

COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

July 20, 2005

Purpose: To provide for improved coordination among Federal, regional, State, and local agencies concerned with conducting reviews under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), and for other purposes.

**IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—109TH Cong., 1ST Sess.**

S. 360, 109TH Congress, 1ST Session

JULY 21, 2005

INTENDED to be proposed by Ms. SNOWE (for herself, Mr. STEVENS, and Mr. INOUYE)

Viz: Strike out all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Coastal Zone Enhancement Reauthorization Act of
4 2005”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendment of Coastal Zone Management Act of 1972.
- Sec. 3. Findings.
- Sec. 4. Policy.
- Sec. 5. Changes in definitions.
- Sec. 6. Reauthorization of management program development grants.
- Sec. 7. Administrative grants.
- Sec. 8. Coastal resource improvement program.

- Sec. 9. Certain Federal agency activities.
- Sec. 10. Coastal zone management fund.
- Sec. 11. Coastal zone enhancement grants.
- Sec. 12. Coastal community program.
- Sec. 13. Technical assistance; resources assessments; information systems.
- Sec. 14. Performance review.
- Sec. 15. Walter B. Jones awards.
- Sec. 16. National Estuarine Research Reserve System.
- Sec. 17. Coastal zone management reports.
- Sec. 18. Authorization of appropriations.
- Sec. 19. Deadline for decision on appeals of consistency determination.
- Sec. 20. Coordination with Federal Energy Regulatory Commission.

1 **SEC. 2. AMENDMENT OF COASTAL ZONE MANAGEMENT ACT**
2 **OF 1972.**

3 Except as otherwise expressly provided, whenever in
4 this Act an amendment or repeal is expressed in terms
5 of an amendment to, or repeal of, a section or other provi-
6 sion, the reference shall be considered to be made to a
7 section or other provision of the Coastal Zone Manage-
8 ment Act of 1972 (16 U.S.C. 1451 et seq.).

9 **SEC. 3. FINDINGS.**

10 Section 302 (16 U.S.C. 1451) is amended—

11 (1) by redesignating paragraphs (a) through
12 (m) as paragraphs (1) through (13);

13 (2) by inserting “ports,” in paragraph (3) (as
14 so redesignated) after “fossil fuels,”;

15 (3) by inserting “including coastal waters and
16 wetlands,” in paragraph (4) (as so redesignated)
17 after “zone,”;

18 (4) by striking “therein,” in paragraph (4) (as
19 so redesignated) and inserting “dependent on that
20 habitat,”;

1 (5) by striking “well-being” in paragraph (5)
2 (as so redesignated) and inserting “quality of life”;

3 (6) by inserting “integrated plans and strate-
4 gies,” after “including” in paragraph (9) (as so re-
5 designated);

6 (7) by striking paragraph (11) (as so redesign-
7 ated) and inserting the following:

8 “(11) Land and water uses in the coastal zone
9 and coastal watersheds may significantly affect the
10 quality of coastal waters and habitats, and efforts to
11 control coastal water pollution from activities in
12 these areas must be improved.”; and

13 (8) by adding at the end thereof the following:

14 “(14) There is a need to enhance cooperation
15 and coordination among states and local commu-
16 nities, to encourage local community-based solutions
17 that address the impacts and pressures on coastal
18 resources and on public facilities and public service
19 caused by continued coastal demands, and to in-
20 crease state and local capacity to identify public in-
21 frastructure and open space needs and develop and
22 implement plans which provide for sustainable
23 growth, resource protection and community revital-
24 ization.

1 “(15) The establishment of a national system of
2 estuarine research reserves will provide for protec-
3 tion of essential estuarine resources, as well as for
4 a network of State-based reserves that will serve as
5 sites for coastal stewardship best-practices, moni-
6 toring, research, education, and training to improve
7 coastal management and to help translate science
8 and inform coastal decisionmakers and the public.”.

9 **SEC. 4. POLICY.**

10 Section 303 (16 U.S.C. 1452) is amended—

11 (1) by striking “the states” in paragraph (2)
12 and inserting “state and local governments”;

13 (2) by inserting “plans, and strategies” after
14 “programs,” in paragraph (2);

15 (3) by striking “waters,” each place it appears
16 in paragraph (2)(C) and inserting “waters and habi-
17 tats,”;

18 (4) by striking “agencies and state and wildlife
19 agencies; and” in paragraph (2)(J) and inserting
20 “and wildlife management; and”;

21 (5) by inserting “cooperation, coordination, and
22 effectiveness” after “specificity,” in paragraph (3);

23 (6) by inserting “other countries,” after “agen-
24 cies,” in paragraph (5);

1 (7) by striking “and” at the end of paragraph
2 (5);

3 (8) by striking “zone.” in paragraph (6) and in-
4 serting “zone;”; and

5 (9) by adding at the end thereof the following:

6 “(7) to create and use a National Estuarine
7 Research Reserve System as a Federal, state, and
8 community partnership to support and enhance
9 coastal management and stewardship through State-
10 based conservation, monitoring, research, education,
11 outreach, and training; and

12 “(8) to encourage the development, application,
13 training, technical assistance, and transfer of inno-
14 vative coastal management practices and coastal and
15 estuarine environmental technologies and techniques
16 to improve understanding and management decision-
17 making for the long-term conservation of coastal
18 ecosystems.”.

