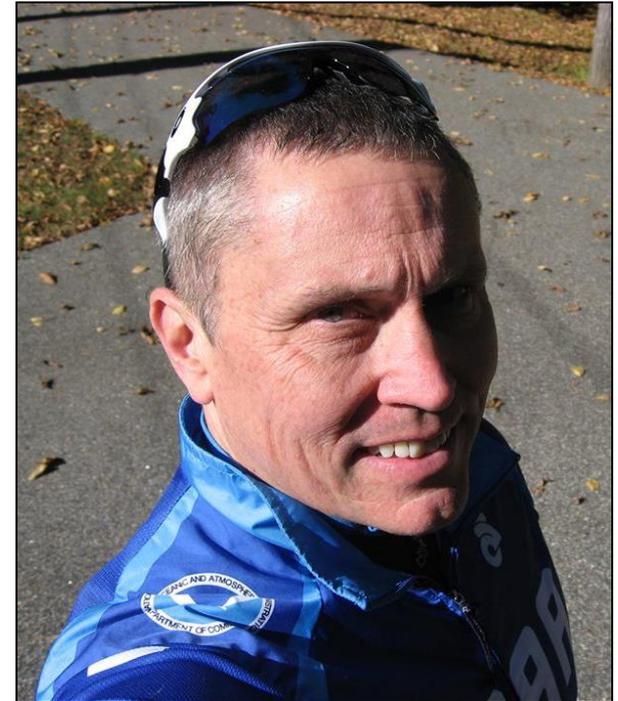
<https://www.coast.noaa.gov/>



OFFICE FOR COASTAL MANAGEMENT
NATIONAL COASTAL ZONE MANAGEMENT PROGRAM

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OFFICE FOR COASTAL MANAGEMENT

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Office for Coastal Management

(within NOAA's National Ocean Service)

- Administers the Coastal Zone Management Act (CZMA) and the Coral Reef Conservation Act and is delegated responsibility for the Ocean Thermal Energy Conversion Act and Deep Seabed Hard Minerals Resources Act.
- Approves state CZMA programs and changes to the programs.
- Awards grants and evaluates state programs.
- Provides management and technical assistance and tools for coastal managers, e.g., the **Digital Coast**. <https://coast.noaa.gov/digitalcoast/>
- Oversees CZMA federal consistency compliance.
- Provides mediation assistance.
- Provides expertise on national coastal policy issues.



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.

