



Changes to the Coastal Zone Management Act Could Infringe Upon States' Ability to Protect their Coasts

The Coastal Management Act (CZMA) gives coastal states the opportunity to evaluate whether federal government actions—including permitting activities and plans for oil and gas leasing on the outer continental shelf—are “consistent” with their state plans for managing the coastal zone. On March 11, 2019, the National Oceanic and Atmospheric Administration (NOAA) issued an advanced notice of proposed rulemaking (ANPR) to seek public comment regarding potential changes to the implementation of the Coastal Zone Management Act federal consistency process.

The ANPR states that NOAA is seeking to make the federal consistency process “more efficient across all stages of OCS oil and gas projects from leasing to development...”¹ Changes to implementation could weaken a state’s ability to challenge plans for oil and gas drilling off its coast. This appears to be an effort to dampen state’s voices, since the notice does not identify any current problems with the federal consistency process. President Trump has proposed the most radical offshore drilling program ever offered by any president and protecting states’ roles in development off their shores is critical.

Background

The Coastal Zone Management Act

Congress passed the Coastal Zone Management Act (CZMA) in 1972 to improve the management of coastal resources in the wake of increased coastal development.² Rooted in conservative principles, the CZMA is administered by NOAA with the goal to “preserve, protect, develop, and where possible, to restore or enhance the resources of the nation’s coastal zone.”³ Under the CZMA, coastal states become eligible for several federal grants and gain the right to review the government’s actions in coastal areas.

Federal Consistency

Federal consistency is a provision within the CZMA that grants states the power to weigh in on federal decisions that will affect their coasts. The provision requires that actions by the federal government impacting a state’s coastline comply with the state’s own coastal management plan.⁴ Federal consistency allows states to challenge federal government actions that undermine their own coastal zone management plans. Streamlining this process will undercut states’ roles in decision-making while strengthening that of the federal government.

Public comments are due on April 25, 2019 via [regulations.gov](https://www.regulations.gov)

¹ <https://www.federalregister.gov/documents/2019/03/11/2019-04199/procedural-changes-to-the-coastal-zone-management-act-federal-consistency-process>

² <https://coast.noaa.gov/czm/act/>

³ https://coast.noaa.gov/czm/media/CZMA_10_11_06.pdf

⁴ <https://oceanservice.noaa.gov/facts/fedconsis.html>