19 **SEC. 5. CHANGES IN DEFINITIONS.**

20 Section 304 (16 U.S.C. 1453) is amended—

21 (1) by striking “and the Trust Territories of
22 the Pacific Islands,” in paragraph (4);

23 (2) in paragraph (6)—

24 (A) by inserting “(ix) use or reuse of facili-
25 ties authorized under the Outer Continental

1 Shelf Lands Act (43 U.S.C. 1331 et seq.) for
2 energy-related purposes or other authorized ma-
3 rine related purposes;” after “transmission fa-
4 cilities;”; and

5 (B) by striking “and (ix)” and inserting
6 “and (x);

7 (3) by striking paragraph (8) and inserting the
8 following:

9 “(8) The terms ‘estuarine reserve’ and ‘estua-
10 rine research reserve’ mean a coastal protected area
11 that—

12 “(A) may include any part or all of an es-
13 tuary and any island, transitional area, and up-
14 land in, adjoining, or adjacent to the estuary;

15 “(B) constitutes to the extent feasible a
16 natural unit; and

17 “(C) is established to provide long-term
18 opportunities for conducting scientific studies
19 and monitoring and educational and training
20 programs that improve the understanding,
21 stewardship, and management of estuaries and
22 improve coastal decisionmaking.”;

23 (4) by inserting “plans, strategies,” after “poli-
24 cies,” in paragraph (12);

25 (5) in paragraph (13)—

1 (A) by inserting “or alternative energy
2 sources on or” after “natural gas”;

3 (B) by striking “new or expanded” and in-
4 serting “new, reused, or expanded”; and

5 (C) by striking “or production.” and in-
6 serting “production, or other energy related
7 purposes.”;

8 (6) by inserting “incentives, guidelines,” after
9 “policies,” in paragraph (17); and

10 (7) by adding at the end the following:

11 “(19) The term ‘coastal nonpoint pollution con-
12 trol strategies and measures’ means strategies and
13 measures included as part of the coastal nonpoint
14 pollution control program under section 6217 of the
15 Coastal Zone Act Reauthorization Amendments of
16 1990 (16 U.S.C. 1455b).

17 “(20) The term ‘qualified local entity’ means—

18 “(A) any local government;

19 “(B) any areawide agency referred to in
20 section 204(a)(1) of the Demonstration Cities
21 and Metropolitan Development Act of 1966 (42
22 U.S.C. 3334 (a)(1));

23 “(C) any regional agency;

24 “(D) any interstate agency;

25 “(E) any nonprofit organization; or

1 “(F) any reserve established under section
2 315.”.

3 **SEC. 6. REAUTHORIZATION OF MANAGEMENT PROGRAM**
4 **DEVELOPMENT GRANTS.**

5 Section 305 (16 U.S.C. 1454) is amended to read as
6 follows:

7 **“SEC. 305. MANAGEMENT PROGRAM DEVELOPMENT**
8 **GRANTS.**

9 “(a) STATES WITHOUT PROGRAMS.—In fiscal years
10 2006 and 2007, the Secretary may make a grant annually
11 to any coastal state without an approved program if the
12 coastal state demonstrates to the satisfaction of the Sec-
13 retary that the grant will be used to develop a manage-
14 ment program consistent with the requirements set forth
15 in section 306. The amount of any such grant shall not
16 exceed \$200,000 in any fiscal year, and shall require State
17 matching funds according to a 4-to-1 ratio of Federal-to-
18 State contributions. After an initial grant is made to a
19 coastal state under this subsection, no subsequent grant
20 may be made to that coastal state under this subsection
21 unless the Secretary finds that the coastal state is satis-
22 factorily developing its management program. No coastal
23 state is eligible to receive more than 4 grants under this
24 subsection.

1 “(b) SUBMITTAL OF PROGRAM FOR APPROVAL.—A
2 coastal state that has completed the development of its
3 management program shall submit the program to the
4 Secretary for review and approval under section 306.”.