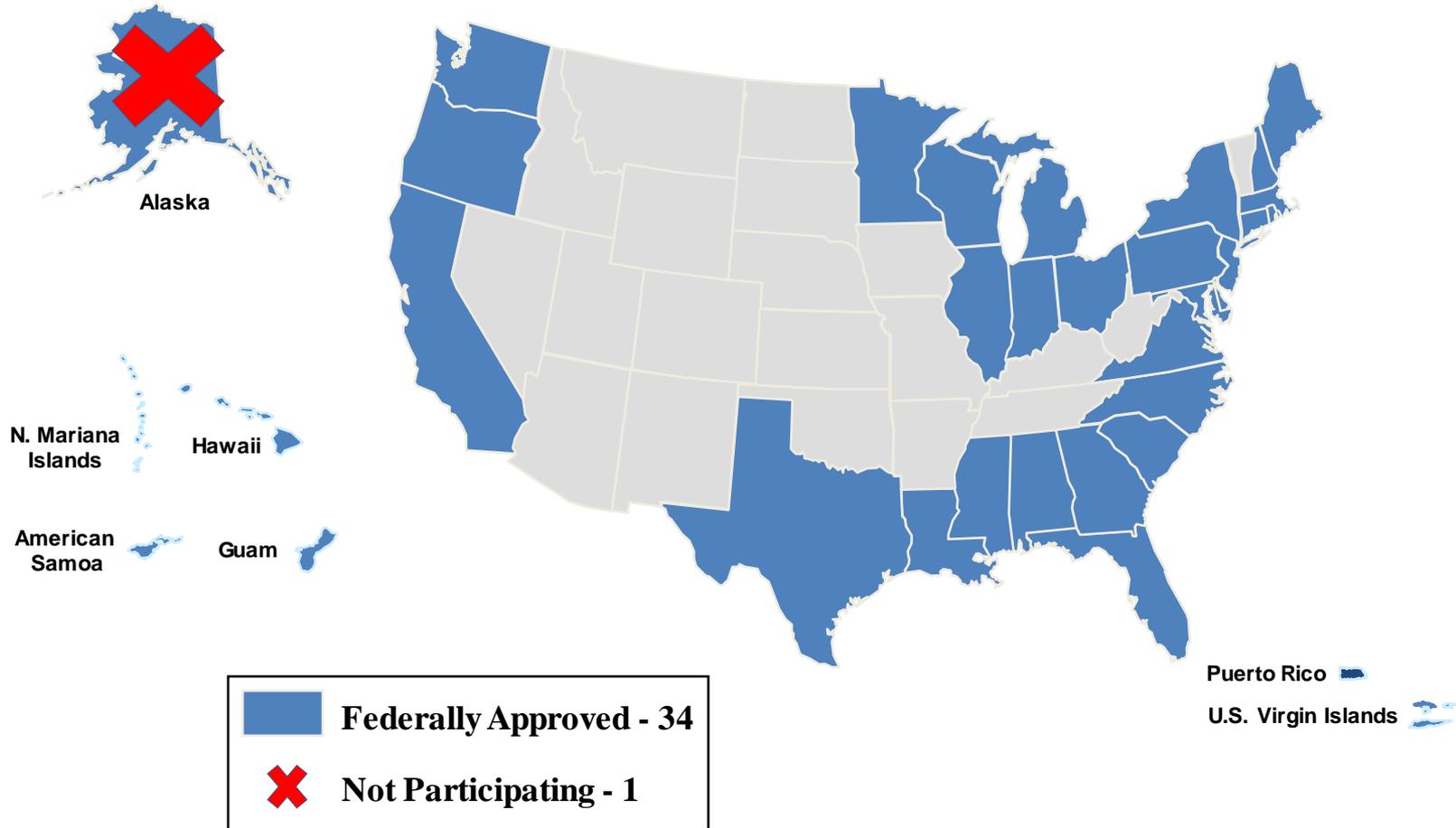
Establishes a **voluntary** program; if a state participates, it must develop and implement a **comprehensive management program** pursuant to federal requirements and NOAA must approve the program.



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State & Territorial CZMA Programs



CZMA “Federal Consistency” Provision

- Gives states a **unique** and powerful review authority for federal actions that could affect state coastal uses or resources (called the **federal consistency** provision).
- It is important for states to understand that the CZMA federal consistency process is the primary means by which a state can address state issues for the review of offshore wind project proposals.



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 CZMA federal process.
- Encourages early state-federal coordination and cooperation.
 - Provides a forum for identifying and resolving issues.
 - Has been essential for addressing state issues for offshore wind farms.



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 (now delegated to the NOAA Administrator)



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, state CZMA review is not automatic.



