



613 FW 3, Coastal Zone Management

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3.1 Purpose. This chapter sets forth general policy and procedural guidance for all Fish and Wildlife Service (Service) personnel concerning compliance with the Coastal Zone Management Act of 1972 (Act), as amended.

3.2 Scope.

A. This chapter covers Service compliance with the Federal consistency requirements of the Coastal Zone Management Act.

B. The chapter does not cover other portions of the Act pertaining to such things as approval of coastal zone management plans, cost-sharing funds for estuarine sanctuaries, wetlands (enhancement) grants, and National Estuarine Research Reserves.

3.3 Authorities.

A. Coastal Zone Management Act of 1972, as amended, (16 U.S.C. 1451 et seq.)

B. Coastal Zone Management Program Development, regulations, (15 CFR 923).

C. Federal Consistency With Approved Coastal Management Programs, regulations, (15 CFR 930).

D. Coastal Zone Management Coordination Procedures, (702 DM 1, especially 1.7D).

3.4 Background.

A. The Coastal Zone Management Act of 1972, as amended, established a national voluntary program in the Department of Commerce that encourages coastal States to develop and

implement coastal zone management programs. The term "coastal State" means a State in, or bordering on, the Arctic, Atlantic, or Pacific Oceans, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes, and includes American Samoa, Commonwealth of Puerto Rico, Commonwealth of the Northern Marianas Islands, Guam, and the Virgin Islands.

B. Coastal Zone management (CZM) programs (plans) set forth a State's objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone. These programs also include an articulation of enforceable policies, and must be approved by the Secretary of Commerce in order to receive grant funds and to require Federal consistency with the program.

C. The Coastal Nonpoint Pollution Control Program was authorized in the 1990 amendments to the Act. Its purpose is to develop and implement enforceable management measures for nonpoint source pollution control to protect and restore the water quality of coastal waters. Each State with an approved CZM plan is required to develop a nonpoint pollution control program and incorporate it into its CZM plan. This is a joint NOAA/EPA program in which the Service participates. As the States develop their programs, they may request Service regional and field offices to advise and assist them. Upon approval by the Secretary of Commerce and incorporation into each State's CZM program, Service activities will have to be consistent with the program's enforceable provisions.

3.4 Requirements.

A. Consistency for Federal Activities.

(1) All Federally conducted or supported activities including development projects directly affecting the coastal zone must be undertaken in a manner consistent to the maximum extent practicable with approved State coastal management programs.

(2) All development projects within the coastal zone are considered to be activities directly affecting the coastal zone.

(3) All other types of Federal activities within the coastal zone are subject to Federal agency review to determine whether they directly affect the coastal zone.

(4) Federal agencies must provide State CZM agencies with consistency determinations for all Federal activities directly affecting the coastal zone.

(5) To assist in this regard, State CZM agencies list in their CZM plans those Federal activities that are likely to directly affect the coastal zone.

B. Consistency for Activities Requiring a Federal License or Permit.

(1) All Federally licensed or permitted activities affecting the coastal zone must be conducted in a manner consistent with approved State management programs.

(2) State CZM agencies list in their CZM plans the Federal license and permit activities which are likely to affect the coastal zone.

(3) Applicants must secure a certificate of consistency from the State CZM agency before a Federal agency may approve a listed license or permit.

C. Consistency for Federal Assistance to State and Local Governments.

(1) Federal assistance to State and local governments for activities affecting the coastal zone may be granted only when such activities are consistent with approved CZM programs.

(2) State CZM agencies will review applications for Federal assistance pursuant to procedures developed by each State in accordance with Executive Order 12372 (See 510 FW).

(3) To assist in this regard, State CZM agencies may list in their CZM plans those Federal assistance programs subject to a consistency review.

(4) Federal agencies may not approve assistance for an activity found to be inconsistent by the State CZM agency.

D. Inconsistency. Procedures for resolving or appealing negative findings by State CZM agencies for Federal activities, licenses or permits, and assistance are provided in 15 CFR 930 and 702 DM 1, especially 702 DM 1.8.

3.5 Technical Terms.

A. Coastal Zone boundaries are prescribed in each State CZM plan (program).

B. Development Project is an activity involving the planning, construction, modification, or removal of public works, facilities, or other structures, and the acquisition, utilization, or disposal of land or water resources.

3.6 Responsibility.

A. Field Offices. Project Leaders are responsible for ensuring that all actions under their purview, are planned, approved and implemented in full compliance with the Act and this chapter.

B. Regional Offices. Regional Directors are responsible for assuring that all actions under their purview are planned, approved and implemented in full compliance with the Act and this chapter.

C. Headquarters. The Director is responsible for overall Service compliance with the Act and this chapter, and for coordination with the National Oceanic and Atmospheric Administration. Each Assistant Director is responsible for general guidance and compliance in their respective areas of responsibility.

For additional information about this policy, contact the Division of Habitat Conservation. For more information regarding this Web page, contact [Krista Bibb](#), in the Division of Policy and Directives Management.

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