5 **SEC. 7. ADMINISTRATIVE GRANTS.**

6 (a) PURPOSES.—Section 306(a) (16 U.S.C. 1455(a))
7 is amended by striking “administering that State’s man-
8 agement program” and inserting “administering and im-
9 plementing that State’s management program and any
10 plans, projects, or activities developed pursuant to such
11 program, including developing and implementing applica-
12 ble coastal nonpoint pollution control program compo-
13 nents,”.

14 (b) EQUITABLE ALLOCATION OF FUNDING.—Section
15 306(e) (16 U.S.C. 1455(e)) is amended by adding at the
16 end thereof “In promoting equity, the Secretary shall con-
17 sider the overall change in grant funding under this sec-
18 tion from the preceding fiscal year and minimize the rel-
19 ative increases or decreases among all the eligible States.
20 To the extent practicable, the Secretary shall ensure that
21 each eligible State receives increased funding under this
22 section in any fiscal year for which the total amount ap-
23 propriated to carry out this section is greater than the
24 total amount appropriated to carry out this section for the
25 preceding fiscal year.

1 (c) ACQUISITION CRITERIA.—Section 306(d)(10)(B)
2 (16 U.S.C. 1455(d)(10)(B)) is amended by striking “less
3 than fee simple” and inserting “other”.

4 (d) CONFORMING AMENDMENT.—Section
5 306(d)(13)(B) (16 U.S.C. 1455(d)(13)(B)) is amended by
6 inserting “policies, plans, strategies,” after “specific”.

7 **SEC. 8. COASTAL RESOURCE IMPROVEMENT PROGRAM.**

8 Section 306A (16 U.S.C. 1455a) is amended—

9 (1) by inserting “or other important coastal
10 habitats” in subsection (b)(1)(A) after “306(d)(9)”;

11 (2) by inserting “or historic” in subsection
12 (b)(2) after “urban”;

13 (3) by adding at the end of subsection (b) the
14 following:

15 “(5) The coordination and implementation of
16 approved coastal nonpoint pollution control plans,
17 strategies, and measures.

18 “(6) The preservation, restoration, enhance-
19 ment or creation of coastal habitats.”;

20 (4) by inserting “planning,” before “engineer-
21 ing” in subsection (c)(2)(D);

22 (5) by striking “and” after the semicolon in
23 subsection (c)(2)(D);

24 (6) by striking “section.” in subsection
25 (c)(2)(E) and inserting “section;”;

1 (7) by adding at the end of subsection (c)(2)
2 the following:

3 “(F) work, resources, or technical support
4 necessary to preserve, restore, enhance, or cre-
5 ate coastal habitats; and

6 “(G) the coordination and implementation
7 of approved coastal nonpoint pollution control
8 plans, strategies, measures.”; and

9 (8) by striking subsections (d), (e), and (f) and
10 inserting after subsection (c) the following:

11 “(d) SOURCE OF FEDERAL GRANTS; STATE MATCH-
12 ING CONTRIBUTIONS.—

13 “(1) IN GENERAL.—If a coastal state chooses
14 to fund a project under this section, then—

15 “(A) it shall submit to the Secretary a
16 combined application for grants under this sec-
17 tion and section 306;

18 “(B) it shall match the combined amount
19 of such grants in the ratio required by section
20 306(a) for grants under that section; and

21 “(C) the Federal funding for the project
22 shall be a portion of that state’s annual alloca-
23 tion under section 306(a).

24 “(2) USE OF FUNDS.—Grants provided under
25 this section may be used to pay a coastal state’s

1 share of costs required under any other Federal pro-
2 gram that is consistent with the purposes of this
3 section.

4 “(e) ALLOCATION OF GRANTS TO QUALIFIED LOCAL
5 ENTITY.—With the approval of the Secretary, the eligible
6 coastal state may allocate to a qualified local entity a por-
7 tion of any grant made under this section for the purpose
8 of carrying out this section; except that such an allocation
9 shall not relieve that state of the responsibility for ensur-
10 ing that any funds so allocated are applied in furtherance
11 of the state’s approved management program and con-
12 sistent with the policies of this Act.

13 “(f) ASSISTANCE.—The Secretary shall assist eligible
14 coastal states in identifying and obtaining from other Fed-
15 eral agencies technical and financial assistance in achiev-
16 ing the objectives set forth in subsection (b).”.

17 **SEC. 9. CERTAIN FEDERAL AGENCY ACTIVITIES.**

18 Section 307(c)(1) (16 U.S.C. 1456(c)(1)) is amended
19 by adding at the end the following:

20 “(D) The provisions of paragraph (1)(A),
21 and implementing regulations thereunder, with
22 respect to a Federal agency activity inland of
23 the coastal zone of the State of Alaska, apply
24 only if the activity directly and significantly af-

1 fects a land or water use or a natural resource
2 of the Alaskan coastal zone.”.