CZMA Review on the OCS, continued

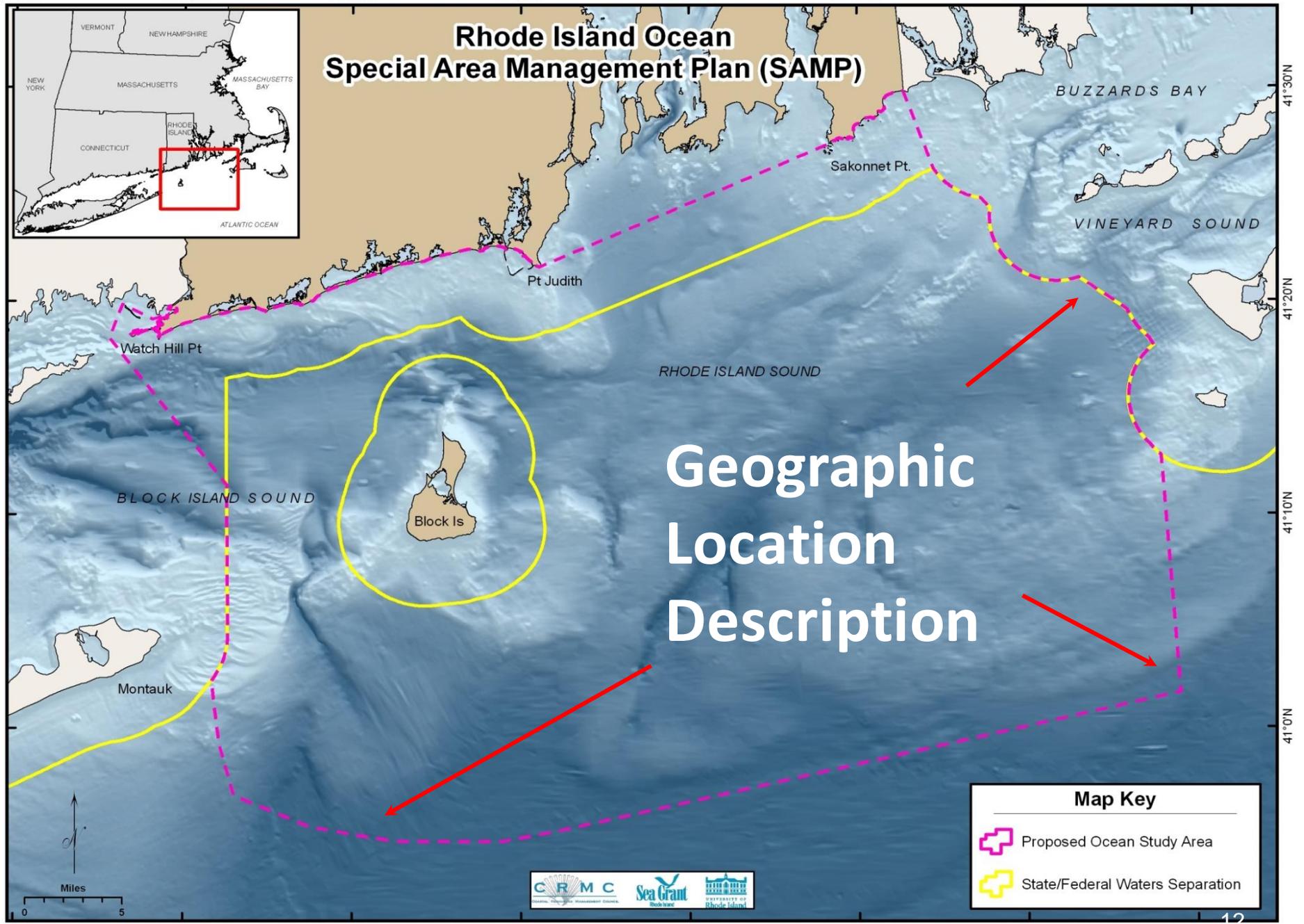
- **Automatic Review**: State must “list” the OCSLA authorization in its coastal program AND have a NOAA-approved “geographic location description” (or “GLD”) for federal waters. (This is different than state review of OCSLA oil and gas plans.)
- **Unlisted Activity Review**: If state does not list the 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.
 - For the Northeast projects to date, projects have either been within a state’s GLD or the applicant voluntary agreed to state CZMA review.



72°0'W 71°50'W 71°40'W 71°30'W 71°20'W 71°10'W 71°0'W 70°50'W



Rhode Island Ocean Special Area Management Plan (SAMP)

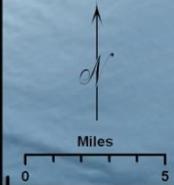


41°30'N
41°20'N
41°10'N
41°0'N

Geographic Location Description

Map Key

-  Proposed Ocean Study Area
-  State/Federal Waters Separation



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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