



# COASTAL ZONE MANAGEMENT ACT

October 27, 1972.

- Balance protection of coastal resources with economic, recreational and cultural needs.
- Emphasizes Federalism and primacy of State decision-making.
- Federal Consistency – a powerful tool for States to manage coastal uses and resources and to cooperate and coordinate with Federal agencies.

# Federal Consistency – Definition

CZMA Section 307 (16 USC 1456)

Federal Consistency is the requirement that *Federal actions*, in or outside the coastal zone, that *affect* any land or water *use* or natural *resource* of a State's coastal zone must be consistent with the *enforceable policies* of State Coastal Management Programs.

1990 Reauthorization of the CZMA made changes to federal consistency:

Clarify that Federal activity is subject to consistency if coastal effects are reasonably foreseeable (regardless of location). No categorical exemption.



# Federal Actions:

- ***Federal agency activities & development projects***  
CZMA 307(c)(1), (2), 15 CFR part 930, subpart C
- ***Federal license or permit activities*** (non-federal applicants)  
CZMA 307(c)(3)(A), 15 CFR part 930, subpart D
- ***Outer Continental Shelf Oil and Gas Plans***  
CZMA 307(c)(3)(B), 15 CFR part 930, subpart E
- ***Federal financial assistance to State or local agencies***  
CZMA 307(d), 15 CFR part 930, subpart F



# COASTAL EFFECTS

## Federal Agency Activities With Coastal Effects

## Federal Approval Activities With Coastal Effects



SUBAQUEOUS  
LANDS  
Marine  
Resources  
Commission



DUNES  
MRC &  
Local Wetlands  
Boards



WETLANDS  
MRC, DEQ &  
Local  
Wetlands  
Boards



SHORELINE  
SANITATION  
Dept. Health



**Virginia Coastal Zone**  
MANAGEMENT PROGRAM

FISHERIES  
DGIF & MRC



AIR  
POLLUTION  
Dept.  
Environmental  
Quality



**LEAD AGENCY**

NONPOINT SOURCE  
WATER POLLUTION  
DCR & Local Governments



COASTAL  
LANDS  
MANAGEMENT  
Dept.  
Conservation &  
Recreation



POINT  
SOURCE  
WATER  
POLLUTION  
DEQ



# ADVISORY POLICIES FOR GEOGRAPHIC AREAS OF PARTICULAR CONCERN

- wetlands
- spawning/nursery/feeding grounds
- coastal primary sand dunes
- barrier islands
- significant wildlife habitat areas
- significant public recreation areas
- significant sand and gravel resource deposits
- underwater historic resources
- highly erodible/high hazard areas
- waterfront development areas



# Federal Consistency – Benefits

## Powerful Tool for States

- Application of State policies to Federal actions.
- No geographical boundaries.
- No categorical exemptions -- apply effects test

## Mandatory, but Flexible Mechanism for State-Federal Coordination

- Cooperation, early coordination, negotiation
- Helps Federal agencies and States to address coastal effects

## Public Input

## Build Support for Federal Actions

## Avoid Costly Last Minute Changes to Federal Projects