3 **SEC. 10. COASTAL ZONE MANAGEMENT FUND.**

4 (a) TREATMENT OF LOAN REPAYMENTS.—Section
5 308(a)(2) (16 U.S.C. 1456a(a)(2)) is amended to read as
6 follows:

7 “(2) Loan repayments made under this sub-
8 section shall be retained by the Secretary and depos-
9 ited into the Coastal Zone Management Fund estab-
10 lished under subsection (b) and shall be made avail-
11 able to the States for grants as under subsection
12 (b)(2).

13 (b) USE OF AMOUNTS IN FUND.—Section 308(b) (16
14 U.S.C. 1456a(b)) is amended by striking paragraphs (2)
15 and (3) and inserting the following:

16 “(2) Subject to appropriation Acts, amounts in
17 the Fund shall be available to the Secretary to make
18 grants to the States for—

19 “(A) projects to address coastal and ocean
20 management issues which are regional in scope,
21 including intrastate and interstate projects; and

22 “(B) projects that have high potential for
23 improving coastal zone and watershed manage-
24 ment.

1 “(3) Projects funded under this subsection shall
2 apply an integrated, watershed-based management
3 approach and advance the purpose of this Act to
4 preserve, protect, develop, and where possible, to re-
5 store or enhance, the resources of the Nation’s
6 coastal zone for this and succeeding generations.”.

7 **SEC. 11. COASTAL ZONE ENHANCEMENT GRANTS.**

8 Section 309 (16 U.S.C. 1456b) is amended—

9 (1) by striking subsection (a)(1) and inserting
10 the following:

11 “(1) Protection, restoration, enhancement, or
12 creation of coastal habitats, including wetlands,
13 coral reefs, marshes, and barrier islands.”;

14 (2) by inserting “and removal” after “entry” in
15 subsection (a)(4);

16 (3) by striking “on various individual uses or
17 activities on resources, such as coastal wetlands and
18 fishery resources.” in subsection (a)(5) and inserting
19 “of various individual uses or activities on coastal
20 waters, habitats, and resources, including sources of
21 polluted runoff.”;

22 (4) by adding at the end of subsection (a) the
23 following:

24 “(10) Development and enhancement of coastal
25 nonpoint pollution control program components,

1 strategies, and measures, including the satisfaction
2 of conditions placed on such programs as part of the
3 Secretary's approval of the programs.

4 “(11) Significant emerging coastal issues as
5 identified by coastal states, in consultation with the
6 Secretary and qualified local entities.”;

7 (5) by striking “changes” in subsection
8 (b)(2)(A) and inserting “changes, or for projects
9 that demonstrate significant potential for improving
10 ocean resource management or integrated coastal
11 and watershed management at the local, state or re-
12 gional level.”;

13 (6) by striking “proposals, taking into account
14 the criteria established by the Secretary under sub-
15 section (d).” in subsection (c) and inserting “pro-
16 posals.”;

17 (7) by striking subsection (d) and redesignating
18 subsection (e) as subsection (d);

19 (8) by striking “in implementing this section,
20 up to a maximum of \$10,000,000 annually” in sub-
21 section (f) and inserting “for grants to the States.”;

22 and

23 (9) by redesignating subsections (f) and (g) as
24 subsections (e) and (f), respectively.

1 **SEC. 12. COASTAL COMMUNITY PROGRAM.**

2 The Act is amended by inserting after section 309
3 the following:

4 **“SEC. 309A. COASTAL COMMUNITY PROGRAM.**

5 “(a) COASTAL COMMUNITY GRANTS.—The Secretary
6 may make grants to any coastal state that is eligible under
7 subsection (b)—

8 “(1) to assist coastal communities in assessing
9 and managing growth, public infrastructure, and
10 open space needs in order to provide for sustainable
11 growth, resource protection and community revital-
12 ization;

13 “(2) to provide management-oriented research
14 and technical assistance in developing and imple-
15 menting community-based growth management and
16 resource protection strategies in qualified local enti-
17 ties as long as such strategies are consistent with
18 the policies of this Act;

19 “(3) to fund demonstration projects which have
20 high potential for improving coastal zone manage-
21 ment at the local level;

22 “(4) to assist in the adoption of plans, strate-
23 gies, policies, or procedures to support local commu-
24 nity-based environmentally-protective solutions to
25 the impacts and pressures on coastal uses and re-

1 sources caused by development and sprawl that
2 will—

3 “(A) revitalize previously developed areas;

4 “(B) undertake conservation activities and
5 projects in undeveloped and environmentally
6 sensitive areas;

7 “(C) emphasize water-dependent uses; and

8 “(D) protect coastal waters and habitats;

9 and

10 “(5) to assist coastal communities to coordinate
11 and implement approved coastal nonpoint pollution
12 control strategies and measures that reduce the
13 causes and impacts of polluted runoff on coastal wa-
14 ters and habitats.”.

15 “(b) ELIGIBILITY.—To be eligible for a grant under
16 this section for a fiscal year, a coastal state shall—

17 “(1) have a management program approved
18 under section 306; and

19 “(2) in the judgment of the Secretary, be mak-
20 ing satisfactory progress in activities designed to re-
21 sult in significant improvement in achieving the
22 coastal management objectives specified in subpara-
23 graphs (A) through (K) of section 303(2).

24 “(c) ALLOCATIONS; SOURCE OF FEDERAL GRANTS;
25 STATE MATCHING CONTRIBUTIONS.—

1 “(1) ALLOCATION.—Grants under this section
2 shall be allocated to coastal states as provided in
3 section 306(c).

4 “(2) APPLICATION; MATCHING.—If a coastal
5 state chooses to fund a project under this section,
6 then—

7 “(A) it shall submit to the Secretary a
8 combined application for grants under this sec-
9 tion and section 306; and

10 “(B) it shall match the amount of the
11 grant under this section on the basis of a total
12 contribution of section 306, 306A, and this sec-
13 tion so that, in aggregate, the match is 1:1.

14 “(d) ALLOCATION OF GRANTS TO QUALIFIED LOCAL
15 ENTITY.—

16 “(1) IN GENERAL.—With the approval of the
17 Secretary, the eligible coastal state may allocate to
18 a qualified local entity amounts received by the state
19 under this section.

20 “(2) ASSURANCES.—A coastal state shall en-
21 sure that amounts allocated by the state under para-
22 graph (1) are used by the qualified local entity in
23 furtherance of the state’s approved management
24 program, specifically furtherance of the coastal man-

1 program to develop and apply innovative coastal and
2 estuarine environmental technology and methodology
3 through a cooperative program, and to support the
4 development, application, training and technical as-
5 sistance, and transfer of effective coastal manage-
6 ment practices. The Secretary may make extramural
7 grants in carrying out the purpose of this sub-
8 section.”;

9 (6) by inserting after “section.” in subsection
10 (b)(3) the following: “The Secretary shall establish
11 regional advisory committees including representa-
12 tives of the Governors of each state within the re-
13 gion, universities, colleges, coastal and marine lab-
14 oratories, Sea Grant College programs within the re-
15 gion and representatives from the private and public
16 sector with relevant expertise. The Secretary will re-
17 port to the regional advisory committees on activities
18 undertaken by the Secretary and other agencies pur-
19 suant to this section, and the regional advisory com-
20 mittees shall identify research, technical assistance
21 and information needs and priorities. The regional
22 advisory committees are not subject to the require-
23 ments of the Federal Advisory Committee Act (5
24 U.S.C. App.).”; and

25 (7) by adding at the end the following:

1 frequently than every 5 years, of the administration,
2 implementation, and performance”;

3 (2) by striking “management.” and inserting
4 “management programs.”;

5 (3) by striking “has implemented and enforced”
6 and inserting “has effectively administered, imple-
7 mented, and enforced”;

8 (4) by striking “addressed the coastal manage-
9 ment needs identified” and inserting “furthered the
10 national coastal policies and objectives set forth”
11 after “Secretary,”; and

12 (5) by inserting “coordinated with National Es-
13 tuarine Research Reserves in the state” after
14 “303(2)(A) through (K),”.

15 **SEC. 15. WALTER B. JONES AWARDS.**

16 Section 314 (16 U.S.C. 1460) is amended—

17 (1) by striking “shall, using sums in the Coast-
18 al Zone Management Fund established under section
19 308” in subsection (a) and inserting “may, using
20 sums available under this Act”;

21 (2) by striking “field.” in subsection (a) and in-
22 serting the following: “field of coastal zone manage-
23 ment. These awards, to be known as the ‘Walter B.
24 Jones Awards’, may include—

1 “(1) cash awards in an amount not to exceed
2 \$5,000 each;

3 “(2) research grants; and

4 “(3) public ceremonies to acknowledge such
5 awards.”;

6 (3) by striking “shall elect annually—” in sub-
7 section (b) and inserting “may select annually if
8 funds are available under subsection (a)—”; and

9 (4) by striking subsection (e).

10 **SEC. 16. NATIONAL ESTUARINE RESEARCH RESERVE SYS-**

11 **TEM.**

12 (a) Section 315(a) (16 U.S.C. 1461(a)) is amended
13 by striking “consists of—” and inserting “is a network
14 of areas protected by Federal, state, and community part-
15 nerships which promotes informed management of the Na-
16 tion’s estuarine and coastal areas through interconnected
17 programs in resource stewardship, education and training,
18 monitoring, research, and scientific understanding con-
19 sisting of—”.

20 (b) Section 315(b)(2) ((16 U.S.C. 1461(b)(2)) is
21 amended—

22 (1) by inserting “for each coastal state or terri-
23 tory” after “research” in subparagraph (A);

1 (2) by striking “public awareness and” in sub-
2 paragraph (C) and inserting “state coastal manage-
3 ment, public awareness, and”; and

4 (3) by striking “public education and interpre-
5 tation; and”; in subparagraph (C) and inserting
6 “education, interpretation, training, and demonstra-
7 tion projects; and”.

8 (c) Section 315(c) (16 U.S.C. 1461(c)) is amended—

9 (1) by striking “RESEARCH” in the subsection
10 caption and inserting “RESEARCH, EDUCATION, AND
11 RESOURCE STEWARDSHIP”;

12 (2) by striking “conduct of research” and in-
13 serting “conduct of research, education, and re-
14 source stewardship”;

15 (3) by striking “coordinated research” in para-
16 graph (1)) and inserting “coordinated research, edu-
17 cation, and resource stewardship”;

18 (4) by striking “research” before “principles”
19 in paragraph (2);

20 (5) by striking “research programs” in para-
21 graph (2) and inserting “research, education, and
22 resource stewardship programs”;

23 (6) by striking “research” before “methodolo-
24 gies” in paragraph (3);

1 (7) by striking “data,” in paragraph (3) and in-
2 sserting “information,”;

3 (8) by striking “research” before “results” in
4 paragraph (3);

5 (9) by striking “research purposes;” in para-
6 graph (3) and inserting “research, education, and
7 resource stewardship purposes;”;

8 (10) by striking “research efforts” in para-
9 graph (4) and inserting “research, education, and
10 resource stewardship efforts”;

11 (11) by striking “research” in paragraph (5)
12 and inserting “research, education, and resource
13 stewardship”; and

14 (12) by striking “research” in the last sentence.

15 (d) Section 315(d) (16 U.S.C. 1461(d)) is amend-
16 ed—

17 (1) by striking “ESTUARINE RESEARCH.—” in
18 the subsection caption and inserting “ESTUARINE
19 RESEARCH, EDUCATION, AND RESOURCE STEWARD-
20 SHIP.—”;

21 (2) by striking “research purposes” and insert-
22 ing “research, education, and resource stewardship
23 purposes”;

24 (3) by striking paragraph (1) and inserting the
25 following:

1 “(1) giving reasonable priority to research, edu-
2 cation, and stewardship activities that use the Sys-
3 tem in conducting or supporting activities relating to
4 estuaries; and”;

5 (4) by striking “research.” in paragraph (2)
6 and inserting “research, education, and resource
7 stewardship activities.”; and

8 (5) by adding at the end thereof the following:

9 “(3) establishing partnerships with other Fed-
10 eral and state estuarine management programs to
11 coordinate and collaborate on estuarine research.”.

12 (e) Section 315(e) (16 U.S.C. 1461(e)) is amended—

13 (1) by striking “reserve,” in paragraph
14 (1)(A)(i) and inserting “reserve; and”;

15 (2) by striking “and constructing appropriate
16 reserve facilities, or” in paragraph (1)(A)(ii) and in-
17 serting “including resource stewardship activities
18 and constructing reserve facilities; and”;

19 (3) by striking paragraph (1)(A)(iii);

20 (4) by striking paragraph (1)(B) and inserting
21 the following:

22 “(B) to any coastal state or public or pri-
23 vate person for purposes of—

24 “(i) supporting research and moni-
25 toring associated with a national estuarine

1 reserve that are consistent with the re-
2 search guidelines developed under sub-
3 section (c); or

4 “(ii) conducting educational, interpre-
5 tive, or training activities for a national es-
6 tuarine reserve that are consistent with the
7 education guidelines developed under sub-
8 section (c).”;

9 (5) by striking “therein or \$5,000,000, which-
10 ever amount is less.” in paragraph (3)(A) and in-
11 serting “therein. Non-Federal costs associated with
12 the purchase of any lands and waters, or interests
13 therein, which are incorporated into the boundaries
14 of a reserve up to 5 years after the costs are in-
15 curred, may be used to match the Federal share.”;

16 (6) by striking “and (iii)” in paragraph (3)(B);

17 (7) by striking “paragraph (1)(A)(iii)” in para-
18 graph (3)(B) and inserting “paragraph (1)(B)”;

19 (8) by striking “entire System.” in paragraph
20 (3)(B) and inserting “System as a whole.”; and

21 (9) by adding at the end thereof the following:

22 “(4) The Secretary may—

23 “(A) enter into cooperative agreements, fi-
24 nancial agreements, grants, contracts, or other
25 agreements with any nonprofit organization, au-

1 thorizing the organization to solicit donations to
2 carry out the purposes and policies of this sec-
3 tion, other than general administration of re-
4 serves or the System and which are consistent
5 with the purposes and policies of this section;
6 and

7 “(B) accept donations of funds and serv-
8 ices for use in carrying out the purposes and
9 policies of this section, other than general ad-
10 ministration of reserves or the System and
11 which are consistent with the purposes and poli-
12 cies of this section.

13 Donations accepted under this section shall be con-
14 sidered as a gift or bequest to or for the use of the
15 United States for the purpose of carrying out this
16 section.”.

17 (f) Section 315(f)(1) (16 U.S.C. 1461(f)(1)) is
18 amended by inserting “coordination with other state pro-
19 grams established under sections 306 and 309A,” after
20 “including”.

21 **SEC. 17. COASTAL ZONE MANAGEMENT REPORTS.**

22 Section 316 (16 U.S.C. 1462) is amended—

23 (1) by striking “to the President for trans-
24 mittal” in subsection (a);

1 (2) by striking “zone and an evaluation of the
2 effectiveness of financial assistance under section
3 308 in dealing with such consequences;” and insert-
4 ing “zone;” in the provision designated as (10) in
5 subsection (a);

6 (3) by inserting “education,” after the “stud-
7 ies,” in the provision designated as (12) in sub-
8 section (a);

9 (4) by striking “Secretary” in the first sentence
10 of subsection (c)(1) and inserting “Secretary, in con-
11 sultation with coastal states, and with the participa-
12 tion of affected Federal agencies,”;

13 (5) by striking the second sentence of sub-
14 section (c)(1) and inserting the following: “The Sec-
15 retary, in conducting such a review, shall coordinate
16 with, and obtain the views of, appropriate Federal
17 agencies.”;

18 (6) by striking “shall promptly” in subsection
19 (c)(2) and inserting “shall, within 4 years after the
20 date of enactment of the Coastal Zone Enhancement
21 Reauthorization Act of 2005,”; and

22 (7) by adding at the end of subsection (c)(2)
23 the following: “If sufficient funds and resources are
24 not available to conduct such a review, the Secretary
25 shall so notify the Congress.”.

1 **SEC. 18. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 318 (16 U.S.C. 1464) is amended—

3 (1) by striking paragraphs (1) and (2) of sub-
4 section (a) and inserting the following:

5 “(1) for grants under sections 306, 306A, and
6 309—

7 “(A) \$90,500,000 for fiscal year 2006,

8 “(B) \$94,000,000 for fiscal year 2007,

9 “(C) \$98,000,000 for fiscal year 2008,

10 “(D) \$102,000,000 for fiscal year 2009,

11 and

12 “(E) \$106,000,000 for fiscal year 2010;

13 “(2) for grants under section 309A—

14 “(A) \$29,000,000 for fiscal year 2006,

15 “(B) \$30,000,000 for fiscal year 2007,

16 “(C) \$31,000,000 for fiscal year 2008,

17 “(D) \$32,000,000 for fiscal year 2009,

18 and

19 “(E) \$32,000,000 for fiscal year 2010,

20 of which \$10,000,000, or 35 percent, whichever is

21 less, shall be for purposes set forth in section

22 309A(a)(5);

23 “(3) for grants under section 315—

24 “(A) \$37,000,000 for fiscal year 2006,

25 “(B) \$38,000,000 for fiscal year 2007,

26 “(C) \$39,000,000 for fiscal year 2008,

1 “(D) \$40,000,000 for fiscal year 2009,
2 and

3 “(E) \$41,000,000 for fiscal year 2010,
4 of which up to \$15,000,000 may be used by the Sec-
5 retary in each of fiscal years 2006 through 2010 for
6 grants to fund construction and acquisition projects
7 at estuarine reserves designated under section 315;

8 “(4) for costs associated with administering this
9 title, \$7,500,000 for fiscal year 2006, \$7,750,000
10 for fiscal year 2007, \$8,000,000 for fiscal year
11 2008, \$8,250,000, for fiscal year 2009, and
12 \$8,500,000 for fiscal year 2010.”; and

13 “(5) for grants under section 310 to support
14 State pilot projects to implement resource assess-
15 ment and information programs, \$6,000,000 for
16 each of fiscal years 2006 and 2007.”;

17 (2) by striking “306 or 309.” in subsection (b)
18 and inserting “306.”;

19 (3) by striking “during the fiscal year, or dur-
20 ing the second fiscal year after the fiscal year, for
21 which” in subsection (c) and inserting “within 3
22 years from when”;

23 (4) by striking “under the section for such re-
24 verted amount was originally made available.” in

1 subsection (c) and inserting “to states under this
2 Act.”; and

3 (5) by adding at the end thereof the following:

4 “(d) PURCHASE OF OTHERWISE UNAVAILABLE FED-
5 ERAL PRODUCTS AND SERVICES.—Federal funds allo-
6 cated under this title may be used by grantees to purchase
7 Federal products and services not otherwise available.

8 “(e) RESTRICTIONS ON USE OF AMOUNTS.—Except
9 for funds appropriated under subsection (a)(4), amounts
10 appropriated under this section shall be available only for
11 grants to States and shall not be available for other pro-
12 gram, administrative, or overhead costs of the National
13 Oceanic and Atmospheric Administration or the Depart-
14 ment of Commerce.”.

15 **SEC. 19. DEADLINE FOR DECISION ON APPEALS OF CON-**
16 **SISTENCY DETERMINATION.**

17 (a) IN GENERAL.—Section 319 (16 U.S.C. 1465) is
18 amended to read as follows:

19 **“SEC. 319. APPEALS TO THE SECRETARY.**

20 “(a) NOTICE.—Not later than 30 days after the date
21 of the filing of an appeal to the Secretary of a consistency
22 determination under section 307, the Secretary shall pub-
23 lish an initial notice in the Federal Register.

24 “(b) CLOSURE OF RECORD.—

1 “(1) IN GENERAL.—Not later than the end of
2 the 270-day period beginning on the date of publica-
3 tion of an initial notice under subsection (a), except
4 as provided in paragraph (3), the Secretary shall im-
5 mediately close the decision record and receive no
6 more filings on the appeal.

7 “(2) NOTICE.—After closing the administrative
8 record, the Secretary shall immediately publish a no-
9 tice in the Federal Register that the administrative
10 record has been closed.

11 “(3) EXCEPTION.—

12 “(A) IN GENERAL.—Subject to subpara-
13 graph (B), during the 270-day period described
14 in paragraph (1), the Secretary may stay the
15 closing of the decision record—

16 “(i) for a specific period mutually
17 agreed to in writing by the appellant and
18 the State agency; or

19 “(ii) as the Secretary determines nec-
20 essary to receive, on an expedited basis—

21 “(I) any supplemental informa-
22 tion specifically requested by the Sec-
23 retary to complete a consistency re-
24 view under this Act; or

1 “(II) any clarifying information
2 submitted by a party to the pro-
3 ceeding related to information already
4 existing in the sole record.

5 “(B) APPLICABILITY.—The Secretary may
6 only stay the 270-day period described in para-
7 graph (1) once and for a period not to exceed
8 60 days.

9 “(c) DEADLINE FOR DECISION.—

10 “(1) IN GENERAL.—Not later than 90 days
11 after the date of publication of a Federal Register
12 notice stating when the decision record for an appeal
13 has been closed, the Secretary shall issue a decision
14 or publish a notice in the Federal Register explain-
15 ing why a decision cannot be issued at that time.

16 “(2) SUBSEQUENT DECISION.—Not later than
17 45 days after the date of publication of a Federal
18 Register notice explaining why a decision cannot be
19 issued within the 90-day period, the Secretary shall
20 issue a decision.”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 subsection (a) applies with respect to appeals under sub-
23 section (c) or (d) of section 307 of the Coastal Zone Man-
24 agement Act of 1972 (16 U.S.C. 1456) filed after the date
25 of enactment of this Act.

1 (c) SPECIAL RULE FOR APPEALS FILED ON OR BE-
2 FORE DATE OF ENACTMENT.—The Secretary of Com-
3 merce—

4 (1) shall close the administrative record for any
5 appeal under subsection (c) or (d) of section 307 of
6 the Coastal Zone Management Act of 1972 (16
7 U.S.C. 1456) that was filed on or before the date of
8 enactment of this Act within 180 days after such
9 date of enactment but not earlier than December 31,
10 2006;

11 (2) may not receive any additional filing with
12 respect to such an appeal; and

13 (3) shall issue a decision on the appeal within
14 90 days after closing the administrative record.

15 **SEC. 20. COORDINATION WITH FEDERAL ENERGY REGU-**
16 **LATORY COMMISSION.**

17 Within 180 days after the date of enactment of this
18 Act, the Secretary of Commerce shall submit a report to
19 the Congress on the development of a memorandum of un-
20 derstanding with the Commissioner of the Federal Energy
21 Regulatory Commission for a coordinated process for re-
22 view of coastal energy activities that provides for—

23 (1) improved coordination among Federal, re-
24 gional, State, and local agencies concerned with con-

1 ducting reviews under the Coastal Zone Management
2 Act of 1972 (16 U.S.C. 1451 et seq.); and
3 (2) coordinated schedules for such reviews that
4 ensures that, where appropriate, the reviews are per-
5 formed concurrently.

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